tries. With the Vietnam war likely to wage indefinitely, the Johnson administration will need something to go into the campaign with that can be touted as a "peace" accomplishment. Naturally, the Kosygin-Brezhnev administration will expect something in return.

NUCLEAR "HAVE-NOT" NATIONS' DEMANDS

Although the nuclear "have-not" nations presumably stand to gain as much from a pact as the nuclear "haves" in the form of a less turbulent world, they, too, are talking in terms of getting something from the "haves" for signing up. Rather than discouraging this kind of talk, the Johnson administration's position seems poised between tolerating it and encouraging it.

In return for giving up their right to go nuclear, a number of "have-nots"—some with such slight technical and industrial capabilities for atomic weapons production as to make their chatter ridiculous—are talking quid pro quo in terms of:

1. Making the "haves" get down to business on concrete disarmament steps;
2. Holding out for provisions outlawing the use of nuclear weapons, or at least prohibiting their use against nonnuclear states;
3. Demanding side agreements from nuclear powers (principally the United States) to protect them against nuclear aggression or, for that matter, against anything at all they themselves define as aggression—nuclear or otherwise.

JOHNSON ADMINISTRATION BUNGLING

The nuclear "have-nots" first two conditions simply are not credible holdout positions. The third has some grains of legitimacy, but administration spokesmen and the President himself have evidenced so much equivocation and ambiguity in dealing with it there is a possibility the treaty will create more trouble for the United States than it is calculated to eliminate. The administration could be making so many loose and general defense commitments to so many nonnuclear states to rush to their rescue that we could be triggered automatically into East-West confrontations seriously involving dangers of world war III. This will be discussed in detail in a separate special report to be issued soon.

"HAVE-NOTS" REALLY NEED "PLOWSHARE"

Actually, what the "have-nots" really need—and which neither they nor the Johnson administration yet have perceived—is in the plowshare area of peaceful atomic explosives.

The AEC is on the brink of producing practical and economic devices and techniques to put the atom's explosive power to work for mankind. They are sorely needed for such massive excavation jobs as creating a new canal supplemental to the congested Panama Canal. Other large-scale nuclear excavation needs soon will be felt to implement such bold proposals as the Amazon Basin project to turn into productive use vast South American swamps and jungles and NAWAPA (North American Water and Power Alliance) to regulate and divert this continent's rivers to meet burgeoning United States, Canadian, and Mexican requirements for water and hydropower. Much of southeast Asia and other portions of the globe also must depend on nuclear explosives for geographical face-lifting operations to reclaim land and provide an economic base for peaceful societies.

Underground there also are splendid economic potentials dependent on peaceful nuclear explosives. It is estimated the world's supply of natural gas can be doubled by nuclear fracturing of impervious gas formations deep beneath the surface.

These are but a few examples of the great future for peaceful nuclear explosives. The nuclear "have-nots" real loss from giving up nuclear development lies in the Plowshare area, not in weaponry.

UNITED STATES SHOULD SHARE PLOWSHARE

The United States not only should point this out, but should take the creative initiative of offering our Plowshare technology and devices on a fair-charge basis to any friendly country needing and wanting them. They also could perform tremendous service in our AID programs for global elimination of hunger and poverty.

In bilateral arrangements by which AEC officials retain physical custody and control of the nuclear devices until exploded, the strict provisions of the Atomic Energy Act of 1954 prohibiting turning them over to others can be met. By using a dual firing key arrangement whereby a U.S. custodian would first activate the firing circuit and the foreign official finally close it to initiate the actual firing, the limited test ban treaty's general prohibition against U.S. releases of radioactive material on foreign soil would be technically observed.

AMEND LIMITED TEST BAN TREATY TO UNCHAIN PLOWSHARE

However, as pointed out in my February 8 memorandum to you, the unrealistic provisions of the limited test ban treaty precluding release of any quantity of radioactivity—no matter how small or harmless—beyond any national boundary now paralyzes Plowshare use.

This restriction bears no reasonable relation to the purposes of the treaty. It even bars releases over empty ocean water beyond the 3-mile limit and thus we cannot proceed nuclearly with the second Isthmian Canal because of it. Until the bar is removed benefits to mankind from most Plowshare possibilities will be denied unreasonably.

Here, again, is a fruitful area for creative initiative being neglected by the administration and which only GOP sources presently are initiating proposals.

SENATE

FRIDAY, APRIL 1, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

Father Lawrence E. Comey, S.J., Gonzaga College High School, Washington, D.C., offered the following prayer:

Let us all pray that God, in His infinite wisdom and profound peace, may inspire these self-sacrificing and dedicated men of the Senate who must determine that course of action which will be for the greatest common good and the future prosperity for all people—that God may inspire them to make sound judgments and wise decisions on so many weighty and pressing problems which will result in a deeply significant tranquillity within our own land and a lasting and universal accord throughout the entire world. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 29, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

ECONOMIC AID TO INDIA—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 417)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, by unanimous consent, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

In recent months I have been watching with deep concern the emerging problem of world food supply. And I have been especially concerned with the prospect for India. During this past week I have discussed the Indian food problem with the Prime Minister of India, who has been our welcome and distinguished guest here in Washington. I am persuaded that we may stand, at this moment, on the threshold of a great tragedy. The facts are simple; their implications are grave. India faces an unprecedented drought. Unless the world responds, India faces famine.

Strong efforts by the Indian Government, and our help, have so far averted famine. But in the absence of cooperative and energetic action by the United States, by other nations, and by India herself, some millions of people will suffer needlessly before the next crop is harvested. This, in our day and age, must not happen. Can we let it be said that man, who can travel into space and explore the stars, cannot feed his own?

Because widespread famine must not and cannot be allowed to happen, I am today placing the facts fully before the Congress. I am asking the endorsement of the Congress for a program that is small neither in magnitude nor concept. I am asking the Congress, and the American people, to join with me in an appeal to the conscience of all nations that can render help.

I invite any information that the Congress can supply. Our people will welcome any judgments the Congress can provide. The executive branch, this Nation, and the world will take appropriate note and give proper attention to any contributions in counsel and advice that congressional debate may produce.

If we all rally to this task, the suffering can be limited. A sister democracy will not suffer the terrible strains which famine imposes on free government.

Nor is this all. The Indians are a proud and self-respecting people. So are their leaders. The natural disaster which they now face is not of their making. They have not asked our help needlessly; they deeply prefer to help themselves. The Indian Government has sound plans for strengthening its agricultural economy and its economic system. These steps will help India help herself. They will prevent a recurrence

of this disaster. I also propose action through the World Bank and the Agency for International Development to support this strong initiative by the Government of India.

THE CRISIS

Since independence India has done much to increase her output of agricultural products. Her agriculture has not been neglected. From 1950 to 1965 she increased food production 75 percent. This is a creditable achievement. But India has had to contend with a continuing and relentless increase in population. Her people have also consumed more from a higher income. Accordingly, she has remained heavily dependent on our help. Last year we provided, under Public Law 480, more than 6 million tons of wheat, equal to more than two-fifths of our own consumption. To keep this supply moving, the equivalent of two fully loaded Liberty ships had to put in at an Indian port every day of the year.

Now India has been the victim of merciless natural disaster. Nothing is so important for the Indian farmer as the annual season of heavy rain—the monsoon. Last year, over large parts of India, the rains did not come. Crops could not be planted, or the young plants withered and died in the fields. Agricultural output, which needed to increase, was drastically reduced. Not since our own Dust Bowl years of the 1930's has there been a greater agricultural disaster.

Indian leaders have rightly turned to the world for help. Pope Paul VI has endorsed their plea. So has the World Council of Churches. So has the Secretary General of the United Nations. So has the Director General of the Food and Agriculture Organization. And so, in this message does the President of the United States.

I have said that effective action will not be cheap. India's need is for at least 11 to 12 million tons of imported grain from January to December 1966.

Food in this world is no longer easy to find. But find it we must.

Here is what I propose.

THE PROGRAM

Last fiscal year we supplied 6 million tons of food grain to India. So far in this fiscal year, I have allotted 6.5 million tons of grain for shipment to India—more than the total of 6 millions tons which we had planned to provide as a continuation of past arrangements. It is even more necessary in this emergency to keep the pipelines full and flowing and to insure that there is no congestion of rail or sea transport. India, furthermore, estimates an additional 6 to 7 million tons of food grain will be necessary through next December beyond what has already been committed or expected.

I propose that the United States provide 3½ million tons of that requirement, with the remaining 3½ million tons coming from those nations which have either the food to offer or the means to buy food. I invite those nations to match the amount which we will supply. For example, I am delighted to be informed that Canada is prepared to provide a million tons of wheat and flour to India.

Every agriculturally advanced country can, by close scrutiny of its available supplies, make a substantial contribution. I ask that every government seek to supply the maximum it can spare—and then a little more. I ask those industrial countries which cannot send food to supply a generous equivalent in fertilizer, or in shipping, or in funds for the purchase of these requisites. All know the Indian balance of payments is badly overburdened. Food and other materials should be supplied against payment in rupees, which is our practice, or as a gift.

It is not our nature to drive a hard mathematical bargain where hunger is involved. Children will not know that they suffered hunger because American assistance was not matched. We will expect and press for the most energetic and compassionate action by all countries of all political faiths. But if their response is insufficient, and if we must provide more, before we stand by and watch children starve, we will do so. I, therefore, ask your endorsement for this emergency action.

I have spoken mostly of bread grains. The Prime Minister of India spoke also of other commodities which can meet part of the requirements or replace part of the need. In response to her needs, I propose that we allot up to 200,000 tons of corn, up to 150 million pounds of vegetable oils, and up to 125 million pounds of milk powder to India. The vegetable oil and milk powder are especially needed for supplementing the diets of Indian children.

In addition, India's own exchange resources can be released for food and fertilizer purchases if we make substantial shipments of cotton and tobacco. I am suggesting the allotment for this purpose of 325,000 to 700,000 bales of cotton and 2 to 4 million pounds of tobacco. Both of these commodities we have in relative abundance.

I request prompt congressional endorsement of this action.

I urge, also, the strong and warmhearted and generous support of this program by the American people.

And I urge the strong and generous response of governments and people the world around.

India is a good and deserving friend. Let it never be said that "bread should be so dear, and flesh and blood so cheap" that we turned in indifference from her bitter need.

FURTHER ACTION

The Indian people want to be self-supporting in their food supply.

Their government has adopted a far-reaching program to increase fertilizer production, improve water and soil management, provide rural credit, improve plant protection, and control food loss. These essentials must be accompanied by a strong training and education program.

I have directed the Secretary of Agriculture, in cooperation with AID, to consult with the Indian Government to ascertain if there are ways and means by which we can strengthen this effort. We have long experience with short courses, extension training, and similar programs. If they can be used, I feel certain that American agricultural experts would respond to an appeal to serve in India as a part of an Agricultural Training Corps or through an expanded Peace Corps. Many of our younger men and women would especially welcome the opportunity.

I am determined that in our assistance to the Indian Government we not be narrowly limited by what has been done in the past. Let us not be afraid of our own enthusiasm. Let us be willing to experiment.

The Indian Government believes that there can be no effective solution of the Indian food problem that does not include population control. The choice is now between a comprehensive and humane program for limiting births and the brutal curb that is imposed by famine. As Mrs. Gandhi told me, the Indian Government is making vigorous efforts on this front.

Following long and careful planning and after discussions in recent days with Prime Minister Gandhi, I have proposed the establishment of the Indo-United States Foundation. This Foundation will be financed by rupees, surplus to our need, now on deposit in India. It will be governed by distinguished citizens of both countries. It will be a vigorous and imaginative enterprise designed to give new stimulus to education and scientific research in India. There is no field where, I hope, this stimulus will be greater than in the field of agriculture and agricultural development.

Finally, in these last days, the Prime Minister and I have talked about the prospects for the Indian economy. The threat of war with China and the unhappy conflict with Pakistan seriously interrupted India's economic progress. Steps had to be taken to protect dwindling exchange resources. These also had a strangling effect on the economy. Indian leaders are determined now to put their economy again on the upward path. Extensive discussions have been held with the World Bank, which heads the consortium of aid-giving countries.

The United States interferes neither in the internal politics nor the internal economic structure of other countries. The record of the last 15 years is a sufficient proof that we ask only for results. We are naturally concerned with results—with insuring that our aid be used in the context of strong and energetic policies calculated to produce the most rapid possible economic development.

We believe Indian plans now under discussion show high promise. We are impressed by the vigor and determination of the Indian economic leadership. As their plans are implemented, we look forward to providing economic assistance on a scale that is related to the great needs of our sister democracy.

An India free from want and deprivation will, as Mahatma Gandhi himself once predicted, "be a mighty force for the good of mankind."

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 30, 1966.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its

reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1404) to establish uniform dates throughout the United States for the commencing and ending of daylight saving time in those States and local jurisdictions where it is observed, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6845) to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act.

The message further announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 22. An act to promote a more adequate national program of water research;

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

S. 490. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Manson unit, Chelan division, Chief Joseph Dam project, Washington, and for other purposes.

The message also announced that the House had passed the bill (S. 2729) to amend section 4(c) of the Small Business Act, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H.R. 4599. An act to provide for the free entry of certain stained glass for the Congregation Emanuel of Denver, Colo.;

H.R. 6568. An act to amend the Tariff Act of 1930 to make permanent the existing temporary suspension of duty on copra, palm nuts, and palm-nut kernels, and the oils crushed therefrom, and for other purposes;

H.R. 7723. An act to amend the Tariff Schedules of the United States to suspend the duty on certain tropical hardwoods; and

H.R. 9883. An act to amend subchapter S of chapter 1 of the Internal Revenue Code of 1954, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5147. An act to amend the Federal Employees Health Benefits Act of 1959 to permit until December 31, 1966, certain additional health benefits plans to come within the purview of such act; and

H.R. 14012. An act making supplemental appropriations for the fiscal year ending June 30, 1966, and for other purposes.

ENROLLED BILLS SIGNED

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

H.R. 4599. An act to provide for the free entry of certain stained glass for the Congregation Emanuel, Denver, Colo., and of certain chipped colored glass windows for St. Ann's Church, Las Vegas, Nev.;

H.R. 6568. An act to amend the Tariff Act of 1930 to make permanent the existing temporary suspension of duty on copra, palm nuts, and palm-nut kernels, and the oils crushed therefrom, and for other purposes;

H.R. 6845. An act to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act; and

H.R. 9883. An act to amend subchapter S of chapter 1 of the Internal Revenue Code of 1954, and for other purposes.

HOUSE BILLS REFERRED

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

H.R. 5147. An act to amend the Federal Employees Health Benefits Act of 1959 to permit until December 31, 1966, certain additional health benefits plans to come within the purview of such act; to the Committee on Post Office and Civil Service.

H.R. 14012. An act making supplemental appropriations for the fiscal year ending June 30, 1966, and for other purposes; to the Committee on Appropriations.

LIMITATION ON STATEMENTS DURING 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business, for action on nominations.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Thomas F. Collins to be postmaster at Linesville, Pa.; which nominating messages were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

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

Lester R. Uretz, of Virginia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service); and

Fred B. Smith, of Maryland, to be General Counsel for the Department of the Treasury.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of Joseph Palmer II, of Maryland, to be an Assistant Secretary of State.

Mr. MANSFIELD. Mr. President, I believe the appointment of Joseph Palmer to be an Assistant Secretary of State is a most excellent appointment. His knowledge of Africa and African affairs is vast. His service there was distinguished by the highest devotion to duty. He is a man of great integrity. I am delighted that someone of his high caliber is to be appointed to this most important post. And too, I am confident that the Senate will confirm his nomination unanimously.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ASIAN DEVELOPMENT BANK

The Chief Clerk proceeded to read sundry nominations to the Asian Development Bank.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

CERTAIN RETIRED OFFICERS OF THE ARMY, NAVY, AND AIR FORCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 879, H.R. 3349.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 3349) for the relief of certain retired officers of the Army, Navy, and Air Force.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 8, after the word "Service", to insert "including the Reserve components thereof,".

Mr. MANSFIELD. Mr. President, it is my intent to ask unanimous consent to strike the committee amendment. This request will be made on the recommendation of the Committee on the Judiciary and interested members of the Committee on Armed Services.

H.R. 3349 is intended to waive the 10-year statute of limitations for the filing of claims with the General Accounting Office by certain retired officers of the military services who are veterans of both World War I and World War II. The purpose of this bill is not to affect or change the substantive law dealing with the retirement benefits of the Regular or Reserve components of the military services. Its purpose is simply to waive the statute of limitations to permit the filing of a claim for increased retirement benefits with the General Accounting Office.

It has been determined by court decision that under the existing law certain officers could include time spent on retired lists in computing special re-retirement pay adjustments. Several Reserve officers are included in the limited number affected. This act, then, is designed merely to permit these officers, both Regular and Reserve, to file the claim, but is not designed to pass on the merits of any of these claims. Further, it is designed to permit the filing of a claim with GAO only by the class of beneficiaries who meet the stated criteria of the bill, the 10-year statute of limitations notwithstanding.

This act, when it passed the House, was intended to permit all officers who fell within the stated criteria of the act; thus, those who are similarly situated, to benefit by its dispensation provision. This would naturally include Reserve as well as Regular officers who meet the criteria. The intent of the bill in waiving the statute of limitations thus applies to all officers similarly situated.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter to the chairman of the Judiciary Committee from the Comptroller General dated December 15, 1965, concerning this bill. The Comptroller General was opposed to the legislation as it passed the House and still opposes the legislation, but particularly the Senate committee amendment. He states in the letter that his interpretation of the act is that the deletion of the committee amendment would not affect the standing of benefited Reserve officers to file their claims, providing they otherwise meet the criteria of the act.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, with this interpretation the Senate committee amendment is superfluous and I ask unanimous consent that it be rejected and that the bill without the amendment, and with this specific intent expressed, be passed.

EXHIBIT 1

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., December 14, 1965.

DEAR MR. CHAIRMAN: In accordance with a recent conversation between Mr. Lipscomb of your committee's staff and a member of our staff, we are writing this letter to express our views on H.R. 3349, 89th Congress, "An act for the relief of certain retired officers of the Army, Navy, and Air Force," which passed the House of Representatives May 3, 1965, was reported to the Senate by your committee, with an amendment, on October 15, 1965, and was passed over by the Senate on October 19, 1965 (CONGRESSIONAL RECORD, vol. 111, pt. 20, p. 27284).

The amendment made by your committee added the words "including the Reserve components thereof" after the words "any retired officers of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service." The bill as so amended (with the added words underscored) provides as follows:

"That the limitation of time prescribed by the Act of October 9, 1940 (54 Stat. 1061; 31 U.S.C. 237), is hereby waived with respect to claims for increased retired pay by any retired officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, including the Reserve components thereof, if (1) he served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918; (2) he was retired under any provisions of law prior to June 1, 1942, and was subsequently called to active duty; and (3) he was returned to an inactive status on a retired list after May 31, 1942: *Provided*, That a claim for such retired pay shall be filed with the General Accounting Office by each such officer or by his designated beneficiary, within one year following the date of enactment of this Act."

Our views concerning H.R. 8937, 88th Congress, a bill with identical provisions to those in H.R. 3349 (except for your committee's amendment), were set forth in our report to you, B–145158, February 25, 1964, copy herewith. As you will see from such report, H.R. 8937 was objectionable to our Office. H.R. 3349 as it passed the House of Representatives was equally objectionable because it would tend to undermine the salutary principle of limitation of time within which claims against the United States may be filed. However, with the committee amendment the bill is considerably more objectionable than it was before such amendment.

In Senate Report No. 892, to accompany H.R. 3349, it is stated that:

"The amendment adding the language, 'including the Reserve components thereof,' is added at the request of the proponents of this proposed legislation to insure that several affected retired officers who will benefit by the provisions of the bill will be included therein."

The primary purpose of H.R. 3349 is to overcome the bar of the 10-year statute of limitations (31 U.S.C. 71a, 237) with respect to certain claims for so-called re-retirement benefits under the fourth paragraph of section 15 of the Pay Readjustment Act of 1942, ch. 413, 56 Stat. 368 (37 U.S.C. 115, 1952 ed.). Both this Office (in decision of May 6, 1947, B–63359) and the Court of Claims (in *Abbott v. United States*, 152 Ct. Cl. 798 (1961)) have held that the fourth paragraph is applicable to members of the Regular components only and is not applicable by its own force and terms, to members of the Reserve components. It may be true that several Reserve officers who have been retired for physical disability have received re-retirement benefits under the fourth paragraph. If so, it was not because of any specific legislative recognition of the applicability of that paragraph to them but because of their assimilation to Regulars under the general assimilation provisions originally enacted as section 402(i) of the Career Compensation Act of 1949, ch. 681, 63 Stat. 820, and now contained in 10 U.S.C. 1215, as follows:

"The laws and regulations that entitle any retired member of a Regular component of the Armed Forces to pay, rights, benefits, or privileges extend the same pay, rights, benefits, or privileges to any other member of the Armed Forces who is not a member of a Regular component and who is retired, or to whom retired pay is granted, because of physical disability."

We are greatly concerned that if there were a specific legislative recognition of the applicability of the fourth paragraph to Reserves (as there would be, in effect, if H.R. 3349, as amended, should be enacted) it might materially weaken the case against extending the benefits of that paragraph to all retired Reserve officers who had service prior to November 12, 1918. Legislation has been introduced in every Congress since the 84th in furtherance of the effort to overcome the decisions of the Court of Claims and the Comptroller General holding the 4th paragraph inapplicable to Reserve officers. See, for example, H.R. 5268, 89th Congress, and H.R. 7711, 88th Congress. These two bills would waive res judicata and the statute of limitations and would make it possible for U.S. district courts to hear and decide certain cases which, if the plaintiffs won, would upset the Court of Claims decision in the Abbott case. If that were done and the benefits of the fourth paragraph were extended generally to Reserve officers drawing retired pay under title III of Public Law 810, ch. 708, June 29, 1948, 62 Stat. 1087–1091, and its successor provisions, we have good reason to believe that the ultimate cost to the Government would be in excess of half a billion dollars. We believe the Judiciary Committee, House of Representatives, may have obtained more precise cost figures in connection with its consideration of H.R. 5268 and H.R. 5436, 89th Congress.

Not only would such a general extension of fourth paragraph benefits involve a huge cost but it would result in gross discrimination in favor of retired Reserve officers who happen to have had any military service, however short a period, prior to November 12, 1918. We believe that in a majority of the cases, the retired pay would be at least doubled. In some cases it would be tripled or quadrupled. Neither the 77th Congress, in enacting the 4th paragraph in 1942, nor the 80th Congress, in enacting title III of Public Law 810 in 1948, had the remotest intention that such a result should occur. This we have vigorously and consistently represented to the committees of Congress which have considered H.R. 5268 and similar bills. We enclose a copy of the report B–153104, dated March 29, 1965, on H.R. 5268 which we made to the chairman, Committee on the Judiciary, House of Representatives.

We, therefore, urge your committee to delete from H.R. 3349 the five words which were added to it by the committee's amendment. It is our view that such deletion would not affect in any way the rights of those reserve officers retired for disability whom the amendment was designed to benefit. In other words, insofar as this office is concerned, Reserve officers retired for disability who have received certain re-retirement benefits under the fourth paragraph of section 15, by assimilation under 10 U.S.C. 1215, would be entitled to the additional benefits authorized by H.R. 3349 (if that bill should be enacted) whether or not it contains the words "including the Reserve components thereof." It therefore appears that the committee amendment could be stricken from H.R. 3349 as being unnecessary and then if that bill should be enacted without amendment, the proponents of a general extension of the fourth paragraph to Reserve officers would not have their cause unduly assisted by the language and legislative history of the act stemming from H.R. 3349.

As stated above, even without the committee amendment H.R. 3349 is objectionable to us. We reiterate our position that if the Government's financial transactions are to be conducted with any assurance that after records have been destroyed under authorized record-disposal procedures the Government will not be faced with claims based on such records, it should be able to rely completely on the provisions of the 10-year statute of limitations where applicable. The enactment of legislation which has the effect

of waiving the statute in any situation even though such action may seem equitable tends to undermine the salutary principle upon which statutes of limitations are based. Accordingly, we recommend that H.R. 3349 not be favorably considered but if this recommendation is not acceptable we urge that the committee amendment be deleted before the bill is enacted.

Sincerely yours,

FRANK H. WEITZEL,
Acting Comptroller General of the United States.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. DIRKSEN. Mr. President, I was inclined to favor the so-called Hart amendment, which included some Reserve components, but the language of the amendment was interpreted by some Members to accomplish more than is intended by the act; however, I am glad to be reassured that the deletion of the amendment will not affect the standing of benefited Reserve officers to file their claims, providing they otherwise meet the criteria of the act.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendment is rejected.

The bill (H.R. 3349) was ordered to a third reading, read the third time, and passed.

PRINTING ADDITIONAL COPIES OF SENATE DOCUMENT ENTITLED "SELECTIVE SERVICE SYSTEM"

Mr. DIRKSEN. Mr. President, I submit a resolution and ask for its immediate consideration. It is nothing more than a statement supplied by General Hershey, which the Directors of Selective Service in the various States have found to be extremely useful and, likewise, all Senators will find extremely useful in answering mail or questions relating to the Selective Service. Hence, the resolution.

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

There being no objection, the resolution (S. Res. 246) was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Senate one hundred and three thousand additional copies of Senate Document Numbered 82 of the Eighty-ninth Congress entitled "Selective Service System."

EXECUTIVE COMMUNICATIONS, ETC.

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

EXTENSION OF DEADLINE FOR ENROLLMENT IN MEDICARE PROGRAM

A communication from the President of the United States, proposing an amendment to the Social Security Act which would extend from March 31 to May 31 the deadline for enrollment in the medical insurance portion of the social security health insurance program for the aged; to the Committee on Finance.

REPORT ON AGRICULTURAL CONSERVATION PROGRAM

A letter from the Under Secretary of Agriculture, transmitting, pursuant to law, a report on the agricultural conservation program, for the fiscal year ended June 30, 1965 (with an accompanying report); to the Committee on Agricultural and Forestry.

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Fees and expenses of witnesses" for the fiscal year 1966, had been reapportioned on a basis which indicates the need for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation for the Veterans' Administration for "General operating expenses," for the fiscal year 1966 had been reapportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Railroad Retirement Board for "Limitation on salaries and expenses," for the fiscal year 1966 had been reapportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on military construction contracts awarded without formal advertising, for the 6-month period ended December 31, 1965 (with an accompanying report); to the Committee on Armed Services.

REPORT ON NATIONAL INDUSTRIAL RESERVE

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on the National Industrial Reserve, dated April 1, 1966 (with an accompanying report); to the Committee on Armed Services.

REPORT ON FLIGHT PAY

A letter from the Under Secretary of the Navy, reporting, pursuant to law, on flight pay in that Department, as of January 1, 1966; to the Committee on Armed Services.

REPORT ON DEPARTMENT OF ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Assistant Secretary of the Army (R. & D.), transmitting, pursuant to law, a report on Department of the Army research and development contracts awarded during the 6-month period ended December 31, 1965 (with an accompanying report); to the Committee on Armed Services.

REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, pursuant to law, a report of that commission, for the fiscal year ended June 30, 1965 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend section 5 of the act of February 11, 1929, as amended, relating to the compromise of claims of the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON PROPOSED GIFT OF CERTAIN PROPERTY TO ENLARGE THE DWIGHT D. EISENHOWER PRESIDENTIAL LIBRARY

A letter from the Administrator, General Services Administration, Washington, D.C., reporting, pursuant to law, on the proposed gift of certain property to enlarge the Dwight D. Eisenhower Presidential Library, located at Abilene, Kans. (with accompanying papers); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on practices which resulted in the invalid and other questionable use of fiscal year 1964 appropriation, U.S. Information Agency, dated March 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for improvement in the management of vehicle utilization, Bureau of Indian Affairs, Department of the Interior, dated March 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the management and utilization of Capehart, Wherry, and other Government-owned family housing, Department of the Army, dated March 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of procedures for measuring national forest timber in the Pacific Northwest region (region 6), Forest Service, Department of Agriculture, dated March 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on operation of a dairy farm by the U.S. Naval Academy, Annapolis, Md., Department of the Navy, dated March 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination into policies for the recovery of Government expenditures incurred in the management and operation of Indian forest enterprises, Bureau of Indian Affairs, Department of the Interior, dated March 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on economies from making electron tubes available to other Government users, Federal Aviation Agency, dated March 1966 (with an accompanying report); to the Committee on Government Operations.

PROPOSED JUDGMENTS FOR COSTS AGAINST THE UNITED STATES

A letter from the Attorney General, transmitting a draft of proposed legislation to provide for judgments for costs against the United States (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON CONTRACTUAL ACTIONS TAKEN TO FACILITATE THE NATIONAL DEFENSE

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on contractual actions taken to facilitate the national defense, for the year 1965 (with an accompanying report); to the Committee on the Judiciary.

REPORT RELATING TO CLAIM OF VERNON M. NICHOLS v. THE UNITED STATES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation relating to the claim of *Vernon M. Nichols* v. *The United States* (with an accompanying paper); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of See Song Chew, also known as Jun Wo Chew and Edwin Chew, from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on February 1, 1965 (with an accompanying paper); to the Committee on the Judiciary.

REPORT UNDER LABOR MANAGEMENT RELATIONS ACT OF 1947

A letter from the Chairman, National Labor Relations Board, Washington, D.C., transmitting, pursuant to law, a report under the Labor Management Relations Act of 1947 for the fiscal year ended June 30, 1965 (with accompanying documents); to the Committee on Labor and Public Welfare.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. MONRONEY and Mr. CARLSON members of the committee on the part of the Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG of Louisiana, from the Committee on Finance, without amendment:

H.R. 8647. An act for the relief of the Troubadors Drum and Bugle Corps of Bridgeport, Conn. (Rept. No. 1093).

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

H.R. 11029. An act relating to the tariff treatment of certain woven fabrics (Rept. No. 1092).

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

H.R. 6319. An act to amend the Internal Revenue Code of 1954 to provide for treatment of the recovery of losses arising from expropriation, intervention, or confiscation of properties by governments of foreign countries (Rept. No. 1091).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 2999. A bill to repeal section 6 of the Southern Nevada Project Act (act of October 22, 1965 (79 Stat. 1068)) (Rept. No. 1094).

REORGANIZATION PLAN NO. 1 OF 1966—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 1095)

Mr. RIBICOFF. Mr. President, from the Committee on Government Operations, I report unfavorably the resolution (S. Res. 220) to disapprove Reorganization Plan No. 1 of 1966, and I submit a report thereon. I ask unanimous consent that the report may be printed, together with minority views.

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

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. COOPER:

S. 3160. A bill for the relief of Kwang Sun Yi and Edgar Lee Martin; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 3161. A bill to provide for judgments for costs against the United States; and

S. 3162. A bill to amend the Federal Tort Claims Act to authorize increased agency consideration of tort claims against the Government, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above bills, which appear under separate headings.)

By Mr. DODD:

S. 3163. A bill for the relief of Mr. Pedro Alfonso Lopez; to the Committee on the Judiciary.

By Mr. CLARK:

S. 3164. A bill to provide for continued progress in the Nation's war on poverty; to the Committee on Labor and Public Welfare.

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

By Mr. CLARK (for himself and Mr. SCOTT):

S. 3165. 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.

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

By Mr. DOUGLAS:

S. 3166. A bill for the relief of Sullivan I. Kite; to the Committee on the Judiciary.

By Mr. YOUNG of Ohio:

S. 3167. A bill to amend title 18, United States Code, in order to prohibit the sale or receipt of any stolen dog or cat which has been transported in interstate commerce, and for other purposes; to the Committee on Commerce.

By Mr. MOSS:

S. 3168. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Labor and Public Welfare.

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

By Mr. KENNEDY of New York (for himself and Mr. NELSON):

S. 3169. A bill to amend chapter 55 of title 10, United States Code, to authorize a special program for the mentally retarded, mentally ill, and physically handicapped spouses and children of members of the uniformed services, and for other purposes; to the Committee on Armed Services.

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

By Mr. KENNEDY of New York (for himself and Mr. JAVITS):

S. 3170. A bill to confer jurisdiction upon the district courts of the United States over certain classes of removed cases and to provide injunctive relief in certain cases, and for other purposes; to the Committee on the Judiciary.

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

By Mr. NELSON (for himself and Mr. JACKSON):

S. 3171. A bill to establish a Nationwide System of Trails, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 3172. A bill to provide for establishment of the Trinity National Historic Site in the State of New Mexico; to the Committee on Interior and Insular Affairs.

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

By Mr. TALMADGE:

S. 3173. A bill to amend agricultural acts to include "any vegetable crop" as commodities to be grown on diverted acreages; to the Committee on Agriculture and Forestry.

By Mr. YOUNG of Ohio (by request):

S. 3174. A bill to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes; to the Committee on Public Works.

By Mr. McGOVERN:

S. 3175. A bill to amend section 3(c) of the Export Control Act of 1949, as amended; to the Committee on Banking and Currency.

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

By Mr. RIBICOFF (for himself, Mr. JAVITS, and Mr. KENNEDY of New York):

S. 3176. A bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes; to the Committee on the Judiciary.

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

By Mr. ELLENDER (for himself, Mr. MANSFIELD, Mr. AIKEN, Mr. DIRKSEN, Mr. CARLSON, and Mr. METCALF):

S.J. Res. 149. Joint resolution to support United States participation in relieving victims of hunger in India and to enhance India's capacity to meet the nutritional needs of its people; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. ELLENDER when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. McCLELLAN:

S.J. Res. 150. Joint resolution to provide for the designation of the month of April, 1967, as "Federal Land Bank Month"; to the Committee on the Judiciary.

(See the remarks of Mr. McCLELLAN when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. BAYH:

S.J. Res. 151. Joint resolution expressing the intent of the Congress with respect to appropriations for watershed planning for fiscal year 1966; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. BAYH when he introduced the above joint resolution, which appear under a separate heading.)

PROPOSED LEGISLATION RELATING TO CLAIMS AND SUITS BROUGHT BY OR AGAINST THE UNITED STATES

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, two bills

concerning claims and suits brought by or against the United States.

The first of these is a bill to provide for costs in judgments against the United States.

There is a substantial inequity in the present law covering the granting of costs in litigation involving the United States. When the United States sues on a claim and wins, it may be awarded costs; when the United States sues and loses, costs may not be awarded against it. When the United States is sued and wins, it may be awarded costs; when the United States is sued and loses, costs may not be awarded against it. Only in rare cases does the law provide for costs to be assessed against the United States when it is the losing party in civil litigation.

I have been interested in this problem for some years and on several occasions have offered amendments to specific bills requiring that the Federal Government accept liability for court costs when it is the unsuccessful litigant. I am most gratified that this administration supports this principle and this bill.

The basic general statute pertaining to costs in litigation involving the United States is section 2412(a) of title 28 of the United States Code. That statute provides that the United States shall be liable for costs only when such liability is expressly provided for by act of Congress, and there are relatively few statutes in which costs against the United States have been expressly provided for.

This measure will amend section 2412 of title 28 to provide that, except as otherwise specifically provided by statute, costs as set out in section 1920 of title 28 may be awarded to the prevailing party in actions brought by or against the United States or any agency or official acting in his official capacity. The amount of costs that may be awarded shall be in accordance with the amounts established by statute or by court rule or order. The bill makes it clear that the fees and expenses of attorneys and expert witnesses may not be taxed against the United States.

The second bill is intended "to amend the Federal Tort Claims Act to authorize increased agency consideration of tort claims against the Government, and for other purposes."

The Tort Claims Act, with certain exceptions, makes the United States liable for the negligence, wrongful act, or omission, of a Government employee while he is acting within the scope of his office or employment, under circumstances in which a private person would be liable under the law of the place where the act or omission occurred.

Presently, a person who has a substantial claim arising under the act must bring an action in a Federal district court, and he can seek administrative settlement of his claim only if the claim is for less than $2,500. Experience under the Federal Tort Claims Act has demonstrated that of all awards allowed in cases filed under the act, 80 percent are made prior to trial. Since tort claims against the Government tend to arise in a few agencies, these agencies have considerable experience in settling such claims.

This bill would institute a procedure under which all claims would be brought to the appropriate agency for consideration and possible settlement before court action is instituted. A claim would first be considered by the agency whose employee's activity allegedly caused the damage and which possesses the greatest information concerning that activity. As a result, meritorious claims would be settled more quickly, without the need for expensive and time-consuming litigation or even for filing suit.

In order to provide the agencies with sufficient authority to settle a broad range of claims, the bill would give them authority to consider and settle any claim under the Tort Claims Act, irrespective of amount. Settlement and awards in excess of $25,000 would require the prior approval of the Attorney General. Any settlement of a claim in excess of $100,000 would be brought to the attention of Congress since claims over this amount would require approval through a supplemental appropriations bill.

Finally, in order to encourage claimants and their attorneys to make use of this new administrative procedure, the attorney's fees allowable under the act would be raised from the present 10 percent of the administrative award and 20 percent of the settlement of judgment after filing suit to 20 and 25 percent, respectively.

Mr. President, I ask unanimous consent that the text of these bills be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. ERVIN, were received, read twice by their titles, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3161

A bill to provide for judgments for costs against the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2412 of title 28 of the United States Code is amended to read as follows:

Except as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title but not including the fees and expenses of attorneys or expert witnesses, may be awarded to the prevailing party in any action brought by or against the United States or any agency or official of the United States acting in his official capacity, in any court having jurisdiction of such action. A judgment for costs when taxed against the Government shall, in an amount established by statute or court rule or order, be limited to reimbursing in whole or in part the prevailing party for the costs incurred by him in the litigation. Payment of a judgment for costs shall be as provided in section 2414 of this title for the payment of judgments against the United States.

SEC. 2. Section 2520(d) of title 28 of the United States Code is hereby repealed.

SEC. 3. These amendments shall apply only to judgments entered in actions filed subsequent to the date of enactment of this Act. These amendments shall not authorize the reopening or modification of judgments entered prior to the enactment of this Act.

S. 3162

A bill to amend the Federal Tort Claims Act to authorize increased agency consideration of tort claims against the Government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the first paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"The head of each Federal agency or his designee may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: *Provided,* That any award, compromise, or settlement in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee."

(b) The second paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud."

(c) The third paragraph of section 2672 of title 28, United States Code, is amended to read as follows:

"Payment of any award, compromise, or settlement in an amount in excess of $2,500 made pursuant to this section or made by the Attorney General pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter."

SEC. 2. (a) Subsection (a) of section 2675 of title 28, United States Code, is amended to read as follows:

"(a) An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section."

(b) Subsection (b) of section 2675 of title 28, United States Code, is amended by deleting the first sentence thereof.

SEC. 3. Section 2677 of title 28, United States Code, is amended to read as follows:

"The Attorney General or his designee may arbitrate, compromise or settle any claim cognizable under Section 1346(b) of this title, after the commencement of an action thereon."

SEC. 4. The first paragraph of section 2678 of title 28, United States Code, is amended to read as follows:

"The court rendering a judgment for the plaintiff pursuant to section 1346(b) of this title, or the head of the Federal agency acting pursuant to section 2672, or the Attorney General acting pursuant to section 2677 of

this title, making an award, compromise, or settlement, may, as a part of such judgment, award, compromise, or settlement, determine and allow reasonable attorney fees, which, if the recovery is $500 or more, may be up to but shall not exceed either 20 per centum of the amount recovered under section 2672 of this title or the amount contracted between the parties nor may not exceed 25 per centum of the amount recovered under section 1346(b) of this title, to be paid out of but not in addition to the amount of judgment, award, compromise, or settlement recovered, to the attorneys representing the claimant."

SEC. 5. Subsection (b) of section 2679 of title 28, United States Code, is amended to read as follows:

"(b) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property or personal injury or death, resulting from the operation by any employee of the Government of any motor vehicle while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim."

SEC. 6. Section 1302 of the Act of July 27, 1956, as amended (70 Stat. 694; 75 Stat. 416; 31 U.S.C. 724a), is further amended (1) by inserting a comma and the word "awards," after the word "judgments" and before the word "and"; (2) by deleting the word "or" after the number "2414" and inserting in lieu thereof a comma; and (3) by inserting after the number "2517" the phrase ", 2672, or 2677".

SEC. 7. Subsection (b) of section 2401 of title 28, United States Code, is amended to read as follows:

"(b) a tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented."

SEC. 8. The first sentence of section 2671 of title 28, United States Code, is amended to read as follows:

"As used in this chapter and sections 1346 (b) and 2401(b) of this title, the term 'Federal Agency' includes the executive departments, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States but does not include any contractor with the United States."

SEC. 9. (a) The section heading of section 2672 of title 28, United States Code, is amended to read as follows:

"s 2672. Administrative adjustment of claims."

(b) The analysis of chapter 171 of title 28, United States Code, immediately preceding section 2671 of such title, is amended by deleting the item "2672. Administrative adjustment of claims of $2,500 or less," and inserting in lieu thereof: "2672. Administrative adjustment of claims."

SEC. 10. This Act shall apply to claims accruing six months or more after the date of its enactment.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1966

Mr. CLARK. Mr. President, I send to the desk, for appropriate reference, the administration's Economic Opportunity Amendments of 1966.

I ask unanimous consent that the bill, together with a memorandum entitled "Explanation of Economic Opportunity Amendments of 1966" be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD.

The bill (S. 3164) to provide for continued progress in the Nation's war on poverty, introduced by Mr. CLARK, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Economic Opportunity Amendments of 1966.

AUTHORIZATIONS AND FINANCING

SEC. 2. (a)(1) For the purpose of carrying out programs under the Economic Opportunity Act of 1964 (other than part C of title I of such Act), there is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, the sum of $1,750,000,000, of which, subject to the provisions of section 616 of such Act, the amounts appropriated or made available by appropriation act shall not exceed $533,000,000 for the purpose of carrying out the provisions of title I of such Act, $944,000,000 for the purpose of carrying out title II, $65,000,000 for the purpose of carrying out title III, $5,000,000 for the purpose of carrying out the provisions referred to in the second sentence of section 407, as added by these amendments, $160,000,000 for the purpose of carrying out title V, $17,000,000 for the purpose of carrying out title VI, and $26,000,000 for the purpose of carrying out title VIII as added by these amendments.

(2) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting immediately before the first comma the following: ", or under any Act authorizing appropriations for any such title (other than part C of title I)".

(b)(1) Sections 131, 221, 321, 503, and 615 of the Economic Opportunity Act of 1964 are each amended by (A) striking out "three" in the first sentence and inserting in lieu thereof "five", and (B) striking out "succeeding fiscal year" in the second sentence and inserting in lieu thereof "three succeeding fiscal years".

(2) Section 407 of such Act is amended by striking out "two" and inserting in lieu thereof "five".

(c)(1) Sections 115 and 208(a) of the Economic Opportunity Act of 1964 are each amended by striking out "three" in the first sentence and inserting in lieu thereof "four".

(2) The first sentence of section 216(b) of such Act is amended by (A) striking out "two" in the first sentence and inserting in lieu thereof "three", and (B) striking out "shall be" in such sentence and inserting in lieu thereof "shall not exceed".

PROGRAM AMENDMENTS

Criteria for community action programs

SEC. 3. Section 202(b) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof a new sentence to read as follows: "Such criteria shall include requirements to assure (1) that each agency responsible for a community action program is qualified to administer such program and the funds granted to it efficiently, effectively, and in a manner fully consistent with the provisions and purposes of this part, having due regard for the size and complexity of such program and the number of persons and size of the area served; (2) that each such agency is subject to evaluation of program progress and regular or periodic audits and that the results or findings of such evaluations and audits are considered by the agency as well as by the Director in connection with proposals or applications for the renewal, expansion, or modification of any such program; (3) that each such agency maintains records and internal controls needed to achieve and document compliance with all legal requirements and that all records bearing exclusively on grants made under this part are available to the General Accounting Office; (4) that each such program is carried on in accordance with standards and policies, including rules governing the conduct of officers and employees, to preclude the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting, or resulting in an identification of such program with, any partisan political activity designed to further the election or defeat of any candidate for public office; and (5) that the personnel of each such agency are selected, employed, promoted, and compensated in accordance with standards prescribed by the Director, or personnel plans approved by him, as promoting efficiency and the effective use of funds."

Community action—Personnel assistance

SEC. 4. Section 206 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof a new sentence to read as follows: "The Director is also authorized, upon request of a grantee under this section, or sections 204, 205, or 209(b), to make special assignments of personnel to the grantee to assist and advise in the performance of functions related to the purposes of this part, except that in no event shall more than 100 persons be employed for, or at any one time regularly engaged in, such assignments, nor shall any such special assignment be for a period of more than two years in the case of any grantee."

Adult basic education—State plan criteria and project grants

SEC. 5. (a) Section 212 of the Economic Opportunity Act of 1964 is amended by inserting", or lack of similar basic skills," immediately before the word "constitutes".

(b) Section 214(a) of the Economic Opportunity Act of 1964 is amended to read as follows:

"SEC. 214. (a) The Director shall approve a State plan which sets forth a program for use, in accordance with section 213(b), of grants under this part, and which (consistent with such basic criteria as the Director may prescribe)—

"(1) contains a system of specific priorities adequate to assure the most effective use of funds, having regard to the number of persons described in section 212 in different areas of the State, the extent of their educational deficiencies, and the degree to which local programs or projects under this part will assist such persons to increase their incomes or otherwise significantly alter their prospects for employment or economic advancement in accordance with the purposes of this part;

"(2) contains specific provisions for cooperative arrangements with appropriate public or nonprofit agencies within the State concerned with problems of poverty, employment, and health related to the purposes of this section, and sets forth specific procedures for implementing such arrangements in connection with local projects and programs, as necessary or appropriate to assure that related services or assistance needed by participants will be provided and that such projects and programs will be carried on in a coordinated manner consistent with the provisions and purposes of this Act;

"(3) provides such criteria as may be necessary to assure that all projects and programs are carried on in a way responsive to the needs and abilities of adults who are educationally and economically disadvantaged and that use is made of services, facili-

ties, staff, systems, and methods that will best contribute to this objective;

"(4) provides that projects and programs initiated or supported under the plan will be subject to adequate procedures for evaluation of their effectiveness and for the dissemination of the results of such evaluations whenever appropriate to interested agencies and persons throughout the State; and

"(5) provides for administration by the State educational agency in accordance with procedures and policies to (A) assure proper disbursement of and accounting for all funds granted under section 213, (B) enable the State agency to make such prompt reports to the Director containing such information as may be required to permit him to determine the current status of operations or actions taken under the State plan, or as may otherwise be necessary to enable him to perform his duties under this part or any applicable provision of this Act, and (C) assure that such supporting books, records, and other documentation will be maintained, and made available to the Director, as he finds reasonably necessary to verify reports or otherwise discharge his responsibilities."

(c) Section 215 of the Economic Opportunity Act of 1964 is amended by—

(1) amending subsection (b) to read as follows:

"(b) The portion of any State's allotment under subsection (a) which the Director determines will not be required, for the period such allotment is available, for carrying out the State plan (if any) approved under this part shall be available (1) for use within such State for the purpose of grants under section 218(b); (2) for reallotment in accordance with subsection (c); and (3) for reallocation, or transfer subject to section 616, for use in connection with other programs under this Act when the Director determines that the funds cannot be effectively or efficiently reallotted or otherwise employed for purposes of this part."; and

(2) amending subsection (c) to read as follows:

"(c) Reallotment as authorized by subsection (b) may be made from time to time in such States during any fiscal year as the Director may fix. Reallotments of funds from one State shall be made to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum of (1) the amount which the Director estimates such State needs and will be able to use for such period for carrying out its State plan approved under this part, and (2) any amount which the Director determines may be allowed for the purpose of grants under section 218(b) in such State; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts are not reduced. Any amount reallotted to a State under this subsection during a year which is not made available for purposes of grants under section 218(b) shall be deemed part of its allotment under subsection (a) for such year."

(d) Section 218 of the Economic Opportunity Act of 1964 is amended to read as follows:

"SPECIAL PROJECTS AND TEACHER TRAINING

"SEC. 218. (a) Not to exceed 25 per centum of the funds appropriated or allocated to carry out this part for any fiscal year may be reserved for use in making special project grants and in providing teacher training as authorized in this section.

"(b) The Director is authorized to make grants to local educational agencies or other public or private nonprofit agencies for the purpose of special projects which will be carried out in furtherance of the purpose of section 212 and which—

"(1) involve the use of innovative methods, systems, materials or programs which the Director determines may have national significance or be of special value in promoting effective programs under this part, or

"(2) involve activities in adult basic education, which the Director determines are so coupled with other Federal, federally assisted, State or local programs, as to have unusual promise in promoting a comprehensive or coordinated approach to the problems of low-income persons with basic educational deficiencies as described in section 212.

"The Director shall establish procedures for the making of grants under this section which shall (1) require a local or non-Federal contribution of at least 10 per centum of the project costs wherever feasible and not inconsistent with the purposes of this section, and (2) assure that in advance of any grant an opportunity for review and comment will be afforded (A) to the State educational agency of the State in which the project will be carried on and (B) to appropriate local educational agencies (either directly or through the State educational agency) in the case of any grants not proposed to be made to such agencies.

"(c) The Director is authorized to provide (directly or by contract), or to make grants to colleges and universities, State or local educational agencies, or other appropriate public or private nonprofit agencies or organizations to provide, training to persons engaged or are preparing to engage as instructors for individuals described in section 212, with such stipends and allowances, if any (including traveling and subsistence expenses), for persons undergoing such training and their dependents as the Director may by or pursuant to regulation determine."

RURAL AREAS—LOAN AUTHORITY

SEC. 6. Section 302(a) of the Economic Opportunity Act of 1964 is amended by striking out "exceeding $2,500 in the aggregate" and inserting in lieu thereof "resulting in an aggregate indebtedness of more than $3,500 at any one time":

GRANT SUPPORT—SMALL BUSINESS

Loan program

SEC. 7. (a) Section 402 of the Economic Opportunity Act of 1964 is hereby redesignated section 402(a) and there is added at the end thereof a new subsection (b) as follows:

"(b) The Director is further authorized to make grants to, or contract with, public or nonprofit agencies, or combinations thereof, to pay all or part of the costs necessary to enable such agencies to provide screening, counseling, management guidance, or similar assistance with respect to persons or small business concerns which receive or may be eligible for assistance under subsection (a). Financial assistance under this subsection shall be subject to the provisions of section 208 of this Act."

(b) Section 407 of the Economic Opportunity Act of 1964 is amended by (A) striking out the heading "DURATION OF PROGRAM" and inserting in lieu thereof "AUTHORIZATION OF APPROPRIATIONS" and (B) adding at the end thereof a new sentence as follows: "For the purpose of carrying out the provisions of section 402(b), for the fiscal year ending June 30, 1967, and the three succeeding fiscal years, such sums may be appropriated as the Congress may authorize by law."

VISTA—NEW TITLE VIII

SEC. 8. (a) The Economic Opportunity Act of 1964 is amended by—

(1) striking out section 603;

(2) adding at the end of such Act a new title VIII to read as follows:

"TITLE VIII—VOLUNTEERS IN SERVICE TO AMERICA

"Statement of purpose

"SEC. 801. It is the purpose of this title to enable and encourage volunteers to participate in a personal way in the war on poverty, by living and working among deprived people of all ages in urban areas, rural communities, on Indian reservations, in migrant worker camps, and Job Corps camps and centers; to stimulate, develop and coordinate programs of volunteer training and service; and, through such programs, to encourage individuals from all walks of life to make a commitment to combating poverty in their home communities, both as volunteers and as members of the helping professions.

"Authority to establish Vista program

"SEC. 802. (a) The Director is authorized to recruit, select, train, and—

"(1) upon request of State or local agencies or private nonprofit organizations, refer volunteers to perform duties in furtherance of programs combating poverty at a State or local level; and

"(2) in cooperation with other Federal, State, or local agencies involved, assign volunteers to work (A) in meeting the health, education, welfare, or related needs of Indians living on reservations, of migratory workers and their families, or of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands; (B) in the care and rehabilitation of the mentally ill or mentally retarded under treatment at nonprofit mental health or mental retardation facilities assisted in their construction or operation by Federal funds; and (C) in connection with programs or activities authorized, supported, or of a character eligible for assistance under this Act.

"(b) The referral or assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine; but volunteers shall not be so referred or assigned to duties or work in any State, nor shall programs under section 805 be conducted in any State, without the consent of the Governor.

"Volunteer support

"SEC. 803. The Director is authorized to provide to all volunteers during training pursuant to section 802(a) and to volunteers assigned pursuant to section 802(a)(2) such stipend, not to exceed $50 per month (or, in the case of volunteer leaders designated in accordance with standards prescribed by the Director, not to exceed $100 per month), such living, travel, and leave allowances, and such housing, transportation (including travel to and from the place of training), supplies, equipment, subsistence, clothing, and health and dental care as the Director may deem necessary or appropriate for their needs.

"Application of provisions of Federal law

"SEC. 804. (a) Each volunteer under section 802 shall take and subscribe to an oath or affirmation in the form prescribed by section 104(d) of this Act, and the provisions of section 1001 of title 18, United States Code, shall be applicable with respect to such oath or affirmation; but, except as provided in subsection (b) of this section, such volunteers shall not be deemed to be Federal employees and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of

work, rates of compensation, and Federal employee benefits.

"(b) All volunteers during training pursuant to section 802(a) and such volunteers as are assigned pursuant to section 802(a)(2) shall be deemed Federal employees to the same extent as enrollees of the Job Corps under section 106 (b), (c), and (d) of this Act, except that for purposes of the computation described in paragraph (2)(B) of section 106(c) the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS–7 under the Classification Act of 1949.

"Special programs and projects

"SEC. 805. The Director is authorized to conduct, or to make grants, contracts or other arrangements with appropriate public or private nonprofit organizations for the conduct of, special programs in furtherance of the purposes of this title. Such programs shall be designed to encourage more effective or better coordinated use of volunteer services, including services of low-income persons, or to make opportunities for volunteer experience available, under proper supervision and for appropriate periods, to qualified persons who are unable to make long-term commitments or who are engaged in or preparing to enter work where such experience may be of special value and in the public interest. Individuals who serve or receive training in such programs shall not, by virtue of such service or training, be deemed to be Federal employees and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, and Federal employee benefits; except that such individuals who receive their principal support or compensation with respect to such service or training directly from the Director or his agent for payment shall be deemed Federal employees to the same extent as volunteers assigned pursuant to section 802(a)(2) of this Act. Not to exceed 15 per centum of the sums appropriated or allocated from any appropriation to carry out this title for any fiscal year may be used for programs under this section.

"Authorization of appropriations

"SEC. 806. (a) The Director shall carry out the program provided for in this title during so much of the fiscal year ending June 30, 1966, as follows the date of enactment of the Economic Opportunity Amendments of 1966, during the fiscal year ending June 30, 1967, and during the three succeeding fiscal years. For the purpose of carrying out this title (other than section 805) during the fiscal year ending June 30, 1966, the Director may utilize funds appropriated or allocated for the purpose of carrying out title VI of this Act during such year without regard to the provisions of section 616. For the purpose of carrying out this title during the fiscal year ending June 30, 1967, and the three succeeding fiscal years, such sums may be appropriated as the Congress may authorize by law."

(b) Paragraph (2)(A)(iv) of section 205 (b) of the National Defense Education Act of 1958 is amended by striking out "section 603" and inserting in lieu thereof "title VIII".

TECHNICAL AMENDMENTS

SEC. 9. The Economic Opportunity Act of 1964 is amended as follows—

(1) Title I of such Act is amended by inserting immediately before section 110 a heading for that section to read "YOUTH CONSERVATION CORPS";

(2) Title II of such Act is amended by redesignating section 219 of part C as section 219–1; and

(3) Section 213(a) of such Act is amended by striking out "this section" and inserting in lieu thereof "section 214".

HIGHER EDUCATION ACT OF 1965—MORATORIUM ON STUDENT LOANS TO VISTA VOLUNTEERS

SEC. 10. (a) Paragraph 2(c) of section 427(a) of the Higher Education Act of 1965 (Public Law 89–329, 79 Stat. 1239) is amended by (A) striking out "or" before "(iii)" and (B) inserting immediately after the phrase "Peace Corps Act," the following: "or (iv) not in excess of three years during which the borrower is in service as a volunteer under title VIII of the Economic Opportunity Act of 1964,".

(b) The amendments made by this section shall not apply to any loan outstanding on the effective date of this Act without the consent of the then obligee institution.

The memorandum presented by Mr. CLARK is as follows:

EXPLANATION OF ECONOMIC OPPORTUNITY AMENDMENTS OF 1966

Section 1. Short title: This section provides that the act may be cited as the "Economic Opportunity Amendments of 1966."

Section 2. Authorizations and financing: (a) This subsection authorizes a fiscal year 1967 appropriation of $1,750 million for programs under the Economic Opportunity Act. This appropriation would be used for all programs under the act except the college work-study program which is administered by the Office of Education as part of the program of student assistance provided under the Higher Education Act of 1965. Also, in the case of the title IV small business loan program, the authorization would cover only funds needed for screening, counseling, and similar services provided by small business development centers. Funds for making loans and for Small Business Administration administrative costs are not included, since these would be provided through the SBA revolving fund, as authorized by section 404 of the Economic Opportunity Act.

The total sum authorized would be subject to specific title limitations, as contemplated by the Economic Opportunity Act. The authorization would be included in one brief subsection of the bill, rather than in a variety of amendments to the individual titles of the Economic Opportunity Act. This format is designed so that the authorizing legislation will present a clearer and more concise picture of the total amount authorized and the manner it is contemplated that the funds will be employed.

Specifically, the authorization provided by the bill would permit the following appropriation and program levels during the fiscal year 1967:

Five hundred and thirty-three million dollars for title I programs to permit an anticipated capacity for 45,000 youths in the Job Corps and jobs for 354,000 youths in the Neighborhood Youth Corps.

Nine hundred and forty-four million dollars for title II programs, to sustain community action programs in more than 900 communities, Headstart programs for 700,000 children, and adult basic education programs for 75,000 participants.

Sixty-five million dollars for title III programs. This sum will be used to support a greatly expanded program of assistance to migrant workers and their families, and provide loans to 15,000 low-income rural families and 400 local cooperative associations.

Five million dollars for title IV small business loan program. This will be used to provide screening, counseling, management guidance or similar assistance through 120 small business development centers in 70 areas.

One hundred and sixty million dollars for title V work experience programs serving 105,000 participants.

Twenty-six million dollars for VISTA (under a new title VIII which the bill would add to the Economic Opportunity Act) to support a program with 4,500 volunteers.

Seventeen million dollars for general direction and administration of the War on Poverty pursuant to title VI.

(b) This subsection extends the duration or term of the various programs under the Economic Opportunity Act until June 30, 1970. This means that each program would have a 5-year term, beginning with its first full year of operation. The change would facilitate long-range program planning. It would not, however, affect congressional control over annual program levels, since specific authorizations, as well as appropriations, would still be necessary for each fiscal year.

(c) This subsection extends for 1 year authority to provide Federal assistance to work-training, community action and adult basic education programs at a basic level of 90 percent of program costs. The act now provides for a reduction of assistance to 50 percent of program costs. This reduction would begin to affect some programs in the fiscal year 1967, since assistance granted during that year may extend to activities carried on during the following fiscal year when the reduction will become effective. It is now clear that a 50-percent level of support would be too low and would drastically impair the capacity of States, communities, and local agencies to carry on projects already initiated. A further analysis of each program is being made to determine the administrative actions and specific statutory amendments needed to assure that the required commitment of non-Federal resources will be as meaningful as possible consistent with the varying fiscal capacities and needs of different States and communities.

Section 3. Criteria for community action programs: This section would provide the Director with more specific authority to prescribe and enforce requirements for local community action programs on matters relating to fiscal procedures, evaluation and audit, preclusion of partisan political activities, and personnel standards that are basic to the success of those programs.

Section 4. Community action personnel assistance: This section expands authority to provide technical assistance by permitting special assignments of Federal personnel to local community action or State technical assistance agencies. Some communities, particularly in low-income rural areas, have a need for guidance and technical expertise that cannot be met through normal avenues of advice or brief visits of Federal or State technical assistance personnel. The amendment would permit highly qualified persons to work with some of these communities having especially difficult problems over more extended periods, while retaining their regular employment status. No more than 100 persons could be hired for this purpose or could be on special assignment at any one time, and no such assignment could be for more than 2 years.

Section 5. Adult basic education—State plan criteria and project grants: (a) This subsection amends section 212 of the Economic Opportunity Act to clarify the educational deficiencies at which adult basic education programs may be directed. At present, section 212 refers specifically only to inability to read or write the English language. The amendment would make it clear that programs may also include adult education in similar basic skills, such as simple arithmetic and speech.

(b) This subsection clarifies and strengthens the criteria for approval of State plans.

The statute now contains little in the way of qualitative or substantive criteria for these plans. If the program is to be maintained in its present basic structure, a better statutory focus is needed, with emphasis on effectiveness in serving low-income persons and coordination with related programs. These objectives are related in that programs will typically be best when the par-

ticipants can see that basic education is tied to other activities or assistance, such as employment counseling or job training, which give promise of an immediate, tangible impact on their lives. The new criteria would require specific priorities governing the distribution of funds and effective procedures for assuring coordination, at State and local levels, with agencies concerned with problems of poverty, employment, and health. They would also require attention to the special problems of teaching the educationally and economically disadvantaged, and regular or periodic evaluation.

(c) This subsection makes certain amendments in the provisions relating to the reallotment of funds in order to provide somewhat increased flexibility in the use of funds not required for carrying out State plans. It would permit use of these funds in certain cases for special project grants or their reallocation or transfer for use in connection with other programs under the Economic Opportunity Act subject to applicable appropriation and authorization limitations.

(d) This subsection authorizes a limited use of adult basic education funds for special project grants. These could be made directly to local educational agencies or other public or nonprofit agencies. They are designed to encourage particularly innovative programs such as may have national significance. They are also designed to encourage and facilitate projects involving cooperative arrangements, as with agencies conducting community action, employment or training programs, which hold unusual promise in promoting a comprehensive or coordinated approach to the problems of low-income people with basic educational deficiencies. State educational agencies would be afforded an opportunity to review and comment upon all such grants before they are made, as would the appropriate local educational agencies in cases where grants are not proposed to be made to such agencies.

Twenty-five percent of the funds appropriated or allocated for the adult basic education program could be reserved for special project grants and for the training of adult basic education teachers or instructors. Additional funds for project grants may also be made available in some cases by virtue of the amendments in subsection (c) to provisions governing reallotments.

Section 6. Rural loans: Under this section, the individual loan limit on rural loans would be raised from $2,500 to $3,500 and small farmers and other qualified low-income rural residents would be permitted to obtain credit under the program so long as their outstanding indebtedness does not exceed this amount.

Applications for individual rural loans must now be rejected if it is obvious $2,500 will not be adequate either to finance initial operations or permit an enterprise to be established on a profitable basis. The present loan limit of $2,500 also prevents the extending of additional financing which could strengthen small enterprises in the critical first year or two of development. The amendment would be particularly helpful in enabling the individual loan program to serve more effectively the rural nonfarm poor, who make up the majority of the rural poverty population.

Section 7: Grant support, small business loan program: This section provides direct funding under title IV for public or nonprofit agencies, principally small business development centers, to enable such agencies to provide screening, counseling, management guidance or similar assistance in connection with small business loans. Funds for this purpose have been provided in the past through grants under the community action program. While the amendment will permit separate financing under title IV, coordination with community action agencies will be maintained.

Section 8. VISTA—New title VIII: This section creates a new title VIII for VISTA. At present, while VISTA is a distinct and separate program in the war on poverty, authority for it is contained in a section of the title for administration, and coordination. This amendment recognizes the status of VISTA as a separate program, and clarifies the significant role with which VISTA is charged. A new section 801 declares VISTA's purpose is to enable individuals to participate personally in the war on poverty and to stimulate, develop and coordinate programs of volunteer training and service through which persons will be encouraged to combat poverty in their home communities.

Two changes are made in the substance of the VISTA authority. The new section 803 authorizes the Director to pay a stipend not to exceed $100 a month to volunteer leaders designated in accordance with standards prescribed by the Director. At present, the maximum stipend for all volunteers is $50 a month. This increase in stipend for volunteer leaders is similar to that provided for persons in similar positions in the Peace Corps. It is designed to recognize the experience, outstanding ability, and responsibility of volunteers on whom extra burdens of leadership are placed. Normally only those persons who have completed at least 1 year's service will be eligible. These leaders are not expected to be greater in number than 1 in 25 volunteers.

The second change is contained in the new section 805, which provides for special volunteer programs in furtherance of the purposes of the title. This section would authorize or facilitate new programs of volunteer service that build upon the experience of the present VISTA program. These could include special programs for low-income persons, programs for qualified persons who cannot commit themselves to the 1-year term of service usually required for VISTA volunteers, and programs for qualified persons for whom the experience, supervision, and training available in special VISTA programs will serve as valuable preparation for further work in the field of volunteer service. Not more than 15 percent of sums appropriated or allocated to carry out the purposes of title VIII would be available to carry out special programs under this section.

Section 9. Technical amendments: This section contains several technical amendments which do not affect the substance of the existing authority.

Section 10. Higher Education Act of 1965—Moratorium on student loans to VISTA volunteers: This section extends to VISTA volunteers while they are in service the moratorium on repayment of loans under the Higher Education Act of 1965 (Public Law 89-329, 79 Stat. 1239) which that act provides for full-time students, members of the Armed Forces of the United States and Peace Corps volunteers. A comparable moratorium on repayment of loans under the National Defense Education Act was extended to VISTA volunteers by the 1965 amendments to the Economic Opportunity Act.

COMPENSATION TO SURVIVORS OF LOCAL LAW ENFORCEMENT OFFICERS KILLED WHILE APPREHENDING PERSONS COMMITTING FEDERAL CRIMES

Mr. CLARK. Mr. President, the job of the local police officer is often a thankless and unrewarding one, so much so that it is difficult to convince good men to seek a career in local law enforcement. Recent television documentaries have depicted policemen as fighting a losing battle, not only against the increased incidence of crime, but often also against local public opinion.

I send to the desk, for appropriate reference, with the cosponsorship of my colleague from Pennsylvania [Mr. SCOTT], a bill dealing with this problem, to provide compensation to survivors of local law enforcement officers killed while apprehending persons committing Federal crimes.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3165) to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes introduced by Mr. CLARK (for himself and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on the Judiciary.

REMEDIAL LEGISLATION NEEDED TO END CRUEL TRAFFIC IN PETS—DOGS AND CATS—BY CRUEL AND UNSCRUPULOUS PERSONS

Mr. YOUNG of Ohio. Mr. President, I introduce, for appropriate reference, a bill which would prohibit the sale of stolen dogs or cats or other pets transported in interstate commerce. This proposal, amending 18 U.S.C. 2317, would make it a felony to knowingly sell, receive, or buy stolen dogs or cats so transported. It would subject offenders if proved guilty to a heavy penalty of a fine of up to $5,000, imprisonment for a maximum of 5 years, or both.

The proposed legislation is necessary to prevent unscrupulous operators who are greedily taking advantage of the rapidly growing demand for animals required for laboratory research and for medical experimentation.

It has been estimated that institutions in which medical research is performed—colleges, universities, hospitals, and other public and private organizations—now require almost 2 million dogs alone each year. Because of this tremendous demand the price of dogs and other animals used in research has increased rapidly. In 1965 alone, hospitals and research facilities receiving Federal money spent between $30 and $50 million to purchase dogs and cats. This, in addition to those facilities not receiving Federal assistance.

Supplying dogs and cats to research institutions has become a big business. It has become profitable for brutal, callous, inhumane operators to steal or lure pets away from their homes. It has been reliably estimated that over 65 percent of all pets reported as missing have been taken by "dognappers," so-called, who sell them to dealers. Who knows how many family pets, loved by children and adding to the happiness of families, have been taken when they strayed from their yards. Many a lost dog or cat which some child loved and which some family cherished is now probably starving to death in some animal concentration camp.

Mr. President, I am sad to say that deplorable as the stealing of pets may be, that is not the worst of it. In cutting maintenance costs to increase profits,

many dealers treat these animals with indescribable brutality prior to their sale and delivery to research centers. They are literally piled on top of each other in small enclosures. The condition of their confinement leads to wholesale starvation, death, maiming, and disease. Details of atrocities perpetrated by unscrupulous dealers are too distgusting to describe.

Recently, Life magazine, in its February 4 edition, exposed in a shocking article entitled "Concentration Camps for Dogs" the horrible conditions to which dogs, cats, and other animals are condemned prior to their sale for research in experimental laboratories.

Yesterday, Mr. President, the Scripps-Howard newspapers of this Nation published an article, as follows:

WRITER TELLS OF HORRORS AT STOLEN DOG AUCTION

WASHINGTON.—Grim-faced U.S. Senators listened in revulsion to a vivid description of the horrors suffered by animals at a Mississippi dog auction.

The Senators, members of the Commerce *Committee*, are considering legislation to halt the interstate traffic of stolen dogs and cats and to bring about humane treatment of animals sold for medical research.

Here's part of what Miss Kay Pittman, a reporter for the Memphis Press Scimitar, a Scripps-Howard newspaper, told them she saw at a dog sale March 7 in Ripley, Miss.

"One car trunk, completely unventilated, held about 20 dogs. Some were big dogs, like Collies, and they were crammed and bent double.

"Out of such a trunk I saw a magnificent-looking Collie with a shiny coat and thoroughbred lines come out. A child walked by and patted the dog on the head. The Collie leaped to run after the child.

"That's when a rope attached to a long steel prodding bar was tightened to the strangulation point around the Collie's neck, jerking the dog upward. His tongue hung out, and the dog made gagging noises.

"Then the steel bar came down hard on the dog's nose and blood spurted from the wound. The dog was sold for $5 to a dealer.

"Cats and puppies were brought to the dealers in big burlap sacks that were tied at the top. They were dumped on the ground."

Miss Pittman told how she saw State tags taken off dogs; how nearly all the dogs had some sign of blood on them; how they were stuffed into trucks and cars to travel hundreds of miles without food or water.

R. T. Philips, director of the Denver-based American Humane Society, said dognapers move so quickly in spiriting their animals across county and then State lines, that it is almost impossible to move quickly enough to establish larceny before the dogs have been taken into another jurisdiction.

In western Pennsylvania recently, he said, authorities found an abandoned truck containing 75 dogs and cats, most probably stolen. Twenty were dead and the survivors were eating the carcasses.

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

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, I am cosponsor of a bill introduced by the senior Senator from Pennsylvania [Mr. CLARK] which provides for the humane treatment of animals and the humane design of experiments. It is not an antivivisection measure. It legislates only against unnecessary cruelty in experiments for research purposes.

However, additional legislation is needed to discourage and prevent the theft of family pets—cats and dogs—for this horrible trade. Legislation is already on the books making it a crime to buy, sell, or dispose of stolen cattle in interstate commerce. My bill would expand this provision to include cats and dogs. Surely families with pets are entitled to the same protection as cattle dealers.

Mr. President, my record in support of medical research and education speaks for itself. I would not introduce or support any measure to outlaw or curtail research which is responsibly and humanely conducted.

However, needless suffering and wanton theft does nothing to advance science or human welfare, and a nation as idealistic in tradition and as great in resources as ours must not condone this cruelty and must not condone the theft of pets which is encouraged by the greatly increasing market for experimental animals.

Mr. President, the enactment of legislation to prevent the use of stolen animals for research purposes and to provide for the humane treatment for those animals legitimately used for such purposes is absolutely necessary. Such humane legislation will in no way deter the advance of medical science. To the contrary, it will eliminate needless brutality and condonation of theft in one of mankind's highest callings.

I ask unanimous consent that the text of the bill be embodied in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3167) to amend title 18, United States Code, in order to prohibit the sale or receipt of any stolen dog or cat which has been transported in interstate commerce, and for other purposes: introduced by Mr. YOUNG of Ohio, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2317 of title 18, United States Code, is amended by inserting "or any dog or cat" immediately after "cattle".

SEC. 2. Section 2311 of such title is amended by—

(1) inserting immediately after the definition of aircraft a new paragraph as follows:

" 'Cat' means any live domestic cat (Felis catus);"; and

(2) inserting immediately after the definition of cattle a new paragraph as follows:

" 'Dog' means any live dog of the species Canis familiaris;".

SEC. 3. The table of sections at the beginning of chapter 113 of such title is amended by striking out "2317. Sale or receipt of cattle." and inserting in lieu thereof "2317. Sale or receipt of cattle, dogs, and cats.".

NATIONAL EYE INSTITUTE

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of a National Eye Institute in the National Institutes of Health.

I realize that one of the institutes already established at the National Institutes of Health—the Institute of Neurological Diseases and Blindness—is devoting part of its time and resources to research on diseases of the eye. However, blindness is such a scourge that it deserves an institute entirely devoted to searching out its causes and their cure. We need one great center in this country whose emphasis and scientific personnel are directed in only one channel—to the control of eye defects, eye diseases, and blindness.

Even though we consider ourselves—in these mid-1960's—as living in an era of scientific discovery and medical achievement, more than 10 million people throughout the world are totally blind. In our own Nation, more than 1 million Americans are functionally blind—which means that they cannot read a newspaper, even with the aid of the best lenses science can provide. Many others are blind in one eye, or have other serious eye defects.

I feel that we must direct a massive and unrelenting drive on blindness, and that the establishment of a National Eye Institute at the greatest research center in the world is the first step to take in this drive.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3168) to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXTENSION OF DEPENDENTS MEDICAL PROGRAM TO CERTAIN DEPENDENTS OF THE UNIFORMED SERVICES

Mr. KENNEDY of New York. Mr. President, I introduce, for appropriate reference, a bill to authorize an extension of the dependents medical care program to cover the care of mentally retarded, mentally ill, and physically handicapped dependents of members of the uniformed services; and to amend the Social Security Act to require that services provided by States pursuant to the maternal and child health services and the crippled children provisions of that act not be denied on grounds of residency to children and spouses of members of the uniformed services.

The bill is designed to fill some major gaps which exist in the medical care provided for the dependents of men in the uniformed services. In my preparation of this legislation I have been particularly appreciative of the work of Margo Cohn who has put together a great deal of information on this subject.

I know that every Member of the Senate is aware of, and concerned about, the

tragic effects of mental retardation and mental illness generally. I invite the Senate's attention to the particularly tragic circumstances involved when the dependent of a man on active duty with the uniformed services is so afflicted.

I have been concerned about this problem for some time. In 1964, while I was Attorney General, I received a letter from an Army colonel who explained the difficulties he had had in finding adequate care for his retarded son. The Army's medical care program did not provide for such treatment, and the colonel had at first been unable to place his son in a State institution because he was not then a resident of the State where he was stationed. He had later placed his son in a private facility, but only at burdensome expense. He would undoubtedly have been unable to afford that course had he been an enlisted man or even an officer of a lower rank.

I sent the colonel's letter to Secretary McNamara, and received a reply which showed that we had indeed touched upon a most difficult situation. A memorandum which he attached to his reply showed that retarded children of servicemen were not being cared for adequately, but that efforts were being made to remedy the problem.

The matter came to my attention again in early 1965 when I received a letter from a specialist fifth class in the U.S. Army. This specialist had 3 children at the time; a 5-year-old boy, a 3-year-old girl, and a severely retarded, nonambulatory 2-year-old girl. The youngest was hospitalized at that time in Alabama at a cost of $125 per month. A specialist fifth class makes a base pay of $318 per month. The soldier had to declare bankruptcy. He had 14 years of service in the Army, and a hardship discharge was not the answer for him. I have subsequently been in correspondence with this man, and at the present time he is on a 1-year period of compassionate reassignment from Europe to a base in the United States. But this is only a temporary solution. What will he do when his year is up and he is eligible for overseas assignment with no foreseeable solution for his retarded daughter? His desperate letter seeking assistance, as well as dozens of other letters I have received describing similar situations, prompted me to take a long, hard look at the entire problem.

I wrote to Secretary McNamara again in September 1965, to ascertain the current status of the problem and to suggest that the Department of Defense consider trying to deal with it through expansion of existing military medical facilities. The Secretary's thoughtful reply stated that the Department had concluded to seek legislation to broaden the dependents' medical care program to provide care for mentally retarded military dependents in civilian and State institutions.

On March 10, 1966, Secretary McNamara wrote to me again, enclosing the Department's proposed legislation, which is now before the House of Representatives. I am told that these proposals are an outgrowth to some extent of my correspondence with Secretary McNamara. I believe, therefore, that this correspondence is of interest to the Senate, and I ask unanimous consent, Mr. President, that it be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY of New York. The Department's proposed legislation has now been combined into an omnibus bill, H.R. 14088, to broaden the Dependents' Medical Care Act. That bill also deals with such matters as health benefits for retarded members of the uniformed services and their dependents and more adequate outpatient care for dependents of a person on active duty. I support these other aspects of H.R. 14088, but, because of my longstanding interest in the problems of the handicapped, I have singled out the portion of the legislation which deals with those problems for special study since Secretary McNamara wrote to me on March 10.

The bill I am introducing today is based on the draft which the Secretary sent me 3 weeks ago, but it differs from the Department of Defense proposals in a number of critically important respects, which I shall come back to in a few moments. First, let me describe the magnitude of the problem in somewhat greater detail.

The President's Panel on Mental Retardation estimated that there are 75,000 mentally retarded children of servicemen who present special problems and require special facilities. This number includes those who can be helped with special education classes and occasional training by therapists. But it also includes the profoundly and severely retarded—those children who are noneducable and often nontrainable. Frequently physical deformities and handicaps accompany these cases of severe retardation.

A special survey conducted by the Department of Defense in 1964 translated the figures into human terms, with hundreds of case histories of service families with severely or profoundly retarded children. For these children institutional care is the only answer, yet it is rarely possible at the present time. For the others, the children who are less severely retarded, there could be hope, but without the necessary special training and education, they will be destined to live an unhappy, dependent existence. And even this special care is rarely possible at present for the child of a serviceman.

Three cases demonstrate the magnitude of the problem.

An airman first class has a profoundly retarded girl of four. The child is deaf, born with three ribs missing; her head and face are deformed; she has been recommended for institutional care. But her family has been unable to obtain State institutionalization or afford private institutionalization, and she lives at home with the four other children of the airman.

An Army enlisted man making about $500 a month has a girl of 3½. Her IQ is unknown; she was born with a palate and growth defect; she has a defective leg and no balance; she has no speech and requires special speech training. This child cannot take care of her normal body functions and has been recommended for institutional care. But the cost of this care is beyond the means of her father, who has four other children as well.

A staff sergeant in the Army has a 7-year-old boy, profoundly retarded, IQ below 20, semiambulatory, living at home. The sergeant has investigated institutions in 36 States, but nothing is available.

And so these and hundreds more like them remain in the home. And when the father is assigned to an overseas base—in Korea, the Dominican Republic, Vietnam, where he cannot take his family—the problem is magnified even more.

Legislation has been passed by Congress to provide money to the States to help care for the mentally ill and retarded and to help retrain the handicapped. As a nation we try to insure that each individual receives the full measure of medical and psychological care and therapeutic assistance that is available today. However, in the area of service dependents, we have failed to meet and cope with the problems of retardation, mental illness, and physical handicaps.

To attempt to handle the retarded child at home, with no help by way of special training and education, stagnates what potential the child possesses and destroys any semblance of normal family life. Normal brothers and sisters may well suffer and become confused in this family situation. The physically handicapped child will only become more disabled and dependent without special rehabilitation. And lack of care for the mentally ill can bring problems in that area to a critical stage very quickly.

Unfortunately, public assistance in all of these areas is frequently not available to the dependents of our men in the uniformed services. The child or wife of the serviceman often does not qualify for the assistance offered by the city or State due to the serviceman's frequent change of domicile. And the cost of private care is prohibitively high for the serviceman, whose pay scale was never gaged to cover such medical expenses.

The Dependents Medical Care Act, Public Law 84–569, which was passed by Congress in 1956, made health care benefits available to dependents of uniformed services personnel. Most medical care for the wives and children of men in the service is provided by the military dispensaries and hospitals operated at various locations throughout the United States. These facilities provide what would be considered the normal range of medical services. In most cases they do not have psychologists or psychiatrists or special therapists trained to work with the severely handicapped. And these dispensaries and hospitals do not provide institutional care for the mentally ill or retarded who need constant attention.

Military personnel living in areas where there are no service medical facilities were authorized by the 1956 law

to use private or public medical facilities and receive partial compensation by the Department of Defense, However, the costs of care for the mentally retarded or mentally ill and the physically handicapped were not included under the 1956 law. As a result, servicemen have been forced to turn at their own expense to other public and to private facilities to meet their needs.

The benefits provided under the military health legislation have remained frozen at the 1956 level. But the world has changed. Medical knowledge, special education and rehabilitation techniques have advanced since 1956. We must advance in the area of legislative action to apply this new knowledge to the dependents of our servicemen.

As a result of the gap which exists in our medical care program, all too frequently men with 10, 12, 14 years of honorable service to their country are forced to leave the Armed Forces in order to provide for their families. This is not only unfair to the men and families involved, but a great loss to the Nation as a whole.

This is as true when the wife or child of a man in uniform requires psychiatric or psychological care as it is when the problem is that of a mentally retarded child. It is particularly damaging to the individual with mental problems not to receive immediate professional care. Without this care the condition may well worsen or become permanent. The same lack of military facilities and high cost of private aid plague the family seeking treatment for a mentally ill member.

When a serviceman's wife is afflicted with mental illness, this lack of assistance may lead to the breakup of a family. In a case that recently came to my attention, a mother of five children was suffering intermittent attacks of schizophrenia that required outpatient care and occasional short periods of treatment in an institution. The cost of this care was placing a severe financial and emotional drain on the family. This occurred while the husband was fighting in Vietnam. This type of care is small thanks for his service to us.

Another area of care that has been neglected is that of aid for the physically handicapped. With proper care, children who are born with deformities can be fitted with the necessary equipment and trained in their use so that they can live relatively normal lives. Surgical correction of structural defects and of a cosmetic nature can in many cases prevent the child from withdrawing from society if performed early enough. Although some of our military hospitals provide this service, most do not. If the physically handicapped children of our servicemen are to receive the necessary medical and therapeutic attention, the Federal Government must provide it.

All of these problems are in areas which have heretofore been neglected. The measure I am introducing today is designed to meet these problems.

The first portion of my bill authorizes a program of special care for the mentally ill and retarded and physically handicapped spouses and children of the men in our uniformed services. This assistance is to be included as a part of the program of medical care provided outside of the regular dispensary and military hospital service and administered by the dependents medical care program.

Under this program, the following are authorized: diagnosis; inpatient, outpatient, and home treatment; training, rehabilitation and special education; and institutional care in private nonprofit, public, and State institutions and facilities. The member of the uniformed service would pay a portion of the expense incurred.

The second portion of my bill amends the Social Security Act to require that residency requirements for service families be removed from State plans for certain types of maternal and child health services and for care of crippled children. This amendment would require that States receiving Federal funds for these types of care not discriminate against the families of men in the uniformed services, and would reimburse the States on a 100-percent basis for the care they so provide.

As I stated earlier, the bill is based upon legislation which has been introduced by the administration in the House of Representatives. But, as I also stated, my bill differs from the Department of Defense proposals in a number of critically important respects:

First. It covers mental illness as well as mental retardation and physical handicaps. The administration's proposal does not cover mental illness. As I have explained above, I believe this coverage is a necessary part of any humane and adequate medical care program.

Second. My proposal would extend the care provided to spouses of members of the uniformed services. This coverage is, of course, more important for mental illness and physical handicaps than it is for mental retardation, but that is important enough. I believe the failure of the administration's bill to cover spouses should be remedied.

Third. My bill covers mental retardation generally, instead of only the moderately, or severely retarded. Assistant Secretary of Defense Thomas Morris, testifying before the House Armed Services Committee, stated that the Defense Department proposal would cover approximately 7,000 mentally retarded children. In addition, he classified some 20,000 children with emotional disabilities and 10,000 with major learning difficulties as physically handicapped, and therefore also covered by the administration bill. These children are perhaps mentally retarded in the broad sense contemplated by my proposals, but they would still bring the total covered to only 37,000. and, as I stated, the President's Panel on Mental Retardation has estimated that there are 75,000 mentally retarded children of servicemen who need special care. My proposal would meet this need. The nature of the care and the facilities to be made available, depending on the degree of retardation, can be provided for by the Secretaries of Defense and Health, Education, and Welfare in the joint regulations which my bill contemplates.

Fourth. The bill I introduce today covers the physically handicapped generally, instead of just dependents with "serious" physical handicaps. Again, the nature of the care to be provided for, differing degrees of handicap can be decided by the joint regulations which the bill contemplates.

Fifth. My proposal specifically authorizes the providing of prosthetic appliances and devices for the physically handicapped.

Sixth. My bill broadens the dependent's medical care program to provide well-baby care for the first year after childbirth up to a total of 12 visits. The Defense Department's bill does not so provide, and this is most important for the early identification and treatment of mental retardation and physical handicaps.

Seventh. My bill provides a flat $25 per month ceiling on the amount which any member of the uniformed services would have to pay for the treatment and care authorized therein. In my judgment, the graduated scale of payments which the administration's bill provides creates undue administrative difficulties without sufficient corresponding financial benefit to the Government. Only 10 percent of the personnel who would be covered by this legislation are even officers and a relative handful receive a monthly pay which is high enough to make them subject to the full $250 monthly payment which is contemplated by the administration's bill. A flat $25 a month contribution from the serviceman will be administratively more convenient and not significantly costlier.

Eighth. My bill requires, as does the administration's bill, that public facilities are to be used if they are available. It makes clear what I believe the administration's bill implies—that private facilities can be used when public facilities are unavailable and that administrative supervision of the choice of private facilities in those circumstances will be exercised under the joint regulations to be promulgated by the Secretaries of Defense and Health, Education, and Welfare. In addition, my bill contemplates that a member of the uniformed services may choose to use private facilities even when public facilities are available, provided that in those circumstances the United States will only contribute an amount equal to the average cost of similar care in a public facility.

Ninth. My bill requires that certain programs which are federally aided under the Social Security Act be made available to military dependents without regard to residence requirements. This requirement would be applicable to the maternal and child health services and the crippled children's programs under the Social Security Act. To obviate any administrative difficulties which the requirements of service to nonresidents might cause for the States, my bill contemplates that the States will receive 100-percent reimbursement for taking care of military dependents instead of the aid on a matching basis which they receive under the rest of the programs

under sections 503 and 513 of the Social Security Act.

Tenth. My bill would become applicable on January 1, 1967, instead of July 1, 1967. I see no administrative reason why this aid cannot be made available at the earliest possible date.

It is inconceivable in a society which strives to aid the mentally retarded, and in a time when the utmost is demanded of our men in uniform, that these families can be left to their own devices in seeking a solution to such heart-rending problems. This measure, while not a total solution, is another step forward in our continuing efforts to deal effectively with the problems of mental and physical handicaps.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 20, 1964.

The Honorable ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing herewith correspondence which I have received from Lt. Col. William D. Proctor, who has a noneducable retarded child. It appears that Colonel Proctor and other career servicemen encounter difficulties in establishing residence in order to obtain adequate care for these children.

If this comes within your jurisdiction, I would greatly appreciate your having someone look into the situation facing these families in an effort to find some solution or assistance for them and for the children.

Sincerely,

ROBERT F. KENNEDY.

FORT RUCKER, ALA.,
July 9, 1964.

The Honorable ROBERT F. KENNEDY,
The Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am enclosing a letter which I sent to the Secretary, Department of Health, Education, and Welfare. I believe the letter is self-explanatory.

Your assistance in developing a program similar to that outlined in the attached letter would be greatly appreciated.

Sincerely yours,

WILLIAM D. PROCTOR,
Lieutenant Colonel, Infantry.

FORT RUCKER, ALA.,
July 9, 1964.

The Honorable ANTHONY J. CELEBREZZE,
The Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: This letter is written in the hope that you might take necessary action leading to the long-range solution of a most difficult problem. As a professional Army officer and the father of a noneducationable retarded child, I have been keenly aware of the problems facing personnel in my category over the past several years.

I do not have statistical data as to the number of career Armed Forces personnel who have retarded children; however, the numerous cases coming to my attention at various stations of assignment in the United States and overseas would indicate a rather large number.

In 1958 I attempted to place my son in an institution for mentally retarded children in the State of Georgia. Due to his age at the time, (6), I could not, in good conscience, pursue this course of action. I was fortunate in locating a private nursing home where, although quite expensive, I was able to place my son. He has been in this nursing home for the past 6 years.

Recognizing that I will not be in a position to continue this payment either after retirement or certainly after my death, it is essential that some long-range solution be found, not only for me but for the thousands of others in the same predicament. In my case, I reapplied for my son's admission to the Georgia institution since I am categorized as a legal resident of Georgia. The attached letter received by me indicates that admission of my son to the institution is far from assured. Even though I am a legal resident of Georgia, it is doubtful that the permanent solution to my problem is the Georgia institution.

Numerous other officers and career enlisted men find it almost impossible to obtain admission of their children to State institutions, in that establishment of legal residence in any particular State is, of course, subject to the stability of military assignment as well as the governing rules, regulations, and laws of the State concerned.

It occurred to me that a major step forward in the program to assist the mentally retarded could well involve the establishment of dispersed institutions for the care of mentally retarded children of Armed Forces personnel. This would appear feasible in that these personnel find it difficult to establish legal residence and to be accepted as bona fide residents as regards the admission of their children to State institutions. Since these children, as dependents of military personnel, are entitled to medical treatment by Armed Forces doctors and since there does exist military installations with unused land, it occurred to me that the establishment of such a program could possibly involve the creation of these institutions on existing military installations operated by the Department of Health, Education, and Welfare. The medical aspect might well be solved by utilization of military doctors and facilities. The implementation of such a program is recognized as a complicated problem; however, it appears to me that by implementing such a program, the Government would (1) assist in solving a most difficult problem for career Armed Forces personnel, and (2) demonstrate in a dramatic manner the concern of the Government for this very real and currently unsolved problem affecting thousands of the career Armed Forces personnel.

I am enclosing, in addition to the letter I received from Gracewood State School and Hospital, a letter received by a friend of mine faced with the same problem. This second letter emphatically points out the difficulty of many career soldiers in establishing State residence for the purpose of obtaining care for the mentally retarded child.

I apologize for such a rambling letter and hope that you might see fit to investigate the feasibility of establishing such a program as outlined above.

Sincerely,

WILLIAM D. PROCTOR,
Lieutenant Colonel, Infantry.

STATE OF GEORGIA, GRACEWOOD STATE SCHOOL AND HOSPITAL,
Gracewood, Ga., May 6, 1964.

Lt. Col. WILLIAM D. PROCTOR,
Fort Rucker, Ala.

DEAR COLONEL PROCTOR: This is in reply to your letter of April 20 concerning the application for the admission of your son, David. We regret to advise that there is still some uncertainty regarding the likely opening date of the new institution planned for the Atlanta area. While it is hoped that some nonambulatory cases may be admitted in early 1967, we simply cannot advise you as yet how soon there might possibly be a vacancy for your son. We assume, however, that the waiting list situation will continue to be a problem and will necessitate priority being given to those families who are experiencing the most severe problems in managing their children at home.

You did not indicate in your letter whether you are still interested in placement for your son at Gracewood, but it is our unhappy task to advise you that our critical shortage of bedspace and long waiting list of urgent cases would make it impossible for us to plan admission for your son within the near future in any case. In the meantime, if you have any question about his degree of retardation, and there has been no recent psychological testing, we would be glad to provide this service on an outpatient basis if arrangements could conveniently be made to bring him here. Since David has doubtless grown and progressed greatly in many areas since the original application was submitted, we are enclosing a new application form which should be completed and returned to us prior to either an outpatient evaluation or active planning toward admission. If you decide to postpone both further evaluation and admission planning until 1967, we would suggest that you delay submitting the new application until late 1966 so that the information will be even more up to date. If you feel that we can be of any service to you and David on an outpatient basis in the meantime, please advise us at your convenience.

Sincerely,

JOSEPH S. HOUSTON, M.D.,
Director, Evaluation and Rehabilitation Center.
NORMAN B. PURSLEY, M.D.,
Superintendent.

BOARD OF COMMISSIONERS OF STATE INSTITUTIONS,
Gainesville, Fla., May 18, 1964.

Mrs. M. H. PARSON,
Fort Rucker, Ala.

DEAR MRS. PARSON: We have your letter of May 12, 1964, telling us that you have had favorable reports concerning our center through Mr. Gonzalez, who has a daughter with us. We appreciate, very much, the kind comments Mr. Gonzalez may have made.

To supply you with general information concerning Sunland Training Center at Gainesville, I am enclosing one of our brochures, but I shall also try to answer your specific questions.

With reference to visiting Sunland, we would be very happy to have you come anyday Monday through Friday of any week, between the hours of 9 to 11 a.m. or 2 to 4 p.m. We are not in a position to take visitors through over the weekend or on holidays.

With reference to our waiting list, we have slightly more than 400 on our list here at the present time, and the other Sunland Training Centers in the State also have rather lengthy waiting lists. Because of this there is naturally a waiting period in most every instance before an applicant can be accepted.

Legal residence in the State is a definite requirement. It is not my feeling that simply owning property in Florida qualifies one for real legal residence. We have always construed legal residence to mean having actually lived in the State of Florida for at least 12 consecutive months and also that the person interested would have the intention of continuing to make Florida his home.

I personally feel you are to be commended to continue caring for your child as long as you can, however, I feel you are wise to be thinking ahead to a day when you may need help from an institution. I believe that it would be helpful to you if you could plan to visit us here at some convenient time and I hope that you may find this possible. If there is anything further we can do to give you information you need, please let us know.

Sincerely,

R. C. PHILIPS,
Superintendent.

THE SECRETARY OF DEFENSE,
Washington, August 5, 1964.

Hon. ROBERT F. KENNEDY,
Attorney General,
Washington, D.C.

DEAR BOB: This is in reply to your letter of July 20, 1964, enclosing correspondence from Lt. Col. William D. Proctor, father of a noneducable retarded child.

You may be interested in the attached memorandum, which summarizes our activities in this difficult area. If any thoughts or ideas occur to you as to how this program might be improved, I would be happy to have them. I can assure you that this is a matter in which I am personally interested.

Sincerely,

BOB.

PROPOSED PROGRAM FOR MENTALLY RETARDED CHILDREN OF MILITARY PERSONNEL

Early in 1963, Norman S. Paul, Assistant Secretary of Defense (Manpower), appointed a senior staff man in his office with considerable background in this field to act as liaison between Defense Department and Dr. Warren, special assistant to the President. Dr. Warren was appointed to implement the recommendations of the President's Panel on Mental Retardation.

Since that time, continuing efforts have been made to alleviate the problem of the career military serviceman who has a retarded child. There are an estimated 75,000 such military dependent children. The vast majority of these are educable or trainable. Some success has been achieved with respect to the educable following a memorandum of agreement with Health, Education, and Welfare whereby all such children located on installations in impacted areas will now be counted along with the normal children as the basis for providing payment for education of these children. The details of this program have been promulgated to the field by all of the services. In addition, when future programs are submitted by the States for application for Federal aid, attempts will be made to add to the number of children of residents of the State the children of military personnel who are assigned to the State but who are not residents thereof.

The most difficult problem is with respect to the severely retarded children in need of custodial care. Practically all military career people have lost entitlement, by their absence, to services rendered to such children in their native State and are unable to qualify for such services in the State to which they are assigned, because they are there temporarily. In such instances, the military parent must apply as a nonresident for admission to a State institution and pay three or four times the amount required of a resident or turn to private sources where the costs may run as high as $600 to $900 a month.

There are estimated to be approximately 3,000 children of military in the severely retarded group. The following plan has been developed to meet this situation:

Thirty-eight percent of military personnel stationed in the United States are located in California and Texas on the West Coast, and South Carolina, Georgia and Florida on the East Coast. A location in each of these areas will be selected on an installation which has been declared surplus. Custodial facilities will be established on these installations. The serviceman will be obliged to pay for the care of his child the amount he would be required to pay in his native State to a State institution if he were eligible for such services.

Efforts are now being made to secure initial funds from nonappropriated fund sources. This would be in the amount determined necessary for rehabilitation of buildings and for staff. Elaborate hospital-type facilities are not required. The normal hospital or outpatient facilities should be adequate to care for the health problems that might arise. The program would be operated by a nonprofit corporation in the State of location.

When we have the assurance of adequate funding to get started at one site, we plan to canvass several foundations for assistance, particularly in the area of research. The local group will be entitled to benefits of Federal grants that may be approved for the State and the payments by the parents of children will also contribute to the continuing costs. Servicemen, particularly in the enlisted ranks, who are unable to fully meet even the charges under this plan will be assisted wherever possible by service organizations such as the Navy Relief Society.

Dr. Warren, the President's Special Assistant in this area, strongly endorses the plan. HEW has given assurance of full cooperation and the services of professional personnel who have special competence in this area.

U.S. SENATE,
Washington, D.C., September 10, 1965.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR SECRETARY MCNAMARA: In the summer of 1964 we corresponded concerning the problem of care for mentally retarded dependents of military personnel. At that time you requested any ideas or suggestions I might have on this subject.

As you are aware, this is a serious problem affecting our military personnel, and there is very little help available to them at the present time.

Recently the services have begun individual programs in an effort to help their own personnel. These are mainly local projects located on individual bases and as such are necessarily scattered and limited in scope. These local programs provide generally only for the child who is educable—the less severely retarded.

In the spring of 1963 I am informed that you appointed Judge Stephen Jackson to implement recommendations handed down by the Dependents Medical Care Advisory Committee in this area. Subsequently a survey was conducted to determine the extent of the problem. This survey, which was incomplete, showed 1,400 severely and profoundly retarded dependents—those children who are noneducable and generally nonbrainable. Compensating for the acknowledged weaknesses in the survey, Department of Defense personnel have put the figure at between 3,000 and 6,000. The accepted figure for all retarded service dependents is 75,000.

Although pilot projects have been started in other allied areas, virtually no progress has been made in the area of help to families with severely retarded children.

I have received many letters from men with 10, 12, 14 years of service, fathers of severely retarded children who require virtually custodial care. Such care is not normally available from State institutions because the serviceman does not have the necessary residency; the high cost of private care is prohibitive; and a hardship discharge is no answer for the man who has put in 14 years of service.

Judge Jackson's approach to the problem has been an attempt to establish two small facilities, one in the southeast and one in the southwest, as custodial hospitals. This plan has been unsuccessful so far. The basic reason for the failure, I believe, is that Jackson is attempting to finance the project through private foundations rather than seek appropriated funds. Private foundation money cannot be the answer for a project that is a Government responsibility, staffed and used by Government personnel. So far foundations approached have declined to join the project.

Facilities such as the ones sought by Judge Jackson would only accommodate some 5 percent of the total children affected. If we are to secure an answer for these families it must be a more total answer.

It seems to me that perhaps the one way this program can be centrally organized, feasibly financed and more totally effective is to make it a part of the dependents medical care program. Could not sufficient money be requested and appropriated to expand existing military medical facilities, both in the United States and abroad, to handle these custodial cases?

The advantages to this plan are numerous. First, it would automatically provide for facilities located in the areas of heaviest military concentration. Second, it would allow for utilization of existing medical facilities and personnel which are essential in the many cases of accompanying physical handicaps. Third, it would assure that the serviceman who was due for reassignment could accept his transfer with some assurance that a facility for his child would exist somewhere in the area of his new assignment. Fourth, it would automatically provide for those service families stationed overseas, 30 to 35 percent of our total forces.

In addition to the advantages to the serviceman, I feel this plan carries many inherent benefits to the services and to the country. It would make more men assignable worldwide. It would allow men, otherwise qualified and eager to serve, to remain in the service rather than force them out due to the unconquerable problem of severe retardation. The program would be administered by the dependents medical care program, thus assuring an already established administration. It would help to alleviate a severe morale problem for many of our fighting men.

I wonder, even with all your other problems, if you could take a look at this and see if any plan could be developed which would solve or at least alleviate this problem which is so heart rending for so many servicemen.

Sincerely,

ROBERT F. KENNEDY.

THE SECRETARY OF DEFENSE,
Washington, October 21, 1965.

Hon. ROBERT F. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR BOB: I appreciate your thoughtful letter of September 10, 1965, on the subject of medical care for retarded dependents of military personnel. I have delayed replying in order to have the Assistant Secretary of Defense (Manpower) make a full review of our efforts over the past 3 years to find a solution to this problem. I share fully your concern with the necessity of finding effective means of affording adequate care to military dependents.

Our recent studies of this matter reveal that we have many related problems which arise from restrictions contained in the Dependents' Medical Care Act passed 9 years ago. The act limits such care to hospitalization, with very few exceptions. It covers very little outpatient care. It further excludes the treatment of nervous or mental disorders or chronic diseases, except in emergencies. An additional problem, which you have mentioned, is the fact that since military personnel are transients, they are not eligible for care by State institutions.

Despite these limitations, however, I agree that the dependents' medical care program is the best vehicle by which we can solve or substantially alleviate this heart-rending problem. As a result, we are now completing studies leading to the submission of proposals to liberalize and broaden the coverage afforded by this statute. We plan to have these proposals ready for consideration by the next session of Congress.

We have also concluded that it is impractical to meet total dependents' medical care requirements through the construction of additional military facilities or the augmentation of military medical staffs. While we will continue the policy of providing care on a space and staff available basis to dependents of active duty personnel, retirees and their dependents, it is not feasible to program military construction to meet these requirements, nor could we, in any event, provide enough facilities worldwide to assure care to all of our dependents. It likewise does not appear in the national interest to attempt to equip and staff our facilities for specialized care such as that needed for mentally retarded and physically handicapped children, since the major mission of our medical facilities is adult care for the active duty military population. Moreover, by so doing, we would in some instances be duplicating civilian facilities already in existence. It is much sounder, we believe, to make it possible for our military dependents to receive such care, treatment, and special schooling from civilian and State institutions. This will be the purpose of our proposed legislation.

I certainly appreciate your continuing interest in helping find a solution to these problems. We will be pleased to keep you informed of our progress.

Sincerely,

BOB.

THE SECRETARY OF DEFENSE,
Washington, D.C., March 10, 1966.

Hon. ROBERT F. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR BOB: I recall that I promised to keep you informed of developments concerning medical care for retarded children of military personnel.

I am enclosing a copy of a letter sent to the chairman of the House Armed Services Committee on March 8, together with a copy of the Defense Department's proposed bill. As you can see, its provisions greatly broaden the coverage suggested by H.R. 9271, and apply to the physically handicapped child as well as to the mentally retarded. It would establish a comprehensive program for their care, training, rehabilitation, and special education, with all such care to be obtained from civilian facilities.

I trust you will see in our proposal a sincere effort to establish a sound working program for these unfortunate children, and to take a decisive step to help alleviate some of the handicaps under which they live.

With best wishes.

Sincerely,

BOB.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., March 8, 1966.

Hon. L. MENDEL RIVERS,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense with respect to H.R. 9271, 89th Congress, a bill to amend title 10, United States Code, to provide resident care for mentally retarded children of members of the Armed Forces under certain conditions, and for other purposes.

The purpose of H.R. 9271 is to provide resident care for mentally retarded children of members of the Armed Forces while the latter are on active duty for a period of more than 30 days. Eligible children of members of the Armed Forces would be those determined by competent authority to be mentally retarded and in need of resident care because of that condition. The bill provides that resident care, for such children, may be provided in facilities of the Armed Forces established solely for that purpose. Charges may be imposed for the resident care provided. Uniform regulations, prescribed by the Secretaries concerned, may provide for reimbursing a public or private facility providing resident care for eligible children. The bill provides that amounts paid to a facility may be recovered from members by monthly deductions from their basic pay and from any amount due upon final settlement of their accounts.

While the Department of Defense supports the purpose of H.R. 9271, we recommend the enactment of the more comprehensive draft attached.

The purpose of the substitute draft is to provide a special program for mentally and physically handicapped children of active duty members of all seven of the uniformed services to the end that the heavy and, at times, unbearable burden of providing continuing care for such children will be lightened for the serviceman.

The Department of Defense recognizes that the basic obligation of providing for the needs of its members, in terms of acceptable living standards, must be fulfilled by the uniformed services if they are to attract and retain a competent, dedicated, and professional force. It is further recognized that payment for the care, treatment, and special education of mentally and physically handicapped children is frequently such a drain on the financial resources of an active duty member as to make it impossible for him to maintain an acceptable standard of living.

The services required by mentally or physically handicapped children of members of the uniformed services are generally not available at uniformed services facilities. Moreover, such children are often unable to receive civilian care and treatment, or special education, because of State residence requirements. The proposal is intended to make public and private nonprofit facilities readily available to children of members of the uniformed services, regardless of the assignment of the member.

The proposal would establish, effective July 1, 1967, a program for the care, training, rehabilitation, and special education of children who are moderately, severely, or profoundly retarded mentally or who have a serious physical handicap.

The care, training, and special education covered by the proposal would all be obtained from civilian institutions and facilities. This provision stems from the conclusion of the Department of Defense that it would be impractical to attempt to solve this problem through the construction of additional military facilities or the augmentation of military staffs.

Under the proposal, active duty members would be required to pay a share of the cost of the benefits provided their children. Members in the lowest enlisted pay grade would be required to pay the first $25 incurred each month. Members in the highest commissioned pay grade would similarly pay $250. The amounts to be paid by members in all other pay grades would be determined administratively, except that the amounts so determined could not be less than $25 or more than $250 per month.

In an effort to overcome the effects of the residence requirements imposed by some States in connection with their child welfare and crippled children programs, the proposal would, in effect, require such States to waive residence requirements for the children of active duty members (and for a period of 1 year following the member's retirement) in order to obtain Federal grants for their programs.

Except for adding a special new program limited to handicapped children, the proposal would not make any changes in the existing dependents' medical care program.

COST AND BUDGET DATA

It is estimated that enactment of this proposal will result in the following additional annual costs (in millions):

	Fiscal year				
	1968	1969	1970	1971	1972
Army	9.2	9.6	10.0	10.5	11.1
Navy and Marine Corps	7.1	7.4	7.8	8.1	8.6
Air Force	11.5	11.9	12.3	12.8	13.5
Coast Guard, Environmental Science Services, and Public Health Service	.4	.5	.5	.5	.6
Total	28.2	29.4	30.6	31.9	33.8

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.

Mr. KENNEDY of New York. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask that the bill remain on the table for 5 days to allow Senators who wish to join me in cosponsoring it to do so.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and held at the desk, as requested by the Senator from New York.

The bill (S. 3169) to amend chapter 55 of title 10, United States Code, to authorize a special program for the mentally retarded, mentally ill, and physically handicapped spouses and children of members of the uniformed services, and for other purposes, introduced by Mr. KENNEDY of New York (for himself and Mr. NELSON), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended as follows:

(1) The second sentence of section 1079(a) is amended by striking out "subsection (b)" and inserting in lieu thereof "subsections (b), (c), (d), and (e)".

(2) Section 1079 is amended by adding the following new subsections at the end thereof:

"(c) In the case of a dependent spouse of a member of the uniformed services, or of a child (as defined in section 1072(2)(E) of this title) of a member of the uniformed services, who is retarded mentally, or is mentally ill, or has a physical handicap, the plans referred to in subsection (a) of this section shall, with respect to such mental retardation, mental illness, or physical handicap, include, under joint regulations prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare, the following:

"(1) Diagnosis.

"(2) Inpatient, outpatient, and home treatment.

"(3) Training, rehabilitation, and special education necessitated by the spouse's or child's mental condition or physical handicap.

"(4) Institutional care in private nonprofit, public and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

"(5) Prosthetic appliances and devices for the physically handicapped.

"(d) Except as provided in subsection (e), members of the uniformed services shall share in the cost of any benefits provided under subsection (c) by paying the first $25 incurred each month. A member who has a spouse and a child or two or more children incurring expenses in a given month under a plan covered by subsection (c) shall not be required to pay an amount greater than $25 a month in total. The foregoing limitation on the amount to be paid by members shall apply only if members use public facilities to the extent such facilities are available and adequate as determined under joint regulations of the Secretary of Defense and the Secretary of Health, Education, and Welfare. Such regulations shall also govern the basis on which private facilities are to be selected in circumstances where public facilities are unavailable or inadequate.

"(e) Whenever private facilities are used in furnishing any medical care referred to in subsection (c) of this section and such facilities are used at the request or direction of a member of the uniformed services, the cost to be borne by the United States shall not exceed an amount equal to the average cost of furnishing the same or similar medical care in public facilities throughout the United States, as determined by the Secretary of Defense after consultation with the Secretary of Health, Education, and Welfare."

SEC. 2. (a) Section 1077 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(e) Infant care under clause (5) of subsection (a) of this section shall include, but shall not be limited to, well-baby care in the form of routine medical examinations, tests, and observations of the infant during the first year after its birth; and not less than twelve such medical examinations of the infant shall be authorized as a part of such well-baby care during such period."

(b) Clause (3) of section 1079(a) of title 10, United States Code, is amended by adding at the end thereof the following: "Postnatal care shall include, but shall not be limited to, well-baby care in the form of routine medical examinations, tests, and observations of the infant during the first year after its birth; and not less than twelve such medical examinations of the infant shall be authorized as a part of such well-baby care during such period."

SEC. 3. Section 1079(a) of title 10, United States Code, is further amended by redesignating clause (6) as clause (7) and inserting after clause (5) a new clause (6) as follows:

"(6) Routine physical examinations and immunization when required for dependents to move into any area outside the continental United States, and the move by the dependents (A) is incident to the duty assignment of a member of the uniformed services, and (B) has been approved by the Secretary concerned."

SEC. 4. (a) Section 503(a) of the Social Security Act is amended (1) by striking out "and" at the end of clause (7), and (2) by inserting immediately before the period at the end thereof the following: "; and (9) provide that no individual who resides within the State shall be denied any services provided by the plan on the grounds that he fails to meet any residence requirement or that he is eligible for benefits under chapter 55 of title 10, United States Code, if such individual (A) is the wife or child of an active-duty member of the uniformed services, or (B) is the wife or child of a person who (i) has been retired from the uniformed services within one year prior to the time such individual applies for such services, and (ii) is covered for benefits under section 1074(b) of title 10, United States Code".

(b) Section 513(a) of such Act is amended (1) by striking out "and" at the end of clause (6), and (2) by inserting immediately before the period at the end thereof the following: "; and (8) provide that no child who resides within the State shall be denied any services provided by the plan on the grounds that such child fails to meet any residence requirement or that such child is eligible for benefits under chapter 55 of title 10, United States Code, if such child (A) is the child of an active-duty member of the uniformed services, or (B) is the child of an individual, who retired from the uniformed services within one year prior to the time such child applies for such services, and who is covered for benefits under section 1074(b) of title 10, United States Code".

SEC. 5. (a) Title V of the Social Security Act is amended by adding at the end of section 505 the following new section:

"SEC. 506. Additional Payments to States.

"In addition to the sums payable to the States under section 504, there shall be payable to each State which has an approved plan under this part an amount equal to 100 per centum of the expenses incurred by such State in meeting the requirements contained in section 503(a)(9). There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of the preceding sentence."

(b) Title V of the Social Security Act is amended by adding at the end of section 516 the following new section:

"SEC. 517. Additional Payments to States.

"In addition to the sums payable to the States under section 514, there shall be payable to each State which has an approved plan under this part an amount equal to 100 per centum of the expenses incurred by such State in meeting the requirements contained in section 513(a)(8). There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of the preceding sentence."

SEC. 6. This Act shall take effect on January 1, 1967.

Mr. NELSON. Mr. President, will the Senator from New York yield for a question concerning the bill he has just introduced?

Mr. KENNEDY of New York. I yield.

Mr. NELSON. Mr. President, would the bill provide for the care of the dependent retarded children of a serviceman only?

Mr. KENNEDY of New York. The Senator is correct.

Mr. NELSON. And would it provide for the care of such a child only while the father is in the service?

Mr. KENNEDY of New York. The bill deals with the dependents of servicemen who are on active duty and would provide for such care for the period of 1 year after the serviceman had retired from the armed services.

Mr. NELSON. Mr. President, I agree wholeheartedly with everything that the Senator has said about the problem of the mentally retarded. I wholeheartedly endorse the bill, and should like to be listed as a cosponsor of it.

Mr. KENNEDY of New York. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Wisconsin may be listed as a cosponsor of the bill.

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

CIVIL RIGHTS PROCEDURE ACT

Mr. KENNEDY of New York. Mr. President, on behalf of the senior Senator from New York [Mr. JAVITS] and myself, I introduce, for appropriate reference, a bill entitled the "Civil Rights Procedure Act." This bill would liberalize Federal court procedures in two areas: It would, first, liberalize the right of removal of State prosecutions to the Federal courts in civil rights cases; and, second, broaden the right to a Federal injunction against unconstitutional civil rights related State court proceedings. I ask unanimous consent that the text of the bill be printed in the RECORD at the close of my remarks.

This preferred legislation was drafted, after careful study, by a distinguished special committee of the Association of the Bar of the City of New York under the able and conscientious chairmanship of the Honorable Francis E. Rivers. The members of the panel had the expert help, in both the study and the actual drafting, of the former staff director of the U.S. Civil Rights Commission. The bill is a responsible and thoughtful proposal.

This is a bill on a very limited, but nevertheless very significant subject. The bill's importance is not as a comprehensive piece of civil rights legislation, but rather as a careful effort to deal with one problem which should be covered in any comprehensive legislation which we enact this year.

That problem is the relationship between the State and Federal courts in civil rights cases. More specifically, that problem is the fact that Federal law on removal of civil rights cases to Federal courts and on Federal injunctions against unconstitutional State prosecutions is inadequate.

The bar association committee's report extensively documents these inadequacies of the existing law. Rather than repeat the contents of the report, Mr. President, I ask unanimous consent that it be printed in the RECORD at the close of my remarks.

The basic point on removal is that because of restrictive judicial interpretation of 28 U.S.C. 1443, particularly in the late 19th and early 20th centuries, the categories of State prosecutions removable to Federal court were limited to those under a statute or ordinance unconstitutional on its face. Remand orders to the State courts were not appealable until the Civil Rights Act of 1964 provided a right to appeal, so the restrictive interpretation stayed in the law.

The result was that defendants in clearly unconstitutional State prosecutions were forced to wend their way through the State courts up to the U.S. Supreme Court, and sometimes further yet—to the Federal district court on petition for habeas corpus. The path to exoneration was slow and costly indeed. The bar association report mentions the Shuttlesworth case and the Jackson freedom riders cases, and there are dozens more where the road to dismissal of the charges was traversed successfully, but only at great cost in time and money.

And there are, of course, hundreds and hundreds of cases where the defendants lacked either the financial resources or the legal skills or perhaps just the inclination to travel the whole way.

The bill which I introduce today broadens the right to removal for immediate Federal consideration of the case by spelling out that State proceedings which interfere with constitutional and Federal statutory guarantees in the area of civil rights can be removed to Federal court. It does this by adding new subsections to 28 U.S.C. 1443 rather than by changing any existing language. It takes this approach because the existing language of 28 U.S.C. 1443 is now finally in litigation at the appellate level under the 1964 act's grant of the right to appeal remand orders in removal cases. That litigation, which is a tribute to the persistence and ingenuity of the private practitioners who have contributed their services to the civil rights movement in the South, has already resulted in some judicial reinterpretation of the existing provisions of 28 U.S.C. 1443 to give them a new life. That will be a salutary development if it is ultimately upheld by the Supreme Court. But the present proposals will be helpful as well in spelling out clearly a broadened right to removal.

The basic point of the bar association proposal on injunctions is complementary—to make 42 U.S.C. 1983 into an adequate tool of recourse to the Federal courts to stop clearly unconstitutional State proceedings from continuing.

Senator JAVITS and I introduce this legislation today because we believe it should be considered along with the administration's bill, which, as I understand it, will be introduced next week. I look forward to cosponsoring that legislation; but I also hope the legislation we introduce today will be carefully considered at the same time.

The questions of removal and injunction in civil rights-related cases need clarification. The bar association bill, which I introduce today, would provide that clarification. The members of the bar association committee, and particularly Judge Rivers, deserve our congratulations and our thanks for the excellent job they have done and the great contribution they have made.

Mr. President, I ask unanimous consent that the bill, together with the report of the committee of the Bar Association of New York be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and report will be printed in the RECORD.

The bill (S. 3170) to confer jurisdiction upon the district courts of the United States over certain classes of removed cases and to provide injunctive relief in certain cases, and for other purposes, introduced by Mr. KENNEDY of New York (for himself and Mr. JAVITS), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Procedure Act."

SEC. 2. FINDINGS AND PURPOSE.

(a) The Congress has over the last century adopted legislation declaring, protecting, and granting various civil rights to citizens. It is the sense of Congress that some citizens seeking to avail themselves of these declared rights have been subjected to lengthy and expensive criminal prosecutions instituted to deter them from attempting to obtain their civil rights. It is further the sense of Congress that the proper means to correct this unlawful activity is to vest appropriate jurisdiction in the district courts of the United States.

(b) It is hereby declared to be the policy of Congress and the purpose of this legislation to promote the general welfare by preventing reprisals against those who seek to end discrimination on account of race, color, religion or national origin prohibited by the Constitution or laws of the United States.

SEC. 3. REMOVAL OF CAUSES.

(a) Section 1443 of title 28 of the United States Code is amended by substituting a semicolon for the period at the end of subsection (2) and by adding at the end thereof the following new subsections:

"(3) For any exercise, or attempted exercise, of any right granted, secured or protected by the Civil Rights Act of 1964, or of any other right granted, secured or protected by the Constitution or laws of the United States against the denial of equal protection of the laws on account of race, color, religion or national origin; or

"(4) For an exercise, or attempted exercise, of any right to freedom of speech or of the press or of the people to peaceably assemble secured by the Constitution or laws of the United States when committed in furtherance of any right of the nature described in subsection (3) of this section."

(b) Subsection (d) of section 1447 of title 28 of the United States Code as amended to read as follows:

"(d) An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be appealable as a final decision under section 1291 and an order denying remand of a case removed pursuant to section 1443 shall be appealable as an injunction of proceedings in the State court under paragraph (1) of subsection (a) of section 1292."

SEC. 4. INJUNCTION OF STATE PROCEEDINGS.

Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting "(a)" at the beginning of the section and by adding at the end thereof the following new subsections:

"(b) Such redress shall include the grant of an injunction to stay a proceeding in a State court where such proceeding was instituted for:

(1) Any exercise, or attempted exercise, of any right granted, secured or protected by the Civil Rights Act of 1964, or of any other right granted, secured or protected by the Constitution or laws of the United States against the denial of equal protection of the laws on account of race, color, religion or national origin; or

(2) Any exercise, or attempted exercise, of any right to freedom of speech or of the press or of the people to peaceably assemble secured by the Constitution or laws of the United States, when committed in furtherance of any right of the nature described in subparagraph (1) of this subsection; and where:

(i) An issue determinative of the proceeding in favor of the party seeking the injunction has been decided in favor of his contention in a final decision in another proceeding arising out of a like factual situation;

(ii) The statute, ordinance, administrative regulation or other authority for the proceeding has been declared unconstitutional in a final decision in another proceeding;

(iii) The statute, ordinance, administrative regulation or other authority for the proceeding is, on its face, an unconstitutional abridgement of the rights to freedom of speech or of the press or of the people to peaceably assemble; or

(iv) The proceeding was instituted for the purpose of discouraging the parties or others from exercising rights of freedom of speech or of the press or of the people to peaceably assemble.

"(c) In an action seeking an injunction under subsection (b) the court shall not deny or defer relief on the ground that a defense or remedy in the State courts is available."

The report presented by Mr. KENNEDY of New York is as follows:

PROPOSAL FOR A FEDERAL CIVIL RIGHTS PROCEDURE ACT—SUMMARY OF REPORT AND RECOMMENDATIONS WITH PROPOSED BILL

INTRODUCTION

In the spring and summer of 1963, members of this association, as citizens and more particularly as lawyers, were greatly disturbed by news reports out of the South. These reports told of repeated instances in many communities in which the efforts of Negroes to exercise civil rights claimed, and in many cases well established, under the Constitution and Federal laws were being frustrated by the use against them of the processes of local and State law enforcement. These processes included arrest, physical coercion by the police, denial of or onerous conditions on bail, rejection of Federal claims at trial and on appeal, and delays or harassment at various stages of the proceedings.[1] That the local and State law enforcement processes were being misused in many instances was confirmed by the decisions of the Federal courts when these or related cases finally reached a hearing in a Federal court.

It was also apparent from such decisions that the ability of these defendants to have their Federal claims passed upon by a Federal court promptly and decisively was severely restricted by the out-of-date wording of the applicable Federal remedial statutes, some of which have come down unchanged from Reconstruction legislation, and in particular by the narrowing interpretations that had been given these statutes by the Supreme Court in the last decades of the nineteenth century in civil rights and other cases. Subsequent developments in the recognition and expansion of the substantive civil rights of Negroes by the Court and the Congress, particularly in the period since the School Segregation Cases of 1954, had not been accompanied by equivalent rethinking of Federal remedial law. The problem became acute in the last several years, as Southern Negroes, aided by civil rights workers from all sections, have stepped up the pace of demands for realization of their substantive civil rights in all communities by public attempts to exercise those rights and by demonstrations and similar activities in public places to protest the denial thereof.

Accordingly, the then president of the association, Herbert Brownell, appointed this Special Committee on Civil Rights Under Law, charged with the primary duty of conducting a study of the relevant Federal remedial statutes available to protect civil rights and with recommending revisions

[1] See "Law Enforcement—A Report on Equal Protection in the South," U.S. Commission on Civil Rights, pp. 62–83 (1965).

found necessary or advisable for their modernization.[2] The work of the committee was informed by an extensive legal and factual research study made under contract by a professional staff, financed by foundation grants.[3] The detailed study (to be referred to herein as "the staff study") is presently undergoing editorial revision with a view to publication in book form.

In view of the fact that the problem with which this study is concerned has continued to be severe, despite the further expansion *given to the scope* of substantive civil rights by the Congress in the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the executive committee of the association has authorized the release of the present recommendations and summary of report at this time, in order that the Congress and the public may be informed of the recommendations of the committee, including the changes in Federal legislation it proposes.

I. THE NATURE OF THE PROBLEM

Many Americans have been arrested, jailed, tried, and convicted by local authorities only because they have tried to exercise rights granted by the Constitution and laws of the United States. In recent years the offenses charged have not generally been based upon statutes or ordinances avowedly commanding racial segregation, but upon apparently neutral enactments, such as those prohibiting disorderly conduct, resisting arrest, obstructing sidewalks, breach of the peace, and similar alleged offenses.

Ultimately, however, the facts proved in these cases have generally boiled down, as the staff study shows, to activity protected against State interference by the 14th amendment, together with the 1st amendment and Federal civil rights statutes. And ultimately many of the defendants have been vindicated on the basis of Federal law, but usually not until a hearing was secured in a Federal court. Under the existing restrictions upon the applicability of Federal remedial statutes, it may require 2 to 3 years for a State criminal case to reach a Federal hearing, either in the Supreme Court on direct review of the State conviction or in a district court on petition for habeas corpus. Meanwhile, persons who ultimately will be vindicated are incarcerated or subjected to harsh bail restrictions, and they and others similarly situated are discouraged from asserting their legitimate substantive civil rights demands.

Constitutional history teaches that Federal rights require the backing of Federal remedies to assure their vindication in States hostile to such Federal rights. It may be hoped that in the generality of cases the State courts will recognize their concurrent responsibility for enforcement of such rights and thus make unnecessary widespread use of the Federal court remedies. However, it is clear, upon a review of the reported cases in which Federal substantive civil rights have been claimed as defenses against State criminal prosecutions for activity asserting such rights, that local and State authorities in some areas have taken unfair advantage of the delays and other difficulties of invoking the ultimate jurisdiction of the Supreme Court to review such State criminal prosecutions. Hence, it became apparent to the committee early in its deliberations that remedies in the Federal courts at the local level had to be strengthened to assure justice, speed, and finality in the vindication of Federal defenses in criminal prosecutions for civil rights activity.

The focus of the staff study was upon the three classic means of Federal intervention to protect constitutional and other Federal rights against State attack, each long recognized in Federal statutes: habeas corpus, injunction of State criminal proceedings and removal of State criminal proceedings to a Federal district court. With respect to each remedy, as will be discussed below, various restrictions of statutory construction or judicial doctrine were found to limit its full effectiveness as a means of assuring the desirable justice, speed and finality in achieving the protection of substantive civil rights. The problem is essentially one of modernizing the law governing Federal remedies so as to make them effective to prevent the exercise of federally granted substantive civil rights within a State from being unlawfully frustrated by means of State action in the form of criminal prosecution. These statutory remedies, and the revisions proposed by this committee, do not relate to purely individual invasion of individual rights, but only to wrongful State action.

The committee concluded that precedents in the case law make statutory change unnecessary with respect to habeas corpus, that statutory expansion of Federal removal jurisdiction is imperative and is the most salutary approach to the problem presented, and that a narrowly limited statutory expansion of Federal injunctive jurisdiction is also essential for complete relief.

II. THE SCOPE OF THE RECOMMENDATIONS

After reviewing the text, the legislative history, and the judicial interpretations of the relevant statutes, the committee determined that it was advisable to make fresh definitions of the conditions under which Federal courts should intervene in the State criminal process in this type of case. Tinkering with the imprecise 19th-century wording of the Reconstruction legislation which stands encumbered with the gloss of judicial interpretations dating from an era when the courts were not in sympathy with expansive recognition of civil rights, was recognized as unsatisfactory in principle.

Moreover, the meaning of these old enactments is the subject of pending litigation in numerous civil rights cases. The committee believed that the Congress would not want to prejudice the positions of the parties therein by changing the existing statutory wording. Thus, where the committee recommends statutory revision, the changes take the form of adding independently-defined conditions for relief to the provisions now on the statute books. (The committee's recommended changes, in the form of a bill entitled "Federal Civil Rights Procedure Act," are set out in app. A. The most relevant provisions of the existing statutes, with the recommended changes added in italic, are set out in app. B.)

The committee was concerned that its recommendations should not represent punitive or sectional legislation—but rather should be equally applicable in all sections of the Nation as and when cases of the defined types may arise in the continuing quest of minority groups for equal rights. For this reason, the committee rejected the approach of enlarging upon the local prejudice jurisdictional test of some of the Reconstruction legislation, and instead sought to define objective classes of lawful activity for which Federal jurisdiction could be invoked as a protection against unwarranted State criminal prosecutions. For the same reason, the recommended statutory provisions speak, as the Civil Rights Act of 1964 similarly does, in terms of denial of equal protection, not against Negroes alone, but "on account of race, color, religion, or national origin."

The committee was, of course, aware of the current controversy existing with respect to Federal court intervention in State criminal proceedings in contexts other than civil rights cases. Because the civil rights cases present a distinct and urgent claim for Federal remedies to protect the Federal rights actively being asserted in the conduct for which these defendants are prosecuted, we deemed it unnecessary and inappropriate to become involved in the quite different problem of the relation of Federal and State judicial proceedings in the context of alleged deprivations of due process (or denial of equal protection or of first amendment rights on any basis other than civil rights activity). The committee's recommended legislation therefore is limited in terms to cases within the scope of civil rights activity as commonly understood—the assertion and advocacy of equal civil rights for minority groups.[4]

III. THE EXISTING REMEDIES AND SPECIFIC RECOMMENDATIONS FOR STRENGTHENING THEM

A. Definition of civil rights activity

Even with the avowed intention of limiting its recommendations to the civil rights context, the committee found varying views as to the best way to define the protected civil rights activity in a remedial statute. Recognizing that one problem with the existing legislation was its use of imprecise terms such as "equal civil rights," the committee determined to couch its recommendations in ob-

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[2] Mr. Brownell's successor as president of the association, Hon. Samuel I. Rosenman, was an original member of the committee, but resigned upon becoming president. He has continued in that position to give interested and strong support to the work of the committee, as has Paul B. DeWitt, executive secretary of the association.

[3] The staff director was Berl I. Bernhard, Esq., formerly staff director of the U.S. Commission on Civil Rights, who during the period of this study held similar positions with the Lawyers Committee for Civil Rights Under Law and the White House Conference "To Fulfill These Rights." Ronald B. Natalie, Esq., a former member of the staff of the Commission, served as associate staff director. The present recommendations and summary of report was prepared by the committee, based upon the manuscript of the Staff Study.

The work of the committee has been financed to date principally by grants from the Ford, Field and Taconic Foundations. A supplementary grant from the New World Foundation covered the expenses of the conference with a group of Federal and State judges and prosecutors referred to in note 4, infra.

[4] In order to test out the tentatively formulated recommendations against possible attack on the ground they could be abused by defendants in State criminal cases having nothing to do with civil rights and in order to seek out informed views on the central problem of Federal remedial protection for civil rights defendants, the committee invited a distinguished group of judges and prosecutors, Federal and State, from southern as well as northern jurisdictions, to express their views.

Following an afternoon and evening conference with this group of experts in the practical administration of such remedies, the committee sharpened its recommendations. The responsibility for the final recommendations lies entirely with the committee, of course, but it wishes here to record its appreciation for the candid, thoughtful and constructive views expressed at the conference by the following persons who responded to its invitations:

Hon. Harold Tyler, Jr., U.S. district judge for the southern district of New York;

Hon. Francis L. Valente, Justice of the Supreme Court of the State of New York, Appellate Division, First Department (now deceased);

Hon. Barefoot Sanders, assistant deputy attorney general of the United States; former U.S. attorney for the northern district of Texas;

Hon. Terrell Glenn, U.S. attorney of the eastern district of South Carolina; and

Hon. Richard Uviller, chief of the appeals bureau, New York County district attorney's office.

jective terms by describing activities prosecution for which merited and needed Federal protection because such activities were the vital manifestations of the substantive civil rights declared by Federal law.

One view was that the definition should reach all constitutionally protected activities by speaking in terms of the equal protection clause and the first amendment. This view was deemed too broad, in that it might permit unintended use of the legislation by State defendants in contexts other than civil rights cases as properly defined.

On the other hand, it was suggested that the protected activities might be described by reference solely to the Civil Rights Act of 1964, the most compendious catalog of substantive civil rights in modern legislation. Although reference to the act by way of example seemed desirable, limiting the coverage of remedial provisions to its subject matter was deemed too narrow, in that the remedial statute might thus become obsolete soon after enactment. This could occur as the minority rights movement shifts emphasis to new areas of concern not mentioned in the 1964 act, but which may come to be held within the constitutional or Federal statutory protection against racial and similar discrimination.

The committee concluded, therefore, that the scope of civil rights activity to be protected should encompass State prosecutions for "any exercise, or attempted exercise, of any right granted, secured or protected by the Civil Rights Act of 1964, or of any other right granted, secured or protected by the Constitution or laws of the United States against the denial of equal protection of the laws on account of race, color, religion or national origin."

However, civil rights activity is commonly conducted not merely by bare attempts to exercise individual rights, but by demonstrations and similar public manifestations of protest at the denial of civil rights, and by advocacy for their enforcement and enlargement. These first amendment activities will typically include civil rights workers and other persons in addition to those whose individual rights are sought to be furthered by the activity. Hence the committee's definitional provision goes on to include State prosecution for "any exercise, or attempted exercise, of any right to freedom of speech or of the press or of the people to peaceably assemble secured by the Constitution or laws of the United States when committed in furtherance of any right described in [the preceding quotation]."

As explained more fully below, the proposed legislation would make all State prosecutions for activity within either branch of this definition removable to a Federal district court. The more severe remedy of injunction of State proceedings would also be available in cases meeting the same test, but only if one of the additional stringent requirements explained below is met. The proposed definition would not affect Federal habeas corpus jurisdiction, as no statutory change is proposed there.

B. Habeas corpus

The committee believes that statutory amelioration of restrictive decisions regarding the availability of habeas corpus is unnecessary because there are now persuasive precedents in the case law which recognize that the general requirement of exhaustion of State remedies before resort to Federal habeas corpus is not applicable in circumstances found in the typical civil rights case. Moreover, adoption of the enlargement of removal jurisdiction we recommend would make resort to habeas corpus in this type of case largely unnecessary in the future.

It is fortunate that these conclusions are possible. Many members of the committee were reluctant to propose departures from the historic generalities of the rules governing the Great Writ for any particular class of cases, even in light of the urgent current problem with respect to civil rights cases. The committee was aware that general legislative expansion of the remedy of habeas corpus might arouse great State resentment, as evidenced by the reaction to the broad scope given recently to this remedy in the general criminal law context by Federal judicial decisions.[5] In habeas corpus actions, the Federal court discharges a person held by the State and, although the writ is not necessarily a bar in law to a reprosecution, it may well be one in fact depending on the grounds for its issuance.

The nub of the matter is that the remedy of habeas corpus has been used rarely in civil rights cases[6] because there has been uncertainty as to the requirement of prior exhaustion of State remedies in such cases.[7] Briefly, the exhaustion doctrine provides that the writ of habeas corpus may not be granted unless the petitioner has first exhausted his State remedies. Although the original habeas corpus statute[8] in no way conditioned habeas corpus upon such prior exhaustion, some subsequent judicial decisions read the exhaustion doctrine into the law as an exception to the general availability of the writ. First and most notable of these was the case of *Ex parte Royall*, 117 U.S. 241 (1886), which devised the exhaustion doctrine in a case involving a petition for anticipatory (pretrial) habeas corpus in a contracts clause dispute.

However, many anticipatory habeas corpus decisions subsequent to Royall, while recognizing the exhaustion doctrine, have held it inapplicable to cases involving incarceration of persons attempting to exercise specific Federal rights.[9] It is the view of the committee that, under existing case law and without any additional legislation, Federal courts can and should grant anticipatory habeas corpus in civil rights cases without requiring exhaustion of State remedies.[10]

There seems to be confusion in the cases as to the scope and effect of the exhaustion doctrine upon postconviction habeas corpus, now governed by 28 U.S.C. 2254, which explicitly requires that State remedies must, in most cases, be exhausted before habeas corpus may be obtained after judgment in a State court. The reviser's note (1948) to this provision states that "this new section is declaratory of existing law as affirmed by the Supreme Court." However, section 2254 itself provides that the exhaustion doctrine is inapplicable if there exist "circumstances rendering such [State] process ineffective to protect the rights of the prisoner."[11]

We suggest that present civil rights experience in the South, as well as recent Federal civil rights legislation, indicates clearly that such circumstances do exist and should be judicially recognized. Therefore, the committee feels that Federal district courts now have the authority, without further legislation, to hold that the exhaustion requirements of section 2254 is inapplicable after, as well as before, judgment in civil rights cases where the denial of governing Federal rights is patent.[12]

C. Removal

Federal removal jurisdiction dates from the founding of the United States. Thus, the very first Judiciary Act passed by Congress authorized removal of specified classes of cases to the Federal courts.[13] Congress from time to time thereafter has enlarged Federal removal jurisdiction to meet new situations which seemed to require special consideration.

In 1866, Congress enacted the Civil Rights Act, which was designed to give the freedmen the full and equal benefit of laws for the security of person and property.[14] The act contained procedural provisions which appeared to authorize the removal to a Federal court of all civil and criminal cases affecting persons who were denied or could not enforce in the State courts the rights granted by the act.

These provisions, as subsequently extended and codified, now appear in 28 U.S.C. 1443. The section authorizes removal of criminal prosecutions:

"(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

"(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law."

While this statutory grant of removal jurisdiction appears broad on its face, the staff study clearly demonstrates that the Supreme Court, in a series of decisions which culminated in 1906, construed the grant so narrowly as to render it virtually nugatory to effect removal of cases arising in the current civil rights struggle.[15] These landmark cases, and the many lower court decisions which followed them, apparently restricted the right to removal under subdivision (1) of what is now section 1443 to those limited situations where a State constitutional or

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[5] The judicial expansion of the scope of habeas corpus is best illustrated in *Fay* v. *Noia*, 372 U.S. 391 (1963).

[6] The notable exception has been *In re Shuttlesworth*, 369 U.S. 35 (1962). The history of this case prior and subsequent to the cited decision of the Supreme Court is discussed at length in the Staff Study, and a summary is set forth at pp. 22–24 herein.

[7] See, e.g., *Hillegas* v. *Sams*, 349 F. 2d 859 (5th Cir. 1965).

[8] Act of Feb. 5, 1867, ch. 28, sec. 1, 14 Stat. 385–86.

[9] See, e.g., *Cunningham* v. *Neagle*, 135 U.S. 1 (1890); *Ohio* v. *Thomas*, 173 U.S. 276 (1899); *In re Loney*, 134 U.S. 372 (1890); *In re Sam Kee*, 31 Fed. 680 (C.C.N.D. Cal. 1887); and *In re Lee Sing*. 43 Fed. 359 (C.C.N.D. Cal. 1890).

[10] Particularly with respect to rights claimed under the Civil Rights Act of 1964, the cases arising under the Commerce Clause, analyzed in the Staff Study, are precedent that in prosecutions interfering with an important Federal interest, a petition may be granted before trial. See generally, Amsterdam, "Criminal Prosecutions Affecting Federally Guaranteed Civil Rights: Federal Removal and Habeas Corpus Jurisdiction To Abort State Court Trial," 113 U. Pa. L. Rev. 793, 882–908 (1965).

[11] Sec. 2254 is set forth in app. B hereto.

[12] If application for bail pending exhaustion in the State courts is denied, the Federal habeas court may deem exhaustion completed. *In re Shuttlesworth*, 369 U.S. 35 (1962). See also *Johnston* v. *Marsh*, 227 F. 2d 528 (3d Cir. 1955); *United States* v. *Hamilton*, 3 U.S. (3 Dall.) 17 (1795). Even appeal is not required where prisoners are held for petty offenses and numerous prosecutions are likely to be pressed in the State courts—typical civil rights situations. *Ex parte Kieffer*, 40 Fed. 399 (C.C.D. Kan. 1889); *Collins* v. *Frisbie*, 189 F. 2d 464 (6th Cir. 1951), aff'd, 342 U.S. 519 (1952).

[13] Act of Sept. 24, 1789, ch. 20, sec. 12, 1 Stat. 79–80.

[14] Act of Apr. 9, 1866, ch. 31, sec. 3, 14 Stat. 27.

[15] See, e.g., *Virginia* v. *Rives*, 100 U.S. 313 (1880); *Neal* v. *Delaware*, 103 U.S. 370 (1881); *Kentucky* v. *Powers*, 201 U.S. 1 (1906).

statutory provision was unconstitutional on its face.[16]

Thus, these precedents served in recent reported cases to deny a right to remove where a State statute or ordinance, possibly valid on its face, was unconstitutionally applied because of purposeful and discriminatory application against Negroes and civil rights workers. These decisions also inhibited removal where arrests were made pursuant to law laid down by the highest court of the State, rather than by State statute. Even the wrongful actions of State court judges were apparently not deemed grounds for removal under the statute as thus construed.[17]

These restrictive precedents were established in a totally different constitutional and legal atmosphere when, for example, a State's provision of "separate but equal" facilities for Negroes was deemed an acceptable constitutional practice.[18] And they were decided long prior to the time that Congress manifested its recent clear intent to enact into law specific statutory guarantees of substantive civil rights.[19] However, whatever the background or explanation, the committee has concluded that section 1443, as interpreted by these controlling decisions rendered some 60 or more years ago, does not speak adequately to the serious problem of the administration of justice now existing in many areas of the country. This appears clear from the fact that, until recently, a remand to the State court was ordered in virtually every reported civil rights removal case, and the right to remove to a Federal court was thus effectively and definitely frustrated.

A dramatic, but not atypical, example is found in *Baines* v. *City of Danville*, 337 F. 2d 579 (4th Cir. 1964), where a group of civil rights demonstrators were unsuccessful in removing their arrest cases to the Federal court under section 1443. The submission made by the Department of Justice to the district court showed that the State court judge had actually been in the streets attempting to disperse the demonstrators, carried a gun to court, had otherwise displayed prejudice against the defendants, and had tried to intimidate the defendants and other Negro citizens from any further exercise of their constitutional rights. Nonetheless, section 1443, as interpreted, was found not to justify a removal of this case to a Federal court.

In another landmark case described in detail in the staff study (see pp. 22–24, infra), a Negro minister prominent in the civil rights struggle was convicted of disturbing the peace on absolutely no evidence, but was required to spend more than 5 years in a massive legal battle to vindicate his rights. In the course of this struggle, he had to appear no less than 16 separate times in Federal and State courts. A right to remove this case at an early stage would clearly have effectively served the interests of justice.

In still another series of cases, the Jackson (Miss.) freedom riders were compelled to spend 4 years in the courts at great legal expense in order to overturn their convictions. This long struggle was necessary despite the fact that the Supreme Court had previously declared the statute underlying the arrests to be unconstitutional.[20] Here again a liberal removal statute would have achieved justice, speed, and finality.

There have been few opportunities in recent years to urge the Supreme Court to reverse the aforementioned long course of restrictive judicial interpretation and application of the thrust of section 1443. Until the Civil Rights Act of 1964, for many years orders of Federal courts remanding civil rights cases to the State courts were not appealable. As a result of the new appeal provisions of the 1964 act,[21] there is a glimmer of evidence that some lower courts are seeking to find some way to make section 1443 fill its original purpose.[22] The committee has concluded, however, that these piecemeal efforts to erode the line of ancient Supreme Court precedents, followed by lower court rulings for some 60 years, will be time-consuming, expensive, and may ultimately fail on the basis of application of the doctrine of stare decisis. In our judgment, continued delay in this area will only foster disrespect for law and order as an effective method to achieve equal civil rights for all.

With many removal cases pending in the courts, the committee feels, as noted earlier, that it would be inappropriate to attempt modification of the original language of subdivisions (1) and (2) of section 1443 at this time. Accordingly, the committee proposes the addition of new subdivisions to section 1443, providing that the defendants may remove to the Federal court any State criminal prosecution:

"(3) For any exercise, or attempted exercise, of any right granted, secured, or protected by the Civil Rights Act of 1964, or of any other right granted, secured or protected by the Constitution or laws of the United States against the denial of equal protection of the laws on account of race, color, religion, or national origin; or

"(4) For any exercise, or attempted exercise, of any right to freedom of speech or of the press or of the people to peaceably assemble secured by the Constitution or laws of the United States when committed in furtherance of any right of the nature described in subsection (3) of this section."

Some members of the committee initially felt that in the light of the extension in the definition of removable cases being recommended, the procedure for removal might be restricted in two respects. They suggested that removal should no longer be automatic upon filing appropriate papers, but should require an order of the district court upon an evidentiary showing. They also believed that remand orders should not be appealable as of right, as the 1964 act provided, but that a certificate of probable cause from a district or circuit judge should be required (along the lines of the procedure for appeals in forma pauperis).

The committee concluded, however, that the present removal procedure should not be restricted in either respect. Basically, the committee believes that the burden of going forward in these cases should be on the State prosecutor, particularly in light of the severe shortage of lawyers to handle civil rights cases in many areas. The establishment of the conditions warranting removal can be made upon the prosecutor's motion to remand as well as upon an original petition for removal, and the nature of the showing to be made can best be developed by case law in the course of application of the new jurisdictional standard recommended. As to appeal, the committee favors expansion, rather than contraction, of the right to appeal in these cases in order to achieve greater consistency of standards (see note 21). Moreover, even though the right to appeal a remand order is not limited, a stay of further proceedings in the State court continues to be discretionary.

In reaching its conclusion, the committee was not unmindful of the caveat expressed by some members that automatic removal might cause calendar problems by enlarging substantially the caseload of the Federal courts. But a consideration of these possibilities in the light of the goals involved shows such objections to be untenable for many reasons: (1) under the present wording of the removal statute, section 1443 (1) and (2), many removal cases have been filed in recent years; (2) with the proposed liberalized removal provision, there will be less resort to petitions for habeas corpus or for equitable relief; and (3) in any event, deprived persons should not be denied the enjoyment of federally granted rights to equal

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[16] The committee's research leads it to the conclusion that these opinions limiting the thrust of the original civil rights removal statute, which were not in fact based upon the legislative history of the Civil Rights Act of 1866, may be inconsistent with the available historical record. These cases were decided long before legislative history had become accepted as an important tool in the interpretation of statutes. See Cox, "Judge Learned Hand and the Interpretation of Statutes," 60 Harv. L. Rev. 370 (1947).

[17] Subdivision (2) of sec. 1443 has rarely been construed by the courts. Accordingly, while the door may still be open to a more liberalized construction of this part of the statute, the committee thinks it possible that the thrust of the subdivision will be restricted to situations where Federal officers, or perhaps private citizens, were actually discharging a Federal duty, as distinguished from exercising a Federal right, at the time of their arrests. See discussion in *New York* v. *Galamison*, 342 F. 2d 255 (2d Cir. 1965), cert. denied, 380 U.S. 977.

[18] Compare *Plessy* v. *Ferguson*, 163 U.S. 537 (1896), with *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

[19] See, e.g., Civil Rights Act of 1964, 78 Stat. 241, 42 U.S.C. 2000a–2000h-6; Voting Rights Act of 1965, 79 Stat. 437.

[20] *Bailey* v. *Patterson*, 369 U.S. 31 (1962).

[21] The committee's recommendations include technical changes in the 1964 provision, to clarify the basis for appeal of remand orders (see *New York* v. *Galamison*, *supra* note 17), and to make denials of remand also appealable in civil rights cases, in the interests of fairness to the State and greater consistency of standards through appellate review. See proposed amendments to 28 U.S.C. sec. 1447(d), in apps. A and B.

[22] See, e.g., *Rachel* v. *Georgia*, 342 F. 2d 336 (5th Cir. 1965), cert. granted, 15 L. Ed. 2d 58 (indicating that removal may be effected when a State statute, valid on its face, is unequally applied in violation of the Civil Rights Act of 1964); *Peacock* v. *City of Greenwood*, 347 F. 2d 679 (5th Cir. 1965) cert. granted, 15 L. Ed. 2d 464 (1966) (indicating that removal may be effected where it is proved that the accused was deprived of his equal civil rights by virtue of an arrest made for reasons of racial discrimination); *Cox* v. *Louisiana*, 348 F. 2d 750 (5th Cir. 1965) (indicating that removal was justified where the State court prosecution was deliberately designed to frustrate the protective mandate of the Supreme Court); *McMeans* v. *Mayor's Court*, 247 F. Supp. 606 (M.D. Ala. 1965) (indicating that removal was justified where the police made harassment arrests of civil rights workers engaged in peaceful and lawful picketing; a local parade ordinance and State statute relating to reckless driving were held unconstitutional as applied to these defendants). For argumentation supporting a more liberal interpretation of the present civil rights removal statute, see Amsterdam, "Criminal Prosecution Affecting Federally Guaranteed Civil Rights: Federal Removal and Habeas Corpus Jurisdiction To Abort State Court Trials," 113 U. of Pa. L. Rev. 793, 851–882 (1965).

However in *Commonwealth of Virginia* v. *Wallace*, No. 9462, and *Baines* v. *City of Danville*, No. 9080, both decided January 21, 1966, by the fourth circuit, the court refused to order removal on two grounds—first, that 1st and 14th amendment rights generally are not within the protection of the present removal statute, and second, that the inability to enforce one's right in the State court must be shown with certainty. In both cases, the court held that Rives-Powers line of cases (supra note 15) are still good law and noted that when Congress made remands appealable, it did not seek to change the scope of the removal statute.

protection of the laws because of inconvenience to judges or to other litigants.[23]

The committee's recommended enlargement of Federal removal jurisdiction is, we believe, consistent with the original purposes of the century-old section 1443, as applied to the problems of 1966. It will truly make removal in genuine civil rights cases available to those who desperately need the prompt protection of the Federal courts, and will not adversely affect the existing rights of the States to try noncivil rights cases in State courts.

D. Injunctive relief

Of all the remedies considered by the committee, that of Federal injunction of a State prosecution is the most drastic. Removal contemplates a trial in the Federal court of the State criminal charge removed. But Federal equitable relief would enjoin and thereby terminate the trial itself.

The pressures for such summary disposition are great, particularly where the prosecutions are in conflict with plain or adjudicated constitutional principles and motivated by hostility to guaranteed civil rights. In such cases the delays in obtaining justice have become notorious. The NAACP legal defense and educational fund, at the request of the committee, compiled a statistical analysis of all the State criminal prosecutions in its files arising from civil rights activities. That analysis indicated that the average time required to complete action within the State court system, from the date of arrest through the final disposition of the case by the highest court of appeals, was 20 months. It required an additional 9½ months to obtain certiorari and a decision by the Supreme Court.[24] Months and years therefore elapse before basic rights can be vindicated. During this span, many defendants have been incarcerated or released on bond at great and continuing cost as in the freedom rider cases in Jackson, Miss.[25] Federal injunction of such prosecutions, ultimately determined to be unconstitutional, would foreclose the harassing effect and purpose of these prosecutions.

At the same time the committee was cognizant that the remedy of enjoining a State criminal prosecution, and thus imposing an absolute bar to that prosecution, involves considerations impinging upon serious aspects of our Federal system. This problem of the accommodation of overlapping Federal and State judicial jurisdiction occasioned by our dual system of government has presented a perplexing problem from the beginning of our national history.[26] One of the earliest amendment to the Judiciary Act of 1789 was that contained in section 5 of the act of March 2, 1793, 1 Stat. 335, which limited the jurisdiction of the Federal courts by providing: "nor shall a writ of injunction be granted to stay the proceeding in any court of a State."

In addition to this statutory limitation upon the Federal injunctive power in the case of a pending State proceeding, the Federal courts, as a matter of comity, have frequently abstained from enjoining or interfering with prospective or anticipated State prosecutions or proceedings.[27] There is, therefore, a formidable tradition in the Federal system dictating extreme caution in the use of the Federal injunctive power vis-a-vis threatened or actual State proceedings or prosecutions.

Yet, despite this tradition of caution, the courts and Congress have from time to time found it necessary and desirable to extend Federal jurisdiction in this area. Thus, following the Civil War, numerous exceptions were engrafted by judicial decision upon the original injunctive prohibition.[28] The cases have indicated that certain acts passed since the enactment of the foregoing act of 1793 operated as implied legislative amendments to the blanket prohibition where those subsequent statutes expressly vested Federal courts with exclusive equity jurisdiction.[29] This doctrine is incorporated in the present legislative prohibition against Federal injunction of State proceedings, which appears in 28 U.S.C. 2283, as follows:

"A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments."

The question arises whether the equitable remedies specified by Federal statutes for the protection of civil rights have "expressly authorized" an exception to the anti-injunction statute. It was provided in 1871, and now incorporated in 42 U.S.C. 1983, that: "every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States, or other person within the jurisdiction thereof, to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress."[30]

It has been held by the Court of Appeals in the Third Circuit[31] that 42 U.S.C., 1983 supplied the statutory basis for an exception to the prohibition against Federal injunction of State proceedings; however, there are decisions in the fourth,[32] sixth,[33] and seventh[34] circuits to the contrary. Recently the fifth circuit held that the injunctive remedy provided by the Civil Rights Act of 1964 constituted an express statutory exception to the anti-injunction statute.[35]

In our view, the present state of the law does not adequately define or settle the appropriate occasions for the exercise of Federal equity power where a State proceeding or prosecution is brought in those areas of civil rights which the committee deems entitled to Federal remedial protection. In undertaking to define the appropriate area for Federal equitable intervention in such cases, the committee would propose to balance the right of the State to enforce its criminal laws and the right of the accused to prompt adjudication of his Federal constitutional claims by extending the right to an injunction in certain narrow but highly significant areas in civil rights cases subject to removal on the grounds discussed at pages 8–9, supra.

There are four types of circumstances, any one of which, in the view of the committee, should be a sufficient condition precedent in such cases for the exercise of the injunctive power to stay the criminal proceeding:

1. "An issue determinative of the proceeding in favor of the party seeking the injunction has been decided in favor of his contention in a final decision in another proceeding arising out of a like factual situation."

The need for an extension of the remedy of equitable relief in this type of use is illustrated by the litigation arising out of the cases of the Jackson freedom riders, which commenced on May 24, 1961, when they entered the wrong waiting room at the bus terminal, ignored the request of police to leave it, and were arrested on charges of breach of the peace and conspiracy to breach the peace.[36] The facts in relation to each of some 300 defendants were substantially the same. There was no genuine dispute over these facts, and there was no claim that any of the riders had been disorderly in any way. Fifteen white Protestant ministers, on the basis of testimony not materially different from that available in the other 300 cases, were given a directed acquittal at a trial de novo in the Hinds County court.

In November 1963, all of the other cases had been tried in the municipal court and then tried de novo before juries in the county court; a number had been decided and affirmed by the circuit court and some of them had been briefed in the Mississippi Supreme Court.

When the 15 white Protestant ministers were found not guilty, it meant that, as regards the other civil rights defendants, a final decision had been made in another proceeding arising out of a like factual situation which constituted a holding that these facts could not amount to a violation of the State's criminal law. Under such circumstances, the Federal court should have had

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[23] See further discussion in the article by Amsterdam in the University of Pennsylvania Law Review, supra note 22, at pages 832–835.

[24] It should be noted that these figures embrace several States, in some of which unusual delays in civil rights cases have been nominal or nonexistent. Moreover, these figures reflect only those cases which have been fully completed, and prosecution in large numbers on account of demonstration activity is a relatively recent phenomenon. There are over 1,100 current unclosed cases in the Fund files, and the average age of these cases, even counting those just begun, is 30.3 months.

[25] See Lusky, "Racial Discrimination and the Federal Law: A Problem in Nullification," 63 Col. L. Rev. 1163, 1179–1182 (1963).

[26] See *Toucey* v. *New York Life Ins. Co.*, 314 U.S. 118, 129–141 (1941); Warren, "Federal and State Court Interference," 43 Harv. L. Rev. 345 (1930); Taylor & Willis, "The Power of Federal Courts To Enjoin Proceedings in State Courts," 42 Yale L. J. 1169 (1933); Durfee & Sloss, "Federal Injunction Against Proceedings in State Courts: Life History of a Statute," 30 Mich. L. Rev. 1145 (1932); note, "Federal Power to Enjoin State Court Proceedings," 74 Harv. L. Rev. 726 (1961).

[27] *Douglas* v. *City of Jeannete*, 319 U.S. 157, 163 (1943); see also *Wells* v. *Hand*, 238 F. Supp. 779 (M.D. Ga., 1965), aff'd, 382 U.S. 39 (1965).

[28] See *Wells Fargo & Co.* v. *Taylor*, 254 U.S. 175, 183 (1920); *Toucey* v. *New York Life Ins. Co.*, *supra*, n. 26, at 134–139.

[29] *French* v. *Hay*, 89 U.S. (22 Wall.) 238, 250, 253 (1875) (two cases); *Toucey* v. *New York Life Ins. Co.*, *supra*, n. 26, at 132–134; *Bowles* v. *Willingham*, 321, U.S. 503 (1944); *Porter* v. *Dicken*, 328 U.S. 252 (1946).

[30] Act of April 20, 1871, ch. 22, sec. 1, 17 Stat. 13; R.S., sec. 1979; 42 U.S.C., sec. 1983.

[31] *Cooper* v. *Hutchinson*, 184 F. 2d 119 (3d Cir. 1950). On motions for temporary injunctions in *Tuchman* v. *Welch*, 42 Fed. 548 (C.C.D. Kan. 1890), and *M. Schandler Bottling Company* v. *Welch*, 42 Fed. 561 (C.C.D. Kan 1890), it was held that the predecessor to 42 U.S.C., sec. 1983 provided the necessary statutory authorization for Federal equity jurisdiction notwithstanding the prohibition contained in the predecessor to 28 U.S.C., sec. 2283, but on subsequent demurrers the temporary injunctions were dissolved and the bills dismissed for want of equity in *Hemsley* v. *Myers*, 45 Fed. 283 (C.C.D. Kan. 1891).

[32] *Baines* v. *City of Danville*, 337 F. 2d 579 (4th Cir. 1964), cert. denied, 381 U.S. 939 (1965).

[33] *Sexton* v. *Barry*, 233 F. 2d 220 (6th Cir. 1956), cert. denied, 352 U.S. 870.

[34] *Goss* v. *Illinois*, 312 F. 2d 257 (7th Cir. 1963).

[35] *Dilworth* v. *Riner*, 343 F. 2d 226 (5th Cir. 1965).

[36] The following are some of the citations of these various decisions: *Bailey* v. *Patterson*, 199 F. Supp. 595, 612–13 (S.D. Miss. 1961) vacated and rev'd, 369 U.S. 31 (1962); 206 F. Supp. 67 (S.D. Miss. 1962), rev'd in part, 323 F. 2d 201 (5th Cir. 1963) cert. denied sub nom. *City of Jackson* v. *Bailey*, 376 U.S. 910 (1964).

the power to stay State criminal proceedings against the other Jackson freedom riders.

Removal would not be the most appropriate remedy here since it allows the prosecution to continue, and in these cases the prosecutions should have been terminated.

2. "The statute, ordinance, administrative regulation or other authority for the proceeding has been declared unconstitutional in a final decision in another proceeding."

Again, in the case of the freedom riders litigation, the Federal district court, acting on instructions from the Supreme Court (*Bailey* v. *Patterson*, 369 U.S. 31, 34), had held the segregation statute underlying the prosecution to be unconstitutional (see p. 13, supra). If freedom riders who were tried subsequent to this 1962 Federal court decision were being prosecuted under this same statute, it would be a prosecution under a statute which had been declared unconstitutional in a final decision in another proceeding. Such a factual situation would certainly justify a Federal court's having the power to enjoin any further steps being taken to prosecute the criminal proceeding.

3. "The statute, ordinance, administrative regulation or other authority for the proceeding is, on its face, an unconstitutional abridgement of the rights to freedom of speech, or of the press, or of the people to peaceably assemble"; or

4. "The proceeding was instituted for the purpose of discouraging the parties or others from exercising rights of freedom of speech, or of the press, or of the people to peaceably assemble."

The committee further recommends that in civil rights cases made subject to removal, the remedy of equitable relief also be made available where either of the above two criteria recently laid down by the Supreme Court in *Dombrowski* v. *Pfister*[37] are met. The Court there authorized Federal injunctive relief against a threatened prosecution by the State of Louisiana of officials of the Southern Conference Educational Fund for violation of statutes "justifiably attacked on their face as abridging free expression, or as applied for the purpose of discouraging protected activities."[38] Statutory codification of *Dombrowski* v. *Pfister* will serve to stabilize the rule of that case and to provide Federal district courts with reinforced guidelines. Accordingly the committee has proposed the two additional bases for Federal equitable relief quoted above.

In addition to urging the statutory creation of the aforementioned four categories of cases where the exercise of Federal injunctive power is appropriate, the committee further recommends the abolition of the judicially created abstention doctrine. The staff study shows that this doctrine has been frequently invoked to bar or delay the granting of prompt and effective Federal relief. Unlike the anti-injunction statute itself, the abstention doctrine was a judicial creation which has, in the past, served to lead Federal courts to defer to State courts in the adjudication of Federal rights. Abstention permits the Federal court to postpone the exercise of its jurisdiction and thus to delay the resolution of serious constitutional problems in civil rights cases.[39]

In order to assure that the grounds recommended for Federal equitable relief are not eroded by requirements of exhaustion of State remedies such as developed as part of the abstention doctrine, the proposed bill provides that, where a Federal injunction is appropriate on the grounds mentioned, the relief is not to be denied or deferred by reason of the availability of any defense or remedy in the State court. Since the purpose of expanded Federal equitable relief in the limited circumstances described by the committee is to provide expeditious Federal disposition of a pending State proceeding, it would be inappropriate to require exhaustion of remedies in that same State proceeding. This branch of the committee's recommendation is in accord with the prevailing authorities.[40]

Finally, it should be noted that the proposed instances for the remedy of Federal equitable intervention will be resorted to only infrequently if the committee's removal proposal is adopted. Every case in which we would authorize the grant of equitable relief would also be subject to removal under the proposed removal statute. However, if in addition to the grounds for removal there is also present one of the explicit conditions warranting prompt equitable relief discussed above, the State proceeding should be enjoined finally.[41]

IV. EFFECT OF PROPOSED REVISIONS ON AN ACTUAL CASE

On October 20, 1958, the Rev. Fred Shuttlesworth, a Negro civil rights leader, walked to a Birmingham, Ala., bus stop with a group of Negroes. When the bus arrived, all but Shuttlesworth boarded it and took seats in the front section. There was a city ordinance, only 6 days old, which authorized the bus system to make its own seating regulations and provided that failure to comply with the regulations was a breach of the peace. The bus company immediately adopted regulations requiring segregated seating, and the Negroes acted to test this new maneuver which had the purpose of avoiding desegregation. The driver of the bus ordered the Negroes to move to the rear of the bus, which they refused to do. All of them, including Shuttlesworth, who was still on the sidewalk, were arrested on charges of breach of the peace, conspiracy to break the peace and disorderly conduct. On October 23, Shuttlesworth and the other Negroes were convicted of disorderly conduct in the recorder's court and varying sentences were given, including one of 82 days in jail at hard labor for Shuttlesworth.

That this criminal prosecution of Shuttlesworth was obviously to thwart and frustrate the exercise by him and others of civil rights was shown more than 5 years later in a decision of the Federal district court. On December 12, 1963, that court released Shuttlesworth in a habeas corpus proceeding, stating:

"The court finds no evidence whatever in the record to support the conviction of petitioners, and, under the compulsion of the authority of the decision of the Supreme Court of the United States in *Thompson* v. *The City of Louisville, supra*, has no alternative except to conclude that the convictions are void and without force and effect, since as the court there said 'just as conviction upon a charge not made would be sheer denial of due process' so is it a violation of due process to convict and punish a man without evidence of his guilt." *Shuttlesworth* v. *Moore*, 9 Race Rel. L. Rep. 107 (N.D. Ala. 1963).

Under the ancient removal precedents discussed earlier this criminal prosecution could probably not have been removed initially to the Federal court since the ordinance under which Shuttlesworth was convicted was not discriminatory on its face. However, under the Civil Rights Procedure Act recommended by the committee herewith, removal would have been authorized since the prosecution was on account of acts coming within the definition of the proposed subdivisions (3) and (4) of section 1443. Promptly after removal, the defendant might have had the case dismissed because his acts were pursuant to vested civil rights. Instead of waiting 5 years to effect protection of his civil rights, Shuttlesworth might have secured such protection within a matter of months. It is this speed which the proposed removal revision would bring to Federal process for vindicating the substantive rights granted by the Constitution and Federal statutes.

On July 20, 1960, after Shuttlesworth's conviction had been affirmed by the county court of Alabama and he had appealed to the intermediate State appellate court, the U.S. Court of Appeals for the Fifth Circuit held that the ordinance under which he was convicted was unconstitutional.[42] Under the proposed Civil Rights Procedure Act, Shuttlesworth could then have secured an order from the Federal court enjoining any further State criminal proceedings. However, under the present state of the law, because of the anti-injunction statute and decisions thereunder, Shuttlesworth could not stay further State court proceedings and continued to be involved in protracted proceedings in the State courts until December 12, 1963, when the district court finally granted habeas corpus.

A summary of the Shuttlesworth litigation, since his arrest for disorderly conduct on October 20, 1958, shows the following: He made numerous court appearances, divided as follows: Five in the State court to review his conviction directly; three in the Federal court to obtain an injunction; three in the State court seeking collateral review and bail; one in the Federal court to obtain bail; and four in the Federal court to secure release on habeas corpus. In addition to the 5 years involved with this court litigation, he served 34 days in jail, had to pay money for bail and had to be afforded legal services of a value of many thousands of dollars. This gross miscarriage of justice would have been prevented if the committee's recommendations for statutory amendments had then been in force.

V. CONCLUSION

For the foregoing reasons, the Special Committee on Civil Rights Under Law is of the opinion that the Congress should consider and enact improvements in the Federal remedial statutes applicable to civil rights cases along the lines discussed herein. The committee's draft of a Federal Civil Rights Procedure Act, annexed in bill form as appendix A, is believed to represent a carefully limited extension of Federal jurisdiction to protect the vital Federal interest at stake in State prosecutions for civil rights activity, without unduly hampering the States in the discharge of their legitimate responsibility for enforcement of the criminal law.

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[37] 380 U.S. 479 (1965); see also *Cameron* v. *Johnson*, 244 F. Supp. 846, vacated and remanded, 381 U.S. 741 (1965).

[38] *Dombrowski* v. *Pfister, supra*, n. 37 at 380 U.S. 489–90.

[39] See discussion in Lusky, "Racial Discrimination and the Federal Law: A Problem in Nullification," 63 Col. L. Rev. 1163–1177 (1963).

[40] See *Lane* v. *Wilson*, 307 U.S. 268 (1939); *Mills* v. *Board of Education*, 30 F. Supp. 245 (D. Md. 1939); *Thompson* v. *Gibbes*, 60 F. Supp. 872 (E.D. S.C. 1945); *Stapleton* v. *Mitchell*, 60 F. Supp. 51 (D. Kan. 1945), appeal dismissed sub nom. *Mitchell* v. *McElroy*, 326 U.S. 690; see also *Hague* v. *CIO*, 307 U.S. 496 (1939).

[41] A possible correlation between the two remedies may arise in a Freedom Rider situation, where arrests are made and trials held over a period of weeks. It is conceivable that the first group arrested might remove and obtain a final adjudication of the unconstitutionality of the statute under which the arrests were made. If the State continued to press the prosecutions, an injunction would be available.

[42] *Boman* v. *Birmingham Transit Company*, 280 F. 2d 531, 535 (5th Cir. 1960).

NATIONAL SYSTEM OF HIKING TRAILS BILL

Mr. NELSON. Mr. President, I send to the desk, for myself and the distin-

guished Senator from Washington and chairman of the Senate Interior Committee [Mr. JACKSON], President Johnson's bill to establish a national system of hiking trails.

I ask unanimous consent that the bill lie on the desk for 1 week for cosponsors and that the text of the bill, together with the text of the letter from Secretary of the Interior Stewart Udall to the President of the Senate explaining the legislation in detail, appear in the RECORD at the close of my remarks.

This legislation will be a benchmark in the history of wise outdoor recreation development in this Nation.

Hiking trails are not only delightful—providing recreation opportunities for everyone from the long-distance tripper to grandparents on a Sunday stroll—but they represent perhaps the most economical form of public investment in outdoor recreation. There ought to be a place to hike within an hour's reach of every American.

President Johnson deserves very high praise for the imaginative leadership and wisdom he has shown in conservation.

The Department of the Interior and the Department of Agriculture recently completed a comprehensive trail study. The bill that we have introduced today is based on the results of that study.

The Appalachian Trail—that magnificent footpath from Maine to Georgia maintained by volunteer labor for 30 years—is the great example of what can be done.

But early action to protect the Appalachian Trail and to establish vitally needed new trails is imperative if we are to have them to enjoy.

Increasing pressure to develop land for commercial and residential purposes is placing existing trails in serious jeopardy and will soon make it nearly impossible to establish new trails where they are most needed near centers of population. Unless decisive action such as this bill provides is taken soon we risk the permanent loss of several major trail opportunities and the crippling diminution of the quality of others.

It was in recognition of these great opportunities and serious dangers that I first introduced legislation to recognize and protect the Appalachian Trail in the 88th Congress and introduced a national hiking trail bill—S. 2590—as well as the Appalachian Trail bill—S. 622—in this Congress.

The nationwide system of trails bill will provide for present and future outdoor recreation needs through the upgrading and expansion of existing trail systems, and the addition of new trails. A nationwide system would be established consisting of four categories of trails: extended trails of national significance identified as "National Scenic Trails"; trails located in Federal parks, forests, and recreation areas; trails located in State parks, forests, and recreation areas; and trails convenient to metropolitan areas.

The present Appalachian Trail, extending for 2,000 miles from Maine through 14 States to Georgia, is listed in the bill for initial national scenic trail status. The bill provides that the Secretary of the Interior, in cooperation with other Federal agencies, States and their political subdivisions, and private interests, shall select a right-of-way and mark, develop, and protect the trail in perpetuity. To advise and assist him, the Secretary would establish an advisory committee composed of Federal, State, and private interests along the trail. To protect the trail, the bill authorizes Federal agencies to acquire trail lands within the boundaries of areas they now administer. It encourages States and their political subdivisions to acquire lands or interest in lands outside of Federal areas for trail purposes, but to the extent that they fail to do so the Secretary of the Interior may acquire lands to preserve the trail. The bill specifies that the Appalachian Trail shall be managed for the protection of its natural, scenic, and historic features, and authorizes the Secretary of the Interior to issue appropriate regulations.

In addition to providing permanent protection for the Appalachian Trail, the bill earmarks nine other trails for study and possible later establishment as National Scenic Trails in subsequent legislation. These nine potential trails are the Chisholm Trail, Continental Divide Trail, Lewis and Clark Trail, Natchez Trace, North Country Trail, Oregon Trail, Pacific Crest Trail, Potomac Heritage Trail, and Santa Fe Trail. One study trail—the Pacific Crest—already exists. Others exist only in part.

Greatly improve recreation trails in Federal parks and forests are a second major objective of this bill. The bill directs the Secretaries of the Interior and Agriculture to improve, expand, and develop trails on the national forests, national parks, public lands, national wildlife refuges, and Indian reservations that they administer. Both Departments already have authority for trail development on these lands. However, the potential for trail purposes has been only partially realized. Much yet can be done to provide for needed public recreational trail use on Federal lands.

State park and forest trails and metropolitan area trails will be encouraged by the Secretaries of the Interior, Agriculture, and Housing and Urban Development. Again, authority exists for such encouragement, but much larger programs are needed, especially in and near metropolitan areas. Once trails have been developed by States and their political subdivisions to acceptable standards, they could then be designated and marked as part of the nationwide system with the approval of the Secretary of the Interior.

Special emphasis will be given trails in metropolitan areas, where opportunities for hiking, cycling, and horseback riding are often severely limited. In every city our people should be able to walk directly from their homes short distances to an access point on a metropolitan trail network which will enable them to travel at a leisurely pace through natural areas, by water courses, along ridge lines, and through spots of scenic beauty.

Utility rights-of-way offer many special opportunities especially for metropolitan area trail development. The bill authorizes the Secretaries of the Interior and Agriculture to cooperate with the Interstate Commerce Commission, Federal Communications Commission, Federal Power Commission, and other Federal agencies having jurisdiction over utility rights-of-way to help realize these opportunities where practical.

The nationwide system of trails bill follows careful studies by the principal land management agencies in the Departments of the Interior and Agriculture. These studies were made in close cooperation with many States, localities, and private groups. The bill, in my judgment, is a reasonable approach to the problem of providing adequate trail mileage and goes a long way toward meeting the Nation's long-range needs. I commend the bill to your early consideration.

Because of my prior association with the concept of hiking trails as author of the Appalachian Trail bill introduced May 20, 1964, and a national hiking trail bill introduced October 1, 1965, the chairman of the Senate Interior Committee has graciously authorized me to sponsor this measure with him.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD, and the bill will lie on the desk, as requested.

The bill (S. 3171) to establish a nationwide system of trails, and for other purposes, introduced by Mr. NELSON (for himself and Mr. JACKSON), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

STATEMENT OF POLICY

SECTION 1. (a) The Congress finds that in order to provide for the ever-increasing outdoor recreation needs of an expanding population and to promote public access to, travel within, and enjoyment of, the National and State parks, forests, recreation areas, historic sites, and other areas, existing trails should be improved and maintained and additional trails should be established both in the remaining highly scenic and unspoiled areas and in the metropolitan areas of the Nation.

Nationwide system of trails

(b) To carry out the policy set forth in subsection (a) of this section, there is hereby established a nationwide system of trails composed of (1) trails designated as "national scenic trails" in this Act or subsequent Acts of Congress; (2) park, forest, and other recreation trails on lands within areas administered by the Secretary of the Interior or the Secretary of Agriculture when designated by the appropriate Secretary; (3) park, forest, and other recreation trails on lands administered by the States when designated by the States and approved by the Secretary of the Interior; and (4) recreation trails on lands in and near metropolitan areas when designated by the administering agency and approved by the Secretary of the Interior. The Secretary of the Interior and the Secretary of Agriculture, in consultation with the appropriate Federal agencies, States, local governments, private organizations, and advisory councils, shall select a uniform marker for the nationwide system of trails, and shall provide for the

placement upon the uniform marker of a distinctive symbol for each national scenic trail.

DEFINITION OF NATIONAL SCENIC TRAILS

SEC. 2. (a) A national scenic trail eligible to be included in the system is an extended trail which has natural, scenic, or historic qualities that give the trail recreation use potential of national significance.

(b) The following trail is hereby designated as a "national scenic trail":

Appalachian Trail, a recreation trail of some two thousand miles, extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia.

Federal, State, and local planning for additional national scenic trails

(c) The Secretary of the Interior, and the Secretary of Agriculture where lands administered by him are involved, shall make studies of the feasibility and desirability (including costs and benefits) of designating other trails as national scenic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which the trails would pass and in cooperation with interested interstate, State, local governmental and private agencies and organizations concerned. The two Secretaries shall submit the studies to the President, together with their recommendations resulting therefrom for the inclusion of any or all such trails in the System, and the President shall submit to the Congress such recommendations, including legislation, as he deems appropriate. The study may include, among others, all or appropriate portions of:

(1) Chisholm Trail, from San Antonio, Texas, approximately 700 miles north through Oklahoma to Abilene, Kansas.

(2) Continental Divide Trail, a 3,100-mile trail extending generally from the Mexican border in southwestern New Mexico northward along the Continental Divide to the Canadian border in Glacier National Park.

(3) Lewis and Clark Trail, from St. Louis, Missouri, approximately 4,600 miles to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(4) Natchez Trace, from Nashville, Tennessee, approximately 600 miles to Natchez, Mississippi.

(5) North Country Trail, from the Appalachian Trail in Vermont, approximately 3,200 miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

(6) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.

(7) Pacific Crest Trail, a two thousand three hundred and fifty-mile trail extending generally from the Mexican-California border northward along the mountain ranges of the West Coast States to the Canadian-Washington border near Lake Ross.

(8) Potomac Heritage Trail, an eight hundred and twenty-five-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the one hundred and seventy-mile Chesapeake and Ohio Canal Towpath.

(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to Santa Fe, New Mexico.

Selection of route for the Appalachian Trail

(d) The Secretary of the Interior shall select the right-of-way for the Appalachian Trail designated as a national scenic trail by subsection (b) of this section. Such right-of-way shall be (1) of sufficient width to protect adequately the natural conditions and scenic and historic features along the trail, and to provide campsites, shelters, and related public-use facilities on adjoining lands; and (2) located to avoid, insofar as practicable, established highways, motor roads, mining areas, power transmission lines, private recreational developments, public recreational developments not related to the trail, existing commercial and industrial developments, range fences and improvements, private operations, and any other activities that would be incompatible with the protection of the trail in its natural condition and its use for outdoor recreation. The location and width of such right-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the Secretary. In selecting the right-of-way, the Secretary shall consult with the States, local governments, private organizations, landowners, and land users concerned and with the Advisory Council established under subsection (f) of this section. The Secretary may revise the location and width of the right-of-way from time to time with the consent of the head of any other Federal agency involved, and after consultation with the aforesaid States, local governments, private organizations, landowners, land users, and the Advisory Council.

The Secretary shall publish notice of the selection of the right-of-way in the Federal Register, together with appropriate maps and descriptions. If in his judgment changes in the right-of-way become desirable, he shall make the changes in the same manner.

Marking route of Appalachian Trail

(e) The Secretary of the Interior, in consultation with the Federal agencies, States, local governments, private organizations concerned, and the Appalachian Trail Advisory Council, shall erect and maintain the uniform marker for the Nationwide System of Trails at appropriate points along the Appalachian Trail route, and shall select a symbol for the Appalachian Trail for placement upon the uniform marker. Where the trail route passes through Federal lands, such marker shall be erected and maintained by the Federal agency administering the lands. Where the trail route passes through non-Federal lands and is administered under cooperative agreements, the Secretary shall require the cooperating agencies to erect and maintain such marker.

Advisory Council for the Appalachian Trail

(f) The Secretary of the Interior shall establish an Advisory Council for the Appalachian Trail. The Secretary may consult with the Council from time to time with respect to any matter relating to the trail, including the selection of the right-of-way, the selection, erection, and maintenance of the markers along the trail route, and the administration of the trail. The members of the Advisory Council shall be appointed for a term not to exceed 5 years by the Secretary as follows:

(1) a member appointed to represent each Federal department or independent agency administering lands through which the trail route passes and each appointee shall be the person designated by the head of such department or agency;

(2) a member appointed to represent each State through which the trail passes and such appointments shall be made from recommendations of the Governors of such States; and

(3) one or more members appointed to represent each private organization that, in the opinion of the Secretary, has an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations.

The Secretary shall designate one member to be Chairman. Any vacancy in the Council shall be filled in the same manner as the original appointment.

Members of the Advisory Council shall serve without compensation, but the Secretary may pay the expenses reasonably incurred by the Council in the performance of its functions upon presentation of vouchers signed by the Chairman.

Acquisition, development and administration of lands for the Appalachian Trail

(g) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for the Appalachian Trail as provided in subsection (d) of this section, the heads of Federal agencies may (1) acquire lands or interests in lands by donation, purchase with donated or appropriated funds, or exchange; and (2) enter into cooperative agreements with the States, local governments, and private organizations concerned in order to carry out the purposes of this section.

(h) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the Appalachian Trail right-of-way, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the States through which the trail passes and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchange of national forest lands.

(i) The State or local governments involved shall be encouraged (1) to acquire, develop, and administer the lands or interests in lands within the right-of-way selected for the Appalachian Trail under subsection (d) of this section that are outside the exterior boundaries of federally administered areas, or (2) to enter into cooperative agreements with the private owners of such lands or private organizations in order to carry out the purposes of this section: *Provided*, That, if the State or local governments fail to acquire such lands and interests or fail to enter into such agreements within a reasonable time after the selection of the right-of-way, the Secretary of the Interior may acquire the private lands or interests therein outside the exterior boundaries of federally administered areas by donation, purchase with donated or appropriated funds, or exchange, and may develop and administer such lands or interests therein, or may enter into cooperative agreements with States, local governments, private owners, and private organizations in order to carry out the purposes of this section: *Provided further*, That the Secretary shall utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this subsection only in cases where, in his judgment, all reasonable efforts to acquire such land by negotiation have failed, and in such cases the Secretary shall acquire the fee title only where, in his judgment, lesser interests in land (including scenic easements) are not adequate for the purposes of this section.

(j) The Secretary of the Interior shall develop and administer the Appalachian Trail designated as a national scenic trail by subsection (b) of this section, consistent with appropriate use of the authorities contained in subsections (g) and (i) of this section, except that any portion of such trail that are within areas administered by another Federal agency shall be administered in such manner as may be agreed upon by the Secretary and the head of that agency, or as directed by the President.

The Appalachian Trail shall be administered, protected, developed, and maintained to retain its natural, scenic, and historic features; and provision may be made for campsites, shelters, and related public facilities, and appropriate public outdoor recreation activities; and other uses that will not substantially interfere with the nature and purposes of the Appalachian Trail may be permitted or authorized, as appropriate: *Provided,* That the public use of motorized vehicles shall be prohibited: *Provided further,* That the Federal laws and regulations applicable to Federal lands or areas included in the trail shall continue to apply to the extent agreed upon by the Secretary and the head of the agency having jurisdiction over the Federal lands involved, or as directed by the President.

The Secretary of the Interior, with the concurrence of the heads of any other Federal agencies administering lands through which the Appalachian Trail passes, and after consultation with the States, local governments, and private organizations concerned, and the Appalachian Trail Advisory Council established under subsection (f) of this section, may issue regulations, which may be revised from time to time, governing protection, management, use, development, and administration of the trail.

(k) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

FEDERAL PARK, FOREST, AND OTHER RECREATION TRAILS

SEC. 3. The Secretary of the Interior and the Secretary of Agriculture are directed to improve, expand, and develop park, forest, and other recreation trails for hiking, horseback riding, cycling, and other related uses on lands within areas administered by them: *Provided,* That the public use of motorized vehicles shall be prohibited on such trails within (a) the natural and historical areas of the national park system, (b) the national wildlife refuge system, (c) the national wilderness preservation system, and (d) other Federal lands where trails are designated as being closed to such use by the appropriate Secretary. Such trails may be designated and suitably marked as part of the nationwide system of trails by the appropriate Secretary.

STATE AND METROPOLITAN AREA TRAILS

SEC. 4. (a) The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing park, forest, and other recreation trails on lands owned or administered by States, and recreation trails on lands in or near urban areas. He is further directed, in accordance with the authority contained in the Bureau of Outdoor Recreation Organic Act (77 Stat. 49), to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

(b) The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954, to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban open-space program under title VII of the Housing Act of 1961, to encourage the provision and development of such recreation trails.

(c) The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(d) Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

UTILITY RIGHTS-OF-WAY

SEC. 5. The Secretary of the Interior and the Secretary of Agriculture are authorized, with the cooperation of the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies having jurisdiction, control over, or information concerning the use, abandonment, or disposition of rights-of-way and similar properties that may be suitable for trail route purposes, to develop effective procedures to assure that, wherever practicable, utility rights-of-way or similar properties having value for trail route purposes may be made available for such use.

The letter presented by Mr. NELSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C. March 31, 1966.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D. C.

DEAR MR. PRESIDENT: The President, in his February 23 message on preserving our natural heritage, said "I'm submitting legislation to foster the development by Federal, State, and local agencies of a nationwide system of trails and give special emphasis to the location of trails near metropolitan areas." The proposed legislation is enclosed.

A nationwide system of trails will open to all the opportunity to develop an intimacy with the wealth and splendor of America's outdoor world for a few hours at a time, or on 1-day jaunts, overnight treks, or expeditions lasting a week or more. A system of trails carved through areas both near to, and far from, man and his works will provide many varied and memorable experiences for all who utilize the trails.

During the past 8 months, the Secretary of the Interior and the Secretary of Agriculture, in cooperation with other public and private trail interests, jointly conducted a nationwide trail study which is nearing completion. The enclosed bill provides for the establishment of a nationwide system of trails composed of the following four general classes of trails to serve the needs of the American people:

National scenic trails: A relatively small number of lengthy trails which have natural, scenic, or historic qualities that give them recreation use potential of natural significance. Such trails will be several hundred miles long, may have overnight shelters at appropriate intervals, and may interconnect with other major trails to permit the enjoyment of such activities as hiking or horseback riding. The enclosed bill designates the Appalachian Trail as a national scenic trail for inclusion in the nationwide system, and provides that other trails may be so designated by subsequent legislation. Moneys appropriated from the land and water conservation fund would be available to Federal agencies to acquire lands for the national scenic trails and would be available to States and their political subdivisions for land acquisition and development for trail purposes. The development of national scenic trails by Federal agencies would be financed by appropriations from the general fund of the Treasury.

Federal park, forest, and other recreation trails: There will be an improvement and expansion of existing trails and the development of additional trails within areas administered by the Secretaries of the Interior and Agriculture in order to enable the public to make use of the distinctive natural, scenic, and historic resources of the areas administered by the two Secretaries. Among such areas are the national parks, national forests, national wildlife refuges, Indian reservations, and public domain lands. However, appropriate arrangements would need to be made with the Indian tribes and individual Indians involved for rights-of-way or easements across Indian lands. No new legislation is required to authorize the construction of this class of trails. The two Secretaries will request funds for the trails as part of their regular requests for appropriations as they have in the past. The enclosed bill authorizes each Secretary to designate and mark the trails of this class under his administrative jurisdiction as part of the nationwide system of trails.

State park, forest, and other recreation trails: An expansion of trails on lands owned or administered by the States will be encouraged. Only a few States now have major trail development programs underway or planned. Almost half of the States report that they have less than 100 miles of such trails. The enclosed bill directs the Secretary of the Interior to encourage the States to consider needs and opportunities for such trails in the comprehensive statewide outdoor recreation plans and project proposals submitted to the Secretary under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897). Upon the approval by the Secretary of the Interior of trail projects proposed by the States for financial assistance under the Fund Act, funds would be available for the acquisition and development of the trails from the moneys allocated to the States out of the fund. The bill also directs the Secretary of the Interior, under the authority of the Bureau of Outdoor Recreation Organic Act (77 Stat. 49), and the Secretary of Agriculture, under authority vested in him, to encourage the establishment of such trails. The States may designate and mark this class of trails as part of the nationwide system with the approval of the Secretary of the Interior.

Metropolitan area trails: To serve people near their homes, local governments will be encouraged to develop trails designed primarily for day use in and near urban areas. These trails will satisfy the needs of large numbers of people for limited hiking and riding experiences. Whenever possible, the trails will lead directly from urban residential areas. Where appropriate, river and canal banks, utility rights-of-way, abandoned railroad or streetcar beds, and even city streets and sidewalks will be utilized. The enclosed bill directs the Secretary of the Interior to encourage the establishment of metropolitan area trails under the existing authority and procedures of the Land and Water Conservation Fund Act. It also directs the Secretary of Housing and Urban Development to encourage the planning and provision of trails in metropolitan and other urban areas through the existing urban planning assistance program and the urban open-space land program. In addition, the bill directs the Secretary of the Interior, under the authority of the Bureau of Outdoor Recreation Organic Act (77 Stat. 49), and the Secretary of Agriculture, under the authority vested in him, to encourage States, political subdivisions and private interests, including nonprofit organizations, to establish metropolitan area trails. This class of trails may be designated and marked as part of the system by the States or other administering agencies with the approval of the Secretary of the Interior.

As the initial unit of the nationwide system of trails, the enclosed bill designates the Appalachian Trail, extending 2,000 miles along the Appalachian Mountains from Maine to Georgia, as a national scenic trail.

The Secretary of the Interior is authorized to select a right-of-way for, and to provide appropriate marking of, the Appalachian Trail. The right-of-way for the trail

will be of sufficient width to protect natural, scenic, and historic features along the trail, and to provide needed public use facilities. The right-of-way will be located to avoid established uses that are incompatible with the protection of the trail in its natural condition and its use for outdoor recreation. The location, relocation, and marking of the Appalachian Trail will be coordinated with the various Federal agencies, States, local governments, private organizations, and individuals concerned. Notice of the selection of the trail right-of-way, and changes therein will be published in the Federal Register.

The Secretary is also authorized to establish an advisory council for the Appalachian Trail. The council will assist in the selection of the right-of-way, and the marking and administration of the trail. The advisory council will include representatives of the Federal agencies that administer lands through which the trail passes, of the States involved, and of private organizations having an established and recognized interest in the trail.

The enclosed bill authorizes Federal agencies to acquire lands or interests in lands within the boundaries of areas they administer within the right-of-way for the Appalachian Trail by donations, purchase with donated or appropriated funds, or exchange. State and local governments will be encouraged to acquire the lands or interests in lands needed for the trail that are outside of federally administered areas, or to enter into cooperative agreements with the private owners of such lands to carry out the purposes of the bill, but to the extent the State and local governments fail to do so, the bill grants the Secretary of the Interior appropriate authority.

The Secretary of the Interior in cooperation with the other agencies and ogranizations concerned will administer, protect, develop, and maintain the Appalachian Trail in a manner that will protect natural, scenic, and historic features and provide for appropriate public uses.

We estimate the land acquisition cost for the Appalachian Trail at approximately $4,665,000 and the development costs at approximately $2 million. These costs are programed over the first 5 years. Annual operation and maintenance costs for the Appalachian Trail are expected to be about $250,000 after the fifth year.

The $4,665,000 land acquisition cost figure would provide for the acquisition of lands or interests therein along the 866 miles of the Appalachian Trail not now in public ownership. This assumes acquisition in fee of an average of 25 acres per mile, as well as the acquisition of scenic easements, as needed, to protect trail values on adjoining lands. The 25 acre per mile acquisition in fee would permit a right-of-way averaging about 200 feet in width.

In keeping with the bill's objective of encouraging cooperation between the Federal agencies, States, local governments, and private interests concerned, we anticipate that non-Federal interests will participate actively in the acquisition, development, operation, and maintenance of the Appalachian Trail. To the extent of such participation, the need for Federal funds will be reduced.

The man-years and cost data statement (based on current assumptions and estimates) required by the act of July 25, 1956 (70 Stat. 652; 5 U.S.C. 642a), when annual expenditures of appropriated funds exceed $1 million, is enclosed.

The Bureau of the Budget has advised that the presentation of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

TRINITY NATIONAL HISTORIC SITE, N. MEX.

Mr. ANDERSON. Mr. President, not since the dawn of civilization has one single event more abruptly launched mankind into a new age than the cataclysmic explosion which occurred on a bleak and barren landscape near Alamogordo, N. Mex., July 16, 1945.

That was the detonation of the world's first nuclear device.

In that vast, earth-shaking and awe-inspiring unleashing of energy, the end of World War II became assured. Violent though it was, and weapon though it was, it meant eventual peace.

But it meant much, much more than that: today it enables us to explore the stars, that frontier which is boundless, and if we are successful in completely harnessing it for peaceful use, and controlling it as a weapon, we will herald an era of prosperity and well-being which humankind has never imagined possible.

Mr. President, in view of the monumental significance of this event, I introduce a measure for myself and my colleague [Mr. MONTOYA] to provide for the establishment of the Trinity National Historic Site in the State of New Mexico.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3172) to provide for establishment of the Trinity National Historic Site in the State of New Mexico, introduced by Mr. ANDERSON (for himself and Mr. MONTOYA), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF SECTION 3(c) OF THE EXPORT CONTROL ACT

Mr. McGOVERN. Mr. President, I send to the desk a bill to amend the Export Control Act of 1949, as amended.

The events which require the proposed amendment to the Export Control Act are the issuance of the two recent export bulletins by the Department of Commerce, 929 and 930.

The existing statute, Export Control Act of 1949, states certain policies which shall be effectuated through use of export controls. They are: Protection of the domestic economy from excessive drain of scarce materials and reduction of inflationary impact of abnormal foreign demand; secondly, furtherance of U.S. foreign policy; and, finally, protection of national security.

The proposed amendment relates only to the first of these policies and does not affect the power to use export controls in furtherance of our foreign policy or protection of our national security. It is only related to the use of export controls occasioned by domestic economic considerations.

Recent events have indicated that it is desirable and necessary to have a specific official who is in the best position to be well informed about domestic economic and supply conditions, gather up-to-date information and on this basis make a specific determination of the existence of conditions which may require the President or his delegate to use the authority of the Export Control Act.

The proposed amendment does not affect the President's or delegate's power to act in the areas of foreign policy or national security nor for that matter in the field of domestic agricultural economics when his Secretary of Agriculture has made findings of the need. It simply requires that the Secretary hold hearings, and make a finding of supplies substantially inadequate to meet domestic needs, before action is taken.

Mr. President, I ask unanimous consent that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3175) to amend section 3(c) of the Export Control Act of 1949, as amended, introduced by Mr. McGOVERN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"(C) The authority conferred by this section for the purpose of effectuating this policy set forth in 2(1)(a) of this Act shall be exercised with respect to any agricultural commodity or products processed therefrom including, but not limited to, hides, skins, and pelts and fats and oils, only after the Secretary of Agriculture has conducted a hearing of all interested parties and determined that the supply of such commodity is and will continue for an extended period of time to be substantially inadequate to meet the requirements of the domestic economy for such commodities and so certified to the President or his delegate: Any such determination of inadequate supply to meet the requirements of the domestic economy shall be reviewed by said Secretary at least every six months and, if it appears after the result of such review that the supply conditions for any such commodity have so changed that the supply thereof is no longer substantially inadequate to meet the needs of the economy, then said Secretary shall immediately so certify to the President or his delegate."

PROPOSED LEGISLATION TO REDUCE AUTOMOBILE THEFTS

Mr. RIBICOFF. Mr. President, for myself, the senior Senator from New York [Mr. JAVITS] and the junior Senator from New York [Mr. KENNEDY], I introduce, for appropriate reference, a bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3176) to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes, introduced by Mr. RIBICOFF (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. RIBICOFF. Mr. President, during a recent hearing of the Subcommittee on Executive Reorganization on the

subject of traffic safety, State Senator Simon J. Liebowitz, of New York, pointed out the growing menace to life and property from automobile thefts by the use of master keys. He told me that since these keys are ordered and sent through the mail there is no way a single State can effectively prohibit their purchase and receipt by one of its residents. Senator Liebowitz urged us to reconsider introducing legislation to exert Federal control over the traffic in master automobile keys.

After studying this problem, Senators JAVITS and KENNEDY, of New York, and I have concluded that there is a need for a Federal law to regulate the advertisement and sale of this type of key. We found that for less than $30 any person can buy a complete set of keys to fit all makes of cars.

Police records show that these keys are frequently used by juveniles to take cars for joyrides. Such youngsters are usually inexperienced drivers and hence are more likely to be involved in serious accidents. By forbidding juveniles to acquire these keys, we can prevent many serious injuries and deaths and reduce one of the leading categories of youth crime.

There is mounting evidence that professional automobile strippers use the keys to steal cars and remove valuable parts such as engines, radios, and bucket seats. The National Auto Theft Bureau reports that a large percentage of the recovered cars show no sign of forcible entry.

The keys are also used by criminals who steal from salesman's cars. The thief merely follows the salesman to his home and after he parks the car, the thief has ample time to try his keys until he finds the one that fits the car. The next day the thief again follows the salesman and at the first opportunity steals the samples.

Police and Theft Bureau officials believe that master keys are an important factor in the growing rate of auto thefts. In 1964 auto theft increased 16 percent over the previous year, and in 1965 it jumped another 4 percent.

Mr. President, this is a national problem which demands a national solution. The bill I introduced today with Senators JAVITS and KENNEDY will prohibit the advertisement of sale of master keys except to those with a legitimate need for them. It authorizes the Postmaster General to establish regulations for the mailing of these keys.

Mr. President, I ask unanimuose consent to have printed in the RECORD at this point a memorandum on the problem of master keys prepared by the Legislative Reference Service. It contains additional information on this topic. I also ask unanimous consent that the bill as introduced be printed immediately following the memorandum.

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

The memorandum presented by Mr. RIBICOFF is as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., February 21, 1966.

To: Senate Executive Reorganization Subcommittee; attention, Mr. Robert Wager.
From: Economics Division.
Subject: Procurement of master keys for automobiles.

In an effort to gain information on the procurement methods of master keys for automobiles, telephone calls were made to many individuals.

A spokesman for the American Automobile Association (AAA) stated that automobile dealers generally have a key cutting machine and a code book for their make of automobile. If an individual has the serial number of a lost key the dealers are able to reproduce the key through identification data contained in the code book. The AAA spokesman stated that he understood that qualified locksmiths could obtain rings of master keys for all makes of automobiles. These master key rings are not obtained from the automobile manufacturers but from independent key companies; however, he did not know the name or identity of these key companies.

Telephone calls were made to several local locksmiths. These locksmiths generally confirmed that master keys for automobiles are available. They would answer that the keys may be obtained from many key companies; they are not obtained from the auto manufacturers. However, none of the locksmiths we spoke to would name any of the companies from whom the keys may be obtained. They claimed that the keys are available to "locksmiths with shops." When queried if a locksmith had to submit some proof of his trade with his application or if the key companies made any inquiries before filling orders for master keys, the conversation was usualy terminated by an abrupt comment to the effect that "I won't say anything more," or "What the key companies do is their business, not mine."

An official of the Metropolitan Police Department of the District of Columbia stated that rings of master keys for automobiles are easily obtainable. When queried as to what qualified an individual to purchase rings of master keys for autos this official replied that as far as he could determine the qualification amounted to the price of the order with the application. He went on to say that he had seen advertisements in some popular auto magazines offering master keys for sale.

The police officials stated that the ease with which individuals apparently can obtain master keys undoubtedly does contribute to the high rate of auto thefts. He said that about 92 percent of the stolen automobile cases in the District of Columbia fall into the category they term: "for the purpose of joyriding." That is, the auto is taken for the purpose of a short time usage and that the major number of violators in this group are juveniles. This official further explained that he felt the ease of procurement of master keys was a much less important contributing factor to these "joyriding" thefts than the fact that automobile locks are very simple mechanisms that can be easily manipulated.

While the locks installed on all automobiles are simple and can be manipulated by skilled individuals, the locks on General Motors cars are especially so. He said that the locks on Oldsmobiles, Pontiacs, and Chevrolets, in that order, appear to be the easiest to manipulate. He continued by stating that many juveniles obtain a basic General Motors auto key and then are able to file and sand ridges on the key so that they can use it as a master key for a specific make of auto. He said that on many occasions the police have picked up juveniles and they would boast that "my key will open any Pontiac on this street," etc. Furthermore, they are able to prove it by demonstration.

The police official added that Ford and Chrysler autos appeared to have locks more difficult for the juveniles to overcome. Further, he added that Ford on its 1965 and 1966 models has installed a new type of lock which encompasses a set of tumblers on top of the lock, a set of tumblers on the bottom of the lock, and a sliding bar in the middle of the lock; all of these mechanisms must be activated before the lock will release. To date, the new Ford lock appears to be more effective than previous ones.

The bill (S. 3176) is as follows:

S. 3176

A bill to provide criminal penalties for the introduction, or manufacture for introduction, into interstate commerce of master keys for motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 113 of title 18, United States Code is amended by—

(1) adding at the end thereof the following new section:

"§ 2319. INTRODUCTION, SALE, DISTRIBUTION, OR ADVERTISEMENT FOR SALE TO THE PUBLIC OF MOTOR VEHICLE MASTER KEYS.

"Whoever knowingly introduces, or manufactures for introduction, into interstate commerce or transports or distributes in interstate commerce any motor vehicle master key shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"Whoever knowingly disseminates or knowingly causes to be disseminated by means of the United States mails, or in interstate commerce by any means, any advertisement of sale to the public of motor vehicle master keys shall be fined not more than $2,000 or imprisoned not more than five years, or both.

"This section shall not apply to—

"(1) the introduction, manufacture for introduction, transportation, distribution, sale or possession in interstate commerce of motor vehicle master keys for use in the ordinary course of business by any bona fide locksmith, common carrier, contract carrier, new or used car dealer, rental car agency, automobile club or association operating in more than one State or an affiliate thereof, or any department, agency, or instrumentality of (a) the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (b) any political subdivision of any such entity; or

"(2) the shipment, transportation, or delivery for shipment in interstate commerce of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

"As used in this section, 'master key' means any key adapted to fit the ignition switch of two or more motor vehicles the ignition switches of which are designed to be operated by different keys."

(2) adding at the end of the chapter analysis of such chapter the following:

"§ 2319. Introduction, Sale, Distribution, or Advertisement for Sale to the Public of Motor Vehicle Master Keys."

(b) Section 1716 of such title is amended by inserting immediately after the seventh paragraph thereof the following new paragraph:

"All keys adapted to fit the ignition switch of two or more motor vehicles the ignition switches of which are designed to be operated with different keys are nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the postal service. Such keys may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe—

"(1) to any bona fide locksmith, new or used car dealer, officer or employee of a common carrier or contract carrier, or officer or employee of any rental car agency for use in their business;

"(2) to any officer or employee of any automobile club or association operating in more than one State or an affiliate thereof for use in connection with the activities of such club or association; and

"(3) to supply or procurement personnel of (A) any department, agency, or instrumentality of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or (B) any political subdivision of any such entity, for use in connection with the activities of such department, agency, or instrumentality.

The Postmaster General may require, as a condition of conveying any such key in the mails, that any person proposing to mail such key explain in writing to the satisfaction of the Postmaster General that the mailing of such key will not be in violation of this section."

SEC. 2. This Act shall take effect on the sixtieth day after the date of its enactment.

INCREASED FOOD SUPPLIES FOR INDIA

Mr. ELLENDER. Mr. President, on March 30, the President sent a message to the House of Representatives pertaining to proposals for increasing food supplies for India, and a joint resolution was put before the House and sent to the Agriculture Committee of the House.

This morning, this message was sent to the Senate, and pursuant to this message, I am introducing on behalf of myself, the Senator from Montana [Mr. MANSFIELD], the Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. DIRKSEN], and such other Senators as may wish to join, a joint resolution to carry out the message submitted today by the President of the United States.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 149) to support U.S. participation in relieving victims of hunger in India and to enhance India's capacity to meet the nutritional needs of its people, introduced by Mr. ELLENDER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. ELLENDER. Mr. President, I wish to announce that I shall try to hold hearings on this joint resolution probably on Tuesday and Wednesday of next week, and I am hopeful that the Senate will be able to enact the resolution before the Easter recess begins.

I understand that the House will take up the resolution on Monday, and in all probability we should be able to have the resolution enacted before the Easter holiday begins.

Mr. CARLSON. Mr. President, I would appreciate it very much if the distinguished chairman of the Committee on Agriculture and Forestry would permit me to cosponsor the joint resolution, as I believe it is a resolution which should be enacted into law at the earliest opportunity.

Mr. ELLENDER. I thank the Senator.

Mr. President, I ask unanimous consent that the resolution remain at the desk until Monday next, so that Senators who desire to cosponsor it may do so.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the President on economic aid to India be referred to the Committee on Agriculture and Forestry along with the resolution which was introduced by the distinguished chairman of the committee the Senator from Louisiana [Mr. ELLENDER].

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

DESIGNATION OF APRIL 1967 AS FEDERAL LAND BANK MONTH

Mr. McCLELLAN. Mr. President, I send to the desk, for appropriate reference, a joint resolution which would provide for the designation of the month of April 1967 as Federal Land Bank Month.

The inauguration of the Federal land bank system in April of 1917 marked the first time in the history of the United States that it was possible for people to obtain credit through Government-sponsored programs of any kind.

The establishment of the system has consistently attacked the chronic scarcity of money for agricultural development by instituting reforms on farm-lending practices. It has provided long-term funds for farmers at reasonable costs in place of high and often extortionate interest rates and high renewal commissions every few years. From its beginning, the bank's primary mission has been to keep borrowers in business.

Many agree that agriculture—the production of food and fiber—is rapidly moving toward its greatest hour. For it is increasingly evident that the hopes of people everywhere to obtain their barest needs for food and hope for enduring peace and, indeed, the survival of man are closely linked. Recognizing this, the Federal land banks will dedicate their 1967 golden anniversary to "American Farmers: Providers of Plenty." It will provide a threshold of public interest and understanding not only of the tremendous contributions of U.S. agriculture in the past but also of its vital role in the immediate future.

Coming at this critical time in world history, this anniversary will commemorate unquestioned success of both the Federal land banks and American agriculture and develop awareness of the imperative demands which they will be called upon to meet in the years ahead.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD, together with a letter and its enclosures from the Director of the land bank service.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and letter with enclosures, will be printed in the RECORD.

The joint resolution (S. J. Res. 150) to provide for the designation of the month of April, 1967, as Federal Land Bank Month, introduced by Mr. McCLELLAN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas the inception of the Federal land bank system in April of 1917 marked the first time in United States history that Americans were enabled to obtain credit through a federally sponsored program of any kind; and

Whereas the Federal land bank system stands out as a unique alliance of farmers, the financial community, and the Government, deriving its loan funds from bond sales to a broad range of investors, and thus providing a mainstay for America's agricultural strength and progress through a banking system created and working "of, by, and for" its farmer-borrowers; and

Whereas the Federal land bank system has pioneered, innovated, and provided leadership for the wise and constructive use of credit by America's farmers; and

Whereas the American farmer's productive capacity over the past half century, which has made such farmer the provider of plenty for the United States and extensive areas of the free world outside the United States, represents one of the free world's indispensable assets; and

Whereas it becomes increasingly evident that the hopes of people everywhere for food, peace, and the survival of mankind are closely interrelated, and that agriculture—the production of food and fiber—is thus rapidly moving toward its greatest challenge; and

Whereas the month of April 1917, marked completion of the chartering of the twelve Federal land banks, as authorized by Act of Congress, and the first land bank loans were issued in that month; and

Whereas the month of April 1967, provides an appropriate and fitting opportunity for due recognition of the foregoing achievements, accomplishments, and deeds: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the month of April 1967, is hereby designated as "Federal Land Bank Month" and the President is requested to issue a proclamation calling upon all people of the United States for the observance of such month with appropriate proceedings and ceremonies.

The letter and enclosures presented by Mr. McCLELLAN are as follows:

MARCH 14, 1966.

Mr. JOHN L. RYAN,
President, Federal Land Bank of New Orleans, New Orleans, La.

Mr. RALPH E. NOWLAN,
President, Federal Land Bank of St. Louis, St. Louis, Mo.

DEAR JOHN AND RALPH: As you know, one of the important projects leading up to the 50th anniversary observance will be the enactment of legislation requesting a Presidential proclamation designating April 1967 as Federal Land Bank Month. If we are to be successful in this effort, it is highly important that the enclosed draft of a resolution be introduced for consideration as soon as possible.

In order to enhance the possibility of obtaining prompt approval of the resolution, we feel it is advisable to have it introduced by a group of leading Senators representing agriculture and the Judiciary Committee, perhaps headed by Senator EASTLAND, of Mississippi, since he is chairman of the Judiciary Committee and also a member of the Agriculture and Forestry Committee. We are suggesting that he be joined by Senators McCLELLAN, of Arkansas, DIRKSEN, of Illinois, ELLENDER, of Louisiana, and perhaps others.

It would be much appreciated if you will make contact with your Senator on this mat-

ter or arrange for other suitable contact. The enclosed background fact sheet may be useful in explaining the importance of this proposed resolution.

I will appreciate knowing the receptiveness of your Senator to the proposal, any information you may receive as to when the resolution will be introduced, and suggestions as to appropriate followup on our part. It is essential to the anniversary program that the resolution be approved during the present session of Congress.

Sincerely,

GLENN G. BROWNE,
Director, Land Bank Service.

FACTS RELATIVE TO THE 50TH ANNIVERSARY OF THE FEDERAL LAND BANKS

1. In America's remarkable agricultural progress over the past half-century, a major factor has been sound farm financing and modern business methods—first made possible through long-term credit provided by the Federal land banks.

2. Inauguration of the Federal land bank system in 1917 marked the first time in U.S. history that people were enabled to obtain credit through Government-sponsored programs of any kind.

3. By use of initial capital funds supplied by the Government and emergency Government capital during the depression of the 1930's, the Federal land banks were instrumental in helping the Nation endure periods of crisis because thousands of farmers were able to maintain production of vital food and fiber supplies. Since 1947, when all capital subscribed by the Government was returned to the Treasury, the Federal land bank system has been completely farmer owned.

4. While supervised by the Farm Credit Administration and deriving its loan funds from bond sales to eminent financial institutions and a broad spectrum of investors, this banking system is "of, by and for" its farmer-borrowers. Thus it stands out as a unique alliance of farmers, the financial community, and the Government—a mainstay of America's agricultural strength.

5. Establishment of the system attacked the chronic scarcity of money for agricultural development by instituting reforms in farm-lending practices. It provided long-term funds for farmers at reasonable cost in place of high and often extortionate interest rates and high renewal commissions every few years. Unlike many other lending institutions, the Federal land banks made it possible for borrowers to amortize their loans as they earn and to repay loans without penalty. From the beginning, the banks' primary mission has been to keep borrowers in business.

6. The Congress established the Federal land banks as a permanent and dependable source of farm mortgage credit at reasonable rates of interest and on terms especially adapted to the particular needs of farmers. Today the banks have some 384,000 loans totaling $4.3 billion on farms in this country—20 percent of all mortgage credit currently used by farmers. During their 48-year existence, the banks have served more than 2 million farmers with loans totaling some $7.8 billion. Farmers and others interested in agricultural credit agree that over the years these banks have made a significant contribution not only to agriculture but to our Nation's entire economy as well.

7. The 12 land banks and more than 700 affiliated Federal land bank associations are the senior members of a nationwide farm credit system which from its inception has pioneered, innovated, and set both pace and standards for modern, business-based financing in agriculture. Thus every farmer who has used mortgage credit has benefited. In fact, not only has this system served as a model for agricultural development in the United States but it has also furnished basic principles for developing credit systems in many other countries.

8. Meaningful appraisal of the value of the land banks is expressed in comment of the Hoover Commission on Reorganization of Government Agencies when it singled out the land bank system as requiring no recommendation for change or improvement, and stated: "We take this opportunity to commend the high ability, integrity, and service which the land banks have shown over the years."

9. Many agree that agriculture—the production of food and fiber—is rapidly moving toward its greatest hour. For it is increasingly evident that the hopes of people everywhere to obtain their barest needs for food and hope for enduring peace and, indeed, the survival of man are closely linked. Recognizing this, the Federal land banks will dedicate their 1967 golden anniversary to "American Farmers: Providers of Plenty." It will provide a threshold of public interest and understanding not only of the tremendous contributions of U.S. agriculture in the past but of its vital role in the immediate future. Coming at this critical time in world history, this anniversary will commemorate unquestioned success of both the Federal land banks and American agriculture and develop awareness of the imperative demands which they will be called upon to meet in the years ahead.

COMMEMORATIVE MEDAL

Legislation authorizing commemorative medals has to go through the Senate Committee on Banking and Currency. It can be introduced by any Member of the Senate, but it would be preferable to have it brought up by a Senator who is a member of both the Banking and Currency and the Agriculture Committees.

After introduction on the floor of the Senate, it will be referred to the Banking and Currency Committee for a hearing—probably to be held in conjunction with other matters since it alone does not warrant a special hearing. The committee will then pass on it, refer it back to the floor of the Senate, where it will then be read twice and (hopefully) passed. It is not necessary to have it introduced by a Member of the House, where it will automatically go after Senate passage; however, it might be helpful to get House Members interested in it to expedite the matter.

Since all organizations for whom these commemorative medals are struck are expected to pay for them, no appropriations legislation is necessary to accompany or follow the resolution.

COMMEMORATIVE MONTH

Legislation providing for the observance of a commemorative month to honor the 50th anniversary of the Federal Land Bank System can be introduced by any Member of the Senate, but should preferably be introduced by a member of the Judiciary Committee. After introduction on the floor of the Senate, the bill is brought to the full Judiciary Committee which will refer it to the Subcommittee on Federal Observances, etc. (Senators DIRKSEN and MCCLELLAN), who, after having held a hearing in the course of other business, will refer it back to the full committee for recommendation; after that it will go back to the floor of the Senate for passage.

As in the case of the commemorative medal, there is no basic need to introduce an identical resolution in the House; but it would be useful to interest House Members before it gets to the House hopper.

The usual commemorative period is 1 week. We are told that it will be quite difficult to have a whole month declared a commemorative month, but the resolution was drafted with the idea that a period shorter than a month could be inserted if necessary.

JOINT RESOLUTION TO PROVIDE FOR THE DESIGNATION OF THE MONTH OF APRIL, 1967, AS FEDERAL LAND BANK MONTH

Whereas the inception of the Federal land bank system in April of 1917 marked the first time in United States history that Americans were enabled to obtain credit through a federally sponsored program of any kind, and

Whereas the Federal land bank system stands out as a unique alliance of farmers, the financial community, and the Government, deriving its loan funds from bond sales to a broad range of investors, and thus providing a mainstay for America's agricultural strength and progress through a banking system created and working "of, by, and for" its farmer-borrowers; and

Whereas the Federal land bank system has pioneered, innovated, and provided leadership for the wise and constructive use of credit by America's farmers; and

Whereas America's agricultural progress over the past half century represents one of the free world's indispensable assets, as a result of which the farmers of this country have become providers of plenty for Americans and extensive areas of the free world; and

Whereas it becomes increasingly evident that the hopes of people everywhere for food, peace, and the survival of mankind are closely interrelated, and that agriculture—the production of food and fiber—is thus rapidly moving toward its greatest challenge; and

Whereas the month of April 1917, marked completion of the chartering of the twelve Federal land banks, as authorized by act of Congress, and that the first land banks were issued in that month; and

Whereas the month of April 1967, provides an appropriate and fitting opportunity for due recognition of the foregoing achievements, accomplishments, and deeds: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the month of April 1967, is hereby designated as "Federal Land Bank Month" and the President is requested to issue a proclamation calling upon all people of the United States for the observance of such month with appropriate proceedings and ceremonies.

WATERSHED FINANCING

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a joint resolution expressing the intent of Congress with respect to appropriations and project authorizations for watershed planning for fiscal year 1966. The purpose of this resolution is to remove the project planning limitation recently placed on the watershed program by the Bureau of the Budget for fiscal year 1966.

During the past few years the Congress has acted wisely in creating several new programs designed to help people help themselves. In addition, there has been a resurgence of interest in the preservation and wise development of our Nation's natural resources. In reviewing this activity, however, I fear that we have neglected one of our strongest existing programs, the watershed protection program created in 1954 by Public Law 566.

Mr. President, I know of few other programs that have greater support

among the people and officials at all levels of Government. Through small watershed construction we are protecting our people from floods, providing recreation facilities, increasing municipal water supplies, storing irrigation water, and enhancing fish and wildlife habitats.

Watershed projects must be initiated by local people. Those who sponsor these projects receive technical guidance from the Soil Conservation Service and operate under the jurisdiction of State law. After approval of a project plan by the Soil Conservation Service, the local sponsoring organizations must do a great deal of work and provide a substantial portion of the cost of each project.

My home State of Indiana, under the skillful guidance of the State Department of Natural Resources and the Soil Conservation Service, has developed an exceptionally progressive program. These two agencies have done an outstanding job of working with and coordinating the efforts of hundreds of people who represent 88 local watershed sponsoring organization.

State support for this program is unequivocal. At the present time, Indiana spends more money for watershed planning within its borders than does the Federal Government. In addition, eventual State and local expenditures for projects in our current program will total around $51 million, just $15 million short of equalling the Federal financial portion. With nearly 90 projects in various stages of development, the State of Indiana ranked fifth in the number of watershed applications recorded in a June 30, 1965, survey.

This program is one of the finest examples of how the power and the resources of local, State, and Federal Government, once motivated by local initiative, can work together for public betterment.

However, only two watershed projects in my State have been completed. Perhaps even more discouraging is the fact that 38 project applications have not even been serviced. This tragic situation deprives the people of the benefit of a fuller life through the proper use and full development of our natural resources. Similar problems face other States in connection with this program. Recent actions by the Bureau of the Budget threaten to further retard future development and to render useless the time and money spent by thousands of local people on these projects.

For fiscal year 1966, a total of $5,721,000 was appropriated for the use of the Soil Conservation Service for watershed planning purposes. Although the Bureau of the Budget has the power to limit the number of projects which can be planned with each appropriation, it did not do so at the time appropriations were made last year. The Soil Conservation Service, proceeding with its customary diligence, has to date secured authorization for the planning of 90 watershed projects. However, on March 9, the Bureau of the Budget notified the Department of Agriculture that it had set a planning limit of 100 projects for fiscal year 1966.

If this standard is retained it will have a disastrous effect on the watershed program. The Soil Conservation Service would be permitted to authorize the planning of only 10 more projects this fiscal year.

At the present time 28 watersheds located in 18 States are ready for planning authorization and the Soil Conservation Service has funds to initiate work on each of them. I ask unanimous consent that the names of these projects and their locations be printed in the RECORD at the end of my remarks. In addition, 18 other watershed proposals, the names of which have not been announced, will be added to this classification within the next few weeks. Therefore, if the Bureau of the Budget regulations are followed, 46 projects would be competing for only 10 openings, with the result that 36 projects would definitely be delayed.

Of particular importance to me is the fact that 3 of these 28 projects are located in Indiana. In addition, all of these proposals are located in Indiana's Ninth Congressional District which is so ably represented by Congressman LEE H. HAMILTON. For the past year and one-half Representative HAMILTON has worked closely with the sponsoring watershed organizations for projects on the Upper Vernon Fork of the Muscatatuck River, the Lower Vernon Fork of the Muscatatuck River, and the East Fork of the White Water River.

The development of these three much-needed projects, as well as the others, will be severely retarded unless Congress acts promptly on Representative HAMILTON'S resolution, House Joint Resolution 995, or the similar measure which I am introducing today.

Mr. President, I believe that the small watershed program has reached a critical point. The invaluable services of many local organizations, concerned State agencies, and the Soil Conservation Service should not be wasted. Subject only to financial limitations, there is no valid reason why the Soil Conservation Service, which has the capability to move forward, should not be allowed to plan these watershed projects.

In the past 5 years, Congress has passed 19 major conservation and natural resource development bills and nearly 50 acts creating specific parks, reclamation projects, navigation constructions and other similar projects. In view of this, it seems to me that watershed programs, which do so much for the people and resources of the United States should receive comparable treatment.

For these reasons, I am introducing this Senate joint resolution and hope that it will receive prompt and serious consideration by both Houses of Congress.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the list will be printed in the RECORD.

The joint resolution (S.J. Res. 151) expressing the intent of the Congress with respect to appropriations for watershed planning for fiscal year 1966, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The list presented by Mr. BAYH is as follows:

WATERSHED PLANNING REQUESTS NOW ELIGIBLE FOR APPROVAL BY SOIL CONSERVATION SERVICE

(Watershed, State, and county)

Big Swamp Creek, Ala., Lowndes.
Swan Creek, Ala., Limestone.
Excelsior agricultural water management project, California, Kings.
Buttonwillow, Calif., Kern.
Brooker Creek, Fla., Hillsborough and Pinellas.
Tesnatee Creek, Ga., White and Lumpkin.
John's Creek, Ga., Floyd, Gordon, and Walker.
Pond Creek, Ill., Wayne and White.
Lost Creek, Ill., White and Hamilton.
East Fork of Whitewater River, Ind., Wayne, Union, Fayette, Randolph, and Franklin.
East Fork of Whitewater River, Ohio, Darke and Preble.
Lower Vernon Fork of Muscatatuck River, Ind., Jennings and Jackson.
Upper Vernon Fork of Muscatatuck River Ind., Jennings, Ripley and Decatur.
Carter Creek, Iowa, Davis and Appanoose.
Upper Walnut east sector, Kansas, Butler and Chase.
Upper Walnut west sector, Kansas, Butler.
White River east sector, Kansas, Butler, Marion, and Harvey.
White River west sector, Kansas, Butler, Sedgwick, and Harvey.
Tebo Erickson, Mich., Bay.
Williams Creek, Mo., Clay.
Mill-Long and Moore's Creek, Nebr., Washington.
Upper Tioga River, Pa., Bradford and Tioga.
Bentley Creek, Pa., Bradford.
Bentley Creek, N.Y., Chemung.
Wolf Creek, Pa., Mercer and Venango.
Sugar Creek, Tenn., Bedford.
Darr's Creek, Tex., Bell.
Wells River, Vt., Caledonia, Orange, and Washington.
Swiss Bader, Wis., Green and Dane.
Kickapoo Creek, Wis., Vernon and Monroe.

DO NOT MAKE THE FARMER THE SCAPEGOAT OF INFLATION

AMENDMENT NO. 509

Mr. McGOVERN. Mr. President, the U.S. Department of Agriculture late yesterday announced an increase in price support for manufacturing milk from $3.24 per hundredweight to $3.50 per hundredweight. At the same time, it announced an increase of more than 900,000 pounds in the amount of Cheddar cheese which may be imported into the United States in the next few months, and an adjustment of fluid milk prices in a number of milk order areas which will somewhat offset normal seasonal reductions in prices to farmers for milk to go into bottles. I appreciate the efforts of our able Secretary of Agriculture to secure a better return for dairy farmers, but this inadequate adjustment indicates that the Secretary lost most of the battle to those economic advisers who mistakenly believe that fair farm prices are inflationary.

The adjustments in milk price supports have been carefully tailored, not to assure fair returns to the farmer, but to avoid any actual increase in consumer prices. Manufacturing milk is now selling on the market for $3.79 per hundred-

weight. The support price until today has been 55 cents under that—$3.24 per hundredweight.

The increase in the manufacturing milk price support simply assures farmers that for the next year milk returns will not drop back 55 cents per hundred to $3.24; rather the drop will be held to 29 cents per hundred at $3.50.

Meantime, we let in some foreign cheese—for which we will have to pay hard dollars—to freeze or even roll back the $3.79 market price level.

If anyone believes that this sort of operation is going to slow down a very serious liquidation of dairy herds, and decline in dairy production, I fear that it is only because they are listening to economic advisers without experience in agriculture. It is an unfortunate fact that the Council of Economic Advisers, where anti-inflation policies and farm policies both appear to be made at the present time, does not now include an agricultural economist.

The harsh reality of life is that when dairy checks start declining, and farmers have an opportunity to improve their inadequate returns by switching to some less onerous type of production and increase their incomes—to get up at dawn and go out and feed some cattle and hogs instead of getting up at some predawn hour to get the milking done—a considerable number of them are going to take advantage of the opportunity.

Dairy herd liquidation is going to continue under this inadequate increase in the milk price support level, accompanied by a market price depressant. The danger that our volume of milk production will continue on its downward path and finally drop to levels that will bring on a real inflationary spiral—uncontrollable even with further abandonment of import restrictions—continues to exist.

The only net we are going to get out of yesterday's milk price support announcement, I fear, is a sharp rise in producer irritation over imports—a rise that is almost guaranteed by the proposal to have the Tariff Commission agitate the matter with hearings on further increasing Cheddar cheese import quotas.

It is apparently going to have to be demonstrated again that there is no real solution to the farm problem except fair returns and larger sales at home and abroad. It cannot be solved with mirrors, or with price support operations that deny the farmer a reasonable return.

I appreciate the serious inflation problem with which we are confronted. I applaud the President's desire to prevent a price spiral.

But I deplore the effort to blame that inflation on the farmer. In fact the farmer is not yet receiving his fair share of the national income.

There has been a great deal of publicity recently about the cost of living index rising about 2.8 percent in the past year, coupled with the statement that last month food prices were responsible for about one-half of 1 point of this 2.8 overall increase.

Another Government report on March prices has also come out in the past few days—the agricultural prices report. It has not been given a lot of publicity, but it should have been. It shows that the farm parity ratio dropped 1 point last month. The prices that farmers received for their products, compared to the cost of the things they have to buy, actually fell from 83 percent of parity to 82 percent of parity between February 15, 1966, and March 15, 1966. Farm prices in the overall went down 1 point during the period and the prices farmers have to pay for their living and production items went up 2 points. The net effect was a 1-percent decline in the purchasing power of farm returns during the month.

Some of my colleagues have indicated concern that food prices are 111.4 percent of the 1957–59 average. So is everything else. The whole cost-of-living index stands at 111. Unfortunately, they do not take a careful look at the 1957–59 base.

In the base period on which the cost-of-living index is founded, farmers got about 83 percent of parity for their products—82 percent in 1957, 85 percent in 1958, and 82 percent in 1959.

They were not getting parity, or equity, in the base period.

They are not getting parity, or equity, today, and anyone who says, as a news commentator did today, that a continuing decline in farm prices is a "bright spot" in the economic outlook, only proves that he is unconcerned about justice for the American farmer.

Farmers were still getting only 82 percent of parity on March 15—only 82 percent of equity on the basis of a yardstick that we have accepted for many years as fair, although it is demonstrably too low.

The only two farm commodities that were bringing parity on March 15 were hogs, which were at 106 percent of parity, and limes—not a very widely produced commodity—which were bringing 198 percent of parity.

Beef cattle were at 89 percent of parity.

Wheat was selling for 55 percent of parity in the market, but we were supplementing farm returns with domestic certificates which brought farm returns up around 72 percent of parity on a blended basis.

Corn was selling at 71 percent of parity.

Soybeans were bringing only 86 percent of parity, although not in any oversupply.

Eggs were at 86 percent of parity.

Farm prices are still lagging—as reflected by the overall 82 percent of parity ratio. The effect of that lag in overall returns can be seen in rising farm debt, declining farm numbers—closing out sales now in progress in many areas—and in the comparatively low per capita income of our farm citizens.

The statistics on these significant measures of the real status of our agriculture ought to be known and understood by everyone.

Farm debt on January 1, 1966, stood at $39.4 billion, up $3.4 billion from a year earlier. The increase was two-thirds on real estate and one-third on non-real-estate debt. Farmers still are not staying even.

The decline in number of farmers is running at the rate of about 90,000 a year. The decline in absolute numbers is down some, because the number of farms remaining to be liquidated in America is down. We have less than 3.4 million farms now. There were once twice that number, and the liquidations still continue.

The disposable personal income of the farm population in 1965 was $1,510 per capita. The disposable personal income of nonfarm citizens was $2,405 per capita, or $900 per person more for people outside agriculture.

This is not an equitable distribution of disposable income and it is not a situation to freeze with the economy with any kind of controls.

We today have a spectacle of comparatively low farm incomes, rising farm debt, declining farm numbers as a result of the cost-price squeeze, and, yet, an increasing effort to blame farm prices for inflation and even to roll back farm returns.

The administration early this year made all Commodity Credit Corporation wheat stocks available for sale for unrestricted use at the low CCC minimum resale price level to hold down the price of bread.

About March 1 nearly 100 million bushels of corn were dumped into the market to keep feed prices low, thereby to encourage hog production and bring down pork prices. One of the President's economic advisers said exactly that on a national television show.

Export restrictions have been put on cattle hides for the avowed purpose of rolling back prices and preventing a rise in shoe prices, although the cost of hides is an insignificant part of the cost of a pair of shoes.

And now we have a milk price support announcement that will not increase farm returns, coupled with a loosening of cheese import restrictions which will depress prices.

I would regret very much the necessity of imposing price and wage controls to halt inflation.

In my judgment, we could cut several billion out of our military budget without lessening the security of this Nation in the least, and do more to reduce inflationary pressures than all the inequitable farm price actions have done or will do.

I have attempted in past years to achieve such reductions in inflationary military expenditures, and I intend to continue those efforts. It would seem to me, for example, that we ought to consider whether it makes any sense for us to finance six divisions of U.S. troops in Western Europe 20 years after World War II.

I hope that those concerned with inflation will look at the real causes and stop making farmers struggling with less than equitable incomes the scapegoats in every inflationary situation.

As one step in this direction, Mr. President, I send to the desk an amendment

proposed to be offered to S. 2932, the commodity reserve bill.

This amendment is intended to prevent the use of the proposed national reserve of food commodities as a price depressing device. Unless restrictions are adopted, the proposed reserve could be used in two ways to effect farm prices.

When the reserve gets low and needs to be replenished, production for the reserve—production which would be over and above market requirements—could nonetheless be left in the market until it depressed market prices down to minimum price support levels. The amendment I have offered would require the Secretary of Agriculture to take such production off the market by making loans on it at 115 percent of the current price support level. The amendment would also forbid sales from the wheat reserve at less than 115 percent of the price support, so stocks could not be released into the market at prices which are inequitable to farm producers.

Mr. President, I am convinced that the long-term welfare of the American economy will be greatly enhanced by permitting farm prices to reach equitable levels.

Secretary of Agriculture Orville Freeman has done an outstanding job of reducing our surpluses and strengthening farm prices and returns. We have made real progress toward a parity of income in agriculture which will permit farmers to buy the industrial products and the services they need and thereby make their proper contribution to the total economy.

Premature imposition of price and income restrictions on agriculture, and on agriculture almost alone, will only continue an imbalance in our economy which makes for instability. It ultimately hurts the whole economy.

If we need inflation control—and I agree that we do—then let us adopt means that are equitable to all segments of the economy and not take the whole cost out of those few segments where the existence of price support programs, security stockpiles, or import limitations make it possible to depress prices by releasing stocks.

As distasteful as it is, we should approach inflation control on an equitable, across-the-board basis with measures that will be equally applicable through the economy, and certainly not with measures that will further distort prices and incomes which are already at subparity levels.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 509) was referred to the Committee on Agriculture and Forestry, as follows:

AMENDMENT TO S. 2932

At the end of the bill add the following new sections:

"SEC. 5. (a) Section 107(1)(a) of the Agricultural Act of 1949, as effective with respect to the 1966 through 1969 crops, and section 107(3) of the Agricultural Act of 1949, as effective for the 1970 and subsequent crops, are each amended by inserting before the punctuation mark at the end thereof the following: ': *Provided*, That price support for wheat within the farm reserve allocation shall be at a level equal to 115 per centum of the level of price support for other wheat not accompanied by marketing certificates. For any marketing year the farm reserve allocation shall be the number of bushels which bears the same relation to the farm wheat marketing allocation as the national reserve allocation bears to the national wheat marketing allocation. The national reserve allocation for any marketing year shall be the projected yield of that part of the national acreage allotment which results from action taken by the Secretary under the first proviso of section 332(b) of the Agricultural Adjustment Act of 1938, as amended, or section 4 of the Commodity Reserve Act of 1966. The national reserve allocation for any marketing year shall be proclaimed at the same time that the national acreage allotment is proclaimed for the crop of wheat to be marketed in such marketing year. Notwithstanding the foregoing, the farm reserve allocation shall not exceed an amount which, when added to the farm wheat marketing allocation, would equal (i) the actual acreage of wheat planted on the farm for harvest in the calendar year in which the marketing year begins multiplied by the normal yield of wheat for the farm, plus (ii) the amount of wheat stored under section 379c(b) or to avoid or postpone a marketing quota penalty, which is released from storage during the marketing year on account of underplanting or underproduction. The farm reserve allocation shall be shared among the producers on the farm in the same proportion as wheat marketing certificates'.

"(b) Section 407 of the Agricultural Act of 1949, as amended, is amended by changing the period at the end of the third sentence to a colon and adding the following: '*Provided*, That, notwithstanding any other provision of law, the Commodity Credit Corporation shall not make any sales of wheat at less than 115 per centum of the current support price for wheat, plus reasonable carrying charges.'

"SEC. 6. This Act may be cited as the Commodity Reserve Act of 1966."

ADDITIONAL COSPONSOR OF BILL—SENATE RESOLUTION 231

Mr. MILLER. Mr. President, I ask unanimous consent that my name be added as a consponsor of Senate Resolution 231, relating to distribution among the States of research and development funds made available by Government agencies.

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

NOTICE OF PUBLIC HEARING ON REORGANIZATION PLAN NO. 2 OF 1966

Mr. RIBICOFF. Mr. President, I wish to announce that the Senate Subcommittee on Executive Reorganization of the Committee on Government Operations will conduct public hearings on Reorganization Plan No. 2 of 1966, relating to the transfer of the Water Pollution Control Administration from the Department of Health, Education, and Welfare to the Department of Interior. The hearings will be held on April 6–7, 1966, in room 1318, New Senate Office Building, beginning at 10 a.m. Individuals interested in presenting their views or filing statements should contact Jerry Sonosky, room 162, Old Senate Office Building, extension 2308, by April 5, 1966.

NOTICE OF POSTPONEMENT OF HEARING ON SENATE BILL 2855

Mr. TYDINGS. Mr. President, as chairman of the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, and for my distinguished colleague, Senator ERVIN, who is chairman of the Subcommittee on Constitutional Rights, I announce that the hearing on S. 2855 scheduled for April 5, 1966, has been postponed until further notice.

HEARINGS ON INCREASED REGULATORY POWERS TO FEDERAL HOME LOAN BANK BOARD AND FEDERAL BANK SUPERVISORY AGENCIES

Mr. ROBERTSON. Mr. President, last Tuesday, I introduced by request a bill to give increased regulatory powers to the Federal Home Loan Bank Board and to the three Federal bank supervisory agencies, and announced that hearings on the bill would commence on Monday, April 4. At the same time, I had printed in the CONGRESSIONAL RECORD the full text of the bill and an explanatory memorandum in order that financial institutions might get immediate notice of what was involved, since all of them would have access to the CONGRESSIONAL RECORD by the following day.

Today, I received a complaint from a valued friend in New York who represents institutions that would be affected, claiming it was quite unfair for me to start hearings next Monday on a bill, the contents of which were not fully known to those who would be affected.

I realize, of course, that we have not proposed to give to the financial institutions affected the usual amount of time to consider a new proposal. In the first place, this is not altogether a new proposal. A very similar proposal was included in the bill I introduced late in 1964 by request of the Home Loan Bank Board, which, of course, had to go over to the next year, but the bill was introduced to give all savings and loan associations time to study the proposal.

The bill I introduced last Tuesday authorizes the supervisory authorities to issue cease and desist orders and orders which would suspend or remove bank and savings and loan officials. These provisions would, of course, be subject to procedural requirements such as hearings and would provide for appeal to the courts. The necessity for this increased power grows out of just a few cases where action of the type indicated is imperative. If not taken in time, the situations to which I refer could bring into disrepute large segments of similar institutions and perhaps stimulate a demand for more drastic legislation than that proposed.

For the first time in recent years, all four regulatory agencies have united on what should be done, which led me to believe that the proposal would be reasonably acceptable to the financial institutions of the Nation. However, should serious objections be raised to the bill and serious demands made for more time to be heard, I shall recommend to the Banking and Currency Committee that

action be deferred until such testimony can be received. But in that connection, I think those who may ask for more time to be heard should know that our committee is operating on a very tight schedule. We have agreed to start hearings, following the Easter recess on April 19, on the housing program, which is an administration program and one very vital to the Nation. It is so vital in fact that I interrupted hearings on the bank holding company bill in order to give the Housing Subcommittee a chance to perfect and bring before the full committee its bill but I have definitely promised to resume hearings on the bank holding company bill on or about May 2 and to complete action on that bill as soon thereafter as practical. It necessarily follows that if we cannot complete hearings on the regulatory bill as scheduled next week, it will have to be postponed until action has been completed on the bank holding company bill and that delay, in the opinion of all of the regulatory agencies, would be unfortunate. The present plan is to allocate as much as 8 days to the hearings on this regulatory bill and we hope that the interested parties will promptly familiarize themselves with the provisions of the bill and be prepared to express to the committee their views concerning it within that time.

HEARINGS ON GOLD SCHEDULED

Mr. GRUENING. Mr. President, as chairman of the Subcommittee on Minerals, Materials, and Fuels of the Senate Committee on Interior and Insular Affairs, I wish to announce the subcommittee will hold hearings on May 4 on the following bills introduced for the purpose of encouraging gold mining in the United States:

S. 1377, a bill I introduced a year ago to provide for compensation to gold miners for differences in costs of production in the last quarter of 1939 and current costs. The theory of this legislation is that since gold miners are completely unable to operate profitably at this time because their costs of production so far exceed the arbitrarily limited price of $35 an ounce at which they may sell their product, they have a right to be compensated for the increase in costs of production. This is the same bill as S. 2125 which was reported favorably by the Senate Interior and Insular Affairs Committee during the 88th Congress.

S. 2562, a bill introduced by Senator McGOVERN, which would compensate gold miners on a basis of stated percentage of value of gold bullion receipts produced annually. This legislation is also designed to compensate gold miners for rising costs of production in the face of a federally imposed limitation on the price of gold.

S. Res. 83, a bill introduced by my Alaskan colleague, Senator BARTLETT, to establish a Select Committee of the Senate on Domestic Gold Production.

Names of witnesses who wish to testify on any or all of these bills should make their interest known to the Senate Interior and Insular Affairs Committee.

POPULATION HEARINGS

Mr. GRUENING. Mr. President, earlier this week I announced that a series of hearings were planned next week on S. 1676, my bill to coordinate and disseminate birth control information upon request, at home and overseas. Unfortunately, it is necessary to cancel the hearing the Subcommittee on Foreign Aid Expenditures had scheduled for Tuesday, April 5, when we were to hear from representatives of the Dade County school system in Miami, Fla. The subcommittee will hear from Superintendent Joe Hall and School Board Chairman Jane Roberts at a later date.

The other hearings next week will be held as announced on April 6, 7, and 8, beginning at 10 a.m. in room 3302 of the New Senate Office Building.

Witnesses who will testify next week are:

WEDNESDAY, APRIL 6

State Senator John Bermingham, Denver, Colo., author of birth control bill which was approved by Colorado State Legislature.

Dr. Joseph Martin, Cleveland, Ohio, Medical Associates, who, with other medical doctors, is working to make birth control information available to the poor who wish to have it; participant in the 1965 White House Conference on Health.

Dr. William Vogt, New York City, ecologist, author, secretary of the conservation fund.

Mr. Arnold Maremont, Chicago, Ill., industrialist, lawyer, president of the Maremont Corp., former chairman of the Illinois Public Aid Commission.

THURSDAY, APRIL 7

Hon. John W. Gardner, Secretary of the Department of Health, Education, and Welfare.

FRIDAY, APRIL 8

Hon. David E. Bell, Administrator, Agency for International Development.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of W. Tapley Bennett, Jr., of Georgia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. DOUGLAS:

Statement by him on the 48th anniversary of the Declaration of Independence of Byelorussia.

DEPARTMENT OF EDUCATION'S NEW STATEMENT OF POLICIES FOR DESEGREGATION OF PUBLIC SCHOOLS

Mr. ERVIN. Mr. President, the Commissioner of Education's new guidelines for desegregation of public schools under title 6 of the 1964 Civil Rights Act are another example of the danger of State and local dependence upon Federal money. In our federal system, State and local officials have traditionally held the responsibility of educating our young people. Viewed broadly, the Commissioner's new guidelines are another step toward the complete nationalization of our State and local school systems by Federal agencies. Even though these new guidelines may be aimed, as Commissioner Howe asserts, only at eliminating the dual school system in the South, school officials in other parts of the Nation should certainly be aware of the direction the U.S. Office of Education is taking in dictating matters to local school boards and school officials. While other parts of the Nation may not be concerned now, these new regulations point the way to Federal regulation of textbooks, lesson plans, and all other areas of traditionally State and local control.

When title 6 of the 1964 Civil Rights Act was being debated in the Senate, I warned of the dangers that tyrannical law would pose to, first, State and local responsibility for education, and second, the sole power of Congress, delegated by the Constitution, to legislate. I stated then that:

> Title 6 constitutes a brazen effort to transfer to the President the lawmaking power of Congress in violation of article I, sections 1 and 8 of the Constitution.

My warnings went unheeded, and title 6 is now the law. Congress did abdicate its legislative responsibility, and the Commissioner of Education is now assuming, because of the broad powers given it under title 6, the responsibility for legislating in these areas of education. The new guidelines of the Commissioner of Education illustrate what James Madison meant in The Federalist, when he said:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

I feel the potential dangers in this type of legislation will soon be realized in parts of our country other than the South when the Commissioner of Education carries out his intended plan to deal with educational practices in other areas of the country.

Commissioner Howe, in his statement on the new rules, spoke with pride about the compliance of all the school districts with the original guideline standards. He stated that all but 70 of the 2,000 school districts filed plans in accordance with the guidelines. It is interesting to note that the original guidelines used the words "fairminded school officials" and

"what reasonable men would think necessary." The tone of the original guidelines which dealt respectfully with State and local school officials has now been abandoned. The tone of the new guidelines is dictatorial, and the word "must" is used a total of 92 times. They do not mention anything about the best possible education for our children and seem only designed to implement some bureaucrat's nebulous and hollow concepts of sociological progress.

School districts now are being told that their previous deliberations and good faith planning to provide the most meaningful and equitable desegregation plan in the area in which they live are not reasonable and that they did not go far enough. The new Commissioner of Education has zealously promulgated new rules and regulations which go far beyond the legislative power which Congress allocated to him and the tedious process has been started all over again. Much is said about the good faith of local school officials, but what are these school officials to think of the good faith of the Commissioner of Education? The previous good faith contracts have been broken and if the Commissioner's purpose is to cooperate with local school officials in providing the best possible education for the children while carrying out the mandates of title 6, one can only wonder if his new approach in dealing with such deep social changes will accomplish his objectives.

These new guidelines not only are examples of the dangers of Congress unconstitutionally relinquishing its legislative responsibility, but illustrates an agency greedily assuming new power and promulgating new rules which are going far beyond congressional intent and, in effect, are passing new legislation and amending old acts. For example, section 602 of the act authorizes the agency concerned to promulgate rules of "general applicability"; however, the guidelines of the Commissioner of Education are clearly designed, and this has been admitted by Commissioner Howe, to deal only with the dual school system in effect in the South. These rules do not, Commissioner Howe says, "deal with the sometime even more difficult racial problems in our large cities or other districts." Thus, the new rules do not operate, as demanded by title 6, in a general way to regulate discrimination in the entire country. Clearly, this is against the dictates of title 6 and no matter how these regulations are viewed, fairly or harshly, no one can say that the whims of the Commissioner of Education are not amending the 1964 Civil Rights Act.

Other sections of this country may not be concerned presently with this desire for power which is being exhibited by the Commissioner of Education but what laws will the Office of Education and other Federal agencies be able to pass unilaterally in the future?

An example of the incongruities of the new guidelines are the demands for total desegregation of public school faculties. The new guidelines state:

> The racial composition of the professional staff of a school system, and of the schools in the system, must be considered in determining whether the students are subjected to discrimination in education programs.

In explaining these guidelines, Mr. David Barus, of the Office of Education, said in Raleigh, N.C., that:

> Race may have to be taken into account in future assignments so as to achieve an integrated balance of staff.

Therefore, the new guidelines demand that race, in some cases, be used as a prerequisite for job selection.

In addition to the alleged purpose of title 7 of the Civil Rights Act, which was to prohibit race from being used as a criterion for job selection, section 604 of the act states that nothing in title 6 shall be construed to authorize action by any Federal agency "with respect to any employment practice of any employer, except where a primary objective of the Federal financial assistance is to provide employment." Under the new guidelines, however, all Federal money to an educational institution can be cut off if local school officials do not use, in some instances, race as a criterion for job selection.

Nothing in title 6 deals with the racial composition of the professional staff of a school system and title 4 which provides for desegregation of public schools concerns only the assignment of students without regard to race or color—no mention is made of professional staff. This is simply an example of the Department of Education exceeding the authority it has under title 6. I am sure all educators would agree that the employment of their teachers should be made on the basis of their ability to perform their job and should not be based on any other criteria.

The most insidious sections of the new policies are these which attempt to overcome racial imbalance in southern schools. During the debate of the 1964 Civil Rights Act there was repeated reference by proponents on the bill that racial imbalance was not to be covered by the act. The former Senator from Minnesota, the Honorable HUBERT HUMPHREY, in Senate debate on the Civil Rights Act made it clear that the act was in no way intended to cure racial imbalance. He stated:

> I should like to make one further reference to the Gary case. This case makes it quite clear that, while the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and would be transporting children because of race.
>
> The bill does not attempt to integrate the schools; it does attempt to eliminate segregation in the school systems. The natural factors such as density of population and the distance that students would have to travel are considered legitimate means to determine the validity of a school district, if the school districts are not gerrymandered, and in effect deliberately segregated. The fact that there is a racial imbalance per se is not something which is unconstitutional. That is why we have attempted to clarify it with the language in section 4.

Indeed, Mr. President, these suggestions were incorporated in the section 401(b) of the Civil Rights Act of 1964 which specifically provides:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

However, the purpose of many of the new policies issued by the Commissioner of Education is clearly to overcome racial imbalance in violation of the legislative history, legislative intent, and of the specific provisions of section 401(b) of the Civil Rights Act.

For example, in subpart D of the new policies dealing with students exercising a free choice of schools, the rules are designed to attack racial imbalance. This is true because the only preference which may be given to students exercising a free choice has to be to any student whose choice is for a school at which students of his race are a minority. No other reason can possibly be given for this section except that the Commissioner of Education is trying to remove racial imbalance. Coupled with this preference is the prospect of busing students in the South under subpart D. The busing provisions of the new guidelines are in section 181.51 which provides:

> In any event, every student choosing either the formerly white or the formerly Negro school (or other school established for students of a particular race, color, or national origin) nearest his residence must be transported to the school to which he is assigned under these provisions, if that school is sufficiently distant from his home to make him eligible for transportation under generally applicable transportation rules.

This section would, of course, require the transportation of a student to a school in which a racial imbalance exists and as such it specifically violates section 407 of the Civil Rights Act of 1964. That section states:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Subpart C of the new guidelines concerns voluntary desegregation plans based on geographic attendance zones. However, section 181.33(b) provides that these voluntary desegregation plans need not be followed if a student desires to transfer to a school within the system where students of his race are a minority. Geographic attendance zones which have been established without regard to race have been repeatedly said to be exempt from Civil Rights Acts. But even though such attendance zones have been drawn completely without regard to race, the new policies can be used to cure any racial imbalance in violation of the specific provisions of the 1964 Civil Rights Act.

In determining the effectiveness of a free-choice plan, the Commissioner states in subpart D of the guidelines he will use a percentage "increase in desegregation" in determining whether the free-choice plan shall continue. Obviously the purpose of using entirely arbitrary

percentages is to overcome racial imbalance rather than to eliminate desegregation as the Civil Rights Act was designed.

In his dictates on freedom-of-choice schools in subpart D, the Commissioner of Education has gone far beyond the requirements of the courts and especially the Brown decision. In construing that decision, the eminently able jurist John J. Parker said in *Briggs* v. *Elliott* (132 F. Supp. 776):

> It is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

Now the Commissioner is attempting to break down with administrative edicts the free-choice schools, without any regard for judicial pronouncements on the subject.

Mr. President, because of the great concern many of North Carolina's school officials and citizens have expressed about the desirability of the new guidelines, I have written Commissioner Howe and asked him to reconsider these new policies in light of the disruptive effect that they might have on the good-faith progress which has been made under the original rules.

At least, Mr. President, it would seem that the Department of Education should delete the sections of the guidelines dealing with racial imbalance in order to conform the new rules to congressional intent. If this is not done, I hope the Congress will reassert its constitutional authority and strike down these regulations.

A TRIBUTE TO SENATOR JOHN L. McCLELLAN OF ARKANSAS

Mr. FULBRIGHT. Mr. President, unfortunately, because of my duties in the Senate, including the work in which the Committee on Foreign Relations has recently been engaged, I was unable to be present when the people of my State paid tribute to Arkansas' senior Senator and our colleague, JOHN L. MCCLELLAN, at a meeting in the Robinson Auditorium in Little Rock on Friday, March 25.

Mr. President, I would belabor the Senate by speaking at any length about JOHN MCCLELLAN'S career here because there are those in this body who have served with him for almost a quarter of a century. We in the Senate know him. Anything I could tell the Senate about the contributions JOHN MCCLELLAN has made to the welfare of this Nation certainly would be redundant and superfluous.

Those of us, however, who have served in the Senate of the United States cannot, I think, help but be touched and gratified by expressions of appreciation from those who have made it possible for us to occupy the positions of importance and trust that we hold.

The people of Arkansas made known, last week, to JOHN MCCLELLAN the respect, the admiration, and the appreciation they have for their senior Senator. I am sure that nothing any Member of this body might say about him could mean as much to him as this expression of loyalty from his constituents.

In that vein, and so that my colleagues might pause and reflect that our labors here do not go unnoticed, I ask unanimous consent that there be inserted in the RECORD copies of the following telegrams from President Johnson, Governor Faubus, John M. Bailey, and Winthrop Rockefeller; copies of newspaper coverage; and three statements delivered in Senator MCCLELLAN'S behalf by Fred Pickens, Jr., Bishop Paul V. Galloway, and William H. Kennedy, Jr.

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

MARCH 24, 1966.

Mr. WILLIAM H. KENNEDY,
Chairman, Friends of John McClellan Committee, National Bank of Commerce, Pine Bluff, Ark.:

I am pleased to know that the friends of JOHN MCCLELLAN have come together in recognition and appreciation of the many years of distinguished service he has given to his State and Nation.

JOHN was first elected to Congress in 1934. I came to Washington at just about the same time. We share many memories of the challenges of those years as an entire nation rallied to fight the worst depression in our history.

As his former colleague in the Senate, I know, too, of the dedication and integrity with which he has served during his 24 years as Senator from Arkansas.

His achievements as chairman of the Government Operations Committee have served to improve the very structure of government. Not only his constituents but all the people of our country are beneficiaries of that work.

I am truly grateful—and I believe I speak for the entire Nation—for the magnificent accomplishments of the 89th Congress. No Congress has done more for so many people of this land.

I appreciate the support which JOHN gave to such historic legislative programs as the Elementary and Secondary Education Act, which already is helping so many thousands of youngsters; to the social security amendments which guarantee hospital care for our aged; and to the vital new farm program.

I wish you would convey to him my congratulations and best wishes.

LYNDON B. JOHNSON.

COPY OF TELEGRAM FROM ORVAL E. FAUBUS, GOVERNOR, STATE OF ARKANSAS, THAT WAS READ AT THE APPRECIATION LUNCHEON IN LITTLE ROCK FOR SENATOR MCCLELLAN ON MARCH 25, 1966

Hon. JOHN L. MCCLELLAN,
U.S. Senator, State of Arkansas,
Little Rock, Ark.:

Sincerely regret inability to be present for luncheon in your honor. This is a great tribute which you richly deserve, and I join with your many friends in extending heartiest congratulations.

ORVAL E. FAUBUS.

TELEGRAM THAT WAS SUPPOSED TO HAVE BEEN DELIVERED TO THE OFFICE YESTERDAY

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.:

May I join with your many friends in paying tribute to the distinguished service you have given your State and the country for so many years. As a Congressman during the 1930's, as a Senator for more than two decades, and as the Chairman of the Senate Government Operations Committee, you have won the respect of your colleagues in the Senate and the Democratic Party. My congratulations and best wishes.

Sincerely,

JOHN M. BAILEY,
Chairman, Democratic National Committee, Washington, D.C.

MORRILTON, ARK.,
March 26, 1966.

Senator JOHN L. MCCLELLAN,
Union Life Building,
Little Rock, Ark.:

Sorry I could not be at the luncheon today. However, as one of your constituents I want to add my congratulations to the many others you received today at the testimonial. I am proud of our State and proud of the significant contribution you have made toward a better Arkansas for all of us.

WINTHROP ROCKEFELLER.

WASHINGTON, D.C.
March 28, 1966.

BILL KENNEDY,
Chairman, McClellan Day Luncheon,
Robinson Auditorium,
Little Rock, Ark.

DEAR BILL: I regret meetings of the Committee on Foreign Relations in Washington prevent my attendance at the luncheon honoring my colleague and our senior Senator, JOHN MCCLELLAN. Though I cannot be with you in person, I join with JOHN'S many other friends in paying tribute to him for his many years of illustrious service to the people of Arkansas and the Nation. Having served with Senator MCCLELLAN for 21 years in the Senate of the United States, I, perhaps more than any other person, can attest to the untold benefits Arkansas has derived as a result of his many efforts. His devotion and dedication to the people of the State of Arkansas is unsurpassed, and any tribute we can pay to him has been well earned and is justly deserved.

Please convey to him my warm personal regards.

BILL FULBRIGHT.

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

TWENTY-FIVE HUNDRED HEAR MCCLELLAN PRAISED FOR "INTEGRITY, WISDOM, PATRIOTISM"

(By Bill Lewis)

Twenty-five hundred persons—more than could be accommodated downstairs at the auditorium—turned out Friday to dine on box lunches and hear Senator JOHN L. MCCLELLAN lauded for his 24 years of accomplishments for the State and Nation.

Among the pile of telegrams, two of which were read, were congratulations and best wishes from President Lyndon B. Johnson and Governor Faubus, whose absence was conspicuous.

Politics hardly was mentioned—McCLELLAN has announced for renomination to his fifth term and so far has no opposition—but there were overtones, or at least attempts to read overtones, in some of the proceedings, one of which was the attendance, accompanied by the entire board of directors of Arkansas Louisiana Gas Co., of W. R. Stephens.

The huge throng of persons who came from all over the State, many in chartered buses, exhausted the supply of 2,200 box lunches of fried chicken, slaw, baked beans and cake and about 300 more crowded onto the floor and balconies of the meeting hall, filling it to capacity. Uncounted others who came simply did not remain. The sponsors, the Friends of McClellan Committee, headed by the Pine Bluff banker, William H. Kennedy, Jr., had anticipated more than 2,000.

Three speakers praised McCLELLAN for his personal qualities, his service as a developer of the Nation's resources and his stature as a statesman. McCLELLAN responded at some length, assuring his wellwishers that none of the numerous awards from some of the most distinguished organizations were more *cherished* than their presence.

For days, McCLELLAN said, as he thought of what to say in response, "I was hoping for, groping for words of appreciation of this eloquent expression of your confidence and trust but I haven't found those words."

Methodist Bishop Paul V. Galloway, whose acquaintance with McCLELLAN began when he first ran for Congress in 1938, praised McCLELLAN as a man of "courage, integrity, wisdom, and patriotism," whose service has been "ceaseless, devoted, untiring, and of the nonsurrender type."

Bishop Galloway and other speakers shared the hour with Mrs. McClellan, who was seated at the raised dais, out of her usual context. "We honor you, Mrs. McClellan—Miss Norma—you came into a home with children, took them in your heart. You reared them, taught them, gave them love and care. You have given loyalty to your husband. There was humble lostness at times at home to keep a place of retreat, rest, and renewed strength for one who would return home with battle fatigue. You fought some battles with him and for him, and in graciousness you have truly been a First Lady," the bishop said.

Kennedy, president of the National Bank of Commerce at Pine Bluff, recounted some of McCLELLAN's accomplishments in obtaining legislation and funds for river basin and other development in Arkansas and the Nation and attributed to him principally the momentum for the development of the Arkansas River and navigation and flood control work on the Ouachita River Basin, the White, the Red River, Cache River, and others.

Since 1944, Kennedy said, McCLELLAN's help has been instrumental in the expenditure of $1,899,010,400 on 155 flood control, rivers and harbors, navigation and multiple-purpose projects, all or part of them in Arkansas or adjoining States from which Arkansas benefits.

"It cannot be fairly said that any one man was solely responsible for this gigantic investment in our natural resources," Kennedy said. "It can be fairly said, however, that if JOHN McCLELLAN had not had the vision and the vigor and the love of his people at heart, that a great many of these most worthwhile projects would have died aborning."

He said future generations would "revere the name of JOHN L. McCLELLAN, a great developer of his State's and his Nation's resources, and a great American."

Fred M. Pickens, Jr., of Newport, reviewed McCLELLAN's long support of State's rights and constitutional government, his dedication to preservation and improvement of the best of our institutions, and his vigorous efforts to promote economy and efficiency at all governmental levels; reorganization of executive agencies and departments to increase their economy, effectiveness, and efficiency; revamping and reforming budgeting and financial procedures, and elimination of waste, profligacy, mismanagement, and actual wrongdoing in the executive branch.

Through these efforts, Pickens said, McCLELLAN has served as a member of both Hoover Commissions, helped create the General Services Administration, passed the Budget and Accounting Act of 1950, and passed legislation enabling the States to obtain surplus Federal property for education, health, and civil defense programs.

McCLELLAN, Pickens continued, in many sections of the country "is best known for his unrelenting investigation of and struggle against criminal elements and organized crime, the culmination * * * of a career which began as a prosecuting attorney of the seventh judicial district of Arkansas 40 years ago."

Pickens also cited McCLELLAN's efforts to root out corruption in union labor leadership, his help to farmers and to Arkansas residents in tax matters.

"He has brought his brilliant intellect, his amazing energies, his high sense of honor and integrity, his concern for the Nation, his understanding of and interest in all of his constituents to every position of honor which he has held," Pickens said.

Representative WILBUR D. MILLS said he and his congressional colleagues had selected McCLELLAN as their quarterback, "not because of his seniority" but because of his interest and energy in working for the people of the State. He said McCLELLAN was recognized as a man who stands head and shoulders above other Senators in his dedication to duty.

McCLELLAN, who noted that his tenure already was second only to that of the late Senator Joe T. Robinson in length, reviewed what he considered the outstanding achievements of his legislative career to date. First, he said, stands the development of the State's resources.

"Next," McCLELLAN continued, "I take pride that I have undertaken to pursue in my philosophy and official decisions a course of economy. I am called a conservative, and I am proud of that. I make no apology for it." He said he was conservative, not to the point of being reactionary and against progress, but in conserving the Nation's resources, its integrity and its solvency.

He is proud of his fiscal policy of helping to reduce Government expenditures, McCLELLAN said, and of his efforts at combating the forces of evil, corruption and crime.

These are troubled times, McCLELLAN said, and no one knows what the future brings.

"I don't know all the answers," McCLELLAN said. "I am willing to negotiate, now, tomorrow, any time, anywhere that can give at least the prospect of moving us toward peace." But as long as Americans are fighting and dying abroad, McCLELLAN said, "I propose to give them my support either at the negotiating table or on the battlefield until victory is won."

C. Hamilton Moses, McCLELLAN's Little Rock law partner, who introduced him, presented Mrs. McClellan a bouquet of red roses and a bracelet with charms depicting some of the history of the State, he said, and of milestones in the Senator's career.

After his address, the McClellans received an engraved sterling silver platter and pitcher as mementos of the event.

The platform was shared by Rev. W. O. Vaught, Jr., pastor of Immanuel Baptist Church, who gave the invocation; Dr. Lawrence A. Davis, president of Arkansas A.M. & N. College at Pine Bluff; Pickens, Bishop Galloway, Dave Grundfest, a Little Rock businessman who presided; Representative MILLS, Mrs. McClellan, Moses, Kennedy and Msgr. William E. Galvin, rector of Catholic High School, who gave the benediction.

[From the Pine Bluff (Ark.) Commercial, Mar. 26, 1966]

THREE THOUSAND PERSONS THRONG AUDITORIUM TO HEAR TESTIMONIALS TO McCLELLAN

(By Bob Lancaster)

LITTLE ROCK.—There was a big testimonial luncheon for Senator JOHN L. McCLELLAN at Robinson Auditorium yesterday, with acres of people, very much high-flown rhetoric, many "We're proud of Senator McCLELLAN" signs, and an atmosphere full of enthusiasm for McCLELLAN's fifth senatorial campaign.

The line of people waiting to get into the dinner room of the auditorium was a block long, 12 or 13 abreast, and the room was jammed full. The press had a hard time estimating the size of the crowd, but it was finally decided that there were about 3,000. More than 2,200 tickets—at $2.50 each—were sold. Many came in without tickets.

There were 13 chartered buses outside, lined up nearly all the way down to the Marion Hotel, many from faraway counties.

They came to honor McCLELLAN, to show him they were for him in his fifth campaign for a 6-year term, and they treated him regally.

The dinner—a box-lunch affair with cold fried chicken, cold beans, slaw, cold raisin muffins, and warm coffee—was sponsored by the Friends of McClellan Committee headed by W. H. Kennedy, Jr., president of Pine Bluff's National Bank of Commerce.

There was little mention of politics at the luncheon, but the political ramifications were evident: W. R. (Witt) Stephens was introduced in the audience and it was noted that he brought along his entire board of directors of the Arkansas Louisiana Gas Co.; Governor Faubus didn't show up, and his short telegram of congratulations paled besides a long, somewhat lavish, praise-filled and almost nostalgic wire from the President of the United States; Congressmen JAMES W. TRIMBLE and WILBUR MILLS were on the platform; and hundreds of lesser political figures—Secretary of State Kelly Bryant, Dale Alford, Kenneth Sulcer, Richard S. Arnold, and so forth—were spotted in the crowd.

"No tribute has ever been paid to me," McCLELLAN said, "that I shall cherish more than this."

One of the four speakers preceding McCLELLAN's short address was Fred M. Pickens, Jr., a Newport lawyer, who said: "Senator, we in Arkansas share with you the reflected esteem in which you are held throughout the land—for we have had the good judgment to return you to the Congress of the United States time after time—and we shall continue such wise voter judgment in the future."

Congressman WILBUR MILLS also spoke and said: "JOHN, I don't know whether you know it or not * * * but we on the (congressional) team long ago selected you as our quarterback." He spoke of McCLELLAN's "inspiring leadership," "magnificent energy," "inspiring dedication," and so on.

Kennedy, long a fighter for the Arkansas River navigation project, which McCLELLAN guided through Congress said: "Future generations of Arkansans and Americans will revere the name of JOHN L. McCLELLAN—a great developer of his State's and his Nation's resources, and a great American."

McCLELLAN himself had little to say. He talked about how he had been labeled a conservative and how he thought that was an honor. About the alarming crime rate in America. About how he would continue the fight for development of natural resources.

About how "our boys are again dying on foreign soil."

About Vietnam, he said: "I don't know the answers. I'm willing to have negotiations now, tomorrow, anytime, anywhere. But we are now committed, and all I can tell you is I'll give them my support whether at the negotiating tables or on the battlefields until the victory is won." This brought stormy applause.

But just when he got warmed up, speaking in that grand, impassioned style of his, he broke it off and said: "I'm going to quit talking." And he did quit after he said:

"Sometimes I think I have a heart of steel. But at a moment like this, it is submerged in humility and is as tender as the heart of a babe."

After the benediction, as the people were leaving, a man in a cowboy hat said to his companions as they walked out the door:

"Boy, I just love to hear that man speak. It don't matter what he says; when he says it, I'm in hog heaven."

[From the Arkansas Democrat, Mar. 26, 1966]

TWENTY-FIVE HUNDRED GATHER TO HONOR MCCLELLAN

(By Bobbie Forster)

"Here I am, a farm boy from Grant County and you have permitted me to have a part in preserving our heritage," U.S. Senator JOHN L. MCCLELLAN told an audience of 2,500 men and women who crowded into the Robinson Auditorium exhibition room and overflowed onto the bleacher seats of its balcony Friday.

Visibly moved, MCCLELLAN had heard Methodist Bishop Paul Galloway, Pine Bluff Banker William Kennedy, Jr., and Newport Attorney Fred Pickens, Jr., pay tribute to MCCLELLAN as a conserver of the Nation's resources, as a man and as a statesman, and had heard words of praise for his wife.

He had heard U.S. Representative WILBUR MILLS, Congressman from Arkansas' Second District, bring congratulations from the congressional delegation in Washington which, MILLS said, "regards you, Senator, as the quarterback of our team."

"Sometimes I think I have a heart of steel, but I stand before you and in all humility with thanks so deep I cannot bring them to the level of my lips," MCCLELLAN said. "The only way I can demonstrate my gratitude is if I am permitted to serve you longer with the same dedication and devotion to industry and duty that I have in the past."

MCCLELLAN declared there were few offices higher than that of U.S. Senator and that it has been "an honor" won by a few.

"Since the first Congress in 1789, in a span of 177 years, out of the millions of Americans, only 1,633 have occupied this position," he continued. "During the 130 years of Arkansas statehood, only 27 of her citizens have been chosen to serve in this position. The average tenure of service by them (the Arkansans) has been 9¾ years each. Having 23 years plus of service the only citizen from Arkansas who served longer is the late beloved Joe T. Robinson for whom this temple was named."

He said he had been "privileged to serve with our congressional delegation in developing natural resources from dormant, useless force to instrumentalities of service to mankind through which is given the opportunity to people to work and earn their living, thereby carrying out the will of our Creator."

MCCLELLAN noted that he had been called a conservative "and I am proud of it but I am not a conservative to the point of being a reactionary; I am a conservative to conserve the resources of our Nation and preserve the integrity and solvency of our country."

He said that in the past 10 years Congress had cut $71 billion off the budget requests of Presidents "so that the national debt is $325 billion instead of nearly $400 billion."

He said he would continue to "war against crime and criminals because society cannot withstand these assaults and we will have chaos if the trend is not reversed."

He said he was ready "today and tomorrow to support our fighting men at the negotiating table any time, anywhere that we can get the least hope for peace, and—since we are committed—to support our fighting men on the battlefields till victory is won."

Governor Faubus did not attend but a telegram of congratulations from him was read by C. Hamilton Moses, chairman of the Arkansas Industrial Development Commission. Moses also read a telegram from President Johnson in which Johnson noted that he had served with MCCLELLAN in the U.S. Senate. Earlier MCCLELLAN said that in his service in the Senate he had been a colleague of three men who became President and of five who became Vice President of the United States.

Dave Grundfest, master of ceremonies for the box luncheon, introduced W. R. Stephens, chairman of the board and president of Arkansas Louisiana Gas Co., who attended with the board of directors of the company. Also introduced was Brig. Gen. Murray Bywater, commander of the 825th Aerospace Reconnaissance Division at Little Rock Air Force Base.

At the speakers' table, in addition to the honorees and speakers, were Dr. Lawrence Davis, president of Arkansas A.M. & N. College of Pine Bluff; Rev. W. O. Vaught, Jr., pastor of Immanuel Baptist Church, who gave the invocation; U.S. Representative J. W. TRIMBLE, of Berryville, Congressman from Arkansas' Third District, and Very Rev. Msgr. William E. Galvin, rector of Catholic High School, who gave the benediction.

Mrs. McClellan was presented with a bouquet of roses and a gold bracelet with a charm engraved with date and an outline of the State of Arkansas set with a diamond where Little Rock is located. MCCLELLAN was presented with a sterling silver tray and pitcher.

The choir from McClellan High School dressed in McClellan clan tartans sang.

[From the Paragould (Ark.) Daily Press, Mar. 26–27, 1966]

ARKANSANS HONOR MCCLELLAN

LITTLE ROCK.—More than 3,000 Arkansans honored Senator JOHN L. MCCLELLAN Friday at an appreciation luncheon that had the trappings of a campaign rally.

The State's senior Senator responded by saying that he felt the best way to show his appreciation would be to continue to serve. He is seeking a fifth 6-year term.

Bus caravans and motorcades brought MCCLELLAN fans from all sections of the State for the luncheon in Robinson Auditorium.

Signs proclaiming "Magnolia Appreciates MCCLELLAN," and "El Dorado Appreciates MCCLELLAN" were waved like placards at a political convention.

Methodist Bishop Paul Galloway, William Kennedy of Pine Bluff, and Fred Pickens of Newport made speeches praising MCCLELLAN as a developer of natural resources, a statesman and a man.

C. Hamilton Moses, chairman of the Arkansas Industrial Development Commission, read a telegram of praise from President Lyndon B. Johnson with whom MCCLELLAN served in the Senate.

MCCLELLAN, 70, said he had searched for 3 days for words to express his appreciation and could not find them.

"I have had many honors," he said, "but the one I shall cherish most is your being here today."

MCCLELLAN, discussing his own career, said he was proudest of the river development programs he has sponsored, his role as a economic conservative in the Congress, and of the part he has played in the Nation's crusade against crime.

MCCLELLAN said, "They call me a conservative. I'm proud of it. I don't apologize for it."

He said he and other conservatives in Congress had pared presidential budgets by $22 billion in the last 5 years. He said he will continue to keep a close eye on how public money is spent.

Touching briefly on the Vietnam war, he said he would support negotiations if there were any chance they would lead to peace.

"But a war is raging," he said. "Our boys are dying. And I'll support them either at the conference table or on the battlefield until victory is won."

Representatives J. W. TRIMBLE and WILBUR MILLS sat at the head table with MCCLELLAN, Gov. Orval Faubus sent a telegram expressing regret that he could not attend.

Moses presented Mrs. McClellan with a bouquet of roses and a charm bracelet and gave the McClellans a silver tray and pitcher.

The crowd overflowed the banquet area of the auditorium and several hundred persons ate their box lunches off their knees in seats in the balcony.

MCCLELLAN was elected to the Senate in 1942. He had no opponent 6 years ago. His last serious opposition came from former Gov. Sid McMath in 1954.

[From the Fort Smith (Ark.) Times Record]

MCCLELLAN IS PRAISED AT LITTLE ROCK DINNER

LITTLE ROCK.—U.S. Senator JOHN MCCLELLAN told more than 3,000 supporters and well-wishers Friday that he stood solidly behind America's fighting men in Vietnam, either at the conference table or on the battlefield until victory is won.

MCCLELLAN, 70, seeking a fifth term in the U.S. Senate, made the remark at an appreciation luncheon in Robinson Auditorium with delegations from all counties in Arkansas represented.

In saying there were many answers he did not have, MCCLELLAN declared, "A war is raging, our boys are dying in battle. I'm willing to have negotiations if there is a prospect of peace. I'll support our boys either at the conference table or on the battlefield until victory is won."

The State's senior Senator also vowed he would keep up his relentless fight against crime and his efforts to hold down waste and and overspending in Government.

"The country's crime rate cannot continue long as it is at present," MCCLELLAN said, "without bringing ruin to our society. There must be a reversal."

During the last 10 years, the Senator said he had helped in some measure reduce Government spending by $30 billion. He noted also that he was known as a conservative, saying he did not deny it, that he was proud of the fact.

Much praise was heaped upon the Senator by Methodist Bishop Paul Galloway, William Kennedy, Jr., of Pine Bluff, and Fred Pickens, of Newport. They lauded him as a developer of natural resources, a statesman, and a man.

C. Hamilton Moses, chairman of the Arkansas Industrial Development Commission, read a telegram of praise for the Senator from President Johnson. It was noted that MCCLELLAN served in the Senate with three men who became President—Johnson, President Kennedy, and former President Truman.

Representative WILBUR MILLS, of Arkansas' Second District, told the gathering that the State's congressional delegation looked on MCCLELLAN as "our quarterback of the team." He went on to say that MCCLELLAN was liked and respected in Congress.

Congressman JAMES TRIMBLE of the Third District, was introduced at the head table, but did not speak. Gov. Orval Faubus sent

a telegram with regrets that he could not attend.

Moses presented Mrs. McClellan with a bouquet of red roses and a charm bracelet which depicted some of Arkansas' history and parts of which her husband had played a part. He presented the McClellans also with a silver tray and pitcher.

Bus caravans and motorcades brought McClellan fans from throughout the State and began arriving at midmorning. Scores of State representatives and State senators, along with State and local officials attended the luncheon.

Seventy-three persons from Fort Smith attended the event, making the trip by auto, plane, and one chartered bus. The trip was sponsored by the Fort Smith Chamber of Commerce.

Included in the local delegation were State Representatives Bernice Kizer and B. G. Hendrix, City Commissioner John Rogers, and other business and civic leaders.

The crowd overflowed the banquet area of the auditorium and several hundred persons ate their box lunches by holding them on their laps in the balcony seats.

MCCLELLAN has been the recipient twice of the George Washington Award, in 1959 and 1960. He also received the Hatton W. Sumners Award, the Distinguished Statesman Citation of the Westside Association of Commerce, New York City, in 1959.

His other awards include the Freedom Award, 1962; the Distinguished Service Award of the Jewel Square Club of Philadelphia, 1963; the Annual Certificate of Appreciation of the Law Enforcement Intelligence Unit, and others.

MCCLELLAN, THE STATESMAN

(Remarks of Fred M. Pickens, Jr.)

We do honor today to a man—but more than that, to his works—his long and distinguished public service in many fields, and we in Arkansas share with him the reflected esteem in which he is held throughout the land—for we have had the good judgment to return him to the Congress of the United States time after time—and we shall continue such wise voter judgment in 1966.

To enumerate the accomplishments of our senior Senator, JOHN L. MCCLELLAN, while serving in the Congress would require more time than is allotted to me; to adequately depict the contributions he has made to the people of this State and Nation would require a more articulate admirer than I; to fully express to Senator MCCLELLAN the appreciation of the voters of Arkansas will but require the primaries and general election of 1966.

The career of JOHN L. MCCLELLAN in the Congress of the United States may truly be said to fit into the description Edmund Burke gave of a statesman: "A disposition to preserve and an ability to improve, taken together."

How well the above describes our friend, JOHN L. MCCLELLAN. A strong supporter of States rights and a stanch advocate of constitutional government, he has dedicated his public life to the proposition that he would seek to preserve the best of our institutions and undertake to improve upon them wherever and whenever possible.

As chairman of the Committee on Government Operations since 1949 (with the exception of the 2 years the Republicans controlled the Senate) he has been intensely interested in and has vigorously pursued efforts to—

(a) Promote economy and efficiency in the Government at all levels;

(b) Reorganize the executive agencies and departments with the objectives of attaining more economical, effective, and efficient management and use of taxpayers money;

(c) Reform and revamp budgeting and financial procedures throughout the Government, with special emphasis on the role and responsibility of the Congress, which controls the pursestrings of the Federal Government;

(d) Eliminate waste, profligacy, mismanagement, and actual wrongdoing in the executive branch.

And, my friends, what has been the results of the untiring efforts of this great statesman? As an active member of both Hoover Commissions and based upon that Commission's findings he has sponsored legislation which resulted in hundreds of millions of dollars of savings to the taxpayers. Under his sponsorship and guidance the General Services Administration was created, the Budget and Accounting Act of 1950 was passed which has been described as "the greatest advance in Government financial operations within the last 40 years." He proposed, processed, and obtained congressional approval of legislation allowing the States to obtain surplus Federal property for education, health, and civil defense purposes. There is not a person in this auditorium today whose community facilities have not benefited from this legislation.

His monumental and historical work entitled "Financial Management in the Federal Government," containing a comprehensive analysis of financial management activities of the Government is a handbook for Government officials and policymakers; his initiative and painstaking work in the area of fees for special services have already returned to the Federal Government sums expected to total in excess of $1 billion for the fiscal year 1966.

A strong advocate of the free enterprise system, Senator MCCLELLAN has led (and can be counted on to continue such leadership, regardless of the administration in power) the drive to keep the Federal Government out of those activities which can be better performed by private industry, and it is primarily his concern that has given impetus to a review of research and development programs financed by the Federal Government to the end of assuring that the taxpayers receive a dollar value for a dollar paid.

In many sections of the Nation, of course, he is best known for his unrelenting investigation of and struggle against criminal elements and organized crime—the culmination of a career which began as a prosecuting attorney of the seventh judicial district of Arkansas 40 years ago; he has made the American people aware that "crime is one of the gravest domestic problems we presently face." It is he who has sought to root out and rid interstate commerce of the burden of racketeers, syndicated gamblers and hoodlums; it is he who has led the drive to eliminate the criminal elements of organized labor; he who has focused national attention on the evils of the Mafia and other entrenched crime organizations. This has been more than talk—pending before the Congress at this moment are a series of proposed bills aimed at organized crime on all levels.

As a result of his accomplishments as chairman of the Senate Permanent Subcommittee on Investigations and the Senate Select Committee on Improper Activities in the Labor or Management Field, he has been castigated, derided, yes, even threatened by the sinister shadowy figures which seek to control by evil methods, yet he has steadfastly continued.

Some ruthless labor leaders have falsely accused him of being antilabor for the reason, we surmise, that his leadership has resulted in prosecution, indictment and conviction of top-level personnel who exploited America's working men and women. May I remind the rank and file union members of Arkansas and of America that the Landrum-Griffin Act of 1959, the bill of rights which reaffirmed the basic constitutional and inalienable rights of union members, restored full citizenship rights to thousands of union members whose exploitation at the hands of some unscrupulous labor bosses was both unbelievable and intolerable, was proposed and guided to successful conclusion by this man?

Though always by virtue of his position, occupied with matters of national interest and concern, he has never failed the people of his State. May I give you but two examples: The tax bill of 1948 finally contained the amendment for which Senator MCCLELLAN had so persistently fought. To the people of Arkansas it meant that at long last the inequity was abolished wherein taxpayers in community property States enjoyed a tax benefit over citizens of States such as ours—today, the citizens of Arkansas and of all States are afforded the same treatment for income tax purposes irrespective of residence. For each of us, we say, thank you, Senator. More recently, in collaboration with Senator FULBRIGHT and others, he came to the well-deserved aid of the soybean farmers of this State in his insistence that the Department of Agriculture clarify by letter and regulation the use of certain timberland which had been cleared or was in the process of being cleared for the purpose of planting soybeans. It has been estimated in my county of Jackson, alone, approximately 50,000 acres would have been affected. For the farmers of Arkansas and for each of us, we say, thank you, Senator.

Each of you knows that I could continue this résumé almost ad infinitum. I have only touched upon his achievements as a statesman. He has brought his brilliant intellect, his amazing energies, his high sense of honor and integrity, his concern for the Nation, his understanding of and interest in all his constituents to every position of honor which he has held. Thank you, again, Senator MCCLELLAN, on behalf of the people of Arkansas. May you continue as our senior Senator as long as God in his wisdom and providence blesses you.

JOHN L. MCCLELLAN—THE MAN

(Remarks by Bishop Paul V. Galloway of the Arkansas area of the Methodist Church)

Mr. Chairman, Senator and Mrs. MCCLELLAN, and friends. We gather together for various reasons in life; to ask for the Lord's blessings and to ask for your and Washington's help, but today we gather to bring you up to date on yourself. You have become so involved that you are denied a look at yourself as to how we see you and know you. We see you as developer, statesman, and man. These are positive terms; they have to do with things: Factories, roads, schools, plants, water, physical resources. Also with causes, ideas, principles, procedures, national, and world interest.

In these we constantly ask your aid and in them we see your achievements and leadership. In them Arkansas and America are foremost and are enlarged and strengthened. In these we hold you on a pedestal, but as a man we hold you as one related to us. There is a human basis and a spiritual oneness. To the first two there is praise for the things you have done. As man there is appreciation for what you are and who you are.

How do we see you? As one not only of whom we ask things, such as plants, factories, continued completion of river basins, and the great causes of the State. These cause economic growth and win votes. Our value of you as a man brings something else in the way of devotion, loyalty, genuine, and secure support.

We look to what makes man. We see you as being politically astute, but not deceitful. We like for our leaders to be smart, alert, and daring. We like to see their active leadership. We are so proud of our Arkansas men in Congress for I believe we have the greatest of any State in the Union; Sena-

tors and Congressmen—and I even thought this when I lived in Texas.

You are courageous. As a pastor in Monroe County in Clarendon, where I introduced politicians who campaigned. (I spoke for WILBUR MILLS and was booed.) I saw you come in 1938 in a Chevrolet with a public address system on top of the car and even though you were sick that summer you had courage and tenacity, and best of all, you had two boys—your sons to accompany you. That is where my friendship with JOHN started.

Four years later you came back in a campaign. Senator, you're a fourth-quarter man—you don't quit. I'm a nervous wreck over men like you and the Razorbacks. I hope you won't have to pull any more campaigns out of the fire. You have shown courage, integrity, wisdom, and patriotism. Your courage is a child of conviction and concern. Your integrity is a result of righteousness, honor, and character. Your wisdom springs from insight, knowledge, growth, bigness, and experience. Your patriotism is from appreciation of our land and expectation for its future. This is ceaseless, devoted, untiring, and of the nonsurrender type. With these you act. The whole Nation may not cross the same T's or dot the same I's—we all may want some omissions or more admissions, but it's these possessions, attributes, characteristics, to which we point and look.

And yet, these are not possessions of yours. These are things that possess you. Great causes that consume us may tend to give obsessions at times, but we thank God for men who move on principle by which, instead of throwing in the towel, they are able to march under a great banner for the glory of man, the honor of our Nation, and the righteousness of God.

Senator, friend, we've watched you get honors. First in 1959, the George Washington Award by the American Good Government Society; in 1959, the Hatton W. Sumner Award from Southwestern Legal Foundation; in 1960, the Freedom Foundation's George Washington Award at Valley Forge; in 1962, the Freedom Award from the Order of Lafayette; in 1963, the Distinguished Service Award by the 21 Jewel Square Club of Philadelphia; again in 1963, the certificate of appreciation by the Law Enforcement Intelligence Unit; once more in 1963, a certificate of achievement by the Chicago Crime Commission and in that same year the Great Living American Award by the U.S. Chamber of Commerce; in 1965, the Distinguished Service Award by the Americans for Constitutional Action; and more recently the First American Legislative Award by the Association of Federal Investigators.

I read the writeup of thanks from Fort Smith for helping save for them a large plant. These are all fine, but they don't impress me as other things because I know something of the cause and source—the man and the lady.

I like the way you started out as a boy. This past Sunday I read my father's diary while he was pastor at Greenwood, Ark. From that place in 1904, you received a letter from Congressman John S. Little. The salutation was "My Dear Little Friend." As an 8-year-old boy you had told him you picked 75 pounds of cotton in 1 day. You sent him a copy of a speech which you recited before the Democratic Central Committee—I presume at Sheridan. Enclosed in the letter were these words: "And I have no doubt that in the future you will reach honor and distinction as a citizen and public man, but to do this requires industry and hard work, and an honorable, upright life."

You started early. You have had great qualities: ambition, tenacity, persistence—but you've had more. You've had help: friends, good family. We honor you, Mrs. McClellan—Mrs. Norma. You came into a home with children, took them in your heart. You reared them, taught them, gave them love, and care. You have given loyalty to your husband. There was humble lostness at times at home to keep a place of retreat, rest, and renewed strength for one who would return home with battle fatigue. You fought some battles with him and for him, and in graciousness you have truly been a First Lady.

Yes, Senator, we have seen your strength and sorrow, your love, and your commitment to carry on. While pastor at Fayetteville I had the pleasure of being with John and Mary Alice when they were students at the university. I have shared with other pastors in keeping them in concern and in my heart as much as possible under my wing as their pastor and friend. These children reflected character because they had character. I have seen your manhood in the room as we sat and talked of home and children, loneliness and sorrow. Dreams have had to be changed, but never lost.

You see, I know your sources of power and something of your aims and drives of purpose. I know something of the heart and home, and I am glad we have been able to join in prayer together. The altar furnishings and pieces at the Winfield Methodist Church were given by the Senator and myself in loving memory of John. There we have met, not only to pray for God's strength, but for others, the Nation, and the world.

I have been in Washington with this good man and know something of his desires for this Nation and its citizens, its place not only in the world but unto God. Your excellency, we want to be a part of you and your home and we want your sense of commitment and your wisdom to be a part of us to give quality and strength. We keep you in our heart and prayers. We offer you to our State and Nation as we hold you before our God for power, righteousness, and love. Amen.

JOHN L. MCCLELLAN—DEVELOPER OF THE NATION'S RESOURCES

Remarks by William H. Kennedy, Jr., president, National Bank of Commerce, Pine Bluff, Ark.

Thank you, Mr. Chairman, Senator MCCLELLAN, Mrs. McClellan, Governor Faubus, Congressman MILLS, other distinguished guests, ladies, and gentlemen.

There are many measures of a man. One of them is his vision. Another is his force and drive and vigor. The result that he attains is a third.

By any criteria that we can use, JOHN MCCLELLAN stands tall in the eyes of his fellow Americans and particularly in the eyes of us Arkansans.

As all of us know, there are a great many reasons for his stature; but, today, I particularly want to discuss with you this man's vision, effort, and the fruit of that vision and effort in the development of our natural resources, particularly the rivers and waterlands of our great State and section.

Long ago, the record reflects, JOHN MCCLELLAN decided that it was vital to the best interest of Arkansas and the Nation that our fertile lands be preserved from disastrous floods, that the potential inherent in our waterways be unharnessed, and that the time would come when our country, because of its burgeoning population, would have a need for every drop of water, every kilowatt of electricity, and every acre saved.

On November 9, 1943, in his first year in the Senate, Senator MCCLELLAN became an active proponent of the development of navigation on the Arkansas River when he introduced Senate bill 1519. It's interesting to note that our new Senator received the following letter dated January 14, 1944:

"MY DEAR SENATOR MCCLELLAN: I am very much interested in your bill, S. 1519, relating to the construction and operation of water control and utilization projects in the basins on the Arkansas and White Rivers. Enactment of the bill would be an important forward step in effectuation of the policy of multiple-purpose development of our great river basins and the prudent conservation of our vast public resources.

"I feel certain that the people whose homes are in the basins of the Arkansas and White Rivers and the soldiers who will want to return to the area and to work and make homes there would be deeply grateful if the Congress were to pass S. 1519. The benefits that they would derive from a well-coordinated program for the prevention and control of floods, the improvement of navigation, the disposition of low-cost electric power and the irrigation of fertile lands would be of incalculable value. I am particularly pleased that the direct and more tangible benefits from power and irrigation would be made available in accordance with the sound principles of public benefit that the Congress has previously laid down.

"Sincerely yours,

"FRANKLIN D. ROOSEVELT."

This project was authorized for construction in 1946 and the first money was appropriated for construction in fiscal year 1948 for emergency bank stabilization. The early years of the development of the Arkansas were difficult ones for the dedicated Senator and his associates, years in which they were met by one rebuff after another. Plain lack of interest, economy moves, and the Korean war combined to hinder progress in any appreciable degree until 1957, when a $4,400-000 appropriation was secured for the beginning of construction on Keystone and Eufaula Dams in Oklahoma and Dardanelle Dam in Arkansas.

Today, as all of us know, the multiple-purpose development of the Arkansas River is well on its way to completion. Of a total cost of approximately $1,201,000,000 there has already been appropriated $652,863,000 and the budget request for fiscal year 1967 is $159,570,000. A lot of money we will all agree, and we're enjoying the benefits of its expenditure right now; but, even more important, in my view, is the long-range picture this man and others like him have brought to us.

In my mind's eye I can see barges and tow boats going up and down stream bringing in the accumulated wealth of the nation and taking out from Oklahoma and Arkansas our agricultural and industrial products as well as our raw materials. I can see new recreational areas springing up to entice citizens of less fortunate areas to share the good fortune which is to be ours. I can see farm lands freed forever, or almost so, from the dangers of flood. I can see river banks stabilized so that henceforth the wealth of our area which lies in our land will not be subject to the whims of old man river and will not be lost from crumbling banks.

And then, I'm sure I can see up and down the banks of the Arkansas smoke—smoke from the stacks of chemical plants—metal-working industries, defense industries, and many others which have been placed there to take advantage of this mighty stream which the good Lord has given us together with the power to harness it to our needs.

All of this because of the man we honor here today.

We who live on the Arkansas must also be aware that others, too, have had a claim on JOHN MCCLELLAN'S time and effort.

In 1946, by amending the Flood Control Act of that year, Senator MCCLELLAN saved millions of dollars for local interests along the St. Francis River and at the same time secured for them protection against headwater floods of that river and the Little River. This protection was continued by the placing of appropriate language in the Flood

Control Act of 1950. This project provides protection to thousands of acres of agricultural lands, numerous small towns, several major railroads, highways and utilities located in Missouri and Arkansas. Estimated total cost of this project is $127 million, of which $60,148,000 has already been expended. The budget for fiscal 1967 calls for $3,800,000 for construction.

In 1960, our good friends on the Ouachita received the benefit of his services. Inserted into the Rivers and Harbors Act of that year, *largely at his behest*, was authorization to increase the navigable depth of the Ouachita from 6½ to 9 feet from the mouth of the river to Camden. Four new locks and dams are to be built and the channel rectified and dredged as necessary. Construction started in June of 1965 and will upon completion cost approximately $87,400,000. To date $9,554,000 has been appropriated and the budget for fiscal year 1967 includes another $6,500,000 for construction.

Another well-known project underway in the Ouachita River Basin is DeGray Reservoir, located near Arkadelphia. This multiple-purpose reservoir which is credited with benefits derived from reduction in flood damages, generation of electrical energy, provisions of water supply and other benefits will cost $54,300,000. To date $19,105,000 of this amount has been expended. The fiscal 1967 budget includes a request for $8 million for future construction of DeGray Reservoir.

No story of Senator MCCLELLAN'S efforts in the development of Arkansas rivers would be complete without mentioning the White River with its five completed reservoirs at Table Rock, Bull Shoals, Norfolk, Greers Ferry—all in Arkansas—and Clear Water in Missouri. The sixth reservoir, Beaver, in Arkansas is essentially complete. These reservoirs provide millions of acre feet of flood control storage, thousands of kilowatts of hydroelectric power and recreation for an annual visitation of approximately 11 million people. Through June 1965, Federal expenditures for these projects totaled $280,854,000.

Work continues on the White River. In 1962, Senator MCCLELLAN sponsored a resolution for a comprehensive basin study to be completed by 1968. This study is now underway.

Other areas in which work is being done are the Red River Basin where substantial sums have been expended below Denison Dam, at Garland City, at McKinney Bayou, and at Moniece Bayou to afford flood control protection for many thousands of acres of land. There is also the Bouef and Tensas River Basin and the Bayou Macon tributaries project which has protected rich farmlands in southeast Arkansas from flooding by the Arkansas and the Mississippi, $86,400,000 being the estimated total cost of this project, with $32,531,000 having been expended to date. The budget request for fiscal 1967 is $1,700,000 for this project.

Another area which has requested and is getting the Senator's devoted efforts is the Cache River-Bayou Deview project which is just beginning to move.

Dollars alone cannot provide the measure of JOHN MCCLELLAN'S worth to Arkansas, but they can provide us with a material picture of what he has meant to us. Since 1944 there has been expended on flood control, rivers and harbors, navigation and multiple purpose projects—either altogether in Arkansas, partially in Arkansas, or in adjoining States from which Arkansas benefits—$1,899,010,400 on a total of 155 projects. There remains to be spent on these projects an estimated $1,484,287,800. It is estimated that as a result of these expenditures, losses totaling $2,715,833,400 will have been prevented.

It cannot be fairly said that any one man was solely responsible for this gigantic investment in our natural resources. It can be fairly said, however, that if JOHN MCCLELLAN had not had the vision and the vigor and the love of his people at heart that a great many of these most worthwhile projects would have died aborning.

Future generations of Arkansans and Americans will revere the name of JOHN L. MCCLELLAN, a great developer of his State's and his Nation's resources and a great American.

Mr. FULBRIGHT. Mr. President, I shall conclude by asking the Senate to allow me, by unanimous consent, to insert in the RECORD my own telegram paying tribute to the senior Senator from Arkansas.

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

U.S. GOVERNMENT,
March 25, 1966.

Mr. BILL KENNEDY,
Chairman, McClellan Day Luncheon, Robinson Auditorium, Little Rock, Ark.

DEAR BILL: I regret meetings of the Committee on Foreign Relations in Washington prevent my attendance at the luncheon honoring my colleague and our senior Senator, JOHN MCCLELLAN. Though I cannot be with you in person, I join with JOHN'S many other friends in paying tribute to him for his many years of illustrious service to the people of Arkansas and the Nation. Having served with Senator MCCLELLAN for 21 years in the Senate of the United States, I, perhaps more than any other person, can attest to the untold benefits Arkansas has derived as a result of his many efforts. His devotion and dedication to the people of the State of Arkansas is unsurpassed, and any tribute we can pay to him has been well earned and is justly deserved. Please convey to him my warm personal regards.

BILL FULBRIGHT,
U.S. Senator.

Mr. ERVIN. Mr. President, citizens from all areas of Arkansas gathered at Little Rock, Ark., on March 25 and gave an appreciation dinner in honor of our able and distinguished colleague, Senator JOHN L. MCCLELLAN. Bishop Paul V. Galloway, of the Arkansas area of the Methodist Church, who is a longtime friend of our colleague, spoke at this appreciation dinner and made an eloquent and inspiring address entitled "Senator MCCLELLAN, the Man." As one who has worked closely with Senator MCCLELLAN as a member of the Senate Committee on Government Operations and the Judiciary, I have had unusual opportunities to know JOHN MCCLELLAN. As a consequence, I share in full measure the high opinion expressed by Bishop Galloway in his address.

As a consequence, I ask unanimous consent that Bishop Galloway's address entitled "Senator MCCLELLAN, the Man," be printed in the RECORD.

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

SENATOR MCCLELLAN, THE MAN

(By Bishop Paul V. Galloway)

Mr. Chairman, Senator and Mrs. MCCLELLAN, and friends. We gather together for various reasons in life; to ask for the Lord's blessings and to ask for your and Washington's help, but today we gather to bring you up-to-date on yourself. You have become so involved that you are denied a look at yourself as to how we see you and know you. We see you as developer, statesman, and man. These are positive terms; they have to do with things: factories, roads, schools, plants, water, physical resources. Also with causes, ideas, principles, procedures, national, and world interest.

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How do we see you? As one not only of whom we ask things, such as plants, factories, continued completion of river basins, and the great causes of the State. These cause economic growth and win votes. Our values of you as a man brings something else in the way of devotion, loyalty, genuine, and secure support.

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You are courageous. As a pastor in Monroe County in Clarendon, where I introduced politicians who campaigned (I spoke for WILBUR MILLS and was booed) I saw you come in 1938 in a Chevrolet with a public address system on top of the car and even though you were sick that summer, you had courage and tenacity, and, best of all, you had two boys—your sons to accompany you. That is where my friendship with JOHN started.

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Senator, friend, we've watched you get honors. First, in 1959, the George Washington Award by the American Good Government Society; in 1959, the Hatton W. Sumner Award from Southwestern Legal Foundation; in 1960, the Freedom Foundation's George Washington Award at Valley Forge; in 1962, the Freedom Award from the Order of Lafayette; in 1963, the Distinguished Service Award by the 21 Jewel Square Club of Philadelphia; again in 1963, the certificate of appreciation by the Law Enforcement Intelligence Unit; once more in 1963, a certificate of achievement by the Chicago Crime Commission, and in that same year the Great Living American Award by the U.S. Chamber of Commerce; in 1965, the Distinguished Service Award by the Americans for Constitutional Action,

and more recently the First American Legislative Award by the Association of Federal Investigators.

I read the writeup of thanks from Fort Smith for helping save for them a large plant. These are all fine, but, they don't impress me as other things because I know something of the cause and source—the man and the lady.

I like the way you started out as a boy. This past Sunday I read my father's diary while he was pastor at Greenwood, Ark. From that place in 1904, you received a letter from Congressman John S. Little. The salutation was "My Dear Little Friend." As an 8-year-old boy you had told him you picked 75 pounds of cotton in 1 day. You sent him a copy of a speech which you recited before the Democratic Central Committee—I presume at Sheridan. Enclosed in the letter were these words: "And I have no doubt that in the future you will reach honor and distinction as a citizen and public man, but to do this requires industry and hard work, and an honorable, upright life."

You started early. You have had great qualities; ambition, tenacity, persistence—but you've had more. You've had help—good friends, good family. We honor you, Mrs. McClellan—Mrs. Norma. You came into a home with children, took them in your heart. You reared them, taught them, gave them love and care. You have given loyalty to your husband. There was humble lostness at times at home to keep a place of retreat, rest, and renewed strength for one who would return home with battle fatigue. You fought some battles with him and for him, and in graciousness you have truly been a First Lady.

Yes, Senator. we have seen your strength and sorrow, your love, and your commitment to carry on. While pastor at Fayetteville, I had the pleasure of being with John and Mary Alice when they were students at the university. I have shared with other pastors in keeping them in concern and in my heart as much as possible under my wing as their pastor and friend. These children reflected character, because they had character. I have seen your manhood in the room as we sat and talked of home and children, loneliness and sorrow. Dreams have had to be changed, but never lost.

You see, I know your sources of power and something of your aims and drives of purpose. I know something of the heart and home, and I am glad we have been able to join in prayer together. The altar furnishings and pieces at the Winfield Methodist Church were given by the Senator and myself in loving memory of John. There we have met, not only to pray for God's strength but for others, the Nation, and the world.

I have been in Washington with this good man and know something of his desires for this Nation and its citizens, its place not only in the world but unto God. Your excellency, we want to be a part of you and your home, and we want your sense of commitment and your wisdom to be a part of us to give strength and quality. We keep you in our heart and prayers. We offer you to our State and Nation as we hold you before our God for power, righteousness, and love. Amen.

SHORTCOMINGS IN THE ADMINISTRATION OF CRIMINAL LAW

Mr. ERVIN. Mr. President, the October 1965 issue of the Hastings Law Journal contained an article entitled "Shortcomings in the Administration of Criminal Law."

Since this article was written by one of America's most experienced and learned trial judges, the Honorable Alexander Holtzoff, U.S. district judge for the District of Columbia, it merits the consideration of all Americans who are concerned by the rising crime rate in the Nation, and who believe that the primary purpose of the criminal law is the protection of the society.

For this reason, I ask unanimous consent that this article by Judge Holtzoff be printed in the RECORD.

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

[From the Hastings Law Journal, October 1965]

SHORTCOMINGS IN THE ADMINISTRATION OF CRIMINAL LAW

(By Alexander Holtzoff, U.S. district judge for the District of Columbia)

PURPOSE OF THE CRIMINAL LAW

Protection of the physical safety of the lives and property of the public and its individual members is the basic and primary purpose for which society was originally organized. The defense of the Nation against external aggression is the task of the Armed Forces and the diplomats. The safeguarding of the public from internal depredations by persons who disregard the rights of others is the function of the criminal law. In turn, the enforcement of the criminal law has a number of aspects. First, there are the police and other law enforcement agencies in the executive branch of Government, whose duty is to preserve the peace, prevent and suppress crime and detect and apprehend perpetrators of offenses that have been committed. The next and crucial step in the administration of criminal justice lies with the courts—the judicial branch of the Government. Providing this protection remains the fundamental purpose of government, even though, in the course of centuries, gradual complex social and economic developments have led governments to assume additional burdens in social, economic, and financial fields.

Manifestly, the criminal law is more than a branch of jurisprudence. It is the instrumentality by which the public is protected from inroads against the safety of the lives and property of its members. In dealing with malefactors, the law inflicts punishments for their misdeeds. The term "punishment" is, however, perhaps misleading in this connection. Modern criminology no longer views punishment as the imposition of a penalty, or the exaction of retribution. A sentence in a criminal case looks to the future. Its objectives are to prevent repetition of crimes by the culprit and to dissuade others from perpetrating similar offenses. These ends are sought to be attained, in part, by immobilizing the criminal for some time, thereby making it impossible for him to continue his nefarious activities during that period. Also, the example of a sentence imposed on one person is intended as a deterrent to others. The law endeavors to reform and rehabilitate the offender, either by suitable discipline and appropriate training while in prison, or by placing him on probation and giving him guidance by a probation officer. When the last-mentioned course is pursued, its purpose is not primarily to aid and assist the criminal, but to protect society by transforming him into a constructive member of the community.

The great Italian criminologist and penologist, Beccaria, observed: "The aim, then, of punishment can only be to prevent the criminal committing new crimes against his countrymen, and to keep others from doing likewise." [1]

Need for efficient administration

"The more prompt the punishment and the sooner it follows the crime, the more just it will be and the more effective." [2] Swiftness and certainty of punishment are indispensable to a successful administration of the criminal law. Undue delay between arrest and trial, or a long interval between trial and final disposition of appellate proceedings, especially if the defendant is enlarged on bail in the interim, weakens the criminal law in its effort to protect the public, detracts from its effects as a deterrent, and tends to create disrespect or contempt for law in the eyes of the underworld, as well as disdain on the part of the thinking public.

These introductory remarks may seem simple and elementary, as indeed they are. In exploring and analyzing any important topic, however, it is essential to penetrate to its underlying philosophy, even if it is so well known that to do so seems, at first blush, needless repetition. Unfortunately, all too often matters of this kind are overlooked or forgotten in the consideration of a mass of disorganized details. Fundamentals must always be borne in mind if a consideration of details is to be fruitful. One must not let the proximity of the trees obscure the view of the forest.

The administration of justice is a practical rather than a scientific matter. It must be approached in a realistic, rather than a theoretical spirit. While the law itself may be regarded as a science, its application and administration is an art. The law is not an end in itself. It is merely the tool or the instrument by which justice is attained in a practical manner. Beccaria sardonically observed in his famous essay, "Happy the nation, whose laws are not a science." [3] This is peculiarly applicable to the field of criminal law, which deals primarily with the protection of the community.

Crime is always present in human society. All that can be hoped for is to reduce it to a minimum. Unfortunately, in recent years in the United States, the number of violent crimes has increased tremendously,[4] especially in some of the larger cities.[5] Suppression of crime has become one of the most important and vital internal problems of our country.[6] The rate of crime has grown enormously and rapidly, far in excess of and out of proportion to the expansion of the population.[7] What is particularly ominous is that the ratio between young criminals and the total number of criminals has greatly increased.[8]

In this study no effort will be made to explore and analyze the ultimate causes of crime. If this can be done at all, it is the task of the sociologist and the psychologist. We shall confine our discussion to the impact of the criminal law and its administration on the crime problem.[9]

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[1] Beccaria, of Crimes and Punishments 42 (1964).

[2] Id. at 55.

[3] Id. at 23.

[4] Hoover, Crime in the United States 2 (1965).

[5] Ibid.

[6] In recent speeches before the Maryland and New York State Bar Associations the president of the American Bar Association called attention to some shocking facts. He indicated that there has been an increase of 10 percent in serious crimes reported in 1963 over the parallel figure for 1962, and that for the first 9 months of 1964 there was a further increase of 13 percent; that more than 40 percent of all arrests involved persons 18 years of age or under; that crimes of violence continued to increase; and, finally, that since 1958, crime has been increasing five times faster than the growth of the population.

[7] Hoover, op. cit., supra note 4, at 3.

[8] Id. at 24.

[9] It is sometimes said that an ultimate cause of crime is poverty. This is a superficial and shallow view, because two or more generations ago there was much more poverty and much less crime. Moreover, many persons charged with serious crimes are found

The primary tool of the criminal law is the trial

In the last analysis, the purpose of a trial of a criminal case is to ascertain in a fair, impartial, and orderly manner whether the accused has committed the crime with which he is charged; to convict the guilty, provided guilt is proven beyond a reasonable doubt; and to acquit those whose guilt is not so proven. The closer the administration of criminal law approaches this end, the more successful it is. The more it deviates from this target, the more it fails to fulfill its function. Rule 2 of the Federal Rules of Criminal Procedure summarized this aim in the following trenchant terms: "These rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay." Mr. Justice Cardozo enunciated this ideal in his usual inimitable phraseology: [J]ustice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true." [10]

An eminent English judge, Sir Patrick Devlin, recently stated: "When a criminal goes free, it is as much a failure of abstract justice as when an innocent man is convicted." [11]

Rights of the accused

The common law countries, such as the United States and England, take a just pride in the fact that they place stronger emphasis on the protection of rights of individual defendants than do Roman law countries, where the law directs its attention to a greater extent to the interests of the general public. Under the Anglo-American system of law the accused is clothed and surrounded with a number of potent safeguards. Their purpose is to erect a screen to prevent the erroneous conviction of an innocent person.

The first basic requirement is a public trial.[12] The purpose of a public trial is not solely to shield the defendant, but also to protect the interests of society, by allowing the public to view the administration of justice. In fact occasionally there are defendants who would prefer a secret trial in order to avoid publicity or embarrassment.

Another vital privilege accorded to the accussed both in Federal [13] and State courts [14] is the right of counsel. While originally it was construed as confined to a right to be represented by counsel retained by defendant,[15] it has been properly extended to require the appointment of counsel for defendants who are financially unable to hire a lawyer, unless the defendant knowingly and intelligently waives that right.[16] This recent advance is enlightened and wholesome. It is an important step in the right direction in the defense of personal liberty.

A further safeguard is the defendant's right to be confronted with witnesses at his trial.[17] It is of the essence of a criminal trial under Anglo-American jurisprudence that witnesses be produced in person, face the accused, and give their testimony orally. The defendant and his counsel must be in a position to hear the testimony and to cross-examine the witness. There may be no convictions on ex parte affidavits or depositions.[18]

The prosecution is required to prove the defendant's guilt beyond a reasonable doubt, and unless such proof is forthcoming, the defendant must be acquitted. Coupled with this requirement is a presumption that the defendant is innocent until his guilt is established beyond a reasonable doubt. This is not really a presumption in the technical sense. It is an emphatic restatement, in converse form, of the doctrine requiring proof of guilt beyond a reasonable doubt.

Under the Anglo-American system of law, a defendant is usually entitled to a trial by a jury.[19] This mode of trial perhaps does not rise to the dignity of being an essential feature of ordered liberty, because there are other enlightened and progressive systems of law that do not always provide a trial by jury. There is a mounting admiration, which this writer shares, for trial by jury and for the caliber of justice meted out by the average jury. Historically the jury represents a cross section of the population, selected at random, and interposed between the State and the accused. The system accords to the defendant a trial by a tribunal that is not a part of or dependant on the Government. It is a fact, however, that defendants frequently waive trial by jury and elect to be tried by the court alone.[20] For instance, this practice prevails locally in the Maryland courts and is frequently followed in the Federal courts. One may wonder why a defendant would waive the apparent protection extended to him by a jury trial. Observation and experience show that this is done at times in cases involving a particularly unpopular or disgusting crime in which the evidence of the prosecution is not very strong. In such a situation, judges are likely to demand more proof than juries. Again, jury trials are occasionally waived when the facts are not seriously contested or controverted, and the matter hinges on a question of law.

Every defendant is granted the privilege against self-incrimination guaranteed by the fifth amendment, as well as by most State constitutions.[21] In respect to defendants in criminal cases, it comprises not only the privilege not to be questioned at the trial, unless the defendant voluntarily chooses to take the witness stand, but even precludes an inquiry, in the presence and hearing of the jury, whether the defendant will elect to testify and desires to submit to an interrogation.[22]

This privilege has been much discussed of late years. It is a part of the warp and woof of Anglo-American jurisprudence. It is not, however, an integral part of ordered liberty, nor is it an indispensable feature of abstract justice or natural law. Mr. Justice Cardozo made the following interesting and illuminating comments on this subject:

"The right to trial by jury and the immunity from prosecution except as the result of an indictment may have value and importance. Even so, they are not of the very essence of a scheme of ordered liberty. To abolish them is not to violate a 'principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental.' * * * Few would be so narrow or provincial as to maintain that a fair and enlightened system of justice would be impossible without them. What is true of jury trials and indictments is true also, as the cases show, of the immunity from compulsory self-incrimation * * *. This, too, might be lost, and justice still be done. Indeed, today as in the past there are students of our penal system who look upon the immunity as a mischief rather than a benefit, and who would limit its scope, or destroy it altogether. No doubt there would remain the need to give protection against torture, physical or mental.* * * Justice, however, would not perish if the accused were subject to a duty to respond to orderly inquiry." [23]

Fundamentally, it seems entirely logical and proper to interrogate the defendant, provided that this is done fairly and not oppressively, as he naturally knows best whether he committed the act with which he is charged. An American or English visitor to a French court is amazed when he observes that, after the trial commences by the reading of the indictment, there follows an inquiry by the presiding judge to the defendant: "What have you to say?" The defendant, not his counsel, answers. Under that system, innocent persons are not railroaded to prison, but it is much harder for a guilty man to escape justice. However, we must ungrudgingly accept the privilege against self-incrimination as being imbedded in our law. It is the product of centuries of history. But it need not be glorified, or extended beyond its traditional limits. It is not a lofty or exalted principle, but is merely an artificial advantage extended to the accused.[24] Perhaps it is unconsciously derived from the Anglo-Saxon idea of sportsmanship. The privilege gives to the defendant the right to remain silent and see whether the government can establish his

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to be employed and they use this fact as a reason for applying for release on low bail, or even on personal recognizance. Cities in Western Europe have a much smaller volume of violent street crimes than many of the big cities of the United States. For example, one feels safer in walking at night the streets, including even the back streets and alleys, of Rome, Florence, and Venice, than those of some of our cities; and yet until recently Italy had much more poverty than the United States. One wonders whether the ultimate cause is not the modern attitude of parents toward the discipline and training of children, the failure of parents to require obedience, and their omission to inculcate in their offspring proper ideas of right and wrong and regard for the rights of others during the formative years of the children.

[10] *Snyder* v. *Massachusetts*, 291 U.S. 97, 122 (1934).

[11] Devlin, "The Criminal Prosecution in England 135" (1958).

[12] U.S. Constitution amendments VI and XIV, sec. 1; *In re Oliver*, 333 U.S. 257 (1948).

[13] U.S. Constitution amendment VI.

[14] *Gideon* v. *Wainwright*, 372 U.S. 335 (1963).

[15] *Betts* v. *Brady*, 316 U.S. 445 (1942).

[16] *Johnson* v. *Zerbst*, 304 U.S. 458 (1938); *Gideon* v. *Wainwright*, 372 U.S. 335 (1963).

[17] U.S. Constitution amendments VI and XIV; *Pointer* v. *Texas*, 380 U.S. 400 (1965).

[18] The right is limited to criminal trials. It does not extend to preliminary proceedings, such as grand jury hearings. See *Harper* v. *State*, 131 Ga. 771, 63 S.E. 339 (1909). *Crump* v. *Anderson* (D.C. Cir. June 15, 1965). As to the limited purpose of preliminary proceedings, see *Giordenello* v. *United States*, 357 U.S. 480, 484 (1958).

[19] U.S. Constitution amendment VI; Cal. Const. art. 1, sec. 7.

[20] In Federal courts, this may be done only with the consent of the Government counsel and the court. *Singer* v. *United States*, 380 U.S. 24 (1965). In California, a waiver of a jury must be consented to by the district attorney. Cal. Const. art. 1, sec. 7.

[21] Applied to the States by the 14th amendment. *Malloy* v. *Hogan*, 378 U.S. 1 (1964).

[22] McCormick, Evidence 277 (1954).

[23] *Palko* v. *Connecticut*, 302 U.S. 319, 325–326 (1937).

[24] No comment is permissible before the jury on the defendant's failure to testify. *Griffin* v. *California*, 380 U.S. 609 (1965). The defendant is entitled to an instruction that no adverse inference may be drawn from his failure to do so. *Bruno* v. *United States*, 308 U.S. 287 (1939). Many experienced trial lawyers often request the court not to give this instruction because actually it is likely to prove a boomerang and do the defendant more harm than good. It calls the attention of the jury to a matter that they might possibly otherwise overlook and calls upon them to perform a feat of intellectual gymnastics that is psychologically difficult, if not impossible. In England the judge may comment on the defendant's failure to take the witness stand, but counsel for the prosecution may not refer to the matter.

guilt beyond a reasonable doubt without his assistance.

The defendant is further protected by the exclusionary rules of evidence, under which certain types of evidence are deemed inadmissible. Perhaps the most important of these is the doctrine that bars the introduction of hearsay testimony. This principle constitutes an important protection to an innocent person, since hearsay testimony is easily distorted or taken out of context, and, at times, may even be fabricated. It is a salutary doctrine in the interests of justice. Facets of this rule of evidence have been frequently criticized and even condemned as being purely arbitrary and as excluding valuable information from the jury.[25] It is interesting to observe, however, that many of the critics have been neither trial judges nor trial lawyers. Those who are in constant contact with the realities of the trial courtroom realize that the hearsay rule at times shields an innocent person from an unjust conviction, and, in civil cases, may preclude the perpetration of a fraud. In this respect the common law differs from systems prevailing in Roman law countries. The latter have no law of evidence, but admit evidence of every type, provided it is relevant or germane to the issues. There, the court or jury is presumed to appraise the weight of any item of evidence in accordance with its probative value.

Thus the accused in a criminal trial under Anglo-American law is surrounded with numerous safeguards and is accorded many advantages. The fact that he may not be convicted except on proof beyond a reasonable doubt, established by competent evidence, is a mighty bulwark for the innocent against the possibility of an unjust conviction. It is necessarily inherent in this system that, in the light of these rigorous requirements, some guilty persons will escape through the meshes. This result is inevitable, even under an efficient administration of our criminal law, and must be accepted with equanimity. But it is thoughtless to say, as some do, that the unlimited resources of the prosecution enable it to wield a heavy hand against a "helpless" defendant. This idea was well expressed by Judge Learned Hand some years ago:

"Under our criminal procedure the accused has every advantage. While the prosecution is held rigidly to the charge, he need not disclose the barest outline of his defense. He is immune from question or comment on his silence; he cannot be convicted when there is the least fair doubt in the minds of any 1 of the 12. Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime." [26]

Rights of the victim

While stressing the rights of defendants, our system of law, in recent practice, seems to neglect the interests of the public and the victims of crimes. It tends to overlook Cardozo's admonition that "justice, though due to the accused, is due to the accuser also." [27] The rights of the victims, for example, the man who was attacked and robbed at the point of a gun, the woman whose purse was snatched and who was knocked down and injured, the family of a storekeeper who was killed during the perpetration of a robbery, or the unfortunate victim of a rape, seem to be treated but cavalierly and their interests not emphasized as much as those of the perpetrators of the offenses. Yet the victims' rights not to be molested have been violated by the criminal. These are worthy at least of as much protection and consideration as those of the accused. The pendulum has swung too far to the side of the accused. It must be brought back to an even position. A plumbline must be redrawn between the criminal and his victim.

In some quarters the accused is often depicted as a poor, oppressed, cowering, frightened individual, bewildered and ignorant of his rights, who deserves sympathy, consideration and kindness. Such a picture of the average prisoner charged with a serious crime of violence is far from accurate. It is an unjustified embellishment and a fantastic idealization. Many defendants arrested on such charges have had prior conflicts with the law, and previous contacts with the police and the courts. Although not well educated, they are likely to be ruthless, entirely oblivious of the rights of others, sophisticated in an evil way, cunning, and crafty. They are often quite familiar with their legal rights and the restrictions that hamper the police and the prosecution. The latest rulings of appellate courts in the field of criminal procedure seem to travel through the grapevine of the underworld, and are sometimes even mentioned by a prisoner to the arresting officer. The defendant is often skilled, in a petty way, and ready to fence intellectually with the police, or to try to bargain with them or the prosecuting attorney.

Some sociologists and psychologists picture a criminal as being entirely the product of his environment. Naturally, every human being is influenced by his heredity and environment. But to envisage him as a helpless puppet or robot, entirely controlled by external influences, is not only fallacious, but is a complete denial of the existence of human dignity. If these assumptions were true, criminal law should be abolished, because no one should be punished for doing something from which he is unable to refrain. Free will and the ability to choose are part of the psychological makeup of every human being, except perhaps the insane or the mental defective. Only an atheist or an agnostic is in a position to deny freedom of the will, because the existence of such volition is one of the fundamental principles of all religions. If there were no freedom of the will, there would be no such concept as sin, or punishment for sin. Sin is punished only because the sinner is in a position to choose between sinning and refraining from sinning. Some fine individuals have risen from poor environments and, on the other hand, some evildoers have been surrounded by excellent living conditions.

Every human being should have compassion. But it is error to direct compassion solely toward the criminal, as is done too often nowadays, and to ignore the helpless victim of the crime. Actually, those who adhere to that attitude compose a minority, though a vociferous one. The majority of the population, inarticulate as it may be, undoubtedly condemns the criminal, extends its sympathy to the victim, and wishes and hopes for greater protection for its own safety.

Reversals on technicalities

The trial of a criminal proceeding or a civil action is a quest for justice, not a game of skill. While justice must be administered in accordance with law, one must never lose sight of this objective and become immersed in the morass of legal minutiae that sometimes degenerate into trivia. The farsighted leaders of the legal profession brought about a great reform in the field of adjective law by the introduction of the Federal Rules of Civil Procedure, which revolutionized and simplified civil procedure in the Federal courts. This example has been followed by a large number of the States. One of the main purposes of this far-reaching advance was to eliminate, or at least reduce to a minimum, what was labeled by Wigmore many years ago as the sporting theory of justice.

The broad success and the wide acceptance of the Federal Rules of Civil Procedure emboldened those interested in law reform to attempt a similar result for criminal litigation in the Federal courts. The outcome was the adoption of the Federal Rules of Criminal Procedure in 1946. The purpose of this measure was also to simplify legal procedure and to clear away the technicalities that had accumulated through the centuries, like barnacles that encrust the hull of an old ship. Many of them originated in a bygone era in England, when practically every serious crime was punishable by hanging, and judges who were humanely inclined, tried to devise pretexts for avoiding capital punishment in instances in which they did not think it was morally merited. These cobwebs were brushed away in the Federal courts. The window was opened to a strong breath of fresh air.

The rules were welcomed with acclaim, and for a number of years were administered in the spirit in which they were intended. It was realized that the purpose of the safeguards that surround the defendant is to protect the innocent from unjust conviction, and not to interpose obstructions to the conviction of the guilty or to create an obstacle course for the Government. It was not the objective of the Bill of Rights and cognate provisions to frustrate convictions and to turn criminals loose, unwhipped of justice merely because the Government may fail strictly to observe all procedural niceties.

The rules did away with technical forms of indictments, and with the succession of pleas in abatement and pleas in bar that were often interposed seriatim. In many other ways they streamlined and simplified procedure. The keystone of the arch is the "harmless error" rule. It reads as follows: "Harmless error. Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded." [28] This principle should be emblazoned in red letters. It is of primary importance. If the evidence against the accused is overwhelming and there is no doubt of his guilt, an error in procedure that has no bearing on the issue of his guilt or innocence should manifestly be ignored. Such was the obvious intention of the framers of the rules. Legal procedure does not prescribe a ceremonial or ritual that must be followed rigidly and inflexibly in every detail, and that requires an acquittal for a slight deviation from a prescribed meticulous formula.

In this connection it is interesting to note the attitude of the English Court of Criminal Appeal. That tribunal hears appeals in criminal cases from various courts in England. Appeals are argued within 4 to 6 weeks after the trial. In the vast majority of cases, decisions are delivered orally at the close of the argument after a brief whispered consultation on the part of the three judges on the bench in full view of the public. The extemporaneous opinion, generally couched in felicitous phraseology, becomes the opinion of the court, which may eventually appear in the reports. An examination of reported cases of that court, as well as personal observation of the court's proceedings on different occasions, lead one to the conclusion that this tribunal does not reverse convictions for error in procedure unless the error has led to an unjust result. That appellate courts in the United States should adopt this enlightened and progressive attitude is a consummation devoutly to be wished.

Unfortunately, after the Federal Rules of Criminal Procedure had been in effect for but a few years and their novelty had worn off, the pendulum began its swing to the side of the defendants and the harmless

[25] See McCormick, Evidence 628–629 (1954).

[26] *United States* v. *Garsson*, 291 Fed. 646, 649 (S.D.N.Y. 1923).

[27] *Snyder* v. *Massachusetts*, 291 U.S. 97, 122 (1934).

[28] Fed. R. Crim. P. 52(a).

error rule came to be honored more in the breach than in the observance. In fact, it seems to have reached a state of innocuous desuetude. Many judges do not even refer to it and seem not to bear it in mind. Ignoring the harmless error rule leads to many reversals and new trials in cases in which guilt is undoubted and may even be undisputed. The result is delay in the administration of justice and sometimes its complete frustration.

The granting of a new trial is not to be treated lightly. A new trial is not to be likened to an additional performance of a drama. Lapse of time may make a new trial impossible or impracticable, due to disappearance or death of witnesses, or the fading memory of those who are still available. Moreover, new trials frequently are unfair and onerous to witnesses. The ordinary witness, who may be just an innocent bystander, is unnecessarily burdened with repeated apearances in court, at times to the detriment of his own affairs. Much worse is the plight of witnesses who are victims of crimes and members of their families who are subjected to the ordeal of being compelled to testify at repeated intervals and thus relive a horrible nightmare that they have been endeavoring to forget. The victim of a rape, for example, is at times required, a year or two after the original trial, again to go through the harrowing experience of reviving the scene and relating before a curious public the pain and embarrassment to which she had been subjected. Similarly, members of the family of the victim of a murder may be asked to recall afresh the vividness of an atrocious scene which they have witnessed. Such burdens are a gross injustice to victims and other witnesses to crimes. No thought or consideration appears to be accorded to them. The ultimate consequence of reversals and new trials is that many obviously guilty persons eventually escape punishment, to the detriment of the public, leading to a lack of confidence in the administration of justice. In cases in which punishment is finally inflicted, after a protracted course of repeated proceedings, the long delay in its imposition results in a loss of its full significance and effect.

While these defects in the administration of the Federal Rules of Criminal Procedure naturally relate to the Federal courts, it must be noted that their influence to some extent permeates the administration of justice in the States. This tendency has become particularly marked in recent years because, under modern postconviction procedures, cases tried in the State courts are subject to review in the Federal courts. While theoretically the scope of this review is restricted to vital constitutional questions, this term has been so liberally and broadly construed that the Federal courts have conducted what amounts to practically a reexamination of the original trial.[29]

It is not the intention of this author to criticize in this essay any specific rulings on questions of law. It is urged, however, that an outstanding defect in the administration of justice today is found in treating as grounds for reversal of a conviction errors that have no bearing on the question of guilt or innocence of the defendant and thereby ignoring the "harmless error rule" which, as has been stated, should be deemed fundamental. Many times several new trials are had in succession in the same case.

Superimposed on this weakness are the delays that are prevalent in both Federal and State appellate courts. In the numerous cases in which new trials are ordered, a long time elapses between the original and the new trial. A survey made by the committee on appellate delays appointed by the Criminal Law Section of the American Bar Association in 1963, showed that in most States the period between the imposition of sentence and the final disposition of an appeal in a criminal case varies from 10 to 18 months. In very few States was the gap less than 10 months, but in no instance less than 5 months. In the Federal courts the timelag between filing a notice of appeal and its final disposition in the U.S. Court of Appeals varied from 11.8 months in the eighth circuit, to 6.3 months in the first circuit.[30] A comparison with the English courts, where the interval between trial and disposition of an appeal is only 4 to 6 weeks, appears startling.

A few specific instances will illustrate the deplorable trend that we have been discussing. The notorious Chessman case in California is so well known that to discuss it in detail would be superfluous. Suffice it to say that the commission of an atrocious crime by him was eventually not actually in dispute, and yet the case went back and forth between the State courts and the Supreme Court of the United States for a dozen years before the sentence was carried out. Mr. Justice Douglas made the following pointed remarks in dissenting from a decision by the Supreme Court in favor of Chessman in a habeas corpus proceeding:

"But the fragile grounds upon which the present decision rests jeopardize the ancient writ for use by Federal courts in State prosecutions. The present decision states in theory the ideal of due process. But the facts of this case cry out against its application here. Chessman has received due process over and again. He has had repeated reviews of every point in his case * * * Nearly 7 years later we return to precisely the same issue and not only grant certiorari but order relief by way of habeas corpus." [31]

On the evening of March 12, 1953, in Washington, D.C., one Willie Lee Stewart entered a grocery store, brandished a loaded pistol or revolver, "held up" the proprietor, and fatally shot him. The grocer's wife and adult daughter were present and witnessed the harrowing tragedy. The fact that Stewart had committed the crime was not contested. He pleaded insanity. The psychiatrists at St. Elizabeths Hospital, an outstanding Government hospital for the mentally ill to which Stewart was committed for observation and examination, reported that he was free of mental disease or defect and indicated that he was shamming insanity. Nevertheless, the case was tried five times over a period of 10 years. Each of the first three trials ended with a verdict of guilty of murder in the first degree, which carried a death sentence. There was a reversal and a grant of a new trial in each instance on points that had no bearing on the guilt or innocence of the accused.[32] When the case reached the Supreme Court, Mr. Justice Clark, dissenting in his vivid, vigorous style, made the following graphic observations:

"It may be that Willie Lee Stewart 'had an intelligence level in the moronic class,' but he can laugh up his sleeve today for he has again made a laughingstock of the law. This makes the third jury verdict of guilt—each with a mandatory death penalty—that has been set aside since 1953. It was in that year that Willie walked into Henry Honikman's little grocery store here in Washington, bought a bag of potato chips and a soft drink, consumed them in the store, ordered another bottle of soda, and then pulled out a pistol and killed Honikman right before the eyes of his wife and young daughter. The verdict is now set aside because of some hypotheticals as to what the jury might have inferred from a single question asked Willie as to whether he had testified at his other trials. In my view, none of these conjectures is sufficiently persuasive to be said to cast doubt on the validity of the jury's determination." [33]

At the fourth trial the jury disagreed. At the fifth trial the jury again found the defendant guilty of murder in the first degree, without recommending life imprisonment, as it had a right to do under a recent local statute. In the absence of such a recommendation, a mandatory death sentence was again imposed. At this trial the Government had demonstrated that the defendant had been shamming insanity, by producing some requisition slips written by him in his own handwriting and signed by him from time to time, directed to the jail library and requesting permission to borrow certain volumes of the District of Columbia Code and the United States Code, invariably naming the particular volumes containing the Criminal Code. The victim's widow died several years after the first trial, but his daughter was compelled to testify at each of the five trials, and thus to revive and relive the horrible scene every couple of years for a decade.

The long and tortuous history of this case apparently led the U.S. attorney to a feeling of complete frustration and hopelessness, which is easily understood. After the fifth trial, Stewart offered to plead guilty to murder in the second degree. The U.S. attorney took the unprecedented step of moving the court to vacate the judgment and recommending that the plea be accepted. It carried a maximum sentence of imprisonment for a term of 15 years to life. The court had no alternative but to acquiesce. The plea was accepted, and sentence was imposed on June 17, 1963, more than a decade after the commission of the original crime.

On October 3, 1960, also in Washington, D.C., James W. Killough strangled his wife, put her body in the trunk of his automobile, and threw the corpse into the city dump. He was arrested shortly thereafter and admitted his guilt. The fact that he had killed his wife was not controverted. He made both oral and written confessions. Although he was indicted for murder, the jury found him guilty of manslaughter. The judgment was reversed on the ground of inadmissibility of a confession, although it was voluntary and its voluntary character was not contested.[34] He was tried and convicted again. Another reversal followed.[35] The second reversal was also based on a ground having no bearing on the question of guilt or innocence. On both occasions there were emphatic dissents. At the third trial, which took place on October 7, 1964, almost 4 years to the day after the murder, the Government found itself bereft of sufficient evidence deemed admissible in the light of the previous rulings of the court of appeals which resulted in exclusion of all the confession. The trial judge found himself constrained reluctantly to direct a judgment of acquittal for lack of sufficient evidence. He did so with a very emphatic expression of disgust and distaste, bemoaning the miscarriage of justice.

There are numerous cases arising out of the State courts in which Federal postcon-

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[29] *Cf. Mapp* v. *Ohio*, 367 U.S. 643 (1961); *Johnson* v. *Zerbst*, 304 U.S. 458, 468 (1938) (dictum).

[30] The report of the Committee on Appellate Delay in Criminal Cases is published in 2 American Criminal L.Q. 150–58 (1964).

[31] *Chessman* v. *Teets*, 354 U.S. 156, 172 (1957).

[32] *Stewart* v. *United States*, 214 F. 2d 879 (D.C. Cir. 1954); 247 F. 2d 42 (D.C. Cir. 1957); 366 U.S. 1 (1960).

[33] *Stewart* v. *United States*, 366 U.S. 1, 22 (1960).

[34] *Killough* v. *United States*, 315 F. 2d 241 (D.C. Cir. 1962). (Confession held to be the fruit of earlier inadmissible confessions.)

[35] *Killough* v. *United States*, 336 F. 2d 929 (D.C. Cir. 1964). (Standard interview form at jail would not have been used against him if he had been informed of this right at time of interview and had so demanded.)

viction remedies have been pursued for years by the device of raising a different constitutional point on successive motions to vacate the sentence. Much could be accomplished in the direction of achieving a more expeditious administration of justice by requiring a defendant to exhaust all of his grounds in a single motion. A defendant is entitled to one trial and one appeal. Ordinarily his rights end at that point. The original purpose of postconviction remedies was a beneficent one: to provide a cure for an exceptional miscarriage of justice, not an additional routine review. But in some districts, the Federal court is flooded with applications from prisoners in State penal institutions to vacate sentences imposed on them. While the great bulk of these proceedings terminate unfavorably to defendants, each has to be examined and many have to be heard, thereby unnecessarily consuming a great deal of time of the court, to the detriment of the rights of other litigants whose cases are being delayed in the interim. Moreover, the criminal proceeding itself is prolonged, all to the demoralization of the enforcement of the criminal law.

To multiply examples would unduly prolong this essay. Those just given clearly illustrate some of the difficulties confronting the administration of justice and the suppression of crime in the United States today.

Many members of the bench have emphatically protested against the trends that we have been discussing. Thus, Judge Wilbur K. Miller of the U.S. Court of Appeals for the District of Columbia Circuit, in a dissenting opinion in *Killough* v. *United States*,[36] deplored "this court's tendency unduly to emphasize technicalities which protect criminals and hamper law enforcement, against which I have repeatedly protested." He added, "in our concern for criminals, we should not forget that nice people have some rights, too."

The U.S. Court of Appeals for the Second Circuit, a tribunal that has not succumbed to the current tendency of reversing convictions on technicalities that have no bearing on the guilt or innocence of the defendant, made the following eloquent comments in a unanimous opinion in *United States* v. *Guerra*:[37]

"The day has certainly not come when courts will set a convicted criminal free for no reason other than some practice of police or prosecution—wholly unrelated to the conviction itself—did not meet with their approval. If that unhappy day should ever arrive, the often-heard criticism that law and lawyers are interested only in technicalities will have a ring of truth, and courts may rightfully be accused of exalting form above substance." [38]

Mr. Justice Clark, in a dissenting opinion in *Milanovich* v. *United States*,[39] registered emphatic protest against the tendencies to which we have referred. He said:

"My duty here is to help fashion rules which will assure that every person charged with an offense receives a fair and impartial trial. But that obligation does not require my ferreting out of the record technical grounds for reversing a particular conviction, grounds which could not possibly have affected the jury's verdict of guilt as a factual determination."

Search and seizure

We shall now pass to another aspect of the subject that likewise tends to frustrate the conviction of the guilty. We refer to recent developments and trends in the construction and application of the fourth amendment. The fourth amendment to the Constitution of the United States reads as follows:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

These provisions of the Bill of Rights, together with the writ of habeas corpus, constitute a palladium of liberty. They erect a strong bulwark against even a remote possibility of a police state. They render impossible such things as the oubliette in the Bastille during the ancien regime in France an institution that was still in existence when the Founding Fathers framed the Constitution. They ban the dreaded knock on the door in the dead of night and the arrest or removal of one or more of the occupants of a home to an unknown destination, as has occurred in our own times under Communist and Fascist dictatorships. They preclude imprisonment without a trial. They prevent a series of arbitrary arrests for the purpose of discovering the identity of a perpetrator of a crime, such as a dragnet apprehension of numerous persons within a certain area in order to interrogate them and ascertain which one may have committed a particular crime. They ban visitatorial and exploratory searches of homes and places of business, solely for the purpose of determining whether any contraband is to be found on the premises—such searches as were condemned by Lord Camden in the celebrated case of *Entick* v. *Carrington*.[40] They banish the notorious writs of assistance used by the English authorities to conduct exploratory searches in the Colonies.

In recent years the classic splendors of this imposing edifice began to crumble away by a process of erosion. The philosophy underlying the fourth amendment and the farsighted purpose of its framers seem to have been distorted and deflected. These constitutional provisions have all too frequently been applied, not to guard the precious rights which are formulated by them, but in a manner that, time after time, results only in liberating criminals. The Supreme Court, in a majority opinion by Mr. Justice Jackson, sounded this warning: "We are not willing to discredit constitutional doctrines for protection of the innocent by making of them mere technical loopholes for the escape of the guilty." [41]

It was not until 1914, when the Supreme Court decided the case of *Weeks* v. *United States*,[42] that the rule was established banning, in Federal courts, evidence obtained by an unconstitutional search and seizure. Prior to that time, the admissibility of evidence was not affected by the manner in which it had been obtained.[43] Four years ago, the proscription was extended by the Supreme Court to State courts [44] on the theory that the provisions of the fourth amendment were a part of due process of law as guaranteed by the 14th amendment to the States. Whether the Founding Fathers intended to impose such a drastic sanction for a violation of the fourth amendment is immaterial because the rule of exclusion has become definitively crystallized and must be accepted. It is the law of the land.

It must be emphasized that the fourth amendment does not ban all searches and seizures. It forbids only those that are "unreasonable." A search of the place [45] where a legal arrest is made, as well as a search of the person [46] arrested incidental to the arrest, are regarded as reasonable and are permitted. There are searches and seizures of other types that may be deemed reasonable, depending on the facts of the individual case.

The fourth amendment also authorizes arrests on the basis of warrants properly issued, as well as arrests without warrants, but made on probable cause.[47] A problem arises frequently whether a seizure of the fruits of a crime or of the means by which the crime was committed, or of some other incriminating article, was legal and therefore, whether the evidence should be admitted at the trial. At times the evidence is crucial and whether a conviction can be had, or once had whether it can stand, depends on the admissibility of the article. This in turn often hinges on the question of whether the arrest of the defendant was legally made on probable cause, which directly affects the legality of the search and seizure. Unfortunately, in recent years, there have been numerous decisions of appellate courts drawing fine-spun distinctions and hairsplitting refinements between what does and what does not constitute a probable cause for an arrest, and between what constitutes a reasonable or unreasonable search and seizure. When the point is reached at which the distinction between validity and invalidity in these matters depends on minor details and minute differences, the lofty and exalted aim of the fourth amendment becomes at least partially obliterated. In fact, many a thinking layman is gradually led to an attitude of disparagement toward the law. The majesty and the grandeur of the fourth amendment become tarnished. There is a plethora of cases in which trial courts have been constrained to direct verdicts of acquittal or in which appellate courts have reversed convictions, where the guilt of the defendant was undoubted and perhaps not even contested, but the arrest or the search and seizure were found to be technically invalid.

The reports are replete with such decisions. To endeavor to discuss many of them would prolong this article beyond reasonable limits. Perhaps an extreme case might be cited, in which police officers, who had arrived at the defendant's home in order to arrest her on a charge of violating the law relating to narcotics, saw her walk out of the house and drop a small package into a garbage can that was located outdoors in the areaway. The keen-sighted officers retrieved the parcel which was found to contain narcotics. On the basis of this evidence the defendant was convicted. There was no real contest over the issue of her guilt or innocence. The conviction was reversed, however, on the ground that the action of the officers in recovering the narcotics from the garbage can, constituted an unconstitutional search and seizure.[48]

Whether a police officer has probable cause to make an arrest cannot be determined by study and reflection in an ivory tower, library, or conference room. A police officer may be confronted with a practical dilemma requiring him to make a decision on the spur of the moment. Unless a court called upon to determine such a question endeavors to visualize the momentary scene encountered by the police officer, it is not in

[36] 315 F. 2d 241, 265 (D.C. Cir. 1962).

[37] 334 F. 2d 138, 146 (2d Cir. 1964). (Emphasis added.)

[38] Perhaps Judge Kaufman, the writer of the opinion, might well have said "should" instead of "will."

[39] 365 U.S. 551, 562 (1961).

[40] 2 Wilson K. B. 275; 19 How. St. Trials 1030 (1765).

[41] *Stein* v. *New York*, 346 U.S. 156, 196–97 (1953).

[42] 232 U.S. 383 (1914).

[43] 8 Wigmore, Evidence 2183 (McNaughton rev. 1961).

[44] *Mapp* v. *Ohio*, 367 U.S. 643 (1961).

[45] *United States* v. *Rabinowitz*, 339 U.S. 56 (1950).

[46] *Ker* v. *California*, 374 U.S. 23 (1963).

[47] *Draper* v. *United States*, 358 U.S. 307 (1959); *Brinegar* v. *United States*, 338 U.S. 160 (1949); *Carroll* v. *United States*, 267 U.S. 132, 160 (1925).

[48] *Work* v. *United States*, 243 F. 2d 660 (D.C. Cir. 1957).

a position to reach a realistic result. The court hears arguments of counsel, receives and examines briefs, and then, after reflection, arrives at a decision perhaps weeks or months later. In many instances the decision is reached by a divided vote on the basis of a discussion of close legal distinctions. The application of hindsight in this leisurely, careful manner, without picturing the actualities that faced the police officer and the necessity of his making an immediate decision, is not conducive to a practical resolution of the question. A police officer is not a constitutional lawyer. He sees a situation before him momentarily, often outdoors in the dead of night, and sometimes in inclement weather. He must determine instantly whether to make an arrest or run the risk of allowing a miscreant to escape. He has no opportunity to seek immediate legal advice, and even if he did, by the time it was received it might be too late to make a seizure or apprehend a criminal, who in the meantime may have fled or destroyed the evidence.

So, too, allowance must be made for the police officer's intuition, such as is developed by practical experience in every profession. For example, an old family physician is often aided by his intuition in making a diagnosis. To a trained police officer some minor circumstance, which may seem insignificant or even may not be noticed by any one else, may appear exceedingly suspicious and may reasonably justify an arrest, even though on a prosaic recital of the facts subsequently embodied in a typewritten or printed record, a judge, no matter how learned, may be unable theoretically to find probable cause.

At times some authorities refer to arrests or searches and seizures later adjudged invalid as "misconduct" by the police. This choice of words is hardly felicitous. The police officer is not engaged in a private enterprise for his own profit. He is not bent on a frolic of his own. He is trying to do his duty, generally arduous and frequently hazardous. He has the same frailties and shortcomings as other human beings. He may make a mistake in trying to guess what a court may hold in the future. He is no prophet. Perhaps he may be charged with error, but hardly accused of misconduct, except in flagrant situations.

There is another aspect of this subject that is of considerable importance. It is invariably assumed that the validity of an arrest or of a search and seizure must be determined on the basis of the facts before the officer at the time when he apprehended the prisoner, or conducted the search and seizure. The fact that the defendant was later shown to have been guilty of the offense for which he was taken into custody, or that the search resulted in successfully locating contraband articles, may not be considered. The logic of this reasoning is invulnerable. Yet we must not overlook the well-known precept of Mr. Justice Holmes that "The life of the law has not been logic; it has been experience."[49] As a matter of commonsense and substantial justice, it does not seem reasonable to ignore the outcome of the arrest or the result of the search and seizure. It is like saying to the officer that it is true that he arrested a guilty person, or seized an article that was properly subject to seizure, but he had no business to think that his prisoner was guilty or that he was about to find contraband. The manner in which these questions are handled seems to relegate us to the artificial world of "Alice in Wonderland" or "Gulliver's Travels." It surely would seem sensible to take into consideration subsequent events and their outcome in determining the validity of an arrest, or the legality of a search and seizure, even though stern, deductive logic would preclude this course.

In many criminal trials the proof adduced by the Government of the defendant's guilt is not controverted. At times guilt is even tacitly admitted. Often the only question litigated is whether the vital evidence against the accused was procured in violation of the fourth amendment, as construed in recent decisions. The trial is transformed from a proceeding for the ascertainment of guilt or innocence of the accused into a determination of the legality of obtaining the evidence of guilt. The trial judge finds himself in effect trying the policeman on a charge of making the arrest, or of seizing contraband articles, instead of trying the defendant. For the time being, the world seems to be turned upside down. We must find a way to return to reality.

Juvenile courts

As was pointed out earlier in this article, one of the grave aspects of the crime problem in this country today is the rapid growth in the number of vicious crimes of violence committed by young people and the vast increase in the ratio between young criminals and older offenders as compared with the ratio of a generation or two ago. It is proper and fitting, therefore, that consideration should be given to a reappraisal of our method of dealing with juvenile offenders and to a need of an overhaul of the juvenile court system. Juvenile courts were inaugurated about the turn of the century.[50] Their creation was a benevolent, progressive step in the direction of humane and understanding treatment of children who came in conflict with the law. The essential purpose of these tribunals was to deal informally and sympathetically with a child who committed a minor peccadillo, such a pilfering from a fruit stand, or a child who managed to get drawn into an undesirable and unsavory gang of youngsters older than himself. It was intended that such boys and girls should be handled in a kindly manner, without giving them a criminal record that would stain their entire life.[51] As is so often true of innovations, in the course of time the original and basic admirable purpose of the reform was lost sight of, or at least became buried underneath an underbrush of weak sentimentality. In many areas the maximum age under which juveniles were within the jurisdiction of such courts was placed at 18 years.[52] Much is to be said in favor of the proposition that this limit is too high and that the age should be set at 16, as is the case in some other places.[53] If we permit a young man of 16 to drive an automobile, thereby considering him mature enough to be vested with the responsibility for a high powered piece of machinery, he should be deemed sufficiently developed to be answerable for his acts. So, too, the jurisdiction of juvenile courts is almost everywhere made dependent solely on age, giving them authority to deal with offenses of any type, other than capital, committed by anyone within a specified age group. The result is that many gunmen and robbers whose chronological age is 15, 16, or 17, but who may be steeped in crime and may have committed a vicious offense, are brought into a court intended primarily for children. To refer to such a defendant as a "child," as is sometimes done, is farcical, unless the word "child" is used in the sense that every human being is the child of his parents.

All too frequently, when a young robber or automobile thief is brought before a juvenile court, the personnel of the court, instead of trying to impress him with the gravity of his offense, lament the fact that some sort of deprivation or compulsion led him to commit his crime, and express sympathy for him. The result is that often the young man either becomes defiant, delves in self-pity, or feels that society is indebted to him. Yet the first step toward rehabilitation of a criminal, if he is to be reformed and reclaimed, must be a realization and a recognition on his part of the immorality of his offense and some feeling of remorse and contrition. It is not unusual for a criminal over 6 feet tall, and weighing over 200 pounds, but only 16 or 17 years of age, to say to a police officer when arrested that the latter can do nothing to him because he is a juvenile.

To be sure, juvenile courts are generally vested with authority to waive jurisdiction in specific cases and transfer the defendant to a criminal court.[54] Whether jurisdiction is to be relinquished in any particular case depends entirely on the discretion of the individual judge, who has no rule of law to guide him. The Federal Juvenile Delinquency Act[55] has solved this problem in a logical and desirable manner. It vests the power of final decision of the question whether a juvenile should be prosecuted under juvenile or adult procedure in the prosecuting authority, namely, the Attorney General.[56]

Paradoxically, juvenile courts often fail to accord to young offenders the constitutional rights guaranteed to every person by the Bill of Rights. For example, many juvenile court judges discourage representation of the accused by counsel, in spite of the fact that the right of counsel is basic and fundamental under the sixth amendment. Yet the Bill of Rights is not restricted to persons over a specified age; one would search in vain in the Bill of Rights for any age limit. These constitutional provisions accompany every citizen from the cradle to the grave. Another opportunity that is frequently denied to a juvenile, though not a constitutional right, is a preliminary hearing before a judge without unnecessary delay. Frequently, a juvenile is detained in custody for days or weeks before he faces a judge.

An overhaul of the machinery for dealing with juvenile offenders seems overdue. Questions may well be considered: whether the age limit for minors within the jurisdiction of juvenile courts should not be reduced to 16, wherever it is higher than that; whether the jurisdiction of a juvenile court should not depend both on age and the nature of the charge, instead of on age alone; and whether the prosecuting authorities, rather than a juvenile judge, should decide in what court a juvenile should be prosecuted. Most important, there is a crying need for a change of attitude toward the youthful offender. In serious cases he must be impressed with the enormity of his misconduct and with the fact that he alone has the power of choosing whether to become a useful citizen or to pursue a criminal career. To minimize and palliate his crime does him a disservice.

CONCLUSION

The crime problem as a whole manifestly cannot be solved by a change in legal procedure. To hope so to solve it would be an irridescent dream. There are involved many deep-seated traits of human nature. Parental control, moral training of children, perception of ethical standards, all blend to-

[49] Holmes, "The Common Law 5" (Howe ed. 1963).

[50] Perkins, "Criminal Law 733" (1957).

[51] *State* v. *Guerrero*, 58 Ariz. 421, 430, 120 P. 2d, 798, 802 (1942).

[52] E.g., 18 U.S.C. 5031 (1964).

[53] E.g., Alabama Code, title 13, sec. 350 (1940).

[54] E.g., California Welfare and Institutions Code, sec. 606.

[55] 18 U.S.C. 5031–5037 (1964).

[56] 18 U.S.C. 5032 (1964). Under this section, the juvenile may not be proceeded against as a juvenile delinquent without his consent, as well as that of the Attorney General.

gether like strands that form a single piece of tapestry. They can be elevated only in the course of time, perhaps a generation or two. This is a task for clergymen, educators, and other moral leaders. The criminal law, however, plays an important part in the control of crime, and its successful operation can be improved without a long-range program. We may hope for a return to the ideals set forth in the Federal Rules of Criminal Procedure, and their administration and enforcement in the spirit originally intended; for a strong application of the "harmless error" rule; and for an abandonment of reversals on technicalities. Following the philosophy of Cardozo, justice must be accorded to the accuser as well as the accused. As the present cycle passes, the pendulum will eventually swing back to a true balance. The basic need is not for any change in the law, but for a modification and shifting of attitudes. It is to be hoped that in the course of time, in the not too distant future, this end will be attained. Let us not take one jot or tittle from the law that protects the innocent, but let us wipe the slate clean of subtleties that serve only as a refuge for the guilty.

HERBERT C. BONNER, LATE A REPRESENTATIVE FROM NORTH CAROLINA

Mr. ERVIN. Mr. President, when my longtime friend, Representative Herbert C. Bonner of the First North Carolina District, died on November 7, 1965, his district, his State, and his country suffered an irreparable loss. Immediately after his passing a number of articles and editorials depicting his magnificent public services appeared in the press.

I ask unanimous consent that these articles and editorials be printed in the RECORD.

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

[From the Asheville (N.C.) Citizen and Times, Nov. 8, 1965]

NORTH CAROLINA'S FIRST DISTRICT CONGRESSMAN BONNER DIES OF CANCER AT 74

WASHINGTON.—Representative Herbert C. Bonner of North Carolina, sometimes called the father of the nuclear ship *Savannah*, died Sunday at Walter Reed Army Hospital. He was 74.

Democrat Bonner came to the Capitol 50 years ago as a congressional secretary and went on to a 25-year career as a House Member. For the past 10 years, as chairman of the Merchant Marine and Fisheries Committee, he exerted strong influence in maritime affairs.

And he enjoyed a reputation also as a poker player's poker player.

Bonner's first Congressional District, which included 15 sparsely populated counties in North Carolina's northeast corner, is laced by sounds, streams, and coastline. A bridge joining two of the outer banks in his district was named for him last year.

Among North Carolina's 11 Congressmen, Bonner was the most consistent supporter of the policies of Democratic administrations.

He underwent surgery in North Carolina several months ago for removal of a cancerous kidney. Then he returned to Washington to vote for various Johnson administration programs. He entered Walter Reed Hospital last month soon after Congress adjourned.

Funeral services will be held at 11 a.m. Tuesday in St. Peter's Episcopal Church in Washington, N.C. Burial will be in Oak Dale Cemetery.

Bonner's death leaves the House lineup at 292 Democrats and 140 Republicans, with 3 vacancies. Representative EDWARD A. GARMATZ of Maryland is the second-ranking Democrat on the Maritime Committee and thus is in line for the chairmanship.

When he was 24, Bonner came to Washington as secretary to Representative Lindsay C. Warren of North Carolina. He won Warren's seat in 1940 after the Congressman resigned to become U.S. Comptroller General. Bonner was reelected to every succeeding Congress.

In 1955, the year he became chairman of the Merchant Marine Committee, Bonner introduced legislation to install nuclear reactors in existing merchant ships as a means of producing a floating exhibit of peaceful uses of atomic energy.

This plan did not work out, but he subsequently led in obtaining legislation which brought the building of the *Savannah*, the world's first nuclear-powered freighter. He pioneered also with the idea of a nuclear-powered icebreaker for the Coast Guard.

Years ago, a 10-cent-limit poker game started in the Capital. It grew to a 20-cent game and a regular recreational event for some Congressmen and congressional aids. From this came Bonner's repute as "a mighty good poker player."

He is survived by his widow; three brothers, John and George Bonner of Washington, N.C., and James Bonner of Atlanta, Ga., and a sister, Mrs. W. H. Williams of Washington, D.C.

[From the Asheville (N.C.) Citizen, Nov. 10, 1965]

HERBERT C. BONNER BURIED ON NORTH CAROLINA COAST

WASHINGTON, N.C.—Herbert C. Bonner, who represented coastal North Carolina in Congress for a quarter of a century, was buried Tuesday near the banks of the Pamlico River.

The 74-year-old Bonner, who introduced legislation that led to the Nation's first nuclear powered merchant ship, died Sunday in Walter Reed Army Hospital. He had been ill since the removal of a cancerous kidney in July.

Final rites for the veteran Democratic Representative were held in the century-old Saint Peter's Episcopal Church.

All the seats in the small, red brick church were filled with visiting dignitaries and the family.

Inside were Gov. Dan Moore and two former North Carolina chief executives—Terry Sanford and Luther Hodges. There was a large delegation from Congress, including two of Bonner's longtime friends, Representative MICHAEL J. KIRWAN, Democrat, of Ohio, and WILLIAM M. COLMER, Democrat, of Mississippi.

Most of North Carolina's congressional delegation was there. Scores of State officials from the executive, judiciary, and legislative branches also attended, such men as State Treasurer Edwin Gill and Joe Hunt, chairman of the State highway commission.

Military representatives from the various armed services were in attendance, including the merchant marine which Bonner had championed during his 25 years in the House of Representatives.

Outside the church more than 300 other mourners stood silently along a narrow road named Bonner.

The Congressman's bronzed metal casket was covered with a single wreath of yellow roses and was carried by the men who had served as his personal aids.

Shortly before the funeral procession arrived, a U.S. Coast Guard plane flew over the church.

[From the Charleston (S.C.) News and Courier, Nov. 10, 1965]

FUNERAL HELD IN NORTH CAROLINA FOR REPRESENTATIVE H. C. BONNER

WASHINGTON, N.C.—Herbert C. Bonner, who represented coastal North Carolina in Congress for a quarter of a century, was buried Tuesday near the banks of the Pamlico River.

The 74-year-old Bonner, who introduced legislation that led to the Nation's first nuclear-powered merchant ship, died Sunday in Walter Reed Army Hospital. He had been ill since the removal of a cancerous kidney in July.

Final rites for the veteran Democratic Representative were held in the century old St. Peter's Episcopal Church.

All the seats in the small, red brick church were filled with visiting dignitaries and the famly.

Inside were Gov. Dan Moore and two former North Carolina chief executives—Terry Sanford and Luther Hodges. There was a large delegation from Congress, including two of Bonner's longtime friends, Representatives MICHAEL J. KIRWAN, Democrat, of Ohio, and WILLIAM M. COLMER, Democrat, of Mississippi.

Most of North Carolina's congressional delegation was there. Scores of State officials from the executive, judiciary, and legislative branches also attended, such men as State Treasurer Edwin Gill and Joe Hunt, chairman of the State highway commission.

Military representatives from the various armed services were in attendance, including the merchant marine which Bonner had championed during his 25 years in the House of Representatives.

Outside the church more than 300 other mourners stood silently along a narrow road named Bonner.

The Congressman's bronzed metal casket was covered with a single wreath of yellow roses and was carried by the men who had served as his personal aids.

Shortly before the funeral procession arrived, a U.S. Coast Guard plane flew over the church.

During the funeral hour all government, county, and city offices were closed.

Many businesses in the downtown area of Washington also were closed in memory of their native son.

Conducting the services were the Reverend John Bonner, rector of St. Paul's Episcopal Church in Chattanooga, Tenn., and a nephew of the Congressman; the Reverend Irwin Hulbert, Jr., rector of St. Peter's, and the Right Reverend Thomas H. Wright, bishop of the Episcopal Diocese of Eastern North Carolina.

Burial was in Oakdale Cemetery.

Bonner was born in this Washington near the great shipping lanes of the Atlantic and spent most of his life between here and the Nation's Capital City of Washington.

A former traveling salesman, then a congressional aid, Bonner was elected to the House on November 5, 1940.

He never forgot his closeness to the sea and in 1955 became chairman of the House Merchant Marine and Fisheries Committee.

He sponsored the legislation that led to construction of the *Savannah*, the Nation's first nuclear merchant ship. Bonner also worked to keep both channels open on the North Carolina outer banks and pushed for the establishment of the Cape Hatteras National Seashore Park.

He helped modernize passenger shipping laws that allowed American ships to compete for the rich Carribbean and Mediterranean winter cruise trade.

[From the Charlotte (N.C.) Observer, Nov. 8, 1965]

HISTORY WILL REMEMBER BONNER, MOORE SAYS

RALEIGH.—Gov. Dan Moore said Sunday that in the death of Representative Herbert C. Bonner the State has "lost one of the outstanding men of our time."

The Governor ordered all State flags flown at half staff in honor of the veteran Congressman.

"Herbert Bonner was a Congressman of the highest order," Moore added. "He served not only the people of his First District, but all Americans as well with distinction and honor. His deeds of public service will cause him to be remembered on through history.

"His accomplishments have helped to make ours a better country. All North Carolinians mourn his loss and honor his memory," Moore concluded.

Associate Justice E. B. Denny of the State supreme court said Bonner "had an excellent record in Congress and he will be difficult to replace."

J. M. Broughton, Jr., of Raleigh, chairman of the State Democratic executive committee, said Bonner "will be sorely missed."

House speaker Pat Taylor of Wadesboro said, "He contributed many years of valuable service to his State and to his country."

Dr. Charles F. Carroll, State superintendent of public instruction, said, "I consider him one of the most solid men to have represented North Carolina in the Congress at any time."

[From the Charlotte (N.C.) Observer, Nov. 9, 1965]

BONNER SERVED STATE, NATION WELL

"Herbert Bonner doesn't talk too much. So when he does talk, he challenges the attention of the House because he knows what he's talking about."

Representative Herbert C. Bonner, who died Sunday in Washington after an extended illness, has served his district and his country well. Perhaps one of the ways in which he served it best was by not talking too much and knowing what he was talking about.

The rare tribute quoted here came from Speaker of the House Sam Rayburn in 1957, when a portrait of Bonner was being placed in his committee room.

Bonner went to Washington nearly 50 years ago to serve as secretary to the Representative who preceded him, Lindsay C. Warren. When Warren resigned in 1940 to become U.S. Comptroller General, Bonner ran for the House seat and held it until his death.

In 1955, Bonner became chairman of the important Merchant Marine and Fisheries Committee, a committee which has considerable power over the development of this Nation's merchant ships and over the U.S. Coast Guard.

Bonner served a district in the northeastern corner of this State, one laced with sounds and rivers and one with an economy tied in part to the sea. It was inevitable that his interest should run to the Merchant Marine Committee, but it was not inevitable that his vision should stretch to the point of being largely responsible for the development of nuclear-powered cargo ships.

The mark of a Congressman is found in two areas, his service to his constituents and his service to his country, regardless of the special interests of his district.

Some Congressmen achieve long years of service with little but work for the homefolks to their credit. Others make their national marks early and live on that for years.

Herbert Bonner, from a largely rural eastern North Carolina district, served his people well. But he had the happy faculty of being able to serve well in areas far beyond the borders of his district or his State.

The final measure of a Congressman should be in how he has served in both areas. Herbert C. Bonner ranked high in both and, because of that, was a Congressman North Carolina will find it hard to replace.

[From the Charlotte (N.C.) Observer]

COURAGE AND IMAGINATION

The death of Congressman Herbert C. Bonner took from his friends and constituents an uncommon man, and a dedicated public servant who left his district, his State, and his Nation better than he found them.

The short, bald little man with the coastal Carolina brogue first went to Capitol Hill in 1925 as congressional secretary to his friend and neighbor Lindsay Warren. Bonner was elected to his own seat in 1940, and his right to represent his district was seriously challenged only twice in the ensuing 25 years.

During his time in Congress, Bonner earned a solid reputation as a man of remarkable personal and political loyalties. He was a respected political ally of such men as Sam Rayburn, John Kennedy, and Lyndon Johnson. And he was a personal friend to countless numbers of street-corner-and-iron-stove constituents back home. He was an astute student of popular moods, and reputed among both colleagues and voters to be a man who never forgot a face, a favor, or a promise.

Out of this complex of personal and political ties, Herbert Bonner managed to forge a legislative record that bears the mark of courage and imagination. He was tireless in his effort to keep in touch with his people and see to their needs. He landed major defense installations during World War II. He took a vigorous interest in farm legislation and authored some of his own. As chairman of the House Merchant Marine and Fisheries Committee he was an outspoken advocate of conservation legislation, and was responsible for the establishment of the Cape Hatteras National Seashore.

Bonner was no less active at the national level. He was an ardent and hardworking New Dealer during the Roosevelt administration. It was he who authored the legislation that gave the United States its first nuclear-powered ship, the *Savannah*. His unusual mixture of durable loyalty and political gumption earned him valuable friendships in high places, but often left him standing alone among North Carolina's congressional delegation. He campaigned hard for John Kennedy in 1960 and was the first State Democratic leader in 1964 to come out for the Democratic ticket—despite the very real possibility that Goldwater's racial reputation might prove dangerously popular in his eastern North Carolina district.

Herbert Bonner took his work seriously and did it well. It is a measure of his caliber that he will be genuinely missed by congressional colleagues and grassroots constituents, alike, and that he will be remembered by all of them as a man who cared.

[From the Durham (N.C.) Sun, Nov. 9, 1965]

STATE LOSES A FRIEND AND ADVOCATE

In the death of Representative Herbert C. Bonner, whose funeral was held in his hometown of Washington, N.C., today, his beloved First District and the State whose causes he championed in Congress for 25 years have lost an able spokesman and a true friend.

Congressman Bonner, who died at Walter Reed Hospital in the Nation's capital Sunday, was not addicted to dramatic preachments or colorful oratorical explosions on the floor of the House. He went about the task of espousing those things he considered best for his district, his State, and his country in a calm manner but with efficiency and determination.

Many believe that it was Bonner's seemingly calculated avoidance of the spectacular that enabled him to build quietly a tremendous amount of influence and to win the great respect of his fellow lawmakers.

He became chairman of the powerful House Merchant Marine Committee in 1955, and was head of the committee at the time of his death.

Congressman Bonner was almost as familiar with the halls of Congress as he was with the streets of his hometown long before he ascended to the seat vacated by Lindsay C. Warren in 1940. When Warren resigned to become U.S. Comptroller General, Bonner was a "natural" for the seat, for he had served as Warren's secretary for 25 years.

Leaders in the Nation's Capital and in his own State paid tribute to Bonner, the man and the Congressman, after his death.

One of the most descriptive tributes to Representative Bonner during his long career came a good many years ago, however, from the late House Speaker Sam Rayburn, who said:

"Herbert Bonner doesn't talk too much. So when he does, he challenges the attention of the House because he knows what he's talking about."

[From the Elizabeth City (N.C.) Advance]

HERBERT C. BONNER

Herbert C. Bonner for 25 years was, before he was anything else, the Representative from the First District of North Carolina. The coast was native and dear to him. He helped to establish the Cape Hatteras National Seashore, the first of the country's seashore areas to be set aside as a public playground. From military installations to duck-hunting regulations, he kept an alert eye on any legislation or policy that might affect his back-home neighbors.

Yet Mr. Bonner, who died at 74 over the weekend, was a national figure and influential internationally. As chairman of the House Merchant Marine and Fisheries Committee, he was responsible for the ideas and acts that led to the construction of the world's first nuclear-powered merchantman, the *Savannah*. He argued for an international agency to oversee safety standards of all ships.

Moreover, as a member of the Expenditures in the Executive Department Committee he supervised an investigation of postwar profiteers who bought up U.S. surplus materials in Germany and sold them back to the Government, and led a congressional subcommittee around the world in an examination of waste and inefficiency at American military installations.

His identity with the *Savannah* in a sense was symbolic. For he saw in the nuclear vessel much that was wrong with the merchant marine: maritime labor's excessive wage demands, management's unwillingness to take advantage of automation, and the Government's reluctance to broaden its aid. The strike that followed quickly the *Savannah*'s launching struck him as a national disgrace and spurred his efforts to impose Federal arbitration on the maritime industry.

It was geography, not experience, that placed Mr. Bonner on the important committee that he headed for 10 years. His early years were spent not in shipping but as a farmer, a salesman, and secretary to the Congressman he succeeded, Lindsay Warren. Capacity for growth was his great asset. His accomplishments were numerous. And the work he applied to measures and propositions yet unrealized will have a bearing in Congress for sessions yet to come.

[From the Greensboro (N.C.) Daily News, Nov. 9, 1965]

REPRESENTATIVE HERBERT C. BONNER

The death of Representative Herbert C. Bonner deprives North Carolina of a knowledgeable and serviceable Congressman. Nor is the loss confined to North Carolina. Congress and the Nation are also losers, for Representative Bonner took a leading role in

the accommodation of his State and the South to changing times.

As chairman of the House Merchant Marine and Fisheries Committee, he exerted a powerful influence. Nationally his major contributions included his chairmanship of the subcommittee investigating sales of war surplus materials and his championing of the U.S. Merchant Marine.

He not only worked tirelessly for its advancement but offered and steered to enactment legislation authorizing the SS *Savannah*, the first nuclear-powered merchant ship. Endless difficulties and technical problems failed to deter Representative Bonner, who ultimately saw his dream come true. The United States had a first in the nuclear age.

Our guess is that Herbert Bonner would wish no higher compliment than to have it said that he was a worthy successor to Representative Lindsay Warren, Sr. He was "Lins" Warren's own choice when the latter was named Comptroller General by F.D.R. in 1940 after a congressional record as "watchdog of the Treasury" which brought national recognition.

It was natural that Herbert Bonner should be the same type of Congressman that his predecessor and mentor was. When Lindsay Warren was elected to Congress in 1924 he took Bonner to Washington with him and there he remained, as secretary and administrative aid—his eyes and ears in the large First District.

During that long interval "Lins" Warren became a household word throughout the district, even to the fringes of the isolated outer banks. No one was more responsible for Representative Warren's closeness to his district than Herbert Bonner. He carried on in the Warren tradition, which he himself helped create and perpetuate. With all his national responsibilities, he looked out for his district; and his district knew it.

On the record Representative Bonner was the foremost moderate among the Tar Heel delegation. He supported Roosevelt's New Deal, stuck with his party leadership through successive administrations and went contrary to his colleagues when he voted for the key Kennedy-backed measure to enlarge the Rules Committee and break the hold of the hand of the past.

The Bonner record speaks for itself. In back-bone politics he went along with Governors Scott and Sanford. Whether Bonner's philosophy, smart politics (or a combination of the two) inspired his moderate stand—he took it: that is what is important. The voters of his district, however many of them may have disagreed with his position at intervals, nevertheless trusted and respected him, and repaid his efforts in their behalf by making him invincible election after election.

Representative Herbert Bonner clearly showed, perhaps above all else, that a Congressman may serve his district's interests intensely but at the same time never lose sight of national perspectives and responsibilities. It took far more than legerdemain to keep the First District constituency and the national administration on his team; yet that's precisely what Herbert Bonner did.

[From the Greensboro (N.C.) Daily News, Nov. 10, 1965]

SOLEMN OCCASION: HOME FOLKS, DIGNITARIES JOIN IN PAYING TRIBUTE TO BONNER

(By Roy Parker, Jr.)

WASHINGTON, N.C.—Herbert Bonner's people flocked here Tuesday to pay final tribute to the man who had served them as Congressman for 25 years.

There were dignitaries aplenty as the funeral of the 74-year-old Bonner, who died Sunday after an 8-month bout with a malignancy.

The dignitaries were led by Governor Moore, high-ranking officers of the armed services, and veteran Members of Congress.

There was solemn pomp, too, with a flyover by a silver plane of the Coast Guard, a slow-moving procession of official automobiles, and music by a muted high school band.

But the dignitaries were often lost in the outpouring of plainer people, the constituents and neighbors who had known Bonner as leader, mentor, and friend.

They came from as far away as the isolated Outer Banks villages of Ocracoke and Rodanthe.

There were people from the small towns, the larger communities, and the farms of the sprawling eastern North Carolina district which Bonner had represented since 1940.

Delegations of as many as 30 local political friends came from such counties as Hertford and Pitt.

There were his neighbors—neighbors of this old riverside town, founded in 1771 by an ancestor, James Bonner.

Members of veterans organizations, including old buddies from World War I days, came in a body.

Schoolchildren by the hundreds lined the route from old St. Peter's Church, where the funeral services were held, to tree-crowned Oakdale Cemetery where—to the strains of "The Mariners Hymn"—Bonner was buried.

Bonner's death had ended a career that had begun in 1925, when he came to Washington as aid to newly elected Congressman Lindsay C. Warren. Bonner succeeded to Warren's seat in 1940.

Warren was among the mourners who listened as Episcopal clergy, including Bishop Thomas Wright of the diocese of east Carolina, intoned the 30-minute service.

Governor Moore, accompanied by former Governors Terry Sanford and Luther Hodges, headed the State dignitary list. They were joined by the council of State, colleagues of the North Carolina congressional delegation, State Democratic Party Chairman Melville Broughton, Jr., more than a score of State legislators, old political warhorses such as "Cousin" Wayland Spruill, of Bertie, and new figures such as former gubernatorial candidate Richardson Preyer, Jr., of Greensboro.

From Washington, congressional friends were led by Representative ED GARMATZ, of Maryland, who will succeed Bonner as chairman of the House Merchant Marine and Fisheries Committee, and old timers Representative MIKE KIRWAN, of Ohio, and WILLIAM COLMER, of Mississippi.

Adm. James Rowland, Commandant of the U.S. Coast Guard, headed a group of high-ranking armed service officers who represented their services. Bonner's committee handled Coast Guard legislation and the Congressman was a champion of the coastal service.

More than 300 mourners stood outside the small brick church as services were conducted by Bishop Wright, the Reverend John Bonner, a nephew of the Congressman, and the Reverend Irwin Hulbert, rector of St. Peters.

To the strains of "Onward Christian Soldiers," the bronze coffin was borne to the hearse by pallbearers who included Bonner's congressional staff and two sons of Warren, plus former staff aids.

Led in motorcade by Governor Moore, the procession moved slowly along 16 blocks of student-lined streets to the cemetery.

The weather was warm and the autumn sun was bright as the Washington High School band first rendered "My Country 'Tis of Thee" and the ministers conducted short graveside rites.

Bonner is survived by his wife, Mrs. Eva Hassell Bonner; by a brother; and by three sisters.

[From the Los Angeles (Calif.) Times, Nov. 8, 1965]

REPRESENTATIVE BONNER, "FATHER" OF NUCLEAR FREIGHTER, DIES—NORTH CAROLINA DEMOCRAT SERVED IN HOUSE 25 YEARS, WAS ACTIVE IN MARITIME AFFAIRS

WASHINGTON.—Representative Herbert C. Bonner of North Carolina, sometimes called the father of the nuclear ship *Savannah*, died Sunday at Walter Reed Army Hospital. He was 74.

Democrat Bonner came to the Capitol 41 years ago as a congressional secretary and went on to a 25-year career as a House Member. For the past 10 years, as chairman of the Merchant Marine and Fisheries Committee, he exerted strong influence in maritime affairs.

He underwent surgery in North Carolina several months ago for removal of a cancerous kidney. Then he returned to Washington to vote for various Johnson administration programs. He entered the hospital last month soon after Congress adjourned.

FUNERAL TUESDAY

Funeral services will be conducted Tuesday in St. Peter's Episcopal Church here. Burial will be in Oak Dale Cemetery.

Bonner's death leaves the House lineup at 292 Democrats and 140 Republicans, with 3 vacancies. Representative EDWARD A. GARMATZ, of Maryland, is the second-ranking Democrat on the Maritime Committee and thus in line for the chairmanship.

When he was 24, Bonner came to Washington as secretary to Representative Lindsay C. Warren of North Carolina. He won Warren's seat in 1940 after the Congressman resigned to become U.S. Comptroller General. Bonner was reelected to every succeeding Congress.

PUSHED ATOMIC SHIPS

In 1955, the year he became chairman of the Merchant Marine Committee, Bonner introduced legislation to install nuclear reactors in existing merchant ships as a means of producing a floating exhibit of peaceful uses of atomic energy.

This plan did not work out but he subsequently led in obtaining legislation which brought about the building of the *Savannah*, the world's first nuclear-powered freighter. He also pioneered the idea of a nuclear-powered icebreaker for the Coast Guard.

Bonner initiated a congressional study of the Panama Canal and its efficiency as a modern interoceanic waterway. A board of consultants, appointed at his suggestion, is carrying on a study looking to modernization of the canal and/or construction of alternate routes.

"The existence of an adequate passageway between the Atlantic and Pacific oceans is vital to our commercial and defense needs," Bonner said after his committee found that the present canal is too small for today's needs.

LED MODERNIZING

He led efforts that updated 30-year-old passenger shipping laws, which, he said, were stifling American-flag passenger shipping and permitting foreign-flag ships to increase cruise service out of American ports.

Bonner concerned himself and his committee with labor-management relations in the maritime industry which he said were at the heart of many maritime problems.

He worked for and got congressional authorization for new superliner, U.S. passenger vessels, although Congress has not appropriated money for them.

Representative Bonner is survived by his widow, three brothers, John and George Bonner of Washington, N.C., and James Bonner of Atlanta, and a sister, Mrs. W. H. Williams of Washington, D.C.

[From the New Orleans (La.) Times Picayune, Mar. 8, 1965]

BONNER SUCCUMBS AT 74—CALLED FATHER OF NUCLEAR SHIP

WASHINGTON.—Representative Herbert C. Bonner, of North Carolina, sometimes called the father of the nuclear ship *Savannah*, died Sunday at Walter Reed Army Hospital. He was 74.

Democrat Bonner came to the Capitol 41 years ago as a congressional secretary and went on to a 25-year career as a House Member. For the past 10 years, as chairman of the Merchant Marine and Fisheries Committee, he exerted strong influence in maritime affairs.

He enjoyed a reputation also as a poker player's poker player.

He underwent surgery in North Carolina several months ago for removal of a cancerous kidney. Then he returned to Washington to vote for various Johnson administration programs. He entered the hospital last month soon after Congress adjourned.

SERVICES SET

Funeral services will be held at 11 a.m Tuesday in St. Peter's Episcopal Church in Washington, N.C. Burial will be in Oak Dale Cemetery.

Bonner's death leaves the House lineup at 292 Democrats and 140 Republicans, with three vacancies. Representative EDWARD A. GARMATZ, of Maryland, is the second-ranking Democrat on the Maritime Committee and thus in line for the chairmanship.

When he was 24, Bonner came to Washington as secretary to Representative Lindsay C. Warren, of North Carolina. He won Warren's seat in 1940 after the Congressman resigned to become U.S. Comptroller General. Bonner was reelected to every succeeding Congress.

In 1955, the year he became chairman of the Merchant Marine and Fisheries Committee, Bonner introduced legislation to install nuclear reactors in existing merchant ships as a means of producing a floating exhibit of peaceful uses of atomic energy.

PLAN FAILS

This plan did not work out but he subsequently led in obtaining legislation which brought the building of the *Savannah*, the world's first nuclear-powered freighter. He pioneered also in the idea of a nuclear-powered icebreaker for the Coast Guard.

Years ago, a 10-cent-limit poker game started in the Capitol. It grew to a 20-cent game and a regular recreational event for some Congressmen and congressional aids. From this came Bonner's repute as "a mighty good poker player."

He is survived by his widow, three brothers, John and George Bonner of Washington, N.C., and James Bonner, of Atlanta, Ga., and a sister, Mrs. W. H. Williams, of Washington, D.C.

[From the New York (N.Y.) Times, Nov. 8, 1965]

REPRESENTATIVE HERBERT C. BONNER IS DEAD; HEADED MARITIME COMMITTEE—SPONSOR OF NUCLEAR VESSEL—REBUKED ALL HANDS FOR SHIPPING CONFLICTS

WASHINGTON, November 7.—Representative Herbert C. Bonner, Democrat, of North Carolina, who started as a congressional secretary and went on to a 25-year career in the House, died today at Walter Reed Army Hospital. He was 74 years old. For 10 years he had been chairman of the Merchant Marine and Fisheries Committee.

Representative Bonner was operated upon in North Carolina last July for removal of a cancerous kidney. He returned to Washington in time to vote for various Johnson administration programs in the closing days of this year's session of Congress. He entered the hospital soon after the session adjourned.

He is survived by his widow, three brothers, James, John, and George, all of Washington, N.C., and a sister, Mrs. W. H. Williams.

A funeral service will be conducted at 11 a.m. Tuesday in St. Peter's Episcopal Church in Washington, D.C.

TWENTY-FIVE YEARS IN CONGRESS

For much of his quarter century in Congress, Mr. Bonner fought to impose some order on what he once called the "Alice in Wonderland" world of the maritime industry.

As a member of the Merchant Marine and Fisheries Committee of the House since his first election in 1940, and its chairman since 1955, he observed that maritime labor was demanding excessive wages, management was reluctant to cross the "frontiers" of automation, and the Government was unwilling to broaden Federal aid.

Together, he said they were "hastening the digging of our own grave."

Shortly before his death, Mr. Bonner introduced a measure that would take the Maritime Administration out of the Department of Commerce and reorganize it as an independent agency.

"Our merchant marine is too important a part of our national posture to be allowed to continue to drift in a sea of inaction as it has for the past 4 years," he said.

Ironically, it was partially due to Mr. Bonner's support that the Maritime Administration was put under Commerce in a 1961 reorganization program. He said later that he had come to regret that support.

FIRST NUCLEAR SHIP

Mr. Bonner found a symbol of everything that was wrong with the merchant marine in the problems that plagued the building and launching of the first nuclear powered commercial ship, the *Savannah*.

After years of pleadings and pressure by his committee, construction was authorized in the late 1950's. No sooner was the $50 million vessel finished in 1962 and the crew specially trained, than the men struck, demanding better accommodations, more safety precautions and increased benefits.

"The entire affair," Mr. Bonner said in 1963 after the ship had been launched and made idle again by a walkout, "is simply unbelievable. It is already a national disgrace."

This incident and others convinced him that Federal arbitration in the industry would be necessary.

He also became convinced that an international agency to oversee safety standards on all ships was necessary after the crash of the *Stockholm* and the *Andrea Doria* in 1956. His committee held an investigation of the disaster, which occurred off Nantucket Light outside American territorial waters, claiming 50 lives.

Mr. Bonner entered the Congress with no background in shipping. He was born in Washington, N.C., on May 16, 1891, and attended school in Warrenton, N.C. After graduation, he worked as a salesman and farmer.

In 1924 he became secretary to Lindsay C. Warren, a State assemblyman. When Mr. Warren was elected to Congress the next year, his secretary accompanied him to Washington.

When President Roosevelt appointed Mr. Warren U.S. Comptroller General in 1940, Mr. Bonner won the election to fill out the term—and every election since.

INVESTIGATED PROFITEERS

Over the years, Mr. Bonner served on six committees, including the Un-American Activities Committee from 1945 to 1947. As a member of the Expenditures in the Executive Departments Committee he supervised an investigation of postwar profiteers who brought up U.S. surplus materials in Germany and sold them back to the Government at much higher prices.

After that inquiry, Mr. Bonner lead a group of Congressmen on a 41-day around-the-world examination of efficiency and waste at American military installations.

Among his recorded votes were ones in favor of lendlease, Taft-Hartley, rent control and the Marshall plan. He opposed the foreign aid appropriation figure in 1953, 1954 and 1955, flexible farm supports, a permanent Un-American Activities Committee, antipoll tax measures and a voluntary fair employment practices bill.

The first year that Mr. Bonner chaired the Merchant Marine and Fisheries Committee—1955—he was responsible for beating back amendments to the so-called 50–50 law. The law, favored by shipowners, requires half of all aid cargoes to move in U.S. vessels.

That year he was awarded the American Legion's Distinguished Service Medal for his efforts to strengthen the merchant marine.

[From the Norfolk (Va.) Virginia-Pilot, Nov. 9, 1965]

HERBERT C. BONNER, A GREAT AMERICAN

Herbert Covington Bonner, truly a great American, has answered his last rollcall.

Here was a man who for most of his adult life had been in the public, serving fully and capably his fellow man, knowing full well that when one serves well his fellow man, he has served his God better.

Here was a man who never stopped to ask, "What is politically wise?" Rather he asked only, "What is humanly right?"

Here was a man who lived with his political future in his hands, but with his Nation, his State, and his beloved First Congressional District in his heart.

Here was a man who chose all his life to light a candle rather than to curse the darkness. Along the way he lit many candles, and in this hour of sadness the lights of love, faith, honor, truth, self-respect, and tremendous dedication glow more brightly, as the man lies in stillness, than they ever did in life.

In his days here we all knew he was a wonderful person. In death we realize now how much greatness we have lost. His strength lay in his courage, his courage in his faith, and his faith stood every test and was never found wanting.

Here was a man who spent his happiest hours here with his own "homefolks," as he so proudly and so often said. No heart was bigger; no soul more generous. His entire life was lived with genuine kindness and love for all and with bitterness and malice toward none.

Here was a man set apart in his generation, a man beloved by so many because he loved so many, a man who has so many monuments which he built and which shall stand as long as one of us remains who knew him and loved him.

Herbert Bonner, for us, cannot die. Like a ship sailing out of harbor, we lose sight of the physical being, but what he did for so many and what he meant to so many are matters which death cannot take away nor time dim. The candles he lit in his life have served not only to chase away the darkness, but in greater and more glowing terms, they have kindled the fires of hope, freedom, and progress for so many whose steps otherwise might have faltered as they groped along life's pathway. From his life, we the living, can find new faith, and from his works, we the humble, can find new inspiration.

Herbert Bonner finished his journey on Sunday. What a beautiful thought to feel that he deserved to go away on the day of rest.

Those he loved and those by whom he was beloved are one today in sadness, while at the same time we can look upon his life

proudly and say, "There was a man." He does not die; he lives forever in the hearts of those he served, he was a joy to himself and an inspiration to those about him.

Yes, he was a great American because he was first a great human being.

[From the Raleigh (N.C.) News and Observer, Sept. 28, 1965]

FLOOR OF HOUSE: BONNER GETS OVATION

(By Roy Parker, Jr.)

WASHINGTON.—Representative Herbert Bonner returned to the House floor Monday and got a standing ovation from his colleagues.

The 74-year-old First District Congressman had been sidelined since mid-March by illness. He underwent an operation for a cancerous kidney more than 2 months ago.

Bonner responded with a wave of his hand when Democratic Majority Leader CARL ALBERT interrupted debate on the District of Columbia Home Rule bill to welcome Bonner back.

ALBERT called Bonner a "great warrior * * who has been waging a courageous battle against illness."

More than 200 Members, Democrat and Republican, rose to applaud ALBERT'S announcement.

Representative ABRAHAM MULTER of New York, who was speaking for the Home Rule bill, had just given the Jewish New Year greeting when ALBERT interrupted. MULTER said the greeting especially applied to Bonner. The greeting wished "a good year, health, prosperity, and peace."

Bonner has been back in Washington for about 3 weeks, gradually breaking into office work. However, he had not gone to the House floor until Monday.

Bonner spent several hours on the floor and in the House cloakroom during his first day back in the Capitol.

[From the Raleigh (N.C.) News and Observer]

MANUSCRIPTS OF BONNER AT UNC LIBRARY

Letters from five U.S. Presidents and the inventor of Mickey Mouse are among the thousands of manuscripts in the Herbert Bonner collection recently donated to the University of North Carolina Library.

Bonner, North Carolina Congressman from District 1 who died last month began contributing his collection of letters, speeches, records, and other materials pertaining to his political career early last year and left the remainder of the items in his will to the southern historical manuscript collection at UNC.

Now filling some 24 filing cabinets and 75 boxes, the Bonner collection is being classified and arranged in chronological order so that it will be accessible to anyone interested in learning more about the Congressman or related areas.

[From the Washington (D.C.) Post, Nov. 8, 1965]

REPRESENTATIVE H. C. BONNER, OF NORTH CAROLINA, DIES; CALLED FATHER OF NUCLEAR SHIP

Representative Herbert C. Bonner, Democrat, of North Carolina, in Congress 25 years, died at Walter Reed Army Hospital yesterday after a prolonged illness. Representative Bonner, 74, had undergone surgery in July to remove a cancerous kidney.

Sometimes called the father of the nuclear ship *Savannah*, Representative Bonner had been chairman of the Merchant Marine and Fisheries Committee for 10 years. In 1955 he sponsored legislation that authorized construction of the *Savannah*, the world's first nuclear-powered freighter.

An ardent proponent of modernizing the U.S. merchant fleet, Representative Bonner once wrote that "the inability of domestic shipping to revive or even survive with traditional means of cargo handling and traditional ships is painfully evident."

He called on Congress to find ways to get "new ideas and new life into water transportation."

Representative Bonner's interest in maritime affairs came naturally. His district spanned Pamlico Sound and the Outer Banks in North Carolina, and in the words of a friend, he "loved the water and was quite a fisherman." He worked with pleasure-boating associations to promote water safety among small-boat owners.

Born in Washington, N.C., and educated there, Mr. Bonner served overseas as a sergeant in the Army during World War I. He worked as a farmer and a salesman before coming to Washington 50 years ago as secretary to Representative Lindsay C. Warren, Democrat, of North Carolina.

He was elected to Congress in 1940 when Warren retired to become U.S. Comptroller General, and has been reelected each succeeding term.

The second ranking member of the North Carolina delegation behind senior Representative HAROLD COOLEY, Mr. Bonner was soft spoken, retiring, and popular with his colleagues. When he returned to the House after a long convalescence following his operation last summer he was greeted by a burst of applause from his fellow lawmakers.

Mr. Bonner initiated a congressional study of the efficiency of the Panama Canal as a modern interocean waterway. A board of consultants, appointed at his suggestion, is carrying on a study looking to modernization of the canal and construction of alternate routes.

When in Washington Mr. Bonner lived at 2601 Woodley Place NW. He is survived by his wife, Eva H.; three brothers, John and George, of Washington, N.C., and James, of Atlanta, and a sister, Mrs. W. H. Williams, also of Washington, D.C.

[From the Washington (D.C.) Evening Star, Nov. 8, 1965]

HERBERT C. BONNER DIES; 25 YEARS IN CONGRESS

Representative Herbert C. Bonner, Democrat, of North Carolina, a Member of the House for nearly 25 years and chairman of the Merchant Marine and Fisheries Committee, died yesterday at Walter Reed Hospital. He was 74.

Bonner had been gravely ill since Thursday. He underwent an operation last summer for the removal of a cancerous kidney, but recovered enough to be able to attend Congress regularly this past session.

A native of Washington, N.C., he had maintained a home there and at 2601 Woodley Place NW. here.

Bonner, a member of the Merchant Marine and Fisheries Committee since joining Congress, and chairman the past 8 years, introduced legislation that created the first nuclear merchant ship, the *Savannah*.

INVESTIGATED SINKING

He also headed a subcommittee that investigated the sinking of the Italian liner *Andrea Doria* in 1956.

In the early 1950's Bonner headed a House expenditures subcommittee that investigated military waste for 2 years. The subcommittee contended that hundreds of millions of dollars could be saved through a better system of buying supplies used by all services.

The group's findings eventually were released in a report bearing Bonner's name.

After graduation from Graham's Academy in North Carolina, Bonner joined the George B. Helms Tobacco Co. as a salesman. From 1917 to 1918 he served overseas as a member of the Army's 322d Infantry.

About 1921, Bonner bought a tobacco and snuff company in his hometown and operated it until he came to Washington as an administrative assistant to Representative Lindsay C. Warren, Democrat, of North Carolina.

When Warren was named Comptroller General of the United States, Bonner ran for the congressional seat and was elected in 1940.

Since then, he had served on the House Un-American Activities Committee, the Accounts Committee, the Government Operations Committee, and as chairman of the Committee on the Election of Presidents, Vice Presidents, and Members of Congress.

While a member of the latter committee, whose functions have since been taken over by the Judiciary Committee, the bill permitting servicemen serving overseas to vote was passed.

Bonner was among those who led efforts to establish the Cape Hatteras National Seashore, the first of the seashore areas set aside as a public playground.

He initiated a congressional study of the Panama Canal and its efficiency as a modern interoceanic waterway. A board of consultants, appointed at his suggestion, is carrying on a study looking to modernization of the canal and/or construction of alternate routes.

He led efforts that brought up to date 30-year-old passenger-shipping laws, which, he said, were stifling American-flag passenger shipping and permitting foreign-flag ships to increase cruise service out of American ports.

Bonner concerned himself and his committee with labor-management relations in the maritime industry, which he said were at the heart of many maritime problems.

He directed two extensive investigations in this field and talked with both sides in longshoremen's strikes on the east and west coasts.

He worked for and got congressional authorization for new superliner U.S. passenger vessels, although Congress has not appropriated money for them.

GARMATZ IN LINE

Bonner's death leaves the House lineup at 292 Democrats and 140 Republicans, with 3 vacancies. Representative EDWARD A. GARMATZ of Maryland is the second-ranking Democrat on the Maritime Committee and thus is in line for the chairmanship.

When Bonner's portrait was hung in his committee room, the late Speaker of the House, Sam Rayburn, Democrat, of Texas, said:

"Herbert Bonner doesn't talk too much. So when he does, he challenges the attention of the House because he knows what he's talking about."

Bonner was a member of the Elks, the Masons, the Shriners and the Army-Navy Country Club.

He leaves his wife, Eva H. of the Woodley Place home; three brothers, George and John, both of Washington, N.C., and James, of Atlanta, Ga.; a sister, Mrs. W. H. Williams, of Washington, D.C., and two step-grandchildren.

Services and burial will take place in Washington, N.C.

DELEGATION CHOSEN

House Speaker JOHN W. MCCORMACK today announced the names of a delegation which will represent Congress at the funeral. Included were members of the North Carolina congressional delegation and of the House Merchant Marine Committee.

Others designated were Representative MICHAEL J. KIRWAN, Democrat, of Ohio, and Representative WILLIAM M. COLMER, Democrat, of Mississippi, longtime friends of the Congressman, and Representative EDWARD A. GARMATZ, Democrat, of Maryland. GARMATZ, who is expected to succeed Bonner as committee chairman, is flying back from Tokyo to join the funeral delegation.

Members of Bonner's office and committee staff also will attend the funeral.

[From the Wilmington (N.C.) Morning Star, Nov. 8, 1965]

REPRESENTATIVE BONNER DIES AT 74

WASHINGTON.—Representative Herbert C. Bonner, Democrat, North Carolina, chairman of the House Committee on Merchant Marine and Fisheries, died Sunday. He was 74.

Bonner died at Walter Reed Army Medical Center, where he had undergone surgery last July and returned October 26.

The Congressman was second in North Carolina seniority only to Representative HAROLD COOLEY. He was elected to the House November 5, 1940, to succeed Lindsay C. Warren, whose aid he had been for 16 years.

Warren left Congress to become U.S. Comptroller General.

The slightly built North Carolinian was a popular figure among his colleagues, and was warmly applauded near the end of congressional session after appearing on the floor following a long absence because of his illness.

Bonner was born at Washington, N.C., May 16, 1891. In private life he worked as a farmer and salesman. He served overseas during World War I as a sergeant and was married to the former Eva Hassell Hackney, also of Washington, N.C.

An aid said Mrs. Bonner had just left the hospital room when Bonner died.

Representative EDWARD A. GARMATZ, Democrat, of Maryland, is the next ranking member of the committee Bonner headed.

Bonner's death brought to three the number of House Members who have died since the beginning of the 89th Congress. The others were Representatives T. A. Thompson, Democrat, of Louisiana, and Clarence Brown, Republican, of Ohio.

Bonner had the cancerous left kidney removed at Baptist Hospital in Winston-Salem, N.C., July 21. Doctors said then the operation was "highly successful" and said it appeared the cancer was curtailed.

Bonner had been ill more than 4 months before the operation. He was ordered to "take it easy" for several months after his operation.

He was reelected to Congress 12 times after succeeding Warren.

He was the son of Herbert M. and Hannah Hare Bonner. He attended Washington public schools and Graham's Academy in Warrenton.

Bonner came to Washington in 1924 as Warren's secretary. When Warren resigned, he was named to the post.

He represented 15 counties in the coastal plain and along North Carolina's coast. He was a prime mover in the construction of the bridge over Oregon Inlet on North Carolina's Outer Banks and the bridge was named for him.

[From the Wilmington (N.C.) Morning Star, Nov. 8, 1965]

AREA CONGRESSMEN JOIN IN MOURNING DEATH OF BONNER

Two southeastern North Carolina Representatives—ALTON LENNON, of Wilmington, and DAVID N. HENDERSON, of Wallace—joined the State and Nation in mourning the death of Representative Herbert C. Bonner, Democrat, of North Carolina, who died at Walter Reed Hospital in Washington Sunday.

LENNON, who represents the Seventh District and is a member of the Merchant Marine and Fisheries Committee, which Bonner headed, said:

"North Carolina has lost a very distinguished, able, and dedicated public servant who will be greatly missed by his colleagues in Congress, the people of his district, and many others throughout North Carolina and the Nation.

"I had the pleasure of knowing him for many years, of serving in Congress with him and of serving on the same committee with him for 9 years. We shall all miss him."

HENDERSON, Third District Representative, said, "I was greatly shocked to lose a good personal friend and a great American. The State of North Carolina has truly lost a distinguished public servant, and I am sure the entire congressional delegation and the people of the State are sad with his passing.

"I'd like to extend my sympathy to the people of the First District, especially the Bonner family."

HENDERSON, who has served in Congress 5 years, said that when he first went to Washington, Representative Bonner "certainly was kind and considerate of a young Member. I never could say how much he really did mean to me."

Representative and Mrs. Lennon and Representative and Mrs. Henderson plan to attend funeral services for Representative Bonner in Washington, N.C., Tuesday.

[From the Winston-Salem (N.C.) Journal, Nov. 8, 1965]

TAR HEEL LEADERS PRAISE BONNER

RALEIGH.—Gov. Dan Moore said yesterday that in the death of U.S. Representative Herbert C. Bonner the State has "lost one of the outstanding men of our time."

The Governor ordered all State flags flown at half staff in honor of the veteran Congressman.

"Herbert Bonner was a Congresman of the highest order," Moore added. "He served not only the people of his 1st District but all Americans as well with distinction and honor. His deeds of public service will cause him to be remembered on through history."

"When I visited him at the hospital in Winston-Salem a few weeks ago, I was impressed with his dedication to duty," Moore stated. "Though weakened by his long illness, he was determined to return to Washington. Congress was near adjournment and there were matters that needed his attention. In spite of his condition, he returned to work and finished the job he had begun.

"This was characteristic of Herbert Bonner," Moore said. "This was one reason his people kept him in the House of Representatives for 25 years. His abilities there earned for him the respect of his fellow representatives and of all North Carolinians. His accomplishments have helped to make ours a better country.

"All North Carolinians mourn his loss and honor his memory," Moore concluded. "Our thoughts and prayers are with Mrs. Bonner and we share her feeling of loss."

Associate Justice E. B. Denny of the State supreme court said Bonner was "an outstanding man and an outstanding Congressman. He had an excellent record in Congress and he will be difficult to replace."

State Treasurer Edwin Gill said, "I've lost a very close friend of a lifetime. I think Mr. Bonner was a fine representative of his district and of North Carolina. We've suffered a great loss in his passing."

J. M. Broughton, Jr., of Raleigh, chairman of the State Democratic executive committee, expressed "great sorrow over the passing of Congressman Bonner. He served his district, State, Nation, and party for many years and will be sorely missed."

House Speaker H. P. (Pat) Taylor, of Wadesboro, said, "I regret very much to hear of his death. He contributed many years of valuable service to his State and to his country."

Dr. Charles F. Carroll, State superintendent of public instruction, said, "It's a profound loss not only to the people of his district but to the State of North Carolina and the Nation. I consider him one of the most solid men to have represented North Carolina in the Congress at any time."

Attorney General Wade Bruton said, "We've lost a mighty good man. I thought he was a mighty fine Congressman."

James A. Graham, commissioner of agriculture, said Bonner's death was "a loss to North Carolina's agriculture, particularly to the northeastern section because he did so much for the potato farmer."

Representative RALPH J. SCOTT, of the Fifth District said from his home at Danbury that Bonner "was a personal friend of mine and I regretted very much to learn of his death."

SCOTT said he has been "very closely associated with him for the past 10 years. I have had the opportunity to observe him in his work and can sincerely say that he was one of the more valuable Members of the House.

"He had rendered to his State and country very valuable services over a long period of time," SCOTT said.

Representative HORACE KORNEGAY, of the Sixth District, reached at his home in Greensboro, said "Bonner was not only a close personal friend of mine, but one of the truly outstanding Members of the Congress.

"He served his district, State and Nation for some 41 years in Washington in one capacity or another," KORNEGAY said. "Certainly his presence will be greatly missed by all of us."

[From the Winston-Salem (N.C.) Journal, Nov. 8, 1965]

LOYAL TO DEMOCRATS: BONNER RESPECTED IN DISTRICT OF COLUMBIA

(By Lloyd Preslar)

WASHINGTON.—Representative Herbert Bonner, who died yesterday at 74, was known here as a man who looked after the interests of his constituents.

Since 1941 Bonner had represented North Carolina's First District in the House. He secured many Federal projects for the district.

Bonner's loyalty to the Democratic Party was unquestioned. He supported the programs of Democratic administrations more often than any other member of the North Carolina delegation, except perhaps Representative HAROLD COOLEY of the State's Fourth District.

A White House aid, talking about Bonner recently, described him as a man who "leads his district rather than follows it."

USED JUDGMENT

Some Members of the House, the official said, "panic every time they get three or four letters from home about a piece of legislation. Herbert Bonner doesn't do that. He makes his judgment and worries about the political consequences later."

The First District includes several counties on the northeastern part of the North Carolina coast.

Bonner, the White House assistant said, "realizes that he's got an underprivileged district and that he can't let the people who own it run the show."

WAS ABSENT

Plagued by his illness since early spring, Bonner was absent from the House during most of this year's congressional session. But in earlier years he and COOLEY often could be counted on to support Democratic Presidents when other members of the State delegation were voting against them.

Bonner was able to get Federal money for his district because of his ties to his party, his craftiness as a legislator and politician, his position as chairman of a House committee and his experience and seniority in Washington.

PART OF LEADERSHIP

For 16 years before his election to the House, Bonner was administrative assistant to former Representative Lindsay Warren. When Warren resigned in 1940 to become

Comptroller General of the United States, Bonner was elected to Warren's seat.

As chairman of the House Merchant Marine and Fisheries Committee, Bonner had been part of the Democratic leadership of the House. The committee is not among the most important in the House, but the committee's work is important to the First District. Bonner's sometimes gruff manner and his devotion to his party made him a vigorous partisan in political disputes. He was known for his outspoken speeches at party rallies.

But a Republican member of Bonner's committee has described him nevertheless as "a fair and decent man—a real gentleman," whether he was questioning a witness before the committee or dealing with Republican or Democratic colleagues.

[From the Wilmington (N.C.) Morning Star, Nov. 9, 1965]

REPRESENTATIVE HERBERT C. BONNER

The death of Representative Herbert C. Bonner is a loss to the Nation and his State of an able and dedicated man.

Ranking second in seniority in the State's 11-member delegation, he represented well the northeastern part of North Carolina and about a third of its outer shoreline. The geography of his district recommended him in the early years of his career in the House to a place on its Committee on Merchant Marine and Fisheries. Eventually he became its chairman and in fulfilling the important responsibilities and duties, he extended his service in this particular field to the Nation as a whole.

While Mr. Bonner was considered more liberal than most of his North Carolina colleagues, this did not affect his personal popularity among them. He was also respected and liked by many other Members of the House. The esteem with which he was held was evident when he was greeted with warm applause, near the end of the congressional session, after appearing on the floor following a long absence because of his illness.

His experience in Washington began in 1924 when he went there as secretary to Representative Lindsay C. Warren, of the First District. Mr. Bonner served as his aid for 16 years until Mr. Warren left Congress to become Comptroller General. Afterward, he was elected to the House 12 times, a tribute not only to his personal popularity but practical testimony to his efficiency in representing his large district.

The people of the First District, other North Carolinians and the Nation will miss Representative Bonner, a distinguished public servant.

[From the Winston-Salem (N.C.) Journal, Nov. 9, 1965]

QUIET BUT EFFECTIVE

Herbert Bonner was a quiet, undramatic sort of Congressman. But he had strong loyalties, was firm in his convictions, and was vigilant in advancing the interests of his district. A conservative in the deeper sense, he was not afraid to embrace new ideas and support legislation designed to meet the changing times.

Mr. Bonner, from all accounts, was an effective chairman of the House Maritime and Fisheries Committee. In that role, he did much to promote the use of nuclear power in the development of our maritime fleet. His influence also helped to bring about the establishment of the Cape Hatteras National Seashore Park.

Former Gov. Terry Sanford once called Mr. Bonner "my Congressman." This statement probably reflects the sentiment of most North Carolina people who knew him well. Until he fell ill several months ago, he was one of our hardest working Representatives. The State and the Nation owe him much.

[From the Winston-Salem (N.C.) Journal, Nov. 9, 1966]

BONNER'S FUNERAL IS TODAY

WASHINGTON, N.C.—Representative Herbert C. Bonner, who served North Carolina in the U.S. House of Representatives for 25 years, will be buried this morning in this Tar Heel town where he grew up.

The 74-year-old chairman of the House Merchant Marine and Fisheries Committee died Sunday in Walter Reed Army Hospital. He had a cancerous kidney removed in July at Baptist Hospital, Winston-Salem.

Speaker JOHN W. MCCORMACK, Democrat of Massachusetts, announced yesterday the delegation to represent Congress at the funeral.

The group includes North Carolina Members of Congress and members of the House committee on which Bonner served as chairman.

LONGTIME FRIENDS

Also designated were Representative MICHAEL J. KIRWAN, Democrat of Ohio, and Representative WILLIAM M. COLMER, Democrat of Mississippi, longtime friends of Bonner.

Representative EDWARD A. GARMATZ, Democrat of Maryland, who is expected to succeed Bonner, as committee chairman, is flying back from Tokyo and expects to arrive in time to join the funeral delegation.

The members of Bonner's office and committee staffs also will be in Washington for the final rites.

The funeral will be at 11 a.m. at St. Peters Episcopal Church.

TO CONDUCT SERVICE

The Reverend John Bonner, rector of St. Paul's Episcopal Church in Chattanooga, Tenn., and a nephew of the Congressman, will assist the Reverend Irwin Hulbert, Jr., of St. Peters and the Right Reverend Thomas H. Wright, bishop of the Episcopal Diocese of eastern North Carolina, in conducting the services.

Bonner will be buried in Oakland Cemetery.

Pallbearers for the services will be men who are either now or have been personal aids of the Congressman.

Flags flew at half staff in North Carolina yesterday on orders of Gov. Dan Moore.

The Governor said North Carolina has "lost one of the outstanding men of our time."

North Carolina Senator B. EVERETT JORDAN is expected to attend the funeral.

Senator SAM J. ERVIN, JR., Democrat, of North Carolina, is not expected to be back in the country in time for the services. ERVIN, a member of the Senate Armed Services Committee, is inspecting military bases in Europe.

[From the Winston-Salem (N.C.) Sentinel, Nov. 8, 1965]

FUNERAL FOR BONNER IS TUESDAY

WASHINGTON, N.C.—Representative Herbert C. Bonner, Democrat, of North Carolina, was a quiet man who pushed the idea that the world's first nuclear merchant ship should fly the American flag.

Bonner, 74, chairman of the House Merchant Marine and Fisheries Committee and sometimes called the father of the nuclear ship *Savannah*, died in Walter Reed Army Hospital Sunday. He had a cancerous kidney removed in July.

The Congressman's body is being returned to this eastern North Carolina town on the banks of the Pamlico River where he grew up. The funeral will be Tuesday at 11 a.m. in St. Peter's Episcopal Church. Burial will be in Oak Dale Cemetery.

Bonner became chairman of the Merchant Marine Committee in 1955 and introduced legislation to install nuclear reactors in existing merchant ships.

This plan never materialized, but he later led the way in obtaining congressional approval of the *Savannah*. He also pioneered with the idea of a nuclear-powered Coast Guard icebreaker.

NEW LINEUP

Bonner's death leaves the House lineup at 292 Democrats and 140 Republicans, with 3 vacancies. Representative EDWARD A. GARMATZ, of Maryland, is the second-ranking Democrat on the Merchant Marine Committee and in line for the chairmanship.

Bonner went to Washington 50 years ago as secretary to Representative Lindsay C. Warren, of North Carolina. Before that he served as an Army sergeant overseas during World War I and was a traveling salesman.

He won Warren's First District seat in 1940 when Warren resigned to become U.S. Comptroller General. Bonner was reelected to every succeeding Congress.

He was popular with Republicans and Democrats and was noted as a "poker player's poker player."

Bonner had his left kidney removed in July at North Carolina Baptist Hospital in Winston-Salem. He was released in time to return to the Capital to vote for several Johnson administration programs.

Bonner is survived by his widow, three brothers, John and George, of Washington, N.C., and James Bonner, of Atlanta, Ga., and a sister, Mrs. W. H. Williams, of Washington, D.C.

I WAS A DROPOUT AND LOOK AT ME NOW

Mr. RIBICOFF. Mr. President, sometimes the drama of the progress of our Nation is making in securing more equal opportunities is lost in the tangle of statistical reports. That is why I would like to insert in the RECORD the story of Mike Balzano who once was a dropout and this year will graduate from the University of Bridgeport, magna cum laude. It was written by a fine reporter, Ethel Beckwith, and published in the Connecticut Sunday Herald, February 27, 1966.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article just referred to, by Ethel Beckwith.

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

[From the Fairfield (Conn.) Sunday Herald, Feb. 27, 1966]

MIKE BALZANO TELLS TEENS: "I WAS A DROPOUT AND LOOK AT ME NOW"

(By Ethel Beckwith)

I was a dropout. I lost 5 years of my life. And look at me now.

With these words Michael Balzano could begin his autobiography—a rescue story if ever there was one.

Out of the New Haven slums will come History Professor Balzano, in a few more years. Today he is an all-A senior at the University of Bridgeport. In addition he is teaching.

As spectacular as a miracle cure is the fact that Balzano goes back these nights to his home area to lecture at the New Haven Skill Center. He is talking to kids like himself, dropouts.

"I don't know why I dropped out of Wilbur Cross High School in 1952. For that matter, I don't know why I went in.

"Life became one large blob. I couldn't make contact, didn't belong." Balzano says.

"Nothing around the neighborhood stimulated me.

"But one thing I couldn't do was depend on my parents for support. I got a job with the sanitation department in New Haven—for 2½ years I was up at 4 a.m. picking up garbage. Yes, it wasn't very elegant, but it paid."

GROUND LENSES

At 20 he became an apprentice lens grinder at American Optical in New Haven. Here he began to meet intelligent and interested people. They included Dr. Stanley Newcomb and Miss Evelyn Casey, then English professor at the University of Bridgeport. While they had their glasses fixed, it was Michael Balzano who was given the gift of light.

He went back to Wilbur Cross evenings, received his diploma, and in the same year passed the State optician exam.

By then he wanted college. Entering the University of Bridgeport, his next stroke of luck was his meeting with Philip Stern, astronomer who had built the planetarium on Park Avenue. The whole Stern family adopted him, took him on trips, enjoyed his company.

"I am becoming a somebody," Balzano realized. He had come to Bridgeport with savings of $9,000. He had his optical trade, something he learned by keeping an eye on his superiors.

GOT SCHOLARSHIP

Through Stern, astronomy lecturer on the University of Bridgeport faculty, and Dr. Al Wolff, dean of student personnel, Balzano was awarded a second year scholarship at the University of Bridgeport. Then Stern appointed him special lecturer at the planetarium, and when he was away setting up planetariums around the country or writing, he turned over his star-studded mantle to Balzano who subs in Stern's classes from 4 to 10:45 p.m.

All this Balzano loved. For another helping, he received the full tuition Dana scholarship for his senior year. If luck holds out to June, this dropout will be graduated magna cum laude.

He plans to go to Georgetown University, to be a college history professor. This Balzano tells the boys at the skill center and no one could know better than the fugitive from the Oak Street slum how to give them the message.

The Oak Street nobody actually is the first man able to hold their attention. He reminds them that while Cassius Clay says, "I roll with the punches," Balzano rolled with the barrels—a dirty, rugged job—and he tells them that only because he was peculiarly lucky did he make up for 5 lost years.

Balzano's honors include prizes in speech and Spanish. He is president of the Bridgeport chapter of the National History Honor Society, Phi Alpha Theta. This boy keeps right on rolling.

ADDITION OF VITAMIN A AND VITAMIN D TO NONFAT DRY MILK

Mr. RIBICOFF. Mr. President, I have introduced a bill (S. 2200) to allow the addition of vitamin A and vitamin D to nonfat dry milk. These important vitamins are fat soluble and removed with the cream when whole milk is processed into nonfat dry milk. They cannot be restored to dry milk for domestic consumption because the standard of identity for that item, established by Congress, made no provision for vitamin additives.

The irony of the situation is that while our own American children and grownups are given vitamin-deficient dry milk, American nonfat dry milk, vitamin fortified, is going to needy children in 114 other countries.

Mr. President, this bill was reviewed by the American Medical Association. I ask unanimous consent that their letter of endorsement be printed in the RECORD at this point.

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

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., March 8, 1966.

The Honorable ABRAHAM A. RIBICOFF,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR RIBICOFF: Mr. John Pompelli of our Washington staff has suggested that you would be interested in the action taken by the American Medical Association's board of trustees with respect to Senate bill 2200, 89th Congress.

S. 2200 was considered by the AMA Council on Legislative Activities which reviewed comments received from the AMA Council on Foods and Nutrition supporting the fortification of nonfat dry milk. Noting that the legislation is permissive and would still allow consumers who wish to use a nonfortified product to obtain it, the council recommended to the board of trustees that the bill be supported by the association. This position was adopted by the AMA board of trustees.

Sincerely,

F. J. L. BLASINGAME, M.D.

THE 35TH POLARIS NUCLEAR SUBMARINE—U.S.S. "JAMES K. POLK"

Mr. McCLELLAN. Mr. President, I recently received a letter from Adm. H. G. Rickover, at sea in the North Atlantic, advising of the successful completion of the first sea trials of the 35th Polaris nuclear submarine, the U.S.S. *James K. Polk.*

This is another notable accomplishment in the life of a truly remarkable American. In his letter, Admiral Rickover took the time to write a most interesting historical sketch of the ship's namesake, President James K. Polk.

So clearly and vividly does this sketch capture the former President—and the reader—that I wish to share it with my colleagues by inserting it in the CONGRESSIONAL RECORD.

Mr. President, I ask unanimous consent to have Admiral Rickover's letter printed in the RECORD.

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

AT SEA, NORTH ATLANTIC,
March 14, 1966.

The Honorable JOHN L. MCCLELLAN,
U.S. Senate.

DEAR SENATOR MCCLELLAN: We have just successfully completed the first sea trials of our 35th Polaris nuclear submarine. The U.S.S. *James K. Polk* was built by the Electric Boat Division of the General Dynamics Corp., Groton, Conn. We also have in operation 22 attack type nuclear submarines, making a total of 57.

This ship is named for James K. Polk (1795–1849), ablest President between Jackson and Lincoln, and one of the few who rose from log cabin to White House. Born in North Carolina, the eldest of 10 children of a plain farmer, Polk grew to manhood in Duck River, Tenn., a rude frontier settlement on the edge of the wilderness. His ancestors were Scottish Covenanters who migrated to Ireland early in the 17th century and to America a hundred years later, settling first in Maryland and later moving westward in search of a freer and better life. The future President's family found in Tennessee the hoped-for land of promise where unremitting toil was all that was needed to attain prosperity and an honored place in the community. Young Polk worked long hours on the farm and, since there were no schools, was taught the three R's by his parents. He was good at mathematics and liked to read. When he reached 17, his father was able to grant him his wish for an education leading to a professional career.

Though never in robust health, Polk was all his life a prodigious worker. He accomplished much because he had enormous drive and great talent for systematic and sustained mental labor. It took him but 3 years of formal instruction to make up his educational deficiencies. At 20, he was admitted to the University of North Carolina with sophomore standing, graduating with first honors in mathematics and classics. He read law and, before he was 26, had become one of the leading practitioners in Columbia, Tenn., as well as a promising candidate for public office.

After one term in the State legislature, he entered the U.S. House of Representatives where he served from 1825 to 1839, the last 4 years as Speaker and leader of the Jacksonian forces. Polk would have preferred to remain in Congress but was drafted by his party to run for Governor of Tennessee, to save the State for the party. Elected in 1839, he lost in 1841 and 1843—the only setbacks in an otherwise uniformly successful career. In those days, rival candidates used to travel the country together, putting up at the same inns, often sleeping in the same bed, taking turns addressing the same meetings to which voters flocked from distant parts, as much for entertainment as for political discussion. Polk ran on his record as Governor. He had given his State an excellent administration, rescued it from near bankruptcy, and initiated significant reforms. His rival, semiliterate but shrewd, never discussed issues but took pains to amuse the audience. He won, it seems, chiefly because he was the better storyteller.

Polk was being considered for Vice President when the Texas and Oregon issues burst upon the country causing a deadlock that could be broken only by nominating Polk as a compromise candidate for President. The 1844 election was one of the most hotly contested the Nation had ever experienced. The issues between Democrats and Whigs were sharply drawn, feelings ran high, the country was almost evenly divided. Odd as it seems today, the candidates for the Presidency did not campaign actively since it was then considered unseemly to give the appearance of seeking this high office. Polk won with 170 electoral votes to 105 for Clay. Though at 49 he was the youngest President, he was committed to a more ambitious, more precisely stated administration program than any of his predecessors. All of it was carried out in the single term to which he had limited himself voluntarily when accepting the nomination of his party.

In the domestic field, Polk's achievements proved ephemeral, but his views, consistently Jacksonian, still have historic interest. He was a strict constitutionalist because he was certain this alone could preserve the Union. He opposed the protective tariff because he deemed it "unjust to tax the labor of one class of society to support and fatten another." He feared that Federal funds for internal improvements would destroy State sovereignty. It was better "to live as free men in a trackless wilderness that ride as vessels down a broad highway." He wanted Federal funds kept separate from the private banking system to prevent their being used

for credit expansion and cheap money. The Federal Government, he thought, should be brought back to "what it was intended to be, a plain economical Government." In the foreign field, Polk's success was both spectacular and of enduring importance to the Nation. An ardent expansionist, as was natural given his pioneer background, Polk added more territory to the United States than any previous President except Jefferson.

He settled the 40-year-old northwest boundary dispute by skillful diplomacy and admirable nerve in face of a possible two-front war, inducing Britain to relinquish her long-standing demand for a boundary along the Columbia River, which would have cost us the State of Washington, in exchange for abandonment of our claim to what is now British Columbia. On the basis of discovery and settlement, this was the most we could justifiably ask or, for that matter, realistically hope to obtain without resorting to war. Our southwest boundary was moved to its present location as a result of Polk's able management of the Mexican War and the ensuing peace negotiations. Mexico was generously compensated for the loss of California and New Mexico though not of Texas which had been lost 10 years earlier in exactly the same way as Mexico herself had been lost to Spain—by a successful indigenous revolt. We paid Mexico considerably more per acre than Napoleon had charged us for the Louisiana Purchase in 1803. When Polk left office, the United States stretched from "sea to shining sea."

Polk stood out among leading figures of his day in his unfaltering devotion to the national interest, uninfluenced by personal or parochial considerations, yet most 19th century historians accused him of precipitating the Mexican-American War in the interest of slavery expansion. This verdict has since been reversed in consequence of the publication early in this century of relevant official documents from the archives of Texas, Mexico, and Great Britain, which made it possible to see the issue more accurately. When Polk took office, the annexation of Texas was already an accomplished fact. Having warned us she would consider this "equivalent to a declaration of war," Mexico promptly severed diplomatic relations. Both sides moved troops to the Mexican-Texas border. Unfortunately, the two countries disagreed as to whether the Rio Grande or the Nueces constituted the boundary. It was in the disputed territory between these rivers that hostilities broke out spontaneously and a war that neither country really wanted began.

That Polk was able to execute his entire domestic and foreign program is the more remarkable in that he was neither a charismatic leader identified with some great popular movement, nor a politician adept at manipulating people and events. How he was able to resolve the great issues pressing upon him can best be understood by reading the diary he kept while in office.

The President emerges from its pages an able and astute administrator who approached every problem with a logical mind and a keen sense of political realities, who gained his objectives by stating them with precision and justifying them with well-reasoned argument. One cannot but feel that he understood the issues he dealt with better than most of his experts, whether they involved war strategy, military supply, diplomatic negotiations or how to get Congressional approval for his measures when the nominally dominant Democrats were so bent by faction that every Executive request was attacked by at least one element in his party, enthusiastically supported by the Whigs.

Written for personal use, as a reminder of the official happenings crowding his overfull days, the diary gives an intimate glimpse into the Executive Office during a transitional period in our history; a time when, as a result of war, technological change, and the physical growth of the country, certain aspects of the democratic process, certain political habits had become outmoded, but the American people were not yet prepared to relinquish them. Take the fine old tradition that every citizen has access to the President. It had become an intolerable burden, for the business of the Nation was now so large it demanded all a President's time and energy. Polk found that "no President who performs his duty faithfully and conscientiously can have any leisure." He rarely took even a brief vacation and often had to toil far into the night to complete official tasks for which he found no time during the day, so besieged was he with people wanting to shake his hand or pay their respects, and with officeseekers and patronage-soliciting politicians who, as he wryly put it, seemed to feel that providing jobs was "the chief end of Government."

Or take the persistence of divisive geographic and ideological interests which, in Polk's time, tended to take precedence over the national interest. So much so that politicians in all sections of the country indulged in the mischief of threatening to break up the Union whenever national action went against their parochial interests. The well-publicized quarrels in the Senate, which were caused by intrusion of these divisive factors into every foreign policy issue, were a serious handicap to Polk when he was engaged in difficult negotiations with Britain over Oregon, or sought by diplomatic means to end the war with Mexico. The American people and their leaders had not yet accepted the maxim we now take for granted that "politics end at the water's edge."

One cannot read Polk's diary without warming to this thoughtful man of uncompromising integrity whose political philosophy, as he once said, "was not of yesterday," but "formed upon mature consideration," and adhered to whether it was expedient at the moment or not. Having achieved the objectives of his administration, he refused renomination and retired to private life. He died 3 months after leaving the White House.

Respectfully,

H. G. RICKOVER.

INTERNATIONAL DeMOLAY WEEK—MARCH 13–20

Mr. McCLELLAN. Mr. President, this year, International DeMolay Week was observed March 13, through March 20, 1966. Throughout the year, this well-known, character-building organization is dedicated to numerous projects that benefit both the community and its young men.

Through association with the DeMolay, many of our Nation's youth receive a guiding influence that serves to instill within them the desire for realizing greater goals and achievements. Such undertakings deserve recognition. Therefore, it is indeed a pleasure to salute them on this 47th anniversary of their founding.

Mr. President, I ask unanimous consent to have a more detailed statement concerning the outstanding work of the DeMolay printed in the RECORD.

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

"A nation's greatest asset is its youth." This is an often-coined statement that becomes truer every day when it is realized that in just a couple of years half of all the people in the United States will be under the age of 25. One of the greatest youth organizations we have in the country today is the Order of DeMolay.

DeMolay is a character-building organization for young men 14 to 21 and during the week of March 13–20 will be celebrating its 47th anniversary. Since the organization's founding on March 18, 1919, by Frank S. Land and 9 teenage boys, the organization has initiated nearly 3 million young men and dedicated them to better citizenship.

The purpose of the organization is well stated in one of the public ceremonies of the youth movement: "We are banded together for mutual improvement, to help each other live clean, manly, upright, patriotic lives which will be a credit to our friends and parents, and which will merit the commendation of all good men."

Certainly these laudible principles of operation merit the commendation of the leaders of our government also.

The organization was named for Jacques DeMolay, the last grand master of the Knights Templars, who was burned at the stake by King Phillip of France on March 18, 1314, as a martyr to loyalty and toleration.

Today, members of DeMolay strive to carry on the fine ideals for which DeMolay gave his life—loyalty and service to God and fellow men.

Today there are more than 2,500 active DeMolay chapters in every State of the United States as well as 10 other countries around the world.

DeMolay membership is open to any boy of good character who is between the ages of 14 and 21. Although DeMolay chapters are sponsored only by Masonic bodies or individual Masons, it is not necessary that a boy be a son or a relative of a Mason to belong to DeMolay.

The youth movement is governed by an international supreme council composed of over 200 outstanding Masons located around the world. They meet in annual session to review and approve the actions of the staff and the progress of the order.

DeMolay's slogan is "Building Better Citizens." Its ritual is what sets the organization apart from other youth groups.

The ritual was written in 1919 by Frank Marshall, a prominent Mason and newspaperman in Kansas City. It has been termed ageless, and is divided into the initiatory and DeMolay degrees.

The initiatory degree is one of solemnity and consecration, during which the initiate dedicates himself to uphold the virtues of filial love, reverence, courtesy, comradeship, fidelity, cleanness, and patriotism.

The DeMolay degree is a dramatic and historic portrayal of the trials, tortures, and martyrdom of Jacques DeMolay, and teaches a lesson in fidelity and comradeship.

As the officers of a chapter, boys are taught responsibility and given the opportunity to express themselves before a group of fellow youths. Although DeMoley ritual and meetings are greatly reverent, the organization does not advocate any particular creed, but teaches only a profound faith in the one living and true God.

DeMolay has a three-way program designed to benefit the individual DeMolay, the chapter, and the community.

Various awards are given to individuals for achievement, and merit bars are awarded for distinction in civic service, athletics, music, dramatics, religion, and other fields. Special keys are given for obtaining so many new members. The degree of chevalier is the highest honor an active DeMolay can receive. It is earned by outstanding service to a chapter and to fellow DeMolays.

The top honor in DeMolay is the legion of honor. This is conferred on senior DeMolays, over 25, for outstanding service to their community and their fellowmen.

International and jurisdictional membership, ritual, efficiency, and athletic competitions are held for the chapters. Each

chapter is encouraged to have a balanced program of social activities. Each social event, like all other DeMolays activities, is supervised by an adult adviser of the chapter.

Chapters and individual DeMolays are also required to observe certain obligatory days annually. These include Devotional Day, Patriots Day, DeMolay Day of Comfort, Educational Day, Parents Day, and Frank S. Land Memorial Day.

DeMolay chapters and their members participate in a variety of activities including social affairs, civil affairs, fundraising projects, athletic events, and other wholesome activities designed to mold good character and good citizens.

The participation of DeMolay chapters in community projects has been extensive and is sometimes carried out on an international basis. Teenage traffic safety programs have been especially successful. These involve campaigns aimed at making safe drivers of all teenagers. Such efforts have received high praise from the National Safety Council and local law enforcement agencies.

Other projects that have been carried on include charitable fund drives, blood donations, civil defense, antinarcotics and anti-Communist campaigns, and distribution of safe-driving pledges.

Each chapter is supervised in all of its functions by an adult advisory council. One man is designated as the official "Chapter Dad" to handle the supervision of chapter meetings and to counsel the members.

Another helping hand for most chapters is the mothers' club. These now number over 1,900. The mothers' clubs primarily help the boys to raise money for their activities, and they usually handle the purchase and repair of robes and regalia.

DeMolay does not attempt to take the place of the home or church, but rather supplement them. The organization's purpose is to offer the teenage boy of today: (1) a wholesome occupation for his spare time; (2) worthwhile associates; (3) the best of environment; and (4) an interesting and complete program of all-around youth development.

Truly it is doing an outstanding service for our country by taking the youth of today and molding them into more responsible citizens for tomorrow.

PROPOSED REPLACEMENT OF LICENSED PRACTICAL NURSE WITH "TECHNICAL NURSE"

Mr. McCLELLAN. Mr. President, recently, I received a letter from Georgia Lee Gephardt, executive director of the Arkansas State Licensed Practical Nurses' Association. Accompanying the letter was a newspaper article which was published in the Arkansas Democrat.

The article deals with proposed replacement of the licensed practical nurse whose preparation takes 1 year with the "technical nurse" who holds the 2-year associate degree. Because I consider the article worthy of the attention of each Senator, I ask unanimous consent to have it printed in the RECORD.

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

TO REDUCE RANKS: PRACTICAL NURSES HIT MOVE

The board of directors of the National Association for Practical Nurse Education and Service has denounced the proposal of the American Nurses' Association to replace the licensed practical nurse whose preparation takes 1 year with the "technical nurse" who holds the 2-year associate degree. NAPNES firmly believes that any plan which would reduce the nurse supply and thereby jeopardize our Nation's health is against the public interest, according to Mrs. Georgia Lee Gephardt, executive director, Arkansas Practical Nurses Association.

The ANA's "first position on education for nursing" would eventually remove more than 300,000 licensed practical nurses from the area of bedside nursing where the need is most critical. Licensed practical nurses today are providing 75 percent of the direct patient care to our country's ill and aged, Mrs. Gephardt said, adding:

"NAPNES hopes that the ANA will use its great resources to help meet the crucial nursing shortage by better serving the increasing members of professional nurses who become teachers, administrators and supervisors of licensed practical nurses.

"In turn, NAPNES pledges its continued efforts to help meet our national health needs by supporting, improving and expanding the indispensable and proud vocation of practical nursing."

According to an NAPNES statement this plan would create even more severe nursing shortages than now exist. With medicare to take effect soon, larger numbers of licensed practical nurses will be needed to provide competent patient care. The ANA's 2-year program would eliminate many of these skilled practitioners and seriously curtail the supply of nurses.

The NAPNES statement pledges "continued efforts to help meet our national health needs by supporting, improving and expanding" the vocation of practical nursing.

REORGANIZATION PLAN NO. 1 OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate Resolution 220, a disapproval resolution of Reorganization Plan No. 1, transferring the Community Relations Service to the Department of Justice, when it is reported, be made the pending business.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

Senate Resolution 220, to disapprove Reorganization Plan Numbered 1 of 1966.

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

Mr. MANSFIELD. It is not the intention to have the Senate proceed with the consideration of the resolution until next Tuesday.

ORDER FOR ADJOURNMENT UNTIL TUESDAY NEXT AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent at this time that when the Senate completes its business today it stands in adjournment until 11 o'clock a.m. Tuesday next.

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

PRESS REPORTS THAT EDWIN O. REISCHAUER WILL RESIGN AS AMBASSADOR TO JAPAN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. MANSFIELD. Mr. President, reports have appeared in the press recently to the effect that Edwin O. Reischauer will resign his post as Ambassador to Japan. It is my hope that these reports are unfounded. In the event they are accurate, I would hope that Ambassador Reischauer would reconsider.

It is understandable that Mr. Reischauer might wish a rest and a return to the academic life from which he came 5 years ago. These have been intense years for him as Ambassador to Japan. They have not been the easiest years in United States-Japanese relations, although Mr. Reischauer has been a major factor in keeping these relations on an even keel. With his great knowledge of Japan and United States-Japanese history, with his basic wisdom, decency, and understanding as a fine human being, he has been an immensely effective Ambassador to the Japanese Government and people. His has been, in every respect, one of the towering ambassadorships of the last half-decade.

It is true that no man in public life is indispensable, but the fact is, however, that some are irreplaceable at certain moments in time, if there is not to be serious detriment to the public interest. The months and years ahead in United States-Japanese relations are likely to be most critical, and may I say that I use the word "critical" advisedly.

The Vietnamese war is digging under the still relatively smooth surface of United States-Japanese relations. The accumulating consequences of this process are uncertain at best. At worst, they can prove highly disruptive of the whole pattern of peace and stability in the Western Pacific. Good will visits are no answer to this situation, although they may be momentarily helpful. Certainly, it is no answer to this situation to expect to continue to live on the capital of good will which has been built into United States-Japanese relations over the years. It is no help to whistle in the dark. What is needed is to continue to have present in Japan, as the ear, eye, and voice of the President's policy, an Ambassador of the caliber of Mr. Reischauer.

To be sure, neither he nor any other Ambassador can eliminate the complications in United States-Japanese relations which have been introduced by the Vietnamese conflict. But an exceptional Ambassador can minimize the adverse consequences of these complications. That is why it is to be hoped that these reports of resignation are inaccurate. If they are not, it would be my hope that Ambassador Reischauer not resign but continue to serve this Nation in Japan at the pleasure of the President.

In the circumstances, he is clearly a most essential man in a most vital position in terms of the Far Eastern interests of the United States. Indeed, Mr. Reischauer will be needed in the months ahead as Ambassador in Japan more than at any other time in the 5 years which he has served.

TRIBUTE TO DR. ROBERT J. ANDERSON

Mr. BYRD of West Virginia. Mr. President, one of the finest public servants of the Federal Government, whom I have come to know through the years,

is retiring after 26 years of service today, April 1, and I take this opportunity to pay tribute to his work and accomplishments.

I refer to Dr. Robert J. Anderson, Assistant Surgeon General of the Public Health Service and Chief of its Bureau of State Services for the past 4 years. His career offers an example of the kind of devoted public service we look for in the performance of Federal Government programs.

Dr. Anderson has appeared before me in my capacity as a member of the Department of Health, Education, and Welfare Subcommittee of the Senate Appropriations Committee for the past 4 years. He has come as the director of the Public Health Service's environmental health activities. I have been impressed with the fine job he was doing and with his unfailing attitude of cooperation, his courtesy, and his vision and imagination.

I know also that Dr. Anderson came to be, during his career with the Public Health Service, one of the Nation's leading experts on tuberculosis and respiratory disease problems in general. I am told that upon retirement from the Federal Government he will move to a top position with the medical research arm of the National Tuberculosis Association—and I certainly congratulate that organization on getting him. I also offer Dr. Anderson my sincere thanks for our association and congratulations on this occasion.

REACTION IN NORTH VIETNAM TO ANTIWAR PROTESTS IN THE UNITED STATES

Mr. DODD. Mr. President, in his New Year's message to the American people, carried in English over Moscow radio, Ho Chi Minh thanked the antiwar protestors in the United States for their show of solidarity for his cause. He stated:

> I warmly greet and thank the American people for demanding that the U.S. Government end the aggressive war in Vietnam.

Recently the North Vietnamese Government issued a stamp commemorating Norman Morrison, the antiwar protestor who burned himself to death in front of the Pentagon in opposition to the war.

British Correspondent James Cameron has reported that in North Vietnam demonstrations are now occurring in support of demonstrations in the United States.

Each time a protest occurs in this country, there is a concerted effort to convince the people of North Vietnam and the world that the majority of Americans really support the aggressive and expansionist efforts of communism.

Such a view simply serves to prolong the conflict, and those Americans who engage in such protests are often unwittingly providing fuel for this furnace of deception. In an excellent article in the National Observer, Wesley Pruden, Jr., discusses in some detail the fact of Communist pleasure over antiwar protests in the United States.

He quotes an article in the North Vietnamese newspaper, the Vietnam Courier, which states the following:

> What is particularly significant is that the imperialists, when launching attacks against the Democratic Republic of Vietnam, have failed to foresee that the Socialist countries, first of all the Soviet Union and China, will give every necessary assistance to the Vietnamese people in countering their war of destruction * * *. Washington not only is isolated before public opinion, but also has to face the American people's movement against its aggressive war.

I wish to share with my colleagues the insights of Mr. Pruden's article, and ask unanimous consent to have it printed in the RECORD at this point.

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

HO—NO PRIZE POET: HOW ASIAN REDS GLOAT OVER U.S. ANTIWAR PROTESTS

HONG KONG.—Ho Chi Minh first thought of himself as a poet more than 40 years ago, when he scribbled bittersweet verses at night after working by day as a pastry cook at the old Carlton Hotel in London. He returned to the political ferment of Asia long ago, and his political fortunes in North Vietnam, anyway, have never been brighter.

But old Ho's poetry is as bad as ever. To his good fortune, the editors to whom he submits his poems can never turn him down, and Ho's poems usually are featured on the front pages of the North Vietnamese propaganda journals that grace Hong Kong's sidewalk news counters.

A reading of these journals, in addition to plowing through Ho's graceless rhymes, interests many of the China watchers in this listening-post colony because they abound in clues to the thinking in Hanoi and Peking. In recent days Peking's propaganda has referred apologetically to "twists and turns" along the "revolutionary road," an obvious reference to recent reverses suffered by Peking-style communism throughout the world. But this doesn't stop the Communist journals from stretching, even mauling, the facts and figures of the Vietnam war. The propaganda remains tough and unyielding, and the gloating over American antiwar protests is loud and boasting.

Consider this new verse from Ho Chi Minh's pen, featured (encircled in a double-line red border) in the slickly printed, English-language Vietnam Courier:

"May the South shine with new victories,
With many more Dau Tieng, Bau Bang, Plei Me, Da Nang.
May the North show enhanced heroism,
The higher the American aggressors' escalation, the heavier their defeats.
Let all our compatriots unite and be of one mind,
Whether in frontline or in the rear, let our people redouble their efforts,
Emulating in production and rushing forward in the fight
Against the U.S. aggressors, for national salvation, our victory is certain."

The Vietnam Courier, though it purports to report and interpret the news of the war in Vietnam for Vietnamese readers, is intended as a propaganda vehicle to Western eyes. The news it reports is a clever mixture of fact, a lot of it stolen from and attributed to United States and British wire services, and absurd claims of Communist Vietcong military prowess.

Samples:

"The year 1966 began with the downing of the 847th U.S. aircraft over North Vietnam (a pilotless plane) since August 5, 1964." (U.S. military sources in Saigon conceded that American aircraft losses since the raids began on February 7, 1965, to be about 160 planes.)

"November 1–7: Second stage of Plei Me battle, intercepting of a rescue party sent by the 1st U.S. Cavalry Air Mobile Division: 400 Yankees killed or wounded, 1 company routed (November 1), 2 companies almost completely wiped out (November 6).

"November 8: Annihilation of a battalion of U.S. Brigade 173 at Dat Cuoc (Bien Hoa): 500 Yankees annihilated, 4 planes shot down."

TOO HIGH FOR BELIEF

These staggering casualty figures are, of course, denied by U.S. military sources, who said at the time only that American units had suffered "moderate" casualties. The Saigon command no longer releases specific casualty figures for specific engagements, but the slaying of 900 U.S. soldiers within an 8-day period would have been impossible to keep secret.

Yet the Courier reports with little polishing the facts of the American protests against the war at home. "Washington not only is isolated before world public opinion but also has to face the American people's movement against its aggressive war," writes an anonymous reporter in an article entitled "Time Is on Our Side."

"It is an unprecedentedly broad movement, which stands not only in opposition to the military adventure of the White House and in support of the Vietnamese people's struggle (i.e., the Vietcong), but also for a change in the policy of the U.S. reactionary government and for democratic rights and in defense of the American people's peaceful life."

A CHRONOLOGY OF SUPPORT

No fewer than 25 items on U.S. protests are included in a chronology of 1965 examples of the "World Support to the Vietnamese People" in the current issue of the Vietnam Courier.

Items:

"In early January the May 2 movement in New York distributed leaflets calling on American youth not to go to fight in South Vietnam. The movement involved 100 U.S. universities.

"Four hundred and sixteen American intellectuals demand that Johnson stop the war in Vietnam.

"Thirty-eight students of Aublin University, Ohio (apparently a reference to Oberlin College) go on a hunger strike in protest against U.S. Government Vietnam policy.

"A letter from 500 scientists protesting against Johnson's policy is published by the New York Times.

"Eight hundred and seventy-five Jewish clergymen demand that Johnson stop expanding the war.

"Twenty thousand American students in Washington demonstrate to protest against the U.S. Government.

"Three thousand American intellectuals, among them Scientist Linus Pauling, call on world scientists and workers not to produce and transport weapons to Vietnam.

"Arthur Miller sends a message protesting against Johnson's aggressive policy."

AN UNBELIEVABLE BOAST

And so on. The significance of this recital is the importance Hanoi obviously attaches to the protests. All but buried in a Vietnam Courier story boasting that "Time Is on Our Side" is the claim that "by the end of December 1965 a total of nine U.S. infantry and armored battalions had been wiped out." If this were true, it would hardly matter whether time, American intellectuals, world opinion, or anyone else were on the side of the Vietcong.

The emphatic point of the Vietnam Courior story is the assertion that Washington is slowly being drawn into a noose of American grassroots design; "what is particularly significant is that the imperialists,

when launching attacks against the Democratic Republic of [North] Vietnam, have failed to foresee that the Socialist countries, first of all the Soviet Union and China, will give every necessary assistance to the Vietnamese people in countering their war of destruction. * * * Washington not only is isolated before world public opinion but also has to face the American people's movement against its aggressive war."

The weekly Peking Review takes almost the same line in an issue featuring a report on "U.S. War Makers in the Dock," and "A Bleak Time for Johnson." This bleakness, the Review makes clear, is "growing dissent with United States." The President, says the Review, is one of "the great butchers" of history.

THE BAC BO INCIDENT

"The political atmosphere in Washington is quite different from 1964," the magazine's editors write confidently. "Early in August that year, the U.S. Government created the Bac Bo Gulf (the Gulf of Tonkin) incident and started its armed aggression against the Democratic Republic of [North] Vietnam. Then on August 7, the two Houses of Congress passed a joint resolution authorizing the Johnson administration to 'take all necessary steps, including the use of armed forces,' to extend U.S. aggression in Asia.

"But now, after the Yankee aggressor troops have been trounced on the Vietnam battlefield, influential Congressmen are singing a very different tune.

"[J. WILLIAM] FULBRIGHT, chairman of the Senate Foreign Relations Committee, declared over television that he thought the U.S. 'commitment to defend' South Vietnam was 'self-generating.' He regretted his own endorsement of the August 1964 resolution and said, 'I have played a part in that that I am not at all proud of.' "

Hanoi's propagandists, like the devil, quote scripture of their own choosing, however, and if anyone is confused by what Senator FULBRIGHT or Senator MORSE really mean, helpful Chung Ho, writing in the Peking Review, is ready with the explanation.

"No doubt," he says, in prose only a little better than Ho Chi Minh's poetry, the Johnson administration "will become still more desperate. It will continue to extend the war while thinking up still further variations of the 'peace talks' swindle. But as * * * events show, with the Vietnamese people fighting heroically and more and more millions in the world supporting them, the Johnson administration is nearing the end of its tether. Nothing can save it."—WESLEY PRUDEN, JR.

THE 20TH ANNUAL LOS ANGELES MUSIC FESTIVAL

Mr. MURPHY. Mr. President, it is with special pride that I call your attention to the 20th annual Los Angeles Music Festival to be held in Los Angeles during May 1966.

Great artists from all over the world have paid tribute to the significance of the Lost Angeles Music Festival. This great event is to the everlasting credit of its sponsors. Since Federal funds are becoming available for such events at present, it is especially noteworthy that this festival has survived and, in fact, distinguished itself as one of the most important such festivals in the world without support from any Federal Government agency for 20 years.

In the fall of 1945, Mr. Franz Waxman called on Dr. Gustave O. Arlt, chairman of the committee on fine arts productions at UCLA, to propose a series of orchestral concerts for the spring of 1946, to be called the Los Angeles Music Festival. Dr. Arlt liked the idea, arranged the details and provided part of the underwriting; the balance came from private sources.

The concerts were given in the first 2 weeks of June 1946. They were so successful that arrangements were made for another series in the following year. After the second season, Dr. Arlt agreed to make the festival a resultant annual fixture. It was incorporated, a board of directors was elected, and the project was given a sound financial base. The major support, however, continued to be from Dr. Arlt's committee on fine arts productions.

To acquaint the Nation with this outstanding program, I ask unanimous consent that a preseason announcement of the forthcoming festival be printed in the RECORD.

Mr. President, I would urge fellow Californians to take advantage of this outstanding event and any of my colleagues who are fortunate enough to be visiting the Golden State at this time, I highly recommend the festival.

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

THE 1966 LOS ANGELES MUSIC FESTIVAL

Twentieth anniversay, Franz Waxman, founder and director.

THURSDAY, MAY 5

Gala opening concert: Igor Stravinsky conducting his melodrama, "Persephone," with the Ithaca Concert Choir and Texas Boys' Choir; also "Chronochromie," by Olivier Messiaen, conducting by Robert Craft (U.S. premiere).

SATURDAY, MAY 7

Tribute to Jose Iturbi: In honor of his 70th birthday year, Jose Iturbi piano soloist and conductor of the Festival Symphony Orchestra, performing Mozart's "Concerto in D Minor," Debussy's "Piano Fantasy," De Falla's "Nights in the Garden of Spain," and Gershwin's "Rhapsody in Blue."

SUNDAY, MAY 15

A new look at jazz: "Jazz Variations on the Mass Text," by Lalo Schiffrin; "Les the Least Straightens the Lord," by Gerald Fried (world premiere). The composers will conduct their own works.

SATURDAY, MAY 21

A salute to Franz Waxman; from the Los Angeles Orchestral Society: "Tragic Overture," by Brahms; "The Song of Terezin," a dramatic song cycle based on poems written by children in the concentration camp of Terezin, by Franz Waxman, conducted by the composer. For mixed chorus, children's choir, mezzosoprano and orchestra (west coast premiere).

All concerts are at 8:30 p.m., in Royce Hall, UCLA.

THE DISTRICT OF COLUMBIA'S SCHOOL MILK MEANS TEST

Mr. PROXMIRE. Mr. President, over the past few weeks I have tried to indicate what sort of means tests our Nation's schoolchildren would have to pass if they were to continue to receive milk under the proposed revised version of the special milk program for schoolchildren.

The Secretary of Agriculture has stated that children receiving milk under the program would not have to pass a stringent means test. I have shown the type of procedure that is followed in Kansas City, Denver, Atlanta, and a number of other cities around the Nation to qualify children for free lunches.

Undoubtedly the same requirements would apply under the proposed revision of the milk program. And there is no question that these requirements, beyond a shadow of a doubt, constitute a means test.

Today I will take a look at the District of Columbia's system. Each child applying for free school lunches has to have his parent or guardian fill out a form requiring the following information: why the parent is unable to provide lunches; total amount of family income; amount received from salary and wages; amounts received from public assistance, unemployment compensation, social security and other sources; employer's name, address and telephone number.

Can anyone doubt that the filling out of this form constitutes a means test? If he can he should turn to the back of the form which asks for the names of agencies working with the child or family and asks the principal, who supplies this information, to make sure that the name of the family's social worker appears on the front of the form.

Finally, I would like to read into the RECORD at this point a certification that each applicant must make:

I declare that the above information is entirely correct with the full knowledge that should any of these statements be found false the needy lunch for which this application is made should be suspended. I further understand that I must report all subsequent changes in family status, occupation, or salary to the school principal. Failure to report such changes may also result in suspension of this privilege. I hereby authorize any verification deemed necessary to substantiate the information submitted.

ADDRESS BY VICE PRESIDENT HUMPHREY AT GEORGETOWN UNIVERSITY FOUNDER'S DAY LUNCHEON

Mr. TYDINGS. Mr. President, last Friday afternoon Vice President of the United States HUBERT HUMPHREY delivered an address of particular importance at Georgetown University's Founder's Day luncheon.

Vice President HUMPHREY focused on the President's proposed "Act for International Education" and gave a compelling analysis of its principal provisions. Since this address is of special interest to the Senate in our consideration of this year's education legislation, I ask unanimous consent that it be inserted in the RECORD at the end of my remarks.

I want to take this opportunity, Mr. President, to call attention to and commend our Vice President for his energy and tireless efforts to explain our national policies in foreign lands and to advance our national purpose here at home.

HUBERT HUMPHREY'S wisdom, humanity, and zeal for our national well-being have been an inspiration to his fellow countrymen. Our Nation is fortunate, in this time of turmoil and transition, to have as its leaders men with the unparal-

leled ability and vision of Lyndon Johnson and HUBERT HUMPHREY.

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

ADDRESS OF VICE PRESIDENT HUBERT HUMPHREY, FOUNDERS' DAY LUNCHEON AT GEORGETOWN UNIVERSITY

It is a pleasure to be here in the company of so many lovers of learning—and a privilege to speak on my favorite topic: Education.

I have spent much of my life as an educator. Early in my career, I taught political science. For the past 20 years, I have practiced it.

In our American democracy, a politican must also be an educator, if he is to be effective. It is not enough to have ideas. To translate them into public policy and programs, it is essential to enlist the support of an enlightened and informed public opinion. And, as President Theodore Roosevelt observed, American public opinion is an ocean—you can't stir it with a teaspoon.

The history of this university reveals much that bears upon my theme for today: the international dimensions of education, and the proposals of President Johnson to realize them.

Your founder, Archbishop Carroll, and many of his successors were educated in Europe. Throughout the years you have drawn deeply upon the learning and talents of scholars born or educated abroad.

But you have also acted upon the Scriptural injunction that it is more blessed to give than to receive. Among your contributions to international studies, I should like to single out two in particular—the establishment of your school of foreign service in 1919 and of your institute of languages and linguistics in 1949.

In this institute you teach many languages once regarded as exotic but which we now recognize as essential to the discharge of our responsibilities in the world. You have also been teaching English as a foreign language to thousands of students from throughout the world.

Education has had an international dimension almost from its very beginning. Like many aspects of our civilization, we inherit it from the ancient Greeks. The international horizons of education in an open society have never been more nobly expressed than by Pericles. "We Athenians," he said, "throw open our city to the world and never by alien acts exclude foreigners from any opportunity of learning or observing, even though the eyes of an enemy may occasionally profit by our liberality."

For many centuries scholars enjoyed the great advantage of having, in Latin, a universal language. As it was supplanted by vernacular languages, and as the spirit of nationalism came to dominate the world, education lost for awhile some of its international perspectives. In some countries universities came to be hotbeds of chauvinism, with professors inculcating in their students the most extreme forms of narrow nationalism.

We in America—with few exceptions—have fortunately been spared these perversions of the true academic spirit. Even in times of considerable national hysteria, our great universities and colleges have maintained the essential values of free teaching, free discussion, and freedom of research.

A university embodying a Jesuit tradition—featuring individual initiative and independence of thought—is particularly well endowed to defend universal values when they may be attacked by the xenophobic passions of the moment.

These are good times for education. Today we have in science a new international language, used and understood throughout the world. We are witnessing a greatly accelerated movement of students, scholars, information, and ideas crossing national boundaries. The character of this movement has changed greatly over the past 25 years. More people are involved, and their social classes and cultural backgrounds are more diverse.

The U.S. Government has played a substantial role in this development.

Through the Fulbright program and the Smith-Mundt Act, thousands of American students and scholars have studied and taught abroad.

Of the 85,000 foreign students in this country, about 10 percent are the recipients of some assistance from our Government. Under contracts with the Agency for International Development, some 70 American universities are carrying on technical cooperation activities in 40 developing countries throughout the world. The State Department conducts exchange programs with 130 countries. More than half of the 10,000 Peace Corps volunteers overseas are engaged in classroom teaching.

These by no means exhaust the volume and variety of the Government's overseas educational programs. But all Government programs are significantly outweighed by the activities of a multitude of private organizations such as universities, corporations, religious groups, and other voluntary organizations. These institutions have not only offered their facilities but have provided thousands of scholarships to students from abroad. In training and educating many of the future leaders of countries old and new, we not only contribute to their development but also make an investment which benefits the United States.

The contribution of the Jesuit Order to international education—with its worldwide network of colleges, universities, and seminaries—is most impressive and is steadily expanding.

So we Americans have become deeply involved in international education without many of us being fully aware of it—like the character of Moliere who was startled to discover that he had been speaking prose all his life. Education has become, de facto, an increasingly important aspect of our international relations.

President Johnson began his career as a teacher and so did I. There is no question in his mind—nor in mine—that education is at the heart of national, social, economic, and political development.

For example: Today we are working with the Government of Vietnam to move forward from the old educational system which offered education to a tiny privileged minority. We are aiding in the rapid expansion of Vietnamese universities there, just as we have in dozens of universities in Chile and Colombia, Ethiopia, and Iran. To give only one figure, the enrollment in Vietnamese universities has expanded from 2,900 in 1956 to 21,000 in 1965, in large part due to these efforts.

Secretary of Health, Education, and Welfare John Gardner, and Eugene Black, the President's special adviser on southeast Asian economic and social development, have both in recent weeks worked intensively in building programs to provide broader and better education not only to South Vietnam, but to other independent nations of southeast Asia.

For education is basic investment in these nations' human resources—and in their ability to survive in an environment of hunger, poverty, and outside aggression.

Our interest in international education, however, far transcends today's problems in southeast Asia. Last fall on the occasion of the third centennial of the Smithsonian Institution, the President announced his intention to vastly expand our programs in the international education field. This would begin with a plan to reinstate the original role of the Smithsonian Institution—that of a center for international education, a meeting place of scholars from all over the world.

The next step was a message to Congress proposing an "Act for International Education." In his message the President said:

"Education lies at the heart of every nation's hopes and purposes. It must be at the heart of our international relations."

The proposed International Education Act of 1966 stands as an explicit commitment to that statement. It has four basic themes:

First, it identifies the promotion of international education with our basic national interests, and particularly with building of peace—"education for peace."

Second, it is a commitment to a sustained effort in this field, continuing as far into the future as we can see.

Third, it recognizes international education as a two-way process, and declares that we are as eager to learn as we are willing to teach.

Fourth, it offers educational cooperation to all nations, to friend and foe alike.

The most important new step in our proposal is the establishment within the Department of Health, Education, and Welfare of a Center for Educational Cooperation. This will provide for the first time a general headquarters for international education.

This center will be to act as a channel of communication between our missions abroad and the American educational community. It will be supported by a Council on International Education composed of outstanding leaders from education, business, labor, the professions, and philanthropy.

The center will not, however, supplant other governmental agencies already conducting programs in this field, such as the Agency for International Development, the State Department, and the U.S. Information Agency. Instead, it will bring all these present activities, and many new ones, into a sharper focus.

The President's message and the international education bill do more than set forth general principles. They embody a program for putting them into effect. I have time here only to mention some of its salient aspects. They include:

The opening up of new avenues for supporting the colleges and universities of the Nation, so that they can make an even greater contribution to the tasks of international education.

Funds will be provided for the further strengthening of the larger universities as the Nation's leading centers of advanced training and research in international affairs. Assistance will also be given to the smaller colleges so that their students may graduate with a wider knowledge of the world in which they will live. The establishment of a corps of education officers to serve in our embassies abroad.

Recruited from the top ranks of the profession, they will function in each country as the Ambassador's "chief of staff" for all educational relationships with the host country.

The use, where appropriate, of excess foreign currencies owned by the United States (the so-called counterpart funds) to endow binational educational foundations in other countries.

The establishment of an Exchange Peace Corps, a kind of "Volunteers to America," bringing men and women here from abroad to impart to Americans a deeper knowledge of other languages and cultures.

Finally, we have proposed a kind of international adult education at the highest level—the organization of a series of seminars bringing together representatives from many nations and many disciplines to seek answers to the common problems of mankind.

All of us—in developed and developing countries, alike, and on both sides of the Iron Curtain—share the desire to make technology the servant rather than the master of mankind and its future.

All of us have to deal with the manifold difficulties of urban living, the relations of the mass media to inherited cultural traditions, the advantages and limitations of new methods of social inquiry, the impact of automation—to cite but a few examples. All of us stand to gain from discussing these problems outside the context of competing national interests of actual negotiations.

The United States has not always been as cordial a host as Pericles was in Athens 2500 years ago. It is for this reason that the President has called upon the Secretary of State and the Attorney General to explore ways of removing unnecessary hindrances in granting visas to guests invited from abroad. We are moving also to lift restrictions on American scholars and scientists traveling abroad, including to Communist China.

We propose today to give education a new and high status in our international affairs, just as we acted last year to give it a high priority in our own society. We propose opening ampler two-way channels for international cooperation in education, and offer the support and encouragement of our Federal Government to this purpose.

Nevertheless, as the Chinese say, you can only row with the oars you have.

The success of these bold and generous initiatives will depend, in the last analysis, on the vitality and creativity of our educational system, from top to bottom. It will depend not least, upon our universities, public and private, secular and church related, in all their rich and fruitful diversity.

It will depend, to come back to this time and this place, on institutions such as Georgetown University.

Through your efforts and those of other educational institutions with the understanding and support of the U.S. Government, our country and its people can become identified as a great educator of the world. The people of the world can come to regard us—not as the gendarme of the universe but the global center of light and learning. Because the enlightenment of the mind and the renewal of the spirit is so important to civilization, the educator, the clergyman, the philosopher is as important in international relations as the diplomat and the soldier.

I join with you in pride for your century and three-quarters of service to this Nation and its Capital. I join with you in the hope that the ambitious plans you have set forth for "wisdom and discovery in a dynamic world" will be realized. I believe that the character, the enthusiasm, and the dedication of the people gathered here must surely give those responsible for the administration of this great university renewed confidence that they have not set their sights too high.

WILLIAM H. SEWARD, A MAN WITH THE STRENGTH OF HIS VISIONS

Mr. BARTLETT. Mr. President, perhaps more than other States, the story of Alaska is the story of men with the courage of their visions.

In 1860, William H. Seward, Secretary of State during the administrations of President Abraham Lincoln and President Andrew Johnson, predicted that Russian settlements in Alaska would become "monuments of the civilization of the United States in the Northwest." That was 7 years before the sale of Alaska by Russia to this country was completed.

In the debate preceding the Senate vote on approving the purchase, Senator Charles Sumner predicted that the addition of Alaska would bring to the United States untold quantities of wealth in fisheries, minerals, furs, and timber.

Mr. President, as you know, there was opposition to the purchase, just as there was to admitting Alaska to the Union 91 years later, but the position of those with vision prevailed on both occasions.

Just a few days ago, President Lyndon B. Johnson called attention to the significance of the Alaska Purchase. He said:

It is appropriate that all America should participate in this centennial celebration, because the acquisition of the territory which has become the largest State in our Union was a milestone even for our entire country.

The purchase of Alaska was the largest acquisition of land since the Louisiana Purchase. It was the last great land area that the United States was to acquire. When the Stars and Stripes were unfurled over what is now Sitka, Alaska, on October 18, 1867, the destiny of the North American Continent was permanently altered.

The paragraphs are from the statement the President issued when he signed into law the bill authorizing Federal participation in next year's celebration marking the 100th anniversary of the Alaska purchase. The bill is in keeping with the Alaska tradition captured in the centennial's theme—"North to the Future." The Alaska celebration will be a centennial with a future because men of vision, recognizing the potential that is Alaska's, passed a bill requiring that Federal funds go only for projects of enduring economic value.

There are many men of vision today who believe in the future of Alaska. These include men seeking ways to extract economically natural resources from its land, men bringing in new businesses, men attacking the problems of slum conditions in native villages. All these men are investing in the future of Alaska because they believe in Alaska as did the Sewards of an earlier day.

March 30 is known as Seward's Day in Alaska. It was on that day, 99 years ago, that the Treaty of Cession of Russian America to the United States was signed. Seward's dream was approaching reality.

Today, his vision, and the visions of Senator Sumner and others, are a reality. Certainly, the thriving urban area of Anchorage, holding more than 100,000 persons, certainly the growing picturesque communities of Sitka, Ketchikan, and Juneau, certainly the great frontier city of Fairbanks are monuments of the civilization of the United States.

Certainly, the recent record timber sale in southeastern Alaska, the rapidly growing king crab industry, the expanding explorations and operations of mining firms are all proof of the validity of the visions of those who saw in Alaska a storehouse of natural resources.

I doubt that even the most visionary of these believers in Alaska, even as late as 50 years ago, would have dared predict that Alaska would be a major source of oil by 1975, but today men who know are saying that Alaska wells will be producing 200,000 barrels a day by that year.

Mr. President, Alaska has a bright future.

We honor William H. Seward for his most important role in the history of Alaska. But in honoring this man of vision, we also honor all the men who have had, and do have, and will have, the courage of their visions of Alaska.

CONGRATULATIONS TO WILLIAM C. WELCH, DIRECTOR OF THE VETERANS' ADMINISTRATION CONGRESSIONAL LIAISON SERVICE

Mr. PROUTY. Mr. President, for the past 5 years, William C. Welch has done an outstanding job as Director of the Veterans' Administration Congressional Liaison Service and soon he will be moving on to new responsibilities.

The many Members of Congress and staff members who have worked with Bill will sorely miss his service, his spirit of cooperation and his eagerness to aid those who have had service in the Armed Forces of the United States.

Bill was well fitted for the position of VA Liaison Chief because he had served in the U.S. Marine Corps and had worked as a staff member for several Congressmen on Capitol Hill.

I think I speak for all members of the Senate when I say I am sorry to hear that Bill Welch is leaving, but we can take comfort in the fact that he will still be engaged actively in affairs affecting veterans as a member of the VA Administrator's Advisory Council.

Congratulations to you, Bill, and may you continue to do as well for your country as you have done in the past.

FUNDS FOR THE RURAL COMMUNITY DEVELOPMENT SERVICE

Mr. BAYH. Mr. President, much legislation to move America forward has been enacted in recent years, legislation that had the strong support of most Members of the Senate. Congress has authorized programs to help communities rebuild blighted slum areas, give the disadvantaged a fighting chance to escape poverty, improve health services and educational opportunities, provide food for the needy, and build parks and other public facilities.

These programs are varied and complex. They are administered by many agencies. Metropolitan centers—cities that have large, well-trained, highly sophisticated staffs—can afford to station personnel in Washington to keep track of Federal aids and to follow through on their city's applications for assistance. Let me call the attention of the Senate to an article in the March 7, 1966, issue of U.S. News and World Report, which deals with the massive problems of the big cities and how they are taking advantage of available Federal assistance. The article states:

Some cities are setting up their own embassies in Washington to look out for local interests. Those with full-time representatives include Philadelphia, San Francisco,

Oakland, San Diego, Dallas, Jacksonville, Fla., and Long Beach, Calif.

This means that programs enacted to improve the well-being of the public are being made available quickly to these cities, that their citizens receive the maximum intended benefits.

But what about the people in our small towns—in communities where the mayor is an automobile dealer 5 days of the week, and a city official on the weekend? How about the people in the small unincorporated communities and on the farms?

How do they keep track of Federal legislation and new Federal programs?

How can they effectively follow through on whatever applications they do file?

Our job is only partly done if all of the people do not have the opportunity to share in the benefits of the new programs, as well as the older established programs. The second step must be taken. We must provide the people in the rural countryside and the hamlets and small cities an effective means of keeping tab on Federal legislation and a tool to follow through on their requests for assistance.

The beginning has been made. Last year, President Johnson endorsed the establishment of the Rural Community Development Service within the Department of Agriculture. He directed that it help other Federal agencies extend their services to rural people. That is a big job for a small agency. The staff of RCDS must maintain constant liaison with practically every Department and agency, in the Federal Government, and they must arrange for administrative functions that USDA agencies can perform in the field to make these programs more readily available to rural communities and their citizens.

The 1967 Federal budget includes a modest request for less than $3.5 million to expand the RCDS staff and to enable the agency to serve all of the 50 States.

I wholeheartedly support this modest request for funds that will enable the Rural Community Development Service to function as the President intended.

SURGEONS WITHOUT PORTFOLIO

Mr. SMATHERS. Mr. President, Dr. D. Ralph Millard Jr., of Miami, Fla., has made some very sound suggestions on how plastic surgeons can be of inestimable help to the United States by making their special talents available whenever they make trips to foreign lands.

As Dr. Millard points out, plastic surgeons can perform great humanitarian service in applying this kind of medical diplomacy. For in many underdeveloped countries, there is a higher percentage of physical deformity and fewer trained specialists to cope with these problems.

Using the power of surgical medicine to correct physical deformities can indeed be a very important step in better international relations.

I ask unanimous consent to insert in the body of the CONGRESSIONAL RECORD an article written by Dr. Millard, entitled "Plastic Surgeons Without Portfolios" which has been reprinted from the December 1962 issue of Plastic and Reconstructive Surgery.

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

PLASTIC SURGEONS WITHOUT PORTFOLIOS

It has been my fortune to peregrinate from time to time. Hitchhiking Europe from Norway to North Africa, from London to Vienna was in quest of further knowledge in plastic surgery. Probing behind the Iron Curtain to Moscow and Leningrad was an attempt to differentiate propaganda and reality not only in our specialty but in another way of life. Service in the U.S. Armed Forces during World War II and the Korean conflict was responsible for many of us more than circling the globe. In recent years there has been an opportunity for plastic work in various areas throughout the Caribbean from Antigua to British Guiana. The more one sees of people the more one is conscious of the paradox, people are quite alike and yet so unalike.

"All men are created equal"—that is, conceived by sperm fertilization of egg and delivered on the end of a placental cord. A row of cribs at any baby show impresses one with the similarity of humanity. Yet at the time of conception endowment by heredity has varied and, from that moment on, environment and chance take a hand. Thus newborn cries may sound alike but not their volume or their quality, and the air inhaled will vary from the humidity of Houston to the dust of Damascus.

Man may differ in size, ability, color, creed and motivation, but each individual possesses all of these to some degree and how he chooses to use, ignore, develop or exploit them depends on him. It would seem that there is enough in common among men for understanding of one another. The difficulty lies in our tendency to demand from other men our standards, expect them to fight under our rules and to seek in life what we desire. If standards, rules, and goals vary among Americans, even among plastic surgeons, imagine the divergence throughout the world.

For instance, it is inconceivable to us that given a choice there are men who will take tyranny over freedom, war over peace. Yet the assets of freedom and peace are vague to one who is starving and without hope of relief. One has only to wander the back streets of Cairo, Calcutta or Macao and look upon the dilated veins bulging under the slack skin of emaciated bodies, the bloated bellies of marasmic babies to understand any lack of perception into the glories of freedom.

Yet most men who have known freedom will risk their lives to regain it and resent forever having had it threatened. Talk with a Dutch farmer on the German border, listen to a Russian describe the cannibalism during the Nazi 900-day siege of Leningrad, ask a Hungarian freedom fighter about the Soviet tanks in the streets of Budapest. Determination for freedom was responsible for the birth of America, and evidence of this same spark is seen today in the avalanche breaking through the Iron Curtain into West Germany, through the Bamboo Curtain into Hong Kong, through Castro's Coconut Curtain into Miami.

A majority of the world is envious of the success of our American free enterprise system. I have seen the dollar bring a glint in the eye of a merchant of Venice, a pickpocket of Paris, a peddler in the Algerian Casbah, a Bousado oasis fig picker in the Sahara Desert, even the semicomatose in an opium den of Bangkok. A Korean papasan and head of a village working in his rice paddies for a year might earn $80. An attractive girl of the same village during occupation of American troops could net an equal amount in a week. Imagine the effect of the dollar on the economy of this village, the resentment among the native men and for that matter the men in the Allied occupational forces with less dollars. Remember the average Russian laborer's earnings approximate the compensation wages of our unemployed. This alone is enough to incite Khrushchev to throw a shoe at the United Nations.

Yet envy by others is no cause for our apologies or reason for bewilderment at our lack of international popularity. Top position is a lonely role and a fair target. It takes more continued strength, skill and alertness to remain on top than was ever required initially to get there. A fat champion is soon dethroned, but a worthy and conditioned one welcomes every opportunity to stand up to both subversive and direct attack.

There is no question but that we have a happy and exciting way of life that is succeeding remarkably for us and can serve well for others. It has proved its worth in West Germany and Japan even after unconditional surrender. Compare the spirit and vitality of the people of thriving Dusseldorf or Hamburg to the man in the street of sullen old Moscow as he gazes dully across the tremendous gap that separates him from the Kremlin's spouting Niks and sputniks.

Our ultimate goal it to stimulate all men to work for peace and a standard of living that is equal to their highest potential in a free society. Where we tend to fail is in our naive method of promoting this international Utopia. To force freedom and decree progress on an unprepared people brings collapse and chaos as the only props they possess are torn from them. Progress in freedom cannot be given; it must be earned. The gifts of patronizing handouts stir resentment in many, encourage begging and blackmail from others while perpetrating a gradual blood-letting type of national suicide for us. The technique of successful production, however, can and must be taught. Far sounder it is to lend specialists to help underdeveloped countries help themselves. The cooperation of mutual achievement wins converts, maintains respect, strengthens friendships while also raising standards.

Our State Department is making an effort along this line and must necessarily promote, direct and carry out the major portion of this effort. Yet, as in all progress, individual initiative can be used to spark vitality and ingenuity, cut redtape and reduce waste in expense by increasing energy expended. American specialists whether farmers or pharmacists, doctors or engineers, bankers, brokers, or industrialists, when traveling abroad, should make the extra effort to contact the local foreign men in their specialty. There is no better way to enjoy a country for similar interests, rapidly reduce barriers, and cooperative attack on specific problems may speed solutions. When shown a way out of a dilemma, man spends his energy getting himself clear rather than envying those who are already out.

There is an added dividend. Not only does the act of teaching organize and crystallize thought so that we better understand ourselves, but those who are teachers often find themselves students. No man is so advanced he cannot learn from another. Recognition of this brings humility which serves as common ground for a free exchange of thoughts. Although the value of speaking the other man's language must never be discounted, language today for us affords less difficulty as English is becoming, if not the primary, at least the secondary language of many countries.

In this do it yourself diplomacy the plastic surgeon can be particularly effective.

Ours is a specialty which, with its hint of magic, touch of drama and more than a dab of art, is mastered by so few yet respected by so many. There is also its great humanitarian appeal. What act can bring greater rejoicing in a family and a village than the transformation of an infant cleft in lip, expression, palate, and speech to a happy sucking baby. The infinite influence of this specialty lies in its power to render the deformed and mutilated suitable to take their place in society and serve as living monuments not only to our specialty but to our way of life.

In all underdeveloped countries there is a greater precentage of deformity and less trained specialists to deal with it. This is a manifold opportunity presenting a challenge. It calls for shaking oneself out of the everyday routine into a stimulating pioneer activity against a variety of new problems.

When planning a trip write the public relations office of the U.S. Consulate and of the local foreign government for contacts in your specialty. American plastic surgeons attending medical meetings in foreign cities should make an effort to meet the local plastic surgeons or surgeons dealing with reconstructive problems and seek from them invitations to their hospitals and clinics. Once contact has been made return visits may be arranged on a personal basis or through government sponsorship. More foreign doctors should be urged to visit the United States to evaluate our approach to their problems.

In the ever increasing demand for effective American goodwill ambassadors never underestimate the potential of a plastic surgeon without portfolio—a double antidote to the "ugly American."

D. RALPH MILLARD, Jr.,
M.D., F.A.C.S.,
MIAMI, FLA.

EMERGENCY FOOD FOR INDIA

Mr. CHURCH. Mr. President, I wish to commend President Johnson on his proposal for an emergency famine relief program for India. The United States has a humane and honorable tradition of rendering assistance to alleviate human suffering, and it is a source of satisfaction to see this tradition continue. India is a great country with an ancient and enlightened civilization. With 500 million people, it is also the world's most populous democracy. And yet today India stands, in President Johnson's words, "on the threshold of a great tragedy."

The monsoon failed last year, the rains did not come. In spite of India's determined efforts to increase food production over the last few years, there was little that could be done in the face of drought. Crops gradually withered and died. India's Government now estimates the need for an additional 7 million tons of imported grain this year over and above what has already been programed. If the need is not met, there will be mass starvation.

In order to avert such a disaster, President Johnson proposes we furnish 3½ million tons of this requirement, while at the same time encouraging other nations to match this amount. Even before he spoke, Canada announced it would make a grant of 1 million tons of wheat and flour. The President also proposes we should provide other foodstuffs, some of which will be donated under the food-for-peace program. Furthermore, he suggests we ship considerable amounts of cotton and tobacco in order to release India's limited foreign exchange resources for much-needed food and fertilizer purchases abroad.

This is a big program, but in face of the drastic nature of the emergency, we cannot fail to respond. We cannot hoard surplus food while millions starve.

The President's request is closely related to another of his recent proposals. Since most of our food shipments to India have been bought with local currency, we now possess huge deposits of Indian rupees, usable only in India. President Johnson urges the establishment of a joint Indo-American Foundation to put $300-million worth of these idle counterpart funds, to work. The foundation would specialize in agricultural education and scientific research to better farming methods and increase crop yields. This is mandatory if India is to enlarge her capacity to feed herself.

Mr. President, I support President Johnson's humanitarian initiatives wholeheartedly. In this modern era when scientific techniques have overcome so many of nature's ways, we must not allow people to starve for lack of food. The President deserves, and I am sure he will get, the warmhearted and generous support of the Congress. An editorial in yesterday's New York Times concludes with these words:

An undernourished nation has no future. Neither has an unskilled one in this technological age. President Johnson is wisely moving to provide the foodstuffs and the training. Indians must do the rest.

DENIAL OF EQUAL RIGHTS TO SOVIET JEWS

Mr. CASE. Mr. President, the continuing efforts of the Soviet Government to bring about the cultural annihilation of 3 million Jews within their own borders have been of grave and growing concern to Americans of all creeds. Less than a year ago we in the Senate voted unanimously to condemn the systematic denial of equal rights to Soviet Jews by their government. But so long as that campaign continues Americans must continue to raise their voices in protest.

It is with some pride, therefore, that I call to the Senate's attention two such protests by citizens of my own State. Earlier this week Assemblyman Joseph C. Woodcock, Jr., of Bergen County introduced in the New Jersey State Assembly a resolution urging the Soviet Government to accord the same cultural, educational, and religious rights to Jews as are permitted to other ethnic groups in the Soviet Union.

The timeliness of his action is underscored by the approach of the Passover holiday. And what Passover will mean this year to those Americans who are most deeply affected by the plight of Soviet Jewry has been described in moving fashion by another distinguished citizen of New Jersey—Mrs. Adolf Robison of West Englewood. A long-time teacher and active businesswoman, Ann Robison has nevertheless found time to take a leading role in a great number of cultural and civic undertakings.

I ask unanimous consent that Mrs. Robison's article, published in the Jewish Standard of Jersey City, be printed at this point in the RECORD.

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

ON THE GO
(By Ann Robison)

When Purim comes, can Passover be far behind? Pesach brings matzoh and matzoh, th's year, has a special significance. After thousands of years, an extra matzoh with a new meaning will enter our Seder services. To the three matzoh traditionally set aside will be added a fourth one, the matzoh of oppression. This "lechem oni" will not be to remind us of the oppression of Jews in Egypt in Pharaoh's time, but to remind us of a modern tragedy, the plight of the Jews in the Soviet Union in Kosygin's time. Twenty-four national organizations in the United States, including religious and lay groups, men and women numbering in the millions in their combined membership, say, "Let our people survive as Jews or let our people go."

Russia answers "No" to both supplications.

The American Jewish Conference on Soviet Jewry, which is the umbrella organization of these 24 national organizations, includes religious Jews, from the Orthodox to the Reform, and nonreligious, from those who attend the synagogue of their choice only on Yom Kippur to the agnostics and atheists (the God the agnostics aren't sure of, and the atheists don't believe in, is probably a Jewish God). For each of us a different sensibility is outraged as we learn the facts about the plight of our fellow Jews. The rabbis and congregational representatives are especially saddened as the synagogues are closed one by one. Rabbi Israel Miller, president of the Rabbinical Council of America, the chairman of the steering committee of the conference group, came back from his visit to the U.S.S.R. with an official promise that the Moscow Yeshiva (Seminary) would be reopened. But it was not, and the average age of the few remaining rabbis in Russia is 89.

A recently returned traveler told of going to visit the one remaining synagogue in Kiev, where there are 210,000 Jews. This house of worship, like all churches and mosques in Russia, is maintained by the government. The buildings of other religions are kept up in fine order. Only the synagogue is neglected miserably. The exterior and interior are in disrepair, the prayer shawls are in tatters, and the few prayerbooks are crumbling with age. When the young people finally are persuaded by grandpa to go to "shul," they are as offended by the dirt and mire of the condition of the house of the Lord of their people.

This is what Communist Russia wants: the complete de-Judaization of her Jewish population. The uniformed answer, "But Russia and communism are atheistic; this is what you would expect." If this be true, why are all the other ethnic groups, more than 100 of them including the Volga Germans, helped by the Government to build and maintain beautiful churches and seminaries? Why is even the smallest minority group given special Government-supported schools where the teaching is done in its native tongue? Why are there flourishing newspapers and magazines in all minority languages—but only a small unworthy biweekly in Yiddish and a monthly magazine, presided over by a Yiddish poet who is regarded as a party hack and an apologist for the ultimate cultural assimilation of Soviet Jewry? Why can you buy religious objects for every religion but the Jewish? Why can you go to see a play in German or in Armenian, while there is nothing left of the great,

internationally famous Russian Yiddish Theater?

A recent visitor told of a Jewish concert which he attended in a large Russian city. The soloist, a singer, was an old man who returned from 10 years in a Siberian labor camp with only two fingers on his right hand. He had lost more than these two fingers, we were told; his spirit and his voice were gone too. His rendition of Yiddish songs made it not an evening of Jewish culture, but a funeral service to mourn the death of Yiddish talent and artistry.

Another story comes to us firsthand about eager, talented Jewish children being turned away from Government-run music schools. When one teacher intervened in the behalf of a gifted little violinist, the answer she got from the Government-appointed principal of the school was, "We have enough Ostraikh's."

In my work for the cause of the Soviet Jews, I come across many skeptics. Especially frustrating are those who reject my stories and my statistics. They throw in my face their stories about what they were taken to see by the lovely intourist guide, and what she or some Government Jews have told them. For these naive Americans, I now have my own book of U.S.S.R. Government statistics. Even these Soviet figures prove our case that anti-Semitism in Russia exists to the point where it is not an exaggerated indictment to accuse the Soviet Government of cultural and religious genocide against the Jewish people.

From the section dealing with university students we can figure mathematically that the percentage of Jews in the universities at the present time is smaller than at any time during the czarist regime when the numerous clausus laws were in force.

So while we can still remember that the world, including the Jews, did not do enough to save the 6 million Jews who perished in the Nazi holocaust, let us not forget that there is still time to help the 3 million Jews in Russia. Reliable reports tell us that Moscow is vulnerable and is susceptible to the pressure of world public opinion.

As we lean at our seder table with our loved ones—our son who has been barmitzvahed, our daughter who has just been accepted at Vassar, Uncle Ben who is a high Government official in Washington, Aunt Minnie who is president of the sisterhood, and Cousin Abe who has just returned from the Zionist convention in Israel—as we pick up the matzoh of oppression, let us not forget to thank God that we are Jews in the United States. And let us remember that at many a seder table in the Soviet Union nothing of the above picture could be true. Even the matzoh would probably not be available.

Let us say: "We set aside this 'lechem oni'—this matzoh of oppression—to remember the 3 million Jews of the Soviet Union. Most of them cannot have matzoh on their seder tables tonight. Conceive of Passover without matzoh—without that visible reminder of our flight from slavery.

"Think of Soviet Jews. They cannot learn of their Jewish past and hand it down to their children. They cannot learn the languages of their fathers and hand it down to their children. They cannot teach their children to be their teachers, their rabbis.

"They can only sit in silence and become invisible. We shall be their voice, and our voices shall be joined by thousands of men of conscience aroused by the injustice imposed on Soviet Jews. Then shall they know that they have been forgotten, and they that sit in darkness shall yet see a great light."

AN ON-THE-SPOT REPORT FROM VIETNAM

Mr. HARTKE. Mr. President, recently Earl Richert, of the Scripps-Howard Newspaper Alliance, spent 4 weeks in South Vietnam. His summary of impressions, compressing his findings about the situation as it existed only a week or two ago, has some elements of grave doubt about whether our efforts even at stepped-up levels, can achieve their goals. Despite high morale among our troops and awesome firepower, he finds few signs of the enemy approaching a breaking point, and concern about both economic and political aspects of the Saigon regime.

I ask unanimous consent that Mr. Richert's article, which appeared in the Washington Daily News of March 24, may appear in the CONGRESSIONAL RECORD.

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

GI'S WANT TO GET ANOTHER "CHARLIE"—AWESOME U.S. POWER IN VIETNAM STILL NOT ENOUGH

(By Earl Richert)

(NOTE.—This is an over-all size-up of the situation confronting us in South Vietnam—some boiled-down impressions of Editor Earl Richert of the Scripps-Howard Newspaper Alliance after a 4 weeks' visit to the area.)

HONOLULU.—The most dismaying aspect of a tour of South Vietnam today is the evidence that the awesome power and energy now being exerted by the United States still isn't enough.

The Vietcong keep coming, asking for more.

If the enemy is anywhere near the breaking point—as a handful of optimists contend—there are few signs of it.

FIREPOWER

The firepower aspect of the U.S. effort is something to behold. Planes loaded with bombs, napalm and sometimes small missiles fly from big aircraft carriers standing off South Vietnam with an all-out purposefulness as if it were D-Day on Normandy Beach. The same is true from the airfields in South Vietnam.

Morale among U.S. forces is high. I have heard pilots swear angrily and bemoan their luck when their mission was scrubbed. U.S. fighter and bomber pilots are now doing what they've been trained for from years back. And never will they fight in more favorable circumstances—with no enemy air opposition.

I was told of young soldiers who were no less disappointed when an operation was delayed for a day—they wanted to get after "Charlie," the GI's name for the Vietcong.

GRIMLY

Americans from top to bottom are working arduously and grimly. Commanding Gen. William C. Westmoreland, besides directing the war, rushes around the country pepping up his own and the South Vietnamese troops.

The American Embassy under Henry Cabot Lodge, with its many operations, is furiously energetic as it advises and tries to smooth out problems for the still-fledgling Saigon government.

Information from captured Vietcong prisoners is being fed back to computers in Washington. Top psychologists are at work—for example, we've noted the growing sadness in South Vietnamese songs after 20 years of warfare, and have induced their composers to come up with peppy and more cheerful themes.

INFLATION

And we're trying to help the Saigon government fight inflation by holding ready 300,000 tons of U.S.-produced rice to sway the market downward.

Our military intelligence steadily improves. I was told that we now have photographs as well as complete information on the top 36 Vietcong leaders.

But the Vietcong still are strong and doing well. As evidence of this, Marine Lt. Gen. Lewis Walt, himself a tough fighting man, says in his mountain-top headquarters outside Da Nang, that he must have even more than his present 45,000 marines. And he's speaking about an area where the South Vietnamese troops are regarded as well trained and capably led.

PRESSURE

The U.S. military policy is to keep applying more and more pressure through more firepower and more men. How much more, no one can say. And probably no one knows what it will take to force the Communists to call a halt in South Vietnam.

A diplomat from a friendly power just back from Hanoi reported absolutely no sign of change from the "we are going to win" views long held by the North Vietnamese leaders. He said the men at the top in Hanoi finally were aware that the United States is not just another France, but that did not alter their view that the United States still would get tired and pull out.

A sizeup of the situation by a top American is that the war is going well militarily and will get even better as the year goes along. The big question is whether the "revolutionary development" program (pacification) can be made a demonstrable success around the three largest cities, where effort is being concentrated. If it can, this authority said, "we should be seeing the light at the end of the tunnel by the end of 1967."

DOUBTERS

The doubters as to the future in South Vietnam are concerned about the economic and political aspects—whether the Saigon government can win a hold on the populace through performance in their behalf. These pessimists include southeast Asia's most successful anti-Communist, Prime Minister Lee Kuan Yew of Singapore who, among other things, declines to move closer to the U.S. position because "of the natural embarrassment of being associated with transient regimes in South Vietnam."

The optimists are the U.S. military who are convinced they can win by making life so hot the Vietcong will stop.

But, say they, more men and guns are necessary.

PROPOSED INDIA-AMERICAN EDUCATION FOUNDATION CARRIES OUT ONE OF GRUENING FOREIGN AID RECOMMENDATIONS

Mr. GRUENING. Mr. President, the proposal made to Prime Minister Indira Ghandi by President Johnson for the establishment of a joint India-American Education Foundation is most gratifying to me.

On October 1, 1963, after a study of U.S. foreign aid programs in 10 Middle Eastern and African countries, as a member of the Senate Subcommittee on Reorganizaion and International Organizations of the Committee on Government Operations, I filed a lengthy report in which I discussed the growing problems facing the United States in managing the ever increasing amounts of U.S. controlled foreign currencies.

In that report I recommended:

Consideration should be given to the establishment of a trust fund, jointly administered by the U.S. Ambassador and the country's Minister of Education, to be used for

educational scholarships, fellowships, and other educational purposes. Such a device will require a minimum of administration and will avoid to the maximum extent possible U.S. interference in the economic affairs of the countries involved.

The President's action in proposing an India-American Education Foundation follows closely along the lines of my recommendation and I commend President Johnson most highly for his action. This kind of a solution is an eminently practical one to meet the growing problem which the United States will face in the years to come because of the ever-mounting amount of foreign currencies.

In my report on the Middle East I pointed out:

It is a disturbing thought that in the year 2003 in Greece our Embassy will still be passing on loan agreements for petroleum storage facilities, service stations, appliance manufacturing facilities, and the like. Consider the wide variety of experts who will have to be attached to our Embassy to pass on the economic feasibility of loan applications in every conceivable field. Is this the kind of activity the Congress believes should be carried on in perpetuity by our Embassy in Greece? Or indeed in any other of the numerous countries with accumulated local currencies derived from our foreign aid program.

A solution along the lines of the proposed India-American Foundation for educational purposes is one way of avoiding a continuation ad infinitum of U.S. involvement in the economic affairs of nation—especially those in which we no longer maintain an economic aid program.

I would hope that the President will cause an examination to be made at the earliest possible moment of United States held or controlled foreign currencies and, in those countries where the amounts are large or will become large, give consideration to the establishment of similar educational foundations.

In view of the recognition by the Government of India of the serious problems caused by the population crisis in that country, it is hoped that the U.S. trustees of the Foundation urge that a goodly portion of the Foundation's funds be devoted to educating and training doctors, para medics and midwives in India so that birth control assistance can be made available upon request on an ever-increasing scale.

I ask unanimous consent that chapter VII entitled "Future Uses of U.S. Owned Local Currencies," as contained in my report, as referred to above, be printed in full at this point in the RECORD.

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

VII. FUTURE USES OF U.S.-OWNED LOCAL CURRENCIES

Consideration should be given by the Congress, at the earliest opportunity, to the establishment of clear policies with respect to future uses of the very large amounts of foreign currencies accumulated in the 10 counties studied. There is no reason to believe that the same problems foreseen in these countries will not also arise in other countries receiving economic assistance from the United States.

In the past, we have made many loans to these countries repayable in local currencies. In addition, Public Law 480 products have been "sold" to these countries in exchange for local currencies. These currencies are controlled by the United States, with a major portion of them being restricted to expenditure for the economic development of the country generating the currency. Repayment of these loans will continue for many years to come. As they are repaid, the funds will again be available for further loans. Because the loans bear interest, the local currencies available for loan by the United States will be constantly increasing.

In countries currently receiving economic aid from the United States, no special administrative or organizational problems arise in administering the local currency loan program. It can be made an integral part of the total AID program.

However, where the AID program has ended in a particular country, and the AID mission has been withdrawn, it can be expected that serious administrative problems will arise as the loans continue to be repaid.

As of December 31, 1962, in the 10 countries studied, there were outstanding loans totaling approximately $1.109 billion. Of this amount, $665.1 million has been disbursed, leaving $454.5 million to be disbursed. (See exhibit VII–A.) Assuming an interest rate of 4 percent per annum on the funds already disbursed and a constant reloan rate, the local currency loan fund is increasing in these 10 countries at the rate of approximately $26.3 million per year. When the full $1.109 billion is out on loan, the fund will increase at the rate of $44.3 million a year. To this must be added the annual interest on the interest paid and reloaned.

Lebanon has no outstanding loans repayable in local currencies so that, when its outstanding obligations, repayable in dollars, have been met, there will be neither dollars nor Lebanese pounds in Lebanon for economic development of the country. Our diplomatic mission in Lebanon will revert to normal, and our Ambassador and his staff there will have to rely upon their diplomatic skills to maintain the U.S. "presence" in that country. This is as it should be.

But what of Greece and Israel, the other countries of those 10 studied where economic assistance has supposedly ended?

Our Embassy in Israel, despite the end of our economic assistance to that country and the withdrawal of our AID mission, has a potential loan fund in Israeli pounds of $247.2 million and an actual loan fund of $209.3 million.

Thus, during the next 10 years, for example, repayments on account of principal will approximate $15 million, and interest payments will approximate $10 million per year. Our Embassy in Israel will thus be responsible for the operation of a loan program in Israel of approximately $25 million per year. New loans (in Israeli pounds) which the Embassy will negotiate during that period will total a quarter of a billion dollars.

Greece is in a similar position. Here, too, our AID program has supposedly ended.

Outstanding loans to Greece, as of December 31, 1962, totaled $136.3 million, of which $73.5 million has been disbursed. And because of interest charged, when full disbursement has been made, the total loanable fund will increase at the rate of $5.4 million a year. This fund also will continue to increase indefinitely at approximately this rate, depending on the interest charged.

The repayment rate will be approximately the same as in the case of Israel, so that our Embassy in Greece will also face the task of operating a substantial loan program.

These figures should be compared to our loan program in the past to Greece and Israel:

[In millions of dollars]

Fiscal year:	*Greece*	*Israel*
1946–48	111.3	-----
1949–52	-----	135.0
1953	-----	-----
1954	-----	-----
1955	14.2	30.8
1956	19.3	35.1
1957	27.9	21.9
1958	24.8	75.9
1959	-----	44.0
1960	35.1	43.6
1961	11.9	65.6
1962	18.7	75.1
Total	263.0	527.0

With the AID missions withdrawn from both Greece and Israel, are the normal staffs of our Embassies in those countries geared to administer intelligently these ever-growing loan programs?

And whoever administers them, there is an added and continuing expense to the American taxpayer.

Little attention seems to have been given to this problem or to its implications for the future.

In 1961, the gross national product of Greece was $3.2 billion, while that of Israel was $2.7 billion. Loans outstanding as of December 31, 1962, are to be finally repaid by Israel in the year 2001 and by Greece in the year 2003. At that time the loan funds, without compounding interest, will exceed $800 million in Israel and $335 million in Greece. Loan funds of this magnitude could have considerable effect upon the economies of both these countries unless properly administered.

An excellent example of the confused state of our local currency accounts was furnished by the confusion over aid to the stricken Yugoslavian city of Skoplje. The New York Times account of August 18, 1963, described how our own officials were in doubt as to just how much was in the account and the Yugoslav officials were fearful over the effect of the drawdown of such a vast sum of money upon the entire country's banking system.

It follows and makes interesting reading:

"[From the New York Times, Aug. 18, 1963]

"U.S. SKOPLJE AID CREATES PROBLEM

"Fifty-million-dollar fund is causing bookkeeping confusion

"(By David Binder)

"Special to the New York Times

"BELGRADE, YUGOSLAVIA.—The U.S. Government's authorization of $50 million of aid in local currency for the earthquake-stricken city of Skoplje has created some bookkeeping problems for Yugoslav and American officials.

"The grants announced last Sunday are to consist of $25 million in direct aid and $25 million in long-term loans.

"They are to be drawn from special funds accumulated from the sale to Yugoslavia of American wheat and other agricultural goods. These funds are registered as dinars, the Yugoslav currency, in the Peoples Bank.

"As explained today by U.S. Embassy officials, the grants are to come out of a dinar fund marked 'for U.S. use.' The fund represents 10 percent of the total accumulation from wheat sales since 1954.

"The remaining 90 percent of the accumulation is available for Yugoslav projects such as dams, powerplants, roads and canals following specific agreement between the two countries.

"At Washington's Disposal

"But the U.S. use fund is at the disposal of Washington for paying costs of the Embassy in Belgrade, cultural exchange programs and the purchase of goods for U.S. Armed Forces stationed in Europe. One-fifth of this fund is also earmarked for conversion into dollars for use by the U.S. Agricultural Department.

"No one in the Embassy appeared to know today just how large the dinar accumulation

in the U.S. use fund had grown. Last Sunday someone picked the figure of $93 million.

"But a second look disclosed that the dinars had been acquired over a period of years in which the exchange rate had varied widely. Estimates of the dollar-dinar total now range between $63 and $97 million.

"As for the Yugoslav side, one Belgrade official said that the Skoplje aid authorization had caused some double takes in the Peoples Bank, where authorities had become accustomed to annual U.S. expenditures of $8 to $10 million worth of dinars.

"Belgrade Surprised

"He implied that while the Yugoslavs recognized the U.S. use fund as an ultimate liability, no one had expected Washington to use so much of it.

"Two officials of the Agency for International Development, Richard Knight and Edgar Zimmerman, said they were convinced that the availability of local currency would help the U.S. aid program in Skoplje.

"They noted that in countries where local currency was not available to the United States through surplus wheat sales, the Agency's programs encountered much greater financing difficulties.

"However, they suggested that the Skoplje disaster was of such magnitude that U.S. aid in hard currency would also be useful. It is understood that several proposals along this line are to be made by the U.S. Government in the near future."

Unless we are prepared to say that the Ambassador in each of these countries should "rubberstamp" applications for loans from these local currency funds, then we must face up to the fact that, unless some device is found, there will be need for ever-increasing technical staffs at the Embassies to service these ever-increasing loan funds in an intelligent manner.

Attention should also be given to the long-run effect upon the relations of the United States to each of these countries of our continued interference in a sizable segment of their economies.

The power to reject a loan application is the power to direct. Determining which projects we will or will not support is tantamount to having a hand in how their economies will develop.

It is a disturbing thought that in the year 2003 in Greece our Embassy will still be passing on loan agreements for petroleum storage facilities, service stations, appliance manufacturing facilities, and the like. Consider the wide variety of experts who will have to be attached to our Embassy to pass on the economic feasibility of loan applications in every conceivable field. Is this the kind of activity the Congress believes should be carried on in perpetuity by our Embassy in Greece? Or indeed in any other of the numerous countries with accumulated local currencies derived from our foreign aid program. If it is, then the Congress should proceed without delay to establish guidelines for the types of loans which can be made and to make plans now for the proper type and quantity of staff and the organization of such a permanent program. The fiscal implications of such a policy should also be thoroughly explored.

Some will take the position that such a state of affairs is desirable. They will say that it is good to have a strong U.S. "presence" in these countries for years into the future. It should be noted that we are not here dealing with "years into the future"—we are dealing with perpetuity.

It has been repeatedly said to me, as one reason for continuing U.S. economic aid to this country or to that country, that such aid was necessary to assure a "U.S. presence" in those countries.

Obtaining a precise definition of the term "presence" is extremely difficult.

Obviously it means more than the stationing in a country of the customary diplomatic mission. It seems to mean the stationing of additional U.S. personnel in the country to dispense technical assistance and money. Apparently mere diplomatic missions are no longer considered sufficient to express our friendly intentions to the friendly nations to which they are accredited.

It is difficult to imagine that U.S. foreign policy can be effective in a country only if it is buttressed by technical assistance and money.

We now face the danger, because of the accumulation of local currencies, of rebuilding in a different guise in our diplomatic missions an entirely new cadre of technicians who will be administering an entirely new and ever-growing AID program with U.S.-owned local currencies. It might be productive of more ill will than good will for the United States. Who wants a foreign controller permanently stationed to determine how you are to spend what you had, rightly or wrongly, come to assume was your money?

A way must be found out of this dilemma.

I put forth a few possibilities:

1. The loan agreements with Greece and Israel should be renegotiated to provide a real incentive for the repayment of some or all of these loans in dollars. I fully appreciate that in these countries, as in many others, foreign exchange—or the lack of it—is a continuously pressing problem. I am also aware of the fact that these loan agreements are binding agreements and can be changed only by mutual consent. However, in order for the United States to get off the treadmill on which it finds itself, it would be well worth our while to offer the countries involved substantial inducements to make the necessary change. We could offer substantial reductions in interest rates or in repayment rate. For example, interest at 4 percent per annum on a $10 million loan repayable in equal payments in 30 years amounts to $6 million. That is a sizable amount. I have noted that a program along these lines was in effect with respect to the early loans made to Greece and Israel giving them the option of repaying certain loans in dollars at 3 percent interest or in local currency at 4 percent interest. In addition, loans repayable in 10 years could be made repayable in 20 or 30 years.

2. Similar renegotiation talks should be undertaken with the other countries studied.

3. Consideration should be given to the establishment of a trust fund, jointly administered by the U.S. Ambassador and the country's minister of education, to be used for educational scholarships, fellowships, and other educational purposes. Such a device will require a minimum of administration and will avoid to the maximum extent possible U.S. interference in the economic affairs of the countries involved. A necessary concomitant of such a program would be orderly phasing out of new loans of local currencies so that ultimately all local currency owned by the United States will be centralized in the trust fund.

FINDINGS AND RECOMMENDATIONS

Findings

The United States has outstanding many loans to many countries which call for their repayment in the future in local currencies. As the money is repaid, it, together with the interest it earns, is to be reloaned by the United States for projects designed to aid the economic development of the country repaying the loans. In the 10 countries studied, loans repayable in local currencies of $1,109 billion had been made as of December 31, 1962. Because of interest payments, the local currency fund in those 10 countries is increasing at the rate of $26.2 million each year.

Someone will have to administer these funds.

Our AID program in Israel is at an end and the AID mission withdrawn. However, during the next 10 years, our Embassy in Israel will be called upon to negotiate new loans in Israeli pounds in the amount of $250 million. Our total AID program to Israel in the 10 years 1953–62 was $392 million.

The problem in Greece, where our program is also ending will likewise be great. It is a disturbing thought that in the year 2003 (when the last loan already made will be repaid in local currency) our Embassy in Athens will be passing on loan applications from the Greek Government. Will not the interference of the United States in the local economic development of a nation be resented so long after the original loan has been made and when we are loaning not dollars but local currencies. This problem faces the United States in the future to an ever greater extent as its formal AID programs come to "an end." Unless Congress lays down guidelines as to how such local currencies should be spent in the future, the United States will never be able to get off the treadmill, will never be able to end its aid program in any country, and will be forced to maintain, at the expense of the U.S. taxpayers, staffs to administer these funds of local currencies which will be constantly increasing.

It is therefore recommended that—

(a) Loan agreements calling for repayment in local currencies be renegotiated, wherever possible, with great inducements for the repayment in dollars;

(b) Consideration be given to the establishment of educational trust funds, jointly administered by our Ambassador and the education minister, into which fund local currencies can be repaid as the loans are repaid.

EXHIBIT VII–A.—*U.S. loans as of Dec. 31, 1962*

[In millions of dollars]

	Total loaned repayable in local currencies	Total disbursed	Potentially available for disbursement
Turkey	365.8	136.8	229.0
Iran	20.8	10.3	10.5
Syria	29.0	2.1	26.9
Lebanon			
Jordan	2.7	2.0	.7
Israel	247.2	209.3	37.9
Libya	5.0	4.6	.4
Tunisia	62.0	19.2	42.8
Greece	136.3	73.5	62.8
Egypt	240.8	197.3	43.5
Total	1,109.6	655.1	454.5

Source: Prepared in the office of Senator Ernest Gruening.

DAVID DUBINSKY

Mr. KENNEDY of New York. Mr. President, on March 16 David Dubinsky surprised his ILGWU colleagues and his friends by announcing his retirement as president of the union as of April 12. With characteristic dramatic timing, he interrupted a routine executive board meeting and announced his intentions. "I don't want to die in my boots," he said. "I want to be free."

David Dubinsky's freedom will diminish the freedom of the rest of us correspondingly. For his entire life, and his more than 30 years as president of the ILGWU have been dedicated to fighting for the freedom and the human dignity of others—his members and really, all of his fellow citizens.

He has been one of the great labor leaders in our history. His name is

synonymous with responsible and socially creative union action. His achievements for his workers are too extensive to recount. Let it only be said that by fighting for decent working conditions and working for better housing, he brought thousands of immigrant workers out of the slums and into the mainstream of American life.

David Dubinsky's retirement brought forth dozens of newspaper and magazine articles in praise of his life's work. Mr. President, I ask unanimous consent that I may insert some of these articles in the RECORD at this time.

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

[From the Washington (D.C.) Post, Mar. 17, 1966]

PRESIDENT FOR 34 YEARS, DUBINSKY QUITS ILGWU

NEW YORK, March 16.—With a tear in his eye, but also with a big, impish smile of relief, 74-year-old David Dubinsky this afternoon announced his retirement as president of the International Ladies Garment Workers Union as of April 12, 1966.

The peppery, Polish-born immigrant, who has led the ILGWU for 34 years, made his surprise announcement before 21 top officials of the union's general executive board, which is holding its regular semiannual meeting this week at the Americana Hotel in Manhattan.

In a letter accompanying his resignation, Dubinsky said the "cares and burdens" of his office were such that he had given serious consideration to retiring in 1959. But a "politically motivated attempt by the then national Republican administration to besmirch the reputation of our union," made it his "duty" to say on until the ILGWU was "vindicated."

The man generally favored to replace him is General Secretary-Treasurer Louis Stulberg, 64, who has been a member of the union for 39 years.

Dubinsky, who will shortly leave for a vacation in Europe, said that his resignation would in no way curtail his activities in the labor movement.

Under his 34-year reign, the International Ladies' Garment Workers' Union made many notable gains, including the first garment-industry agreement to provide for a 35-hour workweek (1933), the first industry agreement to establish an employer-contributed, pooled fund for workers' vacations (1937), health and welfare funds (1938), retirement funds (1943), and severance pay (1950).

[From the New York Times, Mar. 17, 1966]

PIONEER IN UNION STATESMANSHIP

In his more than three decades as president of the International Ladies Garment Workers Union, David Dubinsky has made his own name and that of his union synonymous with social responsibility and creativity. His retirement at the age of 74 deprives the Nation as well as organized labor of one of its most constructive voices. The loss is particularly acute for New York City, where the garment union has long played a pivotal role in the city's biggest industry.

Mr. Dubinsky preceded Walter P. Reuther and George Meaney in enunciating the concept that labor must go forward with the community and not at the expense of the community. He helped emancipate the workers of the old Jewish and Italian ghettos from the sweatshop, then turned to the still unfinished task of protecting a new generation of Negro and Puerto Rican workers from the erosive effect on union wages of competition from "runaway" employers in Pennsylvania, New Jersey, and the South.

A lifelong foe of union racketeers, he was a chief architect of the ethical practices codes of the AFL–CIO. When it became clear in the early scandals over maladministration of many union welfare and pension funds that labor could not do the cleanup job alone, he was principally responsible for persuading the rest of organized labor to abandon its traditional resistance to any form of government help in eradicating abuses.

He has never lost the sense that unionism is a cause, not a business. He extended that conception into the political realm in the last municipal election by throwing his energies into John V. Lindsay's fusion campaign, instead of lining up with Mr. Meany and the Central Labor Council in ritualistic adherence to the old-line Democrats.

To all his activities he has brought excitement and imagination, and these qualities will be especially missed in a movement increasingly dominated by organization men. The union's sound policies undoubtedly will continue under Louis Stulberg, its dedicated and able secretary-treasurer, who seems virtually certain to move up to the top spot; but no one will be able to duplicate the Dubinsky gusto.

[From the New York Post, Mar. 18, 1966]

DUBINSKY STEPS DOWN

The retirement of David Dubinsky from the presidency of the International Ladies Garment Workers Union is one of those landmark events by which communities date their histories more precisely than by the calendar.

Dubinsky has long been a spirited, tempestuous figure on the municipal—and national—landscape. A man of strong emotions and deep conviction, he would be the last to ask that his contributions be recited as a record of infallibility.

Nevertheless, in most of the great historic dramas of our era, he has been an influential participant: in the liberation of the sweatshop multitudes, in the struggle against Communist exploitation of labor's grievances, and in the building of the Roosevelt New Deal coalition. He never ran from a fight, and if there were a few engagements he might have more wisely avoided, he has never lost the high vision which animated his youthful rebellions.

His "retirement" we suspect, will be a figure of speech; his presence will continue to be felt in the top councils of labor, as within the union so totally identified with his name and in other areas.

Dubinsky is one of that company of memorable leaders who rejected the conventional concept of "business unionism" and visualized labor as a dynamic social force in the Nation. He brought imagination, creativity and passion to his post; we take comfort from the knowledge that he will be around. His torch is still held high and many will light their candles from it for a long time.

[From the Long Island (N.Y.) Press, Mar. 18, 1966]

DAVID DUBINSKY CLOSES HIS DESK

David Dubinsky's decision to retire from the presidency of the International Ladies Garment Workers Union is a notable date in the history of American labor. It could even be said to mark the end of an era, for when Mr. Dubinsky took office in 1932 the ILGWU was rent by an internal war with the Communist Party, then aiming at a general labor takeover which Mr. Dubinsky and his allies effectively thwarted.

David Dubinsky was no mere social theoretician. As he has said himself, he decided early in life that being just a do-gooder is not enough, that effective leaders must be politicians, too. So he became a politician * * * he still retains his vice chairmanship of the Liberal Party * * * and he mingled idealism with a reasoned pragmatism.

His path was not smooth. Who can agree with all the ideas that run through such a man's head? But today his union has few strikes and is also so rich that its pension fund lends money to the Rockefellers.

All anti-Communists, including many who fought Mr. Dubinsky tooth and nail on other issues, wish him well in the coming years. The man had a job to do and he knew how to do it. An entire industry is better off because of him.

[From the World Telegram, Mar. 18, 1966]

DAVID DUBINSKY RETIRES

David Dubinsky, after 34 years as president of the International Ladies Garment Workers, has retired.

Dubinsky has been an institution in his union and in the industry, and an influence to be reckoned with in organized labor generally and in New York politics.

In his aggressive, outspoken way, Dubinsky has earned his share of foes and his maneuvers naturally could be faulted from other points of view. But he took a bankrupt, puny union in an industry with the most sordid working conditions and built it to wealth and power, with probably the most complete welfare program in the United States.

He used nerve, theatrics, ingenuity, political know-how, and unsparing use of his own authority. He has been a one-man show. But his union gained respect as well as potency, and probably with the chief factor in bringing stability and decency to the garment industry—with only the rarest use of strikes.

Once a Socialist, Dubinsky organized the American Labor Party in 1936, and abandoned it in later years when Communists moved in. Thus started the Liberal Party, still often a decisive force in local elections.

In a colorful life of 74 years, Dubinsky has cut quite a figure. By his vigor and intense distaste for the corruptibles he also cut a pattern of union leadership some of the lately-come dilettantes in the union business can't even approximate.

[From the New York (N.Y.) Journal-American, Mar. 18, 1966]

BUT NOT GOODBY

It was, above all else, the dynamic spirit of David Dubinsky that lifted the International Ladies Garment Workers Union from a slag heap of Communist-ridden insolvency that it was in 1932 to the national showcase of responsible and constructive unionism that it is today. And in so doing, of course, Mr. Dubinsky himself achieved national stature and influence.

He has been aptly named the little giant of the garment workers. It was he, more than anyone else, who liberated the cutters, pressers, and seamstresses from the sweatshops and tuberculosis "lung blocks" of the Lower East Side. He fought labor racketeering wherever he found it. To him, unionism has been a dedication; a vocation in the true sense of that word.

Now Mr. Dubinsky has announced that, at the age of 74, he is resigning as president of the ILGWU, and news stories speak of his "retirement."

We come to a question of meaning. He is walking off stage, yes. But it is impossible to believe that he is closing the gate on the devotion of a lifetime. He remains a vice president of the AFL–CIO and a vice chairman of the Liberal Party.

That is all to the good. The little giant is headed toward the wings, but we have reason to hope his influence will continue to be felt.

WIRE TO D.D.

The fashion business may lose one of its good customers as a result of the David

Dubinsky resignation. A telegram from Senator ROBERT F. KENNEDY to the union president said:

"After reading the newspapers this morning, Ethel refuses to buy any more dresses."

[From the New York Times, Mar. 17, 1966]

DUBINSKY—AN ORIGINAL: HIS RETIREMENT IS DRAMATIC REMINDER OF THE CHANGE IN UNIONS AND UNIONISTS

(By A. H. Raskin)

The retirement of David Dubinsky provides a dramatic reminder of the speed with which the great union builders of the New Deal era are vanishing from the labor scene. John L. Lewis, Philip Murray, Sidney Hillman, William Green and a dozen others whose names once appeared on the front pages almost as often as the President's have all preceded the little giant of the International Ladies Garment Workers Union into the files of history.

Labor's new men of power are a drabber lot, steeped in the intricate responsibilities of administering and conserving a movement that has become richer in funds, status, economic security and political influence than in fresh ideas for organizing the millions of workers still outside union ranks. Mr. Dubinsky was always an original, as distinctive as Seventh Avenue and the polyglot army of cutters, pressers and seamstresses he helped to climb out of the sweatshops and the steaming, tuberculosis-ridden "lung blocks" of the Lower East Side.

His surprise farewell at yesterday's meeting of the ILGWU general executive board in the Americana Hotel was straight out of the old Yiddish Art Theater, complete with tears, laughs and a hug for his wife just out of the hospital after weeks of treatment for arthritis. It was the best show of its genre since Boris Thomashefsky and Maurice Schwartz surrendered Second Avenue to off-Broadway.

I HAD A UNION LIFE

When the union's secretary-treasurer, Louis Stulberg, who is the man most likely to succeed, led his stunned colleagues in trying to persuade Mr. Dubinsky to stay on, he replied: "I didn't have a life; I had a union life. I don't want to die in my boots. I'm not waiting for a free funeral. I want to be free."

He reminded them that they had tried 5 years ago to get him to take things easier by going on a 3-day week. That lasted just 1 week. "You know my nature," he said. "If I'm president, I can't only be president from morning till night. It has to be from morning till next morning." They still wouldn't take no for an answer, but they all left knowing his decision was irrevocable.

It will be a hard change for them and for him. It was not enough for him to be author of all the union's major policies and chief negotiator in every major contract. He was also, in the words of an intimate, "our best editor, best publicity man, best architect, best ticket taker, best seat arranger, best auditor, best economist, and best dramatic actor—and he had to do it all himself."

At the triennial conventions he was proud papa to the delegates representing the union's 447,000 members. In his major speeches he would range across the mountaintops of social idealism. And a minute later, while the mood of exaltation was still strong in the hall, he would scold some unwary unionist for stirring from his seat. He injected a note of high drama into every report and every talk.

Five Presidents, from Franklin D. Roosevelt to Lyndon B. Johnson, invited him to dine at the White House. His favorite stories there were of the days he spent in a czarist jail at the age of 15 after calling a strike against his father's bakery in Poland. For example, he would put a ring of water around his bed at night to keep off the roaches.

When he became president of the ILGWU in 1922, a disastrous internal war with the Communists had left the union so broke that it had to borrow money to pay its electric bill. But in recent years the hundreds of millions of dollars in its welfare and pension funds enabled it to make loans to the Rockefellers for civic betterment projects in Puerto Rico.

The prestige that accrued to his union caused other labor leaders to turn to him for guidance in creating a better image.

One such was James C. Petrillo, the salty leader of the American Federation of Musicians, in a period when his union was under widespread attack for insisting on the employment of standby musicians. A delegation sent by Mr. Petrillo learned that Mr. Dubinsky had no high-pressure publicity organization, but merely an editor for its internal publications. When the group asked the ILGWU head for his "secret," he told them: "Live right."

He practiced his own maxim in a thousand ways. Here is one he never let the public know about: In 1950, when the union was celebrating its golden anniversary, the executive board voted to authorize a $5,000 increase in Mr. Dubinsky's salary of $17,500. When he refused to take the money, the board insisted that the union buy him a summer home as a retreat from his arduous duties.

THEN A MODEST HOUSE

Over a 7-year period union representatives sought to interest him in one luxurious home or another, and he turned them all down as too lavish. Finally, in 1957, he was entranced by a modest house on Tiana Bay in the Hamptons. The union bought it for $17,500 and put $7,500 more into remodeling it. But just as the Dubinskys were about to move in, the newspapers carried stories about the $160,000 home in Seattle that Dave Beck had acquired with funds of the International Brotherhood of Teamsters.

In great embarrassment the ILGWU chief informed the board that he could not accept the Long Island house, but the board unanimously rejected his declination. The impasse ended only when one vice president said: "If this will make Dubinsky unhappy, we must respect his wishes." Mr. Dubinsky then arranged to buy the house himself by paying the union the $25,000 in five annual installments.

He referred to the incident obliquely yesterday when general objection arose to his retirement. Without mentioning the house or anything else about the specific circumstances, he reminded the board that once before all the vice presidents had disagreed with a Dubinsky decision, but had decided in the end that they must respect his wishes. "I urge you now to comply with my wishes," he said simply. It was his swan song.

[From Newsweek, Mar. 28, 1966]

LABOR: HAIL AND FAREWELL

David Dubinsky's credentials for the class struggle already were impressive when he arrived in the United States as an 18-year-old immigrant in 1911: he had recently escaped from a labor camp in Siberia, where he had been sentenced as a "revolutionary conspirator" from his native Poland. Like countless other Jewish immigrants, young Dubinsky found his first job in New York City's oppressive garment industry; and a sense of injustice first aroused by czarist police was sharpened by the plight of thousands of men, women, and children laboring up to 70 hours a week (for as little as $5) in the dim light of steamy sweatshops. He quickly joined Cutter's Local 10 of the International Ladies Garment Workers Union (ILGWU), battled his way through a succession of union jobs and, starting with his first election to the office in 1932, dedicated the next 34 years of his life to the presidency of the ILGWU.

With Dubinsky's blend of dedication and dash, energy and enterprise, the ILGWU was pretty much a one-man show. "Dubinsky is our best editor, best publicity man, best architect, best ticket taker, best seat arranger, best auditor, best economist, and best dramatic actor," an admiring subordinate once said—and, for better or for worse, the stubby, tireless president was all of those.

Internally, he beat off Communist efforts to control his union in the 1930's and 1940's. From employers in a marginal, highly fragmented industry, he won a 35-hour workweek as far back as 1933. While wages in the ladies' garment industry are still comparatively low (an average of $66.91 per week, compared with a national average for the softgoods industry of $95.28), ILGWU contracts were early pattern-setters for employer-financed vacations (1937), health and welfare funds (1938), and severance pay (1950).

GROWTH

As ILGWU grew in membership (from 40,000 in 1932 to 363,000 today) and resources (from a $2 million deficit to a $571 million surplus), Dubinsky invested union funds in such projects as cooperative apartments on New York's lower East Side ($20 million), low-cost housing in Puerto Rico (with, of all people, the Rockefellers as partners) and Unity House, the ILGWU's 850-acre resort in Pennsylvania's Pocono Mountains. Politically, he was a friend of Presidents. But his impatience with the two parties led him to help form first the American Labor Party in 1936 and then in 1944, New York's Liberal Party.

But as the years passed, Dubinsky's advancing age and around-the-clock devotion to his job frayed his temper and, perhaps, dimmed his vision. At an ILGWU banquet last year, he devoted his considerable forensic talents to an insulting harangue of a fellow officer for botching some minor dinner arrangements. To keep restive garment makers within the ILGWU's New York power base, he undercut labor's efforts to raise the State's minimum wage.

One day last week, Dave Dubinsky, now 74, called a meeting of the ILGWU's general executive board to order at New York's Americana Hotel. Then, with his keen sense of the dramatic, he allowed discussion to ramble along on the need for raising money for next fall's political campaign, before suddenly asking to speak.

FREEDOM

"In an organization or in human life, nothing is permanent or forever," he said quietly, his eyes brimming with tears. "I don't want to die in my boots. I want to be free." What he meant was that he was retiring.

Dubinsky's stunned colleagues tried to persuade him to reconsider, but he refused (the next day Secretary-Treasurer Louis Stulberg, 64, was elected to succeed him). And as the old revolutionary headed for a well-earned rest, his friend AFL–CIO President George Meany offered a grateful labor movement's valedictory. "No one, I suppose will ever completely tabulate all the good that David Dubinsky achieved in his lifetime," Meany said, "and he would be the first to say that no one should try. For it was the deed that always counted with him, not the plaudits."

[From the New Republic, Apr. 2, 1966]

D.D.

Any of many adjectives described, partially, David Dubinsky, who retires in June as president of the International Ladies' Garment Workers' Union: "dynamic," "ebullient," "puckish," "prophetic," "cunning." At the union's convention in Miami last May, when some journalists were speculating that Dubinsky, then 73, might step down, a speaker

mocked them by noting that the chief rose earlier than the writers and worked later. "Why should he retire?" he asked. There were two major considerations. Dubinsky had taken over the presidency of the ILGWU during the great depression, when it was thinned in membership, disrupted by Communist factionalism, and virtually penniless. He was told he would be the union's undertaker. The new president walked up to his fourth-floor office, because the elevator wasn't running; the union couldn't pay its electricity bill. The next two decades, Dubinsky goaded and flailed the ILGWU to a position of affluence and extraordinary prestige. He leaves it with about $97 million in its general fund and $400 million held in trust for welfare and retirement benefits.

"We are known as Dubinsky's union," one of his vice presidents commented recently, "not because we belong to him, but because he has given so much of himself to us." Tough minded even about himself, D.D. recognized that the presidency of the ILGWU would have to be passed on to another man fairly soon—a year more or less doesn't matter—and he wanted the transition to be orderly.

Dubinsky's reasons for retiring are, however, less significant than the fact that his departure marks the closing of an era. In the thirties, when he first emerged as a national figure, some of his associates thought he ought to improve his English, which had, and *still has*, a distinctly Yiddish flavor. Dubinsky himself never saw the new: "I am a Jewish worker, and I am proud of it." He wanted to be accepted as he was, a product of the Jewish-Socialist tradition under whose influence he had come as an idealistic youngster in Czarist Russia, and of New York's old East Side when it was the world's foremost Jewish ghetto and a fermenting vat for radical philosophies, alien cultures and impassioned individualists. Younger staff members of the union were known to make wry comments when Dubinsky recalled, as he did periodically, his imprisonment in a czarist jail as a boy of 16 for union activity. That past has remained as vivid for him, and as relevant, as his frequent visits to the White House over 30 years.

Though he left the Socialist Party in 1936 to support Roosevelt—"It was not an easy matter for me," he said at the time—he continued to be animated by its social idealism. In this respect, he is perhaps closer to Norman Thomas than he is to George Meany. More successfully than anyone else, he has carried the dreams of the old East Side, and a consciousness of its pain, into the main currents of American labor and American society. The dreams were pruned back, sometimes savagely, but Dubinsky would argue that the important thing is to make a beginning.

One of his closest aids describes the ILGWU under Dubinsky as a "cross between a theological seminary, a school in accountancy, and a Marine boot camp with classes conducted in Biblical quotes in Hebrew, peasant witticisms in Russian, folk wisdom in Yiddish, rule-of-thumb in shop talk, fiscal responsibility in cold figures, and backbone in Mosaic anger."

Throughout, Dubinsky has been a "principal" acting from the center of his own beliefs. In 1926, long before other democratic organizations fully understood what wreckage Communist infiltration could produce, Dubinsky did battle to keep the union from Communist control. In 1934, he led an ILGWU convention out of a Chicago hotel because it had mistreated Negro delegates. He helped to establish the CIO because he believed that industrial unions offered the only hope of organizing the mass production industries; but he later led the ILGWU back into the AFL and helped engineer the reunification of the labor movement, because he thought that this was essential for labor's progress.

Once, when John L. Lewis described himself as a "lone labor man," Dubinsky replied, "We are both in the same boat." It was widely assumed last fall that he would not risk offending President Johnson, with whom he has been especially close, by putting his union and the Liberal Party, in which the ILGWU is a major influence, behind the mayoralty candidacy of John Lindsay, a Republican. Those who made that assumption did not understand Dubinsky. His regard for Roosevelt came close to reverence, but in one instance, when he thought that F.D.R. was behaving badly, he refused to accept a call from him.

Mr. Dubinsky is still the honorary president of the union; his presence will no doubt be felt in its inner councils. He remains a member of the AFL–CIO's executive committee, and, next to Mr. Meany, perhaps its most powerful member. He is first vice chairman of the Liberal Party, to which he may now give more of his time. Louis Stulberg, an able man who steps into the ILGWU presidency, remarked that his predecessor's shoes will be "almost impossible" to fill. Not "almost"; there will have to be a different pair of shoes.—The EDITORS.

TENTH ANNIVERSARY OF THE COLORADO RIVER STORAGE PROJECT

Mr. BENNETT. Mr. President, as one of the sponsors in the 84th Congress of the Colorado River storage project, it gives me a great deal of pleasure to note that its 10th anniversary will shortly be observed.

On a spring day, April 11, 1956, President Eisenhower signed Public Law 485, of the 84th Congress, to provide for the development of the water resources of the Upper Colorado River Basin, an area which has been described as the "last waterhole" of the West.

During the past 10 years men and equipment have been at work, changing the face of the West and reshaping its destiny. The project was the result of years of research and engineering, geological studies and congressional attention. It has made possible a dream that has persisted for decades—the taming of one of the longest, wildest and most savage rivers in the Nation, the Colorado River.

The Upper Colorado River Basin, covering parts of Utah, Wyoming, Colorado, New Mexico, and Arizona, is an area of approximately 110,000 square miles between the high crests of the Rocky Mountains in Colorado and Wyoming, and the Wasatch Mountain spur in Utah. The southern portion drains a part of New Mexico and Arizona through the San Juan River.

The flow of the Colorado River is extremely erratic, varying from 4 million to 22 million acre-feet annually at Lee Ferry. There is a tendency for the high years and the low years to be grouped, thus accentuating problems of river regulation and use. Large storage reservoirs were needed to be filled when flows are high and the deep canyons of the Colorado River and its principal tributaries in the upper basin afforded ideal locations for these reservoirs. The Colorado River storage project was planned to conserve the very limited precipitation which falls principally in the form of snow in the high mountains and to utilize it for municipal, industrial and agricultural growth.

LARGEST RECLAMATION PROJECT

The sum of $760 million, the largest expenditure ever authorized for a reclamation development at one time, was authorized to carry out the purposes of the Upper Colorado River Basin Act.

It authorized construction of 4 large main-stream dams and 11 irrigation units, known as participating projects. The project was a basinwide undertaking and the various units were designed to complement one another.

Today we see our dream becoming reality. The major storage and power features are completed or nearing completion. Many of the participating projects have been finished or are well advanced in the planning and construction phase.

CONSTRUCTION COSTS WILL BE REPAID

As we pause and reflect on the progress of the Colorado River storage project on this 10th anniversary, we find that it is indeed a multipurpose development, regulating the river, creating power, preventing floods, and making water available for use on land and in cities.

Although the project was financed initially by the Federal Government, approximately 99 percent of the total costs will be repaid by people who use the water and power and two-thirds will be repaid to the Federal Treasury with full interest.

The marketing of Colorado River storage project power moved ahead firmly and rapidly in 1965 with the installation of generating capacity, completion of transmission line facilities, and willing customers—particularly with a good water year which brought reservoir levels up. Sales of Colorado River storage project power increased substantially over the past year with revenues reaching an accumulated total of more than $10 million, up $7,500,000 since the end of 1964. By 1970–71, sales of firm power will exceed 650 million watts under the contracts in force at the close of 1965. Thus, progress in Colorado River storage project power marketing and revenue buildup is very satisfactory and well within the project repayment schedule for the buildup phase while Lake Powell is filling.

DEMANDS FOR WATER AND POWER ARE GROWING

The industrial demands for water from CRSP are growing and seem certain to be of major consequence in the future. The Upper Colorado River Basin has long been known as the "Treasure Chest" of the Nation because of its vast deposits of the world's most valuable and necessary minerals. It contains 90 percent of the known uranium deposits in the United States and a third of the Nation's copper. Lead, zinc, phosphates, gold, silver, oil, natural gas, gilsonite, gypsum, tungsten, molybdenum, and vanadium are among the more than 200 different minerals that are found in this area. It has long been felt that the project would be the key to unlock this treasure chest and we are now finding concrete expression in the form of requests for purchase of stored CRSP water. The State of Utah has granted

the Resources Co. a right for temporary use of 102,000 acre-feet from Lake Powell for a large thermal powerplant to use nearby coal deposits beneath the Kaiparowits Plateau. The Bureau of Reclamation is now discussing specific contract terms for supply of the water.

Few eras in history have seen such startling changes in population, science, living conditions and industrial growth as the one in which we live. The Colorado River Storage Project with its contribution of such essential items as water and power will be an integral part of the dynamic progress that lies ahead for the United States.

TRIBUTE TO ALL WHO MADE PROJECT POSSIBLE

In this 10th anniversary year, I want to pay my respects to the many dedicated persons whose diligent efforts brought the mighty Upper Colorado River project to successful fruition. Special tribute should be paid to Utah's distinguished former Gov. George Dewey Clyde, a highly skilled engineer whose water planning ability contributed greatly to the design of the Upper Colorado Basin system. Likewise, gratitude should be expressed to my colleagues from Utah who served with me in the 84th Congress and who labored so hard to obtain passage of the authorization and appropriation bills for the Colorado River storage project: Former Senator Arthur V. Watkins, and former Congressmen William A. Dawson, and Henry Aldous Dixon.

Time will not permit me to single out for thanks all of the Members of the Senate and House who voted for the Upper Colorado River project, and especially those who were members of the Interior and Insular Affairs and Appropriations Committees, but I will long remember the support and help which they gave in getting this project authorized and funded. Over the years, I have relied very heavily on advice and assistance received from water and power experts from my own State and I especially want to pay tribute to Wayne Criddle, Jay Bingham, Ival Goslin, and William Palmer.

There are many other individuals and organizations which I could single out for praise, but suffice it to say that my gratitude is boundless. In the generations ahead the mighty dams and reservoirs now sprinkled up and down the Colorado River and its tributaries will amply testify to the foresightedness of these men and the contribution which they have made in making "the desert blossom as a rose."

Mr. President, I ask unanimous consent to insert at this point in the RECORD a status report on the project units of the Colorado River storage project which are located in Utah.

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

PROGRESS REPORT ON UPPER COLORADO RIVER PROJECTS LOCATED IN UTAH

GLEN CANYON STORAGE UNIT

Glen Canyon Dam and Reservoir comprises the key storage unit and is the largest of the initial four, providing about 80 percent of both the storage and generating capacity. Glen Canyon Dam rises 710 feet above bedrock and is the second highest dam in the United States. It is the only one of the authorized dams on the Colorado River proper and is located in northern Arizona, about 13 miles downstream from the Utah-Arizona State line and 16 miles upstream from Lee Ferry, the dividing point between the Lower and Upper Basins. The reservoir will have a capacity of 27 million acre-feet and will extend 186 miles upstream on the Colorado River and 71 miles up the San Juan River. The completion contractor has recently finished installation of generating unit No. 8, the last of the eight units in the Glen Canyon powerplant. Unit 8 has gone on the line and the Glen Canyon powerplant has reached its total installed capacity of 900,000 kilowatts. The first unit in the Glen Canyon powerplant went into operation September 4, 1964. This is one of the fastest completions of a large powerplant in all of reclamation history. The left and final diversion tunnel plug is well along and will be finished by this summer. The prime contract for general construction of Glen Canyon Dam was completed in October 1964, and in January 1965 the Bureau of Reclamation announced that it had made the final payment to Merrit-Chapman & Scott Corp. for a total of over $134,590,000—the Bureau's largest contract of record.

Construction of a permanent center for visitors on the right abutment of the dam—a joint undertaking of the Bureau of Reclamation and the National Park Service—was started during the summer of 1965 and is scheduled for completion in 1967.

Since the storage of water began in Lake Powell recreation use and the development of facilities have progressed rapidly. Most of the development to date has taken place at Wahweap and Lees Ferry in Arizona. Three of the seven sites scheduled for development on Utah—Halls Crossing, Bullfrog and Hite—now have boat ramps and concession facilities. A new floating marina at Rainbow Bridge offers attractive facilities for boaters. You will remember that one of the claims of the opponents of the project was that it would "wreck the Rainbow Bridge." Instead, thanks to the man-made lake—with 1,800 miles of shoreline—one can now go by boat to within 2 miles of Rainbow Bridge National Monument, which in 1965 had more visitors than in all the years it had been under the National Park Service.

FLAMING GORGE STORAGE UNIT

First of the big storage projects was the production of the first CRSP power in 1963 after the late President Kennedy activated the first generator at Flaming Gorge Dam. Commercial power has been produced there since November 11, 1963. The Flaming Gorge storage unit has two principal functions—development of water resources in the upper basin by providing long-term storage regulation of the flow of the Green River, and generation of electrical energy.

During the past year, recreation facilities on Flaming Gorge Lake were unable to accommodate the influx of visitors to that area on the major holidays. The actual number of visitors to September of 1965 was 2½ times the number forecast when planning for the area was started in 1957. The visitor center at Flaming Gorge Dam was placed in operation this year as a joint venture by the Bureau of Reclamation, National Park Service, and the U.S. Forest Service—a pioneer effort in interagency operation of a major visitor center—has been highly successful. Development of recreation facilities has been mainly at the four major recreation areas: Lucerne Valley, Antelope Flats, Dutch John Draw, and Cedar Springs, where boat ramps, picnic and campground areas, concession facilities, etc., are available for public use. Boat ramps have been constructed at four other sites at convenient intervals on the central and upper portions of the lake.

PARTICIPATING PROJECTS

Of the 16 participating projects now authorized, 2 are in Utah.

The Emery County project is nearing completion. Water is being stored in Joes Valley Reservoir, and deliveries will begin on a testing basis in the coming 1966 irrigation season. This project will provide supplemental water for 18,004 acres of land and full supply for 771 acres in Emery County in east-central Utah. Recreation facilities will be provided at the project storage sites. The other project features under construction and progressing satisfactorily are the Cottonwood Creek-Huntington Canal and Swasey Diversion Dam, the Huntington North Dam and Reservoir, and the Huntington north service canal and Huntington north reservoir feeder canal.

CENTRAL UTAH PROJECT

Construction is expected to begin soon on the huge $324 million Bonneville unit of the central Utah project with the award of the construction contract for Starvation Dam. Negotiation of the repayment contract for the Bonneville unit was completed last fall, and on December 14 the voters of the seven-county Central Utah Water Conservancy District, representing 60 percent of Utah's population, ratified the contract by a 13-to-1 margin. The court has approved the contract and the $3.5 million construction funds appropriated by the last Congress may now be used to initiate construction of Starvation Dam.

The central Utah project (initial phase) will provide water for irrigation, municipal and industrial use, and power generation. Benefits will also be realized in the fields of outdoor recreation, fish and wildlife conservation, flood control and area redevelopment. The initial phase consists of the Bonneville unit, which involves diversion of water from the Uinta Basin to the Bonneville Basin and associated developments in both basins, and the Vernal, Upalco, and Jensen units, which provide for local development in the Uinta Basin.

Under the Bonneville unit the potential Strawberry aqueduct will intercept flows of Uinta Mountain streams as far east as Rock Creek and convey the water to the enlarged Strawberry Reservoir. The stored water will be released through the Wasatch Mountains to the central Utah area. Through various exchanges and by the construction of new facilities, the water will be made available to an area extending from Salt Lake City, about 75 miles south to the city of Nephi. Starvation Reservoir on Strawberry River with a feeder canal from Duchesne River will develop water for use in the Uinta Basin.

The Vernal unit construction is now completed. It includes the Steinaker Reservoir, with a capacity of 38,200 acre-feet, the Fort Thornburg diversion dam, Steinaker feeder canal, and Steinaker service canal.

Plan formulation studies and foundation explorations are in progress on the Upalco unit, which would develop supplemental irrigation water for about 42,500 acres of presently irrigated lands in the Uinta Basin. The definite plan report is scheduled for completion in fiscal year 1967.

Plan formulation studies are in process for the Jensen unit of the central Utah project to ascertain possibility of developing not only irrigation supplies for some 4,000 acres, but also municipal and industrial water particularly for the processing of the vast phosphate deposits on the Upper Brush Creek and for use in the Vernal, Utah, area. The definite plan report for the Jensen unit is targeted for completion in fiscal year 1968.

Feasibility investigations consisting of land classification studies, drainage investigations, and plan formulation studies are continuing on the central Utah project (ultimate phase), Uintah unit. Completion of a feasibility report is scheduled for fiscal year 1967.

Preliminary cost estimates, water supply studies, and power production studies are well advanced on the Gray Canyon storage unit located on the Green River in east-central Utah. A reconnaissance report is scheduled for completion in fiscal year 1966.

The Bureau of Reclamation is giving early and tentative consideration to the Ute Indian unit of the central Utah project. Under the ultimate phase of the central Utah project this unit would bring water from the Flaming Gorge Reservoir by a tunnel of about 29 miles south into the Uinta Basin. The Ute Indian unit would serve the lands which the Ute Indian Tribe agreed to defer from development under the Bonneville unit. Some 365,000 acre-feet of municipal and industrial water would be developed both for the Uinta Basin and also for transport and delivery westward along the Wasatch front area of Utah.

THE NEED TO ASSIST ADULT EDUCATION

Mr. HARTKE. Mr. President, this morning the Subcommittee on Education of the Committee on Labor and Public Welfare began its hearings on four bills dealing with education, including the administration's elementary and secondary education bill, S. 3046.

One of the others under consideration is the Adult Education Act of 1966, which I introduced on March 2 and which has 17 cosponsors. This adult education bill will be the particular topic of the hearing on Tuesday next.

ADULT UNDEREDUCATION

How would the people of this country and their legislators react if they were told that a dangerous disease was mowing down not hundreds, not thousands—but millions of the adult population—and that this disease was hereditary? This is not a farfetched hypothesis. The facts show that there is such a disease. Its name is adult undereducation.

The effects of ignorance are just as dangerous as those of physical disease—against which we spend billions on research and set up elaborate quarantine systems. The symptoms of ignorance are harder to detect, but its effects are no less malicious—and may even be lethal.

In this complex and ever changing country, anyone with less than a high school education is undereducated. Yet we know also that, according to the 1960 census, there were 55 million Americans over 25 years of age who had dropped out of school before earning their high school diplomas. To use the example of one State—and to reduce the age to a more meaningful level—this means that in New York State 6½ million people over the age of 18 on April 1, 1960, did not have a high school diploma. This is twice the number of students presently enrolled in the kindergarten through 12th year program of the regular schools in New York State.

We need, therefore, to help the States meet this great need. According to Robert A. Luke, executive secretary of the National Association for Public School Adult Education:

> Millions of Americans who dropped out of high school, who now wish to return, and who are over the compulsory school age, cannot do so. In most local school districts of this country the opportunity simply does not exist for a dropout beyond the age of 21 to return to his school and complete his high school education.
>
> In some communities, individuals can secure high school credits from their local public school systems—if they can pay a tuition fee. In still other districts, individuals have been able to get their high school education as a result of having participated in some of the earlier GI Bill of Rights programs.

I might add that the recently enacted Cold War Veterans Readjustment Assistance Act also makes provision for educational opportunities to veterans wishing to complete a secondary school education.

> Home-study courses are available, of course, to those who can afford them. But, in the vast majority of the States of the Union, the opportunity for a high school dropout to return to a local public school to complete his secondary education at public expense does not exist. The reason for this is relatively simple. State and local financial resources for education are always in short supply. State and local school authorities usually decide, therefore, to reserve the funds at their disposal for programs for boys and girls already in school and not stretch them to include funds for those who, for whatever the reason, once dropped out but now want to return

For more than one reason, the public schools of this country are the logical source of educational programs for undereducated adults. The most important reason, perhaps, is the fact that the public schools are already providing elementary and secondary education for children and youth. This means that they have the trained personnel, the facilities, and equipment possessed by no other group. Because of these existing advantages, it has been estimated that one-half the total adult population of the Nation could be given sufficient educational opportunities by using just 3 percent of the total expenditures for schools today.

Second, the public schools are ubiquitous, close by and easily accessible to almost all citizens. And because the public schools are a recognized local educational resource, it is easy for them to work closely with other community agencies and interests in providing education for adults.

THE COST OF ADULT EDUCATION

What are the effects on a country of having an undereducated adult population?

One of the effects is financial. It is an established fact that the great majority of men and women who live on public welfare funds lack a high school education. The cost of public assistance and other welfare aid has zoomed to $5 billion a year, in an era of peak prosperity. In Cook County, Ill., for example, in 1962 the monthly welfare bill was $16,500,000. Undereducated adults are a luxury we cannot afford.

Another effect is the very real danger to any country of having a large proportion of its population ill informed on national and world affairs. When such a situation exists, voters with a narrow, parochial point of view can and do countermand even the wisest decisions made on the national level. Large numbers of citizens who, through lack of education, see the world through the limited and often distorted vision of their own prejudices, emotions, and needs, make it difficult for a country to pursue rational, thoughtful courses of action. It should go without saying that, in today's world, such a situation cannot be tolerated. It endangers the lives of all of us—the informed as well as the uninformed.

Another result of adult undereducation that affects us as a nation is the heredity aspect of the disease called ignorance. That aspect cannot be exaggerated. It has been said that if you know a child's family income and its family education level you can pretty well predict his success or failure in school. Ralph Young, director of Carver House settlement in St. Louis, Mo., said:

> An illiterate family has a hard time turning out literate children. Even if they are eager to have their children attend school, they seldom can give the child the necessary intellectual motivation. The child is too likely to say, "Why should I go to school? You didn't." Or you get a parent who feels, "I made a living without schooling. Why should you have it?"

The educational programs of the poverty program have brought this situation to public attention most strikingly.

The child of undereducated parents is usually doomed to failure in school, in competing for jobs, in making a happy adjustment to modern life. The chances are considerable that he will become a juvenile delinquent, a school dropout, one of society's parasites as his name appears again and again on unemployment lists, welfare rolls, criminal court dockets. The social problems of America's illiterates are thus self-perpetuating, unless an all-out drive is made to educate them.

In "Slums and Suburbs" the noted educator, Dr. Conant, states:

> It may be that only by a greatly increased expenditure of funds on adult education can the present blocks to children's educational progress be removed in the most depressed areas of the large cities.

Thus, enacting legislation to provide additional funds for general adult education may turn out to be the wisest possible investment we could make for our children.

These are the effects of adult undereducation on the Nation. The continuing education of adults is as vital to a society as the education of its children, and the effects are more immediately felt. Moreover, the benefits derived by the State are no less significant than those derived by the persons participating.

EFFECTS OF UNDEREDUCATION ON INDIVIDUALS

What are the effects of undereducation on the individuals themselves?

Ignorance is a disease that weakens the individual's ability to get and keep a job, to establish good relationships with other people, to function effectively as a family member, to live a full, rich life.

A recent study indicates that people who have dropped out of school have a more difficult time adjusting to work than do high school graduates. They receive fewer promotions, and see less chance for promotion than does the

graduate. They tend to marry earlier, and their marriages are less likely to be successful.

High-school dropouts have a hard time getting jobs these days. Employers are reluctant to hire, even for training, people who have not finished high school. They feel that there is no point in starting to train a person who will not finish the training. And, of course, many dropouts—even those who have advanced as far as high school without finishing the four years—lack the basic educational skills needed to take advantage of vocational training programs. Even though many people without high-school diplomas now have jobs, their number is decreasing daily as automation makes ever greater inroads into industry.

Ignorance of the simplest rules of good health and safety makes the under-educated individual singularly prone to illness and accident. Also, studies have shown that the poor suffer most cruelly from lack of consumer protection and lack of buyer know-how. The President said recently:

> These people are plagued by consumer problems unknown to the affluent majority. They are often victimized by excessive costs of credit and merchandise. They are subjected to countless fraudulent and deceptive marketing and financing practices. I consider this the most urgent challenge in the field of consumer information and education.

The ability to budget the family income, and to make household purchases wisely is just one of the skills needed for home management and happy family life.

The need for parent education is urgent, and the high rate of juvenile delinquency testifies to that need.

Human relations skills—the ability to communicate with and relate warmly to one's family, neighbors, and fellow workers—are desperately needed by America's undereducated adults. There are about 1.5 million marriages a year in this country, and 400,000 divorces. Another indication that this country is experiencing a breakdown in human relations skills: The National Association for Mental Health reports that 1 out of every 10 persons has some form of mental or emotional illness requiring psychiatric treatment.

These serious and far-reaching problems of adult undereducation cannot be solved by local communities without strong financial help from the Federal Government. This is not to say that some communities are not making a strong effort. It is merely to point out that hundreds of communities lack the funds to run a solid, well-balanced program of adult education for their undereducated citizens. And it is important that programs for this segment of the population be tuition free. These men and women, as we have seen, are likely to have small incomes—with little ability to manage the incomes they have. If going back to school—which they may not be too anxious to do anyway—means parting with money they need for food or rent—they will not go at all.

Mr. President, these are some of the serious issues facing us in the field of education, issues which deserve the highest priority as our next forward move in the educational structure of this country. My bill calls for the kind of assistance which the hard-pressed public schools need if they are going to be encouraged to expand throughout the Nation the opportunities for adult education so sorely needed.

Briefly, there are three elements in my proposal. First is the provision of an opportunity for those who have never achieved high school completion to make up for that deficit. Funds would be allotted to the States for such a use on a matching basis, using a formula based on the number of persons over 18 in each State who have not completed high school.

The second or supplementary adult education aspect would encourage the schools similarly to offer nonacademic adult education to their communities, adult education open to all and tailored to the particular needs of adults in such fields as consumer education, parent education, and the like.

The third element of the bill is provision for a relatively small amount of funds for the training of adult education leadership.

The U.S. Office of Education, at my request, has prepared tables showing the specific amounts of money which would be allocated to the States for both the expanded adult basic education program—defined to include education through the high school level—and for the supplementary adult education program.

I ask unanimous consent that these tables may appear at the close of my remarks.

I am highly pleased—and I am sure that my 17 colleagues who are co-sponsors join me in this statement—that the Subcommittee on Education is giving consideration to the bill. This is the next great educational frontier, the neglected area of our educational structure. There is a great need, and I hope that the committee and Congress will make a start toward meeting that need by favorable action on the bill.

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

Estimated distribution of legislative authorizations for adult basic education, fiscal years 1967, 1968, and 1969 [1]

	Nonhigh school graduates, 18 and over, Apr. 1, 1960 [2]	Fiscal year		
		1967	1968	1969
United States and outlying areas		$90,000,000	$125,000,000	$150,000,000
50 States and the District of Columbia	64,857,087	88,200,000	122,500,000	147,000,000
Alabama	1,325,055	1,801,960	2,502,722	3,003,266
Alaska	61,403	83,503	115,976	139,171
Arizona	416,959	567,028	787,539	945,047
Arkansas	762,698	1,037,203	1,440,560	1,728,672
California	4,794,893	6,520,637	9,056,441	10,867,729
Colorado	505,299	687,163	954,393	1,145,271
Connecticut	900,411	1,224,481	1,700,668	2,040,801
Delaware	154,784	210,493	292,351	350,821
Florida	1,832,709	2,492,325	3,461,562	4,153,875
Georgia	1,577,399	2,145,126	2,979,341	3,575,209
Hawaii	191,155	259,954	361,047	433,257
Idaho	197,072	268,001	372,223	446,668
Illinois	3,766,383	5,121,953	7,113,824	8,536,589
Indiana	1,640,949	2,231,548	3,099,372	3,719,247
Iowa	891,573	1,212,462	1,683,975	2,020,770
Kansas	686,809	934,001	1,297,223	1,556,668
Kentucky	1,317,446	1,791,612	2,488,350	2,986,020
Louisiana	1,262,356	1,716,694	2,384,298	2,861,157
Maine	341,449	464,341	644,918	773,902
Maryland	1,131,672	1,538,976	2,137,466	2,564,959
Massachusetts	1,731,427	2,354,590	3,270,264	3,924,317
Michigan	2,735,552	3,720,112	5,166,823	6,200,188
Minnesota	1,111,766	1,511,905	2,099,868	2,519,842
Mississippi	864,914	$1,176,208	$1,633,622	$1,960,346
Missouri	1,714,704	2,331,848	3,238,678	3,886,414
Montana	206,389	280,671	389,821	467,785
Nebraska	445,722	606,143	841,866	1,010,239
Nevada	85,034	115,639	160,610	192,731
New Hampshire	215,192	292,642	406,448	487,737
New Jersey	2,307,982	3,138,655	4,359,243	5,231,091
New Mexico	287,583	391,088	543,178	651,813
New York	6,473,173	8,802,952	12,226,323	14,671,588
North Carolina	1,799,825	2,447,606	3,399,452	4,079,343
North Dakota	216,471	294,382	408,864	490,636
Ohio	3,437,438	4,674,616	6,492,523	7,791,028
Oklahoma	849,871	1,155,751	1,605,209	1,926,251
Oregon	559,145	760,389	1,056,095	1,267,314
Pennsylvania	4,403,159	5,987,913	8,316,546	9,979,856
Rhode Island	355,118	482,930	670,736	804,883
South Carolina	930,736	1,265,720	1,757,945	2,109,533
South Dakota	227,880	309,897	430,412	516,495
Tennessee	1,499,696	2,039,456	2,832,578	3,399,094
Texas	3,454,448	4,697,748	6,524,651	7,829,582
Utah	211,452	287,556	399,384	479,261
Vermont	133,945	182,154	252,991	303,589
Virginia	1,491,074	2,027,731	2,816,293	3,379,552
Washington	846,320	1,150,922	1,598,502	1,918,203
West Virginia	769,935	1,047,045	1,454,229	1,745,074
Wisconsin	1,368,150	1,860,565	2,584,118	3,100,942
Wyoming	94,406	128,384	178,311	213,973
District of Columbia	270,106	367,321	510,168	612,201
Outlying areas		1,800,000	2,500,000	3,000,000

[1] Estimated distribution of legislative authorizations for adult basic education with 2 percent reserved for the outlying areas and the balance distributed on the basis of the population age 18 and over without a high school certificate of graduation, Apr. 1, 1960.

[2] U.S. Department of Commerce, Bureau of the Census, 1960 Census of the Population, vol. 1, "Characteristics of the Population," tables 101, 102, and 103; U.S. Summary, tables 168, 172, and 173.

Estimated distribution of legislative authorizations for supplemental adult education, fiscal years 1967, 1968, and 1969 [1]

	Estimated population, July 1, 1963 [2] (thousands)	Fiscal year		
		1967	1968	1969
United States and outlying areas		$35,000,000	$50,000,000	$75,000,000
50 States and the District of Columbia	119,889	34,300,000	49,000,000	73,500,000
Alabama	2,052	587,073	838,676	1,258,014
Alaska	142	40,626	58,037	87,056
Arizona	905	258,919	369,884	554,826
Arkansas	1,195	341,887	488,410	732,615
California	11,297	3,232,049	4,617,213	6,925,818
Colorado	1,194	341,601	488,001	732,002
Connecticut	1,774	507,538	725,054	1,087,581
Delaware	298	85,257	121,796	182,694
Florida	3,618	1,035,102	1,478,718	2,218,077
Georgia	2,579	737,847	1,054,067	1,581,100
Hawaii	413	118,158	168,798	253,197
Idaho	414	118,445	169,207	253,810
Illinois	6,715	1,921,148	2,744,497	4,116,74
Indiana	2,998	857,722	1,225,317	1,837,975
Iowa	1,751	500,958	715,654	1,073,480
Kansas	1,416	405,115	578,735	868,103
Kentucky	1,950	557,891	796,987	1,195,481
Louisiana	2,021	578,204	826,006	1,239,009
Maine	625	178,811	255,445	383,167
Maryland	2,095	599,375	856,250	1,284,376
Massachusetts	3,485	997,051	1,424,359	2,136,539
Michigan	4,937	1,412,466	2,017,808	3,026,712
Minnesota	2,150	615,111	878,729	1,318,094
Mississippi	1,342	$383,943	$548,491	$822,736
Missouri	2,863	819,098	1,170,141	1,755,211
Montana	427	122,164	174,520	261,780
Nebraska	934	267,216	381,736	572,605
Nevada	248	70,952	101,360	152,041
New Hampshire	416	119,017	170,024	255,036
New Jersey	4,326	1,237,660	1,768,085	2,652,128
New Mexico	551	157,640	225,200	337,800
New York	11,884	3,399,988	4,857,126	7,285,689
North Carolina	2,946	842,845	1,204,064	1,806,096
North Dakota	389	111,292	158,989	238,483
Ohio	6,290	1,799,556	2,570,795	3,856,191
Oklahoma	1,586	453,751	648,216	972,324
Oregon	1,191	340,743	486,775	730,163
Pennsylvania	7,513	2,149,454	3,070,649	4,605,973
Rhode Island	591	169,084	241,548	362,323
South Carolina	1,476	422,281	603,258	904,887
South Dakota	431	123,308	176,155	264,232
Tennessee	2,371	678,338	969,055	1,453,582
Texas	6,285	1,798,126	2,568,751	3,853,127
Utah	553	158,212	226,017	339,026
Vermont	255	72,955	104,221	156,332
Virginia	2,690	769,604	1,099,434	1,649,150
Washington	1,880	537,864	768,377	1,152,566
West Virginia	1,141	326,438	466,340	699,510
Wisconsin	2,535	725,258	1,036,083	1,554,125
Wyoming	207	59,222	84,603	126,905
District of Columbia	544	155,637	222,339	333,508
Outlying areas		700,000	1,000,000	1,500,000

[1] Estimated distribution of legislative authorizations for supplemental adult education with 2 percent reserved for the outlying areas and the balance distributed on the basis of the estimated resident population 18 and over, July 1, 1963.

[2] U.S. Department of Commerce, Bureau of the Census, "Population Estimates," Series P-25, No. 294, Nov. 5, 1964, table 1, p. 6.

FAA FLIGHT SPECIALISTS RECEIVE AWARDS

Mr. BYRD of West Virginia. Mr. President, I was present in the office of Representative HARLEY O. STAGGERS, of West Virginia, on the occasion of the award of Federal Aviation Agency honors to Mr. Charles Derry and Mr. Dominick Bellotte for assistance rendered to a West Virginia businessman, Mr. George Fallon, of Westover, in landing safely in a snowstorm in January.

These two employees of the FAA were presented the awards by Gen. William McKee of that Agency, and Congressman STAGGERS' remarks during the March 30 presentation ceremony emphasized the respect for their competence displayed by his presence to bestow the honors. The incident was described, along with a report of the presentation ceremony, in the March 31 edition of the Dominion-News, Morgantown, W. Va.

I ask unanimous consent that this newspaper article be printed in the RECORD at this point. I also ask unanimous consent that the remarks by Congressman STAGGERS during the March 30 ceremony be printed in the RECORD at this point.

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

[From the Dominion-News, Mar. 31, 1966]

DERRY, BELLOTTE RECEIVE FAA AWARDS IN WASHINGTON—THIRD HIGHEST TO CIVILIANS

WASHINGTON.—Two flight service specialists stationed at the Federal Aviation Agency's Morgantown bureau received FAA certificates of achievement in ceremonies here Wednesday.

They were Charles Derry and Dominick Bellotte, credited with helping guide Morgantown pilot George Fallon of Suncrest to a safe landing after he became lost in inclement weather in January.

The certificates—the third highest national honor the FAA bestows on its employees—were presented by Gen. William McKee of the FAA headquarters here.

Presentation of the awards was made in Congressman HARLEY O. STAGGERS' office in the new Sam Rayburn House Office Building.

Mr. Fallon, a Westover businessman, accompanied the two flight specialists to Washington for the ccremonies.

Presentation of the awards to the two men came in recognition of their assistance to Mr. Fallon when he became lost on a flight during a snowstorm in early January.

Heading for Morgantown from a visit in Virginia, Mr. Fallon radioed the Morgantown Airport FAA station for assistance when he realized he was off course.

Further communication between the pilot and the FAA station was difficult because the aircraft's radio developed a malfunction.

Mr. Derry and Mr. Bellotte received cooperation from airport officials in Clarksburg and Elkins in pinpointing Mr. Fallon's position over rugged terrain in Tucker County by tracing the airplane's radio signals.

They ruled "talking" the partially disabled craft into Morgantown because of fast approaching darkness and a low cloud cover.

Parsons has no established landing strip, but State police and sheriff's deputies there followed the flight specialists' instructions in improvising one near the Tucker County community.

Several dozen citizens volunteered to line up their autos with headlights burning beside the landing area to guide the pilot down for a night landing.

Following advice from Mr. Derry and Mr. Bellotte, the pilot brought his light aircraft to a safe landing despite being low on fuel. He later flew the craft to Morgantown.

The two flight specialists had praise Wednesday for the cooperation they received from authorities in the Parsons area in bringing the "lost" aircraft to the ground. They also had compliments for Mr. Fallon's calmness during the experience.

REMARKS BY REPRESENTATIVE HARLEY O. STAGGERS UPON THE OCCASION OF PRESENTATION OF FLIGHT SPECIALIST AWARDS, MARCH 30, 1966

On the sad day when Gov. Adlai Stevenson collapsed on the streets of London and died, he left a book lying on his bedroom table. The book was open at a page filled with sage comments whose age is undetermined. One part of the message reads: "The world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals, and everywhere life is full of courage."

That the world is full of courage is attested by this recognition meeting here today. And the meeting would not be going on here if there were lacking men of ideals. Too many acts of courage in this world go unnoticed because there is no one present to report them. And too many acts go unrewarded because there is no one who cares enough. Fortunately in this case there was a man who noticed and who was quick to see in the performance the heroism and ingenuity of the men who are the principal actors in the drama. Bill Hart is—or must I say was—a newspaperman who has always been alert for the best that is found in human life. Not his to dig in the garbage of society and expose its rottenness to sight and smell. On the contrary, it has been his chosen role in his profession to accent the positive, to envision the constructive, to use his news medium to assemble the men and the materials which would accomplish a desirable result. It may be impossible to determine just how much Bill Hart has added to his city and State. The influence of one man here and there may be the decisive factor, and the lack of that man might mean the failure of a constructive proposal. Certainly the construction and the expansion of the Morgantown airport, which serves as a setting for the exploit we honor here today, was urged and promoted by Bill Hart.

So it excites no wonder to find that Bill Hart was in the critical place at the critical time to observe a feat which might otherwise have gone unnoticed. For certainly the prin-

cipal actors are too modest to boast of it. To them at the time, it seemed routine—a somewhat more perplexing and complicated situation, perhaps, but quite in the line of duty, or nearly so.

Anyway, it was an opportunity to justify their existence as qualified specialists and to perform a service which would do honor to the whole tribe of men who have taken up the wings of the morning and flown to the uttermost parts of the earth. So their deed did not seem merely routine to Bill Hart, who recorded it and publicized it. Nor did it seem a simple performance of duty to Gen. William F. McKee, FAA Administrator, nor to Mr. Stimpson and Mr. Hicks, officials of the FAA and of the airlines serving Morgantown. For all of them have taken time off from their duties, which are important and which are always pressing, to come here for a few minutes to pay their tributes to men who have brought credit and honor to every individual who has attached himself to the new and fascinating, if always demanding and dangerous, industry of air travel. We recognize the real nobility of soul that actuates all these men. The tenets of our democracy have been engraved in their lives. Though they have achieved high position in the world of business, they have been taught to honor and respect competence and adherence to duty wherever they find it. They are the kind of people for whom Adlai Stevenson must have been thankful when he read: "Many persons strive for high ideals."

Also, I must thank my colleagues, Senator RANDOLPH and Senator BYRD, for laying aside their particular perplexities for the hour, and coming here to meet with us in recognition of this occasion. They are loyal and devoted West Virginians whose interest in man has never been questioned, and they too are fiercely proud of the good deeds wrought by their countrymen.

And to this list it is desirable to add the news media, the newspaper men, the radio and TV men, who are making this occasion a memorable one for all of us.

The feat for which we honor Dominick Bellotte and Charles Derry today has been described in detail, but is well worthy of repetition: Mr. Bellotte and Mr. Derry took their posts as flight specialists in the Morgantown Airport.

The January night was full of wind and low-hanging clouds and swirling snow. The night was also full of airplanes lost in the gloom and the storm, seeking safe havens. There was swift demand for the services of the flight specialists to determine positions and direct courses. One plane in distress was an ambulance carrying a desperately ill man from Florida to Pittsburgh, George Fallon, the pilot, will not forget that flight, whether we had brought it to this day of notice or not. He was lost, but knew he was in dangerous mountain terrain. His gasoline supply was low; his radio was working only spasmodically. He wanted help. While one of the flight specialists tried to take care of the other planes asking for help, the other specialist began to hunt for ways of helping Fallon. First he determined Fallon's position. Then he speeded a rescue plane to guide him. The rescue plane could not locate the stricken plane in the storm. But the flight specialist (this was Bellotte if you wish to name him) alerted the police of a small town. Forgive me for calling it a small town. It is small only in number of residents, not in bigness of heart. The police cleared both the main street and an abandoned air strip for a forced landing. Both were lighted by flares and automobiles. In response to questions, Fallon said he could see the lights. The plane came down and precious lives were saved.

DEBATE OF PUBLIC POLICY

Mr. DODD. Mr. President, it is well to remember, particularly during this year when the Senate has been engaged in a historic debate on our policy in Vietnam, that our country was founded on reason and principle.

Dissent to our foreign policy is in itself a manifestation of our strength, the democratic process. To follow blindly is not reason and to subjugate objection for convenience is not principle.

At an engagement in Atlantic City, N.J., Dr. John W. McDevitt, Supreme Knight of the Knights of Columbus, gave a talk relevant to the problems troubling many of us today.

In this moving address Dr. McDevitt encouraged reasoned debate of public policy. But at the same time he warned of the danger of permitting the sensational stunts of a few to frustrate the general interests of the broad community.

He suggested that a spirit of patriotism should replace dissent as the end result of reasoned debate and formulation of policy.

Believing that my colleagues will be interested in Dr. McDevitt's remarks, I ask unanimous consent to have this address printed in the RECORD.

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

ADDRESS OF DR. JOHN W. MCDEVITT

It is a distinct pleasure for me to join in the happy festivities of the exemplification of the fourth degree of the second and fourth New Jersey districts of the St. Isaac Jogues Province.

But it is more than a pleasure. It is a great opportunity for both you and me to examine anew the great ideal of patriotism to which the fourth degree of the Knights of Columbus is especially dedicated—an ideal, I must add sorrowfully, which is neither understood nor appreciated by some vocal elements in American society.

Patriotism is defined simply in Webster's dictionary as "love of country" and "devotion to the welfare of one's country." But patriotism must have a sound religious and spiritual basis if it is to withstand the pounding currents of selfishness and misguided idealism and the eddies of popular fancies.

As fourth degree members of the Knights of Columbus, deeply committed to Christian values, we love our country because we love our God. We have respect for properly constituted authority here on earth because we have an unfailing belief in a supreme authority above. We have respect for proper law and order on earth because we strive to adhere to the law and order of the Supreme Lawgiver above.

We are willing to work, fight, suffer, and die for our American community when this Nation's vital interests are threatened because we try to imitate the noble example of the God-Man who came down from Heaven and shed His last drop of blood for each and every member of mankind.

The history of the Knights of Columbus is replete with examples of dedicated service to our country. In World War I the Knights achieved an unparalleled reputation with their huts near the front lines dispensing aid and comfort to the American doughboys.

In World War II the Knights joined with other organizations in forming the USO which provided a "home away from home" for the millions of GI's who fanned over every continent before the fighting was over. In addition there was a record of unstinting work by the Knights of Columbus for war bonds and other patriotic undertakings.

In this connection I might note that there is a huge plaque at the supreme headquarters of our order in New Haven signed by the U.S. Secretary of the Treasury commending the selfless patriotism of our society.

But our history abounds also in examples of individual heroic service to our country.

The first member of the American Expeditionary Force to give his life for our country during World War I was Lt. William T. Fitzsimmons, of the Kansas City, Mo., Council of the Knights of Columbus.

The first American fighter pilot to bring down a Nazi plane in World War II was Lt. Sam F. Junkin, of Natchez, Miss., then and now a member of our Natchez Council No. 1034. He gained this distinction in an engagement over Dieppe, France, in 1942.

The third man to receive the Congressional Medal of Honor during World War II was Lt. Willibald Bianchi, a member of St. Patrick's Council No. 1076 in New Ulm, Minn. He received this country's highest honor for outstanding heroism with a small group of American and Filipino troops who tried to hold off the onrushing Japanese hordes that swept into the Philippines in the early months of 1942.

The citation states that Brother Bianchi volunteered to lead a rifle platoon to wipe out two entrenched enemy machinegun nests. When wounded by two bullets through his left hand, he discarded his rifle and began firing a pistol. He located the machinegun nest and personally silenced it with grenades.

When wounded a second time by two bullets through his chest muscles, Brother Bianchi climbed to the top of a tank and used its antiaircraft gun to pour fire into the enemy position. He kept firing until he was hit a third time and knocked off the tank. This lionhearted warrior recovered from his many wounds to go on to fight again for his country, only to die in action in December 1944.

The only man to receive two Congressional Medals of Honor in his day was Sgt. Maj. Daniel Daly, who was a member of Loyola Council 477, of Brooklyn, until his death in 1937.

The first man to receive the Congressional Medal of Honor for heroism in Vietnam is another member of the order, Capt. Roger H. C. Donlon, of Bishop England Council No. 724, Columbia, S.C. He received this distinguished award at the White House from President Johnson within the past year.

The citation states that despite receiving multiple wounds in a battle repulsing the Vietcong, Captain Donlon braved mortar and rifle fire and bursting grenades to rescue wounded comrades, evacuate vitally needed guns and ammunition, and rally the defenders to repel the attack.

I repeat that patriotism has been a noble tradition in our society over many decades and through many generations.

But I am the first to admit that despite its simple definition in Webster's dictionary, patriotism is a complex notion.

We do not hold that patriotism means "my country, right or wrong." The shortsightedness of this notion was amply demonstrated in our own lifetime by the followers of Hitler who murdered millions of innocent victims on the feeble basis of orders from higher authorities. A crime is a crime, and no bewitching incantations of a higher authority can make it right.

This brings us to a more discerning definition of patriotism. It is devotion to the long-term interest of one's country and of all mankind. The deliberate slaughter of innocent victims at Dachau and Auschwitz never

can be judged in the long-term good interests of one's country or of mankind.

In our democratic society there is good reason why crucial foreign and domestic policies should be argued and debated to see whether they are in the long-term good interests of our country and of all mankind. It is only through this general discussion that we can hope with God's help to arrive at a proper answer to our problems and reach a consensus on which to base public policy.

But once public opinion has firmed behind a particular program it is not in the public interest for an obstinate and obstreperous minority to sabotage this program. Such is not the road of democracy. It is the rut to anarchy.

The ballot box, public opinion polls and every other measurement of the public pulse today indicates that the American people feel that we should help the Republic of South Vietnam defend itself against incursions from the Communist regime to the north, even if the price is serious.

This does not oblige every member of our society to agree with this policy. It does not put a gag on his right to express disagreement. But it does impose an obligation to respect the wishes of the great majority by refraining from any deliberate sabotage of the country's collective effort.

Under the light of this concept of patriotism, the actions of some of our so-called "vietniks" show forth in their true garishness.

There can be nothing patriotic about attempts to stop troop trains. There is no patriotic heroism evident in burning draft cards. I find no love of country shining from threats to assassinate President Johnson because of his commitment of troops to Vietnam. It is difficult to discover a glow of public spirit in courses of deceit and subterfuge to dodge the draft.

I find myself compelled to ask the question: Are the train stoppers motivated by broad benevolence or by foolish fancy? Are the draft card burners in love with their country or in love with themselves? Are they seeking the national interest or notoriety? Are those threatening to assassinate our democratically elected President following the path of passionate patriotism or the trail of treacherous treason? Are the schoolers in subterfuge promoting democracy or demagoguery?

I can understand why a man would feel that he is doing violence to his conscience by bearing lethal weapons against fellow members of humanity. But I fail to see why his conscience should suffer such violence from bearing a draft card. A draft card has never inflicted harm on anyone.

I can understand the tenaciousness and sacredness of a pacifist conscience that abhors all war and violence. But I fail to understand and cannot condone the contempt for law and mockery of authority displayed by those who engage in the shameful game of a public burning of draft cards.

No one wants to force a true conscience. But society cannot safely excuse a scornful flouting of law and order.

One question that inevitably pops up in the demagoguery of Vietniks is: "Would Christ carry a draft card if He were alive today?"

I find this question particularly irritating because they are trying to cover their drossy deeds with the halo of the God-Man of whose life and spirit they show a lamentable lack of knowledge.

They forget—if they ever studied the matter—that Christ did not come to earth to lead a rebellion against authority, but a rebellion against sin. Christ told the crafty circumventers of his time that they should give to Caesar the things that belong to Caesar and to God the things that belong to God. Christ broke his silence to reply to Pilate because he recognized that the Roman governor had authority which was given to him "from above."

Christ did not preach anarchy but order. He did not call men to selfishness but to selflessness. His message breathes love and loyalty, not antipathy and treachery.

If Christ, the great Man of Peace, were to oppose bearing arms today, He certainly would not shirk service to His country. If, as a conscientious objector, He could not carry a machinegun, He wouldn't hesitate to carry a stretcher or to bind up the wounds of His bleeding countrymen.

A noble tradition has been set by our highly respected religious neighbors, the Friends. While they have a religious aversion to bearing guns, they have no reservations about bearing stretchers and giving their countrymen a heroic example of dedicated service without arms.

Our democratic society has room for those whose conscience directs them to be pacifists. Our democratic society must protect the rights of those who disagree with the will and wishes of the majority. Our democracy will gain strength and growth from open discussion of public policy.

But our democratic society cannot survive without a general spirit of patriotism. If love of country is superseded by love of individual interest, if sacrifice for country is spurned for pursuit of personal pleasure, if the general interests of the broad community are permitted to be frustrated by the stupid stunts of a few, then our democracy is in danger. Our freedoms are in danger. We are in danger. For then we can drift only into the suicidal extremes of anarchy or despotism.

THE BIRTH CONTROL REVOLUTION—PART I

Mr. TYDINGS. Mr. President, a recent issue of the Saturday Evening Post contained a most interesting and enlightening article by Steven M. Spencer entitled "The Birth Control Revolution." As the article points out, over the last few years there has been a substantial shift in Government and private attitudes toward family planning with the result that individuals, government officials and public health personnel are now talking openly about the need to increase Government help in family planning facilities.

Mr. President, I ask unanimous consent to include part I of this article in the CONGRESSIONAL RECORD following my remarks.

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

THE BIRTH CONTROL REVOLUTION

(By Steven M. Spencer)

(Barriers fell in the year just ended, and birth control became a national policy. Here is how the "pill" and the "loop" are transforming laws and love in America and offering women new freedom and new responsibilities.)

"Oh, I know I've put on a little weight since I started on the pill," said a Chicago housewife in her late twenties, "but I think it's just from contentment. I used to worry a lot about having another baby, and that kept me thinner, but I never have to worry anymore. We have three children, from 3 years to 6 months, but with two still in diapers I'd prefer to wait for the next until the youngest is at least 2 years old. And now I know I can wait." This young mother is typical of the millions of American women who today are leading a new kind of life, for they have gained what for eons was denied the daughters of Eve—a secure means of planning the birth of their children. They are the beneficiaries of one of the most dramatic sociomedical revolutions the world has ever known.

The revolutionaries are the small band of determined men and women who for more than half a century have promoted planned parenthood. Scorned and despised at first, they gradually caught up doctors and lawmakers, millionaires, and presidents in their endeavor, until their goals became socially acceptable and almost the entire Nation changed its mind.

The implements of the revolution are "the pill"—the oral contraceptive tablet the woman of 1966 takes 20 days of each month—and the increasingly popular intra-uterine device, a coil or loop of plastic or metal worn in the womb for as long as a woman wishes to avoid pregnancy. With the pill and the loop, in spite of possible side effects and rare hazards, the science of birth control has now reached a degree of effectiveness and convenience undreamed of even a decade ago.

These technical advances, combined with a growing concern about the world population crisis, brought the birth-control revolution to a historic turning point in the year just closed, for 1965 marked the fall of most of the last important barriers against general distribution of family-planning information and services.

It was the year that the U.S. Supreme Court threw out as an unconstitutional violation of privacy the 86-year-old Connecticut law that had forbidden the use of contraceptives and forced the closing of birth-control clinics.

Positive legislative steps were taken in 10 other States, including New York.

It was the year the Federal Government, taking its cue from President Johnson, became more directly involved in birth-control activities than ever before. Early in the year the President had pledged he would seek new ways "to help deal with the explosion in world population," a problem he rated second in importance only to achieving peace. In his June address to the United Nations he urged that we "act on the fact that less than $5 invested in population control is worth $100 invested in economic growth." Appropriately, as the year closed, the Ford Foundation announced it was granting $14.5 million for research on human reproduction and fertility control. "Only birth control on a massive scale," Gen. William Draper, Jr., national chairman of the Population Crisis Committee, said in December, the day after the Ford Foundation announcement, "coupled with rapidly increased food production in the developing countries, can prevent the greatest catastrophe of modern times."

As Draper spoke, the Ecumenical Council of the Roman Catholic Church was drafting a text on birth control. The traditional foe of all contraceptive techniques except periodic abstinence, the church during the past several years was shaken from parish to Papacy by disagreement and debate on the topic. Many Catholic couples, including the estimated 35 percent in America who use methods not approved by their church, hoped the Ecumenical Council would modify the ban, but no such change was forthcoming. According to some observers, however, including Dr. John T. Noonan, Jr., an American professor of law at Notre Dame University who is a consultant to the Pope's commission on marriage problems, the council's final document lays the groundwork for eventual change. If so, 1965 will indeed be remembered as a revolutionary turning point.

One cannot be sure that the birth control revolution will move fast enough for the nations to avert the starvation and overcrowding of runaway population growth. Hundreds of millions of human beings are already on the brink of famine. Recently a special panel for the White House Conference

on International Cooperation declared that "the rate of growth of world population is so great—and its consequences so grave—that this may be the last generation which has the opportunity to cope with the problem on the basis of free choice." But although the effect of the birth control revolution upon the nations remains in doubt, there is no question that it will have an enormous impact upon marriage in America and the American family. Birth control advocates speak of a strengthening of love between husband and wife once the fear of unwanted pregnancy disappears from sexual relations; they predict an easing of family financial strain and warmer relationships between parents and children as other stresses are removed. Already many of the 5 million American women taking the pill are enjoying at least partial relief from the menstrual tensions and pains that have always been considered their inescapable lot. Scientists are perfecting an injection that not only prevents conception but suppresses menstruation for months. This and other prospective developments reported here—including a "morning-after" pill—promise the American woman, already the freest in the world, still vaster freedom.

The freedom, however, extends not only to wives but to unmarried girls, and the choices that the latter make can mean a widening of the rift between the generations. There are indications that a majority of unmarried young women still observe the standards of sexual behavior taught by their parents or their religion. But many seek in sexual activity the confirmation of their identity as free adults, and, whether by legitimate or underground routes, the pill has found its way to the college campuses and even to the high school hallways. Dr. Mary Steichen Calderone, an eminent planned parenthood expert, tells of an encounter with a girl in a New York City junior high school during a break between classes. The girl had dropped her handbag in the crowded corridor, and its contents spilled on the floor. "I stopped to help her pick the things up," Dr. Calderone said, "and was astonished to see a package of birth control pills. I asked the child, 'Do you really know about these things?' 'Oh, yes,' she replied, 'I take them every Saturday night when I go on a date.' She had gotten the pills from her married sister—apparently without benefit of instructions. If it weren't so funny, it would be tragic." In fact, it probably will be tragic. One pill alone is quite ineffective. They must be taken daily for 5 to 7 days before any protection is built up.

Many of birth control's most ardent supporters candidly admit that the new freedom provided by the better methods carries with it—as does any freedom—corresponding dangers. While for the first time in history men and women have the ability to make an absolute and free choice as to the purpose and result of their sexual actions, good choices still require intelligence. "We now have the means of separating our sexual and our reproductive lives," says Dr. Calderone, "and we have a great responsibility to make proper use of both of them."

THE 23D COMMUNIST PARTY CONGRESS AND THE PROBLEMS OF SOVIET JEWS

Mr. KENNEDY of New York. Mr. President, this week and next, two events of significance to Jews all over the world are taking place. Tuesday marked the opening in Moscow of the 23d Congress of the Communist Party of the Soviet Union. Next Monday night will be the beginning of Passover, the celebration of the liberation of the Jews from bondage in Egypt.

These two events are very much related. For the Passover holiday is symbolic of the struggle of the Jewish people against persecution in many lands over many centuries. And the 23d Congress of the Communist Party could, in my judgment, play a significant role in influencing the dimensions of that problem in the Soviet Union, in influencing the course of that nation's policy toward its Jewish citizens for the future.

Much has happened since the historic 20th Party Congress only 10 years ago. Just in the last year Premier Kosygin publicly condemned anti-Semitism, and Pravda followed this with a similar editorial. And both the Kosygin remark and the Pravda editorial were reported in the central newspapers of a number of Soviet republics. There has been other news, too—of a theater in Vilna and a monument in Kiev, and of promises regarding both Hebrew prayer books and the reopening of a Yeshivah.

These are isolated, halting, but nevertheless encouraging steps in the right direction. True recognition of the historic and religious identity of the Jewish people will have to involve much more: a thorough educational campaign by the Soviet Government to eradicate anti-Semitism; and the allowance, even the support, of an entire set of communal institutions—schools and rabbinical seminaries, Yiddish and Hebrew books and periodicals—in short, a Jewish cultural identity.

There will be difficulties involved in accomplishing these things. This is a situation which has deep historical roots, and we in the United States know only too well that even the full weight of government policy will not erase discrimination and restrictive practices overnight. But the Soviet Union has done a great deal in recent years for other minority groups within its population. It could and should do a great deal more for its Jewish citizens.

Certainly the way in which a nation treats its minority groups will be one determinant of the interest of other nations and peoples in widening contact with that nation. Individual citizens from other countries, for example, will be reluctant to travel where they believe that irrational treatment of minorities, of "outsiders," of "foreigners," occurs. More broadly, we have seen that writers and enlightened people all over the world have expressed their concern and dismay over the repressive Sinyavsky-Daniel trial. So the stifling of internal freedoms—be they of expression or religion—has a corresponding effect on the potential for more flexible relations around the world.

And nations will be more reluctant to widen contacts and engage in efforts at détente the more they have reason to believe that the internal principles of the Soviet Union cannot be reconciled with their own. Indeed, I would suggest that the expressed concern of Communists in some of the satellite countries and in the West over anti-Semitism in the Soviet Union is an indication of their inability to rationalize some of the actions which the Soviet Government has taken against its Jewish citizens.

This is a time of international gathering in Moscow. This is a time when Communists from other nations will undoubtedly be voicing their concerns to the Soviet Government about its policy in various areas. But it is more than that. This is a time when freedom-loving people all over the world can let the Soviet Government know that its policy toward its Jewish citizens is important, not just for elemental humanitarian and libertarian reasons, but also because it involves the cause of peace all over the world.

If the concern of people around the world can make some difference to the actions of the Soviet Government at this time, then this significant week will become an historic week. Then Passover in this Jewish year of 5727 will be a renewed time of liberation for the Jewish people in keeping with the freedom from bondage in Egypt which Jewish people will celebrate next week.

THE STRIKE DILEMMA

Mr. SMATHERS. Mr. President, the strike by firemen of eight major railroads in the United States once again dramatizes the potentiality of a labor-management dispute virtually crippling the economy of the Nation.

The impact of a major transportation strike touches not only our war effort in Vietnam, but virtually every level of American economic life.

Once again, however, it is the general public that suffers most from a dispute to which it is not a party.

It is for this reason that I sponsored S. 2891, a bill to establish a U.S. Court of Labor-Management Relations. I think the railroad firemen's strike is but another indication of the pressing need to adopt additional legislation to prevent obsolete and discommoding strikes against the national interest.

I ask unanimous consent to insert in the body of the CONGRESSIONAL RECORD at this point an editorial of February 24, 1966, from the St. Louis Globe-Democrat, dealing with the subject of the labor-management court.

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

FOR A LABOR-MANAGEMENT COURT

The recurrent labor problems in St. Louis, which have given this city such a black eye on the national, as well as the local, scene highlight the need for a better method than strikes for handling labor disputes.

In recent weeks, we have witnessed absolutely unconscionable shutdowns of work on the two free bridges caused by union violence, not so much against the employer as against fellow union workers, where whites would not work with Negroes, and where members of one labor mob, masquerading as a union, attempted to beat up other union workers.

For more than a month, the hodcarriers have been on strike over the issue, in the last analysis, as to whether an employer should be able to hire his own employees or whether the union would take care of this detail for him.

We have had strikes in vital defense plants, at McDonnell and Olin Mathieson, which have slowed our war effort in Vietnam.

And we always have with us Local 562 of the Steamfitters, whose featherbedding and

racketeering proclivities over the years, and their prejudices, now thinly veiled for political purposes, have made them among the most odorous unions in the country.

If one looks for the reasons why Missouri and St. Louis have failed to keep pace with the national growth, one need go but little further than this.

On paper, St. Louis has everything—geographical location, fine transportation systems of rail, water, highway and air, a well balanced, diversified labor force, unlimited electric power, a wide amount of cultural activities, and everything which should attract new businesses, as well as expand existing ones.

The fact of the matter is, we haven't and we won't have as long as the city is blemished by its labor record.

Something must be done, not only here where the situation perhaps is worse than in most other major communities, but throughout America.

The most hopeful proposal for an enduring solution of these ills is one by Senator GEORGE A. SMATHERS, of Florida, who has announced his intention to offer legislation to establish a U.S. Court of Labor-Management Relations with final jurisdiction over stalemated strikes which adversely affect the Nation "and make the general public hostages to collective-bargaining disputes."

Senator SMATHERS states this bill would cover strikes and other disputes which affect national security or which disrupt major areas of national economy.

The proposed court would be, in effect, a "supreme court for labor-management disputes; its judgment would be final and binding on both parties." Members of the court would be nominated by the President and confirmed by the Senate.

A court such as this could have an enormous value in America, if its members were men of high reputation and absolutely impartial. If, on the other hand, they were political hacks or subject to political pressures, or if they almost always sided with one group, as the NLRB has done with labor, it would have dubious value.

Certainly something has to be done to put an end to the increasing anarchy in labor's ranks. The Globe-Democrat has long believed that a court such as this would operate in the public interest and be fair to the workingman, to his employer and, most of all, to the general public.

THE COMMUNIST CONFERENCE IN HAVANA

Mr. DODD. Mr. President, although many Americans have been viewing the internal conflicts within world communism as a major change in the posture of the Soviet Union, the facts relate a much different story.

None will deny that a split exists between Communist China and the current leadership in Moscow. That split, however, concerns the method of world domination, and not the intent. The Soviet Union is as dedicated to the eventual world rule of Communism as it ever was, and one need only look at the record to see that this is so.

During the first 2 weeks of January a tricontinental Communist conference took place in Havana. Officially designated as the First Conference of the Solidarity of Peoples of Asia, Africa, and Latin America, this conference exhibited its determination to increase the pace of terror and subversion in Latin America.

In an article appearing in the current issue of The Reporter, Paul Bethel discusses this conference, and points out:

There was not much question that Moscow was the chief planner as well as omnipresent manager of the conference.

Mr. Bethel notes that—

One of the major Soviet aims of the Havana Conference was to give direct support to guerrilla leaders rather than to the established Communist Parties of their countries * * *. The reason why Moscow had chosen at Havana to throw its weight behind the guerrillas rather than the Communist Party was underscored by Le Monde's conclusion that the conference was clearly aimed at obtaining results "in direct action, and more precisely in armed action."

Reacting to China's charge that it had pursued a policy of appeasement concerning the United States, the Soviet Union was intent upon proving its own allegiance to the concept of wars of national liberation.

Calling for worldwide revolution, the Latin American Solidarity Organization was created on January 19, and was the first of three continental action groups to emerge from the Havana Conference.

Once again world communism has clearly declared war upon not only the United States, but upon the independence and self-determination of all peoples. Rather than disagreeing, the Russians and Chinese are competing actively for leadership in this subversive effort.

This conference has not been publicized in the United States, and at a time when many of our so-called experts are telling us that the Communists do not really mean what they say, it is helpful to observe not only their words, but the means they are developing to implement them.

For the consideration of my colleagues I ask unanimous consent to insert at this point in the RECORD this article by Paul Bethel.

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

THE HAVANA CONFERENCE

(By Paul D. Bethel)

During the first 2 weeks of January while President Johnson was still conducting his "peace offensive," a tricontinental Communist conference was in progress in Havana whose overriding purpose was to organize worldwide subversion against the United States. With Fidel Castro as host and officially designated as the First Conference of the Solidarity of Peoples of Asia, Africa, and Latin America, the assembly brought together some 600 delegates and observers from 82 countries in the 3 continents. From January 3–15, the delegates debated, plotted, harangued, and egged each other on to even greater militancy against the United States and its "imperialist stooges." Hanoi and the Vietcong were duly represented. So were China and the Soviet Union, with large delegations whose rivalry—and eventual adjustment—provided one of the high spots of the conference. More immediately important was the high-pitched determination, repeated in scores of speeches and resolutions, to step up the pace of terror and subversion in Latin America.

Although the Havana Conference received little or no coverage in the major U.S. newspapers, it was followed closely in Europe, where Le Monde of Paris, for example, published a series of detailed articles. In Latin America it caused profound dismay and was promptly denounced by an extraordinary session of the Organization of American States. Ambassador Ilmar Penna Marinho of Brazil, chairman of the OAS Council, said of the Havana Conference that "Except for the placing of nuclear weapons in Cuba in October 1962, no event threatens more dangerously the territorial and political integrity of our continent."

Penna's alarm was echoed by most other members of the OAS Council and by the Latin American press generally. In Panama, a commentator of Radio Mia, noting the huge U.S. effort to contain communism in Vietnam, observed that "Communism exists next door to Florida, and there they do nothing * * *. It may be that they are afraid of it, or are keeping promises made to the Russians, while that insane bearded man raves daily about invading Latin America." El Universo in Ecuador underscored the importance which the Soviet leaders attach to the conference, and that "While the Russians continue to seek compromises with the United States, they are not disposed to pay any price" to this end.

THE SOVIET HAND

There was not much question that Moscow was the chief planner as well as omnipresent manager of the conference. Last December 9, a month before the delegates gathered in Havana, Soviet Foreign Minister Andrei A. Gromyko rose in the chambers of the Supreme Soviet and briefed its members on the tricontinental conference. "The Soviet Union," Tass quoted him, "in taking part in the Havana Conference * * * will do everything to help consolidate the front of struggle against imperialist aggression." On January 2, the two Soviet supreme leaders, Leonid I. Brezhnev and Alexei N. Kosygin, followed up with a message of greeting to the conference. As reported by Tass, the message read in part: "Today, Havana attracts the attention of all fighters against the forces of imperialist aggression and colonialism, and for the national and social liberation of peoples * * *. The U.S. imperialists are challenging all progressive forces."

The head of the 34-man Soviet delegation was Sharaf R. Rashidov, a candidate member of the Presidium of the Central Committee of the Communist Party of the Soviet Union and First Secretary of the Communist Party Central Committee of Uzbekistan. Speaking before the conference in Havana on January 6, he paid lipservice to Russia's avowed "struggle for peace." But, foreshadowing one of the final resolutions of the conference, he made a sharp and significant qualification: "We believe," he said, "that relations among sovereign states with different public systems should be based on peaceful coexistence. * * * it is clear that there is not, nor can there be, any peaceful coexistence between the oppressed peoples and their oppressors."

Rashidov then told the conference what was expected of it. "The Soviet delegation," he said, according to the Tass dispatch, "came to this conference to promote in every conceivable way the unity of anti-imperialist forces of the three continents, so as to unfold on a still greater scale our common struggle against imperialism, colonialism, and neocolonialism, headed by the U.S. capitalists." Specifically, he pledged "fraternal solidarity with the armed struggle being waged by the Venezuelan, Peruvian, Colombian, and Guatemalan patriots for freedom against the stooges of imperialism."

The day-to-day work of the conference was carried out by numerous committees on social, political, and economic affairs, as well as a special Tricontinental Committee To Aid Vietnam. These provided the temporary

machinery of the conference. What emerged by way of a permanent setup is more to the point. According to the chief of the Venezuelan delegation, Pedro Medina, "Only two organizations came out of the conference and they will rule—a General Secretariat which will receive all information concerning the three continents, make plans on the basis of the needs of each continent, and deliver its recommendations to an executive organ * * * named the Committee of Assistance and Aid for the Peoples Fighting for Their Liberation."

This committee, which emerged as the central policy and strategy body for wars of subversion, included Soviet, Chinese, and Cuban members along with representatives of nine other participating nations. As for the General Secretariat, Havana was designated its headquarters, for the next 2 years at least, and Captain Osmany Cienfuegos, the chairman of Cuba's three-man Foreign Relations Committee, was named Secretary General. The question of its permanent headquarters was scheduled to be reviewed at the Second Tricontinental Conference, to be held in 1968 in Carlo at the invitation of President Nasser.

The 12-nation secretariat also has equal representation from the three continents. Asia is represented by South Vietnam (Vietcong), North Korea, Syria, and Pakistan; Africa is represented by the United Arab Republic, Guinea, one member to be chosen from the Portuguese colonies, which the delegates have decided are to be "freed," and the Leopoldville Congo; Latin America by Venezuela, the Dominican Republic, Puerto Rico, and Chile. One of the jobs of the secretariat, as laid down at Havana, is to establish in each continent an action group to carry out the resolutions of the conference. The first of these was established four days after the conference adjourned, when the Secretariat announced the creation of a Latin-American Solidarity Organization, with Havana as its permanent headquarters. It immediately began to issue calls to action.

THE NEW BREED

One of the major Soviet aims of the Havana Conference was to give direct support to guerrilla leaders rather than to the established Communist Parties of their countries. This became clear with the list of delegates, many of whom were little known or had never been heard of before. Absent was Fabricio Ojeda of Venezuela; in his place came Pedro Medina, leader of the Venezuelan National Liberation Front. Luis Corvalán, Secretary General of the Chilean Communist Party, and many other old-line Communist politicos were also missing. Senator Salvador Allende, the defeated Marxist candidate in Chile's presidential election of 1964, headed the Chilean delegation, but he played only a minor role.

"The real stars," according to the correspondent of Le Monde, "were the lean, bronzed men who had arrived, after so many detours, from the guerrilla camps of the four 'fighting' zones of the hemisphere: Guatemala, Venezuela, Colombia, and Peru." Népszabadság of Budapest also commented on the makeup of the delegations, emphasizing that the conference was not in the "hands of catastrophic politicians" but in the firm grip of Castro-type revolutionaries.

The reason why Moscow had chosen at Havana to throw its weight behind the guerrillas, rather than the Communist Parties, was underscored by Le Monde's conclusion that the conference was clearly aimed at obtaining results "in direct action, and more precisely in armed action." It observed correctly that "With the exception of those in Venezuela and Colombia, the orthodox Communist Parties in Latin America up to now have shown no great enthusiasm for guerrilla wars."

The special publicity given to guerrilla spokesmen obviously reflected Soviet determination to capture control of the conference by giving the lie to China's familiar hard-line attack against Moscow's "appeasement" of the United states and its failure to lend all-out support to militant "wars of liberation." Throughout the conference, the Chinese delegates, as reported by Radio Peking, kept up a drumfire of criticism on this well-known theme. In the end, the apparent contradiction between Russia's avowed policy of peaceful coexistence and the support it gave at Havana to the principle of "armed struggle" was resolved by typical Soviet logic.

A special resolution on "Peaceful Coexistence" which was passed at the closing session of the conference on January 15 declared: "Peaceful coexistence applies only to relations between states with different social and political systems. It cannot apply to relations between social classes, between the exploited and the exploiters within separate countries, or between the oppressed peoples and their oppressors." This simply restated the Soviet line put forward a few days earlier by Rashidov.

The final declaration of the conference fully endorsed the thesis of "armed struggle." According to Tass, it "calls for expressions of militant, active, dynamic solidarity * * * for intensifying the anti-imperialist nature of the national liberation movements." The Chinese, it would seem, had reason to be satisfied. Even Castro's public and bitter denunciation of Peking the day before the conference opened, for backing down on its sugar-for-rice deal with Cuba, did not discourage them.

On January 19, after the close of the conference, the New China News Agency reported: "The Tricontinental People's Solidarity Movement ran into various difficulties at the outset. However, in accordance with the will of the people of the three continents, the movement is sweeping forward with irresistible momentum."

To many observers, however, the most substantial success of the Chinese at Havana—and probably their major reason for being present—was to prevent the Russians and their Cuban allies from gaining exclusive control not only of the movement in Latin America but above all of the Afro-Asian People's Solidarity Organization.

This group grew out of the Bandung Conference of 1955 and the Chinese have long regarded it as their own special charge, even to the point of attempting to exclude the Soviets from membership. Although the point was left somewhat cloudy, it appeared that AAPSO, while participating fully in the new tricontinental organization, would maintain its separate identity. For example, it was announced at Havana that AAPSO will hold its own conference next year in Peking.

THE JOBS TO BE DONE

The final declaration of the Havana Conference is global indeed. The most significant of its general resolutions "proclaims the peoples' inalienable right to complete independence and the use of every form of struggle necessary, including armed battle, to win that right." It hailed the Vietnam war as "an inspiring example for the national liberation movement of the peoples of three continents."

It urged a concerted campaign directed at the "governments of all peace-loving countries to recognize, de facto and de jure, the National Liberation Front of South Vietnam as the sole genuine and legal representative of the South Vietnamese people." It urged "the most powerful support" for American Negroes and the civil-rights movement, and stated that "In the uprisings in Watts, Los Angeles and Chicago, the Afro-Americans openly declared that they were fighting against racism and U.S. imperialism in a common cause with their Vietnamese brothers."

As to Latin America, it called for maximum militancy by those "who are fighting with arms in their hands against the force of domestic oligarchy which are in the service of the United States, as in Venezuela, Colombia, Peru, and Guatemala, or are being subjected to brutal persecution under military tyranny, as in Brazil, Ecuador, Bolivia, and other countries."

"Latin America," the document said, "is the rear of the most powerful and barbarous imperialism in the world and the mainstay of colonialism and neocolonialism." It went on to map efforts to sabotage U.S. investments abroad: "Every blow dealt the United States and domestic oppressors by the Latin American peoples has decisive effect in weakening U.S. imperialism." There are sections that deal with the "liberation" of Puerto Rico, which it classified as "under U.S. occupation," and the Dominican Republic, which, it said, has "set a valiant example of resistance to U.S. aggression."

Puerto Rico's chief delegate, Norman Pietri, in addressing the conference on January 10, cited "the imperative need to win national independence in order to promote * * * total eradication of Yankee military installations in Puerto Rico and the threat they pose to the rest of Latin America."

Finally, the inspirational theme was summarized with a peroration: "Faced with the criminal alliance of the reactionary forces, the people of various countries in the three continents have reacted with active, vigorous, and militant solidarity, and with their readiness to reply to every act of imperialist aggression by revolutionary action, carrying on this battle until the complete liquidation of all forms of imperialist, colonial, and neocolonial oppression."

As already noted, the Latin American Solidarity Organization, created on January 19, was the first of the three continental action groups to emerge from the Havana Conference. According to Agence France-Presse, the 27 Latin American delegations met with Fidel Castro and Pedro Medina of Venezuela. Cuban President Osvaldo Dórticos, the Cuban chiefs of staff of the army, and the principal Communist leaders were also present. In the course of the meeting it was decided that the organization would be permanently established in Cuba and that it would include representatives from all the Latin American countries, as well as Puerto Rico and Trinidad-Tobago. With Medina as its secretary general, it will presumably come under the general control of Captain Cienfuegos and this tricontinental secretariat.

Its operations are already underway. On February 12, the Latin American Solidarity Organization backed a call to action by the Tricontinental Committee To Aid Vietnam, another permanent organization that emerged from the conference. This appeal urged the recently departed delegates to launch "a wave of sabotage against Yankee interests throughout the world."

It also called for "demonstrations, sitins, protests, meetings, and denunciations in front of U.S. Embassies all over the world." A call also went out from Havana to "boycott production and refuse to load ships, or to transport arms or any kind of war material bound for North American troops."

Once again Puerto Rico came in for special attention. On February 10, according to El Imparcial, Puerto Rican freedom fighters established a "Free Puerto Rico" Embassy in Havana, and on the same day signed a pact of solidarity with the National Liberation Front of South Vietnam at its Havana headquarters. The Puerto Ricans claimed that they were "recognized as the only legitimate representative of the Puerto Rican people."

Shortly thereafter, 26 Latin American Communist delegations agreed to establish National Committees of Solidarity with Free Puerto Rico in their countries.

All members of the tricontinental organization must contribute funds to the Aid Vietnam Committee. One way to raise money was described by Pedro Medina in an interview broadcast by Radio Havana. The Vietcong delegation had presented the helmet of a U.S. pilot shot down over North Vietnam to the Venezuelans. In turn, he said, "The Venezuelan NFL gave the helmet to the Tricontinental Committee to Aid Vietnam." He continued, "We will wage a campaign with it, on the island of Cuba and in Latin America, and we will carry it to every continent to give more impact and more brilliance to the week of solidarity with Vietnam which is scheduled for March on all three continents." Similar solidarity demonstrations are planned for the U.S. mainland and Puerto Rico.

THE CUBAN SPEARHEAD

Havana was a natural choice as the operational headquarters for worldwide subversion and wars of national liberation, for it is dedicatedly anti-American and pro-Soviet, and has a well-developed apparatus of subversion already active in the hemisphere. Following the Cuban missile crisis of October 1962, many of the obsolete Soviet military establishments in Cuba were converted into guerrilla training camps, and new camps have also been constructed.

The U.S. Senate Internal Security Subcommittee listed 10 such installations as early as 1963. Today, according to some intelligence estimates, there are 43 camps equipped to train as many as 10,000 activists a year—guerrillas, terrorists, propagandists, experts in sabotage and espionage, and specialists in sophsticated radio equipment. The basic training period lasts 4 months, with longer periods for certain categories.

When the guerrilla candidate arrives in Havana by a clandestine route, he is given a questionnaire on areas and personalities vulnerable to subversion techniques. He is asked, for example, about targets for sabotage and the terrain surrounding those targets, about homosexual tendencies among members of his hometown police force, army units, and politicians, and about tax irregularities condoned by local bureaucrats. This information, checked and rechecked by contacts in the country in question, provides a starting point for campaigns of subversion.

Castro's Soviet-financed fishing fleet is especially useful in bringing guerrilla recruits to Cuba and reinfiltrating them into their homelands. According to a defecting crewmember of one of the ships, "Cuban patrol boats and fishing vessels are continually introducing arms and men into Mexican territory."

The Cuban training program is coordinated with international Communist subversion. Vietcong, Soviet, Red Chinese, and Spanish Communist instructors teach recruits from Africa as well as from Latin America. Cuban Negro instructors have been used to train African recruits in special camps established in the Provinces of Las Villas and Oriente. One, identified as Sádez Gómez Garcia, was killed while operating with guerrillas in the eastern Congolese district of Maniema. A diary found on his body indicated that he had arrived in the Congo from Cuba via Moscow, Prague, and the Tanzanian capital, Dar-es-Salaam.

Defected Castro officers state that 200 Africans have returned to Dar-es-Salaam following 8 months of "leadership training" in the Minas del Frio guerrilla camp in Cuba. On September 17, Congolese government forces patrolling Lake Tanganyika intercepted and sank a troop and supply boat, the *Ajax*, which had been running Cuban-trained Congolese guerrillas from Tanzania into the eastern Congo. Last June, 27 Senegalese were tried in Dakar and found guilty of subversion. All 27, it was brought out at the trial, also had completed 8 months of training in Cuba.

Lumumba University in Moscow, according to a broadcast from the Soviet capital, is training thousands of Latin American students. The broadcast, beamed to Latin America in the Quechua language of the Indians of Peru, Bolivia, and Ecuador, said that when these students return to their homelands, "They will teach their brothers the modern techniques they have learned. But they will do more than teach. * * * They will fight alongside peasants and humble people to insure that their countries have freedom."

The collaboration between Cuba and Soviet-bloc embassies in Latin American subversion is exemplified in Ecuador, which broke relations with Cuba, Czechoslovakia, and Poland in April 1962. After an uprising launched by a youth organization that took its inspiration from Castro, the government found that the Czech legation had been handing over funds to the Ecuadorian Communist Party obtained through the sale of Skoda trucks and other Communist-bloc products. Poland was also involved. Bolivia broke with Czechoslovakia in October 1964, when the embassy in La Paz was shown to have delivered 500,000 Bolivian pesos to rebellious tin miners that were used to buy Czech weapons.

Venezuela, under almost constant attack for years from Cuban-supported guerrillas and terrorists, discovered last October that the Communists had set up an efficient underground arms factory on the outskirts of Caracas. There were "enough explosives to blow up Caracas," according to a Cabinet Minister, and the Director General of the Interior Ministry declared that "specialists from Havana, Moscow, and Peking are trying to get into Venezuela to execute terrorist operations" planned for 1966—what they called the Year of the Explosives.

Castro-trained men have also infiltrated the notorious bandit groups of Colombia that have extorted more than a million dollars' ransom from relatives of 148 Colombian ranchers kidnaped over the past few years. Kidnaping has been used to raise funds by guerrillas in Guatemala, as well as to create an atmosphere of terror to disrupt the recent elections there. And in the remote valleys and mountains of Peru, Venezuela, Colombia, and Guatemala, minor Government officials and pro-Government peasants are sometimes murdered, Vietcong style. Che Guevara's "Guerrilla Warfare," is the handbook for Latin American rebel leaders: it preaches the same tactics urged by the Tricontinental Conference to sow seeds of discord everywhere and keep the oligarchs busy putting out the fires.

The Soviet Union has backed up its investment in direct support for subversion by diplomatic maneuvers in the United Nations. It has striven constantly to divert OAS complaints against Cuban subversion from the OAS to the Security Council, where the Soviet veto could block any punitive measures. It has also succeeded in heading off in the world body any definition of aggression that would include wars of liberation.

At the same time, Moscow has pursued its double-track policy of peaceful coexistence, attempting to maintain friendly diplomatic relations with the very governments its agents are working to destroy. In Uruguay, on the verge of bankruptcy and beset with social problems as a result of a disastrously overextended welfare state, the Soviets found one of the hemisphere's weakest points.

The oversized Embassy in Montevideo has long been the center of a clandestine network extending throughout Latin America. In December Soviet agents were accused by the Government of having engineered a strike that paralyzed the country for days. This intervention, according to one Latin American expert in Washington, was an "act of supreme contempt" for Uruguay's weakness.

The Uruguayan Foreign Minister asked the Soviet Ambasasdor for an explanation of his Government's role at the Havana Conference and was not impressed by the answer that Sharaf Rashidov was speaking "privately." National Council President-elect Alberto Heber Usher called the reply "insulting." Heber has now vowed to muster the votes in Uruguay's ruling nine-man National Council to break relations with Moscow as a first step toward diplomatic rupture with the Communist powers.

In other Latin American countries, particularly those most exposed to subversion, the leaders did not mince words either. Peruvian Premier Daniel Becarra de la Flor said that the Soviet Union was involved in "tacit aggression," and that delegate Rashidov's statements in Havana now made Soviet activities in Peru official. Minister of the Interior Gonzalo Barrios Bustillos of Venezuela recommended the use of force to combat the subversion planned at the conference, which he told Agence France-Presse "is nothing more or less than a consequence of the blind struggle the Communists are waging against the United States, particularly in southeast Asia." In 1964, the Cuban newspaper Revolución had made more or less the same point, declaring that "Colombia and Venezuela form the embryo of a vast Latin American Vietnam."

The resolution which the OAS passed on February 2 emphatically condemned the policy of aggression and intervention adopted at Havana. Chile and Mexico abstained, saying that while they deplored intervention from whatever source, they considered the resolution exceeded the Council's powers. The U.S. alternate delegate, Ward Allen, voted in favor, but was less fiery than some of his Latin American colleagues. The resolution denounced in particular "the open participation * * * of official or officially sponsored delegations of member states of the United Nations" which on December 21 had voted in the General Assembly in favor of a nonintervention and self-determination resolution. Among those voting in favor was the Soviet Union, which a few days later sent its delegation to Havana.

The central issue was stated before the OAS by Colombian Ambassador Alfredo Vázquez Carrizosa, who said, "If there is to be war and no peace, let it as least be known who declared it."

FOOD FOR INDIA

Mr. ANDERSON. Mr. President, I have read and have been impressed by the message of President Johnson on the desperate food situation in India. The President has appealed to the Congress—and the Nation—for support of his request for additional shipments of food to feed the hungry and of tobacco and cotton to release India's exchange resources for food and fertilizer purchases.

I believe that the United States is capable, in both food supplies and humanitarian spirit, of meeting the crisis in India. I join in the hope that other nations will assist in the special aid program.

It was exactly two decades ago that I participated in the massive effort of those nations with extra food to sustain those countries which war and harsh weather had left famished. Then, as

now, drought had inflicted severe hardship on India.

Just as the allies had successfully combined their military direction, they combined their resources in the food relief campaign and achieved victory against starvation.

I welcome the President's strong call for action to help India and ask unanimous consent that editorials from the March 31 Washington Post and the March 31 New York Times be printed in the RECORD.

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

[From the Washington Post, Mar. 31, 1966]

AID FOR INDIA

President Johnson's congressional message on aid to India is a great and gratifying document. It is a great document because it asks Congress forcefully and directly to underwrite the rescue of the Indian people from the threat of starvation—at any cost. It projects the direct appropriation of 3½ million tons of wheat—in addition to 6½ million tons already scheduled for 1966 shipment. And it calls for shipment of 200,000 tons of corn and up to 150 million pounds of vegetable oils and up to 125 million pounds of milk powder. It proposes besides the shipment of quantities of cotton and tobacco that may permit the diversion of more Indian cropland to food products. But more than this, it bluntly states that if others do not meet the remaining requirements the United States will.

The President has dared to present the problem to Congress, it is gratifying to note, as a challenge to this country's humanity. He did not claim that the United States will derive any promised or unpromised quid pro quo. He did not assert that feeding the Indians will help contain or isolate Communist China. He did not allege that it will help balance or frustrate the Soviet Union. He has not asked the Congress to support the program for any of these reasons or for any other national or selfish reason. He has rightly assumed that the Congress of the United States and the people of this country will support action on this magnificent scale on a purely humanitarian basis.

He has had the courage to recommend this vast program of aid, not because the Indian people some day may be our allies, not because they may help us in Asia, not because they will subsequently reward us with friendship or assistance, but simply because the people of India are hungry. And that is the only attribute, the only necessity, the only condition we ought to require as a qualification for aid from the granaries and storehouses of America.

This program is being undertaken in the spirit of the great efforts of this country to feed the hungry of many nations after World War I and World War II. It is in a great American tradition. The President will not urge in vain "the strong and warmhearted and generous support of this program by the American people." He will not be disappointed in the response to an appeal to the hearts of the citizens of this country.

[From the New York (N.Y.) Times, Mar. 31, 1966]

AID FOR INDIA

Lyndon Johnson is at his best when challenged by some staggering task of human need. His message to Congress—and to the world—calling for aid for India, and pledging a truly generous measure of American assistance, is in the best tradition of Johnsonian philosophy. It is in no sense a detraction from his gesture to add that it is good, sound American policy to help India.

Prime Minister Indira Gandhi, now in New York after her visit to Washington, obviously played a vital role in the timing and scope of the American response to India's need. The meeting in Washington was a moment of international drama. This was not just because Mrs. Gandhi is a charming woman bearing the legendary name of Jawaharlal Nehru, her father, or because Mr. Johnson was at his most ingratiating best. It was because of what each of the main figures represented. India, with 500 million people, is the second most populous nation in the world and a bulwark of democracy in threatened Asia. The United States is the most prosperous and most powerful nation on earth and is engaged in a bitter war on that same Asian mainland.

But India, as Mr. Johnson said in his message, "may stand at this moment on the threshold of a great tragedy." Two years of drought imposed on a badly conceived and managed agricultural program, with the population increasing at the rate of 11 or 12 million persons a year, add up to potential disaster on a colossal scale.

President Johnson's message tells the whole tragic story, and it should be pondered as carefully in India as in the United States. Much of India's land is fertile. With better agricultural techniques India could eventually feed herself.

Droughts are unavoidable, but the human factor is more to blame—ancient, rigid ways; caste restrictions; overly small or overly large land holdings; the selfishness of well-fed states refusing to help starving neighbors; hoarders; speculators; usurers.

The great virtues of the Indian people somehow become constricted by customs, traditions and history in times like this. Those virtues must and can be released—and India has already done a great deal in the years of independence. Much more may now be done, thanks to the imaginative, intelligent and generous program President Johnson announced for an Indo-American Foundation which will use $300 million in tied-up rupees for education and scientific research in India. In the long range, such a program can do wonders; but in the meantime Indians must be fed.

An undernourished nation has no future. Neither has an unskilled one in this technological age. President Johnson is wisely moving to provide the foodstuffs and the training. Indians must do the rest.

AID TO TORNADO AND FLOOD VICTIMS

Mr. BAYH. Mr. President, nearly a year has elapsed since a rash of tornadoes devastated large parts of Illinois, Michigan, Wisconsin, and Indiana on Palm Sunday, 1965. Enormous losses of life and property were suffered in this calamity. In my State of Indiana alone, which experienced the full fury of the storms, nearly 140 persons were killed, over 1,300 were injured, and more than 300 were hospitalized. In addition 1,251 homes, 1,055 farm buildings, 208 house trailers, and 154 business places were destroyed and many others suffered major damages.

This was only one of many major natural disasters which have struck our Nation in the last few years. Because of severe drought, flooding, blizzards, earthquakes, and hurricanes, the President has declared more than 40 areas of the United States eligible for major disaster relief since January 1, 1964. Even though it is not pleasant to contemplate the possibility of similar tragedies, realistically we must recognize the probability that other natural disasters of equal damaging effect will likely occur in future months and years.

Last April a group of Senators from Midwestern States which had suffered great losses from tornadoes and floods joined with me in examining the adequacy of Federal assistance authorized by law to officially declared major disaster areas. We found that, although considerable legislation had been enacted to provide relief for State, county, municipal and other public property, individuals whose homes, farms, and businesses have been destroyed or damaged could only count on a minimum amount of temporary, emergency aid.

After careful study and many conferences with those charged with the responsibility of administering disaster relief programs, I introduced on April 30, with the cosponsorship of nearly 40 other Senators, S. 1861, a bill to provide additional assistance for areas suffering a major disaster. The Subcommittee on Flood Control, Rivers, and Harbors, of the Senate Committee on Public Works, held hearings on this bill in June. The bill was reported favorably, with amendments, by the committee on July 15, and the Senate adopted the bill by voice vote on July 22.

In the House of Representatives the Subcommittee on Flood Control of the Public Works Committee conducted 2 days of hearings on the bill on October 14 and 15, just prior to adjournment of the first session of Congress. Although many of us expected and hoped that S. 1861 would receive early consideration in the House, to the present time no further action has been taken on this measure. Because of the real need for legislation to provide supplementary relief in cases of major disasters, I am taking this opportunity to renew my plea that attention be given to this whole problem by the other body as soon as it is feasible to do so.

Let me review briefly the main features of S. 1861 as adopted by the Senate on July 22, 1965. Authorization would be granted in cases of major disaster for the readjustment of loans made by the Housing and Home Finance Administration, the Veterans' Administration, and the Rural Electrification Administration. Where property has been severly damaged, the schedules for payment of principal and interest on such loans could be extended to a maximum period of 40 years at an interest rate of not less than 3 percent. Payment of the principal and interest on loans made by HHFA and VA could be suspended for an additional period not to exceed 5 years if necessary in order to avoid severe financial hardship.

Loans up to $30,000 under the Consolidated Farmers Home Administration Act of 1961 for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of a major disaster could be made without regard to whether or not the required financial assistance could be provided by private sources.

Through a new cost-sharing program, homeowners and business concerns sustaining property losses because of major disasters would be eligible for

Federal and State grants to help offset those losses. To participate in this program, States would be required to develop comprehensive disaster relief plans and designate a State agency to administer assistance to disaster victims. Grants up to $250,000 could be authorized by the President for the purpose of assisting States to prepare their disaster relief plans.

If damage to property from a major disaster exceeds 5 percent of the value or at least $100, the Federal Government would share up to 50 percent and the State Government up to 25 percent of the loss, with a maximum loss limit of $30,000 for homes and $100,000 for business concerns. The owner of the property would be obligated to pay the other 25 percent of the cost. However, no such grant could be made for any loss for which private insurance is available and collectible at reasonable rates, nor for any loss in a State which does not have approved flood-plain zoning controls.

Because of the extensive losses sustained by farmers in disaster areas, the bill would establish a new grant system for their assistance. The Secretary of Agriculture would be authorized to make grants equal to two-thirds of the cost of restoring lands to cultivation or replenishing livestock herds, with the maximum amount paid to any farmer limited to $10,000. Reasonable terms and conditions could be imposed by the Secretary in making such grants, but no payment could be made to a farmer unless the Secretary determined that the cost of preparing lands for production had been increased as a direct result of a major disaster.

If either the owners or tenants of homes which might be destroyed or made uninhabitable by a major disaster cannot provide suitable dwelling accommodations for themselves and/or their families, the President would be authorized, in order to avoid severe hardship, to acquire or lease housing which in turn could be rented to these victims for such periods as may be necessary. Rentals for this emergency shelter, including mobile homes, could be adjusted for as long as 1 year according to the financial ability of the occupants, but in no case would disaster victims be required to pay more than 25 percent of the family's monthly income for this housing.

Although the major thrust of S. 1861 is directed at providing assistance to private individuals and businesses which have suffered losses from major disasters, it also would supplement existing legislation in the public sector. Experience demonstrates that certain gaps or deficiencies exist in statutory authority relating to disaster relief for public schools, highways and other public works, priority for public housing, aid to unincorporated communities, and disaster warning systems.

The Director of the Office of Emergency Planning would be authorized to provide assistance both for the reconstruction and the operation of public elementary or secondary schools which have been destroyed or seriously damaged by a major disaster. However, to be eligible for such assistance, the Governor of the State would have to certify the need for help and give assurance that a reasonable amount of State and local governmental funds have been expended to assist the schools.

Likewise, the local school agency would have to make a reasonable tax effort and avail itself of other financial sources to replace and restore its buildings.

If State and local funds, including proceeds from insurance, are not sufficient to provide minimum necessary school facilities, Federal assistance could be made available to help replace or restore those facilities and to meet current operating expenditures. However, funds for operating expenditures would be limited to a period of 5 years at a declining rate for each year.

During the first year the amount of aid could be the full amount needed to supplement other available funds in order to insure a level of education equal to that existing before the disaster occurred, but this would be limited to 75 percent for the second, 50 percent for the third, and 25 percent for the fourth subsequent years. Additional assistance could be extended to help replace instructional supplies, equipment, and materials, including textbooks, and to help provide cafeteria facilities impaired or made unavailable by a major disaster.

The Federal share necessary to repair, restore, or reconstruct any Federal-aid highways damaged by a major disaster would be increased to as much as 100 percent of the cost necessary to perform such work. An amount not to exceed $50 million would be authorized to be appropriated from the general fund for this purpose. Furthermore, authority would be granted to appropriate the amount necessary to repair, restore, or reconstruct other non-Federal public highways, roads, streets, and bridges, with the Director of the Office of Emergency Planning vested with power to determine the Federal share up to 100 percent of the total cost.

Where other public works specifically authorized by an act of Congress, such as airports, water and sewage treatment plants, electric power installations, or navigation, irrigation, and flood control projects, have been damaged by a major disaster, either during their construction or after completion, the bill would authorize appropriation of necessary funds to aid their repair, restoration, or reconstruction without regard to any other statutory limit on the amount which could be appropriated for such project.

The need for legislation enabling the extension of Federal assistance to small rural, unincorporated communities in disaster areas was made dramatically clear by the problems facing the village of Russiaville, Ind., which was devastated by last year's series of tornadoes. More than 90 percent of the buildings in Russiaville were damaged, with 40 percent of the homes completely leveled. Despite the grievous blow suffered by this small community, its inhabitants bravely decided to restore and rebuild rather than move elsewhere, but for several months obstacles and delays blocked substantial progress.

Unfortunately, the unincorporated status of Russiaville made it difficult, if not impossible, to seek aid for public facilities which normally is available to cities in disaster areas. In order that other rural-governed places caught in the maelstrom of major disasters in the future might avoid some of the difficulties encountered by this Indiana village, S. 1861 would amend the basic disaster relief legislation to provide that unincorporated towns or villages should be included within the scope of its provisions.

Also, direct or insured Federal loans could be made to rural, non-profit corporations for the acquisition, construction, improvement, or extension of waste disposal systems, and Federal construction grants up to 50 percent of the cost could be made to rural areas for such community services as sewage disposal, water production and distribution, or other public facilities.

In major disaster areas, priority would be conferred by my bill upon applications from governmental bodies for Federal assistance to repair, construct, or extend public facilities or for public housing projects.

Because there appeared to be some question about statutory and financial authority to provide adequate warnings of impending disasters, S. 1861 would empower the Secretary of Defense to utilize the facilities of the civil defense communications system for the purpose of alerting the civilian population in areas endangered by imminent natural disasters.

Finally, the bill would make certain that there would be no duplication of benefits made available through this legislation. Departments and agencies administering any portion of the disaster relief program would be directed to determine that no person, concern, or other entity would receive assistance for any part of a sustained loss for which assistance had been provided under any other program.

Because of the delay in passage of S. 1861, and in order to supplement certain of its provisions, I introduced on January 18 of this year, a bill which is designed to bring additional relief to rural areas suffering major disasters. This measure, S. 2782, would authorize loans to the owners of farms and other real estate in rural areas whose encumbered buildings or related facilities have been damaged or destroyed by a major disaster as determined by the President or by a natural disaster for which the Secretary of Agriculture makes assistance available under the Consolidated Farmers Home Administration Act of 1961.

Loans could be made for temporary rent, debris removal, repair and replacement of buildings, and for financing existing encumbrances to the extent necessary to bring the refinanced prior indebtedness and other loans made under this title within the applicant's repayment ability.

Another purpose of S. 2782 would be to provide standby authority to make emergency loans to eligible farmers and ranchers caused by other types of dis-

asters not now encompassed by present statutes. Section 325 of the Consolidated Farmers Home Administration Act of 1961 now permits the making of emergency loans, without area designations, to farmers who have had severe production losses as the result of a natural disaster not general to the area. This has been interpreted to include those situations where a local natural disaster affects only a small number of farmers or ranchers, but does not include damage caused by floods from the breaking of dams, wildfire—unless carried from place to place by natural causes such as wind—explosions, insurrections, or invasions.

Many farmers have incurred severe losses in disasters. Buildings destroyed or damaged in rural areas often have been heavily mortgaged, making it almost impossible for the unfortunate victims to secure needed credit to repair, rebuild, remove debris from fields, or to provide temporary living quarters. Both S. 1861 and S. 2782 would provide additional means of refinancing prior debts and obligations on the property and help farmers get back into full production as soon as possible. Moreover, the latter would bring additional aid in those unusual instances of damage caused by local natural disasters not now covered by law.

Mr. President, I reiterate my plea for prompt and serious consideration of these measures. In time of disaster it is only natural for our people to look for help, not only from their neighbors, private organizations, and their own communities, but also from their National Government.

The purpose of my bills is not to provide a Federal handout; rather, it is designed to assist helpless victims, who have been dealt cruel blows by entirely unexpected and unpredictable natural forces, recover at least some degree of their former economic status and living conditions. Those who are subjected involuntarily to the awful experience of an earthquake, tornado, flood, hurricane, or other natural disaster can never fully restore their possessions nor return untouched to their former way of life, but the American tradition of extending a helping hand to our compatriots in need is very strong.

Let us complete the job which our predecessors have begun; let us prepare now by adopting adequate legislation to minimize the devastating effects which future natural disasters will have on the daily lives and economic well-being of our citizens.

A NATIONAL NEED OF LONG STANDING

Mr. KENNEDY of Massachusetts. Mr. President, 17 times in the past 90 years, suggestions have come forth, most of them from the Congress, for an instrument to bring more order and organization and coordination to the Nation's farflung and complex transportation system. The Hoover Commission recommended it back in 1949. President Eisenhower suggested it in his 1961 budget message. President Johnson is the first Chief Executive to lay a formal proposal before the Congress. This is, as the Boston Morning Globe said in a recent editorial: "a national need of long standing." I urge my colleagues to support it, and ask unanimous consent to insert in the RECORD, the Morning Globe's fine editorial on the subject.

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

[From the Boston (Mass.) Morning Globe, Mar. 3, 1966]

TRANSPORT: FOCAL POINT

In the last 90 years Congress has rejected 17 times proposals to create in the executive branch a policy-making focal point for transportation. President Johnson's message to Congress Wednesday asking for creation of a Department of Transportation will find a mixed reception.

Mr. Johnson's proposal, however, makes much sense. His new Cabinet-level department would bring together almost 100,000 employees from many agencies which spend $6 million annually in Federal funds.

Congress would quickly agree that something drastic must be done to reduce the carnage on the highways. But the President's request on the establishment of mandatory safety standards for all motor vehicles will jolt the auto and rubber industries—and, naturally, their friends in Congress.

Vehicles which failed to meet safety standards prescribed by the Secretary of Commerce would be barred from interstate commerce. A compulsory minimum standard would be set for tires.

No single State, with the possible exception of California and New York, has been able to exert enough regulatory leverage to compel the auto makers to adopt as standard equipment certain safety features. And while Detroit has done much to meet the growing demands in this area, certainly more can and should be done.

Massachusetts in recent years has been among the leaders in pressing for more highway safety, but a gigantic $700 million national safety program, including more research, would provide a welcome added thrust. We cannot afford to become blase about the increasing toll of death, injury and economic loss on the road.

Massachusetts and New England have much at stake in the coordination of various transportation modes. We have special problems and opportunities in the federally-aided high speed rail experiments in the Northeast Corridor. We need better knowledge and perspective about priorities for air, rail and highway travel.

The President wisely left the program of aid to urban mass transportation—also of great importance to Boston—in the new Housing and Urban Development Department, where it belongs.

Like its subject matter, the creation of a Department of Transportation covers a lot of ground. Even though it excludes the controversial regulatory functions about which the various carriers feel strongly, it goes a long way to meet a national need of long standing.

FINANCIAL STATUS AND HOLDINGS OF SENATOR YOUNG OF OHIO

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I made in writing to Hon. Emery L. Frazier, Secretary of the Senate, regarding my financial status.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
March 19, 1966.

Hon. EMERY L. FRAZIER,
Secretary of the Senate,
Washington, D.C.

DEAR MR. SECRETARY: Early in 1959 I disclosed publicly my financial holdings and status so that the citizens of Ohio would be able to judge for themselves whether or not there could be any claim of conflict of interest and whether or not any of my votes or statements on legislative proposals would ever be actuated by selfish motives.

I was the very first Member of either branch of Congress to discolse fully my financial holdings and financial status. Following my statement early in my first term, I have from time to time written the Secretary of the Senate and informed him, as I do you, that he may disclose my letter to anyone.

I am again making such report, and I am placing in your hands the following as a complete statement of my financial holdings at this time.

I own U.S. Government bonds, also Airport Parking Co. of America and W. R. Grace & Co. bonds.

I own real estate in New Smyrna Beach, Fla., in Cuyahoga County, Ohio, and 80 acres in Mississippi on which there is an oil lease, and also my Washington residence.

In addition, I own stock in the following corporations: W. R. Grace & Co., Sinclair Oil Corp., Monsanto Chemical, Atlantic Refining, General Fireproofing, Central Aguirre Sugar Co., Robbins & Myers, Chesapeake & Ohio Railway Co., Tennessee Gas Transmission Co., Lamb Industries, Mission Development, British Petroleum, Buckingham Corp., Martin Marietta, Delta Airlines, Inc., Airport Parking Co., United Fruit, Radio Corp. of America, Lucky Stores, Inc., Stauffer Chemical, Ashland Oil & Refining (common and preferred), South Puerto Rico Sugar (common and preferred), Phillips Petroleum Co., Northern Pacific Railway, Federal Pacific Electric (preferred), Occidental Petroleum Co., Seilon, Inc., Clevite Corp., Atchison, Topeka & Santa Fe Railway.

You will note that I am a stockholder in oil production corporation. Am frequently recipient of letters, accompanying dividends, from the presidents of these companies asking me to write my Congressman expressing opposition to any legislation to reduce the oil depletion allowance of 27½ percent. I have not disposed of these holdings and shall not do so as it is well known I have voted at every opportunity offered me against the depletion allowance of 27½ percent given to oil and gas production corporations. I have spoken out in the Senate and voted against the depletion allowance and expect to do so at every time the opportunity is offered. I consider such depletion allowance unfair to citizens generally and I will oppose it until it is either eliminated or greatly reduced.

Except for current bills I am not financially obligated to any person or corporation. I owe no person nor corporation any money whatever on any unsecured note. I do owe the Union Commerce Bank of Cleveland a substantial sum of money on my promissory note. This loan is amply secured by my deposit of collateral including bonds and stocks valued at more than twice the indebtedness.

Mr. Secretary, I attest that the foregoing is a true and correct statement of my financial situation.

Sincerely,

STEPHEN M. YOUNG.

BALLOON LOGGING

Mr. BARTLETT. Mr. President, for some time now I have been keenly interested in various aerial logging techniques. More recently, my interest has been directed to research developments in the field of balloon logging for reasons I will explain.

First, I am interested in timber and logging techniques because the timber products industry in my home State of Alaska is currently developing in a very big way. With two major pulp mills already in operation, the St. Regis Paper Co. was recently awarded an 8.75-billion-board-foot timber contract which requires construction of a third mill by July 1, 1971.

The St. Regis plant is expected to add more than $30 million to Alaska's expanding economy and provide more than a thousand new jobs in the mill and woods combined.

Much of this timber development is taking place in southeast Alaska, and most of it there within the Tongass National Forest. Therefore, receipts from the timber harvested go into the U.S. Treasury through our agent, the Forest Service.

The topography of the Tongass National Forest is generally mountainous and rough. Logging is extremely difficult and a portion of the marketable timber is impossible to reach or at least economically unfeasible to harvest by conventional methods.

Balloon and other aerial logging systems offer excellent possibilities for economically harvesting timber from difficult access areas while protecting multiple-use values. Conventional logging methods on these areas of difficult access and steep terrain are very costly and tend to increase soil erosion, landslides, and flood damage. In addition, conventional logging and roadbuilding are not always compatible with the high demand for scenic and recreation areas, also important resources in the Alaska economy.

Developments in aerial logging to date have been accomplished by cooperative efforts between the timber and equipment industries and the U.S. Forest Service. These efforts have shown balloon logging to be feasible.

With industry-developed equipment and Forest Service systems engineering research, basic information has been obtained for laying out and operating skylines and balloon logging systems. Having demonstrated the technical feasibility of balloon logging, further research is needed to make the system economically operational. Studies are needed on balloon configurations, development of gas supply systems, means of deicing, ground handling and transport facilities, and other performance tests.

The substantial progress made to date with the limited resources available for this work is indeed a tribute to the ingenuity and dedication of both the industry and Forest Service engineers working on this vital project.

I think the time has now come for the Federal Government to make an additional contribution to the aerial research work. In my view we should step up our efforts in this area. My motives are somewhat selfish, in that the development of a commercial balloon logging system would be a great boost to the Alaska timber industry, but there is more to it than that.

It is estimated that development of balloon logging or other aerial logging systems could capture an additional 440 million board feet of annual allowable cut in Alaska on National Forests alone. None of this timber could be logged by currently used conventional methods. Over $1 million per year additional would be realized in stumpage receipts; three-quarters of that amount would go into the Federal Treasury. The remainder would be added to the income of local Alaska governments. Even more important perhaps is the fact that several thousand new jobs would result in Alaska from the harvesting and processing of this extra stumpage.

Mr. President, the promise which balloon logging holds is by no means confined to Alaska. For example, the Forest Service estimates that such a system would capture 500 million board feet annually of allowable cut lost on timberlands not now loggable in the Douglas-fir region. Timber harvesting on an additional 17 million acres of currently nonloggable lands in western United States would be possible with less road construction and better protection of water and soil resources.

In conclusion, I would like to say simply that I consider any Federal money spent on additional aerial logging research a good investment. By increasing the amount of timber harvested annually we will experience direct returns to the Treasury, at least with respect to that timber harvested on national forest lands. The additional jobs created by the harvesting of previously impossible-to-reach timber will return income to the Treasury in the form of taxes on wages and salaries. Moreover, balloon logging promises to further Alaska's economic development, a matter of considerable Federal concern.

None of this even goes to the conservation benefits that accompany aerial logging techniques. Balloon logging, for example, reduces the need for logging roads by about 50 percent. Each mile of road permanently destroys 10 acres of trees—trees which naturalists enjoy and trees which could be harvested again in the future.

I urge for an increase in Federal participation in aerial logging research at the earliest possible date.

EMPLOYMENT FOR SENIOR CITIZENS

Mr. SMATHERS. Mr. President, we of the Senate Special Committee on Aging are charged with the responsibility and given the privilege of working on problems and opportunities of our Nation's elderly. One of the most important aspects of our work is employment for the Nation's senior citizens. I should like to bring to the attention of the Senate an excellent discussion of this subject which appeared in the November 1, 1965, report bulletin of "Personnel Management Policies and Practices," a service for employers published by Prentiss-Hall, Inc., of Englewood Cliffs, N.J. The article was written by Mr. Martin Nemirow, of Prentice-Hall. In my judgment, it is an interesting discussion of the false impressions which sometimes deter employers from employing older workers. Mr. Thomas E. Butler of that publishing enterprise, has given me permission to insert this copyrighted material in the CONGRESSIONAL RECORD. I ask unanimous consent that it be inserted at this point of my remarks.

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

SHOULD YOU HIRE WORKERS OVER 40?

Is there anything left to outlaw? This question has been asked, only half in jest, by some employers as they survey the restrictions—many of them yet forthcoming—of the Federal law that forbids discrimination in employment on the basis of race, color, religion, sex or national origin.

The question has been answered with a humorless "yes," by Secretary of Labor W. Willard Wirtz. Age discrimination, if Wirtz has his way, will be the next target of Washington lawmakers.

Why the Government is concerned: Studies recently made of 26,000 job openings in 8 major cities showed 4 out of 10 barred applicants over 55 years old; 3 out of 10 also barred those over 45; 2 out of 10, those over 35.

The fact of the matter is that the number of older people in this country continues to grow, but the number employed keeps slumping. This is partly due to more widespread pension and retirement plans—but part of the blame has also been pinned on an invisible sign that hangs over many personnel departments: "Only young men need apply."

Business is thus likely to be burdened with yet another restriction on its hiring practices—unless employers can convince the Government that when they do turn down an older worker it is because the man or woman is unqualified—not simply because he is too old.

To help you reevaluate your policy on hiring older workers, Prentice-Hall reexamined three widely held assumptions that cause employers to turn away older workers. Disturbing conclusion: We found some doubt as to whether any of these assumptions are solid enough to warrant a rigid "hire young" policy if the Government does crack down.

As you read the following, keep in mind these questions; (1) Can you still afford—in the face of an increasingly tight skilled-labor market—to refuse to employ skilled job applicants in their forties and fifties? (2) Would it be worthwhile to loosen up age restrictions in order to forestall Federal action in this area?

Assumption 1: Higher life-insurance and pension costs make it too expensive to hire older workers.

This is one of the most brasstack answers given by employers. What is the real added cost of hiring an older man versus that of hiring a younger man? One survey of 37 public utilities shows that at retirement age, a 15-year employee (i.e., hired at age 50) would have cost the company an average of $40 a year more for life insurance and $141 a year more for pensions than a 30-year man hired at age 35. In other words, the older man costs the company a total of $181 more per year.[1]

This is certainly a weighty consideration in hiring, one that any Federal law would have a hard time glossing over. But are

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[1] Study by Robert L. Fjerstad, in Personnel Administration, March-April 1965.

employers letting visible costs mask invisible savings in this area? Here are some of the savings:

Older workers have better attendance. A study of 18,000 workers shows employees aged 55–64 were absent least. Result: An average of $51 a year saved for every older worker on the payroll.

Youngers workers leave four times as fast. A Census Bureau study shows almost 1 out of 3 employees under age 24 changes jobs—compared to 1 out of 14 employees over 45. Also, the American Management Association estimates it costs you $500 (in recruiting, training, and the like) every time an employee leaves the payroll. Putting these facts together, one expert calculates that every older workers saves the average company about $30 a year in turnover costs.

Subtract that $81 from added pension-insurance costs: The hidden savings of $81 (the sum of better attendance plus less turnover) should be subtracted from the $181 figure—leaving only $100 that an older worker adds to your benefits costs.

A hundred dollars is a hundred dollars—but many personnel directors are surprised to see such a relatively low figure—they thought it ran higher. Ask yourself this question: Is $100 a year too large an extra sum to pay for added years of skill and experience? The answer may sometimes be yes—but not always.

Assumption 2: Older workers are less productive.

Even admitting that they may have overestimated the added cost of pensions and insurance, some employers simply shrug and say "older people produce less." Not true, according the Labor Department studies:

A study of eight manufactures showed no drop in productivity until 55—even then the drop was slight.

Another study 6,000 incentive workers found older workers had steadier output week after week than other groups—and again no differences in total production.

Some employers' impressions about older workers' productivity may be based on tests they give older applicants or employees. Remember this—

Speed tests may be misleading. Tests you give older workers may not reflect accurately their real productivity. Reason: Older employees often work slower, but the slower the pace is usually offset by greater accuracy. Reevaluate the tests you're giving—do they make allowance for this fact?

Example: You may be using only one system of scoring a test for job openings in several departments—even though some departments call for high speed, others for high accuracy. What to do: In scoring the test for high-accuracy departments, give less weight to time in which the test was finished. This not only allows the hiring of older workers—it's a better test for anyone applying for a job in that department.

Assumption 3: Older workers can't adjust to new situations.

This saying has been widely bandied about. But more and more, it's being proved that older people who resist change did so when they were younger—and younger people who accept change will do so when they're older. Many companies are coming to realize this: Witness the increased ease with which out-of-work executives over 40 are finding jobs. It's in such managerial jobs, of course, that a man's ability to change is really tested. To find out why employers are hiring more older executives, Prentice-Hall talked to Col. James E. Wilson, president of the Forty-Plus Club of New York, a nonprofit organization that secures jobs for top executives over 40 (address: 15 Park Row, New York, N.Y. 10038).

Question. "Col. Wilson, an executive recruiting firm recently reported 15 percent of its top management jobs now go to men over 50, whereas 10 years ago a man that old was rarely considered. Does your experience bear this out?

Answer. "Yes. Three years ago, we placed only about 100 of our people. Last year we placed three times that number.

Question. "Is this increase simply due to a shortage of younger talented executives in their twenties and thirties? Is it this fact that causes companies to raise their chronological sights and hire experienced executives in their forties and fifties?

Answer. "That's just part of the story. Another part is that many firms are getting tired of hiring bright young men who proceed to play the leapfrog game. Here's how it works: A younger man has been working for a company several years. He's done well—in fact, he knows three times as much about his field as he did when he first started. But his salary hasn't kept pace with his value to the firm, and he knows it. So he leaves. This is happening more and more in industry.

Question. "It's generally agreed that older employees are more loyal—but isn't an older man less creative, less willing to adjust?

Answer. "This has proved to be a very misleading generality, time and time again. Here's an example. John McCarthy (let's call him that) was 50 years old. He came to us after holding highly responsible jobs in a number of companies. He's a short, red-faced fellow—not very impressive-looking, frankly. He spent three years looking for a job—kept getting turned down because he was overqualified or too heavy on experience—these are the usual euphemisms for being too old. One company bluntly admitted to him that it was looking for 'a younger man with more creative ideas.' That company ended up hiring and firing five younger men before it found someone who really was creative. Meanwhile, McCarthy got a job in which he brilliantly revamped one whole area of a company's operations. He is now vice president of a multimillion dollar division of the firm. I could give you many other examples like this one.

Question. "Should any of the employers who turned him down have been able to see that McCarthy was creative?

Answer. "A smart interviewer would have concentrated on the fact that McCarthy quit his last job because he thought his boss was unwilling to go along with him on new ideas. Problem here is that this reason for leaving a job is over-used—so it's often hard to tell when it's being used legitimately. Here it was legitimate.

As this interview shows, a number of firms often find themselves trying one younger man after another on a certain job—because so many younger men leave or do not work out. This turnover occurs in spite of the fact that most young applicants today are tested and retested to gage such things as "creativity" or "potential." Older men, in contrast, are tested far less often—simply because a man's experience of, say, 20 years is a much more reliable indicator of his ability than any test.

The danger of letting a man's age mask his ability when you interview him for a job is evident from the above example of a brilliant older executive who nevertheless had much trouble finding a job. The principle also applies for older men in lower-level jobs. There are creative and uncreative older men who are looking for jobs as foremen or accountants—much in the same way that there are creative and not-so-creative older executives.

What to do: In trying to tell if an older man has "hardened" and has become less flexible, or less creative, be careful not to confuse a man's natural resentment toward certain things—for example automation—with a real lack of ability to adjust.

Example: Ladef, aged 55, applied for a job. He was laid off at his old plant because of automation. When Ladef applied for another job, he talked bitterly to a personnel interviewer about "those damned machines." The interviewer concluded Ladef was too old and inflexible—wouldn't work out at the company's highly mechanized plant. But in a follow-up interview the shop foreman talked with Ladef and decided he had every reason to be bitter—he lost his job to a machine. What the shop foreman wanted to know in addition was whether Ladef had been given a chance to retrain—and whether he had flubbed the chance. That would show inflexibility. As it turns out, he had been given no chance to retrain. So the foreman decided to estimate Ladef's flexibility on the basis of how versatile his past work experience was. The foreman rightly concluded that neither Ladef's age nor attitude toward his former employer proved much one way or the other.

NO BLACK AND WHITE ANSWER

Clearly many of the assumptions that companies make about older men are not proven ones. This doesn't mean that an older man should always be hired. But it does mean that employers might consider trying somewhat harder to determine whether a particular older job applicant ranks high or low in areas such as "ability to adjust" and "productivity." Previously, you may have assumed older applicants would fall on the low side; so you may have dismissed them out of hand. As we've seen, such an assumption may be false, and may lose you the chance to hire a loyal, steady, and highly skilled worker.

LABOR SALUTES FARM LEADER

Mr. METCALF. Mr. President, Monday night it was my privilege to attend a dinner honoring James Patton, who recently retired from one of his jobs, that of president of the National Farmers Union, which he effectively led for a quarter of a century.

Appropriately, for a dinner honoring James Patton, those who gathered to honor him came from a variety of organizations, professions and places. His influence has extended far beyond agricultural matters, far beyond this Nation's borders, to the benefit of humanitarian causes.

It was especially appropriate that so many labor leaders participated in this occasion. When many of them were milking cows back on the farm, Jim Patton, as a young lad, was helping his dad organize unions in Colorado mines. Jim Patton knew from the beginning that the needs and goals of working men and women are compatible, whether they work on the farm or in a city. One of his greatest contributions has been the unity that he has helped forge between farm and labor leaders.

Jim Patton is in the rich tradition of this Nation's "embattled farmers" who "stood and fired the shot heard round the world." AFL–CIO Vice President Joseph D. Keenan detailed this vital characteristic of American farm leaders in his tribute to Mr. Patton. I ask unanimous consent to insert Mr. Keenan's address and a list of the sponsors at this point in the RECORD.

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

To most Americans who follow agricultural affairs to any extent—and certainly to Members of Congress—the National Farmers Union is "that other" farm organization.

The National Farm Bureau Federation, year in and year out, in Washington and in the State capitals, thunder against every piece of social legislation designed to help the people in general, and wage earners in particular. They are as predictable as the National Association of Manufacturers—and they are almost always on the same side.

They have successfully created an image of the American farmer as a dyed-in-the-wool reactionary, concerned only with his narrow self-interest. Worse than that, a reactionary who always has his hand in the public purse, but who is a skinflint toward everyone else.

This image has been so widely accepted that many citizens, I am sure, are vaguely surprised that the National Farmers Union exists at all. For the NFU, as we all know, has just as consistently spoken out for the well-being, the continuing progress, of wage-earners as well as farmers.

But those who are surprised by a liberal, progressive farm organization don't know much about American history.

Let us remember how Emerson described the opening battle:

"By the rude bridge that arched the flood,
Their flag to April's breeze unfurled,
Here once the embattled farmers stood
And fired the shot heard round the world."

Now those farmers weren't shooting at the redcoats for the sake of high subsidies and low wages.

They had some other objectives in mind—the kind of objectives that have been exemplified over the years, by the National Farmers Union.

You may be thinking that I am oversimplifying the case, by going all the way back to 1775 for a comparison. Actually, this was just the beginning of a long tradition.

Through most of the 19th century, the movers and shakers, the idealists and the reformers, came from the farms, not from the cities. The bitterest enemies of slavery—giving full marks to the New England intellectuals—were the free and independent farmers, north and south, who measured a man, not by his color, but by his performance in the endless struggle with the forces of nature.

When wage earners were an unorganized, voiceless mass, it was the farmers who inspired and supported the Populist movement, that terrified the industrial moguls of the time—the "malefactors of great wealth," as Theodore Roosevelt would call them later.

These barons weren't afraid of their workers. With the help of the law, the courts, the official and unofficial police, they could crush any uprising of their own employees. What scared them was the farmers—the free, independent farmers, who demanded an end to the domination of American life, and the American economy, by the Morgans and the Carnegies and the Rockefellers.

Nothing has ever been said about Samuel Gompers or Philip Murray or even John L. Lewis that compares with what was said about William Jennings Bryan.

Even Eugene Debs was less of a threat. Debs could be attacked as a Socialist, a "red," a spokesman for a strange new ideology. But Bryan was the symbol, the standard bearer, of a radical reform movement that was undeniably 100 percent American. And it had its roots in the soil.

Consider that desolate period after World War I—the so-called "roaring twenties," the "jazz age" of flappers and bootleggers. If we base our judgments on the movies and the television, it was a glamorous and exciting time. It was a time when every young man had a Stutz Bearcat and a raccoon coat and a silver flask full of bathtub gin. And every girl was beautiful, confused and available.

Maybe that's the way it was in Princeton and New Haven, in Greenwich Village or Hollywood. But for workers and for farmers it was a decade of stagnation, from the "return to normalcy" to the "chicken in every pot."

Of course, hardly anybody paid any attention to workers and farmers in those days. Almost everyone was getting rich in Wall Street.

But there were a few who were paying attention. There were a few, lonely voices who pointed out that a slogan like "the business of America is business" didn't really include all of us.

These weren't labor voices alone. No, the major voices of dissent in that long, bleak decade went by such names as La Follette and Norris and Borah, Wheeler and Johnson and Nye. They were not always right on every issue, but they were the voices that kept alive the spirit of social progress when so many others had given up the fight.

And when the long political drought ended with the election of Franklin D. Roosevelt, where did the new President look for help? Not just to the college professors; he also called in the heirs and survivors of the Populist and Progressive movements, men like Harold Ickes and Henry Wallace—and like Harry Truman.

So I say that the National Farmers Union is not really "that other" farm organization. On the contrary, it represents the true spirit, the real principles, of the independent, self-supporting farmer, as demonstrated by almost two centuries of American history.

Now this obviously brings me to the area of practical politics; so let me say a few words on that subject.

The whole philosophy of the National Farmers Union, as I understand it—and if I am wrong, I will certainly be corrected in a very few minutes—is that what is good for America is good for farmers.

This happens to coincide with the philosophy and program of the AFL–CIO.

We say that what is good for America is good for the AFL–CIO.

Clearly, we can't be very far apart.

But at the same time, neither the National Farmers Union nor the AFL–CIO lays claim to any special sanctity. We are not asking anyone to fit us with a halo.

We are simply operating according to the principles of enlightened self-interest.

It seems simple enough to me. A farmer who is well off, who has a reasonable chance to sell his crops at a reasonable price, will be a better customer for tools and tractors, textiles, and toothpicks, than the fellow who is constantly faced with foreclosure.

In the same way, a wage earner who can meet his rent—or his mortgage payments—without strain, who can clothe his family and pay the electric bill, will also buy more meat and bread and vegetables and eggs.

Therefore—and this is so simple there must be something wrong with it—the AFL–CIO is for prosperous farmers and the NFU is for prosperous workers.

I offer this bold new concept, without charge, to the Farm Bureau.

Seriously, I think this concept needs a good deal of development; and if I may say so, the need is greater among the farm population.

I was very pleased to read that the NFU is now going to intensify its organizing efforts. That's fine. We in the labor movement can tell you that organization and education are inseparable. As you recruit you will educate, to the benefit of all.

The plain truth is that there is no conflict of interest between farmer and worker. What the farmer gets has very little relation to what the worker pays for food in the supermarket. What the worker earns an hour has almost nothing to do with the price of a harrow. The rivalry is imaginary, cleverly fomented by those who want both farmers and workers to get less.

Earlier I recalled that the most eloquent spokesmen for the liberal cause, in past years, were often farmers. I think it is fair to say that the labor movement has now taken over a large part of that role. It has fallen to us to be the people's lobby, the voice of the voiceless. We accept the obligation gladly.

Yet we would be stronger in this role, and the national interest would be furthered, if more of the farm population joined in the quest for a better America.

We look forward to the day when there will be a bigger, stronger and even more influential National Farmers Union at our side.

Our guest of honor tonight has devoted most of his life to creating the foundation. For a generation, Jim Patton has symbolized the true spirit of the American farmer—an independent spirit, but a progressive spirit as well.

I think it is highly appropriate that the National Farmers Union and Jim Patton were born in the same year—1902. Measured by the calendar they grew up together. But the real growth of the National Farmers Union, in both size and influence, began when they got together in a literal sense.

This is easy enough to understand, for as you look over his career, it almost seems as though Jim Patton spent his first 38 years preparing to lead the NFU. He started young; his father was a Populist and a follower of William Jennings Bryan, and I am sure this helped to shape his thinking during his Colorado boyhood. He had financial troubles early in life; after the death of his father he had to quit college and go to work, in order to support his mother and three younger sisters. He had hardly recovered from this setback when the depression cost him his job as a typewriter salesman.

This proves that the depression wasn't all bad. Because it was only a short time later that we find him with the Colorado Farmers Union, setting up a cooperative insurance program. That was the real beginning.

From the start of the New Deal, Jim Patton has been an adviser and a source of ideas for the Federal Government. He has not only supported the social programs adopted during the last generation; in an amazing number of cases, he thought of them first.

I won't attempt to recite the list. Let me give only one example. In August 1951, Jim Patton proposed that the United States send farmers and technicians to live abroad and teach their skills to the people of undeveloped lands. Ten years later, John F. Kennedy founded the Peace Corps.

In his ideas and in his career, Jim Patton has been an eloquent spokesman for the common interests of farmers and workers in the ultimate achievement of the American dream. As we honor him tonight, let us rededicate ourselves to that goal.

Let me conclude with just one more thought—one that I know President Meany intended to express, if he had been able to be here. It is simply this: On behalf of the AFL–CIO, and of every wage earner, we say to you, Jim Patton, "Thank you; thank you, from the bottom of our hearts."

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James A. Suffridge, Retail Clerks International Association.

David Sullivan, Building Service Employees International Union.

Hunter P. Wharton, International Union of Operating Engineers.

CON EDISON: THE COMPANY YOU LOVE TO HATE

Mr. KENNEDY of New York. Mr. President, Consolidated Edison Co. of New York is probably used to being the subject of criticism, particularly from the area of New York City which it serves with both gas and electricity. But since November 9 of last year, when New Yorkers were without power for as long as 13 hours after the massive Northeast power failure, unprecedented national attention has been focused on Con Edison.

The Federal Power Commission singled out this firm, in its report to the President on the blackout, for special and extensive discussion. A great deal of comment appeared in the press regarding the failure of Con Edison to restore service quickly. And the State Legislature of New York has several proposals before it regarding investigation of the company relative to the blackout.

It is not surprising, therefore, that there are murmurs again heard in New York City that the only way to protect the public is for the public to own and operate their electric utility.

On the other hand, it is quite surprising to find one of the Nation's leading business magazines publish a ringing indictment of Con Ed's operation, rates, and attitudes.

In its March issue, Fortune magazine extensively discussed the company, prefaced by the statement:

> Much of its plant is old, its rates are high, its profits are low, its growth is meager, its customers are furious. But at Con Edison the aging management assumes the mantle of martyrdom, and trusts that everything will turn out all right.

Mr. O'Hanlon has carefully analyzed many of the problems of Con Ed. More public discussion and public scrutiny of the operation of an electric utility which suffers 3,000 localized blackouts each year and a major failure about every 2 years is necessary. I intend to pursue this matter and will discuss it in more detail at a later date.

Mr. President, I ask unanimous consent that the Fortune article by Mr. Thomas O'Hanlon be inserted in the RECORD.

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

CON EDISON: THE COMPANY YOU LOVE TO HATE

(By Thomas O'Hanlon)

Much of its plant is old, its rates are high, its profits are low, its growth is meager, its customers are furious. But at Con Edison the aging management assumes the mantle of martyrdom, and trusts that everything will turn out all right.

The Consolidated Edison Co. of New York is the Nation's largest electric and gas utility, serving some 3 million customers in New York City and Westchester County, exercising tight control over electric, gas, and steam distribution, and harvesting $840 million in annual revenues. It is also the Nation's most cordially disliked utility. To Charles Emil Eble, who this month at 65 becomes the company's new chairman and chief executive, this low state of esteem reflects not the company's true performance but only its size and conspicuousness. "When you are top dog," Eble says with an air of fatalism, "everybody is gunning for you."

How right he is on one count, and how wrong on the other, for Con Edison's deficiencies are legion. Since the mid-fifties, the company has lagged so far behind other utilities in growth and earnings that investors are beginning to suspect it is a muscle-bound giant unlikely ever to start moving again. Its customers in the past 6 years have had to pay for five rate increases totaling nearly $58 million, tacked on to the highest residential-rate structure of any major utility in the Nation. Despite these higher prices, they have been subjected to a series of power failures, culminating in the prolonged agony of November's black Tuesday, which have made Con Edison an imprecation on the tongues of millions of New Yorkers. For its performance on black Tuesday, Con Edison was given a rebuke by the Federal Power Commission in its report to the President.

Faced with such internal and external crises, Con Edison, one would think, should be looking to some radical changes in its policies. But there will be few such innovations. In the fortresslike headquarters building on the East Side of Manhattan prevails an atmosphere that one executive compares to the camaraderie in a military camp toward the end of a long, exhausting battle. Most Con Edison executives have spent their lives within the protective womb of the company—an environment that they will not now, in their latter days, permit to change. Old and embattled, proud and thin-skinned, the men who lead Con Edison look upon the company as their own personal creation. Given the length of their experience at Con Ed, their attitudes are not hard to understand.

Charles Eble began his career as a $6-a-week messenger boy when Woodrow Wilson was in the White House. In 1921 and 1922, Eble took a 2-year home-study course in business at the Alexander Hamilton Institute. He moved up through Con Edison's accounting department; in 1953, after 37 years, he became a vice president. Four year later he was elected president. "With his inside knowledge of the company and the industry," says a colleague, "Eble did a great selling job with the board." Eble succeeds Harland C. Forbes, a 41-year company veteran, who retires at 68.

The new president is 64-year-old John V. Cleary, an Eble protégé who started his career back in 1925. Like Eble, he too began in the accounting department. Cleary later became an expert in rate regulation, and was elected senior vice president in 1962. One measure of the cost-plus approach to management at Con Edison is Cleary's idea that a rider should be added to the company's rate schedule so that future local tax increases would simply be tacked on to customers' bills.

The third member of top management is Executive Vice President Otto Manz, Jr., 63. Manz is a taciturn engineer who went to work for the company in the same year Cleary did—2 years before Lindberg flew the Atlantic. Except for a World War II billeting to a powerplant at Oak Ridge, Tenn., Manz has been with Con Edison ever since.

Such records of longevity are not unusual at Con Ed. The 21 top officers have been with the company an average of more than 33 years—a state of affairs that prompted one Wall Street utility analyst to remark recently: "Con Ed isn't just a corporation. It's a way of life."

When they discuss Con Edison's present woes, its officers never fail to point out the unique and burdensome physical characteristics of the Con Ed system. Indeed, the inherent limitations that the company faces are enormous. It serves only 600 square miles; by comparison, California's Pacific Gas & Electric operates in a 94,000-square-mile territory. Con Ed's customer density is 5,000 per square mile—more than 300 times the industry average, and far above the ideal saturation point. Moreover, about 75 percent of its customers live in apartments, and pay an average annual electric bill of only $83. By contrast, the owner of an all-electric home in the Northeast pays a bill of about $375. "Our customers' bills are maximum to them, but minimum to us," bemoans one executive. The use of electricity by New Yorkers, one-fifth of whom live on the verge of poverty, is less than half the national average.

"DIG WE MUST"

Yet to service its low-yield area, which encompasses slums, high-rise apartments, and towering office buildings, Con Edison must expend huge amounts of cash. By law, all transmission lines in Manhattan must be placed below the streets; they cost from 5 to 15 times as much as an overhead system. To maintain its 66,700-mile web of subterranean cables, Con Ed's labor force of 5,000 makes about 40,000 excavations every year, so that its street sign "Dig We Must" has become a bitter joke. To transmit the enormous peak power loads most efficiently, the company has been forced to construct an 80-mile-long, extra-high-voltage cable at a depth of 4 feet—a $220-million backbone that links 12 generating stations. In all, for every $1 of plant Con Edison must spend $2 for transmission and distribution—25 percent above the national average.

Nor can Con Edison look to heavy industry for growth. Heavy industry is a vital factor in the sprightly performance of such regional utilities as American Electric Power and Detroit Edison. But service industries, banking, insurance, communications, and printing predominate in New York, and their energy requirements grow only moderately each year. Since the company's largest customers are public agencies, such as the subway system, the City Housing Authority, and the Port of New York Authority, there is good reason to believe Chairman Eble's contention that Con Edison is virtually recession-proof. But, by the same token, service to such static consumers has been a serious limitation on Con Ed's growth.

To compound its problems Con Edison has relatively high production costs. In electric generation, expenses per net kilowatt-hour for the most efficient plants run under 3.5 mills. But, according to the 1964 figures filed with the FPC, only 3 of Con Edison's 12 generating stations produced power within

a mill of this cost. In its 8 coal-, gas-, or oil-fired plants, costs ran from 7 to over 9 mills. Con Ed's new splashy nuclear-powered plant at Indian Point, 24 miles from the city, produced energy at 12.46 mills in 1964—making it one of the most expensive in the Nation. Con Ed's latest average cost per net kilowatt-hour works out to a high 6.4 mills. Despite the company's massive construction program, about half of its capacity is in inefficient plant, some of it half a century old, that swallows up cash simply for maintenance.

The result of all these intrinsic difficulties shows up clearly in the company's financial record. Despite capital expenditures of over $2 billion in the past decade, which increased the investment in plant by 8.5 percent annually, revenues lagged at a disappointing 4.5 percent. In 1965 the company had a net income of $112 million on $840 million of revenues—about 82 percent from electric power, 13 percent from gas, and 5 percent from steam. Rising costs, particularly local taxes that now eat up 16 percent of revenues, have reduced the benefits that should have resulted from new plant. At a scant 5.4 percent for electric operations, Con Ed's return on its rate base has run 1 to 2 percentage points behind most of the industry, a depressing record to one of the company's most important constituents, the financial community. If only to preserve the company's standing in Wall Street as a good income stock, the board of trustees has been forced to pay out 75 percent of net income after interest charges. Even so, investors have shown a lack of enthusiasm—understandable when Con Edison's performance is compared to that of another large utility; since the midfifties, per share earnings of Commonwealth Edison of Chicago have grown at an annual rate of over 8 percent, more than twice that of Con Ed.

Bad as Con Ed's performance seems, it looks even worse to a financial analyst's eye. For the company's reported earnings, like those of some other utilities, reflect the use of an accounting system that rapidly depreciates new equipment and brings the tax savings down to net income. The full complexities of the "flow through" accounting system need not be spelled out here; what matters is the effect of the system on earnings. Last year the flow-through method accounted for more than 30 percent of Con Edison's per share earnings. The practice of boosting earnings by this method of depreciation and tax deferral has been questioned by such a prestigious accounting firm as Arthur Andersen & Co., which has about a third of the U.S. public utility business.

Flow-through accounting is required by the New York State Public Service Commission; by following that practice, Con Ed is simply complying with regulatory procedures. Nevertheless, conservative members of the financial community still feel that dividends should not be paid from the extra earnings generated by an accounting procedure. They point out that if Congress should repeal the law permitting accelerated depreciation, or if the present level of expenditures for new plant should taper off, Con Ed's earnings would dip. In addition, the Investment Bankers Association has pointed out that the flow-through methods contribute to the difficulties of the average investor when he tries to form a sound judgment about the merits of individual utilities.

To Con Edison's Eble, all these arguments are academic. "I just don't see us having to pay back these deferred taxes to Uncle Sam," he says flatly, "because we are constantly expanding."

FROM OUTRAGE TO OUTRAGE

While the infinite expansion is going on, not the least of Eble's concerns will be to overcome what has become known in the company as "the problem of public acceptability." Commenting on this, Washington utilities consultant David Kosh says: "I've been in the utilities business for 34 years and I can't think of a company that goes out of its way to alienate customers the way Con Edison does. They're so stiff-backed. I have yet to hear a Con Edison executive say, 'Maybe you have a point.' By definition, they always think they are right."

Each year there are 3,000 interruptions in Con Edison's electric-distribution system—"minor outages," according to the company's press releases, but major outrages to infuriate customers. Most often these blackouts occur because of faulty equipment, but some have been caused by company employees digging into the city streets. When searching for a gas leak in midtown Manhattan, a workman drilling on 43rd Street severed the powerline to the New York Times a few hours before that paper's deadline—and only a month after the Times had lost $100,000 of advertising revenue because of the big blackout in November. Power was restored quickly, but the incident did little to improve relations between the city's most influential newspaper and Con Edison.

Con Edison's service has been erratic many times in the past. In 1959, 500,000 people in Manhattan were struck by an 8-hour blackout that resulted from the failure of underground cables. Two years later a 5-square-mile area of mid-Manhattan was paralyzed for 4½ hours when switching equipment failed in a substation. After an investigation by the Public Service Commission, Con Edison was directed to install a second contingency system for the high-voltage substations that feed power into network areas. It complied, but city engineers protested that this installation in itself would not prevent a future blackout; the Con Edison transmission-and-distribution system was so designated, they charged, that future blackouts could not be localized. Last November, when the power failure paralyzed New York's life, their predictions came true—despite the previous insistence of Con Edison executives that maximum reliability was built into the system.

The fault that touched off the big power failure did not lie with Con Edison. But the air of unconcern that pervades the company was never more evident than at that time. New York, as former Mayor Robert Wagner put it, "lives, eats, and virtually breathes on power." When the blackout occurred, two of the metropolitan airports were closed, hospitals were without power, 600,000 passengers were trapped underground in subway trains, television and some radio stations went off the air, monumental traffic jams clogged the streets.

FOR THE WANT OF OIL

The company was taken to task by the Federal Power Commission in its report to the President. For one thing, the FPC wondered why there were neither automatic devices nor more precise guidelines to help the system operator at Con Edison's power control center, so that he could cut clear of the interconnecting ties with the stricken upstate utilities. (There was a period of 7 to 12 minutes between the initial disturbance and the final collapse of the system.) Furthermore, the agency criticized Con Ed for the 13-hour delay in restoring service; it pointed to the company's reliance on slow-starting steam generators for reserve power, and the absence of auxiliary generators that would have provided electricity to restart the huge, inert turbines. When the power failure occurred, no electricity was available from auxiliary sources to pump a protective coat of oil on the massive bearings in many of the company's generators. As a result, 50 bearings were damaged by friction when they spun to a halt; 1,500,000 kilowatts of capacity lay dormant. The company's newest and largest unit, the massive 1-million-kilowatt Ravenswood generator, was down for repairs for 2 months after the blackout.

Consolidated Edison Co. came into being in 1936, when a group of gas, steam, and electric utilities were merged with an already existing amalgam of companies that a group of New York bankers had brought together over a period of 50 years. The man who set the current patterns at Con Ed was Hudson Roy Searing, chief executive from 1953 to 1957. Searing had spent the thirties coordinating the activities of the scores of utilities that made up Consolidated Edison. Since management people were pouring into the new company from the various subsidiaries, Searing's first task was to coordinate this new mass and to dampen personal feuds. "Some people were literally hitting each other over the head," recalls one executive. "At the very least, men from the gas companies simply did not talk to people from the electrical side."

Searing's dream was to build an integrated utility that would operate as a "total energy system." To achieve it, he naturally needed the cooperation of local and State governments. But during the administration of Mayor Fiorello La Guardia, the attitude of the city toward utilities was distinctly hostile. An advocate of public power, La Guardia was constantly threatening that the city would go into competition with private power in order to force a reduction in rates. It was no empty threat: three publicly owned powerplants were then supplying power to the city subway system, and the city was one of Con Edison's largest customers.

Searing's answer was to put Con Ed deep into politics. He began a search for someone in the company who could mesh Con Ed's plans with the various departments of the city, and develop a close working relationship with city hall and other political powers. "Charlie Eble is the man for that. He knows everybody," Searing was told. Looking back today, Eble recalls, "Over the years I struck up friendships with many politicians. It was not something that I set out to do objectively at the beginning. But, as time passed, I found that many of my friends had moved into positions of authority in government. I could talk to them. It was as simple as that."

To talk to friends in authority has become an important part of Eble's job. He makes frequent trips to Washington, where he sees members of the New York congressional delegation, and to Albany, where he is on intimate terms with key politicians of both parties. Two of the utility's vice presidents, Ralph Norris and Bernard Gallagher, spend a great deal of time strenthening relations with city and State legislators. Gallagher also has forged a strong link between the company and the powerful Central Labor Council; Gallagher says that Con Ed, because of its construction projects, provides 15 to 20 percent of the jobs for building trades workers in New York City. Besides his regular responsibilities, public relations Vice President Max Ulrich handles special political assignments. "He has a sixth sense about where the centers of power lie," say a colleague. Other work is handled for Con Edison by its public relations consultant, Sydney Baron, a long-time associate of former Tammany Hall leader Carmine De Sapio.

Con Edison is also directly involved in clubhouse patronage. Under a provision of the administrative code, the company must pay the salaries of "hole inspectors," who are charged with supervising excavations in the city streets. But these inspectors, who are part-time employees, are appointed by the highway department from a list of names submitted by the mayor's office. Con Ed has no voice in the choice of the inspectors and no supervisory control over their work. All it does is pay the tab.

Company executives are a major source of funds for both political parties. Most of these contributions are made by buying tables at fund-raising dinners. Con Edison employees have quite a reputation for stolidly eating their way through innumerable rubber-chicken affairs. All this, of course, is intended to give the company a strong voice in legislative actions while they are still in the formative stage. As Eble puts it: "When I got into the political end of this business, a friend told me, 'Charlie, don't wait until you have a problem before you approach a politician. Build up your credit first.'"

THE POLITICAL PRICE OF POWER

With the election of John Lindsay, Con Edison's relations with city hall may not be quite so smooth as they have been in the past. For one thing, Lindsay is death on clubhouse politics, and has bitterly attacked partisan political patronage and the "power brokers" who, he charges, have long manipulated city government. One of his first actions—a call for the abolition of all coal burning in order to cut down air pollution—would have a direct effect on Con Edison, which burns approximately 5 million tons of coal a year in its city plants.

One of Con Ed's most furious political battles was fought and—by its management's lights, at least—won 7 years ago. The opponent was that old nemesis, public power. The three powerplants the city had owned since La Guardia's day needed to be modernized. Faced with an expenditure of $100 million, the city had either to take the plunge and possibly extend power distribution to other public agencies and authorities, or to sell the plants to Con Edison. But before the city could sell the plants it needed enabling legislation from the State capital. In Albany, Con Edison put on a display of political lobbying that professionals still recall with awe and admiration. The bill was finally passed with only a handful of dissenting votes.

But if the political generalship was masterly, the price paid for the obsolete generators was extraordinarily high. Con Ed gave the city the book value of $126 million for the three 50-year-old plants, whose real value was probably much lower. Moreover, the company since has had to spend heavily to maintain the equipment, and even that has not been enough. Former Chairman Harland Forbes admitted that the economics of the powerplants was questionable, but that it was important for Con Ed to get the city out of the power business.

It was not the first time that Con Edison paid dearly to stifle the threat of public power. In the mid-fifties, a group of powerful legislators were fighting hard in Washington to lead the Federal Government into the ownership of nuclear powerplants. To stave off this threat Con Ed made a surprising decision. The company plunged headlong into its plans for the construction of the first privately owned nuclear power station in the Nation, at Indian Point, on the Hudson River. Con Ed refused all Government assistance and subsidies, except for the $500-million Federal indemnity insurance that is mandatory under the Price-Anderson Act. It also rejected the thought that it might share the cost of a pilot plant with other public utilities, as was done by utilities in New England and the Midwest.

The first estimate for Con Ed's spectacular plant was $55 million. But it was plagued by engineering difficulties, took 4 years to build, and finally cost $127 million. A conventional plant of the same capacity would have cost about $190 per kilowatt of capacity; Indian Point cost between $450 and $500 per kilowatt. To make matters worse, the State public service commission has decided not to include the plant in the company's rate base. "There simply is not sufficient evidence," said the commission, "to reach a proper conclusion on appropriate and proper treatment of the costs of Indian Point operations, either capital costs or operational costs."

IF AT FIRST YOU DON'T SUCCEED

Despite the jolting experience with its first nuclear plant, Con Ed is determined to try again. It is convinced that in its area, where fuel costs are high, nuclear power will be competitive with energy produced from coal or oil. This summer Con Edison expects to receive a construction permit from the Atomic Energy Commission for an 873,000-kilowatt plant that will be located near Indian Point I. This time, however, having been burned when it acted as its own general contractor, Con Edison is buying a turnkey installation from Westinghouse at a cost of $125 per kilowatt. "By running Indian Point II at 80 percent of capacity," says Senior Vice President Mowton Waring, "we can deliver power at 5 mills, about as low as you can get with any conventional system."

Placing the plant 24 miles upriver from New York City is a bow to public opinion. In 1962, Con Edison applied for a license to build a nuclear plant in Queens, then had to abandon the project because of fierce public opposition. But executives like Waring are so enthusiastic about nuclear power that they plan to make another attempt to locate a generator within city limits in the 1970's. Such a plant would enable Con Edison to scrap some of its inefficient coal-burning stations. (Steam from the boilers could also be sold for heating and air conditioning.) "We're going to fight to put the next nuclear plant right in the city," says Waring. "We know it's safe, and the Atomic Energy Commission is convinced. The public has yet to be persuaded."

Another of Con Edison ambitious projects whose outcome is questionable is the proposed construction of a 2-million-kilowatt pumped-storage plant at Cornwall, 8 miles upriver from the nuclear generator. On paper, this hydroelectric scheme seems to make sense: it would, Con Edison told the Federal Power Commission, provide large blocks of power at low cost, alleviate air pollution, provide reliability of service, pave the way for use of large nuclear plants, and improve the company's bargaining position in purchasing other fuels. "I do not know of any project the company has undertaken," intoned Harland Forbes, "that offered so many benefits of such great significance to the public as the company's Cornwall pumped-storage project."

THE EVER STUBBORN CITIZENRY

But in this case also the public has yet to be persuaded. Although the FPC granted a permit for the construction of the $162-million plant, conservationists carried the case to the Second Circuit Court of Appeals, which has set aside the FPC decision. The FPC must now, at the direction of the court, undertake a study of other methods of power generation, such as gas-turbine plants. Nobody at Con Edison is betting on the final decision.

Besides giving consideration to the Cornwall project, Con Edison has been negotiating with the Quebec Hydro Electric Commission for the purchase of 1,500,000 kilowatts of Canadian power. Talks have bogged down on costs ("We're about half a mill apart," says a Con Edison executive). However, in a prospectus issued last November, the company said that conditions are promising for the importation of Canadian power sometime in the 1970's.

Currently Con Edison is revamping its system to guard against another disaster like the November blackout. The company has purchased 28 diesel generator sets. They will provide an emergency source of power to insure a safe shutdown of turbine generators and help start up smaller units. Larger generators have been ordered to provide startup power for units in the newer stations. Company executives are also working out a method of providing emergency power for the city subway system. The cost of this backup service will be an estimated $10 million.

All this expansion is intended to do more than just to supply the needs of Con Edison's customers. By extending capacity and its high-voltage ties with other utilities, the company hopes to become a major regional supplier of power. It is already connected with upstate New York and New England. A new interconnection will link Con Ed with plants in Pennsylvania, Maryland, New Jersey, and New York. The benefits of such interconnections are obvious: each utility can use the most economical source of power within the pool, and large generating plants can be operated at high capacity.

In the past Con Ed attempted to acquire the neighboring Long Island Lighting Co., a more profitable utility with both the industrial and residential growth that Con Edison lacks. Both attempts were blocked, first by the regulatory agencies, and then by Long Island Lighting's directors. But with the promise of high-voltage interconnections, Eble no longer sees a need for the acquisition. "We can really get the same results under separate managements through cooperation and joint planning," he explains. "That way, you don't get into trouble politically, and you don't antagonize people."

THE PLEASANTNESS OF CHANGE

This state of affairs would be a nice change for Con Ed, many of whose customers feel a good deal of antagonism at the moment. The long series of rate increases has brought some customers, at least, to the belief that they are being penalized for management's ineptitude. Some of the largest real estate companies in the city evidently shared that view. The real estate companies, banding together in the Owners Committee on Electric Rates, Inc., have spent $320,000 over a 12-month period fighting the company's last major rate application. Although the court of appeals upheld the $27 million increase, the group considers that its tactics were well worth the cost: the delay saved the group $22,500,000. Con Ed's growth depends on future construction in the city, and this battle has probably been a deterrent to other builders.

Charles Eble takes opposition in stride. A prodigious worker, Eble has come to symbolize Con Edison to what he considers its most important constituents—Wall Street, the political power structure, and community organizations. In his spacious office on the 16th floor of Con Ed's command post, Eble puts in a 12-hour day, mainly on financial matters. Since the company must borrow constantly for its construction program, Eble juggles deftly to keep the capital structure in balance, to avoid an overload of debt, and to pave the way for an equity issue tentatively scheduled for 1967. And since all construction projects must be coordinated with other companies, Eble spends a considerable amount of time shoring up relations with other utility executives. Eble also lends his talents to a number of outside business and community organizations. Among other posts, he holds the position of chairman of the once moribund Greater New York Safety Council, designed to promote safety on the roads and in industry, and reactivated it by increasing its budget and by persuading some prominent businessmen to serve on the board.

Some of the intense pressures on Con Edison, and on its facilities, may be alleviated in a few years if the company's expansionary plans are translated into reality. But Con Ed also had a conspicuous weakness: a consistent reluctance to find within itself the

reason for its consistent unpopularity. That failing is likely to endure, partly because the company has no visible second-line young managers to generate new ideas along with the generation of more power. Executive Vice President Otto Manz seemed to recognize the weakness when he said recently, "We're always the whipping boy. We just don't sit here in the tower and decide to do in the customers. We must find a way to show people that we don't have horns." In fact, the company has never proved—the way exemplary utilities such as American Electric Power and Detroit Edison have proved—that it is on the same side as the customers.

But then Chairman Eble thinks it has. "In a broad sense," he says, "the goals of Con Edison and the city are in harmony." Then in an odd twist he adds: "But you know, I'd never use Charlie Wilson's phrase, 'What's good for the company is good for the city.' "

THE POLARIS STORY

Mr. MURPHY. Mr. President, in San Diego, Calif., the week of April 11 to 17 is Submarine Week. While our attention is directed to the war on the continent in Asia in which we are presently engaged, we should take time to note that under the surface of the world's seas cruises a powerful force of U.S. submarines. They are carrying out their missions of guarding the ramparts of freedom by offering a massive nuclear deterrent to aggression.

Mr. President, as the veterans of World War II submarine service meet to renew friendships and memories, they, as we, are interested in what has been done to keep our submarine fleet in a dominant, battle-ready state.

I would like to present here a brief history, Mr. President, of the development of the concept of the submarine-launched Polaris missile and its place in our balanced defense system of today. In view of some of the developments in our military posture, through economies and revision of concepts, our dependence on Polaris at the present time is greater than ever.

Mr. President, here is the Polaris story:

POLARIS—A GREAT WEAPON

Somewhere deep in the vast reaches of the world's oceans, an unknown number of quiet, whale-shaped ships with 16 ready-to-fire missiles each, are moving—up, down, and through the murky wet jungle of the liquid space that covers most of this planet. This dominant, dependable deterrent is ready to administer the supreme punishment for the crime of crimes. Readiness is in motion, keeping nuclear peace on the living space that covers the rest of this earth.

The ships, nuclear-powered submarines.

The missiles, Polaris.

The mission, prevent nuclear war.

The method, deterrence.

One use of national power is to deter actions by other nation-states inimical to our interests. The power available to the U.S. ranges from political and economic sanctions, through varying degrees of military force up to the ultimate—long-range nuclear weapons.

We are concerned here with the power available to the United States at the upper end of the spectrum—long-range bombardment systems with nuclear warheads—and its use as a war deterrent.

NUCLEAR DETERRENT POWER

Nuclear deterrence depends on posing a threat to use military power in its most devastating form. But, both the ability and will to use this power must be demonstrated.

Deter. It means to discourage action through fear of unpalatable and inevitable consequences.

The effectiveness of deterrent power depends on how the consequences are viewed in the mind of the deterred. If the party being deterred does not understand what actions will cause what consequences; if he does not believe that the consequences are inevitable; and if this party does not consider the consequences to be unacceptable in terms of what he hopes to gain by taking the action, then the deterrent will fail to deter.

Another complexity is the fact that today's deterrent may not work tomorrow. The deterred will search for a method of defeating or neutralizing the force which is intended to bring the consequences about. It is human nature to do so, and if the deterred thinks he can do it, then the deterrent may fail.

This raises some questions. What is our nuclear deterrent power supposed to do for us? Who will it deter, and what will it deter them from doing? If it fails, what are the consequences? How do we make the punishment so certain that the commitment of the crime never happens?

If the deterrent fails, then it is possible that large areas of the world's living space and the people in it will be annihilated. It is of such dimension. It is that important.

Basically, our nuclear deterrent power makes it possible for us to deter a rational country from taking any action which the United States might use nuclear force to counter.

What then are the Communist actions to be deterred?

Essentially, our nuclear deterrent power discourages a rational nation from launching a nuclear attack against this country or against our allies. It may do more. It may, for example, deter the Communist camp from engaging in political-military actions short of nuclear war, because such actions could escalate to nuclear war. But this is byproduct of nuclear deterrent power, not the primary purpose.

The key to this power resides in the inevitability of the consequences. If a Communist nation launches a first strike against this country, then we would destroy them as a nation and as civilization.

This is the heart of nuclear deterrent power. If the United States, in fact, has such power, we know that it does not have a universal application. The building of a wall in Berlin, French recognition of Red China, insurgency in Vietnam, are events this power could not deter. This power should not be applied where only economic, diplomatic, and conventional military power are useful.

A nation cannot long rely on a nuclear deterrent system as a bluff. Dependable deterrence demands substance. Our ready nuclear power must convince possible aggressors that they cannot possibly win a nuclear conflict. They must understand the postulate that there are no issues as vital as the survival of their homeland itself.

THE STANDARDS

Retaliation and second strike describe the operation, but how is the job to be done? What kind of weapons do we need?

A first strike by the United States is not a consideration. Even if it were, it would not lessen the importance of being able to strike back. Come what may, retaliation must be certain. Twenty-four-hour-a-day retaliation readiness is required.

The forces that make up our nuclear deterrent power must possess certain essential characteristics. Recently, Gen. Curtis LeMay defined some of the most important:

"Adequate in quantity and quality to execute its mission, accurate, capable of striking a range of targets with precision, survivable, to prevent its being destroyed in a surprise attack, flexible, capable of attacking all types of targets under varying conditions, controllable, responsive at all times to the Nation's decisionmakers."

The most significant word in General LeMay's list is "survivable." Without survivability, the retaliatory system must fail.

A survivable deterrent stymies enemy efforts to neutralize or destroy the system concurrently with the action that the system is designed to deter. But obviously the system must do more than survive a nuclear attack.

It has to survive sabotage. Floods, earthquakes, heavy weather, and other phenomena of nature cannot be allowed to interfere.

Can the system be destroyed in flight? Can the warhead be rendered harmless by countermeasures?

In order to deliver the consequences, the system must survive—prior to launch and in flight.

THE STAGE

Prior to 1949, the United States enjoyed a nuclear monopoly. But, in 1949, the Soviet Union began to catch up. They exploded an atomic weapon.

In 1950, the Communists invaded South Korea.

The follow-on period saw in the United States the buildup of bomber forces, warning systems, and air defense systems.

With sufficient warning of a bomber attack, the United States could launch its own bomber forces. With adequate air defenses, we could make a bomber attack on the United States a costly adventure that might fail.

But, on an October day in 1957, sputnik was launched, and in its wake the postsputnik Communist offensive and the word "missile gap."

The rationale underwent a sharp change.

Sputnik raised the specter that someone else had an intercontinental ballistic missile to deliver an atomic bomb.

With little or no warming time, and with no missile defense, could United

States retaliatory forces survive a surprise missile attack? If not, then how could we deter a nuclear assault on this country?

The so-called missile gap may have been a myth, but warranted or not, "sputnikosis" occurred with a few symptoms of panic. The Communists were to make the most of it.

In the foreword to his "Public Papers of 1962" the late President Kennedy wrote:

> Following * * * sputnik in 1957, the Soviet Union began to intensify its pressures against the non-Communist world. * * * The notable successes in space were taken as evidence that communism held the key to the scientific and technological future. People in many countries began to accept the notion that communism was mankind's inevitable destiny.

Sputnik was the signal to Communists everywhere. Using nuclear blackmail, Khrushchev laid down the ultimatum on Berlin. Using insurgency, subversion, aid, and trade, 1958 saw the pressure build up in Vietnam and Laos; the simultaneous crises at Matsu-Quemoy in Asia and Lebanon-Jordan in the Middle East; and before the year was out, a man named Castro took charge in Cuba.

By the spring of 1960, the Communist offensive had gained real momentum. The climax came with the shooting down of an American U–2 over Soviet territory.

American's pride and sense of purpose seemed to flow downhill in the wake of rising Communist military, scientific, and political prestige. America's stature seemed to wallow feebly in the wake of sputnik and later Soviet achievements.

THE FLAW

During the first 3 years of the postsputnik offensive attention was focused on the word "missile-gap," and it obscured the real issue. Actually, survivability of any system was at the root of the concern that centered around our nuclear deterrent power.

Retaliatory reaction to a manned bomber attack was one thing, but retaliation to a surprise missile attack, if the Soviets in fact had such a capability, was something else. It represented a different kind of a threat.

Missiles reduced the warning time to minutes, outmoding our jet interceptors. An antimissile system did not exist. Effective base hardening was a concept, not a fact.

The status of missile development in the United States vis-a-vis the Soviet Union was quite beside the point. The point was that sputnik gave the world a psychological reason to believe that the Soviets could have a missile delivery system capable of neutralizing our ability to deliver the consequences. Moreover, the actions and spirited statements coming out of the Sino-Soviet bloc added credence to the possibility that they could do so.

As the postsputnik offensive gained in momentum, the free world's confidence in our ability to deter nuclear war and our strength to resist Communist encroachments around the globe diminished. Whether this derogation of confidence was founded in fact is unimportant. The important consideration was what was going on in the minds of Communist decisionmakers. If they could, by calculation or miscalculation, conclude that devastating retaliation by the United States was not probable, then a serious flaw had developed in the creditability of our nuclear deterrent power.

The way had been paved for more vigorous probings, more serious challenges, and more dangerous threats. As the peril of escalation gained in substance, the range of alternatives open to the United States in the arena of international politics narrowed.

Except for the weapons that could be launched from aircraft carriers and Regulus submarines, this Nation was dependent on a static system to carry out its nuclear deterrent concepts. Our bomber forces stationed around the world, and later, our open, liquid-fueled missiles, represented 90 percent of our retaliatory might.

These forces were not only vulnerable to surprise missile attack—they were the primary targets. Further, it occurred to our allies that our bomber and missile forces abroad were attractive nuisances that could invite nuclear attack on them—an attack that might be precipitated by an event in which they had neither a voice nor an interest.

The United States had invested tremendous sums in a rigid strategic concept by placing 90 percent of its eggs in what was to become a faulty basket. The ability to survive and then retaliate was in doubt. This was the issue—this was the strategic flaw.

THE REPAIR

The deficiencies in our deterrent posture were recognized and several costly measures to correct them were set in motion. Under the heading of the "cocked configuration" the techniques of dispersal, field rotation, ground alert, and airborne alert were instituted.

These efforts to gain mobility were an expedient. True sustained mobility was unattainable, because the supporting bases were fixed. True sustained mobility is achieved only when the base moves with the system.

Frantic attempts to gain mobility created problems. Exposed forces must be committed, if at all, early in nuclear war. An airborne force lacks staying power. It must be expended at the outset, because the bases on which the force depends would disappear on the first attack. Released under these circumstances an airborne force cannot deliberate or choose its own timing. Indeed, it is the captive of time.

The force reacts by moving on the enemy without delay. The option of poised thought and controlled action are denied.

Base hardening was developed to improve survivability. But aside from its practical and economic limitations, hardening only helps temporarily.

Harden all you will—land locations are fixed—a latitude and longitude recorded on a Soviet target checkoff list. It is axiomatic that military installations will attract enemy warheads in a strike against this country. An enemy has no choice.

If fixed bases attract enemy bombs, then hardened bases attract more and bigger bombs. The better the hardening, the bigger the bomb that base attracts. This in turn widens the area of destruction and increases the perils of fallout.

THE CURE

The cocked configuration and hardening could repair the flaw in our deterrent posture to a limited degree—it could not effect a cure.

The defect of rigidity simplified the enemy's problem while reducing the options open to us. The cure demanded that our nuclear deterrent strength be given a large shot of versatility.

This does not suggest that our bomber forces and land-based missile systems needed to be replaced by another system. On the contrary, it was important that they be retained to avoid falling into the very error that had to be corrected. The United States had to escape from the unhappy plight of the rigid military posture, and the single weapons system on which it depends.

Not only did our nuclear eggs have to be distributed more sensibly among the baskets we had, but more and better baskets had to be developed.

In November 1955, the Navy backed by America's highly skilled industrial base, began to weave a new and better basket. By July 1960, the basket had taken on form and substance—the submarine *George Washington* successfully launched two Polaris test missiles from beneath the Atlantic. Before the year was out, two FBM submarines were deployed to station with 16 ready missiles each.

If the world sat up and took notice it was because thinking people saw in Polaris the enlargement and strengthening of America's shield. The means to gradually repair the flaw were in hand. The weight of Polaris gradually tipped the scales of nuclear deterrence in America's favor, and gradually wrested the strategic initiative from the Soviet Union. By the end of 1962 nine submarines with 144 missiles were at sea.

Survivability prior to launch, was the flaw which had undermined our deterrent posture. The world's oceans provided the sound solution.

To the Soviet Union, the United States represents a target covering less than 2 percent of the earth's surface. To us, the Soviet Union represents a target covering about 6 percent. These are the geographical facts of life. It would be sheer idiocy for the United States to engage the Soviet Union in a nuclear duel between continental-based missiles. With three times the land mass of the United States, the Soviets would start off with a 3 to 1 advantage on dispersal alone. Missiles bases on land *do not* move, and the Soviets know exactly where they are.

What could be more logical than to move a significant part of our nuclear deterrent forces to sea, and thereby multiply the earth's surface area available to us by 35; from 2 percent to 70 percent. This can be done without a treaty, without a concession, without a

lease. It removes the attractive nuisance from our soil as well as foreign soil.

Deployed forces at sea exist in isolation and represent dispersed power instead of concentrations of power. Each unit moves continuously and at random.

Random depth, speed, and direction characterized each unit—and each unit represents a mobile base constantly changing position on the globe.

This is true sustained mobility. The quiet, unseen moving target. Imagine a Polaris submarine track superimposed on North America. Then, imagine if yesterday it left Philadelphia and moved in a direction selected at random. Today it could show up in Boston, or somewhere in North Carolina. Tomorrow it might appear in Montreal, Canada; Savannah, Ga.; or Chicago.

Polaris does not suffer the limitations of the highway, there is only the water—the boundless stretches of ocean. Somewhere within it are small, individual units. An unknown number of submarines in unknown locations, moving at random, elusive, avoiding detection, compounding the difficulty of discovery.

Even if one is found—it has to be identified as a submarine. But this submarine avoids detection at all cost and takes timely evasive action to insure it. Even if identified, the submarine must still be destroyed. The latter is not an automatic consequence of the former.

Remember, there is just the water covering an unknown number of submarines at different locations deep in the sea. To prevent retaliation, the enemy would have to find and destroy every one of them before launching a nuclear strike of their own. To attack this system, an enemy would have to go after each small, individual ship. Missiles are useless. To destroy such a system an enemy would have to seek out, classify and engage each unit—one by one. A mammouth task entirely different than that of coping with the offensive submarine that risks detection by purposely engaging other forces on the high seas.

Thus, the system as a whole is survivable. Freed from the ballistic missile threat, it cannot be destroyed by surprise attack systems.

Survivability does not depend on special measures or expensive hardening. The bull's-eye is under the sea, try and find it.

If the enemy should try to destroy our sea-based deterrent force, their efforts would not bring devastation on the United States. By not attracting missiles to this country, sea-based forces limit the damage that would be inflicted on our society. A sea-based system stands between the enemy and the United States. It stands in front of, not among the defended. This is a bonus beyond price.

In flight, Polaris is not any more or any less survivable than other missile systems. Nevertheless, it does offer advantages. Because it is launched from a point closer to the target, the inflight time is shorter. Second, the launch point cannot be monitored—the enemy has not the slightest notion of its location. These two factors taken in combination reduce the time available to neutralize or destroy the missile while it is in flight—another plus for survivability.

Other characteristics in General LeMay's list are: "accurate, flexible, controllable, responsive." This package takes on importance if the system survives, and the characteristics of readiness and reliability are implicit.

The standards in this package are tough to meet, yet, Polaris meets them rather well.

Polaris has the accuracy and range to hit any place on the face of the earth. This has been established by over 125 firings from submerged submarines.

Reliable? This is the only system that has been tested fully, right up to the nuclear warhead itself, and by the men who will be expected to do so under war conditions, and in the normal operational environment.

Submarine reliability has been demonstrated. To quote the late Admiral Ricketts, then Vice Chief of Naval Operations:

> The first Polaris submarine went to sea over 3 years ago. Since that time, no Polaris submarine has been late in deployment; no patrol has been aborted; no submarine has returned early from its patrol.

Admiral Ricketts touched on responsiveness. In over 3 years "no communications message has been missed." Operational experience has demonstrated that the system will hear the Presidential command to launch missiles—if and when.

Responsiveness involves more than hearing the command. Compliance is every bit as important. This is where flexibility and readiness enter the picture.

Polaris is not preaimed. Completely flexible, it can shift, right down to the instant of launch, and "zero in" on new targets laying in any direction.

To be responsive, a system must be ready to go. This too has been demonstrated. In over 3 years, at least 15 of the 16 missiles in each submarine have been ready to fire over 99 percent of the time, and all 16 have been ready to fire over 95 percent of the time.

Flexible, always ready—in short, responsive. Launchable within minutes without the need for a long countdown, it is neither influenced by, nor does it vary with, the state of international tensions. The sea-based system is always there, ready to function when ordered, and only then.

A controllable deterrent. It gives the decisionmakers room for maneuver. It allows mature judgment and thoughtful action. Instantly responsive? Yes, but Polaris does not depend on hair-trigger methods. It need not move on the enemy without delay, because the system will survive.

Its missiles can be held for days, weeks or months, and then squeezed off with cool deliberate aim. Some, or all, or the system can be held in check to carry out a war of systematic terror and destruction if the President so directs.

A controllable weapon, useful as a negotiating force if deterrence fails. Controlled retaliation to force the enemy to capitulate through the deliberate destruction of his whole society—bit by bit—until our terms are met.

This is a weapons system officered and manned by carefully selected, highly trained and highly skilled American sailors. Qualified submariners, thoroughly schooled in the traditions of the sea as well as in the latest that technology has to offer. These men serve their country with a sense of purpose and pride in what they are doing to safeguard America.

Even the most dedicated, highly trained, carefully selected individuals can err. To prevent a mistake or an accidental firing of any of these awesome missiles, a system of checks and balances has been designed into the organizational structure of the submarine itself. The mutually dependent coordinated action of several people is required to launch missiles. This system is as foolproof as ingenuity can make it.

The organization and the type of men entrusted with it makes it manifestly impossible for any missile to leave its silo unless the President so directs.

THE REACTION

Polaris meets the standards. In fact, it does more. It forces an involuntary reaction by the Communist powers.

The Russians have always been an inward looking, suspicious, defensive people. Locked to the Eurasion landmass, their naval power has supported a strategy of defense. Such is reflected in Russian history and explained by geography.

Communists understand the advantages of a sea-based missile system. To reach nuclear deterrent parity with the United States, they too must turn to the sea. Moreover, they must turn to the sea on a grand scale if they should try to counter Polaris at the source—the submarine.

The United States moved part of its nuclear deterrent force to sea naturally. We constructed the system that is best for us. This, too, is reflected in history and explained by geography.

The Soviets are trying to match Polaris with a similar sea-based system. But what was natural for us is unnatural for them. Whether they try to match it, or counter it at the source, Polaris forces the Communists to apply their resources in an involuntary way.

A fact that disturbs the Communist nations is that sea-based deterrent forces can ring the Eurasian land mass with retaliatory missiles. At one time, the Soviets could concentrate their defensive strength along the polar frontier. Now, missiles can penetrate from any direction—across China, over the Himalayas, no frontier is safe. With immense frontiers, difficult to protect, they must undertake the tremendous task of defending themselves everywhere around the Eurasian land mass.

The effects are twofold. The Sino-Soviet bloc must reorient their defensive strength which in turn weakens the total. Secondly, they must build more defense forces which leaves them with fewer resources for aggression and economic progress.

Soviet sensitivity to Polaris was seen in the Geneva disarmament talks. In

March 1964, Russia proposed the destruction of all U.S. submarine-borne nuclear missiles as the starting point of world disarmament. Soviet Delegate Tsarapkin called the Polaris missile "a dangerous weapon, difficult to control, antihumanistic and antidisarmament and must be done away with."

The Soviets have nothing to fear from Polaris as long as they behave. But scrap Polaris and we resurrect the post-sputnik offensive. Scrap Polaris and America moves out from under the umbrella of its dominant deterrent, no longer as free to use its other powers to protect our interests.

THE PAYOFF

A randomly dispersed arrangement of quiet, moving weapons, Polaris—the most effective deterrent to nuclear war ever devised.

If nuclear war should come, our deterrent forces will have failed their mission. Over 100 million Americans may be dead. But—

When the strong man, fully armed, guards his courtyard, his property is undisturbed—Luke 11: 14–18.

The United States can absorb every nuclear weapon in the Soviet arsenal and still have the power to deliver the consequences.

As long as the men in the Kremlin are rational, we need not dilute our national goals, our national purpose, out of fear from a nuclear attack or a massive power play from them. We can continue to concentrate with confidence on the smaller but no less important problems of this planet and the people on it.

But continuation rests on seeking solutions in an arena free of nuclear blackmail.

Polaris, hand in hand with complementary systems and conventional forces, backed by astute diplomacy, and the will to use our national power, makes this possible.

Polaris is not the end-all, the absolute. Military history, especially the post-sputnik era, underscores the danger of a rigid strategic concept. It simplifies the enemy's problem. It reduces the risks he must take. It minimizes his opportunities for miscalculation.

The single, perfect weapons system does not, and probably never will, exist. That is why systems to complement Polaris, in fact, a mix of weapons systems is needed. But among this mix, America's sea-based system is a component of great importance.

The Prime Minister of Great Britain, Sir Alex Douglas-Home expressed it this way:

I believe we may be over the watershed of danger with the Soviet Union, but if so, it is because the deterrent has deterred, and above all, because the Polaris submarine * * * has convinced the Soviet Union that war is too dangerous.

The fear of nuclear blackmail has faded. The problems of escalation are manageable. Polaris, by restoring our retaliatory strength, gave America the advantage over its enemies in the cold war. The fear of nuclear blackmail has faded.

The strategic initiative is in our hands.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AUTHORIZATION TO RECEIVE MESSAGES, SIGN DULY ENROLLED BILLS, AND FILE REPORTS DURING ADJOURNMENT

Mr. KENNEDY of New York obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without losing the floor?

Mr. KENNEDY of New York. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate from today until 11 a.m. Tuesday next the Secretary of the Senate be authorized to receive messages from the President and the House of Representatives, that the Vice President and the President pro tempore be authorized to sign duly enrolled bills, and that committees be authorized to file their reports.

The PRESIDING OFFICER [Mr. YOUNG of Ohio in the chair]. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, perhaps at this time the distinguished majority leader can tell the Senate what the business will be on Tuesday.

Mr. MANSFIELD. The business on next Tuesday will be Senate Resolution 220, the disapproval resolution of Reorganization Plan No. 1, transferring the Community Relations Service to Justice.

After that it is anticipated that some minor bills will be considered.

We hope that on Tuesday or Wednesday, or perhaps on Thursday, we shall be able to consider the India resolution, which was referred today to the Committee on Agriculture and Forestry.

Mr. DIRKSEN. I understood there was some opposition to the reorganization proposal. I am wondering whether there will be a yea-and-nay vote.

Mr. MANSFIELD. As far as I am concerned, I would hope not, but any Member can ask for it, and I would assume there may well be a record vote on Tuesday.

Mr. DIRKSEN. I thank the majority leader.

CHARGES MADE AGAINST MR. MORTIMER CAPLIN

Mr. KENNEDY of New York. Mr. President, I was deeply disturbed to read over the past few days that allegations were made by a former Internal Revenue Service auditor before a Senate subcommittee against Mortimer Caplin, who was formerly Commissioner of Internal Revenue.

I have known Mr. Caplin for some period of time. I also served with him in the executive branch of the Government. He was a distinguished public servant, a man of great integrity and honesty. He was recommended for the position of Internal Revenue Commissioner by the former senior Senator from Virginia, Mr. Harry F. Byrd. The testimony before the committee by this gentleman alleged, without any basis at all, that Mr. Caplin was a close friend of a San Francisco accountant who had prepared certain examination reports which had allegedly been falsified.

The fact is that Mortimer Caplin does not know this gentleman, and certainly never stayed at his home, as was alleged, and certainly did not play golf, as the former auditor claimed before the Senate committee.

It is extremely disturbing when someone who has been in public life is faced with unfounded charges, particularly when they are made before a public committee. I have known Mr. Caplin for a long time. I have talked with him since these charges were made, and he tells me that he did not know about the charges made against him before they were made.

In fact, he was unaware of the charges being made against him until the newspapers in his own State of Virginia and elsewhere published the charges. It seems to me that it would have been elementary justice to have informed Mr. Caplin of these charges that were going to be made against him, rather than have him learn of them for the first time by headlines in newspapers in the city of Washington and his own State of Virginia and across the country.

I understand the committee is going to let Mr. Caplin testify, but it seems that the damage has been done to Mr. Caplin and his reputation for integrity and honesty. As Commissioner of Internal Revenue, he conducted the operation of the Internal Revenue Service not only with honesty but with efficiency. I know that from personal experience.

I believe that all American citizens, and those who serve in the U.S. Government, and those who pay taxes in this country, owe a great debt to Mr. Caplin. I think that a disservice was done to him over the last few days by that testimony before a congressional committee.

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

Mr. KENNEDY of New York. I yield.

Mr. TYDINGS. I would like to take this occasion to associate myself with the remarks of the junior Senator from New York.

I served as U.S. attorney for 3 years during the period of time when Mr. Caplin was the chief of the Internal Revenue Service. I think it was most unfortunate that the Senate committee conducting an investigation, ostensibly for the purpose of better legislation, had not done more thorough homework in connection with permitting charges which were completely unfounded, to be stated and then spread in the public press to hurt the reputation of a very distinguished former public servant.

It is difficult enough these days to attract highly capable men into the public service.

The purpose of congressional investigations is to frame or draft legislation to get the facts from responsible witnesses on which to base legislation; and not to

blacken or muddy the reputation of a very fine public servant.

I was most distressed when I read the newspaper accounts which the Senator has mentioned. I think it is most unfortunate, and I do not think that the work of the staff of that committee was sufficient to protect the honor and integrity of people who should be protected. I would hope that in the future, before calling witnesses, they would do a little more background checking and not permit unfounded statements of this type to be made, which could seriously harm the integrity of an outstanding lawyer and an outstanding former public official.

Mr. KENNEDY of New York. Is the Senator from Maryland aware of the fact that Mr. Caplin did not even know these allegations were to be made against him before the congressional committee until newspapermen telephoned him afterward to tell him about statements made about his integrity and honor?

Mr. TYDINGS. I did not know that. I think it is absolutely unconscionable for any committee staff or counsel to know, as they do know, when they review the case properly, when the honor and integrity of a fine public citizen and former public official is going to be besmirched, and not give him the decency of advising him beforehand so he can be there to protect himself.

Mr. KENNEDY of New York. I might add that prior to the time that Mr. Caplin came into Government service as the Commissioner of Internal Revenue, he was a distinguished law professor at the University of Virginia. His entire career has been one of integrity and contribution to the general public.

Mr. BYRD of Virginia. Mr. President, will the Senator from New York yield?

Mr. KENNEDY of New York. I yield.

Mr. BYRD of Virginia. I wish to associate myself with the remarks of the distinguished Senator from New York and the distinguished Senator from Maryland insofar as the character of Mr. Mortimer Caplin is concerned.

I am not familiar with the case which the Senator from Maryland and the Senator from New York have mentioned, but I am very familiar with Mortimer Caplin. I have known him for 25 years. I believe him to be one of the finest men in our State. I believe that he made an outstanding record in the administration of President Kennedy. I think that he is a man in whom all of those who have had acquaintance with him, all those who have had an opportunity to know him, all of those who have been in college with him, all of those who have been associated with him as a citizen of Virginia, realize that he is a man of the highest integrity and the finest character.

I am pleased to associate myself today with the distinguished Senator from New York and the distinguished Senator from Maryland in rising to defend Mortimer Caplin and to state that in my judgment there is no finer citizen of our Commonwealth than Mortimer Caplin.

Mr. KENNEDY of New York. Mr. Caplin was recommended as the Commissioner of Internal Revenue by the father of the distinguished Senator from Virginia.

Mr. BYRD of Virginia. I might say that I am well aware of that fact and I am proud of that fact.

Mr. KENNEDY of New York. I believe the Senator would be.

CIGARETTE SMOKING

Mr. KENNEDY of New York. Mr. President, last year Congress enacted legislation to require a warning on cigarette packages to the effect that smoking may be hazardous to health. When this legislation was before the Senate Commerce Committee, many Members of the Senate contended that the warning should be required in cigarette advertising as well. The able Senator from Oregon [Mrs. NEUBERGER] introduced legislation to this effect. I supported that legislation.

The Commerce Committee chose to report legislation that required a warning only on packages. It provided in addition that the Federal Trade Commission's jurisdiction to require any more extensive warning would be cut off for a period of 3 years.

Senator NEUBERGER and I and others sought on the Senate floor to limit the moratorium on FTC power to 1 year. We were defeated, and the bill as finally sent to the President provided a moratorium on FTC jurisdiction until January 1, 1969, while requiring only a warning on packages until that time.

Events since have tended only to prove that the warning provided by last year's legislation is inadequate, and that if the Senate is not going to legislate more extensively, the limitation on the FTC jurisdiction is unfortunate. The newspapers this week contained two separate reports which, in my judgment, bear out the need for additional regulation of cigarette advertising.

First, Surg. Gen. William H. Stewart reported to an American Cancer Society seminar that, if anything, the Public Health Service has up to now underestimated the hazards to health involved in cigarette smoking.

A new Public Health Service survey shows that some 12 million cases of chronic illness in this country are connected with smoking—among them, 300,000 coronary conditions, 1 million cases of chronic bronchitis and emphysema and 1 million cases of peptic ulcers. These results of the survey and others were reported in the New York Times and the New York Herald Tribune for March 30, 1966, and I ask unanimous consent, Mr. President, that these articles also be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY of New York. Mr. President, Chairman Henry criticized the advertising of cigarettes on radio and television, pointing out that such advertising fails to mention the adverse causal relationship between cigarette smoking and health. This, of course, is precisely the warning which would have been required had Senator NEUBERGER's bill been passed last year, or had the FTC's cigarette advertising regulations been permitted to go into effect. Chairman Henry said:

> Television viewers in particular are led to believe that cigarette smoking is the key to fun and games with the opposite sex, good times at home and abroad, social success and virility.

It takes only a few hours of watching television to confirm that Chairman Henry's description is wholly accurate. Yet last year the representatives of the cigarette industry told the Senate Commerce Committee that the industry had undertaken to police itself, particularly in regard to luring young people to begin smoking.

But cigarette advertising—especially on television—has continued to portray smoking as the smart, sophisticated thing to do. And 4,500 to 5,000 youngsters in our country still start smoking every day. Projections still show that present smoking habits projected will result in lung cancer for more than 1 million children now in school in America today. Indeed, at least 14 million people now alive will die prematurely as a result of cigarette smoking if something is not done.

Far from helping to discourage young people from starting to smoke—or even remaining neutral by explaining the dangers while enumerating the attractions of cigarette smoking, whatever they may be—the cigarette industry and the broadcasting industry are actively luring thousands of youngsters to take up a habit they may never be able to break. Indeed, the only positive steps which seem to have been taken were in two flagrant instances in response to concern expressed by the distinguished Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Commerce. In these serious circumstances, I ask the following:

No. 1: I ask the cigarette industry to come up with a program to regulate its advertising adequately and effectively.

No. 2: I ask the broadcasting industry, as well, to come up with a program to regulate the kind of advertising it accepts from the cigarette industry.

I call, in short, on both the cigarette industry and the broadcasting industry to provide an answer, particularly as to young people who are encouraged to smoke by the way cigarette smoking is portrayed in advertising. As to young people, the advertising is a weapon to lure them to their ultimate destruction, a tool to lead them to snuff out their own lives at an early day. Both industries, therefore, must come up with realistic programs to police themselves.

No. 3, if such programs are not forthcoming within a reasonable period of time, I would like to have the administration suggest adequate regulatory legislation. I was delighted that the administration recently proposed legislation on auto safety in analogous circumstances. But cigarette smoking is an even greater killer. If the broadcasting and cigarette industries will not regulate themselves, the Government will have to do it for them.

If the industries do not propose an acceptable program within the next few months, the administration should act. In those circumstances, I call on the administration to propose legislation before the end of the present session of Congress in time for action to be taken.

This matter can wait no longer. Thousands of young people every year are still buying premature death when they buy their first package of cigarettes. Preventive action now is therefore imperative.

Mr. NELSON. Mr. President, will the Senator from New York yield?

Mr. KENNEDY of New York. I yield.

Mr. NELSON. I commend the Senator from New York for his observations on cigarette smoking. I should certainly like to join in endorsing his suggestion that the cigarette industry and the broadcasting industry attempt to provide an answer to this problem. If they do not, I agree with the Senator from New York that legislation on the subject ought to be forthcoming. I commend the Senator for his discussion of this highly important issue.

Mr. KENNEDY of New York. I thank the Senator from Wisconsin.

EXHIBIT 1

[From the New York Times, Mar. 30, 1966]

SMOKING IS LINKED TO 12 MILLION SICK: SURVEY INDICATES TOBACCO WIDENS CHRONIC DISEASE

(By Jane E. Brody)

PHOENIX, ARIZ.—If all Americans were nonsmokers, there would be 12 million fewer cases of chronic illness reported in this country, a new national survey indicates.

The survey, discussed here today, also showed that smoking is related to the existence of 300,000 extra coronary conditions, one million extra cases of chronic bronchitis or emphysema, nearly two million extra cases of sinusitis and more than one million extra cases of peptic ulcers than would be expected to occur if no one smoked.

Results of the survey, done by the national center for health statistics, were based on interviews in 42,000 households during the year from July 1, 1964, to July 1, 1965.

The survey results, which have not yet been published, were described in a paper by Dr. William H. Stewart, Surgeon General of the U.S. Public Health Service. The paper was presented by Dr. Eugene H. Guthrie, Assistant Surgeon General, for science writers attending an American Cancer Society Seminar being held at Del Webb's Towne House in Phoenix.

Another finding of the survey, Dr. Stewart said, is that "there are three million more man-days of restricted activity" and "900,000 more days spent ill in bed" among cigarette smokers than would be the case if all were nonsmokers.

From these figures, the Surgeon General concluded that "we are paying dearly for the cigarette habit, not only in terms of lives prematurely lost but also in terms of human suffering, medical bills, and the Nation's economy."

He estimated the cost of work days lost because of smoking-related illnesses as running perhaps "into billions of dollars." For emphysema alone, he said, "the Social Security Administration pays more than $60 million a year to men disabled [by the disease]."

OTHER GUY THEORY

Dr. Stewart, however, expressed great dismay with the fact that "Americans continue to smoke, and the number of smokers continues to rise."

Despite the report of the Surgeon General's advisory committee on smoking and health, issued 2 years ago, and 1,300 studies published since then, there are still "dissenters and skeptics," Dr. Stewart said.

Dr. Guthrie commented that one of the major misconceptions about the adverse effects of smoking is the notion that "it will happen to the other guy, not to me." He pointed to another seminar speaker, Dr. Louis F. Fieser of Harvard University, as an example of one who once expounded the "other guy theory."

Dr. Fieser, an organic chemist, had been a heavy smoker for 45 years. Last September, he underwent an operation for lung cancer, which he says was brought on by his cigarette habit.

[From the New York Herald Tribune, Mar. 30, 1966]

NEW OUTCRY AT CIGARETTES

(By David Hoffman)

PHOENIX, ARIZ.—The Public Health Service believes it has underestimated the danger of cigarette smoking as the result of its recent study of 42,000 American households—the broadest survey yet of the nicotine habit as a hazard to health.

Yesterday, Surgeon General William Stewart reported his grim and as yet unpublished findings. Between July 1, 1964, and July 1, 1965, PHS men talked about smoking with 42,000 families, then projected these conclusions:

That Americans 17 years of age or older reported 12 million more chronic ailments during the test year than they would have reported if they had not smoked.

That there were 300,000 extra coronary attacks, a million extra cases of bronchitis or emphysema and another million extra cases of peptic ulcers.

That Americans spent 900,000 more days sick in bed than they would have spent if the total population enjoyed the same disease rate as nonsmokers.

The report prepared by the Surgeon General was given to an American Cancer Society seminar here by Dr. Eugene Guthrie, the Assistant Surgeon General for Operations, in the absence of Dr. Stewart, who was called to testify before Congress.

PREDICTION

According to the Surgeon General, the data available on time lost from work due to cigarette smoking shows the cost "could run into billions of dollars."

Dr. Stewart's report was delivered minutes after a nationally renowned Harvard scientist, himself a victim of lung cancer, predicted that a safe and salable cigarette will never be invented. According to Dr. Louis Fieser, the chemist who synthesized vitamin K, a cigarette packed with spinach would still endanger the health of its smoker.

The reason: Spinach, like most plants, contains much cellulose, and burned cellulose breaks down into benzopyrene, which doctors believe causes lung cancer.

Although Americans are smoking more cigarettes than ever, Dr. Stewart denied that anticigarette campaigns led by his agency have been ineffective. "Not so widely known is that while total national consumption increases as population increases, the individual smoker is smoking less," he reported.

Similarly the percentage of male smokers dropped from 59 percent to 53 percent in 1964. According to Dr. Stewart, a smaller percentage of the male population now smokes cigarettes than at any time during the past 50 years. Another ray of hope is that 18 million adults, including half the physicians who once smoked, have kicked the habit, apparently for good.

The 1965 law requiring a "caution" label on cigarette packs also orders the PHS and the Federal Trade Commission to report back to Congress in July 1967, on effects of the label change. If the PHS decides this has been effective, "we might very well recommend additional legislation," Dr. Guthrie said yesterday.

Serious disappointment was expressed by the Surgeon General over Congress refusal to pass a stronger measure, which also would have forced cigarette makers to display cautionary warnings in advertisements. His remarks contained the hint the PHS may campaign again for such a law when it delivers its report to Congress.

[From the New York Times, Mar. 30, 1966]

FCC CHIEF ASSERTS CIGARETTE ADS FAIL TO MENTION PERILS

CHICAGO.—E. William Henry, Chairman of the Federal Communications Commission, today criticized radio and television broadcasting of advertising that ignores the smoking controversy.

But the communications boss had some compliments for the 6,000 radio and television delegates attending the National Association of Broadcasters' 44th annual convention in the Conrad Hilton Hotel.

"As one who watches and regulates you," he said to them, "I take this opportunity to congratulate you publicly and to encourage you to continue along the road to better service to all the people."

Mr. Henry said he was not proposing any new rule, policy or action of any kind by the FCC, but wanted to examine areas in which he and industry people disagree, "not to condemn or ridicule, but to stimulate your present efforts."

He said broadcasters have shown admirable restraint in refusing to advertise products considered harmful or of a nature too personal to broadcast, with one glaring exception—the advertising of cigarettes.

"From the cigarette advertising presently being carried on radio and TV stations," he said, "no one would ever know that a major public controversy is in progress as to the harmful effects of cigarette smoking on the American public. One would never guess that the great bulk of medical opinion, including a Surgeon General's report, has concluded there is an adverse causal relationship between cigarette smoking and health.

"Television viewers, in particular, are led to believe that cigarette smoking is the key to fun and games with the opposite sex, good times at home and abroad, social success, and virility."

[Last year cigarette advertisers spent more than $200 million for radio and television advertising, according to figures made available in New York by the Television Bureau of Advertising and the Radio Advertising Bureau.]

Mr. Henry went on to talk about artistic freedom and integrity, an area in which, he said, broadcasters often have shown a lack of courage. He mentioned the practice of cutting out words sometimes called "blooping" in adult entertainment fare.

"BLOOPING" AND GOOD SENSE

"Too often, I suggest, routed by shadows, you break and run before a shot is fired in anger," Mr. Henry said. "Too often you surrender to popgun complaints as if they were the crack of doom. Too often the record here shows not only a lack of courage, but a lack of commonsense."

To illustrate his argument, he quoted an excerpt from the British movie "Room at the Top," as he said he heard it in a late-night American TV showing:

"Father. 'And by the way, young man, I know your relationship with that other woman, and I'm telling you straight, get rid of that (bloop).'

"Son. 'Don't ever use the word (bloop) when you speak of her.'

"Father. 'When I have a word that fits, I believe in using it.' "

"And there," said Mr. Henry, "sits the poor audience, wondering what in the name of all that's artistically honest, the bloody word is. This bloop-blip technique may be fine for selling razor blades but is scarcely appropriate in an adult film on a controversial theme."

The FCC Chairman reminded his audience that stations operate under a Federal statute prohibiting obscene language, that good taste calls for careful exercise of judgment as licensees, and that dramatic programs suitable for late evening viewing may not be suitable for the entire family. But then he added:

"All this being true, and admitting the sensitive nature of the problem, it is still fair to say that your response to the challenge of artistic freedom often makes as much sense as did the threatened banning in Boston of 'Life With Father'."

Mr. Henry said it should be noted that he was not advocating a policy of "anything goes," but that "the blooper button is similar to the one marked 'panic' and should be used with caution."

SUGGESTED BASIC CHANGES IN FOREIGN AID PROGRAM

Mr. FULBRIGHT. Mr. President, on Monday, April 4, the Foreign Relations Committee once again will begin hearings on foreign aid legislation. At the request of the Secretary of State, the first hearing will be in executive session. This will be the 18th time in the 17 years I have served on the committee that we have done this.

Over the years that I have been concerned with foreign aid, I have come to the conclusion—which I have expressed more than once—that three basic changes need to be made in the program. In no particular order of importance or priority, these are to separate military and economic assistance, to provide a long-term authorization, and to put the program more on a multinational, less on a bilateral, basis.

In years past, the Senate has voted for all of these reforms at one time or another; but, except in minor respects, we have not been able to persuade the other body or the administration. It appears, however, that the administration is now persuaded.

The administration's program this year provides for a separation of military and economic assistance; it provides for long-term authorizations; and the President's message endorsed an increasing emphasis on multilateral aid—though one would not know this from an examination of the draft legislation. But be that as it may, Mr. President, the administration gets high marks for having moved as far as it has. However, I do not think it has moved far enough; and in due course, I shall offer amendments to move it further.

This business of foreign aid, Mr. President, is at once an exercise in both economics and politics—two fields of human activity in which what is logical in one is often hopeless in the other.

Let us first consider the economics of foreign aid. Is it possible, in simple economic terms, to generate processes of self-sustaining economic growth in the world's underdeveloped countries—or at least the most important of them, the Indias and Brazils?

The answer, in simple, economic terms, is most assuredly "Yes"—provided adequate resources and management talent are devoted to the task. But nowhere near adequate resources are being devoted to the task. What we and the other rich countries of the world have been doing in foreign aid is like trying to cool a pitcher of martinis by dropping in one ice cube every 10 minutes. What you end up with, of course, is no ice and watery martinis—which are still not cold. But if we had put a whole tray of ice cubes into the pitcher at once, we would have gotten cold martinis, and the ice would not have melted.

In the more prosaic terms of the World Bank what this means is an immediate increase of at least 50 percent in the net flow of long-term capital from the Bank's rich members to its poor members. This estimate comes not from me, but from the hardheaded conservative economists of the Bank. They estimate that the current rate of this flow of long-term capital is $6 billion plus—a figure that is rather surprisingly high—and that it should immediately be increased to $9 or $10 billion a year. Furthermore, they are knowledgeable people who think this higher figure should be doubled again over the next 10 years—to, say, $18 billion. This sounds like a very great deal of money, but it is less than 1 percent of the gross national product of the rich members of the World Bank. Indeed, the total amount of aid suggested for 10 years hence is considerably less than the amount by which the GNP of the United States will increase in this single year of 1966.

Now, of course, Mr. President, there are things which need to be done besides increasing the available capital resources. The way in which these resources are used is of utmost importance. Most underdeveloped countries have traditional patterns of life and thought which are incompatible with an industrial society or with rapid economic growth. This, indeed, is one of the reasons they are underdeveloped, and these traditional patterns must be changed if they are going to enter a process of rapid development.

Even with the best will in the world, this is not an easy thing to do, as the people in my part of the United States know so well.

This is a political problem—in the broadest sense of that term—for the underdeveloped countries. Foreign aid also poses a political problem for the rich countries—much more a political than an economic problem, as a matter of fact. This problem is simply that having gone about foreign aid, except in Europe, in the wrong way, and having seen it fail to produce the hoped-for results, the developed countries are unwilling—as a political matter—to continue to support foreign aid or to devote to it the necessary economic resources.

This being the case, the programs which the developed countries do undertake are likely to fail. This failure, in turn, increases political opposition to foreign aid in the developed countries; and in the underdeveloped countries, it increases the reluctance to change the traditional patterns of life which are inhibiting the best use of such resources as are available.

The political problems in both the aid-giving and the aid-receiving nations act on, and exacerbate, each other. The aid-giving nations foolishly expect gratitude. This expectation annoys the aid-receiving nations, and the failure to receive gratitude annoys the aid-giving nations. The aid-receiving nations think that to maintain their self-respect they have to do something—almost anything—to demonstrate their independence of the aid-giving nations. This something frequently takes the form of rejecting the advice of the aid-giving nations.

Thus, in this sort of relationship and quite apart from the matter of the adequacy of the volume of aid, the objectives of the aid program are unlikely to be attained. In these circumstances, I do not propose to vote to continue to send good money after bad.

There is, however, one possible way out of this impasse. This is to change the political context of the relationships between aid-giving and aid-receiving nations. A sufficiently radical change in these political relationships might make it possible for the aid-giving nations to support, politically, a larger volume of aid, and for the aid-receiving nations to accept a larger volume of advice.

The way to bring about this change, it seems to me, is to multilateralize—and thereby to institutionalize and depersonalize—the aid relationship. For several years, I have advocated that greater use be made of the World Bank and its affiliated institutions, the International Development Association and the International Finance Corporation. The Senate has approved this view at least twice, only to see it frustrated by the Appropriations Committee of the other body.

It seems to me, Mr. President, that there are two great misconceptions about foreign aid abroad in the land. One is that foreign aid is a way to cure most of our foreign problems, and that this cure works not alone through extending aid but also through denying it. Thus, at various times the Congress in its wisdom has voted to deny aid both to the Castro regime and to any successor anti-Castro regime which has failed to pay for Castro's sins; it is forbidden to give food to living Poles, but foreign aid money is used to maintain the cemeteries of dead ones. None of this really has anything to do with economic development.

The second great misconception about foreign aid is that it is somehow more effective if it is stopped and started to achieve short-term political objectives according to the headlines in the morning paper. It is felt that foreign aid becomes less effective in achieving United States objectives to the degree that it is not controlled by the United States. My point is precisely the opposite—that foreign developmental aid is much more likely to be effective

to the degree that it is multilateral in character. I say developmental aid to distinguish it from humanitarian or philanthropic assistance.

There are a great many multilateral mechanisms, some of which are efficient and some of which are not. I am thinking mainly of the World Bank and its affiliates, as well as the Inter-American Development Bank, and the Asian Development Bank and the U.N. Special Fund. CIAP—The Inter-American Committee for the Alliance for Progress—is another useful multilateral instrument. One can also point to ad hoc multilateral arrangements such as the Indus Basin development plan.

I am not arguing for putting all of our aid on a multilateral basis. There is, and will probably continue to be, a place for bilateral grant assistance. What I am arguing for is shifting a larger proportion of our aid from a bilateral to a multilateral framework.

An additional reason for doing this is to avoid misunderstandings, such as we have recently encountered in the Vietnam matter, as to whether or not the approval of bilateral aid constitutes a commitment for unlimited military support.

Mr. President, there has recently come to my attention a remarkable speech which was made in New York, March 17, by Mr. Escott Reid, a distinguished Canadian and former official of the World Bank. It seems to me that Mr. Reid makes an unanswerable case for increasing multilateralization of aid, and I ask unanimous consent that his speech be printed at this point in the RECORD.

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

STRENGTHENING THE PARTNERSHIP AGAINST WORLD POVERTY

(By Escott Reid)

(NOTE.—Escott Reid is principal of Glendon College, York University, Toronto. He was Canadian High Commissioner in India from 1952 to 1957; Ambassador to Germany from 1958 to 1962; and Director of the World Bank's operations in south Asia and the Middle East from 1962 to 1965. He is the author of "The Future of the World Bank," an essay published in September 1965, by the World Bank in Washington.)

I'm not going to talk about underdeveloped countries, or less-developed countries or even developing countries. I'm going to talk about poor countries. It's the poverty of these countries which is their distinguishing characteristic. That is what China, India, Brazil, have in common.

What Pericles said of Athens, the poor countries of the world can now say of themselves. Pericles said: "Poverty we think it no disgrace to acknowledge but a real degradation to make no effort to overcome."

I'm not going to talk about developed countries or industrialized countries. I'm going to talk about rich countries. It's the wealth of these countries which is their distinguishing characteristic. That is what the United States and the Soviet Union have in common.

It is also what Poland and Venezuela as well as Czechoslovakia, and East Germany, have in common for, according to the statistical experts in the World Bank, they probably have per capita incomes of $750 or more. Even when the definition of rich countries is stretched to include countries such as Poland and Venezuela, only one quarter of the population of the world has the privilege of living in countries which are rich, comparatively speaking.

Two-thirds of the population of the world live in poor countries, countries with per capita incomes of less than $250 a year.

I'm going to talk about rich countries and poor countries. I'm not going to talk about the in-between countries, countries such as Argentina, Chile, Colombia, Mexico, and Peru.

I'm going to talk a good deal about the World Bank and not enough about the U.N. development program or about UNCTAD. That is because I know at firsthand of the work of the Bank while there are many of you here who know much more than I do about the U.N. development program, and UNCTAD.

I assume we all agree that we have reached some kind of crisis in the relations between rich and poor countries.

In the last 15 years the yearly rate of economic growth of the poor countries has been slowing down while their rate of population growth has been speeding up and their international debt has been exploding. In the last 5 years the rich countries have got much richer but they have not shared any of their wealth with the poor countries. In many rich countries public support for, or even acquiescence in, Government aid to poor countries has been weakening.

Some leaders of public opinion in rich countries are displaying a mounting impatience with what they consider to be the ingratitude of the poor for the favors they have received, or with what they consider to be their inefficiency and corruption or the way they waste their resources on fighting and preparations for fighting. Other leaders in rich countries consider that their own expenditures on fighting and preparations for fighting are far more important than finding money to promote the economic development of poor countries. Others in rich countries seem to believe that the struggle against poverty in poor countries is virtually hopeless and that there is little use in pouring good money after bad.

It is because of all this that there exists today a widespread uneasy feeling among those concerned in rich and poor and middle-income countries with the problems of the economic development of poor countries that the world has reached some kind of crisis in the relations between rich and poor countries, an uneasy feeling that, if we cannot together resolve this crisis in a reasonably sensible way within a reasonable time, most of the poor of the world will be left without much reason to believe in the possibility of a much better life for themselves and for their children.

The consequences of this would be profound. The problem of the economic development of poor countries is one of the two great problems of the last third of the 20th century on which we are now entering. The only problem comparable in importance to it is the problem of the relations between the Western World and China.

I suggest that the first step toward a sensible resolution of the present crisis over foreign aid is to persuade doubters that the struggle against world poverty is not hopeless, that there is, indeed, more ground for hope today than there was 10 years or so ago that if we, the partnership of rich countries, poor countries, middle income countries, and international institutions, persist in our struggle against poverty in poor countries we can succeed.

The main reason why there is more ground for hope is that the development of the intrauterine device means that for the first time in the history of the world a technique of population control has been devised which is suitable for poor countries. The population explosion is no longer uncontrollable. The population explosion need no longer terrify us into paralysis.

There are other reasons why there is more ground for hope today than there was 10 years or so ago that if we persist in the struggle against world poverty we can succeed.

Many of the poor countries are far ahead of where they were 10 years ago in their ability to formulate and carry out sensible development policies. In poor countries and in rich countries, in international institutions, in universities, in institutes of economic research, there is now more knowledge and understanding of the problems of economic growth than there was 10 years ago. Economic growth is still an enigma but it is a little less enigmatic. International institutions under the devoted leadership of men like Paul Hoffman, David Owen, Philippe De Seynes, Raul Prebish, Pierre-Paul Schweitzer, and George Woods—to name only a few—have gained experience in mobilizing knowledge, wisdom, opinion, and resources.

The United Nations development program has speeded up the tempo of its technical assistance activities. It has widened and deepened its preinvestment studies which have been so helpful in facilitating investment by the World Bank, Regional Banks and private investors.

UNCTAD and its subsidiary machinery now provide exceptional opportunities for the rich and the poor countries of the world to look together at those worldwide problems which are the concern of all countries and can be resolved only by the joint endeavors of all countries. The World Bank is becoming capable of bearing heavier burdens, of taking an increasingly active role in encouraging and helping poor countries to make the best use of all their resources, in persuading rich countries to provide more aid, for better projects, aid on better terms, in administering and coordinating aid.

We know that if aid from rich countries to poor countries is to be decisive, the rich countries must pour into the poor countries a much greater flow of materials and skills. They must provide more of their aid on easy terms. They must open their markets much wider to the goods of the poor countries. They must have patience for a long pull. Patience not for a decade of development but for a generation of development. Patience not until 1970 but till 1999.

What order of magnitude of aid is required?

The net official flow of long-term capital from the rich members of the World Bank to the poor members is now about $6 billion a year or about six-tenths of 1 percent of the combined gross national products of these rich countries. I have no hesitation in saying that the flow of financial resources from these rich countries to poor countries should be increased immediately by at least 50 percent, that is from $6 billion a year to $9 or $10 billion a year. This is the minimum figure suggested by the conservative economists of the conservative, tough minded World Bank.

We must not delude ourselves that this kind of increase in aid from $6 billion a year to $9 or $10 billion will be sufficient for long. It will not. My own guess is that we should think in terms of a tripling of net aid over the next 10 years. Our target for 1976 from the rich members of the World Bank should therefore be about $18 billion a year. In 1976, $18 billion would probably be a little under 1 percent of the combined gross national products of the rich members of the World Bank. World Bank experts have estimated that their gross national products in 1963 totaled about $1,050 billion. In 1976 at a 5 percent annual growth rate this would have increased to about $1,950 billion in terms of 1963 dollars.

I am convinced that if the international war against poverty is to have a reasonable chance of success the rich nations of the

world must mount this kind of massive effort over a long period.

I am equally convinced that there is not the slightest chance of the rich nations which are members of the World Bank mounting this kind of massive effort unless the poor countries and the International Aid Agencies do much more than they are now doing to help the leaders of these rich countries find a way around the obstacles to mounting this kind of effort.

In order to help the leaders of rich countries find a way around the obstacles which stand in the way of a great increase in foreign aid, the partnership against poverty must be strengthened.

We must return to the grand design of the founders of the United Nations. According to this grand design the economic and social council of the United Nations was to be the leader of a galaxy of United Nations specialized agencies. These U.N. agencies, under the leadership of the economic and social council, were to help the nations of the world undertake a worldwide, coordinated, massive, and sustained offensive against the economic and social causes of international tension and war.

It is this concept of partnership which we must emphasize today.

Each partner in the worldwide struggle against world poverty—whether it is a nation or an international agency—must make it easier for the other partners to fulfill their obligations under the partnership. The international agencies must cooperate ever more closely. The poor countries must make it easier for the rich countries to give them much more aid and aid on much more generous terms. The international agencies must sharpen their tools of economic analysis and perfect their techniques of development diplomacy so that they can give better advice to poor countries and give it in the way most likely to result in acceptance. And—a point which I shall develop later—the rich countries must make it easier for poor countries to accept much more aid and much more good advice.

Poor countries must, by an exercise of sympathetic imagination, come to realize better than they do today the practical political difficulties which face the practical politicians in rich countries who want to do more for the partnership against the poverty of the poor countries.

Poor countries must be more willing to do things sensible in themselves which would make it easier for the practical politicians in the rich countries to find a way around those political difficulties. Poor countries must make it easier for the leaders of rich countries to convince their legislatures and their peoples that the poor countries which they are aiding are not wasting the resources that are given them and that they are not wasting their own domestic resources. Poor countries must realize that the rich countries are not likely to increase greatly the quantity and the quality of their aid to poor countries unless they can feel reasonably certain that the poor countries which they are aiding are moving at a reasonable pace to improve their economic, financial, and development policies, programs, and performance.

This does not mean that poor countries, in order to make it easier for the leaders of rich countries to do more for them, should be required to submit to a whole series of inquisitions by individual national governments into their economic affairs. This would be intolerable.

There must be outside expert investigations into the domestic economic affairs of poor countries if the quantity and quality of outside aid to them is to reach the right levels. Of that I am convinced. But I am likewise convinced that the investigations must be made not by national governments but by impartial expert international agencies. These must be agencies which can win and maintain the confidence of both the givers and the receivers of aid. They must be agencies in which givers and receivers can feel that they are equal partners.

Each member of the great galaxy of United Nations agencies has its special task to perform. I want to say something about the special task which the World Bank could become capable of assuming on behalf of the two-thirds of the world outside Eastern Europe, the Soviet Union, and China. I do not say that the World Bank is now capable of assuming this task. I say that it could become capable of assuming this task.

It seems to me clear that if a poor country wants massive aid over a long time it must accept the political reality that its chances of getting that aid will be greatly increased if it requests the World Bank to make searching investigations into its economic policies, programs, projects, and performance and if these investigations are followed by improvements in its policies, programs, projects, and performance.

This will increase the chances of the poor country getting greatly increased aid. This will increase the chances that the aid will be well used. This will increase the chances that the whole program of economic development of the poor country will be improved, that its rate of economic growth will be speeded up.

Poor countries need wise, unpalatable advice on what they should do to speed up their economic development. They need to take this advice. The experience of the World Bank has indicated that it is easier for an international institution to give wise, unpalatable advice to poor countries on problems of economic development than for national governments to give such advice and that it is easier for poor countries to take the advice of an international agency than that of a national government.

But though it may be easier, it is not easy. The rich countries and the World Bank must constantly strive to find ways to make it less difficult for the leaders of poor countries to invite the World Bank to investigate the domestic economic affairs of their country and to give them advice, to make it less difficult for the leaders, the legislatures, and the people of poor countries to accept this advice even if it is unpalatable. This is one of the ways by which the rich countries and the World Bank can strengthen the international partnership against world poverty.

The more confidence that the poor countries have in the wisdom of the advice given them by the World Bank, the easier it will be for them to accept the advice even if it is unpalatable. In order to increase the confidence of the poor countries in the wisdom of the advice given them by the World Bank, we need better expert economic analysis by the World Bank both of the economic and development policies, programs, and performance of the poor countries and of the comparative real economic costs and benefits of alternative individual projects of development in poor countries.

In order to get better analyses we need to sharpen the present blunt tools of economic analysis. That is why I have been urging that the World Bank and its sister institution, the International Monetary Fund, should set up in Washington a great autonomous international institute for research into the problems of the economic development of poor countries.

The Institute would carry further the great work which has been done by the Society for International Development. Its task, like that of the society, would be to help to break down the barriers between the theorists of economic development in rich and poor countries and the practitioners in rich and poor countries and in international development agencies. The margins of error in the basic statistics about the poor countries would be narrowed. Economic theory would be enriched by practice. Practice would be improved by theory. Economic advice to poor countries from outside agencies would be more authoritative, more helpful.

One of the first tasks of the new Institute might well be to establish for each of the principal aid-receiving countries a provisional estimate of the opportunity cost of capital in that country for, as the London Economist has recently pointed out, "whether the opportunity cost of capital is calculated at 8 or 12 percent will often sway the bitterest technical argument on roads versus railways or conventional versus nuclear power."

The work of such an Institute would thus in time result in greater agreement than exists today on the techniques which should be followed in comparing, for example, the benefits to a certain poor country of building a $50 million nuclear powerplant or of spending that $50 million on more imports of fertilizer and on the construction of fertilizer plants as part of a crash program on agriculture which would bring fertilizer, new seeds, water, and insecticides to the farmer at prices and on credit terms advantageous to him.

Even today, however, there is sufficient agreement on the techniques of economic analysis as to warrant much greater use by aid giving and aid receiving countries of the World Bank's expertise in assessing the comparative merits of alternative projects of economic development. I therefore suggest that, before a member of the World Bank agrees with a poor country to help finance a big project of economic development in that country, the two countries should jointly ask the World Bank to make an assessment at their expense of the economic benefits of the project, using the most sophisticated techniques of analysis which are available, particularly the opportunity cost of capital.

The World Bank has in the past been reluctant, mainly because of shortage of skilled staff, to accept the responsibility of assessing projects other than ones which it itself may finance. But the World Bank is accustomed to twisting the arms of aid givers and aid receivers. It would do the World Bank no harm to have its own arms twisted occasionally by the aid givers and the aid receivers.

If, before aid givers and aid receivers were to commit themselves to a big project of economic development in a poor country, they were to secure an assessment by the World Bank of its economic benefits, they would protect themselves against pressures from special interests with special objectives: Pressures from salesmen for fertilizers, salesmen for pesticides, salesmen for nuclear powerplants, for example; pressures from single-minded enthusiasts for fertilizers, pesticides and nuclear powerplants, for example.

There would be less danger that pressures in the giving country from the exporters concerned added to pressures in the receiving country from the advocates of prestige projects would lead to a waste of the scarce resources available to poor countries for their economic development. Such waste on a large scale has taken place in the last 15 years. The experts, for example, tell me that there are at least half a dozen poor countries whose pace of economic advance has been slowed down in the past 15 years because they built steel plants instead of investing their limited resources in projects of higher economic priority.

A great Western European statesman was talking to me some years ago about the economic development program of a poor country whose President had just been visiting him. He said: "This country has a very sensible development program." He paused. "No steel plant." His simplification was the simplification of the political realist. For that country at that time to include a steel

plant in its development program would have been to demonstrate that it was not serious in its efforts to raise the standards of living of its people.

Agreement by aid givers and aid receivers on going jointly to the world bank with a request for an expert assessment of a big project of economic development before they commit themselves to it would protect the tax payers of giving countries against their aid not doing as much good as it should to the economic development of poor countries. Most important of all, the precedents established in making the best use of international aid would help the leaders of the poor countries to make a wiser use of all their resources for development, whether these resources are derived from foreign aid or domestic resources, from private foreign investors, from taxes, from the profits of publicly owned enterprises, or from domestic savings. And it is only if they make a wise use of all their resources that the poor countries can lift themselves out of their poverty.

There is another and very different way by which the leaders of poor countries can be helped to make a wiser use of all their resources for development. Their task of persuading their legislatures and peoples to support policies which are likely to result in the wisest possible use of all their resources will be increased if the leaders of rich aid-giving countries and the international officials concerned with international economic aid make clear in public and in private that they comprehend the magnitude of the difference betwen the contributions required from rich countries and from poor countries if the international campaign against poverty is to succeed. They must make clear that they understand that while rich countries must, out of their wealth, give much more aid to poor countries, poor countries must, out of their poverty, make intolerable sacrifices.

This is one of the most important ways by which rich countries and international civil servants can strengthen the partnership against world poverty.

A particular responsibility rests on the political leaders of rich countries. It is essential that they make clear that they realize the weight of the tragic burden borne by the political leaders of the poor countries who know that, if their country is to lift itself out of its poverty, they must hold down increases in consumption by the poor; they must put off doing much to reduce inequalities and inequities among regions and among groups within regions; they must sacrifice today's goods for tomorrow's hopes.

Out of their poverty, out of their very scarce resources of materials and skills, the poor countries, if they are to succeed, have to squeeze out a greater proportion for economic development. They have to be willing to postpone indefinitely the prestige projects, which may be big dams, or steel plants, or nuclear powerplants, or international airlines, or new capital cities, if these yield a low real rate of economic return.

They have to concentrate on projects which have a quick and a high yield. Most of them have to concentrate on agriculture. Most of them have to curb their population growth. They have to be willing to change many of their traditional patterns of life and thought which constitute impediments to rapid economic growth. They have to be willing to participate to the full in outside expert investigations into their domestic economic affairs and to consider sympathetically the conclusions of those investigations. They have to accord to the appropriate international agency three basic rights: The right to be informed, the right to warn and the right to encourage.

This can be bitter medicine for proud poor countries and it is only proud countries which are worth helping.

As for the outside experts who participate in investigations and in dialogs on development with poor countries, much is required of them. For the giving of advice is a delicate and a hazardous occupation.

The giver of advice can usefully remind himself of four things. First, that human judgment is fallible. Second, that luck or providence or the unpredictable plays a large role in economic development. Third, that while it is a good thing for poor people to have more to eat and to wear, better places to live in, more and better nurses, doctors and teachers, and less illness, it is a better thing for them to have these goods without sacrificing those ancient values of their society which can give them a feeling of belonging to a group, a sense of dignity and the possibility of serenity.

The fourth thing which a giver of advice to a poor country can usefully remind himself of is that, even if final truth has been revealed to him, he is not Moses laying down the law from Mount Sinai. He is a partner speaking to a free and equal partner. For him, success is measured not by the wisdom of the advice he gives but by how much of his wise advice is accepted. His task is one of persuasion. When he intervenes with advice his "intervention should be in the least abrasive, the least corrosive way possible."

During the 3 years I was with the World Bank, I became deeply involved in discussions with poor countries about loans and studies and consultants and advice. During those years I found myself thinking of a statement by the great Indian poet and philosopher, Rabindranath Tagore. In one of his essays he was contending that in India in the past the use of wealth had been subject to what he called "the strong pressure of social will." "The donor," he wrote, "had to give with humility; the sanskrit saying 'sraddhaya deyang' give with reference, is significant."

Those of us in the rich countries who are called upon to give advice and money to the poor countries can usefully meditate on this saying: "Sraddhaya deyang," give with reverence, give with humility.

Mr. FULBRIGHT. Mr. President, I also ask unanimous consent that an article entitled, "Europeans Fear Flow of Capital From Rich to Poor Nations Lags," written by Max Frankel, and published in the New York Times of Friday, April 1, 1966, be printed at this point in the RECORD.

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

EUROPEANS FEAR FLOW OF CAPITAL FROM RICH TO POOR NATIONS LAGS

(By Max Frankel)

LONDON.—Although the Western alliance is preoccupied these days by its internal diplomatic and military crises, many of its most distinguished public figures are more deeply troubled by the long-term outlook for world trade and distribution of wealth.

It is commonplace in every European capital, and especially in the international economic community of Geneva, to hear about how the rich keep getting richer while the poor are getting poorer and how the world simply cannot survive half rich and half destitute.

But even more perplexing to many officials, diplomats, businessmen, and academic observers is the evidence that not nearly enough is being done or is likely to be done by the industrial world of the Atlantic to relieve itself of the certain misery and instability that present trends suggest.

LOBBY ESTABLISHED

In Geneva, this gloomy prospect is most evident because the United Nations Conference on Trade and Development has established a permanent lobby on the issue, headed by Raul Prebisch, the Latin American economist who is now secretary general of the organization established by that conference.

Mr. Prebisch has made himself unpopular in the industrial world with his tactics in sounding the alarm and rallying 77 so-called developing nations for a demanding assault upon the governments of the 20 or so developed nations of the West.

But in no capital of the Western allies is there any challenge of his complaints about insufficient action and his forecast of perilous consequences if action is not taken.

The very nature and duration of the problem are in dispute, so that many discussions of it get bogged down in statistical combat.

All experts begin with the knowledge that economic development in the poor nations depends upon the accumulation of investment capital through sales of goods to the richer nations and the receipt of moneys from them in the form of gifts and loans.

AMOUNT NEEDED IN DISPUTE

The present flow of capital from the rich to the poor by these means is between $8 billion and $9.5 billion a year, with $4 coming as a result of trade for every $1 of aid.

At this point come the arguments. Some contend that by 1970 at least $15 billion and perhaps $20 billion must flow to the poor nations to sustain an average economic growth of rate sufficient to take care of rapidly growing populations and provide enough left over for significant investment.

Others argue that $12 billion each year is about all that the poor nations can effectively use, especially since the problems and opportunities of the nations that import capital are so different from country to country and region to region.

The more pessimistic analysts say the problem will grow worse unless the larger sums are reached. The more optimistic, including most Americans, say the lesser figure would at least keep the problem manageable.

Almost all political leaders, businessmen and students of the problem agree, however, that even the smaller figure will not be achieved by the policies now pursued or contemplated by the Atlantic nations.

GAP LAMENTED IN PARIS

Discussion of this crisis is widespread throughout Europe. In Paris an official lamented not only this growing gap between the rich and the poor but what he described as the new gap that economic and technical advances are causing between the United States and all the other advanced nations.

The failure to close this new gap by greatly expanding trade opportunities, Europeans warn, can produce rivalries and restrictions among the richer nations that will condemn the poor nations to misery and violence for a century.

A variety of factors appears to be contributing to the pessimism among Western specialists. Besides the disputes over basic statistics and the inadequacy of experience with rapid nation building, they cite the preoccupation of the United States with Vietnam and with domestic economic growth and the resignation if not isolationism of the former colonial nations in Europe.

The specialists cite the intractability of relatively modest trade problems in conflicts among the Western and Communist nations to develop the degree of trade and commercial cooperation of which they are capable.

They cite the lack of coordination of national programs of foreign aid and, above all, the poor prospect of any significant increase in the amounts of foreign aid in the next few years, for both political and economic reasons.

They cite the narrow concern of the advanced nations with their balances of inflowing and outflowing funds, and efforts to keep a balance by striking first at aid and trade deficits.

And they cite the refusal of the advanced nations to think of a real international division of labor that would let relatively easy and labor-consuming industries in some agricultural fields and light manufacturing, such as in textiles, pass from the advanced nations to the poor ones.

These unsophisticated industries have been jealously held by the nations that have them, not only by protective devices but by discriminatory practices against competitors in the poor nations, officials say.

There is despair among political and economic officials about the vicious circle by which private capital is flowing only to the few politically stable areas of the underdeveloped world while the absence of that capital and of the accompanying political interests virtually assures more instability.

There is also frustration among those active in the aid and trade field about the inability thus far of the richer nations to impose necessary economic policies upon the poorer nations so that the most can be had out of every salable crop and every new industry and out of every dollar directed to that nation.

A number of specific ideas have been put forward in Europe to compensate poor nations with cash for export failures that are not due to their own failures, for buffer stocks of commodities to protect their prices on the world markets, and for specific tariff preferences to individual poor nations by individual rich nations.

There have also been a variety of proposals to stimulate and insure private investment, with only modest success so far.

Each of these measures, however, and dozens more that are in preparation in the West become the subject of bitter debate among the specialists in what is described as a context of governmental lethargy if not apathy.

"It is a crisis," said a British official, "that everyone could do something about but only a few ever talk about."

PRESS PAYS TRIBUTE TO SENATOR HAYDEN

Mr. FANNIN. Mr. President, in the March 27 edition of the Arizona Daily Star, one of the many fine newspapers published in my State, there appeared a noteworthy feature on one of our most beloved and respected colleagues, the senior Senator from Arizona.

Written by Arthur Edson of the Associated Press, and distributed to hundreds of AP clients throughout the Nation, this was an exceptionally well-done feature which I commend to all Members of the Senate.

I am delighted that through this article *millions of* Americans in other States will have the opportunity to learn about some of the many accomplishments and the distinguished service of my esteemed colleague from Arizona, who has served longer in Congress than anybody in the history of the Republic.

In order that it may have even wider distribution, I ask unanimous consent that the article be printed in the RECORD at this point.

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

ARIZONA'S SENIOR SENATOR—HAYDEN WON LONG TENURE HARD WAY

(By Arthur Edson)

WASHINGTON.—In its long and often turbulent history, the U.S. Senate has produced demagogs, dolts, flashes in the pan, nonentities, egomanics, conscientious plodders and, happily, an occasional statesman.

But it has turned out only one CARL HAYDEN, and the suspicion is that there will never be another.

This shrewd 88-year-old Democrat has been in Congress ever since Arizona became a State—a record-shattering 54 years.

And he has done this the hard way. In a temple dedicated to windbaggery, he has kept his mouth shut while astutely pushing out invisible tentacles of power.

"CARL can walk through fresh snow and never leave a track," an admiring colleague once said.

There are few other modern politicians who have done more to change the face and plot the future of America. Deserts bloom, highways span the land, foreign aid wobbles through, all because HAYDEN has known whom to prod and how and when.

That well-advertised prodder of Congress, Lyndon B. Johnson, was recognizing a fellow craftsman when he said:

"I know of no more effective servant in public life today than CARL HAYDEN."

Yet few Senators are as unknown—and what national recognition he does get is for the wrong reason.

After President John F. Kennedy was assassinated, Johnson addressed Congress, and for the first time many voters became aware of the importance of two emaciated elders perched behind the new President.

If something had happened to L.B.J., Speaker JOHN MCCORMACK, then 72, would have been successor. And if MCCORMACK had also been struck down, HAYDEN, as the Senate's senior citizen, would under the law have been next in line, and the biggest job in the free world would have fallen on his tired shoulders.

To many the prospect was horrifying. Even a member of HAYDEN'S staff was disturbed enough to ask the patriarch what he would do if a double calamity were suddenly to propel him into the White House.

"I'd call the Congress together, have the House elect a new Speaker, and then I'd resign and let him become President," HAYDEN said.

Typically, while others fretted, he had quietly decided.

In this self-conscious age—when politicians hire image polishers to determine how they should look and poll takers to decide what they should say—HAYDEN'S attitude is as refreshing as it is hard to understand.

Take Vietnam. Hawks and doves soar and flutter and worry, aloud, of course, so their countrymen will know what high-grade worriers they are.

HAYDEN was among those whose views were sought by the President while he pondered whether bombing of North Vietnam should be resumed. The old Senator carefully wrote down his views—befitting a former sheriff, he is mildly hawkish—but he never made his stand public.

Recently he granted an interview, rare for him, and he seemed surprised when asked why he hadn't joined the multitudes in telling the President how to run the war.

"If I was on the Armed Forces Committee or the Foreign Relations Committee, I might do it," HAYDEN said, without conviction.

"But as appropriations chairman," he said, "it's my job to look over the budget and provide the money to carry on. It isn't necessary for me to make a speech. If I put my time in making speeches, I wouldn't attend to my business, that's all."

It's easier to say that a Senator has power than to explain how he got it, but it is essential to anyone interested in understanding that beguiling, maddening institution, the U.S. Senate.

HAYDEN derives his power from such diverse sources as—

His long service in Congress. He came to Washington in 1912, when Howard Taft was still President, as Arizona's first Representative. Projects often need years of careful cultivation, and HAYDEN, a patient gardener, has had time to plant and nurture the seeds from which mighty projects grow.

His long service in the Senate. HAYDEN moved over from the House in 1927, and since the Senate worships seniority, HAYDEN is its god, or, more specifically, its President pro tempore. This is mostly an honorary title, but it does carry with it a Government limousine and chauffeur, a status symbol largely wasted on HAYDEN. He rarely goes out at night, and he lives in the Methodist Building, a block from his office.

His job as chairman of the Appropriations Committee. Although the Government spends $100 billion a year, each Senator dreams of more installations for his own State. How prudent it is to be nice to that nice Mr. HAYDEN. For HAYDEN helps render the final verdict in the dickering over differences in House and Senate money bills. "It's in conference that he really shines," a friend of HAYDEN'S has said.

His character and his habits. Loving to compliment each other, Senators stage a wallow whenever one of them passes a birthday or similar milestone. But when HAYDEN'S turn comes—he hates these admiration orgies so much that he sometimes refuses to show up for his own party—a new element can be spotted.

Among the lush adjectives are testimonials, from Democrats and Republicans, of how they arrived in the Senate bewildered and ill at ease, and of how HAYDEN sought them out to offer help.

"I do not believe he has an enemy," Lyndon Johnson once said.

This good will from all includes Barry Goldwater, panting to return to the Senate he left to run for the Presidency. Goldwater has said he will run against his old friend HAYDEN in 1968 although in 1958 he said on the Senate floor:

"As a Republican, Mr. President, I find myself in great sympathy with the people of my State who have eternal gratitude for the service of CARL HAYDEN in the Senate."

There's this summation from a man who had a chance to watch him closely for years:

"I don't think you can impress him very easily. Well, you don't impress him at all. No one does. I don't think he knows the word fear or insecurity. Even death doesn't scare him. He wants to live, but he looks upon death as a natural, inevitable thing."

Most of his contemporaries are long gone, but, fortunately, I had a rambling and delightful interview with Henry Fountain Ashurst shortly before his death in 1962 at the age of 87.

Ashurst was a Senator from Arizona for 29 years, and he and HAYDEN made a curious but effective team: HAYDEN, taciturn, dry, a quiet operator who got in his licks behind scenes; Ashurst, flamboyant, a wildly rococo orator whose voice was so powerful his intimate conversations could startle innocents a block away.

Zestfully, Ashurst recalled that glorious period when he and HAYDEN engaged in a filibuster: They believed the provisions for building Boulder Dam impinged on Arizona's rights.

"HAYDEN was the engineer," Ashurst boomed. "He knew the rainfall, the soil, the precise number of kilowatts the dams would produce. But he was making the shells, not firing them."

The old man who had fired the shells that HAYDEN made smiled at the memory. "Now I might get up and say, 'Mr. President, under Charles V—,' and so on and on. And when I finished HAYDEN would take the floor and say, 'Mr. President, let's look at the soil on which this dam is to be built.'"

They won that fight eventually, but Ashurst, the indefatigable talker, knew that talk could be costly. "I used to tell my col-

leagues that every speech is a deadly enemy, for it puts a powerful weapon in the hand of your opponent.

"Well, HAYDEN will never lose a vote on what he has said."

In theory, garrulity is an affliction of the aged, but perhaps in reality those who babble when they are old also babbled when they were young. Certainly HAYDEN has escaped the infection, as any interviewer soon learns.

For here's a man whose great-grandfather fought in the Revolutionary War; whose father left Independence, Mo., with an ox train in 1845; whose mother, Sally Calvert Davis, of Arkansas, was delayed on her trip west to teach school because buffaloes got on the railroad tracks; who, as the first white child born in Hayden's Ferry, now Tempe, was proclaimed by the Salt River Herald as "the prize baby of Maricopa County."

Who vividly remembers the Indian uprisings and the capture of Geronimo: "Why the name of that murderous old villain was shouted by paratroopers when they jumped is a mystery to me," he grumbled 80 years later.

Who went home for the Christmas holidays in 1902 and thus missed out on playing center for Stanford in the first Rose Bowl game (Michigan won, 49 to 0); who married Nan Downing and who lived happily with her for 53 years until her death in 1961 even though her pet name for him was "Bugs"; who as a sheriff when the West was wild once captured two tough train robbers, the Woodson brothers, and who when his wife complained of the danger explained that no one could get hurt: "I never carry a loaded gun," he said.

Who on his trip east to become Arizona's Congressman had a long talk with a fellow passenger, William Jennings Bryan; who has worked with 10 Presidents, who has voted for two World Wars and who has watched and helped nurse along a nation until it ranks at or near the top in wealth, in might, in worries and in frustrations.

What anecdotes and what insights HAYDEN has to have.

Yet true to his creed, HAYDEN's replies to questions are squeezed as dry as the budget figures he studies.

When asked to compare men he served with in Congress, HAYDEN says cautiously:

"There were able Senators then and there are able Senators now. We have lots of men of ability now."

Nor will he criticize his beloved Senate. "I like it just as it is," he says. "Our forefathers worked out a very good system. I wouldn't change it."

If HAYDEN is no longer frisky, he's still tough. He took an 18,000-mile tour between sessions—he wanted to know how much money was needed for Vietnam.

It's the nature of his profession for a politician to grasp for power; it's the nature of the seniority system that his power comes relatively late in life. And power once grasped is not easy to relinquish.

In 1962 HAYDEN won reelection even though he could be in Arizona for only 13 days, and even though he spent the last 13 days of the campaign in a hospital here.

Although HAYDEN has usually supported Democratic Presidents, he has never bragged about it and, characteristically, has never alienated anybody.

So John F. Kennedy and Lyndon B. Johnson pitched in to help, and conservatives gave time and money.

"There's never been another victory like it in history," a major participant in that campaign said.

Yet the guess has to be that HAYDEN won't try again at 90. It would be too difficult, it would seem to perform a political miracle a second time, especially with a man like Goldwater running.

HAYDEN, of course, isn't talking.

And he seems content with his unique role as the silent Senator.

"You're in the paper for today, in television for today," the old man said, "then people forget it. The only way I know is to do a day's work the best way I can."

THE STATES, THE VEHICLE EQUIPMENT SAFETY COMMISSION, AND THE FEDERAL GOVERNMENT

Mr. FANNIN. Mr. President, all of us are aware of an increasing interest in Congress about what can be done to reduce the appalling rate of accidents on our highways. This attention and concern on the part of Congress as to how the Federal Government may contribute most effectively in a coordinated program of traffic safety is certainly deserving of our serious consideration.

However, as one who has been associated with this field for some years, I am also concerned that in its legitimate pursuit of protecting the public interest the Federal Government should not be panicked into hasty or ill-advised action that could create more problems than it would solve.

Specifically, we should not overlook or discard the tremendous amount of constructive work which has already been accomplished by interstate compact methods.

We already have an organized and functioning Vehicle Equipment Safety Commission formed by an interstate compact. Forty-four of the fifty States have ratified this compact and the remainder are expected to affirm it within the next year.

This Commission already has issued a tire performance regulation after extensive study, and this regulation is now in the process of being considered by the Member States. Several of the States, including California, have already adopted it.

First as a member of the Western Governors Conference, and later as chairman of the National Governors Conference Committee on Roads and Highway Safety, I was privileged to play a part in the efforts which led to formation of the compact commission.

The chairman of that commission, Mr. Louis P. Spitz, recently issued a comprehensive statement regarding its work which I commend to all members of the Senate.

Mr. Spitz, who is director of motor vehicles for the State of Nevada, offers some valuable suggestions in this statement—especially one directed at bringing the Federal Government into this interstate compact as a working partner.

In my judgment, this suggestion has a great deal of merit as a practical way to recognize the legitimate national interest in traffic safety and to harness Federal resources in the most effective manner to work with the States, where in the final analysis, the job must be done.

I ask unanimous consent that the statement by Mr. Spitz be printed in the RECORD at this point.

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

THE STATES, THE VEHICLE EQUIPMENT SAFETY COMMISSION, AND THE FEDERAL GOVERNMENT

(Statement of Mr. Louis P. Spitz, Chairman, Vehicle Equipment Safety Commission, Mar. 30, 1966)

The growing interest of the Federal Government in vehicle components, vehicular equipment, and the entire field of highway safety makes it unlikely that the States can continue for very long to have a significant policymaking and administrative role in the vehicle equipment safety field, unless they find some way of coordinating their activities with those of the Federal Government. The initial problem is much more intense for the States, because the Federal Government is constitutionally able to preempt most if not all of those areas for which the States presently exercise responsibility.

However, in the final analysis, the problem is just as severe for the Federal Government, because even though Congress and the national administration may, in the belief that popular need requires it, seek to regulate the vehicle equipment safety field, only the States have the administrative machinery and experience to enforce such regulation at any level that can hope to protect the public safety.

The establishment of the Vehicle Equipment Safety Commission has constituted a recognition by the States that a high degree of cooperation among them was desirable in discharging their vehicular safety responsibilities. It was the view of the States, apparently supported by Congress when it enacted the Beamer resolution, that interstate cooperation could do the job. On the other hand, if the Federal Government now intends to take a major substantive hand, it should not do so unilaterally.

The present need appears to be to fuse Federal and State activities. Since there is a good chance that the bills now before Congress, or the policies underlying them, will set the major tone of Federal-State relations in the motor vehicle field for some time to come, an examination of the possibilities against this background seems to be the best way to begin.

Since Federal action taken without reference to State policy interests and enforcement capabilities is undesirable, and State action without preference to the Federal Government may in future be politically and constitutionally impossible, the only practicable course may be joint action by the Federal and State Governments. While a good joint mechanism is being developed, the Vehicle Equipment Safety Commission can still continue to adopt standards which will serve in the interim.

At the present time, committees of the Vehicle Equipment Safety Commission are at work on regulations for brakes, crash helmets, safety glass, inspection, lighting, and seatbelts, and a variety of other components including aspects of the interior of the vehicle.

The Vehicle Equipment Safety Commission and the compact which brought it into being, represent a made-to-order means of securing real joint Federal-State action. It is already a joint mechanism of the States (44 of them and the District of Columbia).

The regulations which the Commission promulgates can be developed from a wide variety of available standards, from sources such as public and private research and testing bodies, the States themselves and the several agencies of the Federal Government, such as the General Services Administration and the Department of Commerce. Federal participation in the Vehicle Equipment Safety Commission would

not change or limit the availability of these sources, but it would provide the Federal Government with a direct means of stimulating faster action along lines which it believes to be in the national interest.

If the Federal Government were to join the compact, the Vehicle Equipment Safety Commission could develop equipment safety regulations which would then have the status of both Federal and State action. Since the result would be State action as well as Federal action, the States would be justified in enforcing these regulations. At the same time, the Federal interest would be served by the Federal voice in the Commission.

Making the Federal Government eligible to join the Vehicle Equipment Safety Compact would require amendment of it. At present, the compact defines "State" as a State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. Only States are presently eligible parties. However, there is nothing legally impossible about the Federal Government joining a compact. In fact, there is one example of just such a situation. In 1961, the four States of New York, New Jersey, Pennsylvania, and Delaware and the Federal Government entered into the Delaware River Basin Compact which establishes an intergovernmental commission with comprehensive regulatory and administrative functions relating to water and related land resource management and development in the Delaware River Basin.

While the subject matter of vehicle equipment safety is different than the subject covered by the Delaware River Basin Compact, this Federal-interstate compact in the water resources field provides a precedent that can be used in other fields, where appropriate. The policy reasons are also analogous. In the Delaware instance, both the Federal Government and the States had interests, legal authority, and administrative needs that could best be served by joint exercise of their respective powers.

Drafting a suitable amendment to the Vehicle Equipment Safety Compact for the purpose contemplated would not be difficult. The only real question is what should be the nature of the Federal Government's participation.

The simplest form of Federal participation would be to make the Federal Government analogous to a party State. Its representative would be a member of the Commission. Whenever the Commission adopted regulations specifying standards for equipment safety, those regulations could become Federal law in the same way that they become State law.

The particular meaning of this process so far as the Federal Government is concerned would be that the Commission's equipment safety regulations could be made directly applicable as requirements for vehicles and vehicular equipment or components wherever manufactured or sold. It would also mean that the Federal Government would be making the regulations, along with the State.

It may be necessary to change the present relationship of the Commission's product to State law. It may be necessary to forego the legislative route for adoption of Commission regulations as it is now thought such procedure may not be sufficiently expeditious. If this should prove to be the case, it may be necessary to consider universal use of the administrative means of placing Commission regulations in effect in the States. This could be done by statutes in each of the States now employing the legislative route option, or by amendment of the compact, thereby denying the use of this option to any member State.

Another issue which must be considered is the voting strength to be accorded the Federal Government on the Vehicle Equipment Safety Commission. At present, all parties have one vote each. This is also the pattern in the Delaware River Basin Compact. However, in that instance there are only a limited number of States.

Another possible arrangement is that contemplated for the Northeastern Water and Related Land Resources Compact. This agreement would have created a planning agency of the six New England States and the Federal Government.

While the compact itself is no longer being actively pursued (its objectives are being achieved by a somewhat different Federal-interstate mechanism), the voting arrangements of this compact are interesting. In effect, they would have given the Federal Government half the voting strength and the participating States the other half. This would seem to be an appropriate arrangement if the Federal Government were to become party to the Vehicle Equipment Safety Commission.

Another point at which the extent of the federal participation requires some thought is in the area of the Commission's budget. The financial formula now in the vehicle equipment safety compact is based significantly on the proportion of registered motor vehicles in each of the party States.

Since all the vehicles concerned are registered in the United States, the proper share to be paid by the Federal Government would have to be considered separately. The compact could be amended to divide Commission budget requests into two parts: a States' share to be apportioned under the present formula, and a Federal share that could constitute a fixed percentage of the entire budget, or which could be calculated on the basis of a formula.

DECREASE IN PRICES OF FARM COMMODITIES A HARDSHIP FOR FARMERS

Mr. MILLER. Mr. President, all too frequently the activities and policies of this administration mystify me.

On March 30, the U.S. Department of Agriculture released its index of prices received by farmers and its index of prices paid by farmers for commodities and services—including interest, taxes, and farm wages.

The report notes that the parity ratio for prices received by farmers declined to 82 in March, but was well above the parity ratio of 75 one year earlier. It might also be pointed out that in December of 1960 the parity ratio was 81, and that since February of 1961 the parity ratio for 5 years was below this figure—generally ranging from 74 to 78.

The report notes also that the prices paid by farmers index increased 2 points and was 4 percent above a year ago.

The report reveals some other interesting figures. Using a ratio based on 1957–59 as 100, it is noted that for March 1966:

First. Prices paid by farmers for wages had moved up to 127.

Second. Prices paid by farmers for taxes had moved up to 165.

Third. Prices paid by farmers for interest had moved up to 232.

Fourth. Seed costs had gone up to 110.

Fifth. Feeder livestock had moved up to 116.

Sixth. Family living items had risen to 110.

One of the big reasons for the increase in interest is that farm debt has increased so greatly. Over the past 5 years it rose by $14 billion, and the farm debt to farm asset ratio has grown steadily worse.

Balanced against these increases, the ratio of prices received by farmers, taking all farm products into consideration, had risen to 112. This average figure takes into account 81 for food grains, 107 for feed grains, 119 for oil-bearing crops such as soybeans, 130 for commercial vegetables, 140 for fresh market vegetables, 123 for meat animals, 108 for dairy products, and 110 for poultry and eggs.

It is clear that, overall, costs of farm production have gone up more since 1959 than prices for farm products. In other words, the cost-price squeeze on farmers has been growing worse. This is why, for example, more dairy farmers are going out of business, selling off their dairy herds, and milk production has been going down.

In the face of this picture, one reads with shock and amazement this morning's edition of the New York Times, which contains an article captioned: "Freeman Elated Over Price Drops," with a second caption reading: "He predicts further cuts in cost of farm products." According to the article:

> It was the first time in the memory of Federal farm officials that a Secretary of Agriculture indicated that he was pleased with a decrease in farm prices.

Of course, no one likes to see the consumer price index go up, as it has been doing steadily and increasingly over the past 5 years of this administration. When this happens, it indicates that the purchasing power of the dollar is going down—that inflation is taking place. However, to try to handle this problem by holding down wages, holding down farm prices, or holding down retail prices is to work on the symptoms of inflation and not on the cause of inflation.

The root cause of inflation is more money—including credit—in circulation than available goods and services; and the foundation for this situation is laid by the action of a majority of Members of Congress voting to spend billions and billions of dollars more than the Federal Government takes in, year after year.

During the last 5 years, a majority of Members of Congress have run this country $33 billion deeper into debt, and this has been accompanied by $53 billion of inflation.

No wonder costs of farm production have gone up. They went up $4 billion in the last 5 years, almost $1 billion during 1965 alone. A good chunk of this increase is due to inflation.

And now the Secretary of Agriculture, who ought to be the first one to wish to see farmers relieved of the cost-price squeeze, says that he is pleased over declining farm prices. I believe he should be thinking more about fairer prices for farmers, just as the Secretary of Labor must be concerned that the working man receive fair wages.

I pointed out last year, in my supplemental views to the Senate Agriculture Committee's report on the Food and Agriculture Act of 1965 that, comparing the base period of 1946–50 to 1964, wages increased—on the average—176 percent,

national net income increased 140 percent, corporate profits—before taxes—increased 88 percent, and net farm income declined 16 percent. It is evident that farmers have not been sharing fairly in the national net income in comparison with other segments of our economy.

I ask unanimous consent to have the New York Times article printed in the RECORD.

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

FREEMAN ELATED OVER PRICE DROPS—HE PREDICTS FURTHER CUTS IN COST OF FARM PRODUCTS

(By William M. Blair)

WASHINGTON, March 31.—Secretary of Agriculture Orville L. Freeman expressed pleasure today with the fact that the prices of farm products had dropped recently.

It was the first time in the memory of Federal farm officials that a Secretary of Agriculture indicated that he was pleased with a decrease in farm prices. Like Mr. Freeman, the officials were happy to note that consumers would benefit from lower prices by this summer.

"If the food marketing industry will respond quickly to lower farm prices over the next several months," Mr. Freeman told a news conference, "retail prices also can be lower sooner."

Not only have farm prices fallen since February 15, Mr. Freeman said, but the average prices of all farm products should be 6 to 10 percent lower in the fourth quarter of the year than they are now.

PRICE SUPPORTS RAISED

The Secretary's prediction came as he announced an increase in the Federal support prices for milk and soybeans to encourage production of these products, now in short supply. Both increases are aimed at preventing runaway prices and resulting higher costs to consumers.

He increased the support for milk used in manufacturing butter, cheese, and other dairy products 26 cents per 100 pounds to a level of $3.50 for the new marketing year starting tomorrow.

The new prop is below the current market price of about $3.79, resulting from low milk production and a surge in the demand for some dairy products, particularly cheese.

The new support level for butter will be 61.6 cents a pound compared with 59.4 cents. Mr. Freeman said butter prices already had dropped 2 cents a pound since February 15.

In addition, Mr. Freeman said he would lift the quota on the import of cheddar cheese to help overcome the imbalance in manufacturing milk supplies.

This imbalance has developed as cheese and butter manufacturers compete for existing supplies of manufacturing milk and divert milk from butter production.

Many small creameries face disaster from the cost-price squeeze resulting from the imbalance, the Department said. The increase in butter prices also threatens to hurt the market for butter and in the long run injure those dairy farmers who produce mainly for butter production, it said.

Mr. Freeman said President Johnson was directing the Tariff Commission to report on the advisability of high cheddar cheese import quotas for an extended period.

The present yearly quota of 2.78 million pounds will be raised by 926,700 pounds, one-tenth of 1 percent of the annual U.S. consumption, Mr. Freeman said. This will extend through June 30. Canada and New Zealand are the main importers presently.

Mr. Freeman gave this rundown on farm price decreases since February 15:

Mr. Freeman revoked the suspension he had announced on March 1 on fluid, or bottling milk, prices in Federal milk marketing order areas. The revocation, he said, would be effective April 10 and would tend to peg fluid milk prices about 22 cents higher per 100 pounds through June than the Federal orders would have provided.

Hogs down 4 cents a pound, followed by a 10-to-13 percent decline in the wholesale price of bacon and pork. Lambs also down 4 cents a pound. Butter down 2 cents a pound. Soybean and corn oil down more than 6 percent.

Fresh lettuce down 35 percent, cabbage, celery, and onions down more than 20 percent. Fresh oranges and grapefruit off 7 percent. Eggs down 3 cents per dozen.

He predicted the following declines by the end of the year:

Poultry and eggs, down 15 to 20 percent; vegetables, down 20 to 25 percent; potatoes, 10 percent; meat animals, 5 percent.

EXPORTS OF AMERICAN LIVESTOCK HIDES

Mr. MILLER. Mr. President, another mystifying action was taken by the administration on March 11, when the Commerce Department announced export quotas for cattle hides.

Few of us here can forget the controversy which swirled around falling cattle prices in 1964 and the efforts of many of us to limit beef imports to this country to a reasonable level so that fair livestock prices would be restored.

In fighting efforts to limit imports, the administration asserted that one way out of the problem would be to step up the development of beef export channels.

On May 12, 1964, President Johnson assured farm editors that the administration was planning to help in developing export markets.

On June 9, 1964, Secretary of Agriculture Orville Freeman declared that:

It would be a serious mistake to legislate quotas which, while serving no immediate purpose, would weaken the position of our Government in attempting to expand markets for all of American agriculture in the current GATT negotiations.

He then said that the Government would take steps to develop export markets, particularly in Western Europe.

Let me sum up the expressed intent of those two statements by the administration: Every effort will be made to expand and develop markets abroad for our agricultural commodities, including those relating to the beef industry.

Yet, in the face of these statements, the administration now has placed quotas on exports of American livestock hides.

Need I remind my colleagues that the beef industry, taking the statements by the administration at face value, has spent large sums of money to develop an export market for hides, a byproduct of the industry. Even the Department of Agriculture, through its able Foreign Agricultural Service, has spent money for this purpose.

The 1965 export trade in cattle hides was estimated at 13.3 million pieces, valued at nearly one quarter of a billion dollars—and a sizable 15 percent above that of 1964.

In 1964, the latest figures available, it was estimated that the value of Iowa exports of hides and skins was close to $9 million, only $100,000 of which went through Government channels. Indications are that the value of 1965 exports was much higher.

It is estimated that enforcement of the quota system already has cut hide prices to such a degree in Iowa that it will cost Iowa beef producers $12 million annually.

Garland Russell of Des Moines, general manager of Iowa Packing Co., estimates that the action by the administration will adversely affect our balance-of-payments problem by about $45 million.

And the Livestock Market Digest, in its edition of March 21, remarked:

The action is difficult to understand if agricultural prosperity is actually an objective of Washington officialdom, but it is doubly so when these same officials seem so concerned with maintaining a sizable quantity of exports for dollars, or building new markets, in order to help minimize the sizable U.S. foreign payments deficit.

What is the curious thinking behind this action by the administration? Well, there is concern over the increasing Consumer Price Index. If the cost of shoes goes up, this will further increase the consumer price index. So, let us hold down the cost of hides so that the cost of shoes will not go up. And who will absorb the cost of this action? Why, the farmer, of course—the very one who is not sharing fairly in the national net income and is being forced off the farm by the worsening cost-price squeeze. The order imposing hide quotas ought to be rescinded.

In the column entitled "Capitol Stuff" published in the March 30 issue of the Washington Daily News, the perceptive columnist, Ted Lewis, reports that a secret memorandum was submitted to the President on March 17 by his Economic Council claiming that the export controls on hides would definitely hold down a rise in shoe prices; that increases in hide and leather prices would have forced an increase in shoe prices of 5 percent or more; that shoe producers gave assurances that they would "cooperate" in holding down prices. However, he points out that there were no "hard" assurances, and that fall price schedules now indicate that shoes will be up 5 percent by the time the children start back to school again.

On March 21, I pointed out that action by the Department of Agriculture in making abnormally large sales of CCC stocks of corn had been having an adverse effect on the market price of corn. I would invite my colleagues to the CONGRESSIONAL RECORD of that date for the details. Here again, we have action that is seeking to hold down the consumer price index by holding down farm income, when the action ought to be for the administration and its controlled Congress to stop its multibillion-dollar deficit spending and the inflation which is causing the consumer price index to go up.

Mr. President, I ask unanimous consent that an article entitled "See $12 Million Cattle Hide Loss," from the Des Moines Sunday Register of March 20; an editorial entitled "Action on Hide Licenses Could Hurt Agriculture," from the Livestock Market Digest of March 21;

and an editorial entitled "Crisis in Cattle Hides," from the Wall Street Journal of March 23, be printed in the RECORD.

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

[From the Des Moines Sunday Register, Mar. 20, 1966]

SEE $12 MILLION CATTLE HIDE LOSS—13.3 MILLION CATTLE HIDES EXPORTED TO FOREIGN COUNTRIES IN 1965

(By Ed Heins)

Quotas placed on exports of American livestock hides drew heavy opposition last week from Iowa agriculture, meat industry, and government officials.

Iowa Secretary of Agriculture Kenneth Owen said the quota system already has cut hide prices at a rate which will "cost the Iowa beef producers $12 million a year" in reduced live cattle prices.

Representative NEAL SMITH, Democrat, of Iowa, said the export quota order already has caused a drop of 25 cents per hundredweight in live cattle prices because of the reduction in the value of the hide.

Representative H. R. GROSS, Republican, Iowa, described the action as "inexplicably contradictory."

Garland Russell, of Des Moines, general manager of Iowa Packing Co., a subsidiary of Swift & Co., said:

"This quota system will mean putting 3 million additional hides—about 12 to 15 percent of the present domestic total—on the market. I'm no economist but it's my understanding that the effect on price will be much more severe than the 12- to 15-percent boost in supply."

The object of the Iowans' ire was a U.S. Department of Commerce order setting up export quotas on the number of domestic hides which can be sold overseas.

Federal officials said the quota system was needed to protect domestic users of hides from dramatic price rises. U.S. exports of cattle hides hit a new record of 13.3 million pieces in 1965 while domestic demand strengthened.

The U.S. Department of Commerce claimed that the Nation was faced with a potential shortage of 2.7 million hides during 1966 as export trade continued to expand and the domestic utilization increased still further. The export quotas were designed to bring expected supply in line with demand, the Department said.

The heavy demand—both domestic and export—resulted in a sharp climb in hide prices, from a Chicago quote of 14½ cents a pound a year ago to a recent high of 26 cents.

U.S. shoe manufacturers have increased prices on their 1966 lines of merchandise, claiming they were forced to make the price boost because of higher hide prices.

Gail Danilson, executive secretary of the Iowa Beef Producers Association, said hide prices at 24 to 26 cents per pound aren't excessive.

"Those prices are only high when compared to the depressed prices which have faced the hide market in the last few years," he said.

After the announcement of the export quotas, the futures prices of hides in Chicago dropped dramatically. On March 3, hides for April delivery were selling for 24 cents a pound in Chicago. In March 14 about a week after the quota order was announced, the same April-delivery hides were quoted at below 19 cents on the Chicago market.

A cured cattle hide weighs about 40 to 50 pounds, according to an Iowa meatpacking company official.

Russell of Iowa Packing Co., said the Government has said repeatedly that one of the country's major problems is its adverse balance of trade.

"If you reduce exports by 3 million hides—at about $15 a hide—that's a $45 million increase in our adverse balance of payments.

"Unless there are trade increases elsewhere, that's another $45 million in our gold supply that will have to be exported to meet our overseas commitments," Russell said.

He noted that it has been the Commerce Department that has been most active in seeking to stimulate foreign trade. The Commerce Department last year opened an international trade office in Des Moines to get additional Iowa manufacturers interested in foreign markets.

Because of Iowa's high production of meat and other livestock products, much of the emphasis by the export office has been on the meat industry. One of the top export items being stressed was livestock hides.

Danilson said it was only the expansion of the foreign market that enabled farmers and meat industry officials to get a fair price for hides. He said synthetics and substitutes for leather were causing the domestic market to decline.

"I urge all people associated with the cattle industry to use their influence to get the order rescinded," Danilson said, "So that trade in hides can expand."

Iowa Agriculture Secretary Owen said the Nation's farmers are "again being called upon to make a little contribution to keep the consumer prices down."

He said cattle hides at 24 to 26 cents per pound aren't expensive. "This is merely a return to adequate pricing after many years in which hides were a drug on the market," Owen said.

Owen said Iowa agriculture officials have been pressing a statewide grub control program to improve the quality of the animal hides in order to make them more attractive to manufacturers, especially those in the export market.

"Now our own Government has taken action that has caused the Iowa farmer to lose in price for his hides," Owen said.

U.S. Representative SMITH said he "immediately objected" to Commerce Department officials about the quota order. He has sent a letter to all Members of the House of Representatives asking them to support his move for a "thorough reconsideration" of the export quota order.

He said the reduction in the price of hides will mean an increase in meat prices for the consumer "unless someone is willing to take less" for the meat throughout the merchandising channels.

Iowa livestock producers are afraid that that "someone" will be them and the drop in hide prices will mean lower live cattle prices.

SMITH said the idea that higher hide prices have caused the boost in shoe prices is overrated.

"The cost of the cattle hide in a pair of shoes is so small that even a sharp increase in green hide prices would raise the cost of a pair of shoes only a few pennies," he said "The shoe prices in this country increased while hide prices were going down."

One Iowa meat packing firm executive, who has also been active in the Department of Commerce's own program of increasing export trade, said:

"We all know of many items that have gone up in price over the years and the Government didn't express any concern about exports of those products.

"No one seems to be worried about how many cars we export although everyone knows you pay $4,000 for a car which cost $700 some years ago."

He said the Nation's farmers and the meat industry have spent large amounts of money seeking to develop an export market for hides.

"Now that we've found the market, our Government says we can't sell to them," he said.

Meat industry and farm groups have been pressing to expand foreign trade because many substitute products, including DuPont's highly publicized Corfam, have been chipping away at leather's share of the domestic shoe market.

One meat industry official said, "Until the export market expanded, hides were fast becoming an item which was hardly worth saving."

The 1965 export trade in cattle hides, at 13.3 million pieces, was a whopping 15 percent above the previous record set in 1964.

Japan was the best customer, taking 3.8 million hides. However, the biggest boost in 1965 over 1964 was in trade with Eastern European countries, which upped their purchases from 400,000 pieces to 1.8 million.

One of the stimulants to the big boost was extremely dry conditions in Argentina which led to a reduction in cattle production. Argentina is traditionally a big source of hides for the export market.

[From the Livestock Market Digest, Mar. 21, 1966]

ACTION ON HIDE LICENSES COULD HURT AGRICULTURE

Prices for hides have been good, export markets plentiful. But instead of letting the domestic industry take care of the demand all by itself (and suffer either the consequences or be aided by the profits), Washington officials have stepped in. An export licensing of hides was ordered into effect March 7.

The action was further evidence, where none is really needed, that at least some Washington officals cannot seem to abide a situation which finds a long-depressed segment of agriculture operating at a decent profit. The effect of the action ordered by Secretary of Commerce John T. Connor has already been to shove hide prices downward by the equivalent of $2 to $3 per head. Some in the industry, as stories in this week's Digest indicate, expect that the prices could be reduced further by $6 or $8 per head because of Connor's action.

In an industry that operates historically on a big volume and low margin, as the packers do, hide prices represent a significant factor in profit or loss. Thus, their success in selling hides reflects directly on the rest of the producer to consumer chain.

The action is difficult to understand if agricultural prosperity is actually an objective of Washington officialdom, but it is doubly so when these same officials seem so concerned with maintaining a sizable quantity of exports for dollars, or building new markets, in order to help minimize the sizable U.S. foreign payments deficit.

Hide prices, as Mr. Connor has been made aware by those in the livestock industry by now, have been depressed for a long time. They are far below the 33-cents-per-pound limit established as a price ceiling during the Korean war. The level currently is about 18 cents.

It is important to the livestock industry, and to agriculture as a whole, that the Connor ruling on exports of hides be revoked promptly.

[From the Wall Street Journal, Mar. 23, 1966]

CRISIS IN CATTLE HIDES

Though a spokesman for the Nation's shoe manufacturers says the current furor over cattle hides "just astonishes us," the uproar should have been fairly predictable. The whole affair could in fact be an unhappy portent of what's in store for the economy generally.

The crisis in cattle hides began building up a few weeks ago when shoe manufacturers blamed rising hide costs for shoe price increases. Since the administration is opposed to rising prices—that appears to be the only

official definition of inflation—Federal officials decided that something had to be done.

It seems not to have occurred to anyone, however, that the hide and shoe price increases were two more arguments for curbing the Government's easy-money-high-spending expansion that is now pressing upward on prices almost everywhere. Instead, the administration reasoned that rising hide exports were reducing the supply in the United States and helping push up domestic prices; the obvious remedy, in Washington's view, was to restrict exports.

As too often happens when the Government moves to manipulate the economy, the restrictions were imposed with a minimum of dexterity. First the Commerce Department announced that hide exports would require Federal licenses. Then, less than a week later and before the industry or anyone else had a chance to see how limited controls would work, the Government clamped tight export quotas on top of the licensing system.

In the economic controllers' eagerness to go to work, they found it easy to ignore a few old policies and principles, such as America's alleged devotion to free world trade and the Government's longstanding effort to lift exports and thus aid the Nation's ailing balance of payments.

Nor are Washington officials apparently much disturbed by the confusion they have created in the industry. Licenses won't be issued under the quota setup until mid-April, nearly a month away. While the Government says some "emergency" licenses will be issued in the meantime, no one is too sure of how to go about getting them, and hide dealers contend they are "virtually under an embargo."

As usual, too, controls are raising sharp questions of equity.

At the moment, for instance, the export curbs are bringing domestic hide prices down. "Now with lower hide prices," says President John K. Minnoch of the National Hide Association, "why shouldn't shoe prices be reduced?" Whether they should be or not, it's understandable that hide merchants are piqued enough to contend the shoemakers may be "profiteering."

The long-range results of the hide hassle could go well beyond the current acrimony among businessmen and the destruction of some export markets. Controls also can cause disorders in the domestic economy.

The shoe industry, for its part, is a relatively smaller user of cattle hides than it was a few years ago. In this situation the export curb and artificially low domestic prices may lead eventually to a reduction in domestic supplies instead of a rise, as packers slow the rate of cattle slaughter. The upshot might be not only higher prices for hides but higher prices for meat as well.

Such self-defeating interventions would be discouraging enough if they were limited to a single segment of the economy; actually, they're growing progressively more pervasive. That's true even though it should be evident that wage and price "guideposts" and all the other gimmicks aren't producing the economic stability the administration so earnestly professes to seek.

What they are producing, and will continue to produce as long as the Government shuns sensible restraints on its own monetary and fiscal policies, are unhealthy distortions in the economy. It's the administration's inability or unwillingness to see those results, rather than the cattle-hide contretemps, that's really astonishing.

REMOVING CORRUPTERS FROM PUBLIC LIFE

Mr. MILLER. Mr. President, Clark Mollenhoff, of the Cowles Publications in Washington, is acknowledged to be one of the most tireless, objective, and hard-digging reporters in the business.

He has collected an array of awards for diligence in his profession, including winning the top journalistic honor, the Pulitzer Prize.

His investigations have resulted in officials becoming more wary before they violate the ethical standards which they should follow.

As Mr. Mollenhoff sees it:

> Once the American people recognize all the corrupters—the genteel as well as the brazen, the efficient as well as the careless and slipshod—and once it becomes fully understood how the corrupters threaten our way of life, I hope they will react with vigor and remove them from public life.

Mr. Mollenhoff follows this precept closely in uncovering the corruption which too frequently occurs in high Government circles.

His role and examples of corruption are well set out in his new book, entitled "Despoilers of Democracy." I think it is a book well worth reading.

I ask unanimous consent to have selected critical reviews of the book printed in the RECORD, as follows:

First. "The Case Against Corruption," from the Saturday Review of November 20, 1965.

Second. "Personal Report: Washington," a column written by Robert E. Baskin, Chief of Bureau, Dallas Morning News, December 13, 1965.

Third. "'Despoilers of Democracy' Disturbing," from the Daily Times, Gainesville, Ga., November 23, 1965.

Fourth. "Washington's Scandals Probed by Mollenhoff," from the Indianapolis Star, December 12, 1965.

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

[From the Saturday Review, Nov. 20, 1965]

THE CASE AGAINST CORRUPTION

(NOTE.—"Despoilers of Democracy," by Clark R. Mollenhoff (Doubleday, 411 pp. $5.95), demonstrates, through accounts of actual cases, how political corruption still flourishes amid a conspiracy of silence. Nat S. Finney is Washington correspondent for the Buffalo Evening News.)

(By Nat S. Finney)

This deeply distressing book is the product of a decade of exceptionally competent investigative reporting by an indefatigable Washington correspondent, whose bona fides combine professional training in both journalism and law. It is not, despite its title, a sensational report, but a factual recitation of a series of cases that have raised doubts about the probity of Federal officials—abuses in the foreign aid program, the mismanagement of a secret postwar stockpile program, the operations of Billie Sol Estes, the arbitrary award of defense contracts, a celebrated miscarriage of Civil Service procedure in the matter of Otto Otepka, and the so-called Bobby Baker case in all its ramifications. The author, Clark R. Mollenhoff of the Washington Bureau of the Des Moines Register and the Minneapolis Tribune, does not pretend to reach verdicts; he simply sets forth the evidence and invites the concerned reader to draw his own conclusions.

Two of his case studies, the opening one about Jerry M. Jackis, a foreign aid employee, and a later one about Otto Otepka, a personnel security officer at the State Department, describe the fates of civil servants who had the misfortune and temerity to "blow the whistle" on their superiors in the Federal hierarchy—a "crime" unlisted in the code but heinous nonetheless. In another such case, presented as a footnote to the Billie Sol Estes matter, N. Battle Hales, a civil servant who tried to work within the unwritten canons of civil service ethics, was punished by appointive officers who apparently could not understand the rules of the Government game. These studies, while likely to attract less interest, are exceedingly important, for good Government must be expert as well as political.

This reviewer finds it hard to take much interest in the so-called stockpile scandal, yet Clark Mollenhoff is right to include it as an illustration of the fact that if you put the banana within the monkey's reach there is going to be some grabbing.

The true centerpiece of "Despoilers of Democracy" is the TFX contract, if for no other reason than its exemplification of the warning with which President Eisenhower closed his administration: "In the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist * * *. We should take nothing for granted * * *. Only an alert and knowledgeable citizenry can compel the proper meshing."

Reporter Mollenhoff pursued the award of a nonesuch contract for these aircraft from the first signal of arbitrary action to the collapse of the inquiry after President Kennedy's assassination. Mollenhoff came out of the ordeal bristling with unallayed suspicions, but frustrated. There never was a plausible answer to the question of why Secretary of Defense McNamara handed this $6-billion contract to General Dynamics, and for all his bloodhound diligence Clark Mollenhoff doesn't produce one. But he does make a thorough case that in a government based upon consent there simply must be answers. A society that is incapable of compelling answers to questions of genuine public moment is no damned good. The answers may be impalatable and their consequences impolitic. In the TFX matter the Department of Defense may well have placed the contract with General Dynamics to rehabilitate a sick company. However hard this would have been to swallow, it would have been defensible as an action to assure the existence of industrial suppliers in time of trouble. But neither this nor any other intelligible answer whatever was offered, and that, entirely aside from any question of despoiling, is reason enough to throw the rascals out.

The Bobby Baker case still rumbles in the corridors and anterooms of power in Washington, and there is no one better qualified to trace its origin than Clark Mollenhoff. He was, in the judgment of some of his friendly and respectful colleagues, more deeply involved in the case than is professionally wise.

The spectacle of an employee of the Senate defying the inquiries of his erstwhile employers is bad enough, but the slavish condemnation of such contumely by legislators sworn to defend the public interest is worse. Hardest of all to bear is the complacence of just those people whose interest is insulted—the "knowledgeable citizenry" in which President Eisenhower reposed his confidence. Clark Mollenhoff got angry about the torpor that existed in Washington during the Baker inquiry and at the electorate's indifference to the stench. In his fury he offended enough of his associates to spark a challenge to what should have been his routine election as president of the National Press Club. He was narrowly defeated by a rump candidate in a contest that does the Washington press corps little credit.

Mollenhoff gives his readers an inside view of the Walter Jenkins case, and discloses that he had learned from Donald B. Reynolds that

President Johnson's man Friday had a morals squad record months before another arrest brought the matter into the open. It is this reviewer's suggestion that the reader let this chapter steep in his mind until all the implications are brewed out out of it. Did the silly reporter who asked President Johnson whether he knew of Jenkins' degeneracy expect a different answer from the one he got? Is the national security the private toy of the party in power? Whose captive was Jenkins?

"Despoilers of Democracy" should be must reading for anyone who still wonders what the Reverend Francis B. Sayre, Jr., was talking about when he described Lyndon Baines Johnson as lacking in the moral integrity a President should bring to that high office.

Yet Mollenhoff's concluding chapter is no more satisfying than President Eisenhower's invocation of an alert and knowledgeable citizenry. The book leaves it very clear that political operators can stupefy the citizenry and corruption be protected by a conspiracy of silence. The answer, if there is one, must be mechanical, not moral. The old axiom, "when in doubt, vote against the candidate with the most seniority," may provide a clue. It has been observed before that there is no tyranny like an excessive majority, and certainly the picture Clark Mollenhoff presents is of a majority run amok, the old "public be damned" attitude that invariably characterizes a regime too long in power. The public itself has become too doctrinaire about its politics, and lost sight of the prophylactic exercise of the franchise.

[From the Dallas Morning News, Dec. 13, 1965]

PERSONAL REPORT: WASHINGTON

(By Robert E. Baskin)

In Washington political and press circles, Clark R. Mollenhoff is known as a hard-digging, courageous reporter who does not fear to probe into the more suspicious activities in our Federal Government.

As a correspondent for the Cowles publications, Mollenhoff has amassed a host of prizes for investigative reporting, and he has shown no indication that he wants to rest on his laurels.

He has just produced another book, "Despoilers of Democracy" (Doubleday), that certainly will be disturbing to all who read it. It is a compilation of some of the noteworthy shenanigans that have taken place in the Federal bureaucracy in the last few years.

Mollenhoff's knowledge of these matters is intimate. Most of the stories he relates deal with events which he covered personally as a working newspaperman.

The cumulative effect of his book—which chronicles such scandals as the Billie Sol Estes and Bobby Baker cases—is enough to cause one to wonder if our democracy is, indeed, not in danger of being subverted by the "despoilers" Mollenhoff describes.

Mollenhoff is heavily critical of State Department for its handling of the Otto Otepka affair and of the Defense Department for the way it awarded the TFX contract.

While there may be room for argument over the circumstances of some of these matters, no one can question Mollenhoff's zeal or honest intentions in trying to expose to view the behind-the-scenes manipulations that occur in the Government.

Mollenhoff is frankly concerned over the growth of presidential power at the expense of the Congress. And he is particularly indignant over "the massive propaganda of recent years" which he says is intended to discredit Congress and its investigative bodies. This propaganda, Mollenhoff says, is succeeding.

"The decline in the independence of Congress has been accompanied, unsurprisingly, by a parallel decline in the independence of the American press," Mollenhoff says. "* * * When the power of Congress is emasculated, the ability of newsmen to obtain accurate information from Government suffers. * * *

"Without the congressional power to investigate behind them, the reporters in Washington could be reduced pretty much to the level of the German newsmen who gathered at the propaganda ministry in the 1930's to receive their handouts from Dr. Goebbels."

Mollenhoff makes plain his disapproval of the White House role on congressional investigations.

"Because the White House now, in the current political situation, has the votes to override the committee chairmen in their own committees as well as on the floor, it can disregard them," Mollenhoff says.

"It can stop or limit investigations in some committees.

"Though the White House objectives are sometimes laudable, they are not always so. It is a bad omen when party discipline can kill an investigation before it is started."

Mollenhoff praises the work done by such men as Senators JOHN MCCLELLAN, Democrat, of Arkansas, and JOHN WILLIAMS, Republican, of Delaware. Much of the documentation for this book are results of these two men's investigatory efforts.

But, Mollenhoff says, the public must take a great interest in clean government.

"Once the American people recognize all the corrupters—the genteel as well as the brazen, the efficient as well as the careless and slipshod—and once it becomes fully understood how the corrupters threaten our way of life, I hope they will react with vigor and remove them from public life," Mollenhoff says.

In addition to having a message, Mollenhoff's book is noteworthy for its well-written accounts of several scandals, and Texans will be particularly interested in his recapitulation of the Billie Sol Estes case.

[From the (Gainesville, Ga.) Daily Times, Nov. 23, 1965]

"DESPOILERS OF DEMOCRACY" DISTURBING

(By Sylvan Meyer)

(NOTE.—A review of "Despoilers of Democracy" by Clark R. Mollenhoff, Doubleday, $5.95.)

Clark Mollenhoff, a reporter in Washington for Cowles Publications, ranks as one of the Nation's top, and most respectable, muckrakers.

This book is a comprehensive wrapup, with the perspective of history, of several of the major scandals of the last decade in the Capital.

The information itself may not always be new, but Mr. Mollenhoff has gathered the truly pertinent evidence, organized it well and thus added to its impact, bringing the instances of corruption he reports into shocking focus. Readers will be more outraged as a result of his analyses than they were when they read of the incidents piecemeal over months and months of newspaper reporting.

He delves into the TFX fighter plane controversy. In this one, the Secretary of Defense, Robert McNamara, awarded a hefty fighter plane contract to General Dynamics of Texas despite a lower bid from Boeing and despite strong military preference to Boeing.

Mr. Mollenhoff reviews Mr. McNamara's statement to congressional committees and finds his reasons for ignoring military advice to be vague. Furthermore, the Department of Defense, according to Mr. Mollenhoff, treated the congressional group in a rather cavalier fashion and made precise information difficult to come by.

"Despoilers" points out close relationships between the Texas of Lyndon Johnson and the individuals responsible for the contract award.

The book also works over the Billy Sol Estes case; the case of Otto Otepka, a State Department security officer who was badgered and persecuted because he tried to place reports of wrongdoing before congressional committees; and the Bobby Baker case. In sum, the book wreaks heavy damage on the integrity of the executive branch and particularly on its policy of letting the public know as little as possible.

Yet, it should be made clear that Mr. Mollenhoff is a reporter and not a polemicist. This book is not at all in the hysterical, wildly accusative genre of "None Dare Call It Treason" or the other far out politically inspired summaries of alleged wrongdoings in Washington.

It is a carefully documented presentation, organized like evidence in a courtroom and balanced with plenty of material from the defense as well as from the prosecution.

There is no question of Mr. Mollenhoff's reliability or of his professional competence. Consequently, it is a disturbing book and deserves a thoughtful response from those it accuses. It needs an answer.

[From the Indianapolis Star, Dec. 12, 1965]

WASHINGTON'S SCANDALS PROBED BY MOLLENHOFF

(By Ben Cole)

Vanity and venality are the ingredients that produce the scandals in the Federal Government reported by Clark R. Mollenhoff in "Despoilers of Democracy" (Doubleday, 411 pages, $5.95.)

Mollenhoff is a Pulitzer Prize winner who has covered all the cases he discusses in the fast-moving volume.

Among the matters the author takes up are; the drumming of Jerry Jackis out of Government because he exposed multimillion-dollar shilly-shallying in foreign aid; military disobedience to build an unauthorized air strip; stockpile profiteering; the incredible case of Billie Sol Estes, and the mystifying case of Secretary Robert McNamara and the X-TFX.

Also, the punishment of State Department security officer Otto Otepka for giving testimony to Congress; the fortunes of Bobby Baker and the downfall of Walter Jenkins.

Mollenhoff makes no secret of his distaste for President Johnson, whose personal finances the author views with deep misgivings. But he also has some nonpartisan disapproval to confer upon former Secretary of the Treasury George M. Humphrey, whose dealings in stockpiled metals come into question in one chapter of the book.

Readers who yearn to understand what the TFX case was all about, what was going on in Texas with Billie Sol, and how the Bobby Baker case came about can learn all about it in Mollenhoff's absorbing book.

If the complexities of the shenanigans he recounts are at times confusing when they are not incredible, then it is because truth is often more complicated than fiction.

Mollenhoff writes with a sting of puritan righteousness which gives his work substance and direction. He is no apologist for wrongdoers.

What mystifies the ordinary citizen—and enrages Mollenhoff—is the frequency with which Uncle Sam is fleeced like a city slicker at a county fair. Most Americans are scared to death at having their tax return questioned for a couple of bucks, while bigtime shrewdies march into the Federal agencies and cart the loot out by the bale.

What's worse, perhaps, that once having made a mistake, the Government goes into the most unbecoming convulsions of denial, concealment, and obfuscation to cover up its chargeability.

Mollenhoff offers a hope that the country may not be going all the way to the dogs as a result of misdeeds in high places, but he is certain that it could.

He relies on the Congress, with its power to investigate the executive branch, for exposure of and eradication of malfeasance.

"If the public doesn't care about it Congress—or doesn't show that it cares—and if it continues to shrug its shoulders over arrogant administration and shoddy favoritism, as well as outright corruption, then 1 day the house of democracy may fall. For, in the end, the responsibility for good Government rests with the people. America will get as good a government as Americans demand," he concludes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REORGANIZATION PLAN NO. 1 OF 1966

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Chair lays before the Senate the pending business, which has just been reported, and which is Senate Resolution 220, to disapprove reorganization Plan No. 1 of 1966.

The Senate proceeded to consider the resolution.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 6319.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6319) to amend the Internal Revenue Code of 1954 to provide for treatment of the recovery of losses arising from expropriation, intervention, or confiscation of properties by governments of foreign countries.

The PRESIDING OFFICER. Is there objection to temporarily laying aside the pending business and proceeding to the consideration of the bill just stated by title?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment, on page 17, after line 10, to insert a new section, as follows:

SEC. 3. Two-month extension of initial enrollment period for supplementary medical insurance benefits for the aged.

(a) The first sentence of section 1837(c) of the Social Security Act is amended (1) by striking out "January 1, 1966" and inserting in lieu thereof "March 1, 1966", and (2) by striking out "March 31, 1966" and inserting in lieu thereof "May 31, 1966".

(b) Section 1837(d) of the Social Security Act is amended by striking out "January 1, 1966" and inserting in lieu thereof "March 1, 1966".

(c) Section 102(b) of the Social Security Amendments of 1965 is amended by striking out "April 1, 1966" each time it appears and inserting in lieu thereof "June 1, 1966".

Mr. LONG of Louisiana. Mr. President, this bill passed the House of Representatives by unanimous vote, and it was reported unanimously by the Committee on Finance.

It provides a revised set of rules for the income tax treatment of any recovery by a corporation of losses which arose from expropriation or confiscation of its properties by a foreign government. Present law provides that the amount recovered must be included in income subject to regular rates of tax if the original deduction resulted in some saving in income tax. Present law takes no account of the fact that the prior deduction may have offset income which was not subject to full tax. For example, the deduction may have offset income which would have been taxed as a capital gain or as income eligible for Western Hemisphere Trade Corporation treatment.

This bill provides that the corporation may elect to have recoveries of foreign expropriation losses treated under the new rules. These new rules provide that upon the recovery of a loss previously deducted, the amount of tax to be paid on account of the recovery is to be measured by the amount of tax saved by deducting the loss taken in the earlier year. This rule takes into account the fact that the earlier deduction of the loss may have reduced foreign tax credits or investment credits which would otherwise have been allowable in a larger amount. Similarly, the new rules take into account the fact that the loss in the prior year may have resulted in a tax benefit only at capital gains rates. In computing tax benefit received on deducting the loss, the rates in the year of the recovery will be used rather than the rates in the year of the loss.

The bill also provides that where the bulk of a recovery of an expropriation loss is in property rather than in money, the taxpayer can have an extended period of time up to 10 years to pay the tax imposed on the recovery, but the delayed payments will bear interest at the rate of 4 percent. Should the taxpayer sell the property received back, the payment of the tax is accelerated.

The bill also provides, even though a corporation does not elect the new rules on recoveries of expropriation losses, that the restoration in value of a stock or security held by a corporation is to be treated as a recovery. As a result this value is to be included in gross income if a deduction was previously taken because the stock became worthless on account of expropriation or seizure by a foreign government of the assets of the company which issued the stock or security. This provision is comparable to a provision in present law which deals only with restorations in value of property subject to the rules governing World War II losses.

This bill is virtually identical to a bill passed by the Senate in 1964. It is acceptable to the administration.

EXTENSION OF MEDICARE ENROLLMENT

We amended this bill in committee to provide a 60-day extension of the initial enrollment period during which people can apply for voluntary medical insurance under social security.

Many Senators have sponsored bills along the lines of the committee amendment. Senators SMATHERS, DOUGLAS, RIBICOFF, BENNETT, CURTIS, MORTON, and DIRKSEN of the Finance Committee are among those Members who have introduced bills on this topic.

Subsequent to the committee adoption of this amendment on Wednesday, a request was received from the President urging this precise action. Obviously, the committee had its crystal ball in good shape in guessing that this would be the position of the President.

I think all of us recognize it is desirable to extend the deadline for enrollment so that every eligible person may be given an adequate opportunity to join the voluntary portion of the medicare program.

Many private health insurance companies—including Blue Cross and Blue Shield—have only recently announced changes in their policies for older people. Many employers are just now modifying their health insurance coverage of older workers who are also eligible for medicare. A substantial number of older people have not enrolled in part B because they have not had adequate time to study the effects of these changes in private health insurance coverage. They have not had sufficient time to compare benefits—to see how a private policy meshes or conflicts with medicare benefits.

The committee amendment will give these people ample time to study the advantages of participation in part B of medicare. More time will also be available to inform and clarify questions for those who are uncertain about aspects of the program.

The extension of time provided by the committee amendment will not change or interfere with the July 1 starting date for payment of benefits under part B. After May 31, the last day of the initial enrollment period under the amendment, Social Security would still have a full month left before benefits were payable in which to set up their records.

I am pleased to say that 86 percent of the aged people over 65 have already signed up for the voluntary portion of the medicare program. We believe that the final figure may go as high as 90 percent or more by giving those who have not thus far taken advantage of the opportunity, additional time to make application for the voluntary portion of medicare.

There was an amendment intended to be proposed by the two Senators from Ohio in an effort to resolve a problem which exists between the welfare agency

of that State and the Federal Government.

I ask the Senators from Ohio [Mr. LAUSCHE and Mr. YOUNG], that their amendment not be offered on this bill because there is some urgency in enacting this immediately; they should give us a chance to look at their amendment in committee. I wish to assure them that the committee will look at that amendment as soon as possible so that we can understand their problem and determine the views of the Department of Health, Education, and Welfare so that we can give proper consideration to the problem that needs to be corrected in the State of Ohio.

I wish to assure the two Senators from Ohio that the committee will undertake to give careful and sympathetic consideration to the problem when we have had the opportunity to give it the careful attention it deserves.

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

Mr. LONG of Missouri. I yield to the Senator from Illinois.

Mr. DIRKSEN. We were confronted with varying estimates as to the number of people who remained unregistered under part B of the medicare program. The estimates varied from a million to 5 million people. We thought that perhaps there should be sufficient time to make sure all of them were registered.

I believe Congressman BYRNES, the minority member of the Ways and Means Committee in the House of Representatives, and ranking minority member of the committee, suggested at the time that the medicare matter was under consideration that perhaps September 1 rather than March 31 should be the deadline date. In the amendment that I suggested, and which was cosponsored by a good many Senators, we did accept the September 1 deadline.

However, I believe it was the opinion of the committee that 2 months was ample; that perhaps there would be maximum registration in 2 months.

Mr. LONG of Louisiana. The Senator from Illinois has been very helpful in this matter. I thank him for his suggestion.

Mr. SMATHERS. Mr. President, I wholeheartedly endorse the remarks just made by the distinguished chairman of the Finance Committee. It has been obvious to many of us that extension of the initial enrollment period for part B of medicare was desirable and equitable. As early as last February I introduced a bill, cosponsored by Senator WILLIAMS of New Jersey, to extend the initial enrollment period. The committee amendment accomplishes my goal; that is, to see to it that every older Floridian—every older American—has ample time and adequate opportunity to participate in this worthwhile program.

Mr. LONG of Louisiana. I thank the distinguished Senator from Florida for his support. I know that he has been very helpful in informing the committee of the need for this legislation.

Mr. KENNEDY of New York. Mr. President, I am glad to support the committee amendment to H.R. 6319. On Tuesday of this week I introduced legislation—S. 3159—to extend the enrollment date until the end of this year. My own judgment was and still is that the 2-month extension which is before us now may not be adequate to reach the 1.5 million senior citizens who have not been heard from at all in connection with part B, and the 1 million who have turned down its coverage, many of them basing their decisions on misunderstanding of the program.

I thought it would be wise to let those who need more convincing see the program in operation after July 1 and let them decide then. But the 2-month extension is a good beginning. If it proves inadequate, we have shown that we can act expeditiously to extend the deadline. My bill and those of other Senators could be passed as well 2 months from now as now. If we need to take such action then, I know we will do so.

Mr. LONG of Louisiana. Mr. President, I appreciate the support of the distinguished Senator from New York.

Mr. COOPER. Mr. President, I want to speak briefly on the proposal before the Senate today—to extend for 2 months, through May 31, 1966, the sign-up period for the supplementary medical insurance program voted by the Congress last year.

The Social Security Administration has estimated that some 19 million people 65 years of age or over are eligible for coverage beginning on July 1 of this year. While some have declined to enroll in the period which ended last night, the President yesterday estimated that 17 million people had already asked for the coverage offered under the law.

I believe it is very likely that the persons—1 million or more—who have not yet responded, or who might not have been reached by the announcements, are very likely individuals who most need the opportunity to have adequate medical insurance coverage under this health care program. I know that social security offices around the country have been working long and hard hours to enroll eligible persons, but it is very possible that an extension of the enrollment period will enable the great majority of the other eligible persons to qualify for this important program from the beginning of its services this summer.

In my own State of Kentucky, there are thousands upon thousands of people who are eligible for this program, and I would hope that all who want to participate would have the chance to do so from the first date of availability of services. For this reason, and as it has been said that an extension of the deadline would present no administrative problems, I hope the Senate will act immediately to extend for 2 months the deadline for enrollment in the supplementary medical insurance program under social security.

As one who worked and spoke and voted for the new law to provide assurance of health and hospital care under social security, I urge immediate action on extending this enrollment deadline to May 31, 1966.

Mr. LONG of Louisiana. Mr. President, the distinguished Senator from Kentucky has eloquently expressed the need for the committee amendment. I appreciate his support.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An Act to amend the Internal Revenue Code of 1954 to provide for treatment of the recovery of losses arising from expropriation, intervention, or confiscation of properties by governments of foreign countries, and to amend title XVIII of the Social Security Act to extend the initial enrollment period for supplementary medical insurance benefits."

TROUBADOURS DRUM AND BUGLE CORPS OF BRIDGEPORT, CONN.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 8647.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8647) for the relief of the Troubadours Drum and Bugle Corps of Bridgeport, Conn.

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

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

Mr. LONG of Louisiana. Mr. President, this is a relatively minor bill that was passed by the House of Representatives unanimously.

The young people in Bridgeport, Conn., organized a band and they describe themselves as the Troubadours Drum and Bugle Corps of Connecticut. The bill involves some band uniforms which they purchased in Mexico duty free. It involves a very small amount of money.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

TARIFF TREATMENT OF CERTAIN WOVEN FABRICS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 11029.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 11029) relating to the tariff treatment of certain woven fabrics.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment on page 2, line 5, after the word "before," to insert "the 60th day after."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time and passed.

SECRECY IN HEARINGS ON FOREIGN AID PROGRAM

Mr. MORSE. Mr. President, the refusal of the Secretary of State to appear Monday in open session before the Committee on Foreign Relations on the foreign aid program should tell Congress, the American people, and the world a great deal about the nature of the American aid program and the purposes to which it is being put.

His insistence upon secrecy in initiating the aid debate reflects the growing furtive and stealthy character of bilateral aid as a tool and weapon of American foreign policy. There once was a time when the great bulk of aid, even military, was fully covered in open hearings with the Secretary of State, with only a few questions in sensitive areas reserved for executive session. In 1966, we have reached the stage where he will not present the foreign aid program in public session, but seeks to reverse the normal procedure by offering the possibility that he may come back later for an open hearing. Up to now, it has been customary for a leading cabinet officer to present the opening testimony on a foreign policy matter in public and leave to a future closed session the relatively few matters of a security nature. Why the change?

"Beware," I say to foreign governments; "beware of American aid that the American people are not told about by their Government. Beware of foreign aid that is discussed behind locked doors the same way the CIA budget is discussed behind locked doors, for you may never know what is being done for you and what is being done to you under such a program."

This particular foreign aid program was unveiled with considerable fanfare about its new emphasis upon education and food production. It was a hopeful sign to some of us who have believed that foreign aid was becoming little more than wallpaper over the cracks and breaks in the social and economic structure of recipient countries, countries that must develop their human and natural resources first, if ever they are to have a foundation on which to build a growing standard of living.

In the last decade, foreign aid to developing countries has conformed to an economic theory that we abandoned in this country over 30 years ago—the trickle-down theory of economic growth. We have sent American commodities abroad under the aid program on the belief that if we put enough wealth into the upper crust of the society, some would trickle down to the masses below, providind at least a modicum of improvement in their lot. But I am frankly of the opinion that Herbert Hoover economics are not going to do any more for the less developed nations than they did for a depression-ridden America.

If we assigned every cent of the $917 million programed for military aid to education instead, we would do more for the people of the world in 1 year than we will do under 20 years of the current program. Of course, many of the governments of countries we are aiding do not want that kind of assistance. The American aid program has been designed more to maintain the status quo than to bring about change, and that usually suits both sides of the aid transaction.

In fact, American economic and military aid—particularly military aid—has supported military juntas around the world. It has been used by tyrants around the world to stamp out freedom.

As chairman of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations, let me say that the shocking record of the United States by way of military aid in South America has been a record of the stifling of freedom in many parts of Latin America, the Dominican Republic being the latest.

Oh, if the American people could only get the facts about foreign aid. If the American people could get the facts about their foreign aid, they would hold the Johnson administration to a political accounting, as it should be.

The Johnson administration now has a Secretary of State who wants to appear before the Committee on Foreign Relations in a secret session. Again, the senior Senator from Oregon forewarns the American people, as he has been doing for 21 years in this body, to watch out for government by executive supremacy and government by secrecy. The Johnson administration is galloping toward government by executive supremacy and government by secrecy, and this is its latest ride.

These are some of the issues that should be explored this year in considering this authorization. We should examine into the nature and the extent of this new emphasis upon basic resource and human development, for we should know whether it is merely a public relations device, or a real change in the emphasis of the program.

Now the Secretary of State takes position that he cannot discuss foreign aid in public in his opening presentation. That tells me almost as much as hearing what he has to say. He has already answered many of the questions I would have asked him in public about what we are really seeking to do with foreign aid.

I shall not be in attendance for his private explanation of the secretive, clandestine nature of the aid program. I will not help to dignify the concealment policy of the Secretary of State by becoming a party to it.

I can read; and as a member of the Committee on Foreign Relations I shall, in due time, read the Secretary's secret testimony, so that when the committee reaches the point of marking up the bill, I can offer amendments this year, as I have done in the past, seeking to check this Secretary of State, who is doing such irreparable harm to the history of this Republic. But I shall not dignify his testimony by lending my ears to hear it.

Moreover, I shall have much more fruitful endeavors in the Subcommittee on Education of the Committee on Labor and Public Welfare, where we are hearing in open and public session about the education needs of present and future generations of Americans, and what we can do about them.

In fact, I was willing to postpone the hearings of the Subcommittee on Education scheduled for Monday if the Secretary of State had been willing, in a public hearing, to talk about the foreign policy that belongs to the American people, not to the Secretary of State. But in view of the fact that the Committee on Foreign Relations has mistakenly acceded to the Secretary's insistence that he appear only in executive session, I not only shall not be present, but shall proceed with the public hearings on education.

So far as the Senior Senator from Oregon is concerned, and speaking as a member of the Committee on Foreign Relations, there never would have been any hearings on foreign aid this year if they had to be held under the dictates of the Secretary of State in secret session. I would have let him sit in the Department of State and twiddle his thumbs. I would have given him no hearings, unless he were willing to conform to what I think is a precious guarantee in a democracy, a guarantee which the American people are entitled to have the Committee on Foreign Relations, the Senate, and Congress protect.

I say to the American people from this desk today, as I have said to them in the past: "Do not forget that in a democracy there can be no substitute for a full disclosure of the public's business. Foreign policy belongs to you, not to Lyndon B. Johnson, to Dean Rusk, or to McNamara. It belongs to you, the people. The only check you have left is the check of your ballots. Start using your ballots to vote out of office those in Congress and in the executive branch of the Government who are willing to conduct foreign policy as it is now being conducted; a policy that will kill thousands upon thousands of American boys in Asia in the years immediately ahead, if this

President and his Secretary of State and Secretary of Defense are not checked."

It does not make me happy to find myself in such unalterable, irreconcilable disagreement with my President in regard to the killing operation that is taking place in South Vietnam. That killing must be stopped; and the killing will not be stopped by the kind of foreign aid bill we can be sure this administration will offer. It will not be stopped until Congress begins to exercise the check that the constitutional fathers wrote into the Constitution—the check of the purse strings.

I say to Congress that not until we make it very clear to this President that we are not going to vote the money for the escalating of the war in Vietnam and the killing, each week, of additional numbers of American boys, shall we avoid what I am satisfied will be, eventually, a war that will lead into China and will bog us down in Asia for decades to come.

Oh, I know that war hysteria is stalking the Nation.

Those who raise their voices, as I raise my voice on the floor of the Senate again this afternoon, must expect to be castigated and attacked and smeared with the statement that they will some way, somehow let down the boys in South Vietnam.

My answer is that there only happen to be a small number of us who are seeking to protect those boys in South Vietnam. By denying to the President the power to escalate this war and by denying to him the funds, we will force him to fall back on a position such as a General Gavin, General Ridgway, George Kennan, and a good many other authorities in this country are urging upon this administration.

Mr. President, this voice will not be silenced short of a declaration of war, and this Senator will not support the kind of foreign aid program, let me assure everyone, that Dean Rusk will testify for in secrecy on Monday.

I shall continue to say to the American people, "It is up to you. You now must exercise the greatest right of freedom that our constitutional fathers gave you, your right of the ballot." In my judgment, if that right is not exercised, and if we do not stop this trend toward government by secrecy and executive supremacy, then it is doubtful that we will leave a heritage of freedom to our grandchildren. Becaues if we are moving into world war III, there will be no freedom for future generations of American boys and girls.

One of my sadnesses these days is to face what I think irrefutable, that not many in the Congress of the United States, or, for that matter, not enough people in the country, are thinking in terms of the kind of a legacy we are going to leave American boys and girls 50 to 100 years from now. Let me say that we will leave them no legacy of freedom if our generation is responsible for leading the world into the third world war. And a continuation of this administration's foreign policy in Asia, in my judgment, assures a war with China, and from that we will go into world war III.

ADJOURNMENT UNTIL TUESDAY AT 11 A.M.

Mr. McGOVERN. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate adjourn until Tuesday next at 11 o'clock a.m.

The motion was agreed to; and (at 2 o'clock and 11 minutes p.m.) the Senate, under the order previously entered, adjourned until Tuesday, April 5, 1966, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1966:

Diplomatic and Foreign Service

W. Tapley Bennett, Jr., of Georgia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal.

U.S. Marshal

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

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be captains, USAF (Medical)

Donald L. Coleman, [redacted].
Howard H. Sherman, [redacted].
Michael D. Thier, [redacted].

To be first lieutenant, USAF (Medical)

Harold J. Versteeg, [redacted].

To be first lieutenants, USAF (Dental)

Robert L. Dix, [redacted].
Samuel B. Holder, [redacted].
Donald E. MacIntyre, [redacted].
Charles G. Rule, [redacted].
Burton L. Siegel, [redacted].
Frank J. Trachtman, [redacted].

To be first lieutenant, USAF (Judge Advocate)

Bernard Marcak, [redacted].

The following distinguished military graduates of the Air Force precommission schools for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Henry R. Adams, [redacted].
Keith D. Baer, [redacted].
James D. Baer, [redacted].
David H. Barthel, [redacted].
John B. Bestic, Jr., [redacted].
Terry L. Boyer, [redacted].
Jack A. Brinker, [redacted].
Henry N. Carriger, [redacted].
John Caso, [redacted].
Gary A. Chavez, [redacted].
James A. Clamon, [redacted].
Alvin J. Cole, III, [redacted].
Kenneth L. Coleman, [redacted].
Richard D. Conn, [redacted].
Charles H. Cook, [redacted].
Joseph F. Cormier, [redacted].
Hobdy J. Edmondson, [redacted].
Carl E. Edwards, Jr., [redacted].
George L. Edwards, [redacted].
Paul S. Embert, Jr., [redacted].
Epperson, William L., [redacted].
Fauske, James H., [redacted].
Finley, Thomas C., [redacted].
Gander, Leroyce J., [redacted].
Giberson, Kenneth L, Jr., [redacted].
Griffith, Charles R., [redacted].
Grulikowski, Thaddeus, [redacted].
Guinn, Jerry R., [redacted].
Hackley, Lloyd V., [redacted].
Hall, Robert J., [redacted].
Haynie, Ivan, [redacted].
Huttenlocker, Donald J., [redacted].
Johnson, Curtis E., [redacted].
Johnson, Philip W., [redacted].
Jones, William R., [redacted].
Keck, Kenneth R., [redacted].
King, Jackie D., [redacted].
Krone, David F., [redacted].
Lawrence, Bruce E., [redacted].
Lewis, Kenneth W., [redacted].
Maples, William K., [redacted].
Mayer, Joseph F., [redacted].
McBride, William G., [redacted].
McGregor, Lorne L., Jr., [redacted].
Meacham, Jimmy D., [redacted].
Metzger, Richard P., [redacted].
Murphy, Norman C., [redacted].
Nelson, Dean D., [redacted].
Pillittere, Leonard F., Jr., [redacted].
Powers, Thomas J., Jr., [redacted].
Preece, Keith A., [redacted].
Robbins, Robert R., [redacted].
Roskell, Robert T., [redacted].
Saulsberry, Thomas L., [redacted].
Shaff, Dennis P., [redacted].
Sheets, James E., [redacted].
Shields, William F., [redacted].
Terla, Lothar G. T., [redacted].
Ward, Eileen C., [redacted].
White, James J., [redacted].
Wogan, Stephen G., [redacted].

Subject to medical qualification and subject to designation as distinguished military graduates, the following students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Abbes, Douglas C.
Abernathy, Bobby J.
Adams, Everett F.
Adams, David J.
Adams, Robert M., III
Alexander, Jon R.
Allen, John D.
Amundson, Robert C.
Anderson, Lynn R.
Andrews, Robert G.
Aoki, Jerald K.
Apple, Robert C.
Atchley, Lonnie S.
Aten, Ronald B.
Baker, Bob E.
Baldy, Paul J.
Barber, Thomas J.
Barclay, Victor W.
Barko, James S., II
Barnes, Harold C.
Bartz, Charles E.
Barnhart, Peter W. C.
Batsel, Michael L.
Batten, Arthur D.
Becker, Douglas J.
Becton, Charles L.
Begin, Carl E.
Beitzel, James S.
Bell, Frederick M.
Bell, James M.
Bell, Robert B.
Bender, Jack S., III
Bennett, Stephen L.
Benson, Howard F., Jr.
Bernhardt, James H.
Bick, Frederic A.
Bigelow, Winfield S., Jr.
Bishop, Darrell G.
Bishop, John A., Jr.
Bittner, Elvin D., III
Bittrick, Richard W.
Blair, Henry R.
Bleistine, Cyril J.
Blevins, Gordon C., Jr.
Boese, John J.
Boese, Lawrence E.
Bosse, Steven W.
Boston, Douglas M.
Boughton, Grant S.
Boyle, Marcus J.
Bradley, Richard C., III
Bramante, Bernardo D.
Braun, Richard W.
Breslin, Robert J.
Broadhurst, Edwin B., Jr.
Brown, Derek C.
Brown, Donald E.
Brown, Scott B.
Brunz, Wayne W.
Bryan, Joseph K.
Bryan, Robert E.
Bullard, Edward M.
Bullock, Gerald E.
Bunce, Allan B.

Buynak, Stephen T., Jr.
Cairney, William J.
Caldwell, Quinton M.
Call, Jeffrey L.
Calo, Jose M.
Campbell, Michael A.
Campbell, Richard D.
Cannon, Douglas R.
Capone, John T.
Carnahan, Burrus M.
Carrington, Royal P., III
Carter, Leon J., III
Carter, Stephen L.
Chambers, Michael D.
Chapman, Robert E.
Check, William D.
Chisolm, Stoney P.
Choate, John S.
Christie, William J., II
Clark, Richard J.
Clary, Ronald E.
Clay, Michael T.
Clemen, John D.
Clements, John R.
Cobb, William C.
Cohen, Barry L.
Collier, Stanton E.
Collins, Nolan
Combs, Philip L.
Combs, Steven P.
Condit, Dale O.
Cooey, Robert L., Jr.
Cook, Walter R.
Cooke, Carlton L., Jr.
Couser, Walter J., III
Cowles, Carroll W., II
Coy, Robert W.
Coyne, Cary W.
Crosby, Bradley L.
Cross, Charles K., Jr.
Crownover, John H., III
Csanadi, Steven B.
Curtis, Johnson O.
Czerner, Frederick H., Jr.
Dahl, Larry A.
Dailey, Russell T.
Daley, William K.
Daly, Kevin C.
Dana, Robert M.
Dandar, Michael J., Jr.
Dant, Robert E.
Dell, Walter L.
Dice, John C.
Dickman, Robert S.
Diefenbach, Kurt O.
Diehl, Paul E.
Diemer, Richard A.
Dietze, Gary A.
Dixon, Dennis O.
Dixon, Lewis R.
Dockery, Charles P.
Dodd, Roger H.
Drew, Walter E.
Duda, Ronald B.
Duerr, Gerald F.
Duke, Preston T.
Dulaney, Arthur A., III
Dunn, Richard L.
Durand, Arthur A.
Dutt, Frank E., Jr.
Duwel, Richard B.
Dydo, John R.
Eastler, Thomas E.
Eastman, Raymond L.
Ehrig, David L.
Eichorst, Kurt K.
Elart, Vernon A.
Elder, David P.
Emerson, Michael R.
Ertel, Peter H.
Evans, Albert L., III
Evans, David J.
Evans, Winston C.
Ewart, Robert F.
Fahrer, Robert F.
Farrell, William R.
Farris, Prescott D., Jr.
Faust, Ernest K.
Feldman, Robert M.
Finch, Charles W.
Filburn, Ralph B., III
Flood, Paul R.
Folz, John E.
Ford, David A.
Foreman, Larry R.
Foster, Thomas J.
Freimuth, Richard P.
French, Daniel P.
French, Robert T.
Fritsche, David W.
Furdek, Dennis T.
Futey, Andrew J.
Gallagher, Douglas W.
Garcia, Wilfred M., Jr.
Garrison, John H.
Gast, James C.
Gaston, Chester D., Jr.
Gaynor, Joseph E.
Geary, Sean J.
Germeraad, John O.
Gill, Richard S.
Glass, Louis E.
Glos, Alan S.
Godfrey, Paul A.
Goode, William E.
Goss, George J.
Graham, Dwight H.
Graham, James, III
Grandia, Kenneth L.
Gray, Jay A.
Green, Henry P.
Green, Lawrence M.
Grenko, Michael J.
Gritzmacher, Thomas J.
Guarre, James S.
Gunnell, Vernen P.
Haas, Lawrence H.
Hamilton, William S.
Hammack, Larry C.
Hammer, Michael S.
Harder, Robert O.
Hari, Louis
Harmon, Ronnie L.
Harrington, Donald J.
Harrington, Edwin V., Jr.
Harrington, Ellis J. Jr.
Harrington, Richard G.
Hartman, Frederick W., Jr.
Hassell, James A.
Hatten, Donald E.
Heller, Gary E.
Helmuth, John W.
Heltsley, Charles M., Jr.
Hemphill, David W.
Herndon, Frank M.
Herr, Thomas C.
Hicks, Steven W.
Hillman, Paul, Jr.
Hirsch, Joel G.
Hodnett, Samuel A., Jr.
Hohn, Roger A.
Hoppe, Allen B.
Hrubes, James W.
Hudkins, Raymond P.
Hudson, George N.
Hull, Edward A.
Hurst, Jerry L.
Husson, Matthew A., III
Hutton, Dean P.
Jacobs, Jerr A.
Jannarone, August G.
Jensen, Albert D.
Jicha, James O.
Johani, Thomas
Johnston, Terry L.
Jones, Grinnell, III
Jordan, David W., Jr.
Jumper, John P.
Jungwirth, Arthur H.
Karsch, Michael P.
Kaul, Dean C.
Kawatachi, Arthur S.
Kehl, Ted L.
Keller, John C.
Kelly, Thomas P.
Kemp, Victor M.
Kennedy, David K.
Kester, James E.
Kettler, Richard T.
Keyser, James E.
Kieling, Harry J., Jr.
Kinkade, William L.
Kirwan, Peter M.
Klayton, Alan R.
Klosterbuer, James A.
Konecni, Joseph A., Jr.
Kraeszig, John C.
Kruppenbacher, Paul H.
Krutar, Jon A.
Labarge, Stephen F.
Ladewig, Melvin E.
Landon, Clarence L.
Lanoue, Richard R.
Larson, Ralph H.
Laukhuf, Walden L. S.
Lazaro, Robert A.
Lebeau, Thomas J., Jr.
Leeper, William C.
Lehner, Louis R.
Lenhoff, Joseph R.
Lentz, Carl W.
Lentz, Paul W., Jr.
Lewis, James P.
Lewis, John A.
Link, James A.
Litzinger, Joseph A.
Lloyd, David R.
Lossmann, Wayne H.
Lovelace, Michael B.
Lowther, William R.
Lucas, William I.
Lumley, James R.
Lynk, Michael C.
Macnicoll, Donald C.
Mackey, Roy L.
Mahoney, James J.
Makar, James, Jr.
Maloney E. K., III
Mannell, Stephen C.
Mansfield, William J.
Martin, Frederick W.
Martin, William K., Jr.
Maso, Eugene C.
Masterson, John S., Jr.
Matestic, Ronald E.
Maynard, Harold W.
McCauley, Patrick H.
McCord, James E.
McIlvoy, David W.
McIntire, James L., Jr.
McKanna, John E.
McKinney, John C.
McMullen, Thomas E.
McNamee, Peter M.
McSheffrey, James J.
Michielutte, William L.
Mickelson, Thomas P.
Miller, Kenneth G.
Miller, Leo G., Jr.
Miller, Michael W.
Milligan, Thomas J.
Mills, Rix M.
Misak, Charles K.
Miskimen, James B.
Monk, Harrison G.
Moody, Howard Q.
Moon, Vorry C.
Moore, Garland F.
Moore, Thomas G.
Moorehead, James E.
Morgan, Jimmie L.
Morris, Robert D.
Morstain, Barry
Morton, Robert W.
Mosbruger, Charles D.
Moses, Marcus B.
Mosey, Edward F.
Myer, John W.
Nabours, Warren R.
Nall, Joseph M.
Nanney, Donald M.
Neidhart, James D.
Neiman, Thomas N.
Nettles, Thomas C.
Nielsen, Philip E.
Nogales, Luis G.
Novak, Theodore J.
Oberg, James E.
O'Connor, Gary E.
O'Connor, John T., Jr.
Ogle, Sherman F.
O'Halloran, Sinon K.
Olliff, David P.
Olsen, Dahl D.
Ontko, Michael S.
Padgett, Elmer M., Jr.
Parker, Walter A.
Parkerson, Warren O., II
Paulsen, Norman M.
Payet, Charles R.
Phillips, Richard J., Jr.
Pietz, Colin D.
Pinder, Robert G.
Pinkston, Kenneth N.
Plotkin, Louis J.
Poulos, James E., Jr.
Powell, Richard G.
Powell, Starr L.
Pratt, Thomas E.
Purcell, William A.
Purvis, Thomas L.
Ragan, Charles, III
Rahn, Larry B.
Rakowsky, Ronald J.
Ray, Albert L.
Ray, John C.
Reasor, Thomas W.
Reiley, Wayne P.
Reynolds, Gerald E.
Rist, Toivo E.
Ritchie, Edward A.
Ritner, Roy N., Jr.
Ritter, Robert C., Jr.
Roberts, John D.
Roberts, Laurence
Robinson, Harold R.
Robison, Joe E.
Rodrigues, Fernando N.
Rogan, John T.
Rogozinski, Robert S.
Rooney, Thomas M.
Rosenberg, Roger E.
Rosera, Eugene S.
Rosquist, Arne E., Jr.
Round, Eugene L.
Rouse, James B.
Rousseau, Kenneth P.
Rowe, Chandler W., Jr.
Rowe, Gordon D.
Russell, Robert E.
Sabo, Donald A.
Sandweg, William H., III
Schade, Carl C., III
Schappaugh, Ronald D.
Schmidt, Steven C.
Schott, John T.
Sells, James R.
Serrill, James D.
Sharkey, David J.
Sheffey, David W.
Shelton, Jack W., Jr.
Shelton, Lee M., II
Shoffner, Larry L.
Shriver, Larry L.
Sickler, Ronald E.
Sims, David K.
Singleton, James R., II
Smith, Dennis L.
Smith, Howard H., Jr.
Smith, Jack L.
Smith, James R.
Smith, James D.
Smith, Kittredge R.
Smith, Troy J.
Smith, William D.
Snakenberg, Robert M.
Snider Victor V.
Snyder, Albert J.
Snyder, Eric B.
Songer, Surain S., Jr.
Soucy, Robert B.
Spayd, Thomas F.
Spragg, Merwin E.
Stack, Edward G.
Stanley, James M.
Starr, Ronald L.
Starr, William
Stevens, Dale A.
Stevens, Joseph S.
Stockamp, Torval A.
Stone, John R.
Stone, Rodney H.
Stone, Stuart D.
Strahl, Frederick R.
Strickland, Daniel M.
Studdard, Gary L.
Subilia, Maurice H., Jr.
Suerken, John F.
Sutton, Stephen, Jr.
Sutton, William C.
Swenson, Stanley
Swope, James R.
Szczypien, John, Jr.
Taggart, Keith A.
Tasker, Peter S.
Tate, Robert W., III
Taylor, Usysses, III
Teak, James W.
Tharp, Dennis T.
Thomas, Donald J.
Thoreson, Paul T.
Thornton, Cyril W.
Tingey, Thomas J.
Tomlin, Steven L.
Tucker, Michael D.
Turner, John B.
Vairo, Joseph M.
Van de Putte, Gary G.
Vandervoort, Stephen R.
Varnadore, Henry C., III
Veve, Rafael A.
Virgin, Arthur M., III
Vissers, Walter V.
Wallace, Lee E.
Ward, Floyd E., Jr.
Warfel, Joseph R.
Warren, George C., III
Watson, Frank D.
Webb, James G.
Wells, Frank M.
Wells, Peter A.
Wendelken, Charles P.
Wendrock, Robert F., Jr.
Wernle, Charles F., II
Wetterling, Jerry D.
Wheeler, Wayne B.
Whipple, George N.
White, Edwin M.
Whitney, Christopher D.
Whiton, Roger C.
Wilde, Stephen M.
Wilke, Carl E., Jr.
Williams, Myron R.
Williams, Russell C., Jr.
Williamson, William B., Jr.
Willis, Donald E.
Willits, Daniel H.
Winterberg, Ferris L.
Winters, James J.
Wolcott, Kent E.
Wolfe, Alex V.
Wood, David G.
Wood, Jonathan S.
Woodruff, John D.
Woolace, James L.
Wooster, Larry M.
Worthen, Russell F.
Wright, George K.
Wright, James C. W.
Young, Reginald A.
Young, Samuel E., Jr.
Zeillmann, Raymond K.

WITHDRAWAL

Executive nomination withdrawn from the Senate April 1, 1966:

TO BE POSTMASTER

The nomination sent to the Senate on February 16, 1966, of Thomas F. Collins to be postmaster at Linesville, in the State of Pennsylvania.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 1, 1966:

DEPARTMENT OF STATE

Joseph Palmer 2d, of Maryland a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

ASIAN DEVELOPMENT BANK

Henry H. Fowler, of Virginia, to be U.S. Governor of the Asian Development Bank.

William S. Gaud, of Connecticut, to be U.S. Alternate Governor of the Asian Development Bank.

Bernard Zagorin, of Virginia, to be U.S. Director of the Asian Development Bank.

EXTENSIONS OF REMARKS

Forty-eighth Anniversary of the Declaration of Independence of Byelorussia

EXTENSION OF REMARKS
OF
HON. PAUL H. DOUGLAS
OF ILLINOIS
IN THE SENATE OF THE UNITED STATES
Friday, April 1, 1966

Mr. DOUGLAS. Mr. President, March 25 marked the 48th anniversary of the Declaration of Independence of Byelorussia and it was observed by the Byelorussian Americans in Chicago on Sunday the 27th.

March 25 is the symbol of unity, freedom, independence, and democracy for the Byelorussian people everywhere; however, only in the free world can the Byelorussian people keep these ideals alive and continue their strife for a truly independent Byelorussia. And the Byelorussian people are not alone in this strife today but have the support for their cause in every country in the world where freedom is abiding. Each year, on the anniversary of their independence day, the Byelorussians in the free world are reminded not to stop their national task and remain indifferent, but to strive in a united and true familylike tradition to achieve the independence of the Soviet Russian dominated Byelorussian nation.

It is appropriate that we rightfully take time to assure the Byelorussian people that their desire for freedom and independence has not been forgotten by those who enjoy these selfsame advantages. It is our devout hope that the day will soon come when all men will enjoy them and that the Byelorussians will at that time take their rightful place in the family of free nations.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 4, 1966

The House met at 12 o'clock noon.

Rabbi Rafael Grossman, Congregation Brothers of Israel, Long Branch, N.J., offered the following prayer:

Our God and God of our Fathers, author of liberty, who hath taken us out of the house of bondage and proclaimed freedom throughout the land on this historic day of the eve of Passover. In Thy guiding providence, may this sweet land of liberty, where Israel's children have found haven with the tired, the poor, the oppressed, yearning to be free, with all its privilege and power, be the keepers of the holy torch of freedom, the fathers kindled with their lives. While dark hatred still shackles men to servitude, and tyranny binds them with chains made of iron curtains, we pray that their broken hearts be bound and may liberty be proclaimed to the captives and open the eyes of those who are in bond.

Midst all the busy shuttles of world's woe and misery, as men mingle tears with tasks that seem hopeless, let us gathered in this august Chamber at the shrine of democracy face our hallowed mission to make all who bear His image free, free to live, free to choose, free to refuse, free to serve, free to love and free of hate, and on that day, He will give peace in the land as wars will cease and out of affliction now, all men shall prostrate at His altar of peace.

Spread Thy tabernacle of wisdom, strength, courage, and justice upon the President, Vice President, and men and women who gather here to represent a nation built upon Thy ordinance of man's sanctity. May their voices resound in a call to the oppressed everywhere: Let our people go. And then indeed shall they go forth with joy, and be led on with peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 31, 1966, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3349. An act for the relief of certain retired officers of the Army, Navy, and Air Force; and

H.R. 8647. An act for the relief of the Troubadours Drum and Bugle Corps of Bridgeport, Conn.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6319. An act to amend the Internal Revenue Code of 1954 to provide for treatment of the recovery of losses arising from expropriation, intervention, or confiscation of properties by governments of foreign countries; and

H.R. 11029. An act relating to the tariff treatment of certain woven fabrics.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 88th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 66–13.

THE IMPORTANCE OF THE INFANTRY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, I would call the attention of my colleagues in the House to a recent message on the wire services indicating two of the regular Army brigades mentioned by our Secretary of Defense, Robert McNamara, as one among several important steps taken to produce readiness, still exist only on paper, it was learned today.

As one who considers the ground forces the foundation of our armed services and as one who considers that wars are customarily won or lost with ground, held or yielded by infantry troops, I think this is a most serious matter and I wish to call it to the attention of all concerned.

If, heaven forbid, we should be attacked, I hope it is Mr. McNamara, and not I, who is in the sector defended by these "Papermate" brigades.

PUBLIC HEARINGS ON HIDE EXPORT CONTROLS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the Secretary of Commerce, in response to a number of complaints and requests from all over the United States, has just announced that he is setting public hearings on April 18 on the hide export controls which were imposed with very little notice on March 7. Those people wishing to be heard on this matter are given until April 12 to notify the Secretary of Commerce of their desire to be heard. I think this is the first step toward correcting what appears to many—and I am one of them—to be a very grave error in the order of March 7. I want to commend the Secretary of Commerce for taking this first step. I hope when he hears the evidence he will speedily rescind the order of March 7.

SMALL BUSINESS ADMINISTRATION REVOLVING FUND

Mr. HANNA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.