February 25, 1966, submitting a report, together with accompanying papers and illustrations, on a letter report on Port Isabel Harbor, Tex., requested by resolutions of the Committees on Public Works, U.S. Senate, adopted August 4, 1958, and House of Representatives, adopted August 14, 1959; no authorization by Congress is recommended as the desired improvement has been approved by the Chief of Engineers for accomplishment under the provisions of section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

2315. A letter from the Postmaster General, transmitting a draft of proposed legislation to authorize the Postmaster General to construct buildings for postal purposes, to acquire title to real property therefor, to repair, alter, preserve, renovate, improve, extend, and equip such buildings; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOWDY:

H.R. 14432. A bill to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 14433. A bill to amend the Older Americans Act of 1965 in order to provide for a National Community Senior Service Corps; to the Committee on Education and Labor.

H.R. 14434. A bill to designate the main dam of the Carlyle Reservoir on the Kaskaskia River, Ill., as the "Eldon E. Hazlet Dam"; to the Committee on Public Works.

H.R. 14435. A bill to designate the Carlyle Reservoir on the Kaskaskia River, Ill., as the "Eldon E. Hazlet Reservoir"; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 14436. A bill to amend the act of October 10, 1949, entitled "an act to assist States in collecting sales and use taxes on cigarettes," so as to control all types of illegal transportation of cigarettes; to the Committee on Ways and Means.

H.R. 14437. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 14438. A bill to amend title 38 of the United States Code in order to establish in the Veterans' Administration a national veterans' cemetery system consisting of all cemeteries of the United States in which veterans of any war or conflict are or may be buried; to the Committee on Interior and Insular Affairs.

By Mr. SPRINGER:

H.R. 14439. A bill to provide a permanent special milk program for children; to the Committee on Agriculture.

By Mr. TEAGUE of Texas (by request):

H.R. 14440. A bill to amend title 38 of the United States Code in order to establish in the Veterans' Administration a national veterans' cemetery system consisting of all cemeteries of the United States in which veterans of any war or conflict are or may be buried; to the Committee on Interior and Insular Affairs.

H.R. 14441. A bill to provide educational assistance under the war orphans' educational assistance program to certain individuals; to the Committee on Veterans' Affairs.

By Mr. BURTON of Utah:

H.J. Res. 1064. Joint resolution to create a delegation to a convention of North Atlantic nations; to the Committee on Foreign Affairs.

By Mr. GRAY:

H.J. Res. 1065. Joint resolution expressing the intent of the Congress with respect to appropriations for watershed planning for fiscal year 1966; to the Committee on Appropriations.

By Mr. KUNKEL:

H.J. Res. 1066. Joint resolution to create a delegation to a convention of North Atlantic nations; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

450. By the SPEAKER; Memorial of the Legislature of the State of Alaska, relative to the transfer of jurisdiction over the resources of the Pribilof Islands to the State of Alaska; to the Committee on Merchant Marine and Fisheries.

451. Also, memorial of the Legislature of the State of Alaska, relative to shipping restrictions affecting the Alaska and British Columbia ferries; to the Committee on Merchant Marine and Fisheries.

452. Also, memorial of the Legislature of the State of Arizona, relative to ratification of an interstate boundary compact between the States of Arizona and California and petitioning the Congress of the United States to give its consent to the compact; to the Committee on the Judiciary.

453. Also, memorial of the Legislature of the State of California, relative to the Garcia River Delta; to the Committee on Public Works.

454. Also, memorial of the Legislature of the State of California, relative to the Ventura Marina, Ventura County, Calif.; to the Committee on Public Warks.

455. Also, memorial of the Legislature of the State of California, relative to ratification of an interstate boundary compact between the States of Arizona and California and petitioning the Congress of the United States to give its consent to the compact; to the Committee on the Judiciary.

456. Also, memorial from the assistant attorney general of the State of California, relative to the boundary compact entered into between the States of Arizona and California; to the Committee on the Judiciary.

457. Also, memorial of the Legislature of the State of Idaho, relative to endorsing the policies of the Presidency in the Vietnam conflict; to the Committee on Foreign Affairs.

458. Also, memorial of the Legislature of the State of Idaho, relative to development of the Snake River and its tributaries; to the Committee on Interior and Insular Affairs.

459. Also, memorial of the Legislature of the State of New York, relative to the enforcing of the Merchant Marine Act of 1936; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 14442. A bill for the relief of Ruel Longmore; to the Committee on the Judiciary.

H.R. 14443. A bill for the relief of Antonio Rapisardi; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 14444. A bill for the relief of Sebastiano Renda; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 14445. A bill for the relief of Johnson Chang; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 14446. A bill for the relief of Armando, Rose, Antonella, and Ignazio Nicolosi; to the Committee on the Judiciary.

H.R. 14447. A bill for the relief of Vinola Cotilda Jones; to the Committee on the Judiciary.

H.R. 14448. A bill for the relief of Guiseppe Rocco; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 14449 A bill for the relief of Theodora Toya Bezates; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

370. By the SPEAKER: Petition of Board of Education, Maple Heights, Ohio, relative to continuation of the school milk program; to the Committee on Agriculture.

371. Also, petition of Blue Star Mothers of America, Inc., Medford, Oreg., relative to resolutions relating to Vietnam and un-American activities adopted at a convention held in Miami, Fla.; to the Committee on Foreign Affairs.

372. Also, petition of Division of Peace and World Order, Board of Christian Social Concerns, Central Illinois Conference, the Methodist Church, Bloomington, Ill., relative to Vietnam; to the Committee on Foreign Affairs.

373. Also, petition of Andrew J. Fitzpatrick, Greensboro, N.C., relative to a pension for veterans of World War I; to the Committee on Veterans' Affairs.

SENATE

MONDAY, APRIL 18, 1966

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

Rev. Paul Leaming, general board of evangelism, north Iowa conference, Nashville, Tenn., offered the following prayer:

O God, under whose almighty hand we have come to this hour; bless these who also are appointed to write laws on tables of stone. May we order our lives as those who will one day stand before the Judge of all the earth. Above all, write Thy law in our hearts.

Our times are in Thy hand, O Lord. Keep our heritage before us, a reminder that all our freedoms have been bought in blood. We would be neither Red nor dead, but strive for a lasting peace.

Blessed is the nation whose God is the Lord. Be, then, Lord of our homes, our churches, our schools, our farms, and our factories. Most of all, from the least to the greatest of the commonwealth, we would declare a personal allegiance to Thee. We do here and now so declare it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 14, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

WAIVER OF CALL OF THE CALENDAR

On request of Mr. MANSFIELD, and by unanimous consent, the call of the legislative calendar, under rule VIII, was dispensed with.

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.

REPORT OF POSTMASTER GENERAL

The VICE PRESIDENT laid before the Senate a letter from the Postmaster General, transmitting, pursuant to law, a report of the Post Office Department, dated April 15, 1966, which, with an accompanying report, was referred to the Committee on Post Office and Civil Service.

RESOLUTION OF GENERAL COURT OF MASSACHUSETTS

Mr. SALTONSTALL. Mr. President, on behalf of myself, and my colleague, the junior Senator from Massachusetts [Mr. KENNEDY], I present a resolution of the General Court of Massachusetts, memorializing the Congress to repeal section 14(b) of the Taft-Hartley Act. I ask that the resolution be appropriately referred.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
OFFICE OF THE SECRETARY,
Boston, April 15, 1966.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REPEAL SECTION 14(b) OF THE TAFT-HARTLEY ACT

Whereas, in order to end the competitive disadvantages of Massachusetts industry with right-to-work States: Therefore be it

Resolved, That the General Court of Massachusetts hereby urges the Congress of the United States to repeal section 14(b) of the Taft-Hartley Act; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of the Congress, and to each Member thereof from the Commonwealth.

House of Representatives, adopted, April 5, 1966.

WILLIAM C. MAIERS,
Clerk.

Senate, adopted in concurrence, April 11, 1966.

THOMAS A. CHADWICK,
Clerk.

Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

RESOLUTION OF RHODE ISLAND GENERAL ASSEMBLY

Mr. PELL. Mr. President, I present, for proper referral, a resolution of the General Assembly of the State of Rhode Island which memorializes Congress to insure that no reductions are made in the Federal aid to impacted area program under Public Law 874.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, as follows:

HOUSE RESOLUTION 1347

Resolution memorializing Congress with respect to Federal aid to impacted school districts in Rhode Island

Whereas the Congress has before it a proposal to cut by 50 percent the $3 million now received by 23 Rhode Island school districts who qualify as impacted areas; and

Whereas, if approved, the changes would eliminate all payments to nine Rhode Island communities; and

Whereas the hardest hit areas would be larger school systems near the Newport Naval Base and the Quonset Naval Air Station with large numbers of children from Navy families enrolled: Now, therefore, be it

Resolved, That the Members of the Congress of the United States be and they are hereby respectfully requested to insure that no reductions are made in the Federal aid to impacted school districts; and be it further

Resolved, That the secretary of state be and he hereby is requested to transmit to the Senators and Representatives from Rhode Island in the Congress of the United States duly certified copies of this resolution in the hope that each will use every endeavor to insure that favorable action is taken by Congress upon this special matter.

BILLS INTRODUCED

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

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 3228. A bill to grant minerals, including oil, gas, and other natural deposits, on certain lands in the Northern Cheyenne Indian Reservation, Mont., to certain Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SALTONSTALL (for himself, Mr. ANDERSON, and Mr. FULBRIGHT):

S. 3229. A bill to establish rates of compensation for certain positions within the Smithsonian Institution; to the Committee on Post Office and Civil Service.

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

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SALTONSTALL):

S. 3230. A bill to authorize the Board of Regents of the Smithsonian Institution to negotiate cooperative agreements granting concessions at the National Zoological Park to certain nonprofit organizations and to accept voluntary services of such organizations or of individuals, and for other purposes; to the Committee on Rules and Administration.

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

By Mr. DIRKSEN:

S. 3231. A bill to amend section 3203(b) of title 38, United States Code, to provide for the method of payment of pension, compensation, and retirement pay withheld from a veteran during hospitalization in cases where such veteran dies while mentally incompetent; to the Committee on Finance.

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

By Mr. RIBICOFF:

S. 3232. A bill to make certain expenditures by the city of New Haven, Conn., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

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

By Mr. SMATHERS:

S. 3233. A bill for the relief of Dr. Roberto E. Parajon and Maria C. Florin Parajon, his wife; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 3234. A bill for the relief of Adel Naguib Iskaros; to the Committee on the Judiciary.

RESOLUTION SCHOOL PRAYER

Mr. HARTKE. Mr. President, I submit a resolution which expresses the sense of the Senate with respect to religious practice in our public schools.

Basically, this resolution approves provision by any public school system of a time for prayerful meditation, without prescription by any public official and with each individual "permitted to pray as he chooses."

Such a practice, I believe, is thoroughly consonant with the provisions of the Constitution and with its interpretation by the Supreme Court. I ask unanimous consent that the text of the resolution may appear in the CONGRESSIONAL RECORD.

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

The resolution (S. Res. 248) was referred to the Committee on the Judiciary, as follows:

S. RES. 248

Resolved, That it is the sense of the Senate that—

(a) notwithstanding the recent Supreme Court decisions relating to the reading of the Bible and the offering of prayer in the public schools, any public school system if it so chooses may provide time during the school-day for prayerful meditation if no public official prescribes or recites the prayer which is offered; and

(b) providing public school time for prayerful meditation in no way violates the Constitution because each individual participating therein would be permitted to pray as he chooses, but that such practice is consonant with the free exercise of religion protected by the first amendment to the Constitution.

RATES OF COMPENSATION FOR CERTAIN POSITIONS WITHIN THE SMITHSONIAN INSTITUTION

Mr. SALTONSTALL. Mr. President, on behalf of myself, and Senators

ANDERSON and FULBRIGHT, the three Senate members of the Board of Regents of the Smithsonian Institution, I introduce, for appropriate reference, a bill to establish rates of compensation for certain positions within the Smithsonian Institution.

This proposed legislation will allow the Smithsonian Institution to establish salary levels for four senior positions comparable to the levels provided by law for positions in other agencies.

The Federal Executive Salary Act of 1964 provides for an executive salary schedule consisting of five levels of compensation above grade GS–18—$25,382. Because of the Government-wide limitations on the number of positions that may be placed in this schedule, the Smithsonian positions have not been included under existing law.

The positions of Assistant Secretary—Science—and Assistant Secretary—History and Art—will be placed in level 4 at $27,000, the level that is generally accorded the Assistant Secretaries of other departments. The positions of Director of the U.S. National Museum and Director of the Smithsonian Astrophysical Observatory—now at $25,382—will be placed in level 5 at $26,000. These two positions are comparable, with respect to their importance and responsibilities, to other positions that are included in level 5.

This act would have no effect on the existing number of supergrades—grades GS–16, GS–17, and GS–18—now held by the Institution in competition with other Government agencies under civil service regulations.

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

The bill (S. 3229) to establish rates of compensation for certain positions within the Smithsonian Institution, introduced by Mr. SALTONSTALL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

NEGOTIATION OF COOPERATIVE AGREEMENTS GRANTING CONCESSIONS AT THE NATIONAL ZOOLOGICAL PARK

Mr. ANDERSON. Mr. President, on behalf of the junior Senator from Arkansas [Mr. FULBRIGHT], the senior Senator from Massachusetts [Mr. SALTONSTALL], and myself, as members of the Board of Regents of the Smithsonian Institution, I introduce, for appropriate reference, a bill to authorize the Board of Regents of the Smithsonian Institution to negotiate cooperative agreements granting concessions at the National Zoological Park to certain nonprofit organizations and to accept voluntary services of such organizations or of individuals, and for other purposes. This proposed legislation is the result of a recent Comptroller General decision that held that the Smithsonian Institution could not grant the Friends of the National Zoological Park, a nonprofit organization promoting educational purposes of the zoo, the privilege of conducting a coin-operated audio tour lecture system concession. The proceeds of the concession were to be used exclusively for educational purposes at the National Zoological Park. In summary of his position, the Comptroller General advised:

> We feel that the proposed arrangements with the Friends of the National Zoo would be unauthorized, however beneficial and desirable it might be. * * *
>
> We believe that authorization for entering such arrangements as proposed should be requested of the Congress.

This proposed legislation will provide the remedy suggested by the Comptroller.

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

The bill (S. 3230) to authorize the Board of Regents of the Smithsonian Institution to negotiate cooperative agreements granting concessions at the National Zoological Park to certain nonprofit organizations and to accept voluntary services of such organizations or of individuals, and for other purposes, introduced by Mr. ANDERSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Rules and Administration.

INEQUITIES OF LAW WITH RESPECT TO INCOMPETENT VETERANS IN VETERANS' HOSPITALS

Mr. DIRKSEN. Mr. President, now and then in pursuing a veteran's case, one runs into some rather singular inequities of existing law. I discovered the case of a lieutenant colonel, retired, of Springfield, Ill., who has been in various veterans' hospitals for 7 years as an incompetent. In such cases, the children and relatives of an incompetent veteran do not have the same rights to recovery as those of a competent veteran. I am introducing today a bill that will take care of such inequities.

I can fully understand the logic of the Comptroller General and also the Chief of the Retirement Pay Division of the Army; but I still believe that inequities exist and that, as such, they ought to be remedied.

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

The bill (S. 3231) to amend section 3203(b) of title 38, United States Code, to provide for the method of payment of pension, compensation, and retirement pay withheld from a veteran during hospitalization in cases where such veteran dies while mentally incompetent, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Finance.

ELIGIBILITY OF CERTAIN EXPENDITURES BY CITY OF NEW HAVEN, CONN., AS LOCAL GRANTS-IN-AID FOR PURPOSES OF HOUSING ACT OF 1949

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to allow the city of New Haven, Conn., to make certain expenditures to be eligible as local grants-in-aid. The city of New Haven is planning the construction of a coliseum-convention center as part of the Church Street redevelopment and renewal project—Connecticut R–2.

The purpose of the Church Street project is the revitalization of downtown New Haven. Through the project the city seeks to establish the area as a vibrant retail and commercial area. It is a showpiece project for the Nation.

The proposed coliseum-convention center is essential to the success of this project.

First. The center will support and stimulate the retail development of the downtown by attracting large numbers of shoppers. This attraction is of crucial importance to downtown.

Second. The center will provide the area with an architectural focus, dramatically heightening the exciting urban experience that is the goal of the Church Street project. The structure also will be an important element of the gateway to the downtown area, bordering the principal highway access to the city. It will highlight New Haven's resurgence.

Finally, the coliseum-convention center will help downtown New Haven to become more lively and exciting by injecting diversity into the Church Street project.

The proposed coliseum-convention center, of course, will have an impact beyond the boundaries of the Church Street project. The proposed site of the center is approximately the geographical center of the city's 10 federally assisted urban renewal projects. People from these project areas, the Greater New Haven region, and, indeed, the State will utilize the educational, recreational, and convention facilities of the proposed center.

However, because of the provisions of section 110(d) of the Housing Act of 1949, the use of the facilities of the proposed center by persons residing outside of the Church Street project may preclude all or a substantial portion of the eligible cost of the center from being counted as a grant-in-aid to the Church Street project. Yet it is the very fact that this center will bring so many people downtown that makes it so vitally important to the Church Street project, and to the success of New Haven's distinctive urban renewal program.

Therefore, I introduce for appropriate reference a bill to provide that, notwithstanding the extent to which the coliseum-convention center proposed to be built within urban renewal project R–2 in New Haven, Conn., may benefit areas other than the urban renewal area, expenses incurred by the city of New Haven in constructing such center shall, to the extent otherwise eligible, be counted as a grant-in-aid toward such project.

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

The bill (S. 3232) to make certain expenditures by the city of New Haven, Conn., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949, introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on Banking and Currency.

TRAFFIC SAFETY ACT OF 1966—AMENDMENTS

AMENDMENT NO. 537

Mr. MONDALE. Mr. President, I submit the fair warning amendment to S. 3005, the Traffic Safety Act of 1966, on behalf of Mr. MAGNUSON, Mr. BAYH, Mr. BIBLE, Mr. CLARK, Mr. KENNEDY of Massachusetts, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MORSE, Mr. MUSKIE, Mr. RANDOLPH, Mr. TYDINGS, Mr. GRUENING, Mr. KENNEDY of New York, Mr. PELL, and Mr. YARBOROUGH.

We believe that an automobile manufacturer has an obligation which should be recognized by law—the obligation to inform car owners of safety hazards in the cars they drive. We believe that the car owner has a legitimate interest which should be recognized by law—the right to be warned of safety defects in his vehicle. The amendment I am submitting today will recognize these two sides of the coin.

This amendment provides for notice to automobile owners whose cars are unsafe, and notice to automobile dealers. It is enforced by the sanctions in S. 3005, the traffic safety bill. These enforcement procedures are civil penalties, injunctive relief, and seizure before the first sale to a purchaser.

The amendment requires that the notification given to the individual car owner contain a clear description of the defect, an evaluation of the risk to traffic safety arising from the defect, and a statement of the measures to be taken to repair the defect.

This is a modest proposal. It will not require huge appropriations. It is not based upon new Federal controls, except insofar as enforcement procedures may become necessary. The primary burden here is on the automobile manufacturer, and it is not a heavy burden.

The manufacturer is in the best position to know of any defects in an auto, since he designed the car, engineered it, produced it, and controls the distribution mechanism. Through the dealership structure, the manufacturer can quickly receive word of problems or complaints, and assess their significance in terms of auto safety.

The manufacturer can and does recall automobiles for modifications and improvements. The evidence indicates that it is not only possible for him to do so, but that he has done so on a number of occasions.

My amendment enlarges upon what is, and can, already be done in two respects. First, notices must be sent in all cases involving a safety hazard; and second, the notification must inform the car owner of the safety risk involved.

The case is clear on the necessity of this amendment. The evidence accumulated so far indicates that when defects are found in a certain model, the automobile industry may correct the defect in the next year's models, or notify the dealers to correct the problem in cars on hand, or notify the owner without making clear the safety factor involved, calling it an "improvement" or a "modification." But seldom, if ever, does the manufacturer tell the owner that the improvement or modification involves a safety factor which could endanger his life or the lives of his wife or children or other motorists. This situation must be rectified.

I believe the owner has a right to know of safety risks, and I believe the manufacturer has an obligation to make them clear so the owner can take whatever steps are necessary to protect himself and others.

Just a week ago, I discovered that some 17,500 1966 Dodge Polaras and Monacos were being called in for a throttle linkage modification. But neither the owners nor dealers were told that a safety factor was involved. I have obtained copies of these notifications and ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks. I call attention to the fact that neither letter mentions the fact that this defect might influence safe operation of these cars or describes how the problem affects the vehicle. My amendment would require that such information be included in notices of this type.

That there is a need for this kind of information is shown in a survey of 19 Dodge dealers in Washington, D.C. and Minneapolis and St. Paul, Minn. Only one of them described the problem as a safety factor, as did the service manager of the Dodge Division. However, the other 18 dealers all said there was no safety factor involved. Some dealers went so far as to say there was "absolutely no danger" involved, and that the modification "did not really make a lot of difference."

Certain models of 1965 Plymouths, Chryslers, and Dodges suffered from defective brackets on the steering gear. No notice was sent to the owners.

Thirty thousand 1965 full-sized Fords were recalled because of defective rear suspension arms. Owners were notified that they should bring these cars in to improve the quality of the ride, but no mention was made of the safety factor.

The defects found in automobiles are not always the result of poor engineering or production. Some result from what can only be poor quality control procedures by the manufacturer.

Vehicle inspection statistics from the District of Columbia, and the State of New Jersey indicate that many new cars are sold to customers in an unsafe condition, and that over 20 percent all new cars inspected are rejected for safety shortcomings of varying degrees of seriousness. In the District, 23 percent of the 1966 cars were rejected on their first appearance for inspection, compared with 20 percent of the 1965 new cars.

New Jersey inspection officials report a steady rejection rate of approximately 25 percent. New Jersey has made two comprehensive surveys—one during a 2-month period in 1963 showed a 25 percent rejection rate, while the other, covering a 5-month period in 1959, showed 36 percent rejections.

Both the District of Columbia and New Jersey require that new cars be inspected within 2 weeks after purchase and these inspections are the best guides available as to the condition of new cars on delivery to the average buyer. For only the District of Columbia and New Jersey have government-owned and operated inspection stations where new cars are given a thorough check by professional inspection personnel. About 15 other States also require inspection of new cars, but all of them contract this function out to privately owned garages, service stations and car dealers themselves—and most of them do not maintain data on new car rejections as opposed to older vehicles.

The main reasons for the District of Columbia and New Jersey rejections were improperly aimed headlights, malfunctioning taillights, improper steering alinement, and brakes in need of adjustment. These inspections also revealed, however, more serious hazards involving design and quality control defects which would not be noticed in the average cursory State inspection or by the driver himself until it was too late. These hidden defects were found, for the most part, in the more comprehensive District of Columbia inspection which is recognized as one of the most thorough in the Nation. They include such items as vehicle stability problems; front wheels inadequately secured; rear brakes not functioning, steering linkages which could come apart causing a complete loss of control; and brake hoses which were too long, causing them to rub against a wheel where they would be weakened and susceptible to rupture under stress.

In some cases in the District, the defect was so dangerous that the inspectors would not permit the car to be driven away, requiring instead that it be towed to a garage or back to the dealer.

And in those instances where the defect showed up on many cars of the same make and model, the District of Columbia inspectors notified the manufacturer about the problem. But no one seems to know how widespread these defects were and whether they were corrected throughout the Nation or only in the District to meet the stringent inspection requirements here. I have asked the manufacturer about some of these cases, but the information I have received thus far is inconclusive.

However, it would seem to me, Mr. President, that the District of Columbia and New Jersey experience indicates a need for both professional State inspection of all motor vehicles as well as notification to owners of hidden defects as provided for in the fair warning amendment.

The District and New Jersey experience is substantiated by that of Consumers Union of the United States, an organization which buys new cars for test purposes. And each year, Consumers Union reports that most, if not all, of the cars it buys develop trouble in the first few thousand miles or are riddled with defects on delivery. These defects are mostly minor, but many involve safety hazards.

Here is what Consumers Union had to say last year in the April 1965 edition of

Consumer Reports about defects in the cars it bought:

"In anything as complicated as a car, pure chance will play a part in the presence or absence of troubles. But something more than chance is at work when 32 out of 32 cars chosen at random for testing show troubles of one kind or another in the first few thousand miles * * *. And CU's automotive consultants know what that something other than chance is—it's bad quality control in the automobile industry."

So wrote CU, speaking of the 1963 models it had tested (Consumer Reports, October 1963). In 1964 things were slightly better; 2 or 3 of the 35 cars purchased for testing didn't develop troubles at least in the first 3,000 miles. This year it looks as though things are back to normal again—that is, all fouled up—in the output of Detroit.

Here's a list of some troubles (of all kinds, not all major but all annoying and some hazardous) that CU has found on the 25 models for 1965 it has so far bought for testing. Some of the troubles (improperly aimed headlights, for example) have shown up on most cars; other troubles (malfunctioning directional signals, for example), have shown up on almost all; no car has been purchased which has not exhibited some trouble.

Front window glass out of channel; trim panel on front door not attached; poor welds in floor pan; wiring harness loose—ignition and lights went out; left stoplight and directional signal inoperative; transmission fluid leaking; water leaking from heater core; airflow through defroster blocked; oil leaking from rear axle housing; engine would not start in park position—transmission had to be torn down; fan belt loose; slipped and squeaked when engine was speeded up; steering column loose at dashboard, steering wheel loose on column; front seat adjuster stuck on passenger's side; ignition timing off specifications; hand brake not connected, warning light not working; hand brake light stayed on at all times; directional signals would not cancel; car slipped out of park position; front door hinge off at bottoms; wheel alinement off specifications; doors not properly adjusted, hard to close or open; heater fan blades hit heater housing; windshield washer pump inoperative; both front wheel bearings loose; dash warning light read "hot" when car was cold; engine noisy, had to be pulled down; headlights improperly aimed; choke stuck open when car was cold, car wouldn't start; choke would not open as car warmed up, engine stalled.

And in the April 1966 issue of Consumer Reports, the organization had this to say about the condition of 1966 automobiles:

The gremlins in the automobile industry's quality control are still at work, and appear to be just as impartial as ever, judging by the 1966 cars CU bought for testing. It would be some small comfort to find that the defects in cars, as delivered, are all of the trivial if annoying type, such as screws missing from trim or inoperative cigarette lighters. Unfortunately, they aren't: your car is just as likely to be delivered to you with a transmission fluid leak or with the power steering hose almost chafed through by the fanbelt.

As long as manufacturers continue to depend too much on dealer preparation of new cars and dealers skimp that preparation, you can expect to go on finding defects of all degrees of severity in cars of all price levels. Here are some of the defects that CU found in the cars we purchased for testing:

Brake light switch defective; transmission fluid leak at oil cooler fitting; power steering hose badly chafed by fan belt—almost worn through; power tailgate window inoperative on two station wagons; windshield washer pump defective; carburetion too lean, causing "starve-out" or "flat spots" at various speeds on many cars; high spot in brake drum, causing periodic noise when brakes were applied; rain leaks on several cars; ignition and carburetion adjustments not set to specifications on many cars; screws loose or missing from trim or hardware on many cars; defroster control inoperative; turn signals not operating correctly on several cars; cigarette lighter inoperative on three cars; pieces missing from external decorative trim; shock absorber mounting broken off; automatic transmission not shifting properly; poor fit of body sheet metal—doors with poor closure, body interfering with closing of hood or trunk lid—on several cars; engine block defective, requiring replacement; mechanical rapping noises in engine; internal moving parts requiring replacement; one end of front stabilizer bar disconnected; link missing; wheels improperly alined on several cars; tire pressure off specifications by more than 4 pounds per square inch on many cars; tires out of balance or out of round on several cars; horn inoperative; speedometer needle oscillating; fresh air vent door that did not close; carburetor overflowing gasoline—flooded engine; wires reversed on oil warning light and engine heat warning light; headlights improperly aimed on most cars as delivered.

I might note, Mr. President, that one-fourth of the defects found in the 1966 vehicles could involve a safety factor in the operation of these cars.

Consumer's Union also commented on the condition of new cars in another article in the April 1965 issue of Consumer Reports entitled "Quality Control, Warranties, and a Crisis in Confidence."

I would like here to quote the first and last paragraphs of that article:

The condition of the 1965 cars CU has bought for test is about the worst, so far as sloppiness in production goes, in the whole 10-year stretch of deterioration that began in 1955, the first year in which U.S. new car sales first approached 8 million. (That was also the year in which a heavy emphasis on credit sales raised car output by nearly 2.5 million over the 1954 level and increased consumer indebtedness for autos more than 40 percent.) Complaint in the trade about the condition of the cars as delivered began to get bitter then and it has continued to be bitter ever since. "Overproduction has resulted in poorly engineered and poorly built cars," wrote one dealer in a letter submitted to a congressional hearing in 1961. "We in the retail business," he continued, "have all experienced the exorbitant new car get-ready cost and owner dissatisfaction with some of the creations dreamed up by the factories and then thrown together."

What CU's data reveal is that each of the companies abuses the consumer to one degree or another in this area; and possibly, the data suggest, the degree may be a reflection of company policy. The consequences of poor quality control can affect safety, of course; but there has been little investigation into this particular aspect of the subject, so far as CU knows. It would seem to be a matter calling for attention. Even minor troubles can be important; the driver blinded by the strong beam of a faultily adjusted headlight is a hazard to himself and others. The condition of other cars on the road is, thus, an important part of the environment in which each of us rides. Periodic road checks are a loose control indeed for this kind of threat. And why aren't the threats eliminated at the factory?

Here is what Consumers Union had to say about this situation in an article entitled "The Art of Buying and Maintaining a Car" in the April 1966 issue of Consumer Reports:

Manufacturers delegate to the dealer make-ready inspections and grooming of new cars. CU's checks on the new cars it buys usually reveal lights out of focus, brakes not evenly adjusted, tires with incorrect pressures, and incorrect front alinement. Badly aimed lights and uneven brakes are self-revealing, and tire pressures can be checked at any service station, but the first sign of wheel misalinement usually appears as excessive tire wear after several thousand miles—too late for redress.

The article then went on to say:

Most serious, of course, are built-in defects that make a car hazardous to life, but that are not detectable by the owner until too late. Repeatedly auto manufacturers have failed to notify new-car owners of hazardous defects needing repairs or have suggested coming back for alterations without making it clear that a hazard was involved.

The day should come when auto manufacturers are required to file with public officials—for the public record—a list of the specific fixes or repairs they have told their dealers are needed, and, where these involve hazardous defects, to inform the owners about them immediately.

Mr. President, that is exactly what the fair warning amendment is intended to do.

It may be that the driver is to blame for most traffic accidents. But situations such as this and other evidence accumulated in recent months indicate that safety defects may play a much larger role in the accident rate than heretofore estimated. But even if only 1 percent of all accidents is caused by such defects, I think the drivers of these defective cars have a right to know they are riding around in booby traps. And to fail to warn them is to force them to play Russian roulette without their knowing so.

I should like to point out that this amendment supplements both mandatory automobile safety standards and existing State vehicle inspection laws. It assures the basic protection of information to the consumer immediately, while standards may not become effective for some time and while all States still lack comprehensive inspection laws. There is, in addition, always the possibility of safety problems arising which are not covered by standards or undiscoverable even by professional State inspectors.

I do not pretend technical competence as an automotive engineer or to be an expert on the automobile industry, but I do know something about the rights of consumers. Perhaps their most basic right is the right to know what hazards are associated with a particular product. I hardly think that legislation requiring that such information be given to car owners will damage the national economy, or constitute meddling in the affairs of our automotive industry.

Although I am not asking that this amendment lie on the table, I will make a listing of all sponsors in the CONGRESSIONAL RECORD 1 week from today should other Senators wish to join in sponsorship.

I ask unanimous consent that the fair warning amendment be received and referred.

The VICE PRESIDENT. The amendments will be received, printed, and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The amendment (No. 537) was referred to the Committee on Commerce.

The letters presented by Mr. MONDALE are as follows:

DODGE DIVISION,
CHRYSLER MOTORS CORP.,
February 17, 1966.

To: All Dodge dealers.
Subject: Throttle linkage modification.
Models affected: 1966 Dodge Polara and Monaco with 383-cubic-inch displacement engine and two-barrel carburetor.

We have recently developed a change in the throttle linkage of the subject vehicles. Because this change relates to throttle control, we desire to incorporate this change on all of the affected 1966 Dodge Polara and Monaco models equipped with 383 cubic inch displacement engine and 2 barrel carburetor.

Enclosed for your use is a list of the names and addresses of owners who received the affected models, compiled from the retail sales report cards submitted by you. A sufficient number of parts packages are enclosed to effect the change on each of the cars listed.

You should arrange to make this change on all vehicles of the type involved that were delivered by you. To assist you, we have mailed a letter in the form attached to each of the owners on the enclosed list. We also enclose extra copies of this letter for you to send to owners of vehicles included on the list without the owner's name or address, if these vehicles were sold by you.

If any of the vehicles on the attached list are still in your stock, be sure that the change is made before you sell them. If you have diverted any of these cars to another dealer, please be sure that this dealer is notified so that he may carry out this campaign on those cars involved. Also, we ask that you see that the parts we have enclosed are forwarded to that dealer.

NOTE.—If you did not receive any of the cars involved in the campaign, there will be no list attached. In such instances, this letter is mailed to you for information only. In the event a transient owner should contact your dealership for assistance the necessary material may be obtained through your regional service office.

DODGE DIVISION,
CHRYSLER MOTOR CORPS.,
February 24, 1966.

DEAR CUSTOMER: We have recently developed an important change in the throttle linkage of certain 1966 model passenger cars.

Our records indicate you purchased a car of this type, the serial number of which appears to the right of your address at the top of this letter.

We have requested the dealer from whom you purchased your car to see that this improvement is made. We urge you to immediately contact your dealer and arrange an appointment to have the work performed. There will be no charge to you for this service upon presentation of this letter to your dealer.

If you are unable to return to the dealer from whom you purchased your car, please take it to any nearby authorized Dodge dealer.

Very truly yours,

ROBERT H. KLINE.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. RIBICOFF. Mr. President, I ask unanimous consent that, at the next printing of the concurrent resolution (S. Con. Res. 83) to express the sense of Congress on agreements reducing duties on imported articles under certain conditions, the names of the Senator from New Hampshire [Mr. COTTON] and the Senator from Wisconsin [Mr. NELSON] be added as cosponsors.

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

ADDITIONAL COSPONSORS OF RESOLUTION

Under authority of the order of the Senate of April 5, 1966, the names of Mr. HARRIS, Mr. HART, Mr. JACKSON, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, M. MUNDT, Mr. SCOTT, and Mr. THURMOND were added as additional cosponsors of the resolution (S. Res. 247) to provide for the preparation of an educational film on the U.S. Senate to be shown to visitors to the Capitol, and for other purposes, submitted by Mr. HARTKE on April 5, 1966.

NATIONAL WATER COMMISSION HEARINGS

Mr. JACKSON. Mr. President, the Senate Interior and Insular Affairs Committee, of which I am chairman, will conduct open public hearings on May 9 and 10 on S. 3107, the bill to create a National Water Commission. The hearings will start at 10 a.m. each day in room 3110 of the New Senate Office Building.

This tremendously important legislation, proposed by the administration, would establish an independent, seven-member Commission of distinguished Americans outside the Federal Government.

The members, appointed by the President, would study and advise him—and the Water Resources Council—on the entire range of water problems.

Mr. President, we have need for a highly qualified and independent commission to conduct a thorough and complete analysis of our resource problems and programs. Only in this way can we begin to resolve the monumental problems in this field.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

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

Cornelius McQuade, of West Virginia, to be U.S. marshal, southern district of West Virginia, term of 4 years. (Reappointment.)

Robert E. Hauberg, of Mississippi, to be U.S. attorney, southern district of Mississippi, term of 4 years. (Reappointment.)

Eugene G. Cushing, of Washington, to be U.S. attorney, western district of Washington, term of 4 years, vice William N. Goodwin.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, April 25, 1966, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1938) to amend the Indian Long-Term Leasing Act.

The message also announced that the House insisted upon its amendments to the bill (S. 265) to authorize conveyance of certain lands to the State of Utah based upon fair market value, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. BARING, Mr. KING of Utah, Mr. SAYLOR, and Mr. BURTON of Utah were appointed managers on the part of the House at the conference.

The message further announced that the House receded from its amendments Nos. 1, 2, 3, 4, 5, 6, and 7 to the bill (S. 2729) to amend section 4(c) of the Small Business Act, and for other purposes, and concurred therein.

THE CIA AND MICHIGAN STATE UNIVERSITY

Mr. SALTONSTALL. Mr. President, as a member of the Subcommittee of the Armed Services Committee following the activities of the Central Intelligence Agency, I inquired of the CIA regarding the criticisms directed by certain professors of Michigan State University concerning certain activities of the university with relation to a contract with the CIA and the employment of secret agents of the CIA within the university. I believe it is in the interest of accuracy to make public the facts as I get them.

On December 21, 1954, President Eisenhower directed the Operations Coordinating Board to have prepared a report on the status of the U.S. programs to develop foreign police forces to maintain internal security and to destroy the effectiveness of the Communist apparatus in free world countries vulnerable to Communist subversion.

Upon completion of the report on December 8, 1955, the National Security Council directed Mr. John Hollister, then Chief of what is now the Agency for International Development, to assume leadership of U.S. efforts to improve the internal security capability of police in a number of foreign countries. At the same time, the NSC, with the President's approval, instructed the Director of Central Intelligence and other Government agencies to lend all possible assistance to this effort to include assignment of qualified personnel to effect the needed improvements in foreign police forces. The urgency of the situation in Vietnam, which was one of the countries the President had in mind, and the nonavailability of adequate personnel, resulted in AID contracting this responsibility to Michigan State University. It

was in this connection that CIA officers with specific MSU agreement participated in the MSU program in Vietnam, a program designed to improve the effectiveness of the police services of that country as a part of the overall effort to preserve that nation's independence. The CIA representatives worked specifically in the training of Vietnamese police services, not in clandestine CIA activities.

TOO MUCH GLOOM AND DOOM ON VIETNAM

Mr. PROXMIRE. Mr. President, an honest election in South Vietnam establishing civilian authority should be welcomed enthusiastically by the United States.

It is incomprehensible to me why there is so much gloom and doom about the prospect of such an election in South Vietnam.

What have we been fighting for out there, except for the right of the people of South Vietnam to their own government?

Useful as a military junta may have been in the military conflict against communism, an elected government would be far, far better not only in the view of people throughout the world but obviously in the eyes of the people of Vietnam.

It is true that the protests against the Ky government have impeded the war effort. That is a high price to pay. But if the result of these protests is an honest election, the benefit will be worth the price.

It is imperative in any election contest that the United States follow a policy of the strictest possible neutrality. Our only interest should be to assist the Vietnamese, when requested, to help guarantee a thoroughly honest election with maximum participation.

While a countrywide election is something new, local elections are not. The South Vietnamese have held them and abided by the results. There is a good prospect that they would do the same in a national election.

In view of the immense investment this country has made in South Vietnam in the lives of our own soldiers, not to speak of billions of dollars of military assistance, maintaining our neutrality in an election will be extraordinarily difficult.

But the CIA, as well as every other American agency in South Vietnam, must keep hands off every phase of this election. Our total neutrality is imperative.

Of course, we must also abide by the wishes of whatever government is elected, regardless of how unwelcome their wishes might be. If our commitment to self-determination in South Vietnam does not mean this, it means nothing.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD an editorial entitled "Better News," published in the Washington Post on April 15, 1966.

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

BETTER NEWS

The military government of South Vietnam and the dissident Buddhist leaders seem to be in general agreement on plans to hold an early election of a constituent assembly that will give the country a civil government. This is better news than any but the most optimistic has dared hope for in the past week.

How far the agreement goes beyond the bare accord on holding elections is not altogether clear. But if there is any real meeting of minds on the essentials, the details should not be beyond the ingenuity of the leaders of the different factions.

The United States, for its part, will enormously gain by the presence of a government of civilians enjoying the mantle of legitimacy that only orderly elections can confer. Such a government, no doubt, will make decisions with which the United States may differ. There will be disagreement over many policies in which interests are not the same. It will not be as easy to locate authority or to get it to act. The difficulties of democratic rule lie in a field of knowledge and experience where we do not require instruction. But all the difficulties are outweighed by the single advantage that is enjoyed by a representative and democratic regime that can claim to speak for the people of South Vietnam.

In the trying interval that has led to some agreement, the United States, on the whole, has behaved with commendable detachment and restraint. It will need to exercise the same restraint in the weeks preceding an election. No interest that we may have in particular political leaders will rival our interest in having the South Vietnamese make choices not influenced by a foreign power. A government freely selected is the best hope for the right conduct of civilian affairs and the best hope as well for an energetic and efficient prosecution of the war.

Americans must not expect that a country in the midst of war can suddenly summon forth perfectly functioning democratic institutions. But the South Vietnamese are not without experience with elections and democracy. Local and provincial governments have been proceeding with elections and abiding by democratic methods in parts of the country throughout the war. There is a tradition in the country on which it should be possible to build.

The President of the United States has dealt on a friendly and cordial basis with South Vietnam's present government and will continue to do so while it is in power. His administration will be able to deal in the same manner with the successor government shaped by elections.

Such a government will have before it choices that are difficult for a democratic government to make. It will be confronted by all the harsh alternatives of war; and, sooner or later, by the equally anguishing problems of procuring a peace in South Vietnam. It may wish to deal with some of these problems differently than we would deal with them. But this should confront us with no problems with which we cannot deal. We are in South Vietnam to preserve the right of a small people to govern themselves and make their own choices. That principle will be vindicated whatever the course the people choose. We have undertaken to preserve their opportunity to make a choice. An elected government is a necessary instrument for determining what that choice really is.

PLIGHT OF THE VIETNAMESE FARMER

Mr. PROXMIRE. Mr. President, after the Honolulu Conference. President Johnson sent 10 agricultural specialists to South Vietnam for a survey of the farmer's plight in that country.

One of those experts was Jim Thomson, editor of the Prairie Farmer and president of the American Agricultural Editors Association.

With an observant eye and skillful pen, Mr. Thomson reported on the poverty, ignorance, and superstition that confronts the farmer in Vietnam. He also told of his hopes and aspirations, and what the American aid mission has done to help realize these ambitions.

I ask the unanimous consent to have printed in the RECORD this illuminating report as published in the Wisconsin Agriculturist.

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

VIETNAM'S FARMING ADVANCES AGAINST HEAVY ODDS

(EDITOR'S NOTE.—At the Honolulu Conference, President Johnson announced that he was sending 10 agricultural specialists to Vietnam to see what could be done to help farmers there. As president of the American Agricultural Editors Association, Prairie Farmer Editor Jim Thomson accompanied the group. This is Thomson's report of the trip.)

The farmer's loyalty is the key to the war's end in Vietnam. Communist leaders and U.S. policymakers share this view. Two-thirds of the Vietnamese people are farmers.

But they are weak and unsure where their interests lie under the campaign of aggressive terrorism being waged by the Communists. The Communists are dedicated to the long-term goal of control of all of southeast Asia.

Vietnam farmers also have difficulty understanding U.S. generosity. We are spending more than a million dollars a day on the economic front. They have never seen anything like it.

To gain the support of Vietnamese farmers, President Johnson appointed 10 U.S. agricultural specialists to a mission to Vietnam to study rural conditions and report back to him.

Accompanied by Secretary of Agriculture Orville L. Freeman, the 10 specialists scattered throughout South Vietnam visiting farms and newly organized agricultural institutions.

Each specialist probed for ways in which the U.S.-backed South Vietnamese Government could help the poverty-stricken farmers of that terror-ridden land, now in its 21st year of war.

In some ways a cornbelt hog producer can identify with a Vietnamese farmer. Hogs are their favorite livestock. But they are light years apart in their comprehension of the world around them.

This is changing under the impact of outside agricultural influences, mainly American, but progress is slow in the face of poverty, ignorance, squalor, and tradition.

UNBELIEVABLE TO US

The U.S. farmer would find the primitive world of the Vietnamese farmer unbelievable. Virtually all work is done by hand, from carrying water from open wells to harvesting rice with sickles. Yet they often show incredible ingenuity for a rather static environment.

In spite of the heavy U.S. commitment, the average Vietnamese knows almost nothing about America. Many of them actually know little or nothing about what is going on outside their villages. Their village is often their entire world.

The Vietnamese farmer is illiterate, superstitious, and suspicious of strangers. He dislikes government officials and has no feeling of patriotism or national allegiance as we know it. He may never have seen a newspaper or a magazine and he probably does not own a radio.

His world swarms with spirits and spooks. Dead ancestors supposedly attach themselves to the household and must be cared for through religious ceremonies and offerings, usually in the home.

It is this dead hand of the past that U.S. farmers, agricultural teachers, and experts are trying to get off the Vietnamese farmer's back. This they hope to do through the establishment of schools, hospitals, agriculture and home extension, research stations, and by working with farmers in the field.

The U.S. Agency for International Development is teaching farmers how to increase crop yields with improved seed and fertilizer, pesticides, and irrigation. AID is also encouraging the formation of co-ops, credit pools, and other farm organizations.

Most of this effort is by Americans, but a considerable contribution is also being made by agricultural teams of Filipinos and Taiwan Chinese.

LOOK FOR OPPORTUNITY

It is difficult to generalize about subsistence farming in Vietnam. By our standards, farmers are backward. Nevertheless there is good reason to believe that they respond to opportunities for better income as well as farmers in other countries.

The Vietnam war is one of the most perplexing problems the United States has faced in recent years. This is mainly due to Government uncertainty and the opposition of many people who mean well but refuse to face the fact that the enemy cannot be trusted.

Trouble started in 1945 when the Japs were driven out after World War II. The French tried to return to their former colony and were driven out in turn. In the confusion the Communists took over North Vietnam and moved in on South Vietnam. Government forces fought back.

Later the Geneva treaty was signed dividing the country permanently into Communist North Vietnam and non-Communist South Vietnam. The ink was hardly dry when the Communists started infiltrating South Vietnam villages and murdering their leaders.

GAVE FARMERS LAND

They also murdered landlords and tried to win the loyalty of the tenant farmers by turning the small farms (4 to 6 acres) over to the landless. At first tenants welcomed the move because land was scarce and expensive, and rates of interest were high—as much as 10 percent a month.

At the same time the country was run by a French-educated elite which saw no need for democracy. At present South Vietnam is governed by a military directorate of 10 generals, most of whom we met personally during our visit to Vietnam. Even the minister of Agriculture, Lam Van Tri, is a military leader.

Many of the Government leaders of the past were large landowners who resisted land reform. But the U.S. administration is pressuring the military directorate for a new deal for the masses.

This includes a constitution, the right to vote, land reform, and a democratic government. To this they have agreed. Elections will be held in 1967.

In the past too much direction has come from the top. So the average small farmer gets little motivation from Saigon officialdom. Nor does he take any responsibility for institutions foisted upon him by government officials.

Provincial chiefs are appointed by the government so they have not been responsive to needs of farmers.

Other divisive forces are constantly at work to encourage instability. These include religious, racial, and language differences, and northern and southern suspicions.

Another fantastic Asiatic practice is the acceptance of graft and political payoffs. But while we were in Saigon an agricultural official was sentenced to be shot for taking graft.

Americans are involved too. An AID official estimated that 15 percent of a shipment disappeared between the port and the destination. There are shortages of everything, including labor. Inflation is rampant. The cost of living rose 5 percent in January.

TREMENDOUS PROGRESS MADE

Yet in spite of graft, terrorism, frustration, and war, Vietnamese agriculture has made tremendous progress.

Rural income in 1964 amounted to 19.6 billion piastres. In 1965 rural income is expected to double. Part of this gain is canceled out by inflation. Yet even a 50-percent real gain in income would be a tremendous advance.

So far the South Vietnam agricultural improvement program with U.S. technical and commodity assistance has brought direct, tangible, and immediate benefits to the people. Here is the evidence:

1. Last year 2 million acres were fertilized and resulted in an increase of $12 million in farm income.

2. Plant pest control, beginning in 1962, saved rice and vegetable farmers $25 million last year.

3. Rodent control saved farmers an estimated $53 million last year. The Mekong Delta swarms with rats. The rat-control program killed more than 10 million rats last year.

4. We provided about 90,000 tons of corn to go with 54,000 pigs, mostly Yorkshires, we have donated since 1963. The farmer returns one pig from the first litter, which in turn is given to another farmer.

5. Vaccinated nearly 3 million animals for disease control at no charge.

6. Multiplied and distributed improved seed varieties of 12 crops. Yield increases averaged nearly 20 percent, with some running as high as 50 percent.

7. Expanded irrigation facilities to encourage double cropping and sometimes triple cropping.

8. Provided agricultural credit and encouraged the formation of farm co-ops to distribute fertilizer, seed, pigs, pesticides, and low-cost radios.

9. Encouraged land reform to put more land in the hands of producers. Since 1957 work has proceeded to allow landless farmers to buy 3.25 million acres.

JUDGE ROLLER, THE BRAVES' BASEBALL ARBITER, EMINENTLY QUALIFIED

Mr. PROXMIRE. Mr. President, Members of Congress, as well as the general public, who have followed the historic major league baseball controversy between the National League Braves on the one side and the State of Wisconsin and Milwaukee County on the other are concerned about the decision of Circuit Judge Elmer Roller. Judge Roller is the Milwaukee judge who decided last week that the Braves and the National League are in violation of the antitrust laws of Wisconsin.

Judge Roller ordered the Braves back to Milwaukee next month, unless the National League agrees to permit Milwaukee to have a major league baseball team next year.

Some casual observers may not be inclined to give the decision the weight it deserves. If so, they will be wrong, and for several reasons.

Let me point to just one reason. Judge Elmer Roller is an exceedingly able judge. He graduated magna cum laude from Marquette Law School. He was so young when he graduated that he was required to wait 2 years before he could practice law in Wisconsin. He spent those 2 years teaching at the University of Chicago Law School.

Few lawyers or judges have so completely dedicated their lives to the law as has Judge Roller. During the last vacation Judge Roller and his wife enjoyed, he spent virtually the entire time studying legal systems in Europe.

Judge Roller is a remarkably diligent man. His hard and dedicated work has become a legend in Milwaukee. In connection with the Braves' case, he worked day and night for a solid month, working literally an 18-hour day, 7 days a week.

Mr. President, the New York Times has written a perceptive and appealing biography of Judge Roller.

I ask unanimous consent to have the article, entitled "Big League Arbiter" printed in the RECORD.

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

BIG LEAGUE ARBITER: ELMER WILLIAM ROLLER

The last time Judge Elmer William Roller took a vacation, in 1960, he spent a good part of it in and out of courthouses in Warsaw, studying the Polish legal system.

"And when we got to England," his wife, Eunice, said yesterday, "he was like a kid. Why, he spent the whole day in Westminster Abbey, reading all those plaques to me. Every one of them." The judge may finally take another vacation. He allowed himself 15 hours' sleep yesterday, following a month-long immersion in the complicated case that resulted on Wednesday in his historic decision: for the first time, organized baseball was found guilty of a State antitrust violation.

Judge Roller ordered the National League to give him a written plan for expansion by May 16 that would include a team for Milwaukee by 1967. If the league did not comply, he ruled, the Atlanta Braves would have to return to Milwaukee by May 18.

Each day during the trial that produced 7,000 pages of testimony and 600 exhibits, the pink-cheeked, white-haired magistrate would leave his office in branch 5 of the Milwaukee County circuit courthouse laden with two armloads of briefcases, stuffed with papers.

He would arrive in his eight-room white colonial home in the exclusive suburb of Fox Point about 9 p.m. In his study there were books on the floor and books stuffed into ceiling-high cases. There is no room for any more.

No one disturbs the judge. "I learned long ago the best thing for me to do when he's working is to keep quiet," said Mrs. Roller.

There are no late snacks for Judge Roller. He went on the Air Force diet last year and lost 45 pounds ("he did it with the same will power he used to stop smoking").

At about 2 a.m., he would finish for the night. He would set the alarm clock for 6 a.m. Mrs. Roller admitted that she had tried to get up before he did and several times she succeeded. She would reset the alarm clock for an later hour.

"But I couldn't fool him," she added.

"I think," said Mrs. Roller, "he takes his work too seriously."

At the age of 64, he still fascinated by the law. He had decided in high school that law was his calling.

By the time he was 20, he had graduated magna cum laude from Marquette University Law School—too young to practice. He

taught for 2 years at the University of Chicago before he was persuaded by a colleague to open a private practice, which he did in Milwaukee in 1923.

In 1953, he was appointed to the circuit court. He lost the post in the election the following year, but was a successful candidate in the 1956 elections.

His decisions have been noted for their scholarly research. Attorneys have remarked that he has never pressured them—or allowed himself to be pressured—during the course of a trial.

The judge stands 5 feet 10½ inches and keeps his weight at 170 pounds by walking his dachshunds, Schatzi and Louie, and by puttering around the garden on his half-acre estate.

He has been a baseball fan since the days of the Milwaukee Brewers of the American Association. After the Braves came to town, he attended about a dozen games a season—about all his heavy court schedule would allow—and followed the team's progress closely by radio and newspaper.

Judge Roller was born in Waukesha, Wis., on September 24, 1901. He married Eunice Wolfe in 1934. They have two daughters, Mrs. Connie Curtin, who is married to a physician in Phoenix, Ariz., and 18-year-old Jeanne, a freshman at Georgetown University.

"I had to do all the disciplining," said Mrs. Roller. "He would never say a cross word to the girls. He never let anything upset him. That's why he can do so much and works best under pressure."

FARM BUREAU OPPOSES CUT IN SCHOOL MILK PROGRAM

Mr. PROXMIRE. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. PROXMIRE. Mr. President, the American Farm Bureau Federation, during its testimony before the Agriculture Subcommittee of the Senate Appropriations Committee on April 6, indicated its opposition to any cut in the school milk program.

I think that this is indicative of the wide-ranging support the program has received in the face of the administration's proposal to slash it by 80 percent and redirect it to provide it only to the poor as well as those in schools without a lunch program.

In my estimation, one statement made by John Lynn, who testified on behalf of the Farm Bureau, is especially pertinent, it was quoted from a statement of Farm Bureau policy. I should like to repeat it today:

> The national school lunch and special milk programs have proved beneficial to schoolchildren. The programs have helped to establish proper dietary habits among our young people. We recommend their continuation. It is important that the general public understand that the chief beneficiaries of the national school lunch and special milk programs are schoolchildren and not farmers.

Most Americans, especially those with children in school, and benefiting from the school milk program, realize that it is not meant simply as a Federal aid to dairy farmers. Unfortunately, the administration does not seem to realize this fact. I hope that Congress will make clear from its actions on the school milk program this year that it regards the program primarily as a means of maintaining and increasing the nutritional well-being of the Nation's schoolchildren. Certainly, the program should be continued at its present level; at the very least, if we are to keep faith with the children of America who will be the leaders of tomorrow.

CLARIFICATION OF REEMPLOYMENT PROVISIONS OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Mr. RUSSELL of South Carolina. Mr. President, I invite the attention of Members of the Senate to S. 2996, a bill introduced by me recently, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act.

The bill is presently under consideration by the Committee on Armed Services, headed by my distinguished colleague from Georgia.

I have introduced this legislation in the belief that the men and women of our Active Forces, National Guard and Reserve Forces, deserve every proper consideration in safeguarding their employment rights while they discharge their patriotic duty to their country.

It is they who are carrying the frontline burden of defense in these perilous times, and I feel that the civilian sector of our life and our economy can well accommodate itself to their employment needs so as not to endanger their present and future livelihood as a result of their military service.

The Department of Defense, in response to the request of the distinguished chairman of the Committee on Armed Services, has reported that the bill would contribute to the morale and effectiveness of the Active and Reserve Forces of the United States.

The section of the bill that provides that a member of the National Guard or Reserve shall not be denied retention, promotion, or other incident or advantage of employment because of his Reserve status will "help assure that the reservist will not be penalized because of his obligation for Reserve training and call to active duty in emergency," the Defense Department said.

The section of the bill extending reemployment rights entitlement by raising the maximum to 5 years of service where service beyond 4 years is at the request and for the convenience of the Government would be "helpful to all the services in their current efforts to encourage voluntary extension of service terms and voluntary return to active duty of Reserves for temporary periods," the Department said.

The Department of Defense sees a need for this legislation, Mr. President, and I hope that as soon as the distinguished committee has completed its deliberations, the bill will be reported favorably and will be speedily passed by the Senate.

We owe no less than this to the fine men and women who don the Nation's service uniform, whether in an Active or Reserve capacity, and I am pleased to have authored such legislation in the Senate.

Mr. ERVIN. Mr. President, I congratulate the junior Senator from South Carolina on his remarks today, and on his continuing work to guarantee the reemployment rights of our servicemen in this time of national crisis. He has performed another great service in bringing this matter to the attention of the Senate and in pressing for enactment of a bill to remedy inequities in present law.

Although the junior Senator from South Carolina [Mr. RUSSELL] has been a Member of this body for a relatively short period of time, I know of no Senator who has won more respect from his colleagues. His tireless and courageous effort on behalf of important legislation have made a great contribution to the work of this Congress.

Mr. MANSFIELD. Mr. President, I join the Senator from North Carolina in praising the Senator from South Carolina [Mr. RUSSELL].

The Senator from South Carolina indeed has scored a high mark for integrity and diligence in looking after and furthering the interests of his State and in attending to the business of the Nation. He is a highly valuable Member of the Senate who quickly has earned the greatest respect of his colleagues. His help and assistance during his period of service has been valued highly by all Senators.

Mr. ERVIN. I thank the Senator from Montana.

Mr. YOUNG of Ohio. Mr. President, it is my wish to associate myself with the statements just made regarding our colleague, the junior Senator from South Carolina [Mr. RUSSELL]. I prefer to call him DON as I have become so well acquainted with him and have been seated close to him for a year, lacking a few days. Like my colleagues I hold him in the highest admiration. For a few weeks I called him Governor, but former Governor and now Senator DONALD RUSSELL is such a fine, friendly, personable man it is natural to call him DON. During the past 12 months he, as Senator, has earned the admiration and respect of all Senators on both sides of the aisle for his industry, competence and, in fact, for all-around knowledge.

I know that our colleague, the junior Senator from South Carolina [Mr. RUSSELL], has in the past served his State and Nation in high positions of responsibility. Also, I am informed that he made a magnificent record overseas as an officer in our Armed Forces and that for 5 years, I believe, covering a period from around 1952 on he was president of the University of South Carolina and became known and respected as one of the great university presidents in our Nation. It appears to me that the citizens of South Carolina have every reason to be proud of the life record of our colleague, DONALD RUSSELL, who served as Governor of that sovereign State and is now faithfully representing its citizens in the Senate of the United States.

Mr. RUSSELL of South Carolina. Mr. President, I am very grateful to the Senators for their kind remarks.

THE 23D ANNIVERSARY OF WARSAW GHETTO UPRISING—MESSAGE BY SENATOR CASE

Mr. CASE. Mr. President, on April 17, 1966, a program of commemoration by 55 Jewish and non-Jewish groups, attended by 2,000 people, took place in Newark, N.J., on the 23d anniversary of the Warsaw ghetto uprising. That infamous incident, in which almost all of Warsaw's Jews perished, will never be forgotten.

I ask unanimous consent to insert in the RECORD the following message which I addressed to the audience at Newark's Weequachic High School on April 17.

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

Deeply regret that longstanding speaking engagement at this hour prevents me from joining you in program sponsored by Jewish and non-Jewish groups to commemorate 23d anniversary of Warsaw ghetto uprising. Though the decades seem to pass by quickly, the memory of that tragic and courageous stand by the Warsaw Jews will live forever in the minds of freedom-loving people. The brave struggle of Warsaw's ghetto is etched in the memory of Jews the world over, indeed of all who lived through that darkest period in recent history. I join with you in spirit as you pay homage to the memory of Warsaw's Jews and their hopeless plight of 23 years ago.

CLIFFORD P. CASE,
U.S. Senator.

ANNUAL GOVERNMENTAL AFFAIRS SEMINAR OF NEW JERSEY JAYCEES

Mr. CASE. Mr. President, recently I had the pleasure of speaking at the Annual Governmental Affairs Seminar of the New Jersey Jaycees held at the statehouse in Trenton, N.J.

The opportunity was especially welcome to me because of the initiative that the New Jersey Jaycees have shown in the area of public affairs. At the urging of the New Jersey Jaycees, the national board of Jaycees recently decided to adopt the New Jersey "Ethics in Government" project as a national action project.

To carry out the project, our New Jersey Jaycee officials prepared a code of ethics kit. The organization is pressing for passage of its suggested form of ordinance by every New Jersey community. Since the project has now become a national project, I believe the text of the code is of general interest, and I ask unanimous consent that it appear at this point in my remarks.

I also ask unanimous consent to include as part of these remarks the partial text of my remarks to the Jaycees in Trenton, N.J., and an article which appeared in the Newark News on December 26, 1965.

There being no objection, the code of ethics, remarks, and article were ordered to be printed in the RECORD, as follows:

NEW JERSEY JAYCEES CODE OF ETHICS KIT

LET'S KEEP OUR MUNICIPAL OFFICIALS HIGH ON THE PEDESTAL

*An ordinance promulgating a code of ethics for the officials, appointees, and employees of the town of * * * and providing for penalties for the violation thereof*

Whereas in our democratic form of government it is essential that the conduct of public officers and employees hold the respect and inspire the confidence of the people. Public officers must therefore avoid conduct which is in violation of their trust or which creates a justifiable impression among the public that violates that trust. To this end, conscientious public officials should have specific standards to guide their conduct. It is at the same time recognized that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government and that such citizens who are officials or employees have a right to private interests of a personal, financial, and economic nature.

Now, therefore, be it ordained by the municipal council of the town of * * * that all public officers, officials, employees, and appointees be governed by the following standards and code of ethics:

1. No official, appointee or employee, whether paid or unpaid and whether full or part time, of the town of * * * or any agency, board, committee, or commission thereof shall directly or indirectly use or attempt to use his position to secure any preferential or unlawful rights, benefits, advantages or privileges for himself or for others.

MAINTAIN PUBLIC CONFIDENCE WITH A WORKABLE CODE OF ETHICS

1. No official, appointee or employee, whether paid or unpaid and whether full or part time, of the town of * * * or any agency, board, committee, or commission thereof shall directly or indirectly use or attempt to use his position to secure any preferential or unlawful rights, benefits, advantages, or privileges for himself or for others.

2. No official, appointee or employee, whether paid or unpaid and whether full or part time, of the town of * * * or any agency, board, committee, or commission thereof shall directly or indirectly engage in any business, transaction, public or private, or professional activity, or shall have a financial or other personal interest, direct or indirect, which is in actual or potential conflict with the proper discharge of his duties.

3. No official, appointee or employee, whether paid or unpaid and whether full or part time, of the town of * * * or any agency, board, committee, or commission thereof shall disclose or use confidential information concerning the municipality to promote the financial or other private interest of himself or others.

4. No official, appointee or employee, whether paid or unpaid and whether full or part time, of the town of * * * or any agency, board, committee, or commission thereof shall accept any gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the municipality and over which business dealings he has power to take or influence official action.

THE IMPRESSIONS MADE BY PUBLIC OFFICIALS ARE LASTING: SINCERITY, MORALITY, ETHICAL CONDUCT, DEDICATION, INTEGRITY, NONBOSSISM

5. No official, appointee of the municipality or any agency, board, committee, or commission thereof, shall vote for the adoption or defeat of any legislation, or for the payment or nonpayment of any indebtedness owing or allegedly owing by this town which he has a direct or indirect personal pecuniary or private interest.

6. No official, appointee or employee, whether paid or unpaid and whether full or part time, of the town of * * *, or any agency, board, committee, or commission thereof shall represent any private interest before any agency or board of the municipality to the detriment of the municipality or for the purpose of personal gain or in any litigation in which the municipality is a party.

7. An official, appointee or employee, whether paid or unpaid and whether full or part time of the town of * * *, or any agency, board, committee or commission thereof, who has a direct or indirect financial interest in any business entity, transaction, or contract with municipality, or in the sale of real estate, materials, supplies or services to the municipality, the disposition of which may be influenced by his official position shall refrain from voting or deliberating upon such proposed legislation or otherwise participating in such transaction and he shall disclose publicly the nature and extent of his interest.

INSTILL A TRUST IN YOUR PUBLIC SERVANTS

8. No official, appointee or employee, whether paid or unpaid and whether full or part time, of the town of * * * or any agency, board, committee, or commission thereof, shall accept other employment, or professional retainers, or the promise thereof, that might reasonably conflict with the performance of his official duties, or that might reasonably tend to impair his independent or impartial judgment or action in the exercise or performance of his official duties.

9. No official, appointee or employee, whether paid or unpaid and whether full or part time of the town of * * * or any agency, board, committee, directly or indirectly become involved in any business or business transaction, or make any investment in any securities (as such term is defined by the "uniform securities law") which will impair, or reasonably tend to impair his judgment or action in the exercise or performance of his official duties. Nothing contained herein shall be construed to prohibit any bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Federal Securities Exchange Act of 1934, in shares in an investment company registered under the Federal Investment Company Act of 1940, or in securities of a public utility holding company registered under the Federal Public Utility Holding Company Act of 1935.

10. There is hereby created and established a board of ethics to consist of five members who shall hold no other office or employment under the municipality. At least one of said members shall be an attorney at law of the State of New Jersey. All members shall be residents of the town of * * *.

One member shall be appointed by the mayor and four members shall be appointed by the municipal council. All appointees must be approved by a majority vote of the municipal council at a regular public meeting. Members shall serve for a term of 5 years; *Provided, however,* That those first appointed hereunder shall have terms expiring 1, 2, 3, 4, and 5 years, respectively, from the date of commencement of their terms. The members shall elect a chairman annually. The board shall adopt rules for the conduct of the board's business. The board shall select a secretary who shall be paid at the rate of $15 per meeting. Upon the written request of the office or employee concerned, the board shall render written advisory opinions based upon the provisions of this code. The board shall publish its advisory opinions with the power, however, to make such deletions as the board may deem necessary if the board in its discretion shall consider it advisable to prevent disclosure of the identity of the office or employee involved.

11. Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this code, the board shall conduct a public hearing in accordance with all the requirements of due process of law and, in written findings of fact and conclusions

based thereon, make a determination concerning the propriety of the conduct of the official or employee complained of.

12. Where the board of ethics, after a public hearing, shall make a determination, in writing, that the conduct of any official or employee was improper, the municipal council may adopt a resolution of censure, suspension or removal from office of said official or employee.

13. This ordinance shall take effect upon final passage and publication as provided by law.

ADOPT A PRACTICAL CODE OF ETHICS TO RAISE THE MORAL TONE OF LOCAL GOVERNMENT

1. The local Jaycee chapter should make civic, service, fraternal, and religious groups aware of the desirability and need for a code of ethics as a guide to local officers and employees.

2. Publicity and release to the news media should be encouraged.

3. Local Jaycee chapters should organize the campaign amongst the service groups and consider the possibility of a community forum on ethics in government today.

4. The code should be submitted by the Jaycee to the local governing body.

5. The governing body should be requested both directly and through the news media to act favorably upon such a code.

PARTIAL TEXT OF REMARKS BY SENATOR CLIFFORD P. CASE TO THE ANNUAL GOVERNMENTAL AFFAIRS SEMINAR OF THE NEW JERSEY JAYCEES

Most, if not all of you, I am sure, have been urged at one time or another to take an active part in politics. Quite apart from compelling considerations of earning a living and supporting a family, many of you, have, I suspect, shied at the prospect, possibly out of a feeling that politics, if not exactly dirty, is only semirespectable.

This is a feeling shared by many Americans—to the detriment of politics and to the quality of our public life. That is why the theme of this conference—"Ethics in Government"—seems to me heartening and significant. It is further concrete evidence of the active interest of your members in lifting the level of political life, an interest already manifested in the adoption by the New Jersey Jaycees of the ethics "action" project. That the National Jaycees recently adopted "Ethics in Government" as a national "action" project for the coming year is a tribute to the initiative shown by our New Jersey organization as well as another indication of countrywide concern to protect governmental integrity at every level.

Codes of ethics are increasingly common in professional and business life. And the sanction of law, in greater or lesser degree, is frequently available to undergird them. The maintenance of high standards of conduct by public officials is no less important. It is important for its own sake, the here and now public interest. It is important too for the future in attracting talented men and women of integrity to public service.

I have long urged one proposal that I believe would greatly enhance the effectiveness of a code of ethics at every level of government. This is the adoption of a requirement that all top officials, whether in the legislative or executive branch of government, annually submit a report, open to public inspection, of the amount and sources of their income, their assets and liabilities, and any transactions in property of any kind.

The mere fact of having to make such a report would serve as a stop-and-think signal for public officials contemplating "outside" activities. Awareness that one's financial dealings will become known to the public is the most effective deterrent I know to wrongful or questionable conduct. In this sense, a disclosure requirement would be automatic in its operation. And at the same time it would provide a means for detecting failure to live up to ethical standards. In short, it would both complement and help to enforce a code of ethics.

Opponents of the disclosure requirement usually object to its "drastic" character and argue that it would constitute an invasion of the privacy to which every citizen is entitled. But many citizens in private life are already subject to this requirement. The Securities and Exchange Commission, for example, requires corporate "insiders" to report regularly their transactions in the stock of their corporations. The idea of baring one's financial situation is understandably not an opportunity most people seek. But, as one who has done so, I can assure you, it is not as painful as one might think. And, from the individual's point of view, it has affirmative value, for it is the strongest possible protection against suspicion or smear. From the public's point of view, the advantages are, I believe, clear.

No less than the stockholders of a private corporation, the public at large has a legitimate interest in the financial activities of those to whom they have entrusted the operation of their government. Adoption of a disclosure requirement along the line I have proposed—at every level of government, Federal, State, and local, and for both executive and legislative branches—would put new meaning into our traditional concept of public office as a public trust.

[From the Newark (N.Y.) Sunday News, Dec. 26, 1965]

JUNIOR CHAMBER CIRCULATES CODE OF ETHICS FOR TOWNS

(By Angelo Baglivo)

The New Jersey Junior Chamber of Commerce is acting in an area where politicians, high and low, have long feared to tread—conflict of interest legislation.

As a State action project, the Jaycees recently distributed to their approximately 300 local chapters code of ethics kits—illustrated pamphlets containing a model municipal conflicts of interest ordinance.

The kit urges the local Jaycees to make civic, service, fraternal and religious groups aware of the desirability and need for a code of ethics as a guide to local officers and employees.

The model code should be presented to the municipal governing body and a campaign organized to encourage favorable action on adoption of an ordinance, the kit states.

LOCAL GUIDELINES

Like the weather, conflict of interest legislation in both Washington and Trenton has been something everybody talks about. But the talk has not been translated into meaningful law.

The Jaycee's campaign is aimed at launching a movement for code of ethics legislation for elected and appointed governmental officials and employees at the grassroots level.

A moving force behind the project is Bernard A. Kuttner, corporation counsel of Irvington and president of the Irvington Jaycees. It was Kuttner who was principal draftsman of the model code, but he emphasizes that it is intended only as a suggested guide.

PROVISIONS

The model code states that no official, appointee or employee of the town, paid or unpaid, or member of any municipal board, agency, committee or commission shall:

"Directly or indirectly use or attempt to use his position to secure any preferential or unlawful rights, benefits, advantages or privileges for himself or for others.

"Directly or indirectly engage in any business, transaction, public or private, or professional activity, or shall have a financial or other personal interest, direct or indirect, which is in actual or potential conflict with the proper discharge of his duties.

"Disclose or use confidential information concerning the municipality to promote the financial or other private interest of himself or others.

"Accept any gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the municipality and over which business dealings he has power to take or influence official action.

VOTING LIMITS

"Vote for the adoption or defeat of any legislation or for the payment or nonpayment of any indebtedness owed or allegedly owed by this town in which he has a direct or indirect personal pecuniary or private interest.

"Represent any private interest before any agency or board of the municipality to the detriment of the municipality or for the purpose of personal gain, or in any litigation in which the municipality is a party.

"Accept other employment or professional retainers, or the promise thereof, that might reasonably conflict with the performance of his official duties, or that might reasonably tend to impair his independent or impartial judgment or action in the exercise or performance of his official duties."

Another section would prohibit officials who have any direct or indirect financial interest in any transaction or contract before the municipality from voting or deliberating on the matter.

EXCEPTIONS

Local officials also would be barred from involvement or investment in any business "which will impair, or reasonably tend to impair, his judgment or action in the exercise of his official duties." There would be no prohibition against investing in national securities registered under the Federal Securities Exchange Act, in shares of a federally registered investment company or in securities of a registered public utility holding company.

The code proposes the creation of a local board of ethics to supervise the program. The suggested makeup is five members, one named by the mayor and four by the municipal council. One member would have to be a lawyer, but none could hold any other office or employment in the municipality.

The board would issue advisory opinions when questions on potential conflict of interest are raised by any municipal agency or employee.

HEARINGS ASKED

If sworn complaints are made against any official or employee, the board would conduct a public hearing and make a decision on whether there was improper action. If the board finds impropriety, the municipal council then would decide whether to censure, suspend, or fire the official or employee.

Kuttner concedes that the field of conflict of interest legislation has always been a kind of political no man's land. But he said he is hopeful the Jaycees campaign will help to break down this traditional resistance. He reported that 10 communities already have adopted similar legislation.

In 1964, Kuttner participated in an attempt to get the State league of municipalities to adopt officially a model code of ethics for presentation to its nearly 600 member municipalities. It ran into a dead end.

PROTECTION OF PARKLAND

Mr. CASE. Mr. President, a few days ago, as I have done before, I urged Brig. Gen. C. M. Duke, Engineer-Commissioner of the District of Columbia, to place in a tunnel the entire leg of a freeway scheduled to run through West Potomac Park,

one of the most important and beautiful parks in the Nation.

Immediately following my statement, a Federal roads official publicly attacked the tunneling concept, saying it should be avoided because it is expensive and impairs a motorist's view of the local scenery. According to a newspaper account, he added:

> Parks are not developed for landscape architects or for the exclusive use of a few people living near them, or even for the heads of park departments—and after reading this morning's paper, perhaps I should say "Not for U.S. Senators, either."

Apparently he believes that parks are for one thing only—providing more space for highways. The whole range of needs of the urban human being are of no account; the only thing that matters is that the motorist's view be unobstructed. But what sort of a view of anything does the motorist get while traveling the superhighway at 60 or 70 miles an hour?

The statement of the Federal roads official brings to mind the saying that wars are too important to be left to the generals. Equally, highway building is too important to be left totally to the highway builders. I have no quarrel with their performance of their engineering job. Obviously they know how to build highways.

But I do challenge any assumption that they should have the final say as to where a highway ought to be placed, or how it should be designed.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from New Jersey may have 3 additional minutes.

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

Mr. CASE. I am grateful to the Senator from Montana.

I believe the final determination is a matter for those officials in each community who carry overall responsibility for maintaining its viability and livability. The best highway does not always run from point to point by the shortest distance.

The attack on the tunneling concept ignores the chorus of protest which has arisen in cities across the country. In San Francisco, Philadelphia, New York, and many other places, as well as in New Jersey, responsible citizens are up in arms—and rightly so—over the destructive impact of superhighways on their communities, on their parks, and on historical sites.

Highways are a necessity—but highways must be designed and located so that they do not destroy the livability and individuality of our cities.

This need is especially urgent in our Nation's Capital. If we are to retain Washington's historic heritage, if we are to maintain the livability and charm of our Capital City, extra pains must be taken to make certain in our highway building—and in all other public projects—we give attention to the full range of community needs, both tangible and intangible.

Tunneling highways should be viewed as an opportunity—not as an obstacle. It offers the possibility of improving transportation within our cities and suburbs while at the same time protecting neighborhoods, businesses, parks, and other open spaces.

I called attention to this on the Senate floor last August 2 after reading an article which discussed the feasibility of building tunneled highways. The thrust of the article was that tunnels are getting cheaper to build and operate, and open highways more expensive; therefore, it would be useful to consider putting many of our new roads underground in congested areas.

The concept of tunneling was endorsed last year by Federal Highway Administrator Rex Whitton at a National Capital Planning Commission meeting on the alinement of the south leg highway through West Potomac Park. And only a few days ago, I might add, Mr. Whitton joined in a statement that found "attractive" a plan to construct another segment of the local highway system under a main thoroughfare.

It is true, indeed, that parks are not the private preserve of anyone. They are for all the people to enjoy. But they will not exist for anyone if we permit them to be overrun by modern, multilane superhighways.

In our increasingly urbanized society, more parks and other recreation areas are needed—not fewer. Too much of our precious and limited park land already has been swallowed up.

I shall shortly introduce legislation designed to stem the steady erosion of park land in the United States. Under my bill, among other things, park land taken for highways and other nonpark purposes would, as a matter of course, have to be replaced by equivalent land elsewhere.

Adoption of this principle of compensation in kind is long overdue. It is certainly desirable everywhere. It is essential in our cities if any urban parks at all are to be saved.

Under my recommendation, the park land taken would have to be replaced acre for acre—or, if you will, foot for foot.

We hear much talk about preservation of natural beauty in this country. Commendably, the First Lady is pressing a campaign to make everyone conscious of the need to do his part in this effort. Yet at the very moment when this campaign is reaching its climax, it is clear from the statement that spurred my remarks and from the threat of highway construction in the midst of the world-famous cherry blossoms, that some Federal officials still have not gotten the message.

THE SITUATION IN VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for 4 additional minutes.

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

Mr. MANSFIELD. Mr. President, during the past year, our Armed Forces, by their sacrifices, gave a new lease on life to the non-Communist military and political structure of South Vietnam. But let us not delude ourselves. That new lease on life runs only so long as U.S. support continues and, in present circumstances, continues to grow.

Indeed, the price may be expected to rise once again as a result of the current chain of developments. Certainly, political changes since the death of President Ngo Dinh Diem have tended to increase the cost of support in terms of U.S. lives and aid.

It has been said that the French lost the war not in Indochina, but in Paris. It has been implied, in parallel oversimplification of this most complex problem, that if the present war is lost, it will not be lost in Indochina but in the United States and, more specifically, in Washington, and perhaps even in the Senate of the United States.

I think it is about time to dispense once and for all with glib assertions of that kind. The great need is to probe for the dimensions of this complex and changing situation and for a rational role for the United States. The reality is that if Indochina is lost it cannot be lost by the United States, which has never possessed it, does not possess it now, and would not possess it if it could. The reality is that, in any meaningful sense, Vietnam cannot be won or lost in the United States or Washington. Nor can it be won, in a final or an enduring sense, by Americans in Vietnam who have carried their difficult tasks at such great sacrifice.

But if it comes to that, the future of Vietnam can be won or lost in Saigon by a failure of Vietnamese leadership and by the continuing inadequacies of the present politico-military structure. It can be lost in Saigon, too, if we do not exercise in this matter a wise restraint against overeagerness to help and in this recent crisis President Johnson has acted most commendably. It cannot be said too often that in this day and age, and in matters of political leadership in particular, our efforts cannot be substituted for the efforts which must come from others on behalf of their own peoples.

To sum up, whatever their outcome, recent events tell us that there is trouble in Vietnam. It is deeper and more complex than we have heretofore been prepared to acknowledge. We will do well, now, to face up to that fact and to the fact that we are deeply enmeshed in the trouble. We may be prepared to let alone these inner conflicts in South Vietnam, but they will not let us alone. They may appear peripheral to us in view of the emphasis which has been given to other aspects of the problem. In fact, they may have very little to do with the war in which our forces are engaged. But the fact is, too, that they are inseparable from that war from the Vietnamese point of view. Indeed, for many in South Vietnam, the present difficulties are more central to the problems of Vietnam than the war.

We can ignore these considerations only at the risk of turning the war in Vietnam into one which is, at best, irrelevant to the people of Vietnam and, at worst, one in which their hostility may readily be enlisted against us. We had

better recognize, instead, that these recent manifestations of schisms in Vietnam lend added emphasis to the validity of the President's policy. He has designed that policy to serve U.S. interests by an active and continuing search for negotiations in an effort to end the war and so contain our involvement in Vietnam within reasonable limits.

It bears repeating, therefore, at this time that there is only one really basic factor which from the point of view of U.S. policy is essential to a prompt end to the conflict by negotiations and to the withdrawal of U.S. Forces. That factor has been described, in effect, time and again by the President, and without "ifs," "ands," or "buts." That factor is the establishment of conditions, through negotiations, which will assure and safeguard an authentic and free choice to the people of South Vietnam as to their political future and as to their ultimate relationship with North Vietnam. That and that alone is the objective of the United States military effort and the President's policy.

It is most unfortunate that neither the United Nations nor the Cochairmen of the Geneva Conferences—that is the United Kingdom and the Soviet Union—or other participants therein have been able to bring about negotiations looking to a peaceful solution along these lines. It may be, as the Soviet Union and others have said, that conditions do not exist at this time which permit them to take an initiative for negotiations. But it may also be that efforts to bring about negotiations may be pressed more usefully elsewhere than either through the Geneva conferees or the United Nations. It may be that negotiations should be sought with greater vigor precisely in the region where the proximity of the conflict lends a greater sense of urgency to the necessity for its settlement.

It has been said many times and, in my judgment, correctly, that a just settlement of the Vietnamese conflict by negotiations would serve the interests of this Nation as well as other nations which are either painfully involved or threatened with involvement. If that is the case, then perhaps there is something to be said for a direct confrontation across a peace table between ourselves and Hanoi, Peking, and such elements in South Vietnam as may be essential to the making and keeping of a peaceful settlement in that region.

Certainly, there would be no better place to locate a peace table of this kind than in Japan or Burma or some other proximate and appropriate Asian setting. It is not in Europe but in Asia and the United States where the pain of the war is felt. It is in Asia where the implications of this war are most grim. It is in Asia where other nations are immediately threatened by its spread. It is, in short, in Asia where the peace must be made and kept. It may well be, therefore, that it is in Asia where peace must now be—directly and vigorously—sought.

Mr. SALTONSTALL. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. As one who has followed this problem as closely as he can, what the Senator said makes a great deal of sense.

Is it not also true, in the Senator's opinion, that to have negotiations of that kind, the South Vietnamese must have a government of their own which can join in negotiations, and in which government the people of South Vietnam must have enough confidence so that they will support anything that comes out of negotiations by negotiators of their government?

Mr. MANSFIELD. The Senator is correct. Of course, there are elements to be considered in South Vietnam, such as the Catholics, the Buddhists, the Cao Dai, and the Hoa Hao, which over the past several weeks have been involved in the difficulties of the present government in Saigon. They should all be considered, these elements within South Vietnam.

Mr. SALTONSTALL. But we cannot negotiate in Japan or Burma, as the Senator said, with Hanoi, Peking, or anybody else unless the South Vietnamese have their own negotiators representing their government and that government has some stability.

Mr. MANSFIELD. The Senator is correct.

Mr. SALTONSTALL. I thank the Senator.

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

Mr. MANSFIELD. I yield to the Senator from Vermont.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). How much time does the Senator request?

Mr. AIKEN. Mr. President, I request 3 minutes or such time as I might need.

In regard to what the Senator from Massachusetts has said, I think it is quite obvious that conditions in the South Vietnam Government will either become much better or worse within the next few weeks, and we hope they will be much better.

I would endorse the suggestion of the Senator from Montana as to the Southeast Asian Conference.

It appears that the combatants in this war have subscribed to the terms of the Geneva Conference as the basis for settlement.

But the reason there has been no reconvening of the Geneva Conference is that Russia, being the cochairman with Great Britain, has refused to join with Great Britain in the calling of this Conference in an effort to settle the war in Vietnam.

I see no reason why other countries concerned should any longer wait upon the desires of Russia, whatever they may be. Sometimes it appears that Russia does not want us to leave that area. She has declined to join with Great Britain in calling this Conference. There is no reason why the Conference should not be called to meet in that general area of southeast Asia, and if any nations concerned do not want to show up to participate in the Conference, then that is something we ought to find out.

I hope that there will be progress made along this line, and that we will not feel obligated to wait longer for Russia to do what we think she should have done many months ago.

Mr. MANSFIELD. I appreciate the remarks of the Senator from Vermont. His remarks are always cogent.

Mr. President, will the Senator yield to me?

Mr. AIKEN. I yield to the Senator, if I have time remaining.

Mr. MANSFIELD. I think it should be called to the attention of the Senate that the President of the United States stated in his state of the Union message on January 12 of this year:

> There are no arbitrary limits to our search for peace. We stand by the Geneva agreements of 1954 and 1962. We will meet at any conference table, discuss any proposals—4 points or 14 or 40—and consider the views of any group.

On August 3, 1965, when he laid out his nine points at a press conference, the President stated in response to a question as follows:

> And as I have said so many times, if anyone questions our good faith and will ask us to meet them to try to reason this matter out, they will find us at the appointed place, the appointed time, and the proper chair.

Finally, at the same press conference he made the following statement:

> But we insist and we will always insist that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the South or throughout all Vietnam under international supervision, and they shall not have any government imposed upon them by force and terror so long as we can prevent it.

I cite these statements to indicate that there is a real and personal interest which the President has in bringing this difficulty to an honorable and just conclusion, and I commend him again for the caution and restraint he has shown during the past 4 or 5 troublesome weeks.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. I have listened with great admiration to the magnificent statement which has just been made by the distinguished majority leader.

Mr. MANSFIELD. I thank the distinguished Senator.

WHAT IF KY IS OVERTHROWN AND THE NEW GOVERNING BODY IN SAIGON DEMANDS OUR WITHDRAWAL?

Mr. YOUNG of Ohio. Mr. President, recent political agitation and rioting and violence in South Vietnam, with its overtones of insurrection and anti-Americanism, present a vicious situation to our GI's overseas in southeast Asia and to the parents of those boys.

Prime Minister Ky has been in office since June of last year when 10 generals overthrew the civilian government. They chose Ky as Prime Minister.

The political facts of life are that in all of the time since last June, Ky has not initiated nor accomplished any reforms for the unfortunate and landless living in the area over which he claims

to be Prime Minister. The facts are, of course, that the Saigon government which he heads does not now and has not controlled at any time even half of the land area of South Vietnam. Ky never had control of the South Vietnamese military commander of the 1st Corps area, Thi. The northern border of the area occupied by the 1st Corps, or supposedly within its responsibility, is at the 17th parallel which, according to the Geneva accords, is not a boundary line but marks the temporary demarcation zone separating North and South Vietnam until there is a general election.

Diem was returned to South Vietnam from the United States and installed as President under the aegis of the United States and by operations of the CIA. He called off the election that was agreed to at the Geneva conference.

Unfortunately, recently at Honolulu, President Johnson in summoning Prime Minister Ky to confer with him, gave him respectability and treated him as leader of all the Vietnamese people of South Vietnam. James Reston of the New York Times wrote that our President said this knowing that this "was not true but hoping he could make it true if he said so but it did not work." Ky apparently had an inflated opinion of his power. He announced a death sentence on the mayor of Da Nang without arrest or trial. Violence broke out to an extent that 50,000 men of our Armed Forces in Da Nang were ordered to remain at the base and for their own safety to stay off the streets of Da Nang.

South Vietnam is not, and historically never was, a nation. Now, an insurrection is raging, not only in Da Nang but in Hue, Saigon and elsewhere. This is a rebellion within a civil war. It may be that our Armed Forces and CIA will manage to keep General Ky in power. It is evident he could not last a week as Prime Minister except for our support and intervention.

When Defense Secretary McNamara says that this war in Vietnam is not a civil war, that there is a direct and flagrant aggression by North Vietnam, his statement is so fantastic as to be humorous. It is well that we Senators, at least most of us, retain our sense of humor. Unfortunately, the Secretary is on untenable ground when he claims aggression from the North. North Vietnam is not a nation foreign to the area termed South Vietnam since the Geneva agreement of 1954. For many hundreds of years there has been a nation—Vietnam. The Geneva agreement provided for a temporary division with reunification following the election agreed upon.

The basis of American intervention in the beginning, and the claim was made, that we are in Vietnam at the request of the ruling government of Saigon against external aggression. The late great President John F. Kennedy said that this is a Vietnamese war and they must win or lose it. He also said that claiming South Vietnam as a bastion for the defense of the United States is ridiculous. If a new government comes into power, even temporarily, in Saigon and demands that the Americans withdraw their forces, where are we? Of course, in all honor, there is only one alternative and that is to withdraw all of our forces to the bases on the coast where our 7th Fleet and air power can readily repel any aggression and then withdraw our forces to the United States in an orderly manner and without undue delay.

Up to this good hour the militarists seem to have prevailed with our President. Our Armed Forces in South Vietnam and off the coast of South Vietnam now exceed 300,000. The entire population of South Vietnam is 14 million. Of the 14 million a very large majority are women and children. In addition, we now have 40,000 men of our Armed Forces in Thailand. Also, the President has said we shall bring in more "from time to time."

Likewise, more troops from North Vietnam probably will cross into South Vietnam. Escalation on our part leads to escalation on the part of the Communists. Escalation from Washington induces escalation from Hanoi and more recruiting and drafting of soldiers by the VC fighting us in South Vietnam. Then escalation grows on both sides. This is an indefensible self-defeating situation leading nowhere.

Earlier this month for the first time during the entire period of 1 week more American GI's were killed in combat than were those of the ARVN forces, or soldiers of our South Vietnam allies. Apparently, the Saigon military administration of Prime Minister Ky has been so weakened and battered by the revolt in Saigon, Da Nang, and Hue and elsewhere its leaders have lost grip of their armed forces and our Vietnamese allies have lost their spirit to fight. It would be surprising if the situation were otherwise.

If a civilian group ousts the militarists of the Ky regime and then demands that Americans get out surely our Commander in Chief would have no alternative other than an orderly withdrawal of our forces to our bases on the coast upon protection of our 7th Fleet and air power and then reassignment to the United States or to some of our bases overseas in Europe. We would not lose face by this disengagement. We have lost face by involving ourselves in a miserable civil war in the territory that was Indochina. To Asiatics we are regarded as the aggressor seeking to perpetrate the Indo-French Colonial Empire from which France withdrew 200,000 soldiers in 1954 and gave up all hope of imperialism and despotism over the area now termed Vietnam, Cambodia, and Laos.

INCOME TAX CREDIT

Mr. YOUNG of Ohio. Mr. President, I am hopeful that the proposal of the distinguished Senator from Connecticut [Mr. RIBICOFF] to provide an income tax credit of $325 per family for each youngster in college will soon be written into law.

Much necessary legislation has been enacted to assist low-income families. Grants and loans have been made available to needy college students. Various laws have been enacted to lighten the tax burden on businessmen and higher income groups. However, the wage earner in the middle-income group has been largely forgotten when tax bills have been passed. With the cost of higher education becoming excessive, he is finding it increasingly difficult to provide for his youngsters' educations. Likewise, his income bracket makes it difficult or impossible for them to qualify as needy students.

The Ribicoff amendment, so-called, was for a tax credit, not a deduction. While a deduction saves a $15,000-a-year man more tax dollars than one who earns $5,000, a tax credit saves both the same amount of dollars. This credit would afford a tax break for middle-income wage earners.

Mr. President, I recently received a very thoughtful letter on this subject from Donald Faulkner, vice president of Western Reserve University in Cleveland, Ohio, one of the great universities in my State of Ohio and the Nation. I commend the views of Donald Faulkner to all Senators and ask unanimous consent that his letter be printed at this point in the RECORD.

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

WESTERN RESERVE UNIVERSITY,
Cleveland, Ohio, April 11, 1966.

Hon. STEPHEN M. YOUNG,
U.S. Senator,
Washington, D.C.

DEAR STEVE: I noted your discussion of the debate and vote on income tax credit for college tuition.

The arguments you presented in "Straight From Washington" certainly tell the story.

We have again in our recruitment procedures this spring increased evidence that the very poor and the very rich are helped through tax arrangements but the great middle professional group in America find little relief.

Western Reserve University still holds its tuition several hundred dollars below the average of those schools with which we compete; i.e., top complex type private universities, the best of the 4-year colleges like Oberlin and Swarthmore and the truly great State universities. The average for the private university, as you know is approaching the $2,700 to $3,000 per year level for tuition, board, and room. Many are today above the $2,700 limit.

Next year Reserve will go to $1,450 tuition from $1,300. The following year we will probably be forced to increase it again since I cannot operate for long on large annual deficits. Each year we are, of course, increasing our financial aid to students but again this advantages the very poor, all formulas generally eliminating the middle group.

I honor you for your stand.

Sincerely yours,

DONALD FAULKNER,
Vice President for Finance.

HOMAGE TO ABRAHAM LINCOLN—ADDRESS BY ANTONIO CARRILLO FLORES, SECRETARY OF FOREIGN RELATIONS, REPUBLIC OF MEXICO

Mr. DIRKSEN. Mr. President, it was our good fortune to accompany the President of the United States to Mexico City for the dedication of the Abraham Lincoln statue and the dedication of Lincoln Center in the very center of that city of 6 million people.

Homage was rendered to Abraham Lincoln by a very distinguished diplomat whom we all know. He has served in the United States with real distinction as the Mexican Ambassador. I refer to Antonio Carrillo Flores, who is the present Secretary of Foreign Relations.

I ask unanimous consent to have printed at this point in the RECORD the address that our distinguished neighbor delivered on that occasion.

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

HOMAGE TO ABRAHAM LINCOLN

(Address by Antonio Carrillo Flores, Secretary of Foreign Relations, at the ceremony unveiling the statue of the liberator donated to the Mexican people by the people of the United States.)

Mr. President, I am gratified and honored to fulfill the duty you have entrusted to me of expressing to President Johnson and to each and every one of the members of his delegation the gratitude of the Mexican Government to the people of the United States for the gift of this statue of the liberator, Abraham Lincoln, that Mrs. Johnson has just unveiled.

We recognize as a special proof of friendship the fact that the U.S. Chief of State has come all the way to the Valley of Anahuac, accompanied by such distinguished personages, to participate in this ceremony in which we render homage to a man who is a glory of his country, of America, and of the world.

The President of the Honorable Permanent Commission of Congress, the President of the Honorable Supreme Court of Justice, the Governor of the Federal District, members of the Cabinet, Ambassadors, ladies and gentlemen, Abraham Lincoln arrives to this park, which from today will bear his name, only a few months after Benito Juárez, also in bronze effigy, returned to New Orleans. It is therefore appropriate that I open my speech with the plain words of Luis G. Urbina, a poet whose name is borne by a street near this garden, who said before the monument to the Benemérito Juarez:

"He is here because he was great and because he was just."

Lincoln was a son of Kentucky, as we see him portrayed in this splendid work of art, tall, very tall. He was more than a meter, 90 centimeters in height, spare, with strong arms and hands that with an axe had felled trees. He had gray eyes, unruly black hair, and a constant aspect of melancholy that even his best biographers have not been able completely to explain.

Greatness and humanity are blended in him, naturally, spontaneously, just as are the brook and the woods of New Salem, the Illinois village which was the scene of his youthful dreams. Alongside the vision and character of one of the few who have determined the direction of history, he preserved always the air, the brusk cordiality, of a man born and bred on the prairie.

One of the three women that we know he loved, daughter of a Kentucky farmer, found him even "deficient in those little links which make up a woman's happiness." And history records the bafflement of the elegant New Yorkers present at Cooper Union that snowy night of February 27, 1860, at his disordered dress, his uneven gait, the initial tremor of his voice. But these limitations draw his image nearer to the common man and contribute to his charismatic charm.

He died exactly 101 years ago, at dawn, after the city of Washington had lived through a grievous night. Only a few days before, he had recounted to his wife a strange presentiment:

"About 10 days ago I retired very late * * * [and] soon I began to dream * * * I thought I left my bed and wandered downstairs * * * until I arrived at the East Room, which I entered * * * Before me was a catafalque * * * Around it were stationed soldiers who were acting as guards; and there was a throng of people, some gazing mournfully upon the corpse, whose face was covered, others weeping pitifully. 'Who is dead in the White House?' I demanded of one of the soldiers. 'The President,' was his answer; 'he was killed by an assassin.' "

On the morning of the 14th of April 1865, he met with his Cabinet for the last time, to discuss the policy to follow in relation to the States that had attempted to separate from the Union, as the terrible Civil War that had devastated the United States for 4 years had terminated only 5 days before. "There are men in Congress," he said at this meeting, "possessed of sentiments of hate and vengeance that I do not share and with which I cannot sympathize."

His assassin, an obscure theatrical actor, did not realize that he had destroyed a champion of the spirit of justice and tolerance toward the vanquished and had opened a most bitter period for those in whose interests he believed himself to be acting.

The afternoon preceding that tragic night the President took a short walk with his wife. "Mary," he said, "we have had hard times since we came to Washington; but the war has ended and we can look forward to 4 years of peace and happiness. Afterwards we shall return to Illinois and pass there peacefully the rest of our days." Lincoln did not return alive to his beloved Springfield. That night he went to the Ford Theater and to his death.

Supreme master of the written and spoken word, he had no pretensions as an intellectual or erudite. His reading, of the highest quality was limited: the Bible, Shakespeare, Blackstone's Commentaries on Anglo-Saxon Common Law. And yet, in the utterances of his last year, he reached a nobility, a profoundness of thought, a perfection of form unequaled by any other statesman of the Western World since Pericles' funeral oration 25 centuries before. The brief paragraphs of the Gettysburg Address, preserved in marble on the banks of the Potomac, contain the best definition and eulogy of democracy ever made; "that government of the people, by the people, for the people, shall not perish from the earth," because it is "dedicated to the proposition that all men are created equal." No words can say more than these to the hearts of men of all races, of all beliefs or of none.

Lincoln was a complex and multiple personality; and his rights to greatness are numerous. For his country he was, and is, what he above all wanted to be: the savior of its unity and its democratic institutions in the deepest crisis of its history.

He took office as President in March 1861, after many political reverses, at a time when the problem of slavery was beginning to cleave the country in two. The precarious equilibrium that had permitted the coexistence of the young and steadily stronger industrial economy of the Northern States with the feudal regimes of the South was upset in 1854, when it appeared that slavery was about to be extended to new territories of the Union.

In this situation, Lincoln, who had assumed power through a plurality of electors representing only a regional opinion (as he received not a single popular vote in 10 of the 33 States that formed the Union at that time), understood his most urgent task to be the preservation of the Nation's unity. With admirable courage and fearless as to the criticism of the impatient, he wrote:

"My paramount object is to save the Union, and not either to save or to destroy slavery."

For Lincoln was also an extraordinary politician, with a keen sense of the realities in which he moved. He knew that impatience does not always best serve good causes and was bold to make pronouncements that apparently contradicted his ideals, if in this manner he could weaken the enemies of those ideals.

Often, as did Juarez also, he appeared to waver. But his tolerance, his intentional weakness were only steps in a strategy at once moral and political: he sought that no one should accuse him of having unchained violence if in the end he was unable to prevent it. The Civil War broke out a few days after Lincoln assumed office; but he did not fire the first shot. It was done by others, those who wished to hold back history.

During the first year the fortunes of war went against the Union, so much so—and here there is a link between the history of the United States and ours—that in the opinion of some historians, if Zaragoza had lost the Battle of the Fifth of May and the forces of Napoleon III had occupied Mexico City, it is possible that France and other powers might have recognized the Confederacy formed by the Southern States. In those days Secretary of War Stanton was telegraphing the Governors of the loyal States from the alarmed Capital: "The enemy advances in great force on Washington."

The wise politician who to avoid war had been disposed to compromise with slavery realized then that it was necessary to strengthen the cause of the Union by turning it into a crusade for human liberty—a cause which Europe could not dare oppose—and put forth on September 22, 1862, his proclamation emancipating the slaves. His action was a measure of war in his role as Commander in Chief of the armies; and he was fully aware of its unconstitutionality according to an 1857 decision of the Supreme Court.

He thus gave liberty to 4 million people who until then were not considered persons, but property, of which their owners could not be dispossessed without due process of law and just and adequate compensation (Lincoln acted on the problem of slavery—and here I must modify the simile—as Venustiano Curranza proceeded in Mexico in relation to the agrarian problem in January of 1915).

Of course, neither in his country nor in the outside world did the struggle for human equality end with the proclamation of 1862. A few years ago our Ministry of Foreign Relations published a study supported by the detailed accounts of Matias Romero relating the attempts made, at Lincoln's death, by certain adventurers (and welcomed by Maximilian) to admit plantation owners of the former Confederacy to Mexico with their slaves—an absurd project, which naturally failed.

In the United States the shrewdness of conservative jurists would claim that equality could be achieved while maintaining a separation by color, as long as all citizens were given equal treatment. It was not until 1954, almost a century after Lincoln's death, that this sophistry would be destroyed. It is just to say that President Johnson, ever since his days as Senator, has accomplished much for the rights of racial minorities. To him has fallen the honor of promoting, promulgating, and defending the most liberal U.S. legislation on civil rights that has been passed in this century. The task, of course, is not finished.

On a wider horizon we know that, in spite of the generous statements of the United Nations Charter and of the Declaration of Human Rights of 1951, there are still today parts of the earth where the principle of the equality of all men is incomprehensibly, anachronistically resisted.

The world is living through a revolution in which the old equalitarian ideal no longer suffices in its purely moral or political character, as neither does it on the purely economic side. In the last decades a powerful force has gathered momentum demanding—

at the same time—dignity and well-being for all men. For this reason Lincoln is a living symbol and an active participant in the struggles of our time. When he said in his message to Congress in 1862 that "the dogmas of the quiet past are inadequate to the stormy present", he formulated a norm of conduct valid for facing the tremendous difficulties of his time as well as ours of today.

We should be ready, as Lincoln was, to think anew and, when necessary, to act also anew, and as he stated in his second inaugural address, which was almost his testament, "with malice toward none; with charity for all," since only in this manner can we "achieve and cherish a just and lasting peace among ourselves, and with all nations." Here is, in a different language, the saying that Benito Juárez left to us and which we Mexicans never tire of repeating: "Among men, as among nations, the respect for the rights of others is peace."

And this reminds me that Lincoln, besides the other claims already mentioned, has a special one to our affection: in that he was more than a friend, a brother, in what Justo Sierra called our terrible year. We dedicate our homage this morning to the Liberator and his people and to our cordial and frank friendship for its highest representatives. In this spirit I would like to repeat the words I spoke, as Mexican Ambassador in Washington, on the centenary of Lincoln's departure from Springfield toward struggle, triumph, and martyrdom: Thank you, Mr. Lincoln, in the name of all Mexicans, living and dead and still to be born, for your words in our defense as a member of the House of Representatives when our countries were at war. Your countrymen were angered at that time, refused to reelect you; and for 6 years you were obliged to return to your modest provincial law practice. But they now venerate you and rejoice that the world recognizes you as the most universal of the men of that country, which you saved with your intelligence, your courage, and your blood.

Years later Lincoln had still another occasion to show his affection toward Mexico. On the eve of the Napoleonic aggression, Juárez instructed his representative to visit the then President-elect. The interview took place in Springfield on January 19, 1861. Matías Romero wrote in his diary: "Mr. Lincoln told me that during his administration he will do everything in his power in favor of Mexico's interest, that he will see justice done her in every possible contingency and that he considers her a friend and a sister nation. He added that he could not foresee anything that might cause him to depart from this purpose * * *. He asked me concerning the condition of the peasants in Mexico, as he had heard say that they lived in veritable bondage. He expressed himself strongly against slavery."

I could not discuss Lincoln's ideas in relation to our peasants without going afield from my subject. Suffice it to say that, from afar, Lincoln clearly saw Mexico's central problem, that of the land, which half a century later would be the fundamental cause of the revolution and is, even today, the great challenge and unsolved question of vast poor areas of the world.

Once Civil War broke out in the United States, Mexico's help could be only of a moral nature, at the most a benevolent neutrality. Lincoln, always realistic, knew it was impossible to combat simultaneously the armies of the South, led by one of the greatest American soldiers ever produced, Robert E. Lee, and the forces of Napoleon III. Juárez, also a realistic politician, understood this. He wrote in a letter to his Minister Romero on December 22, 1864, in the third year of an unequal and several times almost lost struggle with the foreign invader. "I believe that we should attempt with that Republic what in good faith and without compromising our dignity we might be able to attain, and not entrust to it exclusively the hope of our triumph. We shall endeavor to accomplish this by our own meager means. In this manner our victory will be more glorious; and if we fall, which I judge very difficult, we shall have saved the honor of freemen as a legacy for our sons."

President Diaz Ordaz, President Johnson, ladies and gentlemen, we Mexicans have often sought the parallel between Benito Juárez and Abraham Lincoln. It is natural, then, that I end with a few reflections on this fascinating theme. They are not, I do not pretend that they are, entirely new.

As men they could not have been more different one from the other. In Lincoln's soul there always remained something of the child, the child that never left off laughing or crying. "On occasions," said his most eminent biographer, Carl Sandburg, in his 1959 eulogy before the Congress of the United States, "he was seen to weep in a way that gave to his tears decorum, majesty." Juárez always displayed the impassibility, the silent stoicism of the ancient Indians. If Lincoln was "steel wrapped in velvet," in the image of Sandburg, Juáez was "steel wrapped in steel." Two or three hours before dying he arose from his bed, dressed neatly, and walked to his office to attend to matters of state with one of his ministers, allowing nothing in his expression to reveal the tremendous pain in his chest.

In their destinies, however, there were remarkable coincidences. Their lives were almost exactly contemporaneous: Juárez was born in 1806, Lincoln in 1809; the latter died in 1865, Juárez in 1872. Both came from the humblest origins. Each became chief of State at the age of 52, at a point when his political career seemed to be finished—Juárez at the end of his term as Governor of Oaxaca in 1852, Lincoln on leaving Congress after a single term of 2 years in 1848. Both reached power through accidents of history—Juárez by the coup d'etat of Comonfort, Lincoln by the division of the opposition party between two candidates. Both more than govern, had to fight for the very existence of Mexico and of the United States. And they were obliged to struggle not only with the declared enemy but also with their generals, their cabinets, their congresses. Another moving similarity: in their most desperate hours as statesmen, each suffers the most overpowering grief, Juárez the death of three of his children, specially of Pepe, whom he calls in a desolate letter "my joy, my pride, and my hope," and Lincoln the loss of his son Willie, perhaps the deepest affection of his life and whose small coffin would travel with his own from Washington to Springfield.

Men of law, both are accused of having used power unconstitutionally, Juárez of having frankly usurped it. And they both had to be intransigent and inexorable, when at heart they would have liked to have avoided extremes. Finally, on dying, each in the presidency, with his work unfinished, they leave their countries politically, socially, and economically different from what they were before. Lincoln, more fortunate, dies an unfair death at the very hour of victory. Juárez must face, after victory, 5 long years more of political hazards and criticisms, which were often bitter and which did not end with his death. But in Mexico and in the United States modern history begins with Benito Juárez and with Abraham Lincoln.

To their glory, both of them, entrusted with the cruel task of leading the struggle of one part of their people against the other, have become symbols of national unity, after being always of the cause of human dignity and liberty. Mexico in cultivating the spirit of Juárez and the United States in maintaining the spirit of Lincoln have the road for a friendship that can be an example for America and the world.

PRIZE-WINNING ESSAY BY BARBARA JEAN CHANCE, OF FRANKFORT, KANS.

Mr. CARLSON. Mr. President, annually the President's Committee on Employment of the Handicapped sponsors an essay contest for the physically handicapped.

This year Miss Barbara Jean Chance of Frankfort, Kans., won fifth place in the national ability counts contest.

I ask unanimous consent that her article, entitled "What Handicapped Workers Are Contributing to My Community," be printed in the RECORD.

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

WHAT HANDICAPPED WORKERS ARE CONTRIBUTING TO MY COMMUNITY

(By Barbara Jean Chance, Frankfort High School, Frankfort, Kans.)

"Proclaim liberty throughout all the land unto all the inhabitants thereof." Last summer I was privileged to read these words molded into the iron of the Liberty Bell. Almost two centuries ago, this bell rang out the birth of a new nation. The Declaration of Independence gave the message that all men are created equal with the right to life, liberty, and the pursuit of happiness.

It is difficult for the youth of my generation to realize the message of the Liberty Bell was ignored for years in regard to the physically handicapped. In our lives they function so normally as teachers, ministers, doctors, cartoonists, and on into an endless list. But through research, I have learned that in the past they were ridiculed and considered of no worth to society. Much progress has been made in changing this concept of the physically handicapped. Mankind is slowly but surely advancing to the time "when ability will be the key word, not disability; when opportunity will belong to all, not just some."

As I survey our small rural community, I am amazed to find so many physically handicapped people. This should not be so surprising, considering that 1 out of every 10 Americans is physically handicapped. These remarkable people are so well adjusted that they do not stand out as disabled individuals but as vital members of our community.

"Named as Leader of the Year," "Awarded Trip to Washington, D.C." These are common headlines seen in newspapers every day; but in our community, they held special significance. The farmer who had received these honors might have been a hopeless cripple today instead of a leader in our community. After he was married and had a small daughter, he was a victim of crippling polio. Through self therapy he was able to walk again with crutches—and later with a cane. He resumed farming and served this community last year as county president of the Farm Bureau. This year he was named as 1 of the 10 Kansas leaders of the year and was awarded a trip to Washington, D.C. This resourceful man is also a leader in his church. He is chairman of the board of trustees and serves as an elder. I asked him if he felt that his being handicapped had enabled him to live a more rewarding life than he might have otherwise. This was his answer: "I believe that a person can live a full life either way; it all depends on his attitude." I was so impressed by his intelligent face, his inspiring philosophy of life, and his many contributions to my community, that I scarcely noticed his cane as he proudly walked away.

Through my community the contributions of the physically handicapped are clearly evident. If one needs overnight lodging, we

have an excellent motel. The pleasant voice and the cheerful face that welcome you at the office belong to a polio victim. Although his lower limbs are paralyzed, he and his family contribute to the economic life of our community by caring for tourists. "From the Heart" is the title of a book of poems written by a lady who was bedfast for many years. Her poetry will always remind us of her undaunted spirit. One of the expert operators of heavy equipment in our community is a young man with only one hand. He has been so efficient at his job that he is now a supervisor. A seamstress in our community does enough to keep two ordinary people busy. Besides being an excellent homemaker, she teaches in church school. All this she accomplishes on crutches. The contributions of these individuals bear out the truth in Dr. Howard Rusk's theory: "A man can be truly crippled only in his mind." The physically handicapped have been able to make worthwhile contributions to my community because they have become physically and spiritually adjusted to their handicaps and have concentrated on their abilities that remain. My community has had the foresight to see beyond their handicaps and has given them equal opportunity.

Much remains to be done in your community and in mine. If our country is to remain a leader in the free world, we must first insure the rights of each individual; handicapped and able bodied alike. The Liberty Bell proclaimed equal opportunity unto all men. Has your community heard the message?

PAN AMERICAN CONGRESS ON SOIL CONSERVATION

Mr. MANSFIELD. Mr. President, the first Pan American Congress on Soil Conservation is currently being held in Brazil, from April 12 to April 29. While the Congress is sponsored by the Brazilian Government, all American nations except Cuba, are represented by technicians from official parties and private entities.

The purpose of the Soil Conservation Congress is to gather specialists in soil conservation from every Pan American nation for the exchange of new ideas and knowledge, and consequently to stimulate the soil and water conservation programs to make land support expanding populations.

Donald A. Williams, the Administrator of the Soil Conservation Service, is the official head of the U.S. 22-man delegation to the Soil Conservation Congress, and delivered the keynote address.

Secretary of Agriculture Orville L. Freeman was an official guest of the Soil Conservation Congress in Brazil. He told the Pan American delegates that the greatest single challenge the world faces today is whether the swelling ranks of mankind can produce enough food to sustain life without hunger.

In the keynote address, SCS Administrator Williams told the Pan American delegates that conservation is reaching forth to a larger concept—it is becoming the care of the human habitat, which is the whole planet. He said that conservation is vital to today's world.

Mr. President, I ask unanimous consent to have the full text of both Secretary Freeman's address and SCS Administrator Williams' keynote message to the first Pan American Congress on Soil Conservation printed in the CONGRESSIONAL RECORD.

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

ADDRESS BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN BEFORE THE PAN AMERICAN SOIL CONSERVATION CONGRESS, SÃO PAULO, BRAZIL, APRIL 16, 1966

The greatest single challenge the world faces today is whether the swelling ranks of mankind can produce enough food to sustain life without hunger.

Thus far in this decade of the 1960's, man is falling behind in this grim race * * * and we are now confronted with the awesome question:

Can we, will we, catch up and forge ahead * * * or will we run out of food and face mass famine?

I believe we can win that race and triumph in the war on hunger. I have faith that we will.

But to win will demand an urgent, worldwide effort * * * calling for the resources and skills and ingenuity of mankind everywhere.

Latin Americans have a key role to play in this effort, for while you lead the world in population growth * * * you also have a vast, untapped food resources potential which is the envy of much of the world.

With this potential you could lead the world in agricultural progress.

And so I have come here to talk with you about what you can do to help win the global war on hunger.

The need is so compelling, and the hour so late, that I must be bluntly direct.

THE FOOD-POPULATION PROBLEM

The dark shadow of famine gallops across the earth * * * and time is running out.

The race has rounded the turn into the last lap. And now man must redouble his efforts to grow more * * * and distribute better what he grows * * * or he will lose.

But I say to you that man can win that race * * * if he activates and mobilizes every appropriate tool, technique, and resource at his disposal in the few short years between now and the time the finish line comes into view.

The years are short and they are few.

The crisis may be fully upon us within 20 years. For our studies indicate that by that time, unless the hungry nations rapidly accelerate their own production of food, the developed nations of the world will have exhausted their combined capability of feeding the hungry peoples who will populate the developing nations. What will happen then?

Though hunger is not new to the world, the magnitude of its impending dimension is.

Two factors are responsible: First, the number of people in the world is increasing at an accelerating rate. It now seems quite likely that the increase in world population between now and the end of this century—only 34 years away—will equal or exceed the number who now inhabit the world. Second, this is occurring at a time when the amount of new land suitable for cultivation is rapidly diminishing. It is becoming increasingly costly to bring new lands into economic production. The better lands are already under cultivation and much good land is being lost to agriculture by urban development and new highway construction.

The world must prepare to feed a billion people more who will be added to the population over the next 15 years. The number itself is awesome. But even more awesome is the fact that fully four-fifths of this total will be added in the food-short, less-developed regions of the world.

It is timely then to ask at this great conservation Congress, What is the present situation in Latin America? The answer is dramatically clear. The situation in Latin America grows daily more serious.

You have the fastest rate of population growth in the world. Some 15 years ago, in 1950, the populations of North America and South America were about equal at 170 million. The United Nations currently projects a population for North America at about 300 million by the year 2000. The same projection for South America shows the population on this continent reaching almost 600 million. In just 34 years, if the U.N. projections materialize, there will be more than 340 million new mouths to feed on this continent.

Against this rapid population growth, what has been happening to agricultural production in Latin America in recent years? Our economists and those of the Food and Agriculture Organization of the United Nations tell us that so far we have been running hard—just to stand in one place. Agricultural production has gone up, but the increase has been wiped out by the new bodies calling for food. In spite of some improvement in some countries, food supplies per capita in Latin America remain near the 1959–61 level—when 14 countries of the hemisphere were deficient in caloric intake. Current per capita production is lower than in prewar years when Latin America was a major food exporter for the world.

Malnutrition and hunger are not limited to India alone, nor to Africa and Asia. They exist in our own hemisphere as well. They are a grim fact in our shining cities with their sordid slums. As you well know they are a fact of life on farmlands that do not produce enough to sustain the families who work them.

I would be less than truthful, if I did not cite these facts.

I would be less than accurate if I did not recognize that the people and governments represented here have taken some steps to accelerate their agricultural development.

THE CHALLENGE IN LATIN AMERICA

You have opened up new lands to cultivation and settled thousands of poor farmers on them;

You have developed institutions for agricultural research and extension and agricultural credits.

You have trained thousands in your vocational agricultural schools and you have sent others abroad for further study. We in the USDA have been training almost a thousand of your agriculturalists every year.

In a few countries, fertilizer production is growing. Price incentives have been formulated to encourage farmers to produce more in a limited number of Latin American countries.

But these steps, commendable as far as they go, are not enough. If we do no more and deploy our resources no better, we will fail. History and the hungry generations to come will hold us accountable.

The people and countries you represent here have the resources to make a dramatic and decisive change from the past—to go forward to make Latin American agricultural development a challenging example for the entire world.

It can be done.

The USDA recently completed a study of agriculture in 26 developing countries, including 6 in Latin America. Of the 26, 10 had annual rates of increase in crop output in excess of 4 percent during the years 1948 to 1962–63. Three countries in Latin America achieved this sustained high rate of agricultural growth: Mexico, Venezula, and Brazil. While the increase in each Latin American country was attributed largely to more acreage sown to crops, there were increases in yield per acre as well—particularly in Mexico.

And it is higher yields that we must turn to—even as we exploit much more fully the possibilities for bringing additional lands under cultivation.

The report cites that the greatest single factor associated with high and sustained growth rates in agricultural production is a national will to take the necessary actions.

The world now has the technology and the resources to win the war against hunger. We can if we will. Ours is the choice and the challenge.

Latin America is rich in resources; it can sustain a growing population. Even more, the peoples and the nations represented here can make a contribution to hungry regions of the world that are not blessed with comparable resources.

Further, it has been demonstrated again and again that by accelerating agricultural growth, we stimulate and reinforce development in other sectors of the society. As rural people produce more and market more they sustain indigenous related industries and contribute to overall economic growth as consumers as well as producers. And, might I add, the path to future commercial markets for a growing agricultural production is to be found in the developing countries of the world with their growing populations. They will buy if they can pay. As demonstrated in Japan, Taiwan, Spain, and Greece, they are able to pay when agricultural development triggers overall economic development and with it increasing per capita income and new demands for food.

THE ROLE OF RESOURCE CONSERVATION

Let us never forget or minimize the importance of soil and water conservation as a basic cornerstone of agricultural development and sustained, permanent agricultural growth. Effective conservation practices help make present agricultural lands more productive; they open the way to economic exploitation of new lands.

Soil conservation is not erosion control alone. It is a sophisticated combination of technologies fitted to the resources and the people involved.

The talents of soil scientists, engineers, geologists, hydrologists, range and woodland conservationists, agronomists, biologists, and economists are all needed to diagnose land problems and prescribe successful treatment and use.

Land resources—soil, water, plants and animals—cannot be effectively used or managed separately. They are completely interdependent. They must be treated as a whole.

In soil conservation work in the United States, people are recognized as the critical factor in each local resource situation. They are the reason for conservation itself. Conservation is carried out by the people who own and work the land as well as by government agencies.

In our country, soil and water conservation districts have been established under State laws to develop conservation programs and enter into working agreements with the U.S. Department of Agriculture and other public and private agencies. These districts now cover 96 percent of the farms and ranches in the United States.

The Department of Agriculture provides technical assistance so that sound soil and water conservation practices will be followed by rural landowners and operators who cooperate through their district organizations.

The Soil Conservation Service, as the USDA's technical agency for soil and water conservation, has a staff of conservation technicians and other trained specialists to help landowners carry out sensible conservation practices. Only when we do this can we in the United States meet the needs of our people and fill our commitments abroad.

Through its more than 100 years of service, the U.S. Department of Agriculture has acquired much knowledge and experience that could be of vital importance to agricultural progress in developing countries. For more than 20 years—since the point 4 program in the 1940's—we have shared our agricultural technology with other nations. We have made mistakes in our own country. We can help other nations avoid making the same errors.

WHAT MORE NEEDS TO BE DONE

But the challenge of resource conservation is only one of the necessities if adequate agricultural growth in this hemisphere is to be accomplished.

Agricultural development in Latin America, as in other parts of the world, is beset by many basic problems. I cannot tonight catalog all the problems nor attempt to prescribe in detail what needs to be done about them. Time permits only that I cite those which I believe merit highest priority:

First, strengthen and upgrade the institutions that provide agricultural services.

These institutions include the Ministries of Agriculture as the central, coordinating agencies.

Included, too, are the agencies concerned with conservation, the research and experiment stations, extension and vocational agricultural schools, the agricultural credit and cooperative organizations.

These institutions need to be grouped together and given much more prestige, recognition, and resources than hitherto has been the case. More resources must be budgeted for the operation of these institutions.

Personnel who have the necessary technical and administrative skills to operate them effectively must be selected, trained, and retained.

Marketing facilities and systems must be substantially improved to hold down costs and to reduce waste in the movement of foods from farms to consumers. Current practices in most Latin American countries, in fact in most countries around the world, are often shockingly wasteful and inefficient.

Second, improve public policies that affect agricultural production.

Public policies need to be formulated and carried out which will provide incentives to agricultural producers.

Such policies must provide reasonable and stable income to the farmer. Prices must encourage the use of fertilizers and other inputs to achieve higher yields. Otherwise, the farmer has no incentive to apply modern farming techniques. Incentive is equally if not more important than education.

Needed, too, are tax policies to stimulate a fuller and more intensive use of land resources rather than export levies which inhibit increased production.

Policies are needed, too, which will encourage more public and private investment in agriculture and its related industries. This again dictates a return to agricultural investors that encourages, rather than discourages more production.

In short, public policies must be linked to new, dynamic agricultural technology. Otherwise it will go largely unused. The farmer, like the businessman, will see no reason to buy inputs and produce more unless he can make a profit.

Third, integrate rural populations into national market economies.

Steps need to be taken to increase the incomes of small farmers and farmworkers in most Latin American countries. Higher productivity on the farms, combined with incentive prices, will accomplish this. But in Latin America, as in the United States, opportunities for employment in rural areas for those who are unemployed and underemployed in farming activities are needed.

Even in our developed industrial society in the United States, we have learned that the cities cannot productively employ unskilled millions who migrate from the rural regions because life there offers little opportunity. This migration is today a great unsolved problem in the United States.

Rural populations must have opportunities for education and for health facilities which will increase their ability to work productively in a technological society. They also demand increasingly, and rightfully comparable recreational, social, and cultural opportunities. As rural people gain the means to participate in the market economies of their countries, they will then be able to better sustain indigenous manufacturing, recreation, and service industries, all of which contribute to overall economic growth.

As I have already related by reference to the USDA study, many developing countries already are showing striking progress along these lines. Indeed, some countries are actually increasing their agricultural production at higher rates than those ever achieved in the highly developed nations, including the United States.

Such progress has not happened simply as a consequence of normal economic and social processes. Rather, it has been spurred by aggressive public and private actions, generally national in scope, directed specifically to improving agricultural conditions. I commend this study to every country in Latin America and, for that matter, around the world. It shows what can be done when a nation resolves to expedite its agricultural development and then follows through and does it.

ASSISTANCE BY THE UNITED STATES

The Department of Agriculture, in cooperation with the Agency for International Development, has been providing technical and other assistance to agricultural development for a long time. Agricultural scientists and technicians have been engaged in this work since the point IV program was first enunciated by President Truman in 1948.

Recently we have taken steps to make this asistance more effective. Recently we have established within the USDA, the International Agricultural Development Service. During fiscal year 1965, in close cooperation with the Agency for International Development, we sent a total of 198 scientists and technicians to 26 countries—in Latin America, Africa, and Asia. In addition, coordinated training in the United States was provided for 4,879 trainees from 118 countries. During the past year we welcomed almost a thousand agriculturalists from the countries of Latin America who sought further technical training. These people came to the United States to learn from our experiment stations, our land-grant universities and our family-farm enterprises.

The USDA's biggest program now is right here in Brazil, where 20 technicians, working closely with AID, are assisting in work on price stabilization, cooperatives, marketing economics and facilities, market news, agricultural economics, credit and agronomy.

In cooperation with AID, the Department of Agriculture is carrying on a number of other country programs in Latin America:

In Nicaragua, a range management specialist is now introducing new varieties of improved grasses and legumes that will stand up better under the drought conditions that prevail.

In El Salvador, USDA specialists and technicians are working on agricultural planning, land tenure, credit, farm management, artificial insemination, irrigation, drainage, bean diseases, livestock diseases, and auditing systems for agricultural credit agencies.

In Ecuador, a USDA team has been helping in agricultural marketing, economics and the organization of agricultural credit.

FOOD-FOR-FREEDOM LEGISLATION

Passage of the foor-for-freedom legislation will mean added emphasis on this type of technical help. President Johnson said when he recommended this new approach to agricultural assistance: "The Departments of State and Agriculture and the Agency for International Development will work together even more closely than they have in the past in the planning and implementing of coordinated programs.

"In the past few years, AID has called upon the U.S. Department of Agriculture to assume increasing responsibilities through its International Agricultural Development Service. That policy will become even more important as we increase our emphasis on assisting developing nations to help themselves."

When President Johnson sent this program to the Congress, he continued a proud tradition. From the time Franklin Roosevelt spelled out the principles of the four freedoms—to the Marshall plan—to point IV—to food for peace—to the Alliance for Progress—and now the food-for-freedom program, the United States has responded to need wherever it arose.

Under the food-for-peace program alone, we have delivered 150 million tons of food * * * valued at $15 billion * * * to needy and disaster-struck nations everywhere around the world. Through this program we have reached out and helped more than a hundred million people a year in more than a hundred countries.

In the process, we have developed many new techniques for using food: economic development—financing the training of those who want to diversify their farming operations or open new lands—payment on the job with food to build schools and hospitals and roads and irrigation and drainage systems.

With the food-for-freedom program we will continue and strengthen our programs of assistance. At the same time, we will continue the safeguards that have protected the channels of commercial trade from impairment by concessional food sales and distribution. The so-called rule of additionality to prevent disruption of commercial trade, as developed under our food-for-peace program, will continue under the food-for-freedom program.

But great as our resources, impressive as our food production, deep as our compassion—we cannot meet the increasing needs of the hungry nations indefinitely. There is a limit to our productive capacity. Unless the developing countries increase their current rate of agricultural development, the capacity of the United States and the rest of the highly developed countries to produce food enough to fill the gap will run out some time in the next two decades. Then we and the world's hungry will confront one another in an impossible, intolerable situation. There simply would not be enough food to meet the demand of the people in the world. Starvation, pestilence, insecurity, disruption and chaos would run amock. This must not, cannot, need not happen.

Hence, the wisdom of the food-for-freedom legislation President Johnson submitted to Congress. The key feature of the Food-for-Freedom Act is self-help, for the plan is designed to stimulate, encourage and assist the developing countries to increase their own agricultural production. There is no other answer.

Under this program, the United States will provide increasing technical and capital assistance to help those countries which demonstrate a determination to undertake effective programs to increase their own ability to provide foor for their people, and will offer food aid as needed to countries determined to help themselves.

Prospects for the future need not be grim. There is a general, worldwide awakening to, and an awareness of, the importance of agricultural development. This relatively new state of affairs is the product of many forces, including the food-for-peace program, the work of the Agency for International Development, the Food and Agriculture Organization of the United Nations and inspired national and local leadership in many places in Latin America and around the world. This relatively recent awareness is timely. For far too long agriculture has been accorded too little priority in development plans.

I would make it crystal clear that when I comment on what goes on around the world in agriculture that I am fully and sensitively aware that the United States, too, is learning. We are trying to face up to our deficiencies, to make a better life for all of our citizens and to make a more meaningful and sensible contribution to the development of less fortunate countries around the world. We are more clearly recognizing the needs of our own rural people. We are increasingly aware that we have made mistakes in our own development.

We still suffer from polution of our streams and air.

Soil erosion has clogged our waterways, stripped good land of its fertility, and created dust bowls.

We have been working to overcome these.

In more recent decades, we have come to appreciate the necessity of considering the quality of the whole environment in planning the development and use of our natural resources.

We recognize the importance of continually adjusting, redirecting, developing, and improving our agricultural and agriculture-related institutions and programs to meet the changing needs of changing times. Fewer and larger family farms displace more and more agriculture laborers and small farmowners. The United States like Latin America seeks to stem the exodus of these displaced people to the great metropolitan centers where few of them find jobs or a satisfying life. Instead we strive—as do you—to build an economic base in the countryside so they will find jobs and we can live a satisfying and rewarding life. So far, we, like you, are groping for the formula to accomplish this. Here, as in other areas, there is much to learn from each other.

CONCLUSION

Today, the world faces perhaps the most crucial challenge in history. The gap between food needs and food production in the less-developed world is widening steadily. It will take concentrated and concerted effort on the part of all of us—all nations—to close this gap.

Latin America, as the world leader in population growth, must become a world leader in the rate of agricultural progress, if the war on hunger is to be won. You have the resources to do this—not only to satisfy your own needs but to share constructively in the worldwide effort to avert hunger and want.

The task ahead is clear—for all of us. Not only are we neighbors, we are fellow human beings seeking the good life that is possible for all mankind, a good life that is impossible unless there is enough to eat.

We have joined together in an Alliance for Progress. Our countries have met recently and taken a measure of what has been accomplished in 5 years of mutual assistance in this hemisphere.

Country-by-country reports give us encouragement that, cooperatively, much can be achieved. In country after country there have been solid gains in settlement of new lands, in production increases on settled land, and in average incomes. While per capita food production has lagged, we do know how to correct this.

I propose here and now that we take a realistic inventory of where we are and what we must do. It is essential that we look beyond our immediate hemisphere needs. I propose that we give a new meaning, a new dimension to our alliance. Let it signify our resolve to work together to assure for ourselves and our children—not only in this hemisphere—but in other parts of the world, too, a new age of freedom—freedom from hunger and want. Only when we truly have that freedom will we grow in self respect and be able to achieve mankind's self-realization.

This is the American dream—dreamed alike in both South and North America. It is the dream of all men of good will everywhere around the world.

Let us work together, then, to make this dream a reality.

Let us put our minds, and our backs, to the task.

Let us show the world the Americans can lead the way.

If we do this, then I predict that 10 years from now, when this great Congress assembles again, the threat of hunger and malnutrition will have faded * * * and a time of peace and plenty will have begun.

CONSERVATION CHALLENGES IN A CHANGING WORLD

(Address by D. A. Williams, Administrator, Soil Conservation Service, U.S. Department of Agriculture, at the First Pan American Soil Conservation Congress, São Paulo, Brazil, April 18, 1966)

Mr. Chairman, honored guests, delegates to the Pan American Soil Conservation Congress, fellow conservationists:

In casting about for the right words to use in suggesting the significance and timeliness of this Congress, I came upon a paper by Dr. F. Fraser Darling, a distinguished British conservationist known by many of us here. Dr. Darling has written:

"Conservation is reaching forth to a larger concept than caring in an earnest but rather hazy way for animal species, for forests, soils or fresh waters; it is becoming the care of the human habitat, which is the whole planet."

Let me repeat the key words of that passage:

"Conservation is reaching forth to a larger concept * * * it is becoming the care of the human habitat, which is the whole planet."

That indeed is why we are here—or why we should be here.

Not because poor soils yield poor crops but because poor soil makes poor people.

Not because of what soil erosion does to land but because of what it does to men, women, and children, in our crowded cities as well as in our developing rural areas.

Not because of what fire or flood can do to the beauty and productivity of the forest or valley but because of what they can do to hope and dignity of human beings who live and work there.

Not because we need a vanishing species of wildlife for its meat or feathers but because we have no right to deprive future generations of any of the fullness of the world as God created it.

Not because we seek some ethereal harmony between man and nature but because we seek peace between man and man—a peace that rests in large measure upon the conservation and development of soil and water resources from which people draw their sustenance in every part of the world.

So, let us make this Congress a historic one by reaching forth, as Dr. Darling has said, to the larger concept of conservation, which is the building of a better world for all nations and all people.

Let us thoughtfully explore the impacts of a rapidly changing world upon our soil and water resources.

Let us resolve to bring to bear upon these problems the greatest skills and the wisest planning that men's minds can produce.

This is an era of great skills and advancing technology. And yet of all the many skills required of the modern conservationist, none is more essential today than the ability to relate resource conservation and development to the new situations and forces swiftly developing all about us. The impact upon resources, throughout the world, falls into at least three broad categories; population growth, rising living standards, the trend toward urbanism. Let us look at each of these briefly.

We have heard the term population explosion so often that it has become a cliche. But if we could stand on a high tower and look down upon the amount of land required to feed and otherwise serve the needs of one and one-third million people, and if we could see in a single great amount the food and fiber products required by that number, and then be reminded that every week of the year we must provide that much more than in the previous week—then, perhaps, we could begin to comprehend the worldwide impact of population growth upon resources.

I recently spent a month in India, trying to help the leaders of that vast nation take steps to better marshal their land and water resources to meet an almost overwhelming population problem. Theirs is a grave situation, with a population already in excess of 484 million and increasing at a rate that could carry them well past the billion mark by the year 2000.

But what is India's problem today may be ours, in this hemisphere, tomorrow. Latin America is the fastest growing major area in the world today. Fifteen years ago the United States and Latin America each had a population of about 150 million. That figure is expected to double in the United States by the year 2000. But present growth rates indicate the possibility of a population of more than 750 million in Latin America by the end of the century.

Nations in this hemisphere, thankfully, still have ample resources and space. But will they so develop and husband that space and those resource that a doubled, or a quadrupled, population can live decently and with hope? That is a responsibility that rides heavily upon the shoulders of those of us who are responsible for soil and water conservation.

The trend toward urban concentration, in some countries and in some parts of all countries, is another phenomenon that has significant impact upon soil and water use and conservation.

The trend comes about largely as a result of advancing agricultural technology which makes it possible for smaller and smaller numbers of farmworkers to supply the needs of their fellow men. In the United States, in 1940, we had a farm population of 30.5 million people and one farmworker supported 10.7 others.

Today the farm population has dropped to about 15 million, with each farmworker providing food and fiber for about 33 of his fellow citizens.

A consequence of this trend, of course, is the conversion of large amounts of land to nonagricultural uses. Again referring to the United States, we are seeing a million or more acres per year, of our better cultivatable rural land, going into homes, airports, industrial sites, and many other nonfarm uses.

Some loss of good cultivatable land is inevitable, as cities and populations expand. But conservationists today have a great responsibility to help avoid irreversible decisions about the uses to which we put land.

Another consequence of the urbanization of our populations is found in the growing detachment of people from the land.

Just a generation ago, most of our people in the United States either lived on a farm, had once lived on a farm, or had a parent or grandparent who lived on a farm. By 1960 some 70 percent of our population was living in urban areas.

Today, with about 90 percent of our people classified as nonfarm residents, we are finding that farm animals in city zoos are often greater attractives than the exotic species. A sign of the times.

This same trend has added meaning for conservation, obviously in the greater difficulty of gaining understanding and support for conservation programs from city people who, by their numbers, can exert life-or-death influence on policies concerning natural resources. To offset this, conservation education, throughout our schools systems, is an urgent and growing need.

On top of the increased pressures on land resources caused by population growth and urban concentration comes the impact of a rising standard of living.

As people throughout the world get better housing, better food, more laborsaving devices and more leisure time, they consume more of the products of both renewable and nonrenewable resources.

Unfortunately, there are still vast differences between nations in the ability of people to enjoy these fruits of scientific advancement. But the trend is upward, throughout the world, and must be taken into account in planning resource use and conservation.

While advancing technology, which creates new appetites and new demands, places additional demands on resources, we take comfort in the fact that technology is also making possible greater advances in soil and water conservation.

Countless examples could be given. In watershed protection work, modern computers are speeding up the processes of water impoundment, site selection, and structure design. Electronic devices enable us to monitor the moisture content of snow packs in high, inaccessible mountain areas, and thus expedite and improve the accuracy of our water supply forecasting. Electronic devices monitor changes in water quality in streams where pollution control measures are underway.

Indeed, it is the prospect of continuing advances like these in the technology of resource use and development that gives us reason to believe that people around the world can successfully draw upon their soil and water resources to cope with the problems of growing demands. Acceleration of conservation work is our best hope for improving the welfare of millions of rural people. Conservation is, at the same time, an imperative step in the protection of water supplies which spell life or death to cities and industrial areas. It is an important means of increasing foreign exchange, of promoting economic growth, and of otherwise contributing to political stability and world peace.

Yes, we must keep abreast of new methods and alert to new ways of doing old jobs. But at the same time, we must not forget the hard-learned fundamentals that determine the success or failure of soil and water conservation.

The term "soil conservation" has come to signify those combinations of skills and practices needed to develop and sustain the productivity of each kind of soil for whatever purpose it is used—whether that use is for crops, for forest, for recreation or for housing.

Soil conservation means choosing the appropriate use for each piece of land as well as protecting and improving the land after the use has been chosen.

Soil conservation means the careful planning and treatment of entire operating units be they farms or ranches or entire watersheds.

Soil conservation means working out land use and treatment in full recognition of the essential relationships between soil, water, plants, animals and—yes—man himself.

The greatest danger, as conservation technology advances, is that we may fail to involve the human element. (Remember Dr. Darling's allusion to the "human habitat.") Conservation must be people centered. It must not only be carried out for people. It must be carried out by people.

To be fully effective, conservation decisions must always be made by the people who will be responsible for carrying them out. Conservation will never be accomplished by edict. Government can and must be an active partner, but should do for people only what they cannot do for themselves.

Conservation will move forward if it is viewed and accepted by landowners and operators as a means of making more efficient use of their soils, and better management of water with higher yields per acre or hectare, with lower costs per kilo or ton, with better net income for the farmer or rancher.

It will go forward if city people are made partners, if they are helped to see their stake in soil and water resources, and if they are invited to work with rural people in soil and water conservation endeavors.

Rural and urban people both benefit from accelerated soil and water conservation programs. With better income, farmers cannot only afford better education and medical care, but also can purchase more of the products and services offered by urban people. Urban water supplies are improved, flood threats diminished, and the entire community, and thus the Nation, benefits and prospers.

It seems to me that two great challenges emerge to conservationists in this changing world:

To seek out diligently and utilize the best and most advanced technology available to adjust resource use to the mounting demands of population growth and rising living standards.

To educate our people—all our people—in the principles of resource conservation so that they can and will act and exert leadership as informed citizens.

Let us hope that out of this Congress will come other challenges and specific proposals for action within and between our nations.

Is it too much to expect that we might, for example, look forward to a greatly accelerated flow of information between our countries through publications and through conferences between technicians and scientists in specific subject matter fields?

Is it possible that we may find opportunities for further exchanges of technicians and scientists, so that we share to the maximum the experiences of each country?

Could we look toward the formation of international councils or panels that would carry forward, on a permanent basis, the continuing review of hemispheric conservation needs and problems which we have begun to explore at this Congress?

Could there come from this Congress a nonpolitical manifesto that would assert the resolve of our nations to work together with new determination in the development of the science and art of good land use for the benefit of all people, here in this Hemisphere and throughout the world?

I know that my fellow conservationists from the United States join me in expressing our deep appreciation to the sponsors and planners of this great Congress. We pledge to you all the cooperation that lies within our power to achieve our mutual goals.

It is in your hands and mine to carry forward action that could spell survival or destruction of the human race.

It is that important.

FREEDOM OF CHOICE IN MEDICARE

Mr. DOUGLAS. Mr. President, it was my privilege last year to sponsor a "freedom of choice" amendment to the House-passed version of the medicare bill. Senators will recall that the purpose of my amendment was to recognize, for purposes of reimbursement under the basic medicare plan, the existing customary and freely negotiated arrangements between hospitals and medical specialists who rendered services in those hospitals.

The Finance Committee, and the Senate itself, recognized the equitable nature of that amendment and voted its

inclusion in the medicare bill. We agreed that the Federal Government should not interfere in prevailing hospital and medical practice. Unfortunately, however, the amendment was dropped in conference.

We are now confronted with a situation whereby the medicare program will not, in essence, make reimbursement to hospitals for the costs of services rendered by physician-specialists—radiologists, anesthesiologists, pathologists, and physiatrists. I have previously referred to the barbaric English usage of these titles. The situation in which hospitals now find themselves in regard to these specialists is even more barbarous, however.

The prohibition on reimbursement to hospitals will prevail despite the fact that the medical specialist may be employed by the hospital or have a reimbursement arrangement with the hospital. Many of the physicians in the four specialties now bill patients on a direct and individual basis for their services. Many others, however, do not bill for their services—the cost of their work being included in the hospital bill as a routine expense. As the medicare law now stands, it will pay for care essentially on one basis only—direct billing by the specialist for and to each patient. The specialist will then be paid under the voluntary insurance portion of the program. This is the sole method under which such care can be compensated—despite the fact that thousands of hospitals and physicians have voluntarily entered into and developed other acceptable and accepted methods.

I warned the Senate that if my amendment were not adopted we were going to be confronted with a highly inequitable, inflationary, and chaotic situation. And now, I suppose, I am in an "I told you so" position. Even Cassandra has her innings, so to speak.

In Tennessee, the medical specialists and the hospitals are now in a bitter struggle over methods of compensation, a struggle which, undoubtedly, would not have occurred had the Senate-adopted Douglas amendment been retained in the final medicare bill.

Last fall, shortly after enactment of medicare, the Tennessee Medical Association adopted the position that radiologists, pathologists, or other specialists working under percentage contracts—namely, where specialists get a certain percentage of either the gross or net income from all laboratory work depending upon their special agreement—with hospitals after April 1, 1966, would face charges of unethical conduct. How is that for a whip-cracking approach, bordering on conspiracy in restraint of trade?

The hospitals in Tennessee obviously have their backs to the wall. The current issue of Hospitals, the journal of the American Hospital Association, reported:

Confronted by the prospect of cancellation of existing contracts with physician specialists on April 1, the house of delegates of the Tennessee Hospital Association held a special meeting on February 25 to approve three resolutions recommended by its board of trustees. The following resolutions were adopted:

"That the traditional contract of percentage agreements between hospitals and hospital-based specialists is ethical, in the best interest of the public we serve, and is not inconsistent with the purposes of the laws covering the corporate practice of medicine."

Mr. President, I ask unanimous consent that the complete text of the item in "Hospitals" summarizing the situation in Tennessee be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, it is my understanding that the tension and disagreement between hospital and specialist is not confined to Tennessee. Similar strains have developed and are developing in other States.

Subsequent to passage of medicare, Mr. President, I reintroduced the Douglas amendment. I was joined in this effort by Senators ANDERSON, GRUENING, KENNEDY of New York, MCNAMARA, MOSS, and NEUBERGER.

S. 2406, the current version of my amendment is waiting in the wings. I anticipate additional sad performances comparable to that being played in Tennessee. I will, of course, review those performances for the Senate. We will then, I believe, want to bring S. 2406 on stage.

EXHIBIT 1

TENNESSEE HOSPITAL ASSOCIATION ACTS ON SPECIALIST BILLINGS

Confronted by the prospect of cancellation of existing contracts with physician specialists on April 1, the house of delegates of the Tennessee Hospital Association held a special meeting on February 25 to approve three resolutions recommended by its board of trustees. The following resolutions were adopted:

"That the traditional contract of percentage agreements between hospitals and hospital-based specialists is ethical, in the best interest of the public we serve, and is not inconsistent with the purposes of the laws covering the corporate practice of medicine.

That should the Tennessee Medical Association retain its present published position regarding separate billing by the medical specalists and/or take positive action, the board of trustees of the Tennessee Medical Association should be invited to join with the board of trustees of the Tennessee Hospital in a public hearing with representatives invited from large manufacturing and industrial firms; other interested segments of the public; and representatives from the news media; in order to give the hospitals and the doctors an opportunity to explain the effect this change would have upon the level of the charge to the patient or to whoever pays the patients' bill.

"That we oppose any lease arrangement as being contrary to the public interest and may give rise to the loss of tax exemption for the leased portion of hospital property."

KOREA TODAY AND COMMUNISM IN THE FAR EAST AND ITS EFFECT UPON THE UNITED STATES

Mr. DODD. Mr. President, in recent days a growing number of scholars in the field of Asian affairs have been telling us that the current American role in Vietnam is one which places us outside of our natural sphere of influence. We are, such critics contend, overextended and they point to the alleged lack of support by Asians for our policies as proof of their point.

This lack of support, however, is illusory, for a careful examination of the public pronouncements of the leaders of free nations in Asia provides us with numerous examples of a real understanding of and appreciation for our commitment in that area.

Those who urge an American withdrawal from Vietnam, and an end to the American presence in southeast Asia, simply give support to the basic aims of Chinese expansion. This point was made in a recent speech by You Chan Yang, Ambassador at Large of Korea. He said:

Over the years the main Communist objective has been to drive the United States to isolationism, to force this Nation to abandon its international commitments and to withdraw its stalwart forces from their posts throughout the world * * *. Over the years, denigration of the United States has been the principal topic of the Kremlin-Peking axis and is now promulgated by each of them independently of the other.

Ambassador Yang points out that:

The allies of this great Nation around the world must recognize the fact that they have everything to lose and nothing to gain if the United States withdraws into isolationism.

In his address before the new college audience at Sarasota, Fla., Ambassador Yang delivered an address which was both an endorsement of the administration's position in Vietnam, and a warning of what would happen in southeast Asia were we to heed the advice of those who urge an American withdrawal.

This is a powerful and eloquent testimony to the fact that in Asia, freemen and free nations understand that the stakes in Vietnam are not for Vietnam alone, but for all the world. Either aggression will be defeated here, or we will pay a much higher price to defeat it at a later time.

I wish to share this statement with my colleagues, and ask unanimous consent for its insertion in the RECORD at this point.

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

KOREA TODAY AND COMMUNISM IN THE FAR EAST AND ITS EFFECT UPON THE UNITED STATES

(Address by Dr. You Chan Yang, Korean Ambassador at Large, at Sarasota, Fla., January 14, 1966.)

Madame Chairman Ingram, officers of the library committee on the new college, distinguished guests and my dear American friends, it is a privilege and a pleasure to address you tonight on a subject of paramount importance—a subject which is touching all of our lives.

In view of the events of recent weeks, international affairs have become the intimate and pressing concern of everyone. It is natural then, that a diplomat should be your speaker tonight. I have chosen to speak on the subject "Korea Today and Communism in the Far East and Its Effect Upon the United States."

To establish terms of reference for my comments, I should like to recite four beliefs which are firm in the hearts and minds of my beloved Korean people:

First. We believe that Korea must be modernized and industrialized to stabilize our economy and to increase the standard of living for our people.

Second. We believe that to safeguard human rights and democratic freedom one must be willing to fight, if necessary, to defend them.

Third. We believe that in a world governed by the principles of equity and justice, an aggressor should be driven from territory which he has unlawfully seized, when the aggressor is so branded by the United Nations.

Fourth. We believe that the best way to prevent the holocaust of world war III with its attendant nuclear and thermonuclear destruction is to win limited and carefully restricted engagements with projected minimal liabilities against the forces of communism.

Today Asia is a tinderbox, a potential powder keg that could explode at any moment and escalate into a rain of fire and destruction upon the entire free world. Events in Korea or Vietnam or Laos or Cambodia or Thailand or Burma or India might well be a brief forerunner to a deluge of destruction in San Francisco, Chicago, New York, or Washington. We must for the sake of our own lives, those of our children, and those who we hope will follow them take stock of the situation and do something about it. Talk is cheap. Individual speakers, Members of your Congress and leaders of patriotic organizations can expostulate for hours on end, but their learned and sometimes less learned and less valid views mean nothing to the Communists. The Communists take cognizance only of force and action. Patriotic or pious or hopeful or conciliatory mouthings mean nothing to them. They are a hard-boiled gang bent only upon the achievement of one objective—world domination.

In illustration I cite an address by Dimitry Manuilsky, a member of the Central Committee of the Communist Party who spoke before the Lenin School of Political Warfare in 1931. His words hang like the sword of Damocles over the free world today. I quote him: "War to the hilt between communism and capitalism is inevitable. Today, of course (remember, that was in 1931), we are not strong enough to attack. Our time will come in 20 or 30 years. To win, we shall need the element of surprise. The bourgeoisie will have to be put to sleep. So we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard-of concessions. The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist."

Where does the United States and the Republic of Korea fit in this determined decision of the Communists, often reiterated in the words of many of their other leaders to "bury us." First, we must examine the facts of history and lay nakedly bare the aspirations of the Communist rulers. Second, we must evaluate the differences in their own back yard in terms of their ultimate objectives. Third, we must adopt unshakable plans for counteraction.

The history of your own great nation, its aspirations and hopes for the future, are well known to you. History is immutable, for neither God nor man can alter the events which occurred yesterday, a week ago or five centuries ago. The future is in the hands of those who face facts, make plans, and above all else carry them out. You are aware of the destiny that your Nation seeks to achieve and earn in the family of nations. What is done about this effort lies in your hands.

I doubt, however, that many of you are aware of the history of my nation, of its contributions to mankind, and of its strategic locale in the "win or die" struggle for the survival of free societies.

Korea was established as a nation in the year 2333 B.C.—220 years before the magnificent contribution of Gutenberg, Korean scholars and technicians invented movable metal type. Subsequently a phonetic alphabet, called Hangul, was devised. It has only 24 letters, 14 consonants, and 10 vowels and has been termed one of the most simple alphabets ever created by man. In 1592 Admiral Yi, of the Korean Navy, perfected a "Turtle Back" ironclad ship and employed it to defeat decisively an invading Japanese armada. Centuries ago Korean scholars and researchers developed profound excellence in the fields of mathematics, astronomy, and the physical sciences. The positions of the heavenly bodies were definitely fixed and a calendar of almost fantastic accuracy was promulgated.

These contributions have been noteworthy. It is not for them, however, that the great powers of the Far East have fought over and for the peninsula of Korea which extends as a dagger from the Asian land mass. In turn, China, Japan, and Russia have imposed upon Korea ruthless occupation and subjugation. As of today all have been evicted with the exception of the Communists. Why do these avaricious wolves—now the Communists—covet Korea? As a result of the political decisions at the conclusion of World War II, they already control the hydroelectric power, the mineral resources, and the manufacturing capability of the north. That for which they are constantly baring their fangs and uttering monstrous threats is their desire for South Korea, with its warm water ports and bases for the mounting of still further aggression. The nation which controls North and South Korea is in a position to devastate Japan, probably decisively menace all of China and undoubtedly bring southeast Asia under its domination. Communist submarines in the warm water ports of South Korea would have the capacity of fanning out over the shipping lanes of the Pacific, obliterating Hong Kong and Manila and bringing your west coast under direct attack. This is unthinkable—if Korea should fall, it will be within the capacity of our implacable adversary to accomplish what I have described.

Over the years the main Communist objective has been to drive the United States to isolationism, to force this Nation to abandon its international commitments and to withdraw its stalwart forces from their posts throughout the world. This Communist policy has been manifested by the notorious "Yankee go home" placards which have been displayed and by the same infamous message scrawled on walls and pavements. As a related tactic Communist agents have infiltrated institutions of higher learning all over the world and have enrolled students in cells espousing American isolationism and have indoctrinated innocent but well-meaning young men and women in ways and means of violent behavior against the United States. Over the years, denigration of the United States has been the principal topic of the Kremlin-Peking axis and is now promulgated by each of them independently of the other.

On both sides of the Iron and Bamboo Curtains we have witnessed systematic attacks organized and led by Communists against American Embassies, libraries, privately owned property and the nationals of this country. For what purpose? The objective of these actions is again to force the United States into a posture of isolationism as a result of sheer disgust and revulsion. Basic Communist aims are the withdrawal of economic and military assistance and the confinement of the American people to this continent. Under these circumstances the way would be paved for the Communists to continue their implacable steps toward world domination and to conquer without bloodshed by propaganda, infiltration, and subversion.

Should this day ever come, the security of the United States will have been obliterated. The final goal of the Communists is to dominate the industrial capacity, the natural resources and the productivity of America. If the United States permits the Communists to advance further toward their goal, this Nation will be woefully weak and helpless in the face of the ultimate onslaught.

The recent Communist attack upon the U.S. Embassy in Saigon with the attendant loss of life by unarmed civilians was heinous. We cannot accept such operations. There is a law of man's relationship to man and also a law of war. Honorable men do not violate either. There is a code of ethics, and there is a code of international relations with respect to the property and persons of a foreign government accredited to a resident government.

The allies of this great Nation around the world must recognize the fact that they have everything to lose and nothing to gain if the United States withdraws into isolationism. In this atomic age disunity spells death, but the unity of strength and determination of the free world will insure life and security.

For the record here and now, I should like to congratulate your great President, Lyndon B. Johnson, for his courage and determination, sometimes in the face of congressional discord and other times in the face of poignant tragedy brought on by the loss of American lives in Vietnam. He has stood steadfast in his noble determination to oppose the further encroachments of communism and to preserve an area of Asia as a portion of the free world. The example of the President has been emulated by the leaders of his administration and by such dedicated patriots as Senator THOMAS J. DODD, of Connecticut. Senator EVERETT M. DIRKSEN, of Illinois, has given steadfast evidence of his bipartisan support of the national determination enunciated by the President.

Let us examine for a moment the propriety of U.S. actions as contrasted with those of the Communists. Recently when American lives were lost and $30 million worth of aircraft were destroyed on the ground, were there anti-Communist demonstrations in the United States and elsewhere in the world? Why not? Are they scared? The Communists deface an embassy or wreck a library and achieve millions of dollars worth of international publicity for their cause. The Americans make a diplomatic protest and in contrast receive the replacement of broken window panes and defaced walls. This is not quid pro quo. They reap a propadanda harvest and this great Nation receives, in the minds of their stooges, only another black eye.

Permit me to portray for you what will undoubtedly happen if peace is negotiated in Vietnam. Please believe me we are not warmongers but we only want democratic freedom for everybody. In 1954 the Communists requested the convening of a Geneva Conference to settle the Korean question at a political level. At that time it was evident that a malevolent political trick was about to be perpetrated. This was manifestly evident to the Korean Government which declined to attend the conference.

The terms of reference did not include plans for reunification of the country or the establishment of a free democratic government. At the specific request of the U.S. Government, I did attend as one of the representatives of the Republic of Korea. However, I made one request that, after 2 months of negotiation with the Communists and if basic issues were not resolved for which the

conference was called, the United States and Korean delegations would withdraw. The U.S. Government assented to this request. After a brief 2 weeks the U.S. delegation was convinced that the Communists did not come to Geneva to settle the Korean question but alternatively to lay the groundwork for further aggression in Vietnam. You are aware of the results of the debacle in Geneva. Korea today is a divided nation as is Vietnam, and 11 million residents of this latter nation have been brought under Communist domination and tyranny. It is good to know that the United States was not a signatory to this agreement. The so-called Geneva modus vivendi serves as but another example of the manner in which free nations are tricked into appeasement and concessions to the Communists.

Since 1954 it has come to my attention that many sincere and honest Americans favor the neutralization of Vietnam. They and all Americans should appraise the situation of a neighboring country—Laos. The experience of the Laotians serves as a frightful reminder of the fact that no neutrality could exist in the land immediately adjacent—Vietnam or anywhere else.

During the course of my stay in your nation, I have traveled the length and breadth of this great country, urging steadfast opposition to communism. Had the Korean war been won, there would be today no problem with the Communists in Korea, Vietnam, or in other nations of southeast Asia. The Korean war is the only war in which the United States has participated in its history which was not concluded by a decisive victory for your nation. A stalemate in Korea has resulted in encouragement to the Communists to carry out their aggressive designs upon not only Indochina but also the Middle East and the continent of Africa.

After signing a cease-fire agreement in Korea, the United States is still maintaining 60,000 soldiers in a rugged line facing the ever hostile Communists across a so-called demilitarized zone. The attitude and conduct of your troops has been punctiliously correct. On the other hand, the Communists continuously violate the armistice agreement and endeavor to infiltrate spies, saboteurs, and provocateurs into the free Republic of Korea. Viewed in the light of the correctness of American conduct, Communist provocations are each day becoming more intolerable. As of June 30, 1965, Communist North Korea had committed 4,457 proved violations but admitted only 2.

I just returned from the U.N. after attending the 20th General Assembly sessions. Many of the delegates criticized the United States and our Korean role in Vietnam. Essentially, the war in Vietnam is a war of defending a peace-loving country, the Republic of Vietnam, against infiltration, subversion, and outright aggression by Communists, supported by foreign Communist powers. The war in Vietnam affects not only the peace in southeast Asia, but the peace of the entire world. In short, the war in Vietnam is a war between freedom and democracy versus tyranny and communism. We have no hesitation in declaring that we are against communism and we shall fight to preserve our way of life and freedom. For this reason Korea sent over 20,000 men to Vietnam to fight alongside your American boys and South Vietnamese. However, we too believe in peaceful settlement of the problem through negotiation. But as the record shows, our adversary, the Communists, have not as yet seen fit to come to the conference table. Perhaps they should be taught a lesson that aggression does not pay and in the end the free world, united in its objective and determination, will triumph over the Communist aggressors.

Today, we are helping Vietnam. Tomorrow we will help any country, be it in Asia or Africa, threatened by Communist imperialism and colonialism. This is our solemn pledge to all peace-loving countries.

What is the solution to the dilemma with which the free world finds itself faced? It is not to be found in appeasement, concessions or retreat either before a propaganda blast or after a politically motivated military assault.

We of the nations of the free world must be willing to hold hands in fellowship and determination to preserve our way of life. We must have understanding, appreciation, mutual respect and an unshakable determination to make secure what we hold dear. When a coach dispatches a football team to the field, he does not instruct the representatives of his alma mater not to cross the 50-yard line. No such restriction has been, and I doubt ever will be, placed upon the predatory forces of communism. They are out to win and to win for keeps. Unrealistic restrictions should not be imposed upon the forces of the free world who today, tomorrow, or 5 years from now may be called upon to defend their wives, children, and homes.

I enjoin you to carry away from our meeting this evening two thoughts: First, any show of weakness on the part of the free world is translated the same day into a further engraved invitation to the Communists to advance their aggressiveness—to reel without reason in their intoxicating sense of dizzy power. Second, the Communists talk loud and act fierce, but when confronted with a determined stand backed by the visible force of the free world they are only "paper dragons."

One of your greatest Presidents said freedom is for those who are strong enough and are willing to fight for it. Your forefathers set the pattern in 1776. If you remember to stand up and be counted, your precious freedom will be cherished by you and your children.

I thank you.

THE RAILROAD STRIKE—PROPOSED ESTABLISHMENT OF A COURT OF LABOR-MANAGEMENT RELATIONS

Mr. SMATHERS. Mr. President, around the Nation the trains are again rolling, carrying the vital cargoes which feed our people, supply our troops in Vietnam, and keep the wheels of industry turning.

But the problems of labor-management relations spotlighted by the recent rail strike remain. Eight major railroads that operate in 38 States were struck over a dispute with the Brotherhood of Locomotive Firemen & Enginemen in which the general public had no primary interest. Yet, when the strike came, the average man in the street was the one to feel its effects most keenly.

Two articles from the New York Times of April 4 and April 5 depict some of the economic havoc wreaked by the irresponsible actions of the firemen's union. From a shoeshine boy in an Illinois Central station to 12,000 workers at General Motors plants, countless innocent citizens became the casualties of an economic war whose issues were of little or no concern to the great majority of Americans.

While the articles in the Times make clear the fact that the rail strike was ended in time to avert a major economic catastrophe, it is evident that in future instances, as in the past, a crippling strike could seriously impede this Nation's economic growth and could, in fact, endanger the very lives of our citizens.

Earlier this year, I introduced in the Senate a bill to create a U.S. Court of Labor-Management Relations. This court would have jurisdiction in precisely the sort of deadlocked labor disputes we have just witnessed and would provide the machinery to avoid long and costly work stoppages brought about by the occasional failures in our system of collective bargaining.

I am convinced that Congress cannot wait until another major national strike is upon us before moving to protect the public interest. The time for talking about this matter has past. The time for acting has come.

I urge the Subcommittee on Improvements in Judicial Machinery of the Judiciary Committee to call in immediately the reports from the interested Federal agencies and to schedule early hearings on the establishment of the Court of Labor-Management Relations.

Mr. President, I ask unanimous consent to have the two articles from the New York Times printed in the RECORD.

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

[From the New York Times, Apr. 4, 1966]

RAILROADS CLAIM $20 MILLION REVENUE LOSS AS RESULT OF STRIKE

(By Austin C. Wehrwein)

CHICAGO, April 3.—The firemen's strike against 8 major railroads crossing 38 States has had wide but apparently scattered impact on the Nation's economy and a varied effect on the lines themselves.

In Chicago, James E. Wolfe, chief negotiator for the roads in bargaining with the unions, estimated the cost through today at up to $20 million in gross revenues.

Despite the continued picketing after union leaders had agreed to call off the strike, Mr. Wolfe told a reporter:

"So far as we are concerned the firemen's issue is settled in perpetuity."

DEFENSE EFFORT UNHURT

An estimated total of 200,000 persons were put out of work or on short time, and 32,500 Chicago commuters on the Illinois Central were forced into jammed expressways. Among the big industries, automobile companies were the hardest hit.

But in general, alternative rail facilities, trucks, buses, and airlines appeared to have taken up the slack. Some of the struck roads continued to run some freight trains.

In Washington a Defense Department spokesman said today that the strike's effect on shipments of ammunition and other military items for Vietnam had been minimal. Despite some delays, the strike "has not seriously affected our logistics program," the Pentagon spokesman said.

The Post Office Department reported a great many delays, some up to 48 hours, mostly of parcel post on stalled trains before it could be transferred to trucks or operating trains.

Letter mail was moving at a more normal pace. In Philadelphia, for example, Postmaster Anthony I. Lambert put all first-class westbound mail aboard airplanes with or without airmail postage.

The Pennsylvania Railroad, which was struck only west of Harrisburg, Pa., apparently suffered the worst confusion because of its half-in, half-out situation, rather than benefiting from its partial strike.

The Seaboard Air Line Railroad resumed limited freight operations yesterday, with supervisory personnel running 20 trains.

It kept any perishable fruit in stalled cars under refrigeration.

Missouri Pacific supervisory personnel kept about 30 trains running out of a normal 200 a day.

The Union Pacific refused to confirm a report that it had 30 trains, manned by supervisors, operating today.

A Central of Georgia spokesman said some trains were on regular freight runs but refused to elaborate.

In Detroit, the word tonight was that the automobile industry planned, if possible, to operate tomorrow in the face of parts shortages. Parts have been rushed in by truck and airplane.

Industry sources estimated the production loss from the strike at 11,000 to 20,000 cars and trucks.

POTATO GROWERS WORRIED

General Motors, more dependent on rail transportation than other producers, was hard hit. It was reported that 60,300 workers in 17 plants in Michigan, Ohio, Missouri, and Kansas were affected in one way or another.

Ford reportedly has slowed production at Atlanta, Metuchen, N.J., San Jose, Calif., and Wayne, Mich.

Southern Idaho potato growers and processors feared serious consequences because the Union Pacific is their only available carrier. Farmers in California's Imperial Valley also feared setbacks if the strike did not end.

Some southern Illinois coal mine operators announced that a continued strike could mean shutdowns.

In Philadelphia, fruit exchange officials anxiously awaiting 40 cars of Western fruit expressed concern about a possible shortage. And the Budd Co., maker of a variety of products including automobile frames and railroad cars, warned that a continued strike could mean the layoff of as many as 5,000 production workers.

Chicago, the rail hub of the Nation, was however, without reported difficulties except for its Illinois Central commuter jamup. Illinois Central supervisors moved trains short distances to terminals for unloading, especially to get perishables on their way to consumers.

A shoeshine boy in one of the Illinois Central stations who boasted that he made $20 a day was a minor casualty of the strike.

In Denver, four flour mills curtailed operations.

In Omaha, well served with rail transportation, the only reported industrial casualty was the shutdown of a Kellogg Co., breakfast food plant, although 25,000 Union Pacific employees in the general area were reported idle.

The Union Pacific reported that a train leaving an Army ordnance depot with 26 cars of ammunition had been stalled on its way from Oregon. The road said that at one time 54 cars on its system loaded with tanks, munitions and other war items had been stalled. It also reported that at one time 85 cars of mail had been stranded.

In the Kansas City area, the Union Pacific estimated that 100 to 150 industries had been affected by the strike.

In St. Louis, a Missouri Pacific spokesman said a substantial amount of munitions had been stalled on its system, but the exact number of cars and what was in them was not disclosed.

[From the New York Times, Apr. 5, 1966]

EIGHT RAILROADS NEAR NORMAL SERVICE—BUT STRIKE LEAVES GM WITH SEVERE PARTS SHORTAGE

(By Austin C. Wehrwein)

CHICAGO, April 4.—Return to normal service on eight railroads after the 4-day firemen's strike proceeded smoothly today, but repercussions were felt in many areas.

The most direct impact was on General Motors, which suffered a parts shortage that made 12,000 workers idle and put uncounted others on short time.

The indirect result was a further shortage of boxcars, flatcars and gondola cars.

However, this fell short of a national economic crisis, reflecting the basic strategy of the Brotherhood of Locomotive Firemen and Enginemen to strike only lines with parallel service.

While they were fearful of future parts shortages, Ford, Chrysler, and American Motors Corp. reported normal operations today. But a General Motors spokesman said, "We'll be several days unsnarling this."

By "this" he meant the parts bottleneck resulting from heavy reliance on rail transport that caused the closing of assembly plants at Arlington, Tex., and South Gate, Calif., and Fisher Body plants at Janesville, Wis., and St. Louis.

SEVENTEEN PLANTS REOPEN

General Motors was without a timetable for normal production, but 17 other General Motors plants that were wholly or partially shut Friday were reported fully reopened.

The General Motors picture was clouded by a switchmen's walkout at Pontiac, Mich., on the Grand Trunk Western. Even before this snag, the Grand Western was apparently in the worst spot of the eight lines, expecting that it would take a week to get back to normal.

"There are literally thousands of freight cars backed up on connecting lines," a Grand Trunk spokesman said. Hope faded that a commuting line between Detroit and Pontiac could resume tomorrow as expected because of the switchmen's dispute. However, the line obtained an injunction in Pontiac ordering the men to return.

It is estimated that 250,000 freight cars were immobilized during the strike in 38 States. Today Edd Hamilton Bailey, president of Union Pacific, one of the lines that was struck, said the additional boxcar shortage caused by the strike put many shippers along our line in "desperate straits."

EXCLUSION ORDER ASKED

Mr. Bailey appealed to the Association of American Railroads and the Interstate Commerce Commission for an exclusion order that would shift additional cars to the Union Pacific. In brief, such an order requires other lines to shunt back empty cars to the line that owns them immediately or to use them only for freight going to the owner's lines system.

The strike's end prevented a crisis in Pittsburgh steel mills served by the Pennsylvania, a spokesman for the United States Steel Corp. said.

Scarce gondola cars needed by the steel industry are still a major headache in the reshuffling that is going on throughout the country. Flatcar supplies are also a problem.

Service resumed for 32,500 Illinois Central commuters. Many had jammed expressways with their cars or spent more than 3 hours on buses during the strike. The service clicked off right on schedule, the Illinois Central announced.

But it will take a week to smooth out the backlog of freight cars along the north-south line, although the railroad pledged shippers only minor delays. The long-line passenger trains got off on schedule.

The Department of Defense said only a few Vietnam war matériel shipments had been delayed. It cited one instance where firemen from the Texas & Pacific Railroad, which was not struck, stepped in and handled an 11-car Missouri Pacific war matériel cargo in New Orleans.

GIOVANNI DA VERRAZANO

Mr. PELL. Mr. President, I should like to call to the attention of the Senate the fact that April 17 was the birthday of a great Florentine explorer, who deserves status in the pantheon of those whose great courage opened the Western Hemisphere to European civilization. Born in 1480, Giovanni da Verrazano explored the eastern coast of the United States. His voyage in 1524, extended from Newfoundland to South Carolina, and is the first written record of our Atlantic coastline.

Verrazano discovered amongst other geographical locations, both New York Harbor and Narragansett Bay. Any air passenger into New York is immediately struck by the grandeur of the "Narrows" bridge which is fittingly named for Verrazano.

In my own State of Rhode Island, Verrazano has special importance. The many Rhode Islanders of Italian heritage are proud of the fact that it was a countryman of theirs who discovered Rhode Island's greatest natural resource, Narragansett Bay. While those Rhode Islanders of French extraction are prideful of the fact that Verrazano was sailing under the French flag when he made his epochal voyage of discovery.

Therefore, the birthday of Verrazano, while of national significance, is a special day of pride for Rhode Island in light of Verrazano's discoveries and national affiliations.

MISSISSIPPI LEGISLATURE HONORS "DIZZY" DEAN

Mr. EASTLAND. Mr. President, in these times of trial and tribulation, I think it is fit and proper for us to pause to pay tribute to an American who has dedicated many years of his life to making the world brighter and happier. I am referring to a man whose wit, charm, and spirit have entered into American homes through radio and television for many years, to help bring hours of enjoyment to lovers of our national sport, baseball.

Jerome Herman Dean, better known perhaps by his baseball nickname of "Dizzy," is regrettably no longer to be heard on radio or seen on television, making his play-by-play comments on his beloved sport.

A member of that honored group of baseball players named to the Hall of Fame, "Dizzy" Dean has become a legend in his lifetime.

I am proud to be able to say that "Dizzy" Dean is a resident of Mississippi, and for many years has been one of our most respected and beloved citizens. Recently the Legislature of Mississippi took the time to draft and approve a resolution honoring "Dizzy" Dean.

The resolution presents a concise and moving portrait of this man who has brought so much joy into our American way of life. I call this resolution to the attention of my fellow Senators, so that they may share in this expression of appreciation for a fine American.

Mr. President, out of order I ask unanimous consent that Senate Concurrent Resolution 120 adopted by the Mississippi Legislature be printed in the RECORD.

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

SENATE CONCURRENT RESOLUTION 120

Concurrent resolution expressing the warm appreciation of the citizens of the State of Mississippi to Jerome Herman "Dizzy" Dean for his distinguished and phenomenal career in big league baseball, sports telecasting, business, and leadership in motivating the youth of America to attain higher goals of sportsmanship and basic American ideals

Whereas the citizenry and leadership of the State of Mississippi and tens of millions of Americans were shocked and disappointed in recent days by the worldwide news that the ever-popular and internationally known Jerome Herman "Dizzy" Dean would not be telecasting the National Broadcasting Co.'s Baseball "Game of the Week," which, after two decades, had become an integral part of the American weekend favorite entertainment; and

Whereas this outstanding American has achieved such success in the sports world, baseball telecasting, and the business and recreational life of our Nation, that his fame, honor, and respect is deemed comparable to the greatest of leaders in our country's history; and

Whereas "Dizzy" Dean, as he is affectionately known to his lifelong accumulation of friends, as well as millions of admirers who respect his homespun wit and humor, humility and dignity; and his ardent support of the noble principles and ideals which have made America the greatest of all nations; and

Whereas the untimely absence of "Ole Diz" from National Broadcasting Co.'s "Game of the Week" with his wealth of knowledge of baseball and many and varied personal experiences as a professional player for many years attaining for him a place in Baseball's Hall of Fame, will forever leave a vacuum in the hearts of millions of the game's fans; and

Whereas Jerome Herman Dean has adopted the State of Mississippi as his home where his charming, lovely, and devoted wife, Patricia Nash Dean, was reared, and they have recently reconstructed and built their permanent home near the towns of Bond and Wiggins in Stone County, Miss., where they welcome their friends from all walks of life across America; and

Whereas this remarkable man has, through the years, unselfishly and devotedly broadcasted and telecasted true, glowing, and accurate statements about this State, yet realizing countless prejudiced and uninformed persons would attempt to intimidate and undermine him for his personal tribute of his adopted home, its attributes, opportunities, and favorable future; and

Whereas in addition to "Dizzy" Dean's generous personal commendations of Mississippi and the South, including the great athletic achievements in the Southeastern and Southwest Conferences, he has invested his own capital in private enterprise industries in Mississippi, and thence is contributing to the economic, industrial, and educational growth of this State: Now, therefore, be it

Resolved by the Senate of the State of Mississippi (the House of Representatives concurring therein), That we again express the warm appreciation of ourselves, other public officials, and the citizenry of the State of Mississippi to Jerome Herman "Dizzy" Dean of Stone County, Miss., and "Everywhere, U.S.A.," for his distinguished and phenomenal career in big league baseball, outstanding sports telecasting, and civic leadership which has served to inspire millions of America's youth to higher attainments in good sportsmanship and the basic and noble principles of citizenship which have made America so great; and that we wish for him and his family continued good health, prosperity, and happiness; and be it further

Resolved, That an enrolled copy of this resolution be forwarded to Jerome Herman "Dizzy" Dean and Patricia "Pat" Nash Dean, the president of the National Broadcasting Co., the president of the Falstaff Brewing Corp., the department of archives and history, and copies to the capitol press corps.

Adopted by the senate April 4, 1966.

ARNOLD MARTIN,
President of the Senate.

Adopted by the house of representatives April 6, 1966.

MATTY SILVERS,
Speaker of the House of Representatives.

SOYBEANS

Mr. DOUGLAS. Mr. President, this is the year of the soybean in Illinois, the Nation, and the world. Never has the demand for the oil and protein of this versatile crop been so high. I wish to urge farmers to plant more soybeans this spring and to improve their yields through better farm methods and management.

President Johnson requested increased production of soybeans in his food-for-freedom message. Vice President HUMPHREY and Secretary of Agriculture Freeman also made public statements. Mr. Freeman and his associates of the Department of Agriculture are cooperating with the National Soybean Crop Improvement Council in our current drive.

Illinois is far and away the largest soybean producing State, harvesting 174 million bushels last year. But more soybeans are needed to meet the need for its lifesaving protein by millions of undernourished peoples throughout the world.

I wish to commend the National Soybean Council on their efforts and I ask unanimous consent that the attached editorial from the business and finance section of the Washington Post, and the statement of the National Soybean Crop Improvement Council be printed in the RECORD.

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

[From the Washington (D.C.) Post, Apr. 4, 1966]

SOYBEANS ARE GROWING FAST INTO IMPORTANT PROFIT CROP

(By Eric Wentworth)

They don't grow in amber waves, like grain. They don't get as high as an elephant's eye, like corn.

But soybeans, though overlooked in the songbooks, have swiftly become one of the American farmer's most profitable and important crops.

Their popularity today is spreading especially fast in the South. In fact, the words to "Dixie" might well be "land of soybeans" instead of "land of cotton." For soybean acres top cotton acres today in most Southern States, including such traditional cotton strongholds as Mississippi and Arkansas.

SWAMPLAND DRAINED

In Louisiana alone, acreage planted to soybeans this year will be more than three times the 1960–64 average, Agriculture Department surveys show. Officials in Louisiana say rice farmers have found they can grow the beans as a rotation crop on otherwise idle land. Other large-scale operators are draining hundreds of acres of swampland to grow beans.

Nationally, acreage planted to soybeans has more than doubled from 15.6 million acres during the Korean war to 35.4 million acres last year. Output soared during the same period from 284 million bushels (in 1951) to 844 million, or well over half the world total.

Today soybeans, which first came to this country from China in the early 1800's, swell American farmers' bank accounts by $2 billion a year. As one of the top commercial export crops, they contribute hundreds of millions of dollars annually to the Nation's trade balance.

And demand, both in this country and abroad, keeps growing.

In fact, while Secretary of Agriculture Orville L. Freeman and his fellow glut-busters began striving to trim costly surpluses of corn, wheat, and cotton after taking office 5 years ago, when it came to soybeans they actually launched steps to encourage output lest dashing demand send prices through the roof.

Freeman took another dramatic stride in this direction a few days ago by announcing an increase in the Government price-support level on this year's crop to an average $2.50 a bushel from the $2.25 level of the past 4 years. Though actual market prices are averaging even higher, the support level, at which farmers can turn their crop over to the Government for loans or eventual sale, will provide more generous insurance against any sharp price dip.

Unlike most Government-controlled crops, farmers don't have to accept production curbs to qualify for soybean price-support privileges.

RISE IN ACREAGE SOUGHT

Thanks to the higher price supports, plus a previously announced scheme to let corn farmers plant soybeans on their regular acreage allotments for corn, administration policymakers hope farmers will increase bean plantings this year to as many as 38.5 million acres and produce from 915 to 925 million bushels. Within a couple of years, it's reckoned, output will probably pass the billion-bushel mark.

Why the incredible demand for soybeans? The adjective most frequently applied to them is "versatile." The list of products made from them seems boundless, from breakfast foods to billiard balls.

Soybeans, which come in many colors from yellow to black, are processed into two basic materials; meal and oil.

The National Soybean Crop Improvement Council estimates that about 98 percent of the meal is fed to poultry and livestock with the rest used in various specialty products for human use. Of the oil, about 90 percent turns up in such familiar forms as margarine, salad dressing, and cooking oil, while the remaining 10 percent goes into paints, plastic, resins, and soap.

HIGH PROTEIN CONTENT

From the food standpoint, probably the soybean's most important value is its high protein content—especially important for the Johnson administration's planned "war" on world hunger and malnutrition.

Most of the 150 million pounds of vegetable oils that President Johnson proposes sending India to meet her famine threat will likely come from soybeans. And scientists have come up with special, high-protein foods made from the beans—one being "soyburgers."

THE U.S. SOYBEAN AND THE HUNGER GAP: REPORT OF NATIONAL SOYBEAN CROP IMPROVEMENT COUNCIL

The earliest written record we have of the soybean dates back about 4,300 years when a Chinese emperor listed over 300 human ills which he believed the soybean

would cure. The first brought to this country came as a ballast in sailing vessels in the middle of the 19th century.

For almost a century, its potential unknown and its versatility undreamt of, the soybean remained obscure and unappreciated in the United States. Although its possibility as a silage feed for livestock was investigated by the U.S. Department of Agriculture in 1890, 25 more years passed before the first bushel of soybeans was processed into meal and oil—at a cottonseed mill in Elizabeth City, N.C. In 1940 it was still a minor crop, with less than 5 million acres being harvested for the beans (another 8 million acres in soybeans were grown for forage, or grazed or plowed under to increase soil fertility).

The needs of World War II, when the United States was cut off from vegetable oil imports, and the intensive hurry-up research into all possible ways to meet the needs for oils and fats and protein feed provided the stage on which the soybean would begin playing its proper role.

In the past decade, soybean acreage has almost doubled, while acreages for corn, wheat, cotton, rice, tobacco, peanuts, potatoes, oats, hay, and flax have decreased. Last year U.S. farmers harvested 34.5 million acres of soybeans—an area larger than Arkansas—with a farm value of more than $2 billion.

But still another 3.5 million acres or more is needed this year.

THE VERSATILE BEAN

Products of the soybean, oil or meal, are used in livestock and poultry feed, breakfast foods, diets for babies and diabetics, macaroni, crackers, sauces, shortening, salad oil, paint, soap, candy, doughnuts, ice cream, cosmetics, textiles, insecticides, and waterproofing—to list a few.

However, wide as is the variety of uses for soybean products, it is important to remember that 98 percent of the bean's high protein meal is fed to livestock and poultry, which turn its protein into meat, milk and eggs, and only 2 percent goes into protein specialties for human consumption. Ninety percent of the oil is put into such edible products as margarine, cooking oil and salad oil, with the remaining 10 percent going for such industrial uses as paints, plastics, resins, and soap.

It is not, then, for cosmetics or candy that the additional 3.5 million acres of soybeans—equivalent to some 100 million bushels—are needed.

What is needed is the oil and the protein, found in abundance in the soybean, for feeding to the world's 1.5 billion undernourished or malnourished persons—a number almost as large as the entire world's population in 1900. This is a need that is recognized not only by President Johnson, members of Congress and the Department of Agriculture, but by demographers and nutritionists everywhere and by international organizations and most governments.

It is clearly understood that the United States cannot by itself appease the hunger of the world, even if it were to marshal all its resources behind the task. But the relief our farmers can provide would be significant, and the soybean may be the most important of our contributions.

HUNGER CLAIMS MILLIONS

Many people in food-poor underdeveloped lands have a normal life expectancy of under 25 years—less by 5 years than the average life expectancy in the Egypt of the Pharoahs. The National Academy of Sciences, reporting on malnutrition of preschool children in underdeveloped countries, has stated that, while infant death rates in these countries may be six to eight times as great as those in more advanced countries, mortality rates in the 1 to 4 age group in backward countries possibly are 50 to 60 times greater. It concluded that literally millions of preschool children die of malnutrition annually.

Those who survive to live their meager and destitute span are stunted in mind as well as in body. The empty belly handicap of billions denies mankind the fruits of their unknown potential, for these can give to society even less than they get from society.

And exploding populations continue to force wider the world's hunger gap. In the first 6 centuries after the birth of Christ, man increased his numbers by only 200 million, to about 500 million. During the next 300 years, ending in 1900, world population more than tripled, reaching 1.6 billion. Now, in a mere 66 years, it has doubled, and it will double again in 35 years.

President Johnson made it plain in his food-for-peace message that the Government will make a major effort to narrow the world hunger gap, and he expects the soybean to play a key role. He noted that demand for soybeans has climbed each year since 1960, and "despite record crops, we have virtually no reserve stocks."

The Department of Agriculture immediately followed this up with a modification of the Government's feed grain program that permits farmers participating in the program this year to plant all of their corn and other feed grain acreage allowed under the program to soybeans and still earn their total feed grain price support payment. This was followed in Congress by the introduction of bills to encourage increased soybean production, and the chairmen of the Agriculture Committees in the House and Senate added their voices to support the call for more soybeans.

SCIENTISTS AT WORK

Research now being conducted by the Government and private industry is seeking new and palatable ways to serve soybean protein, such as a soy beverage. There already has been developed a bland soy flour that, when sprinkled on a bowl of rice or other cereal, can provide a person all of his protein needs for a day.

Even greater than in the underdeveloped countries is the demand in the developed nations. As the Western World's living standards continue to climb, more and more people are finding the means to enjoy more of life's good things. And history is proof that, as living standards improve, diets also improve. This has always meant more meat, eggs, and milk on the dinner table. Nations where bread once was the only staff of life are becoming more deeply involved in livestock and poultry production. More hogs, cattle, and chickens means a larger consumption of mixed feeds, and this, in turn, is greatly increasing the demand for soybean meal.

In the United States alone, Census Bureau projections forecast a 16-percent population increase and greater prosperity over the next 10 years. One survey expects that by 1975 Americans will be consuming 34 percent more beef, 12 percent more pork, and 29 percent more broilers. Milk and egg consumption will also rise. The same study also expects soybean oil demands to increase by about one-third in the next decade.

QUESTIONS FOR FARMERS

Thus, two questions of national concern are to be answered by American farmers this year.

With world demand for oil and protein growing, will it be filled by soybeans grown by U.S. farmers—thus boosting farm income, reducing Government farm program costs and improving the Nation's balance of payments? Or will the demand be filled by oilseeds from elsewhere—sunflower from Argentina and Russia, rapeseed from Canada, or soybeans from Brazil?

Even with record domestic consumption and exports of U.S. corn this year, it appears that costly Government surplus stocks of corn will not be reduced. Will U.S. farmers produce fewer soybeans than the world demands while using the soil instead to grow more corn that will add to surplus stocks?

BIG CAMPAIGN UNDERWAY

It was against this background of need and opportunity that the National Soybean Crop Improvement Council in February launched an intensive campaign aimed at increasing soybean acreage in 1966 by 3.5 million over 1965. This would yield, under normal conditions, an extra 100 million bushels.

Announcing its campaign, the Council released a statement that said in part:

"American farmers would do well to heed the call—not just for humanitarian reasons, but for economic reasons, too. The soybean, requiring less cost and labor than many other profitable crops, has definitely come into its own as a money crop.

"In recent years, many thousands of farmers have learned to plant soybeans for extra profit. They know their acreage limitations for corn, cotton, peanuts, tobacco and rice, and that soybeans will produce the best income on their remaining acres."

Nationally, the average yield per acre of soybeans is about 25 bushels. This can be increased by improved control of weeds and insects, better selection of adaptable seeds, improved harvesting practices and, in Northern States, closer row widths. Acre yields of 35, or even 40, bushels are not unusual. The yield record was set in 1965 by John Reiser, Jr., of Ashland, Ill., who averaged 83 bushels.

The Crop Improvement Council reports that more and more soybean producers have come to realize that, with an added yield of only a few bushels per acre, they can actually double their net profits.

HOW IT'S DONE

It take virtually no more labor, seed, or fertilizer to produce more bushels on an acre. (It does take good management.)

Besides the fact that soybeans are more profitable to produce than many other cash crops, there are other virtues that explain their phenomenal success in recent years: It is a free-market crop; soybeans require less field work, and thus alleviate the farm labor problem; it is a hardy crop that provides "insurance" in periods of bad weather that may damage other crops; soybeans are natural risk spreaders for the diversifying farmer who doesn't want to gamble on a single money crop.

U.S. soybean processing capacity, according to the Department of Agriculture, is now 600 million bushels anually. And with markets expanding rapidly, that capacity is being enlarged significantly for the 1966 crop—indicating that farmers will have no trouble finding buyers for their soybeans.

It is a general rule of thumb that corn land is soybean land, so the heaviest production is found in the States of the Corn Belt. The Southeast and Midsouth in the last few years, however, has also become big production country.

The top producing States are:

[In millions]

	Acres planted, 1965	Bushels produced, 1965
Illinois	6.02	174
Iowa	4.85	123
Arkansas	3.21	69
Minnesota	3.16	58
Missouri	3.11	80
Indiana	2.95	82
Ohio	2.09	51
Mississippi	1.45	32
Kansas	.91	18
South Carolina	.89	20
North Carolina	.81	19
Tennessee	.73	17
Nebraska	.72	17
Louisiana	.62	13

SUPPORT OF NATIONAL INDEPENDENCE IN EAST-CENTRAL EUROPE

Mr. DODD. Mr. President, we live in an age which has often been described as a "revolution of rising expectations."

Everywhere in the world people yearn for the same things: freedoms, the right to make the important choices in their own lives, an opportunity for a better life.

In much of the world these things are coming to pass, for individuals hold the powers of government in their own hands, and government serves their will. In many parts of the world once autocratic governments are becoming increasingly responsive to the needs of their people.

In Ghana the dictatorship of Nkrumah has been overthrown by a people tired of the cult of personality. In Indonesia, a government which was moving farther and farther down the road to communism has been retrieved for the people by alert and courageous action. In Vietnam hundreds of thousands of South Vietnamese fight on to protect their country from Communist expansion.

In the Communist bloc, however, no similar liberalization is evident. In some instances, increased consumer goods have been provided because an outraged population demanded it. In several circumstances, what appeared to be dissent has been overheard. Yet this is really only the false window dressing of a totally autocratic Communist world.

In the Soviet Union nearly half of the working population is engaged in agriculture, yet the people do not have enough to eat. The same is true in China, and in Eastern Europe.

At the very moment when optimistic observers in this country tell us of a growing Soviet liberalization, we see two leading writers condemned to long prison terms because they have spoken their minds.

The nations of Eastern Europe have been robbed of their individuality and their cultural identity, and yet we are told that life in the countries is improving.

I would urge my colleagues to consider that if we in this country support this revolution of rising expectations, we must support if for those who live in virtual slavery behind the Iron and Bamboo Curtains, as we do for those elsewhere in the world. We cannot, for example, condemn dictatorial rule in Spain or South Africa, or Rhodesia, and stand silent about totalitarian rule in Poland, and Hungary, and Rumania.

At this time I would like to share with my colleagues a report and recommendations presented at the 12th session of the Assembly of Captive European Nations. This report notes:

> Despite the fact that the eyes of the world are at present focused on other crucial problems confronting mankind, the issue of the captive nations belongs in the forefront of international issues.

I ask unanimous consent to insert this statement in the RECORD.

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

ASSEMBLY OF CAPTIVE EUROPEAN NATIONS, 12TH SESSION: SUPPORT OF NATIONAL INDEPENDENCE IN EAST-CENTRAL EUROPE

MEMORANDUM

In his state of the Union message to the U.S. Congress on January 12, 1966, the President of the United States pointed out that the most important principle of the American foreign policy was "support of national independence—the right of each people to govern themselves—and shape their own institutions" because "the insistent urge toward national independence is the strongest force of today's world." The Assembly of Captive European Nations welcomes the spirit of the Presidential message, which is in full accord with the purpose of the Assembly of Captive European Nations; namely, "to uphold, serve and further the rightful aspirations to freedom, national independence, and social justice of our people."

The assembly believes that, despite the fact that the eyes of the world are at present focused on other crucial problems confronting mankind, the issue of the captive nations belongs in the forefront of international issues. Our conviction is strengthened by the recent developments in East-Central Europe, characterized by new repressive measures against the captive population and by hardening of the Communist line. It is sufficient to point to the recent arrests in Hungary, the campaign against the religious hierarchy in Poland, and the attacks against writers in Bulgaria and Czechoslovakia—an ominous parallel, no doubt, to the writers' trials in the Soviet Union.

The new repressive trends in East-Central Europe indicate that—

1. The Communist regimes invariably draw the line in cultural liberalization whenever the Communist Party's monopoly on ideas is threatened.

2. A large measure of subservience, varying in extent and intensity from country to country, to Soviet (or, in the case of Albania, Chinese) foreign policy still seems to be the price the insecure east-central European regimes must pay for the indispensable Soviet support, which is a key to their remaining in power. It is also a fact that, in spite of the considerably varied alleviations and changes in east-central Europe, the Soviet union continues to heavily influence the domestic and foreign affairs of the captive countries, and that the Communist parties in the area are determined to perpetuate themselves in power.

The repressive Communist policies make it even more imperative that the free world explore every peaceful avenue to reach the east-central European peoples and assist them in their efforts to achieve both an amelioration of their living conditions and their political goals of freedom and self-determination.

The assembly's views on some of these main avenues of approach are as follows:

1. The assembly agrees with the present U.S. policy of denying Communist regimes goods of strategic value. We are also on record in counseling against long-term credits to Communist regimes, since granting long-term credits to the Communists would be tantamount to a foreign aid program.

The assembly welcomes initiatives that tend to help alleviate the plight of the captive peoples. If foreign trade, however, is to support the national aspirations of the now subjugated peoples of east-central Europe, it should be used to strengthen and encourage these peoples. It should not be used by the despotic Communist regimes to bolster their positions in the countries over which they at present rule. The captive peoples would greatly profit if East-West trade were to influence the east-central European economies toward preferential treatment of consumer goods production at the expense of heavy industry. Judging by past Communist performances in keeping tight rein on the captive peoples' quest for political freedoms, Western trade with the East—aimed at political objectives—does not at present appear to have a meaningful chance of success.

There is no clearcut proof that cultural exchanges and trade with the West alone have led to liberalization, relaxation of tensions, or concessions of any kind since Stalin's death. So-called de-Stalinization, and its attendant outgrowth, has been and is initiated and exerted primarily by internal forces—namely, by opposition and resistance on the part of the east-central European peoples to the regimes and regime policies.

2. We believe that full reciprocity should be demanded in cultural exchanges. At present there is a pronounced imbalance between the freedom enjoyed by Communist propaganda and propagandists in the United States and any similar U.S. activities in east-central Europe. A steady flow of Communist propaganda to the communities of peoples of east-central European descent presents many latent dangers. Much of this material is clearly written and its political message is understated. With the free world not being granted similar privileges in east-central Europe, the Communists are in the advantageous position of selecting their target audiences in the West while they are not facing a corresponding challenge at home. The assembly therefore deems it its duty to combat forcefully the effects of such propaganda material.

Trade and cultural exchanges, important as they are as means of helping the internal changes, cannot by themselves secure self-determination in east-central Europe.

It is our conviction, buttressed by first-hand experience, that a policy of peaceful evolution must not digress from the primary objective—an east-central Europe unfettered by the fiats of totalitarian regimes.

It is equally important that the captive European peoples be aware of the continued determination and willingness of the free world governments to lend their full moral and political support to this national objective.

Any notion of permanence of the status quo in east-central Europe runs against the vital interests of both the captive European nations and the absurd idea that the Communist sphere of influence is off limits for the free nations, while the non-Communist world is a private hunting ground for Communist aggression and subversion under the guise of "national wars of liberation" and other spurious labels.

It is our opinion that a clear-cut expression of U.S. nonacceptance of the present illegal and abnormal status quo in east-central Europe would contribute much to the morale of the captive European peoples. The United Nations and major international conferences offer a most appropriate forum for such a policy statement by the United States. Moreover, at the United Nations and before the eyes of the world, Communist methods and wrongdoings can be effectively exposed and the Universal Declaration of Human Rights used as an important weapon to foster the struggle for freedom in the captive countries.

In these days of swift historic changes, when an impressive number of formerly dependent states have gained independence, the plight of the Communist-ruled east-central European nations remains a black mark

on the conscience of humanity. Although Communist aggression in other parts of the world may at times divert the free world's attention from the European scene, the new challenge for the forces of freedom lies in their ability of assuring the east-central European peoples that they have not been forgotten.

In this context, the assembly deems it appropriate to draw attention to a report of the Subcommittee on Europe of the Committee on Foreign Affairs, U.S. House of Representatives. The report, dated October 29, 1962, recommended, in part, that the United States:

"1. Take prompt, continuous, and energetic steps to make clear to the rest of the world that the United States continues to support the policy of refusing to accept the status quo in Eastern Europe, and the right to self-determination of the peoples of the captive nations;

"2. Avail itself of every opportunity to expose—especially to the peoples of the developing countries—the methods, the implications, and the consequences of Soviet colonialism in Eastern Europe, attaching to this task as much importance as our Government does to the championing of the right to self-determination and national independence of the nations of other continents."

Consequently and in summary, the Assembly of Captive European Nations urges the Government and the Congress of the United States:

(a) To use more extensively the international forums in promoting the respect for the right to self-determination of the captive peoples of east-central Europe;

(b) To reaffirm on all appropriate occasions, and especially on the occasion of the Polish millennium, the 10th anniversary of the Hungarian National Revolution, and the national days of the captive countries, the unflinching stand of the U.S. Government and Congress regarding the restoration of national independence and freedom of the subjugated east-central European nations;

(c) To insist on the principle of full reciprocity in cultural exchanges with the East, be it in the field of publications, art, dissemination of information, or tourism;

(d) To use the apparent eagerness of the Communists to expand trade with the West as a lever to insure that such trade expansion will politically and economically benefit the captive peoples and will not be misused by the regimes to strengthen their hold on the peoples;

(e) To ask the President of the United States to issue a forceful Captive Nations Week proclamation and to support the observance of Captive Nations Week by appropriate manifestations in the Senate and the House of Representatives;

(f) To lend all-out assistance to the Assembly of Captive European Nations and its member organizations—symbols of the continuity of the struggle for liberty of the enslaved nations of east-central Europe.

EMPLOYMENT OPPORTUNITIES FOR THE NATION'S ELDERLY CITIZENS

Mr. SMATHERS. Mr. President, the Senate Special Committee on Aging, of which I am chairman, constantly works on increasing employment opportunities for our Nation's elderly. We find that older Americans who seek employment frequently need advice regarding effective techniques for doing so.

An excellent article entitled "How To Look for a Job," was recently received by our committee and other subscribers to a service known as the P/R Workshop, which is published by the Bureau of Business Practice, 24 Rope Ferry Road, Waterford, Conn.

This is a service prepared for employers, personnel directors, and employees to provide guidance on successful preparation for retirement and enriching the later years. I ask unanimous consent that this material be inserted in the CONGRESSIONAL RECORD, at this point of my remarks in order that the excellent advice in it may reach the largest possible number of elderly job seekers.

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

HOW TO LOOK FOR A JOB

(EDITOR'S NOTE.—Job hunting is seldom a bed of roses. It calls for real skill, initiative, and sometimes hard and discouraging pavement pounding. The person well trained in the job of his choice and thoroughly familiar with the various job-hunting techniques always has a better chance of success. For older workers especially being well prepared and knowing how to look for a job is essential. Of course a certain amount of prejudice still exists against hiring older persons. But research education, and actual experience with older workers are beginning to break down this feeling. The main considerations in finding work are the number of job openings, your own skills and abilities, and the desire to work.)

The way to find a job is get out and look for one; waiting at home for employers to come looking for you is unlikely to be productive. Job hunting is hard work, of a kind for which most of us are untrained. We spend too little time making the rounds, we tend to get discouraged too easily, to talk not to the people who could be most helpful, but to those who can do the least for us. In general, we muddle along, muffing some opportunities and failing to recognize others.

To avoid the most common errors, take this quiz, which will tip you off to some important facts about job hunting. The answers are based on the experience and observations of job counselors for older workers.

Your handwriting is good. When you write letters applying for an interview you should:

(a) Write them all by hand, even if it takes a very long time.

(b) Have them typed, even if you have to pay to have this done.

Answer. (b). Unless you are applying for some sort of work in which your handwriting will be a factor, it's better to have your letters typed. They will be easier to read, neater, and more businesslike in appearance.

If you don't know the name of the owner, president or personnel manager of the company to which you are writing, you should:

(a) Address the individual as "Dear Sir."

(b) Phone the company first and ask for the name of the man in charge of employment interviewing.

Answer. (b). It is always better to address a letter to a specific person rather than to a "Dear Sir." It shows that you have taken the trouble to learn something about the company you want to work for, and is more complimentary to the person you are addressing, both of which get you off to a good start.

You should always assume that the person to whom you write or talk is:

(a) Interested in helping you.

(b) Interested in learning as much as possible about your personal problems.

(c) Interested in discovering how you can be of use to him and his company.

Answer. (c). Maybe the interviewer would be sorry for you if he knew that your wife needed an operation, or that you had lost all your savings in the stock market, but sympathy won't get you a job. His main interest is in learning what you can do that his company needs to have done. Don't discuss your personal problems. Talk about what you can do for him.

You are applying for a job as night watchman in a large factory where watchmen wear uniforms. You should show up for your interview wearing:

(a) A rented uniform, resembling as much as possible the uniform worn at this plant.

(b) The new Hawaiian sports shirt your wife gave you for Christmas. She says it looks well on you and will bring you luck.

(c) A suit.

(d) Clean work clothes, such as dungarees, a shirt and slacks, or overalls.

Answer. (c). Most people agree that you will make your best impression, no matter what kind of job you're applying for, if you wear a clean, well-pressed suit. Sports shirts, wild colors, string ties, 10-gallon hats and the like are out. Clean work clothes are better, however, than a soiled or shabby suit.

5. When writing a letter, or being interviewed, you should:

(a) Do everything possible to conceal your age.

(b) Apologize for your age.

(c) Boast about your age, especially if the interviewer is much younger.

(d) Ignore your age and emphasize your experience.

Answer. (d). Your experience is the major asset you have to offer. Your age doesn't count. If you have 40 years of work in your field behind you, it is obvious that you're no youngster—but it is likewise clear that you have something to offer an employer who values experience above youth.

6. You have an appointment with a personnel interviewer. He keeps you waiting for three-quarters of an hour. When you are finally admitted to his office, you should:

(a) Say nothing, just enter in silence.

(b) Tactfully point out that he owes you more respect than he has shown.

(c) Tell him exactly how he has inconvenienced you.

(d) Assume that his tardiness was unavoidable, and was not intended to insult you.

Answer. (b). Experts say that older people looking for work are more sensitive than younger people, that they take offense more readily, and often assume that they have been insulted when no slight was intended. The interviewer should—and probably did—make every effort to keep his appointment with you, and he owes you an explanation or apology for having kept you waiting. But your primary concern right now is not to correct his manners but to get a job. Forget about having been kept waiting, and concentrate on making a favorable impression.

7. Your feet hurt, and you're not feeling particularly cheerful. But you have planned to visit at least one more employment agency or personnel office before giving up for the day You should:

(a) Force yourself to stick to your plan.

(b) Put off the next visit until you're feeling better.

Answer. (b). Low spirits, fatigue, and other negative feelings are often contagious. You yourself probably prefer to have cheerful, confident, friendly people working around you, and the interviewer undoubtedly feels that way, too. Wait until you are at your best before you undertake to apply for a job. Incidentally, one way to avoid discouragement is to recognize, before you start, that you are going to get more "no" than "yes" answers in the course of job hunting, and that patience, endurance, and determination will eventually pay off.

8. If an interviewer asks about your last place of employment, you should:

(a) Tell him frankly what you did and did not like about the company.

(b) Exaggerate the importance of your job and the esteem in which you were held.

(c) Avoid discussing grievances or criticizing management.

(d) Talk about the trouble you had in getting along with younger men in your department.

Answer (c). Whether or not you got along well with others in your last job, it puts you—not them—in a bad light when you complain about your employers or colleagues, especially to strangers. Think of the best things you can truthfully say, and omit everything else.

Because you are older than many of the applicants for a job, you should:

(a) Offer to accept less than the going rate of pay.

(b) Say at once that you are willing to do "anything."

(c) Have some specific ideas as to what you might do for the company and what it should be worth to them.

Answer (c). A frequent complaint from employers is that older people are too vague about the work they can or will do. The fact that you're willing to do anything gives an employer no clue as to where you might fit *in his organization*. Here's some more sound advice: Don't beg and don't bargain. If you've been working all your life you've acquired skills and habits which are valuable to some employers. Don't underestimate what you have to sell and don't put too low a price tag on it. What you're looking for is the employer who can use what you have to sell. Take the trouble, before you call on any company, to try to find out what kinds of work you could do for it. If it needs someone to do that work, and if you can do it properly, you should get the going rate. If you can't do it, offering yourself as a bargain will ordinarily not help.

GETTING READY FOR THE JOB INTERVIEW

Careful preparation for each interview will increase your chances for a job. It will also make the interview go more smoothly. Have ready the answers to the questions typically asked of the older jobseeker. Questions such as: Age? Salary expected? Reasons for leaving last job? Why are you seeking work? Are you willing to accept a new type of work? Willing to work at a lower level?

Practice sessions with a friend may make you feel more secure during the interview. Have your friend ask you a list of questions you have prepared.

THE JOB APPLICATION

When you apply for a job, you're usually asked to fill out a job application form. The questions asked may vary slightly from company to company, but most forms usually ask the same type of questions: name, age, date of birth, address, telephone, where previously employed, education, relatives employed with company you're seeking to work for.

Don't be in a hurry to fill out the form. Take your time and do a neat job. Make sure you have all the information you need to complete the form. For example, do you know what your social security number is? Take along your card.

SOVIET POLICY OF DISCRIMINATION AGAINST JEWISH COMMUNITY OF SOVIET UNION

Mr. RIBICOFF. Mr. President, in the past the Senate has adopted resolutions expressing concern for the Soviet policy of discrimination against the Jewish community of the Soviet Union. Our concern continues.

For this reason, 68 Senators joined me in sending a message to the meeting called by the American Jewish Conference on Soviet Jewry, which is now in progress in Philadelphia.

Mr. President, I ask unanimous consent that this message, and the names of the Senators who signed it, be printed in the RECORD.

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

MESSAGE FOR THE MEETING OF THE AMERICAN JEWISH CONFERENCE ON SOVIET JEWRY, PHILADELPHIA, PA., APRIL 17–18, 1966

The plight of Soviet Jewry has long been a concern of the U.S. Senate. On more than one occasion the Senate adopted resolutions expressing sympathy for the Jews living in the Soviet Union—and condemning the Soviet policy of discrimination against Jewish culture, religion, and community. They expressed our fervent hope for a reversal of Soviet policy.

We therefore consider it fitting, as U.S. Senators, to register our stanch support of the American Jewish community's protests against the anti-Semitic policies of the Soviet Union. We must continually direct the world's attention to this state of affairs, and put forward the insistent demand that the 3 million Jews of the Soviet Union be allowed to live creatively and in dignity as Jews.

The facts are well known. They have been ably presented by the American Jewish Conference on Soviet Jewry, which was founded just 2 years ago in our Nation's Capital.

Soviet Jews are prevented from living out their lives freely as Jews—even within the framework of the prerogatives and institutions sanctioned by the Soviet Constitution, by Soviet law and practice. Thus, the Jews, alone among all Soviet ethnic groups, are forbidden schools and other institutions of Jewish learning and research, though all are required if the ancient heritage of the Jews is to be perpetuated. Similarly, the Jews, alone among all Soviet religious groups, are forbidden the right to have any form of nationwide federation of congregation or of clergy. Yet, religious Jews strongly desire contact and communication with their brethren elsewhere in the world. They want and need officially sanctioned ties with coreligionists abroad, just as they want and need to secure necessary religious articles.

Soviet policy seems to be aiming at the obliteration of the Jewish community and Jewish culture. This must be vigorously protested—not only by those who value and revere the ancient Jewish tradition and civilization, but also by every person who respects the fundamental human right of a group to live in peace and security.

Jewish families have been scattered throughout the world, as the result of the many upheavals and changes that have marked this century. In the Soviet Union there are tens of thousands of Jews who desire—after decades of sorrow and tragedy—to be rejoined with their broken families in the United States, in Israel, and other countries. The U.S.S.R. has accepted the principle of the reunification of broken families, and we strongly support the plea that the Soviet Government translate this principle into practice.

So long as these injustices persist, protests will be in order. We in the Senate of the United States will continue to put forward rightful demands and support those of our fellow-Americans in this cause.

We deem it appropriate that you should be meeting today in Independence Hall—a site that is sacred to all men who prize liberty—to deliberate the ways and means of helping the Jewish community in the Soviet Union.

Senator ABRAHAM A. RIBICOFF.
Senator GORDON ALLOTT.
Senator E. L. BARTLETT.
Senator BIRCH BAYH.
Senator WALLACE F. BENNETT.
Senator J. CALEB BOGGS.
Senator DANIEL B. BREWSTER.
Senator QUENTIN N. BURDICK.
Senator HARRY F. BYRD, JR.
Senator ROBERT C. BYRD.
Senator HOWARD W. CANNON.
Senator CLIFFORD P. CASE.
Senator JOSEPH S. CLARK.
Senator JOHN SHERMAN COOPER.
Senator THOMAS J. DODD.
Senator PETER H. DOMINICK.
Senator PAUL H. DOUGLAS.
Senator PAUL J. FANNIN.
Senator HIRAM L. FONG.
Senator ERNEST GRUENING.
Senator PHILIP A. HART.
Senator VANCE HARTKE.
Senator SPESSARD L. HOLLAND.
Senator ROMAN L. HRUSKA.
Senator DANIEL K. INOUYE.
Senator HENRY M. JACKSON.
Senator JACOB K. JAVITS.
Senator EDWARD M. KENNEDY.
Senator ROBERT F. KENNEDY.
Senator THOMAS H. KUCHEL.
Senator FRANK J. LAUSCHE.
Senator EDWARD V. LONG.
Senator WARREN G. MAGNUSON.
Senator EUGENE J. MCCARTHY.
Senator JOHN L. MCCLELLAN.
Senator GALE W. MCGEE.
Senator GEORGE MCGOVERN.
Senator THOMAS J. MCINTYRE.
Senator LEE METCALF.
Senator JACK MILLER.
Senator WALTER F. MONDALE.
Senator A. S. MIKE MONRONEY.
Senator JOSEPH M. MONTOYA.
Senator WAYNE MORSE.
Senator THRUSTON B. MORTON.
Senator FRANK E. MOSS.
Senator KARL E. MUNDT.
Senator GEORGE MURPHY.
Senator MAURINE NEUBERGER.
Senator JOHN O. PASTORE.
Senator JAMES B. PEARSON.
Senator CLAIBORNE PELL.
Senator WILLIAM PROXMIRE.
Senator JENNINGS RANDOLPH.
Senator LEVERETT SALTONSTALL.
Senator HUGH SCOTT.
Senator MILWARD L. SIMPSON.
Senator GEORGE A. SMATHERS.
Senator STUART SYMINGTON.
Senator STROM THURMOND.
Senator JOHN G. TOWER.
Senator JOSEPH D. TYDINGS.
Senator HARRISON A. WILLIAMS, JR.
Senator RALPH YARBOROUGH.
Senator STEPHEN M. YOUNG.
Senator ALAN BIBLE.
Senator WINSTON L. PROUTY.
Senator EVERETT MCKINLEY DIRKSEN.
Senator GAYLORD NELSON.

TRUTH IN LENDING

Mr. DOUGLAS. Mr. President, I was very encouraged to see an editorial recently carried by the Kansas City Star in support of President Johnson's recommended protection for the consumer.

The Star's editorial in effect endorses truth in lending and truth in packaging. The editorial states:

Government, we believe, is obligated to represent the consumer and protect him

against fraud, harmful substances and misrepresentation.

The editorial also urges that consumer safeguards be reasonable and that we refrain from having a maze of regulations and restrictions.

The truth-in-lending bill, as Senators know, requires only the disclosure of the actual costs of credit. In my opinion, it follows the principle of reasonableness which this editorial endorses. I ask unanimous consent that the editorial from the Kansas City Star of March 24, 1966, be printed in the RECORD.

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

REASONABLE PROTECTION FOR THE CONSUMER

The President has sent to Congress a long list of proposed corrective measures designed to protect the consumer. The roster includes the large problems of honest packaging and labeling and interest rates on loans and installment purchases. It is specific right down to the point of suggesting that the number of pills in a bottle of children's aspirin be limited.

Government, we believe, is obligated to represent the consumer and protect him against fraud, harmful substances and misrepresentation. For Government to do so is in the fundamental interests of a free enterprise economy. If a consumer cannot determine the contents of a package from its label, if a product is not what its label says it is, then the essence of competitive capitalism is badly damaged. In our society a superior product is supposed to prosper and a poor product is supposed to fall by the wayside. Misleading labels and phony claims can put a premium on inferiority.

At the same time we believe it must be recognized that the distance between a legislative ideal and its bureaucratic reality, when administered, can be very great. We would not like to see arbitrary and stringent regulations enforced by whim and carried to the length that initiative and innovation might suffer. That, in the long run, would be no service to the consumer.

Certainly Government has a place in policing against outright fraud and in doing all it can to prevent the indiscriminate sale of nostrums that can cause physical harm. There are scientific criteria that can be applied and standards of weight and measure that can be insisted upon. But the American consumer is not a complete fool. Government cannot be expected to hold his hand at every turn and to count the change for him.

Reasonable consumer safeguards are in the public interest and in the interest of the economy. A stultifying maze of regulations and restrictions could raise costs and strangle the market in redtape.

THE INTERSTATE HIGHWAY PROGRAM IN MINNESOTA

Mr. MONDALE. Mr. President, recently I cosponsored S. 1976, Senator HARTKE's bill to repeal the so-called Byrd amendment, which would make available for immediate use funds to complete the interstate highway program. Commissioner John R. Jamieson, department of highways for the State of Minnesota, has sent to me a résumé of the interstate highway program in Minnesota, which clearly points out that the construction program in Minnesota is lagging because of an inadequate supply of Federal aid interstate funds needed to maintain the construction schedule. I believe the summary is worth bringing to the attention of the Senate, and I ask unanimous consent that it be printed in the RECORD.

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

INTERSTATE HIGHWAY PROGRAM IN MINNESOTA, JANUARY 1, 1966

There has been considerable information presented from time to time on the status of the interstate construction program, some showing the number of miles completed and open to traffic, miles under construction, and miles in the preliminary design stages. Most of these news releases make for interesting reading, but do not give the reader a clear picture of the status of the interstate program, as to the financing of the program or the possibility of the entire system being completed and open to traffic in accordance with the provisions of the 1956 Federal-Aid Highway Act which created the Interstate Highway System, as we know it today.

In order to give a little better insight into what is taking place toward completion of the Interstate Highway System in Minnesota, a few statistics will be presented showing the status of Minnesota's Interstate Highways as of January 1, 1966.

Total miles of designated interstate highways in Minnesota, 901 miles.

Open to traffic (includes 52.8 miles not completed to full standards), 277 miles.

Under construction, 184 miles.

Preliminary engineering and/or right of way acquisition in progress, 440 miles.

This means, to complete on schedule, Minnesota must complete and open to traffic an average of over 100 miles of interstate per year during the next 6 years.

It should also be noted from these statistics that Minnesota has some work in progress on every mile of the designated system in the State.

The published construction program has been tailored to complete the entire interstate system in the State by the target date 1972, after giving due consideration to the necessary staging in the more complex construction projects. The Minnesota Highway Department has the capability of placing this work under contract and supervising the construction and it is confident the construction industry has the capability to do its part. The one element that is lacking in order to complete this huge and challenging assignment is an adequate supply of Federal-aid interstate funds as needed to maintain the construction schedule which has been set up to meet the 1972 completion date.

As we see it, there are two things that must be done to make adequate Federal aid interstate funds available when needed.

1. Eliminate quarterly obligation controls to permit States to maintain an orderly construction contract letting schedule.

2. Increased revenue for the Federal Highway Trust Fund so as to provide adequate funds to complete the Interstate Highway System on schedule and increase annual interstate apportionments to the States in such amounts as to permit the States to maintain realistic construction schedules.

The present and future condition of Federal aid interstate funds for Minnesota, as we see it, is as follows:

	Millions
Total Federal aid interstate funds obligated as of Jan. 1, 1966	$514
Balance Federal aid interstate funds required to complete system	442
Unobligated balance of 1967 fiscal year apportionment (Jan. 1, 1966)	[1] 57
Estimated apportionment 1968 fiscal year	68
Estimated apportionment 1969 fiscal year	68
Estimated apportionment 1970 fiscal year	70
Estimated apportionment 1971 fiscal year	67
Total anticipated Interstate Federal aid which will be available to Minnesota under present funding setup	330
Additional Federal aid interstate needed to complete Interstate System in Minnesota	112

[1] See footnote 1 at end of table below.

A nominal 2½ percent annual increase in construction costs would increase the $112 million deficit by another $20 million.

Federal interstate funds needed to implement 5-year program

[In millions of dollars]

	Preliminary engineering right of way, railway, and utilities	Construction contracts	Total needed	Apportionment	Accumulative deficit
1966	16	45	61	[1] [2] 57	−4
1967	24	86	110	68	−46
1968	16	101	117	68	−95
1969	5	84	89	70	−114
1970	1	64	65	67	−112

[1] Total 1967 fiscal year apportionment, $68,000,000.
1st quarter allotment made available Oct. 8, 1965.
2d quarter allotment made available Jan. 3, 1966.
3d quarter allotment expected on or about Apr. 4, 1966.
4th quarter allotment expected on or about June 30, 1966.
Only ¾ of annual apportionment will be available for obligation during this fiscal year (1966).
[2] Balance, Jan. 1, 1966.

Attached copy of "Status of the Highway Trust Fund," a part of a Department of Commerce, Bureau of Public Roads, news release, dated February 9, 1966, shows the balance in the trust fund on December 31, 1965, to be less than $9 million, and expenditures exceeded revenue by $266 million during the first half of fiscal year 1966 (July 1–Dec. 31, 1965).

Recommendations: (1) Immediate repeal of Byrd amendment, (2) adequate additional revenue be diverted to the highway trust fund to cover present cost estimates plus a reasonable increase in the construction cost index.

Date: February 16, 1966.

(Attachment: News release by BPR.)

TABLE IV.—*Status of the highway trust fund*

[In thousands of dollars]

	3 months ended Dec. 31, 1965	1st 6 months, fiscal year 1966
Balance at beginning of period	235,613	284,858
Income:		
Tax revenue:		
Motor-fuel taxes (net after refunds)	660,624	1,441,651
Less motorboat fuel revenue [1]	11,000	23,400
Net for highways	649,624	1,418,251
Trucks, buses, and trailers	106,102	241,983
Tires, tubes, and tread rubber	128,395	254,054
Vehicle use	10,564	65,103
Total excise revenues	894,685	1,979,391
Interest earned	1,716	4,605
Advances from general fund	70,000	70,000
Total income	966,401	2,053,996
Disbursements for highways	1,193,131	2,329,971
Balance at end of period	8,883	8,883

[1] Transferred to the land and water conservation fund pursuant to title II, sec. 202, Public Law 88-578, effective Jan. 1, 1965.

The Federal share of the Federal-aid highway program is wholly financed by highway users on a pay-as-you-build basis. The Highway Revenue Act of 1956 (as since amended) levied or increased certain Federal excise taxes on motor fuel and automotive products, and earmarked their revenue specifically to a Highway Trust Fund, which is the source of money for Federal highway aid to the States both for the interstate and the ABC programs. The taxes earmarked to the trust fund and their rates (until October 1, 1972) are:

Motor fuel: 4 cents per gallon.

New trucks, buses, and trailers: 10 percent on the manufacturer's wholesale price.

Highway vehicles tires and tubes: 10 cents per pound.

Other tires, and tread rubber: 5 cents per pound.

Heavy vehicle use: $3 per 1,000 pounds annually on the total gross weight of vehicles rated at more than 26,000 pounds gross weight.

Under the Excise Tax Reduction Act of 1965 certain trucks and trailers were exempted from the truck excise after June 21, 1965; and beginning January 1, 1966, the following taxes will also accrue to the Highway Trust Fund:

Lubricating oil: 6 cents per gallon, if used for highway purposes.

Parts and accessories: 8 percent on the manufacturer's wholesale price of truck and bus parts and accessories.

HARASSING TELEPHONE CALLS TO FAMILIES OF MILITARY PERSONNEL SERVING IN VIETNAM

Mr. SMATHERS. Mr. President, Hanson Baldwin, the military affairs expert of the New York Times, recently wrote an article on harassing telephone calls to the families of military personnel serving in South Vietnam.

Mr. Baldwin pointed out that, while there are no complete statistics on the number of these calls made, servicemen believe they are more widespread than is generally known. In addition, Mr. Baldwin reminds us that there is currently no Federal statute to deal with these cowardly and seditious acts.

As have several other Senators, I have introduced a bill to cope with this serious problem, which could have significant impact on the morale and effectiveness of our fighting men. Each of the bills seems to approach the matter from a slightly different angle, and, while I believe that mine is the best of these approaches, I urge Congress to begin consideration of all of them as soon as possible so that a major gap in our Federal laws can be closed.

Mr. President, I ask unanimous consent to have Mr. Baldwin's article printed in the RECORD.

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

[From the New York Times, Apr. 4, 1966]

CRANK CALLS HARASS FAMILIES OF GI'S SERVING IN VIETNAM

(By Hanson W. Baldwin)

An incomplete Defense Department compilation showed yesterday that families of military personnel serving in Vietnam had received 100 threatening, abusive or crank telephone calls or communications in the last year.

A considerable number of the calls have been made to widows or dependents of men killed in Vietnam. The anonymous callers have used obscenity or abuse, or have gloated over the death of the servicemen involved.

In one case, in a call to a home where the widow of a captain killed in Vietnam had been staying, a man and a woman said in unison over the telephone:

"Slaughtered sheep sound like this * * *."

The words were followed by a bleating noise.

FALSE INJURY REPORT

Many of the ghoulish calls have been much more specific: The caller has said he was glad the serviceman was killed, or has used profanity to express his pleasure.

Other communications have involved threats. One Navy wife in the Norfolk, Va., area was threatened with physical violence if she attended a homecoming celebration for the aircraft carrier *Independence*, which had served in Vietnamese waters.

In the most recent reported incident, on March 11, a bogus officer, dressed in a Marine Corps uniform, visited the home of a Marine officer serving in Vietnam and told his wife that her husband had been seriously wounded. The wife detected the fraud and notified the Federal Bureau of Investigation. So far no arrest has been made.

MOST TO ARMY FAMILIES

According to the Defense Department, there appears to be no common pattern to the calls and letters. However, the servicemen themselves, particularly some of those who have served aboard carriers, believe that the calls are so widespread that organization is evident. They believe that the number is considerably larger than that reported by the dependents to the services and that Communists or leftwing sympathizers in the United States have in part been responsible.

Dependents of Army personnel have received the majority of the recorded telephone calls. Almost 50 have been reported, most of them to dependents of the First Cavalry (Airmobile) Division, and to the next of kin of paratroopers serving in Vietnam. Most of these calls have been made in the Third Army area in the vicinity of Fort Bragg, N.C., and Fort Benning, Ga.

The majority of the calls or communications to Navy and Marine personnel, which total at least 25, were made in the vicinity of the Naval Air Station, Lemoore, Calif., and in the Norfolk area. The relatively few recorded calls involving Air Force personnel—about seven—were in scattered geographical areas.

In addition to the calls centrally compiled by the Defense Department, a great many additional calls, letters, or communications have been reported in New York, Pennsylvania, the Middle West, California, and elsewhere.

According to the Defense Department, the types of telephone calls have included "silence, hoarse breathing, obscenity, abuse or gloating over death of the servicemen involved."

"None of the calls," it says, "have been identified, either as to name or association with a group."

Whenever such calls or communications are reported, the local military intelligence services, local police authorities and the FBI have been informed, but so far the originators of the calls or the abusive communications have not been identified.

Legal action that can be taken varies widely with local laws. Apparently there is no Federal statute that applies, although Senator THOMAS J. DODD, Democrat, of Connecticut, has introduced a bill that would make it a Federal offense to make threatening and abusive communications to members of the Armed Forces and their families.

Vigorous local investigation of each such communication and the voluntary withholding by many public relations media of the home addresses of dependents of Vietnamese casualties has apparently resulted in some diminution of the communications.

The information programs by the services to inform dependents of what to do if such calls are received serves, the Defense Department says, to "reduce the impact of families—however, there is still shock, humiliation, and anger."

THE WALL STREET JOURNAL LOOKS AT SENATOR AIKEN

Mr. HARTKE. Mr. President, the distinguished Senator from Vermont, who is also the dean of all Senators on the Republican side of the aisle, has long since won the admiration and affection of his colleagues with no regard to political labels. A recent newspaper article quoted Senator MANSFIELD in words describing the feeling of many other Members as well:

GEORGE AIKEN is probably the most solid man in Congress. He has honesty, charm, humaneness and, above all, independence.

The article to which I refer was written by Dan Cordtz for the Wall Street Journal of March 3. Much of the article deals with the view of Senator AIKEN on Vietnam and his role on the Foreign Relations Committee. He has addressed the Senate on the question of Vietnam in the past to the benefit of all who have heard or read his words, and I am sure whenever he takes the floor for such a purpose again, there will be many both in and out of the Senate who weigh his words with care.

Mr. President, I ask unanimous consent that the article to which I refer may appear in the CONGRESSIONAL RECORD.

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

VERMONT'S AIKEN: A RESPECTED SENATOR DISSENTS FROM U.S. POLICY IN VIETNAM

(By Dan Cordtz)

WASHINGTON.—On his desk one recent day Senator GEORGE AIKEN found two letters from Vermont constituents. The first warmly complimented him for his solid support of President Johnson's policy in Vietnam. The other, equally enthusiastic, extolled his courageous opposition to the administration's conduct of the war.

Relating the incident later, the white-haired Republican patriarch chuckled and said: "I guess it shows I don't know much about Vietnam but I must know something about politics."

Many of his colleagues would disagree. Not over whether he knows something about politics; 25 years in the Senate, after terms as State legislator and Governor, prove his vote-getting ability. But the 73-year-old lawmaker also obviously knows a great deal about Vietnam, and in recent weeks he has played an increasingly important role in the Senate's continuing consideration of our position in southeast Asia.

His role is important for three reasons: First, as second-ranking Republican on the Foreign Relations Committee, Senator AIKEN has followed the war closely for many years; he visited the country as recently as late last year, and helped write the resulting gloomy Mansfield report. Second, he is widely respected in the Senate for his levelheaded, down-to-earth views; "his kind of liberalism carries a degree of persuasiveness a doctrinaire liberal can't command," explains a congressional foreign affairs specialist. But, perhaps most important, Senator AIKEN is probably the closest friend and sturdiest sustainer of MIKE MANSFIELD—the majority leader who finds himself in unhappy opposition to his own President and much of his party on Vietnam policy.

PRAISE FROM A COLLEAGUE

Senator MANSFIELD'S respect for his friend from the other side of the aisle is boundless. "GEORGE AIKEN is probably the most solid man in the Congress," he declares. "He has honesty, charm, humaneness and, above all, independence."

Planning last year's globe-girdling committee study of the war and the chances for making peace, Senator MANSFIELD insisted that his Republican colleague be included, despite concern about how the old Green Mountain man would stand up to the rigors of the journey. (He needn't have worried about Senator AIKEN'S stamina, according to a staff member who went along. "GEORGE AIKEN stood up to it better than any of us," she says.)

The majority leader now describes Senator AIKEN as "the cornerstone on which that committee functioned. As a farmer, and a man who really knows agriculture, he had a special entree and a special insight to the problems of the country none of the rest of us could match."

And his older colleague's judgment unquestionably provided Senator MANSFIELD important support for his own pessimistic conclusions about Vietnam. Where the war is concerned, the introspective majority leader finds himself deserted by most of his own troops and in disagreement with the President. But the calm concurrence of Senator AIKEN, with whom he eats breakfast every working morning in the Senate cafeteria, reassures him of the correctness of his views.

Senator AIKEN'S own attitude toward the war is indicated by Senator MANSFIELD'S description of him as a wise old owl, flying a steady middle course between the noisy flocks of hawks and doves. He refuses to waste words on what might have been, and recognizes sorrowfully that we are now too far committed merely to withdraw. But he is opposed to further expansion of the war, particularly to any extension of the bombing in North Vietnam.

"I was against bombing up there in the first place," he says, "and I was against the resumption." He is unimpressed by claims that the bombing was necessary to halt infiltration from the north. "There are about three times as many men infiltrating into South Vietnam now as there were before the bombing started, and the supplies have increased also," he explains.

AGAINST RUSK ARGUMENT

Senator AIKEN also takes a dim view of Secretary of State Rusk's argument that our war role is required by our treaty commitments—a line which appears to cast the United States as a worldwide policeman. "I don't think we can undertake to police the whole world," he declares flatly. "I don't think we can undertake to feed the whole world. I don't think we can undertake to improve the economy of the whole world all at one time."

This hardheaded qualification of his basic humanitarian internationalism probably typifies GEORGE AIKEN'S public outlook. Descendant of a pre-Revolutionary settler, he was born into a family in which a stern conscience demanded public service. At least one member of each generation was active in politics. Ending his formal education with high school graduation more than half a century ago, he became a farmer—a designation he proudly claims today, although he has sold most of his holdings and now operates "a small orchard. It only yields about 2,000 bushels."

In 1931 he began his formal political career as town representative to the State legislature. Two years later he was elected speaker of the Vermont House of Representatives, then Lieutenant Governor, and, in 1937, Governor.

Members of Senator AIKEN'S staff and many Vermonters still call him Governor, and some say it is his preferred title. "I think he feels almost anybody can be a Senator, but to be Governor of the State of Vermont—that's something," remarked an old friend.

As Governor, Mr. AIKEN led a successful fight to break the hold of the electric power monopoly on Vermont's economy, and he won a 1940 election to fill an uncompleted Senate term on the issue of supporting public development of St. Lawrence hydroelectric power. He was an early backer of the St. Lawrence Seaway project, and calls its Senate journey his toughest political battle.

As a farmer, and representing an agricultural State, Senator AIKEN was immediately assigned to the Agriculture Committee, whose chairman he became during the term of GOP control in 1953. Additionally, he went onto the Foreign Relations Committee in 1953.

"It was perfectly natural," he explains, "Vermonters have always been internationalists, and besides it tied in directly with the problems of agriculture. It was always obvious that only world trade was the answer to our surpluses."

Within the committee, according to one member, "AIKEN has never been a man to take initiatives or generate ideas. His practice is more to listen carefully to everything, and then give his own opinion—and it's almost always a straightforward, uncomplicated, and first-rate analysis."

Senator AIKEN has also been a representative to the United Nations (appointed by President Eisenhower) and a delegate to Moscow for the signing of the nuclear test ban treaty (appointed by President Kennedy).

In foreign affairs, the Vermont Republican has been a fairly constant supporter of Chairman WILLIAM FULBRIGHT'S liberal views, including the Arkansas Democrat's criticism of U.S. policy in the Dominican Republic. In fact, although his appearance may suggest a Midwestern conservative (except for the bright red neckties he loves), Senator AIKEN has been from the first a member of the Senate's little band of "moderate" Republicans. During the Eisenhower administration, a half dozen younger GOP liberals met regularly in his office to discuss issues and tactics. And he played a central role in the rebellious skirmish which resulted in the 1959 election of liberal Senator THOMAS KUCHEL, of California, as assistant GOP leader. Mr. KUCHEL has described Senator AIKEN to intimates as one of the most important influences on his Senate career.

For all his activity on the national and world scene, however, Senator AIKEN remains rooted to his native Vermont. He misses no opportunity to return, makes a special point of contacting his humblest constituents, and argues that attention to the needs of his own people is the best way he can serve the country's interests.

In fact, his occasional mild critic calls this preoccupation with Vermont Senator AIKEN'S one blind spot. It led him, one notes, to balk at provisions of the medicare bill which would have created a problem for Vermont nursing homes.

But, as his current focus on Vietnam demonstrates, Senator AIKEN'S concerns do range far beyond his New England hills. A man, in Minority Leader EVERETT DIRKSEN'S words, "at peace with himself," he is far from despairing about the future. He remains, however, far from satisfied with the course of events in southeast Asia. And, so long as he continues to speak out, he will embolden his colleagues' own dissents. As Senator MANSFIELD puts it: "Any position Senator AIKEN takes automatically becomes respectable, just because it's held by GEORGE AIKEN."

THE 100TH ANNIVERSARY OF CONNECTICUT BOARD OF FISHERIES AND GAME

Mr. RIBICOFF. Mr. President, this year Americans are fully realizing the seriousness of the threat to our Nation's natural resources. Therefore, it is especially important that we honor those who have worked to preserve these resources in the past.

This year, the Connecticut Board of Fisheries and Game marks its 100th year of service to the people of my State. On June 29, 1866, the Connecticut General Assembly passed a resolution calling for the appointment of two commissioners to study and make recommendations on the fisheries of Connecticut. From this two-man fish commission has grown a modern fish and game agency, headed by a policymaking citizen board of five commissioners, appointed by the Governor. Since 1959 the board has been a division of the department of agriculture and natural resources, which is headed by Commissioner Joseph N. Gill.

Over the past 100 years, millions of people, residents of Connecticut and visitors from all over the country and the world, have benefited from the work of the board. The present board members—Chairman Norman C. Comollo, Vice Chairman Rudy Frank, Dr. William A. Ellis, Michael J. Stula, and Patrick J. Ward—like their predecessors, serve without compensation. They and Director Theodore B. Bampton, Assistant Director Alfred J. Hunyadi, and the 85 men and women of the staff, have upheld the high standards and traditions of the board of fisheries and game.

During this centennial year, the department will carry out a program of activities and displays to emphasize the need for conservation of our natural resources. In this, as in its regular work of providing, protecting, and preserving fish and wildlife resources for Connecticut, the board deserves the gratitude and cooperation of all Connecticut citizens.

My congratulations, thanks, and best wishes go to all connected with the Connecticut Board of Fisheries and Game. Their skill and dedication bring both honor and pleasure to Connecticut.

TWO UTAHANS—ONE AN ASTRONAUT AND ONE AN ESSAY CONTEST WINNER—DRAW NATIONAL PRAISE

Mr. BENNETT. Mr. President, it is with considerable pride that I inform the Senate today of the exploits and accomplishments of two Utahans, each a national winner and in two widely different areas of interest, but each also an excellent example of the perseverance, education, quality, and capability of Utah's citizens.

I refer to Ann Dautrich of Salt Lake City, who has just won this year's national writing contest of the President's Committee on Employment of the Handicapped, and Dr. Don L. Lind, of Midvale, Utah, who has been named one of our astronauts for the Apollo program.

Miss Dautrich, daughter of Mr. and Mrs. C. W. Dautrich, follows in the footsteps of her sister, Marilyn, who was national winner in 1965.

Ann's 1966 victory in the handicapped essay contest in these days of draft-card burnings, protest marches, and high school dropouts is refreshing representation of the many American teenagers who are not afraid to speak up for the greatness of the American way of life.

The theme of this year's essay was "What Handicapped Workers Are Contributing to My Community." I understand that in preparing the material for her winning essay, Ann interviewed several handicapped members of Salt Lake City who have surmounted their disabilities and have become leading citizens. She writes of them:

> Each might have become a potential burden to society. But with typical determination, courage, and stamina, these men have followed the examples of many disabled citizens before them and have won their private battles for success.

As for Dr. Lind, America's newest member of the astronaut team, it will be difficult indeed to find anywhere a man with more perseverance and drive. A civilian in the space program, he is a rare combination of a nuclear physicist and jet pilot. His first request to become an astronaut was turned down because he was 3 or 4 days older than the allowable limit. When the new program was announced he almost immediately telephoned the space agency, informing them he was resubmitting his application. I am told that the personnel officials screening the applicants told him, "Dr. Lind, we wondered how soon you would call."

Few Americans can claim the educational and scientific background that Dr. Lind will take with him to the space program. He is a member of the "mach-busters club" the informal group of pilots who have exceeded the speed of sound. He earned a Ph. D. in physics at the University of California and is a specialist in upper air research. In addition, he served for more than 3 years as a Navy pilot and has kept up his flying as a Navy reservist while obtaining his doctorate in high energy nuclear physics.

One other sidelight to Dr. Lind's career also will interest the Senate. When he and his sister were playing along Main Street in Midvale, Utah, he often used to tell her "That's the moon up there—some day I'm going to go there."

Mr. President, it appears that his predication may not have been too far wrong.

It is highly satisfying to know that these two exceptional people are Utahans—typical of the type being produced in my State.

I would like to congratulate both of them for their accomplishments.

I also would like to ask that Miss Dautrich's winning essay and a number of editorials and newspaper articles about her and about Dr. Lind be printed in the CONGRESSIONAL RECORD.

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

WHAT HANDICAPPED WORKERS ARE CONTRIBUTING TO MY COMMUNITY

(By Ann Dautrich)

A grenade explodes on the island of Guam and a young man can no longer see. A cannon, object of a student's curiosity, bursts, and a teenage boy faces the future with an empty sleeve. A football injury and the crippling hand of polio combine to paralyze the body of a young athlete. An enemy shell finds its mark and an American soldier loses a leg in France. A case of spinal meningitis attacks a child's delicate cranial nerves to rob him of his hearing. Five more individuals have become physically disabled.

To the great roster of over 2 million handicapped Americans, 5 more names are added. Each might have become a potential burden to society. But with typical determination, courage, and stamina, these men have followed the examples of many disabled citizens before them and have won their private battles for success. They have shown by their character, intelligence, and desire to serve that handicapped workers are contributing to a better society.

The following impressive examples show what these five men are contributing to my community. Not only are they supporting themselves and their families, but they have achieved some of the more prominent positions within the State and have still found time for community service.

Loren D. Jensen is a missile man at the Tooele Army Depot. Blinded by an exploding grenade in 1944, he now works entirely by the touch system. Recently he was named the "zero defects worker of the month" for putting together 142 Nike-Hercules missile actuators in 30 days without a single reject. A keen mind and sensitive fingers combine to make Mr. Jensen a valuable addition to Utah's missile industry.

L. C. Romney, a victim of an exploding cannon, has only the facilities of his right arm and three fingers. But a love to serve and a positive outlook on life have made Mr. Romney a valuable contributor to the community. After spending several years as general director of the division of social service at the Salt Lake County Hospital, he devoted 19½ years to the city as a commissioner. Today, still contributing, Mr. Romney serves Utah as the Director of the Federal Housing Administration.

Paralyzed by polio and confined to a wheelchair at age 17, Keith Warshaw is efficiently fulfilling the position of head merchandiser for the Grand Central stores. Although he must meet with buyers, salesmen, and designers continually, Mr. Warshaw still has time and energy for his community. Additional skills and devotion are required for his secretarial responsibilities to the Neuman-Forum, a Catholic youth organization at the University of Utah, where he serves as bookkeeper and chairman of the fundraising committee.

An enemy shell took the left leg of Wollas Macey, an American soldier fighting in France, and left him with a partially paralyzed right leg and a body full of 27 shrapnel holes. Activated by sheer determination, Mr. Macey became general director of the Utah State Fair. Today he is employed as superintendent of the Salt Lake County Roads and Bridges Department, supervising 419 men. He also drives daily to check progression of projects in each of his 16 districts. During the summer months when flood control becomes a problem, it is not unusual for Mr. Macey to put in a 24-hour day while serving his community. And yet with his busy schedule, he still finds time to coach little league football and baseball teams.

Robert G. Sanderson has been totally deaf since the age of 11, but his mind is not hampered nor his body idle. In November of 1965, he became coordinator of the first services to the adult deaf in Utah. Serving as an interpreter and counselor, Mr. Sanderson assists the deaf with personal, financial, educational, and recreational problems. In his new position, Mr. Sanderson is helping many more handicapped persons to become valuable citizens.

The blind, the deaf, the amputees, and the disease-stricken are accepting the challenge of President Kennedy, "Every man can make a difference, and every man must try." Because their bodies are not whole, the physically disabled are more patient and more sensitive to the needs of others. Together they have proved that it is the qualities of one's character and mind over the strength of his body that determines his usefulness to society.

[From the Salt Lake City Tribune, Apr. 10, 1966]

DAUTRICH GIRLS TOPS IN UNITED STATES: SECOND SALT LAKE CITY SISTER WINS WRITING CONTEST

(By Frank Hewlett)

WASHINGTON.—17-year-old Ann Dautrich of Salt Lake City, followed in the footsteps of her sister, has won this year's national writing contest of the President's Committee on Employment of the Handicapped.

The Granite High School senior will receive a $1,000 award, which is contributed annually by the Disabled American Veterans.

Miss Dautrich, daughter of Mr. and Mrs. C. W. Dautrich, 941 Millcreek Way (3495 Sonth), also gets a trip to the Nation's Capital to receive her award April 28 from Vice President HUBERT H. HUMPHREY.

FIRST FOR FAMILY

Her high school will get a plaque, donated by Mrs. A. B. Cohen, Cincinnati, philanthropist, who is a member of both the President's Committee and Ohio Governor's Committee for Employment of the Handicapped.

Last year's "Ability Counts" contest was won by Miss Dautrich's sister Marilyn.

This was the first time in the 18-year history of the contest that two members of the same family have won any of the prizes.

Theme of the 1965 competition was "What Handicapped Workers Are Contributing to My Community."

Miss Dautrich reported on interviews with five handicapped persons who surmounted

their disabilities to become useful members of the community.

They are Loren D. Jensen, a blind missile worker at the Tooele Army Depot; L. C. Romney, Utah Director of the Federal Housing Administration; Woolas Macey, superintendent of the Salt Lake County Roads and Bridges Department.

Keith Warshaw, head merchandiser for the Grand Central stores; Robert G. Sanderson, coordinator of services, to the adult deaf in Utah.

JUNIORS, SENIORS COMPETE

Miss Dautrich competed with juniors and seniors from public, parochial, and private schools from 49 States and territories in this year's competition.

The contest is part of the President's Committee's educational program, aimed at making persons aware of problems faced by the handicapped in obtaining employment, efforts being made to help the handicapped become contributors to the life of their communities and the admirable accomplishments of many severely disabled persons.

The contest is approved by the National Association of Secondary School Principals and the National Catholic Educational Association.

This year's judges were Miss Marie V. Downey, managing editor of the Electrical Worker's Journal; Patrick Healy, Jr., executive director of the National League of Cities, and Robert Sherrod, editor at large of the Saturday Evening Post.

[From the Deseret (Utah) News, Apr. 5, 1966]

A VARIETY OF TITLES FOR UTAH ASTRONAUT

(By Hal Knight)

Dr. Don L. Lind, the Utah astronaut named by the U.S. space agency, is a rare combination of a nuclear physicist and a jet pilot.

One of the few civilians in the program, he was employed as a physicist at the Goddard Space Flight Center in Maryland prior to his selection by NASA.

He served for more than 3 years as a Navy pilot and has kept up his flying as a Navy reservist while obtaining a doctorate in high energy nuclear physics.

Born May 18, 1930, he attended schools in Midvale and was graduated from Jordan High School in 1948. He attended the University of Utah and then filled a mission for the Church of Jesus Christ of Latter-day Saints in the New England States Mission in 1950–52.

Returning to the university, he graduated in August 1953 with high honors, magna cum laude and a bachelor's degree in physics and then did postgraduate work at Brigham Young University before entering the Navy. He received his commission at the officer candidate school in Rhode Island and his pilot's wings at the Corpus Christi, Tex., flight school.

After leaving the Navy, Dr. Lind returned to the University of Utah on a fellowship for a year's graduate study in 1957–58 and then moved on to the University of California where he was associated with the Lawrence Radiation Laboratory.

He received his Ph. D. from that institution in 1964, and joined NASA soon after.

A man of many talents, Dr. Lind was active in student affairs at the University of Utah and a leading debater. Active in church affairs, he was second counselor in the mission presidency during his mission and has filled numerous ward and branch positions.

In 1956 he was first-place winner in the church playwriting contest with a work entitled "Day of Trial."

He married Kathleen Maughan, of Logan, and the couple has five children.

Dr. Lind has two sisters, one, Charlene Lind, is a teacher at BYU and the other, Kathleen, is a missionary in the Franco Belgian Mission.

[From the Deseret (Utah) News, April 6, 1966]

HOMETOWN BOY MAKES GOOD

All Utahans can take pride in the appointment of Dr. Don L. Lind as a new astronaut, one of 19 appointed this week. He is one of only three civilians in the group.

Dr. Lind is a homegrown product so far as Utah is concerned. A graduate of Jordan High School, his parents still live in Midvale. He graduated with highest honors from the University of Utah, and did graduate work there and at Brigham Young University before moving along to the University of California where he received his doctor's degree for studies in high energy nuclear physics.

Nor are his interests limited to science. He is a skilled jet pilot. He served in the Navy and is presently a lieutenant commander in the Naval Reserve. A man of many parts, he served a mission for the Church of Jesus Christ of Latter-day Saints, has held numerous positions of leadership, won first place honors in a churchwide playwriting contest. He is married to Kathleen Maughan of Logan, and they have five children.

Dr. Lind's first bid to be an astronaut was turned down because he was considered too old—he was 33. This second time he was accepted because he has so many outstanding qualities that the National Aeronautics and Space Administration just couldn't say no.

We congratulate Dr. Lind for his appointment, and wish for him every success. May he be the first man on the moon.

[From the Ogden (Utah) Standard-Examiner, Apr. 6, 1966]

UTAHAN NAMED TO U.S. MOON TEAM

Don Lind's life story is one that should be an inspiration to Americans of all ages, particularly the youngsters.

When he was only 12, he teased his younger sister, saying "I'm going to the moon some day."

This week, Dr. Don L. Lind, now 35, was picked by the National Aeronautics and Space Administration to join 49 other men in training for flights to the moon and other targets in outer space.

He's the first Utahan to make the U.S. space team.

How did he succeed in getting this close to his life's goal? By careful training and perseverance. He just wouldn't give up until he made the moonbound squad of astronauts.

After graduation from college, Lind, the son of Mr. and Mrs. Leslie A. Lind of Midvale, joined the Navy. We went through flight school—and there's none tougher than the Navy's—and became a carrier-based pilot.

As a Navy flier—he's still a lieutenant commander in the Naval Reserve—he qualified for membership in the informal "mach-busters' club" of pilots who had exceeded the speed of sound. He's flown in excess of 1,000 miles an hour.

When Don Lind left the Navy, his eyes were still on the moon.

He earned a Ph. D. in physics at the University of California in the summer of 1964 and that August joined the civilian staff of NASA's Goddard Space Center at Silver Spring, Md., near Washington, D.C.

His specialty is upper air research. He's done experiments in many areas, including a trip a few weeks ago to Fort Churchill in northern Canada, where sounding rockets are fired into the high atmosphere.

Meantime, his name was already on record as a volunteer for space travel.

He went to the NASA Manned Space Flight Center at Houston, Tex., more than 3 years ago, before any civilians had been selected for flight crews. He told officials then that the day was coming when they would need scientists to explore the moon.

A few scientists were selected last year but Dr. Lind was a few days too old to qualify on the initial selections.

This year, when a new call was put out, he got in touch with NASA's Houston staff immediately. The man who answered laughed, saying "we wondered how soon you'd call, Dr. Lind."

This time, he made it. He'll soon move his wife—and the former Kathleen Maughn of Logan—and five children to Texas to begin his lunar training.

The dreams that Utah's Don Lind had more than 20 years ago of flying to the moon will soon come true. This scientist-pilot certainly has the right qualifications.

DEDICATION OF NEW OCEANOGRAPHIC RESEARCH FACILITY ON POINT LOMA, CALIF.

Mr. MURPHY. Mr. President, I would like to speak briefly of a most fitting dedication that has come to my attention.

On March 25, 1966, the University of California's Board of Regents named a new oceanographic research facility on Point Loma, off San Diego, after the late Fleet Adm. Chester W. Nimitz.

This 6-acre, $1 million facility is considered to be one of the most advanced installations in the world for the study of the sea and the distribution of plant and aquatic animal life.

The new facility, which will be operated by the Scripps Institute of Oceanography, will include a 320-foot floating pier, a 150-foot wharf, and administration and staging building, maintenance and electronic shops, and a warehouse. It will be the home port for many research and training vessels, which already include the *Alpha-Helix*, an ocean going biological laboratory, and the *Thomas Washington*, a research vessel.

Mr. President, I can think of no one more appropriate than the late Admiral Nimitz, a former regent of the University of California and a great naval officer, to be honored by the operation of this new advancement in the exploration of the sea, which we all know to possess vast treasures of unknown wealth.

Also, Mr. President, I would like to call the attention of the Senate to a column which appeared in the Navy Times concerning what I feel is an excellent and timely proposal by Congressman BOB WILSON, of San Diego to name a nuclear carrier for Fleet Admiral Nimitz. This certainly deserves the consideration of the Congress and would be a fitting and appropriate tribute to this distinguished naval officer. I ask unanimous consent that the attached article be inserted in my remarks at this point.

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

[From the San Diego (Calif.) Union, Mar. 28, 1966]

CARRIER FOR NIMITZ

(NOTE.—The Navy Times comments on the proposal to name a nuclear carrier for Fleet Adm. Chester W. Nimitz.)

There is no question but that the Navy will name a ship for Fleet Adm. Chester W. Nimitz. The other fleet admirals and the deceased four-star fleet commanders of World War II have already been so honored.

Representative BOB WILSON, of California, wants to name the nuclear carrier in the 1967 budget before Congress for Admiral Nimitz—"the man who made the aircraft carrier a potent and formidable element in sea warfare."

Certainly, so far as carrier names go, there is no reason why this should not be done. Though carriers used to be named for great battles or historic ships, such names as "Kitty Hawk" and "Shangri-La" also have crept in and three already have been named for people: Roosevelt, Forrestal, and Kennedy. And to stretch a point, so has *Bon Homme Richard*.

And, though by hitting the history books, one might come up with some names as illustrious as that of Nimitz, we ourselves can't think of any persons who are more outstanding.

So Congress and the Navy should give careful consideration to Mr. WILSON's proposal.

CIA INVOLVEMENT WITH A MICHIGAN STATE UNIVERSITY PROJECT IN VIETNAM FROM 1955 TC 1959

Mr. HARRIS. Mr. President, my statement concerning reported CIA involvement with a Michigan State University project in Vietnam from 1955 to 1959, which I made in a speech in Oklahoma last Saturday noon, followed a refusal of CIA to discuss this matter with me in private.

After my Saturday statement, I was contacted by Adm. William F. Raborn, CIA Director, with whom I conversed about it, and who, thereafter, sent CIA officials to discuss it with me privately in my office this afternoon.

I expressed to them my strong conviction that university research projects abroad should in no wise have any connection with CIA activities, so that there could be no misunderstanding that research in the social and behavioral science fields, particularly, is unpressured and unconnected with political ends.

I was given the explanation of the Michigan State University situation substantially as was stated today by Senator LEVERETT SALTONSTALL, of Massachusetts, in the Senate.

I will continue to be very much interested in the future in the freedom of university research from political or other extraneous entanglements.

SUPPORT IN BRITAIN FOR THE AMERICAN COMMITMENT IN VIETNAM

Mr. DODD. Mr. President, demonstrations in foreign capitals have often left the impression that intellectuals, students, and other leaders of opinion in Europe and Asia do not support the American commitment in Vietnam.

Likewise, demonstrations in this country have led observers abroad to believe that opinion here is sharply divided and, in the long run, might stimulate a weakening of determination to maintain a firm position.

Neither view is valid, for informed opinion abroad is no more represented by demonstrations and teach-ins than is informed opinion in this country.

James Fletcher, an American professor studying in England at Oxford University, points out that British opinion over the past year has changed significantly. In a recent article in the National Review, he wrote:

The consensus in British intellectual circles has changed. A year ago the attitude of the British academic or clergyman or lawyer was likely to be one of despairing disapproval of American intervention in what was thought to be a civil war. Today many of the same people grudgingly acknowledge that the fight has to be made and that civil war is a term that cannot be applied to the externally directed Vietcong subversion.

In his article Mr. Fletcher quotes extensively from such British observers as Foreign Secretary Michael Stewart, P. J. Honey, reader in Vietnamese affairs at the University of London, and Michael Wall of the Manchester Guardian.

Mr. Wall has, states the author of this article, significantly changed the approach taken by the Guardian, which had previously been critical of American efforts in Vietnam.

In the Guardian of January 25, 1966, Wall wrote the following:

If indeed the struggle is for liberation why has there been no uprising on a national scale by a proud and highly intelligent people? Why have all attempts to paralyze Saigon by strike action dismally failed? Why has the Vietnamese Army continued the struggle after appalling losses and moreover still manages to attract volunteers? * * * Those people who understand what communism is are not attracted by its ideology and are repelled by its methods. They do not believe the lot of those in North Vietnam is better than their own.

I wish to share this interesting and important analysis with my colleagues, and I therefore ask unanimous consent to insert this article in the RECORD.

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

BRITISH SUPPORT ON VIETNAM?

(By James Fletcher)

(NOTE.—In 8 months' time British opinion on what is going on in Vietnam has changed. Today, they buy the American thesis of Communist aggression.)

One of the tasks sometimes assigned to U.S. citizens living abroad by their Embassy is defending American foreign policy. In England, the organizing body is the U.S. Information Service, situated in the eagle-topped Embassy in Grosvenor Square. Because the USIS is particularly eager to keep relations between Britain and the United States as close as possible, the number of speakers sent out from London in any one week may be quite large. Most of them receive no pay, being recruited for trainfare to fill engagements which cannot be filled by Embassy officials for reasons of manpower or of discretion. A Rhodes scholar may address an organization of retired civil servants on "The Structure of American Government." Or a Fulbright lecturer may discuss the race problem before a women's club in Durham. The operation is a large one and the results cannot be estimated because so many variables are involved.

My own initiation into the role of unofficial spokesman came in late January. The topic was Vietnam and the program a BBC-TV educational venture called "Spotlight." Two or three of my colleagues on the list from which the BBC eventually got my name specialized in foreign affairs, but with the reticence displayed by most American academics they refused to be involved in anything so damaging as defending American foreign policy. So the task fell to me.

"Spotlight" reaches 10,000 schools, once in a live broadcast and once in a recorded relay the next morning. The audience at home receives the program too, the main viewers being housewives eager for a half-hour of education in world affairs or social issues. The schoolchildren viewing have a background lecture beforehand and a discussion period afterward, the program being the focal point of the afternoon. The responsibility of the speakers is, therefore, a large one, and their success depends on their working out a style that will be comprehensible to 15-year-old students (pretty bright) and not condescending to a somewhat self-conscious at-home audience.

I learned later that I was supposed to have spoken well at a Commonwealth conference on race relations, of which I had never heard and in which I had certainly never participated. This eloquent nonappearance, the sources of which I know nothing earned me some little reputation as an authority on international affairs. I accepted the BBC's invitation and set about doing my homework on southeast Asia.

Getting ready proved quite illuminating. The most surprising thing about preparing a defense of American policy in southeast Asia is the ready supply of original sources in England. A large body of useful information may be had quite easily—and most of it bears out the view of the war held by most Americans.

As I delved into the available materials on the Vietnam conflict, I began to discover a subtle change that has taken place in the British attitude toward the Vietnam war in the last 8 months. Two positions have remained consistent: the Labor government has given the United States strong moral support and kept its own leftwing quiet (well, fairly quiet), and the public at large has not cared about Vietnam at all. (The ignominious showing in the Hull North by-election of the Radical Alliance candidate, who opposed British support of the American commitment, demonstrated not so much an endorsement of the Government's foreign policy as a complete lack of interest by the voters in southeast Asia.) But the consensus in British intellectual circles has changed. A year ago the attitude of the British academic or clergyman or lawyer was likely to be one of despairing disapproval of American intervention in what was thought to be a civil war. Today many of the same people grudgingly acknowledge that the fight has to be made and that "civil war" is a term that cannot be applied to the externally directed Vietcong subversion.

At Oxford I had heard of the Foreign Secretary's speech the previous summer. Michael Stewart spoke at the Oxford Union, and everyone admitted he had made a good defense of the war against the Vietcong. But the atmosphere was a hostile one. This teach-in was only one of many, and Americans who feel strongly about their commitment to the independence of South Vietnam can be thankful for once that the forums have existed. In England, where a fair amount of commonsense and a certain degree of skepticism can be counted as typical mental attributes, the teach-ins work very much against their organizers. Few of the confrontations held since last June have given much comfort to the supporters of American withdrawal. In many cases sponsorship is falling to the supporters of the American position.

Just how much things were changing in the autumn could be seen in the controversies that raged in the newspapers and scholarly journals of the period. "Encounter," for example, a fairly safe index of informed opinion, suggested the divisions in the academic camp. In October I read an article by Richard Lowenthal; my main reaction was boredom. Much of what Lowenthal said was old hat—the usual assertions about Vietnam (misunderstanding of the Geneva agreement of 1954, belief in the peaceful

intentions of China) without supporting facts.

But in the best tradition of English controversialism, retribution came swiftly. Since I had been led to believe that the English as a people think like the American left, I was surprised and pleased to find two telling refutations of Lowenthal's meanderings. One was a letter from an Indian, Sibnarayan Ray, a member of the Department of Indian Studies at the University of Melbourne. Ray concentrated on dissecting the assumption that the intentions of Communist China are peaceful. His arguments gain force from his nationality and his geographical situation. No Indian can ever let the intentions of Red China—revealed so clearly in the past few years—be easily overlooked; no one living in Australia can avoid sobering thoughts about the rapacious enemy to the north.

The other answer to Lowenthal came from P. J. Honey, reader in Vietnamese Affairs at the University of London. Honey's name was vaguely familiar to me; he had participated in one or two teach-ins and was respected by his opponents. He speaks Vietnamese, unlike most critics of U.S. policy, and has lived in Vietnam. Honey's debater's points are scored by firsthand information: he asserts most Vietnamese are grateful to the Americans who are defending them; he notes that the Vietcong have no real existence as a national movement; and he corrects many of the misassumptions about the Geneva agreements. Lowenthal's reply, which appeared in January, dealt mainly with other critics, not with Honey, whose facts were unassailable.

Strangely enough, though, the most useful preparation I had for "Spotlight" was reading the Guardian. During the peace offensive of late December and January, it had been a constant delight to read Victor Zorza, the house Kremlinologist. Zorza's method is to read the Moscow, Peking, and Hanoi papers and to draw conclusions. The method in itself is a fine one, but Zorza's conclusions provoke only amusement. Most of January was spent finding hints of peace in the Hanoi press: as the other English papers dutifully reported the increasing numbers of men and supplies being sent into South Vietnam from the north, Zorza squirmed day after day to show how the influx was dwindling, all on the evidence that sources in Hanoi had begun to deny North Vietnam was supplying the Vietcong at all. But came mid-January and with it a new approach by Michael Wall.

Wall serves as a roving foreign correspondent for the Guardian. According to Wall, the Vietnamese see the Vietcong as a menace, not as a deliverance. The headlines alone indicate how much the Guardian's readers may have been surprised in recent weeks: "Saigon sees Vietcong increasingly dependent on terrorism" and "U.S. marines winning battle for trust of villagers." A number of people whose political allegiances are at best ambivalent have been having second thoughts over their morning coffee. By January 24, Wall's reports from Saigon had begun to take their toll on the editorial page; Guardian comments have become more guarded and Vietnam editorials sometimes take second place. The change has been brought about by Wall's voluminous body of facts and his skillful use of them.

I came to "Spotlight" feeling that I was very much part of the movement of thought. My opponent in the debate that took up part of the program—a lecturer in political science from Bristol University—sensed, I think, that his own position is shakier than it was several months ago. Like many other British leftists, he pins his hopes on a change of opinion in the United States. It would be a tragedy of major proportions if the case for the American commitment in South Vietnam were to receive less than its due on its home ground while it fares better and better abroad. I suspect, though, that a failure of conviction will not beset the United States in the near future. One of the reasons may be the good materials that dispassionate English skeptics like Wall and Honey provide for the debate.

THE BRITISH SPEAK OUT ON SOUTHEAST ASIA

"The only proposal for settling this problem that has come from North Vietnam and her allies is that first, before any conferences or discussion, all U.S. troops shall leave, and secondly, that the affairs of Vietnam shall be settled in accordance with the principles of the Fatherland Front in the north and the Liberation Front in the south, that is to say, in accordance with the principles of the Communists and the Communists only * * *. It is no good, honorable members, disagreeing with me on this because North Vietnam itself makes no secret of this. This was plainly stated by the Prime Giap. It was plainly stated by the Prime Minister of North Vietnam. It has been publicized in the Peking People's Daily. This is the Communist program. I believe that if we were to say: we will surrender completely to this demand, you would have shown to all the world that a Communist aggression can succeed and you would have caused the very gravest alarm and concern to every non-Communist country in Asia."—from a speech by Michael Stewart, the British Foreign Secretary, at the Oxford Union Society, June 16, 1965.

"It is strange, but true, that perhaps the only country in the world in which the indigenous nature of the Vietcong and its political arm, the National Liberation Front (NLF), commands no credibility at all is South Vietnam. The publicly named leaders of the NLF are held in South Vietnam to be incompetent and insignificant persons who have never achieved anything of note in the past * * *. Only the use of threat or force has been effective in securing cooperation from the South Vietnamese people. The Vietcong movement has never enjoyed a broad basis of popular support in South Vietnam and does not do so today."—P. J. Honey, "Vietnam Argument," Encounter, November 1965.

"One of the most astounding aspects of the South Vietnam situation in the estimation of observers here is that the Communists have not already achieved their aim of taking over the whole of South Vietnam. If indeed the struggle is for liberation why has there been no uprising on a national scale by a proud and highly intelligent people? Why have all attempts to paralyze Saigon by strike action dismally failed? Why has the Vietnamese Army continued the struggle after appalling losses and moreover still manages to attract volunteers?

"These are among the questions that drum though the minds of newcomers to the Vietnam scene. The answers certainly do not lie in any devotion to the successive Saigon governments, in any wish to defend what has been a corrupt, inefficient administration, nor in any desire to adhere to the so-called Western way of life. The answer commonly given is that the war is understood to be what it is—a Communist attempt to unify Vietnam under Communist administration—and the majority of people here are ready to fight to prevent its success. Those people who understand what communism is are not attracted by its ideology and are repelled by its methods. They do not believe the lot of those in North Vietnam is better than their own."—Michael Wall, Guardian, January 25, 1966.

"The people in the village are beginning to learn that if they are in real trouble they can 'turn to the marines.' This was how the U.S. marine company commander saw the beginnings of another small victory—not in terms of ground captured or enemy killed, but because some simple villagers were hesitantly starting to trust him and his men * * *.

"We found countless cases of marines writing home to their families for toys and clothes to be sent out for the children, and of marines buying clothes for poor families. On Da Nang waterfront where two young marines keep a 24-hour radio vigil, three orphan children were sharing their tent with them. A colored soldier has applied to adopt the boy, a bright 12-year-old, and is already spending $28 a month to clothe, feed, and educate him * * *.

"For the politicians and the generals the war here is complex enough. For the ordinary soldier it is deeply perplexing. To be expected to kill and to risk being killed and at the same time to be an ambassador of goodwill and a social worker among the people one is killing is to ask a good deal. From what I have seen of the American marines in the field they seem to be attempting, and indeed achieving, something which has never been demanded of soldiers before."—Michael Wall, Guardian, February 7, 1966.

THE CHALLENGE OF WORLD HUNGER

Mr. MONDALE. Mr. President, one of the most encouraging aspects of our growing national awareness of the problem of world hunger is the interest which our food processing industry has taken in doing its part to alleviate human suffering. I ask unanimous consent that an article from the March edition of the Minneapolis Grain Exchange News be printed in the RECORD. This article is entitled "The Challenge of World Hunger," and it is taken from an address by Mr. R. Hal Dean, president of the Ralston Purina Co., to the 20th Annual Farm Forum in Minneapolis.

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

[From the Minneapolis (Minn.) Grain Exchange News, March 1966]

(EDITOR'S NOTE.—The challenge of world hunger is a growing concern in every nation on earth. It is a moral and political issue of grave importance in the affluent societies. There is little doubt that if it were not for the war in Asia, the challenge of world hunger would be the gravest international concern today. So spoke R. Hal Dean, president of the Ralston Purina Co. at the 20th annual Farm Forum in Minneapolis this month. The following article contains excerpts of Mr. Dean's speech.)

THE CHALLENGE OF WORLD HUNGER

The world food dilemma which is being experienced today in the developing or emerging nations, and which will continue in the future, is usually related to the nation's ability to produce foodstuffs. It is considered essentially a production problem. At this time, and possibly for years to come, the problem is not only one of production but one of distribution in its broadest economic terms. It is one which requires a total program.

The President of the United States, in his recent message to Congress on "Food for Freedom," suggested that the key to victory over hunger in all nations is self-help. He pointed out that the developing countries must make basic improvements in their own agriculture. He suggested they must bring the great majority of their people who now live in rural areas into the market economy. He indicated that the farmer must be made a better customer of urban industry so that economic development may be accelerated.

In discussing the total program two points must be made. First, there is no easy solution for private industry, for government, or for international agencies in promoting agricultural self-help in developing countries. We cannot paint another country, which has its own peculiar geographic, political, and economic characteristics with the American free enterprise brush and expect another United States of America to emerge. It is essential that the individual problems be identified and the broad concepts and fundamentals be applied.

The second point: The free enterprise system is the major ingredient in the formula necessary to meet the challenge of world hunger. Russia has reached Venus, but where are its food surpluses? Free enterprise methods must always be specifically adapted, not adopted, to fit the unique situations of each region.

THE EXPERIENCE IN COLOMBIA

Ralston Purina today has commercial mixed feed manufacturing plants throughout the Western Hemisphere. Including genetic breeding operations, processing plants, fish canneries, fish meal plants, and receiving stations. Purina's work with agriculture and food production reaches to 40 different countries. All of them represent different private enterprise self-help programs at various stages of development.

The South American country of Colombia, with variations, has the same sort of case history as the other overseas operations. Purina's experience in Colombia, though, provides an example of the problems faced by private enterprise and government and illustrates the need to develop distribution and production simultaneously.

The beginning: The need for more and lower cost meat, milk, and eggs in Colombia was, and is, obvious. The company's first move was to establish one feed mill. A sales organization was formed at the same time, led by trained Purina people. They had the dual role of teaching the local salesmen to become a sort of extension service specialist to the farmer, while also developing a dealer distribution organization of Colombian businessmen.

Resources: Very soon after production and distribution of the feed product was underway, it was clearly evident that the mill was competing for raw materials, specifically corn, with the human population. In search for a different carbohydrate source, the local capabilities for producing milo were investigated. The development of sorghum production had been easy until the harvest of the first crop. The Colombian farmer, though, lost interest at once because there was no marketplace where he could turn his crop into cash.

In order to achieve success in expanding the milo crop the feed mill guaranteed a cash market to the farmer at the time of harvest for his total production. Crop production was augmented by importing selected hybrid seed and financing this seed to the farmer.

Marketing: The growth and development of food production in Colombia is hamstrung by lack of transport and inadequate storage facilities. The private enterprise system, functioning in a developing country, must have the properly oriented help of governmental funds. Often private enterprise cannot afford the investment of massive building programs in these areas. The Colombian Government and the U.S. aid program have tackled, and are tackling, these problems. This serves as an excellent example of the need for coordinated effort between government and private enterprise.

Education: The Purina sales organization, utilizing vast quantities of films, educational programs, and other training devices, produced in Spanish, carried agricultural education to the consumers of animal and poultry feeds, and education on business management and marketing methods to the Colombian dealers.

The broad and practical education program is typical of the unique ability of free enterprise to extend self-help to agriculture in other countries. The fact that it is profit motivated makes it all the more effective at all levels.

As these broad education efforts met with some success they created a new business opportunity for farmers in Colombia in the production of poultry and animals in larger quantity. The distribution production problems that arose were solved by taking advantage of the existing feed organization.

Once again it was clear that the farmer could be educated to produce and could increase his efficiency rather quickly. Soon there was more production than the limited marketing facilities could produce but at this point it was not necessary for Purina to make an investment in a business. The investment instead was education, advice, and persuasion to Colombian businessmen.

Every business decision of this nature came about as a result of need. Each of them relates to the challenge of world hunger. Each decision was aimed at balancing some segment of production and distribution that was temporarily out of adjustment in the developing country.

American agriculture not only has the opportunity but the definite responsibility to carry this knowledge into the developing countries. This responsibility is rooted in the moral and political considerations and in the long-term survival of our own way of life.

"Give a man a fish and you feed him for a day. Teach a man how to fish and you feed him for a lifetime."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk proceeded to call the roll.

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

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

APPORTIONMENT OF STATE LEGISLATURES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S.J. Res. 103) proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States.

Mr. HOLLAND. Mr. President, I had intended to discuss the pending joint resolution, which proposes a vital constitutional amendment, known as the Dirksen amendment, in much greater detail during this debate than I am able to do in view of the unanimous consent agreement adopted without notice, without my knowledge, and without my approval on Wednesday afternoon of last week. Since I am not able, under the time situation now existing, to speak at length on the pending business, I shall confine myself to the discussion of three points which seem to me to be so compelling that they should be in the mind of every Senator and in the public mind as our people consider this highly important matter.

My first point is that the decision of the majority of the Supreme Court in the Alabama reapportionment case of Reynolds against Sims is the outstanding and the most dangerous decision of the Supreme Court in asserting a new and, I feel, a highly dangerous philosophy which has been adopted by a majority of that Court in recent years. The majority of the Court in most of its decisions on this point successfully avoids any clear statement of its new philosophy as well as any adequate discussion of the historical background of the 14th amendment. Perhaps the nearest approach to discussion by a majority of the Court as to what its new philosophy really means appears in the opinion of the Court delivered by Mr. Justice Douglas on March 24, 1966, in which the Court declared unconstitutional the poll tax of the Commonwealth of Virginia in its application to State and local elections. In speaking for the six members of the Court who joined in knocking out the Virginia poll tax of $1.50 per year as a prerequisite for voting in State and local elections, Mr. Justice Douglas stated the present philosophy of the majority of the Court in the following words:

> Likewise, the Equal Protection Clause is not shackled to the political theory of a particular era. In determining what lines are unconstitutionally discriminatory, we have never been confined to historic notions of equality, any more than we have restricted due process to a fixed catalogue of what was at a given time deemed to be the limits of fundamental rights. See *Malloy* v. *Hogan*, 378 U.S. 1, 5–6. Notions of what constitutes equal treatment for purposes of the Equal Protection Clause *do* change. This Court in 1896 held that laws providing for separate public facilities for white and Negro citizens did not deprive the latter of the equal protection and treatment that the 14th Amendment commands. *Plessy* v. *Ferguson*, 163 U.S. 537. Seven of the eight Justices then sitting subscribed to the Court's opinion, thus joining in expressions of what constituted unequal and discriminatory treatment that sound strange to a contemporary ear. When, in 1954—more than a half century later—we repudiated the separate-but-equal doctrine of *Plessy* as respects public education we stated: "In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written.

I repeat that the clearest statement which I have found of this new and dangerous philosophy of the Court is that of Mr. Justice Douglas, as above quoted, appearing in the opinion of the Court in the Virginia poll tax case. He could not more clearly advise our Nation that the doctrine of stare decisis is dead and that uncertainty as to what the Constitution means must now become the order of the day.

The dissenting opinion of Mr. Justice Black in that same case includes a repudiation of this new doctrine of the Court in its closing paragraph which I quote in part as follows:

For Congress to do this (meaning the passage of specific legislation to protect 14th Amendment rights) fits in precisely with the division of powers originally entrusted to the three branches of Government—Executive, Legislative, and Judicial. But for us to undertake in the guise of constitutional interpretation to decide the constitutional policy question of this case amounts, in my judgment, to a plain exercise of power which the Constitution has denied us but has specifically granted to Congress. I cannot join in holding that the Virginia state poll tax law violates the Equal Protection Clause.

If there is a friend of voting without a poll tax, it is Mr. Justice Black, and he made clear his horror at the adoption of this new philosophy by the majority of the Court.

In the same Virginia poll tax case, Mr. Justice Harlan—joined by Mr. Justice Stewart—in his dissenting opinion calls attention to the danger of this radical new philosophy of the majority of the Court in following words:

The final demise of state poll taxes, already totally proscribed by the Twenty-fourth Amendment with respect to federal elections and abolished by the states themselves in all but four states with respect to state elections, is perhaps in itself not of great moment. But the fact that the *coup de grace* has been administered by this Court instead of being left to the affected states or to the federal political process should be a matter of continuing concern to all interested in maintaining the proper role of this tribunal under our scheme of government.

I do not propose to retread ground covered in my dissents in *Reynolds* v. *Sims*, 377, U.S. 533, 589, and *Carrington* v. *Rash*, 380 U.S. 89, 97, and will proceed on the premise that the Equal Protection Clause of the Fourteenth Amendment now reaches both state apportionment (*Reynolds*) and voter-qualification (*Carrington*) cases. My disagreement with the present decision is that in holding the Virginia poll tax violative of the Equal Protection Clause the Court has departed from long-established standards governing the application of that clause.

In the same dissenting opinion Mr. Justice Harlan later said:

Property and poll-tax qualifications, very simply, are not in accord with current egalitarian notions of how a modern democracy should be organized. It is of course entirely fitting that legislatures should modify the law to reflect such changes in popular attitudes. However, it is all wrong, in my view, for the Court to adopt the political doctrines popularly accepted at a particular moment of our history and to declare all others to be irrational and invidious, barring them from the range of choice by reasonably minded people acting through the political process.

I feel that the most compelling statement in repudiation of this new philosophy of the majority of the Court is found in the dissenting opinion of Mr. Justice Harlan in the case of Reynolds against Sims—referred to by him in the earlier statement above quoted—which reads as follows:

Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this Court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional "principle," and that this Court should "take the lead" in promoting reform when other branches of government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements. The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens. This Court, limited in function in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the Court *adds* something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process.

My second point, which follows closely the first, is that the control of apportionment of the State legislatures by the Federal courts as laid down by Reynolds against Sims and other cases which have followed, wholly fails to provide the necessary certainty and stability as to the membership of both houses of the legislature which will serve the interests of sound government in each State. I have already quoted heretofore from Mr. Justice Douglas in his statement that the Supreme Court which handed down the decision in the Plessy case in 1896 was reversed and repudiated by the Supreme Court which handed down the decision in the Brown case of 1954. In other words, though the wording of the Constitution had not changed in any respect—not by a single word—the philosophy and decision of the membership of the Supreme Court in 1954 had so changed from that existing in 1896 that a diametrically opposite ruling was issued by the Court, thus substituting for the separate but equal doctrine the present decision requiring integration of the public schools.

In the same way, the Supreme Court in the Virginia poll tax case specifically repudiated its earlier decisions upholding the right of the States to require the payment of poll taxes as a prerequisite to voting in State and local elections. Likewise, in the reapportionment cases, the Supreme Court again acknowledged that it was repudiating by its latest and present doctrine the decision of earlier Supreme Courts of just a few years before. There are other instances which I could cite, but I think these three are sufficient to establish the point I am making that even the Supreme Court itself has shown that it changes at will its ruling as to the meaning of important constitutional provisions, particularly in the interpretation of the 14th amendment, thus allowing little hope of stability in the important matter of distribution of seats in both houses of a bicameral State legislature and in the single house of a unicameral legislature.

After all, the Justices of the Supreme Court are only human and they change their minds on important questions. An important instance of this is shown in the "about face" of Mr. Chief Justice Warren on legislative reapportionment. In 1948 as Governor of California, he believed in the traditional system—in 1964 as Chief Justice of the United States he wrote the decision of the Court in Reynolds against Sims overruling his earlier conviction and declaring the present unfortunate interpretation of the 14th Amendment, applying the so-called one-man, one-vote principle tc both houses of the State legislatures. I do not question his sincerity. I merely call attention to his change of conviction so that he brought about, with others, the complete change of a longstanding interpretation of the 14th Amendment and the repudiation of his earlier conviction. What could be more disturbing of the permanence, the soundness, the stability of our State governments and the prosperity of our citizens than to have such a situation become the permanent law of this land?

The very fact that the present Supreme Court, itself, has been divided in the reapportionment cases and in the Virginia poll tax case, shcws that a relatively small change of membership in the Court and the span of a few short years may easily result in changed interpretations of the 14th Amendment and in an additional change or repeated changes in the application of Federal constitutional law to legislative apportionment in the several States.

But the instability which is already present is much greater than that which results from the facts which I have just stated relative to the Supreme Court. In my own State, the State of Florida, we have had two recent illustrations of the instability of any legislative setup which is based on Federal court decisions. On two occasions within the last few years, indeed since September 1962, decisions in Florida of three-judge district courts of the highest reputation on reapportionment formulas have been reversed and rejected by the U.S. Supreme Court. In each case the three-judge district court had approved a reapportionment program worked out by the Legislature of Florida which in each case was rejected by the U.S. Supreme Court. Meanwhile, time had passed, legislative problems were clouded by uncertainty, the eligibility of many citizens to run for legislative office was questionable, and the whole result has weakened State government and loss of confidence by citizens of my State in both the State government and the Federal judicial processes.

When it is remembered that this same possibility exists as to every State that is now affected by the Supreme Court reapportionment decisions—meaning a large majority of all the States—at this very time, and that all States are affected again and in a different way after every decennial census in the future so long as the present ruling continues to prevail, it must be realized how serious a blow to the stability of our State governments and our Federal courts is present and will continue to be present so long as we tolerate the present conditions.

Still another difficulty is presented in this same field when we recall that questions which must be determined ultimately by the courts under the existing

system are frequently questions which should not be decided by judges and many of which cannot properly be decided by judges. On this point I think it is appropriate to quote again from the dissenting opinion of Mr. Justice Harlan in the case of Reynolds against Sims. Mr. Justice Harlan said:

> It should by now be obvious that these cases do not mark the end of reapportionment problems in the courts. Predictions once made that the courts would never have to face the problem of actually working out an apportionment have proved false. This Court, however, continues to avoid the consequences of its decisions, simply assuring us that the lower courts "can and * * * will work out more concrete and specific standards," * * *. Deeming it "expedient" not to spell out "precise and constitutional tests," the Court contents itself with stating "only a few rather general considerations."
>
> Generalities cannot obscure the cold truth that cases of this type are not amenable to the development of judicial standards. No set of standards can guide a court which has to decide how many legislative districts a State shall have, or what the shape of the districts shall be, or where to draw a particular district line. No judicially manageable standard can determine whether a State should have single-member districts or multimember districts or some combination of both. No such standard can control the balance between keeping up with population shifts and having stable districts. In all these respects, the courts will be called upon to make particular decisions with respect to which a principle of equally populated districts will be of no assistance whatsoever. Quite obviously, there are limitless possibilities for districting consistent with such a principle. Nor can these problems be avoided by judicial reliance on legislative judgments so far as possible. Reshaping or combining one or two districts, or modifying just a few district lines, is no less a matter of choosing among many possible solutions, with varying political consequences, than reapportionment broadside.

I wonder if our friends who oppose the pending resolution realize that if the present situation continues it will not be many months or years before Federal district courts or even the U.S. Supreme Court itself will be charged with having gerrymandered legislative districts in some States or in many States and with having done all sorts of political things in fixing legislative district lines which may not please the State or large groups of citizens therein even though the action of the courts may have been based on good conscience and the best information available. Surely we shall be asking for confusion worse confounded if we permit the present well intended, but ill advised, impractical, and unsound philosophy of the Supreme Court to prevail and become a fixed part, at least for an indefinite time, of the constitutional foundation upon which this Nation is based. The Federal courts are even now rapidly approaching the "political thicket" against which the late Mr. Justice Felix Frankfurter warned them so clearly when they were considering an earlier case in which the Federal courts were invited to take jurisdiction of State reapportionment cases.

Is there great value, as we have always thought, in having a written Constitution with fixed standards which would assure us greater stability than that possessed by other nations? Or shall we become the laughingstock of legal scholars throughout the world by approving the continuance of the present governing philosophy by which the Court will be allowed to exercise power which the Constitution has denied it but has specifically granted to Congress? Shall we deliberately encourage a permanent condition in which the changing personnel and changing philosophy of the majority of the Supreme Court may allow an important constitutional provision to have entirely different meanings, from time to time, bringing about profound changes in a highly important branch of the State governments and utmost confusion among our citizens? Or, more generally, shall we approve the ultraliberal philosophy as stated by Mr. Justice Harlan "that every major social ill in this country can find its cure in some constitutional principle" and that the Supreme Court should "take the lead in promoting reform when other branches of government fail to act"?

Mr. President, my third point is that there is no sound reason whatsoever to deprive a majority of the people in each of the many States which have large undeveloped areas from adopting a formula of apportionment of the membership of one house of their legislature which will give effective local representation to the outlying and relatively undeveloped and sparsely settled areas of their State. The decision would of course be made by the whole voting population of the State. The history of our Nation from its very beginning and down to this very time shows clearly that our people have always recognized the need to allow for local representation of residents of the undeveloped areas and to encourage such areas to greater development not only in their own interest but in the interest of the State as a whole.

Perhaps the latest evidence of this appears in the State constitutions of Alaska and Hawaii which have been adopted in relatively recent years and which represent the thinking of the people in those two new States—our 49th and our 50th—as to how best to encourage the development of their areas which require impetus toward greater development.

In Alaska, whose area is more than twice as great as Texas, the State constitution, adopted in 1956, embraces the population concept for the distribution of members in the house of representatives, but not so as to the senate. In the senate the constitution of Alaska provides for a membership of 20 senators distributed by districts in such a way as to allow local representation in the senate for all areas of the State. This was the latest and perhaps the last pioneer State to be admitted to our Union and it should be very clear from looking at the provisions of the State constitution that the people in that State did not want to provide for a control of the State senate by the cities of Anchorage and Fairbanks, which have more than half of the population of the State, but instead recognized the need for direct representation for the outlying, sparsely populated areas of Alaska. The Congress showed no disposition whatever to interfere with that philosophy and there is every evidence in connection with the admission of Alaska that the longtime and traditional philosophy of our people prevailed again there in insisting that the pioneering people should have representation by their own neighbors whom they could reach with relative ease and who understood their problems, their industries, and their ambitions for greater development.

In Hawaii, the State constitution, framed in 1950, embraces the population concept for membership in the house but not so as to the senate. The constitution provides for 25 members of the senate of whom 13 are to come from the city and county of Honolulu, that is the Island of Oahu, that has four-fifths of the population of the State, or a little more than four-fifths.

The other 12 members of the senate are scattered by the constitution among the other three counties comprising all of the other islands of the State which have among them only one-fifth or less of the population of the State so as to allow for local representation of the people on all the populated islands without requiring them to travel great distances by water to confer with their State senator. The value in representation by a local senator, with knowledge of local problems, who is accessible to his constituents and who understands their ambitions for growth and development, is thus recognized in the provisions of the constitution of Hawaii. Why should not the people of the States of Alaska and Hawaii have the continuing right to apportion one house of their legislature so as to give this kind of recognition and representation to their outlying, sparsely populated and difficult to reach areas?

This same situation applies in varying degrees to many of the older States but I shall mention only three: the States of Arizona, Nevada, and Colorado.

In the State of Arizona, more than half of the population resides in the county of Maricopa, where the city of Phoenix is located. The State is a large one, with many outlying areas which have great potentiality for development of their resources and for increase of their population. Why should the people of Arizona be deprived of the privilege of deciding in their own discretion in a statewide referendum—as they have already decided, heretofore—that they wish to have the people of their outlying areas, far distant from Phoenix, personally represented in one house of the State legislature? Are those Senators who oppose the pending amendment unwilling to allow the people of the State of Arizona to make such a decision if they wish to do so and regard such a decision to be in their own interest and in the interest of better government and speedier development of their own State?

Or let us look at the State of Nevada where much more than half of the people of the State live in the counties in which the cities of Las Vegas and Reno are located. Nevada has been a State more than 100 years and yet there are areas of that good State which are not largely developed and in which the population is still scattered. Who would deprive the citizens of Nevada, including those who live in Las Vegas and Reno, from deciding—as they have heretofore

decided—that it is in the interest of their State and all its people to encourage quicker and greater development of the outlying areas by allowing them to have direct representation in one house of the Nevada Legislature? This is substantially the philosophy that has prevailed in this State since it was admitted to statehood and there is no reason whatever why the good people who are there now should not be allowed to make their own decision as to the distribution of membership in one house of their legislature. I am perfectly willing to leave it to them to chart their course of action in this matter. Why is it that there are Members of the Senate who are unwilling to do so?

In the State of Colorado the physical situation is such as to make it quite difficult for the people in one valley to reach nearby people in other valleys because of the height and rugged quality of the mountains. And so the people of this State have repeatedly shown their preference by allowing the scattered population in mountain valleys to have direct representation in one house of their legislature. Is it not in the American tradition to allow them in their own judgment the right to make a decision in this matter and to adopt that course which they think is fairer to all of their people and best calculated to promote speedier development in areas which are not yet greatly developed or heavily populated? I would like to see them have that continuing right. I hate to think that the present passion for Federal control, which seems to dominate so many of our friends, should be allowed to preclude the good people of Colorado, including those who live in the great city of Denver, from deciding that it is to their own best interests to allow direct representation in one house of their legislature to even the people residing in the remote mountain valleys.

The more I think of this problem the more it seems to me that those who support the present decision of the Supreme Court are turning their backs on the whole course of history during the phenomenal development of this country. Our Nation has never imposed a head count in determining whether we should give birth to a new State, allowing it to have equal representation in the U.S. Senate with our most populous States. During the Civil War, which was a time of terrible stress, our people gladly extended statehood to Nevada, which at the time had an estimated population of only 40,000 people. We recognized the value of pioneers in those days and we encouraged them to go out and develop the areas of our great Nation which were undeveloped. We have continuously followed that same course, as anyone can see who looks at the record. When Florida was admitted in 1845, we had only 54,477 people. We have justified the hopes of development by attaining a present population of approximately 6 million.

When Oregon was admitted to the Union in 1859 it had only 52,465 inhabitants, and all of us know the great growth which has occurred there since that time and which has made Oregon one of our wonderful and highly developed States. When Nebraska was admitted just after the terrible Civil War in 1867—and I am happy to see the distinguished senior Senator from Nebraska [Mr. HRUSKA] in the Chamber at this time—it had an estimated population of only 60,000, but our Nation encouraged the pioneers who resided there, and they have made a great State of it. We did not count heads to see whether or not the citizens of Nebraska would have undue influence in the U.S. Senate by reason of their having two Members there at the same time our most highly developed and heavily populated States had only two Members each. I could continue to call the roll of the States in this manner, but I close by simply recalling that as late as 1959, when Alaska was admitted to statehood with an estimated population of only 250,000, our Nation showed again its faith in the pioneers who settled there and our belief that the best way to encourage them was to give them direct representation in the councils of the Nation which they were afforded by having two Members of the U.S. Senate and one Member of the House of Representatives. Our faith in the American system will be again demonstrated by the growth and development of Alaska.

And yet there are those now, Mr. President, including a majority of the membership of the Supreme Court, who would set up a system which in many instances would deny to the good people in the less settled portions of our several States the right to have a neighbor representing them in one house of their State legislature where he could plead for the causes which are important to them and which will give them the best chance for speedy growth and development.

Mr. President, I depart from my written text at this time to remark that, looking at the map of our Nation and seeing the vast undeveloped States such as Montana, Nevada, Arizona, Colorado, Wyoming, the two Dakotas, and other States of the West, I do not see how it is possible for a U.S. Senator to take the position that he wants to depart from the traditional system followed in our country with such great success, and which has enabled us to have great governments in all 50 States, that have made them progressive and moving, in which each government has had a chance, almost without exception, and generally up to this good day, to give representation to outlying areas which require representation by neighbors who understand their problems, whom they can reach to talk with, and whom they know when they talk to them.

I deeply regret the fact that this radical change in the philosophy of our country which has contributed so greatly to the building of our country as the most powerful nation on the earth has now been embraced by the majority of our Supreme Court and apparently has sturdy supporters here on the floor of the Senate.

I listened with a great deal of amazement the other day to my friend from Wisconsin [Mr. PROXMIRE] and my friend from Maryland [Mr. TYDINGS] state conclusions which made it appear, to me at least, that they were fearful to trust the people of the several States. They spoke of trickery in the State legislatures in the submission of amendments which they thought might mislead the people. They spoke of the unwillingness of the people to stand up and be counted when it came to the matter of constitutional provisions affecting them. It appeared to me that they doubt and they question the soundness of those policies of our Government under which our people have gone so far since the adoption of our original Constitution.

There is nothing static about this great country of ours. It has been growing, developing, and will continue to grow and develop. In our Government, both Federal and State, we should continue to follow the philosophy which has always been so typically American and continue to allow recognition and representation to our pioneering citizens who are striving, sometimes against great odds, to develop their own area and thus contribute to the growth and strength of our Nation as a whole. I am deeply disturbed that there are those amongst us who seem to think that we are about to become static and that we should now embrace a philosophy much more appropriate in an old, old country which is fully developed and has no potentiality for added growth in the future. I simply hope that we may repudiate such a change of philosophy, and by submitting the pending amendment, allow the people of this country to again give some measure of freedom to every State in determining for itself what type of distribution of membership it approves for one house of its legislature.

Mr. President, when a constitutional question is involved by an important decision of the Supreme Court, the Congress cannot of itself correct the situation by the passage of new legislation, as it did, for instance, countermand the earlier decisions of the Supreme Court in the so-called tidelands case by the passage of a mere statute known as the Tidelands Act, which was subsequently upheld by the Supreme Court as a proper assertion of congressional authority and jurisdiction. The fact that the Congress cannot cure the situation by statute does not, however, relieve it of responsibility. It seems to me that the Congress is now under a heavy responsibility, at this very time, to do its part by allowing the people, themselves, through the verdict of the 50 States, to correct the dangerous departure which I have just referred to in the changed philosophy and assertion of power by the Supreme Court in the reapportionment cases through the submission of a constitutional amendment which, though recognizing the soundness of the apportionment of one house of every legislature on a basis of population, will still permit the people of each State, in their own discretion and in view of their own problems, to determine that some principle other than strict reliance on population will better serve their State in the apportionment of membership of the second house of their State legislature.

I shall not attempt, in the brief time permitted me, to go into all of the arguments, both legal and practical, on this matter, but it does seem quite clear to me that the Congress is under a heavy duty to submit the pending constitutional amendment to allow the people of the several States to decide through action of their legislatures, in the first place, whether they wish to have available, as a minimum, the machinery which would be afforded by ratification of the pending amendment, and in the second place to decide for themselves by vote of their people, both at an early date and following every Federal census thereafter, what basis of apportionment they feel will best serve them and their States in fixing the membership of one house only of their State legislatures.

Mr. KENNEDY of New York. Mr. President, I rise in opposition to Senate Joint Resolution No. 103, the new attempt of the Senator from Illinois [Mr. DIRKSEN] to interfere with the people's right to equal representation in their State legislatures.

Without the benefit of the close examination that committee hearings would have afforded, Senator DIRKSEN again seeks to amend the Constitution to overrule the Supreme Court's decision in Reynolds against Sims and related cases.

And what Senator DIRKSEN asks us to add on to the Constitution of the United States without any committee hearings is a strange proposal indeed—the first constitutional amendment we have ever had which creates an exception to the equal protection clause of the 14th amendment, the first constitutional amendment we have ever had which espouses inequality as a virtue, the first time in our constitutional history that we would be acting to limit rather than expand the franchise.

Nor is this year's version any better than last year's.

The wording of Senate Joint Resolution 103 makes it clear that its proponents do not want the courts passing on the malapportionment plans that they would submit to the people. Section 2 implies that the courts will pass on a plan only if it is submitted by a legislature in which neither house has been reapportioned. The reapportionment of one house in a State legislature is sufficient, at least in the minds of the drafters of the amendment, to keep the matter of reapportionment out of the courts. This, of course, is the red flag. Under the vague standard of "effective representation * * * of the various groups and interests making up the electorate," a State legislature can make up a plan in which one house is malapportioned to satisfy the interests of those who control the legislature at the particular time. The purported lack of judicial review, therefore, is as vital to this year's version as it was to last year's.

Those who oppose the malapportionment amendments have often said the aim of the amendments is to perpetuate the old rural control and that that is their vice. The proponents of the malapportionment amendments have said the same aim is the virtue of the proposals. The fact is—and we should all be aware of this—that Senate Joint Resolution 103 could be used by whoever happened to be in power in the State legislature to attempt to perpetuate and extend control. Whatever the party, whatever the area of the State which controls a legislature, Senate Joint Resolution 103 is a vehicle for the perpetuation and extension of control. Thus Senate Joint Resolution 103 is undesirable not so much because it favors one particular group or another, but because it is bad government.

Those who favor Senate Joint Resolution 103 argue that there are minorities in the State which deserve special representation. But the fact is that a State legislature is composed of a series of minorities, and there is no logical reason to make any one of them more equal than the others. Why, for example, should not the urban poor and the racial minorities be given extra representation? They are deserving of the special attention of government and have seldom been effectively represented. The point is that many minorities have a case for representation. Because these claims inevitably compete with one another, and because there is no basis for choosing one over another, the ultimate fact is that no one should be overrepresented.

This year's version of the Dirksen amendment is claimed to have the virtue of requiring that a plan based on equality of representation be submitted to the people along with the plan for malapportionment. This is a slight virtue, but it does not remove the basic vice—that the formulator of the alternatives is the very legislature whose motive would be to extend its control by the plans which it frames for submission to the people.

Mr. President, Senate Joint Resolution 103 is no better than the proposal which the Senate considered and rejected last year. In the meantime, the process of reapportionment has gone on in the several States, and legislature after legislature has proved that reapportionment is a real force for effective State government. The fact is that the federalism of the future—the hope that the States will play an important and significant role in the federal system in the years to come—rests on the reapportionment process now going on. We must not frustrate that process—we must defeat Senate Joint Resolution 103.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DIRKSEN AMENDMENT TRIES TO PASS BUCK OF SENATE RESPONSIBILITY

Mr. PROXMIRE. Mr. President, Senators may remember that in his speech the distinguished Senator from Florida [Mr. HOLLAND], in discussing the colloquy which took place between the Senator from Maryland [Mr. TYDINGS] and myself on Thursday of last week, said that Senator TYDINGS and I were fearful to trust the people; that we talked about trickery in State legislatures.

Mr. President, our opposition to the joint resolution is certainly not based on unwillingness to trust the people. As I recall, the Senator from Florida also went on to say that the Senator from Maryland and I talked about the unwillingness of the people to vote and to stand up and be counted. We have never taken this position at all.

But I did say—and I have before me the CONGRESSIONAL RECORD of Thursday, from which I should like to quote a few brief paragraphs pertaining to the charges made by the distinguished Senator from Florida—that:

> The issue concerns whether each American, regardless of where he lives or his background, as long as he is a qualified voter, should have an equal vote.
>
> The referendum is strictly a sweetener.

It is an appealing sweetener, but just that—a sweetener. It is tossed in because there just are not any valid reasons for depriving the people of their right to an equal vote. So what have the Dirksen amendment proponents done? They have cleverly fallen back on the referendum device.

> The argument runs: The proposition may be unfair, unwise, retrogressive, and dangerous, but so what? Why not let the people decide.

Then I said:

> The answer, Mr. President, is that the people are very likely to be required to vote in a rigged election, an unrepresentative election, because the body that puts the question has a transparently vested interest in securing the answer.

I should like also to suggest an argument that I did not make last Thursday, but which I think is really the best answer to all of this discussion: that we have a one-man, one-vote system of electing legislatures; then the people will decide all legislative matters, because it will be their legislatures, elected on a truly representative basis; whereas if we

have a referendum which permits, under rigged circumstances, the legislatures to be apportioned on malapportioned basis, the people will have a distorted, diluted voice for the following 10 years, under the Dirksen amendment.

Finally, on this point, the Constitution specifies that the Senate and the House shall decide, by a two-thirds vote, whether constitutional amendments should be adopted. I do not believe we could find a constitutional father or a constitutional expert who would say that Members of the Senate or the House are absolved of their responsibility to decide amendments with constitutional referenda attached on their merits, if the amendment contains a provision for a referendum which then refers the proposal to the people for a vote. This would mean that we do not assume our own representative, elected responsibility for deciding the case; but if there is a referendum attached, no matter how wrong, how vigorously we may disagree, that we should automatically vote for it; and that if we do not, we would be accused of not representing the people.

I think this is a buckpassing, alibi-seeking argument.

Last Wednesday, the distinguished junior Senator from Illinois [Mr. DIRKSEN] delivered a speech in favor of his joint resolution, Senate Joint Resolution 103, which would permit State legislatures to be apportioned on a basis other than population alone. As I indicated the following day, the minority leader was as eloquent and persuasive as always. However, there were several points in which the distinguished minority leader was wrong.

First, on page 8104 of the RECORD, the minority leader maintained that, in delivering the one-man, one-vote rule, the Supreme Court has exercised an amendment power which it does not have. But surely the same could be said of Chief Justice Marshall's opinion in Marbury against Madison, which established the right of judicial review, even though the Constitution is silent on the subject. The same could be said of Brown against Board of Education, which struck down segregation in spite of 100 years of contrary history. The same could be said of the Scottsboro case of 1932—Powell against Alabama—where, for the first time, the Supreme Court held that a State must supply counsel to an indigent criminal defendant. The same could also be said of the post-1936 cases in which Congress was given power over the economy immensely greater than its previous power. The point is that there have been many constitutional revolutions which could be described as amendments, and that the term "amendment" is wrongly used when it is used to convey opprobrium.

THE 14TH AMENDMENT FOR, NOT AGAINST, CIVIL RIGHTS

Also, on page 8104 of the RECORD, it is said by the minority leader that the Supreme Court took no account of the historical context or relevant text of the 14th amendment. It is claimed, as appears on page 8105, that the 14th amendment expressly recognizes that a State's right to malapportion, since it provides that a State's representation shall be diminished in the proportion by which it denies the vote to male citizens. It is claimed by the minority leader that the court ignore the long history of malapportionment.

These claims are plainly erroneous. Let us begin with the text. The 14th amendment provides that no States shall deny a citizen equal protection of the laws. Rather than ignoring this context, the Court interpreted it. Moreover, it sounds very peculiar to claim that a provision of the amendment which punishes a State for denying the vote thereby recognize a State's right to deny the vote. If the State has the right to deny the vote, why should it be punished for doing so?

LONG HISTORY OF EXPANDING THE FRANCHISE

In regard to history, both the distinguished minority leader and the eminent Justice whom he cites, Justice Harlan, ignore an immense amount of history themselves. They look only at the long history of malapportionment. But how about the long history of expanding the franchise in order to give more people a more effective voice in government?

When our Government was formed, there were no religious and property qualifications on voting; these have been removed. The President is now elected by the people, not, as was originally the case, by the House of Representatives.

Also, there are presidential primaries and State conventions to select delegates to national presidential conventions. Senators are now elected by primary and general elections instead of by State legislatures. At one time women could not vote; now they can by virtue of the 19th amendment.

At one time Negroes did not vote. Then the 15th amendment was passed to give them the vote; and of late there have been numerous efforts in civil rights acts and in the 24th amendment, the anti-poll-tax amendment, to implement their right to vote. What is more important to note, the Court cited much of this history in Reynolds against Sims, a landmark decision which provides for the one-man, one-vote representation in the State legislatures.

On page 8109 of the RECORD, an article placed in the RECORD by the junior Senator from Illinois says that the problem of malapportionment arose because States did not reapportion their lower houses. This is a half-truth only. Many States, perhaps even the vast majority, had malapportionment in both houses.

DIRKSEN AMENDMENT BRINGS WORSE CONFUSION

On page 8110 of the RECORD of last Wednesday appears a colloquy alleging that instability will occur under the one-man, one-vote rule because lower Federal courts will disagree and because members of the Supreme Court divided.

This is nonsense in the long run. For in the long run the Supreme Court majority will settle problems and we will have stability. The Court, in Reynolds against Sims, has laid down the basic one-man, one-vote rule. In *Fortson* v. *Dorsey*, 379 U.S. 43 3(1965), it held that countywide voting meets the equal population principle so long as the county has a fairly proportioned number of representatives. In the pending Hawaii apportionment case of Burns against Richardson it has taken up the question of whether registered voters or total population must be used as a basis for apportionment; and it will solve other problems as they arise.

Moreover, there would be equal or greater instability under the Dirksen amendment. Under Senate Joint Resolution 103, we could expect at least 50 suits after every decennial census, each suit alleging that particular interests have not been given effective representation. Further, Senate Joint Resolution 103 contains the very large number of ambiguities pointed out by the Library of Congress.

On page 8110, the distinguished Senator from Florida says that Senate Joint Resolution 103 is an attempt to produce an amendment consonant "with the basic philosophy that underlies the American system." This too is a half truth. On the one hand the amendment would, in conformity with our system, let the people decide on malapportionment. On the other hand, the amendment would permit the majority to strip the minority of equality by diminishing one of the most valuable rights of citizenship, the right to vote. It is not consonant with our system to permit a majority to diminish the most basic rights of a minority.

SUBURBS, NOT CITIES, WILL GAIN

On page 8110 an article inserted in the RECORD says metropolitan machines will rule the roost. This is wrong, since the fast mushrooming suburbs will obtain the greatest benefit from the one-man, one-vote rule. Moreover, the Colorado experience detailed in a speech by Allen Dines, the speaker of the Colorado House, gives proof that the article is wrong: Dines pointed out that there was no oppression or control by representatives from cities in the reapportioned Colorado Legislature, that many rurally sponsored and supported bills aimed at aiding rural needs were enacted, and that rural legislators felt they had received fair treatment. Also, the Michigan experience proves exactly the same thing, that is, that fairly apportioned legislatures treat all citizens fairly.

Mr. President, I am proud of the fact that Wisconsin has had a one-man, one-vote provision in its constitution ever since it became a State in 1848. While there have been some periods throughout the years when the legislature has not apportioned itself rapidly after the decennial census, it nevertheless did do so. We are very proud of the fair kind of legislature that we have had.

As one who has served in the State legislature, I know of no farm group or farmer who claims that the Wisconsin Legislature at any time, recently or in the past, has been rigged against them.

In fact, many city people claim that Wisconsin is the only State in the country which still provides full and complete protection for the dairy farmers' butter as against oleo.

It is the city people who want to eliminate the discrimination which exists in Wisconsin in favor of butter. Yet, our one-man, one-vote legislature, in a State which is 90 percent nonfarm, has provided that protection for the farm people.

Moreover, the Colorado and Michigan experiences prove not only that reapportioned legislatures are fair legislatures but also that equally apportioned legislatures do a much better, far more effective job in passing the types of legislation needed in modern States.

On page 8111 an article inserted in the RECORD warns that courts will force the drawing of hasty and ill-advised plans of reapportionment. This is nonsense. In the main, the Federal courts have given legislatures adequate time to draw up plans. The problem is that, due to partisanship, legislatures have sometimes been absolutely unable to agree on a plan. And in regard to Michigan, where the article accuses a Federal court of giving the legislature just 2 days to draw up a plan, the drawing and approval of a final plan of apportionment has already taken several years and is still going on.

The article also denounces the Court for overthrowing the Colorado Federal plan that had been approved by the people. However, the vote on that plan was in a sense rigged, since the plan which would have apportioned both houses by population contained some very undesirable features, for example, there would have been countywide balloting that would have made it necessary for each Denver voter to vote for 8 senators and 17 representatives, that would have caused ballots to be long and cumbersome, and that would have made difficult an intelligent choice among candidates. Thus, as the Supreme Court said:

> The assumption * * * that the Colorado voters made a definitive choice between two contrasting alternatives and indicated that "minority process in the State is what they want" does not appear to be factually justifiable.

FIRST TURN-CLOCK-BACK AMENDMENT

On page 8111, and at length on page 8103, Senator DIRKSEN argues that amendments have often overturned Supreme Court rulings. The usual citations for this type of argument are the 13th, 14th, and 15th amendments, overturning the Dred Scott case, the 16th amendment overturning the case outlawing an income tax, the 19th amendment overturning the case permitting States to refuse the franchise to women, and the 24th amendment overturning the case permitting States to levy a poll tax. The Senator seeks to bring his amendment within the ambit of these others, saying that here, too, a court ruling should be overturned. But there is a very significant difference between his amendment and the others. All the others were progressive amendments which overturned cases that had preserved a status quo outmoded by historical forces. The case against the income tax was reactionary, the Dred Scott case attempted to hold back an abolition movement that had literally gained worldwide impetus—that is, Britain had abolished slavery—the poll tax was a device to maintain the disenfranchisement of Negroes, and in our society it would be incredible if women could not vote. Amendments 13, 14, 15, 16, 19, and 24 overturned these anachronisms in order to bring the Constitution into line with changed social forces. But Senator DIRKSEN, on the other hand, seeks to do the opposite. For in Reynolds against Sims the Court did not attempt to turn back the clock in order to ward off a new social order, it recognized the new social alinement in a progressive decision. It is the junior Senator from Illinois who seeks to turn back the clock.

PASS-THE-BUCK AMENDMENT

On pages 8111 and 8112 Senator DIRKSEN says let the people decide on his amendment. However, the Constitution also requires the Senate to pass on it, and Senators would not be doing their constitutional duty if, despite their disagreement with the amendment, they voted for it in order to let the people vote on it. Indeed, one of the prime reasons for the constitutional requirement of a two-thirds vote to pass an amendment in Congress is to prevent ill-advised amendments. Thus, Senators are constitutionally required to use their best judgment rather than to simply pass the buck to State legislatures, State conventions, or State referendums.

Mr. President, I have just had called to my attention a letter from Prof. Howard D. Hamilton, chairman of the Department of Political Science, Bowling Green State University, of Bowling Green, Ohio, which shows overwhelming expert opposition to the Dirksen amendment.

It reads as follows:

APRIL 14, 1966.

Memorandum: Judgments of political science professors regarding the Dirksen amendment.

From: Howard D. Hamilton, chairman, Department of Political Science, Bowling Green State University.

A nationwide poll in January of professors of political science regarding the so-called Dirksen amendment shows that the political science profession overwhelmingly disapproves of that proposal by a ratio of about four to one. Of 146 respondents to a mailed questionnaire, 112 expressed disapproval of any constitutional amendment to nullify the decision of the Supreme Court in *Reynolds* v. *Sims*. Of the 146 respondents, 116 viewed the ruling of that case, that both chambers of State legislatures must be apportioned on the basis of population, as sound public policy.

Two questions regarding the Reynolds case and the Dirksen amendment were a segment of a long questionnaire regarding criteria for apportionment, prepared and circulated by Profs. Charles Barrell, Howard Hamilton, and Byron Marlowe of Bowling Green State University. That section of the questionnaire read:

"I. APPRAISAL OF REYNOLDS V. SIMS

"1. Was the decision that both chambers of a legislature must be districted on the basis of population sound public policy? Yes—. No—.

"2. Do you favor a constitutional amendment to permit apportionment of one house of a bicameral legislature upon the basis of factors other than population? Yes—. No—.

The questionnaire was mailed to two groups: to a random sample of persons listed as State and local government specialists in the biographical directory of the American Political Science Association (pp. 314–316), and to a select (and smaller) group of political scientists who have written books and journal articles or have done unpublished research in the area of legislative apportionment. On those two questions, the judgments of both groups were almost identical.

Tabulation of returns

	Random sample		Select group	
	Yes	No	Yes	No
1. Was the decision	73	19	43	11
2. Do you favor	21	71	13	41

The questionnaires apparently reached 237 persons. (A few others were returned by the post office.) A return rate of 62 percent (80 percent of the random sample) is very high for a formidable questionnaire of 80 questions, and establishes a high degree of statistical reliability.

SHORT FORM

I. Appraisal of "Reynolds v. Sims"

1. Was the decision, that both chambers of a legislature must be districted on the basis of population, sound public policy? Yes —. No —.

2. Do you favor a constitutional amendment to permit apportionment of one house of a bicameral legislature upon the basis of factors other than population? Yes —. No —.

3. Is it your judgment that the Reynolds doctrine of substantial equality of district populations in both chambers (check one):

(a) Virtually precludes application of any other criteria. (1) —.

(b) Allows some room for use of additional criteria. (2) —.

(c) Allows some, but not enough room for additional criteria. (3) —.

(d) Allows adequate scope for the application of other legitimate criteria. (4) —.

II. Equality of district populations: Yardsticks and standards

16. Should one standard be a maximum permissible deviation from the ratio of representation (population: seats)? Yes. —. No. —.

17. If so, what should be the maximum percentage deviation above or below the ratio of representation? (1) 10 percent —. (2) 15 percent — . (3) 20 percent —. (4) 25 percent —. (5) 50 percent —.

IV. Legitimate criteria: The trinity or more?

19. The criteria for districting should be exclusively the familiar trinity—districts of compact and contiguous territory, as nearly equal in population as possible. Yes —. No —.

20. Primary emphasis would be on the trinity, but some notice should be taken of other criteria. Yes —. No —.

21. Districting should be guided by other criteria; the trinity should be merely the outer limits for efforts to achieve other objectives. Yes —. No —.

VIII. Legitimate criteria: Specifics

Which of the following criteria do you regard as valid or invalid in drawing districts for maximizing the representative character of a legislature? For those you regard as valid, check the relative weight.

	(1) Valid	(2) Invalid	(1) Very important	(2) Desirable	(3) Permissible
22. Population equality					
24. Compactness and symmetry					
26. Interest of incumbents					
28. Advantage of majority party					
30. Partisan neutrality					
32. Maintaining political subdivisions as representative units					
34. Not dividing counties					
36. Maximizing homogeneous districts					
38. Maximizing heterogeneous districts					
40. Fostering competitive districts					
42. Fostering safe districts					
44. Minimizing the number of constituents per legislator					
46. At least 1 seat for every county					
48. Assuring some seats for the minority party within each metropolitan county					
50. Fostering a statewide distribution of seats by party generally proportional to vote					
52. Averting minority party control of legislature					
54. Fostering a strong block of minority members					
56. Elimination of multimember districts					
58. Utilization of multimember districts					
60. Assuring ethnic minorities control of some districts					
62. Fostering the strength of residents outside the metropolises					
64. Consideration of economic, social, and regional interests					
66. Following county, city, township, ward lines even at some reduction of population equality					

(Add any others which you regard as valid and check the relative weight.)

XI. Minorities

121. Minorities, particularly ethnic, should be assured representation by designing districts in which they will be preponderant. Yes —. No —.

122. Minorities are better served by not being concentrated in a district. Yes —. No —.

123. Minorities are better served by not being concentrated in a district only if the districts are competitive. Yes —. No —.

124. The allocation of minorities should be disregarded; "reverse discrimination" is illegitimate. Yes —. No —.

XII. Districting agency and discretion

131. Districting should be done by the legislature with broad discretion to select and apply apportionment criteria. Yes —. No —.

133. Districting should be done by ——— in accordance with an apportionment formula for each chamber spelled out in the State constitution, and subject to judicial review (check one):

(1) —Legislature.

(2) —Elective officer or ex officio board.

(3) —Bipartisan board, selected by political parties.

(4) —Special nonpartisan citizens board as in Alaska and Great Britain.

(5) —Other: ----------

134. Districting should be by automatic and impersonal procedures which minimize discretion. Yes —. No —.

137. Districting should be done by computer programed to maximize compactness and population equality. Yes —. No —.

Mr. President, these political scientists who were polled were selected as the most competent in this field in the Nation.

First, a random sample of persons listed as State and local government specialists were interrogated.

Secondly, a select group of political scientists who have written books and journal articles or have done unpublished research in the area of legislative apportionment.

Mr. President, these are the experts in this reapportionment area if experts can be found.

And they are 4 to 1 against the Dirksen amendment.

CEDAR RAPIDS GAZETTE DEMOLISHES DIRKSEN AMENDMENT

Mr. President, the slick Whittaker Baxter public relation firm has swamped many of the Nation's newspapers with propaganda favoring the Dirksen one-man, one-vote amendment.

Fortunately many newspapers are finding this propaganda barrage unconvincing. In a recent trip I took to Wisconsin I found this to be true repeatedly in my State.

In Iowa the Cedar Rapids Gazette is another case in point. The Gazette has carried a series of hard-hitting editorials which in my judgment demolish the Dirksen amendment.

The Gazette properly calls the amendment "perhaps the most important single issue to come before this Congress, for it deals with a cornerstone on which this Nation was founded—that we shall be governed by majority rule with full protection of minority rights."

The Gazette points out that the amendment:

1. Is based on a wholly false premise.

2. Is a blatant attempt to repeal the U.S. Supreme Court's one-man, one-vote decision based on the 14th equal rights amendment.

3. Is couched in vague, misleading, ambiguous language.

4. Is an attempt to put the States back into minority-rule straitjackets.

The Gazette says:

We agree with Dirksen amendment proponents, who say "let the people decide." Under one-man, one-vote apportionment, the people will decide, through their elected representatives, every issue coming before each session of a legislature.

Mr. President, I ask unanimous consent that the series of editorials on the Dirksen amendment from the Cedar Rapids Gazette to which I have referred be printed at this point in the RECORD.

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

[From the Cedar Rapids Gazette, Apr. 13, 1966]

THE DIRKSEN AMENDMENT

The Dirksen amendment—the one dealing with legislative apportionment, not school prayers—is scheduled for debate in the U.S. Senate this week or next.

It is, perhaps, the most important single issue to come before this Congress. For it deals with a cornerstone on which this Nation was founded—that we shall be governed by majority rule with full protection of minority rights.

Known in legislative language as Senate Joint Resolution 103 (the text may be seen elsewhere on next page), the proposal was introduced August 10, 1965, by Senator EVERETT MCKINLEY DIRKSEN, of Illinois, the Republican leader, only 6 days after an earlier version was defeated in the Senate.

It is a proposal to change the Constitution with an amendment which, advocates say, will "let the people decide" every 10 years in each State whether they want the membership of one house of their legislature based on factors other than population, as now required by the U.S. Supreme Court.

To become effective the proposed amendment must be passed by a two-thirds majority (67) of the 100-member Senate, a two-thirds majority (290) of the 435-Member House and, within 7 years, ratified by three-fourths (38) of the 50 States.

So it has a long row to hoe, which is a good thing since this proposed amendment has no place in the Constitution, because it:

1. Is based on a wholly false premise.

2. Is a blatant attempt to repeal the U.S. Supreme Court's one-man, one-vote decision based on the 14th equal rights amendment.

3. Is couched in vague, misleading, ambiguous language.

4. Is an attempt to put the States back into minority-rule straitjackets.

We will explain at greater length in the immediate future these reasons why this proposed amendment should suffer the same fate as the earlier version. That version was defeated August 4, 1965, when 39 Senators (not including Iowa's 2), only 5 more than the one-third necessary, courageously went on record against it.

Meanwhile, suffice it to say that a public relations firm has been paid a handsome sum for the last 3 months to sell the Dirksen amendment to the people, which is a real travesty because fundamental rights are something that can't be sold out from under the people like soap.

This gigantic sales effort is based on the popular slogan "let the people decide." And that, by coincidence is precisely what the Supreme Court's one-man, one-vote decision does—the decision which the Dirksen amendment seeks to repeal.

The big difference between the Court decision and the Dirksen amendment is that the decision lets the people decide, through representatives elected on a population basis, every matter coming before their legislatures, whereas the amendment would let the people decide once in 10 years what kind of legislature they want.

So this sales effort is a snow job, pure and simple. It is an attempt to substitute minority rule for majority rule; to legalize malapportionment; to make area, acres, geography, livestock, buildings, trees, city blocks, or you-name-it, more important then people. It is, in effect, an effort to implant in

the fundamental law of our land the idea that some individuals and some groups are entitled to more legislative representation than other individuals and other groups.

In short, it has no place in the Constitution of the United States.

[From the Cedar Rapids Gazette, Apr. 13, 1966]

DIRKSEN AMENDMENT BOOSTS AREA REPRESENTATION; HERE IS THE TEXT

Scheduled to be debated in the U.S. Senate shortly is Senate Joint Resolution 103, commonly known as the Dirksen amendment, for its chief sponsor, Senator DIRKSEN, of Illinois, the Republican leader in the Senate.

To become a part of the Constitution, the amendment must receive a two-thirds majority vote in both the Senate and the U.S. House of Representatives, and be ratified by three-fourths of the States.

Here is the text of the Dirksen amendment as it was introduced by Senator DIRKSEN and 30 cosponsors August 10, 1965, only 6 days after an earlier version failed to muster the necessary two-thirds majority in the Senate:

"S.J. RES. 103

"Joint resolution proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years of its submission to the States by the Congress, provided that each such legislature shall include one house apportioned on the basis of substantial equality of population in accordance with the most recent enumeration provided for in section 2 of article I:

" 'ARTICLE —

" 'SECTION 1. The legislature of each State shall be apportioned by the people of that State at each general election for Representatives to the Congress held next following the year in which there is commenced each enumeration provided for in section 2 of article I. In the case of a bicameral legislature, the members of one house shall be apportioned among the people on the basis of their numbers and the members of the other house may be apportioned among the people on the basis of population, geography, and political subdivisions in order to insure effective representation in the State's legislature of the various groups and interests making up the electorate. In the case of a unicameral legislature, the house may be apportioned among the people on the basis of substantial equality of population with such weight given to geography and political subdivisions as will insure effective representation in the State's legislature of the various groups and interests making up the electorate.

" 'SEC. 2. A plan of apportionment shall become effective only after it has been submitted to a vote of the people of the State and approved by a majority of those voting on that issue at a statewide election held in accordance with law and the provisions of this Constitution. If submitted by a bicameral legislature the plan of apportionment shall have been approved prior to such election by both houses, one of which shall be apportioned on the basis of substantial equality of population; if otherwise submitted it shall have been found by the courts prior to such election to be consistent with the provisions of this Constitution, including this article. In addition to any other plans of apportionment which may be submitted at such election, there shall be submitted to a vote of the people an alternative plan of apportionment based solely on substantial equality of population. The plan of apportionment approved by a majority of those voting on that issue shall be promptly placed in effect.' "

[From the Cedar Rapids Gazette, Apr. 14, 1966]

THE PREMISE IS FALSE

In an earlier editorial we wrote that the Dirksen amendment dealing with legislative apportionment has no place in the Constitution because it is:

1. Based on a wholly false premise.
2. A blatant attempt to repeal the U.S. Supreme Court's one-man, one-vote decision based on the 14th "equal rights" amendment.
3. Couched in vague, misleading, and ambiguous language.
4. An attempt to put the States back into minority-rule straitjackets.

It is based on the false premise that historically and traditionally the makeup of State legislatures has been "just like Congress—one House on area, one House on population."

This is not only a false premise. It is pure fiction. In Congress, the Senate is based on States, not area, and the House is based largely on population.

But, historically and traditionally, the legislatures of a majority (27) States, including Iowa, were based wholly on population and those of 9 other States largely on population. This was true from the time these 33 States were admitted to the Union until legislators broke their oaths of office by refusing to reapportion their seats periodically, as required by the constitutions of their respective States.

After some 60 years of this defiance, the people went to the Court, the only course open. The Court accepted jurisdiction in the now famous Baker-Carr case in 1962. For the Court is as concerned over infringement on minority rights as on majority rights. Especially so when a minority of one inquires whether he is entitled to the same say-so in shaping the laws of his State as the next fellow. The Court held that he is so entitled in its landmark one-man, one-vote decision of 1964.

Now we find many supporters of malapportionment, those who fought reapportionment efforts every step of the way, uniting behind the confusing language of the Dirksen amendment. It is their last hope to restore minority rule to the States—the kind of minority rule that forced States to default many responsibilities, opening the way for the Federal Government to step into the resulting vacuums in response to public demand for programs the States should have provided.

No more objective analysis of the amendment is available than that prepared by the Library of Congress, which appeared in the CONGRESSIONAL RECORD for January 24, 1966, pages 996–1001. The Library takes no position on the amendment's merits, but says emphatically it would be in the interests of all parties, should it be adopted, to clarify its language to make sure it carries out the amendment's intent.

As a good example of what the Library means, take the phrase found in the amendment that one legislative house shall be "apportioned on the basis of substantial equality of population." That can be interpreted any way a legislature wants to interpret it. Or take another critical phrase, which provides that a State may deviate from fair apportionment standards "in order to insure effective representation of the various groups and interests making up the electorate."

The Library of Congress asks: "What is 'effective representation'? How many representatives of the total does one need to have effective representation? Does the number vary or remain constant? Is the number of representatives proportionate to the number of people with a particular interest, and, if not, what is the ratio? Are all groups with distinct interests to be insured effective representation or just some? If not, which? How are groups discriminated among? Is 'effective representation' the ability to pass a desired measure? To veto an objectionable one? Only to be heard? Or something else? Is everyone to be given equal votes in the legislature? If not, by what standards is inequality to be introduced?"

We repeat, this proposed amendment has no place in the Constitution.

[From the Cedar Rapids Gazette, Apr. 15, 1966]

THE BIG CITY MYTH

An argument heavily relied on by proponents to sell the Dirksen amendment on legislative apportionment is that the big cities will take over the government in each State if the Supreme Court's one-man, one-vote decision is not repealed or modified.

Even a cursory examination of the facts exposes this argument as a full-blown myth, whether legislators are elected from single-member, or multimember, districts.

Arizona's House of Representatives offers a good example because it was one of the few in any State to be apportioned on a population basis before the Supreme Court's decision was handed down.

There are 80 members in Arizona's House and exactly half come from single-member districts in the largest county, Maricopa, where the largest city, Phoenix, is located. Another 17 represent the second largest county, Pima, with the second largest city, Tucson. So, between them these 2 big-county, big-city delegations could outvote the rest of the State 57 to 23 and would control every piece of legislation introduced, according to the Dirksen amendment proponents.

But the record shows that the delegations from these two counties have seldom agreed on anything since Phoenix was made the capital city. Moreover, Maricopa County's 40 representatives (or Pima County's 17, for that matter) seldom ever vote as a bloc on any question. More often than not they split every conceivable way on important issues.

This is because they represent different interests and different political parties and each has the same say-so as the next fellow because each represents about the same number of people. So neither the big counties nor the big cities dominate in Arizona.

Even in Iowa, where the house delegations from the two biggest counties (Polk with Des Moines, Linn with Cedar Rapids) were elected at large, there is no evidence of big-county, big-city domination that even closely resembles the small-county, minority-rule domination that existed, without objection from most Dirksen amendment proponents, for the first 60 years of this century.

The facts are that under one-man, one-vote apportionment there seldom are big-city, small-city, big-county or small-county blocs. Instead, small minorities are formed, usually on the basis of constituent, business, personal, or area interests, to deal with each substantive issue.

Minority A may favor a sales tax increase, minority B an increase in the income tax, and minority C an increase in luxury tax, while minority D wants to hold the line on all taxes and minority E wants to increase the school aid appropriation.

When the sales tax increase bill comes up, minorities B, C, and D, like small eddies in

a large pool, flow into enough of a temporary majority to beat it. Mission accomplished, they swirl away from the majority to reform into small minority eddies. Then, when the bill to increase the income tax comes, minorities A, C, and D may flow together to block it unless minorities B and E have enough strength to pass it, etc.

And in each minority, one finds representatives from big and small counties, from various areas of the State and from each political party.

Under one-man, one-vote apportionment the big city myth is exploded. So is the equally full-blown myth that small counties have no voice. It provides for each legislator to represent approximately the same number of people as his fellow legislator, and has the same voting power, regardless of where he lives.

So we agree with Dirksen amendment proponents who say "let the people decide." Under one-man, one-vote apportionment, the people will decide, through their elected representatives, every issue coming before each session of a legislature.

But the Dirksen amendment seeks to restore 1-man, 19-vote apportionment to Iowa—and restore apportionment of even greater disparities to some other States. That's another reason why it has no place in the Constitution and should be defeated by the Senate.

Mr. PROXMIRE. Mr. President, I should like to refer once again to the questionnaire of political scientists which has just been placed in the RECORD.

It is interesting that as long ago, I believe, as 2 years ago, the Gallup poll questioned people throughout the country on their position on the Supreme Court's one-man, one-vote decision, and this most highly respected and most scientific of polls found that by an overwhelming majority the people of America supported the Supreme Court's decision.

Now we find the political scientists, the men whose lives are devoted to studying government and specifically State and local government and reapportionment by a most decisive majority of 4 to 1 approve the Supreme Court's decision and disapprove any amendment such as Senate Joint Resolution 103, which is now pending before the Senate, which would set it aside in whole or in part.

It seems to me that this is convincing and impressive testimony. Many people might wonder, under these circumstances, why it is that the House voted so strongly for the Tuck bill, which would have stricken the Reynolds against Sims one-man, one-vote decision, and that the Senate, in its last vote, voted something like 57 to 39 for another version of the Dirksen amendment.

Mr. President, the answer, I think, is that Members of the Senate are, of course, very sympathetic with their good friends who serve in State legislatures, and very responsive to the feelings of State legislators. This is natural, it is predictable, it is understandable. As one who has served in a State legislature, I find myself in great sympathy with these people, who are under pressure, and find it is extremely difficult for them, without destroying their careers or the careers of good friends, to follow a one-man, one-vote principle.

But I believe that Senators should reexamine their positions, recognizing that the position taken by the Supreme Court is sound not only in the judgment of an overwhelming majority of the people when questioned but also in the judgment of the political scientists.

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

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

Mr. HRUSKA. Mr. President, I submit that the most significant single issue in the entire debate over the reapportionment amendment is the extension of the right of franchise involved in the amendment's provision that the people of each State will have the opportunity, by popular vote, to choose, within a well-defined framework, between alternate plans for the composition of their State legislatures.

This issue can be summarized very simply in the phrase, "let the people decide."

I confess that it has been rather wryly amusing to me, and I am sure to many of my colleagues who share my strong feelings in support of the amendment, to note the rather defensive squirming evidenced by opponents over this basic feature of the amendment.

It is not easy for an elected public official to take the position that he is opposed to the right of franchise; or, that he believes that the same people who have exhibited such sterling intelligence, such superb sagacity, such inspired good judgment, in electing him to office cannot be trusted to exercise similar keen percipience in voting on an issue of such grave importance to them as the method of choosing their State legislature.

Indeed, many of the opponents of the reapportionment amendment have chosen to avoid this embarrassing phase of the issue—preferring instead to paint dark pictures of alleged dangers such as wholesale adoption of the rotten borough system of merry old England or of city slickers being conned into legislative pigeon drops by fiendishly clever rural hayseeds, always forgetting that none of these unlikely inequities could possibly take place unless a majority of a State's people, voting on a one-man, one-vote basis, approved them.

Mr. President, there should be at all times during this debate firmly fixed and borne in mind that the proposed amendment in itself does not change the Supreme Court's ruling in Reynolds against Sims. It simply gives to the people of each State an option to modify in a limited way the Supreme Court's interpretation of the Constitution, subject to a carefully worked out procedure designed to safeguard the interests of the governed. The procedure includes the requirement for bicameral legislatures of one house thereof remaining apportioned solely on a population basis, as required by Reynolds against Sims; the option to the legislature to propose a plan for the second house being apportioned on a combination of population and area or political subdivision; the necessity to place such a proposed plan on the ballot where it must be approved by popular vote before it can become effective; and the further requirement that there must be a review by popular vote of such action every 10 years.

Clearly, such a procedure makes provision for deliberate, intelligent, and prudent action on a fundamental policy question by the very people who are most directly concerned and affected thereby, and who are most eminently entitled and most qualified to determine issues of that kind.

And that brings us immediately to the question: Does one really believe that a majority of a State's people, under any circumstances, would vote to impose on themselves, for a 10-year period, a legislative apportionment system contrary to their own best interest?

If one really believes that, then how can one justify the belief that a majority of a State's people can competently choose, for a 6-year period, the best qualified person to represent their interests in the U.S. Senate?

The two positions are incompatible, of course. It is no wonder that few of the opponents of the reapportionment amendment choose to argue against the principle, "let the people decide."

But there are some opponents of the amendment who do—some people who do attempt to justify, on philosophical grounds, their unwillingness to extend the right of franchise to the people on this important issue. I think their arguments deserve attention.

For example, the senior Senator from Illinois [Mr. DOUGLAS] has been quoted in the Progressive magazine as stating that:

> Equality of voting is an inalienable right and should not be tampered with. We should not submit a constitutional amendment which would subtract from the inalienable rights of American citizens. Citizens cannot sell themselves into permanent indentured servitude even though they do so contracturally.

We find this curious argument repeated in the views of several Senators contained in the report of the Committee on the Judiciary, which reported Senate Joint Resolution 103 to the full Senate:

> Citizens of this country cannot sell themselves into slavery. The degree of freedom of religion and speech we enjoy have never been considered proper subjects for determination by referendum. Our inalienable rights are protected under the Constitution, and they ultimately derive from the moral law.

There are so many things wrong with this line of argument that it is difficult to decide which of its many inner contradictions to refute first.

Citizens voting by orderly, established process on a specific, well-defined proposal in the secrecy of the voting booth do not sell themselves into slavery. They determine thereby their own destiny in fashion well approved by self-government principles. To deny them that opportunity in the present instance, however, would in harsh reality subjugate them to slavery created by Supreme Court decision if that decision were one which the people did not want for their

respective States. Let them have a chance to decide whether they favor that decision or not. The Dirksen amendment gives them a chance to do so. Opponents would deny the people that opportunity.

INALIENABLE RIGHTS UNDER OUR CONSTITUTION

So-called inalienable rights, derived from moral law or natural law, have been the subject of argument by philosophers since the beginning of time.

Our Declaration of Independence states:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and pursuit of Happiness.

Nowhere in the Declaration is the particular definition of "equality of voting" as based exclusively on one man, one vote listed as an inalienable right.

(At this point Mr. HARRIS took the chair as Presiding Officer.)

Mr. HRUSKA. Mr. President, nor is this alleged inalienable right, which several Senators imply is protected under the Constitution, mentioned in that document. To the contrary, the Constitution specifically prescribes a very different procedure to insure equality of voting with respect to the composition of the legislative branch of the Federal Government—a procedure which balances the one-man, one-vote concept in the selection of one house with the regional concept in the selection of the other house. This procedure, the precedent for which is established in the Constitution, is the very procedure which the reapportionment amendment would make possible in the composition of State legislatures, provided the people of any State desire it.

Furthermore, the 10th amendment of the Constitution, provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Under this provision, the people of the United States always have believed they possessed the inalienable right to pattern their State legislatures after the federal system, if they so desired—and they did have that inalienable right until a majority of the Supreme Court decided to take it away.

But it is instructive to remember that the Court based its apportionment decisions on an interpretation of the 14th amendment to the Constitution. And while many able constitutional authorities and members of the Court itself disagree with that interpretation, it is undeniably true that the 14th amendment was not an original part of the Constitution, but like other amendments was added to it by the people themselves, through action of their State legislatures.

In other words, if those who believe that their particular definition of voting equality is an inalienable right under the Constitution, it is a right not determined by moral law, but by the people themselves. And if the people decide that they made a mistake, or that the Court's interpretation of the intent of the 14th amendment with respect to legislative apportionment is a mistake, they have the power and the right, under the amendment procedure, to correct that mistake, and to assert for themselves, if they choose, the prior inalienable right they possessed under the original Constitution, to define voting equality in a manner that is different from the definition sought to be imposed by others.

May I remind the Senate that the people at one time adopted the 18th amendment to the Constitution, then later decided that they had made a mistake; whereupon they adopted the 21st amendment to correct that mistake. In both instances they resorted to article V of our Constitution providing amendment procedures. It cannot be plausibly argued that the adoption of the 18th amendment forever enshrined prohibition against the sale of alcoholic beverages as an inalienable right and the Congress should not have submitted the 21st amendment to the State legislatures for ratification because it would have subtracted from that right.

INALIENABLE RIGHTS UNDER THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Another document dealing with inalienable rights, to which the United States has subscribed, is the Universal Declaration of Human Rights adopted by the 1948 General Assembly of the United Nations.

This declaration cites an extensive list of rights and freedoms to which everyone, in every country is entitled. Voting rights are set forth as follows:

> Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

And:

> Article 21. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Voting rights are not defined in the Universal Declaration of Human Rights as an inalienable right not to be tampered with; neither the U.S. Constitution nor the Universal Declaration enshrines the exclusive procedure of one man, one vote as an inalienable right, as some opponent would have us believe it is. Indeed, the voting procedures practiced in the United Nations itself are distinctly contrary to the Senator's concept of equal suffrage.

According to the Universal Declaration of Human Rights—

> The will of the people shall be the basis of the authority of government—

That is the very basis—the rationale—of the reapportionment amendment. It is a restatement of the phrase, "let the people decide"—truly an inalienable right which opponents of the amendment would deny the people.

The opponents of the reapportionment amendment seem to be perfectly content to entrust the matter of the people's rights, not to the people themselves, but to the transient majorities of courts. What are we to make of their statement "the degree of freedom of religion and speech we enjoy have never been considered proper subjects for determination by referendum"?

The freedom of religion and the freedom of speech, of course, have utterly nothing to do with methods of voting procedures in the apportionments of State legislatures. Unlike the latter, which are not specifically defined in our Constitution, religious freedom and the freedom of speech are specifically enunciated in the Constitution. But as everyone knows, they have been subjected to interpretation, and in some instances, restriction, by the courts. And if the people at any time disagreed with these interpretations or restrictions, they would have every right to demand action, through constitutional amendments, to change these interpretations. They would have every right to exercise the privilege acknowledged in the Universal Declaration of Human Rights that:

> The will of the people shall be the basis of the authority of government.

Another constitutional right, the freedom of the press, has been modified by the Supreme Court, in the case of alleged pornographic literature, to exclude published material without redeeming social value. This restriction has been further broadened in a recent decision to include considerations of the motivation of the publisher, based, among other things, on the names of the post offices from which the material is mailed.

It is not my purpose here to comment, pro or con, on the merits of this particular decision, and I know of no great public outcry against it. But if a large segment of the public—a majority of the public—disagreed strongly with this particular limitation of the freedom of the press, would the public not have the right to seek a change, through the constitutional amendment process? Would Senator DOUGLAS argue that this particular interpretation—this particular definition of an inalienable right—should never be subjected, as it were, to referendum?

Finally, in examining the curious line of reasoning by some of the opposition with regard to certain issues, certain positions on which they happen to have a firm opinion, regardless of what the majority opinion of the people might be, that the will of the people should not be the basis of the authority of government, we come to this odd statement that "citizens cannot sell themselves into permanent indentured servitude even though they do so contracturally."

PROPRIETY OF SENATORIAL ELECTIONS FOR REFERENDUM

Do the opponents of the reapportionment amendment really believe that a legislative apportionment system based partly on regional consideration is a form of indentured servitude? If they really believe that, how can they be part of such a system? How can they sit here, as Members of the U.S. Senate, if they believe that an apportionment system based on factors other than one man, one vote is a form of indentured servitude?

Does any Senator, in his heart of hearts, regard himself and his fellow

Senators as 20th century Simon Legrees? When he faces his constituency, as some of us will this year, does he regard the voters of his State, underrepresented by his standards in this Senate, as denizens of an ante bellum slave market?

I submit that no Senator can seriously believe his own fanciful contention that a legislative apportionment system based on factors other than population is a form of involuntary servitude.

OTHER CONSTITUTIONAL AMENDMENTS ON VOTING RIGHTS

Why the innovation at this day and hour of placing a particular interpretation of the Supreme Court in the clothing of an inalienable right not proper for determination by referendum? Thank goodness a similar effort was not successfully invoked at earlier years in our Nation's history. Otherwise some highly valued changes in our Constitution would not be a part of our Constitution today. Three times our Constitution has heretofore been amended on the subject of voting rights: the 15th amendment, forbidding both Federal and State Governments from denying or abridging the right to vote on account of race, color, or previous condition of servitude; the 19th amendment, forbidding both Federal and State Governments from denying or abridging the right to vote on account of sex; and the 23d amendment, forbidding both Federal and State Governments from laying a poll tax as a condition of voting.

In each of these instances, the national Constitution had been interpreted and applied in a manner contrary to the provision of these amendments. Not a single opponent of Senate Joint Resolution 103 would be heard to say that any of the cited situations encompassed an inalienable right not proper for determination by referendum. And, of course, in the history of our Constitution, other amendments of very high and far-reaching import were referred to the States for their decision. The instant proposal should also be so submitted pursuant to article V of the Constitution.

Justice Douglas, of the U.S. Supreme Court, spoke to this point very appropriately, only recently:

> Sometimes the decisions of this Court are not approved in the long run. And constitutional amendments are made. For example, our Court held that the graduated income tax was unconstitutional. And we got the 16th amendment—we changed that. Our Court held that a State could lay a poll tax as a condition of voting, and that was changed with respect to Federal elections. Our Court held that a State could keep women from voting and that was changed by the 19th amendment. This is part of the process. People can have such Constitutions—such provisions—as they want.

To those who contend that this particular interpretation of the Constitution—by the Supreme Court in Reynolds against Sims—is not proper for determination by referendum, let there be addressed a simple question: Had the Supreme Court decided that case or Baker against Carr in opposite fashion, would those now opposing the reapportionment amendment have ceased their efforts for a one-man, one-vote rule, so-called?

To ask the question is to answer it in the negative, because the Supreme Court several times—the latest only about 5 years prior to Baker against Carr—refused to assume jurisdiction of the subject of State legislative apportionment. Yet the advocates of the so-called one-man, one-vote rule persisted in behalf of their concept.

Now that they have succeeded by the route of Court decision, they seek to foreclose the governed—the people—who are the ultimate source of political decisions of the highest order, from being given an opportunity to speak on the issue. These opponents say to the people, in substance: "Now that the Supreme Court has spoken in our favor, we will make it our business to block and frustrate any chance for you people to speak on the subject. You must remain forever subject to the Supreme Court interpretation in spite of article V of the Constitution which gives you the right of amendment. We shall deny you the exercise of that right."

To such as those, I earnestly say: have more faith in the people. Come down off your lofty perches of intellectual superiority, climb out of your ivory towers, and mix a bit with the common people. They are not as unqualified or as gullible in matters like this as you think.

This Senator has never been able to agree with the statement of one particular Founding Father, Alexander Hamilton, who said: "Your people, sir, are a great beast."

A mob, of course—any mob—can be a beast. But people, as individual citizens voting at the secret ballot box in a democratic society pursuant to orderly process, are not beasts. It has been my experience and observation that they are thinking, serious-minded citizens, fully qualified to cut through the claims and counterclaims of political and polemical argument, to reach intelligent, thoughtful decisions.

In some circumstances, they may even be more capable of reaching independent conclusions than their elected representatives who are often subjected to the special influences of pressure groups.

This would be especially true of a popular vote on the structure of a State legislature within the narrow limits and carefully safeguarded procedures prescribed in the Dirksen amendment.

THE REFERENDUM PROCESS

One reason, perhaps, why some of my colleagues may have less faith in the people is that they may not have had the experience of watching closely States where direct legislation is available to the people. A number of States have long had a tradition of decision on important issues by the voters at the polls.

It has been possible for the people of these States, through the initiative or referendum process, to bring propositions of high importance before all of the voters for decision. Often this right has been exercised in areas where a legislature itself has failed to act.

Sometimes, it is true, the people have been called upon to vote on highly controversial propositions, some of them of dubious validity. The record will show that by and large the people have acted wisely. And just as a legislature will sometimes enact unconstitutional legislation, the people of California, for instance, recently approved a ban on pay television, which was declared unconstitutional by the courts. In a system of direct legislation, the courts of course must determine constitutionality, just as they are called on to determine the constitutionality of legislation enacted by a legislature.

During recent years, there have been a number of measures placed on the ballot by initiative and referendum having to do with reapportionment. Except in the instance of Oregon, the people of all the States when this subject has been an election issue—voting on a one-man-vote basis—voted against one man, one vote as the exclusive method of apportioning both houses of their State legislatures. This was no paradox—this was the considered judgment of the majority of the people that the interests of all the people were best served by providing meaningful representation for the lesser populated areas in one of the two legislative houses.

Among measures the voters of various States have adopted through direct legislation have been initiatives calling for increased State support of their public schools. Recently the people approved an antifeatherbedding initiative bringing California, Arizona, and South Dakota into line with the Federal award removing unneeded firemen on diesel freight trains. Daylight saving time has been adopted through the direct legislation, initiative system in particular States.

I believe that an impartial analysis of the results of voting on ballot issues by the people will indicate that the people know what they are doing—that given the opportunity they can be trusted to act intelligently and in their own best interests.

With respect to legislative apportionment, I am sure that there are States where the people, unlike the people of Colorado, Michigan, California, and Nebraska, would not opt for another plan. But why not let them decide for themselves—why inflict the decision upon them from on high?

Under the reapportionment amendment, no State would have to adopt the Federal plan of apportionment if its people did not wish it. Similarly, no State—as now, unfortunately is the case—would have to forego adoption of the Federal plan against the wishes of its people.

The reapportionment amendment, purely and simply, extends the people's right of franchise to this important area of legislative apportionment.

In my discussion of direct legislation, I do not wish to imply that statewide elections on ballot issues are, or should be, in any way a substitute for the legislative process. Direct legislation is, rather, a supplement to the legislative process and obviously should be employed sparingly.

The long ballot, sometimes typical of elections in States where issues are voted on at the ballot box, is long only because of the inclusion of relatively unimportant, often technical constitutional amendments submitted to the people by

the legislature itself. Sometimes, because of the lack of controversy engendered by such propositions, it is claimed that they are insufficiently understood by the electorate.

But the important ballot propositions—the State bond issues submitted to the people by the legislatures, and the measures presented to the voters by initiative petition—are actively argued pro and con and are thoroughly understood.

Legislative apportionment is such an important issue—an issue that is vital to the people, and an issue that they certainly understand.

To argue against this extension of democracy is to accept the argument that "this is a republic, not a democracy—let us keep it that way." That oversimplified argument refuses to recognize the fact that we are neither a republic, in the strictest sense of the term, nor a democracy in the strictest sense of the term, but an inspired combination of the two—a democratic republic. Adherence to that argument would demonstrate that the opponents of the reapportionment amendment have too little faith in the people, too little confidence in their inherent wisdom.

This Senator has faith in the people. I believe that, with the enactment of the reapportionment amendment, they will make the right decision, the appropriate decision, State by State—based on the special needs and the special situations which exist, State by State. They will also have the option to retain the present Supreme Court interpretation of the Constitution if they so choose.

I trust the people, and fully subscribe to the provisions of our great Constitution providing in its article V for its amendment by the people, and which, in spite of contentions to the contrary, places no limits on the subjects which can be considered by the people in proposed amendments. It is the people who are entitled to decide and should decide which of their rights are inalienable.

It is my sincere hope that opponents of the reapportionment amendment, upon reflection and on reexamination of their innermost feelings with respect to the principles of self-government, will decide that the people of the 50 States can be trusted; and that they will join with us in sending the amendment to the States for their consideration and decision.

They cannot do otherwise if they subscribe to the basic premise expressed in the Universal Declaration of Human Rights that "the will of the people shall be the basis of government." In simple words—"let the people decide."

SUBSTANTIAL AND WIDESPREAD SUPPORT OF REAPPORTIONMENT AMENDMENT

Thoughtful, forceful expressions from people in every walk of life throughout the 50 States favor Senate Joint Resolution 103. National leaders have testified before the Congress. Tens of thousands of letters have poured in, speaking for solution of this critical problem.

To the voices of leaders in government, education, the great national, State, and local organizations of this country has been added an overwhelming abundance of newspaper editorial comment urging adoption of a reapportionment constitutional amendment. In a personal survey of just a few of our great newspapers, 102 daily papers to be exact, I find well over two-thirds—of the daily papers, mind you—urging affirmative action. Among the weekly papers, the favorable ratio is far higher. I think this is strongly indicative of the voice of the people of America.

NATIONAL LEADERS IN EDUCATION SUPPORT DIRKSEN AMENDMENT

In the field of education, the concern over this subject is so great that a large number of the Nation's leading and most prominent educators joined in saying:

As educators, we look upon the decision which must soon be made by the U.S. Senate regarding Senate Joint Resolution 103, as a matter which should and must be made a matter of nationwide concern.

The resolution deals with the subject of how State legislatures may be apportioned, but, to us it raises the alarming question of whether the voters of this Nation are to be denied in perpetuity a right that was being enjoyed in the Colonies in this land even before our Constitution was drafted and which has ever since been a helping guide and balance wheel in our national progress. Simply stated, it is the right of the people to decide—the right to decide how they want to be represented, how much voice they want to give minority groups, how much flexibility they want in their governmental structure, and how threats of political dictatorship shall be curbed.

It behooves all concerned to remember that Senate Joint Resolution 103 is entirely permissive in nature. This is proper and in keeping with democratic processes. The resolution brings back to life the opportunity, through permissive majority expression, to retain and continue in practice, the concept of balanced representation under which most of our States have made their greatest progress.

The decisions of the courts of our land have left us no alternative but to enact a constitutional amendment if we are again to go forward under the principle that all segments of our population should be represented in the body that governs them. Without approval, significant geographic, social, and economic interests will henceforth be denied proper representation even if the majority will of the voters would have it otherwise. Quick approval of Senate Joint Resolution 103 is required if we are to put our time-tested formula of balanced representation back on the track.

The names of educators joining the statement are:

Dr. Leslie Wright, president, Samford University, Birmingham, Ala.;

Dr. Karl Lamb, professor of political science, Cowell College, University of California, Santa Cruz, Calif.;

Dr. Doak S. Campbell, president emeritus, Florida State University, Tallahassee, Fla.;

Dr. Philip M. Crane, professor of history, Bradley University, Peoria, Ill.;

Dr. Noble W. Lee, dean, John Marshall Law School, Chicago, Ill.;

Dr. W. J. Moore, former dean, Eastern State Kentucky College, Richmond, Ky.;

Dr. Philip F. Dur, professor, University of Southwest Louisiana, Lafayette, La.;

Dr. Charles F. Phillips, president, Bates College, Lewiston, Maine.

Prof. James K. Pollock, professor of political science, University of Michigan, Ann Arbor, Mich.;

Dr. D. W. McCain, president, University of Southern Mississippi, Hattiesburg, Miss.;

Dr. Milo Bail, president emeritus, University of Omaha, Nebr.;

Mr. J. A. Pritchett, State board of education, Windsor, N.C.;

Dr. Boyd Sobers, professor of political science, Ohio Northern University, Ada, Ohio;

G. R. Griffin, superintendent of schools, Ramona, Okla.;

Dr. James H. Jensen, president, Oregon State University, Corvallis, Oreg.;

Dr. Abner McCall, university president, Waco, Tex.;

Dr. William T. Muse, dean, School of Law, University of Richmond, Richmond, Va.; and

Col. J. M. Moore, president, Greenbrier Military School, Lewisburg, W. Va.

LOCAL GOVERNMENT OFFICIALS SUPPORT DIRKSEN AMENDMENT

Representing government at the local level across the Nation, many active leaders of long experience in their respective jurisdictions, joined in a statement supporting the reapportionment amendment. In part, their statement read:

There is no question in the minds of most county officials throughout the country that unless Senate Joint Resolution 103 is approved and the "right of the people to decide" is preserved, many drastic changes are in store for local governments. Without the Dirksen amendment urban boss control of State legislatures can be extended on to other units of government, regardless of the will of the majority of voters in the governmental areas so involved. Leaders agree that unless county officials make their views known to their Senators within the next few weeks, county governments will inevitably be faced with months and years of uncertainty and frustration.

Included among those who joined in this statement are the following:

W. W. Dumas, of Baton Rouge, La., president of the National Association of Counties;

Loren Young, of Springfield, Ill., president of the Illinois Association of Supervisors and Commissioners;

Don Cafferty, of Stillwater, Minn., past president, Association of Minnesota Counties;

Farrell Rock, of Rexburg, Idaho, president, Idaho Association of Commissioners and Clerks;

Judge Ellis A. White, of Ontario, Oreg., president Association of Oregon Counties;

Lawrence H. Johnson, of Algoma, Wis., president, Wisconsin County Boards Association;

Jerome E. Dean, secretary-treasurer, North Dakota County Commissioners;

Victor E. Dolenc, president, Wyoming Association of County Officials; and

Francis O'Rourke, Westchester, N.Y., chairman, Westchester County Board of Supervisors.

TESTIMONY OF GOVERNORS FAVORING PROPOSED AMENDMENT

Comments of various Governors of our great States are of added significance as we deliberate this question. These comments are part of the official record of hearings on the subject of reapportionment of State legislatures.

NEVADA GOV. GRANT SAWYER

The Honorable Grant Sawyer, Governor of the State of Nevada, said:

First, I wish to make it clear that I do not dispute the authority of the Supreme Court of the United States to have reached the conclusion which it did in *Baker* v. *Carr* and the subsequent cases dealing with apportionment of State legislatures. The Court has spoken, and we accept the conclusions that the equal protection clause of the 14th amendment to the Constitution of the United States requires that both houses of a bicameral State legislature be apportioned on the basis of population, unless a State can show that apportionment on some other basis is not arbitrary within the meaning of prior decisions construing the clause. In my opinion, the question raised by the Supreme Court decisions is whether or not a change in the Constitution is desirable.

In Nevada, the 1960 Federal census showed that one county in our State contained about 45 percent of the population of the State. The population of that county—Clark County—has continued to grow, and population estimates indicate that it may now contain more than half of the State's population. It is understandable that the people of the other counties are concerned about the consequences of granting control of both houses of the legislature to one county. They fear rightly or wrongly that their interests will necessarily suffer, not so much as a result of deliberate action by representatives of the one populous county, but because their problems will not be given adequate attention. Senator JAVITS mentioned a moment ago the importance, for example, of agricultural representation. This would be true in our State under the reapportioned legislature. Agriculture would have very little representation. There are many people in the one populous county who are not in favor of control of both houses of the legislature by their representatives.

I am aware that there is a constitutional and historical difference between the apportionment of the Congress and apportionment of State legislatures. The U.S. Senate was created as one means of preserving to the Original Thirteen States some of the sovereignty they enjoyed after the Revolution and before the U.S. Constitution was adopted. Article I, section 3, and the 17th amendment provide for equal suffrage in the Senate. An arrangement, by the way, the people of Nevada are very happy with. The 14th amendment, under which the reapportionment cases were decided, applies only to the States. Nevertheless, the success of the congressional structure suggests that a similar structure in State legislatures may be desirable and the very sovereignty acknowledged in the Federal system should as well be recognized as applicable to the composition of State legislatures. I do not believe that the senators, representatives, and State legislators who voted in favor of adoption of the 14th amendment intended that it be applied in such a manner as to deprive the people of the various States of the right to adopt the Federal system or any other for their legislatures.

I do not mean to suggest that the Federal system should be forced upon the people of the States, nor do I believe that representation on a population basis in both houses should be forced upon the people of the States. There is much to be said in favor of either system. It is my position that the people should be allowed to decide the composition of their respective legislatures. What may be desirable in a State in which the population is evenly spread over the State may not be desirable in a State such as Nevada where the bulk of the population is concentrated in one or two areas. Personally, I favor the Federal system for Nevada, which we have always used in our State, because I think it has provided some of the necessary checks and balances our economic and population structures require, but I am unable to predict with any accuracy how the people of Nevada as a whole would vote on the question. In any event, I believe that the choice should be left to them.

COLORADO GOVERNOR JOHN LOVE

The Honorable John Love, Governor of the State of Colorado, said:

I appreciate this opportunity to appear * * * and bring you some of my thoughts, but also, I think, perhaps more important, to talk to you a little bit about Colorado's reapportionment history, which I think points up the problem more clearly than perhaps any other State. I also think it is true that many of the things that prior witnesses have been talking about are demonstrated very clearly in the population distribution and in the geography of the State of Colorado.

First as to the reapportionment history, on June 15 of last year, in a companion case to *Baker* v. *Carr*, the Supreme Court decided the case of *Lucas* v. *Forty-Fourth General Assembly, et al.*, a case in which, as Governor of the State of Colorado, I was a party defendant. As you know, that case held unconstitutional and void a plan of legislative apportionment adopted by an overwhelming majority of the Colorado electorate less than 2 years earlier, and embodied in our State constitution. The voters of Colorado, in adopting the constitutional amendment which was overturned by the Supreme Court evinced, in my opinion, an appreciation of the diversity of our State and of the necessity of fair representation of the rural minority in our legislature. Our voters had a clear choice between a plan which apportioned seats for both houses of the legislature on a population basis only, and a plan which so apportioned the lower house, but took other factors into consideration in the upper house, the so-called federal plan. In the election which was held in 1962, the voters in every county without exception, and by about a 2-to-1 majority on the statewide basis adopted the second plan, the federal plan.

Nevertheless, this plan was, as I said, declared to be violative of the Federal Constitution by the Supreme Court and we lost no time in complying with the Court's opinion. Pursuant to my call, on July 1, the 44th General Assembly of Colorado convened in its second extraordinary session of 1964. The first extraordinary session, held in April of last year, had been the general assembly redistrict Colorado's congressional districts in obedience to the Supreme Court's mandate in *Wesberry* v. *Sanders*, 376 U.S. 1. The legislature thereby reluctantly destroyed the homogeneity of Colorado's unique western slope as a congressional district, represented by Congressman ASPINALL. The second session passed a plan of reapportionment for the State legislature which was approved by the three-judge U.S. district court panel for the district of Colorado, and which I signed into law on July 8, 1964. We subsequently held an election in accordance with this plan. I think Colorado was the first State to comply with the Supreme Court's mandate.

Nevertheless, I appear here today to lend my support to the efforts of this committee to consider a means of allowing States to apportion at least one house of their legislatures by taking into account factors other than population alone. In this respect, I disagree with the philosophy of equal protection, expressed by the majority of the Supreme Court, as well as with its reading of the legislative history of the 14th amendment.

I must disagree with this philosophy because it caused the majority of the Court to disregard the will of the Colorado electorate, which approved the plan of apportionment by a majority in every county of the State, in an election where all votes were given the equal weight now required by the Court's opinion. In effect, this opinion held that the majority of the voters in the urban areas discriminated against themselves in adopting this plan rather than one which apportioned both Houses on a strictly per capita basis. In the words of Circuit Judge Breitenstein, writing for the majority of the court below in the Lucas case:

"The contention that the voters have discriminated against themselves appalls rather than convinces."

It is my firm belief that the Colorado electorate knew exactly what it was doing when it went to the polls in 1962, and I firmly believe that its decision thus to amend the constitution of the sovereign State of Colorado should have stood unaltered, except by another vote of the people.

Gentlemen, I am a firm believer in the protection given to the citizens of the several States by the 14th amendment to the Constitution, and I would not favor any attempt to shrink its protection in any of the important areas of human liberty. But I do not believe that the framers of that amendment ever dreamed that it might be used to accomplish the results which the Supreme Court has reached in the past term. Mr. Justice Harlan's dissent traces the legislative history of the 14th amendment quite carefully, and proves beyond a doubt that it was not intended to deny to the States control over the franchise. Indeed, Mr. Justice Harlan's opinion quotes from speeches which state that while the speakers *might* personally prefer that the amendment give more protection to the franchise, that it would be impossible to obtain ratification by the required number of States of such an interference with their sovereignty.

But a majority of the Supreme Court having taken an opposite view, I am not here today to engage in a legal debate over issues which are now decided. Rather, it is my purpose to urge upon you the adoption of some form of relief which will return this Nation to the state of law which it thought existed for over 90 years, until this past June 15. As Mr. Justice Stewart stated in his dissent, over four-fifths of the States give effect to nonpopulation factors in apportioning seats in at least one house of their legislatures, indicating that there must be some very compelling and convincing reasons for a departure from the rule now declared by the Court. While I cannot claim to be an expert political scientist, or to be able to give you all the reasons for such a departure, I can, based on our own experience in Colorado, give you some of the reasons which a majority of the voters in every county in my State found decisive in 1962.

Mr. Justice Stewart's dissent gives an excellent one-paragraph description of the diverse nature of the State of Colorado, which I quote:

"The State of Colorado is not an economically or geographically homogeneous unit. The Continental Divide crosses the State in a meandering line from north to south, and Colorado's 104,247 square miles of area are almost equally divided between high plains in the east and rugged mountains in the west. The State's population is highly concentrated in the urbanized eastern edge of the foothills, while farther to the east lies that agricultural area of Colorado which is a part of the Great Plains. The area lying to the west of the Continental Divide is largely mountainous, with two-thirds of the population living in communities of less than 2,500 inhabitants or on farms. Livestock raising, mining, and tourism are the dominant occupations. This area is further subdivided by a series of mountain ranges containing some of the highest peaks in the United States, isolating communities and making transportation from point to point

difficult, and in some places during the winter months almost impossible. The fourth distinct region of the State is the south-central region, in which is located the most economically depressed area in the State. A scarcity of water makes a statewide water policy a necessity, with each region affected differently by the problem."

Add to this diversity the fact, according to the 1960 census, the Denver metropolitan area contained more than one-half of the State's population and in listening to Governor Sawyer and considering other States, this is not too unusual across the United States. Now, in addition to this, the three major metropolitan areas of Denver, Colorado Springs, and Pueblo contained two-thirds of the State's total, and you realize that if both houses of the Colorado General Assembly were apportioned solely on a population basis, that urban domination of the legislature can be so strong that the remainder of the legislators, representing one-third of the State's population, would barely be heard. Thus, serious problems confronting citizens in rural areas would, in all probability, not be given the time, study, and deliberation given to problems of more immediate interest to urban legislators and their constituents. In this respect, Colorado's problems are not unlike those of New York or Illinois, or even Arizona, where it is probable that one metropolitan area will not dominate both houses of the State legislature.

It is my feeling that the legislature of the State of Colorado can best represent its citizens as a whole if the legislators individually represent homogeneous, identifiable groups of voters. This was also the conclusion of the majority of the Colorado electorate in 1962, including a majority in the so-called under-represented Denver metropolitan area, which voted to give somewhat greater representation to many areas of the State than mere numbers would require. They did not intend to have legislators represent trees or acres, but people with distinct problems, backgrounds, and aspirations. These voters recognized that Colorado is made of many groups of citizens with diverse and often conflicting interests, and that these interests sometimes would be without any voice in our legislative councils if measured on a purely numerical basis.

Another reason which justifies departures from strict per capita representation in both houses is recognition of the fact that there may be times of stress and crisis when public feeling runs against a minority, when that minority needs the protection of the legislature. That protection is much more likely to be forthcoming when at least one member of the legislature has a significant number of such a minority among his constituents, than when the minority constitutes only a small fraction of a large, heterogeneous district.

I think it is true that in our history of government in this Nation, we have always expressed a concern that we be protected from what has been called at times the tyranny of the majority.

In Colorado, at least, there is always a possibility that in some areas of legislation the majority of the population may treat the minority unfairly. This can be illustrated in the crucial area of transmountain diversion of our most vital natural resource, water. If the populous portion of the State east of the Continental Divide were to use its heavy representation solely in its own interest, it might divert so much water from the less heavily populated western slope of the mountains that this area's full economic growth and the development of its vast natural resources might be frustrated, thus preventing it from making its full contribution to the growth and welfare of the entire State of Colorado. Such a result can best be avoided by effective representation of western slope water interests. This calls for a departure from pure per capita representation.

The western slope, as I saw, representing approximately half of the area of Colorado, contains only about 10 percent of its population. It contains most of the water. It contains great stores of natural resources, including oil shale. It has a great future which could be frustrated, theoretically and perhaps practically, under the apportionment plan which we have been forced to follow.

While each area of the State tends to have its own problems, the welfare and prosperity of each section affects the welfare and prosperity of the State as a whole. It is, therefore, in the long-term interest of Denver's voters to have a strong and vigorous rural delegation in the Colorado Senate, despite possible temporary conflicts over water or other problems. Denver's voters recognized that fact when they went to the polls in 1962 to reject a plan which was based solely on population (and approved one taking other factors into consideration in apportioning the Colorado Senate.)

As I stated earlier, Colorado has, since June 15, enacted into law a plan of apportionment complying with the Supreme Court's ruling in the Lucas case. The contrast between the senate, as apportioned under the new bill, and as apportioned under the plan adopted by the people in 1962, dramatizes the disadvantages of the rigid, nearly mathematical approach now required. An example of the problems created as in new senate district 35, covering the northwest part of the State. The district measures approximately 175 miles from east to west, and 140 miles from north to south, over rugged mountainous terrain. It contains 10 counties covering 20,514 square miles, an area larger than that of 9 of our States. For example, this district is 10 times the size of Delaware, 4 times the size of Connecticut, and over twice as large as Massachusetts, Hawaii, New Hampshire, New Jersey, or Vermont. The district includes three major river basins, one to the east of the Continental Divide and two to the west. And yet, States smaller in area each have two Senators in the U.S. Senate, while the district in question has only one senator in the Colorado Senate.

Another example of the problems created by this new plan of apportionment is the treatment now accorded the San Luis Valley, in the south central region of Colorado. The six counties in this valley are in the Rio Grande Basin, and are vitally concerned with water rights on the Rio Grande, and with Colorado's relationship with New Mexico, Texas, and Mexico, with respect to the Rio Grande. The rest of Colorado has no direct interest in this great river, whose waters are the economic foundation of the San Luis Valley. This area is also one of the most economically depressed of the State, and contains a high percentage of residents of Spanish-American heritage, with a relatively low educational level, and a relatively high State welfare load. This area, containing 38,000 persons according to the 1960 census, was formerly able to elect a senator to bring to the attention of the legislature its unique problems. But under the new per capita-based apportionment, the legislature was forced to place the counties of the San Luis Valley in three separate senatorial districts, and the residents of this valley are in the minority in each district. This is a clear case of denying a minority any representation at all in one branch of the legislature; it hardly fits our traditional concept of representative government.

One of the districts into which part of the San Luis Valley, Saguache County, had to be placed, illustrates problems of another kind caused by per capita apportionment. District 30 consists of 9 counties, and extends over 150 miles from north to south, from Gilpin and Clear Creek Counties, former gold and silver mining areas now rapidly becoming part of suburban Denver, to Saguache County in the San Luis Valley, which is primarily dependent on agriculture. This district straddles the Continental Divide, and it contains approximately 33 peaks over 14,000 feet in height. It is drained by four river basins, the South Platte, the Arkansas, the Rio Grande, and the Gunnison. These areas have sharply conflicting interests, and no one Senator can adequately represent all of them.

I hope that these examples of the problems we now face in Colorado make clear what the Colorado electorate recognized in 1962, and what most of our States have believed; that effective representation of the diverse interests of the people of the States, and of the States as a whole, is best achieved by representation of these separate interests, and not by overwhelming them in legislatures where their voice is so small as to go unheeded.

It has long been part of the American tradition to allow the several States to engage in experiments within the framework of our Constitution, such as Nebraska's adoption of a unicameral legislature. It is my belief that the framers of the 14th amendment, and certainly the States which ratified it, had no intention to disturb this freedom. Over the years, the systems of apportionment have varied from State to State in accordance with the particular needs and development of the various States. I believe it would be appropriate to restore that freedom of State action now.

There are a number of possible means of achieving this goal. I personally believe that at least one house of a bicameral legislature should be apportioned purely on a population basis, so that growing urban areas will always be assured of sufficient representation to protect their own interests. This, coupled with growing ability of urban areas to control the election of Governors in many States should provide ample protection against minority rule.

My own preference for a remedy is a substantive amendment to the Constitution which would allow the States having bicameral legislatures, by this, I do not mean to limit it to that, Senator HRUSKA—to give reasonable consideration to factors other than population in apportioning seats for one house. I would emphasize that I prefer the phrase "reasonable consideration" because I believe that such language would do no more than restore to the Constitution what most people thought to be its meaning ever since the adoption of the 14th amendment. "Reasonable consideration" would, as I understand it, allow the States to give reasonable weight to factors such as history, geography, economic interests, and effective representation of minority groups, without permitting arbitrary or crazy-quilt apportionment. Such a standard would strike down any invidious discrimination against the majority, while accepting more variation from per capita representation than the Supreme Court would now allow.

The reason why I advocate such a modest amendment is that it would, I hope, allow the courts to protect the citizens of the States from any gross malapportionment of one house of their legislatures, while still allowing the States maximum freedom to engage in the development of a variety of governmental machinery within the framework of representative government. Such an amendment would, I hope, incorporate the well-established standards which most of us thought governed "equal protection," namely, that any deviation from absolute equality should have a rational basis in permissible objectives, and not be simply arbitrary, or related to an invidious discrimination against any group.

GOV. NILS A. BOE, OF SOUTH DAKOTA

The Honorable Nils A. Boe, Governor of the State of South Dakota, said:

I am confident that I express the opinion of the overwhelming majority of the people of South Dakota in supporting a constitutional amendment permitting a bicameral legislature of any State to apportion the membership of one house on factors other than population.

A joint resolution memorializing Congress to call a constitutional convention for the purpose of proposing such an amendment was adopted by the Legislature of South Dakota by only one dissenting vote.

It would appear that a refusal to permit the consideration and vote upon such a constitutional amendment pertaining so directly to the internal governmental organization of any State strips away the last vestige of integrity once conferred upon the several States by our constitutional fathers.

OREGON GOV. MARK O. HATFIELD

The Honorable Mark O. Hatfield, Governor of the State of Oregon, said:

The apportionment of Oregon's Legislative Assembly is in substantial accord with the criteria prescribed in recent judicial opinions of the requirements of the U.S. Constitution. Not only is the present apportionment in both houses established on the basis of population but decennial reapportionment is assured by provisions in the State constitution that require administrative or judicial action if legislative action does not take place.

It is not my belief that the public interest would not be well served by any of the pending proposals to limit the jurisdiction of Federal courts or to authorize substantial deviation from the apportionment of representation on the basis of population.

DELAWARE GOV. CHARLES L. TERRY, JR.

The Honorable Charles L. Terry, Jr., Governor of the State of Delaware, said:

Broadly speaking, it is my belief that States with a bicameral legislature should have a house apportioned strictly on the basis of population and a senate where geographical factors are given some weight.

Delaware, as you probably know, reapportioned both houses of its general assembly on a population basis by means of legislative statute enacted last year. The general assembly which we elected in November and which took office in January has representation based on population in both of its houses. The general feeling of Delawareans, is that this reposes too much power in the populous areas of the State.

NORTH CAROLINA GOV. DAN MOORE

The Honorable Dan Moore, Governor of the State of North Carolina, said:

My opinion in brief is that the reapportionment of State legislatures should be left to the States themselves.

CALIFORNIA GOV. EDMUND G. BROWN

The Honorable Edmund G. Brown, Governor of the State of California, said:

As Governor of California, which, as the most populous State, has almost 10 percent of the Nation's total population, I have special reason to appeal to you today.

California, just as each of the other 49 States, is unique and has unique problems. But because California is the largest of these unique units, its unique problems are larger. And since size inevitably results in complexity, these larger problems are extraordinarily complex. We are additionally confronted by a rate and constancy of immigration unmatched in human history, a growth that feeds and nourishes these complex problems.

When we come, as we have today, to one of the most difficult of these problems, legislative apportionment, we have still another factor with which to contend. The great range and variety of California's geography and the uneven, and often expensive mismatching of population and resources. Almost everything we need we have, but what is needed in the south is often available only in the north; what is required to build great coastal cities must come from the sparsely settled mountains, and even the deserts must slowly be converted into fertile valleys to provide enough food and fiber for all the other areas of California.

I do not intend to discuss all this in detail here today. I know that non-Californians are prehaps understandably less concerned about our great splendors and our lesser miseries than we ourselves. I have repeated these generalizations only because I think they are a necessary background for those who would like to understand how most Californians feel about the matter now before you.

What I have to say about apportionment is remarkably close to what Senator KUCHEL has already told you, and I think this fact is significant. I am a Democrat, he is a Republican. In this instance, I believe we represent a great and still-growing consensus in California on what should be done as a result of the U.S. Supreme Court rulings on apportionment of State legislatures.

My recommendations are not all embodied in the proposed constitutional amendment you are now considering, but they could easily be fitted into that measure or any of a number of others. As Senator KUCHEL did, I offer ways in which to make that measure acceptable—indeed highly desirable—to Californians.

My recommendations are three in number, and I would stress that each bears with sufficient weight on the two others that, in my judgment they are not separable.

First, I would endorse the principle that each State be given a qualified right under a constitutional amendment to apportion one of two houses of its legislature without fully meeting the one-man, one-vote test now established by recent rulings of the U.S. Supreme Court.

Second, I would insist that one of the restrictive qualifications be that the people of each of the 50 States be given the opportunity long denied in many of the States to pass directly on questions of apportionment by initiative and referendum—an opportunity which Californians have both had and exercised on a number of occasions. That right should be reserved to the people of each State by the Federal Constitution as a condition precedent to apportionment of one of the two houses of any State without full adherence to the one-man, one-vote rule.

Third, I would also restrict the use of this new constitutional privilege to States which could meet stringent requirements embodied in the same constitutional amendment requirements which would guarantee that the electorate of the State concerned was not limited by reason of sex, race, creed, color, economic status, or other comparably irrelevant factors.

I cannot tell you that I have exact language or procedures devised to carry out this three-point recommendation. I can tell you, however, that California could qualify immediately so far as the spirit and intent are concerned. I am sure many other States could also qualify and there is no reason why those States who would not immediately be eligible for this privilege could not become so in a reasonable time.

California urgently needs this kind of amendment, and I believe many other States would welcome it. I see no valid reason for stubborn opposition to returning this question of legislative apportionment at a State level to the people of the several States, so long as we can guarantee that all those who qualify as voters under Federal standards can freely participate in making the decision. I would join in objections to measures which did not offer such a guarantee to the full electorate, but I see no valid reason why such guarantees should not be offered.

I do not believe that all States should or would choose to apportion one house on other than a strict one-man, one-vote rule. In many States, I think I might, as an individual, choose to vote against differences between the two houses so far as representing population is concerned. But I think no one anywhere should protest a properly qualified right of the citizens of any State to make their own free decision in that matter.

So far as the ultimate decision in California under such an amendment is concerned, I believe I would support a reasonable modification of the one-man, one-vote rule in the election of the State senate.

That belief is based on the past and the present, but it also has the future in mind.

MONTANA GOV. TIM BABCOCK

The Honorable Tim Babcock, Governor of the State of Montana, said:

Following our joint resolution No. 7, I again want to go on record as follows: I personally, and the people of Montana, am extremely desirous in seeing that our Constitution provides that at least one house of our State legislature may be apportioned on the basis of other than a strict population measurement. A joint statement will be presented to you by a Montana senator and a Montana representative on March 17.

OKLAHOMA GOV. HENRY BELLMON

The Honorable Henry Bellmon, Governor of the State of Oklahoma, said:

As Governor of a State which has been embroiled in the problems of legislative reapportionment, I am pleased to have the opportunity to present my views.

The failure of the Oklahoma Legislature to follow the Oklahoma constitution and reapportion itself following each decennial census understandably caused a great amount of consternation on the part of residents of areas which have become more heavily populated through the years.

Having lived all of my life in a rural area, however, I also am aware of the necessity for assuring residents of the less populous areas that their needs will not be ignored in an increasingly urban society.

The membership of the National Congress, with the Senate based on governmental units and the House on population, has apparently been satisfactory in serving the needs of our citizens. It would appear wise to permit that States follow the same or a similar pattern.

ARKANSAS GOV. ORVAL FAUBUS

The Honorable Orval E. Faubus, Governor of the State of Arkansas, said:

I want to lodge the strongest recommendation possible for the favorable consideration of a constitutional amendment to permit the various States of the Union to apportion at least one house of the State legislature on factors other than population.

In my mind, this so-called one-man, one-vote rule, as laid by the U.S. Supreme Court in a recent decision, is the most unwise and disruptive decision handed down by the Court, perhaps in its whole history.

Any student of history and constitutional government will know without any doubt that if the rule in this decision had been made in 1775 or 1789, the Union of the Thirteen Colonies would never have been formed, and there would not today be in the United States of America.

We all know there are sections and regions distinct and apart from others, with many

differences. These differences as well as others, are proper to consider in deciding upon representation in a legislative body. These matters are equally important as mere numbers, so far as legislative representation is concerned.

I strongly feel that the various States of the Union should be permitted the same privilege accorded to the National Congress, where one House is based on population and the other on factors other than population.

If the Members of the Congress do not at this time take steps to permit the people to have a voice in correcting this most unwise decision of the U.S. Supreme Court, then one of the greatest fundamental principles of the Government of this Nation will be destroyed.

ALABAMA GOV. GEORGE C. WALLACE

The Honorable George C. Wallace, Governor of the State of Alabama, said:

It is my sincere hope that this subcommittee will report favorably upon the proposed amendment to restore to the people their sovereign power to structure their State legislatures and to allocate the State legislative powers on the basis of factors other than population, if the people so desire.

MICHIGAN GOV. GEORGE ROMNEY

The Honorable George Romney, Governor of the State of Michigan, said:

The decision on June 15, 1964, of the U.S. Supreme Court in *Reynolds* v. *Sims* has brought a number of proposed statutes and resolutions. In essence, the question that must be decided is whether congressional action in the form of legislation or in the form of a proposed amendment to the Constitution should be enacted to overcome the effects of *Reynolds* v. *Sims*. I urge that a constitutional amendment should be proposed which would call for one house of a State legislature to be apportioned on the basis of population, while the other could contain other bona fide elements of apportionment, bearing in mind, however, that in essence any legislature, regardless of the means or method by which it is apportioned, must represent the people.

The history of apportionment in Michigan is one of a series of political and legal battles which have been fought over many years. In 1952 the people of Michigan had squarely placed before them the question of whether they wished both houses of the legislature to be apportioned strictly on a population basis.

This measure was defeated by over 400,000 votes and simultaneously therewith another constitutional amendment, which set up a senate based on considerations of both area and population, and which fixed in the constitution the senatorial districts, was approved by a majority of almost 300,000 votes. Thereafter, the battle turned to the courts and in June of 1960 the Michigan Supreme Court held that it could not invalidate the amendment that was adopted in 1952. This case was appealed to the U.S. Supreme Court and the U.S. Supreme Court vacated the Michigan order and remanded the case back to the Michigan Supreme Court. On July 18, 1962, the Michigan Supreme Court held the Michigan State senate to be unconstitutional. On July 27, the Honorable Potter Stewart, Justice of the U.S. Supreme Court, entered a stay order so as to allow the 1962 election to proceed.

The people of the State of Michigan in exercising their sovereign will, in the fall of 1960 adopted a constitutional amendment which required that a vote on a constitutional convention be held in April of 1961. This election was held and the voters of the State approved the calling of a constitutional convention. Thereafter, in September of 1961 the delegates to the said convention, 144 in number, were elected and the convention began its deliberations in early October 1961.

One of the main committees of the constitutional convention was the committee on legislative apportionment, which was headed by Dr. John Hannah, president of the Michigan State University and the Chairman of the Federal Civil Rights Commission. This commission for many months held hearings, studied plans, met, argued, and eventually came up with a plan which apportioned the Michigan Legislature on two bases: First, the house of representatives would be apportioned on the basis of population granting one representative to each county or group of counties having seven-tenths of 1 percent of the State's population, and thereafter allocating the seats on the basis of the method of equal proportion. I submit to you that this, in fact, was apportionment on a population basis, and that each metropolitan area, particularly Wayne County, received exactly the number of representatives in the house of representatives which it was entitled to on a percentage basis.

The senate was apportioned on the basis of factors which were given to each county of the State. Factors equal to four times the county's percent of the State population plus its percentage of the State's land area were allocated to each county. Each county or group of counties having 13 or more factors was allocated a senator, with the rest allocated on the basis of equal proportion. I might add that the plan which followed this formula and was adopted by the Michigan Supreme Court on May 26, 1964, required approximately 47 percent of the population to elect a majority of a house of representatives and 42 percent of the State's population to elect a majority to the senate. This total percentage factor was better than any other State in the Union. Some might have had a better ratio in one house but none exceeded Michigan on a combined basis.

The Michigan constitution went further than just setting up a formula for election of a legislature. It provided the means to have periodic reapportionment by a body other than a legislative body. History has proved that it is very difficult for a legislative body to reapportion itself and therefore the constitutional convention set up an eight-man bipartisan commission who had the duty to reapportion the legislature after each decennial census. If the commission could not agree then the matter was to go to the State supreme court and the court was to choose the plan which most nearly complied with the Michigan constitutional requirements.

Happily we thought that the reapportionment problems of Michigan had been solved and that the will of the people had been sustained. However, on June 15, *Reynolds* v. *Sims* came down and the Michigan Supreme Court vacated its order of May 26, 1964, and on June 22, 1964, adopted a plan which has been described by one eminent legislator as looking as if it had been drawn by a drunken potato bug that had been dipped in red ink, and allowed to crawl across the face of the map of Michigan. Every criterion which has been built into the 1963 Michigan constitution to prevent gerrymandering had been violated. The constitution required that the districts had to be compact and contiguous, that boundary lines of local units of government should not be violated, and that the districts had to be contiguous by land. These safeguards were the result of the study made by the legislative apportionment committee, and were adopted on a bipartisan basis in the convention. The plan which the Michigan Supreme Court ultimately adopted does violence to every one of these antigerrymandering safeguards. It splits counties, townships, and cities. It divides one county which has only 4,000 to 5,000 people over the absolute ration, into four different representative districts. Single townships are separated from the rest of the county, and hence, longstanding bonds of economic and political union have been torn asunder. Cities have been split into several legislative districts. I point this out to you not solely to bring to you the miseries of Michigan but to point out what happens when the U.S. Supreme Court makes a broad pronouncement and then leaves it for the State courts or lower Federal courts to carry out the details. I think a number of you can recall not too many years ago when an order by the U.S. Supreme Court provided that certain statements and files in the possession of the FBI had to be opened to defendants. Thereafter, we had a rash of lower court decisions which carried this pronouncement to such a ridiculous extreme that Congress moved in and enacted legislation stating when and under what conditions FBI files can be opened. So here that part of the decision of Chief Justice Warren relating to the use of boundary lines of local units of government to prevent gerrymandering is totally disregarded by a court, and only one criteria, population, is followed.

Mr. Chairman, the State of Michigan is a large State. We have one senatorial district which stretches from Escanaba in the Upper Peninsula to Alpena which is located on the shores of Lake Huron. It is 242 miles from Escanaba, Mich., to Alpena, Mich. I am not talking now about representation in Congress—I am talking about representation in a State senate. I think that a valid consideration of fair apportionment is having one's State legislator available for consultation.

Most important, however, is the method by which the State of Michigan accomplished its legislative reapportionment. It used the historical method of letting the people decide. This was not a hastily drawn constitutional amendment, but rather the apportionment article of the 1963 Michigan constitution was the result of over 7½ months of careful, thoughtful deliberation. First, it was considered by a committee composed of attorneys, educators, farmers, and so forth, people from all over the State of Michigan. Thereafter, it was considered in open debate by a constitutional convention of 144 delegates, then brought before the people from all over the State for an open, thorough, and exhaustive debate, and finally, albeit by a close vote, adopted by the majority of the people as the method that they wished to have used to apportion their State legislature.

Then, because six Justices of the Supreme Court have different ideas as to what constitutes fair legislative apportionment, the work of 7½ months and the deliberative consideration of the Michigan constitutional convention was wiped away. I want to point out to you that this convention was composed of retired judges, college presidents like Dr. John Hannah, eminent political scientists, such as Prof. James K. Pollock, of the University of Michigan, 40 attorneys, farmers, schoolteachers, and businessmen, and union people like the vice president of the State AFL–CIO, Mr. William Marshall.

All of these people took part in this convention—not that they all agreed, not that they all voted for all provisions, but the fact is that there was a full and open discussion in the best American tradition. Yet, because the majority of the U.S. Supreme Court thought otherwise, we now have thrust upon the people a plan which many consider to be gerrymandered for political purposes and which was drawn not by a constitutional convention but rather by two Democrat members of the apportionment commission. The Michigan Supreme Court did not lay any criterion as to what type of plan it wanted, but simply rode roughshod over the four Republican members of the commission because it considered population the only standard in choosing a plan. I think

that it is vital that the Congress of the United States takes some action in this area. There should be a method by which the people can determine the manner of apportioning their State legislature. One house should be allowed to consider other considerations besides population. It should further be provided that safeguards be given to the people in the form of initiative and petition to amend their constitution. I point out to you that in *Baker* v. *Carr* one of the main reasons for the bringing of the case was that the people had no means to amend the Tennessee constitution other than by having the legislature propose the amendment. This has never been true in Michigan. If the people desire a change they have only to obtain signatures on petitions to bring the matter before the people for a vote. In fact, the matter of reapportionment has been brought before the people several times by this method. With these safeguards the people of a State should be allowed a voice in selecting the manner in which their State legislature is apportioned.

I appreciate this opportunity to be able to present my views and to give you the history of legislative apportionment in Michigan. I believe it is your duty to rescue the courts from this "political thicket" into which they have strayed.

WOMEN'S ORGANIZATIONS

Nor is this matter of reapportionment of concern to men alone. I would cite to you the action of the largest women's organization in the world, the General Federation of Women's Clubs, which is strongly on record on behalf of a reapportionment amendment. Mrs. William Hasebroock, president of the General Federation of Women's Clubs, had these pertinent comments to make:

Members of the federation believe it is an inherent right of the people, by free and majority vote, to decide how they wish to be represented.

Just as the 19th amendment gave American women the right to vote, the proposed reapportionment amendment, now before the U.S. Senate, would provide the citizens of each State the right to decide on whether they want both houses, or simply one house, of their legislatures composed on a population-only basis. Could anything be more fair than to let the people vote on this issue? It is difficult to understand why some people oppose this proposed amendment and that fundamental right.

SIGNIFICANCE OF SUBSTANTIAL, WIDELY BASED SUPPORT OF DIRKSEN AMENDMENT

Thus, we see in every direction to which we turn a widely based preponderance of citizens and Government leaders calling for action. Their large number, their prominence, and their well-stated convictions are highly persuasive as to the merits of having one house of a State legislature based on a combination of population and area. Without discounting this fact in the slightest, however, this Senator cites and relies on the testimony to which I have already referred, for an additional and primary purpose; namely, that such widespread interest and concern on this subject clearly indicates that it is an issue on which the States themselves should be given an opportunity to express themselves as to whether they want such an amendment to the Constitution.

In passing upon joint resolutions for constitutional amendments, it is not for the Congress to judge as to the final and ultimate merit thereof. It is for this body and the other body to consider well the background and history of the issue, its objectives, the kind and degree of reception it receives at the hands of the Nation at large. If there is substantial, widespread, respectable, and intelligent support such as that indicated in the instant situation, it is our duty to approve and submit the joint resolution to the States for their action by approval or rejection, as provided in article 4 of the Constitution.

This is especially true when the occasion for presentment of the joint resolution comes about because of a Supreme Court decision which overturns and reverses a practice, institution, or position long held to be proper and valid. Certainly, that is the case with Reynolds against Sims.

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

Mr. HRUSKA. I am happy to yield.

Mr. PROXMIRE. Do I understand the distinguished Senator from Nebraska to say that if there is widespread and intelligent support for an amendment to the Constitution that Senators should vote for it and the Senate should approve it?

Mr. HRUSKA. That is exactly correct.

Mr. PROXMIRE. Regardless of the conviction of the individual Senator?

Mr. HRUSKA. The Senator is correct, if there is the background to which this Senator has referred. If there is a situation, which arises by reason of a Supreme Court decision overturning a political philosophy which has been followed in this country for almost 200 years, and there is an outpouring of disagreement from across the Nation, with the decision of the Supreme Court, then yes, it is our duty as Members of Congress to let the people speak on that issue.

Mr. PROXMIRE. Does the Senator interpret the provision in our Constitution requiring a two-thirds vote of the House of Representatives and of the Senate as meaning that the Members of the Senate should not determine the proposition on its merits, but should determine it on the assessment of public opinion, or assessment of feelings of the public in general?

Mr. HRUSKA. Where there is deep-seated and substantial sentiment on each side of an issue of this kind, it is incumbent upon Members of Congress to give the people the opportunity to act on that issue.

Mr. PROXMIRE. Does the Senator feel that this would be true whether a referendum were provided or not, because the constitutional provision itself provides three-fourths of the State legislatures must act?

Mr. HRUSKA. That is correct, and in that we have a safeguard.

The vote of two-thirds of the Members here is needed. Ratification by three-fourths of the States is also needed before it can become a part of our Constitution.

Mr. PROXMIRE. Is it not true that it is difficult for Members of Congress to determine public opinion; that hearings are not designed to elicit a competent determination as to how widespread this opinion is?

Is it not true that Congress has not set up any system of ascertaining the views of the public more comprehensively or accurately than the Gallup poll?

The Gallup poll of 1964 found an overwhelming majority of the people favoring the one-man, one-vote system set forth in Reynolds against Sims. I have not seen any documentation that would overturn this view, although many responsible people have testified before the subcommittee.

Mr. HRUSKA. I do not know that Congress has devised any precise system. I do not know that that is necessary.

This Senator is a member of the Senate Judiciary Subcommittee having to do with constitutional amendments. My colleagues and I sat for days listening to leaders of State governments, State representatives, and many prominent and knowledgeable people who testified on both sides of this issue. The hearings are published.

Reading and consideration of that material lead to the conclusion that here is a situation which for almost 200 years was the accepted way of allowing the States to determine the structure of their legislatures. Suddenly, that concept is cut short, and the direction is reversed, imposing on the people in all the States a new concept of law.

That is what is involved here. It is a situation that is so fundamental and so vital that it is our duty, in the face of that record, to adopt the pending joint resolution by at least a two-thirds majority, so that the States can pass on it. If three-fourths of them ratify, it becomes a part of our Constitution; if they do not, it will not.

Mr. PROXMIRE. I have the greatest admiration and respect for the distinguished Senator from Nebraska. He is one of the ablest Members of this body.

Frankly, I am surprised that the Senator suggests that an amendment to the Constitution, which does impose a very heavy responsibility, in my view, on the Members of the Senate, shall be decided not fundamentally on the basis of the merits of the proposition, but should be based on whether or not there seems to be a considerable amount of sentiment around the country in support of the proposition.

I have just inserted in the RECORD a poll of political scientists from a State university in Ohio which showed political scientists including specialists in reapportionment were 4 to 1 against the Dirksen amendment.

It would seem to me that a Senator, particularly one who has the heavy responsibility that the Senator from Nebraska has of serving on the Constitutional Amendment Subcommittee, has a responsibility which burdens him when making up his mind on the merits.

After all, we are sent here by our constituencies to use our own intelligence and ability, and we spend our time determining the merits of these matters.

Certainly the republican-democratic form of government would suggest it should be up to us, as elected representatives and it is incumbent upon us to make up our own minds.

If on the basis of the merits two-thirds of the Members of the Senate and two-thirds of the Members of the House think the proposal is appropriate, proper, and desirable, it seems to me it should go to the legislatures. If three-fourths of the legislatures, by a majority vote each, support the constitutional amendment on its merits it certainly should be adopted; and it would be adopted under our Constitution.

But it seems that incumbent upon us is the responsibility to stand up and assume responsibility ourselves, and not pass the buck and say, "Well, we don't know how this will work; we don't know if it will be good or bad. We cannot tell; and if we cannot tell, how can we expect other people, who cannot take the time we can, to make up their minds? As an elected Member of the U.S. Senate, a Senator has to decide for himself.

Mr. HRUSKA. The Senator from Wisconsin is a good debater. He has proved that on the floor of the Senate many times. His mind is as keen and incisive in explaining propositions as that of any Member who has graced this Chamber. But he is not going to get me into a position of even intimating that I believe that a majority of the Members of the Senate, when they speak in support of this amendment, have abdicated their responsibility.

On the contrary, I say to the Senator from Wisconsin that Senators who support the amendment have assumed a responsibility to do the States and the citizens of the country the greatest good by deciding the question from the substance of the record, not according to polls of anonymous political scientists or any other organization. We will act according to the actual substance of the testimony of men of long experience in government who have come before the committee and have given solid reasons for and against this proposal.

With that kind of record, we assume our responsibility and say that we want the people to express themselves on this question. Because there is such a substantially deep-rooted division on the question, they are entitled to do so. It is an intelligent expression. While I do not know on which side the strongest expression will be I do know that the expression is substantial on both sides.

Mr. PROXMIRE. I presume that the Senator himself believes that this is a good, sound, appropriate proposition. He has argued in that way.

Mr. HRUSKA. Yes, indeed, he feels deeply about it.

Mr. PROXMIRE. Disregarding how people might feel or what may be the feeling or sentiment around the country among gifted people, people who have thoughtfully studied this proposal and are familiar with it, the Senator himself feels that it is sound?

Mr. HRUSKA. I certainly do.

Mr. PROXMIRE. I take it that he would not feel that a Senator who has studied the proposal, who has studied it carefully, thoughtfully, and prayerfully, and who has consulted able people and has come to a contrary conclusion—is under those circumstances showing a fear of the people or is failing in his duty under the Constitution to give the people a chance to vote on the proposal, if being thoroughly convinced himself that the proposal is wrong, he votes against it? Would the Senator under those circumstances say that such a Senator was not fulfilling his obligations to the people if he were convinced that the proposal was wrong?

Mr. HRUSKA. I would not presume to attempt to read the minds, the thinking, the convictions, or the motives of other Senators. I know what my feeling is. I know what the feeling of well over 60 Members of the Senate is. They want this issue reported to the States so that the States have a chance to debate it. They can turn it down or they can adopt it.

I think that it is good that political scientists have spoken as they have. But it is also important that 32 States legislatures have either passed resolutions calling for a constitutional convention or have memorialized Congress to enact an amendment such as proposed here.

This represents a protest by those who know State government well. They know the concept and history of State legislatures well enough that when they protest as they have, the problem is of a nature, of a degree, and of such a thrust as to merit referral to the people for their final decision.

Mr. PROXMIRE. I thank the Senator. He satisfies me completely when he says he would not challenge the motivation or what is in the mind and heart of a Senator who might disagree with him and vote against the measure. That is all I ask. This has been my entire point: that Senators should decide on the merits, not on whether the amendment is tied to referendum. The motivation, I say, is not because those of us who vote against the proposal fear the people; the motivation is that we feel the amendment is bad. We feel the amendment is not justified. That is the only argument I would make here. I simply want to clarify the situation and make certain that the Senator from Nebraska was not implying in any way that we who oppose the amendment are delinquent in our responsibility or are failing to give the people of the country an opportunity to vote, when we are discharging our responsibility by voting according to our views.

Mr. HRUSKA. I am happy if I have brought a ray or two of sunshine into the life of the Senator from Wisconsin this afternoon. I am happy when he indicates that there is not necessarily an abdication of all responsibility and a yielding to public pressure only. I was glad to have the Senator express himself on that point.

Mr. MURPHY. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I am glad to yield to the Senator from California.

Mr. MURPHY. Mr. President, I rose to ask a question. I may have joined this body under a misapprehension. I thought this was a representative Government. I thought I had been sent here by the people of my State to do their will, not my will or the will of some appointee on the Supreme Court, or some political science specialist, or some learned scholars. I thought I was sent here to do the will of the people of my State.

We, jointly, in Congress represent the will of the people of the United States. I can recall hearing, many years ago, something about government of the people, for the people, and by the people. I fail to see, under any circumstances, what is wrong, or whether there is anything wrong, with permitting the people to decide exactly how they want to apportion their State legislatures. Nor do I see anything that should cause us not to be worried by the fact that the legislation or the conditions of legislation were taken from the hands of the elected representatives and apparently placed in the Supreme Court. That has caused me concern, on the one hand; but on the other hand, I think nothing could be more proper than to hand this most important question to the people, who have been the final court of decision in this great country, as I understand it, for the last half century.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly on that point?

Mr. HRUSKA. I yield.

Mr. PROXMIRE. The Senator from Wisconsin hesitates to argue conservatism with two distinguished Republicans, men who have represented conservatism—and have given their best efforts in the cause of conservatism; but I espouse in this dispute the views of that most eminent of political philosophers, Edmund Burke, who took the position that he would give to his constituents his time, his careful attention, and his very best efforts to do for them whatever he could, but would never yield to his constituents his judgment.

This is something that he reserved to himself, and this is something that this U.S. Senator feels it his duty to do. This U.S. Senator feels that it is his duty to use his own best judgment. I will never surrender my judgment to the people of my State, if they unanimously want something that I think is wrong. I will vote the way I think is right.

I believe that is the reason that the people elected me, to exercise my judgment, and not to conduct a popularity poll in my State.

When the people are right, I will vote with them, and when they are wrong, I will vote against them.

This is a wonderful job, being a U.S. Senator. I have worked hard and long to win it, and even harder and longer to keep it.

But it is a great job—worth the effort, only if I exercise my own judgment.

Before I would vote against my own convictions, I would give up this job.

Mr. HRUSKA. And yet, Mr. President, the Senator from Wisconsin takes great joy in announcing the 4-to-1 majority among the political scientists in favor of his position.

Mr. PROXMIRE. Yes, indeed. The experts happen to agree with my judgment. I welcome that.

Mr. HRUSKA. State after State has enacted apportionment on a basis of one man, one vote in one house of the legislature and a geographical-plus-population basis in the other. That action has been struck down, and we find very

few people of such a State protesting that the Supreme Court, by a decision of 6 to 3, has repealed the law of the land on the statute books. It is a constitutional provision.

That is what we predicate our judgment on. We do not abdicate our responsibility.

We do not abdicate our responsibility any more than does a trial judge in a court of law who sends a case to a jury for a verdict, after listening to the evidence presented by both sides and determining it to be sufficient to warrant the jury's deliberation and decision.

Mr. PROXMIRE. The State legislatures have a vested interest in this issue and have had right along. They want malapportionment in order to keep their jobs, and they have wanted it consistently.

Mr. HRUSKA. That is a rather cynical view of the legislatures, virtually all of whom have gone by that point a long time ago. Most legislatures are now reapportioned or are in the process of reapportionment.

Mr. PROXMIRE. That has been done under the most strenuous kind of duress from the Court.

Mr. HRUSKA. It is by direct order of the Court.

Mr. PROXMIRE. They have been forced to do it.

Mr. HRUSKA. It has been by a direct order of six members of the Supreme Court, a temporary majority in the Supreme Court.

Under our system of government the Supreme Court is normally the last guesser as to what the Constitution means. When the Supreme Court speaks, we abide by what they say as respectfully as we can.

Mr. Justice Douglas said in recent weeks:

> Sometimes the decisions of this Court are not approved in the long run. And constitutional amendments are made. For example, our Court held that the graduated income tax was unconstitutional. And we got the 16th amendment—we changed that. Our Court held that a State could lay a poll tax as a condition of voting, and that was changed with respect to Federal elections. Our Court held that a State could keep women from voting and that was changed by the 19th amendment. This is part of the process. People can have such constitutions—such provisions—as they want.

Unless we pass Senate Joint Resolution 103, the people of this country will not have a chance to express viewpoints and make a judgment, which they have the right to do under article V of our Constitution, if three-fourths of the States vote to do so.

That is the reason that I cite the many instances of support for this constitutional amendment. I do it not for the purpose of saying that there are more votes in favor of it or against it. I do it for the purpose of demonstrating that there is such a substantial, deep-rooted, and intelligent difference of opinion in the substantial segments on each side, that Congress should refer this issue, at which the Supreme Court has had a trial, to the final political authority in this land, and that is the will of the governed.

We are trying to give the people a chance to express themselves on this proposition. In other words, in our judgment the people can be trusted to decide this question intelligently.

Mr. President, there are those who have been busily engaged in spinning a web, the design of which is that even though Congress proposes the Dirksen amendment, the States would not ratify it. Such persons are entitled to their opinion and appraisal and the right to express them. But the way to determine whether opinion is fact or not is to submit the proposition to the States for decision. Such submission is warranted when we call to mind again the strong, clear, and widespread call for action in favor of such an amendment.

The decision will be made on a State level by legislatures which will have been apportioned upon basis of substantial equality of population in keeping with the Supreme Court's Reynolds against Sims. What better way exists for decision on such a fundamental policy question?

When the issue does come to the States for decision, let those who oppose it in the Congress address their arguments to the State level, where the issue will, and should, be made. Failure to refer it to the States for decision would show a lack of faith and confidence in the people, in the States, and in the constitutional processes by which they are governed. It would also constitute a superimposition by Dirksen amendment opponents of their own desires over an orderly resolution of a vital and closely contested proposition.

MERITS OF ISSUE

Mr. President, there is another factor which calls for the Congress to submit the reapportionment amendment to the States for their decision, in addition to its widespread, respectable, and substantial popular approval which has already been documented.

This additional factor is that the present interpretations of the Constitution by the Supreme Court for assuming and exercising jurisdiction in this political thicket was not reached unanimously by any means, or even overwhelmingly. There were clear, cogent dissenting views. Let me cite some of them specifically.

As Mr. Justice Frankfurter noted in his dissent in Baker against Carr:

> The notion that representation propositioned to the geographic spread of population is so universally accepted as a necessary element of equality between man and man that it must be taken to be the standard of a political equality preserved by the 14th amendment—that it is, in the appellants' words, "the basic principle of representative government"—is, to put it bluntly, not true. However desirable and however desired by some among the great political thinkers and framers of our government, it has never been generally practiced, today or in the past. It was not the English system, it was not the colonial system, it was not the system chosen for the national Government by the Constitution, it was not the system exclusively or even predominantly practiced by the States at the time of adoption of the 14th amendment, it is not predominantly practiced by the States today.

Mr. Justice Frankfurter further noted:

> The Court today reverses a uniform course of decision established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only 5 years ago. The impressive body of rulings thus cast aside reflected the equally uniform course of our political history regarding the relationship between population and legislative representation—a wholly different matter from denial of the franchise to individuals because of race, color, religion, or sex. Such a massive repudiation of the experience of our whole past in asserting destructively novel judicial power demands a detailed analysis of the role of the Court in our constitutional scheme.
>
> In effect, today's decisions empowers the courts of the country to devise what should constitute the proper composition of the legislatures of the 50 States. If State courts should for one reason or another find themselves unable to discharge this task, the duty of doing so is put on the Federal courts or on this Court, if State views do not satisfy this Court's notion of what is proper districting.
>
> Contemporary apportionment: Detailed recent studies are available to describe the present-day constitutional and statutory status of apportionment in the 50 States. They demonstrate a decided 20th century trend away from population as the exclusive base of representation. Today, only a a dozen State constitutions provide for periodic legislative reapportionment of both houses by a substantially unqualified application of the population standard, and only about a dozen more prescribe such reapportionment for even a single chamber. "Specific provision for county representation in at least one house of the State legislature has been increasingly adopted since the end of the 19th century."
>
> More than 20 States now guarantee each county at least 1 seat in one of their houses regardless of population, and in 9 others, county or town units are given equal representation in 1 legislative branch, whatever the number of each unit's inhabitants. Of course, numerically considered, "There provisions invariably result in overrepresentation of the least populated areas." And in an effort to curb the political dominance of metropolitan regions, at least 10 States now limit the maximum entitlement of any single county (or, in some cases, city) in 1 legislative house—another source of substantial numerical disproportion.
>
> Manifestly, the equal protection clause supplies no clearer guide for judicial examination of apportionment methods than would be the guarantee clause itself. Apportionment, by its character, is a subject of extraordinary complexity, involving—even after the fundamental theoretical issues concerning what is to be represented in a representative legislature have been fought out or compromised—considerations of geography, demography, electoral convenience, economic and social cohesions or divergencies among particular local groups, communications, the practical effects of political institutions like the lobby and the city machine, ancient traditions and ties of settled usage, respect for proven incumbents of long experience and senior status, mathematical mechanics, censuses compiling relevant data, and a host of others.
>
> In all of the apportionment cases which have come before the Court, a consideration which has been weighty in determining their nonjusticiability has been the difficulty or impossibility of devising effective judicial remedies in this class of case. An injunction restraining a general election unless the legislature reapportions would paralyze the critical centers of a State's political system and threaten political dislocation whose consequences are not foreseeable. A declaration devoid of implied

compulsion of injunctive or other relief would be an idle threat.

Surely, a Federal district court could not itself remap the State: The same complexities which impede effective judicial review of apportionment a fortiori make impossible a court's consideration of these imponderables as an original matter. And the choice of elections at large as opposed to elections by district, however unequal the districts, is a matter of sweeping political judgment having enormous political implications, the nature and reach of which are certainly beyond the informed understanding of, and capacity for appraisal by courts.

That is a quotation from the dissent of Mr. Justice Frankfurter, a brilliant scholar, and one of the most distinguished members of the Supreme Court to sit at any time.

The dissents of Mr. Justice Frankfurter and Mr. Justice Harlan in the case of Reynolds against Sims are certainly grounds for saying that this issue is not one which is opened or closed as a completely one-sided proposition. It is an issue on which there are deep feelings and convictions on both sides. The way to resolve the issue is not by continued debate or by an effort to dig up historical material but by taking it to the State level where the problem resides.

I submit that those who inveigh in favor of the one-man one-vote rule as being the fairest of all the philosophies, shall go to the State level and make their argument and have the people of that State make the final decision.

Mr. Justice Harlan also wrote a fine and extensive résumé of the history of the 14th amendment to the Constitution.

In his dissent in Reynolds against Sims, Mr. Justice Harlan commented:

Since the Court now invalidates the legislative apportionments in six States, and has so far upheld the apportionment in none, it is scarcely necessary to comment on the situation in the States today, which is, of course, as fully contrary to the Court's decision as is the record of every prior period in this Nation's history.

Records such as these in the cases decided today are sure to be duplicated in most of the other States if they have not already. They present a jarring picture of courts threatening to take action in an area which they have no business entering, inevitably on the basis of political judgments which they are incompetent to make. They show legislatures of the States meeting in haste and deliberating and deciding in haste to avoid the threat of judicial interference.

Generalities cannot obscure the cold truth that cases of this type are not amenable to the development of judicial standards. No set of standards can guide a court which has to decide how many legislative districts a State shall have, or what the shape of the districts shall be, or where to draw a particular district line. No judicially manageable standard can determine whether a State should have single-member districts or multimember districts or some combination of both. No such standard can control the balance between keeping up with population shifts and having stable districts. In all these respects, the courts will be called upon to make particular decisions with respect to which a principle of equally populated districts will be of no assistance whatsoever. Quite obviously, there are limitless possibilities for districting consistent with such a principle. Nor can these problems be avoided by judicial reliance on legislative judgments so far as possible. Reshaping or combining one or two districts, or modifying just a few district lines, is no less a matter of choosing among many possible solutions, with varying political consequences, than reapportionment broadside.

DISSENTS OF JUSTICES STEWART AND CLARK

Mr. Justice Stewart, joined by Mr. Justice Clark, summarized the principle in the following manner:

What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each or the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage.

My own understanding of the various theories of representative government is that no one theory has ever commanded unanimous assent among political scientists, historians, or others who have considered the problem. But even if it were thought that the rule announced today by the Court is, as a matter of political theory, the most desirable general rule which can be devised as a basis for the makeup of the representative assembly of a typical State, I could not join in the fabrication of a constitutional mandate which imports and forever freezes one theory of political thought into our Constitution, and forever denies to every State any opportunity for enlightened and progressive innovation in the design of its democratic representative government the interests and aspirations of diverse groups of people, without subjecting any group or class to absolute domination by a geographically concentrated or highly organized majority.

Representative government is a process of accommodating group interests through democratic institutional arrangements. Its function is to channel the numerous opinions, interests, and abilities of the people of a State into the making of the State's public policy. Appropriate legislative apportionment, therefore, should ideally be designed to insure effective representation in the State's legislature, in cooperation with other organs of political power, of the various groups and interests making up the electorate. In practice, of course, this ideal is approximated in the particular apportionment system of any State by a realistic accommodation of the diverse and often conflicting political forces operating within the State.

I do not pretend to any specialized knowledge of the myriad of individual characteristics of the several States, beyond the records in the cases before us today. But I do know enough to be aware that a system of legislative apportionment which might be best for South Dakota, might be unwise for Hawaii with its many islands, or Michigan with its northern peninsula. I do know enough to realize that Montana with its vast distances is not Rhode Island with its heavy concentrations of people. I do know enough to be aware of the great variations among the several States in their historic manner of distributing legislative power—of the Governors' Councils in New England, of the broad powers of initiative and referendum retained in some States by the people, of the legislative power which some States give to their Governors, by the right of veto or otherwise, of the widely autonomous home rule which many States give to their cities. The Court today declines to give any recognition to these considerations and countless others, tangible and intangible, in holding unconstitutional the particular systems of legislative apportionment which these States have chosen. Instead, the Court says that the requirements of the equal protection clause can be met in any State only by the uncritical, simplistic, and heavy-handed application of sixth-grade arithmetic.

But legislators do not represent faceless numbers. They represent people, or, more accurately, a majority of the voters in their districts—people with identifiable needs and interests which require legislative representation, and which can often be related to the geographical areas in which these people live. The very fact of geographic districting, the constitutional validity of which the Court does not question, carries with it an acceptance of the idea of legislative representation of regional needs and interests. Yet if geographical residence is irrelevant, as the Court suggests, and the goal is solely that of equally weighted votes, I do not understand why the Court's constitutional rule does not require the abolition of districts and the holding of all elections at large.

The fact is, of course, that population factors must often to some degree, be subordinated in devising a legislative apportionment plan which is to achieve the important goal of insuring a fair, effective, and balanced representation of the regional, social, and economic interests within a State. And the further fact is that throughout our history the apportionments of State legislatures have reflected the strongly felt American tradition that the public interest is composed of many diverse interests, and that in the long run it can better be expressed by a medley of component voices than by the majority's monolithic command.

What constitutes a rational plan reasonably designed to achieve this objective will vary from State to State, since each State is unique, in terms of topography, geography, demography, history, heterogeneity, and concentration of population, variety of social and economic interests, and in the operation and interrelation of its political institutions. But so long as a State's apportionment plan reasonably achieves, in the light of the State's own characteristics, effective and balanced representation of all substantial interests, without sacrificing the principle of effective majority rule, that plan cannot be considered irrational.

DEEP-ROOTED, SUBSTANTIAL DIVISION ON MERITS CALLS FOR LETTING PEOPLE DECIDE

The entire record presents a deep-rooted division on the merits of this proposal, with a substantial, highly respectable segment on each side of a subject which is so vital to all of America and which will keenly thrust itself upon the future destiny of the Republic, of its governmental form and substance, and upon its entire citizenry.

Under such circumstances, the Nation is entitled to an opportunity to express its judgment and preference. The people are properly the ultimate source for such fundamental, far-reaching decision. The first step is resort to the often used procedure afforded in article V of our Constitution.

Approval of Senate Joint Resolution 103 by the Congress will achieve that first step. Then the States and their people will be able to decide whether they want the kind of constitution declared by the Supreme Court in Reynolds against Sims or whether they want to make available the restricted modification thereof pursuant to the Dirksen amendment.

Each State will have before it the question simply whether or not each State will retain control over the destiny, direction, and structure of its own State government. States know, and Congress should know that population, economics,

and political power are shifting factors; and that what may be a superb determination of the composition of a State legislature today could prove to be the mistake of its State's history 10 years hence. No State will want to be locked into the status quo without authority to change the composition of its legislature to meet future conditions. The lines of restriction as to available changes are tightly drawn and clearly stated. They must receive approval of the popular vote. They must be reviewed every 10 years.

Mr. President, Nebraska is the only State which at the present time has a unicameral legislature. There is a provision in the Dirksen amendment specifically applicable to such legislatures. It would seem to be in order for me to explain, what is proposed in the case of a unicameral legislature.

In section 1 of the proposed amendment, we have the following language:

> In the case of a bicameral legislature, the members of one house shall be apportioned among the people on the basis of their numbers and the members of the other house may be apportioned among the people on the basis of population, geography, and political subdivisions in order to insure effective representation in the State's legislature of the various groups and interests making up the electorate.

So we have a relatively simple situation as to bicameral legislatures, because, for any plan departing from the rule in Reynolds against Sims, we have a safeguard for the people. Such a proposed plan must be approved by both bodies of the legislature—not just one, but both bodies. One of them is always based upon population under either Reynolds against Sims or the Dirksen amendment. So if the representatives serving on a population only basis in that legislature agree to a plan, it is their best judgment that the interest of their constituents and of the entire State are well served thereby.

In the case of a unicameral legislature, that would not necessarily follow. If there were apportionment on a combination of population and area, there would not be the guarantee that a plan for reapportionment would necessarily represent all of the people within the State. So something must be substituted for that safeguard. That has been done. I am gratified to have been able to help in the drafting of this language. I think it will handle the situation well. Immediately following the language which deals with the bicameral legislature in section 1 of the proposed amendment, which I have already read, we have the following:

> In the case of a unicameral legislature, the house may be apportioned among the people on the basis of substantial equality of population with such weight given to geography and political subdivisions as will insure effective representation in the State's legislature of the various groups and interests making up the electorate.

Mr. President, I call attention to the words "substantial equality of population." Those words were taken from the majority opinion in the case of Reynolds against Sims, as were the words "as will insure effective representation of the various groups and interests making up the electorate."

Those factors must be taken into consideration in proposing a plan which will be submitted to the voters of that State for approval.

Now, how is that done? What precaution is taken to see that the restrictions, standards, and guidelines in section 1 pertaining to unicameral legislatures will be followed?

That is taken care of, Mr. President, in the second sentence of section 2, which reads thus:

> If submitted by a bicameral legislature the plan of apportionment shall have been approved prior to such election by both houses, one of which shall be apportioned on the basis of substantial equality of population;

That takes care of the bicameral legislatures. In the case of the unicameral, it is provided:

> If otherwise submitted it shall have been found by the courts prior to such election to be consistent with the provisions of this Constitution, including this article.

The words "otherwise submitted" mean that if it is not submitted by a bicameral legislature, it will be submitted by a unicameral legislature.

So there will be a reference by the legislature of any proposed plan which departs from population as the sole basis of apportionment to the Federal courts, for a decision as to whether or not the provisions and guidelines of the proposed amendment have been abided by. If the plan passes judicial scrutiny, it will be placed on the ballot. If it does not pass judicial scrutiny, it will be sent back to the legislature with the court's opinion. An effort can then be made to comply with the court's opinion.

Mr. President, a decision has been rendered by a three-judge Federal court, approving a new reapportionment plan for the unicameral legislature in Nebraska. That decision allowed for a maximum population deviation in the districts of almost 20 percent.

So when we come to the matter of considering unicameral legislatures, the situation is surrounded by safeguards.

The care taken in drafting the language with reference to unicameral legislatures was not solely on behalf of the State of Nebraska. That language also received a great deal of study and attention because there have been many inquiries by other States as to how our unicameral legislature is working, and whether it would be suitable for adoption in other States. As time goes on, other States may wish to adopt that particular form of State government.

SUMMARY

One of the magnificent honors and deep obligations of election to this wondrous body, the U.S. Senate, is the opportunity to vote.

This simple, meaningful, cherished right to vote puts on brilliant display all the multitudinous facets of human nature. The discerning observer can see courage reflected in a vote—or pettiness, or dignity, or cupidity. In this hallowed Chamber America's great, her mediocre, her strong and her weak have gone on display.

It is perhaps a mark of the destiny of the Nation that here little men have risen above themselves and great men have stumbled.

Yet when the great tests occur, when the vital issues of national or international import are at hand, there nearly always is within us a surging desire to rise to the issue—not as partisans, not as pork-barrel politicians but as Americans true to the cause of the Nation.

When we falter in our historic tasks it is not because we are not up to the issue; it is because we are not acting with the issue in our mind's eye. Plagued with our human frailties, with our preoccupation with the groupings of economic and political power, with ambitions to become President or Vice President, with debilitating zest for playing a part in clique A against clique B, C, D, E, or F—these are the moments when the issue can escape us. These are the moments when we do not cast a vote for the people and for the future.

It is said that within the walls of this Capital great political battles are being waged. It is said that these battles are far beyond the pale of the people. They are battles for ultimate political power—power that can control the very Presidency itself.

In all humbleness I beseech my colleagues today to face one of the great moments in U.S. history with the consensus of greatness out of which this Nation was forged. Our cause is not of the manipulation of men. At issue is our strength as men to vote in the historic concept which brought this Congress, this Nation, into being. We Members of Congress who periodically go to the people and humbly though vigorously seek their votes for ourselves are voting on whether the people shall have the right to vote on the fundamental structure of government within their States.

The issue is as simple as that. It is to enfranchise the people in the determination of the peoples' affairs.

The resolution to give the people this right to vote is a consensus of the safeguards important to the preservation of the principles which have been voiced and advocated by those thoughtful people within and without the Congress who have devoted their energies and talents to a workable solution.

I salute those who have worked and wrangled and toiled to perfect this vehicle. These are men who understand the vision of America. Out of their wisdom has been fashioned a document to meet the true test of viable law intent on preserving, protecting and advancing the rights of the people.

Mr. President, Senate Joint Resolution 103 is a permissive piece of legislation designed to permit needed flexibility in the composition of one house of State legislatures. It fully protects minority rights. It mandates periodic review of apportionment in the States. It does not usurp judicial authority, but rather provides guidelines where none now exist.

It meets head on the test of apportionment in compliance with existing law as a prerequisite of ratification.

Senate Joint Resolution 103 is not concerned with whether a State legislature

is apportioned on a basis of population in both houses or only in one. It does no violence to any existing body of State government.

It is solely and simply a vehicle by which the people of a State may meet their own legislative needs without injury to the rights of any.

Now it comes to pass in wiles of men in debate when one is bereft of legitimate argument.

This is the vexing problem of the minority in this body who would deny the people the right to decide the reapportionment question.

So it is that an ingenuous, new strategy has been unleashed within this body—one that is bold and daring and fills all with awe at its simplicity.

They have talked about almost anything except the merits of Senate Joint Resolution 103.

The trouble with the "do not confuse us with the facts, our minds are made up" strategists is that the people of the United States, in all of the 50 States, have learned about the reapportionment amendment, Senate Joint Resolution 103.

The people of the United States know that a handful of men do not trust them to vote on this issue.

Is it not amazing to campaign on the premise that the people are too gullible to be entrusted with a vote on this issue? I submit that every citizen's ability to comprehend an issue—this issue—far exceeds anyone's ability to ponder fully the minds of those who seek office, for only God can know the mind of man. By the same token, all of us champion the right of the people to vote for candidates for office.

No, the people whom each of us has sworn to represent know what this issue is about, even if a few persons would kid themselves otherwise. They will find out, not incidentally, when they go to the people and ask them for their votes.

Again, let me underscore what we are discussing today.

The question before us is the gravest constitutional question since the founding of the Nation.

The legislation before us is utter simplicity and meets the test of every honest question.

Senate Joint Resolution 103 permits the flexibility needed by the States to adjust to the apportionment needs of the future.

It does not require any State to constitute a legislature in any way except the way the legislature and the people of that State decide.

Let us, by our vote on this resolution, adhere to this precious principle that the reapportionment right must reside in the people. It is my fervent hope that we can join together in preserving the principle by equating any differences in approach which should be resolved. The resolution of this critically important matter demands the best of all of us.

The first three words of our National Constitution are not "We, the Supreme Court," nor are they "We, the Congress." They are "We, the people."

Let us note this well. Let us abide by it in our votes on the measure.

(At this point Mr. MONDALE took the chair as Presiding Officer.)

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

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

REPORT TO SENATE ON INTERPARLIAMENTARY UNION CONFERENCE IN CANBERRA, AUSTRALIA—CONCERNING VIETNAM

Mr. GORE. Mr. President, late last evening, I returned from the Interparliamentary Union Conference in Canberra, Australia, where I listened to a most interesting debate. It was an intense debate. One day, 200 delegates from some 40 countries sat for 5 hours, with scarcely a delegate leaving his seat during debate upon the war in Vietnam.

The Vietnam war seemed to be the subject in which the delegates to this Conference were principally interested.

We undertook to introduce other subjects, but there was little interest shown in any subject except the Vietnam war.

I was surprised to find the extent to which President Johnson's peace offensive around the turn of the year had succeeded in world public opinion. Perhaps those of us close to the scene in Washington had felt it was a bit ostentatious, that its credibility may have been subject to question, particularly by nonfriendly nations—if not by friendly or neutral countries.

However clumsy the peace offensive may have appeared to some, it seems to have had a good effect on world public opinion. During the debate, I felt that the United States was being given credit by all except the Communist-bloc countries, and with sincerity and an earnest intent to find a peaceful solution. This was pleasing to me, and I wish to extend my congratulations to President Johnson and Secretary of State Rusk upon this finding, which I believe to be a correct one.

I was also pleased with the extent to which our allies rallied around when propaganda resolutions were being presented, or propaganda points were being advanced by opposition speakers. Indeed, not only did our allies vote with us, but on two occasions I noticed that the delegate from Yugoslavia voted with the United States, or voted the same way as the United States, as did the delegate from Laos. Even the delegate from Indonesia, although he did not vote, made a statement indicating a position of neutrality.

Yet, with all of this rallying around, I invite the attention of the Senate not only to the depth of concern shown by the delegates from around the world but also to their deep apprehension that some unfortunate event, some match in the broom sage, by accident or otherwise, would escalate this unwanted war into a world conflict.

I am not sure that an editorial in the Australian, an outstanding newspaper of Australia, is exactly typical of this apprehension and this view; and yet I did find people holding similar views.

For whatever it may mean, I should like to read to the Senate an editorial that appeared in the Australian the day of our departure from Canberra. It is entitled "The Great Vietnam Dilemma," and I read:

[From the Australian, Apr. 16, 1966]

THE GREAT VIETNAM DILEMMA

The United States is in a unique and terrible quandry in South Vietnam. Allied forces in this campaign now total more than 750,000—500,000 South Vietnamese, 240,000 Americans, and 20,000 from Australia, New Zealand, and South Korea.

These troops are supported by 700 combat aircraft, about 1,600 helicopters, and the most efficient logistic and artillery services the world's leading technology can devise—at a cost to the U.S. taxpayer of $30 million a day.

These forces will increase as the war goes on. The United States is being tied down in a war on the Asian mainland that it can't win politically, even if it can win militarily.

But the effect of this conflict is far greater than this. The chance of a direct confrontation between the United States and China grows. Any good will that has been built up between Russia and America is being dissipated.

In short, the position of the allies in South Vietnam is messy, complicated, and very dangerous.

The United States went into South Vietnam in the first place with the most honorable of intentions, even though its presence there was against the spirit and the text of the 1954 Geneva agreements and its accompanying declaration.

But, by going into South Vietnam, America got itself involved in a conflict with which it had nothing to do.

Its presence there has always been indefensible, for civil war has always been going on in Vietnam, and America and her allies have turned this into a full-scale campaign against Chinese communism.

It is time the Australian Government was honest with us. It must admit openly that we are not in South Vietnam to help a friendly government fight aggression from the north.

We are there because America has asked us to go; and because our Government believes it needs American protection. More crudely, this is insurance.

We are not increasing our forces to 4,500 in the middle of this year because we have been asked by the present South Vietnamese Government. We are doing it because the Americans want us to and need our moral support. Mr. HUBERT HUMPHREY, the U.S. Vice President, made this quite plain during his visit to Australia in February.

There is nothing wrong with the Government admitting this. Surely everybody knows it. And there is surely nothing wrong with the United States and Australian Governments admitting that the real reason the allies are in Souh Vietnam is to contain Chinese communism.

BOGGED DOWN

Both believe China is an aggressive force that has expansive designs on all countries in its neighborhood. Even if we grant this, is involvement in South Vietnam the best way to contain China?

The United States in this area is a maritime power. It has the biggest arsenal of H-bombs in the world, the biggest navy, the strongest air force. But it is allowing these forces to be bogged down on the Asian mainland for an indefinite period. For what purpose? For a united Vietnam? Any united Vietnam would probably be a country under

a Communist government or one of Communist sympathizers.

Does South Vietnam want permanent military occupation? What would be the difference between that and what is happening there now? The situation seems hopeless—and the longer it goes on, the worse it will get.

The answer is plain. The Australian Government must tell America that, while the United States stays in South Vietnam, we will stay, too, because we value America's friendship and are committed.

But we must tell America we think it is wrong for the United States and its allies to stay there, and that we must get out as soon as possible, the best way we can.

The United States must be prepared to negotiate with Hanoi and the Vietcong. The negotiations must be conducted on the basis that the United States and its allies are prepared to withdraw from South Vietnam.

But we must be aware of the consequences of this withdrawal. We must be prepared to face the fact that Vietnam will become a united country with an anti-West government.

But will it necessarily be a Chinese-dominated country? Southeast Asia has a long history of anti-Chinese sentiments. The heroes of Vietnam's history are those who fought the Chinese.

The theory is certainly tenable that, if Vietnam goes Communist, so will most of southeast Asia. But the theory is also tenable that, because of the long-standing anti-Chinese feeling in all these countries, they could well be independent of China, although friendly.

Let us face these consequences openly. Let us acknowledge that we will be betraying the trust of some ruling classes in southeast Asia who have become identified in Asian minds with Western power politics. This will certainly not be a pleasant fact to face.

But we also must face the fact that we have got ourselves into an untenable position in Asia. The consequences of withdrawal from South Vietnam will be horrifying. The consequences of staying will be even more tragic.

It is not in the best interests of South Vietnam, the United States or Australia that we go on as we are—wasting a country we are seeking to save, killing people we seek to make free, and risking world war through a conflict that was aimed at peace.

Our Government must tell the United States that we are its ally—but the time has come to stop the bitterness of Vietnam.

Mr. President, by reading the editorial I have not intended to and do not endorse all sentiments contained in the editorial. I thought the Senate and the American people might be interested in this point of view, expressed by a leading journal of an ally.

One would wonder if the soldiers of South Korea are there because the United States has asked South Korea to send them. One would wonder if this is true also of the Phillipines.

This is not to diminish their aid and their assistance. I think the United States should ask them to send men; should ask Great Britain, should ask France, and should ask other of our allies to aid in this conflict.

But the point raised in this editorial is that the Australian forces are not there because the Australian Government believes in the cause; not there at the request of the Government of South Vietnam; but there because the United States has asked that they be sent there, because Australia feels she must have the protection and cooperation of the United States. Australia, New Zealand, and the United States are closely allied.

Upon a brief stop in New Zealand I was impressed with the extent of pro-Americanism existing there. We stopped at a home, went in for a cup of tea, the television was on, and Danny Kaye was going full blast.

I asked what other American television programs they had. They quickly named several of them: "Bonanza," the "Beverly Hillbillies," and some other of these wonderfully cultural programs which we export.

The form of the money in both Australia and New Zealand is being changed to the dollar. As they grow closer to America, our ties, our bonds of friendship, and our mutual interests will become more fixed. I am entirely in favor of this.

But let us be aware that we have responsibilities worldwide. Let us be aware that these responsibilities are wider than the Vietnam conflict. The sun does not rise and set exclusively on Vietnam. Let us keep this war in perspective and relate our difficult challenge there to our responsibilities elsewhere and otherwise.

I was very much interested in the vote of the Yugoslav delegate. I recalled, as I heard him vote with the United States, the bitter fights we had had on the floor of the Senate about giving some modicum of foreign aid to Yugoslavia. As I understood that program, it had dual motivations, good will and eleemosynary intents on the parts of the United States, but that it was also the instrument of U.S. foreign policy that we sought to encourage revisionism within the Communist bloc. We sought to drive a wedge, to chip away from its monolithic solidarity. Revisionism of Yugoslavia and Marshal Tito were vigorously and viciously denounced by the Soviets. They wished Yugoslavia firmly and completely within their camp. Apparently they have not entirely succeeded.

I was also very interested to hear the speech of the Laotian delegate in which he denounced aggression against Laos by the North Vietnamese through use of the Ho Chi Minh Trail.

Let me remind you, Mr. President, that Red China wanted Laos and wanted her completely and 100 percent within the Communist bloc. They have not succeeded entirely as was demonstrated by the voice and the vote of the delegate from Laos, and by the position of the Government of Laos.

I do not know that it would be possible for South Vietnam or a unified Vietnam to take a neutral or nonalined position and succeed, but I call to the attention of the Senate, as the content of the editorial which I read will do, that there have been centuries of contests and conflict between the Vietnamese and the Chinese.

The intenseness of this animosity, political, economic, nationalistic, is not known to any but scholars and historians, owing to its existence over a period of hundreds of years.

Now that elections are to be held in South Vietnam—and I hope they are held—I trust my Government will use its influence to permit all citizens to vote without respect to their religion or their political views.

We do not deny in America the right of a citizen to vote because he is a Christian, a Moslem, a Jew, or an infidel. We do not deny the right of a citizen to vote because he holds political views antagonistic to the majority view.

But I suppose, Mr. President, that in making these remarks I am demonstrating personally the messianic character of our culture. We think our system is so precious that we wish to extend it to everyone. The shot that was heard around the world initiated the most revolutionary political event of modern history.

Those who have been nurtured in our democracy hold it so dear and believe it is of such great benefit to all mankind that we wish to extend it to all. But, Mr. President, let us stop short of seeking to impose it upon anyone. If we really believe in self-determination, then let the Vietnamese choose their form of government. I would hope earnestly that they would choose a pattern which would preserve the human dignities, rights, and privileges exemplified so nobly by our system. But, Mr. President, whatever their choice is, they should have the right to determine. We should no more seek to impose upon South Vietnam an American-type state than we should yield to the imposition of a Communist order by force and violence from North Vietnam and Red China.

So, Mr. President, if as a result of these elections there is a coalition government or some other form and order of society which wishes to be rid of war and which wishes to adopt a nonalined or neutral status, could we ask for more? Do we really believe in the right of self-determination?

I recall the anxious voices of those who urged the late President Kennedy to send American combat forces to settle the Laotian conflict and issue in our own way. Indeed, the late President told me one night that he had just received recommendations from all three members of the Joint Chiefs of Staff and its Chairman to send forces into Laos. Fortunately, those voices were resisted by the late President.

I recall the dire predictions of many that the compromise settlement and government in Laos would, before nightfall, practically result in that country's becoming a Communist satellite. So as I listened to the speech of the Laotian denouncing the aggression by North Vietnam, and as I listened to him vote with the United States on the resolutions presented, I realized that, at least up to now, the prophets of doom had been proved wrong; that the processes of political accommodation had demonstrated value.

I am not sure that this example provides any solution in South Vietnam. There the conflict is bigger and more far reaching than the problems of the Vietnamese—north and south—because Vietnam has become the focus of a world power struggle. Here, contesting and antagonistic ideologies are in confrontation. I only hope that the situation can be kept in perspective and that the

martial attitude, as it continues to rise, will not lead inexorably to a world conflict, of which I found so many world statesmen apprehensive.

Mr. PROXMIRE. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. PROXMIRE. I commend the Senator from Tennessee on a most interesting, enlightening, and helpful statement. In particular, I should like to say that I agree wholeheartedly with his emphasis on the importance of our recognizing that we must not try to impose an American system, an American view, an American civilization, an American type of government on the South Vietnamese. Self-determination means nothing, if they are not free to make up their own minds.

Does the distinguished Senator share my feeling that while an election in the next 3, 4, or 5 months undoubtedly will involve certain military problems and might very well result in a diminution of military effort on the part of the South Vietnamese, it could—I do not say it will, but it might—be very helpful for several reasons?

First, it would provide for an elected civilian authority in South Vietnam. Second, it would be an expression by the people of South Vietnam of their support for a government, an expression which we do not have, and certainly do not have in the Ky government.

Third, in the event such a government, as I am convinced it would—I may be wrong—supported the position of the United States and voted willingly to accept our assistance, it would put us in a far stronger position than the position in which we now are. In the event such a government did not do this, in the event that the form of government of South Vietnam was honestly elected and we were requested to withdraw our forces, it seems to me that we would have discharged our obligations under the SEATO pact. We would have done all that this Government honorably could do, and our withdrawal would be under honorable circumstances.

Mr. GORE. First, I wish to thank the distinguished senior Senator from Wisconsin for his generous, complimentary references.

Next, in reply to his interrogatories, I wish to express grave doubt that an election of an acceptable sort could possibly be held in Vietnam except under cease-fire conditions.

How, I ask the Senator from Wisconsin, can the ballot box be used as an instrument in the areas of Vietnam which are controlled by the Vietcong, unless there be some modus vivendi, some agreement, or some accommodation? An election held only in Saigon would prove but little.

I do not know whether the processes of election are now possible. I hope they are. I am not sure whether the leaders of the military junta were ready for it. I rather have the impression that an election is being forced upon them. But it may be good to try, and I hope that the United States would lend every effort—indeed, would offer—in the interest of a democratic expression of the views of the people of South Vietnam, a cease-fire for the period of a campaign and an election.

As I recall, a period of a fortnight is set aside for the campaign and the election. I am not sure that such an offer on the part of the United States would be acceptable by the Vietcong, but let them reject it.

I took a similar view for a long while before President Johnson's speech at Johns Hopkins, in which speech he finally offered to seek a negotiated settlement.

I pleaded for that for months. Let the other side reject negotiation for peace, I urged. Let us stand for it foursquare. I now find, as I have said earlier, that the President's peace offensive has been successful in bringing world public opinion more favorably to our side. I do not say that it is fully or predominantly on our side, but it has been brought more favorably to our side.

If there are to be elections in South Vietnam, which Secretary Rusk endorsed in his testimony this morning, then let us make an offer that would appear to make them viable, offer a condition without which they may not be viable.

I agree with the Senator that, if a valid expression of public will in South Vietnam were contrary to our wishes and our interests, we would nevertheless be bound to accept the result.

Mr. PROXMIRE. Mr. President, in response to the statement of the Senator from Tennessee, I agree wholeheartedly that an election without a cease-fire would have far less meaning and less significance than would an election with a cease-fire.

A cease-fire is certainly what we should strive for and try to achieve. However, I feel also that the prospect of getting a cease-fire so that an election can be held is virtually nil. Perhaps I am wrong, but to strengthen the Vietnamese would be the last thing that the Vietcong or the North Vietnamese would agree to. However, even if they did not, it would seem to me that an election, limited, and difficult as it may be, held only in the 25 percent of South Vietnam controlled by the government, with 50 percent of the people in that area being in any position to take part—if that is the correct figure—and with only a limited tradition of voting, although they have had local elections which have been reasonably successful, would be an improvement on what we have now. It would be some expression. It would be a beginning. It would provide, if not a more stable government, at least a civilian government with a possibility of the government being more stable.

Mr. GORE. Mr. President, I concur in the statement of the Senator. I agree that a popular government in even a portion of South Vietnam, would be an improvement over an unabashed military dictatorship, although I should prefer, as I have suggested—and with which suggestion the Senator agrees—conditions obtaining which would permit a popular expression in all of South Vietnam. Nevertheless, I agree with the Senator that, that failing, then an election in such portion of South Vietnam as is possible would be an improvement over the present situation.

Mr. PROXMIRE. Mr. President, I welcome that statement very much. The Senator from Tennessee is one of the ablest, shrewdest, and most thoughtful members of the Committee on Foreign Relations. He is an expert in that area. The Senator has served on that committee for many years.

The Senator has just visited Australia and has returned from that country with a fresh viewpoint. I very enthusiastically welcome his position that we should not have this gloom and doom attitude about an election. Many people seem to feel that the worst thing that could happen would be an election in Vietnam.

I believe the Senator from Tennessee is right in his perspective, understanding, and knowledge in recognizing that, while there are dangers and risks involved, it is very possible that the situation might conceivably be substantially improved, and that we at least would have a situation in which there would be a government with an elected legitimacy, a government with some civilian control over the military. There would be an opportunity for the people of Vietnam to feel that they had some way of expressing their view other than by these debilitating and divisive protests on which they have been relying.

Mr. GORE. I thank the able Senator.

Mr. ALLOTT. Mr. President, I have listened with some interest to the remarks of the distinguished Senator from Tennessee, and particularly to the Australian article to which he referred.

People always have different points of view in any country. However, I do not have a hard time recalling a time when Australia was tickled to death to see an expansion of the American military effort in the South Pacific. Port Moresby was threatened, and indeed they feared that the whole of northern Australia might be invaded by the Japanese.

The question here is not whether we should permit elections in Vietnam. I think that we must do so if that is what they want. Other factors must be considered. One such factor is whether the elections will be free.

We could have a cease-fire and still have the Vietcong sitting in the woods with guns pointing at everyone, ready to retaliate if the particular village involved does not vote in the manner in which the Vietcong thinks it should vote.

A lot more than meets the eye is involved in this situation.

THE SALE AND REPURCHASE OF BOMBS

Mr. ALLOTT. Mr. President, I wish to comment very briefly about a situation which has been called to my attention by the Associated Press.

It was disclosed that the United States is buying back from a German firm, Kaus and Steinhausen Co., of Schweinge, Germany, 5,570 of our 750-pound bombs for a price of $21 apiece. These bombs had been sold to them 2 years ago for a cost of $1.70.

I ask unanimous consent to have printed at this point in the RECORD an article entitled "United States Buys Back at $21 Bombs It Sold for $1.70."

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

UNITED STATES BUYS BACK AT $21 BOMBS IT SOLD FOR $1.70—5,570 SOLD TO GERMANS 2 YEARS AGO FOR FERTILIZER USE BEING REPURCHASED

The United States sold a German firm 7,562 bombs as junk for $13,736, 2 years ago and now, in wartime, is buying back 5,570 of them for $114,500.

The Defense Department provided this information in response to questions about the transactions which Secretary Robert S. McNamara said Thursday indicated no shortage of bombs for the Vietnam war.

McNamara disclosed the repurchase during a press conference to answer charges by House Republican Leader GERALD R. FORD that the war has been shockingly mismanaged and hampered by a bomb shortage.

McNamara denied this, pointing to increasing tonnages of explosives being dropped against the Communists in the southeast Asian country.

Then the defense chief mentioned that the United States was buying back 750-pound bombs from a German firm that bought them in 1964 for fertilizer purposes. The nitrates of bombs are plant nutrients.

In response to a question about the bomb repurchase, McNamara said with a laugh: "Well, I would certainly hope we aren't paying more for them than we sold them for."

The figures provided today show that the United States sold the bombs for about $1.70 each and now is paying approximately $21 apiece to get them back.

The United States halted production of 750-pound bombs, favored for most missions in South Vietnam, in the mid-1950s after the Korean war. Only recently did orders go out for renewed production.

Due to the time required to tool up for production, fresh supplies of the 750-pounders aren't scheduled to be available before July, although the secretary said he believed the timetable can be accelerated.

The repurchased bombs originally cost $330 each, the Pentagon said. A similar size today costs $440.

Here is what the Pentagon said in response to questions about the deal:

"In March 1963 authorization was given to dispose of some excess 750-pound general purpose bombs stored in Europe.

"In January 1964 and April 1964, 7,562 of these excess 750-pound bombs were sold to Kaus & Steinhausen Co., of Schweinge, Germany. At that time this represented about 2 percent of the U.S. supply of 750-pound bombs. It was determined that the storage space for these bombs could be better utilized and the money it cost to store and maintain them could be better spent. This was a year and a half before the B–52's began bombing in Vietnam."

The reply went on to give the prices.

Mr. ALLOTT. Mr. President, the Secretary of Defense is quoted as saying that these bombs were declared excess in January 1964, when storage space was short. He pointed out in defense of this action that it was a year and a half before the B–52's began bombing Vietnam.

This is one of the dozens of examples available to us of how we have been waging the war in Vietnam. We have been too little, too late and on again and off again, until we have confused not only the Vietnamese, but also a portion of the world concerning our objectives in Vietnam.

I doubt if very many members of the Committee on Armed Services or of the Subcommittee on Defense Appropriations did not believe in their hearts in January 1964, and during that entire year, that a buildup in Vietnam was inevitable. In fact, such a buildup had already occurred.

Yet here we were, disposing of bombs in January of 1964, upon which we now pay them a profit of $19.30 a bomb. I do not know how that comes out in percentages, but it represents somewhere around a 1,000 percent profit we pay them for the bombs that we sold them less than 2 years ago.

This has come from that great computer factory across the river, the Pentagon: The know-all, see-all, divine-all of the future.

How we could have been so absurd is beyond me. I do not wish to go into the many such matters, but I shall refer to two instances which occur to me very quickly.

In that same year of 1964—when I say again, it should have been obvious to everybody, even though Secretary McNamara may not have known it, that we were going to have to have a tremendous buildup in South Vietnam, or else lose the boys we have there—what did we do to support that buildup? We waited until May of 1965, when we starting building the port at Cam Ranh Bay. According to the recent testimony of the Secretary of Defense before the Defense Subcommittee on Appropriations, of which I am a member, that port is not operational now, and will not be fully operational until May. That is how we have intelligently faced the problem of South Vietnam and the war we are carrying on there under the great leadership of the Secretary of Defense.

A NEW TYPE OF CARGO AND OBSERVATION PLANE

Mr. ALLOTT. To mention another instance: For several years, there has been discussion in the Defense Subcommittee of the need for a new V/STOL type of cargo and observation plane for use in the South Pacific. Finally, after we had been discussing this need for at least 2 years, and perhaps 3, the Secretary of Defense came to the Appropriations Committee in January of this year, and asked for the reprograming of several hundred millions of dollars, a part of which finally is to be used for that plane, which the committee has been saying all along we need—or many of its members have—and which the Secretary of Defense now says has been long and badly needed. I do not need to remind Senators that there are C–47's over there now equipped with machineguns; and this is just another example of the kind of war we have waged, with far too little, far too late, sadly to the detriment of the welfare and the lives of our boys in South Vietnam.

Mr. President, I remind Senators that I make this statement in the context that I believe we were there rightly, legally, and correctly in the first instance; because the question of whether or not we have elections involves whether or not we shall have free elections, and also involves whether or not we shall abandon the principle of resisting the expansion of communism throughout the world. That is the real question, in my opinion. If there are to be free elections, and if we are to step out, I say that it will be the biggest single loss of prestige that this country has suffered in its whole proud history.

But then, that is rather to be expected, when we consider the loss of prestige we suffered during the first Cuban invasion, or that which we suffered at the building of the Berlin wall, first the fence and then the wall, in August of 1961; or when we look at the subsequent action when India took over by force the Portuguese colony of Goa; or when we bowed down in deep obeisance to Sukarno, and abandoned our friends, the Dutch, on West Irian—which most of us know as West New Guinea or Dutch New Guinea—an area to which the Indonesians never have had any political, social, economic or ethnic claim.

Such loss of prestige should not be surprising, when we consider our backdown on our brave words that we would insist on inspections in Cuba, during the second Cuban crisis, and the fact that no one really knows today, I believe, what the missile situation is in Cuba; or when we top all this with the complete backdown and turnaround in the U.S. position with respect to article XIX of the United Nations Charter, which governs the right to vote at the United Nations in New York, in January of this year, even after our own position had been fortified by a decision of the International Court of Justice.

But even with all of this loss of face and loss of faith of the world in the purposes and sincerity of the United States, if we should have to face the eventuality that has been discussed on the floor today, I say it will be the darkest single day for the position of the United States in the history of the world.

Mr. President, as to the matter of the recent discussion on the floor with respect to the right of the people of South Vietnam to choose and select their own form of government, I am also concerned about the rights of Americans to choose and select their own form of government; and I wish that the same yardsticks would be used by those who oppose the present resolution with respect to Americans that they are so anxious to accord to the people of South Vietnam.

APPORTIONMENT OF STATE LEGISLATURES

The Senate resumed the consideration of the joint resolution (S.J. Res. 103) proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States.

Mr. ALLOTT. Mr. President, in 1964 and in 1965, when we had under consideration in this Chamber other measures to return to the people of the States the

question of the composition of their State legislatures, I set forth my basic reasons for supporting those measures. I have found no strong reason to change my position, and I have consequently cosponsored and warmly supported Senate Joint Resolution 103.

On prior occasions, I have detailed the story of what transpired in Colorado, in regard to the apportionment of our legislature, beginning with the general elections of 1962. I wish to repeat that bit of history today, because I feel it is so instructive on the fallacy or the folly involved in depending on the Federal courts to apportion legislatures, rather than having the people of the States do the job for themselves. Further, some ignorance or misunderstanding of the circumstances involved in Colorado has been demonstrated in the Senate, and I should like to set the record straight.

In the general elections of 1962, two proposals to change our State constitution's provisions concerning apportionment of the legislature appeared on the ballot. Both proposals were initiated with the electorate.

I wish to emphasize this, because a great deal of debate has taken place upon the false premise that these were initiated by a rurally controlled legislature, when they were actually initiated by the people of Colorado under the initiative and referendum clauses in our own Constitution and statutes.

The procedure for initiating laws or constitutional amendments in Colorado is quite simple. The proposal is submitted to the secretary of state. He, together with the attorney general of the State and the reporter of the State supreme court, assign a ballot title and submission clause to the proposal. If the persons submitting the proposal are dissatisfied with the titles or the submission clause, they may appeal the matter to the State supreme court, where it is placed at the head of the calendar.

The proposal is published in each county, and any qualified elector is given the right to challenge the title and submission clause, and to appeal the matter to the supreme court in the same way that originators of the proposal may do.

Petitions for the proposal may then be circulated, and the proposal will be submitted to a vote of the people if the signatures of qualified electors equivalent to 8 percent of the votes cast for secretary of state in the preceding general election are obtained.

It was in this manner that the two proposals for constitutional amendments relating to legislative apportionment were placed on the general election ballot in 1962. The proposals were not referred by the legislature, as has been alleged by some Senators. For example, the junior Senator from Maryland, on Thursday of last week, charged that a rotten borough legislature in Colorado framed the referendum on apportionment, and framed it in such a way that the people of Colorado were denied a fair choice, and, in his words, the referendum was a farce. I find the Senator's description of events in my State offensive, and doubly so because it is not accurate.

At any rate, two proposals went on the ballot in 1962. Amendment No. 7 was sponsored by a bipartisan group of distinguished and respected Colorado citizens. The group included Edwin C. Johnson, known to many of my colleagues, a former U.S. Senator and Governor of Colorado, and a Democrat; another former Governor of Colorado, the late John C. Vivian, Republican; Joseph F. Little, lawyer and former Democratic State chairman of Colorado and Democratic cochairman of Denver County; Warwick Downing, an attorney, Democrat; and Wilbur M. Alter, former chief justice of the Colorado Supreme Court, Republican. The amendment provided for a house of representatives based on population and a senate based primarily on population, but taking into account also the distinctive geographical, economic and historical divisions of the State, and maintaining a balance in the strength of urban areas, suburban areas, and rural areas.

Amendment No. 8 called for both the senate and the house to be apportioned on equality of population, although it also recognized geographical features to a limited extent by allowing a larger deviation from the strict population ratio for mountainous senatorial districts.

Let me, at this point, correct another misstatement which has been made here in the Senate about our Colorado election of 1962. It has been said that amendment No. 8, the population-only plan of apportionment, would have required that in multimember districts all candidates for the house would have to run at large. To be absolutely factual about it, the voters of a multimember district could, in a referendum, elect to divide the district into subdistricts. The procedure for subdistricting was, in my opinion, cumbersome, but it was undeniably an improvement over the constitutional provisions which had theretofore governed apportionment, and which flatly forbade subdistricting.

I have gone into this detail, Mr. President, to show the errors which have been made in discussing our situation in Colorado by some of those unfamiliar with it. I believe the record is now clear that both proposals were initiated, not referred by the legislature, and that the question put to the voters was a clear choice between a population-only plan and a weighted representation plan.

Amendment No. 7 was adopted by the voters in that referendum of November 1962, by a statewide vote of 305,700 to 172,725. It won in every county of the State—63 of them—including those counties which the U.S. Supreme Court held were underrepresented when it later considered our apportionment.

Amendment No. 8, the strict population plan—which was in line with the consequent Supreme Court decision—was defeated by a vote of 311,749 to 149,822, or by a ratio of better than 2 to 1.

So here we have two proposals appearing on the same ballot, both initiated by the people, not by the legislature, both subject to the checks and balances and corrections provided by our Constitution as to title and submission, and both protected all the way down the line so far as legality was concerned, and amendment No. 7 carried every one of the 63 counties including those which the Supreme Court stated would be adversely affected, by a majority of almost 2 to 1, and amendment No. 8 was defeated by a majority of over 2 to 1.

After amendment No. 7 was adopted by the voters of Colorado as a part of our Constitution, the legislature enacted the necessary implementing legislation. An opponent of the plan then filed suit in the Federal court for the District of Colorado, claiming violation of his constitutional rights. The three-judge district court convened to hear the case—that is, the Federal court—held that the Colorado plan of apportionment was not violative of the U.S. Constitution, but when the case was appealed to the U.S. Supreme Court, the case was reversed and remanded to the Federal district court.

Thereafter, we had the following sequence of events: The Federal district court, under the mandate of the June 15 decision of the Supreme Court, decreed that reapportionment must be accomplished by July 15, under threat of the Court itself accomplishing the reapportionment if the legislature was unable to do so.

I invite attention and emphasize that this is the same three-judge Federal court which had previously held it to be constituitonal.

The Governor called the legislature into a special session, and it proceeded to devise a new plan on the guidelines of the Colorado constitution as it stood before the amendment of 1962. The new plan adopted by the legislature provided for subdistricting of multimember districts, such as the city and county of Denver. This plan was approved by the three-judge Federal court and signed by the Governor. Immediately thereafter suit was filed in the Colorado Supreme Court attacking the new apportionment plan on the basis that provision of subdistricting contravened the old Colorado constitutional provisions. Simultaneously, the backers of the amendment No. 7 plan of apportionment appealed the U.S. district court's decision that amendment No. 7 was not severable.

The Colorado Supreme Court held that the old constitutional provision on apportionment prohibited the division of the counties into districts for the election of senators and representatives and held, therefore, that the whole Apportionment Act, approved by the Federal district court, was invalid. Nevertheless, they permitted elections to be held in the fall of 1964 under the invalid act. Subsequently, the U.S. Supreme Court ruled on the appeal from the district court, and in a per curiam opinion, said:

> Insofar as the judgment of the district court decides Federal questions, it is affirmed. Insofar as the judgment decides other questions, it is vacated and the cause is remanded for further consideration in light of the supervening decision of the Colorado Supreme Court.

Four Justices, in a concurring opinion, said:

> It is our understanding that the Court's disposition of this case leaves it open to the district court to abstain on the question as to the severability of the various provisions of amendment No. 7 pending resolution of

that issue with reasonable promptitude in further State court proceedings. We deem it appropriate explicitly to state our view that this is the course which the district court should follow. On this basis we join the Court's opinion.

Senators are certainly aware of some of the difficulties involved in determining what is a Federal question. It seems to me that this last decision of the Supreme Court in the Colorado situation points up the near impossibility of laying down guidelines in the apportionment problem. It clearly points up the Court's unwillingness to lay down such guidelines. Basically, apportionment is a political question and the more the Supreme Court is pinned down to have to provide guidelines, let alone draw apportionment plans, the more they are going to discover the truth of this.

Mr. President, I presume that it is the desire of Senators on both sides of this question to achieve the most workable, fairest representation possible. I feel, however, that we may have allowed slogans to cloud the issues involved.

The slogan of "one man, one vote," for example, is really rather meaningless unless one goes to the factual situations which gave rise to the slogan. No man had been deprived of his right to cast a vote in the cases which spawned the slogan.

But the idea behind the slogan is a valid one. It is that all votes cast in electing representatives to any representative body should be given substantially equal weight. Put as strongly as I can put it, the opponents of the resolution we are debating would say that the right to vote is of such paramount importance that it should not be subject to dilution, even if the dilution were approved by a majority of the eligible voters.

If we examine this proposition, what is really intended is the equal opportunity to have the voter's views reflected in the legislature; ideally, in proportion to the strength of those views in the voting population as a whole.

Let me say, however, that the principle of population-only apportionment is not the infallible guide to triumph of the majority will that the opponents of Senate Joint Resolution 103 would have us believe. For example, let us postulate a State where 60 percent of the population is concentrated in one or two areas, with the remaining 40 percent scattered through the balance of the State's land area. Then assume an issue on which the 40 percent are solidly united—let us say they are opposed to passage of a particular piece of legislation. Within the area containing the 60 percent of the population, opinion favors passage of the bill by a margin of 80 to 20.

The legislators representing that 60 percent of the population will certainly be inclined to vote for passage of the bill, since their constituencies favor it 80 to 20, and the bill will pass. But if we look at the sentiment in the electorate as a whole, we find that 52 percent of the population oppose passage—the 40-percent minority group plus the 20 percent of the 60-percent majority group.

The issue will seldom be this simple or clear cut, Mr. President, but it does demonstrate that governing in general, and apportionment in particular, is not quite so simple that the application of slogans, such as "one man, one vote" will assure fairness and justice. And I still do not understand the conviction of my opponents that legislators elected from urban areas under reapportionment will somehow be fairer and wiser in treating all the problems of all the people in their State than legislators from rural areas will be. This is simply an area of human endeavor which, to my mind, cannot be solved by the mechanical application of any principles enunciated from on high.

On the other hand, we have been careful in this country to give protection to minority rights. From the earliest days, we have guaranteed that one who espouses an unpopular cause should not be throttled. And a fair system of representation should, ideally, try to make certain that minority views are also represented in the legislative process.

We find, then, two competing principles, both of which have merit, which we attempt to instill in any plan of representation in a legislative body. We accept the view that majority will should govern, but we also build into our Government a system of checks and balances in order to protect minority and even individual rights.

It is not my purpose to castigate the majority of the Supreme Court for their decision in Reynolds against Sims or in the Colorado case of Lucas against 44th General Assembly, but I believe it will be instructive to review briefly some of the history of apportionment cases prior to Baker against Carr. That history includes a long course of refusal by the Supreme Court to take jurisdiction over apportionment cases, on the basis that such cases involved essentially political questions. The earlier cases had been brought under article IV of the Constitution, which guarantees to the States a republican form of government. The court uniformly held in the cases presented to it that it could not inquire into the "political question" of whether a challenged government was "republican."

Then, in 1962, the Court accepted the case of Baker against Carr, challenging apportionment of the Tennessee Legislature on the basis that voters in the most populous districts were deprived of equal protection of the law by being grossly underrepresented in the legislature. There was, of course, dissent over whether the Court should have accepted jurisdiction on the 14th amendment basis. Mr. Justice Frankfurter warned of the "political thicket." And Mr. Justice Harlan, in later cases, said:

> Had the Court paused to probe more deeply into the matter it would have found that the equal-protection clause was never intended to inhibit the States in choosing any democratic method they pleased for the apportionment of their legislatures. This is shown by the language of the 14th amendment taken as a whole, by the understanding of those who proposed and ratified it, and by the political practices of the States at the time the amendment was adopted. It is confirmed by numerous State and congressional actions since the adoption of the 14th amendment, and by the common understanding of the amendment as evidenced by subsequent constitutional amendments and decisions of this Court before *Baker* v. *Carr*—made an abrupt break with the past in 1962.

I can understand, Mr. President, why the Court was desirous of accepting Baker against Carr. The legislature had not been reapportioned for many years, in either house, despite great changes in population. The voters of the State did not have available to them the initiative which I have referred to and which was used in Colorado. The Court felt that if it did not act, there was no remedy.

But having stepped into the political thicket, it is my feeling that the Court simply lost its bearings and could find no logical stopping place short of declaring that population alone was the only acceptable criterion for the apportionment of a legislature. No other reason explains to me why the case of Lucas against 44th General Assembly was decided as it was.

I really believed, Mr. President, that the Supreme Court would apply a rule of reason to the apportionment cases decided in 1964. Baker against Carr did not demand the result in the Lucas case. Instead, the Supreme Court could, as I said, find no stopping place, having gotten lost in this political thicket, and arrived at a simplistic answer which ignores one aspect of the problem of fair representation. It recognizes the desirability of equality of the vote, but ignores a whole host of other problems in providing a voice for minorities.

Today, Mr. President, we debate whether this simplistic answer is to be the only answer we can give to the question of providing fair representation. Mr. Justice Stewart, in his dissent in the 1964 apportionment cases, summed up my feelings very well:

> What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage. My own understanding of the various theories of representative Governments is that no one theory has ever commanded unanimous assent among political scientists, historians, or others who have considered the problem. But even if it were thought that the rule announced today by the Court is, as a matter of political theory, the most desirable general rule which can be devised as a basis for the makeup of the representative assembly of a typical State, I could not join in the fabrication of a constitutional mandate which imports and forever freezes one theory of political thought into our Constitution.

We must, then, decide between two alternatives. The present system of handling legislative apportionment requires that the legislatures reapportion themselves subject to Federal court supervision, or failing to do so, have the court make the apportionment—but in either case, with population as the sole, controlling consideration.

The proposed alternative in Senate Joint Resolution 103 contemplates that

the legislature would draw a plan of apportionment and submit it to the voters for their approval, but still subject to review by the Federal judiciary. In addition to population, the plan would be allowed to include consideration of geography and political subdivisions to insure effective representation. I view this, Mr. President, as a return to the "rule of reason" which I had expected the Court to supply in Reynolds against Sims, Lucas against 44th General Assembly, and the companion cases. The proposed resolution would simply "unfreeze" from the Constitution the form of political philosophy which was put there by the Court, and the Court alone, and add the safeguard that if factors other than population are used in apportioning, the plan must be approved by the voters of the State, and when it is approved by the voters of the State, they are really running the State on a one-man, one-vote basis.

There have been objections raised to Senate Joint Resolution 103 which are not primary, but which I find interesting because I believe they show on the part of the opponents of the resolution a decided lack of trust in the good sense of the electorate. For example, it is claimed that a legislature will "rig" the question presented to the voters, perhaps by making the population-only alternative which must, under the terms of Senate Joint Resolution 103, be submitted to the electorate unacceptable in various ways. In this connection let me remind Senators that Colorado has been pointed to as a horrible example, and that the facts do not justify the accusation.

There are, I think, several answers to the contention that the question submitted to the electorate can be "rigged." In my own State, as I have demonstrated, the initiative is readily available to the electorate. This, of course, is a major check on the legislature. In addition to this, Senate Joint Resolution 103 does not withdraw Federal court jurisdiction. Having assumed jurisdiction, I would hope that with the passage of Senate Joint Resolution 103 the courts would apply a rule of reason and require that a plan of apportionment have some rational basis, and that it not be arbitrary.

I might remark, too, that a candidate for public office may sometimes "rig" his position on an issue, be elected and installed in office, and then take action contrary to what he had led the electorate to believe he would take. The remedy is the same in both cases—"vote the rascal out."

Another contention of the opponents of Senate Joint Resolution 103 is that malapportioned State legislatures have weakened State government, and have caused urban areas to turn to the Federal Government for help in solving the problems which the rural-dominated State legislatures refused to face up to. They say that with the new court decisions has come a new era in State government, and we can now look for revitalized legislatures to handle these problems on a State level.

Let me answer this contention in two ways. First, let me point out that the U.S. Senate, a body hardly composed on a strict population basis, has had a rather large part in giving attention and help to those urban problems.

Second, I would remark that although the majority of State legislatures have now been apportioned on a strict population basis, I have seen no concerted effort on the part of those legislatures to reclaim jurisdiction over urban problems, nor any effort on the part of the opponents of Senate Joint Resolution 103 to return those problems to the States. There appeared in the Wall Street Journal of March 2 an article which indicates that the urban areas not only continue to look to the Federal Government for help, but that they will demand a larger share of help.

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:

HELP FOR THE CITIES—NORTHERN CONGRESSMEN SEEK MORE FEDERAL AID FOR NEEDY URBAN AREAS—THEY WOULD REROUTE FUNDS FROM SOUTH, RURAL WEST TO FINANCE CITY SERVICES—TAPPING EXISTING PROGRAMS

(By Joseph W. Sullivan)

WASHINGTON.—Whatever the total amount of Federal butter this year, northern city Congressmen intend to carve off a bigger slice of it for hard-strapped urban governments.

Not content to wait for the slow-starting flow of extra money heralded in President Johnson's "great cities" proposal last month, the urban boosters are charting ways to fatten the cities' share under existing Federal aid programs. These gains would come at the expense of small towns and rural areas and, in some instances, mean a shift of funds into urban Northern States and away from the South and rural West.

Initial rerouting plans, which call also for some net spending increases, aim at getting extra aid for urban schools, roads, hospitals, sewage treatment plants and certain other public works. Even partial success of these endeavors could channel far more money into city coffers than the $2.3 billion spread over 6 years that Mr. Johnson's new urban aid plan would provide. The extra money flow would be immediate, moreover, instead of starting in mid-1968 and then available only to selected "demonstration" cities.

BOOM FOR LINDSAY?

For New York City alone, shifting of current aid projects could yield an extra $100 million or more annually for bolstering slum schools in Harlem and elsewhere, building new freeways, renovating old hospitals and cleaning up local waters. Such a dollar harvest would amount to a direct political dividend, for new Republican Mayor John Lindsay, whose campaign promises to solve the city's fiscal ills were tied to getting extra Federal help.

But Republican Senator JACOB JAVITS, of New York, has plans that extend well beyond New York City and New York State. He plots a declaration of war on Federal aid allotment formulas generally. Present formula-weighting in favor of States with low per-capita income has well served the South, in particular, under many of the more than 100 Federal aid programs now on the lawbooks.

"Favoritism toward the poorer, more rural States may have been justified at some point in the past, but today's most pressing needs are plainly those of the big population centers, asserts a Javits aid.

Such logic is, of course, repugnant to the senior southerners who rule several key aid-dispensing committees in both the House and Senate. The Dixie chieftains have repelled numerous northern attempts to rewrite their pet allocation formulas in years past and will no doubt attempt to hold the line again.

DIXIE DOMINATION DOCTRINES

The southern domination is plainly ebbing though. At the helm of the House's influential Housing Subcommittee, Representative WILLIAM BARRETT, of Philadelphia, last succeeded the masterful Albert Rains of Alabama, who retired. The departure of Oren Harris of Arkansas, long-time chairman of the House Commerce Committee, removes another powerful southerner. And the northern-dominated House Labor Committee is getting bolder in its grappling with Alabama's prestigious Chairman LISTER HILL, of the Senate Labor and Education panel over school aid formulas.

Adding to urban hopes for a breakthrough this year are several external influences on Congress. For one thing, redistricting forced by the population shift toward urban areas and the U.S. Supreme Court's "one-man, one-vote" rulings is prompting greater congressional responsiveness to urban needs. For another, wide publicizing of big-city racial, transport, and pollution problems and general fiscal strains is adding weight to claims that northern population centers, while wealthier than the rest of the country, also have much costlier problems. Among Republicans, moreover, a current accent on wooing the urban vote has brought new stress on promoting city causes.

Furthermore, northern city lawmakers sense they are gaining bargaining power with their southern colleagues. Growing southern reliance on Federal aid is eroding the longstanding tendency of Dixie lawmakers to hold out for extra benefits under an aid program as their price for supporting its enactment. As things now stand, it's reasoned, few southerners can afford to turn against a going program even if Dixie's share of the money is whittled down.

TAKE A SECOND LOOK

"To get these programs underway we had to make a lot of concessions in order to win the votes of the recalcitrants. Now we're in position to take a second look and determine where the money is really most needed," declares Representative HUGH CAREY, a Brooklyn Democrat.

Initial projects to reroute funds are proceeding piecemeal, with the prime planners, tactics and specific objectives varying in each case. In some instances, the aim is to change the formula for computing each State's entitlement under a Federal aid program. In other cases, it's to raise a low ceiling on individual project grants that reduce a program's value to big cities with large-scale requirements. In still others, it's to free a program from rigid formulas and permit financing local projects as administrators see fit. "The big cities are better versed in the game of grantsmanship than small towns or rural areas, so they would stand to gain," explains a proponent of more aid for big cities.

Consider some details of the various urban aid efforts:

Education: Big-city and suburban Democrats seeking more help are pitted against both the Johnson administration and envoys from the smaller, poorer States. City lawmakers will fight for use of an "incentive payments" arrangement authorized by last year's school aid law; the administration wants it annulled. Incentive grants would go to school districts that increased their per-

pupil spending by 5 percent or more last year and would total about $400 million in the fiscal year starting in July. Big urban areas, it happens, would get a much higher proportion of the incentive money than they draw under the poverty-based formula for distributing the law's $1.1 billion in annual aid to school districts generally. New York City would receive better than 8 percent of the incentive payments compared to a 5-percent share of the regular funds.

To forge a winning congressional coalition for incentive grants, city strategists are ready to embrace plans of suburban Democrats for helping school systems overcrowded by rapid population growth. The suburban bill, also resisted by the administration, would parcel out school construction funds according to the number of children in oversized classes, outmoded classrooms, or on half-day shifts.

Roads: The U.S. Conference of Mayors is leading the charge to get cities a bigger share of the Federal highway dollar; city spokesmen contend they've been short-changed. Urban driving, they argue, accounts for half of all U.S. auto mileage and for more than half of the Federal gasoline tax receipts that finance the highway program. Thus, it's reasoned, the cities ought to get as much for their arterial street systems as the States draw for their primary and secondary highways; at present, primary and secondary road aid amounts to $750 million yearly while "urban extension" systems are allotted only $250 million. (Allocation of funds for the $3 billion-a-year interstate highway program is not being contested.)

Hospitals: As urban strategists, notably Senator JAVITS and Democratic Senator JOSEPH CLARK, of Pennsylvania, had hoped, Mr. Johnson's health and education message to Congress yesterday proposed a new loan and grant program to finance hospital modernization, a special big-city need. It remains to be seen, however, whether the not-yet-specified dollar amounts will satisfy the urbanites.

Over $200 million already is being pumped out yearly to the States under the Hill-Burton hospital construction act. Many cities complain, however, that the bulk of the money is going to suburban and rural areas (where the need for more beds is admittedly greater) while older central-city hospitals are deteriorating in New York City. According to a 1965 study, all of the 130 general hospitals need costly modernization.

To northerners generally, moreover, the Hill-Burton allocation formula (which has become the model for several other aid programs) is a little short of iniquitous. It bases each State's entitlement on two factors, its population and its per-capita income. But income matters much more than population; the income figure is used in such a way that low income sharply raises a State's eligibility for Federal aid. As a result, Senator HILL'S home State of Alabama gets more than half as much money as New York State, which has mode than five times as many people.

To meet the cities' special hospital modernization needs, and get away from a Hill-Burton division of the money among the States, the urbanites think a separate Federal program is essential, preferably one geared to handle individual project applications from all comers.

Sewage Treatment: The target here is removal of a $1.2 million statutory ceiling on Federal aid to any one project, which compares with costs of $100 million or more for a new treatment works in a city the size of St. Louis. This maximum in Federal help is of minimal value, asserts the recent report of a Senate public works subcommittee. Because of the low ceiling, it's estimated only 9 percent of Federal sewage treatment grants have gone to cities of more than 125,000 people. Yet together these cities hold just under half the total U.S. population.

The subcommittee's recommendation, sure to get legislative attention shortly, is to end the ceiling on individual grants as part of a big expansion of the $150 million-a-year aid program for sewage plants. In his antipollution message to Congress, President Johnson called for partial removal of the ceilings. He asked for authority to make individual grants of unlimited size, but only to localities included in five model river basin cleanup projects.

Economic Development: New Yorkers are leading the campaign to make urban ghettos eligible for help under the renewed aid-to-depressed-areas program Congress approved last year. Currently, only 14 of the 130 U.S. cities with population of over 100,000 qualify for the program's packet of grants for building a variety of public facilities and loans for starting new enterprises; among those excluded are New York, Chicago, Los Angeles, and Philadelphia. A big reason for exclusion is that eligibility is based on the economic health of a whole metropolitan area, which may obscure high unemployment in a city's core.

The House Public Works Committee appears favorably disposed toward a proposal to bestow eligibility on any "compact, contiguous areas" with population of over 100,000. This would accommodate the Harlem and Bedford-Stuyvesant sections of New York City, the Watts area in Los Angeles, the south sides of Chicago and Philadelphia along with such entire cities as Trenton, N.J.

Bolstering current urban hopes are several 1965 successes, including removal of a 50,000-population ceiling on cities eligible for Federal help in planning and building new community facilities; elimination of extra-high eligibility standards that kept nearly all school systems with enrollment of over 35,000 from qualifying for special aid that goes to school districts with heavy concentrations of Federal workers.

An across-the-board assault on alleged abuses in allocation formulas, such as Senator JAVITS plans, isn't likely to make much immediate headway. But the New Yorker appears determined to make the effort anyway, if only to dramatize the cause and give it a Republican cast. His staff is sifting through present formulas in search of flagrant injustices; he has enlisted the help of New York State and New York City officials in the hope of pinpointing instances where their aid requests were axed while smaller States were surfeited with help.

Tentative strategy in the Javits camp is press for elimination of per-capita income factors that now weigh nearly all Federal allocation formulas in favor of the poorer States. At a minimum, Federal aid funds should be divided among the States in direct proportion to their population, Javits men assert. Such "one man, one dollar" funding, it's said, would still give the poorer States a big return on the Federal tax payments since they pay less per capita.

For programs that deal especially with urban problems, Mr. JAVITS probably will aim still higher. "In fields such as air and water pollution, housing, transportation, and mental health, we contend that city dwellers have more than their share of problems and are entitled to an extra share of aid money," says a Javits aid. Toward this end, the Javits camp hopes to devise a "population density" factor that would tilt future allocation formulas in favor of crowded cities.

Mr. ALLOTT. The final objection I have heard made to Senate Joint Resolution 103 is that few people vote in referendums. I am not quite sure what bearing the objection has on the question of the inherent value or fairness of one system of representation as opposed to another. In any case, however, this objection was first raised, I believe, in the 1965 debate on apportionment, and it has been continued into this year. The Colorado elections of 1962 were again cited. I might remark parenthetically, Mr. President, that the opponents of the resolution are certainly determined to discredit the case of Colorado in this debate, if they can find any way to do so.

To continue, it was stated to prove that few people vote in referendums that in the 1962 elections in Colorado the percentage of the voting-age population on the prevailing vote on the two apportionment questions on the ballot was 31.1 and 32.2 percent, respectively. I feel constrained to point out, however, that if we are to indulge in the numbers game on the Senate floor, as we have seen the Supreme Court do across the Capitol plaza, the figures can be used somewhat differently.

It was in a Colorado general election that these two proposed constitutional amendments were considered. It seems to me very definitely misleading to compare the prevailing vote against the total voting age population. For example, we find that in the same 1962 election cited by opponents of referendums, 36 percent of the voting-age population of Colorado elected the Governor, and 31 percent of the voting-age population elected a supreme court justice to a 10-year term. The raw figures, without explanation, prove little, and certainly do not show, in this case, any less interest in the apportionment questions on the ballot than in the candidates for office on the ballot.

There has never been a single issue before the people of Colorado upon which there was so much debate, so much information, or so much publicity as there was on these two amendments, as can be seen by the high vote compared with the vote which elected the Governor.

I hope, Mr. President, that enough Senators share my faith in the good sense of our people that we may pass Senate Joint Resolution 103, and return to the people the decision on apportionment of their State legislatures. It seems to me that there is ample safeguard in the plan of the joint resolution to satisfy reasonable men that no one would be unjustly deprived of his vote; on the other hand we would restore flexibility and balance by permitting to the people the opportunity to express their will. The people of Colorado, over a long period of time, had worked out and approved in elections our method of apportionment. It is far wiser, I believe, to allow those familiar with all the problems of a State to meet these problems which arise in apportioning the legislature, as we did in Colorado, than to let stand the rigid system which was imported into the 14th amendment when the Supreme Court got lost in a political thicket, and now stands as a constitutional requirement absolute.

ADJOURNMENT

Mr. ALLOTT. Mr. President, under the order previously entered, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p.m.) the Senate

adjourned until tomorrow, Tuesday, April 19, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 18, 1966:

U.S. MARSHAL

Antonio C. Baza, of Guam, to be U.S. marshal for the district of Guam for the term of 4 years. (Reappointment.)

U.S. ATTORNEY

Almeric L. Christian, of the Virgin Islands, to be U.S. attorney for the Virgin Islands for the term of 4 years. (Reappointment.)

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be lieutenants

James P. Brown, Jr.
Walter L. Bradly
Ronald W. Harlan
Richard M. Petryczanko
Leonard T. Lynch, Jr.
William S. Plank
Richard V. O'Connell
Philip L. Richardson
Ralph H. Rhudy
Walter S. Simmons
Frederick G. Paulsen
Jeffrey L. Gammon
Gary E. Rorvig
Bobby D. Edwards
Donald R. Rich
Marshall A. Levitan
A. David Schuldt
George M. Ensign
George C. Chappell
John P. Vandermeulen

To be lieutenants (junior grade)

Clifford A. Wells
Thomas F. Scygiel, Jr.
Oliver R. MacIntosh, Jr.
Michael G. Kenny
Vincent Tabbone
William T. McMullen
Gary A. Eskelin
Theodore Wyzewski
Charles R. McIntyre
Edward M. Gelb
Roger A. Moyer
Fidel T. Smith
Kenneth F. Burke
Floyd S. Ito
Charles H. McClure
Christropher C. Mathewson
Claude O. Phipps
Roger H. Kerley
Irving Menessa
Paul M. Hale
William M. Noble
Stanley M. Hamilton
Leonard M. Larese-Casanova
Dennis E. Youngdahl
Kirk P. Patterson
Otto F. Steffin
Carl W. Fisher
Arthur P. Sibold III
John O. Rolland
Phillip F. Dean
Steven M. Erickson
Joseph L. Scott
Lance W. Pape
Glen R. Schaefer
Harold D. Nilsson
Duane D. Helton
Lionel Greve
James L. Murphy
William M. Goodhue, Jr.
William S. Richardson
A. Conrad Weymann III
David L. Sweetland
Gordon P. Dodge
George R. Knecht
Jack L. Wallace
Henry M. Coghlan II
Michael W. Chalfant
Roy K. Matsushige
Richard T. LeRoy
Larry K. Nelson
Arthur D. Ross
Colin L. Campbell
Richard F. Coons
Arthur J. Kuhn
John K. Callahan, Jr.

To be ensigns

Terry C. de la Moriniere
Thomas M. Wesik
Kenneth H. Voigt
David J. Lystrom
Jerome F. Ewen
James L. Ogg
Thomas E. Gerish
Fred S. Long
Todd M. Gates
Leonard D. Goodisman
Melvin N. Maki
Melvin S. Asato
Thomas W. Wells
Joseph R. Avampato
Gary L. Boyack
Robert H. Johns
James E. Walsh
Caroll D. North, Jr.
David M. Wilson
James R. Vandell
William H. Naylor
Stephen M. Mark
Thomas C. Kalil
Ernest D. Harden
Peter M. Hall
Kenith L. Harris
Michael Engel
James E. Clark, II
Donald P. Henneuse
Dino J. Ferralli
Keith A. Boe
Randall B. Cummings

EXTENSIONS OF REMARKS

Malcontents Who Refuse To Pay Income Taxes Because of War in Vietnam Should Be Sent to Prison

EXTENSION OF REMARKS
OF
HON. O. C. FISHER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1966

Mr. FISHER. Mr. Speaker, the April 14 issue of the Washington Post carried a half-page advertisement signed by some 400 people which announced their intention to refuse to pay their income taxes voluntarily. In that publicity it was contended the United States, in our opposition to Communist aggression in Vietnam and the Dominican Republic, was guilty of atrocities against innocent civilians. Our actions were compared to Russia's intervention in Hungary, and other idiotic accusations were included.

By way of retaliation these morbid misfits declared they would refuse to pay their income taxes voluntarily.

This publicity, attributed to a group which includes some well-known pro-Communist, bespeaks an unpatriotic and anti-American attitude which could very well have been written or dictated from Moscow or Peking—or Hanoi.

These characters, who both boast of and abuse freedom, quite obviously prefer the Communist brand of freedom. They talk, write, and preach the Communist line. It would be interesting to know what would happen to these weaklings if they lived in Peking and dared publicize views condemning the Red Chinese policies of aggression in Vietnam. They would, of course, have their heads chopped off. Yet as Americans, smugly hiding behind constitutional guarantees, they whine and squawl like poisoned pups when our Government opposes Communist aggression anywhere in the world.

There is, however, something to be said for these nondescripts who would refuse to pay their income taxes. In that way they at least expose themselves to our penal laws which make each of them subject to fines and imprisonment for deliberate refusal to obey the laws of our land. Surely the Internal Revenue Service and the Department of Justice will give them the full treatment they deserve. The Congress and the American people will undoubtedly demand that every one of these criminals—and that is what each will be who thus violates the law—will be prosecuted to the full extent of the law.

When that is done our Nation will be relieved, at least temporarily, of the presence of these bellyaching phonies who are obviously quite unhappy with the American brand of freedom and democracy.

The Role of Political Parties in Congress

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1966

Mr. BERRY. Mr. Speaker, a new publication has just been brought to my attention which I believe would be of special interest to my colleagues and to everyone interested in political science. It is the first publication in the "American Government Studies" series by the Institute of Government Research at the University of Arizona entitled "The Role of Political Parties in Congress: A Bibliography and Research Guide."

This very valuable research guide was authored by Prof. Charles O. Jones of the Department of Government, University of Arizona, and Dr. Randall B. Ripley, research associate with the Brookings Institution. I am confident it would be of great benefit to anyone interested in Congress and politics.

Planning Conference Calls for Mid-Decade Census

EXTENSION OF REMARKS
OF
HON. ROBERT N. C. NIX
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1966

Mr. NIX. Mr. Speaker, it has come to my attention that the Atlanta, Ga., Region Metropolitan Planning Commission in a meeting on March 25, 1966, passed a resolution supporting a mid-decade census.

The resolution and the statement accompanying it follow:

Resolved, That this conference go on record as strongly favoring a mid-decade census of population and housing.

We realize that this matter has come up frequently in recent years and that certain bills have been introduced in the Congress to provide for a quinquennial census. The need for a population and housing census more frequently than every 10 years arises from the increasing complexity of our urban society and the many programs we are developing to help solve our problems.

The resolution was introduced by Mr. George K. Selden, Jr., of the Southern Bell Telephone & Telegraph Co., Char-