I favor the suggestion, for instance, that the public health service agencies be contracted to perform more of the followup activities in rehabilitation and to serve more of the chronically ill and disabled. Some State rehabilitation agencies are already working with State education and labor authorities to bring vocational rehabilitation under the umbrella of aid available to the handicapped through the Elementary and Secondary Education Act and the Manpower Development and Training Act, among others. Private and voluntary organizations and institutions serving the handicapped or the deprived would surely make effective teammates. Closer coordination with universities and colleges—particularly in conducting research and experimental projects—would benefit the handicapped. The advice and help of employers should be sought with the assistance of the President's Committee on the Employment of the Handicapped. Labor unions have shown an active interest in taking a larger part in rehabilitation activities. Various groups would be receptive, I am sure, to an effort to undertake a more intensive information campaign. The general public needs to be better informed concerning the goals and services in rehabilitation.

Medical doctors also need to be kept better informed about the latest devices and methods in rehabilitation. In sum, I believe that if the efforts of those public and private organizations involved in rehabilitation were combined and coordinated to a higher degree, their impact would be substantially increased.

These projections for the future of rehabilitation are not just dreams. They are trends for which the seeds are already being sown. I feel confident that they will grow and that before another decade has passed, new innovations will have been introduced.

But progress is not automatic. Active leadership and the force of your combined imaginations, resources, and energies are necessary. I am gratified to be a U.S. Senator from West Virginia, the State which is providing real leadership in the progress of rehabilitation.

Last year was the sixth consecutive year in which West Virginia was the leading State in the Nation in per capita rehabilitations. Its average is 218 persons rehabilitated for every 100,000 in the State, compared to the national average of 70. Last year, one or more rehabilitative services were performed for 16,934 individuals in our State.

Along with serving a large number of people, West Virginia remains a leader in innovation. Through much of the past 5-year period, the State program has included more operative projects than any other State. No less than 14 research and development projects were active in 1964. Many of these projects have been only in the areas of expansion which I discussed—for mentally retarded, for persons over 55 years old, and for that one-third who have been rejected by the selective service. Also, there have been projects to develop a data collection system, to build community-based rehabilitation centers, and to intensify training and research. West Virginia is instituting rehabilitation special education programs for the State's 10,000 mentally retarded public school children, in an attempt to prevent their dropping out of school. Also, there is planning for increased services for the chronically ill and for inmates at penal institutions.

Praise for West Virginia's programs cannot be offered without mention of the pioneering work in rehabilitation which has been accomplished by the United Mine Workers.

As a West Virginian, it is understandable that I enjoy recounting our State's accomplishments. It is also heartening to know that it is not the only State in this regional group which is leading in the field of rehabilitation. While West Virginia ranks 1st in the Nation in the rate per capita rehabilitated, the District of Columbia is 2d, North Carolina is 3d, Kentucky is 8th, and Virginia and the Virgin Islands are 14th and 16th, respectively. And all of the members of this region rank in the top half of the Nation in persons rehabilitated per 100,000 population. You have an impressive number of workshops in operation, and have undertaken special research and experimental projects. The future record of rehabilitation in this region will surely be even more impressive than that of the past.

I believe that, in the next decade, two new trends will be emphasized in the field of rehabilitation—first, expansion of activities, including numbers, kinds, and quality of services rendered—and, second, greater coordination of public and private organizations in the profession to provide a "total approach" to rehabilitation. It has been said that "rehabilitation is, essentially, an individualized approach to helping a handicapped individual solve his problems." Let us hope that, in the years to come, the broadening concepts of "rehabilitation" and "handicapped" and the progress that is made in the field will make this individualized approach to rehabilitation possible more completely for more people.

## A Simple Cup of Tea

EXTENSION OF REMARKS

OF

### HON. ROY H. McVICKER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 7, 1966*

Mr. McVICKER. Mr. Speaker, Ben Ferguson lived in my State of Colorado for 40 years and worked as a farmer, teacher, rancher, and businessman.

Now he is living in East Pakistan, where 60 million people crowd the land. Few can read or write. Landholdings are small, and farmers are hesitant to risk new methods when failure could mean starvation. Ben Ferguson is helping to change this in his role as an agricultural adviser to the Agency for International Development.

His simple story is told in a 30-minute film entitled "A Simple Cup of Tea."

This film will be shown at 9 a.m. Wednesday, April 27, in room 2200 of the Rayburn Building at the State Department briefing for Members of the House. The meeting, as usual, is for Members only. Bill Macomber, head of the Near East-South Asia region of AID, will be present to answer questions.

The Secretary of State personally has seen the film and thought it was so good that it should be shown at the briefing. I urge every Member to see it.

# SENATE

## WEDNESDAY, APRIL 13, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia.

The Reverend Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

O God of all nations, by whose providence we are citizens of a land of hope and glory, we rejoice in our heritage of faith and freedom.

We give Thee thanks for the joy we have found through the many benefits that have come to us through the fidelity of men and women who have kept faith with their ideals. Help us to prove our gratitude by good service this day and by passing on the will for the right to those who follow.

Grant Thy blessing upon the President, his advisers, and the Congress during these testing days. Give wisdom and guidance in helping them to use wisely their authority to advance the welfare of all men.

We offer this prayer and dedication in the name and spirit of Jesus, our Lord. Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., April 13, 1966.*

*To the Senate:*

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

CARL HAYDEN,
*President pro tempore.*

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

### THE JOURNAL

On request of Mr. HARRIS, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 7, 1966, was dispensed with.

### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 6, 1966, the Secretary of the Senate, on April 13, 1966, received a message from the House of Representatives, which announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 13774. An act to authorize the disposal of vanadium from the national stockpile;

H.R. 14122. An act to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes;

H.R. 14215. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1967, and for other purposes; and

H.R. 14266. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1967, and for other purposes.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

## HOUSE BILLS REFERRED

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

H.R. 13774. An act to authorize the disposal of vanadium from the national stockpile; to the Committee on Armed Services.

H.R. 14122. An act to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14215. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1967, and for other purposes; and

H.R. 14266. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1967, and for other purposes; to the Committee on Appropriations.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of April 6, 1966,

The ACTING PRESIDENT pro tempore announced that on April 7, 1966, the Vice President signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

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

S. 1049. An act to provide relief for the heirs and devisees of Fly and Her Growth, deceased Lower Brule Indian allottees;

S. 2642. An act to authorize the release of platinum from the national stockpile, and for other purposes;

S. 2835. An act to provide for the striking of medals in commemoration of the 75th anniversary of the founding of the American Numismatic Association;

H.R. 959. An act to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia;

H.R. 2752. An act for the relief of Kock Kong Fong;

H.R. 2938. An act for the relief of Przemyslaw Nowakowski;

H.R. 2939. An act for the relief of Manojlo Verzich;

H.R. 3875. An act for the relief of Mrs. Panagiota Vastakis and Soteros Vastakis;

H.R. 4743. An act for the relief of Ralph Tigno Edquid;

H.R. 6112. An act for the relief of David Glenn Barker (Jai Yul Sung) and Richard Paul Barker (Pil Su Park);

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 to amend title XVIII of the Social Security Act to extend the initial enrollment period for supplementary medical insurance benefits;

H.R. 7813. An act to authorize the loan of naval vessels to China;

H.R. 8466. An act to amend the Fire and Casualty Act to provide for the licensing and regulation of insurance premium finance companies in the District of Columbia;

H.R. 9442. An act for the relief of Ki Sook Jun;

H.R. 11029. An act relating to the tariff treatment of certain woven fabrics;

H.R. 11664. An act to confer additional jurisdiction upon the Superintendent of Insurance for the District of Columbia to regulate domestic stock insurance companies and to exempt such companies from section 12(g)(1) of the Securities Exchange Act of 1934;

S.J. Res. 127. Joint resolution designating April 9, 1966, as "Sir Winston Churchill Day";

H.J. Res. 837. Joint resolution to authorize the President to proclaim the week beginning April 17, 1966, as "State and Municipal Bond Week"; and

H.J. Res. 997. Joint resolution 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.

## EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 6, 1966,

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported favorably the nomination of Robert LaFollette Bennett, of Alaska, to be Commissioner of Indian Affairs, and submitted a report (Ex. Rept. No. 1) thereon, which report was printed.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on April 9, 1966, the President had approved and signed the following act and joint resolution:

S. 2394. An act authorizing the planning, design, construction, furnishing, and maintenance of an official residence for the Vice President of the United States; and

S.J. Res. 127. Joint resolution designating April 9, 1966, as "Sir Winston Churchill Day."

## LIMITATION OF STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

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

## EXECUTIVE SESSION

Mr. HARRIS. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and 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, which were referred to the appropriate committees.

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

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

## COMMISSIONER OF INDIAN AFFAIRS

The legislative clerk read the nomination of Robert LaFollette Bennett, of Alaska, to be Commissioner of Indian Affairs.

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

Mr. HARRIS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

Mr. MANSFIELD. Mr. President, the confirmation of the nomination of Robert LaFollette Bennett as the new Commissioner of Indian Affairs is the high point in the career of a man who has devoted 29 years as a career civil servant and a man who is most knowledgeable and informed on the problems of the American Indian. Mr. Bennett was born on the Oneida Indian Reservation in Wisconsin. Most recently he was area director in Juneau, Alaska.

The nomination of Robert Bennett as Commissioner of Indian Affairs is another step forward in the Federal Government's effort to improve conditions on the Indian reservations and among the Nation's "First Citizens." The new program began with the appointment of Philleo Nash, also of Wisconsin, in the Kennedy administration. Under the Nash administration the Bureau of Indian Affairs began to move again, becoming much more aware of the modern day problems of the Indian. Philleo Nash, if for no other reason, should be commended for his effort in restoring Indian confidence in the Federal Government. He excelled in his personal relationship with the Indians.

Conditions on the Montana Indian reservations have improved considerably in the past several years. The accelerated public works program was of great help to many of the reservations in resource development. Welfare services, industrial development, housing, education, and other economic services have become much more effective. All of this has been in an effort to help the Indians help themselves. Insofar as the reservations of Montana are concerned, and there are seven of them, they have benefited considerably since 1961. Conditions are still not the best; there is need for many more improvements. A crash program is not going to solve the problems of these people overnight. The plight of the American Indian, much to the disgrace of our Nation, has been with us for many, many years. Large grants of money, termination or get-rich-quick schemes are not going to help the Indians help themselves.

Admittedly, there is not one reservation in Montana which could not use more Federal assistance for this and that. But it will not do any good to just give them the money. They need other kinds of assistance and guidance to develop leadership, talents, and know-how in utilizing the funds for the benefit of all concerned. A new fully equipped house is of little value to an Indian family if

they are not equipped to take care of it and knowledgeable of basic home economics. When there is a new house, there should also be some guidance and training.

Relocation and termination are satisfactory when the Indian people involved are ready for it and by their own consent. To force them to do this compounds an already difficult situation. Industrial development on the reservation can contribute to the economic development and stability of many of our reservations, but only if done with proper consultation with the Indians. The Bureau of Indian Affairs must be ever on guard against exploitation in the field of industrial development.

The new Commissioner of Indian Affairs is inheriting a most difficult task, one which he is well prepared to meet. With improved attitudes within the Bureau and the cooperation of other Federal agencies this task can be realized. This goal cannot be realized overnight and it is one to which I hope the Congress will devote some attention in the immediate future.

## LEGISLATIVE SESSION

On motion of Mr. HARRIS, the Senate resumed the consideration of legislative business.

## EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED AMENDMENT TO THE BUDGET, 1967, FOR DEPARTMENT OF THE INTERIOR (S. DOC. NO. 86)

A communication from the President of the United States, transmitting amendments to the request for appropriations for the fiscal year 1967, in the amount of $10,300,000, for the Geological Survey and the Bureau of Mines, Department of the Interior (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON 1965 SOIL BANK CONSERVATION RESERVE PROGRAM

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report on the 1965 soil bank conservation reserve program, dated March 1966 (with an accompanying report); to the Committee on Agriculture and Forestry.

AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936, TO PROVIDE ADDITIONAL SOURCES OF FINANCING FOR THE RURAL ELECTRIFICATION AND RURAL TELEPHONE PROGRAMS

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936, as amended, to provide additional sources of financing for the rural electrification and rural telephone programs, and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

AMENDMENT OF COMMODITY EXCHANGE ACT

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Commodity Exchange Act to restrict further the use of customers' funds by commodity futures commission merchants, to authorize further the regulation of records of contract markets, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

RELIEF FOR CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods (with an accompanying paper); to the Committee on Armed Services.

PREVENTION OF EXCESSIVE FORCES ATTRITION AMONG WOMEN OFFICERS OF THE NAVAL SERVICE

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to prevent excessive forced attrition among women officers of the naval service (with an accompanying paper); to the Committee on Armed Services.

REPORT ON CONSTRUCTION OF ARMY NATIONAL GUARD ARMORY, KEOKUK, IOWA

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on the construction of an Army National Guard Armory, at Keokuk, Iowa; to the Committee on Armed Services.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended March 31, 1966; to the Committee on Armed Services.

REPORT ON U.S. TRAVEL SERVICE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the U.S. Travel Service, for the 6-month period 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 repeal language authorizing additional compensation for the Corporation Counsel of the District of Columbia for serving as general counsel to the Public Service Commission of the District of Columbia (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 amend title V of the District of Columbia Revenue Act of 1937, as amended (with an accompanying paper); to the Committee on the District of Columbia.

AMENDMENT OF PART B OF TITLE XVIII OF SOCIAL SECURITY ACT

A letter from the Under Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend part B of title XVIII of the Social Security Act so as to extend through May 31, 1966, the initial period for enrolling under the program of supplementary medical insurance benefits for the aged (with accompanying papers); to the Committee on Finance.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improvement in multiple award contracting policy, General Services Administration, 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 savings attainable through revisions of construction standards to avoid excess seating capacity in school dining facilities, 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 opportunities for savings through greater use of available military aircraft parts, Federal Aviation Agency, dated April 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 long-term medical research on aging of aviation personnel, Federal Aviation Agency, dated April 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 royalties charged to the U.S. Government for use by Government contractors of chemical milling inventions, Department of the Air Force, dated April 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 safety conditions in certain storage areas primarily in the South Building of the Department of Agriculture, Washington, D.C., Department of Agriculture, General Services Administration, dated April 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 the audits of Government Services, Inc., and of its employee retirement and benefit trust fund and supplemental pension plan, for the year ended December 31, 1965 (with an accompanying report); to the Committee on Government Operations.

REPORT ON ACTIVITIES OF, EXPENDITURES BY, AND DONATIONS TO THE CHARLES R. ROBERTSON LIGNITE RESEARCH LABORATORY OF THE BUREAU OF MINES, GRAND FORKS, N. DAK.

A letter from the Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to the Charles H. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., for the calendar year 1965; to the Committee on Interior and Insular Affairs.

ESTABLISHMENT OF A NATIONWIDE SYSTEM OF TRAILS

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a nationwide system of trails, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

INCREASE OF AUTHORIZATION FOR APPROPRIATION FOR CONTINUING WORK IN MISSOURI RIVER BASIN

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMENDMENT OF SECTION 8 OF THE TAYLOR GRAZING ACT

A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to amend section 8 of the Taylor Grazing Act of June 28, 1934 (43 U.S.C. 315g) (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON ACTIVITIES UNDER LAW ENFORCEMENT ASSISTANCE ACT OF 1965

A letter from the Attorney General, transmitting, pursuant to law, a report on activities under the Law Enforcement Assistance Act of 1965, dated April 1, 1966 (with an accompanying report); to the Committee on the Judiciary.

AMENDMENT OF ACT RELATING TO PARTICIPATION OF THE UNITED STATES IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF LABOR

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on tort claims paid by that Department, during the year ended December 31, 1965 (with an accompanying report); to the Committee on the Judiciary.

AMENDMENT OF SECTION 709, TITLE 18, UNITED STATES CODE

A letter from the Director, Central Intelligence Agency, Washington, D.C., transmitting a draft of proposed legislation to amend section 709 of title 18, United States Code, so as to protect the name of the Central Intelligence Agency from exploitation (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

GRANTING OF THIRD AND SIXTH PREFERENCE CLASSIFICATION TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions according third preference and sixth preference classification to certain aliens (with accompanying papers); to the Committee on the Judiciary.

AUDIT REPORT OF VETERANS OF WORLD WAR I OF THE U.S.A., INC.

A letter from the National Quartermaster-Adjutant, Veterans of World War I of the U.S.A., Inc., Washington, D.C., transmitting, pursuant to law, an audit report of that organization, for the fiscal year ended September 30, 1965 (with accompanying papers); to the Committee on the Judiciary.

REPORT ON ADMINISTRATION OF WELFARE AND PENSION PLANS DISCLOSURE ACT

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the administration of the Welfare and Pension Plans Disclosure Act, covering the calendar year 1965 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF ADVISORY COUNCIL ON STATE DEPARTMENTS OF EDUCATION

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Advisory Council on State Departments of Education, dated March 1966 (with an accompanying report); to the Committee on Labor and Public Welfare.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937, RAILROAD UNEMPLOYMENT INSURANCE ACT, AND RAILROAD RETIREMENT TAX ACT

A letter from the Chairman, Railroad Retirement Board, Chicago, Ill., transmitting a draft of proposed legislation to amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act to make certain technical changes, to provide for survivor benefits to children ages 18 to 21 inclusive, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

CONSTRUCTION OF BUILDINGS FOR POSTAL PURPOSES

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

## PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution of the House of Representatives of the Commonwealth of Kentucky; to the Committee on Commerce:

"HOUSE RESOLUTION 150

"Resolution registering opposition to the imposition of tolls or user charges, either directly or indirectly, upon the enjoyment of our inland waterways as a free passageway for commerce

"Whereas the imposition of tolls and/or user charges on the historically free inland waterways of the United States of America may be considered during the current session of Congress; and

"Whereas the Commonwealth of Kentucky has been endowed with more miles of navigable rivers than any other State in the Union; and

"Whereas waterway user charges would prejudice Kentucky cities located on the inland waterway system carrying shallow draft barges which are proposed to be taxed thereby giving greatly increased economic advantage to areas served by deep draft vessels which are not proposed to be taxed; and

"Whereas the industrial development of Kentucky—past, present, and future—has been and will be due in large measure to the availability of water transportation for its bulk commodities which are essential to the development of heavy industry with the collateral development of satellite industries and services, waterway tolls or user charges would restrict and impede water transportation and thus sharply curtail the economic growth potential of the Commonwealth; and

"Whereas imposition of user charges on the inland waterways would constitute a breach of faith with those Kentucky industries which have made vast private investments in industrial plants dependent upon the continuance of low-cost water transport as well as investments in boats and barges and related shore installations; and

"Whereas the solution to the economic problems of the Appalachian region of Kentucky is dependent in large part upon the sound development of water resources of that area; and

"Whereas the imposition of an excise tax on water transportation, which has from the earliest days of this Nation been free of such taxes, would by increasing transportation costs inevitably increase costs to the consumer and thus increase inflationary pressures: Now, therefore, be it

*"Resolved by the House of Representatives of the Commonwealth of Kentucky,* That the imposition of tolls or user charges on the historically free inland waterways of the United States is not in the public interest and is destructive to needed acceleration of the economic development of the Commonwealth and the generation of new jobs and industry and said house of representatives does hereby register opposition to the imposition of tolls or user charges, either directly or indirectly, upon the enjoyment of our inland waterways as a free passageway for commerce and further that the chief clerk of the house of representatives is hereby directed to forward copies of this resolution to the President of the United States and to memorialize the Congress of the United States by forwarding copies thereof to the Clerk of the House of Representatives and the Secretary of the Senate and to the members of the committees who have responsibility with respect to waterways development, waterways commerce, and taxation.

"Attest:

"ADDIE STALLEY,

*"Assistant Clerk of House of Representatives."*

A concurrent resolution of the Legislature of the State of New York; to the Committee on Agriculture and Forestry:

"RESOLUTION 121

"Concurrent resolution of the Senate and Assembly of the State of New York memorializing the Congress of the United States to enact proposed legislation H.R. 12663 and H.R. 12862 which would result in making the port of Buffalo an export point for more foreign aid grain and flour shipments

"Whereas for many, many years Buffalo's importance as the milling center of the world depended upon the great volume of feed grains that were shipped here and stored here and thereby necessitated the construction of large grain warehouses in Buffalo; and

"Whereas the Commodity Credit Corporation, a branch of the Federal Department of Agriculture, has for the past number of years reduced its overall storage costs, has drastically cut the rate it paid for storage of surplus grain, and thus has caused our commercial elevators to suffer great losses; and

"Whereas this arbitrary action by a Federal agency has seen Buffalo's position as a flourishing grain center gradually dwindle to its present unstable position forcing the closing of local grain elevators, with the resultant loss of employment; and

"Whereas with the opening of the St. Lawrence Seaway much of the export grain business which used to be channeled through Buffalo has now been lost to us; and

"Whereas it should be the concern of the Federal Government to compensate the communities for such drastic losses, especially when it has within its powers and resources to do so; and

"Whereas there is now pending in the Congress of the United States two bills, H.R. 12663 and H.R. 12862, which would remedy this situation and would result in making the port of Buffalo an export point for more foreign aid and flour shipments: Now, therefore, be it

*"Resolved (if the assembly concur),* That the Legislature of the State of New York hereby memorializes the Congress of the United States to enact with all convenient speed H.R. 12663 and H.R. 12862 which would

accomplish the purposes of this resolution; and be it further

*"Resolved (if the assembly concur)*, That copies of this resolution be transmitted to the President of the Senate, the Speaker of the House of Representatives, and to each Member of the Congress of the United States from the State of New York.

"By order of the senate,

"ALBERT J. ABRAMS,
*"Secretary.*

"Concurred in without amendment, March 31, 1966, by order of assembly.

"JOHN T. MCKENNAN,
*"Clerk."*

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Appropriations:

"CONCURRENT RESOLUTION 665

"Concurrent resolution memorializing Congress to not reduce the appropriations for the Federal school lunch program and the Federal special milk program as recommended by the administration's budget proposals for 1966–67

"Whereas through no fault of their own there are many public school age children whose parents do not have economic means sufficient to provide for them an adequate and well-balanced diet; and

"Whereas it is vital to the well-being of all citizens that the youth of our country grow into healthy and properly developed adults; and

"Whereas an adequate Federal school lunch program and a Federal special milk program are essential in significantly improving the nutrition of these economically handicapped future citizens: Now, therefore, be it

*"Resolved by the Senate (the House of Representatives concurring)*, that Congress be memorialized to not reduce the appropriations for the Federal school lunch program and the Federal special milk program as recommended by the administration's budget proposals for 1966–67; and be it further

*"Resolved*, That copies of this resolution be forwarded to the President of the United States, to each U.S. Senator from South Carolina, each Member of the House of Representatives of Congress from South Carolina, the Senate of the United States, and the House of Representatives of the United States."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION 97

"Joint resolution relating to the construction by the Federal Government of the proposed Bradley Lake hydroelectric project

"Whereas the growth and development of Alaska depends upon continued planning and construction of hydroelectric projects assuring adequate power at reasonable costs to the consumer; and

"Whereas the official 1960 U.S. census report reported a total population of 8,866 people residing on the Kenai Peninsula and the population has rapidly expanded since that census; and

"Whereas the development of agriculture and industry on the Kenai Peninsula requires substantial amounts of low-cost electrical power; and

"Whereas a number of public hearings sponsored by existing utilities and studies made by engineers in the power field during the past years indicate that the Kenai Peninsula and the Cook Inlet area will face a power shortage within the next few years unless new sources are immediately developed; and

"Whereas several years ago the U.S. Corps of Engineers completed the study of the proposed Bradley Lake hydroelectric project located on the Kenai Peninsula and this study was examined and approved by the interested Federal agencies; and

"Whereas this study showed that the proposed Bradley Lake project would develop 64,000 kilowatts of energy at a cost of seven mills per kilowatt-hour; a cost comparable with the cost of energy produced from other possible projects of like size; and

"Whereas new construction techniques may make the cost of the Bradley Lake project lower than originally projected; and

"Whereas it is in the national interest that water power be utilized as much as possible for the generation of electric power rather than petrochemicals which are not replenishable resources: Be it

*"Resolved*, That the Legislature of the State of Alaska respectfully urges the Congress of the United States to appropriate the necessary funds for and to expedite in every possible way the construction of the Bradley Lake hydroelectric project; and be it further

*"Resolved*, That copies of this resolution shall be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable CARL HAYDEN, President pro tempore of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House; the Honorable WILBUR D. MILLS, chairman, House Ways and Means Committee; the Honorable Charles L. Schultze, Director, Bureau of the Budget; the Honorable Elmer B. Staats, Deputy Director, Bureau of the Budget; the Honorable RUSSELL B. LONG, chairman, Senate Finance Committee; and to the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U.S. Senators, and the Honorable RALPH J. RIVERS, U.S. Representative, members of the Alaska delegation in Congress.

"Passed by the senate, March 4, 1966.

"ROBERT J. MCNEALY,
*"President of the Senate.*

"Attest:

"EVELYN K. STEVENSON,
*"Secretary of the Senate.*

"Passed by the house, March 29, 1966.

"MIKE GRAVEL,
*"Speaker of the House.*

"Attest:

"NADINE WILLIAMS,
*"Chief Clerk of the House.*

"WILLIAM A. EGAN,
*"Governor of Alaska."*

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTION BY GENERAL COURT OF MASSACHUSETTS

"Resolution memorializing the Secretary of Defense and Members of the Congress of the United States to prevent the proposed merger of the Reserve Forces of the Armed Forces into the National Guard units of the several States

*"Resolved*, That the General Court of Massachusetts urgently requests the Secretary of Defense to rescind the order relative to the merger of the Reserve Forces of the armed services into the National Guard units of the United States, and urges the Congress of the United States to take such action as may be necessary to prevent such proposed merger; and be it further

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

"Adopted by the house of representatives, March 28, 1966.

"WILLIAM C. MAIERS,
*"Clerk.*

"Adopted by the senate, in concurrence, March 30, 1966.

"THOMAS A. CHADWICK,
*"Clerk.*

"Attest:

"KEVIN H. WHITE,
*"Secretary of the Commonwealth."*

Two resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION BY GENERAL COURT OF MASSACHUSETTS

"Resolution memorializing the Congress of the United States to enact legislation increasing the monthly payments under the Federal Social Security Act to $200

"Whereas the cost of the necessities of life in this country has risen to an alltime high; and

"Whereas a substantial portion of the people of this Nation depend to a large extent if not entirely upon the monthly payments received by them under the social security program; and

"Whereas the current monthly payments under said program have now become grossly inadequate for their needs; and

"Whereas an increase of such maximum payments to $200 per month would tend to relieve such conditions: Now, therefore, be it

*"Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the maximum monthly payments to persons under the Federal Social Security Act to $200; and be it further

*"Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the Presiding Officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"Adopted by the house of representatives, March 18, 1966.

"WILLIAM C. MAIERS,
*"Clerk.*

"Adopted by the senate, in concurrence, March 22, 1966.

"THOMAS A. CHADWICK,
*"Clerk.*

"Attest:

"KEVIN H. WHITE,
*"Secretary of the Commonwealth."*

---

RESOLUTION OF GENERAL COURT OF MASSACHUSETTS

"Resolution memorializing the Congress of the United States to enact legislation granting a 10-percent increase to those who receive social security benefits

"Whereas there has been a sharp increase in the cost of living: Therefore be it

*"Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to enact legislation granting a 10-percent increase to those persons who receive social security benefits; and be it further

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

"Adopted by the house of representatives, March 18, 1966.

"WILLIAM C. MAIERS,
*"Clerk.*

"Adopted by the senate, in concurrence, March 22, 1966.

"THOMAS A. CHADWICK,
*"Clerk.*

"Attest:

"KEVIN H. WHITE,
*"Secretary of the Commonwealth."*

A resolution of the Senate of the State of Alaska; to the Committee on Banking and Currency:

"SENATE RESOLUTION 15

"Resolution expressing support for the Alaska delegation appearing before Congress on Alaska native housing legislation

"Whereas the Congress now has before it S. 1915, a bill authorizing a housing program for Alaska natives sponsored by the

Honorable E. L. BARTLETT, senior U.S. Senator from Alaska; and

"Whereas S. 1915 would establish a loan and grant housing program specifically designed for Alaska's remote villages and thus fulfill a desperate need for village housing without parallel in the Nation; and

"Whereas a delegation of Alaskans will be in Washington, D.C., to testify in support of this vital legislation before the Housing Subcommittee of the Senate Banking and Currency Committee: Be it

"*Resolved*, That the Senate of the Legislature of the State of Alaska expresses its full support for the delegation of Alaskans appearing before Congress on behalf of S. 1915, a bill authorizing a desperately needed housing program for Alaskan natives, and urges that S. 1915 receive the expeditious approval of Congress; and be it further

"*Resolved*, That copies of this resolution shall be sent to the Honorable CARL HAYDEN, President pro tempore of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; the Honorable JOHN SPARKMAN, chairman, Housing Subcommittee of the Senate Banking and Currency Committee; and the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U.S. Senators, and the Honorable RALPH J. RIVERS, U.S. Representative, members of the Alaska delegation in Congress."

A resolution of the Senate of the State of Alaska; to the Committee on Foreign Relations:

"SENATE RESOLUTION 14

"Resolution supporting an effort to improve the status of the Department of State office dealing with international fishery problems

"Whereas there is an increasing need to strengthen the U.S. position in the field of international fisheries; and

"Whereas the U.S. fishery problems on the high seas are becoming more numerous as our coastal and distant waters fisheries develop and expand; and

"Whereas the present status of the Office of the Special Assistant to the Under Secretary of State is not adequate to meet the international fishery problems of the future; and

"Whereas a meeting has been called by U.S. Senators E. L. BARTLETT and WARREN G. MAGNUSON between the Secretary of State and congressional and industry representatives interested in the U.S. fisheries, to review the problem: Be it

"*Resolved*, That the Senate of the Legislature of the State of Alaska expresses support for strengthening the Office of the Special Assistant to the Under Secretary of State and wishes every success for the congressional meeting with the Secretary of State and industry representatives to resolve the problem; and be it further

"*Resolved*, That copies of this resolution shall be sent to the Honorable Dean Rusk, Secretary of State; the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate; the Honorable CARL HAYDEN, President pro tempore of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; the Honorable WARREN G. MAGNUSON, chairman of the Senate Commerce Committee; and the Honorable E. L. BARTLETT, U.S. Senator from Alaska."

Two joint resolutions of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

"SENATE JOINT MEMORIAL 1

"Joint memorial to the Honorable President of the United States, the Honorable Senate and House of Representatives of the United States in Congress assembled, the Honorable Secretary of the Interior, and the Honorable Secretary of Agriculture

"We, your memorialists, the members of the Senate and House of Representatives of the State of Idaho, assembled in the third extraordinary session of the 38th session thereof, do respectfully represent that:

"Whereas the State of Idaho has an abundance of fertile virgin land which, with the application of water that is available can be called upon to help feed the growing population and the hungry people of the world; and

"Whereas the State of Idaho and committees of the Congress of the United States have recognized these facts and are presently working on legislation to create what is known as the Southwest Idaho water development project; and

"Whereas we wholeheartedly endorse and commend the concept of said proposed project; and

"Whereas we also believe the State of Idaho should enlarge the concept of comprehensive development of the Snake River and its tributaries as set forth in the proposed draft of the Southwest Idaho water development project legislation to include an emphatic declaration that the proper development of all water projects must recognize fully the utilization of upstream projects to beneficially apply the water to projects upstream, and the return flow of those waters applied for re-use in projects downstream throughout the State of Idaho; and that any legislation must include ironclad guarantees that no waters shall be removed from the basin of its origin for any purpose at any other place unless such waters are surplus to any and all present and future uses within the basin, including domestic, agricultural, mining and industrial uses: Now, therefore, be it

"*Resolved by the Senate, State of Idaho (the House of Representatives concurring)*, That we request that the Congress of the United States immediately engage in a study to prepare and complete feasibility reports fund, and/or take whatever action is appropriate, and authorize as a unit project the development of the entire Snake River and its tributaries, under the concept of full utilization of upstream development in projects like Lower Teton, Lynn Crandall Dam, Ririe Flood Control Dam, Blackfoot Dam raising and refacing, American Falls replacement, Jackson Lake replacement (five smaller dams in the State of Wyoming), Snake River plains recharge, Salmon Falls project, Raft River-Oakley diversion and the recharge of the downstream by return flow from such projects for downstream development of those projects specified in the Southwest Idaho water development project and others that may be feasible for the complete development of the Snake River and its tributaries; we further urge the immediate funding and construction of the Lower Teton Dam; that the foregoing shall be done without obstructing or delaying the Southwest Idaho water development project legislation; and be it further

"*Resolved*, That the secretary of state of the State of Idaho is hereby authorized and directed to send copies of this memorial to the President of the United States, the Vice President of the United States, the individual Members of the Senate and House of Representatives in the U.S. Congress, the Secretary of the Department of Interior, and the Secretary of the Department of Agriculture."

---

"HOUSE JOINT MEMORIAL 3

"Joint memorial to the Honorable President of the United States, the Honorable Senate and House of Representatives of the United States in Congress assembled, the Honorable Secretary of the Interior and to the Honorable Secretary of Agriculture

"We your memorialists, the Legislature of the State of Idaho, respectfully represent that:

"Whereas the natural resources of the State of Idaho include land peculiarly adapted to agricultural development. and abundant sources of water which are not being put to beneficial uses; and

"Whereas the ever-expanding population of the Nation and the world demand that such lands and waters be utilized in the production of foodstuffs; and

'Whereas modern methods of developing agricultural lands require tremendous capital expenditures for irrigation systems, thus requiring large acreages for economic feasibility, and the combination or pooling of small desert entry tracts is essential to the development of presently unproductive lands: Now, therefore, be it

"*Resolved by the 2d extraordinary session of the 38th session of the Legislature of the State of Idaho, now in session (the Senate and House of Representatives concurring)*, That we respectfully urge the Congress of the United States of America to take appropriate action to permit the orderly development, through private enterprise, of our public lands for agricultural purposes on a realistic basis, including the utilization of sufficient water therefor; and be it further

"*Resolved*, That all desert entry applications now pending before the Department of Interior be reviewed in the light of this resolution and a decision rendered; and be it further

"*Resolved*, That all applications for patents now pending before the Department of Interior for desert entry be likewise acted upon; and be it further

"*Resolved*, That the Department of Interior be required to permit the combination of individual desert entries, under appropriate rules and regulations, to carry out the purpose of this resolution; and be it further

"*Resolved*, That the secretary of state of the State of Idaho be, and he is hereby authorized and directed to send copies of this joint memorial to the President of the United States, the Vice President of the United States, the individual Members of the Senate and House of Representatives in Congress, the Secretary of the Department of Interior, and the Secretary of the Department of Agriculture."

A resolution of the Senate of the State of Maryland; to the Committee on the Judiciary:

"SENATE RESOLUTION 42

"Resolution requesting the Congress of the United States to legalize as the national anthem the words and music of the 'Star Spangled Banner' as composed by Francis Scott Key and arranged by Thomas Carr

"Whereas in the name of patriotism, and with traditional regard for honoring and protecting the historical customs and heritage of this country, we hereby propose that the 'Star Spangled Banner' be legalized as the national anthem in the form in which the poem was written by Francis Scott Key and the music was adapted by Thomas Carr. The United States is about to celebrate the 150th anniversary of the writing and publication of our national anthem, and it would be eminently fitting and timely to have this great song legalized as the national anthem in the form in which it first was written and arranged; and

"Whereas following the writing of the poem which we now know as the national anthem, Francis Scott Key took his verses to Mr. Thomas Carr and requested Mr. Carr to set them to music. It is recorded that several arrangements were tried before concluding that the one we know of today was the best possibility; and

"Whereas at that time, Thomas Carr and his father, Joseph Carr, were in the music publishing business. Their work consisted of teaching music, composing music, adapting and arranging it and also the directing of choral music. Their place of business in 1814 was at 36 Baltimore Street in the city of Baltimore. When Francis Scott Key took his verses to Mr. Thomas Carr, the verses had no

title and, of course, no musical arrangement. It was Mr. Carr who gave a title to these verses, arranged the music, and then published the new song. When it was first published, the sheet music from it carried the notation: 'Adapt. & Arrd. by T.C.'; and

"Whereas the verses of Francis Scott Key did not become a patriotic song or an anthem until they were set to music. The honor for the musical arrangement as well as the occasion for writing the verses belongs to the city of Baltimore and the State of Maryland, as well as to the families of Mr. Key and Mr. Carr; and

"Whereas it is said that there now are several hundred arrangements and versions of the words and music of the 'Star Spangled Banner.' Clearly, as the national anthem, Congress should specify the words as composed by Francis Scott Key and the music as adapted and arranged by Thomas Carr; and

"Whereas these words and music now are wedded in the bond of time. In respect to the great history and traditions of the United States, it is eminently fitting and proper that as our national anthem we should legally adopt the words and music of the 'Star Spangled Banner' as originally composed by Francis Scott Key and as arranged and adapted by Thomas Carr; Now, therefore, be it

*"Resolved by the Senate of Maryland,* That the Congress of the United States is respectfully requested to legalize and adopt as the national anthem the words as first composed by Francis Scott Key and the music as first arranged by Thomas Carr; and be it further

*"Resolved,* That copies of this resolution are sent to the Presiding Officer of each House of the Congress of the United States and also to Senators BREWSTER and TYDINGS, and Representatives FALLON, FRIEDEL, GARMATZ, LONG, MACHEN, MATHIAS, MORTON, and SICKLES.

"Read and adopted by the senate, March 9, 1966.

"WILLIAM S. JAMES,
*"President of the Senate.*
"J. WATERS PARRISH,
*"Secretary."*

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"SENATE JOINT RESOLUTION 5

"Joint resolution relative to the Ventura Marina

"Whereas organized for the purpose of constructing and operating a small craft facility, the Ventura port district has been operating the Ventura Marina to provide recreational facilities for the people of Ventura County and the State of California; and

"Whereas the use and successful operation of the Ventura Marina has been drastically impaired by two related phenomena: excessive buildup and settling of littoral sand in the entrance channel, and extremely heavy wave action at or near the entrance channel: Now, therefore, be it

*"Resolved by the Senate and Assembly of the State of California (jointly),* That the Legislature of the State of California respectfully requests the Congress of the United States and the U.S. Army Corps of Engineers to take such steps as may be necessary to investigate and assist in correcting the intolerable conditions which exist at or near the entrance to the Ventura Marina; and be it further

*"Resolved,* That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Chief of the U.S. Army Corps of Engineers."

A certified copy of senate bill No. 446, chapter 859, California Statutes of 1963; to the Committee on the Judiciary:

"SENATE BILL 446—CHAPTER 859

"An act to add chapter 3.5, commencing with section 175, to division 1, title 1, of the Government Code, relating to the common boundary between the States of Arizona and California, and ratifying an interstate compact between Arizona and California

"SECTION 1. Chapter 3.5 (commencing with section 175) is added to division 1 of title 1 of the Government Code, to read:

"'CHAPTER 3.5. COLORADO RIVER BOUNDARY COMPACT

"'175. The interstate compact executed between the States of Arizona and California, as set forth in section 176 of this chapter, fixing the location of the boundary line between the two States from the southern boundary of the State of Nevada to the point on the international boundary which is common to the boundaries of Arizona and California, and the United Mexican States, is hereby ratified and approved.

"'176. The provisions of the interstate compact between the States of Arizona and California referred to in section 175 are as follows:

"'"INTERSTATE COMPACT DEFINING THE BOUNDARY BETWEEN THE STATES OF ARIZONA AND CALIFORNIA

*"'"Article I. Purpose*

"'"The boundary between the States of Arizona and California on the Colorado River has become indefinite and uncertain because of meanderings in the main channel of the Colorado River with the result that a state of confusion exists as to the true and correct location of the boundary, and the enforcement and administration of the laws of the two States and of the United States have been rendered difficult.

"'"The purpose of this compact is to fix by reference to stations of longitude and latitude the location of the boundary line between Arizona and California on the Colorado River from the southern boundary of the State of Nevada to the point on the international boundary which is common to the boundaries of Arizona and California and the United Mexican States.

*"'"Article II. Description*

"'"The boundary between the States of Arizona and California on the Colorado River from the point where the oblique boundary between California and Nevada intersects the thirty-fifth degree of north latitude, said point being common to the boundaries of the States of Arizona, California and Nevada, to the point on the international boundary which is common to the boundaries of Arizona, California and the United Mexican States, shall be in accordance with the following description in general terms of 34 points on the boundary:

"'"General Description of Boundary Between Arizona and California

"'"Point No. 1. The intersection of the boundary line common to California and Nevada and the centerline of the channel of the Colorado River as constructed by the U.S. Bureau of Reclamation, said point being common to the boundaries of Arizona, California, and Nevada, where the 35th degree of north latitude intersects the centerline of said channel; thence downstream along and with the centerline of said channel to the southerly end of said construction to

"'"Point No. 2, which is located in the center of the channel of the Colorado River approximately one-half mile northerly from the A.T.&S.F. Railway Bridge at Topock; thence downstream on a straight line to

"'"Point No. 3, which lies in the Colorado River vertically below the centerline of the A.T.&S.F. Railway tracks at a point midway face-to-face of abutments of the A.T.&S.F. Railway Bridge at Topock, Arizona; thence on a straight line downstream to

"'"Point No. 4, which lies in the Colorado River vertically below the centerline of U.S. Highway 66 at a point where said centerline intersects the center of the center pier of the highway bridge; thence on a straight line to

"'"Point No. 5, which lies in the Colorado River vertically below the center of the span of the gas line bridge owned by the El Paso Natural Gas Co. and the Pacific Gas and Electric Co., crossing the Colorado River at Topock, Arizona; thence downstream in a southerly direction through Havasu Lake along a line midway between the right and left shore lines of said lake as they exist at mean operating level (elevation 448.00 above Mean Sea Level), as controlled at Parker Dam to

"'"Point No. 6, which is the center of the overflow section of Parker Dam across the Colorado River; thence downstream midway between the shore lines on the right and left banks of the Colorado River to

"'"Point No. 7, which lies in the center of the Colorado River approximately 2,050 feet upstream from the earthfill of Headgate Rock Dam; thence on a straight line to

"'"Point No. 8, which is the center of the earthfill of Headgate Rock Dam; thence on a straight line to

"'"Point No. 9, which lies on the centerline of the river approximately 3,625 feet westerly from Point No. 8; thence on a straight line to

"'"Point No. 10, which lies in the center of the Colorado River at a point where the parallel of 34° 10′ north latitude intersects said centerline; thence on a straight line to

"'"Point No. 11, which lies in the Colorado River vertically below the centerline of Arizona Highway No. 72 midway between the abutments of the highway bridge; then down the Colorado River midway between the right and left shorelines across islands which may exist between those waterlines to

"'"Point No. 12, which is at the center of the earthfill section of the Palo Verde Diversion Dam; thence down the Colorado River midway between the shorelines on the right and left banks to

"'"Point No. 13, which is vertically below the center of the center span of the highway bridge across the Colorado River at Ehrenberg, Ariz. (U.S. Highway 60–70); thence down the Colorado River midway between the shorelines on the right and left banks to

"'"Point No. 14, which is the center of the Cibola Bridge midway between abutments; thence down the Colorado River midway between the shorelines on the right and left banks, ignoring future channelization by the U.S. Bureau of Reclamation to

"'"Point No. 15, which lies on the centerline of the Colorado River approximately 8,400 feet northward of the center of the overflow section of Imperial Dam; thence on a straight line to

"'"Point No. 16, which is the center of the overflow section of Imperial Dam; thence on a straight line normal to the longitudinal axis of Imperial Dam to

"'"Point No. 17, which lies at the intersection of the last described line with a line extending northeasterly from the center of the overflow section of Laguna Dam and normal to the longitudinal axis of the said Laguna Dam; thence southeasterly on a straight line to

"'"Point No. 18, which is at the center of the overflow section of Laguna Dam; thence on a straight line to

"'"Point No. 19, which lies on the centerline of the Colorado River approximately 5,800 feet southwesterly of Point 18; thence down the Colorado River midway between the

shorelines on the right and left banks, around a curve to the eastward to

"'"Point No. 20, which lies on the centerline of the Colorado River where said centerline intersects the section line between Sections 4 and 9, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence departing from the river on a westerly course along the extension of the above-mentioned section line about 0.65 mile to

"'"Point No. 21, which will be the northwest corner of the northeast quarter of Section 8, Township 8 South, Range 22 West, Gila and Salt River Meridian, which shall be resurveyed in establishing this boundary; thence southerly along the centerline of said Section 8 about one-half mile to

"'"Point No. 22, which is the northeast corner of the southwest quarter of Section 8, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence westerly about one and one-half miles to

"'"Point No. 23, which is the west quarter corner of Section 7, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence southerly about one-half mile to

"'"Point No. 24, which is the southwest corner of Section 7, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence westerly about one mile to

"'"Point No. 25, which is the southwest corner of Section 12, Township 8 South, Range 23 West, Gila and Salt River Meridian; thence southerly about one-half mile to

"'"Point No. 26, which is the west quarter corner of Section 13, Township 8 South, Range 23 West, Gila and Salt River Meridian; thence westerly about 1.93 miles to

"'"Point No. 27, which lies on the east shoulder of the north-south road through the Indian School approximately 370 feet due east of the northwest corner of the southwest quarter of the southwest quarter of Section 25, Township 16 South, Range 22 East, San Bernardino Meridian; thence southerly along and with the easterly shoulder line of the said north-south road approximately 700 feet to

"'"Point No. 28, which lies on the easterly shoulder line of said north-south road due east of the northeast corner of the stone retaining wall around the Indian School Hospital; thence due west to

"'"Point No. 29, which is the base of the northeast corner of said retaining wall; thence southerly along and with the westerly shoulder of said north-south road to

"'"Point No. 30, which lies on the westerly shoulder line of said north-south road 330 feet south of and approximately 110 feet east of the northeast corner of Section 35; Township 16 South, Range 22 East, San Bernardino Meridian; thence due west approximately 110 feet to

"'"Point No. 31, which lies on the east line of Section 35, Township 16 South, Range 22 East, San Bernardino Meridian, exactly 330 feet south of the northeast corner of said Section 35, thence southerly along the east line of said Section 35 to

"'"Point No. 32, which lies at the center of the Colorado River, i.e., midway between the north and south shore lines just downstream from the centerline of the old U.S. Highway 80 Bridge across the Colorado River; thence down the centerline of the Colorado River midway between the shore lines on the right and left banks to

"'"Point No. 33, which is a point in the Colorado River vertically below the center of the new U.S. Highway 80 Bridge; thence down the centerline of the Colorado River midway between the shore lines on the right and left banks to

"'"Point No. 34, which is the intersection of the centerline of the Colorado River and the International Boundary Line between California and the United Mexican States, which point is common to the boundaries of Arizona, the United Mexican States, and California.

"'"These points will be marked on existing bridges and dams and where appropriate will be monumented. Between each of these points will be a number of subpoints not monumented. The total number of points and subpoints will approximate 234. The United States Coast and Geodetic Survey will locate the above-mentioned 34 points on the boundary by precise geodetic surveys. The Coast and Geodetic Survey will locate the remaining approximately 200 unmonumented subpoints by precise photogrammetric methods and will provide a list of the geographic positions and state coordinate positions (transverse Mercator system for Arizona and Lambert system for California) of each of the 234 points on the boundary. The approximately 200 unmonumented subpoints will be identified on copies of the aerial photographs by the State of Arizona and California to define the boundary; the Coast and Geodetic Survey will then locate the points so identified by analytic aerotriangulation (photogrammetric methods).

"'"When the survey and boundary description has been completed by the United States Coast and Geodetic Survey and the Boundary Commissions of Arizona and California have each certified that it is in conformity with the General Description of Boundary between Arizona and California set forth herein, it shall be attached hereto and marked "Exhibit A" and made a part hereof as though fully incorporated herein as the permanent description of the boundary between the states of Arizona and California.

"'"*Article III. Ratification and effective date*

"'"This compact shall become operative when it has been ratified and approved by the legislatures of the states of Arizona and California, and approved by the Congress of the United States.

"'"Executed in duplicate this 12th day of March 1963, A.D. at Sacramento, California.

"'"For the State of Arizona:

"'"WAYNE M. AKIN,

"'"*Chairman of the Arizona Interstate Stream Commission, Chairman.*

"'"ROBERT W. PICKRELL,

"'"*Attorney General, Member.*

"'"OBED M. LASSEN,

"'"*State Land Commissioner, Member.*

"'"Attested:

"'"HOWARD F. THOMPSON,

"'"*Executive Secretary, Colorado River Boundary Commission of Arizona.*

"'"For the State of California:

"'"F. J. HORTIG,

"'"*Executive Officer, State Lands Commissioner, Chairman.*

"'"STANLEY MOSK,

"'"*Attorney General, Member.*

"'"WILLIAM E. WARNE,

"'"*Director, Department of Water Resources, Member.*

"'"Attested:

"'"BERRIEN E. MOORE,

"'"*Executive Secretary, Colorado River Boundary Commission of California*".'

"SEC. 2. Proclamation by Governor.—The Secretary of State of the State of California shall transmit a duly certified copy of this act to the Governor of the State of Arizona. The Governor of this State, whenever officially advised that the State of Arizona has ratified and approved the compact set forth in Section 1 and whenever the Congress of the United States has approved the compact, shall make proclamation of that fact. A copy of such proclamation shall be published one time in one newspaper of general circulation in the county seat of Imperial, Riverside and San Bernardino Counties.

"SEC. 3. Petition to Congress.—The Congress of the United States, as soon as the State of Arizona has ratified and approved the compact set forth in Section 1 and when Exhibit "A" has been attached thereto as provided for in the compact, is petitioned pursuant to Article I, Section 10, clause 3 of the United States Constitution, to give its consent to the compact between the States of Arizona and California, as set forth in section 1. The Secretary of State of the State of California, in concurrence with the Secretary of State of the State of Arizona, shall transmit duly certified copies of this act to the presiding officers of the Senate and House of Representatives of the United States and to the several Senators and Representatives from the States of Arizona and California to the Congress of the United States, who are petitioned to take such action as they deem proper to procure the consent of the Congress of the United States to this compact between the States of Arizona and California.

"SEC. 4. Preservation of rights.—Nothing contained in the provisions of this act, or any operation thereof, shall prejudice the titles, rights or claims of any person, public or private, natural or artificial, to any of the lands herein involved, whether such titles, rights or claims arise or exist upon the basis that the lands affected by the designation of boundary as set forth in the compact and in this act were previously a part of the State of Arizona and have now become a part of the State of California, or were previously a part of the State of California and have now become a part of the State of Arizona, or otherwise; and no person shall be prejudiced in the water rights which he now has by reason of anything contained in this act.

"SEC. 5. Recordation of documents.—Upon approval by the Congress of the United States of the compact set forth in section 1 of this act, the Secretary of State shall cause to be recorded in each of the offices of the County Recorders of Imperial, Riverside and San Bernardino Counties a certified copy of this act. As to lands theretofore considered a part of the State of Arizona which, under the terms of said compact, are within the boundaries of the State of California, from and after the date of such recording, certified copies of patents, deeds, and other instruments affecting the title to the lands which shall have been recorded in the office of the county recorder of the county in Arizona in which the lands were so considered to be located shall be accepted and recorded by the county recorder of the county in California in which the lands are located under the terms of the compact, without charge therefor. Recordings made under the provisions of this section shall have retroactive effect as constructive notice to the date of their original recording in the State of Arizona.

"A true and complete copy of the compact with exhibit A attached thereto shall be filed for a permanent public record in the office of the California secretary of state by the Colorado River Boundary Commission of California, and certified copies thereof shall be filed in the office of the California State Lands Commission, and thereupon the Executive Officer of the State Lands Commission shall cause to be recorded in Imperial, Riverside and San Bernardino Counties true copies thereof certified by him. Upon recordation thereof, such certified copy shall be notice to all persons of the particulars of the compact and survey and boundary description."

A resolution adopted by the Oregon Legislative Tax Study Committee; to the Committee on Labor and Public Welfare:

"We, the members of the Oregon Legislative Tax Study Committee, established pursuant to chapter 581, Oregon Laws, 1965, most respectfully represent as follows:

"Whereas certain school districts in the State of Oregon have been beneficiaries of the provisions of chapter 13, title 20, United States Code Annotated, entitled "Financial Assistance for Areas Affected by Federal Activities"; and

"Whereas this committee has been informed and advised that measures have been

submitted to the Congress seeking to repeal or abridge the provisions of said chapter; and

"Whereas testimony has been submitted to this committee that the enlargement of school populations caused by the proximity of tax-exempt Federal installations and facilities has resulted in a substantial increase in the costs of providing elementary and secondary education which would result in an excessive property tax burden to local taxpayers if it were not for payments from the Federal Government to the affected school districts in lieu of taxes pursuant to chapter 13, title 20, United States Code Annotated; and

"Whereas it appears just, reasonable, and necessary that school expenses caused by distortions in school populations imposed by Federal activities in the vicinity be reimbursed by the Federal Government to the local school district or other municipality so long as the distortions exist: Now, therefore, be it

*"Resolved by the members of the legislative tax study committee,* That the Congress of the United States be requested to retain the provisions for financial assistance for areas in Oregon affected by Federal activities, without diminution thereof; and be it further

*"Resolved,* That copies of this resolution be sent to the President of the United States, to the Presiding Officer of the U.S. Senate, to the Speaker of the House of Representatives of the United States, and to all members of the Oregon congressional delegation.

"GLEN M. STADLER,
*"Chairman."*

A letter, in the nature of a petition, signed by the principal and cafeteria manager of the Southwestern Elementary School, Chesapeake, Va., favoring the continuance of the school milk program; to the Committee on Agriculture and Forestry.

A resolution adopted by the Maple Heights, Ohio, Board of Education favoring the continuation of the school milk program; to the Committee on Agriculture and Forestry.

A resolution adopted by the mayor and City Council, City of Vallejo, Calif., relating to the encouragement of travel within the United States; to the Committee on Commerce.

A resolution, in the nature of a petition, adopted by the House of Man, Tallahassee, Fla., signed by sundry citizens of the United States, relating to the convening of the Charter Review Conference within the 21st year of the United Nations at New York, N.Y.; to the Committee on Foreign Relations.

A resolution adopted by the Council of Veterans Organizations of Greater Dallas, Tex., condemning those who burn draft cards and desecrate the flag; to the Committee on Armed Services.

A resolution adopted by the Outing Club of the University of North Carolina, Chapel Hill, N.C., relating to the protection of the wilderness of the Great Smoky Mountains National Park; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Blue Star Mothers of America, Inc., at Miami, Fla., favoring the enactment of legislation making it a Federal offense to take part in any activities designed to promote communism in the United States; to the Committee on the Judiciary.

A resolution adopted by the Blue Star Mothers of America, Inc., commending the President and his policies; ordered to lie on the table.

---

## INTERIM REPORT ENTITLED "INVESTIGATION INTO FEDERALLY INSURED BANKS"—REPORT OF A COMMITTEE (S. REPT. NO. 1103)

Mr. McCLELLAN. Madam President, on behalf of the Senate Committee on Government Operations, I submit an interim report of its Permanent Subcommittee on Investigations, entitled "Investigation Into Federally Insured Banks." This report covers a series of hearings conducted during 1965 into the failure of a number of banks that were insured by the Federal Deposit Insurance Corporation. The subcommittee has not yet closed its investigation of banks and other financial institutions that are funded or insured by Federal agencies, and it is likely that we will hold additional hearings and file at a later date a final report on matters now under inquiry.

Testimony we heard last year clearly demonstrated that many abuses and improper banking practices had occurred in a number of banks. We learned that certain corrupt and dishonest persons committed abuses and engaged in such practices only to obtain control of banks so that they could loot them of their assets.

Our examination of bank failures also disclosed that existing Federal laws are obviously inadequate to prevent the acquisition of control of banks and other financial institutions by persons of questionable character and integrity, who lack banking experience and financial responsibility.

We found that proper oversight of changes in bank control was not provided by Federal supervisory authorities, who failed to give effective supervision and make necessary examination of banking activities under their jurisdictions. Our hearings also disclosed that these agencies, particularly the Office of the Comptroller of the Currency, failed to maintain high levels of interagency coordination and liaison.

The report gives particular attention to the chartering policy for national banks that was followed by Comptroller of the Currency James J. Saxon since he assumed office in 1961, which resulted in an unprecedented increase in the number of national banks. One of the subcommittee's findings is that Mr. Saxon's attempt to "change the closed image of the banking business" has burdened the industry with increased elements of risk.

Two of the most flagrant examples of the inadequacy of the supervision exercised by the Comptroller's Office, as described in this report, relate to the disintegration and collapse of the San Francisco National Bank and of the Brighton National Bank of Brighton, Colo.

Evidence clearly showed that Comptroller Saxon had available in June of 1964, 7 months before the San Francisco National Bank was placed in receivership, information that there were many violations of law in the operation of the bank. One of his national bank examiners attempted to report these criminal activities to the Department of Justice on June 22, 1964, but Comptroller Saxon did not forward the letter to the Attorney General until February 26, 1965, 8 months later. This was about a month after the bank had been closed and more than a month after the subcommittee had started its investigation. The Federal Deposit Insurance Corporation, compelled by law to insure the bank's deposits, was never informed that the bank was, in Mr. Saxon's own words, "so murked down in just plain rot and corruption that there was no hope."

Madam President, that was his testimony before the committee. He permitted the bank to operate for 7 to 8 months after he had detailed information regarding the criminal activities which were being engaged in on the operation of the bank. After making its investigation, the FDIC closed the bank. The FDIC's ultimate liability, as a consequence of this bank's failure, may reach as much as $25 million.

A thorough investigation by the Comptroller's Office of the charter application for the Brighton National Bank would have revealed the false statements made by the applicants and by the proposed officials of the bank.

Madam President, there has been a flagrant dereliction of duty with respect to making the proper and adequate investigations before issuing some of these bank charges. Such an investigation would also have disclosed the secret agreement by which the organizers of the bank were in fact acting as front men for the person seeking to gain the controlling interest. A proper investigation was never made. From its opening on May 1, 1963, until its failure on January 22, 1965, the affairs of the Brighton National Bank were marked by fraud, forgery, corruption, and almost every kind of abuse and impropriety imaginable.

Madam President, it would be satisfying to report that, as a result of our hearings, the Federal banking agencies have taken appropriate action to remedy the deplorable conditions that were exposed. We would be gratified and most happy to state that the American banking industry is now receiving the efficient supervision and excellent administration that is so obviously needed. Regrettably, thus far, however, the deficiencies that we found have not been corrected, although more than a year has passed since they were disclosed by our investigation. The Department of Justice has taken action on some of the criminal activities; seven persons who were involved with banks we investigated have been indicted, and two of them have been tried, convicted, and sentenced to long prison terms. The others are awaiting trial.

The exposure and publicity afforded by our hearings have removed some undesirable persons from the banking industry. The banking field is basically sound and of high integrity, but the subcommittee believes that legislative action is needed to prevent its infiltration by confidence men, bank pirates, and other corrupt individuals. We must correct the inadequacies of existing laws that permit these abuses, and we must require the Federal agencies to exert maximum effort toward efficient administration and supervision, and to exercise effective interagency coordination and liaison.

Accordingly, the report of the subcommittee contains a number of recommendations. In partial summary, the sub-

committee asks the Congress to consider legislation that will:

First. Require mandatory public hearings for new bank charters;

Second. Provide thorough investigations of applications for new national bank charters, to assure that the Comptroller of the Currency has checked the background and character of the applicants, has determined the sources of their capital and its encumbrances, and has ascertained that there are no secret agreements to provide front men for true beneficial owners;

Third. Require the Comptroller of the Currency to obtain the views of the Federal Deposit Insurance Corporation and the Federal Reserve System on proposed charters;

Fourth. Provide the same kind of investigation for the conversion of State banks to National banks or for proposed changes of controlling interests in other federally insured banks;

Fifth. Require cooperation and liaison among all Federal banking agencies, with full interchange of information, promptly and without charge;

Sixth. Prohibit improper solicitation of deposits through abuses of certificates of deposit, provide for registration of money brokers who deal in such certificates, and require regular periodic reports on the use of these financial instruments;

Seventh. Require independent audits for banks covered by Federal insurance;

Eighth. Exclude felons from management or policy control of federally insured banks;

Ninth. Limit the borrowing of money for the purchase of bank stocks;

Tenth. Prohibit false statements on loans and credit applications;

Eleventh. Provide for a comprehensive study by the executive branch of the functions and regulations of the banking agencies and of the laws that govern them, in order to determine whether reorganization and centralization of their functions is needed.

The subcommittee also recommends that the Federal banking agencies cooperate in efforts to improve the scope and effectiveness of their bank examination procedures, and that all of the examining agencies work together in exchanging and assessing examination reports and other information about improprieties disclosed during examinations. It is essential that all abuses and violations of law be referred swiftly by the agency which finds them to the other agencies that may be concerned, particularly those charged with Federal law enforcement, and the subcommittee strongly urges that this be done.

Madam President, most of the recommendations made by the subcommittee in this interim report lend themselves to legislation, and they are included in a bill which I introduced during the past session of Congress. The measure, S. 2575, was cosponsored by a majority of the members of the subcommittee, and we believe that its provisions, if enacted into law, would deter and prevent the inefficiency corruption, and dishonesty which we found in the banks that we investigated. The bill would also increase the effectiveness of administration and strengthen the supervision that must be provided by the Federal banking agencies.

Earlier this year, the President also recognized the need for corrective legislation in this area in his Economic Report to Congress. As a consequence of his concern, another banking bill, S. 3158, to strengthen and protect our financial institutions, has been introduced and is currently being considered by the Senate Banking and Currency Committee. On April 4, I testified before the Financial Institutions Subcommittee in its hearings on that bill. I supported the principal objectives of S. 3158, which would authorize certain remedial actions by the Federal banking agencies against unsafe and unsound practices whenever they are disclosed in the banking industry.

Madam President, the legislation which is recommended in this report, and is incorporated in S. 2575, in no way conflicts with the provisions of S. 3158. In fact, these measures supplement and complement each other. It is my hope that Congress, after due examination of these proposals, will enact their principal features into law and thus take a long step toward remedying the unsafe and unsatisfactory conditions exposed by our investigation and analyzed in this report.

Madam President, for the RECORD, I should like to emphasize that this report was signed and agreed to by all nine members of the Permanent Subcommittee on Investigations. It is not a partisan report. It is a bipartisan report in the sense that it is unanimous. I believe we are all in agreement that remedial legislation is needed and that conditions in Federal supervisory agencies, especially in the Comptroller General's office, must be corrected.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The report will be received and printed.

## BILLS INTRODUCED

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

By Mr. DIRKSEN:

S. 3207. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

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

By Mr. BOGGS:

S. 3208. A bill for the relief of Kimiko Bethard; and

S. 3209. A bill for the relief of Zopia Zych; to the Committee on the Judiciary.

By Mr. BAYH:

S. 3210. A bill granting the consent and approval of Congress to the Illinois-Indiana air pollution control compact; to the Committee on the Judiciary.

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

By Mr. SPARKMAN:

S. 3211. A bill to make certain expenditures of the city of Huntsville, Ala., eligible as local grants-in-aid for the purposes of title I of the Housing Act of 1949.

S. 3212. A bill to make certain expenditures of the city of Birmingham, Ala., eligible as local grants-in-aid for the purposes of title I of the Housing Act of 1949;

S. 3213. A bill to make certain expenditures made by the city of Mobile, Ala., eligible as local grants-in-aid for the purposes of title I of the Housing Act of 1949;

S. 3214. A bill to make certain expenditures by the University of Alabama eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; and

S. 3215. A bill to amend the National Housing Act to provide mortgage insurance, and authorize direct loans by the Housing and Home Finance Administrator, to help finance the cost of constructing and equipping facilities for the group practice of medicine or dentistry; to the Committee on Banking and Currency.

By Mr. TYDINGS:

S. 3216. A bill to amend title II of the Act of September 19, 1918 (40 Stat. 960), as amended, relating to industrial safety in the District of Columbia; to the Committee on the District of Columbia.

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

By Mr. THURMOND:

S. 3217. A bill to amend title VI (relating to cropland adjustment) of the Food and Agriculture Act of 1965 so as to permit a change from the installment method of payment under any agreement entered into under such title to the lump sum advance payment method whenever such change is requested by the producer; to the Committee on Agriculture and Forestry.

## CONCURRENT RESOLUTION

### CONGRATULATION OF ASTRONAUTS NEIL ARMSTRONG AND DAVID R. SCOTT

Mr. HARRIS (for Mr. LAUSCHE) submitted a concurrent resolution (S. Con. Res. 85) congratulating Astronauts Neil Armstrong and David R. Scott, which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. HARRIS, which appears under a separate heading.)

### INTRODUCTION OF BILL MAKING IT A FEDERAL OFFENSE TO DESECRATE THE AMERICAN FLAG

Mr. DIRKSEN. Madam President, I introduce a bill for appropriate reference.

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

Mr. DIRKSEN. Madam President, the bill I introduce would make it a Federal offense to desecrate the American flag.

It is rather singular that in various sections of the country our flag has been hauled down, despoiled, spat upon, desecrated, and trampled in the mud, yet there is no Federal statute to deal with such offenses.

As I recall, nearly every State in the Union has a statute of one kind or another and prescribes a rather heavy penalty for its violation. It is high time there be incorporated in the Criminal Code of the United States something along the same line as the States require, together with a heavy penalty.

That is the purpose of the bill.

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

The bill (S. 3207) to prohibit desecration of the flag, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on the Judiciary.

## ILLINOIS-INDIANA AIR POLLUTION COMPACT

Mr. BAYH. Madam President, I introduce, for appropriate reference, a bill to grant the consent and approval of Congress to the Illinois-Indiana Air Pollution Control Compact. This agreement, which has been negotiated by the authorities of these two States and has been adopted by their respective legislatures, is fully in accord with and would enable these governments to implement national policy and goals in this vital area.

Problems caused by polluted air have been recorded for centuries. Patricians of ancient Rome complained of smoke smudges on their togas. King Edward I of England executed a man because he burned pollution-producing coal instead of wood. During Queen Elizabeth's reign the brewers of Westminster offered to burn wood because of the Queen's celebrated allergy to coal smoke.

As inconsequential as these events may appear to be now, we realize that they were mere preludes to modern disaster. Extensive urbanization and massive industrialization have resulted in several air pollution tragedies in recent years. In 1931, 60 people died in the Meuse Valley in Belgium when atmospheric conditions stagnated deadly sulphur dioxide and particulate matter in the air. Twenty fatalities were recorded in Donora, Pa., in 1948, when similar conditions were present.

Killer smog plagued London, England, for a week in 1952. When the air cleared, London counted 4,000 deaths directly attributable to poisonous air. Similar events within the last 5 years in England and New York have taken the lives of an additional 1,200 people.

Modern science has discovered that air pollution is not only deadly and harmful to human beings but to plant and animal life, agricultural products, building materials, and textiles. Estimates placed on dollar loss from atmospheric pollution total $11 billion annually in the United States.

Increasing awareness of this disturbing situation has resulted in congressional action designed to combat air pollution. The Clean Air Act, as amended, provides the Nation with tools with which we can begin to purify our atmosphere. A key provision of this law encourages the creation of agreements between States for air pollution abatement purposes. Such compacts are important weapons in our antipollution arsenal because much of our Nation's population is located in rapidly expanding metropolitan areas whose pollutants frequently cross boundary lines of local jurisdiction and often may extend into two or more States.

Such a distressing situation exists in the Indiana-Illinois region. Beginning in the northern suburbs of Chicago, swinging in an arc through that great metropolis and around the southern tip of Lake Michigan, and encompassing the cities of Hammond, East Chicago, Gary, and other incorporated municipalities of Indiana, is one of the most densely populated and highly industrialized areas of the world. Any person familiar with this complex grouping of communities realizes that it would be futile to attempt to combat air pollution in any one of them without taking similar action in adjacent cities and counties.

The States of Illinois and Indiana have declared that air pollution is a potential hazard to human, animal, and plant life. Laws have been enacted by both States creating an Interstate Air Pollution Control Commission to prevent pollution originating in one from injuriously affecting life and property in the other. Let me summarize briefly the major features of this agreement.

Article I proclaims that, because air pollution is a potential hazard, the two States will cooperate in its control and abatement. The stated purpose of the agreement is to prevent pollution originating in one State from injuriously affecting life and property in the other State.

Article II defines air pollution as the presence of matter in sufficient quantity in the air to be injurious to human, plant, or animal life, to property, or to cause human discomfort.

Article III describes the organization of the Interstate Air Pollution Control Commission. Seven members shall be appointed by each State Governor. The State health agency and the State air pollution control agency, as well as industry, labor, and local government, will each be represented by one commissioner and two will come from the general public. All commissioners, except the State government representatives, will have 4-year terms. The State government members, who are ex officio, will serve on the commission as long as they hold office. The commission will annually choose from their members both a chairman and a vice chairman. A majority of each State's delegation will constitute a quorum, and no action taken by the commission will be binding unless approved by at least four commissioners from each State. The commission is vested with powers to conduct its business and to employ necessary personnel, and it has the responsibility of reporting to the States once a year.

Article IV empowers the commission to conduct studies and reports on air pollution problems and to recommend corrective action. If its recommendations for prevention or abatement have not been implemented within 6 months, the commission is authorized to hold hearings on the subject and can issue orders to correct the nuisance. Compliance with the orders of the commission is made the duty of the party against whom charges are made in case of dispute and enforcement may be secured by the commission through an action commenced in any court of competent jurisdiction.

Article V outlines hearing procedures and provides for the right of judicial review of commission orders.

Article VI gives the commission and its duly designated officers the right to enter, at reasonable times, either public or private property, for the purpose of inspecting sources of air pollution.

Article VII grants the power to establish advisory and technical committees which would further the work of the commission.

Article VIII states that the compact authorization does not alter or abolish the power of the party States to individually enact and enforce air pollution laws which are not inconsistent with the compact.

Article IX provides for the financing of commission activities and requires the keeping of accurate accounts.

Article X would continue the compact in force until it is expressly repealed by either party, but no repeal act could be effective until 1 year after its adoption.

Article XI is the traditional severability clause, stating that in the event any one part of the compact should be declared invalid or should be repealed, the remainder of the agreement shall still be in force.

Madam President, I ask unanimous consent that the full text of the Illinois-Indiana compact be printed at the conclusion of my remarks.

This agreement is in direct response to the intent and spirit of section 2 of the Clean Air Act. It seems to me that the States of Illinois and Indiana should be commended for taking this action and that it should be approved by Congress forthwith. A similar measure, H.R. 9582, has been introduced in the House of Representatives by the Honorable CHARLES M. PRICE, of Illinois.

Madam President, I believe that this agreement will help the people of Illinois and Indiana avoid future tragedies like these which have struck the Meuse Valley, Donora, Pa., London, and New York. For this reason I am introducing this ratification legislation and hope that it will receive prompt and serious consideration by both Houses of Congress.

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

The bill (S. 3210) granting the consent and approval of Congress to the Illinois-Indiana air pollution control compact, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3210

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent and approval of Congress is hereby given to the Illinois-Indiana air pollution control compact between the States of Illinois and Indiana. Such compact reads as follows:

"ILLINOIS-INDIANA AIR POLLUTION CONTROL COMPACT

*"Article I. Findings and purposes*

"(a) The party states find that there are potential hazards to the health, welfare, property and comfort of the people resulting from pollutants discharged into the atmosphere and which move from one party state to the other. It is the purpose of the party states to recognize and provide for the con-

trol of such interstate movement of air pollutants through the establishment of an agency of the party states with powers, in the absence of sufficient individual local or state action, to prevent, abate and control such interestate air pollution conditions.

"(b) Each of the party states pledges to the other faithful cooperation in the control of future air pollution and in the abatement of existing air pollution which originates in one state and detrimentally affects the normal health, the general welfare, the property, and the comfortable enjoyment of life (comfort and well-being) of the people in the other state, and in order to effect such object agrees to enact and enforce any necessary legislation to enable each State to place and maintain the air resources in the outdoor atmosphere of each state in such condition as will be consistent with the protection of the normal health, the general welfare, the property, and the comfortable enjoyment of life of the people, maximum employment and full industrial development. Each state shall seek the accomplishment of these objectives through the prevention, abatement, and control of air pollution by all practicable and economically feasible methods.

"(c) It is recognized by the party states that no single standard for outdoor atmosphere is applicable to all areas within the two-party states due to such variables as population densities, topographic and climatic characteristics, and existing or projected land use and economic development. The guiding principle of this compact shall be that air pollution originating within a party state shall not injuriously affect humans, plants, animal life, or property, or unreasonably interfere with the enjoyment of life and property in the other party state.

*"Article II. Air pollution defined*

"As used in this compact 'air pollution' means the presence in the outdoor atmosphere of particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life and property.

*"Article III. The Commission*

"(a) The party states hereby create the Illinois-Indiana Interstate Air Pollution Control Commission, hereinafter called 'the Commission', with the powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the party states.

"(b) The Commission shall consist of seven commissioners from each party state, each of whom shall be a citizen of the state he represents. The seven commissioners from each party state shall be chosen by the Governor of such state, in accordance with the laws of such state, as follows: one commissioner to be the head of the state health agency; one commissioner to be the technical secretary of the state air pollution control agency; one commissioner to be representative of industry; one commissioner to be representative of labor; one commissioner to be representative of local government; and two commissioners to be representative of the general public. Except for the heads of the state health agencies and the technical secretaries of the state air pollution control agencies, who shall be commissioners during their continuance in the aforementioned positions in the respective state health and air pollution control agencies, the term of each commissioner shall be four years." However, the terms of those commissioners initially appointed as representatives of industry, labor, local government, and the general public shall, in the case of the commissioners from each party state be as follows; two for two years; one for three years; and two for four years. Vacancies on the Commission shall be filled for the unexpired term in the same manner as appointments to full terms.

"(c) The Commissioners of the party states shall each be entitled to one vote in the Commission. No action of the Commission shall be binding unless taken at a meeting in which a majority of the members from each party state are present and unless at least four commissioners from each state vote in favor thereof.

"(d) The Commission may sue and be sued, and shall have a seal.

"(e) The Commission shall elect annually, from among its members, a chairman and vice-chairman. The Commission shall appoint an executive director who shall act as secretary, and who, together with such other Commission personnel as the Commission may determine, shall be bonded in such amount or amounts as the Commission may require.

"(f) Irrespective of the civil service, personnel or other merit systems laws of any of the party states, the Commission shall appoint, remove or discharge, and fix the compensation of such personnel as may be necessary for the performance of the Commission's functions. To the extent practicable terms and conditions of employment for members of the staff of the Commission shall be similar to those pertaining to comparable employees of the individual party states.

"(g) The Commission may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its employees. Employees of the Commission shall be eligible for social security coverage in respect to old-age and survivors insurance, provided that the Commission takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the Commission terms and conditions of employment similar to those enjoyed by employees of the party states generally.

"(h) The Commission may borrow, accept, or contract for the services of personnel and other services or materials from any state, the United States or any subdivision or agency of either, from any interestate agency, or from any institution, person, firm, or corporation.

"(i) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services conditional or otherwise, from the United States, or any agency thereof, from any state or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and may receive, utilize, and dispose of the same. The identity of any donor, the amount and character of any assistance, and the conditions, if any, attached thereto shall be set forth in the annual report of the Commission.

"(j) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

"(k) The Commission may adopt, amend, and rescind bylaws and procedural rules for the conduct of its business.

"(l) The Commission annually shall make to the Governor and legislature of each party state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable. These reports shall be available for public examination.

"(m) The Commission shall have the authority to collect and disseminate information.

*"Article IV. Functions*

"(a) The Commission may make studies of interstate air pollution problems and whenever it finds conditions of such character and duration as to be injurious to human, plant, or animal life, or to property, or which unreasonably interfere with the comfortable enjoyment of life and property in the party state where the air pollution does not originate, the Commission shall make a report recommending measures for the prevention, abatement, or control of any such conditions, and shall furnish copies of such report to all state and local air pollution control agencies with jurisdiction over the source or sources of air pollution identified in such report as causing or contributing to such pollution. In preparing any such report, the Commission may confer with any appropriate national, regional, or local planning body, and any governmental agency authorized to deal with matters relating to air pollution problems and conduct such hearings and investigations as it may deem appropriate. The Commission may consult with and advise the States, communities, municipalities, corporations, persons, or other entities with regard to the adoption of programs and the installation of equipment and works for the prevention, abatement, or control of air pollution. For the enforcement of this compact the Commission may also establish standards consistent with the provisions of this compact and any such standards which may be adopted by the party states.

"(b) Before the Commission adopts any report which specifically identifies a particular industrial or other installation, structure or facility as a source of air pollution, an opportunity shall be afforded the owner or operator of the structure, installation or facility, to discuss the findings, conclusions and recommendations of the proposed report.

"(c) No formal study shall be undertaken and no report pursuant to paragraphs (a) and (b) of this Article shall be adopted by the Commission, except on the affirmative vote of at least four commissioners from each of the party states.

"(d) No less than six months after the Commission furnishes a report to the appropriate state and local air pollution control agencies pursuant to paragraphs (a) and (b) of this Article and, if the recommendations made in such report for the prevention, abatement or control of air pollution from a specific source or sources have not been implemented, or if the appropriate state or local air pollution control agencies have not taken sufficient action to prevent, abate or control the air pollution, the Commission may after a duly conducted and constituted hearing on due notice issue an order or orders upon any municipality, corporation, person, or other entity causing or contributing to air pollution in a state other than that in which the air pollution originates. At any such hearing evidence may be received and a finding made on whether, in fact, interstate air pollution exists and the sources of such pollution. Any such order or orders may prescribe a timetable for the abatement or control of the air pollution involved.

"(e) It shall be the duty of the municipality, corporation, person or other entity to comply with any such order issued against it or him by the Commission. Any court of competent jurisdiction shall entertain and determine any action or proceeding brought by the Commission to enforce any such order against any municipality, corporation, person or other entity domiciled or located within such state or whose discharge of air pollution takes place within or adjoining such

state, or against any employee, department or subdivision of such municipality, corporation, person or other entity: *Provided, however,* Such court may review the order and affirm, or reverse or modify the same, if such order is found to be deficient or unlawful on any of the grounds alleged pursuant to Article V(c) of this compact.

*"Article V. Hearing and review procedures*

"(a) All hearings held by the Commission shall be open to the public. At any hearing held pursuant to Article IV(b) or Article IV (d) of this compact the party states, any agencies thereof, and any affected person, corporation, municipality or other entity shall be entitled to appear in person or by representative, with or without counsel, and may make oral or written argument, offer testimony, or take any combination of such actions. All testimony taken before the Commission shall be under oath and recorded in a written transcript. The transcript so recorded shall be made available to any member of the public or to any participant in such hearing upon payment of reasonable charges therefor as fixed by the Commission. No information relating to secret processes or methods of manufacture or production shall be disclosed at any public hearing or otherwise and all such information shall be kept confidential.

"(b) All hearings shall be had before one or more members of the Commission, or before an officer or employee of the Commission expressly designated thereby to act as a hearing officer.

"(c) Any party state or person aggrieved by any order made by the Commission shall be entitled to a judicial review thereof. Such review may be had by filing with any court of competent jurisdiction a verified petition setting out such order and alleging specifically wherein said order is:

"1. Arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law.

"2. Contrary to constitutional right, power, privilege or immunity.

"3. In excess of authority or jurisdiction conferred by this compact or statutes in implementation hereof.

"4. Without observance of procedure required by law.

"5. Not within the purposes and guiding principles set forth in Article I of this compact.

"6. Unsupported by substantial evidence.

"(d) The petition for review shall be filed within thirty-five days after receipt of written notice that such order has been issued. Written notice of the filing of such verified petition for review and a copy of said petition shall be personally served upon the Commission. Any party or person so filing such verified petition for review with such court shall within fifteen days thereafter secure from the Commission a certified copy of the transcript of any hearing or hearings held in connection with the issuance of the order, review of which is sought and file the same with the clerk of such court in which such action or proceeding for review is pending. An extension of time in which to file such transcript shall be granted by said court in which such action or proceeding for review is pending for good cause shown. Inability to obtain such transcript within the specified time shall be good cause. Failure to file such transcript within the period of fifteen days, or to secure an extension of time therefor, shall be cause for the dismissal of such petition for review by the court or on petition of any party of record to the original action or proceeding. Where more than one person may be aggrieved by the order only one proceeding for review may be had and the Court in which a petition for review is first properly filed shall have jurisdiction.

"(e) No review of a Commission order shall be had except in accordance with the provisions of this compact.

*"Article VI. Right of entry*

"The Commission, acting by any duly designated officer, employee or agent thereof, shall have the right, to enter at all reasonable times in or upon any private or public property except private residences for the purpose of inspecting and investigating any condition which the Board shall have reasonable cause to believe to be an air pollution source.

*"Article VII. Advisory and technical committees*

"The Commission may establish one or more advisory and technical committees composed of such as the following: private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, and officials of local, state and federal government as it may determine, and may cooperate with and use the services of any such committee and the organizations which they represent in furthering any of its activities under this compact.

*"Article VIII. Compact not limiting*

"Nothing in this compact shall be construed to:

"1. Limit or otherwise affect the powers of either party state or any of their subdivisions to enact and enforce laws or ordinances for the prevention, abatement or control of air pollution, provided that such laws, ordinances, or enforcement activities are not inconsistent with the provisions of this compact.

"2. Prevent or restrict either party state or any subdivision thereof in requiring or prescribing measures of air pollution prevention, abatement or control in addition to those which may be required by either party state or the Commission acting pursuant to this compact.

*"Article IX. Finance*

"(a) The Commission shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

"(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Aside from such support as may be available to the Commission pursuant to Article III(i) the cost of operating and maintaining the Commission shall be borne equally by the party states.

"(c) The Commission may meet any of its obligations in whole or in part with funds available to it under Article III(i) of this compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Commission makes use of funds available to it under Article III(i) hereof, the Commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

"(d) The expenses and any other costs for each member of the Commission shall be met by the Commission in accordance with such standards and procedures as it may establish under its bylaws.

"(e) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

"(f) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

"(g) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

*"Article X. Entry into force and withdrawal*

"(a) This compact shall enter into force and effect when enacted into law by the states of Illinois and Indiana. The compact shall continue in force and remain binding upon each party state until expressly repealed by either party state, but no such repeal shall take effect until one year after the enactment of the statute repealing this compact.

"(b) Any order of the Commission issued prior to the termination of this compact shall be enforceable thereafter by either party state in the same manner as though this compact were still in force except that any appropriate office or agency of the enforcing party state may act in the place and stead of the Commission.

*"Article XI. Construction and severability*

"It is the legislative intent that the provisions of this compact be reasonably and liberally construed. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of either state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby."

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

---

## CLARIFICATION OF RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA INDUSTRIAL SAFETY BOARD

Mr. TYDINGS. Madam President, I introduce, for appropriate reference, a bill to amend the District of Columbia Code, in order to clarify the responsibilities of the District of Columbia Industrial Safety Board.

Some questions have arisen in recent years regarding the scope of the Board's responsibility toward providing for safe working conditions for employees in the District of Columbia.

Congress established the Industrial Safety Board in 1941 and declared its purpose to be "to foster, promote, and develop the safety of wage earners of the District of Columbia in relation to their working conditions."

For many years, the Industrial Safety Board assumed that the scope of its responsibilities included the safety of all kinds of non-Government employees in the District of Columbia.

However, beginning about 2 years ago, through a series of opinions by the District of Columbia Corporation Counsel, the scope of the Board's jurisdiction was reduced drastically—from a field of coverage of more than 280,000 employees in the District of Columbia to a field of

coverage estimated at less than 50,000 employees.

It is not my purpose to dispute the accuracy of this series of opinions.

It is my purpose to point out that, as a result of these opinions, no District of Columbia governmental agency is directly charged with looking out for, and proposing regulations to secure, the safety of the vast majority of non-Government employees in the District of Columbia.

Regardless of what Congress may have intended 25 year ago, when the Industrial Safety Board was created, I am confident Congress will now act to lodge in one responsible agency of the District of Columbia government the duty of looking after the on-the-job safety of non-Government employees in the District of Columbia and of formulating and proposing regulations to secure their safety.

Nothing in the bill I propose would change the existing relationship between the District of Columbia Commissioners and the Industrial Safety Board. The Commissioners will retain their full present authority to approve and promulgate the regulations the Industrial Safety Board proposes. The Safety Board will have no authority to promulgate its own regulations.

But the Board will have the authority and responsibility for examining the safety of the working conditions of every non-Government employee in the District of Columbia, and for proposing for the approval of the District Commissioners whatever regulations the Board deems necessary to secure employee safety.

In drafting this bill I have consulted the District of Columbia government, its Corporation Counsel, the Industrial Safety Board itself, and representatives of the affected employees. The safety bill I introduce today contains what I consider to be the best suggestions for this legislation from each of the people I have consulted. The bill does not contain everything I believe the Senate would be willing to enact, but it does provide a clear, reasonable, simple, and rational governmental apparatus for securing employee safety in the District of Columbia.

The bill continues the traditional responsibilities of the Industrial Safety Board toward proposing regulations to secure the safety of every employee, but it also continues the District Commissioners' authority to approve those regulations and to insure their harmony with other kinds of business regulation in the District of Columbia. I am confident that this is a legislative proposal which the District Commissioners, the affected business interests of the District, the Industrial Safety Board, and the employee representatives here in the District can support.

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

The bill (S. 3216) to amend title II of the act of September 19, 1918 (40 Stat. 960), as amended, relating to industrial safety in the District of Columbia, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

## ADDITIONAL COSPONSORS OF JOINT RESOLUTION AND BILL

Mr. DIRKSEN. Madam President, I ask unanimous consent that, at the next printing of the joint resolution (S.J. Res. 148) proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools, the names of the Senator from South Carolina [Mr. RUSSELL] and the Senator from Louisiana [Mr. ELLENDER] be added as cosponsors.

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

Mr. CANNON. Madam President, at its next printing, I ask unanimous consent that the name of the distinguished junior Senator from Maryland [Mr. TYDINGS] be added as a cosponsor of the bill (S. 2919) to extend for 2 years Public Law 815, 81st Congress, relating to Federal assistance for school construction in federally impacted areas.

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

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

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

Authority of March 29, 1966:

S. 3153. A bill to make it an unfair labor practice to require a person who conscientiously objects to membership in a labor organization to be a member of such an organization as a condition of employment: Mr. BENNETT, Mr. CURTIS, Mr. DIRKSEN, Mr. FANNIN, Mr. JORDAN of Idaho, Mr. SIMPSON, and Mr. THURMOND.

Authority of April 1, 1966:

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: Mr. BASS, Mr. BAYH, Mr. BIBLE, Mr. CHURCH, Mr. CLARK, Mr. GRUENING, Mr. HART, Mr. HILL, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. MOSS, Mr. MUSKIE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. STENNIS, and Mr. YARBOROUGH.

S. 3171. A bill to establish a nationwide system of trails, and for other purposes: Mr. BREWSTER, Mr. CHURCH, Mr. KENNEDY of New York, Mr. LONG of Missouri, Mr. METCALF, Mr. MOSS, and Mr. RIBICOFF.

Authority of April 5, 1966:

S. 3181. A bill to amend the Internal Revenue Code of 1954: Mr. BIBLE, Mr. CANNON, Mr. CARLSON, Mr. DIRKSEN, Mr. HART, Mr. HOLLAND, Mr. JAVITS, Mr. MORTON, Mr. MUNDT, Mr. MURPHY, Mr. PEARSON, Mr. RUSSELL of South Carolina, Mr. TOWER, and Mr. YOUNG of North Dakota.

S. 3183. A bill to amend title 18 of the United States Code to prescribe criminal penalties for the illegal importation of depressant and stimulant drugs: Mr. BAYH, Mr. MONTOYA, and Mr. MURPHY.

S. 3184. A bill to provide an incentive for private industry to establish programs to educate and train individuals in needed skills by allowing a credit against income tax for the expenses of conducting such programs: Mr. LONG of Missouri and Mr. RANDOLPH.

S.J. Res. 152. Joint resolution to authorize the President to issue a proclamation designating a national day of prayer: Mr. ALLOTT.

S.J. Res. 154. Joint resolution to request the President to negotiate with the Mexican Government for the purpose of setting up a Joint United States-Mexican Commission to investigate the flow of marihuana, narcotic drugs, and dangerous drugs between the United States and Mexico: Mr. BAYH, Mr. MONTOYA, and Mr. MURPHY.

## NOTICE OF PUBLIC HEARINGS ON NATO

Mr. JACKSON. Madam President, I wish to announce that the Subcommittee on National Security and International Operations will begin public hearings on problems of the Atlantic Alliance on April 26, 1966. These hearings will take a fresh and frank look at the Atlantic Alliance in relation to the achievement of American and allied aims.

The North Atlantic area is still the decisive area and its problems—including the challenge of President de Gaulle—deserve high priority on the agenda of the executive branch and Congress.

The first witness will be Dean Acheson, former Secretary of State and presently consultant to President Johnson. He will testify on Tuesday morning, April 26, 1966, at 10 a.m. Perhaps more than any other living American, Dean Acheson is "Mr. NATO." As Secretary of State he helped draft the North Atlantic Treaty and signed it on behalf of the United States on April 4, 1949.

Further hearings will be scheduled during the session. The list of witnesses will include top-level policymakers, military commanders and experts from outside Government.

Authorized by resolutions of the Senate in 1965 and 1966, our subcommittee, which I have the honor to chair, has been reviewing the conduct of national security policy, with special reference to the Atlantic Alliance. Its approach is nonpartisan and professional. During the first session of the 89th Congress, the subcommittee held hearings which laid the foundation for the present phase of the inquiry. In February this year, the subcommittee issued a study entitled "The Atlantic Alliance: Basic Issues," which discusses problems to be explored in the forthcoming hearings.

## NOTICE OF HEARINGS ON S. 3046, ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1966

Mr. MORSE. Madam President, I wish to announce to interested Senators that further hearings on S. 3046, the Elementary and Secondary Education Amendments of 1966, have been set for April 19, 26, and 27.

On April 26 it is the intention of the subcommittee to take testimony from individuals and representatives of groups who have expressed concern over proposed amendments to impacted areas legislation, Public Laws 815 and 874.

With these three hearing dates, and one more at a date not yet determined, it is our hope that testimony will have been taken either in person or by statement from all those who desire to be heard.

I want to say, for the benefit of the majority leader [Mr. MANSFIELD], and the minority leader [Mr. DIRKSEN], both of whom are on the floor, and who have raised questions with me on the progress we are making on education legislation, that after the hearings on the elementary and secondary education amendments, there will follow a series of hearings on other bills. The elementary and secondary education bill will be ready for consideration by the full committee within the next 4 to 6 weeks.

## ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 7, 1966, he presented to the President of the United States the following enrolled bills and joint resolution:

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

S. 1049. An act to provide relief for the heirs and devisees of Fly and Her Growth, deceased Lower Brule Indian allottees;

S. 2642. An act to authorize the release of platinum from the national stockpile, and for other purposes;

S. 2835. An act for the striking of medals in commemoration of the 75th anniversary of the founding of the American Numismatic Association; and

S.J. Res. 127. Joint resolution designating April 9, 1966, as "Sir Winston Churchill Day."

## SENATE CONCURRENT RESOLUTION 85—CONGRATULATING ASTRONAUTS ARMSTRONG AND SCOTT

Mr. HARRIS. Madam President, on behalf of the Senator from Ohio [Mr. LAUSCHE], and at his request, I submit Senate Concurrent Resolution 85, and I ask for its immediate consideration. The Senator from Ohio is unavoidably absent today because he is participating in ceremonies in Ohio honoring Astronauts Neil Armstrong and David Scott. This concurrent resolution will extend the congratulations of Congress to the astronauts simultaneously with the ceremonies now going on in Ohio.

I ask unanimous consent that the brief remarks of the Senator from Ohio be printed in the RECORD.

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

STATEMENT BY SENATOR LAUSCHE

On March 15, 1966, Astronauts Neil Armstrong and David R. Scott participated in a substantially successful and epic-making orbital flight.

Astronaut Neil Armstrong was born in Wapakoneta, Ohio, and Astronaut David R. Scott was born in San Antonio, Tex.

The civic leaders and citizens of Wapakoneta, Ohio, and the surrounding territory on this day, April 13, are paying tribute to Neil Armstrong, their native son, through appropriate and extensive ceremonies.

In view of the distinguished services to the people of the United States and the personal achievements of Astronauts Armstrong and Scott, I herewith set forth brief biographical sketches of their respective lives.

NEIL A. ARMSTRONG, ASTRONAUT

Neil A. Armstrong was born on August 5, 1930, in Wapakoneta, Ohio. He was graduated from Purdue University in 1955 with a bachelor of science degree in aeronautical engineering, and has performed graduate work at the University of Southern California.

Armstrong was a naval aviator from 1949 until 1952 and during the last 2 years of that service flew 78 combat missions in the Korean action.

After his graduation from Purdue he worked for NACA's Lewis Flight Propulsion Laboratory prior to going to work at Edwards, Calif., as an aeronautical research pilot for NACA and later NASA. Armstrong has flown 2,600 hours, including 1,100 in jet aircraft.

Armstrong has participated in flight test work on the F-100, F-104, B-47, F-102, and the X-15. He is a senior member of the American Institute of Aeronautics and Astronautics, and a member of the Experimental Test Pilots Association. He was the recipient of the 1962 Institute of Aerospace Sciences Octave Chanute Award.

The son of Mr. and Mrs. Stephen Armstrong, of Wapakoneta, he has blond hair and blue eyes, is 5 feet 11 inches tall, and weighs 165 pounds. He is married to the former Janet Elizabeth Shearon, of Evanston, Ill., and they have one son, Eric.

DAVID R. SCOTT, ASTRONAUT

Maj. David R. Scott (USAF), 107 16th Street, Edwards, Calif., was born in San Antonio, Tex., June 6, 1932. His parents, Brig. Gen. and Mrs. Tom W. Scott (USAF retired), now live at 8438 Paseo Del Ocaso, La Jolla, Calif.

He attended the University of Michigan for 1 year, then entered the U.S. Military Academy and received a bachelor of science degree in 1954. At West Point, he finished fifth in a class of 633, and chose an Air Force career.

He attended Massachusetts Institute of Technology from 1960 to 1962 and earned both a master of science degree in aeronautics and astronautics and an engineer of aeronautics and astronautics degree while there. His thesis concerned interplanetary navigation. At the time of his selection for the astronaut program, he was a student at the Air Force Aerospace Research Pilot School at Edwards AFB, Calif.

Scott is 6 feet tall, weighs 190 pounds, and has blond hair and blue eyes. He is married to the former Ann Lurton Ott, daughter of Brig. Gen. and Mrs. Isaac W. Ott (USAF retired), who live at 115 Lagos Avenue, San Antonio, Tex. The Scotts have two children: a daughter, Tracy Lee, 2; and a son, William Douglas, born this year.

He has logged more than 2,300 hours flying time, including nearly 2,100 hours in jet aircraft. Scott is a member of Tau Beta Pi, national engineering society; Sigma Xi, national science research society; Sigma Gamma Tau, and Sigma Chi.

Congressman WILLIAM MCCULLOCH, the Representative of the district in which Wapakoneta is situated, and myself, as Senator from Ohio, are convinced that these distinguished Americans are worthy of being recognized by the Congress of the United States, and, therefore, concluded that a concurrent resolution to that effect should be adopted by the Congress.

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

There being no objection, the concurrent resolution (S. Con. Res. 85) was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress, on behalf of the people of the United States, hereby extends its congratulations and warm good wishes to Astronauts Neil Armstrong of Wapakoneta, Ohio, and Maj. David R. Scott of San Antonio, Tex., and commends them for their personal courage, skill, and dedication in the cause of scientific achievement in their substantially successful and epoch-making orbital flight on March 15, 1966.

## RIOT AT GLEN ECHO

Mr. BYRD of West Virginia. Madam President, on Monday of this week, a riot occurred at the Glen Echo Amusement Park in nearby Montgomery County, Md. After the rioters had been ejected from the amusement park, they left a trail of damage and terrorized homeowners in their wake as they rode buses or walked back to their Washington homes. They stoned homes and automobiles, damaged police cars and ambulances, and destroyed property in some of the most expensive neighborhoods in Northwest Washington. They invaded stores, and threw catsup, chocolate milk, baby food, and soft drinks everywhere, requiring hours of "hard work to clean up the mess." Windows of service stations were broken by rock-throwers. Firemen, rescue squadsmen, and newspapermen were pelted with thrown objects. Buses were used to remove the rioters from the area, but during the bus riding "every one of the buses was damaged."

The Washington Star of April 12, stated, with respect to the buses:

> Those which weren't ripped up by passengers were pelted with rocks by the walking crowd.

One of the bus drivers stated that he "only was able to collect fares from about 50 out of the 115" persons aboard. He went on to say that, "The girls were raising just as much hell as the boys," and, "I knew I had to go along with what they wanted to do or else."

The busdriver, a 7-year veteran with the bus company, said:

> They yelled four-letter words at each other and at me. They tore up the seats. All the way into the District along Massachusetts Avenue, some of the kids threw parts of the seats and things out of the windows.

He went on to say:

> One driver picked up a load out there and had to drive them all right into the old streetcar barn on Wisconsin Avenue because they robbed him on the way in.

Mr. President, how can Washington become a model city when it is not a safe city and is becoming less and less so? Moreover, how can any thinking person suggest that home rule be granted to the Nation's Capital where so many of its people increasingly, by their conduct, reveal themselves as being incapable and undeserving of self-government?

Madam President, I ask unanimous consent to have the Star article printed in the RECORD.

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

[From the Washington (D.C.) Star, Apr. 12, 1966]

GLEN ECHO RIOTERS LEAVE TRAIL OF DAMAGE INTO DISTRICT OF COLUMBIA—YOUTHS TOSS ROCKS AT HOMES, CARS

(By Walter Gold)

Hundreds of Negro teenagers and youngsters rioted at the Glen Echo Amusement Park last night, and then left a trail of damage and terrified homeowners in their wake

as they rode and walked back to their Washington homes.

After being ejected from the amusement park in nearby Montgomery County shortly after dark, rock-throwing, jeering youths cut a swath through some of the most expensive neighborhoods in Southwest Bethesda and Northwest Washington, causing widespread damage.

Dozens of persons were injured, none seriously, during the 4-hour disturbance. Property damage was estimated in the thousands, mainly to the amusement park. Homes and automobiles were stoned along both the county and city sections of Massachusetts Avenue and MacArthur Boulevard, and along Goldsboro Road near Glen Echo.

TURN ON POLICE

Nearly 200 policemen from several jurisdictions combined forces to restore order. The rioters, turning on the officers, smashed windows of at least a dozen police cars and damaged two ambulances which were carrying injured persons.

It was by far the worst and most widespread outbreak of violence in the Washington area within recent years. Police said the disturbance involved no specific interracial conflict.

A disturbance at Glen Echo had been rumored around Washington for at least a week, it was learned.

A capacity crowd estimated at 6,000 persons was at Glen Echo just after 6 p.m. when the first disorders were reported. Individual acts of misconduct and vandalism quickly grew into mob action, causing amusement operators to shut down the park some 6 hours before its normal midnight closing.

DOZEN BUSES DAMAGED

According to many of those involved, this angered the crowd. The majority of the Easter Monday celebrants made their way out of the park without incident, but hundreds of teenagers showed their displeasure by damaging park property, looting some of the concession stands, and throwing rocks.

It was this same body of several hundred youths that continued their vandalism while either walking home or riding D.C. Transit buses back into the District. At least a dozen buses were damaged with broken windows, ripped-up seats, and slashed interiors, transit spokesmen said.

Less than a dozen of the rioters were apprehended by police as officials concentrated on dispersing the crowd rather than arresting individuals.

Bethesda police reported the arrest of four persons. Three juveniles later were released to the custody of their parents.

It was the second time in less than a year that youths rioted at a Washington amusement area. In August 1965, nearly 100 persons including nine District policemen, were injured during a carnival riot involving an unruly, rock-throwing crowd at First and K Streets NE.

Yesterday's incident was foreshadowed early in the afternoon when groups became disorderly on several buses in the downtown Washington area. District police quickly calmed the Glen Echo-bound riders, then broadcast a warning to officers in the Northwest section of the city to "give special attention" to the outward-bound Massachusetts Avenue NW., busline.

TAKE OVER RIDE

By 6 p.m., the park was nearly filled to capacity. A normal holiday detail of special policemen was on duty at the park but quickly realized that the situation was getting out of hand, several said.

According to some of those involved, the first real trouble began at a ski-jump-type amusement, where groups of teenage boys "took over the ride." Almost simultaneously, others started milling around in the nearby Jungleland ride area. Still others roamed through the park, "breaking and taking everything they could get their hands on," one Glen Echo employee said.

By the time the first call for Montgomery County police help went in at 6:20 p.m., nearly 1,000 were involved in "one sort of disorder or another," one official estimated.

Within minutes, additional policemen were called to the amusement park, including officers from the Maryland State Police, Aqueduct (Federal) Police, Montgomery County Sheriff's Department, and the adjoining township of Glen Echo.

At 6:50 p.m., volunteer firemen from Glen Echo and Cabin John were called to the scene by police, who feared that they would have to turn hoses on the rioters. However, firemen did not use the high-pressure water lines and confined their efforts to assisting in dispersing the crowd.

When several of the battling youths fell injured, the Bethesda-Chevy Chase Rescue Squad sent several ambulances and a searchlight truck to the amusement park. Ambulances from Bethesda-Chevy Chase and Glen Echo were damaged by rock throwers as the first aiders removed the injured.

At the height of the melee, someone set fire to some shrubs in front of the 16-acre amusement park. The blaze was quickly extinguished.

Meanwhile, police blocked off the entire Glen Echo area to automobile traffic. The park, which is situated along the Potomac River bluffs about 10 miles northwest of the White House, is accessible by only three major routes, MacArthur Boulevard, Goldsboro Road, which connects with Massachusetts Avenue extended, and the Maryland portion of the George Washington Memorial Parkway.

Hundreds of late homeward-bound rush-hour motorists who live in the area were prohibited from using any of the routes except the George Washington Parkway during the disturbance. Outbound commuters were rerouted from the District over River Road and adjoining feeder streets.

When Glen Echo officials finally shut down all their facilities about 7 p.m. and closed the park, thousands poured out the front entrance onto MacArthur Boulevard. There were reports that several busdrivers left at the sight of the rowdy crowd and drove away in near-empty buses.

WALK TOWARD DISTRICT

This, coupled with a reported announcement over the park's public address system that "you (the crowd) are on your own," added to the confusion.

Unable to find public transportation at the park entrance, many started walking back to Washington. Police did their best to keep the crowd in an orderly file but many of the youngsters "went their own ways," officials said.

It was during this homeward bound march along Goldsboro Road, Massachusetts Avenue and MacArthur Boulevard that most of the rocks and debris were thrown at the few passing vehicles and at nearby houses. Many homeowners, who said they were terrified by the developments, reported that they turned out their house lights and barricaded themselves, some with pistols, in the upper floors of their homes.

Montgomery County Police Chief Col. James McAuliffe today revised his estimates of the crowd and said there were at least 1,500 to 2,000 milling along Massachusetts Avenue.

Capt. Paul Alexander of the Bethesda station estimated the crowd at the park between 7,500 and 10,000, which he described as "pretty much normal on Easter Monday."

OVER 70 INCIDENTS

Alexander said there were four arrests, three of them unruly juveniles. In addition, a man was charged with discharging a gun near the District of Columbia line and MacArthur Boulevard. Alexander said the man, a resident of the neighborhood, apparently became alarmed and fired a shot into the air when a group from the park began striking his car.

Alexander said more than 70 "incidents were reported with damage totaling several thousand dollars."

McAuliffe said he "didn't expect any trouble today," and that there would be "no more policemen than we ordinarily provide."

Rocks sailed through picture windows of $30,000-and-up homes. Cadillacs and Fords alike suffered damage at the hands of the rock throwers. Residents of the area were still discovering damage to their property and cars today.

At the height of the movement down Massachusetts Avenue, a 10-pound rock was hurled through the picture window of the home of Mr. and Mrs. Cecil E. Byers, 6202 Massachusetts Avenue.

RESIDENT'S DESCRIPTION

Mrs. Byers described it this way:

"Earlier in the day, I saw droves of children walking and crowded automobiles heading toward Glen Echo and wondered how the amusement park could hold all of them.

"During dinner, we saw them returning, and heard them hurling stones and shouting. They behaved very well whenever the Montgomery County police drove by, but as soon as the police were out of sight, they became unruly.

"Luckily, my husband and I were standing back from the window, watching the children, and were not directly in front of the window when this tremendous rock, taken from my own rock garden, came hurtling through."

Mrs. Byers said their 1965 Cadillac also was vandalized.

OTHER HOMES DAMAGED

Several other homes in the neighborhood also were hit by flying rocks, but the damage was less than at the Byers' home.

"Those children walked all over our yard and came to the door asking to use the telephone," Mrs. Byers added.

"The police did a wonderful job, but it was impossible to control such a large number."

Another area resident, Guy H. Birdsall, said he was sitting in his home at 6130 Massachusetts Avenue NW., near a picture window, when two rocks hurtled through the window and passed within inches of his head.

Meanwhile, back at the amusement park, hundreds of youths were forced off Glen Echo parking lots and across MacArthur Boulevard to an area near the small Glen Echo Shopping Center to await transportation. Some of the youths invaded a High's dairy store in the shopping center.

THROW FOOD IN STORE

"You wouldn't believe it," Mrs. Mildred E. Murray, one of three employees on duty at the store, said this morning.

"The place was so full of teenagers that nobody else could have gotten in. They threw ketchup, baby food, chocolate milk, and soft drinks all over the store. You couldn't even tell what color the floor was; it took five people 2 hours of hard work to clean up the mess."

Several windows at an adjoining Esso station were broken by bus-waiting rock throwers. Bottles flew through the air. Firemen, rescue squadsmen, and newsmen also were pelted with thrown objects.

Realizing their worsening position, police quickly rounded up four D.C. Transit buses from the Westmoreland Circle area and escorted them to the shopping center. About half the waiting crowd filled the buses, so several additional coaches were called for.

In all, nearly a dozen buses were used to remove the remaining youngsters from the area and take them to bus transfer points in

Washington. During the 30-minute ride, every one of the buses was damaged. Those which weren't ripped up inside by passengers were pelted with rocks by the walking crowd.

DRIVER TELLS OF RIDE

One D.C. Transit driver, James O. Breeden, 49, of Kensington, gave this account of what he saw:

"I was one of the first buses outside the Glen Echo gates when the park closed. We had been told more than a week ago by the kids themselves that they were going to tear up the park Easter Monday, but we had no idea that they would succeed."

Breeden, a 7-year veteran with the bus company, said he took about 110 to 115 youngsters on his 72-person-capacity bus "because they just pushed and shoved past me and even came in through the windows.

"I only was able to collect fares from about 50 out of the 115," Breeden said.

"The girls were raising just as much hell as the boys," the driver said. "I knew I had to go along with what they wanted to do, or else.

"They yelled four-letter words at each other and at me * * * they tore up the seats.

"All the way into the District along Massachusetts Avenue, some of the kids threw parts of the seats and things out the windows.

"Thank God most of the troublemakers got off at 14th and K Streets NW. and left me alone and unharmed."

MAKES THREE MORE TRIPS

Breeden, an ex-serviceman, said he made at least three more trips out to Glen Echo to pick up stragglers.

"Most of the other drivers wouldn't go out there when they heard what was going on," he said. "One driver picked up a load out there and had to drive them all right into the old streetcar barn on Wisconsin Avenue because they robbed him on the way in."

Washington police used all available cars and motorcycles to monitor the marchers as they entered the District. At least four District police cars were slightly damaged by rocks thrown by the youths, officials said.

There was only one report of damage to downtown property. A youth threw a rock through a large plate glass window of the Bank of Commerce at 17th and K Streets NW. There were no injuries or arrests, police said.

PARK WINDOWS BROKEN

Reporters who were admitted to the amusement park before noon found damage confined to broken window panes.

A man, who identified himself as being in charge of construction but not an official of the amusement park, said he came out as soon as he heard there was trouble at Glen Echo last night.

"There probably were more people in Glen Echo than had ever been here at one time before, and the rides were crowded. By the time the kids were ready to go home late in the afternoon, there were not enough buses to handle them because of the need for coping with the rush-hour traffic downtown. This made the kids angry, and they started hoofing it for the District line, several thousand strong. That's when the real trouble broke out," he said.

The builder, who declined to identify himself, said there was no reason why the amusement park couldn't open as usual today, but that rain and cool weather probably would keep visitors away anyway.

The park was closed down, to remove the accumulation of trash and paper, and there were few visible signs of yesterday's trouble.

Park officials said that persons who still hold tickets they had purchased yesterday can use them later.

PARK LICENSE PERILED

The possibility that Glen Echo's amusement park license might be lifted was raised today at a meeting of the Montgomery County Council.

Referring to the riot, Councilman John Henry Hiser said a resident of the Massachusetts Avenue area called him to demand the closing of the park, which he said is "a menace to the surrounding area." Hiser asked County Manager Mason Butcher to comment.

Butcher told the council that recommendations should await a full report on what happened at Glen Echo. He said the amusement park's license is up for renewal May 1.

Although the application has cleared the fire marshal's office, it has yet to be approved by the Department of Environmental Health, Butcher said.

HOSPITALS TREAT TEN

Sibley Hospital's emergency room treated two persons struck by rocks: James Shoemaker, 19, of 13113 Superior Street in the Rockville-Wheaton, Md., area, who suffered bruised ribs, and Timothy Terrell, 23, of 3947 Persimmon Drive, Fairfax, Va., whose face was cut.

Bethesda Naval Hospital treated Air Force Sgt. Grant Yates and Army Col. E. M. Peddrick, both for minor cuts.

Suburban Hospital's emergency room treated six: Ulysses Jones, 9, of 406 Fifth Street SE., for glass in his right eye; Susan Briggs, 6, 6800 Winterbury Lane, Bethesda, for a cut on her forehead; Torrence Fleet, 15, of 125 11th Street NE., for a cut on his left leg; Jacqueline Murray, 12, listed at 1709 Ninth Street, for an abrasion on her chin; Jerome Sommers, 16, of 921 Ninth Street NE., for a cut finger, and Frederick Scoville, 27, of 13424 Justice Road, Rockville, for a cut on his forehead.

---

## THE VIETNAM DILEMMA

Mr. YOUNG of Ohio. Madam President, I ask unanimous consent that I may proceed for 10 minutes.

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

Mr. YOUNG of Ohio. Madam President, Congress has been kept off balance by our preoccupation with the dilemma of the Vietnam conflict. How can we solve our predicament in South Vietnam? How can we disengage from fighting in a grim civil war to which we should never have been committed in the first instance? Before the birth of our Savior, Sallust, the great historian, wrote:

> It is always easy to begin a war but very difficult to stop one, since its beginning and end are not under the control of the same man.

This is precisely the situation with which we are now confronted.

Our distinguished colleague, Chairman RICHARD RUSSELL, of the Senate Committee on Armed Services, has said:

> Vietnam is of no strategic importance to the defense of the United States and we should never have committed troops to combat there, but now that we have done that we must see it through to gain an honorable settlement.

In seeing it through we would do well to follow the best advice of the wisest generals and of our most knowledgeable civilian leaders against bombing North Vietnam, particularly the principal port, Haiphong, and densely populated Hanoi. The facts are that nearly $1 billion worth or possibly more, of our best aircraft have already been destroyed in bombing runs over North Vietnam. In addition, precious lives of many of our pilots and airmen have been snuffed out. One reason for the bombing pause ordered by our President was the view that the destructive effects of our bombing did not justify the huge cost in money and in lives of very fine young Americans.

Were we to bomb Haiphong we would be placed in the same despicable category as the French colonialists who for years oppressed the people of Indochina. In their final effort to save their vast Indochina empire in late 1953, the French admiral commanding the fleet off Haiphong harbor saw thousands of people on the main highway leaving the city for the interior. He ordered a cannonade from his warships, hurling shells along the highway, killing 7,000 civilians—men, women, and children—and not killing or wounding any soldiers. Asiatics have not forgotten this, nor have they forgotten that the United States did not use the atom bomb against the Germans but used it against the yellow race.

Recent demonstrations and rioting against the military regime of General Ky indicate a vicious anti-American revolt in addition to a coalition against the military warlords in power in Saigon, in power because our CIA and Armed Forces uphold this puppet regime. In fact, there is an insurrection waging within a civil war. Prime Minister Ky, installed by the military last June, never proposed any program of social and agrarian reform until President Johnson at Honolulu treated him as a leader of all South Vietnam. Inspired by publicity and flattery, and those President Johnson-Ky photographs, Ky started to prove that he had control over the whole country. President Johnson knew Ky controlled only a small part of the area of South Vietnam outside Saigon. When Ky, flattered by the President Johnson treatment, tried to eliminate General Thi, commandant of the I Corps area, he fell on his face. Even though we furnished American planes to transport Ky's soldiers to Da Nang, they were pinned down in the airbase and then returned to Saigon.

Fifty thousand U.S. soldiers in Da Nang were directed to keep off the streets and American lives and property were endangered there and in the rioting at Saigon. The Saigon government may be overthrown. If Ky is overthrown by civilians in revolt and the new prime minister of the Saigon government demands, "Americans go home," that leaves Secretary of State Dean Rusk high and dry. He claims we are in Saigon to support a government and a nation against external aggression, knowing such claim is false and knowing also that Ky's Saigon government does not govern.

The Geneva agreement of 1954 specifically stated that separating Vietnam at the 17th parallel was a temporary line of demarcation until the elections prescribed in the agreement took place. Then, later, the proposed election was called off, not by leaders in Hanoi, but by our puppet leader in Saigon, Diem. Historically, there is no North and no South Vietnam. There is no aggression from any foreign government bordering on Vietnam. There has been infiltration

from north of the 17th parallel. Such Communist infiltration naturally increases as the numbers of American GI's committed to combat in South Vietnam increases. Our escalation brings out Vietnamese escalation from the north. Each is self-defeating.

Secretary Rusk and other administration officials say we are defending freedom in Vietnam. But the fact is that there has never been a democratically elected government in Saigon and Ky himself was installed as Prime Minister by a group of 10 generals who overthrew the civilian government last June. Also, the fact is that if the Hanoi regime were anything but Communist it could be fully as dictatorial as it is and fully as ruthless in pursuit of its present goals and we would never have dreamt of intervening in internal Vietnamese politics.

We have seen a succession of South Vietnamese leaders—the latest being Ky—all ruthlessly dictatorial and having no wide support from the people of South Vietnam.

In spite of this, our involvement has continued to grow—more men, more money, and more weapons. All this is given in the cause of preserving democracy in Vietnam and resisting aggressors from the north.

Even now, experts on Vietnamese affairs maintain that if popular elections were held that they would heavily favor the Communists.

As a matter of fact, former President Eisenhower stated that had elections been held in 1956 as stipulated in the Geneva accords, Ho Chi Minh would have received 80 percent of the vote of the Vietnamese people living to the south and north of the 17th parallel demarcation line.

The tragedy of Vietnam lies in our massive involvement—virtually without allies. What began as a little war is now a major conflict.

For several years we have listened to fatuous predictions from Defense Secretary McNamara, Gen. Maxwell Taylor, and Ambassador Henry Cabot Lodge.

In 1963 President Kennedy was told by McNamara and Taylor that "the major part of the U.S. military task can be completed by the end of 1965."

And in June of 1964, Cabot Lodge asserted:

> I don't see the need for more troops in Vietnam.

In March 1965, Secretary McNamara told the Appropriations Committee of the House of Representatives:

> I think it is also clear that we cannot substitute U.S. troops for Vietnamese troops to carry out counterguerrilla operations against subversion directed against the people of South Vietnam by North Vietnam.

In 1964 he testified before the House Armed Services Committee:

> I don't believe that pouring in hundreds of thousands of troops is the solution to the problem in Vietnam.

In October 1963, the White House issued the following statement based on the predictions of Secretary McNamara and General Taylor:

> Major U.S. assistance in support of this military effort is needed only until the insurgency has been suppressed or until the national security forces of the Government of South Vietnam are capable of suppressing it. Secretary McNamara and General Taylor reported their judgment that the major part of the U.S. military task can be completed by the end of 1965, although there may be a continuing requirement for a limited number of U.S. training personnel. They reported that by the end of that year—1964—the U.S. program for training Vietnamese should have progressed to the point where 1,000 military personnel assigned to South Vietnam can be withdrawn.

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

Mr. YOUNG of Ohio. I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. YOUNG of Ohio. Certainly, these statements indicate that many administration leaders have consistently underestimated the strength and staying power of the Vietnamese who consider they are fighting for national liberation, and have time and time again been wrong regarding our involvement in the Vietnam war.

A major obstacle to bringing about an armistice and ceasefire has been the refusal of some shortsighted, stubborn administration officials and unduly influential military leaders to express willingness to negotiate directly with the National Liberation Front which is and has been for years the political arm of the Vietcong.

The Vietcong forces are the major adversary against which our forces are fighting. Of course, Vietcong delegates must participate in any conference if a ceasefire and peace is to be restored to Vietnam.

Vietnam is one country, artificially divided at the demarcation line fixed at Geneva. There is no south Vietnamese nation in our understanding of the word. If the Saigon military junta is overthrown, and the new regime says "Americans go home," there is no alternative. Otherwise, it would be evident before the world that our Armed Forces have supplanted the French colonial power as aggressors. The claim of Rusk, McNamara, and others that we are there on invitation of the government would be rejected. We should then get out on their invitation. There would be no alternative for a self-respecting nation regardless of whether it is or is not the most powerful nation that has ever been known under the bending sky of God, and that is the United States of America.

---

## ADDRESS BY SENATOR ROBERTSON AT THE ANNUAL MEETING OF FREDERICK COUNTY FRUIT GROWERS' ASSOCIATION

Mr. HOLLAND. Madam President, the senior Senator from Virginia, Senator ROBERTSON, addressed the Frederick County Fruit Growers' Association at its annual meeting on April 8, 1966, at Winchester, Va. I read his statement with a great deal of interest. He discussed the offshore labor problem, the pending proposal to bring practically all farm labor under the provisions of the Fair Labor Standards Act and the pending proposal to federalize the unemployment compensation laws of the several States.

Madam President, I concur entirely with the statement of my good friend and able colleague from Virginia who has had nearly 45 years of public life. He served first in the State senate, then as chairman of the Game and Inland Fisheries Commission of Virginia. Later he was elected to the Congress as a Member of the House of Representatives in 1939 where he served until he was elected to the U.S. Senate in November 1946, to serve out the unexpired term of the late Senator Carter Glass. He is now completing his 20th year as a U.S. Senator.

Madam President, in reviewing the many accomplishments of Senator ROBERTSON, I find that throughout his career he has championed the cause of agriculture, not only in the Old Dominion Commonwealth of Virginia but throughout the Nation.

Certainly, agricultural interests in my State of Florida, which I have the honor to represent in part, owe him much for his invaluable assistance. While a Member of the other body, he championed the cause of the REA, insurance of small deposits in banks so vital for small rural banks, reciprocal trade agreements to promote the export of surplus farm products, Farm Land Banks and numerous conservation measures, including the Pittman-Robertson Act, under which the States have received more than $150 million for the development of upland game.

Since coming to the Senate he has continued to enthusiastically support many, many measures vital to agricultural interests and to the continued progress of our country, such as REA, soil conservation, support price for basic farm crops, Federal aid for highways, Federal aid for rural housing, increased insurance for bank deposits and many other important measures that affect the economy of our Nation.

Madam President, the position taken by my good friend and distinguished colleague in respect to some of the proposals the Congress is being asked to consider and, which if enacted into law, would create untold hardship in the agricultural industry and, particularly on the small farmer, is commended to each Senator as worthwhile reading. I ask unanimous consent to have Senator ROBERTSON's statement, in which I say again, I concur wholeheartedly, inserted in the RECORD at this point as part of my remarks.

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

REMARKS OF SENATOR A. WILLIS ROBERTSON AT ANNUAL MEETING OF FREDERICK COUNTY FRUIT GROWERS' ASSOCIATION AT WINCHESTER, VA., APRIL 8, 1966

It is a coveted privilege to visit this historic area, identified with the early achievements of our greatest American, George Washington; with General Morgan of the Long Rifles, and known to historians as the battleground of the Confederacy. I cherish the fact that I was privileged to start my

public career in the State senate as a deskmate of Winchester's most famous citizen, Harry Byrd, Sr., and to work with him in the State senate; in his cabinet when he was Governor, and later for 30-odd years in the Congress in promoting progress within the framework of a sound fiscal policy.

I, of course, did not know Harry Byrd, when in the summer of 1915, I announced my candidacy for the State senate on a platform of better roads and better schools for the Old Dominion. I soon found that I had a warm friend and able ally in both of those programs because my new Senate deskmate was the president of a turnpike company which operated the only improved stretch of paved road in the entire State. We joined in sponsoring a State highway system for Virginia; were on the commission that laid it out, and were cosponsors of the bill that put it into operation. In 1920, I sponsored what was called the Robertson Road Act, under which the first State highways were built and in 1924 my Senate colleague led the fight to build our State highway system on the sound principle of pay as you go. That highway system, of course, was designed not only to improve the economic wealth of our State, and especially of those who lived in rural areas, but to enable us to have better rural schools and rural churches. We now have one of the Nation's best highway systems on which we do not owe 1 red cent. When Senator Byrd and I reached the Congress in the spring of 1933, we promptly extended our road activities to Federal aid for State highways and later to the wonderful System of Interstate Highways.

The session of the Congress that commenced in March 1933 was a special session and only 93 bills were enacted into law (we passed 349 last year). And, one of those 93 bills in 1933 was my bill to provide for inspection at the port of debarkation of Virginia apples to protect our growers from the frequent false claim of commission merchants in Liverpool and elsewhere that we had shipped imperfect fruit. Therefore, when I come to Winchester tonight to talk about some of the measures affecting the applegrowers of this area, I come back to friends with whom I have worked and with whom I have played for half a century.

In the words of Kipling:

"I have eaten your bread and salt;
I have drunk your water and wine;
The deaths you have died, I have watched beside
And the lives you have lived, have been mine."

Throughout my service in the Congress, you have been kind and generous to me.

There are many things that I would like to discuss tonight such as the war in Vietnam, the inflationary fiscal policies of a Government which abandoned the economy platform written by Carter Glass and on which I was elected from this district in 1932, and a so-called Great Society which is as much dedicated to material things as the great society of ancient Rome that crumbled into dust. But, within the limitation of the time allotted to me, I plan to discuss briefly just three pending issues which I believe are of interest to Virginia fruit growers and all other farmers:

1. Offshore labor to harvest this fall what I hope will be a large and fair-priced apple crop.

2. A proposal to bring practically all farm labor under the provisions of an expensive wage and hour bill. I can't support it.

3. A proposal to federalize what has heretofore been the unemployment compensation laws of separate and sovereign States. I can't support that either.

Many of you know, of course, of the effort I made last year to convince Secretary of Labor Wirtz that apple picking is not the simple operation that any unskilled laborer or school dropout could perform. He finally recognized the inadequacy of makeshift crews from urban areas by admitting about 760 harvesters from the offshore islands to pick Virginia apples.

Into the four States of Virginia, West Virginia, New York, and Vermont, the Labor Department admitted 1,340 workers from the British West Indies and Canada compared with 2,000 used in those States in 1964.

I share the desire of our Government to give every American a job before turning to imported labor. But the farmer suffers financial loss if he is not able to get his crop harvested at the proper time, or when he is forced to accept workers who have neither the training nor the desire to do farmwork.

In securing offshore apple pickers next fall, we may face the same argument with Labor officials as we did last year. In a report made public recently, the Secretary of Labor predicted that "in general, however, the period of any large-scale use of foreign labor is ended."

The Secretary reported that no use of braceros is contemplated this year in California and Michigan.

He may allow limited use of foreign labor to cut sugarcane in Florida and dig potatoes in Maine, and the situation, so far as our apples are concerned, he says, "has to be carefully watched." Needless to say, I intend to keep the Secretary fully apprised of our need for an adequate force of trained workers.

As to the minimum wage bill, no one knows what will be in it when it finally reaches the Senate floor for action. The bill reported by the House committee last August was so unsatisfactory that it was sent back to the Labor Committee which has just reported what appears to be a more reasonable one with respect to farm labor. It provides, for example, that farmers who pay harvest hands on a piece-rate basis may continue to do so, if the worker commutes daily to the farm, and has been employed for fewer than 13 weeks during the year.

The House committee made another change in its original bill by making the yardstick 500 instead of 300 man-days for determining application to permanent farmhands.

No one would welcome more than I higher rates of pay for farm labor but there is nothing in any pending bill to help farmers pay more for farm labor. The average Virginia farm is 90 acres. To fully equip that farm with laborsaving devices would cost $35,000—far beyond the reach of the small farmer. John L. Lewis once boasted that he had secured for his United Mine Workers the highest pay scale in industry. That is true but only the mines that could afford to install laborsaving devices costing $35,000 to $40,000 per man could afford to pay it. The result: some 300,000 coal miners lost their jobs and have created serious relief problems ever since.

Industry can usually finance increased wages in two ways—by increasing per man production and by controlling total output. There is little in either of those programs that is available to our farmers. No orchardist can control the size of his crop. "Paul may plant and Apollo water, but God giveth the increase." Our farmers' biggest handicap, however, is that they buy on a controlled market and sell on an open market. They pay parity for what they buy, but even with recent price increases were getting last month only 82 percent of parity for what they sold and that was 7 percent above last year. I favor higher wages for farmworkers but not until we have a practical plan by which farmers can pay them. Public relief in our proud State is a sorry substitute for a job.

I don't know the amount by which the minimum rate of industrial workers will be increased by the bill finally enacted into law, but any increase of that rate will be placing a powerful jack under the entire rate structure of the Nation.

As to federalizing unemployment, there may be changes before final action, but the pending bill would bring into that system about 700,000 farmworkers. The bill would apply to all farms which use at least 300 man-days of hired farm labor in any quarter.

This would mean that a farmer who employed four workers for 75 days in the quarter would be affected.

An additional 200,000 workers now classified as agricultural would be covered by adopting a new definition under which workers performing jobs which are essentially industrial in nature are no longer regarded as agricultural. These include jobs such as processing of maple sap into maple syrup, operating and maintaining, on a profit basis, ditches for supplying water for farming, box assembling, clerical work connected with billing, and grader and conveyor tenders.

In addition to these 900,000 agricultural workers, the bill would extend unemployment compensation coverage to about 3.7 million others, largely through a new definition applying it to every employer of one or more persons.

It would drastically raise the taxes which employers would have to pay to insure their workers against unemployment. At the present time, the rate is 3.1 percent, based on the first $3,000 of annual wages. Of this amount, the Federal Government keeps 0.4 percent for administration of the system leaving 2.7 percent to be applied to the employer's tax liability under State law.

All employers do not pay exactly the same rate of tax, because they are given credit under State laws when they show a good record for maintaining full employment.

But, they all pay the Federal share of the tax, which under this bill goes up to 0.55 percent, out of a total tax of 3.25 percent. Furthermore, the bill broadens the wage base on which the tax would be collected from $3,000 to $5,600 for calendar years 1967 through 1970, and to $6,600 thereafter.

This would add many milions to the tax burden of the covered employers. As the Reader's Digest observed in an article in its February issue: "Nobody really knows how much the whole works would add, but guesses range up to $2 billion—on top of the billions we are already spending on unemployment compensation."

Recently, I heard a sermon in which the preacher said that a kind and gracious providence has blessed us far beyond our just deserts. I humbly acknowledge how He has blessed me, not with great wealth, but with enough to pay my bills. My chief blessing has been my good health through the years. I ask that you pray that that same blessing may be mine for another 6 years because I am now at the peak of my ability to efficiently and effectively serve the State I love, and the job that I want to do for the orchardists of Virginia, for the farmers of Virginia, and for the unborn children of Virginians, with respect to the preservation of a system of private enterprise within the framework of constitutional liberty has not been finished. My fond hope, of course, is that on July 12, the Democrats of Virginia will say unto me: "Well done, thou good and faithful servant."

Mr. HOLLAND. Madam President, the introductory remarks made at Winchester by a grower, Mr. Joseph Dorsey, give light to the value and high esteem the agricultural interests in the valley of Virginia have for Senator ROBERTSON. I ask unanimous consent to have these re-

marks inserted in the RECORD at this point.

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

INTRODUCTION OF SENATOR A. WILLIS ROBERTSON AT ANNUAL MEETING OF FREDERICK COUNTY FRUIT GROWERS ANNUAL MEETING BY JOSEPH DORSEY, GROWER, WINCHESTER, VA., APRIL 8, 1966

In 1949 there appeared an article in Reader's Digest magazine entitled "What Are We Being Spent Into?" That article was about our speaker for this evening and the basic political philosophy of our speaker was made clear when he was quoted in this article as follows:

"There is probably not a single item in the whole list of Federal spending projects where the test of necessity, if honestly applied, would not produce confidence-inspiring savings.

"Two facts vitally affect the income, the savings, and the future of every American. The first is the increasing rate of speed at which Government spends what we make. And the second is the Government's plans to spend not less than we make, but vastly more."

Certainly the truth of Senator A. WILLIS ROBERTSON's statement in 1949 is more valid today than when published by Reader's Digest. We are most fortunate that a man who has steadfastly adhered to this sound belief is the chairman of the Banking and Currency Committee and a member of the Appropriations Committee of the U.S. Senate. The name of A. WILLIS ROBERTSON has become synonymous with sound banking laws. He has patroned many bills that have been signed into law for the protection of the American's savings in financial institutions. Our banker hosts tonight can elaborate at great length upon the accomplishments of Senator ROBERTSON in this most important field of fiscal soundness and responsibility.

It would be an enjoyable but endless task for me to list the many and varied achievements of Senator ROBERTSON during his history as a legislator. If I should give you such a list, the time would slip by and Senator ROBERTSON might reach the conclusion that fruit growers sometimes get sleepy in the evenings. I will pick a few items of special interest to us, however.

As a State senator in Richmond, he was patron of the bill creating the State highway department. He sponsored the bill creating the Virginia Department of Game and Inland Fisheries and subsequently became the first chairman of this department.

His interest in the beauties and bounties of nature carried from Virginia to Washington where as a Member of the House of Representatives, he coauthored the Pittman-Robertson Act which provided some $180 million from Federal taxes on sporting arms and ammunition to return to the States for game restoration and conservation. He was appointed as chairman of the committee to study and coordinate agencies dealing with wildlife resources—the only freshman Congressman to be appointed a committee chairman.

As the successor to Carter Glass, he went to the U.S. Senate and immediately established a reputation as a close scrutinizer of all spending proposals on the Appropriations Committee.

In 1949 Senator ROBERTSON was designated by the Banking and Currency Committee to conduct an investigation of the monopolistic practices by labor organizations, especially as applied to the coal industry. The results of his study were submitted to the Labor Committee which handles legislation on that subject, but that committee refused to report the bill he introduced. You can immediately gather that Senator ROBERTSON has a keen awareness of our problems with labor legislation and our frustrations with the arbitrary rulings of the Secretary of Labor.

Gentlemen, seldom does a member of the Frederick County Fruit Growers' Association have the high honor and privilege which is mine this evening. Seldom does our association have the proper atmosphere and opportunity, as a group, to pay our respects and to express our sincere gratitude to a great statesman who has worked long and hard in resisting and retarding the obstacles placed in the path of our business success by the arbitrary rulings of the executive branch of the Federal Government. Seldom can any man stand before his fellow growers and make the statement which I now make. I state to you—without reservation—that our success in obtaining off-shore picking labor, in sufficient quantity and in sufficient time, to pick the 1965 apple crop in this area was due in the largest measure to the efforts in our behalf exerted by our distinguished speaker tonight. His constant conferences with the Secretary of Labor and the White House and his key votes on the Appropriations Committee were most directly responsible for overcoming a seemingly impossible situation last season. Senator ROBERTSON has already been to the White House in preparation for next season's problems.

I am most pleased and privileged to present to you a man who still holds the record for the hammer-throw in Virginia as a student and track star at Richmond College and a man who enjoys considerable reputation for throwing the wrench into the machinery that the Federal Government would like to have strip away our businesses, Senator A. WILLIS ROBERTSON, illustrious son of Virginia.

---

## CUTBACK IN CATTLE HIDE EXPORTS UNJUSTIFIED

Mr. HARRIS. Madam President, the U.S. Department of Commerce recently announced action cutting back American cattle hide exports. Such action, in my judgment was unjustified, unnecessary, and unwise.

In this morning's Washington Post, there appeared an excellent editorial, entitled "Those Hide Export Quotas," the last paragraph of which states:

> Rather than waste more time and money—to say nothing about the violation of liberal principles in international trade—the export quotas on hides should be quietly abandoned.

I could not agree more, and, Madam President, I ask unanimous consent that the Washington Post editorial be printed in full in the RECORD at this point in my remarks.

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

THOSE HIDE EXPORT QUOTAS

Early in March the administration, disturbed by gathering signs of inflation, imposed quotas on the export of cattle hides, calf and kip skins, and the leather made therefrom. The purpose of the action, for which the authority of Export Control Act of 1949 was invoked, is to prevent a shortage of hides that would result in sequential increases in the prices of leather and shoes. But it is already apparent that this hasty intervention by the Government will not yield the desired results.

About 3 weeks after the quotas were imposed by the Commerce Department, it was announced that the shoe industry had promised the Council of Economic Advisers to exercise restraints in pricing so long as the domestic prices of hides and leather are held down by export controls. Two days later, however, the manufacturers participating in the National Shoe Fair announced increases that will add an estimated $1 to $2 a pair to the retail prices of men's and women's shoes.

And while shoe prices advance, the burden of a large domestic supply of hides falls squarely on the cattle growers. As might have been anticipated, hide prices fell sharply in the domestic markets and rose in the foreign markets that rely upon American exports.

Surely the manufacturers are profiting by the administration's ad hoc attempt to control the price of shoes. But is anyone else? The income of the cattle growers is lower than it otherwise might be. Our foreign trading partners are now compelled to pay higher prices for hides and leather, especially that of lower quality which is not consumed in this country. And U.S. exports are being reduced at a time when a deterioration of the trade balance is feared.

After much protest in Congress, the Department of Commerce has announced a public hearing on April 18 in which all interested parties are invited to submit their views on the export controls. This is indeed a strangely inverted procedure. First the Government interferes with the operation of a highly competitive market. Then it inquires into the effects of intervention, effects that it could have predicted by careful economic analysis. Rather than waste more time and money—to say nothing about the violation of liberal principles in international trade—the export quotas on hides should be quietly abandoned.

Mr. HARRIS. Madam President, after the original announcement by the Department of Commerce, I wrote to the Secretary of Commerce protesting the action and asking that it be reconsidered. I ask unanimous consent that a copy of that letter dated March 16, 1966, be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HARRIS. On March 23, 1966, I again wrote to the Secretary of Commerce and also the Secretary of Agriculture asking for a joint meeting with them and a group of Senators from cattle-producing States to discuss this action which seemed unwarranted to us. I ask unanimous consent, Madam President, that copies of those letters to the Secretary of Agriculture and to the Secretary of Commerce be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibits 2 and 3.)

Mr. HARRIS. On March 25, 1966, joined by Senators HICKENLOOPER, MILLER, YARBOROUGH, MCCARTHY, MUNDT, MONDALE, CURTIS, PEARSON, MANSFIELD, MCGOVERN, METCALF, MONRONEY, KUCHEL, MURPHY, TOWER, and NELSON, I again expressed our concern over the cattle hide exports restriction and asked for a meeting to discuss it. Madam President, I ask unanimous consent that a copy of that letter be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. HARRIS. On March 31, 1966, I received a letter from the Secretary of Agriculture in which he stated that he

would be glad to meet with the group of Senators to discuss the hide export controls. But, in the meantime, the Secretary of Commerce telephoned me to state that joint hearings by the Secretary of Commerce and the Secretary of Agriculture will be held in Washington on April 18 and 19 to go into this whole matter. I was very pleased to learn of this action by the Secretary of Commerce, and, accordingly, wrote the Secretary of Agriculture asking that our meetings be postponed for the time being. I ask unanimous consent, Madam President, that a copy of the letter from the Secretary of Agriculture dated March 31 and my answer to him dated April 8, 1966, be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibits 5 and 6.)

Mr. HARRIS. Madam President, the original statement by officials of the Department of Commerce that hide export controls were justified on the basis that they would "eliminate or minimize the need for further shoe price increases" has proved to be incorrect as pointed up by the recent announcement of shoemakers of fall increases in shoe prices from 3 to 8 percent. I ask unanimous consent that an article which appeared in the Wall Street Journal on March 28, 1966, entitled "Shoemakers To Lift Fall Prices 3 to 8 Percent, Despite Hide Export Limit by White House" be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 7.)

Mr. HARRIS. OPS ceilings in 1951 for hide prices during the Korean war were pegged at 33 cents. On March 1, 1966, during the time when the tanners and manufacturers and the Department of Commerce were saying that hide prices had become exorbitantly high, they were only two-thirds of what the Government said was a fair price in 1951.

Furthermore, according to a USDA study in 1965, the average $10 price of a pair of shoes includes only 68 cents worth of cured hide, and, the study of prices from 1947 to 1965 shows graphically that in spite of the fact that hide prices have been considerably depressed, shoe prices have continued to increase.

In truth, Madam President, there is no shortage of cattle hides. Last year we killed in excess of 32 million head of cattle in the United States, and we will have approximately the same killed in 1965.

All this is of great importance to the American cattle industry because the 3 to 5 cents per pound by which hide prices have dropped since the export controls became effective is reflected in about a $3 per head less value for the live animal.

Madam President, I ask unanimous consent that certain studies and charts furnished to me by Mr. C. W. McMillen, executive vice president of the American National Cattlemen's Association, substantiating the statements I have made, be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 8.)

Mr. HARRIS. The truth is, therefore, Madam President, that export controls on cattle hides are unnecessary, unjustified, and unwise. They should be "quietly abandoned," as recommended in today's editorial in the Washington Post. They're not justified on the grounds advanced by the Department of Commerce. Such controls are inconsistent with our policies for expansion of American exports, and, therefore, exacerbate our balance-of-payments difficulties. Such controls, as pointed out by the Washington Post, are a "violation of liberal principles in international trade," which have previously guided this administration.

Lastly, and most tragic, Madam President, is that once again, agriculture has been singled out to absorb alone the sanctions aimed at halting inflation and, if this action is to stand, will remain in a static or depressed price position, alone among those involved in the leather and leather products industry to receive the full effect of inflationary trends.

EXHIBIT 1

DEPARTMENT OF COMMERCE,
*March 16, 1966.*

Hon. JOHN T. CONNOR,
*Secretary of Commerce,*
*Commerce Building,*
*Washington, D.C.*

DEAR MR. SECRETARY: I have noted with a great deal of concern the recent establishment of export controls on cattle hides by the Department of Commerce for 1966–67. This action is very disturbing to me inasmuch as we have been urging U.S. industries to develop foreign markets for their products. It seems most inconsistent with that policy to impose export regulations on an industry such as the cattle hide industry which has demonstrated a great deal of success in the development of foreign markets.

I would appreciate your providing me with a full report on the circumstances which have influenced this decision of the Department of Commerce. Also, I urge you to carefully restudy and reconsider this matter so that we will not hamper the continued growth and development the cattle industry has experienced in recent years.

Your consideration will be appreciated.

Sincerely yours,

FRED R. HARRIS,
*U.S. Senator.*

EXHIBIT 2

DEPARTMENT OF COMMERCE,
*March 23, 1966.*

Hon. ORVILLE FREEMAN,
*Secretary of Agriculture,*
*Washington, D.C.*

DEAR MR. SECRETARY: A group of Senators from cattle-producing States are very much disturbed by the recent action of the U.S. Department of Commerce, imposing export controls on cattle hides. I am informed that as a result of this action, the price of hides dropped $2 per hundredweight in 24 hours and $4 within 10 days, and this naturally created a reaction in live cattle prices.

In view of the administration policies in regard to expanding exports and our balance-of-payments deficit, this action seems unwarranted. It has had especially harsh effect, not only on cattle producers, but also on hide dealers, recently encouraged by the Department of Commerce to go into the export market. May I respectfully suggest that you and the Secretary of Commerce meet with a group of us informally and privately to discuss this matter as soon as possible and at your convenience? My legislative assistant, Mr. Gary Dage, will be calling your office to work out details.

Sincerely yours,

FRED R. HARRIS,
*U.S. Senator.*

EXHIBIT 3

DEPARTMENT OF COMMERCE,
*March 23, 1966.*

Hon. JOHN T. CONNOR,
*Secretary of Commerce,*
*Commerce Building,*
*Washingon, D.C.*

DEAR MR. SECRETARY: A group of Senators from cattle-producing States are very much disturbed by the recent action of the U.S. Department of Commerce, imposing export controls on cattle hides. I am informed that as a result of this action, the price of hides dropped $2 per hundredweight in 24 hours and $4 within 10 days, and this naturally created a reaction in live cattle prices.

In view of the administration policies in regard to expanding exports and our balance-of-payments deficit, this action seems unwarranted. It has had especially harsh effect, not only on cattle producers, but also on hide dealers, recently encouraged by the Department of Commerce to go into the export market. May I respectfully suggest that you and the Secretary of Agriculture meet with a group of us informally and privately to discuss this matter as soon as possible and at your convenience? My legislative assistant, Mr. Gary Dage, will be calling your office to work out details.

Sincerely yours,

FRED R. HARRIS,
*U.S. Senator.*

EXHIBIT 4

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
*March 25, 1966.*

Hon. JOHN T. CONNOR,
*Secretary of Commerce,*
*Commerce Building,*
*Washington, D.C.*

DEAR MR. SECRETARY: In regards to my letter of March 23, suggesting the need to meet with you to discuss the recent announcement of export controls on cattle hides, I have contacted a number of my colleagues, and we are now jointly requesting a meeting with you at your earliest possible convenience.

We feel that this is a matter of great concern to those of us who are representing large cattle producing States, and, therefore, are vitally interested in meeting with you to discuss the matter in more detail.

Sincerely yours,

FRED R. HARRIS, BOURKE B. HICKENLOOPER, JACK MILLER, RALPH W. YARBOROUGH, EUGENE J. MCCARTHY, KARL E. MUNDT, WALTER F. MONDALE, CARL T. CURTIS, JAMES B. PEARSON, MIKE MANSFIELD, GEORGE S. MCGOVERN, LEE METCALF, A. S. MIKE MONRONEY, THOMAS H. KUCHEL, GEORGE MURPHY, JOHN G. TOWER, GAYLORD NELSON, U.S. Senators.

The same letter went to the Secretary of Agriculture.

EXHIBIT 5

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D.C., March 31, 1966.*

Hon. FRED R. HARRIS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HARRIS: We are glad to have your letter of March 23 regarding the limitations imposed by the Department of Commerce on exports of cattle hides and leather.

I will be glad to meet with the group you suggest for a discussion of this action and we

will await a call from Mr. Dage to work out details for this meeting.

Sincerely yours,

ORVILLE L. FREEMAN.

EXHIBIT 6

APRIL 8, 1966.

Hon. ORVILLE L. FREEMAN,
*Secretary of the Department of Agriculture, Washington, D.C.*

DEAR MR. SECRETARY: I appreciate your letter of March 31 in reply to the joint letter of my colleagues and me requesting an informal meeting with you and the Secretary of Commerce to discuss the recently imposed export controls on cattle hides.

I am sure you are aware of Secretary Connor's decision to hold formal hearings on the subject on April 18 and 19. In view of this decision, my colleagues and I would like to set aside our informal session with you in hopes that the public hearings will bring about favorable results.

Again, let me thank you for your cooperation in this matter.

Sincerely yours,

FRED R. HARRIS,
*U.S. Senate.*

EXHIBIT 7

[From the Wall Street Journal, Mar. 28, 1966]

SHOEMAKERS TO LIFT FALL PRICES 3 PERCENT TO 8 PERCENT DESPITE HIDE-EXPORT LIMIT BY WHITE HOUSE

The Johnson administration's recently imposed controls on hide exports apparently weren't enough to prevent a price increase by the Nation's shoemakers.

As they had indicated earlier they would do, manufacturers are raising prices 3 percent to 8 percent on their fall lines of shoes. The increase could average out above the 5 percent boost posted last September on spring models.

The latest increase will add an estimated $1 to $2 a pair to the retail cost of men's and women's shoes planned for introduction this fall and to be shown this week at the National Shoe Fair in New York. Most of the new price lists will be distributed to retailers and suppliers during or after the semiannual conclave of the shoe industry.

In Washington, administration economists didn't have any specific comment on the shoe price increases, but they expressed a belief the increases would have been larger if it weren't for the Government's decision to limit hide exports. In response to industry pleas, and to "provide adequate supplies for domestic needs," the Commerce Department on March 11 established quotas for the export of hides. The quotas, which will cut 1966 exports of cattle hides by about the size of last year's increase in imports, were regarded as an attempt to reduce hide costs and thus forestall a shoe price increase.

SECOND BOOST IN 6 MONTHS

Only last Tuesday, Under Secretary of Commerce Leroy Collins told the House Agriculture Subcommittee on Livestock and Feed Grains that the hide controls "will eliminate or minimize the need for further shoe price increases this spring."

Nonetheless, shoemakers are sticking to their previously indicated intention of raising prices for the second time in 6 months. Of the major manufacturers, only Genesco, Inc., has already announced an increase, boosting its prices 5 to 7 percent. But Interco, Inc., the Nation's largest shoe manufacturer in terms of shoes produced, probably will post increases ranging from 4½ to 8 percent, according to M. R. Chambers, president. Several other concerns said privately they will raise some or all of their prices, with the increases ranging upward from 3 percent.

Following the Government's export-control action, hide prices backed off about 3 cents a pound to near 18½ cents a pound for heavy native steers. This was about the same as the prevailing price last August and September when manufacturers announced their 5-percent price increase. But this time, higher hide prices aren't receiving as big a share of the blame as they did in the earlier round of shoe price boosts.

HIGHER COSTS A FACTOR

Increased operating and labor costs have played a major role in determining the latest increases, industry sources say. "The hide market can go down to even lower levels and the price of shoes is still going to go up," said an official of one big company. "Regardless of the cost of hides, the price of shoes must go up to maintain already low industry profit margins," he contended.

But many industry executives agree with Government economists that the hide controls did ease some of the pressure for price increases. George Langstaff, director of footwear distribution for Genesco, said the quotas didn't delay the increases, but probably did have a "dampening effect" on them.

Industry officials appeared to be only slightly concerned about the administration's reaction to the higher prices. At a March 7 meeting between major manufacturers and the President's Council of Economic Advisers, one shoe executive confided, "We didn't accomplish a darn thing." He added: "They were only interested in leather prices, and not in problems we share with other industries."

During those discussions, Washington sources say, the shoe manufacturers indicated their pricing actions would be substantially influenced by anything the Government would do to increase the availability of hides, and thus reduce the price of their chief raw material. But one Government official said the manufacturers didn't make any specific price pledges, and the administration didn't seek any.

RETAILERS JUST GO ALONG

Last Friday, the council's staff held a similar "informal, factfinding" meeting with a delegation representing 10 major shoe retailers. But as one shoe producer noted, "There isn't too much the retailers can do about it" if manufacturers raise their prices.

The council's chairman Gardner Ackley, commented in a television interview over the weekend on the general price outlook, without mentioning the shoe situation. While food and farm product prices have caused about two-thirds of the overall price increase in the past year, he said, he is "fairly confident" they won't continue to spearhead the advance. Much of the change is due to the prospect of larger pork output, he remarked, noting that the short "pig crop" last year pushed up prices of all protein products.

Increases in various prices in recent months, however, will make it difficult for the Government to achieve its forecast that prices generally won't rise any more this year than last year's increase of about 2 percent, Mr. Ackley said on NBC's "Meet the Press." Asked if increases of 3.5 to 4 percent would require direct price controls, Mr. Ackley reaffirmed this position that controls still would be "unnecessary and inappropriate." It would be "poor management," he said, for the Government to "stumble" into price controls.

EXHIBIT 8

EXPORT CONTROLS ON CATTLE HIDES

HOW "SHORT" ARE HIDE SUPPLIES?

The March 11 press release announcing export quotas for cattle hides argues that the United States is facing a domestic shortage of 2.7 million hides in 1966. This is a strange assumption, considering the fact that commercial cattle slaughter (and therefore hide production) this year will total close to 32 million head, which will be only slightly below 1965's record volume and well above that of the preceding 3 years. In fact, compared with 1962 domestic production of cattle hides will be up between 5 and 6 million hides, while the use of hides for domestic leader production is expected to be no more than 1 million above the 1962 usage—even with export restrictions in effect.

As the data in the accompanying tables show, U.S. exports of cattle hides have increased substantially during the past 3 years. Much of this increase can be credited to the effective efforts of industry and Government to stimulate foreign markets for hides. Obviously, without these sales abroad, supplies would have been burdensome, and domestic hide prices would have been even more depressed than they have been. As these data show, exports since 1962 have about kept pace with the expansion in hide production due to increasing cattle slaughter.

Less than 2 years ago Government officials were urging industry to step up its efforts to export beef in order to strengthen the market for cattle. While export markets for beef have not materialized, hide sales abroad have expanded. Hides are the second most important product obtained from cattle, and it is difficult to see why hide exports are not as welcome as beef.

EXPORT QUOTAS—PRICE CONTROLS

Since the first rumors of impending export regulations reached the hide trade on March 2, sales have come to a standstill, and prices have sagged 3 to 4 cents per pound. The futures market for hides has dropped about 7 cents. Thus, the export licensing and quota program has had the effect of rolling back hide prices by a yet undetermined amount. In fact, the action poses several problems which may prove to be more disruptive than the mere fact that hide prices had recovered somewhat from previously depressed levels. For instance—

1. It is reported that foreign markets for hides have advanced on the news that supplies from the United States would be restricted. Thus, it is possible that a kind of two-price system for hides may emerge with prices for exported hides being above domestic prices.

2. This would be especially true if the estimated needs (23.6 million) proved to be overly optimistic, or if actual slaughter turned out to be larger than current projections.

Granting that there is concern regarding the mounting "fires of inflation," it appears most inappropriate that hides would be singled out as a scapegoat, simply because they are a commodity on which machinery happened to be available for imposing a regulation that would depress prices. Actually, cattle hides represent only 0.07 percent in the total wholesale price index weighting.

HIDE PRICES VERSUS SHOE PRICES

It has been suggested that the reason for the Department of Commerce action with respect to hide exports is the desire to checkmate an advance in shoe prices. According to a 1965 study by the USDA, on the average a $10 pair of shoes included only 68 cents worth of cured hides. This is another reason why the rollback of hide prices makes relatively little sense as a break on inflation.

HOW HIGH IS HIGH FOR HIDE PRICES?

In February, 1964 the Chicago price of heavy native steer hides declined to the lowest figure (7.5 cents per pound, monthly average) since 1933. While hide prices have improved significantly since then, the rise appears great only because the uptrend has been from such a low level. Actually, the recent peak reached in early March of 21 cents for heavy native steer hides is still below the June 1959 average of 24.5 cents, and the January 1951 average of about 37.5 cents.

Another yardstick which might be used in evaluating current hide prices is the ceiling prices for hides which were established under OPA and OPS. As shown by the following tabulation, the recent peak (which in effect has been rolled back) was lower than the OPS ceilings by about 35 percent. When adjusted for the advancing price level, recent prices were not only well below the OPS ceilings but the OPA ceilings, as well.

| | Heavy native steer hides (cents per pound) | Wholesale price index (1947–49=100) | Deflated hide price (cents per pound) |
|---|---|---|---|
| | | *Percent* | |
| OPA ceilings (1942–45) | 15.5 | 67.0 | 23.1 |
| OPS ceilings (1951) | 33.0 | 114.3 | 28.7 |
| Mar. 1, 1966 | 21.0 | 124.6 | 16.9 |

Still another measure of hide prices is their historical relationship to the price of live steers. This relationship is shown in the accompanying chart from which it can be seen that hide prices would have to advance to 28.7 cents per pound to equal 100 percent of the live steer price, which is still a relatively depressed level for this important commodity.

*U.S. cattle hide supply and disappearance*

[In millions of hides]

| Item | 1962 | 1963 | 1964 | 1965 preliminary | 1966 | |
|---|---|---|---|---|---|---|
| | | | | | No quotas | With quotas |
| Appearance from: | | | | | | |
| Commercial cattle slaughter | 26.1 | 27.2 | 30.8 | 32.3 | 31.8 | |
| Other domestic sources [1] | 3.1 | 2.2 | 3.3 | 3.8 | 3.1 | |
| Imports | .4 | .3 | .2 | .2 | .2 | |
| Total | 29.6 | 29.7 | 34.3 | 36.3 | 35.1 | |
| Disappearance: | | | | | | |
| Exports of cattle hides | 7.1 | 8.0 | 11.5 | 13.3 | 14.0 | 11.5 |
| Cattle hide leather produced | 22.5 | 21.7 | 22.8 | 23.0 | 21.1 | 23.6 |
| Total | 29.6 | 29.7 | 34.3 | 36.3 | 35.1 | 35.1 |

[1] Includes hides from farm slaughter, fallen animals, and heavy calves, plus net change in inventories at all levels. Note 1966 estimates based on Department of Commerce press release dated Mar. 11, 1966, announcing export quotas for hides.

Source: U.S. Department of Commerce and the Tanners' Council.

*U.S. cattle hide exports, by destination*

[In thousands of hides]

| Destination | 1965 | 1964 | 1962 |
|---|---|---|---|
| Western Hemisphere | 1,967 | 1,895 | 1,170 |
| West Germany | 1,235 | 1,271 | 571 |
| Netherlands | 1,705 | 1,543 | 963 |
| United Kingdom | 606 | 316 | 37 |
| Spain | 363 | 263 | 51 |
| France | 126 | 146 | 47 |
| Italy | 624 | 414 | 63 |
| Scandinavia | 78 | 89 | 14 |
| Other Western Europe | 333 | 214 | 42 |
| Russia and Eastern Europe | 1,823 | 676 | 875 |
| Japan | 3,777 | 3,811 | 3,008 |
| Turkey | 351 | 469 | 100 |
| Other | 321 | 396 | 177 |
| Total | 13,309 | 11,503 | 7,118 |

Source: Compiled from U.S. Department of Commerce by the Tanners' Council.

| Year | Heavy native steer hides [1] | Average price, all steer [2] | Percent H/S |
|---|---|---|---|
| 1910–14 | $17.19 | $7.57 | 227 |
| 1915–19 | 30.55 | 11.93 | 256 |
| 1920–24 | 18.90 | 9.76 | 194 |
| 1925–29 | 18.03 | 11.67 | 154 |
| 1930–34 | 9.71 | 7.58 | 128 |
| 1935–39 | 13.49 | 9.94 | 136 |
| 1940–44 | 14.70 | 13.26 | 111 |
| 1945–49 | 22.33 | 23.57 | 95 |
| 1950–54 | 19.88 | 29.06 | 68 |
| 1955–59 | 13.27 | 24.54 | 54 |
| 1960 | 13.72 | 25.93 | 53 |
| 1961 | 14.91 | 24.46 | 61 |
| 1962 | 15.19 | 27.20 | 56 |
| 1963 | 11.23 | 23.79 | 47 |
| 1964 | 10.32 | 22.86 | 45 |
| 1965 | 14.08 | 25.81 | 55 |
| Mar. 3, 1966 | 21.00 | 28.70 | 73 |

[1] Compiled from Pratt's Daily Hide and Leather Bulletin.
[2] Source: U.S. Department of Agriculture.

*Hide prices, specified periods*

| Item | Cents per pound | | | | |
|---|---|---|---|---|---|
| | Mar. 15, 1966 | Mar. 1, 1966 | Feb. 14, 1964 | Apr. 15, 1959 | Apr. 16, 1951 [1] |
| Extra-light native steer (river) | 25n | 25¼ | 12¾ | 36n | 39 |
| Light native steer (river) | 24n | 24¼ | 11¾ | 33n | 36½ |
| Heavy native steer (river) | 17 | 21 | 7¾ | 24½n | 33 |
| Butt-branded steer | 15¾ | 19¾ | 6½ | 21½n | 30 |
| Colorado steer | 15¼ | 18¼n | 6 | 20½n | 29½ |
| Heavy Texas steer | 16 | 19n | 6¼n | 21½n | 30 |
| Heavy native cow (river) | 18n | 22 | 9¼ | 26¾ | 34 |
| Light native cow (north) | 21n | 25n | | | |
| Light native cow (river) | 23n | 26n | 11⅞ | 32¼n | 36½ |
| Branded cow (river) | 17 | 21 | 7¼ | 26½n | 33 |
| Native bull | 13n | 13n | 6n | 19¾n | 24 |

[1] OPS ceiling prices.

Source: The National Provisioner.

*Wholesale price index, 1947–49=100*

| Item | Annual averages | | | | | January 1966 |
|---|---|---|---|---|---|---|
| | 1965 [1] | 1964 | 1959 | 1954 | 1951 | |
| Hides and skins | 75.4 | 59.3 | 90.7 | 55.3 | 119.0 | 94.9 |
| Cattle hides | 55.0 | 39.8 | 79.9 | 46.2 | 124.6 | 70.3 |
| Calfskins | 80.2 | 59.9 | 103.2 | 59.7 | 96.4 | 95.2 |
| Kipskins | 81.0 | 75.5 | 118.0 | 60.3 | 116.8 | 99.7 |
| Leather | 106.0 | 100.9 | 111.8 | 85.2 | 124.7 | 114.3 |
| Cattle hide leather | 103.0 | 98.5 | 111.7 | 80.9 | 130.4 | 111.2 |
| Calf leather | 107.0 | 101.5 | 116.7 | 85.2 | 101.7 | 110.1 |
| Kid leather | 109.4 | 105.0 | 108.4 | 94.5 | 111.2 | 114.4 |
| Footwear | 137.6 | 134.8 | 129.6 | 111.8 | 121.5 | 142.3 |
| Men's and boy's | 141.9 | 137.9 | 131.5 | 110.6 | 123.6 | 147.0 |
| Women's and misses' | 136.7 | 134.9 | 129.9 | 113.3 | 120.9 | 141.1 |
| Children's and infant's | 124.2 | 121.2 | 118.8 | 106.3 | 115.9 | 130.4 |
| Other leather products | 107.7 | 104.7 | 109.0 | 97.0 | 112.3 | 111.8 |

[1] Preliminary.

Source: Bureau of Labor Statistics, U.S. Department of Labor.

## METAMORPHOSIS OF THE VICE PRESIDENT

Mr. BYRD of West Virginia. Madam President, the illuminating interview by Mr. Saul Pett with Vice President HUBERT H. HUMPHREY was reported in the April 10 edition of the Sunday Gazette-Mail, Charleston, W. Va.

I ask unanimous consent that this document be printed in the RECORD.

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

METAMORPHOSIS—BUBBLE, DRIVE ARE STILL THERE, BUT HUBERT TEMPERED BY OFFICE

(NOTE.—Happy HUBERT HUMPHREY, the bubbly, blue-eyed evangelist, is more than just talk and smiles. He's worked hard, because "the country needs a stand-in," and the boss appreciates his accomplishments. Others talk of the future, but the Vice President wants only to have pride in his present.)

(By Saul Pett)

WASHINGTON.—Lyndon Johnson, while vice president, is said to have observed once that President Franklin Roosevelt, a man he much admired, "never let his vice presidents put their heads above water."

As President, however, Johnson has begun to allow his Vice President to surface, and the blessings have been mixed for HUBERT HUMPHREY. As a result of White House dispensations, the HUMPHREY head is not only above water, where he can breathe, but high enough to be hit with rocks from the shore. Some hurt.

But HUMPHREY isn't complaining, although he has been known to exhibit his wounds privately. With his old zeal, his bubbly, blue-eyed evangelism, his effusive joie de vivre in the business of government and politics, HUMPHREY has fairly leaped into the growing role given him by the President. He would much rather be wounded but active than safe but inactive.

Being a realist, he knows, too, that what the President giveth the President can removeth. It is a constitutional fact of life that any moment he chooses, for HUMPHREY's protection or his own, and not necessarily in that order of priority, the President can submerge his Vice President beyond the reach of sonar.

This was recently symbolized at the Gridiron dinner in Washington. The President had said he would not attend. Thus, re-

splendent in white tie and tails, with a dandy little speech warming his inside pocket, HUMPHREY occupied the dais seat reserved for the senior officer of Government present.

But at the last moment Johnson showed up, in a business suit. Even in a white tie, a Vice President is no match for a President in a business suit. So HUMPHREY moved a few seats down the dais, the President delivered the Government's response and the Vice President's speech cooled in his pocket while he looked on, just another well-dressed spectator.

One might expect real damage to an oratorical rocket such as HUMPHREY when, all loxed up with all systems go, he suddenly is stopped cold on the launching pad. But HUMPHREY took the incident good naturedly. The next day, showing up at a television panel, he grinned. "I hope I get to say more than I did last night."

Publicly or privately, the Vice President has never been heard to complain about any Presidential treatment, whether it is a sudden shadow that cuts off his own light, or a sudden summons to a new assignment, or a staggering variety of phone calls from the White House that have reached him at home and abroad, in planes, behind speakers platforms, at airports, hotels, in cars and, in fact, once in the middle of a motorcade over the Brooklyn Bridge.

Nor has he ever complained about sudden Presidential decisions that scarcely leave him time to pack. Last year, he learned at 8 p.m. one night that he would be leaving at 2 a.m. to accompany a pair of astronauts to the Paris air show. This year, he was informed on a Saturday that he would be leaving the next Tuesday on a delicate mission abroad, to explain the results of the Lyndon B. Johnson-Premier Ky meeting at Honolulu and to confer with Asian leaders of nine nations.

This was HUMPHREY's most important assignment to date and his handling of it, in a blaze of impassioned speeches and a whirl of hard-nosed conferences, brought him more attention than anything since he became Vice President. It was also the catalyst that apparently crystallized the criticism by his fellow liberals. Largely, they oppose administration policy in Vietnam and now, in their mind, HUMPHREY has become the loudest spokesman of that policy. For 16 years in the Senate, he was a darling of the liberals. Now, he is a target.

What he may have lost in liberal support, HUMPHREY has gained in warmth at the White House. On his return from the Far East in February, he was greeted personally by the President, with a big hug, which in this administration is apparently the ultimate in well dones.

"Each time the President has given him a throttle, he has pulled it all the way back," says Bill Moyers, White House press secretary. "He's a doer and a great salesman * * * the Vietnam trip was his first serious conspicuous assignment, and the President thought he did a tremendous job.

"HUBERT takes pleasure in responsibility and work. He is more at peace with himself now and feels he finally has found a place in the administration. He was not just a message bearer on that trip. It was because of HUBERT, his verve and talent, that the trip became important, not because of the message he carried."

To observe the new and expanding HUMPHREY, the writer followed him one day recently. It began in his suite in the executive offices building, just a short holler from the White House.

HUMPHREY began the morning with a closed-door meeting with his staff, in which he talked 40 minutes, had them laughing frequently but left them with the very serious reminder that the office of Vice President can reflect on the office of President, that anything they do, in letters or cocktail party chatter, must never embarrass the President.

After separate conferences with Robert Weaver, secretary of housing and urban development and Gov. Roberto Sanchez Villela of Puerto Rico, HUMPHREY whipped off in his official limousine to make a "few informal remarks at the New Senate Offices Building. Here, with no notes, he spoke to the visiting Democratic State central committee from Indiana for 40 minutes, which seems to be his most comfortable cruising range.

He spoke only a little slower than the rate Barry Goldwater once clocked at "275 words a minute with gusts up to 340." He made several good jokes, mostly at his own expense, spoke of the joy he has just being in the Nation's Capital, noted that "every time I see the Capitol dome, I get goose pimples," quoted from Truman, Johnson, Churchill, Lincoln and Confucius, described his trip to the Far East and made the general point that the "brown and yellow people of Asia are as entitled to the protection of liberty as the white people of Europe."

To report a HUMPHREY speech, to quote from it, is difficult. In translation, he sounds corny. In person, he is moving. He sweeps his audience up with his momentum, he inspires them with his morning vision of the Capitol dome, he infects them with his excitement in just being at the heart of the Nation's business. Emotionally, he seems to be the Peter Pan of politics, who appears never to grow old or tired in it.

Later in the Senate dining room, he shook hands with several Senators and their visiting constituents, signed a few autographs and sat down to lunch while studying an upcoming farm speech and answering questions about his differences with Senator ROBERT KENNEDY of New York.

It was KENNEDY who suggested that a coalition government might have to be formed in South Vietnam, including the Vietcong. It was HUMPHREY who fired back the sharpest shot, all the way from Asia. To include the Vietcong, he said, would be like putting a "fox in the chicken coop" or an "arsonist in the fire department."

The long-distance argument enhanced the notion that HUMPHREY and KENNEDY are already on a collision course, fated to meet in a grand smashup in 1972 over the Democratic presidential nomination.

At lunch, the Vice President said that this kind of speculation does a disservice to both men, that neither uses foreign affairs for personal politics, that both agree far more than they disagree, and that "this town has far more fight promoters than peacemakers."

"All this fight talk tends to cloud and color the work of both of us," said HUMPHREY. "Senator KENNEDY is a man of great ability who represents a great State. He has much important work to do and so do I. And neither of us, by your actions, should be suspected of trying to upstage the other politically."

Several hours later, after presiding briefly over the Senate, after three private conferences in his Senate office, and a long session of posing under hot lights with Democratic Congressmen for campaign pictures, the Vice President dashed off to another speech. Only a few minutes late, he arrived on the stage of the State Department auditorium, where he was to make a few informal remarks at a ceremony involving graduates of the Job Corps.

Had this been the President waiting to go on, the arrangers most probably would have reshuffled the program to get to the main speaker faster. But in this case the Vice President, also a very busy man, was forced to wait more than a half hour through a series of limp speeches and even a musicale.

But when his turn finally came, HUMPHREY strode forth with eyes sparkling, face beaming. "I don't know when I had a better time," he began, and again he was utterly believable. Then he spoke for about 40 minutes, still full of good humor and zest. And for still another 20 minutes, he posed with the Job Corps boys and didn't seem to mind at all that some of the amateur photographers had to reshoot because of failing flash bulbs.

Finally, the long day was almost over. HUBERT HUMPHREY was now back in his semi-deserted office near the White House. On the phone, he apologized sorrowfully to his wife for missing a family function. Then he removed his jacket and tie, ordered a whisky highball and we talked.

We joked about the Vice-Presidential seal on the wall and the differences between it and the President's. The Presidential seal shows the American eagle with wings pointed upward heroically, with a cluster of olive branches in one talon and a cluster of arrows in the other. The Vice President's eagle has his wings down, clutching a single arrow and a single olive branch.

"I suppose," said HUMPHREY, "this means the Vice President has as much peace in his heart but not as much authority." It was late in the day and it wasn't much of a joke. HUMPHREY turned quickly serious.

"I have one desire, to make this office as meaningful as possible * * *. I told my staff this morning, 'You work for the Vice President, not HUBERT HUMPHREY.' In many ways, this is an awkward office, being part legislative, part executive, and having very little authority.

" 'If tragedy befell the President,' I told them, 'you would be the staff called upon immediately for important work.' Most of the time a Vice President is kind of a burden, a strain, to the President because his remarks might be interpreted as the feelings of the President. I pledged, when I took this job, I never knowingly would bring him any embarrassment.

" 'So you're working for the President, too,' I said. 'I don't want to hear one word from you at cocktail parties or anywhere or hear about one letter you've written which, if somehow a columnist got it, would reflect on this office of the President's.' "

Is there a "new" HUMPHREY?

"Not at all. I hope I'm wiser and more tolerant. I'm lucky; I've been here in Washington in the midst of things since 1948. Some people (his liberal critics) think I'm closer to business now. But I've always been close to business. I'm a free enterpriser. I believe in it.

"I am also a liberal. I've been in all the fights—for civil rights, for medicare, for many other things when they were unpopular. I believed and I bled. I got the reputation of being a firebrand liberal. But I was never against the establishment. Senators, I believe, should be independent, to probe, to inquire, to propose.

"But now I'm Vice President and I have new responsibilities. The President has given me a chance to be a man in my own right, not just a reserve on the bench. He's tested me. Sometimes he has found me wanting but he's called on me and I'm grateful."

Has HUMPHREY lost the support of liberals?

"Politics is unpredictable—there are even seasonal fluctuations. I've never left the liberals even though some are disappointed in me. Liberals have a great emotional commitment. They're volatile. If you do something to displease them, their respect becomes cynical."

The Vice President was pacing the room, gesturing broadly. There was now a sense of rising anger and frustration.

"I want to be tolerant but I can't see the difference between containment of communism in Europe and in Asia. * * * When the Communists infiltrated Henry Wallace's Progressive Party in 1948, we fought them. They opposed the Marshall plan and the Truman doctrine, and we fought them. We organized the Americans for Democratic

Action to provide a wholesome, anti- and non-Communist home for Progressives.

"The Communists in North Vietnam organized the National Liberation Front. If America is willing to commit its resources to the defense of West Berlin and Western Europe against Communist aggression, why not recognize Communist aggression in Vietnam and Asia for what it is?"

HUMPHREY stopped and stared hard at his interviewer.

"I have my own views. I have my own conscience. I wear no man's collar. President Johnson's foreign policy is one I've been involved in as one of his advisers. When I disagreed, I expressed my differences. He accepted some of them.

"Some say that HUMPHREY is trying to be more for the President's program than the President. I happen to think it's a good program and that he is right. What is most unfair is not what they say about me but the idea that the President makes his decisions precipitously.

"This is nonsense. He has been a restraining influence on some who want him to be more militant. He's shown great patience and understanding. I've seen him encourage a devil's advocate to get all points of view. I've watched him make decisions painfully. He does not seek to escalate the war.

"But things are so complex * * * you don't prove yourself a liberal or a conservative by ignoring the facts of life, one of which is that Chinese communism is a militant, aggressive force. It has been more cautious in deed than word. We must insure that caution by not letting their aggressive techniques succeed. Every time communism has had to face the strength of free people communism became more prudent and cautious."

The Vice President subsided in his chair, like a boxer returning to his corner. What, I asked, are the difficulties of being Vice President?

"It's an unnatural role for an active politician," he said more quietly. "As a Senator, I was a creative man. Now I get satisfaction in letting my thoughts become part of and amalgam, and administration * * * the country needs a stand-in.

"Nobody knows what a man may be like if he had the awesome problems of leadership until he's tested in the ball game. But the people are entitled to know that I've learned the plays and the formations. To the best of my ability I have tried to prepare for leadership if need be."

Having seen and been awed by the decisions of the Presidency, does a man begin to think twice about wanting to be President?

"He does. I suppose any man in public life has the feeling he could be or ought to be President. But what I've seen lately would give anybody pause. My wife and I have talked about this many times.

"I've come much further than I ever dreamed possible. I don't know what the future will bring or what I'll be doing in 1968 or 1972. But I am very proud to be Vice President in 1966."

Is it possible that HUBERT HUMPHREY may not seek the Presidency in 1972?

"It is entirely possible and probable," he said, on his feet again, "that HUBERT HUMPHREY may not want to be President despite what some people think. But one thing I know. I want to be sure that my granddaughter will be able to read in her history books that between 1965 and 1969, the office of Vice President was not degraded and was perhaps enhanced."

The Vice President had stopped. There were tears in his eyes. He walked to his desk, shaded his eyes with his hand and said, quietly, "So, I'll go back to work now and sign some mail, thank you."

The interview was over.

The next day I talked with one of HUMPHREY's closest friends. I told him of the emotionalism the night before. He said he had seen the same thing in his friend, especially when they talked about the criticism of liberals. I asked about the statement that the Vice President might decide not to go after the big prize.

"I don't doubt at all," said the friend, after a pause, "that HUBERT meant and felt what he said as of the moment. But I wouldn't count on it."

By noon that day, HUBERT HUMPHREY was fully recovered. Beginning a major speech at the National Press Club, he recalled a reporter's questions the night before about the difference in seals, about the fact that wings of the President's eagle are up and the Vice President's are down.

"I didn't know the meaning of the difference," HUMPHREY told his laughing audience. "So I plunged right in and told him with great authority that the Vice President's eagle has to have its wings down to always be ready for a soft landing."

## MEDICARE AND THE INTERNAL SECURITY ACT OF 1950

Mr. HART. Madam President, in January of this year I sent an inquiry to the Department of Health, Education, and Welfare concerning the requirement that applicants for hospital insurance benefits under the medicare program answer a question as to whether they are, or have been during the past 12 months, members of organizations required to register under the Internal Security Act of 1950.

On February 9, 1966, Robert M. Ball, Commissioner of Social Security, replied to my inquiry, as he did to a number of other Senators and Congressmen. I was pleased to learn from him that the Social Security Administration believes that the exclusion from the hospital insurance program of persons belonging to such organizations, and the related provision of the Social Security Act enacted in 1956, should be repealed, and that a legislative recommendation for repeal of these provisions would be sent to the Congress. I would point out that no such recommendation has been received as yet.

However, Mr. Ball went on to say that as long as these restrictions remain in the law and since there is no independent source from which they can identify persons rendered ineligible, they must continue to seek membership information from the applicant himself and must rely on provisions penalizing willful misrepresentation in connection with an application for benefits.

It has now come to my attention that since I received Mr. Ball's letter the Social Security Administration has, in fact, changed its position on this matter.

On March 8, Jack S. Futterman, Assistant Commissioner for Administration of the Social Security Administration, in the case of *Evans* v. *Gardner*, D.C.D.C. 463–66, District of Columbia, filed an affidavit in which he stated as follows:

(8) Question 15, like all of the other questions in form SSA–18, is informational or evidentiary and failure to answer question 15 is not dispositive of the statutory condition of eligibility contained in section 103(b)(1) of Public Law 89–97.

(9) Under the practices and procedures of the Social Security Administration, an application for hospital insurance benefits filed by an individual who has failed to answer question 15 is adjudicated by the Social Security Administration. Failure to answer all of the questions does not, in and of itself, render the application invalid. An incomplete application is adjudicated and, where available, information obtainable from outside sources is used in adjudicating the application. If a check of available outside sources should yield negative results with respect to question 15, the individual is considered not to be a member of any of the organizations in question and his application is approved, provided all of the other statutory requirements are met. Applications so executed by applicants are presently in the process of adjudication pursuant to such practices and procedures. As of the date of this affidavit slightly over one million completed applications have been filed pursuant to section 103 of Public Law 89–97.

This means that applicants may file an application for hospital insurance benefits, leave unanswered question 15 which many people find offensive, and not prejudice their eligibility for benefits.

It is also interesting to note that the application form was amended in January, eliminating from question 15 the phrase "or have you been during the last 12 months."

In light of the current campaign to get all individuals to sign up for hospital insurance and the extension of the filing deadline to May 31, I believe the Department of Health, Education, and Welfare and the Social Security Administration should take appropriate steps to insure that the public is aware of the fact that applicants need not answer question 15. The Department's press release of February 9, quoting from the letter written to Congressmen and Senators, has left the opposite impression.

I urge that appropriate steps be taken at the earliest possible time to inform the public of the policy set forth in Mr. Futterman's affidavit.

Madam President, I ask unanimous consent that there be printed at this point in my remarks my exchange of correspondence with the Department of Health, Education, and Welfare, and the affidavit by Mr. Futterman to which I have referred.

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

JANUARY 17, 1966.

Hon. JOHN W. GARDNER,
*Secretary of Health, Education, and Welfare, Washington, D.C.*

DEAR MR. SECRETARY: Undoubtedly many persons have written you in adverse reaction to the inclusion in the application for hospitalization insurance of a non-Communist-membership affirmation.

The enclosed letter dated January 4 from Mr. Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, voices this concern, a concern I share.

Sincerely,

_____.

WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION,
*Washington, D.C., January 4, 1966.*

DEAR SENATOR HART: Undoubtedly you have read in the press that the Social Security Administration of the Department of Health, Education, and Welfare is requiring an estimated 2 million elderly persons to answer a complex non-Communist question

before they qualify for benefits under the recently passed medicare bill (Public Law 89–97).

Form SSA–18, entitled "Application for Hospital Insurance Entitlement" contains the following question:

"Are you now, or have you been during the last 12 months, a member of any organization which is required to register under the Internal Security Act of 1950 as a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization?"

Under the medicare law, 19 million Americans, aged 65 and over, will be eligible for payments covering a substantial portion of hospital costs beginning July 1, 1966. Most of them are now covered under social security, railroad retirement, or civil service programs. Benefits for approximately 2 million, presently uninsured, will be financed from General Treasury funds and it is this group which has to file this form.

HEW officials are quoted in the press as claiming they have no choice but to obey the mandate of Congress. However, that is simply not true. HEW, by a simple administrative decision, could eliminate the question, since it is not specifically required in the law as passed by Congress. This is the latest error by HEW in what can only be described as a comedy of errors by that Department with regard to this section of the medicare bill.

The alleged basis for the HEW requirement is section 103, under the title "Transitional Provision on Eligibility of Presently Uninsured Individuals for Hospital Insurance Benefits." Its subsection (a) sets forth those who are eligible for hospital benefits who are presently uninsured.

Section 103(b), however, disqualifies any individual "who is, at the beginning of the first month in which he meets the requirements of subsection (a), a member of any organization referred to in section 210(a)(17) of the Social Security Act."

That section in the Social Security Act is found in title 42, United States Code, section 410(a)(17) containing definitions relating to employment. It holds that employment for social security benefits shall not include "service in the employ of any organization which is performed (a) in any quarter during any part of which such organization is registered or there is in effect a final order of the Subversive Activities Control Board requiring such organizations to register, under the Internal Security Act of 1950, as amended, as a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization and (b) after June 30, 1956."

It should be noted that the responsibility for the disqualification section in the medicare bill was initially HEW's. That Department, in drafting the original medicare bill included section 103(b), because "it supposed that Congress" wanted it. It now seeks to justify its non-Communist question on the application on the same basis. However, HEW is wrong for the following reasons:

1. Congress did not specifically require this question to be asked, although there is a disqualification in the law for membership in such organizations. Congress did not specify that any individual, before he could quality for medicare, had to answer such a question. The asking of this question was wholly an administrative decision by HEW.

In contrast, the Congress, recently, in amending the National Defense Education Act (Public Law 87–835), eliminating such a disclaimer and substituted for it a provision making it a criminal offense for any member of a Communist organization to apply for, or attempt to use, any payment or loan under the National Defense Education Act. This substitution we find also offensive, but it was clearly the intent of Congress, in passing the National Defense Education Act amendment, not to permit asking the question of whether individuals were members of such organizations. In fact, the major purpose of the amendment was specifically to eliminate the disclaimer that was considered such an affront to the academic community.

2. There is nothing in the law, as passed by Congress, that refers to the last 12 months. This, again, was an administrative decision by HEW. The disqualification set forth in the law refers solely to membership at the beginning of the first month in which the individual meets the requirements of applying for medicare.

3. Although HEW has contended in a number of newspaper stories that it was required to place this provision in the application, it is interesting to note that queries of other disqualifications in the law are not asked of applicants. For example, individuals who have been convicted of offenses under chapter 37 (relating to espionage and censorship), chapter 105 (relating to sabotage), chapter 115 (relating to treason, sedition, and subversive activities under title 18 of the United States Code), or section 412 or 413 of the Internal Security Act of 1950, as amended, are barred under section 104 of the law, but no inquiry concerning these offenses is made.

Nowhere on the application is there any indication as to what organizations are required to register under the Internal Security Act of 1950. It is difficult for an individual to find out which organizations fall within this category. There is no indication, for example, that there is not now a final order made by the Subversive Activities Control Board for any organization to register as Communist-infiltrated, and that the only one against whom an order has been made to register as a Communist-action organization is the Communist Party, U.S.A., and that the only orders against so-called Communist-front organizations are against organizations which haven't been in existence for years. As to the number of such organizations, we can only point to the confusion exposed in a recent article in the Reporter magazine:

"It is a measure of the difficulty applicants for medicare benefits may have in truthfully answering the question that the Times, going on the basis of orders of the SACB, figured membership in about 20 organizations, other than the Communist Party, to be relevant. The Social Security Administration told us the figure, excluding the party, was seven. And an official of the Internal Security Division of the Department of Justice pointed out that only five of these seven in fact had final orders against them—adding that, in any event, all seven were now defunct."

Needless to say, the form has been presented to applicants with no list attached. People should not have to guess about what they are signing.

So far I have only discussed why HEW has not only the power and authority to eliminate the non-Communist question from SSA–18 but, indeed, should not have included it in the first place.

However, isn't it about time that the irrelevant, discriminatory and punitive sections of the Social Security Act be eliminated? Are we as a nation, so frightened, so lacking in humanity, that we must deprive some elderly persons of retirement and medical benefits available to all citizens, because they have been convicted for certain crimes, or belong to, or work for certain verboten organizations—even the Communist Party itself?

The effect of such provisions is to put on notice millions of elderly people that their receiving much-needed Government aid is conditioned on their giving up their right of freedom of association under the first amendment. This is bound to deter them from joining not only the proscribed organizations but other kinds of controversial political groups. We also note that the law and the HEW form concern themselves solely with various kinds of designated Communist organizations. Does this mean that persons belonging to other groups generally regarded as antidemocratic, such as the Ku Klux Klan or the American Nazi Party are free of any sanctions? We do not here pass on the merits of any particular political group, but merely point out the discriminatory nature of the law and the HEW form by singling out one particular kind of political association.

In recent years such manifestations of McCarthyism (no other word seems quite as descriptive) as loyalty oaths, disclaimer affidavits, and disqualifications based on organizational membership or advocacy have been decreasing. Indeed, just in this past session, Congress eliminated similar disclaimers as requirements for Job Corps enrollees and VISTA volunteers under the antipoverty program (Public Law 89–253).

Senator JACOB JAVITS has also recently contrasted the treatment of other groups who receive Federal funds:

"No farmer is asked to sign a loyalty oath to get a crop loan; no small businessman is asked to sign a loyalty oath when he seeks financial help from the Government. And certainly the officers of no ship line are asked to sign such an oath when they seek and get a big ship subsidy."

We write you now to urge you to contact HEW to drop its offensive and unnecessary question. At the same time, we believe that there is no reason why it must substitute a notice of the disqualification which may be equally as offensive. Other disqualifications in the medicare law are not prominently paraded or even mentioned on the application.

But, that is only part of the problem. In addition we urge you to consider introducing or backing legislation in the next session of Congress to repeal not only the disqualifications in sections 103 and 104, but also the other unnecessary (and, we believe, unconstitutional) sections in the Social Security Act (such as sec. 210(a)(17)) which demean this country by denying social security and medicare benefits for the old and infirm for no other reason than penalization.

Sincerely yours,

LAWRENCE SPEISER,
*Director, Washington Office.*

---

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
*Baltimore, Md., February 9, 1966.*

Refer to OI:I.

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: Under Secretary Cohen has asked me to reply further to your letter of recent date with reference to a letter from Mr. Lawrence Speiser, Director of the Washington Office of the American Civil Liberties Union concerning the provision in the Social Security Amendments of 1965 that prohibits the payment of hospital insurance benefits to persons who are not eligible for cash benefits under the social security program or the railroad retirement program, and who are members of organizations required to register under the Internal Security Act of 1950.

We believe that this exclusion is undesirable and that the related provision enacted in 1956, excluding employment by these organizations from the coverage of the Social Security Act is also undesirable. It is quite anomalous to require just about every employed person in the country to contribute toward his own protection under social security but to relieve employees of these organizations from this responsibility since when they are in need they will generally be eligible for public assistance supported

by general taxation. We are therefore recommending to the Congress that both of these provisions be repealed.

While its basic concern is with the repeal of the provision, the American Civil Liberties Union argues further that administration of the law as it now stands does not call for asking people about their membership in the organizations in question. We are unable to agree with this position. Since with respect to this provision there is no independent source from which we can identify persons rendered ineligible, we believe that in the interest of careful administration we must seek the membership information from the applicant himself. The Social Security Act simply makes members of these organizations ineligible for benefits and in enforcement we must rely on provisions penalizing willful misrepresentation in connection with an application for benefits.

The reason that the form asks for membership information for the last 12 months is that the effective date of an application can be as much as 12 months earlier than the date the application is filed.

All district offices of the Social Security Administration have been furnished with the names of the few organizations involved so that the list will be readily available to applicants.

Sincerely yours,

ROBERT M. BALL,
*Commissioner of Social Security.*

---

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—ALICE C. EVANS, ON BEHALF OF HERSELF AND OTHERS SIMILARLY SITUATED, PLAINTIFF, *v.* JOHN W. GARDNER, AS SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, DEFENDANT, CIVIL ACTION NO. 463–'66

AFFIDAVIT OF JACK S. FUTTERMAN

CITY OF BALTIMORE,
*State of Maryland, ss:*

I, Jack S. Futterman, being first duly sworn, depose and say as follows:

"(1) I am Assistant Commissioner of Administration for the Social Security Administration and under a delegation of authority from the Secretary of the Department of Health, Education, and Welfare (title 42 United States Code section 405), I am the officer responsible for overall management and administration of the Social Security Administration and of the programs of social insurance benefits in titles II and XVIII of the Social Security Act and I have personal knowledge of the practices and procedures of the Administration.

"(2) The Social Security Amendments of 1965 (Public Law 89–97, 79 Stat. 286, 42 U.S.C. 1395(a) et sec.), amend the Social Security Act (42 U.S.C. 301 et seq.) to provide for hospital insurance benefits under part A of title XVIII of the act and supplementary medical insurance benefits under part B of title XVIII of the act. Hospital insurance benefits are available to all persons over age 65 who are entitled to monthly social security benefits or to a railroad retirement pension or annuity.

"(3) Section 103(a) of Public Law 89–97, provides that an individual who is not otherwise eligible for monthly insurance benefits under the Social Security Act or the Railroad Retirement Act may nonetheless be eligible for hospital insurance benefits provided that he meets certain requirements with respect to age, residence, and provided further that the individual has filed an application for hospital insurance benefits. Further, any such individual who is deemed eligible for hospital insurance benefits upon compliance with the requirements of section 103(a) is not required to make any payment of contributions toward the cost of such benefits. The cost of benefits attributable to this group of beneficiaries is borne by the general revenues rather than by payroll taxes. Thus, section 103(c) of Public Law 89–97 provides for an annual appropriation on account of payments made from the Federal Hospital Insurance Trust Fund with respect to individuals who are entitled to hospital insurance benefits solely by reason of section 103(a).

"(4) Section 103(b) of Public Law 89–97 states that the provisions of section 103(a) shall not apply to any such individual who—'(1) is, at the beginning of the first month in which he meets the requirements of subsection (a), a member of any organization referred to in section 210(a)(17) of the Social Security Act.'

"(5) Section 210(a)(17) of the Social Security Act (42 U.S.C. 410(a)(17)) refers to an organization which '* * * is registered, or there is in effect a final order of the Subversive Activities Control Board requiring such organization to register, under the Internal Security Act of 1950, as amended, as a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization,* * *'

"(6) Section 103(b) of Public Law 89–97 is a condition of eligibility for presently uninsured individuals with respect to hospital insurance benefits provided under part A of the act and is no way related to eligibility with respect to medical insurance benefits under part B of the act.

"(7) Department of Health, Education, and Welfare form SSA–18 (copy attached) entitled 'Application for Hospital Insurance Entitlement' requests certain information with respect to age, citizenship, residence, marital status, etc., in order to determine eligibility of the individual for hospital insurance benefits under the Social Security Act. Question 15 of form SSA–18, which is based upon the conditions of eligibility prescribed in section 103(b)(1) of Public Law 89–97, asks the applicant to answer 'yes' or 'no' to the following question:

"'Are you now a member of any organization which is required to register under the Internal Security Act of 1950 as a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization?'

"(8) Question 15, like all of the other questions in form SSA–18, is informational or evidentiary and failure to answer question 15 is not dispositive of the statutory condition of eligibility contained in section 103(b)(1) of Public Law 89–97.

"(9) Under the practices and procedures of the Social Security Administration, an application for hospital insurance benefits filed by an individual who has failed to answer question 15 is adjudicated by the Social Security Administration. Failure to answer all of the questions does not, in and of itself, render the application invalid. An incomplete application is adjudicated and, where available, information obtainable from outside sources is used in adjudicating the application. If a check of available outside sources should yield negative results with respect to question 15, the individual is considered not to be a member of any of the organizations in question and his application is approved, provided all of the other statutory requirements are met. Applications so executed by applicants are presently in the process of adjudication pursuant to such practices and procedures. As of the date of this affidavit slightly over 1 million completed applications have been filed pursuant to section 103 of Public Law 89–97.

"(10) If an application should be denied because of failure to meet one or more conditions of eligibility established in the law, there is a statutory procedure for the hearings of appeals with respect to determinations as to eligibility. Section 1869 of the Social Security Act, which relates to determinations and appeals with respect to entitlement under both parts A and B of the Health Insurance for the Aged Act, provides in part:

"'SEC. 1869. (a) The determination of whether an individual is entitled to benefits under part A or part B, and the determination of the amount of benefits under part A, shall be made by the Secretary in accordance with regulations prescribed by him.

"'(b) Any individual dissatisfied with any determination under subsection (a) as to entitlement under part A or part B, * * * shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and * * * to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).'

"(11) Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) provides in part, as follows:

"'(g) Any individual, after any final decision of the Secretary made after a hearing to which he was a party, * * * may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Secretary may allow. Such action shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia. * * *'

"(12) Subpart J of regulations No. 4 (20 C.F.R. 404.901 et seq.) issued under the authority of section 205(g) of the Social Security Act provides, in sections 404.901 through section 404.981, the administrative procedures with respect to determinations, reconsiderations and hearings, time and place of filing, request for reconsideration, evidence, witnesses, oral argument, the right to be represented by counsel, the right to review by the Appeals Council and, in specific detail, the administrative remedies that are available to any party who is dissatisfied with a determination by the Social Security Administration with respect to the individual's eligibility for benefits.

"(13) Plaintiff, herein, has not availed herself of any of the administrative remedies provided in the law and the regulations and, to the knowledge of the affiant, plaintiff has not even submitted an application for benefits under title XVIII of the Social Security Act. Absent such an application there is no claim that can be acted upon by the Social Security Administration.

"(14) In paragraph 11 of plaintiff's complaint it is stated:

"'11. Applications for part A benefits must be filed by March 31, 1966, with benefits payable as early as July 1, 1966. If the plaintiff cannot file her application to obtain part A benefits by March 31, 1966, then she cannot file until October 1967 and will not be able to receive benefits until July 1968.'

"Affiant affirms that the statements in paragraph 11 of the complaint are factually and legally incorrect. The March 31, 1966, deadline is not applicable to part A hospital insurance benefits, but is only applicable to part B medical insurance benefits. The affiant further states with respect to the establishment of eligibility for benefits under part B of said title XVIII that if an individual applies for part B benefits before March 31, 1966, he is entitled to medical insurance benefits on July 1, 1966, provided that he meets the age, citizenship, and residence requirements of section 1836 of the Social Security Act. This is so regardless of whether or not such individual is a member of one of the organizations referred to in section 103(b) of Public Law 89–97, because section 103(b) is not a condition of eligibility for part B benefits. Accordingly, section 103(b) of Public Law 89–97 and question 15 of form SSA–18 are completely unrelated to the March 31,

1966, deadline for filing for medical insurance benefits under part B.

"Furthermore, the March 31, 1966, deadline for filing under part B is unrelated to hospital insurance benefits under part A, because there is no statutory deadline for filing for part A benefits. Section 103(a) of Public Law 89-97 provides for as much as 12 months retroactive entitlement from the date of filing. Said section 103(a) provides, in part, as follows:

"'* * * An individual who would have met the preceding requirements of this subsection in any month had he filed application under paragraph (5) hereof before the end of such month shall be deemed to have met such requirements in such month if he files such application before the end of the twelfth month following such month. * * *'

"(15) Plaintiff has not, to the knowledge of the affiant, filed an application for benefits under either part A or part B of the Health Insurance for the Aged Act and has not stated a cause for the granting of injunctive relief.

"JACK S. FUTTERMAN,
*"Assistant Commissioner for Administration, Social Security Administration, Department of Health, Education, and Welfare."*

Subscribed and sworn to before me this 8th day of March 1966.

——— ———,
*Notary Public.*

My commission expires ———.

## THE FUTURE OF THE NEW WORLD

Mr. BAYH. Madam President, recently there came to my attention a very thoughtful and stimulating analysis on Latin America made by Richard N. Goodwin, formerly a special assistant to the President and now a member of the staff at the Center for Advanced Studies of Wesleyan University. Because of Mr. Goodwin's extensive experience in and personal acquaintance with our neighbors to the south, his comments are worthy of special attention.

One of the most important yet revolutionary ideas which Mr. Goodwin propounds is his proposal that consideration be given to "subcontracting our entire agricultural development program in a specific country to a single state or group of states." During my tour of four South American nations last fall, I witnessed personally the great needs for improved techniques and skills in farming methods. At the same time I observed the real progress which has been accomplished in a few years by U.S. sponsored specialized training and educational projects, such as that administered by Purdue University in Brazil and the Partners of the Alliance program.

Although this unique proposal may not be the best approach to securing our long-range goals, it seems to me that Congress must constantly study and evaluate all serious suggestions for improving our aid program. For this reason, I ask unanimous consent that Mr. Goodwin's address, which is entitled "The Future of the New World," be printed in full at this point in the RECORD.

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

THE FUTURE OF THE NEW WORLD

(Remarks of Richard N. Goodwin to the Women's National Democratic Club)

I came here to discuss Latin America, a continent and a half of peril and limitless opportunity, a crucible of expectations for 200 million people, and a central concern of the foreign policy of the United States.

It will be a prejudiced discussion. I begin with enormous admiration and affection for Latin America. Here was the home of great civilizations finally ravaged and obliterated in their first innocent confrontation with the emissaries of Old World culture. Here are people who have clung to Western beliefs in human freedom and individual dignity, and to the Christian religion, despite misery and ruthless oppressions which would have destroyed a lesser faith. Here are nations which, although they occasionally make war, kill and oppress, have contributed, even in proportion to their power, far less to the world's sum of devastation, death, and hate liberated by sanctioned cruelty, than the advanced nations of the West. Here are societies which, despite our neglect and invasions and exploitation, have retained a sympathetic warmth for the United States and, in the main, stood beside us in moments of maximum danger from World War II to the Cuban missile crisis. And here are men and women whose personal vitality and warmth are a joy to the visitor, and an instruction to those who find all of life encompassed in stern pursuit.

So I like Latin America. I wish them well. And I am glad their desires coincide with our necessities at this moment in history.

There are common strands which bind this entire continent, and also mark it off from the rest of the developing world. Unlike Africa and Asia it is Western and Catholic, sharing the culture and convictions, the values and ambitions of our common civilization. Its nations are not new nations, and over a century and a half of independence powerful institutions have taken root which are both a source of stability and a frequent obstacle to development. And they all move under the shadow of the United States of America, the lone great power of the new world, whose influence, for good or ill, accepted or resented, is inescapable.

This common heritage underlines an immense diversity of land, people and traditions. There are countries with large Indian populations, and countries whose people are almost all of European descent. There are countries rich in natural resources, and impoverished lands. There are nations with armies under civilian control, like Chile, or with no army at all, like Costa Rica; or where the army dominates political life, as in Argentina.

Traveling through Latin America is not merely to visit different countries, but to enter different centuries. The 14th century is on the altiplano of Peru, where we met with men working a field, bent over a piece of blunt iron bound to a wooden staff, compelled to work 3 days each week for their overlord without pay, who had never heard of President Kennedy or President Johnson, their entire world enclosed by the surrounding hills. The 18th century inhabits the suburbs of Lima or Chile, where a generous host served brandy in a house stocked with servants, and walked us through a garden stocked with deer to show us rooms stocked with a priceless collection of gold and silver, the fruits of land he hardly ever saw. The 20th century, our own century, is São Paulo, with its skyscrapers, sprawling suburbs, industry, traffic jams, and its men rushing to work, plan, invest, and build. And in Brasilia, a science-fiction city on a desert plain, ribbed steel and concrete structures seemingly detached from human concern, can be found, perhaps, the century that is coming to all of us.

Seeing this illuminates a principal obstacle to progress and helps explain why Latin America has so largely eluded the grasp of radical revolution. You must live in the modern age to create modern progress or to make modern revolutions. If your agricultural system belongs to the Middle Ages, and your industry prospers behind 19th-century barriers despite inefficiency and tiny markets, then the door to development is closed. If you live with unbearable toil, passive and resigned either to your fate or to the decrees of providence, then the essential condition of progress—the belief that man can master his own environment—is gone. Hopeless men do not make either modern nations or revolutions.

This is the central issue between the forces of democracy and the sponsors of radical despotism. They claim only violent revolution, guided by Marxist belief, can sweep away ancient institutions and ways of thought to clear the path for the future. Our conviction, born of our necessities, is that democratic leaders, guided by Western experience and equipped with a pragmatic temper, can do the job. History and circumstance has given us the first chance to prove our case. If we fail, that chance will not come again, nor will we deserve it.

In shaping our policy we can examine Latin America from the perspective of their interests or of ours.

From the south we see that the goals of the people of Latin America are the common aspirations of the 20th century. They are economic progress and social justice. Economic progress, for them as for us, is food and shelter, industry and power: an economy steadily growing in abundance. Social justice, for them as for us, is that the fruits of national progress—food and work and money—should be open to all and not a privileged few. Each person has a right to a stake in his own society—developing his talents able to own the land he works, spurred by the knowledge that rich as well as poor must bear their fair share of the costs of development. Those who ask whether social reform is economically important ask the wrong question. I believe it is. But justice is its own reason. Men will often fight for it more fiercely than they will for bread. And it is also true that only those secure in knowledge they are equal partners in their own society will also be equal to the enormous sacrifices and labor which development requires.

Beyond this, in Latin America, is the implacable desire for liberty—to be a freeman, in a democratic country equal in dignity to all others in the American community. Men imprisoned by hunger and poverty often have concerns which outweigh liberty. But it would be a mistake not to realize how deep the forces of freedom run. It erupts most fiercely among those whose income or education allows them to divert energies from the struggle to survive; but it is part of the heritage of all the people of this hemisphere, and part of their intentions.

This is the view from the south. What is the view from the north? Coldly and realistically, even harshly, what are our interests in those who share this hemisphere?

We want to keep the Communists out of Latin America, and avoid the serious swing in the balance of world power their presence would bring.

We want healthy and independent nations, capable of resisting subversion and revolution on their own, relieving us of the burden and necessity of rebuffing direct foreign control and hostile political movements.

We look toward a continent whose steady growth will stimulate our own prosperity, providing goods and markets for the American economy. If others develop they will not drain off a share of a limited world abundance, rather they will increase the abundance of all. To paraphrase a favorite expression of President Kennedy, in Latin America—as in Europe and in our country—the rising tide will lift all the boats.

And, because it shares both history and geography with us, we hope to admit Latin

America—as it grows in the capacity to accept larger burdens—to the Atlantic Community of Nations; not as neutrals or as nonalined, but as equal partners with Europe and America in the dangers and decisions of the Western World. Latin America, the United States and Europe, more than half a billion people spread across three continents, growing in skill and force, drawing conviction from a common spring of culture and value, can be an immense and immovable bulwark of our hopes and our civilization.

These are interests vital and grand enough to command the highest wisdom and skill of the United States. But as it would be unrealistic to deny these interests, it would be equaly unrealistic to neglect the powerful moral feelings which invade our relationships. There is belief in the common destiny of the New World. We want our fellow Americans to be fed when they are hungry; to educate their young, shelter their families, and anticipate a more abundant future for their children. We want them to live as freemen in a democratic society. We want this because the commands of our history and conscience tell us it is right. It is easy to pass over such moralizing as empty, if necessary, political rhetoric. But I have known two Presidents. I have known hundreds of men who worked for and supported, and voted for, programs to help Latin America. They never forgot the interest of their own country. But they also wanted to help because they believed it was just. Any man who looks for the moving forces of American policy, and neglects this, tells the story falsely.

These views, from north and south, reveal different hopes. But most profoundly, those hopes cross and largely overlap. We make most of our mistakes not when we put our interests ahead of those of Latin America, but when, as a result of shortsightedness or political pressure, we place what seems to be our immediate concern ahead of our true long-range interest and theirs. We are crippled not by lack of patriotism or pragmatic skills, but by the dimness of our vision. We have seen this in the past, for example, when all the force of economic and even military coercion has been placed in the service of a private American corporation which is of little real importance to our own economy; thus jeopardizing relationships, often damaging the domestic position of a friendly government, and giving substance to the accusations of our enemies.

It was the central achievement of the Alliance for Progress that it fused these two sets of interests. It recognized that meeting the goals of the people of Latin America was not only compatible with our own national interest, but essential.

And it came just in time.

With the death of Roosevelt and the end of World War II, the good neighbor policy fell into decline. A devastated Europe under the hungry gaze of the Soviet Union absorbed all the energies of government. Latin America was almost forgotten, although it had been an area of principal concern almost since the earliest days of the Republic. Billions of dollars went to Europe, and other areas, while a slim trickle of help went to Latin America. We recognized, even encouraged, the decisive need for public investment and public direction of development in Europe, and parts of Asia, and in our own country. But in Latin America we preached that unrestrained private enterprise—of a nature we ourselves had not accepted for decades—and especially American private enterprise, could lift their countries from poverty if only left alone. We gave medals to dictators, supported reactionary political forces, and encouraged the self-important illusions of generals. Most of all we showered favors upon almost any leader who would follow us obediently in foreign affairs, while not rocking the boat in his own country.

That policy was a disaster.

It brought Castro. It helped strengthen the forces of communism across the continent. It helped unleash forces of revolution in every land. And toward the United States, where there was once respect it brought fear, where there was admiration it brought hatred, where there was trust it brought despair.

In the late fifties the Vice President of the United States, lucklessly knocked the cover of ignorance off the tumultuous cauldron of discontent. Shouts and hatred, jeering mobs and violence, finally spoke what many sensitive and informed men had been trying vainly to say: We were on the edge of an abyss.

Finally, something was done. Under the brilliant leadership of Under Secretary of State Douglas Dillon—and because of that leadership—the United States signed the Act of Bogotá, committing itself in a mild way to social progress; and created the Inter-American Bank with a pledge of $500 million. These were fragmentary steps. They were too small and left too many problems untouched. But they recognized that something was wrong and moved uncertainly toward some correction.

President Kennedy picked up these few and scattered threads and wove them into the Alianza para el Progreso. It was not a policy imposed by the North on the South or an act of charity by the strong toward the weak; but an alliance freely contracted, its principles and burdens a common responsibility, a recognition of the mutual interests of all the American nations.

The Alliance is not simply an aid program or an anti-Communist program. It is an ideology of development combined with concrete instruments to transform ideas into action and action into results. It not only praised social justice—land reform and tax reform and spreading education—but it demanded social justice, providing funds for the job, and reserving special support for those who want to do it. It set an ambitious target of steady economic growth; recognizing that development would require national planning, new economic institutions, large investments by the countries of Latin America, and large contributions by the United States; pledging us to at least $1 billion of economic assistance each year. It swept across the board of economic concern—from stabilization of commodity prices to the need for responsible private enterprise. And it promised full support and enthusiasm only to those countries dedicated to political democracy, the liberty of man, and the freedom of each nation to chart its own course.

It said in short that freedom, justice, and progress, were the pillars on which the American hemisphere of the future would rest.

These principles were not ours alone. They were the common declaration and the common pledge of all the American nations—except for Cuba.

Of course we knew this Alliance must be tempered, and occasionally distorted, by the pragmatic pressure of events and realities. The representatives of democracies and dictatorships alike walked forward to the central table in the hotel ballroom at Punta del Este and signed the glowing declaration with an equal appearance of enthusiasm. Only Che Guevara refused to sign, because—with his quick intelligence and unyielding dedication to revolutionary communism he realized the words of the declaration were a new and powerful enemy. We all knew that democracy or social justice or development would not come in a day; or perhaps for many, not within a decade. The United States knew it might have to associate itself with governments who would not, or even could not, obey the declaration they had signed. But this would be the necessary direction of movement.

There were those who said, as some still say, that the Alianza was a fine statement of faith, but as a policy it was unrealistic idealism run wild, the blunder of a novice administration blinded by its own moral fervor or, less creditably, by its own campaign rhetoric.

But they were wrong then: and they are wrong still.

The oligarchies and the old line generals, the ranks of reaction and the keepers of the status quo had shown, beyond redemption, that they had neither the strength nor the staying power to forever hold the forces of chaos or hostility in check. The only long-run alternative to communism or, more likely, to an angry neutralism, was progressive democracy. This was a judgment based, not on wishful thinking, but a careful, hard-headed assessment of the political forces at work across the continent. The Alliance was a policy carefully shaped to enforce that judgment. Any other course, however reasonable it might appear in the present, ultimately was illusion promising disaster.

For 5 years two Presidents of the United States have believed in and supported this policy.

How has it worked?

It has worked better than we think and not as well as we would like.

Four of the five countries we just visited have made progress since 1961.

In Peru, for the first time, a moderate progressive government, elected by the people, painfully labors to reform land tenure, colonize new areas, and give life to ambitious programs of development.

In Chile, the liberal Christian Democratic Party, propelled to power by popular enthusiasm works to reshape antique social structures and develop the economy, working with a vitality and intelligence reminiscent of our own New Deal.

In Brazil, where years of tumult and economic disaster caused when a popularly chosen President resigned in a fit of insanity, a moderate military government is sincerely working to restore both the economy and the conditions for constitutional democracy.

In Venezuela, in 1961, it seemed a continuing miracle that the hemisphere's leader of democracy, Romulo Betancourt, could survive even another week under constant attack, and threatened revolt, from both right and left. He served his term. A peaceful transition followed election. The threats, though present and difficult, have receded: and the national economy is making progress.

Of course these gains, and those in other countries, might be swept away by tomorrow's headlines. But as the mist clears, ever so slightly, the Alliance still stands and is gaining.

The greatest progress has been political. In some countries there has been no movement. In others it is far too slow. But across the hemisphere leaders and parties dedicated to democracy and progress gain in force and vigor. Elections are now fought over the principles of the Alliance. Every leader must take his stand on the great questions of development, even if only to pay them lipservice. There have been military coups, but the old style military dictatorships have not been restored. Even generals have often felt pressed to restore civilian government, and, while they stay a compulsion to adopt at least a few progressive policies. Perhaps the greatest achievement of the last 5 years has been to change the basic political dialog of the hemisphere, and strengthen progressive men and movements. This accomplishment is the foundation of all the rest. For countries will not go where their leaders will not take them.

Social justice, too, is nearer than before. Almost every nation has new programs of land reform, fairer tax laws and enforce-

ment, and national development plans directed at reaching the most urgent needs of all the people. Some of these laws are full of import, almost revolutionary. Others are halfhearted or a mask for inaction. Some are enforced and others are ignored. But there is real movement, and it is in the right direction.

Economic development itself is far too slow. Many countries struggle desperately to keep pace with population growth or a decline in the prices they receive for their goods on the world market. There has, however, been some overall increase in the growth rate. And our trip showed what statistics cannot fully reveal: In almost every village men and women are being fed by American food. Hundreds of new schools bring learning to the young. There are housing projects and clean water and sewage systems, where there was squalor and poison. In human terms, a million lives have been touched and brightened by the Alianza.

In the countries we visited the influence of Castro and Cuba has faded. We talked with students and labors leaders, politicians, and professors; those by whom vague popular discontents are sharpened to keen, and often passionate, concern. Two years ago Cuba would have dominated every such discussion. Yet in more than three weeks Cuba was mentioned only once and Castro not at all. For many reasons, Castro has lost his standing as a symbol and model for the revolutionary left. It is a lesson to policymakers, to remember a burning issue which diminished while we ignored it.

Let us not take too much comfort in the decline of a familiar enemy. Communuism is still strong and hopeful. Among students and intellectuals especially there is a threatening leftward drift toward Peking, or a kind of violent, nationalistic Marxism. With these important groups the old line Communists, their hopes centered on Moscow, have paradoxically become the conservatives of the extreme.

A large reservoir of affection toward America can be found among men and women in both cities and countryside. In Mendoza, Argentina hundreds of schoolchildren worked late into the night making crude American flags out of red, white, and blue fragments of paper to celebrate our arrival. But there is also, especially among the educated and the young, and among many who oppose communism, a deep and violent anti-Americanism. It is not what it was in 1961. But it is there. It is strong. And it is fertile ground for those who seek to destroy the Alliance. In Chile we watched a large group of students shout anti-American slogans. The words themselves were not important. But burned into my memory is the fierce and violent hatred which glowed from a hundred young faces—hatred of you and me and of our country—hatred largely born of frustration to injustice. And I hope we might enlist such passion for our own cause.

No one can say with certainty how much of the progress we have made flows directly from the Alliance. It goes under many different names: Christian Democracy, Democratic Action, Revolution in Liberty. Some clearly results from the Alliance for Progress. Much would not have happened without the Alliance. But the only important thing is to advance. And to the extent progress proceeds on its own, it serves to vindicate our judgment that this is the wave of the future.

The road ahead is not an easy road. It is littered with the debris of outworn habits and structures, crossed by barriers higher and more resistant than we imagined.

Underdevelopment in Latin America, just as in many lands, is not simply being poor. It is a crippling and subtle virus spread over large areas of entire nations.

Progress demands institutions, from banks to cooperatives, shaped to stimulate the growth of a modern economy. Yet the institutions of Latin America rest on a narrow and precarious base—allowing only a few to contribute and a few to consume. In countries which depend on agriculture, as our own did while it developed, production is low and, for most, income is too small to sustain life. Thus the nation is deprived of necessary food, the farmer of little more than a miserable survival and industry of the large numbers of consumers essential for growth. All this tempts, and then drives, the rural population toward the miserable and dangerous city slums. Marketing of goods is ineffective, distribution and transportation are primitive or nonexistent, credit institutions are inadequate. The tropical climate, in many places, drains the energy of those who have no realistic hopes to drive them on. Each year millions of new lives clamor for their share of scarcity. And the Latin temper often yields slowly to the pragmatic demands of modern materialism; though once shaped it has proven itself from France to São Paulo, capable of heroic and successful action.

Everywhere there are dozens of intersecting and shifting circles of poverty springing from poverty and maintaining it. And they must all be broken.

Progress demands educated people. No country has ever developed without a rapid accumulation of skills and intelligence. Education, therefore, is a most important key to progress. Yet millions cannot read or write. Millions more lack the most basic skills. Few possess the advanced training needed to manage and direct development. Schools and universities are too small, too few, and too poor to meet the need.

Progress is not possible without intelligent political leadership and enduring political stability. Even postwar France, with all its resources and abilities required stability before full progress could come. Only people with confidence in the future will build and plan and invest. Yet, in many countries, the constant threat of violent revolution drains off human energy and vital resources in a struggle to keep the nation alive or a government in power. When this threat flows from subversion we must help to fight it. When it comes from the right, from the military, we must also help to fight it, knowing, however friendly the generals may be, each time they act they rip apart the fabric of tradition, economic confidence and obedience to a constitution which longrun achievement demands.

Progress demands that groups with great power be restrained to use that power within the framework of national goals. Yet Latin America is riddled with powerful special interests—landowning oligarchies, power-hungry or messianic generals, and even, though more rarely, large corporations—deeply entrenched, blindly standing in the way of progress, and constantly menacing the order and stability which a modern nation demands.

Progress also requires money. And most of the Latin American countries simply lack the capital to finance programs which can bring rapid and broadly based development.

And there are also other, and more disturbing currents, in the sea of underdevelopment which envelops a continent. For a nation to develop in the last half of the 20th century, it must be a nation. But the sense and reality of nationhood is often absent in Latin American States. Often the central government has merely presided over a scattered array of independent sovereignties—landowners or local leaders or military commanders—each with some latitude to ignore or defy direction from the capitol. Under such crippling conditions neither democracy nor national growth is possible; just as modern Europe would not have been possible without the great unifying movements of Cavour or Bismarck or the 18th-century rulers of France. Nor can nations be shaped when masses of people, the large oppressed Indian remnants of past greatness, are shut out from the economy and the society alike; citizens in name only. And large stretches of the colored patches on our maps which seem to show a nation, are really huge, unpopulated, and irrelevant wilderness, their potential untapped and ignored.

All of this is changing. Local power is being broken down and tentative, inadequate, groping efforts are being made to absorb the Indian and colonize the wilderness. But there is a long way to go.

These are formidable barriers. And any optimism must also be tempered by the knowledge that in the postwar world no underdeveloped country has yet joined the ranks of the modern industrial states.

Yet if conditions are favorable anywhere, they are favorable in Latin America. There is land and natural wealth in abundance. Growing numbers turn their energies and determination to the real issues of progress. In the United States, Latin America has a powerful partner which has finally seen the light. Some of its countries, such as Venezuela with its oil, or Mexico, are on the edge of uninterrupted growth. Others, such as Argentina with its rich plains and skilled people, or Brazil, a land blessed by nature, have all the weapons of progress within their grasp if they can break off the hampering shackles of political turbulence; and tear down the resistant national structures which protect and nurture unproductive enterprise, crowd half a nation into the small arid northeast of Brazil, and separate people from their fair expectations. Most importantly, in almost every country the spirit of the Alliance has taken hold. Much of a continent is beginning to move, slowly, but in the right direction.

This movement comes not merely from what has been done, but what has been said. There were many who complained that the Alianza stimulated hope and expectation beyond possibility. Yet nations and whole people are not stirred to act and work and sacrifice by the careful studies of engineers or the predictions of cautious economists. Only those who hold forth a large vision, a noble goal, a bright, if distant, expectation of a better day, can carry a standard which others will follow. Promises must be grounded in reality. But hope must reach to the bounds of possibility if there is to be any hope at all.

I cannot offer a single irresistible solvent for our difficulties. I do not believe one exists. A survey in the London Economist says more foreign exchange will resolve all problems. More is clearly needed. Yet after the war the treasuries of many Latin countries bulged with earnings from wartime trade. Yet it did not do the job; and it will not do it alone now. There is also brilliant wisdom in Mr. Walter Lippmann's insight that settlement of the interior is the key to the future of Latin America—not just economic wisdom, but profound psychological and political wisdom as well. But for reasons much too lengthy for this discussion, I do not believe it is enough, nor is it possible unless other problems are solved. There are reasons men have not settled the heartland of the Latin continent as we settled our own; and many of those reasons are still there.

We all know that the Latin American nation must carry the bending burdens of progress. We will help. But their willingness to endure sacrifice and make painful decisions will largely shape the future.

However, the experience of the past 5 years has also begun to illuminate more clearly the future lines of U.S. policy. President Johnson, like President Kennedy before him, has believed in and supported the Alliance for Progress to the limit of political possibility.

We must continue what we are doing, and I believe that commitment is clear. But the needs of the future require us to look in fresh, and more bold, directions. And I, of course, am no longer so strictly limited by political possibilities.

First, we must do more in the years to come—work more and spend more. As any businessman can testify, an investment that is too small is often wasted. I cannot prophesy exactly, but it will ultimately cost us two or three times today's effort. Such an increase will reward us manyfold—not only by increased welfare and security, but in the hard cash terms of economic opportunity.

Increasing aid will require increasing imagination and flexibility. It is necessary to make sure money is wisely spent. It is not necessary to clog and cripple the machinery of cooperation with endless duties, regulations whose complexity defies obedience, and standards whose rigor reflects not economic necessity, but the futile apprehension that each negotiating table sits the ghostly presence of the most hostile Member of Congress. We should at least be willing to take the same chances that almost any progressive bank or business in America accepts every day. There will be losses, but the rewards will make them up and more. We might still be working on the Erie Canal if that project had to run the gauntlet of some of the rules and people who administer our assistance programs. I have the greatest admiration for the intelligence and dedication of many who work in AID; but they are often the prisoner of a system, largely not of their own making, which transforms trust and expectation into frustration and suspicions.

Beyond this we look toward the day, when, in many countries we will not need to tie aid to specific projects. If a Latin American nation has a sound plan of development and the skill and resources to implement it, we should, as we did in Europe, simply turn over our portion of the necessary foreign exchange.

Second, we might well try to mobilize the enormous abilities of the American people for the Alliance for Progress. Across this Nation are millions of institutions and organizations and individuals rich in skills and know-how and the desire to help their country. It is they who built America, and they are building it still. Yet almost our entire AID program is conducted from a few buildings in Washington linked to officials missions in every country of the hemisphere.

Let me make a suggestion.

Most of Latin America is rural, and agriculture its most important challenge. Yet it is the most difficult to solve. For someone must reach every individual farmer with fresh skills and techniques, with credit or machinery or fertilizer. Cooperatives must be formed, new systems of marketing must be organized, irrigation and power must be planned and supplied. No nation has achieved these varied tasks more brilliantly or abundantly than the United States. Yet the sources of our success are not primarily in Washington. They are out among the States of the United States—in State departments of agriculture, universities, growers associations, and all the rest. We have some few programs to enlist these skills, notably the activities of California in Chile, in whose origin I was involved. But isolated and fragmentary programs only skim the surface of an enormous and powerful wellspring of energy and talent.

We might well consider subcontracting our entire agricultural development program in a specific country to a single State or group of States. They would supply the managers and the experts to administer our AID funds. Not only could they do a better job but soon schools and universities would be offering scholarships, professional groups sending technical help, and entire communities enlisting money and interest—in a hundred unpredictable ways—for their sister communities in other lands. Such a program would increase the amount and value of our help. It would help educate Americans to the problems of others. By transforming foreign aid from an abstraction in Washington, to a human reality at home, it could build a solid political base for the long-term effort that is ahead. And, perhaps most importantly, it would give millions of Americans a chance to share in the great overseas enterprise of the American Nation. I not only think, I am sure, they want that chance, and they will rise to it with an energy and devotion beyond expectation.

Third, we must always be true to the political and moral foundation of the Alliance for Progress. We are not merely helping to build factories or schools or even entire economies. We are helping to build nations. For our interests, truly and spaciously conceived, require countries able to stand on their own feet, secure in their independence, contributing to the defense and growth and culture of the West. Such independence comes, not by decree, but by experience. Therefore we must be unwavering in support of the right of each country to select its leaders, structure its economy, and shape its institutions. We must remember even the casual touch of American pressure may descend with terrifying weight on weak and unstable governments. We may see mistakes being made, injustices committed, dangers nourished. But except under the most overwhelming circumstances we must stand aside, painful and troubling as that course may often be.

Fourth, we must continue to give our fullest support and enthusiasm to those governments dedicated to social justice and political democracy. The United States is too powerful a force, too heavy a weight, too much the central object of both hope and fear, ever to be neutral in Latin America. If we are not for social justice, we are against it. If we are not for democracy, we are against it. If we are not for progress, we are against it. Of course, we may have to work with backward or despotic regimes, or with moderate military governments. But it all depends how it is done. It must be with reluctance, slowly, making clear there is no choice, and with unremitting pressure on such leadership to move toward freedom and the needs of their people. To do otherwise would be to cut out the moral and ideological heart of the Alianza, leaving a doomed and crumbling shell. No shortrun difficulty can be allowed to obscure our basic consistency of act and belief. For this is the foundation on which trust and partnership rest. Pragmatism is a useful tool to carry you forward. It can remove obstacles and solve problems. But it does not tell you where to go. Beliefs tell you. Values tell you. Common goals tell you. For a great nation to lead, to command the respect and trust of others, it must not only do something, but it must stand for something. It must represent in word and act the ideals of its society and its civilization. It is not realistic to solve problems and invest money and use power unguided by ultimate aims and values. It is thoughtless folly. For it ignores the realities of human faith and passion and desire; forces ultimately more powerful than all the calculations of economists and generals.

For many decades in Latin America danger will follow danger, and each hill we climb will reveal only another rise beyond. But if we match the fullness of our efforts with fidelity to principle we can help build a free and growing continent; a source of strength and inspiration and wisdom to our own country and to all who share our faith. Independence and freedom are not abstractions. Our own people have sacrificed and even died for them. But we do not pursue them in Latin America because we wish to impose our own belief on others; rather it is because they are deeply and passionately gripped in the hearts and spirits of our fellow citizens of the New World. If we do not help them build in this way, if we dissipate our moral force under the pressures of immediate events, then we may empty our treasuries and pour forth all the wonders of our science, but we will build for others. It is easy to be tough, when toughness means coercing the weak or rewarding the strong; and when men of power and influence at home stand ready to applaud. It is far harder to hold to principle, allowing others to make mistakes or to do injury, supporting forces temporarily repressed, standing firm for ideals which others seem unable to support themselves. But it is the true path of courage. It is the only path of wisdom. And it is the sure path of effective service to the United States of America.

This is our necessity and our interest. But how fortunate we are to live at a time when this necessity and interest merge with the deep and most ancient beliefs and hopes of the American people.

---

## THE RETIREMENT CENTER FOR SENIOR CITIZENS SPONSORED BY THE IMPROVED BENEVOLENT PROTECTIVE ORDER OF ELKS OF THE WORLD

Mr. DOUGLAS. Madam President, I would like to take note of a project with national significance that has been initiated in the State of California. It represents the first major open occupancy development for senior citizens in our history, and is being constructed as a nonprofit retirement center by private industry with the support of a sizable FHA commitment. This teamwork, that will enable many of our previously deprived senior citizens to participate in the comfort and pleasure of such facilities, deserves recognition and commendation. The retirement center for all members of our senior citizens community is being sponsored by the Improved Benevolent Protective Order of Elks of the World, the predominantly Negro fraternal organization, but which will be shared by all races, religions, and creeds. Called Golden Valley, it is located in Mira Loma, Calif., just outside of Los Angeles. Eventually, it will house 16,000 people in its 6,000 modern rental units. Many of these 16,000 senior citizens will be from minority groups that have nothing to look back upon but degradation and despair. It is only fitting that they share in our great effort to give all Americans the opportunity to live like human beings, and that they spend the latter years of their lives enjoying some of the advances that will finally present their sons and daughters with the full fruits of American democracy. I would like to commend Grand Exalted Ruler Hobson R. Reynolds of the Improved Order of Elks for his dedication and leadership; Senator KUCHEL for his support of the project; Senator ROBERT KENNEDY for his interest in "Golden Valley," which has been prompted by the participation of Manufacturers Hanover Bank in New York as the financing institution; and the Heftler Construction Co., for their leadership in pursuing the "Golden Valley" effort. It is this type of National and State Government cooperation with private industry that will allow us to reach our goals in adequate housing for all people.

## TRIBUTE TO C. D. BAKER, OF LAS VEGAS, NEV.

Mr. TYDINGS. Madam President, I ask unanimous consent to have printed in the RECORD a statement which the Senator from Nevada [Mr. BIBLE] had intended to make today, and a news article, which the Senator from Nevada wished to insert in the RECORD as a part of his statement.

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

STATEMENT BY SENATOR BIBLE

One of Nevada's most valued political and business leaders is retiring this month. He is C. D. Baker, a close personal friend whose active and colorful career is one to which I would like to invite the Senate's attention.

Starting as a city engineer and then county surveyor in southern Nevada, C. D. Baker's 44-year public career included service as a State assemblyman, State senator and mayor of Las Vegas.

His work, both in public life and in private business, has played a major part in molding the progress and development of Nevada. Although he is retiring, I know he will continue to have an important influence over his State's destiny.

---

[From the Las Vegas (Nev.) Review-Journal, Mar. 2, 1966]

C. D. BAKER, LAS VEGAS LEADER, WILL END CAREER SOON

(By Tom Wilson)

A 44-year-long blue chip career in politics, engineering, real estate and civic leadership will soon roll to an end for the much venerated and equally controversial C. D. Baker.

Baker plans to shut down his real estate office April 1, attend a real estate conference in Japan, visit Hawaii and return to Las Vegas to wind up his business in June.

Democratic Party leader, assemblyman, State senator, Las Vegas mayor and one of Nevada's leading real estate men and landowners, Baker remains today the same gravel-voiced, candid and driving personality that won him a niche in the history of southern Nevada.

"I'll be turning 65 soon," Baker growled. "I guess I'll have to apply for my social security."

Persons close to Baker speculate, however, that only the stern orders of his doctor are keeping him from his role of kingmaker in Clark County Democrat politics.

Baker kicked off his Nevada career by serving as Clark County surveyor then moving over to Las Vegas city engineer where he built most streets in the heart of the city.

Baker's first formal entry into politics in 1940 was cut short by World War II. Elected as an assemblyman, he soon found himself called to active duty as a Reserve captain in the Army Corps of Engineers.

After spending 5 years constructing ammunition depots, airfields, bunkers, and other facilities in the Pacific theater, he returned to Las Vegas to be elected State senator.

* * * * *

In 1950, Baker was elected Las Vegas mayor.

In 1956, Baker was reelected by a narrow margin. His opponents hammered away with charges he was responsible for "tearing up the streets." Baker contended the street rebuilding was "progress."

During Baker's terms as mayor, Las Vegas went through a tremendous boom period, followed by a recession and then the start of a new boom.

Political allies cite Baker's chief tactic for retaining support of his city commission: he never issued a public statement in his own name. It was always, "The Las Vegas City Commission announced * * *."

As a realtor, Baker and his partner, H. E. "Hap" Hazard prospered in the growing Las Vegas area. Their names dot landownership maps of the valley.

As county and State Democratic Party chairman, Baker played a key role in the voter registration drives that gave his party a 3-to-1 edge in southern Nevada.

Although Baker has drifted away from his usual powerhouse role in politics, his love of the game remains. But Baker has become disenchanted with the modern party activity in Clark County.

"They all want the glory but won't do the work," he said.

In between politics, real estate, and public offices Baker served as State president of the State realty board, Clark County's board, State Elks' president, president of the City of Hope, exalted ruler of the Las Vegas Elks Lodge, district commander of the Veterans of Foreign Wars, and Las Vegas Chamber of Commerce president.

---

## THE FEAST OF PASSOVER

Mr. HART. Madam President, by constitutional requirement and independent conviction, ours is a nation which assures every citizen freedom in the practice of religion. Protected and encouraged by this constitutional guarantee, there are many faiths and denominations in our land, and even the least numerous is to be given understanding respect. But it is chiefly from the Jewish and Christian faiths that our Nation derives its religious traditions.

In a weekly publication Witness, issued for use in Catholic secondary schools at Easter, I read a story on the Passover, written by that remarkable North Carolinian, Harry Golden, which bears importantly on that tradition. In the direct style which has put many of his books on the best seller lists, Harry Golden tells a story which I would hope many can read at this Easter season. It is a story which should strengthen our personal religious conviction—Jewish or Christian—at the same time increasing our understanding and respect for the tradition of our neighbor. To this end, I ask unanimous consent that the article I have cited, "Passover Again," be printed in the RECORD.

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

PASSOVER AGAIN

(By Harry Golden)

The feast of Passover is probably the only religious holiday which is as old as recorded history itself. Some scholars believe it began as a festival in which the people performed rituals to keep their houses free of disease, sickness and hunger. When the Hebrews left Egypt, Passover became an agricultural festival and a celebration by the Jews of their freedom.

"And they baked unleavened cakes of the dough which they brought forth out of Egypt, for it was not leavened; because they were thrust out of Egypt, and could not tarry, neither had they prepared for themselves any victual" (Exodus 12: 39).

Unleavened bread was used regularly in the sacrificial ritual of the Temple at Jerusalem. This ritual took place in the spring, the time of the year when life is young and everyone wants to begin afresh, just as the Hebrews began afresh when they escaped from Pharaoh. Thus, St. Paul says, "Clean out the old yeast, that you may be fresh dough" (epistle of Easter).

I remember how careful my mother was in "cleaning out the old yeast," as indeed were all the Jewish mothers of orthodox homes. My sisters helped. They worked around the clock preparing for the Passover holiday.

There was always some fun. The father would plant a few crumbs on a windowsill or in the corner of a room, and lead the younger children on the search. If a little sister was 4 years old, she was not too young to help—she picked up crumbs or crusts of bread in the corners of the house, indeed in the pockets of all the garments in the household, and everybody kissed the little girl and held her up proudly when she found a few bread crumbs where no one else would have ever looked. You heard the little sister shout in ecstasy, "Here is some," and congratulations all around—and a reward. A young boy's job was to take the pile of hometz—every last bit of "evidence" of the preholiday daily life—into the street and burn it.

The well-to-do had complete sets of pots and pans and tableware used only on Passover. The poor cleaned and scoured everything, boiling each pot and plate and utensil to remove every trace of what had gone before—and to prepare for the unleavened bread of the "new grains" (matzoth) and the symbolic eating of the paschal lamb and the bitter herbs.

In the old days, the Jews ate a lamb which had been sacrificed to God. Today a roasted shankbone rests symbolically on the center plate during the Passover meal, the Seder. Christianity used this idea when the disciples called Jesus the paschal lamb of the world. For this reason the first three Gospels called the Last Supper the Passover meal.

Every ritual at the Passover Seder is symbolic of the history of our people. Next to the plate with the shankbone is the dish of salt water; beside it are a few sprigs of parsley. Each of us dips the parsley into the salt water and tastes of it. The parsley, fresh and green, suggests the new and happier life; the salt water is our tears; together they recall our freedom out of slavery.

Halfway through the meal, the youngest son opens the door and we say, "All who are hungry let them come in and eat." In the industrial-urban complex of the 20th century, this is merely symbolic. There were times, however, when the travelers, the strangers, and the poor did indeed take up places at the doors of Jewish homes to accept the invitation. In modern times, the traveling man, away from home, usually goes to the nearest synagogue or temple on Passover eve and he will be certain to receive the invitation.

For the Jews, of course, Passover means the escape from bondage and slavery and the beginning of their history as a people. What is even more important is that Passover is a family holiday celebrated in the home. That is why Jews love it the best of all their festivals. On Passover night, 1966, as a Jew, I will know that in every nook and corner of this world, in battle, in camps, in the desert, on land and on sea, fellow Jews sit just as I—at a Passover meal. It is hard to tell Gentiles what this sense of belonging means to Jews, a people who despite persecution have survived for thousands of years. And at the Seder the Jews will read the Exodus story in a book called the Haggadah which asks that, "In every generation let each man look on himself as if he came forth out of Egypt."

This undiminished vitality the Jews have lent not only to Christianity but to all of Western civilization itself. The Plymouth Bay Colony expressly drew up its constitution on the same principles of Nehemiah after the Jews' return from the Babylonian exile. The Massachusetts Bay Colony also followed Moses in framing its laws.

And on the Liberty Bell in Philadelphia is the Passover prayer from Leviticus 25: 10: "Proclaim liberty throughout all the land, unto all the inhabitants thereof."

## MORE ABUNDANT SUPPLIES OF MILK

Mr. CANNON. Madam President, the Secretary of Agriculture recently acted wisely to encourage more abundant supplies of milk.

I have been concerned, as I know many other people are, by the decline in milk production in recent months. The Nation's dairy farmers are producing nearly 6 percent less milk today than a year ago, and the decline has become more pronounced as time goes along.

The action to provide higher support prices—even though the support level is below actual market prices—will help stabilize the milk supply situation and lead to more abundant supplies later in the year. The temporary action to provide higher minimum prices to producers of drinking milk will insure adequate fluid milk supplies for urban consumers.

I do not want to see in milk the same kind of situation which has developed in beef and pork over the last year. Beef and pork prices are high today because 2 years ago they were so low that many farmers decided to cut down on production or get out of the business entirely. We can see that happening now in dairying where many farmers are reducing herd sizes or are selling off their milk cows entirely.

If this trend were to persist, the cost of milk and dairy products could increase sharply later on this year.

The moderate actions to encourage greater milk supplies will help to strengthen the income of the dairy farmer, and will protect the consumer from sharply higher retail prices in the months ahead.

## A DREAM TUNNEL

Mr. BYRD of West Virginia. Madam President, all of us have dreams which we hope some day to see realized. My good friend, Mr. Monroe Worthington, industry editor of the Wheeling News Register, Wheeling, W. Va., has dreamed of canalizing the James River, in Virginia, from the Atlantic Ocean to Natural Bridge Station—near Lynchburg. He would also canalize the Great Kanawha River, in West Virginia, from its mouth to Deepwater or about Charlton Heights, W. Va.; and he then wishes to connect the deepened rivers by a tunnel 96 miles long.

Mr. William C. Blizzard, in reporting Mr. Worthington's dream in the April 10 issue of the Sunday Gazette-Mail State Magazine, Charleston, W. Va., called the tunnel "A Tunnel of Love," because of Mr. Worthington's devoted efforts in pursuit of his dream which, if realized in the manner envisioned, would bring great economic benefits to the peoples of the areas involved.

I ask unanimous consent that this newspaper article be printed in the RECORD.

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

MONROE WORTHINGTON'S TUNNEL OF LOVE

(By William C. Blizzard)

If you look in "Who's Who in the East," you will discover several things about Monroe Worthington. You will discover that he is industry editor of the Wheeling News Register and has worked on newspapers for most of his life. He is also a member of the Society of Friends and is a Mason.

But the most important discovery you will make about Monroe Worthington's career—at least to Monroe Worthington himself—is that he is the originator of the Midland Transcontinental Canal.

In a way, it is a strange sort of fame and a strange sort of pride. For the Midland Transcontinental Canal has never been built. It has never even been started. It exists only in the mind of Monroe Worthington.

It is not, in itself, either bad or unusual that a project may be said to exist only in the mind of its creator. At one time, it might have been truly said of projects so diverse as Michaelangelo's "Pieta" and the Wright brothers' flying machine.

Perhaps one day Monroe Worthington's Midland Transcontinental Canal will be a thing of concrete and stone and electricity, a waterbearing conduit for countless tons of merchandise borne by ocean-going vessels across the heart of the United States. Monroe Worthington thinks so.

But at present the newspaper editor, just turned 62, is not emphasizing the "transcontinental" aspects of his canal, a waterway which would follow the James, the Kanawha, the Ohio, the Mississippi, the Missouri, the Flathead, the Clark Fork, the Pen Oreille and the Columbia Rivers from the Atlantic to the Pacific. Such a grandiose plan, he admits, might frighten the general public.

Just now, Worthington is content to explain the first "leg" of his project, a midland canal which, if actually built, would have a most revolutionary impact upon the economy of West Virginia. His idea, although ambitious, is simple.

He would canalize the James River, in Virginia, from the Atlantic Ocean to Natural Bridge Station (near Lynchburg). He would also canalize the Great Kanawha River, in West Virginia, from its mouth to deep water, or about Charlton Heights. Between Lynchburg and Charlton Heights is a straight-line distance of about 96 miles, 96 miles obstructed by some of the most rugged mountains in the East.

Worthington would connect the deepened James River near Lynchburg with the deepened Great Kanawha near Charlton Heights by a tunnel 96 miles long. This tunnel would burrow beneath the interceding mountains. At its least-deep point along this line, the tunnel would bore 1,100 feet beneath the Greenbrier River.

By the use of the James and Great Kanawha Rivers, provided with adequate locks, and this underground tunnel measuring 135 feet from top to bottom and 125 feet wide, oceangoing ships could steam from the Atlantic directly into Charleston, W. Va., and all points along the Kanawha. At a later date the canal might be extended, as envisioned by Worthington, the rest of the way across the United States.

You may be gasping, by this time, at the magnitude and daring of Worthington's conception. But Worthington estimates that the West Virginia-Virginia canal and tunnel could be completed in 6 years, using a work force of 25,000 men.

The idea of such a large-scale tunnel leaves many people popeyed. Worthington's tentative estimates are that the tunnel would contain 50 feet of water, and would be in the form of a Gothic arch (like a flatiron set on its large end), with a distance of 80 feet from the apex of the arch to water level.

"Digging the tunnel," Worthington said when I visited him in Wheeling, "would require the removal of 2 million cubic yards of earth and stone per mile. Total cost of the whole canal should be between $2 and $3 billion."

Worthington is quick to point out that tunnels almost as large have been constructed. "The longest in the world," he said, "is the Delaware Aqueduct which furnishes water to New York City. It's 85 miles long. And the Fish River Tunnel in South Africa, the second longest, is 51 miles long and cuts under a 3,000-foot mountain range."

The fact that these tunnels merely convey water, not men, ships and merchandise, did not seem to bother Worthington. He thinks his idea is workable, and has thought so for almost a score of years.

Army engineers don't agree. At least one engineer told me the whole scheme is fantastic. Worthington is aware of this official attitude and is undaunted.

"The engineers," he said, "are against me publicly. But in private I've heard them say different."

There can be no denying that Monroe Worthington has thought out his Midland Canal in great detail. Over the past decade, the project has become almost a monomania. The Wheeling editor has written and telephoned Governors, Senators, Representatives, engineers, other editors, and anyone else who might possibly help to make his canal a reality.

By virtue of this activity, Worthington has got himself called a "nut," at least when it comes to canals. But it may be pointed out that no personal gain would accrue to him, or to his close friends, if such a canal were built.

The cost of the Midland Canal, of course, is the first thing, after the first gasp of wonder, that most people bring up. Even in these days of astronomical Federal budgets, where would the money come from?

Worthington has what he believes to be an answer to that question. The canal, he says, can be built from the proceeds of revenue bonds, retired by tolls. After this great toll waterway is paid for, he estimates that Virginia and West Virginia could split an annual toll revenue of $200 million.

Further, he says that a great engineering organization has made a preliminary survey of his canal, and is presumably the source of many of his estimates. And he says he knows of a finance company interested in heading a syndicate to sell the canal revenue bonds.

What sort of man, personally, is Monroe Worthington? He is a big man who stammers a little when excited, a family man who, with his wife, Lena, is sending two sons through college, a man who has built his extremely comfortable and attractive home with his own hands.

Educated in the public schools of Kansas and Texas as he accompanied a somewhat peripatetic family, Worthington was graduated from Beaver High School in Raleigh County. Had his family been able to send him to college, it is probable that his engineering skills would have taken him outside West Virginia.

Had this occurred, the idea of a sea-connected midland canal might never have been born, for, as will be explained later, it had its origins in the West Virginia Constitution.

Monroe Worthington has been a newspaperman since his teens. Beginning as a printer in Bluefield, he became a reporter and editor for several southern West Virginia papers before taking his present job with the Wheeling News Register more than 8 years ago.

Although Worthington has been a deskman most of his life, my impression was that

he is a frustrated engineer. He was a building contractor in the Beckley area for a time, and built his own home there. His present home in Wheeling attests to his sense of design, architecture, and attention to engineering detail.

His concept of a midland canal is the guiding intellectual interest of his life. How did he get the idea?

"As I look back," Worthington said, "it began a little when I was a 3-year-old in Kansas. It was a panic year, and we burned our wheat for fuel instead of coal, because it wasn't worth the price to haul the wheat 25 miles to the railroad.

"Later, I came to West Virginia and saw coal miners and their kids in need of bread. It struck me that what was needed was transportation, a way to distribute that wheat from where it was grown to where it was needed. And that's what a canal is. But it was a lot of years after that, about 20 years ago, when I was reading the West Virginia constitution, that the canal idea got hold of me."

The portion of the constitution that so impressed Worthington was article XI, section 1. It reads as follows:

"The legislature shall provide for the organization of all corporations hereafter to be created, by general laws, uniform as to the class to which they relate; but no corporation shall be created by special law; *Provided*, That nothing in this section contained, shall prevent the legislature from providing by special laws for the connection, by canal, of the waters of the Chesapeake with the Ohio River by the line of the James River, Greenbrier, New River, and Great Kanawha."

"The canal idea struck me," said Worthington, "and it actually frightened me. I didn't say anything to anybody about it for 5 years. Then I subscribed to the Engineering News Record 15 years ago, and have every issue I've received since. I have personally visited every canal and lock in the United States, or have materials about them."

During the past 15 years, Worthington has conducted a ceaseless campaign to bring his Midland Canal to official attention. But rebuffs have been frequent, and even newspaper mention has been slight. Why does he continue agitation so apparently profitless?

"Well," said Worthington, "you've heard of Don Quixote?" He grinned. "I guess now it's just a case of plain obstinacy. Back in 1961, Edward Pastilong introduced a resolution in the house of delegates for a study of the canal, but it was defeated on a motion to reconsider."

The reference to the canal in the West Virginia constitution seems to have been inserted in connection with the James River Co., of which George Washington was president before he became the Father of the Country. The James River Co. was formed to build just such a canal as Worthington has in mind, but on a smaller, primitive scale.

This early canal project failed because of the mountains and prohibitive cost, although the James River and Kanawha Turnpike along much of the same route was built and completed to the Ohio River in 1800 by the same company, and was called the Midland Trail.

For 15 years Monroe Worthington has worked on his Midland Canal project as a labor of love. It may or may not have merit, but his Tunnel of Love should not, out of hand, be kissed off.

The idea is daring, and the ride could be exciting. A lot depends upon the price tag and where the money is coming from.

## VEST POCKET PARKS

Mr. BAYH. Madam President, practical new ideas in the urban development field which can be put to use swiftly and at small cost are rare indeed. Even more uncommon are suggestions which would promote decentralization of the urban improvement process so that local citizens could more easily join with government in developing neighborhoods into pleasant, livable communities.

In an article entitled, "Think Big About Small Parks," which appeared in the New York Times magazine on April 10, 1966, Thomas Hoving, who was recently appointed New York City Commissioner of Parks, describes how small parcels of city land, now filled with junk, debris, and garbage heaps, could be devoted to diverse community needs throughout different neighborhoods of the city. Such "vest pocket" park spaces, acquired at a modest cost either by public or private funds for permanent or even temporary use, designed for a specific neighborhood, constructed according to local citizens' particular resources and interests, might help meet urgent social goals and alleviate urban ugliness.

Although Commissioner Hoving's article is directed toward the experience of New York City, the urban situation he describes can be found in other major cities throughout the country, whether they be in California, Florida, New Jersey, or Indiana. It would seem to me that this "vest pocket" park approach should be studied carefully as a partial answer to the living space and self-development problems confronting citizens in urban areas.

I ask unanimous consent that this worthwhile article be printed in the RECORD.

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

### THINK BIG ABOUT SMALL PARKS

(By Thomas P. F. Hoving)

More than a century ago the park movement of the United States was born in New York City. Like many progressive movements of the 19th century, it was a blend of moral vision and businesslike foresight. Without a carefully planned profusion of parks and open spaces, warned Frederick Law Olmsted, creator of Central and Prospect Parks, a city "would be devoured by its own ugliness and rapidly experience economic decline."

Five years after Central Park was inaugurated, land values in the vicinity had more than quadrupled. Land values are rising still—along with ugliness. Essentially, we're a noncaring, littering people, monumentally unconcerned with our environment. But despite the dizzying pace of change nowadays—in art, politics, culture—the nature of our parks has remained the same, lifelessly suspended in time like the pyramid of Cheops.

With the vanishing of large open spaces in the heart of the city the time is long overdue for a redefinition of our concept of a park and the role of the parks department.

Parks today must serve more diverse community needs because our community is more diverse. They must be used not only as naturalistic havens of repose and relief from urban congestion—"lungs," Olmsted called them—but to advance the urgent social goals of our own day. That means the parks department cannot sit back on its haunches with faceless serenity, parrying questions and complaints with form letters while the needs of the public are ignored.

A great deal of New York's available open land now consists of small parcels, many of them junk piles, garbage heaps, and slum backyards. Nothing helps destroy a community like a stinking lot. Yet thousands of these plots, owned by the city or privately held, are in middle class and slum areas where the need is crucial for new parks and recreation facilities. These garbage-filled useless spaces can be cleared, bought or rented for temporary use. Then, reclaimed as joint ventures by local community groups—block associations, religious and social organizations—and the parks department, the vacant lots can be filled with purpose; to put the parks where the people are.

The apparently impressive statistics on New York's park land are misleading. According to the figures more than 17 percent of the city's area—some 37,000 acres—is set aside for parks and recreation space. But 9,000 of these acres are under water (6,000 consist of polluted Jamaica Bay). Only 14,500 acres—roughly 7 percent of the city—is park land located in the immediate environment—much less than in San Francisco (14 percent) or Los Angeles (11 percent) and slightly less than in Chicago and Philadelphia.

More than half our recreation space is peripheral, underutilized, and relatively inaccessible (East River Park, stretching from 15th Street almost to the Battery, is a beautiful place to see from the highway, but it is hard to reach without a local guide). And the rest is unfairly distributed. A study by the Community Council of Greater New York in 1963 divided the city into 74 defined communities; it showed that only 9 of the 74 areas contained over 53 percent of the total recreation acreage. Furthermore, the number of playgrounds in an area had little relationship to the local population. Riverdale and Tremont in the Bronx, for example, each have 12 playgrounds. But Tremont has approximately 25,000 youngsters, three times as many as Riverdale. Outrageous.

Vest-pocket parks, carefully spotted in an overall plan, can help correct such inequities. Easily accessible in the heart of congested neighborhoods, they can be as large as a block or as small as a lot. Equipped with facilities that meet the community's needs and desires, they can be places for kids to play or the elderly to relax. And as a spur toward the creation of active community groups on which the success of the antipoverty program depends, the small parks program can help speed the broader social and economic reforms that the war against poverty is all about.

I know of nine residential vest-pocket parks that have been built or are underway now under a variety of sponsors: one in the Bronx, three in East Harlem, three in West Harlem, one in Brooklyn, and another at 29th Street and Second Avenue. This last was to be a temporary parking lot on land the Triborough Bridge and Tunnel Authority hopes to use as part of a mid-Manhattan expressway. Now, through the generosity of Robert Moses and the New York Community Trust, it's going to be a temporary park, at least for 5 years. In addition, William Paley of CBS is demolishing the old Stork Club on 53d Street off Fifth Avenue for a generous $1 million gift of an elegant plaza that will perpetuate the memory of his father. And in lower Manhattan, at Broadway and Howard Street, the Franklin National Bank is planning a branch office in a landscaped setting, giving office workers and shoppers a better place to rest than the fenders of parked cars.

Beginning this summer, I hope we can start 20 more neighborhood vest-pocket parks in a year-long pilot project to determine the best way to go ahead with a more extensive program. We'll probably make mistakes, but we're going to be flexible, so we'll learn. Assuming all goes well, we plan

to step up the pace of building small parks during the next 4 years. And not one of them will be the mirror-image of another. We've had enough of the "swing, slide and sandbox" stereotype, the black-topped, link-fenced asphalt prison, the standardized architecture that has made the WPA style the longest lingering art style of the 20th century.

During the period from the thirties to the sixties, Robert Moses was a marvel at acquiring land for parks and developing hundreds of new facilities. Most of the city's park land we owe to him and Mayor Fiorello La Guardia. But Moses and his successor, Newbold Morris, were slow to react to new trends and novel designs and wary of the small-park concept. Curiously, it was Jacob Riis, in 1897, who originated the notion of vest-pocket parks as secretary of a city committee on small parks. "Any unused corner, triangle, or vacant lot kept off the market by litigation or otherwise may serve this purpose well," the committee declared. "There are such corners and lots to be found around the city, the property sometimes of the municipal corporation, and these could be used to advantage and without expense."

Now it is true, of course, that the revival of the vest-pocket idea was a European postwar phenomenon. Bombed-out building sites in London and Amsterdam, for example, were imaginatively converted into small neighborhood parks. In this country, Karl Linn, now a professor of landscape architecture at Long Island University, originated several vest-pocket parks in Baltimore, Washington, D.C., and Philadelphia. Linn, then at the University of Pennsylvania, persuaded Philadelphia city officials to turn over municipally owned tax-delinquent land for the creation of what he called "neighborhood commons." Adults and teenagers helped build the playgrounds, using stone, wood and other salvage material from old building sites. The telephone company donated some old poles and huge cable spools.

Some of these experimental projects failed. Organizing a neighborhood, especially one that has been neglected and has neglected itself, is a very tough proposition. But where vest-pocket parks have proved successful, they belie the scorn of those critics who condemn the idea with such words as: Parks under 1 acre in size will be ridiculous undertakings. They are difficult to design, unfeasible to supervise, impossible to maintain. In short, nothing more than a passing fancy.

Dropped as blockbusters, statements like these land like duds. For though it would be foolish to ignore the obstacles to vest-pocket parks, it is even sillier to exaggerate them.

At the risk of candor (always somewhat perilous for a public official), allow me to raise some realistic problems about small parks and suggest some realistic replies.

ACQUISITION AND CONSTRUCTION

One thousand vest-pocket parks—a utopian projection—would add only 140 acres to the city's present park acreage, an increase of 0.4 percent. Two hundred small parks would cover only 28 acres. In relative terms the cost seems astronomical for a few more green specks on the map. In fact, however, the cost of acquiring and developing 200 parks would be about $7.5 million spread out over the next 4 years. And measured against the capital budget of the parks department—$25 million this year and a total of some $100 million over 4 years—the outlay would be less than 10 percent of the entire capital-budget package. Moreover, these estimates do not include financial aid from the Federal and State governments and private philanthropy, which might be expected to total $2 million or $3 million.

The cost of urban land is normally staggering; a plot of 10,000 square feet can cost $1 million or more. But the parcels we seek in residential areas may have limited commercial value, because of their size or location. We figure we can buy and develop vest-pocket park land at a cost to the city of about $3.50 a square foot. And, of course, the city now owns thousands of plots that can be converted to usefulness for considerably less, since the cost of acquisition would be eliminated. At last count, the department of real estate had 24,455 pieces of unimproved property under its supervision and control. Many parcels consist of land taken over for nonpayment of taxes, or buildings condemned as uninhabitable. Some parcels are being held for possible inclusion into larger plots for a future school or other municipal building. On 119th Street between Park and Lexington Avenues, for example, a large city-owned plot on which seven buildings once stood has remained fenced in and vacant for 25 years while the city considers whether to build a new police station on the site. And for 25 years the community has been fenced out of a possible park.

Construction costs would be held down in two ways. Where feasible, the program will use available community labor (exceptional skills are not essential) hired through local antipoverty agencies, thus providing on-the-job training as a bonus. Construction union labor could be enlisted as supervisors. Second, since design standards and specifications have not significantly changed in the parks department for 30 years, the use of new materials and modern building methods ought to provide whopping savings—to say nothing about the joys of anticipating some creative architecture.

Small parks on prime land in the heart of Manhattan is another story, of course. Shoppers and strollers can bow in humble gratitude to William Paley and Franklin National's bank in the park, but frankly, more oases like these are a matter of potluck. Hopefully, other generous enterprises like these will share a slice of their profits with the rest of us by endowing parklets; private foundations, too, have an opportunity to "go public" in a bountiful way. For the immediate future, though, more plazas in price commercial areas is a matter of gentle persuasion, not hard-nosed planning—except in special cases. The 34th Street Armory, for example, is due for demolition, leaving a half-block site. The land cost is $2.3 million and the city should make every effort to spend it and create a park. The opportunity is too rare to pass up.

MAINTENANCE

Preserving vest-pocket parks in decent condition once they are built will be the most serious problem we face. And it will take lots of money—about $2 million a year, with small prospect of outside contributions from government or foundations for this unglamorous purpose. But the need for funds to maintain the small parks—preferably by unemployed members of the neighborhood—are as great as the need for the parks themselves. This will mean that our budget will have to be increased. Considering the extent and value of parks department holdings in this town, it is ridiculous that our departmental expense budget is less than 1 percent of the entire city's expense budget.

The attitude of our city fathers has traditionally been: "Build it, forget it." Building parks gets great press notices, but 3 months later the parks are a mess. As a result we're light-years behind in adequate maintenance and staffing; we have 400 vacancies right now, but no money to fill them. Unless the situation improves, I'm afraid we're going to consider closing down some parks and putting up signs that say: "Sorry, No Staff."

Though the basic need is money, better designed parks will help, too. So will curb cuts on the streets, enabling parks department trucks to clean the playgrounds mechanically, and a few mobile, giant vacuum cleaners such as they have in Washington, D.C. To use our available manpower more efficiently, we're trying a new system of maintenance crews who travel as a group from park to park, doing all the repairs at one time instead of piecemeal over a period of months. Sort of a blitzkrieg in reverse.

Ultimately, of course, the maintenance of the vest-pocket parks will only be as good as the community that wanted the park in the first place. We don't intend to stick a playground where nobody asked for it. But we are hopeful we'll get the cooperation born of enlightened self-interest.

SECURITY

Up to a point, more recreational facilities help reduce crime. But dozens of scattered small parks, even hundreds of them, are no panacea for social ills. Crime is a horror in the city. Does that mean we should not develop our remaining open space? Looking at it that way, we'd have to shut down Bryant Park, a favorite playground for drunks and degenerates. No one has seriously suggested that alternative, as no one has suggested closing a school because kids are shaken down in the bathrooms.

For the umpteenth time, let it be said: we need more police, better lighting, additional scooter patrols. On the other hand, an active block association will help patrol its own turf. A pleasant park will attract people, and there is safety in numbers. And proper supervision will prevent the place from becoming a hangout for toughs and hopheads who prey on passers-by.

RECREATION SUPERVISORS

Another major new money item. Cost? About $1.5 million a year for some 250 additional people, organized in teams, since the small size of the parks would make a single stationary supervisor impractical. Federal antipoverty funds and foundation grants might help offset the cost, but the city's contribution is overdue anyway. The parks now have about 450 recreation supervisors, roughly the same number they had 20 years ago. This is a thoroughly disgraceful situation.

REDTAPE

One of the biggest stumbling blocks to the creation of vest-pocket parks—quite apart from policy objections—has been the frustrating complexity in getting them started. City-owned land cannot be released and used under the existing bureaucracy without the approval of five agencies: buildings, city planning, fire, the corporation counsel, and gas, water supply and electricity. Those aren't all. The budget bureau will not approve spending funds without assurance that the life of the park will be longer than 5 years (though many "temporary" sites, such as 29th Street and Second Avenue, are often in neighborhoods desperately in need of playground space). And actually to obtain the money, the department of parks must hand in a complete set of plans and specifications in order to let the job out for bids, a needlessly time-consuming procedure that holds up the acquisition and clearing of land.

A newly created bureau of vest-pocket parks in the parks department will concentrate on cutting through this snarl of redtape. In addition, it will coordinate all efforts, public and private, to set up vest-pocket parks, working closely with the city planning commission to make sure that neglected neighborhoods get their fair share of park land and are not passed over just because they don't know how to wave a big political stick. It will also help private groups with the insurance problems raised by the use of volunteer workers on city-owned land, which has been serious enough in the past (with premiums costing anywhere up to $1,000 a year) to scare off some private groups from building vest-pocket parks. If necessary, the parks department may have to pay the premiums directly out of its own capital budget if the cost means the difference between having a park and not having one, or between shoring up a community or letting it decay.

Early this year I helped open a vest-pocket park in the Bedford-Stuyvesant section of Brooklyn. Since it was the first such experiment in this congested, rundown area of more than 400,000 people, and one of the first new small parks in the entire city, its short, happy history makes a revealing case study of what can be accomplished.

Bedford-Stuyvesant has 378 vacant lots, many of them city owned, so filled with decaying refuse and junk that they are no small hazard to health and safety. There are also 346 abandoned buildings, extremely dangerous but very tempting to children, who use them as indoor playgrounds for lack of real recreation space. Add to this depressing inventory more than 60 burned-out tenements that kids also play in.

Having drawn up this catalog, the Central Brooklyn Coordinating Council—an affiliation of 84 community groups in Bedford-Stuyvesant—decided to do something about it. In November 1964, more than 500 community representatives attended a conference out of which there came a recommendation to begin a demonstration project showing how vacant lots in residential areas could be converted into sitting areas and "tot-lot" playgrounds.

The city leased three back-to-back vacant lots connecting Quincy Street and Lexington Avenue, between Lewis and Stuyvesant Avenues. With the help of the planning department of Pratt Institute, the project received $10,000 from three philanthropies: the Avalon and New York Foundations and the Rockefeller Brothers Fund. M. Paul Friedberg, a well-known landscape architect, designed the park free. Most of the work was done by neighborhood residents. Five landscape workers, out of work with the end of the normal planting season, cleared the land and helped build the equipment. Neighborhood kids joined in, too, sweeping up, carting off junk and painting part of two colorful abstract murals on facing brick walls that border two sides of the park. Supervising the job were students from Pratt's community education program, headed by Ron Shiffman.

Five weeks after they started, the 10,000 square feet vest-pocket park was finished. A pair of tree houses sprouted on the tops of two sawed-off, sick oak trees. The kids reach the tree houses by pole or ladder. For swings there are rubber tires, suspended by chains from leftover lengths of pipe. Foot-square timbers, planted in the ground at different heights, make wonderful stepping stones. Instead of the usual slide and ladder, the slide was built into the side of a platform in the shape of a pyramid with steps; it is safer than a ladder, and a comfortable place for the children to watch, squat, and talk. The benches are movable, large slabs of wood on a base, and when adults aren't sitting on them, they become part of the play equipment.

Perhaps because children of the community were involved in the Quincy Street playground from beginning to end, there has been almost no vandalism. The rails on the tree houses have been broken, but that may be because they weren't sturdy enough.

Maintenance has been the biggest problem, as we expected, but nothing at all on the scale that pessimists anticipated. There is no carpet of broken glass, no beer cans or fractured furniture. It's not spotless either—middleclass cleanliness people might object—but what are some scraps of wind-whipped newspapers compared to the filth that preceded the playground?

Quincy Street is not only a success as a vest-pocket park; as a pedestrian walkway connecting two streets it is a link in what is planned as a series of connecting, mid-block open spaces that will make Bedford-Stuyvesant a little more livable at the modest price of $1 a square foot.

Last month Mayor John Lindsay turned the earth for the city's latest vest-pocket park, on 123d Street between Lexington and Third Avenues, another example of cooperation between an active community group and the parks department that I hope will be widely imitated. The project was proposed by the East Harlem Tenants Council. The city demolished several rotting, condemned buildings, cleared the 3,000-square-foot plot, and will rent the park to the Tenants Council for $1 a month. Matching Federal and city antipoverty funds will finance most of the $34,650 needed for construction, staffing, insurance premiums and architectural fees. And the community itself is raising $500 for games and other equipment by asking $2 from each family in the immediate area.

Scheduled to be finished in 10 weeks, the park will be a two-level, open-air community center. The first level will include a clubhouse, complete with kitchenette for light cooking and baking, tables for dominoes and checkers, a tot-lot with a fountain, a mothers' "gossip corner" and a quiet area for the elderly. Active games will be separated from the more passive activities by putting a ball court on a 25- by 40-foot balcony. It's an ingenious and fresh design idea by the firm of Silverman & Cika, blissfully different from the cookie-cutter designs the parks department used to turn out by the dozen.

Like pebbles tossed in a pond, vest-pocket parks dropped in the middle of a neighborhood can create wider ripples of reform. Yet for all that a successful small parks program can mean for the city, it is still a compromise—a workable start toward a solution of our ugly urban environment but far from an ideal solution.

Utopia would mean a park or playground—some large, some small—every four or five blocks. For every two communities there ought to be an indoor recreation facility. Our waterfront offers miles of untapped recreation space: parks on unused piers, marinas, even floating swimming pools anchored in the river, as they have in Paris. A nationwide competition could transform post-Fair Flushing Meadow into the 20th century's Prospect Park, still the most beautiful park in the Nation and 100 years old this summer.

Safety? Prospect, Central, and the other large parks are not as dangerous as most people believe, but they are not exactly snug harbors for nature lovers either. They could be made safer and more useful—well lit for nighttime tennis players, strollers, bike riders. And if people want to spend a hot summer night sleeping on the grass, why not?

We are, I think, approaching a new awareness of parks and their purpose. It will mean less emphasis on acquiring more acreage and greater effort toward serving more people. Everything cannot be sacrificed for the vest-pocket park program—large projects such as Marine Park (accurately nicknamed "The Dump"), Breezy Point and the Green Belt on Staten Island must be kept open for future generations. But after a generation of neglect of local neighborhood needs, the attempt to catch up must be started. As far as the city's available park land is concerned, it means that to think big we must also think small.

## SUPPORT FOR CIVIL RIGHTS PROTECTION ACT OF 1966

Mr. DOUGLAS. Madam President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a resolution approved by the executive board of B'nai B'rith Women, representing 135,000 members in session March 20–22, 1966, in Washington, D.C.

I greatly appreciate their support and cherish their guidance and sentiments.

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

CIVIL RIGHTS PROTECTION ACT, 1966

Whereas constitutional rights which cannot be exercised without fear are in effect no rights, and

Whereas legislation is necessary to secure equal justice for those exercising their constitutional rights, and

Whereas such a proposal is contained in the Douglas-Case bill which seeks to do the following:

1. Bar discrimination in the selection of jurors in both Federal and State courts.

2. Provide, where a system of segregated justice prevails in the State courts, for removal of litigation to the Federal courts for protection of persons charged with committing violence against those engaged in civil rights in violation of State criminal laws.

3. Enable civil rights workers to transfer their cases to the Federal court, when they are defendants in certain cases, where a discriminatory system of justice in the State courts would prevent them from receiving a fair trial.

4. Amend existing Federal civil rights laws so that certain denials of civil rights become Federal offenses and to increase the penalties for violations.

5. Permit, under title III, the Attorney General and individuals to bring suits for injunctions to prevent violations of civil rights.

6. Set up an administrative hearing procedure and provide compensation by the Federal Government to persons who have been injured because of race or color while engaged in or attempting to engage in lawful civil rights activities. Where State or local officials are responsible for the injury, the Federal Government could sue the State or local government for reimbursement.

7. Make the equal employment opportunities provision of the 1964 Civil Rights Act applicable to State and local employment.

Therefore, we urge support for the Civil Rights Protection Act of 1966, S. 2923 (Douglas-Case bill).

## TRUTH IN PACKAGING AND TRUTH IN LENDING

Mr. HART. Madam President, it is a pleasure to add the name of the respected newspaper, Newsday, to the growing list of supporters for the truth in packaging and truth in lending bills.

Surely no one could agree more than I with the concluding sentence of the Newsday March 21, 1966, editorial: "It is time for action to protect the consumer."

Indeed, I am hopeful that Congress this session will head that plea.

Madam President, I ask unanimous consent for the printing of the Newsday editorial at this point in the RECORD.

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

CONSUMER PROTECTION

Although there has been a good deal of fanfare and some discussion in congressional committees, legislation dealing with consumer protection is making little headway in Congress.

Ideas for truth-in-packaging and truth-in-lending laws attract a fair amount of interest from the consuming public when they are first raised. But in the process of transforming the idea into a bill and the bill into an act, that first flush of public interest wanes. One problem is that the special interests, those who would have to revise their business practices should the legislation

pass, do not permit their opposition to flag. Consumers, however, are generally unorganized.

Although the truth-in-packaging bill is accorded a fair chance of passage, the opposition hasn't given up. The opponents, largely manufacturers, retailers, and packagers, insist the suggested regulations would produce higher prices, impose drabness on packaging and bring the industry under stifling bureaucratic control. They also say new regulations are not necessary because present regulations to protect the public are sufficient. The average supermarket has about 8,000 different items on display. The bill, which is sponsored by Senator PHILIP A. HART, Democrat of Michigan, attempts to aid the shopper to make some rational comparisons among brands. It would require that weight and ingredients be prominently displayed on the package. Among its many provisions would be the application of a Federal definition to the word "serving," a term that is now almost meaningless.

The measure would apply not only to food but also to drugs and cosmetics. It has many strong supporters. These include the Secretary of Commerce, the Chairman of the Federal Trade Commission and such nationwide organizations as the AFCIO and the National Farmers Union. Their support will help.

The truth-in-lending bill is accorded far less chance of passage. It is in the Senate Banking and Currency Committee, which has traditionally opposed it. It was first introduced by Senator PAUL DOUGLAS, Democrat of Illinois, in 1960 and hasn't made much progress since. The bill would simply require that there be a full and easily understood disclosure of all interest and service charges in loan and credit transactions. It would help protect less sophisticated, low-income consumers who are most vulnerable to deceptive credit practices.

President Johnson has endorsed both the packaging and the lending bills. But these bills and others, including measures that would set safety standards for tires and for motor vehicles, are presently bogged down in Congress. It is time for action to protect the consumer.

---

## JOHN M. HEJL AND ELMER E. JONES, SPECIAL MERIT AWARD RECIPIENTS FOR OUTSTANDING COST REDUCTION ACHIEVEMENT IN THE DEPARTMENT OF AGRICULTURE

Mr. TYDINGS. Madam President, I am happy to announce that two fellow Marylanders are recipients of the Special Merit Awards for Outstanding Cost Reduction Achievement in the Department of Agriculture. The two men are John M. Hejl of Hyattsville and Elmer E. Jones of College Park and I extend my congratulations to them both.

Madam President, at the award ceremonies, which were held for the merit winners, President Johnson briefly spoke and paid tribute to the capable and imaginative way in which Orville Freeman has administered the Department of Agriculture. As an admirer of Secretary Freeman, I ask that President Johnson's speech be inserted in the RECORD.

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

REMARKS OF THE PRESIDENT AT THE SPECIAL MERIT AWARD PROGRAM FOR OUTSTANDING COST REDUCTION ACHIEVEMENT IN THE PATIO AT THE DEPARTMENT OF AGRICULTURE

Secretary Freeman, Chairman COOLEY, Congressman MICHEL, distinguished award winners and my friends in the Department of Agriculture:

First of all, I want to thank the Secretary for asking me to come here and share this pleasure with you this morning. I want to thank each of you for the high honor that you have achieved, the success that has attended your efforts, the results that have come your way, and those that are still in the offing.

I want to personally and publicly express my deep satisfaction and pleasure to the House of Representatives. As I said to the distinguished Speaker and majority leader yesterday, I am very proud of Chairman COOLEY and Congressman MICHEL and the other members of the great Committee on Agriculture for their constructive and prompt action in connection with our food for India resolution which we submitted, it just seems, a few hours ago. They have already considered it, had their hearings, reported it, and passed it without a roll call. That is the way I like to see them handle legislation in the House of Representatives.

The farmers of America, because of their ingenuity, because of their diligence, their hard work, their stick-to-it-iveness, their desire to give a value received, have given us an abundance that we can now, as good friends of all the peoples of the world, help to supply our neighbors in need.

There is no greater satisfaction that can come to any human being than the one that came to us the other day when we learned of the possibility of some millions of people dying of famine in India this year when we could open our warehouses to them and take the fruits of our bounty and the products of our labor over the years that we had stored, and share part of it with them and still have sufficient reserves on hand to take care of our own people.

I am very proud of the way Secretary Freeman has administered the Department of Agriculture. He has shown imagination and he has shown diligence. He has shown a prudence and a thrift that makes him one of the greatest administrators that this Government has ever known. He has always looked after the interests of the farmer, but he has not been unaware of the interests of all Americans.

I just asked him a few minutes ago, when they were talking about saving $15 million in storage rates, "How much do you spend in the Department of Agriculture just storing surpluses?" The man that answered me said, "When Mr. Freeman came in, the taxpayers were spending $400 million a year on storage costs. We are spending $200 million a year now."

That means that we have disposed of some of the stuff that we had in storage. That means we have improved on the storage, we have improved on the rates. The net result is that the taxpayer is spending just half as much now as he did when the Secretary took office.

In all of these economies and all of these good management practices, each employee of the Department of Agriculture can justly take pride. As public servants, we know, or at least we ought to know, that the habits that we are most in need of reforming are our own, although Mark Twain used to say that nothing so needs reforming as the other people's habits.

Our Government is very complex and times change. It keeps us busy trying to keep up with the needs of the moment and of the hour. Old ways quickly become inefficient ways, and inefficiency leads to waste. We have a war on waste and we are trying to prove to the people who work in Government that we just cannot afford the waste that we have been enjoying in the years past.

I believe that waste is a crime. I believe that waste is against our freedom. I believe that waste is against our progress. Thus, I believe that waste is against the American people. So I have said that controlling waste is like bailing a boat; you have to keep at it. There is no time to rest. All of our great dreams, all of our visions, and all of our plans will come to nothing if we do not press forward with our reforms.

We are a rich and expanding Nation. We are the wealthiest nation in the world, the healthiest nation in the world, the best educated nation, and the one that I think has the most really to be thankful for. We are educating our young, we are caring for our sick, we are providing opportunities for our poor, we are rebuilding our cities, we are beautifying our country, we are exploring the heavens, and Mrs. Johnson is exploring the Rio Grande, I see from the morning paper.

But nevertheless, in doing all of these things we have to sometimes drag some of our most respected and our best intentioned colleagues and get them by the neck and drag them every step of the way. These efforts are vital to our future and the future of the world, but they have a price tag attached because progress never comes cheaply. Our citizens should be willing to pay that price because they have shown their willingness time and time again to do that.

Some of our people feared the socialism of social security. That is when I came to town. I remember the horrors that some Congressmen expressed before we passed the first social security bill, although really less than a dozen of them voted against it when we called the roll back in 1935. But some feared the socialism of social security. A good many, I remember, spoke for a number of years about the Fair Deal of medicare. But they are here, both of them. Thank God the status quo did not prevail.

Now I see here this morning that the status quo is not prevailing. You are reforming, you are improving. A year ago last November, at the first Cabinet meeting following my election to the Presidency, I said, "As a Nation, we cannot afford to waste a single dollar out of our resources on old programs which once may have been essential, but which time and events have overtaken."

So, I have come here this morning because a great Cabinet officer and his entire Department have taken that directive to heart. Under Orville Freeman's leadership, with the help of Jane, this Department became one of the great leaders of all the civilian agencies, and she made more than her 50-percent contribution, too.

I am glad to honor these special award merit winners today because you show that you have a determination to build a great record here. I have noted, for example, that your new packaging methods for dried milk will save $125,000 a year. None of these cost-cutting ideas was in practice when we first declared the war on waste. These ideas came from Federal employees. They came from people who work for their Government who have ingenuity and imagination.

The record of the Department of Agriculture shows that effective and efficient Government is responsive, warm, and concerned with our people. That is why I wanted to come by this morning, to say thanks to each of you for what you have done, and to tell you that I will be watching in the days ahead for any improvements that you can make. I wanted to let you know that all the people in this land are grateful to you for not being satisfied with that old, worn-out phrase "Well, we have always done it this way." You are looking up, not down. You are moving ahead, not backward. That truly is the real strength of our Government.

I think every person in this room, and every person in this country, should be grateful for the great production record that the farmers of this Nation have made. They have given us food when we needed it, quality that has never been excelled; they have given us abundance that not only will take care of all of our needs, but will make it possible for us

to help the other starving millions of people of the world.

I was talking to the Prime Minister of India. When I left her and returned to the mansion I realized that except for the great work that the farmers of America had done, and the great work that the Department of Agriculture had done in counseling them, guiding them, and helping them, more people would starve in India this year than live in both North Vietnam and South Vietnam. So that is a record that you can be proud of.

I see that your committee in the House, as I just observed, is equally as efficient. It believes in cost consciousness. It believes in saving money. Otherwise, it could have taken 2 or 3 weeks. Here was the India bill the other day. They reported it out promptly. I hope the Senate committee will follow your example, Mr. COOLEY, by saving money and acting on this measure before the Easter holiday.

There is one little thought I want to leave with you before I get away. One of my assistants just reminded me that this morning the last employee in the White House signed up to buy savings bonds. That gives us a 100-percent record. Just a few days ago we were under the Department of Agriculture. Forty-two percent of your people had bought bonds and we had 41. We started doing something about it.

Of course, we don't have as many people over at the White House as you have in the Department of Agriculture. Maybe I was a little more persuasive with them than I can be with you.

I know the problems that all of us have in this day of rising costs, when we are trying to meet all the needs of our families, but we have men out in Vietnam who have made great sacrifices and are making great sacrifices for us. At this particular time we have launched a savings bond program. We want it to go well in the country, and I just hope the Government can set a good example.

I have raised the interest rates so that you can get a fair return on your investment. I think that if you can possibly spare the money, it would be a good thing for you to do for yourself and for your family. I know it will be a good thing to do for your country. So I hope that I may be able to come back here in the not too distant future and have the Secretary tell me that that 42-percent record of yours may not have been improved as much as our few employees improved mine over at the White House, but at least improved it enough to justify my coming back and thanking you.

## FLORENCE, S.C., ALL AMERICA CITY

Mr. THURMOND. Madam President, it was with the greatest pleasure that I recently learned of the selection of Florence, S.C., as an All America City. Last year another South Carolina municipality, our capital city of Columbia, was similarly honored by the National Municipal League. Now Florence, in the Pee Dee area of our State, is the recipient of this award.

In all, 13 cities in the United States were so honored by the National Municipal League and Look magazine; and, I would like to add my "well done" to the other comments and congratulations that are being showered upon Florence.

For many years, Florence has been one of the most progressive communities in the midlands of South Carolina and I am most happy to see this signal recognition come. It is richly deserved.

The forward looking municipal and civic leaders of Florence have not only benefited their own city, but have set a lofty example for the emulation of city fathers everywhere.

## THE LIVING LORD

Mr. BYRD of West Virginia. Madam President, Dr. Duard H. Estep, Sr., pastor of the First Baptist Church in Elkins, W. Va., prepared an Easter sermonette on "The Living Lord." This sermonette was published in the April 9 edition of the Elkins, W. Va., Inter-Mountain newspaper.

I ask unanimous consent that this newspaper article be printed in the RECORD.

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

THE RESURRECTION IS NO SHAM

(By Dr. Duard H. Estep)

There is a story about Martin Luther. Often he fell into fits of deep despondency and melancholy when the fortunes of the Lutherans at times reached low levels in their struggles. On one such occasion his wife appeared at breakfast in mourning, and when Luther inquired who had died, she replied, "God." Shocked, he protested that she must be fooling. But his wife insisted that his deep depression indicated this must be his belief, so she had decided to go into mourning for God. Luther quickly took the hint and ceased to act as though God were dead.

With too many Christians today the same lesson seems very much needed. They spend so much time bewailing the decline of morals, rise of unbelief, the successes of communism, and so forth; that an inhabitant from another planet landing here might well think that Christianity, knowing of nothing but disaster has for its motto, "Brethren, let us weep."

The great trouble is that, like Peter when he walked on the water, Christians see the difficulties and problems, the waves and the winds, all too clearly. As a result their hearts and minds cannot but fail them for fear. Dismal and despondent, too many lost heart and became cold and indifferent to the church. The real trouble, however lies within themselves; they have forgotten the sovereign God. They failed to remember that the Resurrected Christ is still Lord of life. There needs to be a renewal of faith; a return to the Scriptures to hear the Word of God: "I am the Lord and there is none else beside me."

Like Peter, too many begin to sink under the waves because they fear to act, or even to attempt anything. If one has reached the position where he feels that the forces of unbelief and evil completely dominate the universe in which he lives, he soon resigns himself to the belief that he can do nothing. And he does nothing.

Christians who believe in Christ as their living Saviour and Lord should show themselves not pessimists and mourners but rather optimists living in true joy; for has not Christ stated that despite sorrows and troubles which appear to overcome His people, He has conquered the world (John 16: 33). For the same reason Paul could assure the Romans that all things worked together for good to those who are Christ's people (Romans 8: 28). Therefore, in spite of all the apparent difficulties they should, by the indwelling Spirit, rise above trouble and disbelief; trusting in Him who is their Saviour.

Is God dead? If He is, we may well despair for behind everything lies chance and uncertainty. What is more, we might give up trying and content ourselves with awaiting death, the end. If God is dead all we can do is concentrate upon the things of this life and know that though we gain as much from it as possible; become wealthy, famous, and powerful, nothing lies beyond. All effort is pointless other than helping us try to live for today.

But God is not dead and now is Christ risen from the dead. The God-man, Christ Jesus died, but He has also come from the tomb victorious, as a host of witnesses including both Biblical and secular historians testify. Moreover, He reigns over sin and death. Therefore, let us not wallow in our misery, nor clothe ourselves in sackcloth and ashes. Let us rather in joy and gladness abound in the work of the Lord and know that our work is not in vain for He has already won the victory. (I Corinthians 15: 58).

Are you going to God's funeral? If you are, garb yourself in mourning clothes and draw near to His coffin in tears for all is over. But if you are truly a Christian, born from above by the Spirit, cease from mourning and remember that Christ is risen and is head over all things. "God raised Him up, having loosed the pangs of death, because it was not possible for Him to be held by it." (Acts 2: 34). We believe in and worship a living prophet, an immortal Messiah, the Saviour, the living Lord.

## THE BIRTH CONTROL REVOLUTION, PART IV

Mr. TYDINGS. Madam President, for many years there was considerable religious controversy surrounding the words "birth control" and the use of any methods regulating human fertility. Today, a historic debate on the subject of birth control is going on within the Catholic Church.

A papal commission has had the entire question under study for over a year and there has been considerable discussion and soul searching throughout the church. Part IV of the article by Steven M. Spencer entitled "The Birth Control Revolution" discusses the religious controversy surrounding birth control today.

Madam President, I ask unanimous consent to include following my remarks in the RECORD, part IV of this article entitled "The Religious Controversy."

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

THE RELIGIOUS CONTROVERSY, PART IV

Nearly all religious denominations opposed birth control until a few decades ago, when one after another began to modify their positions. The Roman Catholic Church, almost alone, remained firm in its opposition. What the church is now involved in is a struggle to extricate itself—without confusing the faithful—from a thick doctrinal web spun around the subject of marriage and sex in the early centuries of the Christian era.

Neither the Old Testament nor the New specifically forbade contraception. The web of prohibition was purely an interpretation, woven by popes and bishops and strengthened by the authoritarian tradition of the church.

A penetrating study of this process—"Contraception: A History of Its Treatment by the Catholic Theologians and Canonists"—has been written by John T. Noonan, Jr., of Notre Dame. Professor Noonan notes that contraception had been permitted by the Greek, Roman, and early Jewish cultures and that the Christian teaching against was mainly a reaction to the excesses of the Romans, who added to their licentiousness not only contraception but abortion. The Christian doctrine also reflected a new emphasis on the

sanctity of all human life, including the seeds of life to be.

But there was a peculiar ambivalence toward sex in marriage, even in the Old Testament, and this, says Professor Noonan, is basic to an understanding of the development of the Christian ethic. On the one hand is the familiar glorification of procreation: "* * * and God said unto them, be fruitful and multiply, and replenish the earth, and subdue it." Yet over against this are such strange verses as that in the Psalms, in which David, though the child of a lawful marriage, cries: "In guilt was I born and in sin my mother conceived me." This and other passages, says Noonan, "furnish support to one stand of Christian thought, mistrustful of sex."

Puritanical hostility to pleasure in sex, and to contraception, reached its peak with Augustine, in the fourth century. A former believer in Manichaeanism, he bitterly attacked the sex practices of that group, including its use of the sterile period. Ironically this was the original rhythm method, the only one now approved by the Catholic Church. As Noonan observes, "History has made doctrine take a topsy-turvy course."

The pill was, of course, the catalyst that started the ferment of rethinking in the Catholic Church, for it was obviously less "artificial" than jellies, foams and mechanical contraceptives. And in mimicking the action of nature's hormones, the pill could be said to "regularize" the cycle and thus make the rhythm method more acceptable.

One of the first Catholic scholars to argue that the pill was licit on the basis that it did simulate normal physiology was the Reverend Louis Janssens, of the University of Louvain, Belgium. But within 3 months after his article appeared, in 1958, the late Pope Pius XII rejected this view. While Pius condemned the use of the pills to prevent conception, he nevertheless approved them when used for therapeutic purposes, even if "temporary sterility" was an indirect result.

This opened the door to more debate, a torrent of spoken and written words from priests and laymen alike, representing all shades of opinion and discussing female physiology and marital love with amazing frankness. Seldom in the history of the church, which now claims a world membership of about half a billion, has an issue produced such sharp and vocal division among its leaders.

At the heart of most of the liberal argument was a pastoral concern for the dilemma of married parishioners. The Belgian cardinal, Leon Joseph Suenens, was moved to declare before the Ecumenical Council in Rome: "We are faced with the problem, not because the Christian faithful are attempting to satisfy their passions and their egoism, but because the best among them are attempting with anguish to live a double loyalty, to the church's doctrines and to the needs of conjugal and parental love."

The cleavage among the priests left millions of Catholic couple confused. Many made their own decisions and chose the pills, with or without a twinge of conscience or a confession. Others had a tougher struggle. There was the girl of 18 who knocked one evening on the door of the Chicago Planned Parenthood headquarters. Mrs. Snyder, a warm and understanding staff member, let her in. "The poor girl was in tears," Mrs. Snyder recalls. "She told me she and her fiance were to be married during his 3-week leave from the Navy, and since both were Catholics she had asked her parish priest for a dispensation to permit them to use a contraceptive. She had a job and didn't want to become pregnant until her husband came home again in a year. But her priest had refused, although, as she said, a friend's priest in the next parish would have given the dispensation.

This girl said she didn't mind if they had 12 children, once her husband was home to stay, but right now she didn't want to take a chance because it was so necessary for her to keep her job. I really felt sorry for her. I was in tears myself before she left. But I didn't want to advise her to go against her priest when she so plainly thought it would be the wrong thing to do."

For another midwestern woman, an accountant's wife with three children under 3 years of age, there was a different outcome. Mrs. Jarvis, as we shall call her, had met her husband at a Catholic college, they had been married in the church and were "the best Catholics you ever saw until our babies began to come along so close together. Then we felt we had to do something.

"Our house has five bedrooms, but my husband said he didn't want me to fill them up right away," she said. "And when I'm pregnant, I'm in a bad mood most of the time. However, he didn't think we could receive communion if we used ordinary contraceptives, because we'd have to confess each time as a sin." Mrs. Jarvis, a young woman with delicate, sensitive features, leaned forward in her chair. "But for a thing to be a sin," she said, "there are three things about it: First, you must think it's a sin; second, it must be a grievous thing against God; and third, you must have done it voluntarily. Well, we don't think the pills are a sin, and our young priest said he saw nothing wrong with them either. So we don't confess them, and we can go to church and take communion. We didn't learn about this until just a few weeks ago when the young priest told us. Young priests seem to be more understanding.

"The best time to be a Catholic," Mrs. Jarvis concluded, "is when you're very young or very old. In between is this problem. They say the Catholic Church is hard to live in and easy to die in, and it's true. But the pills, which so many in the church are beginning to approve, will be a great help."

Hopes for liberalization of the church's position appeared to suffer a setback last October, when Pope Paul spoke to the United Nations in New York. Three quarters of the way through his eloquent plea for world peace, he sounded what to many seemed a discordant and disappointing note. "You must strive to multiply bread so that it suffices for the tables of mankind," he said, "and not rather favor an artificial control of birth, which would be irrational, in order to diminish the number of guests at the banquet of life."

The pontiff's remark was open to instant and differing interpretations, as papal utterances often are. Some observers said its import hinged on the Pope's own definition of "artificial." Others thought he simply wanted to discourage an international campaign for contraception.

One of the official bodies studying the problem is a special papal commission on problems of marriage set up by Pope John XXIII. Pope Paul enlarged the commission to 56 members, including clergymen, scientists, doctors, and a few married couples. The commission failed to agree on a recommendation during the ecumenical council, but the council's final declaration on marriage, which reflected intervention by the Pope, indicated that he had asked the commission to continue its study of the birth control question.

The pertinent passages in the council's report on "The Church in the Modern World" were ambiguous, however. They said the faithful "may not undertake methods of birth control which are found blameworthy by the teaching authority of the church in its unfolding of the divine law." At present this rules out all but abstinence and rhythm. At the same time they made a significant change by placing conjugal love for its own sake on an equal plane with procreation. Some observers think this opens the way to eventual approval of many forms of birth control.

---

## WHAT PATRIOTISM MEANS TO ONE SOUTH DAKOTA GIRL

Mr. MUNDT. Madam President, earlier this spring, the South Dakota Jaycees sponsored an essay contest in which students were encouraged to express their thoughts on what Americanism means to them.

One such essay was written by an eighth grade student in Sully County, S. Dak, Diane Huse. This essay by Diane Huse was selected over more than 1,000 entries as the winner among those submitted by youngsters in the seventh, eighth, and ninth grades of South Dakota schools.

I have read Diane's essay and believe it is of such note that it deserves to be brought to further public attention by being placed in the CONGRESSIONAL RECORD.

She has outlined for all Americans the true values which have become the strength of our system and which have provided the foundation stones as well for the development of the individual characters that serves to stoke the fires of freedom.

In this day and age, when there are those who look lightly upon their responsibilities to our Nation, or those who gain more public attention than they deserve through their disparagement of the patriotic values which have served to inspire our country in its hours of peril, Diane Huse's essay comes as a welcome message—a heartfelt expression that we do, indeed, have something of which we can be very proud and which is worth preserving, the United States of America.

Madam President, I ask unanimous consent to have printed in the RECORD Diane Huse's essay as carried in a recent edition of the Sioux Falls, S. Dak., Argus-Leader.

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

WHAT MY AMERICAN PATRIOTISM MEANS TO ME

(By Diane Huse)

The word patriotism has a different meaning for different people. A dictionary meaning says that patriotism is the love you have for your country. This is what I think patriotism means, the admiration, the attachments, and the devotion you feel for your country. If you truly love your country you will also love its people, you will try to make your community and State a better place in which to live and you will stand by your country in whatever it undertakes. These are the traits of a good patriot and love for your country prompts these traits. This is the true meaning of patriotism in my mind.

LOVE IS DEFINED

Patriotism is the love you have for your country. But why do I love my country? What has she done for me? There are so many reasons why I love my country that I couldn't name them all, but I think the first reason I love her is because she believes in freedom and democracy. That is what the colonists fought and died for. They wanted a land where they had freedom of religion and the right to govern themselves. This is our heritage and we are to help preserve it. We in America have many rights and privileges that other countries don't enjoy. We

have the right to make our laws, the right to assemble, the right to worship God as we please and the right to speak what we want. We enjoy the right to own land, the right to operate a business, the right to vote as we please and the right to print what we want. These are rights which we really don't appreciate the way we should. These rights enable us to live a life of freedom and happiness. We don't worry about being overrun by enemies, because our Government will protect us. I am proud of my country because she is a world power. She fought and worked hard to obtain this honored position and we must continue working if we want to keep it. These are just a few of the many reasons why I love my country and wish to serve her in every way possible.

PATRIOTS NEEDED

Every country needs good patriots. Good patriots are almost always very good citizens because out of love for their country, they do what is right and serve their country. They obey the laws, pay their taxes, help enforce the laws, and vote at all elections. These are ways in which a citizen can serve his country. A person who has no love for his country won't act as a good citizen. He will disobey laws, cheat the Government, and always be getting into trouble. So you see, if you cultivate in your children and friends a love for their country, chances are good that they will grow up to be decent, respectable, honest men and women.

Loving your country isn't all that a good patriot must do. He must show that he loves his country by serving her. A patriot serving his country reflects his love for his country onto other people and encourages other people to serve with him. A good patriot will offer his services when his country is in danger. All of the American soldiers who have died for our country are in a sense just as patriotic as George Washington or Abraham Lincoln. Of course they will never be recognized as Lincoln was, but that does not mean that they are not as patriotic as he was, because they are. They gave their lives that America might remain a free and independent nation. They were true patriots.

LOYALTY VITAL

Patrotism also means loyalty. Patriots must stand up for their country and back it up in whatever it undertakes. You should speak well of your country, especially when visiting in a foreign land, as even you can help create friendly relations between America and other countries. A good patriot will act as an ambassador for his country by telling others of his country and by standing up for it.

You can sum up what my American patriotism means to me in the one word love. This includes: my love of America, which has been so good to me and which protects me, my love of freedom, a gift so precious that we fight and die for it even now, and my love of God, who has blessed me by allowing me to live in America and blessed America with good leaders, freedom, and people who love America. This is what my American patriotism means to me.

## AMERICAN SCHOOL FOOD SERVICE ASSOCIATION CRITICIZES PROPOSED CUT IN SCHOOL MILK APPROPRIATION FOR FISCAL 1967

Mr. PROXMIRE. Madam President, last Thursday the members of the Senate Appropriations Committee's Agricultural Subcommittee heard a number of excellent statements from public witnesses in support of the school lunch and special milk programs. As a member of the subcommittee and a strong supporter of the special milk program for schoolchildren I was delighted in the unanimity of support these witnesses gave to the program.

I hope over the next few days to comment on the remarks of several of these witnesses and the organizations they represent. Today I would like to draw my colleagues' attention to a statement made by Mr. Gordon Gunderson, chairman of the Legislative Committee of the American School Food Service Association and school food program administrator for my State of Wisconsin.

Mr. Gunderson points out that if the proposed Child Nutrition Act of 1966 were passed by Congress "the special milk program as it has operated since 1955 would be virtually dead." He then goes on to refer to studies made by the Department of Agriculture showing that when the price of milk to schoolchildren goes down the consumption goes up. He states that as milk prices to students increase, as they most surely will if the Child Nutrition Act is passed:

> The consumption by pupils required to pay the full cost of the milk will be insignificant.

Mr. Gunderson declares that the administration's proposal to concentrate the benefits of the program on schools which have no lunch program will not change the present low consumption of milk in these schools. This is a point that I have not made heretofore, but it bears repeating. Mr. Gunderson says:

> These schools have had ample opportunity over the past several years to participate in the milk program and to be reimbursed for the milk served. Section 215.7(f) of the Secretary's regulations governing the operation of the special milk program authorizes reimbursement to needy schools for milk served without charge to needy children at a rate equal to the cost of the milk to the schools. It is not required that the needy school participate in the lunch program in order to qualify for such special rate of reimbursement. Therefore we can see no reason for anticipating any significant expansion of the program to needy children in schools not participating by denying reimbursement to schools having a food service.

Finally I want to read out loud and clear the opinion of this organization of school administrators as to the feasibility of that portion of the Child Nutrition Act which would limit the program to the needy only. In the words of the American School Food Service Association:

> Subsidizing only the milk served to the needy in schools would, in our opinion, be administratively unacceptable and discriminatory as far as the children would be concerned.

In my estimation there is no better testimony to the weakness of the administration's new proposal than this statement by the very organization whose members would administer the program.

## REFUGEE AND MIGRATION ACTIVITIES OF AMERICAN VOLUNTARY AGENCIES

Mr. HART. Madam President, during my tenure as the chairman of the Senate Subcommittee on Refugees, I came to know intimately the American voluntary agencies working in the field of refugee and migration activities. I found their programs of great benefit to this country and I developed a profound admiration for their dedicated leaders.

I was delighted to learn that a few days ago my good friend, William J. Crockett, Deputy Under Secretary for Administration, was host to this group at a luncheon in their honor at the State Department. The importance of this meeting is attested to by the fact that President Lyndon Johnson sent a personal message to the meeting.

I am grateful not only for the President's recognition and endorsement of the work of these fine agencies, but for the excellent manner in which Bill Crockett outlined the State Department's plans and policies relative to refugees and migrants. The information contained in his message to this group is of significant value to all Americans who unfortunately have been subjected to considerable misinformation regarding recent administrative reorganization plans being initiated by the Department through Mr. Crockett's office. Certainly, he is to be commended on the sincere and forthright manner in which he explained the Department's position in an unfortunately misunderstood situation.

Therefore I ask, Madam President, for the privilege of inserting in the RECORD the President's letter and Mr. Crockett's statement to these able leaders of America's voluntary agencies.

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

THE WHITE HOUSE,
*Washington, D.C., March 22, 1966.*

Hon. WILLIAM J. CROCKETT,
*Deputy Under Secretary of State for Administration, Washington, D.C.*

DEAR MR. SECRETARY: I am glad to learn that you are meeting today with the leaders of the voluntary agencies who have done and are doing so much for refugees and migrants. I want you to extend to them my personal best wishes and my congratulations for the remarkable job they have done over the years to alleviate the suffering of the world's stateless and homeless peoples. Without their dedicated support of our governmental programs to help these victims of war and more recently of Communist aggression, thousands who now enjoy the blessings of freedom would have perished.

I want you to assure them that we shall accept every effort to see that the friendly and humane policies related to migration and refugee matters initiated by our beloved President Truman will continue in the same full force as they have been during my administration.

I look forward to an era of renewed Government cooperation and full partnership with these great humanitarian organizations.

Sincerely,

LYNDON B. JOHNSON.

ADDRESS BY WILLIAM J. CROCKETT, DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION, BEFORE THE PRINCIPAL REPRESENTATIVES OF AMERICAN VOLUNTARY AGENCIES ENGAGED IN REFUGEE AND MIGRATION ACTIVITIES, DEPARTMENT OF STATE, WASHINGTON, D.C., MARCH 22, 1966

I am most pleased to have this opportunity to meet with the representatives of the voluntary agencies which are concerned with solving migration and refugee problems around the world and to discuss the activities

which are the mutual concern of you and the Department.

I should like to begin by saying that the proposed elimination of the superstructure of the Bureau of Security and Consular Affairs will have no policy or organization effects on the Office of Refugee and Migration Affairs. It will not change in any way the great humanitarian policies on refugees and displaced persons as first enunciated by President Truman in 1948 and which are today fully embraced by President Johnson and his administration.

Policy in this government of ours is not the property of one man.

Policy in this government of ours is not dependent for its continuation and fulfillment upon the personality of any one of us. We are but the instruments of the President in the fulfillment of his administration's policies.

And I repeat, the great humanitarian policies laid down by President Johnson at the foot of the Statue of Liberty will not be changed by any of us.

Over the past several years, the Department has planned and put into effect several organizational changes designed to reduce the layers of supervision between the people who operate the program and do the actual work and the top level policy and executive positions in the Department. One such change was that which eliminated the Bureau of Administration headed by an Assistant Secretary for Administration. This change was accomplished smoothly and the individual programs involved have continued to work as effectively or more so than under the old arrangement. Similar changes are being made in our regional bureaus which are the heart of the work of the Department which we believe will result in a much stronger and hard-hitting conduct of our foreign affairs.

We have every reason to feel that the changes proposed for the Bureau of Security and Consular Affairs, by removing one level of supervision, will place the offices comprising the Bureau in closer contact with top level officials of the Department thereby elevating them and making them more effective. I want to give you the Department's assurances that the changes envisaged will in no way mean any modification or deviation of our humane policies concerning joint interest which the U.S. Government and the voluntary agencies share in our mutual efforts to help the unfortunate through the refugee and migration programs. Further, I want to assure you of our continued determination to implement our immigration laws in complete conformity with the President's policy and his own stated objectives.

The Department is fully aware of and has the greatest admiration for the devoted and inspiring work which the American voluntary agencies have carried out over so many years in providing care and assistance to refugees and helping them to become reestablished as independent, self-sufficient persons. Through all these years you have worked closely with the Department and other agencies of our Government which are concerned with refugee matters. You have given President Johnson warm and enthusiastic support in obtaining the enactment of his immigration legislative program. For these reasons you have an understandable concern in what happens in the Government which might affect the refugee program. We plan, of course, to continue the present Office of Refugee and Migration Affairs along with its experienced personnel. Under our general plan of reorganization, the Office will be considered fully responsible for carrying out its own programs and functions and will be given my personal attention and sympathetic support, along with that of other senior officers in the Department.

You and your associates are more aware than other Americans that we in the Department do not and never have taken the significance of refugee situations around the world lightly. It may surprise even you to know that since the end of World War II the U.S. Government has spent almost $2 billion on migration and refugee activities. This is more than the United States has contributed to the United Nations and its constituent organizations for all nonrefugee purposes.

At this tense period in world affairs, I can assure you tht we are not about to relax our interest in refugee matters. We are continuing our full support for the programs which are the functional responsibilities of the Office of Refugee and Migration Affairs and tomorrow will begin hearings before the Congress on our requested appropriations for fiscal year 1967. These will include our contributions to the Intergovernmental Committee for European Migration and for the United Nations High Commissioner for Refugees, as well as for the work of the U.S. escapee program in Europe, the Far East refugee program in Hong Kong and Macau, assistance to Tibetan refugees in India and Nepal, and the movement of refugees from Cuba to the United States.

You have been kept currently informed as to the basis for the State Department having steadily reduced its appropriation requests for these programs over the past 5 years, and we have done so again in 1967. These reductions do not reflect any lessening interest in the refugee programs. Rather they show first, reductions in the size of refugee problems through the successful solution of the cases of many refugees which is a great tribute to the work of your voluntary agencies; secondly, most countries of asylum are becoming increasingly prosperous and it is no longer necessary to provide the same measure of assistance to individual refugees; thirdly, the United States has worked consistently to increase the contributions of other governments to refugee problems, particularly by their support of international organizations; and finally, we are always on the alert to find better and cheaper ways in carrying out our operations.

This latter point is important in view of the necessity for reducing the cost of all Government operations wherever possible in order to finance our commitments in Vietnam and to improve the level of our society at home. Our appropriation request of $6 million for migration and refugee assistance should be viewed in the context of the comments I have just made and of the very large contributions which the United States is making toward refugees through other appropriations. As you know, over $40 million is being spent annually for Cuban refugees in the United States, the refugee program in South Vietnam is currently at a level of $20 million; and we are still contributing approximately $23 million toward the Palestine refugee problem each year.

In addition to all this, large amounts of Public Law 480 surplus food are being distributed to refugees; this and other AID assistance is our main contribution to the numerous African refugee situations. It is therefore clear that the United States is not reducing its interest in refugee and migration problems but rather is devoting the necessary resources to these problems on a priority basis. We are also prepared to meet new refugee emergencies as they may occur. As you know, the Migration and Refugee Assistance Act of 1966 provides authority for the President, when he deems it necessary in the interest of the United States, to utilize up to $10 million of AID funds to meet unexpected refugee needs.

The President will not hesitate to use this authority as is indicated by his prompt approval of the funds for the movement of Cubans to the United States which began a few months ago. At the time he outlined his proposed plan for aiding Cubans at the signing of the immigration bill at Liberty Island, the President made clear in his statement "that from this day forth those wishing to emigrate to America shall be admitted on the basis of their skills and their close relationship to those already here." The President set forth the additional policy that "those who can contribute most to this country—to its growth, to its strength, to its spirit, will be the first that are admitted to this land."

In this connection we in the Department of State shall continue our efforts to insure continuation of the President's sympathetic and humane policy for the admission of refugees into the United States. We realize that there is still much to be done to achieve all that is required in the application of the new law, but we are steadily working to improve the situation.

I want the remainder of time to provide an opportunity for me to hear your views and questions. At this particular meeting I should think it would be more productive for all of us if we could address ourselves to the broad area of refugee and migration policies and programs and their place within the Department of State and leave detailed technical questions to a later working meeting when our technical experts can wrestle with them. I want to tell you again how much we appreciate and admire the accomplishments of the voluntary agencies in the refugee field. I want you to know we will do everything we can to continue and strengthen our long cooperative relationship and to seek your advice and guidance on problems of mutual interest in this field.

---

REPRESENTATIVES OF VOLUNTARY AGENCIES WHO ATTENDED LUNCHEON AT THE DEPARTMENT OF STATE, WASHINGTON, D.C., MARCH 22, 1966

Mr. Donald E. Anderson, director, Lutheran Immigration Service, New York, N.Y.

Dr. Helen Armanas, United Lithuanian Relief Fund of America, Brooklyn, N.Y.

Mr. Paul Bernick, executive director, American ORT Federation, New York, N.Y.

Mr. David Brody, director of Washington office, Anti-Defamation League, B'nai B'rith, Washington, D.C.

Mr. Paul R. Cherney, general director, International Social Service, American Branch, New York, N.Y.

Miss Etta Deutsch, assistant executive director, migration and refugees, American Council of Voluntary Agencies for Foreign Service, Inc., New York, N.Y.

Mr. Fred W. Devine, deputy executive director, CARE, New York, N.Y.

Rev. Caesar Donanzan, executive secretary, American Committee on Italian Migration, New York, N.Y.

Dr. Walter Gallan, president, United Ukrainian American Relief Committee, Philadelphia, Pa.

Dr. B. A. Garside, executive vice chairman, American Emergency Committee for Tibetan Refugees, New York, N.Y.

Mr. Samuel L. Haber, assistant executive vice chairman, American Jewish Joint Distribution Committee, New York, N.Y.

Mr. John E. McCarthy, director, Department of Immigration, National Catholic Welfare Conference, Washington, D.C.

Mr. Michael F. Markel, Lutheran World Relief, New York, N.Y.

Mr. Mike Masaoka, Washington representative, Japanese American Citizens League, Washington, D.C.

Mr. Ignace Morawski, vice president, Polish American Immigration and Relief Committee, Inc., New York, N.Y.

Mrs. Ruth Z. Murphy, executive vice president, American Immigration and Citizenship Conference, New York, N.Y.

Mr. James Norris, assistant director, Catholic Relief Services, NCWC, New York, N.Y.

Mr. Aram Panossian, American National Committee To Aid Homeless Armenians, Washington, D.C.

Dr. Jan Papanek, president, American Fund for Czechoslovak Refugees, New York, N.Y.

Mr. W. E. Phillips, president, Seventh-Day Adventist Welfare Service, Washington, D.C.

Mr. Felix Poplawski, treasurer, Polish-American Immigration and Relief Committee, Inc., New York, N.Y.

Mr. James P. Rice, executive director, United HIAS Service, New York, N.Y.

Rev. John Schauer, chairman, Committee on Migration and Refugee Programs, American Council of Voluntary Agencies for Foreign Service, Inc., and director of immigration, Church World Service, New York, N.Y.

Mr. Richard F. Smith, director of immigration program, American Friends Service Committee, Philadelphia, Pa.

Mr. Charles Sternberg, International Rescue Committee, New York, N.Y.

Miss Alexandra Tolstoy, president, Tolstoy Foundation, New York, N.Y.

Mr. R. Norris Wilson, executive vice president, U.S. Committee for Refugees, New York, N.Y.

---

STATE DEPARTMENT OFFICIALS WHO ATTENDED LUNCHEON, MARCH 22, 1966

William J. Crockett, Deputy Under Secretary for Administration.

Philip B. Heyman, Acting Administrator, Bureau of Security and Consular Affairs.

Michel Cieplinski, Deputy Assistant Secretary for Administrative Affairs.

Ambassador Wilson Flake.

Richard R. Brown, Consultant to Mr. Crockett.

George Warren, Sr., Adviser to Administrator, Bureau of Security and Consular Affairs.

Elmer M. Falk, Director, Office of Refugee and Migration Affairs.

Clement Sobotka, Deputy Director, Office of Refugee and Migration Affairs.

J. Raymond Ylitalo, Director of Visa Office.

Gerson Lush, Public Information Officer.

---

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

---

## APPORTIONMENT OF STATE LEGISLATURES

Mr. HARRIS. Madam President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S.J. Res. 103) proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States.

Mr. DIRKSEN. Madam President, it has been the desire of the majority leader to bring to the floor of the Senate for disposition the joint resolution dealing with legislative reapportionment that has been pending for some time. We thought it meet and proper that it be made the unfinished business when the Easter recess began, and that it ought to be taken up for consideration and remain the business of the Senate until finally disposed. It may well be that intermediate business of another kind will intrude itself; and if so, I should have no objection. We have been trying to set a target date for a vote, and at the moment—and this, of course, is only tentative—we thought perhaps we could bring the joint resolution to a vote sometime on Wednesday of next week, which, if I correctly recall, is the 20th of April.

I mention this at the outset, so that Senators will be on notice. The time for the vote may have to be deferred a little longer, depending somewhat on circumstances quite beyond our control. A delegation of Senators is at present in Australia. I believe they are due back on the 17th or 18th of April. I understand another delegation of Senators has gone to Europe. Several Senators were in the hospital. It was our desire to have as nearly complete a vote, with all Senators present as possible. I earnestly and prayerfully hope that that may still be consummated.

But I think I can speak for the majority leader when I say that it is hoped that by Wednesday of next week, other things being equal, and all Senators having returned, or nearly so, we can agree upon an hour certain when the vote on the joint resolution can take place.

Madam President, 35 years ago I encountered a book written by a man named William Bolitho. It has been into many printings. It is a rather fascinating book. Its title is "Twelve Against the Gods." In his book, the author undertakes a delineation of the achievements of Alexander the Great; the fight made by Woodrow Wilson for the League of Nations; the life and times of Mohammed; the works of Napoleon III; the expeditions of Christopher Columbus; the excursions of Charles XII of Sweden, who was a great military leader; and others.

I chanced to thumb through the book the other day, and I began to think a little that in some quarters, if one could believe the articles and cartoons, I am considered as having set myself up as one against nine—meaning the Supreme Court of the United States. Frankly, Madam President, I have done no such thing. If I were to be accurate, I would have to say one against six, because in the case of Reynolds against Sims the Supreme Court was divided. Out of that case came the decision commonly known as the one-man, one-vote decision. I arrogate to myself no such place, and I would undertake no position of that kind.

I have some estimate of my convictions. I have some idea about what is taking place structurally to our Government. I regard that decision as something of a crisis. I think it should be, and ultimately it must be, undone or modified. If per chance there are those who snidely, and sometimes unkindly by caricaturing my words, try to put me in a position of being a man against the Court, I must refute it, because I am not against the Court. Frankly, I disagree with the Court; and that is quite a different thing.

A very humble man came from my State a long time ago. He came, after the finger of destiny had touched him, to be the Chief Magistrate of this Nation. You will find, Madam President, that he did not agree with the Court either. He did not agree with Chief Justice Taney and the Associate Justices in the Dred Scott decision. He said as much wherever he went. As a law-abiding person, he accepted the decision. But accepting it because it comes from on high judicially is one thing; to agree to a decision is quite another. It remained for a lot of blood and for the 13th amendment finally to sponge out the decision of that Court in the Dred Scott case.

That was not the only time when the people undertook to express themselves with respect to the findings of the Court. If the date is correct, it must have been in 1896 when one of the great lawyers of all time in this country, Joseph Choate, stood before the Court and denounced what Congress was trying to do by enacting, as it actually enacted, a law to impose a Federal income tax. I think that was the first time that I ever encountered in American jurisprudence the word "communism," because Joseph Choate stood before that learned group of lawyers, of Justices, and there spoke as if the imposition of income tax in the Federal structure had completed the march of communism in this country. That was the first time that the word "communism" ever came to my attention. But that opposition did not last very long, because there is a higher power than the Court, and that higher power is the people. The Constitution is the work of the people. If it is not, they ought to strike out the Preamble, which begins with the words:

> We the people * * * do ordain and establish this Constitution for the United States of America.

Having ordained it by their will and by their ratification, there was created in that Constitution one Court—and that is our only constitutional Court as such—the Supreme Court of the United States. The judicial article of the Constitution also provides that there shall be created such inferior courts as may be necessary. Today in the 50 States of the Union there is a variety of courts: The U.S. District Courts, the Circuit Courts of Appeals, the Court of Customs and Patent Appeals, the Tax Court, and others. But all of them are in being only because the people ordained the authority in the Constitution. So we place no court above the people. The people stand supreme and above all the courts of the land.

When Congress was challenged with respect to the Federal income tax, only a few years were required before the whole concept was sold to the people. We find in the Constitution today an article of amendment which gives clear authority for the imposition of an income tax.

There are many who do not like the income tax. I sent in my tax return this morning. I was not only astounded, but also distressed, to think of how much money Uncle Sam takes away from me.

I like to intrude this, because there are people in this country who think that Senators and Representatives do not pay an income tax. Well, let me say for their special benefit that we are like the man who carries a dinner bucket into a factory. Our tax is withheld from our paychecks. Let us make that crystal clear. When not enough is withheld, Uncle Sam is there on or before the 15th of April, and we had better lob the rest of it into the Treasury with the income tax form, because otherwise we shall be subject to the penalties of the Internal Revenue Code no less than the humblest citizen of the United States.

The people undertook to see that a Federal income tax was finally incorporated in the Constitution. There was a time when even the Constitution itself was challenged, because on the floor of this very Senate, Robert Marion La Follette, of Wisconsin, inveighed against the idea of having the State legislatures choose the Members who grace this body. Until that system was changed by amendment of the Constitution, Senators were chosen by the State legislatures. But back in 1897, there was Robert Marion La Follette talking to the student body and saying, "Back to first principles."

He carried on the fight until he finally succeeded. There were Members of this body, when he was a Member, who sneered at him when he was on his feet and who walked out into the cloakrooms, to display their contempt for him. But he did not care. He said:

> The seats that are temporarily vacant will become permanently empty at some time.

And they were. So today we grace this body by the suffrage of the people, because the Constitution in its pristine form, as it came down from the Founding Fathers, was changed, and changed very materially.

I do not agree with the Supreme Court of the United States in its one-man, one-vote decision, and there are others who share that view. I daresay there are millions who do not share that view, but believe that this view constitutes a change in our form of government and that this is a constitutional crisis.

That was the reason that I undertook in the first session of this Congress to substitute Senate Joint Resolution 103, which at that time bore a different number, for a resolution that was on the Senate Calendar. That resolution failed because it did not get the necessary two-thirds vote. That is quite a hurdle, and I am not insensible of the fact that it takes some doing to get two-thirds of the Members of the Senate to follow a viewpoint.

It occurs to me that probably one of the most important things that can be done in the course of this discussion is not to merely have printed in the CONGRESSIONAL RECORD the dissenting opinion of John Marshall Harlan, but to read it into the RECORD and to place some emphasis where the emphasis belongs.

In my judgment, Associate Justice Harlan is a great legal scholar. He came through the Latin school in Chicago long years ago. He is a classical student and a great lawyer. His dissent is a classic, and incidentally, it is the greatest castigation of the Supreme Court that I have ever seen delivered by a member of that Court. I think I ought to read some of that decision into the RECORD.

In his dissenting opinion, Associate Justice Harlan said:

> In these cases the Court holds that seats in the legislatures of six States are apportioned in ways that violate the Federal Constitution. Under the Court's ruling it is bound to follow that the legislatures in all but a few of the other 44 States will meet the same fate. These decisions, with *Wesberry* v. *Sanders*, 376 U.S. 1, involving congressional districting by the States, and *Gray* v. *Sanders*, 372 U.S. 368, relating to elections for statewide office, have the effect of placing basic aspects of State political systems under the pervasive overlordship of the Federal judiciary. Once again, I must register my protest.
>
> PRELIMINARY STATEMENT
>
> Today's holding is that the equal protection clause of the 14th amendment requires every State to structure its legislation so that all the members of each house represent substantially the same number of people; other factors may be given play only to the extent that they do not significantly encroach on this basic population principle. Whatever may be thought of this holding as a piece of political ideology—and even on that score the political history and practices of this country from its earliest beginnings leave wide room for debate (see the dissenting opinion of Frankfurter, J., in *Baker* v. *Carr*, 369 U.S. 186, 266, 301–323)—I think it demonstrable that the 14th amendment does not impose this political tenet on the States or authorize this Court to do so.
>
> The Court's constitutional discussion, found in its opinion in the Alabama cases (Nos. 23, 27, 41, ante, p. —) and more particularly at pages 26–33 thereof, is remarkable (as, indeed, is that found in the separate opinions of my Brothers Stewart and Clark, ante, pp. —, —) for its failure to address itself at all to the 14th amendment as a whole or to the legislative history of the amendment pertinent to the matter at hand. Stripped of aphorisms, the Court's argument boils down to the assertion that petitioners' right to vote has been invidiously "debased" or "diluted" by systems of apportionment which entitle them to vote for fewer legislators than other voters, an assertion which is tied to the equal protection clause only by the constitutionally frail tautology that "equal" means "equal."
>
> Had the Court paused to probe more deeply into the matter, it would have found that the equal protection clause was never intended to inhibit the States in choosing any democratic method they pleased for the apportionment of their legislatures. This is shown by the language of the 14th amendment taken as a whole, by the understanding of those who proposed and ratified it, and by the political practices of the States at the time the amendment was adopted. It is confirmed by numerous State and congressional actions since the adoption of the 14th amendment, and by the common understanding of the amendment as evidenced by subsequent constitutional amendments and decisions of this Court before *Baker* v. *Carr*, supra, made an abrupt break with the past in 1962.
>
> The failure of the Court to consider any of these matters cannot be excused or explained by any concept of "developing" constitutionalism. It is meaningless to speak of constitutional "development" when both the language and history of the controlling provisions of the Constitution are wholly ignored. Since it can, I think, be shown beyond doubt that State legislative apportionments, as such, are wholly free of constitutional limitations, save such as may be imposed by the republican form of government clause (Const., art. IV, sec. 4), the Court's action now bringing them within the purview of the 14th amendment amounts to nothing less than an exercise of the amending power by this Court.
>
> So far as the Federal Constitution is concerned, the complaints in these cases should all have been dismissed below for failure to state a cause of action, because what has been alleged or proved shows no violation of any constitutional right.

Madam President, I emphasize the fact that Associate Justice Harlan says, "It amounts in fact to an amending power of the Constitution by the Supreme Court," and the Court has no such power.

I proceed to read from Associate Justice Harlan's opinion:

> Before proceeding to my argument it should be observed that nothing done in *Baker* v. *Carr*, supra, or in the two cases that followed in its wake, *Gray* v. *Sanders* and *Wesberry* v. *Sanders*, supra, from which the Court quotes at some length, forecloses the conclusion which I reach.
>
> Baker decided only that claims such as those made here are within the competence of the Federal courts to adjudicate. Although the Court stated as its conclusion that the allegations of a denial of equal protection presented "a justiciable constitutional cause of action," 369 U.S. at 237, it is evident from the Court's opinion that it was concerned all but exclusively with justiciability and gave no serious attention to the question whether the equal protection clause touches State legislative apportionments. Neither the opinion of the Court nor any of the concurring opinions considered the relevant text of the 14th amendment or any of the historical materials bearing on that question. None of the materials was briefed or otherwise brought to the Court's attention.

Madam President, I emphasize at that point what an Associate Justice of that Court said:

> Neither the opinion of the Court nor any of the concurring opinions considered the relevant text of the 14th amendment or any of the historical materials bearing on that question.

What an amazing situation that is, that the highest tribunal in the land took no account of the historical background on the relevant text of the 14th amendment and then proceeded to hand down a 6 to 3 decision which has and will bring structural changes in our Government.

I continue to read from Justice Harlan's decision:

> In the Gray case the Court expressly laid aside the applicability to State legislative apportionments of the "one person, one vote" theory there found to require the striking down of the Georgia County unit system. See 372 U.S. 376, and the concurring opinion of Stewart, J., joined by Clark, J., id., at 381–382.
>
> In Wesberry, involving congressional districting, the decision rested on article I, section 2, of the Constitution. The Court expressly did not reach the arguments put forward concerning the equal protection clause. See 376 U.S. 8, note 10.
>
> Thus it seems abundantly clear that the Court is entirely free to deal with the cases presently before it in the light of materials now called to its attention for the first time. To these I now turn.
>
> I
>
> *A. The language of the 14th amendment*
>
> The Court relies exclusively on that portion of section 1 of the 14th amendment

which provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws," and disregards entirely the significance of section 2, which reads:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

The amendment is a single text. It was introduced and discussed as such in the Reconstruction Committee, which reported it to the Congress. It was discussed as a unit in Congress and proposed as a unit to the States, which ratified it as a unit. A proposal to split up the amendment and submit each section to the States as a separate amendment was rejected by the Senate. Whatever one might take to be the application to these cases of the equal protection clause if it stood alone, I am unable to understand the Court's utter disregard of the second section which expressly recognizes the States' power to deny "or in any way" abridge the right of their inhabitants to vote for "the members of the [State] legislature," and its express provision of a remedy for such denial or abridgment.

Madam President, that is a rather amazing comment by an Associate Justice to his colleagues on the Court. He says:

I am unable to understand the Court's utter disregard of the second section.

Frankly, Madam President, I am also unable to understand it, and anyone who pursues the matter closely will come to the same conclusion.

Now, to continue with Justice Harlan:

The comprehensive scope of the second section and its particular reference to the State legislatures precludes the suggestion that the first section was intended to have the result reached by the Court today. If indeed the words of the 14th amendment speak for themselves, as the majority's disregard of history seems to imply, they speak as clearly as may be against the construction which the majority puts on them. But we are not limited to the language of the amendment itself.

*B. Proposal and ratification of the amendment*

The history of the adoption of the 14th amendment provides conclusive evidence that neither those who proposed nor those who ratified the amendment believed that the equal protection clause limited the power of the States to apportion their legislatures as they saw fit. Moreover, the history demonstrates that the intention to leave this power undisturbed was deliberate and was widely believed to be essential to the adoption of the amendment.

(i) Proposal of the amendment in Congress: A resolution proposing what became the 14th amendment was reported to both Houses of Congress by the Reconstruction Committee of 15 on April 30, 1866. The first two sections of the proposed amendment read:

"SEC. 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"SEC. 2. Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male citizens not less than twenty-one years of age, or in any way abridged except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age."

In the House, Thaddeus Stevens introduced debate on the resolution on May 8. In his opening remarks, Stevens explained why he supported the resolution although it fell "far short" of his wishes:

"I believe it is all that can be obtained in the present state of public opinion. Not only Congress but the several States are to be consulted. Upon a careful survey of the whole ground, we did not believe that 19 of the loyal States could be induced to ratify any proposition more stringent than this."

In explanation of this belief, he asked the House to remember "that 3 months since, and more, the committee reported and the House adopted a proposed amendment fixing the basis of representation in such way as would surely have secured the enfranchisement of every citizen at no distant period," but that proposal had been rejected by the Senate.

He then explained the impact of the first section of the proposed amendment, particularly the equal protection clause.

"This amendment * * * allows Congress to correct the unjust legislation of the States, so far that the law which operates upon one man shall operate equally upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree. Whatever law protects the white man shall afford equal protection to the black man. Whatever means of redress is afforded to one shall be afforded to all. Whatever law allows the white man to testify in court shall allow the man of color to do the same. These are great advantages over their present codes. Now different degrees of punishment are inflicted, not on account of the magnitude of the crime, but according to the color of the skin. Now color disqualifies a man from testifying in courts, or being tried in the same way as white men. I need not enumerate these partial and oppressive laws. Unless the Constitution should restrain them those States will all, I fear, keep up this discrimination, and crush to death the hated freedmen."

He turned next to the second section, which he said he considered "the most important in the article." Its effect, he said, was to fix "the basis of representation in Congress." In unmistakable terms, he recognized the power of a State to withhold the right to vote:

"If any State shall exclude any of her adult male citizens from the elective franchise, or abridge that right, she shall forfeit her right to representation in the same proportion. The effect of this provision will be either to compel the States to grant universal suffrage or so to shear them of their power as to keep them forever in a homeless minority in the National Government, both legislative and executive."

Closing his discussion of the second section, he noted his dislike for the fact that it allowed "the States to discriminate [with respect to the right to vote] among the same class, and receive proportionate credit in representation."

Toward the end of the debate 3 days later, Mr. Bingham, the author of the first section in the Reconstruction Committee and it leading proponent, concluded his discussion of it with the following:

"Allow me, Mr. Speaker, in passing, to say that this amendment takes from no State any right that ever pertained to it. No State ever had the right, under the forms of law or otherwise, to deny to any freeman the equal protection of the laws or to abridge the privileges or immunities of any citizen of the Republic, although many of them have assumed and exercised the power, and that without remedy. The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States."

He immediately continued:

"The second section excludes the conclusion that by the first section suffrage is subjected to congressional law; save, indeed, with this exception, that as the right in the people of each State to a republican government and to choose their Representatives in Congress is of the guarantees of the Constitution, by this amendment a remedy might be given directly for a case supposed by Madison, where treason might change a State government from a republican to a despotic government, and thereby deny suffrage to the people."

He stated at another point in his remarks: "To be sure we all agree, and the great body of the people of this country agree, and the committee thus far in reporting measures of reconstruction agree, that the exercise of the elective franchise, though it be one of the privileges of a citizen of the Republic, is exclusively under the control of the States."

In the 3 days of debate which separate the opening and closing remarks, both made by members of the Reconstruction Committee, every speaker on the resolution, with a single doubtful exception, assumed without question that as Mr. Bingham said, supra, "the second section excludes the conclusion that by the first section suffrage is subjected to congressional law." The assumption was neither inadvertent nor silent. Much of the debate concerned the change in the basis of representation effected by the second section, and the speakers stated repeatedly, in express terms or by unmistakable implication, that the States retained the power to regulate suffrage within their borders. Attached as appendix A hereto are some of those statements. The resolution was adopted by the House without change on May 10.

Debate in the Senate began on May 23, and followed the same pattern. Speaking for the Senate chairman of the Reconstruction Committee, who was ill, Senator Howard, also a member of the committee, explained the meaning of the equal protection clause as follows:

"The last two clauses of the first section of the amendment disable a State from depriving not merely a citizen of the United States, but any person, whoever he may be, of life, liberty, or property without due process of law, or from denying to him the equal protection of the laws of the State. This abolishes all class legislation in the States and does away with the injustice of subjecting one caste of persons to a code not applicable to another. It prohibits the hanging of a black man for a crime for which the white man is not to be hanged. It protects the black man in his fundamental rights as a citizen with the same shield which it throws over the white man. Is it not time, Mr. President, that we extend to the black man, I had almost called it the poor privilege of the equal protection of the law?

"But, sir, the first section of the proposed amendment does not give to either of these classes the right of voting. The right of suffrage is not, in law, one of the privileges or immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as the result of positive local law, not regarded as one of those fundamental rights lying at the basis of all society and without which a people cannot exist except as slaves, subject to a depotism [sic]."

Discussing the second section, he expressed his regret that it did "not recognize the authority of the United States over the question of suffrage in the several States at all." He justified the limited purpose of the amendment in this regard as follows:

"But, sir, it is not the question here what will we do; it is not the question what you, or I, or half a dozen other Members of the Senate may prefer in respect to colored suffrage; it is not entirely the question what measure we can pass through the two Houses; but the question really is, What will the legislatures of the various States to whom these amendments are to be submitted do in the premises; what is it likely will meet the general approbation of the people who are to elect the legislatures, three-fourths of whom must ratify our propositions before they have the force of constitutional provisions?

* * * * *

"The committee were of opinion that the States are not yet prepared to sanction so fundamental a change as would be the concession of the right of suffrage to the colored race. We may as well state it plainly and fairly, so that there shall be no misunderstanding on the subject. It was our opinion that three-fourths of the States of this Union could not be induced to vote to grant the right of suffrage, even in any degree or under any restriction, to the colored race.

"The second section leaves the right to regulate the elective franchise still with the States, and does not meddle with that right."

There was not in the Senate, as there had been in the House, a closing speech in explanation of the amendment. But because the Senate considered, and finally adopted, several changes in the first and second sections, even more attention was given to the problem of voting rights there than had been given in the House. In the Senate, it was fully understood by everyone that neither the first nor the second section interfered with the right of the States to regulate the elective franchise. Attached as Appendix B hereto are representative statements from the debates to that effect. After having changed the proposed amendment to the form in which it was adopted, the Senate passed the resolution on June 8, 1866. As changed, it passed in the House on June 13.

(ii) Ratification by the "loyal" States: Reports of the debates in the State legislatures on the ratification of the 14th amendment are not generally available. There is, however, compelling indirect evidence. Of the 23 loyal States which ratified the amendment before 1870, 5 had constitutional provisions for apportionment of at least one house of their respective legislatures which wholly disregarded the spread of population. Ten more had constitutional provisions which gave primary emphasis to population, but which applied also other principles, such as partial ratios and recognition of political subdivisions, which were intended to favor sparsely settled areas. Can it be seriously contended that the legislatures of these States, almost two-thirds of those concerned, would have ratified an amendment which might render their own States' constitutions unconstitutional?

Nor were these State constitutional provisions merely theoretical. In New Jersey, for example, Cape May County, with a population of 8,349, and Ocean County, with a population of 13,628, each elected one State senator, as did Essex and Hudson Counties, with populations of 143,839 and 129,067, respectively. In the house, each county was entitled to one representative, which left 39 seats to be apportioned according to population. Since there were 12 counties besides the 2 already mentioned which had populations over 30,000, it is evident that there were serious disproportions in the house also. In New York, each of the 60 counties except Hamilton County was entitled to one of the 128 seats in the assembly. This left 69 seats to be distributed among counties the populations of which ranged from 15,420 to 942,292. With 7 more counties having populations over 100,000 and 13 others having populations over 50,000, the disproportion in the assembly was necessarily large.

* * * * *

In at least one instance, the problem of State legislative apportionment was expressly called to the attention of Congress. Objecting to the inclusion of Florida in the act of June 25, 1868, Mr. Farnsworth stated on the floor of the House:

"I might refer to the apportionment of representatives. By this constitution representatives in the Legislature of Florida are apportioned in such a manner as to give to the sparsely populated portions of the State the control of the legislature. The sparsely populated parts of the State are those where there are very few Negroes, the parts inhabited by the white rebels, the men who, coming in from Georgia, Alabama, and other States, control the fortunes of their several counties. By this constitution every county in that State is entitled to a representative. There are in that State counties that have not 30 registered voters; yet, under this constitution, every one of those counties is entitled to a representative in the legislature; while the populous counties are entitled to only 1 representative each, with an additional representative for every thousand inhabitants."

The response of Mr. Butler is particularly illuminating:

"All these arguments, all these statements, all the provisions of this constitution have been submitted to the Judiciary Committee of the Senate, and they have found the constitution republican and proper. This constitution has been submitted to the Senate, and they have found it republican and proper. It has been submitted to your own Committee on Reconstruction, and they have found it republican and proper, and have reported it to this House."

The constitutions of 6 of the 10 States contained provisions departing substantially from the method of apportionment now held to be required by the amendment. And, as in the North, the departures were as real in fact as in theory. In North Carolina, 90 of the 120 representatives were apportioned among the counties without regard to population, leaving 30 seats to be distributed by numbers. Since there were 7 counties with populations under 5,000 and 26 counties with populations over 15,000, the disproportions must have been widespread and substantial. In South Carolina, Charleston, with a population of 88,863, elected 2 senators; each of the other counties, with populations ranging from 10,269 to 42,486 elected 1 senator. In Florida, each of the 39 counties was entitled to elect 1 Representative; no county was entitled to more than 4. These principles applied to Dade County with a population of 85 and to Alachua County and Leon County, with populations of 17,328 and 15,236, respectively.

It is incredible that Congress would have exacted ratification of the 14th amendment as the price of readmission, would have studied the State constitutions for compliance with the amendment, and would then have disregarded violations of it.

The facts recited above show beyond any possible doubt:

1. That Congress, with full awareness of and attention to the possibility that the States would not afford full equality in voting rights to all their citizens, nevertheless deliberately chose not to interfere with the States plenary power in this regard when it proposed the 14th amendment;

2. That Congress did not include in the 14th amendment restrictions on the States power to control voting rights because it believed that, if such restrictions were included, the amendment would not be adopted.

3. That at least a substantial majority, if not all, of the States which ratified the 14th amendment did not consider that, in so doing, they were accepting limitations on their freedom, never before questioned, to regulate voting rights as they chose.

Even if one were to accept the majority's belief that it is proper entirely to disregard the unmistakable implications of the second section of the amendment in construing the first section, one is confounded by its disregard of all this history.

That is pretty tough talk, Madam President, when an Associate Justice sitting on that Court says:

One is confounded by its disregard of all this history.

I must confess that I have been a little confounded, too, and maybe that is one reason why we have to be just a little more careful than we have been in the past looking at the implications of some of these decisions.

But Justice Harlan continues:

There is here none of the difficulty which may attend the application of basic principles to situations not contemplated or understood when the principles were framed. The problems which concern the Court now were problems when the amendment was adopted. By the deliberate choice of those responsible for the amendment, it left those problems untouched.

Madam President, at this point I ask unanimous consent to insert in the RECORD the remainder of the dissenting opinion of the decision by Associate Justice John Marshall Harlan because I will not bother to read the rest of it. But to me it is amazing how in this decision an Associate Justice castigates his own body and speaks of one being confounded by its disregard of all this history.

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

*C. After 1868*

The years following 1868, far from indicating a developing awareness of the applicability of the 14th amendment to problems of apportionment, demonstrate precisely the reverse: that the States retained and exercised the power independently to apportion their legislatures. In its constitutions of 1875 and 1901, Alabama carried forward earlier provisions guaranteeing each county at least one representative and fixing an upper limit to the number of seats in the house. Florida's constitution of 1885 continued the guarantee of one representative for each county and reduced the maximum number of representatives per county from four to three. Georgia, in 1877, continued to favor the smaller counties. Louisiana, in 1879, guaranteed each parish at least one representative in the house. In 1890, Mississippi guaranteed each county one representative, established a maximum number of representatives, and provided that specified groups of counties should each have

approximately one-third of the seats in the house, whatever the spread of population. Missouri's constitution of 1875 gave each county one representative and otherwise favored less populous areas. Montana's original constitution of 1889 apportioned the State senate by counties. In 1877, New Hampshire amended its constitution's provisions for apportionment, but continued to favor sparsely settled areas in the house and to apportion seats in the senate according to direct taxes paid; the same was true of New Hampshire's constitution of 1902.

In 1894, New York adopted a constitution the peculiar apportionment provisions of which were obviously intended to prevent representation according to population: No county was allowed to have more than one-third of all the senators, no two counties which were adjoining or "separated only by public waters" could have more than one-half of all the senators, and whenever any county became entitled to more than three senators, the total number of senators was increased, thus preserving to the small counties their original number of seats. In addition, each county except Hamilton was guaranteed a seat in the assembly. The North Carolina constitution of 1876 gave each county at least one representative and fixed a maximum number of representatives for the whole house. Oklahoma's constitution at the time of admission to the Union (1907) favored small counties by the use of partial ratios and a maximum number of seats in the house; in addition, no county was permitted to "take part" in the election of more than seven representatives. Pennsylvania, in 1873, continued to guarantee each county one representative in the house. The same was true of South Carolina's constitution of 1895, which provided also that each county should elect one and only one senator. Utah's original constitution of 1895 assured each county of one representative in the house. Wyoming, when it entered the Union in 1889, guaranteed each county at least one senator and one representative.

*D. Today*

Since the Court now invalidates the legislative apportionments in six States, and has so far upheld the apportionment in none, it is scarcely necessary to comment on the situation in the States today, which is, of course, as fully contrary to the Court's decision as is the record of every prior period in this Nation's history. As of 1961, the constitutions of all but 11 States, roughly 20 percent of the total, recognized bases of apportionment other than geographic spread of population, and to some extent favored sparsely populated areas by a variety of devices, ranging from straight area representation or guaranteed minimum area representation to complicated schemes of the kind exemplified by the provisions of New York's Constitution of 1894, still in effect until struck down by the Court today in No. 20 (post, p. —). Since Tennessee, which was the subject of *Baker* v. *Carr*, and Virginia, scrutinized and disapproved today in No. 69 (post, p. —), are among the 11 States whose own constitutions are sound from the standpoint of the Federal Constitution as construed today, it is evident that the actual practice of the States is even more uniformly than their theory opposed to the Court's view of what is constitutionally permissible.

*E. Other factors*

In this summary of what the majority ignores, note should be taken of the 15th and 19th amendments. The former prohibited the States from denying or abridging the right to vote "on account of race, color, or previous condition of servitude." The latter, certified as part of the Constitution in 1920, added sex to the prohibited classifications. In *Minor* v. *Happersett*, 21 Wall. 162, this Court considered the claim that the right of women to vote was protected by the privileges and immunities clause of the 14th amendment. The Court's discussion there of the significance of the 15th amendment is fully applicable here with respect to the 19th amendment as well.

"And still again, after the adoption of the 14th amendment, it was deemed necessary to adopt a 15th, as follows: 'The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.' The 14th amendment had already provided that no State should make or enforce any law which should abridge the privileges or immunities of citizens of the United States. If suffrage was one of these privileges or immunities, why amend the Constitution to prevent its being denied on account of race, etc.? Nothing is more evident than that the greater must include the less, and if all were already protected why go through with the form of amending the Constitution to protect a part?" Idem, at 175.

In the present case, we can go still further. If constitutional amendment was the only means by which all men and, later, women, could be guaranteed the right to vote at all, even for Federal officers, how can it be that the far less obvious right to a particular kind of apportionment of State legislatures—a right to which is opposed a far more plausible conflicting interest of the State than the interest which opposes the general right to vote—can be conferred by judicial construction of the 14th amendment? Yet, unless one takes the highly implausible view that the 14th amendment controls methods of apportionment but leaves the right to vote itself unprotected, the conclusion is inescapable that the Court has, for purposes of these cases, relegated the 15th and 19th amendments to the same limbo of constitutional anachronisms to which the second section of the 14th amendment has been assigned.

Mention should be made finally of the decisions of this Court which are disregarded or, more accurately, silently overruled today. *Minor* v. *Happersett, supra,* in which the Court held that the 14th amendment did not confer the right to vote on anyone, has already been noted. Other cases are more directly in point. In *Colegrove* v. *Barrett*, 330 U.S. 804, this Court dismissed "for want of a substantial Federal question" an appeal from the dismissal of a complaint alleging that the Illinois legislative apportionment resulted in "gross inequality in voting power" and "gross and arbitrary and atrocious discrimination in voting" which denied the plaintiffs equal protection of the laws. In *Remmey* v. *Smith*, 102 F. Supp. 708 (D.C.E.D. Pa.), a three-judge district court dismissed a complaint alleging that the apportionment of the Pennsylvania Legislature deprived the plaintiffs of "constitutional rights guaranteed to them by the 14th amendment." (Id., at 709.) The district court stated that it was aware that the plaintiffs' allegations were "notoriously true" and that "the practical disenfranchisement of qualified electors in certain of the election districts in Philadelphia County is a matter of common knowledge." (Id. at 710.) This Court dismissed the appeal "for the want of a substantial Federal question" (342 U.S. 916).

In *Kidd* v. *McCanless*, 292 S.W. 2d 40, the Supreme Court of Tennessee dismissed an action for a declaratory judgment that the Tennessee Apportionment Act of 1901 was unconstitutional. The complaint alleged that "a minority of approximately 37 percent of the voting population of the State now elects and controls 20 of the 33 members of the senate; that a minority of 40 percent of the voting population of the State now controls 63 of the 99 members of the house of representatives." Idem at 42. Without dissent, this Court granted the motion to dismiss the appeal. 352 U.S. 920. In *Radford* v. *Gary*, 145 F. Supp. 541 (D.C.W.D. Okla.), a three-judge district court was convened to consider "the complaint of the plaintiff to the effect that the existing apportionment statutes of the State of Oklahoma violate the plain mandate of the Oklahoma Constitution and operate to deprive him of the equal protection of the laws guaranteed by the 14th amendment to the Constitution of the United States." Idem at 542. The plaintiff alleged that he was a resident and voter in the most populous county of the State, which had about 15 percent of the total population of the State but only about 2 percent of the seats in the State senate and less than 4 percent of the seats in the house. The complaint recited the unwillingness or inability of the branches of the State government to provide relief and alleged that there was no State remedy available. The district court granted a motion to dismiss. This Court affirmed without dissent (352 U.S. 991).

Each of these recent cases is distinguished on some ground or other in *Baker* v. *Carr*. See 369 U.S. 235–236. Their summary dispositions prevent consideration whether these after-the-fact distinctions are real or imaginary. The fact remains, however, that between 1947 and 1957, four cases raising issues precisely the same as those decided today were presented to the Court. Three were dismissed because the issues presented were thought insubstantial and in the fourth the lower court's dismissal was affirmed.

I have tried to make the catalog complete, yet to keep it within the manageable limits of a judicial opinion. In my judgment, today's decisions are refuted by the language of the Amendment which they construe and by the inference fairly to be drawn from subsequently enacted Amendments. They are unequivocally refuted by history and by consistent theory and practice from the time of the adoption of the 14th amendment until today.

II

The Court's elaboration of its new "constitutional" doctrine indicates how far—and how unwisely—it has strayed from the appropriate bounds of its authority. The consequence of today's decision is that in all but the handful of States which may already satisfy the new requirements the local district court or, it may be, the State courts, are given blanket authority and the constitutional duty to supervise apportionment of the State legislatures. It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States.

In the *Alabama* cases (Nos. 23, 27, 41), the district court held invalid not only existing provisions of the State constitution—which this Court lightly dismisses with a wave of the supremacy clause and the remark that "it makes no difference whether a State's apportionment scheme is embodied in its constitution or in statutory provision" ante, p. 49)—but also a proposed amendment to the Alabama constitution which had never been submitted to the voters of Alabama for ratification, and "standby" legislation which was not to become effective unless the amendment was rejected (or declared unconstitutional) and in no event before 1966, *Sims* v. *Frink*, 208 F. Supp. 431. See ante, pp. 8–16. Both of these measures had been adopted only 9 days before, at an extraordinary session of the Alabama Legislature, convened pursuant to what was very nearly a directive of the district court, see *Sims* v. *Frink* (205 F. Supp. 245, 248). The district court formulated its own plan for the apportionment of the Alabama Legislature, by picking and choosing among the provisions of the legislative measures (208 F. Supp., at 441–442, see ante, p. 17). Beyond that, the court warned the legislature that there would be still further judicial reapportionment unless the legislature, like it or not, undertook the

task for itself (208 F. Supp. at 442). This Court now states that the district court acted in "a most proper and commendable manner" (ante, p. 51), and approves the district court's avowed intention of taking "some further action" unless the State legislature acts by 1966 (ante, p. 52).

In the Maryland case (No. 29, post, p.—), the State legislature was called into special session and enacted a temporary reapportionment of the house of delegates, under pressure from the State courts. Thereafter, the Maryland Court of Appeals held that the Maryland Senate was constitutionally apportioned. *Maryland Committee for Fair Representation* v. *Tawes*, 329 Md. 406. This Court now holds that neither branch of the State legislature meets constitutional requirements, Post, p. 17. The Court presumes that since "the Maryland constitutional provisions relating to legislative apportionment [are] hereby held unconstitutional, the Maryland Legislature * * * has the inherent power to enact at least temporary reapportionment legislation pending adoption of State constitutional provisions" which satisfy the Federal Constitution, id., at 18. On this premise, the Court concludes that the Maryland courts need not "feel obliged to take further affirmative action" now, but that "under no circumstances should the 1966 election of members of the Maryland Legislature be permitted to be conducted pursuant to the existing or any other unconstitutional plan." Idem., at 19.

In the *Virginia* case (No. 69, post, p. —), the State legislature in 1962 complied with the State constitutional requirement of regular reapportionment. Two days later, a complaint was filed in the district court. Eight months later, the legislative reapportionment was declared unconstitutional. *Mann.* v. *Davis*, 213 F. Supp. 577. The district court gave the State legislature 2 months within which to reapportion itself in special session, under penalty of being reapportioned by the court. Only a stay granted by a member of this Court slowed the process; it is plain that no stay will be forthcoming in the future. The Virginia Legislature is to be given "an adequate opportunity to enact a valid plan"; but if it fails "to act promptly in remedying the constitutional defects in the State's legislative apportionment plan," the district court is to "take further action" (post, p. 14).

In *Delaware* (No. 307, post, p. —), the district court entered an order on July 25, 1962, which stayed proceedings until August 7, 1962, "in the hope and expectation" that the general assembly would take "some appropriate action" in the intervening 13 days. *Sincock* v. *Terry*, 207 F. Supp. 205, 207. By way of prodding, presumably, the court noted that if no legislative action were taken and the court sustained the plaintiffs' claim, "the present general assembly and any subsequent general assembly, the members of which were elected pursuant to section 2 of article 2 [the challenged provisions of the Delaware constitution], might be held not to be a de jure legislature and its legislative acts might be held invalid and unconstitutional" (id., at 205–206). Five days later, on July 30, 1962, the general assembly approved a proposed amendment to the State constitution. On August 7, 1962, the district court entered an order denying the defendants' motion to dismiss. The court said that it did not wish to substitute its judgment "for the collective wisdom of the General Assembly of Delaware," but that "in the light of all the circumstances," it had to proceed promptly (210 F. Supp. 395, 396). On October 16, 1962, the court declined to enjoin the conduct of elections in November (210 F. Supp. 396). The court went on to express its regret that the general assembly had not adopted the court's suggestion, see 207 F. Supp., at 206–207, that the Delaware constitution be amended to make apportionment a statutory rather than a constitutional matter, so as to facilitate further changes in apportionment which might be required (210 F. Supp. 401). In January 1963, the general assembly again approved the proposed amendment of the apportionment provisions of the Delaware constitution, which thereby became effective on January 17, 1963. Three months later, on April 17, 1963, the district court reached "the reluctant conclusion" that article 2, section 2, of the Delaware constitution was unconstitutional, with or without the 1963 amendment. *Sincock* v. *Duffy*, 215 F. Supp. 169, 189. Observing that "the State of Delaware, the general assembly, and this court all seem to be trapped in a kind of box of time," id., at 191, the court gave the general assembly until October 1, 1963, to adopt acceptable provisions for apportionment. On May 20, 1963, the district court enjoined the defendants from conducting any elections, including the general election scheduled for November 1964, pursuant to the old or the new constitutional provisions. This Court now approves all these proceedings, noting particularly that in allowing the 1962 elections to go forward, "the district court acted in a wise and temperate manner" (post, p. 14).

Records such as these in the cases decided today are sure to be duplicated in most of the other States if they have not already. They present a jarring picture of courts threatening to take action in an area which they have no business entering, inevitably on the basis of political judgments which they are incompetent to make. They show legislatures of the States meeting in haste and deliberating and deciding in haste to avoid the threat of judicial interference. So far as I can tell, the Court's only response to this unseemly state of affairs is ponderous insistence that "a denial of constitutionally protected rights demands judicial protection" (ante, p. 31). By thus refusing to recognize the bearing which a potential for conflict of this kind may have on the question whether the claimed rights are in fact constitutionally entitled to judicial protection, the Court assumes, rather than supports, its conclusion.

It should by now be obvious that these cases do not mark the end of reapportionment problems in the courts. Predictions once made that the courts would never have to face the problem of actually working out an apportionment have proved false. This Court, however, continues to avoid the consequences of its decisions, simply assuring us that the lower courts "can and * * * will work out more concrete and specific standards" (ante, p. 43). Deeming it "expedient" not to spell out "precise constitutional tests," the Court contents itself with stating "only a few rather general considerations." Ibidem.

Generalities cannot obscure the cold truth that cases of this type are not amenable to the development of judicial standards. No set of standards can guide a court which has to decide how many legislative districts a State shall have, or what the shape of the districts shall be, or where to draw a particular district line. No judicially manageable standard can determine whether a State should have single-member districts or multimember districts or some combination of both. No such standard can control the balance between keeping up with population shifts and having stable districts. In all these respects, the courts will be called upon to make particular decisions with respect to which a principle of equally populated districts will be of no assistance whatsoever. Quite obviously, there are limitless possibilities for districting consistent with such a principle. Nor can these problems be avoided by judicial reliance on legislative judgments so far as possible. Reshaping or combining one or two districts, or modifying just a few district lines, is no less a matter of choosing among many possible solutions, with varying political consequences, than reapportionment broadside.

The Court ignores all this, saying only that "what is marginally permissible in one State may be unsatisfactory in another, depending on the particular circumstances of the case" (ante, p. 43). It is well to remember that the product of today's decisions will not be readjustment of a few districts in a few States which most glaringly depart from the principle of equally populated districts. It will be a redetermination, extensive in many cases, of legislative districts in all but a few States.

Although the Court—necessarily, as I believe—provides only generalities in elaboration of its main thesis, its opinion nevertheless fully demonstrates how far removed these problems are from fields of judicial competence. Recognizing that "indiscriminate districting" is an invitation to "partisan gerrymandering" (ante, pp. 43–44), the Court nevertheless excludes virtually every basis for the formation of electoral districts other than "indiscriminate districting." In one or another of today's opinions, the Court declares it unconstitutional for a State to give effective consideration to any of the following in establishing legislative districts:

1. History;
2. "Economic or other sorts of group interests";
3. Area;
4. Geographical considerations;
5. A desire "to insure effective representation for sparsely settled areas";
6. "Availability of access of citizens to their representatives";
7. Theories of bicameralism (except those approved by the Court);
8. Occupation;
9. An attempt to balance urban and rural power.
10. The preference of a majority of voters in the State.

So far as presently appears, the only factor which a State may consider, apart from numbers, is political subdivisions. But even "a clearly rational State policy" recognizing this factor is unconstitutional if "population is submerged as the controlling consideration."

I know of no principle of logic or practical or theoretical politics, still less any constitutional principle, which establishes all or any of these exclusions. Certain it is that the Court's opinion does not establish them. So far as the Court says anything at all on this score, it says only that "legislators represent people, not trees or acres," ante, p. 27; that "citizens, not history or economic interests, cast votes," ante, p. 45; that "people, not land or trees or pastures, vote," ibid. All this may be conceded. But it is surely equally obvious, and, in the context of elections, more meaningful to note that people are not ciphers and that legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect the place where the electors live. The Court does not establish, or indeed even attempt to make a case for the proposition that conflicting interests within a State can only be adjusted by disregarding them when voters are grouped for purposes of representation.

CONCLUSION

With these cases the Court approaches the end of the third round set in motion by the complaint filed in *Baker* v. *Carr*. What is done today deepens my conviction that judicial entry into this realm is profoundly ill advised and constitutionally impermissible. As I have said before, *Wesberry* v. *Sanders*, *supra*, at 48, I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform; in time a complacent body politic may result.

These decisions also cut deeply into the fabric of our federalism. What must follow

from them may eventually appear to be the product of State legislatures. Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that that cost was not too high or was inevitable.

Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this Court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional "principle," and that this Court should "take the lead" in promoting reform when other branches of Government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements. The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens. This Court, limited in function in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process.

I dissent in each of these cases, believing that in none of them have the plaintiffs stated a cause of action. To the extent that *Baker* v. *Carr*, expressly or by implication, went beyond a discussion of jurisdictional doctrines independent of the substantive issues involved here, it should be limited to what it in fact was: an experiment in venturesome constitutionalism. I would reverse the judgments of the district court in Nos. 23, 27, and 41 (Alabama), No. 69 (Virginia), and No. 307 (Delaware), and remand with directions to dismiss the complaints. I would affirm the judgments of the district court in No. 20 (New York), and No. 508 (Colorado), and of the Court of Appeals of Maryland in No. 29.

Mr. DIRKSEN. I have heard it rumored that maybe there are some persons in high judicial places who would be only too anxious to have this reapportionment matter resolved. Perhaps this is like the handwriting on the wall. Maybe it is like Banquo's ghost. Maybe they want to push it aside. But they have gone too far to brush it aside and it is for the Congress to deal with these matters.

Now, Madam President, I turn to an article by Holman Harvey and Kenneth O. Gilmore in the Reader's Digest under the caption, "Reapportionment: Shall the Court or the People Decide?" When all is said and done that is the issue before the Senate.

I read from the article:

Lightning struck last June 15 when the Supreme Court handed down its one-man, one-vote reapportionment decision. This decree requires both branches of every State legislature to be strictly based on population only. It represents the most far-reaching change in American political structure since our Constitution was written 178 years ago.

Few issues in recent times have stirred more controversy or created more confusion. Nearly every State in the Nation—from Montana to Maryland, from Alaska to Florida—is struggling to satisfy the Federal judiciary's order. A dozen States have already remapped their legislative districts.

Madam President, before the year is out, perhaps at least 38 States will have reapportioned their legislatures in conformity with judicial decrees.

Others are desperately trying to meet court-imposed deadlines or to devise delaying tactics. In the meantime, proposals for a constitutional amendment reversing the Court's action are being seriously debated in Congress and in the States.

Make no mistake, we are at a crossroads: our form of government is in a major crisis. What then are the stakes?

REPRESENT THE PEOPLE

"The basic issue," says Robert G. Dixon, Jr., professor of law at George Washington University, "is not simply one man, one vote. It is fair representation, a concept which philosophers and politicians have been arguing about for ages."

Since the beginning of democracy in the Greek city-states, man has groped for the best ways to govern himself and to achieve a true representation of the people's will. As far back as the 11th century, England began to move painfully toward more representative government; kings formed various councils consisting of lords, clerics, and powerful landowners. Later, townships, boroughs, and counties were called into councils, originally to be consulted on property taxes.

In America at the Constitutional Convention in Philadelphia in 1787, this was the essential question: How could a balanced, genuinely representative form of government be achieved, one that would reflect the majority will while protecting the minority and preventing mob rule? A solution was hammered out by our forefathers. So that the large States could not be controlled by the small or the small steamrollered by the large, a two-house plan was born, with a house of representatives based on population and a senate based on geography.

Thomas Jefferson is reputed to have asked George Washington why he favored the system. Washington asked Jefferson why he poured his coffee from cup to saucer. "To cool it," was the response.

"Even so," Washington said, "we pour legislation into the senatorial saucer to cool it."

As America matured into the world's first successful example of modern constitutional democracy, States adopted the Federal two-house system. By 1961, all but 11 States had constitutions that took into account interests other than population—geographic factors, mainly—so as to achieve fair representation. Missouri's "Little Federal" system furnishes an example. One house is apportioned on the basis of districts of fairly equal population in both city and rural areas, with districts adjusted every 10 years. In the other chamber each of the 114 counties has at least 1 member. Under these provisions, cooperation between city and rural areas is a valued tradition.

THE CHICKEN VOTE

But—and this is where the rub came—as America's cities grew, some States neglected to reapportion their lower houses. The result was, in many States, unjust rural domination of legislatures. Delaware's house districts had not changed since 1897. So unbalanced was Connecticut's house of representatives that 1 vote in a rural town was worth 429 votes in Hartford. In New Hampshire's lower house, one district had 1,000 times more residents than another.

One remiss State was Tennessee, with no revisions since 1901. A group went to court to force reapportionment of the assembly, with Memphis resident Charles W. Baker suing the secretary of state, Joe C. Carr.

That is where the case of Baker against Carr gets its name.

"The pigs and chickens in our smaller counties have better representation in the Tennessee Legislature than the people of Nashville" declared that city's mayor.

The case reached the Supreme Court. Contrary to all previous decisions—and to Justice Felix Frankfurter's warning that the judiciary "ought not to enter this political thicket"—the Court ruled in 1962 that State legislative districts are subject to its judicial scrutiny.

The Baker against Carr decision was a bombshell. It spawned similar reapportionment suits in 34 States. So varied were the court interpretations that cases from six States—Alabama, Colorado, Delaware, Maryland, New York, and Virginia—were appealed to the High Tribunal.

Then on June 15, 1964, the nine black-robed men filed into the marbled chambers and handed down their shattering decision. In four cases the voting was 8 to 1; in the other two, 6 to 3. In all cases, the long established "Little Federal" system was knocked out. Chief Justice Earl Warren justified the decision on the provision of the 14th amendment to the U.S. Constitution which requires that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

I interpose at this point to say that in 1948, when the present Chief Justice was Governor of California, he entertained a diametrically opposite view with respect to his State; but in the intervening period of 16 years he completely changed his mind.

He wrote: "Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

QUESTION THE WISDOM

There were vigorous dissents to the decision. Justice Potter Stewart noted: "The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, or in any prior decision of this Court, or in the 175-year political history of our Federal Union."

"It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States," said Justice John M. Harlan. "People are not ciphers. Legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect where the electors live."

Aroused critics from both political parties questioned the wisdom of the Court's fiat. The Wall Street Journal summed up the feelings of many when it said, "The Court had a chance to bolster our traditions by requiring one house truly on population, and permitting the other on a geographical or other basis to reflect common interests. Instead of stopping with that, its fiat threw out institutions painfully wrought by experience and tried to substitute abstract theory."

The House of Representatives was so incensed that it rammed through a bill stripping all Federal courts of the power to hear or review State legislative apportionment cases. The Senate passed a "sense of Congress" with the purpose of asking the courts to go slow in forcing State legislatures to fall into line until the whole matter could be reviewed.

Madam President, the bill referred to was the Tuck bill, a bill introduced by the distinguished former Governor of Virginia, Governor TUCK, and the reference to the Senate is a reference to an

amendment that the distinguished majority leader and the minority leader cosponsored to the Foreign Aid Act at that time.

I continue to read from the article:

Today, as this momentous issue is debated across the land, every citizen should ponder these points:

(1) The court's decree threatens to spark a chain reaction that may go all the way down to the school-board level.

The authors of that article were not kidding. There is a suit filed in Kent County, Mich., right now questioning the legality of the board of supervisors. There is a suit pending in the Federal court in northern Illinois challenging the composition of the Supreme Court of the State of Illinois. Strangely enough, that suit has been filed by a law professor from De Paul University.

In Illinois, they challenge the composition of our supreme court. In Michigan, they challenge the composition of the board of supervisors. Just give them a little time and they will challenge the composition of the park board and school boards and sanitary district boards and any other kind of board that may come along. These authors were not speaking with tongue in cheek when they were speaking of what is going to happen when they said:

The court's decree threatens to spark a chain reaction that may go all the way down to the school-board level.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HOLLAND. Madam President, I appreciate the fine speech that the distinguished Senator is making. Does the Senator think that even the Federal courts will be in agreement as to what constitutes a redistricting or reapportionment of the State legislatures in accord with the basic decision of the U.S. Supreme Court?

Mr. DIRKSEN. I do not; because they never have agreed in most of the circuits and districts. We shall have that disagreement all the time.

Mr. HOLLAND. Madam President, as the Senator knows, in the State of Florida, which I have the honor to represent in part, there have been two good-faith efforts to redistribute or reapportion the membership in the Florida Legislature. These efforts have met with the approval of a very distinguished three-judge Federal court, only to be disapproved by the U.S. Supreme Court later.

Mr. DIRKSEN. The Senator is correct. That situation is almost as difficult as the one which took place in Colorado and in some other States.

Mr. HOLLAND. Does not the Senator think that the terrific instability which will result necessarily because of the difference in the thinking and philosophy of the members of the Federal judiciary in both the lower Federal courts and the Supreme Court itself—as shown by the different viewpoints of the members of the Supreme Court in the various decisions on cases which have come before the Court—is something that will rise to plague our country as long as this decision remains the controlling law of the land?

Mr. DIRKSEN. The Senator is correct. One may emphasize the fact, as Justice Frankfurter pointed out, that this was a judicial thicket into which the Court should make no venture.

Mr. HOLLAND. Madam President, I read those words of the late distinguished Justice Frankfurter, and I thought that he not only spoke the truth, but that the majority of the members of the Court since that time have failed or refused to see that truth.

Is it not true, considering the fact that we have a Federal census every 10 years and that every State in the Union is anything but static in its growth and population, that this problem plaguing us already will continue to plague us as a result of these continuing censuses just as long as this Nation lasts if this decision is permitted to remain the controlling law of the land?

Mr. DIRKSEN. Precisely; and we have taken that into account so that nobody can charge us with trying to freeze a situation for all time we propose to take a look at the matter after each decennial census.

Mr. HOLLAND. Madam President, I particularly appreciate that part of the amendment sponsored by the distinguished minority leader, of which I have the honor to be one of the cosponsors—recognizing that this country is not static.

Mr. DIRKSEN. Indeed not.

Mr. HOLLAND. Our country has never been static. No State in our Nation is static. The people of each State under the amendment sponsored by the distinguished Senator would have the right every 10th year, after a census, to again examine their own situation and decide for themselves what they think is the fair method of distribution of members in one house of their legislature.

I congratulate the Senator upon his long and determined effort. I am glad to be counted with him because he has in mind not only a stable and sound government, but also a government which recognizes that if any one thing has marked this country through all of its existence, it is the fact that it is constantly on the move, that its people are constantly on the move, that the population of the States is constantly changing, and that the population within each State, one county as against another county and one community as against another community, is constantly changing.

I commend the distinguished Senator upon the long and scholarly effort which he has made to produce an amendment which is in consonance with the basic philosophy that underlies our American system.

I thank the distinguished Senator for yielding.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the rest of the article which I have been reading be made a part of my remarks.

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

The remainder of the article, ordered to be printed in the RECORD, is as follows:

There are 3,072 counties in the United States, and 91,185 local governments. How long will it be before the Federal courts poke into each of these units of representative democracy to take head counts and draw boundary lines? A Michigan court recently told Kent County's board of supervisors that it must be reapportioned on a population-only basis. Other suits have been filed in New York, and California. Where, exactly, will it end?

"Carry the Court's decision to its logical conclusion," says William S. White, Pulitzer Prize-winning biographer and journalist, "and even the historic and deliberate population imbalance in the U.S. Senate could not in any logic longer prevail." After all, Nevada's 285,000 citizens elect as many U.S. Senators as do New York's 17 million.

(2) The decision will swing the pendulum from legislatures with outdated apportionment and too much rural weight, to legislatures under the raw control of metropolitan vote-getting machines. In 25 States, more than half the population resides in metropolitan areas. In 14 States, three populous counties or fewer will elect more than 50 percent of the legislators.[1] America's sprawling urban areas will call the shots, up and down the land. Chicago will hold sway over Illinois, Detroit over Michigan, Philadelphia and Pittsburgh over Pennsylvania, Phoenix over Arizona, and Las Vegas over Nevada.

The specter of raids on State treasuries by metropolitan-dominated legislatures concerns many. They see pressures mounting for more State funds for urban renewal, relief cases and public housing—with many of the funds being matched by U.S. tax dollars. These spending programs in turn will garner more votes for the city machines. Mayors in some States may soon be far more influential than the Governors.

New York is perhaps the most vivid case. Here 38 percent of the population has been able to elect a majority in the senate, thus protecting certain underpopulated counties of this large State with all its diverse interests. But, under the court's rule, it is only a matter of time before the New York City metropolitan area, with 63 percent of the State's population, will be completely dominant.

(3) Some groups of voters can be wiped out, under a "winner-take-all" numerical system. The Court's decision, notes The Christian Science Monitor, "will tend to weaken the complex American system for diffusing power and protecting minorities." For example, under a purely numerical system of redistricting, South Dakota's 30,000 Indians, who live in huge reservations covering entire counties, will lose two State senators who now watch out for their interests.

Representative WILLIAM M. MCCULLOCH of Ohio says: "People have ever-changing problems that sometimes fail to yield to computer logic. Some may be lumbermen, miners, fishermen, or farmers. Some may be of one religion or national origin peculiar in need or consideration. Some may direct their needs toward secondary roads or superhighways, while others are more concerned about the rapid-transit system. Certainly the majority must have effective rule, but the minority, too, is entitled to effective representation, lest important segments of our people be completely subect to the tyranny of a temporary majority."

Chief Justice Warren himself declared, in 1948, when he was Governor of California: "Many California counties are far more im-

[1] Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Illinois, Massachusetts, Missouri, Nevada, New Hampshire, Rhode Island, Utah, Washington.

portant in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting the representation in the (State) senate to a strictly population basis."

(4) The Court's decree is a dangerous intrusion by the Federal judiciary into the political affairs of the States. Hardly was the "one-man, one-vote" decision announced before lower courts showed how fast and how far they were willing to muscle in on the deliberations of State governments. Just 2 days after the June 15 decision, a U.S. district court directed the Michigan Apportionment Commission to come up with a districting plan in 46 hours. In a Vermont case appealed to the Supreme Court, it was ruled in January that the legislature must decide upon a plan and then disband—even though this defies the State constitution.

In Oklahoma a three-man Federal district court ignored the machinery set up by the State for reapportionment and autocratically undertook to rearrange the State's legislative districts itself. It set up a master plan that was a nightmare of free-floating voting zones and mistakes. Angrily, Oklahoma's Senator MIKE MONRONEY said: "Hasty and ill-advised redistricting formulas promulgated by the courts can result in confusion and inequities. Good local self-government cannot be imposed from above. It must be generated by the people themselves."

(5) The Court's edict means that the citizens of a State can no longer decide upon their own form of representative government. One of the six States involved in the Court's June 15 ruling was Colorado. Few States have so diligently attempted to work out a method of representation tailored to their own unique characteristics. Since it became a State in 1876, its legislature has been reapportioned five times. In the spring of 1962, citizens' groups gathered to work out a reapportionment amendment that would keep pace with the State's increasing urban growth. They split into two camps. One wanted both houses of the general assembly based on population alone; the other supported a "Federal Plan," keeping geographic representation in the senate.

Each side took its case to the public. They fought up and down the State with countless speeches, debates, newspaper ads, billboard posters, radio and TV spots. This referendum overshadowed all other election issues in Colorado that year. And the outcome was stunningly clear. The "Federal Plan" won by 305,700 to 172,725. It carried every county in the State.

The amendment was challenged; it was upheld by a Federal district court. And then on June 15, the Supreme Court threw out Colorado's plan. In an amazing statement, Chief Justice Warren said that, because the plan adopted was contrary to the Court's new ruling, Colorado's referendum vote was "without Federal constitutional significance."

There were stinging dissents. Said Justice Tom C. Clark: "Colorado, by an overwhelming vote, has written the organization of its legislative body into its constitution. In striking down Colorado's plan of apportionment, the Court is invading the valid functioning of the procedures of the States, and thereby commits a grievous error which will do irreparable damage to our Federal-State relationship."

Today Colorado's senate has been redrawn to satisfy the Court. But the issue is still being debated. Meanwhile, the voters wonder what, if anything, their ballot is worth, or their State constitution.

WILL OF THE PEOPLE

Only one recourse is left to American citizens who wish to restore our representative system to its original integrity: an amendment to the U.S. Constitution. Today in Congress, and in the States, forces are gathering behind proposals that would:

1. Guarantee the citizens of every State the right to decide for themselves, by one-man, one-vote ballot, the apportionment of their own legislature.

2. Guarantee that this power will not be curtailed or reviewed by any Federal court.

3. Guarantee that one house of each legislature can reflect factors other than population if such apportionment has been submitted to a vote of the people.

This in essence would be the 25th amendment to the Constitution. Whether it is passed in Congress and ratified by the States will depend upon the support it receives from the American people. The stakes are high—as high as the preservation of our Republic.

Mr. DIRKSEN. Mr. President, there are one or two points I want to make before I close. If the Supreme Court decision stands, if there is no amendment, it becomes in the nature of a perpetual war, and someday, notwithstanding the fact that all State legislatures have been reapportioned under judicial fiat, they may find themselves exceedingly unhappy. There will be exactly nothing that they can do about it.

On this point it is rather interesting to note an observation by Associate Justice Douglas a few weeks ago when he said:

Sometimes the decisions of this Court are not approved in the long run. And constitutional amendments are made. For example, our Court held that the graduated income tax was unconstitutional. And we got the 16th amendment—we changed that. Our Court held that a State could lay a poll tax as a condition of voting, and that was changed with respect to Federal elections. Our Court held that a State could keep women from voting and that was changed by the 19th amendment. This is part of the process. People can have such constitutions—such provisions—as they want. It is the duty of the Court to construe the constitution as it exists to the best of their knowledge.

That is so completely in point, Mr. President, and it needs no further embellishment on my part.

It has been stated that I set myself up as a sort of "one-man court," which is too whimsical for any response from me. I am afraid that some writers of editorials have awfully short memories. Therefore, it is time to jog them, because here is the platform of my party for 1964.

I read first the caption from page 19 and then the appropriation section from page 20.

We say:

In furtherance of our faith in limited, frugal and efficient government we also pledge: * * * support of a constitutional amendment, as well as legislation, enabling States having bicameral legislatures to apportion one house on bases of their choosing, including factors other than population.

Thus, Mr. President, this is merely giving expression and affirmation to a pledge which we made to the people of the United States. As a member of that party, I feel duty bound to carry it out as best I can.

I presume, before debate on this subject ends next Wednesday, that there will be an opportunity to make one or two more observations, but let me make the point that it does not make any difference whether all of the State legislatures have been reapportioned. The residual issue still remains, and that is: Shall there be fair representation? Shall the people have something to say about the composition of at least one branch of their State legislature? Shall it still remain a government of, for, and by the people?

I never cease to be astounded by the fact that there are Members of this body who are unwilling to let the people of their respective States have something to say about the composition of their legislatures in the light of the historical development of the 14th amendment and the equal protection clause.

That is a paradox of the first order but I believe that the two authors of that article published in Reader's Digest, and the professor of constitutional history at Georgetown University, are correct when they say that this is a constitutional crisis of the greatest magnitude and the time has come to resolve it.

I earnestly hope that when the roll is intoned on Wednesday next—and I have talked with the majority leader about setting an appropriate hour on that day for the vote—the Senate, in its wisdom, will send this proposed amendment to the House for further consideration, and that it can then go to the people of the country, because that is where the power resides, that is still the fountainhead of all power in this country. When that principle and that concept fail then, of course, I do not know what will be said about the ultimate destiny of this Republic.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. On the final point which the Senator from Illinois makes. The Senator from Illinois says, Why not let the people decide?

Indeed, why not let the people decide any issue; why not let the people decide whether we will pass any foreign aid legislation; why not let the people decide whether there will be any civil rights legislation? Such a procedure passes the buck. It would——

Mr. DIRKSEN. Oh, Mr. President——

Mr. PROXMIRE. It would seem to me that if this proposed amendment is good and is appropriate, then we should pass it. If not, we should defeat it. That is what we are elected for, is it not?

Mr. DIRKSEN. Surely, my friend from Wisconsin cannot mean what he is saying.

Mr. PROXMIRE. Yes, indeed.

Mr. DIRKSEN. We are dealing here with an interpretation of a clause in the 14th amendment to the Constitution. We are trying to remedy that interpretation. This is not a piece of legislation. This is a joint resolution for a constitutional amendment. What the Senator from Wisconsin is talking about, when he talks about foreign aid, is legislation in the form of an ultimate statute. I know something about that, so let him offer a resolution to interdict Congress, from now on, to deal in that field and to vote any money out of the public Treasury for any such thing as, say, foreign aid, and then he will be on good ground.

Mr. PROXMIRE. The Senator from Illinois is overlooking the fact that we have had more than a score of amendments to the Constitution. How many times, and how many of those amendments did we require the people of each State to decide whether the amendment should be put into effect in their particular States? The answer is "None."

Mr. DIRKSEN. We have required all of them.

Mr. PROXMIRE. We have required all of the State legislatures to act, but not the people in a referendum.

Mr. DIRKSEN. Certainly.

Mr. PROXMIRE. But the Senator from Illinois is basing his argument not on whether the State legislatures acted, because we have agreed that they have—or at least I believe that we have agreed—but what he is saying is that not only State legislatures and Congress act, but he has said that we should rely on a referendum. I believe that there are a great many arguments we could make against the wisdom of the referendum process.

I have served in a State legislature—perhaps the Senator from Illinois also has—and he knows that it is very easy for a State legislature which has a vested interest in the matter to compose a referendum in such a way that it would get the answer it would prefer. It is no trick to rig the question.

Mr. DIRKSEN. Coming from a flaming liberal——

Mr. PROXMIRE. Oh no—no——

Mr. DIRKSEN. I am absolutely surprised, because if he means what he says about liberalism, then of course he should be the first to want to go to the people instead of stopping with legislatures.

Mr. PROXMIRE. Well, I am shocked that the leader of the Republican Party in the Senate disbelieves, apparently, in the Republican-Democratic principle that we are elected to decide these questions and that State legislatures are elected, too. We do not refer them to the people and pass the buck to the people. They elected us to use our best judgment in these matters.

Mr. DIRKSEN. The people still have to pass on amendments to the Constitution. The Senator from Wisconsin continues to confuse the issue——

Mr. PROXMIRE. No, indeed.

Mr. DIRKSEN. Between legislation and a constitutional amendment.

Mr. PROXMIRE. Three-quarters of the State legislatures have——

Mr. DIRKSEN. Exactly.

Mr. PROXMIRE. But the referendum would be the only real basis for the version which the Senator from Illinois has suggested.

The Senator from Illinois has three stages to his proposal; first, Congress acts, as in all constitutional amendments, with a two-thirds vote. Then the State legislatures act with a three-quarters vote; and if the States are going to put the amendment into effect a referendum would be required. He bases his whole argument on the ground that this amendment cannot be so bad, although it destroys the principle of the one man, one vote, because the people themselves, not only the State legislatures, not only Congress, but also the people themselves, in this case, will have a vote. I say that is not much of an argument because this is something Congress should decide. That is what the State legislatures are elected to do also.

Mr. DIRKSEN. Let me ask the Senator from Wisconsin, is he afraid of the people?

Mr. PROXMIRE. No, indeed.

Mr. DIRKSEN. He acts like it.

Mr. PROXMIRE. I am saying that I am not afraid of making a decision myself. I do not want to pass the buck or refer it to a referendum because we have a potato too hot to handle.

Mr. DIRKSEN. I will handle any kind of potato, but we are trying to deal here with a court. I was going to say a court which has been imperious—but perhaps I had better withdraw that word—perhaps I should say it has been narrowing or closing the door upon the right of the people in the States to apportion at least one branch of their own legislature.

That is the issue.

No argument, no red herring, no nothing is going to obscure that issue, because that is the issue which is going to the people.

Mr. PROXMIRE. The issue is very clear: Whether every citizen in America should have an equal vote, whether black or white, rich or poor, rural or city, whether they should have an equal vote in determining their own legislatures. That is the issue, whether the people should have an equal vote or not, 1 man, 1 vote, or 1 man, 10 votes.

Mr. DIRKSEN. That is not the issue. The issue is one of fair representation——

Mr. PROXMIRE. Yes; it is.

Mr. DIRKSEN. It has been so for the last 175 years. Now suddenly comes the Court to throw all precedent to the winds, throwing all our experience out the window, and taking it upon themselves to change all that.

Strangely enough, the Chief Justice of that Court, when he was chief magistrate in California, had a completely other idea no later than 16 years ago.

---

## FBI'S WAR ON ORGANIZED CRIME

Mr. McCLELLAN. Mr. President, the April 18 issue of the U.S. News & World Report has published an article written by the Honorable J. Edgar Hoover, entitled, "The FBI's War on Organized Crime." Mr. Hoover is qualified by his long years of law enforcement and study of crime in the United States to discuss this grave problem that now confronts us.

In reporting the progress that has been made, Mr. Hoover sounds again the ominous warning that this Nation must do more to halt the crime menace. There is need for greater public support, for law enforcement officers, and there must be new legislation, essential to the effective waging of this war on organized crime.

I am confident that the efforts which we, as Members of this body, are now making will result in the enactment of additional laws that are urgently needed.

I recommend the reading of this article by every Member of Congress and all other citizens who are concerned about the gravity of the crime menace in this country, and 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:

### THE FBI'S WAR ON ORGANIZED CRIME

("The crime menace to our society has become critical * * * of grave concern to all of us." Those are the recent words of Senator JOHN L. McCLELLAN, Democrat, of Arkansas, chairman of the Senate's Subcommittee on Investigations.

(Is the menace being brought under control? How is the fight on organized crime progressing?

(It has taken a new turn since the Federal Bureau of Investigation, armed with new laws, moved into a campaign against the underworld.

(By infiltration and other means, G-men traced the network of organized crime. On these pages, the FBI's Director sets out the record of successes against the big crime syndicates.)

(By John Edgar Hoover, Director, Federal Bureau of Investigation)

Four and a half years ago, in September 1961, the FBI was empowered to launch a concerted drive against the organized underworld. Some of us in law enforcement knew, of course, that syndicated gambling and other vices had been organized for a number of years. But there had been no effective Federal laws under which the FBI could proceed against these evils.

When the FBI was charged with investigative jurisdiction of the three interstate gambling and racketeering laws passed in 1961, it moved with deliberate speed to determine who was behind these nationwide underworld operations. Infiltration, the same technique which had proven so successful in the FBI's drive against fascism, communism, the Ku Klux Klan and other enemies of freedom, was brought to bear on the underworld.

The success of this operation is very apparent. Over 260 convictions have been recorded since 1961, when the laws regarding interstate transmission of wagering information, interstate transportation of wagering paraphernalia, and interstate travel in aid of racketeering became effective. Another 200 individuals have been charged with violations and are awaiting trial or grand jury action.

Of perhaps greater importance is the fact that operations under these laws enable a further FBI penetration of La Cosa Nostra and its cooperating mobs—there are several underworld groups comprising the overall crime cartel, with La Cosa Nostra being the dominant one. This penetration has brought to light evidence which has made possible the prosecution of a number of members of the organized underworld under various Federal statutes as well as many local and State laws.

Some of the big men of the organized underworld were brought to bay by the FBI within the last year. Unquestionably, the biggest catch was Sam Giancana, reputed head of the underworld in Chicago and one of nine members of La Cosa Nostra's ruling commission, the "board of directors" of organized crime. Giancana was sent to jail on June 1, 1965, for civil contempt. Brought before a Federal grand jury which was armed with extensive information collected by the FBI, Giancana was granted immunity from prosecution and ordered to answer questions. He refused and was sent to jail. The Supreme Court on December 13, 1965, denied a writ of certiorari filed in his behalf. Gian-

cana can be held in jail until the grand jury expires on May 31, 1966.

Federal grand juries, supplied with data gathered by the FBI, also have been active in New York City where there are five La Cosa Nostra "families" (gangs). All but one of these are represented on the commission.

Two of these families are the subjects of grand-jury investigations. One of them, headed by Thomas Luchese, saw its leader "collapse" when he faced the same choice as Giancana—talk or go to jail. He reportedly remains in serious condition, virtually impotent, and thus of little use to the organization. One of his close associates was indicted by the grand jury on five counts of perjury. Four members of the family were convicted for contempt, three being sentenced to prison for 2 years, one receiving a 1-year term.

The other New York grand-jury probe concerns the family formerly headed by Joseph Bonanno—he allegedly was kidnaped at gunpoint from a New York City street early on the morning of October 21, 1964. Bonanno was scheduled to appear before the grand jury the day he disappeared. His son, Salvatore Vincent (Bill) Bonanno, was held in jail for civil contempt from March 2 until June 4, 1965, for refusing to answer questions after being granted immunity. He was released after answering some questions.

An attempt was made to kill young Bonanno and some of his associates on the night of January 28, 1966, in a wild gun battle on the streets of Brooklyn, N.Y. Gaspare DiGregorio has been named boss of the old Bonanno family, but some members remain loyal to their former boss and his son, thus setting the stage for gang warfare.

Felix ("Milwaukee Phil") Alderisio, one of Giancana's closest underworld associates in Chicago, was convicted in Federal court in Denver, Colo., in May 1965, on an extortion charge. He and two others, Ruby Kolod, an official of the Desert Inn Hotel in Las Vegas, Nev., and Israel ("Ice Pick Willie") Alderman, a Nevada gambler, were sentenced to prison and ordered to pay fines. Appeals were filed.

Murray "the Camel" Humphreys, reputed underworld fixer and one of Chicago's most notorious racketeers, was arrested twice by the FBI in 1965. He was first picked up in Norman, Okla., where he had fled to avoid a grand jury subpena. Following his appearance before the grand jury, he was indicted for perjury and FBI agents again were sent to arrest him. He refused to open the door of his apartment, and the agents were forced to kick it open and then to dissuade him from an apparent intention to shoot it out with them. Freed on bond, Humphreys died a short time later.

Historically, gambling has been the foundation of organized crime. It produces tremendous wealth—cash which can be used to underwrite other criminal operations requiring considerable capital, such as loan sharking. It also has been at the root of much of the corruption of public officials—corruption which has enabled the underworld to gain virtual control of some communities. Realizing this, the FBI has concentrated much of its attack against the underworld on its gambling operations. The so-called sports-news services, the organizations which supply bookies throughout the country with the essential betting line—the point spread on football, basketball, and other such games and the odds on horse races and other types of sporting events—have been particular targets. Operators of four of the leading services of this type in the Nation fell prey to the FBI in 1965.

Angelo "Monge" Rossetti, operator of "Sportsday Weekly," a major race-wire service, was convicted in Federal court in Boston, Mass., in June 1965, on charges of interstate transmission of wagering information and interstate transportation in aid of racketeering. He was sentenced to 2 years.

Operators of major "sports services" for bookies in Missouri, Texas, and Florida are awaiting trial on charges resulting from FBI investigations. One of these men had boasted before his arrest by FBI agents that his service was one of the four largest in the country. The destruction of these "sports services" has its effect throughout much of the gambling operations. Many bookies, deprived of the professionally established point spread and odds on sporting events, were forced to curtail operations or run the risk of extensive losses through the use of unreliable line information.

Underworld gamblers have insatiable greed. They are not even satisfied with the regular run of odds which favor them—they stoop to deceit and crooked devices whenever possible. Operators of the various types of numbers rackets will take action whenever possible to insure that a heavily bet number does not "hit." Crooked gambling devices frequently have been found by FBI agents when they raided underworld establishments. One plush casino catering to the tourist trade in West Virginia was found by raiding agents to have its dice tables wired so the operator could control the roll of the dice.

Early this year, FBI agents smashed 2 extensive gambling operations with a series of raids in 17 separate cities. A total of 25 persons were arrested, and many others may be charged after Federal grand juries consider the large volume of evidence seized. The first of the raids occurred on January 9, 1966, with some of the South's leading layoff bookies as the main targets. The second series of raids came on February 2, 1966, involving a gambling operation headquartered in Philadelphia, Pa.

Acting under a new Federal law regarding sports bribery, FBI agents struck another blow at organized gambling in 1965. Leo Enrico Casale and Joseph Frank Polito, two Chicago gamblers, were sentenced to Federal prison for bribing two University of Seattle basketball players to "shave points" in a basketball game with the University of Idaho on January 22, 1965.

The FBI has made some notable achievements in combating one of the underworld's newest schemes—planned bankruptcy, or, in underworld parlance, "scam." One of the biggest cases of this type involved the Murray Packing Co., Inc., a New York City wholesale meat and poultry firm. This company fell to underworld control through a loanshark operation in December 1960. The next month the man who had arranged the usurious loan became president of the company, and in a matter of weeks it was bankrupt with more than $2 million being owed to over 100 creditors. Six persons were convicted for this crime and were sentenced to Federal prison in February 1965. The two main subjects in this case were Peter Castellana and Joseph Pagano, members of two of the New York La Cosa Nostra families. They were sentenced to 5 years in prison and fined $45,000 each. The other four received lesser sentences.

In Detroit, an FBI investigation led last year to the conviction of three of that area's hoodlums for violating the National Bankruptcy Act in connection with the bankrupt estate of the Grosse Point Jewelry Store. Two of them were sentenced to prison and one was placed on probation. Appeals were filed.

Members of the organized underworld will involve themselves in virtually any activity which holds the promise of quick and substantial profit. Some have been attracted by stocks, both fraudulent and stolen. An FBI investigation led last fall to an 11-count indictment against an important New York hoodlum for the interstate transportation of fraudulent securities. Six other New Yorkers, one the brother of the notorious Carmine Lombardozzi, were convicted in Federal court on November 10, 1965, for the interstate transportation of stolen securities—over $1 million worth of blue-chip stock certificates stolen from a New York City brokerage house. The FBI investigation of this crime also resulted in the recovery of some $400,000 of the stolen securities. Appeals were filed.

HOW CRIMINALS WIDEN THEIR FIELD

FBI penetration of the organized underworld and the exhaustive investigation of the activities of its members have resulted in some leading racketeers being caught in what might be considered unusual violations. Actually, they merely demonstrate that hoodlums have no scruples. Following are some examples of the unusual crimes:

Peter Victor Cavataio, who has been named in testimony before the Senate Permanent Subcommittee on Investigations as a "lieutenant" in the Detroit Mafia, was caught by the FBI for raising the amount on retail dealers' food-stamp forms under the Government's welfare program. He was fined $10,000 after pleading guilty.

Another man described in testimony before the Senate subcommittee as one of the "administrators and heirs apparent" of the Detroit Mafia, has been charged with fraud against the Government in connection with alleged false statements in a financial report to the Small Business Administration.

Other unusual crimes included violation of the Federal Housing Administration statute, harboring a Federal fugitive, failure to register as a convicted narcotics felon when leaving the country, and violation of the Labor-Management Reporting and Disclosure Act by illegally using strike funds.

The FBI daily develops from its sources within the underworld and from its investigations considerable information which does not relate to a violation within its jurisdiction. This is promptly passed on to the proper law-enforcement agency, either Federal, State or local. Often the information is furnished in the form of sworn affidavits which provide the basis for arrest warrants and enable other agencies to move promptly.

Last year the FBI passed on some 180,000 items of criminal information to other law-enforcement agencies. In New York City alone this information led to more than 400 arrests and the disruption of several major gambling operations, one policy bank doing an estimated $1.5 million worth of business. In the Chicago area, information developed by the FBI and furnished to other agencies has led to over 940 arrests involving gambling operations in less than 3 years.

Often FBI agents will assist local authorities by providing testimony before grand juries probing criminal operations. A Kings County, New York, grand jury currently investigating hoodlum influence in the operation of Brooklyn hotels, motels, restaurants, and bars, benefited last year from testimony by FBI agents. This testimony led to six members of La Cosa Nostra, including Joseph Colombo, boss of one of the New York families, being sentenced to jail for 30 days and fined $250 for contempt of court.

Following are some other examples of the outstanding achievements resulting in whole or in part from information the FBI developed and passed on to other agencies in the past year:

The arrest of 31 persons by Denver, Colo., police in November and December in connection with gambling activities.

The arrest of 68 persons by the West Virginia State Police in a December raid on the Paddock Club in Chester, W. Va.

The conviction in Federal courts in Ohio of nine individuals for various Federal tax violations.

The conviction of 20 persons, including 1 identified in testimony before the Senate Subcommittee on Investigations as a "lieutenant" in the Detroit Mafia, who were arrested in an October 1963 Michigan State Police raid on the Steren Assembly Club of

Madison Heights, Mich. All were convicted for violating State gambling laws.

The arrest of 34 persons and confiscation of close to $5,000 in a gambling raid by St. Paul, Minn., police in July.

The arrest in May by Columbus, Ohio, police of 34 pimps, prostitutes, and gamblers in a series of raids.

The arrest in May of 24 persons and confiscation of about $5,000 in a gambling raid in West New York, N.J., and the arrest of 67 men in April in a gambling raid in East Newark, N.J., both raids being conducted by the New Jersey State Police.

The arrest of 14 bolita operators by the Internal Revenue Service in the Tampa, Fla., area in April.

The arrest by St. Louis, Mo., police of 24 persons in 2 gambling raids in April.

The conviction in March of 60 gamblers in Nashville, Tenn., municipal court.

The arrest of 15 gamblers by Dade County, Fla., sheriff's officers, and the arrest of 11 persons by Philadelphia, Pa., police, both in March.

The FBI also passed on considerable information to law enforcement agencies in other countries, especially Italy and Canada, during 1965. Several arrests made in these two countries during the year were based in part on information supplied by the FBI.

THE ENEMY IS ON THE DEFENSIVE

The war on organized crime has not been won, but the enemy has been engaged and is on the defensive. Many law enforcement agencies are cooperating closely to destroy the evil of organized crime.

To acomplish this, however, law enforcement must have greater public support.

Laws relating to gambling, loan sharking, business frauds, and other vices need to be revised and updated in some areas. Organized gambling is not going to be stopped with token fines which really amount to nothing more than a license.

The public should be alert to the need for legislation essential to the war on organized crime and insist on its passage. But the greatest contribution the citizens can make is to refuse to deal with the gambler, the loan shark, and other salesmen of the underworld and to report what they know about illegal activities.

## THE SITUATION IN VIETNAM

Mr. COOPER. Mr. President, I rise to speak briefly on the situation in South Vietnam—the confrontation of the Buddhists and the regime of General Ky—although its outlines are not clear.

It may well be, as some in the administration have said, that the struggle between factions in South Vietnam is a healthy sign representing the desire of the people to secure a more representative and democratic government. But these riots and demonstrations pose serious military and political problems for the United States. It is obvious that, if they are not composed, the struggle will withdraw South Vietnamese forces from the battle and will obstruct and endanger the efforts of the U.S. forces.

The attack on the air base at Saigon—which I have visited twice in the last 4 months, and which is susceptible to other attacks—may well be the forerunner of continuing attacks on Saigon. Obviously, the U.S. forces will protect themselves. But it is difficult to see how they can prosecute the war under such circumstances.

It is an obvious political fact that if the people of South Vietnam are not willing to defend their country, the United States cannot do so for them.

I note that one of the Buddhist leaders has suggested that a constituent assembly be elected from that area of South Vietnam which is not under the control of the Vietcong, and where, presumably, a free vote could be had; and that, when elected, the constituent assembly express the will of the people who would elect them on two questions:

First, whether South Vietnam wishes to continue the war; and, second, whether they wish U.S. participation in the struggle.

I see nothing wrong in this proposal. In fact, I think it is a very good proposal, for if the people in areas in South Vietnam who are free from control of the Vietcong do not want to continue the war, do not want the United States to participate in the war and assist them, it is also obvious that the people of the entire area of South Vietnam do not want us to be there.

Our country has acted honorably in Vietnam, as I see it, over a period of 10 to 15 years. It has kept its promises and commitments, whether one considers them express or implied. No men have ever fought more bravely and with greater sacrifice than American forces in Vietnam.

I have felt sympathy for the President of the United States because, in great measure, he inherited this situation. Looking back upon this situation, it seems to me the decisive time of escalation of the war was when in 1962, the United States committed 6,000 troops, under the advice of General Taylor to meet the increased attacks of the Vietcong and from North Vietnam.

Now we have a situation where the United States must reach new decisions if South Vietnam cannot settle its political problems.

If the people of South Vietnam do not want to continue the struggle, it is obvious that the United States should not continue it for them.

We have acted honorably, but we cannot defend people who are not willing to defend themselves. And a government which cannot gain the support and confidence of the people cannot act for the people.

## RESTRICTED EXPORTS OF HIDES

Mr. CARLSON. Mr. President, the recent action by the Department of Commerce to restrict exports of cattle hides, calf and kip skins, and bovine leathers has resulted in loss to everyone but the shoe manufacturers.

A cattle hide from a 1,200-pound steer weighs about 78 pounds and the effect of the order will cost the cattleman about $3 or $4 per head. The consumer, based on recently announced shoe prices, will be paying $2 or $3 more per pair.

I have a letter from a constituent who has been paying $30 a pair for a special shoe for some time. The new price is $34.

The Federal Government will lose dollar sales of hides for export, which will further reduce our balance of payments.

Hides are the most important byproduct of cattle slaughter. The last figures I have available are for the year 1963, at which time shipment of hides from cattle processing plants was valued at $150 million.

Less than 2 years ago Government officials were urging industry to step up its efforts to export beef in order to strengthen the market for cattle. While export markets for fresh beef have not materialized, hide sales abroad have expanded. In view of their importance, it is difficult to see why hide exports are not as welcome as beef.

Granting that there is concern regarding the mounting fires of inflation, it appears most inappropriate that hides would be singled out as a scapegoat, simply because they are a commodity on which machinery happened to be available for imposing a regulation that would depress prices.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables published by the U.S. Department of Commerce in regard to the U.S. cattle hide supply and disappearance and U.S. cattle hide exports.

I also ask unanimous consent to include as a part of my remarks an editorial entitled "Those Hide Export Quotas," which was published in the Washington Post of April 13, 1966.

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

*U.S. cattle hide supply and disappearance*

[In millions of hides]

| Item | 1962 | 1963 | 1964 | 1965 preliminary | 1966 | |
|---|---|---|---|---|---|---|
| | | | | | No quotas | With quotas |
| Appearance from: | | | | | | |
| Commercial cattle slaughter | 26.1 | 27.2 | 30.8 | 32.3 | 31.8 | |
| Other domestic sources [1] | 3.1 | 2.2 | 3.3 | 3.8 | 3.1 | |
| Imports | .4 | .3 | .2 | .2 | .2 | |
| Total | 29.6 | 29.7 | 34.3 | 36.3 | 35.1 | |
| Disappearance: | | | | | | |
| Exports of cattle hides | 7.1 | 8.0 | 11.5 | 13.3 | 14.0 | 11.5 |
| Cattle hide leather produced | 22.5 | 21.7 | 22.8 | 23.0 | 21.1 | 23.6 |
| Total | 29.6 | 29.7 | 34.3 | 36.3 | 35.1 | 35.1 |

[1] Includes hides from farm slaughter, fallen animals, and heavy calves, plus net change in inventories at all levels. Note 1966 estimates based on Department of Commerce press release dated Mar. 11, 1966, announcing export quotas for hides.

Source: U.S. Department of Commerce and the Tanners' Council.

*U.S. cattle hide exports, by destination*

[In thousands of hides]

| Destination | 1965 | 1964 | 1962 |
|---|---|---|---|
| Western Hemisphere | 1,967 | 1,895 | 1,170 |
| West Germany | 1,235 | 1,271 | 571 |
| Netherlands | 1,705 | 1,543 | 963 |
| United Kingdom | 606 | 316 | 37 |
| Spain | 363 | 263 | 51 |
| France | 126 | 146 | 47 |
| Italy | 624 | 414 | 63 |
| Scandinavia | 78 | 89 | 14 |
| Other Western Europe | 333 | 214 | 42 |
| Russia and Eastern Europe | 1,823 | 676 | 875 |
| Japan | 3,777 | 3,811 | 3,008 |
| Turkey | 351 | 469 | 100 |
| Other | 321 | 396 | 177 |
| Total | 13,309 | 11,503 | 7,118 |

Source: Compiled from U.S. Department of Commerce by the Tanners' Council.

[From the Washington Post, Apr. 13, 1966]

THOSE HIDE EXPORT QUOTAS

Early in March the administration, disturbed by gathering signs of inflation, imposed quotas on the export of cattle hides, calf and kip skins and the leather made therefrom. The purpose of the action, for which the authority of Export Control Act of 1949 was invoked, is to prevent a shortage of hides that would result in sequential increases in the prices of leather and shoes. But it is already apparent that this hasty intervention by the Government will not yield the desired results.

About 3 weeks after the quotas were imposed by the Commerce Department, it was announced that the shoe industry had promised the Council of Economic Advisers to exercise restraints in pricing so long as the domestic prices of hides and leather are held down by export controls. Two days later, however, the manufacturers participating in the National Shoe Fair announced increases that will add an estimated $1 to $2 a pair to the retail prices of men's and women's shoes.

And while shoe prices advance, the burden of a larger domestic supply of hides falls squarely on the cattle growers. As might have been anticipated, hide prices fell sharply in the domestic markets and rose in the foreign markets that rely upon American exports.

Surely the manufacturers are profiting by the administration's ad hoc attempt to control the price of shoes. But is anyone else? The income of the cattle growers is lower than it otherwise might be. Our foreign trading partners are now compelled to pay higher prices for hides and leather, especially that of lower quality which is not consumed in this country. And U.S. exports are being reduced at a time when a deterioration of the trade balance is feared.

After much protest in Congress, the Department of Commerce has announced a public hearing on April 18 in which all interested parties are invited to submit their views on the export controls. This is indeed a strangely inverted procedure. First the Government interferes with the operation of a highly competitive market. Then it inquires into the effects of intervention, effects that it could have predicted by careful economic analysis. Rather than waste more time and money—to say nothing about the violation of liberal principles in international trade—the export quotas on hides should be quietly abandoned.

## THE SCHOOL MILK AND SCHOOL LUNCH PROGRAMS

Mr. MORSE. Mr. President, there appeared on Monday, March 7, in the Minneapolis Tribune, a very interesting editorial entitled, "How To Feed the Schoolchildren." It raises a point which I would hope all of us could consider with care when the Child Nutrition Act is debated. As is the office of every Senator, I am sure, my office has been receiving much correspondence protesting the cutback in the school milk and school lunch programs which are contained in the administration proposals in the Child Nutrition Act.

It is very regrettable, in my judgment, that what could be a most worthwhile addendum to our present authorities should be linked to a retrenchment program directed against operations in our school systems of the excellent school lunch and school milk programs which command such widespread community support.

In fact, last year in my subcommittee there was a consensus of opinion that we ought to proceed also with a school breakfast program, for there are thousands of little boys and girls across this land who go to school every morning without a crumb of breakfast. In fact, our investigation in the District of Columbia showed that there are scores and scores of such children here.

It may be recalled that last year I made a report on the floor of the Senate on the need for a breakfast program. The Department of Health, Education, and Welfare, was questioned as to what could be done under the existing authorizations to provide breakfasts where needed.

I was delighted some weeks ago to read the statement by the President of the United States in support of a school breakfast program. However, I do regret that his request under Child Nutrition Act was coupled with a proposal by the President to cut back the school milk program as well as the lunch program.

As chairman of the Subcommittee on Education, I shall press, not for the contraction of the program, but the expansion of the program.

I have been heard to say before, and repeat, that I have always been in favor of food for hungry children in other lands. I shall continue to support it. But I am not going to support a program that will not provide the same food for little boys and girls in the United States who need it just as much as do children in foreign nations. I shall be heard to say more on the subject when we consider the nefarious Foreign Aid bill, which the administration has already sent to Congress.

We need more domestic aid programs, and our money must be used for them instead of for the foreign aid program, where hundreds of millions of dollars of the taxpayers' money are being squandered. We must divert that waste into good programs in the United States until the foreign aid program is cleaned up. I use the words "cleaned up" advisedly.

I have been moved to make these comments as a result of the editorial which I shall ask to be included in the RECORD relating to the problem of cutting back the milk program for American schoolchildren.

As chairman of the Education Subcommittee of the Senate Committee on Labor and Public Welfare, I, of course, have a deep interest in legislation designed to help our schools perform their educational task even though the legislation is considered before other Senate committees. It would be my hope that the Senate Committee on Agriculture and Forestry, as it works upon this proposal, could so change the Child Nutrition Act as introduced as to retain the new and worthwhile concepts while discarding concepts which have their roots in the budgetary rather than the child benefit doctrines.

Mr. President, I ask unanimous consent that the editorial to which I have referred be printed at this point in my remarks.

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

[From the Minneapolis Tribune, Mar. 7, 1966]

HOW TO FEED THE SCHOOLCHILDREN

Through the confusion of widespread protest against President Johnson's proposals to cut back Federal support of school lunch programs and the special milk program, it is important to take a clear look at his additional, positive recommendations.

In his child nutrition bill, the President is asking Congress to appropriate funds for feeding schoolchildren who do not get adequate food at home and cannot afford the low-cost, subsidized school lunches and extra milk now served in many of the Nation's schools. His new plan would offer school breakfasts in pilot programs and very inexpensive or free lunches for 1.5 million children. The total new child nourishment program, for which he is asking about $56 million, would include grants for school kitchen and lunchroom facilities in low-income areas, experimental feeding at summer playgrounds, and aid to State education departments for related work.

Children who do not get an adequate breakfast or lunch at home, and who cannot pay the usual school-lunch charge, obviously should have food provided for them. Supplementing their present meager diets will increase their capacity for education as well as their level of health.

But the whole school-lunch subject is complicated and sensitive. How extensive should the food systems be? How should the costs be divided—among parents, local schools, State and Federal Government? If children in low-income, diet-deficient families are to be offered free meals, how are they to be identified and served, along with the paying customers?

Much more useful than complaints at this stage would be calm analysis by officials of separate school districts and State education departments of exactly what is needed today and how it might be achieved. With this kind of information, Congress might be able to redesign the administration bills to suit the circumstances.

## FORT VANNOY JOB CORPS INSTALLATION IN GRANTS PASS, OREG.

Mr. MORSE. Mr. President, it was with a great deal of pleasure that I received two fine letters from Grants Pass, Oreg., expressing praise for the successful operation of the Fort Vannoy Job Corps installation located in that city.

I ask unanimous consent that these letters of commendation, signed by Josephine County Commissioner Donald G. McGregor, together with certain attachments, and by Sister Rita, S.A., Superior, Franciscan Sisters of the Atonement, Grants Pass, be included in the RECORD at this point in my remarks.

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

BOARD OF COUNTY COMMISSIONERS,
JOSEPHINE COUNTY, OREG.,
*Grants Pass, Oreg., February 23, 1966.*

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

DEAR SENATOR MORSE: We believe you would be interested in the enclosed letter which we have written to Mr. Charles Stoddard, Director of the Bureau of Land Management.

For the most part, it sums up our feelings concerning the Fort Vannoy Job Corp in its first 6 months of operation. At the time of the decision to place the camp in Grants Pass, there was a great deal of opposition. The letter tries to bring things up to date as to the views now held within the community.

Yours very truly,
BOARD OF COUNTY COMMISSIONERS,
DONALD G. MCGREGOR,
*Commissioner.*

---

BOARD OF COUNTY COMMISSIONERS,
JOSEPHINE COUNTY OREG.,
*Grants Pass, Oreg., February 23, 1966.*

CHARLES STODDARD,
*Director, Bureau of Land Management, Department of the Interior, Washington, D.C.*

DEAR MR. STODDARD: The Josephine County Board of Commissioners wish to give you their judgment as to the operation and acceptance of the Fort Vannoy Job Corps by the community in the first 6 months of its life.

1. Following its opening, the vocal opposition to the Job Corps has, for the most part, subsided. Fears as to possible disturbances in the area because of the boys have been allayed. There have been a few minor incidents but no great ones. Kindly note the enclosed recent editorial regarding one potential rumble. We believe people have come to realize that there are both good and bad youngsters in our own community and comparative cross sections of the Job Corps boys and local youths would show about the same proportions of these qualities in each group.

2. We have noted that probably the same proportion of boys in the camp attend the church of their choice as does the general community.

3. The sports program involves contests with various service clubs and other groups and is well received.

4. Some businessmen who at first did not particularly welcome the boys' trade, now are interested in getting their share of it.

5. People are realizing that the camp has the same effect as adding a new industry to the town in the creation of a payroll.

6. The young men are accomplishing their conservation objectives in doing stream clearance, trail building and other projects.

7. Citizens who have taken the time to observe the educational program have been impressed.

8. Racial prejudice has not been manifested to any extent. The acceptance by the community of other races was one of concern to many at the beginning.

9. The need for a gymnasium, we understand, is being met shortly.

10. We feel that Mr. Stoop and his staff have met the problems of the boys with compassion, discipline and understanding. We believe these are the key factors in making the camp successful.

11. Our feeling in the beginning was that the program was being crowded too hard before adequate guidelines and policies were formulated. As the shakedown period has ended and experience has been accumulated, many of the rough spots can now be wiped out.

12. Vigilance in screening the boys adequately will always be a high priority item. The idealism of the original concept of the Job Corps and the view that this is one way of meeting today's problems of our youth will be completely lost if this vigilance is not constant. We cannot afford to let this program deteriorate into a "boondoggle," a reform school, or detention camp.

Inasmuch as you have had an interest in and much to do with this program, we thought you might like to have our comments concerning the Fort Vannoy camp.

Sincerely yours,
DONALD G. MCGREGOR,
*County Commissioner.*

---

[From the Daily Courier (Grants Pass, Oreg.) Feb. 1, 1966]

TEEN RECREATION CENTER: IS ONE REALLY NEEDED?

At a meeting last week of the Josephine County Juvenile Advisory Council, a group of high school students pondered several problems facing them in Grants Pass and offered a few conclusions.

They hit on smoking and drinking and asked for stiff penalties for those who violate the laws.

But possibly of more importance—since it might help to deal with the other two topics—was their answer to the plaintive moan, "We have nothing to do with our time." They suggested the formation of some sort of student recreation center.

The idea is not new to Grants Pass. In years past residents have made several attempts at trying to fill the need. For various reasons, they failed. So, at present, there is no such center, nor is there any particular effort now to provide one. And yet such a facility, if properly run and established "for the kids," not just as an adult operation to which youngsters can come, possibly could solve, or at least reduce, the incidence of other problems facing our teenagers and resulting from their lack of supervised activity.

With this thought in mind, we posed a question to a number of business and civic leaders: Do we really need a youth center? With virtual unanimity, the answer was "Yes."

Some saw it as a panacea, a cure-all for the youthful ills of our community. But most realistically recognized such a development for just what it would be:

It would be a place that would benefit probably a third to a half of our teenagers.

One group, about a third, is too busy and too active now to need any further organized activity. Another group, from a fourth to a third, is too interested in chasing about in cars, drinking, being irresponsible, to be helped by the facility, or at least not immediately.

The remaining group—the one in the middle, so to speak—could use the added recreation and definitely would come out ahead in moral and physical development if it was to be provided.

It would be for such a latter group that the center should be built. And in an area where outdoor recreation—parks, woods, and trails—get such heavy emphasis, an all-weather, indoor recreation center would be a natural and healthy related operation. It also logically follows that it should not be a volunteer operation—one subject to the whims of volunteer interest—but should be a city-county, full-time center, with a full-time director whose sole interest would be the proper care and maintenance of the facility.

Would such a center be used? Certainly it would at first, probably by members of all three of the groups mentioned before. But the too-busy group soon would find it didn't need the building or its activities, while the delinquent, or near-delinquent, group would soon abandon it for a new kind of "kicks," without the "be good or else" rules it would be sure to have.

That would leave the center for the use of those who most need it. And if properly handled, they'd continue to come. To be sure, to guarantee such regular participation, the center could not be governed wholly by adults, for that soon would become a "drag" on the youngsters. If established, it should have its own student government, with rules and regulations drawn up by them, and punishments established by them for violators. And if previous evidence is any guide, this sort of thing usually means pretty strict control, for the kids who write the rules tend to be very protective of what they have.

Of course there are arguments against such a plan. And the latest has been that when the city and county entertained a plea not long ago to alter the old Safeway building to youth recreation operations, interest in the project was insufficient to indicate a clear need.

History also points to previous attempts, and failures, of youth centers, but it also provides the answer to "Why?" For instance, one center that operated in the building where the Hong Kong restaurant now is located, was just what the youths wanted, a place to drop in for a friendly game of pool, ping-pong or dancing. It was a successful failure. It failed because it was operated on too slim a margin, and it went broke.

The building now called the Community Building, at 10th and L Streets, was originated through volunteer impetus, a Hi-Teen Club, and for some time was a roaring success. But the volunteers faded away and the city took over its operation, on something less than a full-time basis. It still exists and is in regular use, but the nature and location make it better suited to adult activities.

Others maintain that school buildings with their gymnasiums and many rooms, could serve the need, but increasing after-school activities, sports, and the natural tendency of many youngsters to avoid school when not in class, work to make that idea impractical.

Recreation is indeed not a cure-all for juvenile delinquency, but history also shows that cities with good juvenile recreation programs have lower delinquency levels. This means, of course, that for a center to be beneficial to the long-range picture, rather than just another place for teens to go, it should be made available for preteens, too, so that the habit can be established. A center may seem to be only a "hang out," but this, too, can be beneficial, for in a good center can be developed proper habits for socializing and in developing many skills.

Virtually everyone we approached on the subject who had real knowledge of centers, not just opinions, pointed out that strong leadership is the key to success. In fact, we might interject, that strong leadership was evidenced recently in our community, and showed how lacking our own children are in this commodity.

We refer to the near riot between local boys and Job Corps youths. The local boys, every sign says, were the instigators of the trouble. They went to the place where the corpsmen were enjoying themselves with the sole purpose of causing trouble. And had the corpsmen not had strong leadership and a firm hand from their leaders, they might have quickly offered back the trouble in kind. But no, they did not. They tried, officers who investigated the mess reported, to avoid

all the trouble they could. And they do have good leadership beyond a doubt, for these boys are the very types who could be expected to be problems, since they come from underprivileged circumstances.

In years past, such a center, even if properly operated, might have died a slow death, for the need was not so great. But with Grants Pass and Josephine County expanding as it is, there is every indication today that such a center could be a success.

The officialdom of this region should begin to give some clear and forceful thinking to this project, the need exists; will it be met?

---

[From the Grants Pass Courier, Feb. 17, 1966]

SHORTY'S SAGA—HE STANDS TALL IN THE JOB CORPS

(By George Curtis)

"Just call me 'Shorty' the stocky young man with the coal black hair said with an infectious grin.

"Well, where are you from?"

"Oh, I'm a short Texan" was the reply.

That was last summer, when Domingo Garza, Jr., of Bay City, Tex., arrived at the Fort Vannoy Job Corps Conservation Center.

But the camp officials and Shorty's fellow corpsmen were to learn that the friendly grin was typical, that Shorty is naturally even tempered and good natured.

At the time, the man welcoming the new recruit gave up on completing the formal two-way introduction, knowing it wasn't really necessary. Now everyone in camp knows Shorty Garza, although some of them prefer to call him by his given name, Domingo. No one has any more friends.

"He's one of the most popular boys in camp," says Jim Stoop, the camp director, pointing out that Shorty, who lives in the "Red Devils" dormitory, represents it on the camp's student council. It's an elective position.

Like most of the corpsmen, Shorty was a high school dropout, and, like all of them, he's here because he was short on opportunity as well as inches. (He stands 4-feet-2).

But Shorty stands high in the affections of his fellows. It may not happen often, but occasionally he loans money to the other boys.

While the Courier reporter was looking at Shorty's collection of rocks, a boy came in to repay $5 he had borrowed. There was no mention of interest.

Shorty's people live on a small farm outside Bay City. His father is a construction worker for a well-known southwestern oil company, raises chickens and turkeys on the side, and keeps a cow for family use.

His father, mother, brother, and two sisters are all taller, Shorty says. Give him a chance and he'll show you pictures of a very pretty sister and cute little nieces and nephews.

"I had a Shetland pony; but I was coming here, so we sold it," Shorty says with regret, going on to explain that "it was too much work for my mother to do, to take care of the pony when I'm not there."

Now one of his hobbies is rock hunting and one of his most prized possessions is a slab of Brazilian agate.

Shorty had found an interesting rock and traded with the man who had the sawed-out piece of agate.

"He let me have the best of the deal," Shorty explains. "I guess he liked me."

The piece of agate, five-eighths of an inch thick and 5 or 6 inches across, is polished on only one side. Shorty plans to polish the other side, then send it home to give his family some idea of the hobbies the boys work on here.

Enthusiasm shines from Shorty's dark eyes when he talks about his rock work, his fishing, and his occasional exploring in the back country.

But life is never all recreation and enjoying hobbies for a Job Corpsman. There is always work, and study.

Shorty works in the camp sign shop, but "pulls KP" as well as anyone when his week for that comes around.

One of Shorty's stanch friends is Andrew (Slim) Smith, 6 feet 6½ inches, from Jacksonville, N.C.

Smith and one other corpsman assist the "CQ," the night security officer "in charge of quarters."

They patrol the camp making bed checks, looking for the occasional sick boy, and making sure that emergency messages, such as night telephone calls from home, reach the boys for whom they are intended.

Some day Domingo Garza, Jr., will go back to Texas. He will certainly have a new outlook on life, and Bay City may seem drab. Yet home ties mean a lot to this young man, and chances are he'll stay among the home folks.

---

FRANCISCAN SISTERS OF THE ATONEMENT,
*Grants Pass, Oreg., March 3, 1966.*

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

DEAR SENATOR MORSE: In regard to our local Job Corps Center here in Grants Pass, I would like to express my opinion of it. As we have taken a special interest in the boys here, I feel we have learned much about their attitudes and what the Job Corps Center is doing for them. I believe it is a wonderful opportunity for these boys to be better educated and skilled in a trade so that they can go back to their communities and better themselves. Many of the boys have matured in every way. A tremendous program is offered them at the Job Corps Center here. I feel sure that most of the boys appreciate the opportunity they have and will benefit a great deal by it. This is indeed a very worthwhile program for these young boys and it is opening a future for them. They will be better able to help their own communities and in turn, better loyal citizens for this opportunity they now have.

Through a little weekly program we have for the boys at our parish hall, we have come to know many of the boys. We have shown an interest in each individual boy. Some of the boys who have gone on to urban centers have written back to us thanking us for the help we gave them. I think this shows they do appreciate what is being done for them. We can honestly say for our local Fort Vannoy Job Corps Center, they are doing a tremendous job with these boys.

Sincerely,

Sister RITA, S.A.,
*Superior, Franciscan Sisters of the Atonement (Social Service and Catechetical Sisters).*

Mr. MORSE. Mr. President, when the original Youth Corps legislation was before the Congress in 1959, and Mr. Charles H. Stoddard, now Director of the Bureau of Land Management, was in private life, he was a strong supporter of the Youth Corps program. In fact, he is one of the people who labored long and earnestly to bring about a program that strikes at the roots of poverty. The Fort Vannoy Job Corps project is under the direction of the Bureau of Land Management. Mr. Stoddard, as well as those who operate the Fort Vannoy project, are deserving of high commendation for this admirable facility.

When the disastrous floods of 1964–65 occurred in Oregon, Mr. Stoddard was a moving force behind the successful effort to use Job Corps enrollees to assist in disaster relief. Under his direction, the Bureau of Land Management and the Job Corps did an outstanding job. These boys, by their remarkable performance, sold the program to the people of Oregon.

When the announcement was made that the Fort Vannoy Job Corps camp was to be established, many people in the area expressed their deep concern and urged that the camp be established elsewhere. Those who criticized the Job Corps program, and the Fort Vannoy camp program in particular, should recognize that Director Stoddard and his staff have given dedicated service to advance this valuable program.

The Job Corps program is one that has fine objectives and deserves support from all segments of our society. Of course, there may be honest differences of opinion as to how the program should be conducted. There are problems that must be resolved, but I am confident that they will be resolved.

No program that seeks to meet the needs of those who have not had the advantage of opportunities for training and education is one that can be operated easily.

In fairness, we should apply the test of looking at the overall record of these projects. I am satisfied that the record of Fort Vannoy is excellent. As a member of the Senate Committee on Labor and Public Welfare, I express the hope that the Office of Economic Opportunity and the agencies associated in the Job Corps program will make needed improvements as the facts require. In my view, there is a need to make sure that every young man who can benefit from the program is given a chance to be considered for it. It is of equal importance that the screening process bring to the Job Corps camps and Job Corps centers young men who are constructively motivated.

One aspect of this program that was widely discussed when the Job Corps legislation was considered was whether or not young men who had run afoul of the law should be admitted to the program. Clearly, they were not to be excluded, but the charge Congress gave the Office of Economic Opportunity was that of using prudence and good judgment to give opportunity to those who are deserving and who can benefit from this opportunity. If this course is followed the goals of the Job Corps program will be realized and the Nation will benefit tremendously.

My sincere congratulations go to Director Stoddard and all of the Federal officials and employees whose teamwork has brought success in the operation of the Fort Vannoy Job Corps installation.

---

## OREGON STATE LAND SELECTIONS AND PUBLIC DOMAIN LAND CLASSIFICATION

Mr. MORSE. Mr. President, the act of Congress admitting Oregon to the Union, like the acts admitting the other States provided for grants of lands to the State for schools.

Under the Admission Act, Oregon is entitled to 2 sections in each township of 36 sections. However, for various reasons the two sections were not always available for the State to select. Thus, the Congress wisely provided for selections in lieu of those originally intended.

These selections are made from the public domain lands—the lands administered by the Bureau of Land Management. They are not made from public domain in national forests or parks or other areas such as the revested Oregon and California grant lands. In fact, one of the reasons for the existence of in lieu selections was the earlier creation of national forests and parks as well as the homesteading of lands located in section 16 or 36, the sections granted to the State upon admission.

Oregon still has about 8,000 acres of outstanding selections due her to complete her grant.

In the period up through 1962, progress was made in granting these selections. In that year the Oregon Division of the Bureau of Land Management declined to act further on pending selections.

The Governor of Oregon, Mr. Hatfield, stated the situation succinctly at a public meeting in Portland on May 14, 1965, where he was criticizing the Department of the Interior for even thinking about making exchanges of Oregon timberlands in aid of a Point Reyes, Calif., park.

The Governor said that the State's selection applications were vetoed by the State Bureau of Land Management Director on the basis that the lands selected by Oregon for such an exchange had been permanently withdrawn for sustained yield purposes. The Governor also said:

> We somewhat begrudgingly accepted this philosophy in the interest of sustained yield policy.

I initiated a request on the status of these selections when, last summer and fall, reports appeared in the Oregon press that the State's selection applications might now be granted.

On April 28, 1965, when protesting a possible Point Reyes exchange, Governor Hatfield wrote Secretary Udall that there were then "no operative regulations" to carry out an act the Congress passed in 1964, known as the Classification and Multiple Use Act. The Governor urged that "the overall question of classification of these lands in western Oregon should be aired in public meetings after the regulations under this act have been promulgated."

I was, therefore, pleased to be informed by a letter dated March 23, 1966, that the Bureau of Land Management intends to go forward with public meetings under its Classification and Multiple Use Act of 1964.

One meeting is to be held at Newport on April 25, another at Tillamook on April 26, and another at Reedsport on April 27. I shall include this letter in the RECORD at the conclusion of my remarks.

As I mentioned earlier, because of my concern that actions taken on selections be fully understood by the people of Oregon, and in view of the confusion existing, on November 16, 1965, I asked the Bureau of Land Management to supply me with a history of past and pending State selections. At that time I also urged broad public discussions prior to taking action on pending selections.

Now that the applicable regulations are operative, I believe the April 25, 26, and 27 discussions should deal specifically with the best long-term use for the 250,000 acres of public domain land in western Oregon.

Recently, a suggestion was made to my Oregon office manager, Mr. Brooks, that I urge the Department of the Interior not to hold these hearings contemplated under the 1964 law and regulations as they relate to State selections.

The public interest is never served by restricting or short circuiting the public's right to knowledge of the public's business.

Therefore I was pleased to be assured that Secretary Udall continues to be in agreement on the wisdom of the fullest use of public notice and hearing procedure provided for by the Classification and Multiple Use Act of 1964 and the regulations implementing this act. The application of these procedures to the western Oregon public domain will, in the long run, be beneficial to Oregon.

I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the following pertinent material:

First. A letter dated October 11, 1962, from Governor Hatfield to BLM State Director Getty.

Second. Proposed decision of the Oregon Bureau of Land Management regarding State selections.

Third. A letter dated February 11, 1965, from the office of the Director of BLM to the State Director in Oregon returning the proposed decision of the State Director for reconsideration.

Fourth. My letter dated November 16, 1965, to the Director of the Bureau of Land Management.

Fifth. Responses dated December 29, 1965, and February 14, 1966, with enclosures, from the Bureau of Land Management.

Sixth. Pertinent material from the Federal Register of October 9, 1965, title 43—Public Lands: Programs and Objectives; Sales and Exchanges; Land Classification.

Seventh. Letter of March 23, 1966, to Senator MORSE from BLM State Director Getty.

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

(See exhibits 1 through 7.)

Mr. MORSE. These materials are made available in the public interest. They are designed to help the people of Oregon consider the question of State selections as a part of the broader issue; namely, the best classification of all of these public domain lands.

Of particular note in the BLM letter dated February 14, 1966, are numbered items 2 and 5. These show that under Oregon Revised Statutes section 273.620 a number of requests were made in 1957 and 1958 for a total of 880 acres in Coos and Douglas Counties. These selections were granted in 1959 and 1962.

On these lands the State passed the title to private individuals at the price provided by State law—$2.50 per acre—or at a total of about $2,200. These lands, according to the BLM, contained 27 million board feet of timber valued at $847,000. Their disposal reduced BLM's allowable cut by 1,100,000 board feet of timber a year and at current timber value, reduced annual income alone by possibly $35,000 to $40,000.

There are pending two additional applications of this same type totaling 713 acres. One for about 78 acres was filed on August 14, 1962, for lands in Curry County and the other, which is for 635 acres, was filed April 23, 1965, and lies in Coos and Curry Counties. These filings were made by the State Land Board of Oregon. If granted, the 713 acres will be transferred to the State. What the State plans to do with this acreage, if acquired, is not known to me, but in my opinion the Oregon hearings should make it clear, beyond the shadow of a doubt, as to whether these lands might be transferred by the State to private applicants at a price of about $1,800.

The BLM says that the allowable cut will be affected by a reduction of 400,000 board feet per annum. If these applications are approved, the State of Oregon will take 37 million board feet of timber valued at $1,357,000. We are entitled to know whether, under the pending application, this timber land could be granted to individuals for $1,800.

Numbered items 3 and 6 in the February 14, 1966, letter set forth the land values on granted and pending selections still held by the State of Oregon.

The 17 approved selections involved 10,100 acres—47.7 million board feet of timber valued at $12 million. These selections reduced BLM's allowable cut by 11,300,000 board feet a year.

The 13 pending selections involve 7,993 acres and 24.3 million board feet valued at $9,390,000. If granted, the BLM allowable cut would be reduced by 6.2 million board feet annually.

It is my hope that this material will be carefully considered by the people in western Oregon so that the Secretary of the Interior and the Governor of Oregon will receive appropriate comments from interested individuals. The planned public meetings on the overall classification of public lands for disposal or retention should lay all of the facts on the table. The State of Oregon, of course, will have to consider whether it wants to continue to press to receive the 713 acres it seeks if the outcome would be that for $1,800 it could divest itself of almost $1½ million in timber values.

I want the people of Oregon to know that it is my understanding of the law that the State's right to seek these indemnity lands is clear. I also want the people of Oregon to know that the Secretary of the Interior, however, does have discretion as to particular tracts he will agree to transfer to the State.

Finally, it is pertinent that Governor Hatfield stated in his October 11, 1962, letter to the Oregon BLM that the lands to be selected were "determined and designated through the cooperation of your office." As far as I know there were no public hearings then. Therefore, public hearings and review as provided in the 1964 act should be of considerable assistance in determining whether these tentative private agreements were proper. These agreements were apparently privately reached by the State of Oregon and the Oregon BLM in 1961–62, then rescinded by the Oregon BLM—all without public hearings. Now the entire subject will be open to public review.

I am proud that the record shows that the senior Senator from Oregon was insistent in calling for these public hearings, for in my many years in the Senate I have insisted that there be full public disclosure of the public's business. One of the reasons why we are living through some of the most critical hours in the history of this Republic is that too much of the public's business is being concealed from the public, not only in the field of domestic issues, but of foreign issues, as well.

Large questions of public policy are at stake. The State of Oregon is entitled to its remaining selections. The burden, however, is on the State and especially the Governor, who is chairman of the State land board, to inform the people of the stewardship he proposes over the $10 million worth of Federal timberland he seeks.

EXHIBIT 1

(Letter from Governor Hatfield to BLM State Director Getty)

STATE OF OREGON,
OFFICE OF THE STATE LAND BOARD,
*Salem, Oreg., October 11, 1962.*

Mr. RUSSELL E. GETTY,
*Director, Bureau of Land Management, Department of the Interior, Portland, Oreg.*

DEAR MR. GETTY: By letter dated September 20, 1962, you advised us of the notice of proposed withdrawal and reservation of lands set forth in the Federal Register on September 7, 1962. We note that you request comments, suggestions, or objections to this proposed withdrawal.

As you know, we filed our lieu land selections Oregon 011382 to 011394, inclusive, with your department on March 9, 1961. Your office has taken no action with regard thereto even though the lands encompassed were determined and designated through the cooperation of your office and our State forester. Some 5 days after filing our selection, the Secretary of the Interior instructed the Director, Bureau of Land Management, to reexamine the public domain forest lands "to determine which should be set aside permanently in the interest of forest management." You advised that on June 30, 1961, a policy decision was arrived at "which committed the commercial public domain lands in western Oregon to combined management with O. & C. and CBWR lands."

The selections were made pursuant to the act of February 14, 1859, (11 Stat. 383, sec. 4) admitting Oregon into the Union. It is our interpretation of this act and the provisions of 43 USCA 851 and 852 that there is an obligation owing by the United States to the State of Oregon which can only be fulfilled by allowing our selections of March 9, 1961. (*United States* v. *Morrison*, 240 US 192, 60 L Ed 599, 36, S Ct. 326.)

It is also our position that the act of June 25, 1910 (36 Stat. 847; 43 USC 141) as amended and Executive Order No. 10355 of May 26, 1952, do not confer authority to avoid this obligation of the United States to the State of Oregon.

The State of Oregon, by and through its State land board, hereby objects to the withdrawal for the above reasons. To pursue this course of withdrawal is to seriously impede and to even prevent the United States from honoring its solemn compact to the State of Oregon under the Admissions Act of 1859, which compact was duly ratified by both parties. A compact between a State and the Union is within the constitutional prohibition against impairment of obligations arising by contract.

It is hoped that this impasse can be resolved without further delay and inconvenience to all.

Sincerely yours,

MARK O. HATFIELD,
*Governor and Land Commissioner.*

EXHIBIT 2

(Proposed decision of Oregon Bureau of Land Management regarding State selections)

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

Re Oregon 012753, Oregon 011382 to 011394, inclusive, (6.0) 100.7m.

STATE OF OREGON,
*State Land Board,*
*Capitol Building,*
*Salem, Oreg.*

GENTLEMEN: The above identified State indemnity selection applications filed in the Portland Land Office under the acts of February 14, 1859 (11 Stat. 383) and August 27, 1958 as amended (72 Stat. 928; 43 U.S.C. 851, 852) embrace approximately 8,200 acres. The selected lands are forested public domain intermingled with O. & C. lands, and are within sustained yield timber management areas in Clatsop, Tillamook, Lincoln, Marion, Coos, and Curry Counties.

Application Oregon 011390 is rejected as to the NE¼SW¼ sec. 27, T. 1 N., R. 9 W., W.M., and Oregon 011391 is rejected as to the NW¼SW¼ sec. 27, T. 1 N.. R. 9 W., W.M., for the reason that these lands are patented.[1]

All of the applications are rejected in their entirety for the reason that it is not in the public interest to classify the lands as proper for indemnity selections. They are required for established forest management programs to which the Bureau of Land Management is committed. Removal of these lands from Federal ownership would have an adverse effect on the combined O. & C. and public domain program.

By Executive Order 6910, November 26, 1934, the lands sought were withdrawn and reserved for classification, and pending determination of the most useful purpose to which such land may be put in consideration of the provisions of the act of June 28, 1934 (48 Stat. 1269), and for conservation and development of the natural resources. Section 7 of the Taylor Grazing Act, as amended (43 U.S.C., 1952 ed., sec. 315f), authorizes the Secretary of the Interior to examine and classify lands so withdrawn. In exercising the discretionary authority vested in him, the Secretary or his delegate may properly consider and weigh all factors which have a bearing on the suitability of the lands for the use sought as well as other uses for which the lands are suited. Cf. *Nelson A. Gerttula*, 64 I.D. 225 (1957).

An application or a petition for classification of the public lands secures no right for the applicant other than the right to have his application duly considered. John R. Ross et al, A–27259 (Mar. 12, 1956). The selection right under the acts invoked is no exception. See State of California, A–27752 (Jan. 7, 1959). Although the Department recognizes the right of the State to select vacant public lands, the selection right carries with it no right to a particular tract of land. Refusal to classify and open lands as requested in a particular selection is neither to repudiate nor to destroy the selection right. It continues unimpaired and will be permitted to be satisfied when exercised with reference to lands which meet the statutory conditions.

The selected lands are valuable timber lands distributed throughout four public land management areas and are for the most part intermingled with or adjacent to O. & C. lands. On July 1, 1961, the vacant public lands within these management areas were combined with the O. & C. lands for the purpose of optimum intensive management and timber production. This permits management of the public domain lands to the same high degree of intensity as are the O. & C. lands. They can properly be used as a means of assuring the future timber production and thereby promote the stability of the forest industry and dependent communities as prescribed by the O. & C. Act of August 28, 1937 (50 Stat. 874). Under these circumstances it is reasonable and in accord with general congressional policy not to classify these lands as proper for indemnity selections.

The situation is similar to that in State of California, A–26933 (Aug. 10, 1954), in which a State application was rejected and the rejection upheld by the Secretary because the selected lands were timbered and within an area of other timbered lands which the Bureau proposed to manage under a sustained yield program. That decision was based on a proposed timber management plan, not one already in effect and to which the Bureau of Land Management is committed as is the case with these lands in western Oregon. Disposal of the selected lands involved in the subject applications would have a serious adverse overall impact upon the existing management programs. It is imperative that all of the forested public domain lands in western Oregon be retained in support of these management plans.

This decision constitutes a final administrative determination in this matter.

Sincerely yours,

——— ———,
*Director.*

Approved: (date).
Secretary of the Interior.
Enclosures: Circs. 2024, 2059, 2085

EXHIBIT 3

(Letter from office of Director of BLM to the State Director in Oregon returning the proposed decision of the State Director for reconsideration)

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
*Washington, D.C., February 11, 1965.*

Memorandum.
To: SD Oregon.
From: Director.
Subject: State Selections, Oregon 012753, 011382 to 011394, inclusive.

We have reviewed your proposed decision relative to the above applications for

[1] The following curable defects are also noted. All of these applications omit the statement required by 43 CFR 270.3(c)(4). In addition, application Oregon 012753 fails to cite the act of August 27, 1953, as required by 43 CFR 270.3(c)(1). Further, Oregon 011387 requires additional base to replace 40 acres defective base for the SE¼SE¼ sec. 34, T. 11 S., R. 8 W., and Oregon 011388 requires replacement of 18.85 acres defective base for the SE¼SE¼ sec. 6, T. 12 S., R. 8 W., and the SW¼SE¼ sec. 23, T. 1 N. R. 10 W., W.M. Oregon.

selection. Please reconsider these cases in view of the following:

1. About 4,800 acres of the lands have been identified as being in transition areas by your initial analysis (three-way designation). The remainder are fringe tracts within the better blocked areas.

2. The position paper used in the December 1964 discussions of the Director with the Oregon State director and his lands and mineral chief, particularly paragraph 3.

3. Unsatisfied State grants are outstanding obligations. The sooner we can satisfy them, the sooner we can eliminate them as a pressing management problem.

The case records are returned.

IRVING SENZEL,
(For the Director).

EXHIBIT 4

(Letter of November 16, 1965 addressed to BLM Director Stoddard by Senator MORSE)

U.S. SENATE,
*Washington, D.C., November 16, 1965.*

Mr. CHARLES STODDARD,
*Director, Bureau of Land Management,*
*Department of Interior,*
*Washington, D.C.*

DEAR MR. STODDARD: Will you please furnish my office with the following information for the years 1953 to the latest period available in 1965:

(1) A list of lands patented to the State of Oregon under either State selections or State indemnity selections, including date of application.

(2) A statement for each such tract showing county, acreage, type of land, approximate value, and if timbered, (a) the approximate volume, (b) whether timbered by old growth or second growth, (c) the date title vested in the State, (d) whether or not the tract had been managed by the BLM for sustained yield and multiple use either as a policy or practice, by regulation or by law, and (c) the "approximate allowable cut" the tract had or would have had under BLM management.

In addition, I understand that there are now pending a number of selections by the State of Oregon. Will you supply comparable data for all these lands whether formally under such application or under discussion.

It is my suggestion that action to approve a selection be taken only after there has been a full disclosure of information setting forth:

(1) The tracts, their location and the kind of land.

(2) The volume and value of the timber and other resources and the allowable cut.

(3) Written statements from authorized State officials as to whether or not the granting of a selection will or will not provide for the sustained yield multiple use management of the lands requested, if the land is timbered.

(4) A statement of the meetings that have been held between the BLM and the State or with other interested groups.

(5) Other pertinent information deemed essential to the public's being properly informed.

As a part of this disclosure, I suggest that the Bureau of Land Management give a 30-day public notice, and notice to the Oregon congressional delegation of the time and place designated for a public hearing.

In view of the concern that has been expressed to me on this and other related matters, I feel it necessary to make this request. In so doing, I wish to point out that if the Department of the Interior had agreed to extend to Oregon the field hearings, I requested earlier on the Multiple Use Act, I think that there would be today a much clearer understanding on many problems in this specific field.

A response by December 15 will be very much appreciated.

Sincerely yours,

WAYNE MORSE.

EXHIBIT 5(a)

(December 29, 1965, letter addressed to Senator MORSE by BLM Director Stoddard)

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
*Washington, D.C. December 29, 1965.*

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

DEAR SENATOR MORSE: Regarding your request of November 16, 1965, for information on lands and resources in Oregon for the years 1953 to the latest period available in 1965, our State director has advised that due to a delay in obtaining certain records from storage, all the data requested is not yet available. This statistical data will be furnished as soon as possible.

As to other matters in your letter, we wholeheartedly agree with your procedural suggestions for the processing of applications for State selections. In fact, our regulations and procedures issued to implement the Classification and Multiple Use Act of 1964 and otherwise to improve our land classification operations call for "participation of the public and consultation with local government * * *." See, for example, section 1725.2b of the enclosed regulations.

In connection with pending State applications for selection, on October 12 we requested our State director for Oregon to institute our public-participation land-transfer procedures on a county-by-county basis. A copy of our memorandum is enclosed, as well as copies of our procedural instruction memorandums. We believe that these cover substantially the objectives of your specific recommendations. They provide for full disclosure of all information that might be of interest to the public.

Our regulations and procedures are designed to give adequate notice to all interested parties of all proposed classifications. Publication in the Federal Register and in a local newspaper is required for all proposals involving more than 2,560 acres, whether or not the lands are in one or more separate parcels. Public hearings are required in all proposals involving more than 25,000 acres or, if the area is not that large, where sufficient public interest exists. Notice of all public meetings scheduled under our land classification program has to be sent to the chairmen of the Interior and Insular Affairs Committees and the Public Land Law Review Commission. We agree with you that it would be sound policy to send it to all members of a congressional delegation. Thirty-day advance notice appears entirely reasonable.

We will incorporate your suggestion in our next revision of the present instructions. We have notified the State director for Oregon of your suggestion and of our approval.

As soon as the material needed to answer your three questions has been assembled it will be transmitted to you. We are in complete agreement that public understanding of the effect the granting of this or other large applications will have on public programs is essential. No decision has been reached by me on whether the States' application should be agreed to or rejected either in whole or in part. In reaching a decision we will do so utilizing the five criteria you suggest. Your continued interest in sound land use policy is deeply appreciated.

Sincerely yours,

JOHN O. CROW
(For Charles H. Stoddard, *Director*).

EXHIBIT 5(b)

(Letter dated February 14 addressed to Senator MORSE by BLM Director Stoddard, together with two tabulations designated as app. I and app. II on Oregon State selections)

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
*Washington, D.C., February 14, 1966.*

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

DEAR SENATOR MORSE: This is in further response to your letter of November 16, 1965, concerning Oregon State selections. The enclosed tabulations were prepared by our Oregon State office. Data on applications for selection were secured from the case records. Timber volumes were estimated from inventory records. The value of the timber was based on the quarterly average of Bureau of Land Management timber sales in the district in which the timber was located. Land values were computed uniformly at $30 per acre.

Included as enclosures are: Two tabulations; five maps; two letters from the clerk of the office of the State land board, Oregon, relating to the management of State forested lands; and copies of ORS 530.450–530.520, the State's school land management law, and of ORS 273.620, its law dealing with disposal of certain indemnity lands.

Appendix No. I is a tabulation of lands deeded to the State of Oregon pursuant to State land grants during the period 1953 through 1965. The tabulation gives the serial number of the applications for selection, the date of such applications, the date the land was conveyed, the county in which they are located, their acreage, whether the timber thereon on the date of conveyance was old growth or second growth, the approximate volume of such timber, the estimated annual allowable cut represented by the conveyed timber, and the estimated value of the lands and timber.

Appendix No. II is a tabulation giving similar information for lands at present under application for selection by the State. The State director has not reported any lands as being under discussion. This and the preceding tabulation do not contain the answer to your question whether each "transaction has been managed by the BLM for sustained yield and multiple use, either as a policy or practice, by regulation or law." A management program for forested public domain lands was started in the 1940's. Authorizations and appropriations have been modest in amount and acceleration.

Gradually the quality of forest management, particularly in western Oregon, has been vastly improved. June 30, 1961, the western Oregon public domain was combined with the revested Oregon & California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands for the purposes of forest management on a sustained-yield, multiple-use basis, subject to the multitude of public land laws and regulations. In that sense, and with those limitations, the answer to your question is affirmative for each tract.

The tabulations, in summary, show:

1. Twenty applications for selection were approved during the period in question. Three of these were applied for in 1957 and 1958 pursuant to ORS 273.260. The remaining 17 were applied for in 1954 by the State under ORS 530.450 et seq.

2. The three ORS 273.260 selections involved 880 acres, 27 million board feet (1.1 million board feet annual allowable cut), valued at $847,000.

3. The remaining 17 approved selections involved 10,100 acres, 47.7 million board feet (11.3 million board feet annual allowable cut), valued at $12 million.

4. Fifteen applications for selection are pending. Two of these were applied for pursuant to ORS 273.260—one in 1962 and one in 1965. The remaining 13 were applied for in 1961 by the State under ORS 530.450 et seq.

5. The two ORS 273.260 selections involve 713 acres, 37 million board feet 400,000 board feet annual allowable cut), valued at $1,357,000.

6. The remaining 13 pending selections involve 7,993 acres, 243 million board feet (6.2 million board feet annual allowable cut), valued at $9,390,000.

The five maps show the location of the tracts listed in the two tabulations. Also shown on the maps are lands administered by the BLM, and forest lands reported as being held by the State of Oregon near the lands for which it applied.

If we can be of any further assistance, please let us know.

Sincerely yours,

CHARLES H. STODDARD,
*Director.*

APPENDIX I

*Oregon State lieu selections—Approved*

| Serial No. | Date of application | Date title vested | Township and range | Section | Subdivision | County | Acreage | Timber growth | Timber volume (thousand board feet) | Allowable cut (thousand board feet) | Total land and timber value |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 03294 | Apr. 28, 1954 | Apr. 24, 1961 | 24 S., 10 W | 6 | Lot 4 | Coos | 17.36 | Old | 1,120 | 15 | $28,520 |
| | | | 24 S., 11 W | 20 | Lots 2, 4, 5, 6 | do | 179.33 | do | 11,567 | 150 | 294,555 |
| | | | | | | Total | 196.69 | | 12,687 | 165 | 323,075 |
| 03295 | do | Nov. 26, 1956 | 4 N., 8 W | 6 | N½SE¼, SE¼SE¼ | Clatsop | 120.00 | 2d | 4,480 | 114 | 133,520 |
| | | | | 18 | W½NE¼, NE¼NW¼ | do | 120.00 | do | 180 | 114 | 8,820 |
| | | | 4 N., 9 W | 2 | Lot 2, NW¼SE¼ | do | 80.01 | Old | 3,960 | 76 | 117,240 |
| | | | 4 N., 10 W | 15 | SE¼ | do | 160.00 | do | 7,920 | 151 | 234,480 |
| | | | 5 N., 8 W | 10 | NE¼NE¼ | do | 40.00 | do | 1,980 | 38 | 58,620 |
| | | | | 31 | NW¼NE¼ | do | 40.00 | 2d | 60 | 38 | 2,940 |
| | | | 7N., 7W | 13 | E½NE¼ | do | 80.00 | do | 0 | 76 | 2,400 |
| | | | | | | Total | 640.01 | | 18,580 | 607 | 558,020 |
| 03296 | do | Nov. 19, 1959 | 1 N., 6 W | 10 | E½SW¼, SW¼SW¼, W½SE¼ | Tillamook | 200.00 | 2d | | 190 | 6,000 |
| | | | 2 N., 9 W | 29 | SW¼NE¼, NW¼NW¼ | do | 80.00 | Old | 3,960 | 76 | 125,160 |
| | | | | 30 | NE¼NE¼ | do | 40.00 | do | 1,980 | 38 | 62,580 |
| | | | 3 N., 9 W | 10 | NW¼NE¼ | do | 40.00 | do | 1,980 | 38 | 62,580 |
| | | | 4 N., 8 W | 17 | Lots 2, 3, 4, 5, 6, 11 | Clatsop | 235.52 | 2d | 8,714 | 223 | 277,134 |
| | | | 9 S., 4 E | 26 | NE¼SW¼ | Marion | 40.00 | do | | 20 | 1,200 |
| | | | | | | Total | 635.52 | | 16,634 | 585 | 534,654 |
| 03297 | do | do | 2 N., 5 W | 4 | SE¼NW¼ | Washington | 40.00 | 2d | | 38 | 1,200 |
| | | | | 34 | NW¼SW¼ | do | 40.00 | Old | 1,980 | 38 | 62,580 |
| | | | 3 N., 4 W | 2 | N½SW¼, SE¼SW¼ | do | 120.00 | 2d | 4,440 | 114 | 141,240 |
| | | | 3 N., 5 W | 24 | NW¼SW¼ | do | 40.00 | do | 1,480 | 38 | 47,080 |
| | | | 4 N., 4 W | 27 | NE¼SW¼ | Columbia | 40.00 | do | 60 | 38 | 3,060 |
| | | | 5 N., 4 W | 8 | NW¼NE¼ | do | 40.00 | Old | 1,980 | 38 | 62,580 |
| | | | 5 N., 5 W | 6 | Lot 2-3 | do | 80.21 | 2d | 120 | 76 | 6,120 |
| | | | 9 S., 4 E | 27 | NW¼NE¼, N½NW¼, NW¼SE¼ | Marion | 160.00 | do | | 80 | 4,800 |
| | | | 9 S., 4 E | 28 | NE¼NE¼ | do | 40.00 | do | | 20 | 1,200 |
| | | | | | | Total | 600.21 | | 10,060 | 480 | 329,860 |
| 03298 | do | May 23, 1961 | 23 S; 12 W | 1 | Lots 1, 2, 3, 4 | Coos | 157.99 | Old | 5,160 | 135 | 133,740 |
| | | | | 2 | Lots 1, 2, 3 | do | 119.25 | do | 7,692 | 100 | 195,880 |
| | | | | 11 | NE¼SE¼ | do | 40.00 | do | 2,580 | 35 | 65,700 |
| | | | | 12 | W½SE¼, SE¼SE¼ | do | 120.00 | do | 7,740 | 100 | 197,100 |
| | | | | 25 | E½SE¼ | do | 80.00 | do | 5,160 | 70 | 131,400 |
| | | | | 27 | SE¼SE¼ | do | 40.00 | do | 2,580 | 35 | 65,700 |
| | | | 24 S; 11 W | 29 | Lots 3, 4 | do | 82.59 | do | 5,327 | 70 | 135,655 |
| | | | | | | Total | 63,983 | | 36,239 | 545 | 925,175 |
| 03299 | do | do | 23 S; 12 W | 13 | NE¼, E½NW¼ | Coos | 240.00 | Old | 15,480 | 210 | 394,200 |
| | | | | 24 | E½SW¼, N½SE¼ | do | 160.00 | do | 10,320 | 140 | 262,800 |
| | | | | 30 | SE¼SW¼ | do | 40.00 | do | 2,580 | 35 | 65,700 |
| | | | | 34 | E½NE¼, S½SW¼, NE¼SE¼ | do | 200.00 | do | 12,900 | 175 | 328,500 |
| | | | | | | Total | 640.00 | | 41,280 | 560 | 1,051,200 |
| 03300 | do | Feb. 10, 1960 | 23 S., 12 W | 34 | S½SE¼ | Coos | 80.00 | Old | 5,160 | 70 | 188,160 |
| | | | | 35 | NW¼NW¼, S½NW¼, N½SW¼, N½SE¼. | do | 280.00 | do | 180,60 | 245 | 658,560 |
| | | | 24 S., 10 W | 6 | Lots 1, 2, 3, 8, 9, 10, 11 | do | 273.45 | do | 17,638 | 230 | 643,168 |
| | | | | | | Total | 633.45 | | 40,858 | 545 | 1,489,888 |
| 03301 | do | Apr. 10, 1961 | 24 S., 11 W | 15 | W½SW¼ | Coos | 80.00 | Old | 5,160 | 70 | 131,400 |
| | | | | 21 | NE¼NW¼ | do | 40.00 | do | 2,580 | 35 | 65,700 |
| | | | 24 S., 12 W | 1 | Lots 5, 6, SW¼NE¼, SE¼NW¼ | do | 171.28 | do | 1,104 | 145 | 32,740 |
| | | | | 2 | Lots 2, 3, 4, 7, SE¼SW¼ | do | 205.50 | do | 13,255 | 175 | 337,545 |
| | | | | 3 | SE¼SE¼ | do | 40.00 | do | 2,580 | 35 | 65,700 |
| | | | | 9 | SE¼SE¼ | do | 40.00 | do | 2,580 | 35 | 65,700 |
| | | | | 10 | Lots 1, 2 | do | 62.07 | 2d | 2,234 | 88 | 57,750 |
| | | | | | | Total | 638.85 | | 29,493 | 583 | 756,535 |
| 03302 | do | Aug. 12, 1957 | 24 S., 12 W | 10 | Lots 3, 4, 5, 6, 7, SW¼NE¼, N½SW¼, NW¼SE¼. | Coos | 329.00 | Old | 21,221 | 275 | 582,837 |
| | | | | 15 | Lots 1, 4, SE¼SE¼ | do | 106.40 | do | 6,863 | 90 | 188,491 |
| | | | | 22 | NW¼NE¼ | do | 40.00 | 2d | 304 | 8 | 9,408 |
| | | | | 26 | NW¼NW¼ | do | 40.00 | Old | 2,580 | 35 | 70,860 |
| | | | | 27 | Lot 1 | do | 36.37 | do | 2,346 | 35 | 64,432 |
| | | | | | | Total | 551.77 | | 33,314 | 443 | 916,028 |
| 03303 | do | Apr. 24, 1961 | 24 S., 12 W | 11 | Lot 1, NE¼, NE¼NW¼, S½NW¼, S½ | Coos | 639.27 | do | 41,233 | 535 | 1,050,005 |
| 03304 | do | May 5, 1961 | 24 S., 12 W | 12 | Lots 1, 2, 3, 4, W½E½, W½ | do | 636.80 | do | 41,074 | 535 | 1,045,950 |

APPENDIX I—Continued

*Oregon State lieu selections—Approved*—Continued

| Serial No. | Date of application | Date title vested | Township and range | Section | Subdivision | County | Acreage | Timber growth | Timber volume (thousand board feet) | Allowable cut (thousand board feet) | Total land and timber value |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 03305 | Apr. 28, 1954 | May 5, 1961 | 24 S., 12 W | 13 | Lot S1, 2, 3, 4, 5, SW¼NE¼, S½NW¼, S½. | Coos | 617.14 | Old | 398.06 | 520 | $1,013,650 |
| 03306 | do | June 22, 1961 | 24 S., 12 W | 14 | NE¼, S½NW¼, N½SE¼, SE¼SE¼ | do | 360.00 | 2d | 2,736 | 77 | 79,200 |
| | | | | 15 | S½NE¼, NE¼NW¼, SE¼SW¼, N½SE¼, SW¼SE¼. | do | 280.00 | Old | 18,060 | 245 | 459,900 |
| | | | | | | Total | 640.00 | | 20,796 | 322 | 539,100 |
| 03307 | do | June 24, 1957 | 4 N., 9 W | 13 | W½NE¼, E½NW¼ | Clatsop | 160.00 | 2d | 5,920 | 76 | 152,800 |
| | | | 4 N., 10 W | 22 | NE¼ | do | 160.00 | Old | 7,920 | 151 | 202,800 |
| | | | | 23 | NW¼ | do | 160.00 | do | 7,920 | 151 | 202,800 |
| | | | 5 N., 7 W | 25 | SW¼SW¼ | do | 40.00 | 2d | 1,480 | 38 | 38,200 |
| | | | 5 N., 8 W | 32 | SE¼NE¼, E½NW¼ | do | 120.00 | do | 60 | 38 | 5,100 |
| | | | | | | Total | 640.00 | | 23,300 | 454 | 601,700 |
| 03308 | do | May 17, 1961 | 2S., 10W | 11 | NW¼SW¼ | Tillamook | 40.00 | Old | 1,980 | 38 | 52,680 |
| | | | 3S., 10W | 24 | W½NW¼ | do | 80.00 | do | 2,960 | 76 | 79,360 |
| | | | | 25 | SE¼NE¼, NE¼SE¼ | do | 80.00 | 2d | 120 | 76 | 5,520 |
| | | | 4 N., 8W | 7 | Lot 1, NE¼NE¼, NE¼NW¼ | Clatsop | 88.21 | do | | 84 | 2,650 |
| | | | | 8 | Lot S 13, 14 | do | 78.52 | do | 2,942 | 75 | 78,842 |
| | | | 7 N., 6W | 27 | SE¼SW¼, S½SE¼ | do | 120.00 | do | | 114 | 3,600 |
| | | | | | | Total | 486.73 | | 8,002 | 463 | 222,652 |
| 03309 | do | Feb. 9, 1962 | 25 S., 12 W | 14 | S½NE¼, NE¼SW¼, N½SE¼ | Coos | 200.00 | Old | 12,900 | 2,800 | 354,300 |
| | | | | 24 | SE¼NW¼, E½SW¼, SW¼SW¼, SE¼ | do | 320.00 | do | 20,640 | 280 | 566,880 |
| | | | | 25 | NE¼NE¼, E½SE¼ | do | 120.00 | 2d | 4,320 | 171 | 116,640 |
| | | | | | | Total | 640.00 | | 37,860 | 3,251 | 120,240 |
| 03310 | do | Apr. 24, 1961 | 10 S., 3 E | 10 | NE¼SE¼ | Linn | 40.00 | 2d | 1,200 | 20 | 32,400 |
| | | | 24 S., 11 W | 21 | SW¼NW¼ | Coos | 40.00 | do | 0 | 0 | 1,200 |
| | | | | 30 | N½NE¼ | do | 80.00 | do | 2,880 | 114 | 74,400 |
| | | | 25 S., 11 W | 3 | Lot 2 | do | 37.87 | do | 288 | 8 | 8,340 |
| | | | | 18 | SE¼SW¼, SW¼SE¼ | do | 80.00 | do | 2,880 | 114 | 74,400 |
| | | | | 19 | Lot S 3, 4, E½SW¼, NE¼NW¼ | do | | | | | |
| | | | | | NW¼SE¼ | do | 240.20 | 2d | 8,647 | 342 | 224,822 |
| | | | | 30 | Lot S3, 6 | do | 78.64 | do | 2,831 | 112 | 73,606 |
| | | | | | | Total | 596.71 | | 18,726 | 710 | 489,168 |
| [1] 05957 | Dec. 20, 1957 | Jan. 16, 1962 | 30 S., 13 W | 21 | SW¼SE¼ | Coos | 40.00 | 2d | 1,440 | 57 | 40,080 |
| | | | | 22 | NW¼NE¼ | do | 40.00 | Old | 2,580 | 35 | 70,860 |
| | | | | | | Total | 80.00 | | 40,020 | 92 | 110,940 |
| [1] 06455 | Sept. 5, 1958 | July 6, 1957 | 26 S., 8 W | 26 | NW¼ | Douglas | 160.00 | 2d | 4,592 | 200 | 147,152 |
| | | | | 28 | SE¼SW¼, SW¼SE¼ | do | 80.00 | do | 2,296 | 100 | 73,576 |
| | | | | | | Total | 240.00 | | 6,888 | 300 | 220,728 |
| [1] 06456 | do | do | 26 S., 8 W | 28 | N½ N½S½, SW¼SW¼, SE¼SE¼ | Douglas | 560.00 | 2d | 16,072 | 700 | 515,032 |
| | | | | | | Grand total | 10,952.98 | | 504,170 | 12,395 | 12,813,600 |

[1] ORS 273.260.

APPENDIX II

*Pending Oregon State lieu selections*

| Serial No. | Date of application | Township and range | Section | Subdivision | County | Acreage | Timber growth | Timber volume (thousand board feet) | Allowable cut (thousand board feet) | Total land and timber value |
|---|---|---|---|---|---|---|---|---|---|---|
| 011383 | Mar. 9, 1961 | 22 S., 12 N | 24 | Lots 2, 3, 4 | Douglas | 120.37 | Old | 7,764 | 174 | $284,304 |
| | | 24 S., 11 W | 16 | E½5W¼ | Coos | 80.00 | do | 2,580 | 6 | 96,080 |
| | | | 20 | NE¼5E¼ | do | 40.00 | 2d | 848 | 11 | 32,128 |
| | | | 30 | Lot 1 | do | 60.57 | Old | 2,580 | 6 | 95,280 |
| | | 4 N., 8 W | 14 | Lot S5, 6 | Clatsop | 78.76 | 2d | | 77 | 3,150 |
| | | 5 N., 9 W | 27 | NW¼NE¼ | do | 40.00 | do | 1,180 | 39 | 42,900 |
| | | | 34 | NE¼NE¼ | do | 40.00 | do | 1,180 | 39 | 42,900 |
| | | 9 S., 8 W | 30 | NE¼SW¼ | Polk | 40.00 | do | 615 | 38 | 23,125 |
| | | | 33 | N½NE¼ | do | 80.00 | Old | 3,334 | 43 | 119,890 |
| | | | | | Total | 579.70 | | 20,081 | 433 | 739,757 |
| 011384 | do | 9 S., 8 W | 28 | S½S½ | Polk | 160.00 | Old | 9,929 | 128 | 353,880 |
| | | 10 S., 7 W | 6 | S½NE¼ | Coos | 80.00 | do | 5,928 | 76 | 210,680 |
| | | | 8 | SE¼ | Benton | 160.00 | 2d | | 121 | 6,400 |
| | | | 18 | NE¼SW¼, SE¼SE¼ | do | 80.00 | Old | 4,583 | 66 | 163,605 |
| | | | | | Total | 480.00 | | 20,440 | 341 | 734,565 |
| 011385 | do | 10 S., 7 W | 6 | Lot 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, SE¼ | Polk | 608.22 | Old | 22,352 | 551 | 784,750 |
| 011386 | do | 10 S., 8 W | 2 | SE¼NE¼ | do | 40.00 | 2d | 1,750 | 33 | 62,850 |
| | | | | 4 lots 2, 3, 4, SW¼NE¼, S½NW¼, NW¼SW¼, SE¼SE¼. | do | 338.52 | Old | 10,401 | 300 | 377,575 |
| | | | 8 | E½NE¼ | do | 80.00 | do | 2,617 | 77 | 97,995 |
| | | | 14 | E½NE¼ | Lincoln | 80.00 | | | | |
| | | | 28 | N½NW¼ | do | 80.00 | 2d | 2,010 | 87 | 73,550 |
| | | | | | Total | 618.52 | | 16,778 | 497 | 611,970 |

APPENDIX II—Continued

*Pending Oregon State lieu selections*—Continued

| Serial No. | Date of application | Township and range | Section | Subdivision | County | Acreage | Timber growth | Timber volume (thousand board feet) | Allowable cut (thousand board feet) | Total land and timber value |
|---|---|---|---|---|---|---|---|---|---|---|
| 011387 | Mar. 9, 1961 | 11 S., 8 W | 14 | SW¼SW¼ | Lincoln | 40.00 | 2d | 429 | 39 | $16,615 |
| | | | 26 | NW¼SW¼, S½SW¼ | do | 120.00 | Old | 2,133 | 92 | 79,455 |
| | | | 30 | Lot 1, NE¼NW¼, NE¼ | do | 245.12 | 2d | 4,298 | 235 | 160,230 |
| | | | 34 | SE¼NE¼, S½S½ | do | 200.00 | Old | 8,693 | 223 | 312,255 |
| | | | | | Total | 605.12 | | 15,553 | 589 | 568,555 |
| 011388 | do | 1N., 10 W | 23 | S½SE¼ | Tillamook | 80.00 | 2d | 2,421 | 77 | 87,935 |
| | | | 25 | SE¼ | do | 160.00 | Old | 4,557 | 43 | 1,658,95 |
| | | 2 S., 8 W | 30 | Lot S3, 4, E½SW¼ | do | 183.20 | do | 6,224 | 155 | 225,170 |
| | | 12 S., 8 W | 4 | Lot S3, 4 | Lincoln | 83.40 | do | 2,710 | 81 | 98,180 |
| | | | 6 | SE¼NE¼, E½SE¼ | do | 120.00 | 2d | 1,527 | 147 | 58,245 |
| | | | | | Total | 626.60 | | 17,439 | 503 | 635,425 |
| 011389 | do | 1N., 9W | 20 | NW¼NE¼, S½NE¼, W½, SE¼ | Tillamook | 600.00 | Old | 22,312 | 500 | 804,920 |
| | | | 21 | NW¼SW¼ | do | 40.00 | do | 1,715 | 34 | 61,625 |
| | | | | | Total | 640.00 | | 24,027 | 534 | 866,545 |
| 011390 | do | 1 N., 9 W | 21 | S½, SW¼ | do | 80.00 | Old | 3,265 | 70 | 117,475 |
| | | | 22 | SW¼, S½SE¼ | do | 240.00 | do | 2,646 | 60 | 102,210 |
| | | | 27 | N½NE¼, SW¼NE¼, NW¼, NE¼SW¼ | do | 320.00 | do | 5,000 | 119 | 187,800 |
| | | | | | Total | 640.00 | | 10,911 | 249 | 407,485 |
| 011391 | do | 1 N., 9 W | 27 | NW¼SW¼ | Tillamook | 40.00 | Old | 2,000 | 25 | 71,600 |
| | | | 28 | W½ | do | 320.00 | do | 6,095 | 139 | 226,125 |
| | | | 29 | NE¼ | do | 160.00 | do | 6,900 | 143 | 247,900 |
| | | | 32 | N½NE¼, NE¼NW¼ | do | 120.00 | do | 450 | 38 | 20,550 |
| | | | | | Total | 640.00 | | 15,445 | 345 | 566,175 |
| 011392 | do | 1 N., 9 W | 29 | S½ | Tillamook | 320.00 | Old | 5,635 | 145 | 210,025 |
| | | | 30 | E½ | do | 320.00 | do | 12,250 | 256 | 441,550 |
| | | | | | Total | 640.00 | | 17,885 | 401 | 651,575 |
| 011393 | do | 1 N., 9 W | 19 | E½SW¼, E½SE¼, lots 3, 4 | Tillamook | 239.29 | Old | 9,604 | 193 | 345,710 |
| | | | 30 | Lots 1, 2, 3, 4, E½W½ | do | 317.67 | do | 6,155 | 155 | 228,125 |
| | | | 33 | N½NW¼ | do | 80.00 | 2d | 198 | 38 | 10,130 |
| | | | | | Total | 636.96 | | 15,957 | 386 | 583,965 |
| 011394 | do | 2 S., 8 W | 30 | S½SE¼ | Tillamook | 80.00 | Old | 2,902 | 77 | 104,770 |
| | | 7 S., 2E | 34 | SW¼, W½SE¼ | Marion | 240.00 | 2d | 5,274 | 131 | 194,190 |
| | | 7S., 3E | 28 | NW¼ | do | 160.00 | Old | 6,268 | 105 | 225,780 |
| | | 9 S., 3 E | 24 | E½SE¼ | do | 80.00 | do | 3,312 | 46 | 119,120 |
| | | 11 S., 8 W | 32 | E½NE¼ | Lincoln | 80.00 | 2d | 2,433 | 96 | 88,355 |
| | | | | | Total | 640.00 | | 20,189 | 455 | 732,215 |
| 011382 | do | 22 S., 12 W | 24 | SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼ | Douglas | 240.00 | Old | 15,480 | 349 | 566,880 |
| | | | 25 | Lot 4, S½NW¼, S½SW¼, SW¼SE¼ | do | 238.02 | do | 15,352 | 349 | 562,192 |
| | | | 26 | N½SE¼, SE¼SE¼ | do | 120.00 | do | 7,740 | 174 | 283,440 |
| | | | 35 | NE¼NE¼ | do | 40.00 | do | 2,580 | 6 | 94,480 |
| | | | | | Total | 638.02 | | 41,152 | 878 | 1,506,992 |
| [1] 016447 | Apr. 23, 1965 | 29 S., 13 W | 27 | N½SW¼ | Coos | 80.00 | 2d | 2,880 | 108 | 106,880 |
| | | 31 S., 13 W | 4 | Lot 4 | Curry | 39.27 | do | 1,414 | 52 | 52,504 |
| | | | 5 | NE¼SE¼ | do | 40.00 | do | 1,440 | 55 | 53,440 |
| | | | 6 | NE¼NW¼ | do | 40.00 | do | 1,440 | 56 | 53,440 |
| | | | 9 | SE¼NW¼ | do | 40.00 | 2d | 1,440 | 56 | 53,440 |
| | | 32 S., 13 W | 17 | NE¼NE¼ | do | 40.00 | do | 304 | 8 | 12,544 |
| | | 32 S., 15 W | 24 | SE¼SE¼ | do | 40.00 | Old | 2,580 | 6 | 94,480 |
| | | | 25 | SE¼NW¼, NW¼SW¼ | do | 80.00 | do | 5,160 | 11 | 188,960 |
| | | | 26 | SE¼NE¼, NE¼SE¼ | do | 80.00 | do | 5,160 | 11 | 188,960 |
| | | 33 S., 15W | 12 | SW¼SE¼ | do | 40.00 | do | 2,580 | 6 | 94,480 |
| | | 35 S., 13 W | 6 | Lot 2, SW¼SE¼ | do | 76.41 | do | 4,928 | 11 | 180,458 |
| | | | 7 | NW¼NE¼ | do | 40.00 | do | 2,580 | 6 | 94,480 |
| | | | | | Total | 635.68 | | 31,906 | 386 | 1,174,066 |
| [1] 012753 | Aug. 14, 1962 | 35 S., 13 W | 6 | Lot 7, SE¼SW¼ | Curry | 77.32 | Old | 4,987 | 11 | 182,622 |
| | | | | | Grand total | 8706.14 | | 280,334 | 6,609 | 10,746,662 |

[1] ORS 273.260.

EXHIBIT 5(c)

LETTER DATED DECEMBER 8 ADDRESSED BY DALE MALLICOAT TO BLM STATE DIRECTOR GETTY, TOGETHER WITH EXTRACTS FROM PERTINENT OREGON LAWS

STATE OF OREGON,
OFFICE OF THE STATE LAND BOARD,
*Salem, December 8, 1965.*

Re 100.5a:2222 Oregon.
Mr. RUSSELL E. GETTY,
*State Director,*
*Bureau of Land Management,*
*State Office,*
*Portland, Oreg.*

DEAR MR. GETTY: There can be no doubt that any pending indemnity selections under the terms of Oregon's 185 Admission Act will be immediately incorporated into the State's permanent, sustained-yield management program. Our law dealing with common school forest lands is explicit in its requirements that all such land received be certified to the State board of forestry for management in such a way "so as to secure the greatest permanent value * * * to the whole people of the State." All of the land is specifically withdrawn from sale, and not a single acre can be sold.

To expand on these points, I have enclosed a copy of our State law in which the pertinent passages have been underlined. You will note that nontimber uses such as grazing, mining, recreation, and other multiple uses are clearly authorized by the statute.

Should you want additional information of any kind that will help convey the positive legal and management position of these lands, please do not hesitate to let me know.

Sincerely,

DALE MALLICOAT,
*Clerk of the Board.*

ELLIOTT STATE FOREST; COMMON SCHOOL FOREST LANDS

530.410 [Amended by 1955 c.121 § 1; repealed by 1957 c.240 § 10]

530.420 [Repealed by 1957 c.240 § 10]

530.430 [Amended by 1953 c.76 § 2ffl 1955 c.121 § 2; repealed by 1957 c. 240 § 10]

530.440 [1955 c.121 § 3; repealed by 1957 c.240 § 10]

530.450 Withdrawal from sale of Elliott State Forest. Any lands in the national forests on February 25, 1913, selected by, and patented to, the State of Oregon, for the purpose of establishing a state forest, hereby are withdrawn from sale except as provided in ORS 530.510. The state forest shall be known as the Elliott State Forest.

[1957 c.240 § 1]

530.460 Certain state lands which are primarily suited for growing forest products to be designated Common School Forest Lands and withdrawn from sale. (1) The State Land Board and the State Board of Forestry shall designate and set aside those lands presently owned by the State of Oregon, or that may later be acquired by the State of Oregon, which are primarily suited for the growing of timber and other forest products, and which are within, but not limited to, the following land classifications:

(a) Lands defined by ORS 273.010 as indemnity lands, school lands, and farm lands.

(b) Lands which have escheated or may escheat to the State of Oregon.

(2) The state-owned lands shall be designated and set aside pursuant to ORS 530.470 and 530.480, and when so designated and set aside, shall be known as the Common School Forest Lands and hereby are dedicated for the primary purposes stated in subsection (1) of this section and shall be withdrawn from sale except as provided in ORS 530.450 to 530.520.

[1957 c.240 § 2]

530.470 Determination of lands to be designated Common School Forest Lands. Immediately after July 1, 1957, and periodically thereafter as is necessary, the State Land Board and the State Board of Forestry shall proceed to designate and set aside Common School Forest Lands as rapidly as forestry data and information are obtained from field examinations of the lands eligible for dedication under ORS 530.450 to 530.520.

[1957 c.240 § 3]

530.480 Legal descriptions of lands; resolutions of State Land Board and State Board of Forestry. As the Common School Forest Lands are determined as required by ORS 530.450 to 530.520, such lands shall be described by legal subdivision, and the State Land Board and the State Board of Forestry, respectively in their regular meetings, shall by separate board resolutions designate and set aside such lands as a part of the Common School Forest Lands; lands in the Elliott State Forest, as determined by ORS 530.450, shall be similarly described and reserved. A certified copy of each board resolution, together with the description of the lands involved, shall be filed with the Secretary of State, who shall keep such copies and descriptions in conjunction with the auditing records of the State Board of Forestry Account.

[1957 c.240 § 4]

530.490 Management, control and protection of Common School Forest Lands and Elliott State Forest; easements. (1) Notwithstanding the provisions of any other law, or authority granted thereunder, after the board resolutions and legal descriptions are filed with the Secretary of State as required by ORS 530.480, the State Forester hereby shall be authorized, under the supervision of the State Board of Forestry and the regulations of said board, to manage, control and protect the Common School Forest Lands. Also, notwithstanding the provisions of any other law, or authority granted thereunder, the State Forester hereby is authorized, under the supervision of the State Board of Forestry and the regulations of said board, to manage, control and protect the Elliott State Forest lands. In each instance the State Forester shall manage, control and protect such forests and forest lands so as to secure the greatest permanent value of the lands to the whole people of the State of Oregon, particularly for the dedicated purposes of the lands and the common schools to which the resources of the lands are devoted.

(2) Easements on, over and across the Common School Forest Lands and the Elliott State Forest lands may be granted as follows:

(a) Permanent easements determined by the State Forester and State Board of Forestry as necessary to accomplish the dedicated purposes of such lands may be granted by the State Land Board.

(b) Easements other than permanent may be granted by the State Forester under joint rules of the State Board of Forestry and State Land Board.

(3) The authority granted the State Forester in this section shall not supersede the authority of the State Land Board to grant easements on or leases for the Common School Forest Lands and Elliott State Forest lands for grazing purposes or for the exploration and development of minerals, oil or gas, and any consideration received by the State Land Board therefor shall be excepted from the provisions of ORS 530.520; provided, however, the State Land Board shall cooperate with the forestry program of the State Forester in granting such easements and leases and make provisions therein for continuing the primary purposes for which such land has been dedicated.

[1957 c.240 § 5]

530.000. Authority of State Forester in management, protection, utilization and conservation of lands. In order to accomplish the purposes of ORS 530.490, the State Forester hereby is authorized to:

(1) Protect the lands from fire, disease and insect pests, cooperate with the counties and with persons owning lands within the state in such protection and enter into all agreements necessary or convenient therefor.

(2) Sell forest products from the lands and execute contracts thereby required.

(3) Permit the use of the lands for recreation or other purposes when such use is not detrimental to the purposes for which such lands are dedicated.

(4) Grant permits and licenses on, over and across the lands.

(5) Reforest the lands and cooperate with persons owning timberlands within the state in such reforestation, and make all agreements necessary or convenient therefor.

(6) Do all things and make all rules and regulations, not inconsistent with law, necessary or convenient for the management, protection, utilization and conservation of the lands.

(7) Require such undertakings as in his opinion are necessary or convenient to secure performance of any agreement authorized in ORS 530.450 to 530.520.

[1957 c.240 § 6; 1959 c.141 § 2]

530.510 Exchanges of land. The State Forester hereby is authorized to propose and initiate any exchange of land of the Elliott State Forest or Common School Forest Lands, or propose and initiate any exchange of timber on such lands, for land of approximately equal aggregate value, when any such exchange is in the furtherance of the purposes of ORS 530.450 to 530.520; provided, however, that any exchange of land of the Elliott State Forest shall be for the consolidation of said forest; and provided further, that the State Land Board and the State Board of Forestry shall, each separately, approve such exchanges by resolutions of the respective boards, and provided, further, that the county court or board of county commissioners of the county, or counties, in which such land is situated, shall approve such exchange, and after such approval the exchanges shall be consummated by legal conveyance from the State Land Board. No exchange shall be made until title to the lands to be received has been approved by the Attorney General. All lands received in exchange shall have the same status and be subject to the same provisions of law as the lands given in exchange therefor.

[1957 c.240 §9; 1959 c.141 §5]

530.520 Disposition of receipts; manner of paying administrative expenses. (1) Excepting receipts from the easements and leases designated in subsection (3) of ORS 530.490, all receipts from the Elliott State Forest and the Common School Forest Lands, after deducting the administrative expenses, shall be paid into the Common School Fund in the manner provided in subsections (2) and (3) of this section.

(2) As used in this section, "administrative expenses" means the expenses incurred by the State Forester, under the supervision of the State Board of Forestry, in the management, control and protection of the Elliott State Forest and the Common School Forest Lands, and the expenses incurred in processing the sale of forest products and the disposal of privileges under ORS 530.500.

(3) It is the intention of the legislature that the administrative expenses shall be paid from the moneys received under subsection (1) of this section, and that the net receipts, after the payment of the administrative expenses, shall be credited to the Common School Fund. In order to carry out this intention, all moneys in the Forest Revenue Account created by section 3, chapter 121, Oregon Laws 1955, and all moneys received under subsection (1) of this section, shall be paid into the State Treasury and credited to the State Board of Forestry Account and hereby are appropriated continuously for and shall be used by the State Forester, under the supervision and direction of the State Board of Forestry, only for payment of such administrative expenses and thereafter the remainder shall be transferred to Common School Fund for the purposes of Article VIII of the Constitution of Oregon. To accomplish the crediting of the net receipts under subsection (1) of this section to the Common School Fund, the Secretary of State shall, on the last day of March, June, September and December of each year, cause such moneys in excess of $50,000 to be transferred from the State Board of Forestry Account to the Common School Fund.

[1957 c.240 § 7]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

SAM R. HALEY,
*Legislative Counsel.*

Done at Salem, Oregon, on December 1, 1963.

CHAPTER 531

[Reserved for expansion]

---

EXHIBIT 5(d)

LETTER DATED DECEMBER 22, TOGETHER WITH ATTACHED MEMORANDUM, ADDRESSED BY DALE MALLICOAT TO BLM STATE DIRECTOR GETTY

STATE OF OREGON,
OFFICE OF THE STATE LAND BOARD,
*Salem, December 22, 1965.*

Re 100.5a:2222 Oregon.

Mr. RUSSELL E. GETTY,
*State Director,*
*Bureau of Land Management,*
*Portland, Oreg.*

DEAR MR. GETTY: In further discussions concerning the above request, we have noted

that my reply to you of December 8 should be amended in a minor way. While three tracts clearly listed to us are not now in State ownership, technically we haven't sold them but rather have fulfilled the State's legal obligation incurred in sales made prior to 1916. This comes about by the operation of ORS 273.620 which makes the application and conveyance mandatory.

A copy of a staff memorandum detailing the three tracts and their disposition is enclosed.

Sincerely,

DALE MALLICOAT,
*Clerk of the Board.*

---

MEMORANDUM

DECEMBER 22, 1965.

A further analysis of our records concerning the disposition of indemnity land received by the State of Oregon from the Federal Government since 1953 reveals that the 880 acres received by clear lists 73 and 85, and described as follows:

CLEAR LIST NO. 73 DATED JULY 6, 1959

SE ¼ SW ¼, SW ¼ SE ¼ of section 28, Township 26 South, Range 8 West, Willamette Meridian, 80 acres; NW ¼ of section 26, Township 26 South, Range 8 West, Willamette Meridian, 160 acres, total 240 acres, and N ½, N ½ SW ¼, SW ¼ SW ¼, N ½ SE ¼, SE ¼ Se ¼ of Section 28, Township 26 South, Range 8 West, Willamette Meridian, 560 acres.

CLEAR LIST NO. 85 DATED JANUARY 16, 1962

SW ¼ SE ¼, section 21, Township 30 South, Range 13 West, Willamette Meridian, 40 acres; NW ¼ NE ¼, section 22, Township 30 South, Range 13 West, Willamette Meridian, 40 acres were caused to be selected for the benefit of persons named hereinbelow, pursuant to ORS 273.620 in order to indemnify said persons being the then present owners of record of School Lands erroneously sold by the State Land Board prior to 1916.

APPLICANTS UNDER ORS 273.620

George Dutch et ux, 240 acres in CL-73.

Roy V. Leonard et ux and Nathan Bradely et ux, 560 acres in CL-73.

Goos County, 80 acres in CL-85.

Consequently, the acreage figures stated in your letter to Mr. Straub, dated December 3, 1965, as remaining in the State will be reduced accordingly.

---

EXHIBIT 6

[From the Federal Register, vol. 30, No. 196, Oct. 9, 1965, pt. II]

DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT—PROGRAMS AND OBJECTIVES; SALES AND EXCHANGES; LAND CLASSIFICATION

PART 1720—PROGRAMS AND OBJECTIVES

*Rules and regulations*

Subpart 1725—Program Policy

§ 1725.1 Current administration.

Pending classification authorized by the Classification and Multiple Use Act (78 Stat. 986, 43 U.S.C. 1411-18) or other available authority, all lands administered by the Secretary through the Bureau of Land Management will continue to be administered for multiple use and sustained yield of the several products and services obtainable therefrom.

§ 1725.2 Disposal policy.

Public lands will be transferred out of Federal ownership in the most efficient manner possible. This will be accomplished, where practicable, by the following procedures.

(a) Encouragement and assistance will be extended to State, County, and local governments in master planning and zoning. They will be encouraged to utilize the best modern techniques for quality land utilization, including preservation of natural beauty and of open-space values.

(b) Participation of the public and consultation with local government will be invited in the formulation of plans for transfers of public lands.

(c) Timely and orderly identification and disposition of lands needed for urban or suburban purposes, or chiefly valuable for residential, commercial, industrial, agricultural, or public purposes will be made.

(d) Practices and procedures will be utilized which will achieve appropriate dispositions with minimum administrative costs.

(e) Priorities will be established based upon availability of funds, urgency of needs for public lands, and resulting economies or effectiveness of Government operations.

* * * * *

PART 2410—LAND CLASSIFICATION

*Subpart 2410—Land Classification; General*

§ 2410.0-2 Objectives.

The statutes cited in § 2410.0-3 authorize the Secretary of the Interior to classify or otherwise take appropriate steps looking to the disposition of public lands, and on an interim basis, to classify public lands for retention and management, subject to requirements of the applicable statutes. In addition to any requirements of law, it is the policy of the Secretary (a) to specify those criteria which will be considered in the exercise of his authority and (b) to establish procedures which will permit the prompt and efficient exercise of his authority with, as far as is practicable, the knowledge and participation of the interested parties, including the general public. Nothing in these regulations is meant to affect applicable State laws governing the appropriation and use of water, regulation of hunting and fishing or exercise of any police power of the State.

§ 2410.0-3 Authority.

(a) All vacant public lands, except those in Alaska, have been, with certain exceptions, withdrawn from entry, selection, and location under the nonmineral land laws by Executive Order 6910, of November 26, 1934, and Executive Order 6964 of February 5, 1935, and amendments thereto, and by the establishment of grazing districts under section 1 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315). Section 7 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f), authorizes the Secretary of the Interior in his discretion to examine and classify and open to entry, selection, or location under applicable law any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, or Executive Order 6964 of February 5, 1935, and amendments thereto, or within a grazing district established under that act which he finds are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants, or more valuable or suitable for any other use than for the use provided for under said act, or proper for acquisition in satisfaction of any outstanding lieu, exchange, or scrip rights or land grant. Classification under section 7 is a prerequisite to the approval of all entries, selections, or locations under the following subparts of this chapter, except as they apply to Alaska and with certain other exceptions: Original, Additional, Second, and Adjoining Farm Homesteads—Subpart 2211; Enlarged Homestead—Subpart 2211; Indian Allotments—Subpart 2212; Desert Land Entries—Subpart 2226; Recreation and Public Purposes Act—Subpart 2232; State Grants for Educational, Institutional, and Park Purposes—Subpart 2222; Scrip Selections—Subpart 2221, and Exchanges for the Consolidation or Extension of National Forests, Indian Reservations or Indian Holdings—Subpart 2244.

(b) Section 8(b) of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g), authorizes the Secretary of the Interior, when public interests will be benefited thereby, to accept on behalf of the United States title to any privately owned lands within or without the boundaries of a grazing district established under that act and in exchange therefor to issue patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the base lands. The regulations governing such exchanges are contained in Subpart 2244 of this chapter.

(c) Section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), authorizes the Secretary of the Interior in his discretion to order into market and sell at public auction isolated or disconnected tracts of public land not exceeding 1,520 acres, and tracts not exceeding 760 acres the greater part of which are mountainous or too rough for cultivation. The regulations governing such sales are contained in Subpart 2243 of this chapter.

(d) Section 3 of the Act of August 28, 1937 (50 Stat. 875, 43 U.S.C. 1181c), authorizes the Secretary of the Interior to classify, either on application or otherwise, and restore to homestead entry, or purchase under the provisions of section 2455 of the Revised Statutes, as amended, any of the revested Oregon and California Railroad or reconveyed Coos Bay Wagon Road grant land which, in his judgment, is more suitable for agricultural use than for afforestation, reforestation, stream-flow protection, recreation, or other public purposes. The regulations governing disposal under this act are contained in Subpart 2243 of this chapter.

(e) The Small Tract Act of June 1, 1938 (52 Stat. 609), as amended (43 U.S.C. 682 a-e), authorizes the Secretary of the Interior, in his discretion, to lease or sell certain classes of public lands which he classifies as chiefly valuable for residence, recreation, business or community site purposes. The regulations governing leases and sales under this act are contained in Subpart 2233 of this chapter.

(f) The Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869-869-4), requires the Secretary of the Interior, in the exercise of his discretion to make a determination that land is to be used for an established or definitely proposed project, and in the case of Alaska authorizes him to classify certain classes of public lands for lease or sale for recreation or other public purposes. The regulations governing lease and sale of land under this act are contained in Subpart 2232 of this chapter.

(g) The Act of July 31, 1939 (53 Stat. 1144), authorizes and empowers the Secretary of the Interior, in the administration of the Act of August 28, 1937 (supra), in his discretion, to exchange any land formerly granted to the Oregon & California Railroad Co., title to which was revested in the United States pursuant to the provisions of the Act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Co. pursuant to the provisions of the Act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the United States. The regulations governing exchanges under this act are contained in Subpart 2244 of this chapter.

(h) The Alaska Public Sales Act of August 30, 1949 (63 Stat. 679), as amended (48 U.S.C. 364a-f), authorizes the Secretary of

the Interior in his discretion to classify certain classes of public lands in Alaska for public sale for industrial or commercial purposes. The regulations governing sales of land under this act are contained in Subparts 2241 and 2245 of this chapter.

(i) The Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–27), authorizes and directs the Secretary of the Interior to sell public lands in tracts not exceeding 5,120 acres, that have been classified for sale in accordance with a determination that (1) the lands are required for the orderly growth and development of a community or (2) the lands are chiefly valuable for residential, commercial, agricultural (which does not include lands chiefly valuable for grazing or raising forage crops), industrial, or public uses or development. The regulations governing such sales are contained in Subpart 2243 of this chapter.

(j) The Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411–18), authorizes the Secretary of the Interior to determine which of the public lands (and other Federal lands), including those situated in the State of Alaska exclusively administered by him through the Bureau of Land Management shall be (1) sold because they are (i) required for the orderly growth and development of a community or (ii) are chiefly valuable for residential, commercial, agricultural (which does not include lands chiefly valuable for grazing or raising forage crops), industrial, or public uses or development or (2) retained at least for the time being, in Federal ownership and managed for (i) domestic livestock grazing, (ii) fish and wildlife development and utilization, (iii) industrial development, (iv) mineral production, (v) occupancy, (vi) outdoor recreation, (vii) timber production, (viii) watershed protection, (ix) wilderness preservation, or (x) preservation of public values that would be lost if the land passed from Federal ownership.

§ 2410.0–4 Responsibilities.

Except where specified to the contrary in this part, the authority of the Secretary of the Interior to classify lands and make other determinations in accordance with the regulations of this part has been delegated to persons authorized to act in his name; to the Director, Bureau of Land Management and persons authorized to act in his name; to State Directors of the Bureau of Land Management and to any person authorized to act in the name of a State Director.

* * * * *

§ 2410.1 Criteria.

§ 2410.1–1 General criteria for all land classification.

(a) All classifications under the regulations of this part will give due consideration to ecology, priorities of use, and the relative values of the various resources in particular areas. They must be consistent with all the following criteria:

(1) The lands must be physically suitable or adaptable to the uses or purposes for which they are classified. In addition, they must have such physical and other characteristics as the law may require them to have to qualify for a particular classification.

(2) All present and potential uses and users of the lands will be taken into consideration. All other things being equal, land classifications will attempt to achieve maximum future uses and minimum disturbance to or dislocation of existing users.

(3) All land classifications must be consistent with State and local government programs, plans, zoning, and regulations applicable to the area in which the lands to be classified are located, to the extent such State and local programs, plans, zoning, and regulations are not inconsistent with Federal programs, policies, and uses, and will not lead to inequities among private individuals.

(4) All land classifications must be consistent with Federal programs and policies, to the extent that those programs and policies affect the use or disposal of the public lands.

(b) When, under the criteria of this part, a tract of land has potential for either retention for multiple use management or for some form of disposal, or for more than one form of disposal, the relative scarcity of the values involved and the availability of alternative means and sites for realization of those values will be considered. Long-term public benefits will be weighed against more immediate or local benefits. The tract will then be classified in a manner which will best promote the public interests.

* * * * *

§ 2410.1–3 Disposal classification criteria.

* * * * *

(c) Additional criteria for classification of lands valuable for public purposes. (1) To be valuable for public purposes, lands must be suitable for use by a State or local governmental entity or agency for some noncommercial and nonindustrial governmental program or suitable for transfer to a non-Federal interest in a transaction which will benefit a Federal, State, or local governmental program.

(2) Lands found to be valuable for public purposes may be classified for sale pursuant to the Public Land Sale Act as chiefly valuable for public uses or development or for transfer in satisfaction of a State land grant, or for transfer to a State or local governmental agency in exchange for other property, or for transfer to a governmental agency under any applicable act of Congress other than the Recreation and Public Purposes Act (44 Stat. 741), as amended (43 U.S.C. 869–869–4), if (i) the proposed use includes profit activities or if the interested, qualified governmental agency and the authorized officer agree that there is no need for the perpetual dedication of the lands to public uses required by the Recreation and Public Purposes Act, and (ii) in the case of sales under the Public Land Sale Act, adequate zoning regulations exist in the area in which the lands are located.

(3) Lands found to be valuable for public purposes will ordinarily be classified for sale or lease under the Recreation and Public Purposes Act (see Subpart 2232 of this chapter) is the proposed use involves nonprofit activities and if it is determined by the authorized officer that the provisions of that Act are required to insure the continued dedication of the lands to such uses, or otherwise to carry out the purposes of the Act.

(4) Lands may be classified for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program.

* * * * *

§ 2410.1–4—Criteria for segregation.

The following criteria will govern the determination of the extent to which classifications and proposed classifications will segregate the affected lands from settlement, location, sale, selection, entry, lease, or other forms of disposal under the public land laws, including the mining and mineral leasing laws. The segregative effect of each classification or proposed classification will be governed by applicable laws and regulations, and will be stated in the classification notice or decision.

(a) General criterion. The public lands classified or proposed to be classified under the regulations of this part will be kept open to (i.e., not segregated from) as many forms of disposal as possible consistent with the purposes of the classification and the resource values of the lands.

(b) Specific criteria for segregation effect or classification for retention. (1) Public lands classified or proposed to be classified for retention for multiple use management will be segregated from those forms of disposal which, if the lands remained open thereto, could:

(i) Interfere significantly with the management of the lands under principles of multiple use and sustained yield, or

(ii) Impair or prevent, to an appreciable extent, realization of public values in the lands, or

(iii) Impair or prevent, to an appreciable extent, realization of the objectives of retention and management set forth in Part 2410, or

(iv) Lead to unnecessary expenditures of public or private funds arising out of individual efforts to acquire public lands under laws, which are in fact not applicable, because of the nature of the resources of the lands.

(2) In applying the criteria in subparagraph (1) of this paragraph, land shall not be closed to mining location unless the nonmineral uses would be inconsistent with and of greater importance to the public interest than the continued search for a deposit of valuable minerals.

(c) Specific criteria for segregative effect of classification for disposal. Public lands classified or proposed to be classified for disposal will be segregated from those forms of disposal which, if the lands remained open thereto, could interfere with the orderly disposal of the lands pursuant to appropriate law. Public lands classified or proposed to be classified for sale under the Public Land Sale Act (78 Stat. 988, 43 U.S.C. 1411–18) will be segregated from all forms of disposal under the mining and mineral leasing laws.

* * * * *

§ 2411.1–2 Special procedures where proposed disposal classification exceeds 2,560 acres.

(a) Authority. Section 2 of the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1412), requires the Secretary of the Interior to take certain actions when he proposes the classification for sale or other disposal under any statute of a tract of land in excess of 2,560 acres.

(b) Publication of notice of, and public hearings on, proposed classification. The authorized officer shall publish a notice of his proposed classification in the Federal Register and an announcement in a newspaper having general circulation in the area or areas in the vicinity of the affected land. The notice shall include the legal description of the affected land, the law or laws under which the lands would be disposed of together with such other information as the authorized officer deems pertinent. Copies of the notice will be sent to the head of the governing body of the political subdivision of the State, if any, having jurisdiction over zoning in the geographic area within which the affected lands are located, the governor of that State and the BLM multiple use advisory board in that State, the land-use planning officer and land-use planning committees, if any, of the county, in which the affected lands are located, the authorized user or users of the lands or their selected representatives, all petitioner-applicants involved, and any other party the authorized officer determines to have an interest in the proper use of the lands. The authorized officer will hold a public hearing on the proposal if (1) the proposed classification will affect more than 25,000 acres or (2) he determines that sufficient public interest exists to warrant the time and expense of a hearing.

(c) Publication of notice of classification. After having considered the comments received as the result of publication, the authorized officer may classify the lands any time after the expiration of sixty days following the publication of the proposed classification in the Federal Register. The authorized officer shall publicize the classification in the same manner as the proposed classi-

fication was publicized, indicating in the notice the differences, if any, between the proposed classification and the classification.

(d) Administrative review. For a period of 30 days after publication in the Federal Register of a notice of classification for disposal pursuant to paragraph (c) of this section, the classification shall be subject to the exercise of supervisory authority by the Secretary of the Interior for the purpose of administrative review. If, 30 days from date of publication, the Secretary has neither on his own motion, on motion of any protestant or the State Director, exercised supervisory authority for review, the classification shall become the final order of the Secretary. The exercise of supervisory authority by the Secretary shall automatically vacate the classification and reinstate the proposed classification together with its segregative effect. In this event the final departmental decision shall be issued by the Secretary and published in the Federal Register.

(e) Segregative effect of publication. (1) Publication in the Federal Register of a notice of proposed classification pursuant to paragraph (b) of this section or of a notice of classification pursuant to paragraph (c) of this section will segregate the affected land from all forms of disposal under the public land laws, including the mining laws except the form or forms of disposal for which it is proposed to classify the lands. However, publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

(2) The segregative effect of a proposed classification will terminate in one of the following ways:

(i) Classification of the lands within two years of publication of the notice of proposed classification in the Federal Register;

(ii) Publication in the Federal Register of a notice of termination of the proposed classification;

(iii) An act of Congress;

(iv) Expiration of a 2-year period from the date of publication of the notice of proposed classification without continuance as prescribed by the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411–18), or expiration of an additional period, not exceeding 2 years, if the required notice of proposed continuance is given.

(3) The segregative effect of a classification for sale or other disposal will terminate in one of the following ways:

(i) Disposal of the lands;

(ii) Publication in the Federal Register of a notice of termination of the classification;

(iii) An Act of Congress;

(iv) Expiration of 2 years from the date of publication of the proposed classification without disposal of the land and without the notice of proposed continuance as prescribed by the Classification and Multiple Use Act; or

(v) Expiration of an additional period, not exceeding 2 years, if the required notice of proposed continuance is given.

STEWART L. UDALL,
*Secretary of the Interior.*

OCTOBER 5, 1965.

EXHIBIT 7

(March 23, 1966, letter from BLM State Director Getty announcing Oregon hearings on Oregon "lieu" selections)

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
*Portland, Oreg., March 23, 1966.*

HON. WAYNE MORSE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MORSE: You probably have both a personal interest and a community interest in what happens to lands administered by the Bureau of Land Management in Oregon. That is why we are inviting you to take part in planning the use to be made of these lands.

Public meetings are being scheduled to discuss in detail some tentative proposals for use of certain lands now managed by BLM in western Oregon. An initial analysis of the characteristics of these lands and the laws that govern their administration led to the tentative proposals which are to be discussed with representatives of various groups and with the general public. This procedure is prescribed by the Classification and Multiple Use Act (Public Law 88–607) which was enacted on September 19, 1964. The law calls for the classification of public domain lands either for retention and multiple-use management or for transfer to other use if that is appropriate.

The current series of meetings concerns BLM-administered lands in Clatsop, Douglas, Coos, Polk, Benton, Lincoln, Tillamook, and Marion Counties. These lands are located within BLM's Salem and Coos Bay Districts. The major recommendation to be considered at the public meetings is the continued multiple-use management of most of the public domain lands in those counties. (Present laws prescribe the permanent, sustained-yield, multiple-use management of revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands by the Bureau of Land Management.) Incidental to the proposal to classify most public domain lands for multiple-use management by BLM on a permanent basis will be consideration of applications filed by the State of Oregon for 8,000 acres of public domain lands in western Oregon.

The applications were filed to acquire lands in lieu of "school sections" previously intended for the State but which actually became parts of national forests upon their creation at the turn of the century. BLM and the State of Oregon are cooperating to satisfy all lieu selection rights.

The lands included in the State's "lieu" selections have been noted on maps and may be inspected at the office of the county courts in Corvallis, Newport, Dallas, and Tillamook and in BLM offices at Portland and Salem. Lands involved are generally located in the Kilchis, Yaquina, and Siletz River drainages.

The first meeting is being sponsored by the Lincoln County court and will be held in the courthouse conference room in Newport at 1:30 p.m. on Monday, April 25. Another meeting is being sponsored by the Tillamook County court and will be held in the courthouse in Tillamook at 1:30 p.m. on Tuesday, April 26. A third meeting, concerning lands in Coos and Douglas Counties, will be held in the council chambers at the Reedsport Community Building at 1:30 p.m. on Wednesday, April 27.

You are encouraged to attend one of these meetings and offer your comments, either orally or in writing. If you are unable to attend the meetings but wish to make written comments you may send them to the BLM district managers in Salem or Coos Bay or to the State director, 729 Northeast Oregon Street, Portland, Oreg.

Sincerely yours,

RUSSELL E. GETTY,
*State Director.*

## RUSSIAN FISHING TRAWLERS OFF THE PACIFIC COAST

Mr. MORSE. Mr. President, at the moment I now speak, a large number of Russian fishing trawlers have come into high-sea waters 10 to 30 miles off the coast of Oregon to carry on an extensive fishing expedition. The information that I shall place in the RECORD before I close my speech indicates that they are catching more than 500,000 pounds of ocean perch a day. The fishery executives and officials in my State who have communicated with me point out that because of the fishing equipment and the fishing devices that are used, the Russian trawlers will do irreparable damage to our fishery beds.

I am not a fishery expert, but I have a responsibility as legislative counsel in the Senate for the people of the State of Oregon to try to inform myself as best I can about the factual matters involved and to advise with regard to the legislative and legal rights that those concerned with this "invasion" of the waters of this part of the globe are confronted with at the hands of the Russians.

I have been in touch with the counsel of the Subcommittee on Fisheries of the Committee on Commerce. I have been advised of the great work that the chairman of the Committee on Commerce, the distinguished senior Senator from Washington [Mr. MAGNUSON], and his very able colleague [Mr. JACKSON] have done in past programs, in which I have joined them, concerning similar difficulties that have developed with Russian fishing trawlers in the waters off Alaska, Canada, and the State of Washington.

It is obvious from the record that this armada of Russian fishing trawlers is moving down the Pacific coast and, as I have told my constituents, and say to the Senate today, because I never raise false hopes, nor do I make claims unless I believe they can be substantiated as a matter of law, that on the basis of the study of the situation that I have made to date, I recognize that we are confronted with some highly complex, difficult principles of international law; that, after all, fish in the high seas can, in one sense, be said to belong to the world: they are world fish.

But there is a long history of fishing conventions that have been entered into between friendly nations, conventions that seek to lay down some of the rules of the game, so to speak, for sound fishing practices and for a fish conservation program that will think ahead in regard to future generations and their economic rights and interests that ought to be protected by our generation, so that there will not be followed anywhere a program of destroying a highly valuable food resource that ought to be conserved, or, to use a forestry term that is so well understood in my State, a program that ought to be maintained on a sustained-yield basis. The senior Senator from Oregon believes it is just as important to have a sustained-yield program in connection with the supply of fish in the world, for fish constitute one of the major human food supplies, as it is to have a sustained-yield program for guaranteeing to future generations of Americans an adequate lumber supply.

It is not for me to pass judgment this afternoon, and I do not intend to do so, because all the facts are not available. But I think that what we really are in, as I have said to my constituents in Oregon, is a stage of exploration with the Government of Russia and its people, for on the high seas I know of no existing international rule of law that will prevent fishermen from any country, in

the absence of a convention entered into that seeks to regulate and set out reasonable rules for fishing in a given area, from fishing to their hearts' content.

In 1958, there was a fishery convention negotiated by some countries, including the United States, which, had it been signed by Russia, might be helpful in the situation in regard to which I am receiving many protests from Oregon. The fishery convention of 1958, I wish to make perfectly clear for the RECORD, because some of my constituents make this very important legal point, is a convention that is regulatory only in respect to conservation practices. It is regulatory by agreement on the part of the signatories thereto, concerning methods of fishing, equipment used in fishing, the period of fishing, and reasonable limitations on the catch.

Mr. President, our difficulty in this particular controversy is that Russia did not sign the fishery convention. Russia is not bound by it. What do we do in such a situation?

As I have explained to my constituents, who are demanding immediate action, but who failed to tell their Senator what action he ought to take to stop the exploitation, I am no magician, I am not Houdini.

I am going to continue to pursue my investigation as to what possible procedures might be available, to see if I can find anyone in the Government, executive or legislative branch, who can say, "Senator MORSE, what we need to do is this. If we do this, we can stop it within the next 24 hours."

I do not know of such an easy solution. Would that there were one.

When the facts were presented to me, I had an obligation to proceed to do what I could in the province of my office. I have already said for the RECORD that I got in touch with the legislative committee that has immediate jurisdiction over the subject matter of fishery, the Commerce Committee of the Senate. I have reviewed the existing conventions on fishing. The existing conventions do not offer us any remedy for this exploitation—and I am satisfied that it is exploitation—of the fishing beds off the coasts of Oregon by the Russian trawlers.

We have had a historic record of similar problems with Russian trawlers in other waters. If the Senator from Washington [Mr. MAGNUSON] were here, he could bear witness to the observation I have just made.

We have had problems with other countries. We have had problems with Japan. We have had very difficult problems with Japan that have at times created serious misunderstandings between the United States and Japan.

I want to say to the everlasting credit of the Government of Japan that there has always been a willingness to sit down and talk. There has always been a willingness to take a look at the equitable rights of all parties involved. Japan has been willing to negotiate on a diplomatic basis the various fishing conventions which have been entered into by the two governments. It was not so long ago—last year, I think—that we approved a fishing convention that involved the reaching of some understanding with Japan in regard to fishing practices.

I think that there is no question that our Government should proceed with great haste to make representations to the Soviet Government that we would like ot proceed with diplomatic negotiations forthwith in an endeavor to see if some understanding can be reached with the Soviet Government in respect to its regulating the fishing practices of its fleet of Russian fishing trawlers on a give-and-take basis.

The professional staff of the Senate Foreign Relations Committee supplied this list of conventions that are now in force between our country and other nations:

1. International Convention for the Northwest Atlantic Fisheries. Parties: Canada, Denmark, France, Germany, Iceland, Italy, Norway, Poland, Portugal, Spain, U.S.S.R., United Kingdom, and the United States. Citation: United States Treaties 477 (hereafter referred to as "UST").

1a. Protocol (amendment) to above; parties same (10 UST 59).

1b. Declaration (interpretation) to above, parties same (14 UST 924).

2. Convention for Establishment of an Inter-American Tropical Tuna Commission. Parties: Costa Rica, Ecuador, Mexico, Panama, and the United States (citation 1 UST 230).

3. International Convention for the High Seas Fisheries of the North Pacific Ocean. Parties: Canada, Japan, and the United States (citation 4 UST 380).

3a. Amendment to the above; same parties (14 UST 953).

4. Convention on the High Seas. Thirty-five parties including the United States and U.S.S.R. (citation 13 UST 2312).

5. Convention on the Continental Shelf. Thirty parties, including the United States and U.S.S.R. (citation 15 UST 471).

6. Convention on Territorial Seas and Contiguous Zone. Twenty-seven parties, including the United States and U.S.S.R. (citation 15 UST 1606).

7. International Convention on Conservation of North Pacific Fur Seals. Parties: Canada, Japan, U.S.S.R., and the United States (citation 8 UST 2283).

7a. Protocol (amendment) on above, same parties (citation 15 UST 316).

8. Convention of Conservation of Shrimp. Parties: The United States and Cuba (citation 10 UST 1703).

Mr. President, when we enter into fishery conventions such as I allude to, they are mutual, and, of course, our history is not one that is free of criticism from some of our neighbors to the south of us in regard to disputes that have arisen between the United States and some of our Latin American allies. I shall not dwell on them at any length, other than to make note of them in passing.

We have protested various unilateral actions on the part of some of our Latin American allies when they have extended their boundaries far beyond the 3-mile limit, which is the boundary that the United States has recognized as a matter of historic practice.

I remember one instance when a Latin American country sought to extend its boundary out 200 miles, which, of course, would have encompassed all known fishing beds in that area of the ocean.

We have been able to enter into agreements with our Latin American friends in some instances that amount to a convention of a treaty status regulating on a mutuality basis the fishing practices of our country and the given country.

Mr. President, on April 11, after I collected the facts on this matter, I sent a telegram to the President of the United States. I ask unanimous consent that this telegram be printed at this point in the RECORD.

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

APRIL 11, 1966.

Hon. LYNDON B. JOHNSON,
*President, White House,*
*Washington, D.C.:*

Have received numerous complaints from fishery executives and public officials of Oregon advising of economic threat from presence of Russian fishing trawlers few miles off coast of Oregon. One fishery executive informed me four Russian ships have been taking estimated 500,000 pounds per day of small ocean perch 25 miles off Newport, Oreg. Fishery interests feel that removal of one-half million pounds of fish per day will deplete Oregon's coastal fishing grounds with possible destruction of this fishery resource.

Urge that diplomatic conference be scheduled immediately with Russian Government in endeavor to work out acceptance by Russian Government of 1958 International Fishery Convention to end that binding conservation practices be undertaken to protect our west coast fishery. In my opinion our Government has clear duty to press for diplomatic agreement with Russia.

Respectfully,

WAYNE MORSE.

Mr. MORSE. Mr. President, in essence I said in the telegram:

Urge that diplomatic conference be scheduled immediately with Russian Government in endeavor to work out acceptance by Russian Government of 1958 International Fishery Convention to end that binding conservation practices be undertaken to protect our west coast fishery. In my opinion our Government has clear duty to press for diplomatic agreement with Russia.

Mr. President, I sent a similar telegram to the Secretary of State.

Mr. President, I also sent a telegram setting forth my position, as I have generally stated in my preceding remarks, to Mr. Jim Southwell, of the Oregonian, a Portland newspaper. Mr. Southwell called me long distance to discuss the seriousness of this problem.

I ask unanimous consent that my telegram to Mr. Southwell be printed at this point in the RECORD.

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

APRIL 11, 1966.

Mr. JIM SOUTHWELL,
*The Oregonian,*
*Portland, Oreg.*

After talking to you on telephone few minutes ago, I checked my office record and found that on April 5, I received wires from executives of three Oregon fishing companies advising me of economic threat from Russian fishing trawlers few miles off Oregon coast. My administrative assistant contacted State Department immediately on my behalf providing the wires and asking for full report. Since talking with you on telephone I have met with counsel of Merchant Marine Subcommittee of Senate Commerce Committee. He advises that Oregon problem is identical with problem that has confronted fishing

interests in Alaska, Canada, Washington State for past several months. He reports difficulty is that foreign ships stay beyond 3-mile limit. In absence of Russia's signing 1958 International Fishery Convention, there is little if anything United States can do under existing law. I have wired President and Secretary of State this afternoon setting forth facts which you and previously received wires from Oregon fishing executives have given me and urging that our Government request immediate diplomatic conference with Russian Government in endeavoring to work out acceptance by Russian Government of 1958 International Fishery Convention.

It should be understood that under this convention, we could not stop Russia from fishing on the high seas off our coast, but convention does provide for negotiating of conservation practices that would be binding upon all signatories to convention. To date, Russia has refused to negotiate any such agreement.

I think our Government has clear duty to press for diplomatic agreement with Russia and I shall continue to urge it and to do anything else I can to help.

Please keep me advised as to any additional facts which will be helpful to me.

Regards,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also received many other telegrams from Oregon on this topic. I ask unanimous consent that these several illustrative telegrams be printed at this point in the RECORD. They were addressed to me by executives of the various fishing firms in my State.

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

REEDSPORT, OREG.,
*April 5, 1966.*

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

We need help. Four Russian ships taking an estimated 500,000 pounds per day of small ocean perch 25 miles off Newport, Oreg. With this volume we expect more ships. Our fishing grounds can't take this harvest.

WINCHESTER BAY SEAFOODS,
NEIL SPENCER.

---

NEWPORT, OREG.,
*April 5, 1966.*

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

We are very much concerned for the future of our fishing grounds off the Oregon coast and feel this should be brought to your immediate attention. Our boats the trawlers *Pacific Queen* and *Miss Connie* sighted and fished alongside three Russian trawlers of size to work approximately 400,000 pounds of fish per day. This type of fishing will deplete our grounds very fast leaving us with very little future to look forward to.

NEW ENGLAND FISH CO.

---

WARRENTON, OREG.,
*April 4, 1966.*

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

Local fishing vessels report four large Russian trawlers dragging on bottom fish stocks off of Oregon coastal area. Fishermen estimate that approximately a half million pounds being taken aboard daily. The Oregon bottom fish industry is greatly alarmed over possible drastic depletion of the resource. Need action now.

SEAFOOD DEALERS ASSOCIATION, INC.,
HAROLD GRAMSON, *President.*

Mr. MORSE. Mr. President, I close by saying that I also called upon the staff of the Committee on Foreign Relations, of which I am a member, to go into this matter carefully. I think the Committee on Foreign Relations has a responsibility in respect to such problems.

I shall help all I can in the time available to see if there is any basis for us to get this kind of a matter before an appropriate subagency of the United Nations for investigation, with the thought in mind of having it eventually, in the not too distant future, raised diplomatically in the United Nations.

I think that Ambassador Goldberg's attention needs to be called to it, once we can supply him with a brief setting forth our case. He is, in effect, our legislative counsel up there, just as we in the Senate are legislative counsel to our constituents.

As soon as I get the material prepared and have it in form so that it can be released to the Senate, I shall release it to my colleagues, as well as to the executive branch of the Government, because we are in the same boat, so to speak, whether we come from Illinois or Minnesota or Maine or Oregon.

We all have a mutual interest in protecting the ocean food supply, to see to it that it is not exploited by any foreign country, including Russia. Some of the leaders of Russia have been heard to say in recent months that they want to coexist with us, but that the United States makes it difficult for Russia to coexist.

I say to Russia this afternoon: "We give you an opportunity to demonstrate your desire to coexist in good faith with us. We call upon you to proceed on the diplomatic level to cooperate with our Government in working out a fishery convention that will reasonably regulate your fishing trawlers, as well as those belonging to our country."

---

## APPORTIONMENT OF STATE LEGISLATURES

The Senate resumed the consideration of the joint resolution (S.J. Res. 103) proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance with law and the provisions of the Constitution of the United States.

The PRESIDING OFFICER (Mr. MORSE in the chair). The Senator from Arizona is recognized.

Mr. FANNIN. Mr. President, let us be thankful that the debate over how State legislatures should be apportioned is raging anew throughout the land, and that there will be an opportunity for a formal, intelligent, and immediate vote on the subject in the U.S. Senate.

The vote will come, as we all know, on the proposed amendment to the Constitution—Senate Joint Resolution 103 by the minority leader and others—an amendment which will permit the people of any State to determine whether one house of their legislature shall be apportioned on the basis of geography as well as population.

The urgency of such a vote has its roots in the fundamental question of whether we are to prevent the freezing into our way of life a new concept of representation at the State legislative level—a concept that denies voters everywhere an opportunity for enlightened and progressive effort to improve and balance their system of legislative representation.

The courts have decreed that under existing law both branches of every State legislature shall be apportioned on a substantially equal population basis. The momentous question now before this body and before our country is whether this interpretation is to forever stand or whether our Constitution shall be amended to permit the voters in each State to have the right to participate in such apportionment determinations.

As the issue is revealed today the pendulum in national thinking is in motion. Under court direction it is swinging away from the concept of legislative representation under which our Federal Government as well as most State governments have historically progressed. Geographical areas, it has been ruled, can no longer be considered an apportionment factor. Big cities we find are, by law being handed control of State legislatures.

Obviously such a far-reaching change will embody far-reaching consequences. Most of us are already sharply aware that not since our Constitution was written has there been such an upheaval in the American political structure. Never has there been such a sudden and unrestrained shift of political power within our respective States.

The longer this debate continues, I am convinced, the more obvious it will become that the bosses of the several big city political machines in the country are actually afraid to let the people vote on the issue. Through court decisions they have been given what can well be described as an extravagant windfall, and they know it. They have gotten hold of a new source of power. Because, in the rough and tough world in which they operate, they know that power begets power and they are not about to volunteer to accept those restraints which the majority of the voters may consider necessary. With high emotion they flout the age-old American belief that the granting of minority expression on any subject is sound and fair procedure. In lieu thereof they offer and defend a form of representation which callously entrusts the welfare of all the people in every State to the whims and vagaries of the big city bosses who for the particular moment have control of 50 percent or more of a State's vote.

We find such opponents of the Dirksen amendment utilizing a catch phrase, "one man, one vote." They proclaim that anyone who is for balanced representation is seeking to undermine not only the courts of the land, but to destroy each of the great institutions that form of government has fostered. They assert and we are supposed to believe that balanced representation is special interest representation, and therefore evil. They blandly ignore the realism that big

city political machines are in themselves a combination of self-serving special interests. Instead, they cynically protest that granting minorities or geographical areas representation is a dangerous accentuation of differences. They even refuse to concede that many States have made great social and economic progress under a legislative system in which cities control one house and geographical areas, as well as people, are represented in the other.

Obviously, the standards advocated by opponents of Senate Joint Resolution 103 do not square with our traditional American concept of government, the concept that recognizes people and their special interests and strives to see that all are represented.

Sponsors of the Dirksen amendment, and let me say they are completely nonpartisan in this matter, have used as their text a paragraph contained in an opinion by Mr. Justice Clark and Mr. Justice Stewart which provides an extremely illuminating definition of representative government. It reads:

> Representative government is a process of accommodating group interests through democratic institutional arrangements. Its function is to channel the numerous opinions, interests, and abilities of the people of a State into the making of the State's public policy. Appropriate legislative apportionment, therefore, should ideally be designed to insure effective representation in the State's legislature, in cooperation with other organs of political power, of the various groups and interests making up the electorate. In practice, of course, this ideal is approximated in the particular apportionment system of any State by a realistic accommodation of the diverse and often conflicting political forces operating within the State.

It is to preserve this fundamental concept of legislative representation that the Dirksen amendment is offered. Many Members of the Senate have long since made known their belief that if this concept of balanced legislative representation is to be preserved and made to continue as a vital force in our way of life, a constitutional amendment is necessary. We have consistently taken the position that only through a constitutional amendment can the voters regain what was formerly considered their fundamental right—the right to participate in State reapportionment decisions.

Our distinguished colleague from Illinois has well said that representation is the key to this entire controversy. He has properly declared, and I quote:

> The people under our form of government must be represented—this means all of the people, not just the majority.

In its language the Dirksen amendment is an effort to guarantee an opportunity for the voters of this country to provide themselves with fair and balanced representation. This objective conforms with the normal give and take that is encouraged by our form of government and that best finds its fulfillment in minority as well as majority recognition. No one in this Senate, I am sure, will be seriously trying to prove this has not historically been an extremely workable concept. We know better today than ever before, however, that it will continue to work well only so long as we emphatically insist that all of the people, not just the majority, be fairly and effectively represented in each of our legislative bodies.

In introducing Senate Joint Resolution 103 on August 10, 1965, the Senator from Illinois, the minority leader, declared:

> Every effort has been made to insure that the will of the majority of the people of a State will govern not only the ratification of such an amendment, but also the form and content of any plans of apportionment submitted to the people by a bicameral legislature. I have tried to provide language which would give fair consideration to the representation problems within each State. This language also provides the standard against which such plans of apportionment will be tested by the courts or by the representatives of a majority of the people in the case of the submission of a plan by a bicameral legislature. I have also provided as a minimum requirement of the Federal Constitution that State legislatures must be apportioned at least every 10 years on the basis of the most recent census.

And, I further quote the distinguished minority leader:

> We have hewn in the forest and we have fashioned on the work-bench an instrument of government which will insure the protections which our forefathers sought to achieve when they came to this country—the right to participate in their Government whether they be weak or strong, small or great in numbers.

Those of us, and I could mention Members from both sides of the aisle, who have worked with the distinguished minority leader on this extremely important matter are confident that if given the opportunity the people of this country will want and demand this kind of an amendment. Our confidence, let me say, stems from the fact that the subject has already been thoroughly debated here in the Senate and answers have been found for all pertinent questions. We have long since established that 60 percent of the Senators want affirmative action. Thirty-two State legislatures have formally asked the Congress to act on the subject, 28 of those legislatures want a constitutional convention called if Congress fails to act. Majority support is apparent everywhere, not only within State legislatures, but within county commissions and boards of supervisors, and within city councils. But a two-thirds vote is required for approval here in the Congress. This is why intense national discussion is now underway.

In view of all the distortions and misrepresentations engaged in by opponents of the Dirksen amendment, it may be well if I list here some of the things the Dirksen amendment does not do: In no way does it undermine any of the new strengths achieved in the area of civil rights. Actually it increases the opportunity for minority groups to participate in government.

In no way does it disturb the guarantees of the 14th and 15th amendments or any other provisions of the Constitution.

In no way does it remove apportionment questions from the jurisdiction of Federal courts.

The Dirksen amendment does not reverse the Supreme Court's one-man, one-vote rule on legislative apportionment. It merely gives the people of each State the option of modifying that rule if the voters so desire. Only when a State clearly prefers a checks-and-balances approach to the problem of representation can the amendment be utilized. Always in one house of the legislature the big cities will have control and the power of veto.

One of the most deceptive distortions practiced by our opponents will be found in the manner in which a few dogmatists have sought to mislead through self-serving attempts at interpretation of Supreme Court intent. We all know it is requiring many hours of argument in lower courts and many attempts at appeal, to refine this issue. These misrepresentations happily are gradually being exposed for what they are by new court opinions and as the atmosphere clarifies many headline-producing statements against the Dirksen amendment have been revealed to be completely without legal foundation.

Mr. President, I think it has already been clearly shown that this issue is not one of small States versus large States or urban areas versus rural areas. Actually it is an internal matter within States. Debate here in the Senate has sharply reflected a composite of special concerns of a statewide nature. It has been developed that no two States, if left to their own devices, would provide exactly the same answers to the question of fair representation, but this we also know and can well repeat: In State after State when the issue was refined to a clear choice between big city bossism or balanced representation, the boss system has been consistently and conscientiously disapproved. Californians, for example, have expressed their thoughts on this point in five elections. Colorado voters have turned down big-city control in an overwhelming manner. Nebraska and other States have taken the same position.

The Senator from Illinois, the minority leader, has said and I agree:

> We cannot honestly and we should not constitutionally deny to members of minorities the opportunity to select and send to the legislative halls persons to represent their viewpoint. Yet, this is what could happen if population only is the sole standard for legislative apportionment for State legislatures—10 percent, 20 percent, or even 49 percent of the people of a State could be denied any representation in the State legislature.

Mr. President, I think it can well be said that many political judgments are required to deal with a situation such as this. Proper representation is not a simple matter such as introducing a set of figures into a computer and abiding by the mathematical results. Decisions on what criteria should be used in a particular redistricting are local political judgments and vary from State to State. The computer approach gives maximum emphasis to population equality and compactness and ignores most political and social factors.

As all of us know, the Supreme Court has not yet detailed the limits of population equality or exactly what criteria may be considered. We are also aware

there are those who contend that any given criteria are valid unless ruled unconstitutional. This, in itself, in my opinion, gives needed emphasis to a safer and more orderly approach to the problem, an approach which I again repeat lets the people of each State make decisions in accordance with ground rules that are spelled out in the Constitution.

For my part I take the position of Robert G. Dixon, Jr., professor of law at George Washington University when he says:

> To consider only equal population, contiguity, which is an accident of geography and compactness, which means little in a mobile society, is not only unsophisticated but may be irrelevant to the true goal of fair representation.

Dixon raises such questions as whether we should make a conscious effort to create "safe" Negro districts, thus enlarging minority group representation, or whether we should mix suburbs with the central city. He declares:

> Every line drawn on a map, even by a blindfolded neutral draftsman, inevitably makes one or more political choices, whether recognized or not.

Advocates of mechanical redistricting contend that 50 years from now computer conclusions will be routinely accepted. My hope is that it will be the people in their home States who are programing and offering the criteria to those computers.

The Dirksen amendment which I believe has the support of the majority of the Members of this Senate is based on the popular belief that fundamental to our way of life is the concept that majority rule must be accepted while minority rights are being preserved and respected. This is to me a compelling argument for immediate action by Congress and ratification by the several State legislatures. Without such action nothing will remain but a popular uprising to prevent a bare majority from denying legislative representation to all others. There is enough lack of law observance in the country today without encouraging more in this manner.

I strongly support the concept of majority rule but just as strongly I support the right of all minority groups and interests to be represented. The right to an equal vote is precious, but let us not forget that the right of a minority to have a voice and a vote in legislative determinations is equally precious.

I belong to that school of thought that contends that it should always be our legislative ambition to make our decisions after all viewpoints have been presented. I pray we never find ourselves in the position in this Senate of giving way to the contention that our Government has grown so large and so unwieldy that we no longer have the time or the patience for full scale and open debate on any vital subject. I know we have grown big as a nation and that in consequence groups and individuals must speak through representatives, but let us pray we never reach the point where it can be said the only voice we have time for or that is worth heeding is the voice of the temporary majority in power.

I have all along been confident the American people, when possessed of the facts and made aware of the dangerous trend that has been started, will insist upon the restoration of the right to effective representation of the interests of each region wtihin our States and that they will want a reasonable balancing of political power rather than a mechanically imposed rule of equal population districts.

I concur with Justice Clark who in a dissenting opinion in the Colorado case wrote:

> It is important to make clear at the outset what these (reapportionment) cases are not about. They have nothing to do with the denial or impairment of any person's right to vote. Nobody's right to vote has been denied. Nobody's right to vote has been restricted. Nobody has been deprived of the right to have his vote counted. * * * Secondly, these cases have nothing to do with the weighting or diluting of votes cast within any electoral unit.
>
> The question involved in these cases is quite a different one. Simply stated, the question is to what degree, if at all, the equal protection clause of the 14th amendment limits each sovereign State's freedom to establish appropriate electoral constituencies from which representatives to the State's bicameral legislative assembly are to be chosen.

Mr. President, I am certain that during the next few days there will be presented to this body many illustrations of the extremes to which we can be pushed as a Nation if we insist on strict adherence to the one-man, one-vote principle, as sloganized by our opponents. We know what such blind adherence could do to the Senate's membership, but let me carry the thought to another level that also tests their sincerity.

Most of the opponents who rally to the slogan of "rotten boroughs" in discussing State legislative apportionment are, I believe, ardent supporters of the United Nations. It makes one ask why, if this small group is so opposed to letting the people of each State vote on the composition of their State legislatures and is really sincere in its devotion to the one-man, one-vote dogma—why is it not spearheading a movement to withdraw the United States from membership in the United Nations.

One of the principal governing bodies of the United Nations is the General Assembly. It has great powers, including the duty to approve the United Nations budget and apportion expenses among member nations. If the U.N. Security Council, because of lack of unanimity of the permanent members, fails to exercize its primary responsibility for the maintenance of international peace and security, in any case where there appears to be a threat to the peace, breach of the peace or act of aggression, the General Assembly may consider it and recommend collective measures, including, in the case of a breach of the peace or act of aggression, the use of armed forces.

As of December 1, 1964, there were 115 member nations of the United Nations, each entitled to 5 representatives and 5 alternates to the General Assembly, but each nation is entitled to only 1 vote.

In other words, one man, one vote is not the governing principle in the United Nations, but one nation, one vote, or if you please, one district, one vote. Are these nations, or districts, truly representative by population standards—or do they, if we accept the epithet so freely used by opponents of the Dirksen amendment—constitute "rotten boroughs?"

Mr. President, I should like to specifically mention the populations of a few nations, but I ask unanimous consent that the entire list of the member nations of the United Nations and their most recent population estimates be printed at this point in the RECORD.

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

*Member nations of the United Nations, and their most recent population estimates*

| | |
|---|---|
| Afghanistan | 13,800,000 |
| Albania | 1,711,000 |
| Algeria | 10,784,000 |
| Argentina | 21,762,000 |
| Australia | 10,965,000 |
| Austria | 7,171,000 |
| Belgium | 9,221,000 |
| Bolivia | 3,596,000 |
| Brazil | 77,521,000 |
| Bulgaria | 8,078,000 |
| Burma | 23,664,000 |
| Burundi | 2,600,000 |
| Byelorussia (included with Soviet Union) | ---------- |
| Cambodia | 5,749,000 |
| Cameroon | 4,560,000 |
| Canada | 19,102,000 |
| Central African Republic | 1,250,000 |
| Ceylon | 10,625,000 |
| Chad | 3,000,000 |
| Chile | 8,190,000 |
| China (Formosa) | 11,884,000 |
| Colombia | 15,098,000 |
| Congo (Brazzaville) | 900,000 |
| Congo (Leopoldville) | 15,007,000 |
| Costa Rica | 1,338,000 |
| Cuba | 7,203,000 |
| Cypress | 589,000 |
| Czechoslovakia | 13,951,000 |
| Dahomey | 2,200,000 |
| Denmark | 4,750,000 |
| Dominican Republic | 3,334,000 |
| Equador | 4,726,000 |
| El Salvador | 2,721,000 |
| Ethiopia | 22,000,000 |
| Finland | 4,563,000 |
| France | 48,133,000 |
| Gabon | 453,000 |
| Ghana | 7,340,000 |
| Greece | 8,451,000 |
| Guatemala | 4,095,000 |
| Guinea | 3,357,000 |
| Haiti | 4,448,000 |
| Honduras | 2,008,000 |
| Hungary | 10,087,000 |
| Iceland | 182,000 |
| India | 449,381,000 |
| Indonesia | 97,765,000 |
| Iran | 22,138,000 |
| Iraq | 6,732,000 |
| Ireland | 2,841,000 |
| Israel | 2,400,000 |
| Italy | 51,507,000 |
| Ivory Coast | 3,500,000 |
| Jamaica | 1,684,000 |
| Japan | 96,160,000 |
| Jordan | 1,727,000 |
| Kenya | 8,847,000 |
| Kuwait | 322,000 |
| Laos | 1,882,000 |
| Lebanon | 1,822,000 |
| Liberia | 2,500,000 |
| Libya | 1,270,000 |
| Luxembourg | 321,000 |
| Madagascar | 5,863,000 |
| Malawi | 2,950,000 |
| Malaysia | 10,406,000 |
| Mali | 4,305,000 |
| Malta | 329,000 |

*Member nations of the United Nations, and their most recent population estimates*—Continued

| | |
|---|---|
| Mauritania | 770,000 |
| Mexico | 38,416,000 |
| Mongolia | 1,019,000 |
| Morocco | 12,360,000 |
| Nepal | 9,388,000 |
| Netherlands | 12,041,000 |
| New Zealand | 2,575,000 |
| Nicaragua | 1,529,000 |
| Niger | 3,128,000 |
| Nigeria | 55,654,000 |
| Norway | 3,667,000 |
| Pakistan | 98,612,000 |
| Panama | 1,177,000 |
| Paraguay | 1,903,000 |
| Peru | 10,420,000 |
| Philippines | 30,331,000 |
| Poland | 30,691,000 |
| Portugal | 9,639,000 |
| Rumania | 18,813,000 |
| Rwanda | 2,665,000 |
| Saudi Arabia | 8,000,000 |
| Senegal | 3,280,000 |
| Sierra Leone | 2,183,000 |
| Somalia | 4,500,000 |
| South Africa | 17,075,000 |
| Soviet Union | 226,253,000 |
| Spain | 31,077,000 |
| Sudan | 12,831,000 |
| Sweden | 7,621,000 |
| Syrian Arab Republic | 5,067,000 |
| Tanzia | 10,046,000 |
| Thailand | 28,835,000 |
| Togo | 1,559,000 |
| Trinidad and Tobago | 890,000 |
| Tunisia | 4,290,000 |
| Turkey | 30,256,000 |
| Uganda | 7,016,000 |
| Ukraine (included with Soviet Union) | ---------- |
| United Arab Republic | 27,303,000 |
| United Kingdom | 53,501,000 |
| United States | 192,072,000 |
| Upper Volta | 4,500,000 |
| Uruguay | 2,556,000 |
| Venezuela | 8,255,000 |
| Yemen | 5,000,000 |
| Yugoslavia | 19,097,000 |
| Zambia | 3,500,000 |

Mr. FANNIN. Mr. President, let us consider the populations of a few of the nations and compare them with the representation per capita.

Brazil has a population of 77,521,000; Burundi has a population of 2,600,000. Both countries have the same representation.

The population of Canada is 19,102,000; the population of the Central African Republic is 1,250,000. Yet both countries have the same representation.

Colombia has a population of 15,098,000; the Congo—Brazzaville—has a population of 900,000; the Congo—Léopoldville—has a population of 15,007,000. But all three countries have the same representation.

That illustrates my comparison of what is being advocated and what has happened in the United Nations, an organization supported by many of the advocates of the one-man, one-vote system of representation.

Take another example: The population of France is 48,133,000; the population of Iceland is 182,000. Both have one vote.

A classic example is India, with a population of 449,381,000; as against Ireland with 2,841,000. Each has one vote.

Italy's population is 51,507,000; the population of Jamaica is 1,684,000.

Japan has a population of 96,160,000; Kuwait's population is 322,000.

Malaysia has a population of 10,406,000; Malta, 329,000.

The population of our neighbor to the South, Mexico, is 38,416,000, while that of Mongolia is 1,019,000.

The population of The Netherlands is 12,041,000; of Nicaragua, 1,529,000.

Another example is Nigeria, which has a population of 55,654,000, while the population of Panama is 1,177,000.

I could cite many other illustrations, but these are illustrative of my point.

Let us consider the United States, which has a population of 192,072,000. The population of Uruguay is 2,556,000. No one can fail to be struck by the enormous variation in population among the members of the United Nations, each of which is entitled to only one vote.

To illustrate further, the largest nation in terms of population is India. Her population is 449,381,000. The smallest nation in terms of population is Iceland, 182,000. That means that the voice of each Icelander is 2,469 times as powerful as the vote of each resident of India.

In terms of population, the United States is the third largest nation—192,072,000. The population of tiny Luxembourg is 321,000. If we follow the logic of the one-man, one-vote group, how do we justify the fact that each resident of Luxembourg has 598 times as much representation in the United Nations General Assembly as each American?

Consider Japan, with a population of 96,160,000. The citizens of the land of the Rising Sun are underrepresented 292 to 1 by the people of Malta, a land of 329,000 people.

Russia, the second largest member of the United Nations in terms of population, has 226,352,000. But it is a special case. Russia has three votes, because its provinces of Byelorussia and the Ukraine are included as separate nations for voting purposes.

In addition, the Soviet satellites of Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania, none of which has an independent foreign policy, are listed as United Nations members. So, in effect, Russia has eight votes in the General Assembly and eight times as much representation as the United States.

If the smallest country, Iceland, is entitled to one vote in the General Assembly, then, according to the numbers game held so sacred by the Dirksen amendment opponents, the United States should have 1,056 votes.

Put another way, based on the ratio its population bears to the total population of all U.N. members—2,280,180,000—the United States should have a representation in the General Assembly equivalent to 8.4 percent of the total vote, whereas actually we have less than nine-tenths of 1 percent of the total vote.

Is our country's participation in the United Nations an abomination in the eyes of the one-man, one-vote group? Will they demand our withdrawal from this international governing body. Can they continue to urge support for the U.N. and approve our country's financial contributions to a body so undemocratically constituted, viewed from the narrow dimensions of democracy they have so assiduously laid down for themselves?

Strangely, they have voiced no anguished protests over the "rotten boroughs" of the U.N. General Assembly. The lack of faith in true democracy is as evident as their inconsistency—for in the final analysis they are unwilling to let the people decide this issue for themselves, as they—the people—see fit.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a proposed unanimous-consent agreement and ask that it be read.

The PRESIDING OFFICER. The agreement will be stated.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

*Ordered*, That beginning on Tuesday, April 19, 1966, debate on any amendment to the pending resolution (S.J. Res. 103, proposing an amendment to the Constitution relating to the reapportionment of State legislatures) shall be limited to 1 hour, to be equally divided and controlled by the author of the amendment and the Senator from Illinois [Mr. DIRKSEN], or whomever he may designate.

*Ordered further*, That the Senate proceed to vote on final passage of the resolution at 2 p.m. on Wednesday, April 20, 1966; *Provided*, The pending question (the pending joint resolution) at that time is in its present form; and *Provided further*, That the 2 hours of debate on Wednesday preceding the final vote on the pending resolution be equally divided and controlled by the senior Senator from Illinois [Mr. DOUGLAS] and the junior Senator from Illinois [Mr. DIRKSEN], or whomever they may designate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the provisions of rule XII, clause 3, relative to a quorum call before proposing such a unanimous-consent agreement be waived.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. MANSFIELD. Mr. President, I ask the Chair now to put the question on my proposed unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement submitted by the majority leader [Mr. MANSFIELD]?

Mr. DOUGLAS. Mr. President, reserving the right to object, and it is not my present intention to object, I should like to inquire as to the meaning of the phrase "in its present form."

Mr. MANSFIELD. The meaning of that phrase is that, if any amendment is adopted to Senate Joint Resolution 103 in the form presently before us, the agreement to vote at 2 p.m. Wednesday will be nullified.

Mr. DOUGLAS. It means that if Senate Joint Resolution 103 has not been

modified we will vote on it on Wednesday, but that if there is any modification, the unanimous-consent agreement to vote on final passage will be null and void.

Mr. MANSFIELD. The Senator is correct.

Mr. DOUGLAS. The language used is, "in its present form."

Mr. MANSFIELD. Exactly.

Mr. DOUGLAS. So that even minor amendments if adopted would negate the agreement to vote on Wednesday next.

Mr. MANSFIELD. The Senator is correct.

Mr. DOUGLAS. A vote on any amendment would have to be taken before 2 p.m. Wednesday.

Mr. MANSFIELD. The Senator is correct. We hope any amendment would be offered prior to the close of business on Tuesday next.

Mr. DOUGLAS. I have consulted with my very able colleagues, and I see no reason that we should object.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? There being no objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business tonight, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR ADJOURNMENT FROM THURSDAY TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the business of the Senate on tomorrow, the Senate stand in adjournment until 12 o'clock Monday next.

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

DIRKSEN AMENDMENT SHOULD BE DEFEATED

Mr. DOUGLAS. Mr. President, the pending motion to pass the Dirksen rotten-borough amendment brings the Senate to still another chapter in one of the strangest campaigns in American constitutional history.

WOULD TAKE AWAY A BASIC RIGHT OF CITIZENS

First the effort to push through the amendment represents the first time there has been a sustained national effort to actually take away from American citizens a basic, unalienable human and constitutional right. That unalienable right, proclaimed by our Declaration of Independence and firmly embodied in moral law and our Constitution, is equality of citizenship. In our representative government maintained under law, equality of citizenship means two things above all: equality before the courts which enforce the laws and also equality before the legislatures which make the laws.

Yet the amendment before us, and its many predecessors advanced in the last 20 months, specifically seeks to abridge the right of equality of citizenship before the legislatures of the States. Its basic provision—at least in the form that it is now before us—is that in the apportionment of a bicameral legislature—

> The members of one house shall be apportioned among the people on the basis of their numbers and the members of the other house may be apportioned among the people on the basis of population, geography, and political subdivisions in order to insure effective representation in the State's legislature of the various groups and interests making up the electorate.

Or in other words, when one peers behind the high sounding facade of this language, in their representation in one house of the State legislatures, some people shall have a vote worth 10, 20, 50, or 100 times the vote of some other people of the State. Presumably, such radical distinctions in citizenship shall be determined by whatever combinations of power may be assembled in the legislature and in the electorate, and shall be justified on the basis of geography and political subdivisions. The accident of residence is to dictate whether a person is one-half a citizen, one-fiftieth a citizen, or one-hundredth a citizen.

We have already seen that in the past, before the reapportionment decisions of the Supreme Court, 1 citizen in a little hamlet in Vermont had as much voice as 1,000 citizens in the major city in Vermont, and that 1 citizen in the Sierra senatorial district had as much voice as did 475 citizens in the county of Los Angeles.

Apparently we need not wait as long as "1984" to reach the Orwellian age. The Dirksen amendment may be accurately called the "Some are more equal than others" amendment, if I may refer in the same breath to two works by George Orwell.

It is anomalous, and indeed ominous, that this proposal to reduce the rights of citizenship is being pushed at the very time that Congress is acting to defend the rights of citizenship previously denied to Negroes. The Senate is asked to withdraw from Americans one-half of their basic right to equality in citizenship, just when the people have overwhelmingly endorsed the protection of the Negro's right to vote and his equality of citizenship in education, employment, and administration of justice. In effect the Senate is asked to protect these rights of citizenship with one hand, while quietly striking out of the Constitution with the other hand the foundation for the enjoyment of these rights under our State governments.

Fortunately, the juxtaposition of the amendment and the Voting Rights Act of last year helped to point out that the amendment really seeks to make a sham of democracy. If we had approved the Dirksen amendment last year—and the vote by which we defeated it took place on the very day, August 4, when the Senate approved the conference report on the Voting Rights Act and sent it to the President for signature—we would have been saying that only the appearances of democracy count. On August 4, 1965, the Senate said that every citizen must be protected in his right to vote, but it rejected the foreign and totalitarian view that as long as every citizen can cast a ballot, we have democratic government, even if the ballot is meaningless and the weight of one citizen's ballot is greater than that of another.

That is what the Dirksen amendment appears to mean: Only the appearances of democracy count, not the substance. If it were passed, it would make a sham of democracy and of equality of citizenship under representative government.

Another aspect of this attack on individual rights is that some elements in our society may view this amendment as a means of disciplining the Supreme Court for its defense of such rights and liberties. This amendment seeks to repeal the decisions of the Supreme Court in the reapportionment cases.

I think those decisions were basic, fundamental, correct, constitutional, and in conformity with the moral law. But beyond that, this amendment appears to have the same heritage as the 1958 campaign to repeal through specific legislation a number of the Court's civil liberties decisions, which legislation was defeated on the floor of the Senate in 1958 by only one vote by the work of a devoted group of Senators led by former Senator Carroll of Colorado—it appears also to be a part of the continuous attacks on the Warren court which we have had following the Brown decision on school desegregation in 1954, and it directly descends from the campaign directed by the Council of State Governments and others to secure proposal and ratification of three constitutional amendments—namely, establishment of a "super supreme court" composed of the States chief justices which could overrule the Supreme Court; the amendment of the amending article of the Constitution to permit the States themselves to propose and ratify amendments, thus bypassing the Congress; and the denial of jurisdiction to the Federal courts in State legislative apportionment cases.

This Dirksen rotten-borough amendment is part of that attempt to denigrate and degrade the Supreme Court of the United States presided over by that great American, Earl Warren.

This attack upon the Court comes at the very time that the powers of the State and Federal governments over the people have been increasing. In the main the Court's attempt is to protect the individual in respect to the States, but this amendment and its predecessors seek to halt this defense of the individual and to strike a blow at the prestige and independence of the Court at the same time.

EXTRAORDINARY AND IRREGULAR PROCEDURES USED

Mr. President, a certainly strange second element in the campaign for this amendment is the fact that the amendment has twice been brought to the floor of the Senate by a series of procedures so irregular and extraordinary as to cause future historians to wonder whether the Senate realized the gravity of amending the Constitution. The inherent quality and wisdom of a proposal is often characterized by the procedures resorted to in order to advance it. If that rule may be applied in the present instance, some at least will conclude that this proposal has its ridiculous as well as its ominous side.

Of course, the first thrust of this battle took the form of a rider, proposed out of

order to an unrelated piece of legislation—a foreign aid bill—to unconstitutionally declare by legislation a moratorium on carrying out the lawful orders of the Federal courts.

It was not a constitutional amendment in those days, it was a piece of legislation designed to overrule the Supreme Court, attached as a rider to a totally different bill.

The Senate defeated that extraordinary move, on a motion for cloture made by my colleague [Mr. DIRKSEN], which would have required a two-thirds affirmative vote, in order to establish cloture. The vote against cloture was overwhelmingly two-thirds against.

The next move was to attempt to push through an earlier form of the Dirksen amendment. When its proponents could not secure a favorable vote in the Committee on the Judiciary—even after exhaustive manipulations in the language—my colleague on the floor of the Senate proposed a further modified version as an amendment to a resolution authorizing, what?—authorizing a national American Legion Baseball Week. The Senate then defeated the "baseball week" resolution version of the amendment by 7 votes, with 57 yeas to 39 nays, two-thirds being required under the Constitution to propose a constitutional amendment.

Never was there a more frivolous mood on so grave a matter disguised in a minor and unimportant alias than this. My colleague then introduced a further revised version, Senate Joint Resolution 103, which is now before the Senate, although there is talk in the cloakrooms that a further revision is being projected in the effort to win over a few votes and get something through which will cripple the decisions of the Supreme Court.

By this time, of course, the new version bore very little resemblance to the resolution on which the Bayh subcommittee had taken testimony. Despite the fact that no hearings had been held on this proposed constitutional amendment, my colleague, Mr. DIRKSEN, insisted that it must be immediately reported by the Judiciary Committee, thus flouting all the rules of parliamentary procedure. With great flair, he proceeded to the expected favorable vote. But—despite his hopes—the resolution still could not muster such a vote in the Committee on the Judiciary. But having resorted to foreign aid riders and to baseball week resolutions, the minority leader analyzed the situation with customary aplomb. He simply threatened to block committee action on the immigration bill, which a wide majority of the Judiciary Committee supported, unless an opponent of his resolution changed his vote to permit his amendment to be reported. One Senator felt obliged to so change his vote, but he made it very clear that this did not indicate his support for the resolution.

Mr. President, I invite attention to the fact that while Senate Joint Resolution 103 was reported to the calendar, it was released from committee without recommendation. It did not receive a majority vote in committee. Eight members, one-half of the committee membership, have signed individual views in the committee report stating:

> We believe the Senate should reject Senate Joint Resolution 103.

What additional surprises may await us in the procedures to be followed in this debate, we do not know. This accounts for the caution with which any agreement to the unanimous-consent request has been phrased.

But those extraordinary and irregular procedures we have experienced so far characterize very well the proposition before us. It has not been subjected to analysis in hearings. It was forced out of committee without a favorable vote. Surely, such a procedure is both unjustified and unjustifiable, particularly when it is a very drastic amendment to the Constitution which we are considering.

MADISON AVENUE PUBLIC RELATIONS CAMPAIGN

A third extraordinary aspect of the pending business is that this is probably the first constitutional amendment to be promoted by a Madison Avenue type of so-called public relations campaign quite openly conducted by a well-known public relations firm. This firm, Whittaker & Baxter, reportedly has established a well-staffed office in Washington and in many of the States to stir up letters and citizen committees in support of the amendment. But we are not told the source of the funds for this well-heeled campaign. This information is not supplied. It is interesting to note that, in the main, it is believed to come from the private utilities and the big corporations in this country who believe that they can deal more effectively with malapportioned State legislatures than with State legislatures in which all citizens would have an equal voice.

But we are being well supplied with slogans, gimmicks, and misrepresentations in the worst tradition of advertising techniques which are contemptuous of the intelligence of the people. Whittaker & Baxter—the "front men" for this amendment—claim widespread support for their "Committee for Government of the People"—a contemptuous title by itself since, of course, all governments are governments of the people; it is the distinguishing characteristic of American Government that as Abraham Lincoln pointed out at Gettysburg it is not merely a government of the people, but also by the people and for the people. This the Whittaker & Baxter firm do not emphasize but, indeed, omit.

One wonders how well the claimed supporters understand the issue. One revealing exchange has come to light. A "consultant" to Whittaker & Baxter in this matter, a prominent national party official, apparently solicited support from party leaders throughout the Nation in a letter describing the Dirksen amendment in the following fashion:

> It is not a partisan issue * * *. It is not an urban versus rural issue * * *. It is not an attempt to abandon the one-man, one-vote principle.

Well, Mr. President, at least one national committeeman was taken in by this misrepresentation and agreed to have his name used as a sponsor of Whittaker & Baxter's State committee. This committeeman, as Senators PROXMIRE and TYDINGS have pointed out, soon was apprised of the facts and immediately withdrew his alleged sponsorship. We can well wonder how many others have similarly been taken in by this worst kind of Madison Avenue campaign.

AMENDMENT IS AMBIGUOUS, ITS MEANING CLOUDED

Perhaps an even more extraordinary circumstance in this debate, particularly when it is a constitutional amendment before us, is the uncertainty of the meaning of the amendment. We will discuss this at length in the later debates, but the Senate should be aware that the impartial Legislative Reference Service of the Library of Congress has published an analysis of the amendment which for 40 pages describes the "ambiguities," "problems," and "dilemmas" presented by the amendment. And on such an ambiguous, problem-ridden and dilemma-presenting constitutional amendment we have not even had committee hearings.

To cite only the most obvious uncertainty, what, in, fact, does the requirement mean that a house may be apportioned on the basis of geography and political subdivisions in order to insure effective representation in the State's legislature of the various groups and interests making up the electorate?

Mr. President, I ask: What groups and interests? Which are more important? Must every one have a representative?

Mr. President, it is people who are represented in the apportionment of a legislature, at least in the United States and Great Britain. Not groups and interests. Do we expect legislatures to represent businessmen in one district, veterans in another, white-collar workers in another, farmers in another? Of course not. We are not electing a Soviet based on occupational representation. American legislatures represent people, of whom all should stand equal before the legislature in order to obtain the equal protection of the laws.

As I pointed out last fall, the underlying theory of the amendment appears to be that of the corporate State, the principle advanced by the syndicalists and whose chief practitioner was one Benito Mussolini.

I do not accept the theory that democratic government is some combination of economic interests. Such a proposal is most alarming.

The amendment also contains constitutional, procedural, and theoretical problems almost without end. I do not believe these matters can be clarified on the Senate floor, and I strongly believe that this is not the place to write a constitutional amendment. We do not know what may emerge further from the Pandora's box which my friend and colleague [Mr. DIRKSEN] may spring upon us at any moment. But, nevertheless, I shall listen to the defenses of its sponsors and I think I can confidently predict that many of my colleagues will assist in calling these difficulties to the attention of the Senate as the debate progresses.

AMENDMENT WILL WEAKEN POWER OF STATES IN THE FEDERAL SYSTEM

Finally, Mr. President, this proposal is extraordinary because it is designed to prevent the States from taking back much of the power and functions they have lost to the Federal Government. And, it is proposed just as the State governments are moving to take advantage of the opportunity which the Court's decisions have given them.

The decline in the power of the State governments, and the increase in the responsibilities of the Federal Government, in large part coincided with the decline in representativeness of the State legislatures. The Nation changed from a 70-percent rural population just after the Civil War to a 70-percent urban—namely, city and suburb—population in mid-20th century. But most of the State legislatures did not keep pace. They refused to obey their own State constitution's requirements that both houses of their legislatures must represent people and be based substantially on population.

As the cities and suburbs grew and became less and less represented in the State legislatures, they naturally bypassed the States and went to the Federal Government for help in meeting the problems of our new metropolitan society. The State legislatures were stalemated, and so Federal power grew.

But the partnership of the States in our Federal system is important, and we want to strengthen it. Until 1962, only a few of the States were able to make their legislatures representative and both conscious of and willing to act upon the needs of an urban society. The Supreme Court, in its Tennessee, Alabama, and Colorado decisions, finally broke the logjam of State legislative reapportionment.

Witness the magnificent result. Unimpeded by the Dirksen amendment, which has been defeated on the floor of the Senate for the last 2 years, in the less than 22 months since the Alabama and Colorado decisions, nearly four-fifths of the State legislatures have been reapportioned in both houses on the basis of population, to take effect in the elections this fall. In a few more months, at least five or six more State legislatures will probably be reapportioned.

A virtual revolution has occurred, giving vast new hope for the future of the American federal system and for effective government decentralized in large part in the States. The bulletin of the National Municipal League reported just the other day, for example, that 32 of the States are already planning exhaustive revision of the staff and operations of their legislatures.

It would be an extraordinary mistake to abandon this great opportunity at the very moment of its achievement. But that is exactly what my colleague and the supporters of his amendment ask us to do.

Let us vote down the Dirksen rotten-borough amendment, and vote it down by an overwhelming vote.

Mr. TYDINGS. Mr. President, will the Senator yields?



Mr. DOUGLAS. Yes; I am glad to yield.

Mr. TYDINGS. I congratulate the distinguished senior Senator from Illinois on his very cogent and concise attack upon the latest proposal of the junior Senator from Illinois [Mr. DIRKSEN] to attempt to legalize the rotten borough system of State legislatures.

I think his leadership has been an inspiration to all of those of use who have been trying to make State legislatures representative of the people across the country, and not of the special interests.

I congratulate the Senator from Illinois for pointing out that the issue on this vote is not a battle between urban and rural interests, between cities and suburbs and farms, but is a battle against special interests, big corporate groups, such as utilities, who wish to maintain the status quo in the State legislatures, so they can control the regulatory bodies and keep in effect favorable tax rates. They want to be able to determine the policy of their State government with respect to their own interests, and to the detriment of the American citizens.

I ask the distinguished Senator if he will look at the latest version we have before us; namely, Senate Joint Resolution 103, and at the introductory clause, which states that the proposed constitutional amendment shall be valid when ratified by three-fourths of the legislatures of the several States, "provided that each such legislature shall include one house apportioned on the basis of substantial equality of population," and ask the Senator if it is not possible that, if such a provision were to be enacted into the introductory clause of a proposed constitutional amendment, it would give the rotten borough house of a State legislature the power of political blackmail over that house representing the people, so that it could, in effect, delay all types and manner of legislation, in order to obtain ratification of this amendment?

Mr. DOUGLAS. The Senator is completely right. My junior colleague, having been beaten in his effort to insure rotten boroughism in both houses of State legislatures, is now saying it is all right to have such malapportionment in one house of a State legislature. If there is an unrepresentative senate in the State legislature, or as exists in some cases an unrepresentative house of representatives, it can refuse to agree to any apportionment proposal. It can threaten and ultimately exercise a veto, and by being firm and tough, dictate the provisions of any reapportionment referendum will be framed by the legislature. It can also dictate the terms of any referendum proposal and thus largely determine the result.

Mr. TYDINGS. Is it not a fact that today, in some of the States, including my own, where one house is malapportioned, that house will hold up vital legislation which is desired and felt to be needed by the representatives of the people in the State in the properly apportioned house? Is it not true that members of the malapportioned house will hold up that type of legislation, refuse to act on it, refuse to pass it, until their pet schemes or pieces of legislation are passed, no matter the public interest?

Mr. DOUGLAS. We have had that same situation in my State of Illinois in connection with ordinary legislation. The senate, which was malapportioned more than the house, constantly refused to agree to a great deal of legislation passed by the house and approved by the people, and has been able to negative any action in many areas. The same thing can be true in apportionment matters as well as in the field of legislation. If the powerful private interests are able to control one house, they can control the legislature and exercise a decisive influence over the State government. That is the essence of the Dirksen amendment.

Mr. TYDINGS, Mr. President, I wonder if the Senator will yield again?

Mr. DOUGLAS. I am glad to yield.

Mr. TYDINGS. I wonder if the Senator would care to comment on the language in section 1 of the proposed constitutional amendment, which states that:

> In the case of a bicameral legislature, the members of one house shall be apportioned among the people on the basis of their numbers and the members of the other house may be apportioned among the people on the basis of the population, geography, and political subdivisions in order to insure effective representation in the State's legislature of the various groups and interests making up the electorate.

I wonder whether the Senator would care to comment on the fact that the phrase "effective representation of the various groups and interests making up the electorate" is a direct quotation from the dissenting decision of Justices Clark and Stewart in the case of Lucas against Colorado, and that 1 week later, after having written that dissenting opinion, these two distinguished Justices could not agree on how to dispose of four of the nine apportionment cases which were before the Court.

Mr. DOUGLAS. The Senator from Maryland is correct. The indecision of the dissenting justices themselves shows how ambiguous this alleged standard is. In the matter of weighting, how are we going to weight population? How are we going to weight geography? How are we going to weight political subdivisions? How are we going to classify geography?

Are the residents of the Eastern Shore of Maryland or the underpopulated southern counties of New Jersey going to insist that their geography entitles them to greater representation than the cities of Maryland, the suburban counties outside of Washington, and the cities of New Jersey? How are we going to decide on the basis of geography? What this proposal does is to turn legislative apportionment into a political power struggle without effective constitutional guidelines, in which one house, by standing firm, can insist that its house be permanently malapportioned.

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

Mr. DOUGLAS. I will be glad to yield.

Mr. MORSE. I am so glad that the Senator from Maryland [Mr. TYDINGS] gave the source of the language that he

just quoted to the Senate. It does come out of the dissenting opinion.

I think my friend, the Senator from Maryland, who is a brilliant lawyer with a distinguished public service record in the office of the U.S. attorney in his State, will agree with me that the language is so ambiguous and is so full of undefinable generalities that I do not see how it could possibly be applied to a reapportionment program, if there were any merit to it, and it is without merit.

I am also glad that the Senator from Maryland pointed out that the two dissenting judges themselves subsequently do not seem to be able to agree on this very problem of giving clear-cut legal definition to terminology that must be considered by a court in any reapportionment case.

I really rose to say to the Senator from Illinois and the Senator from Maryland that I wish to commend them both for their leadership in this historic legislative fight that has been waged in the Senate on several occasons and will be waged again this year.

I want the Senators to know that I, as in the past, shall follow their leadership in this controversy, and I will be found with them when the roll is called, not up yonder, but here.

I also wish to say that the people of my State settled this issue in 1951. In 1951 they made very clear that one vote per person should be the basis of maintaining representative government under our constitutional system. I shall always be proud to stand shoulder to shoulder with the Senator from Illinois and the Senator from Maryland in this legislative battle.

Mr. DOUGLAS. I thank the senior Senator from Oregon. This is characteristic of him. His support is very powerful. As I have said on previous occasions, in one of the battles between the forces of the Commonwealth and King Charles I, Oliver Cromwell rode over the moors, and the Puritan forces gave a great shout, "Cromwell is coming." It was not Cromwell coming to Ireland, I might add. They said, "Cromwell is coming," and it gave great heart to those fighting against Charles I.

Similarly the statement of the Senator gives great heart to us.

Mr. President, I yield the floor.

Mr. CASE. Mr. President, the inability or refusal of State and local governments to meet many of the needs of citizens of this country in recent years has forced the Federal Government to take the lead in these areas. This situation has caused an ever-increasing growth of the Federal Government.

This growth is a matter of concern among a great many people but not all of them are aware of any action that will alter the situation. We are faced at this time, Mr. President, with a decision which could have an important bearing on the problem.

As Roscoe Drummond pointed out in a column in the Washington Post yesterday, defeat of the reapportionment amendment currently before us would be a big step toward strengthening State and local governments without weakening the Federal Government.

Mr. President, because Mr. Drummond so clearly and briefly makes a point that is essential to proper evaluation of the matter before us, I ask unanimous consent that his column be printed in the RECORD at this point.

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

REDUCING FEDERAL POWER

(By Roscoe Drummond)

The opinion polls show that most people are acutely concerned at the ever-expanding size of the Federal Government.

The public would like to see the flow of power to Washington reduced. But practically no one does anything about it.

One reason, I think, is that they see it as a hopeless task. But is it hopeless?

There are two lines of action within reach which could greatly strengthen State and local government without weakening the Federal Government, and thus the balance would begin to readjust.

One is to carry speedily forward, without any attempt to block it by the Dirksen amendment, the reapportionment of State legislatures. This is essential since there can be no rebirth of State government until the legislatures are made responsible and responsive to the voters.

The second action is to begin to return to the States a share of the burgeoning Federal revenues so they can have the means to do the things that can be done best on the local level. This step is being endorsed by Governors of both parties, by political scientists, economists, and others.

On the basis of the report of a task force headed by Robert Taft, Jr., of Ohio, and Winthrop Rockefeller, of Arkansas, the Republican coordinating committee has come forward with a carefully drafted plan to take the step.

This is a stout beginning. But one condition must be kept everlastingly in mind if any headway is to be made toward arresting the ever-growing centralization of government.

Just one of these actions will not further the goal significantly.

The Republicans will get nowhere with their initiative until the Dirksen amendment, designed to derail or dilute the Supreme Court one-man, one-vote decision on reapportionment, is scotched. Congress isn't going to share Federal revenues with States in which a minority of voters dominate one house of the legislature and thus exert a veto over the whole legislature—and it shouldn't.

Few realize the vast growth of Federal grant-in-aid programs to State and local projects and institutions. In 31 years, they have mounted from 18 to 140 different programs and in appropriations they have gone from $126 million to more than $10 billion annually.

"At the worst," the Republican task force concludes, "the States will continue to sink into a morass of financial inadequacy and eventual bankruptcy. At best, they will become mere administrative appendages of the National Government.

RECAPPING A RETREAD—REAPPORTIONMENT RECONSIDERED

Mr. TYDINGS. Mr. President, I confess some surprise at finding Senator DIRKSEN's reapportionment amendment the pending business in the Senate for the third time in as many years. I had thought that after we had passed the tire safety bill, it would not be possible to bring this same old retread back before this body. It is apparent, however, that there are some among us who are more concerned about making our highways safe for automobiles than in keeping our State legislatures safe for democracy.

Despite the concerted efforts of a small coterie of rotten borough legislators, and their allies, to preserve their ill-gained seats, there is every indication that their efforts to overrule the Supreme Court's landmark decision requiring fair apportionment of our State legislatures will once again fail. Despite endless reams of propaganda and the machinations of a high-powered California public relations firm, there is every indication that the American public supports the fundamental principle, upon which this Republic was founded, of equality before the law and in the voting booth. Despite the untold, and unreported, thousands of dollars that have been spent on an intensive lobbying campaign in support of the Dirksen amendment, there is every indication that the U.S. Senate, with the support of the American public, will once again reject any effort to permit unconstitutional discrimination among voters in selecting their State representatives.

The wholly unsuccessful efforts of the public relations firm of Whittaker & Baxter on behalf of the Dirksen amendment demonstrates the good sense of the American people. Constitutional amendments cannot be packaged and sold like a package of gum or a high-powered car.

While the vision of a modern day Don Quixote riding off on a tired old Republican nag to tilt the windmill of equal protection has its amusing aspects, there lies behind this effort a deadly serious attempt to perpetuate the minority stranglehold which special interest groups now exert over all too many of our State legislatures.

One need not look deeply into our history to find examples of State legislatures that have been bought, packaged, and delivered by vested interests. Nineteenth-century robber barons all too frequently dominated the State legislative scene through the exercise of disproportionate representation in the State legislature, as well as their own great financial power. While the special interests of the 20th century may be more subtle and their techniques less blatant, I know from more than 6 years' experience in the Maryland Legislature how special interest groups can influence and bend a rotten borough legislature to their will. The people suffer when this happens.

Let there be no mistake about the purpose of Senate joint resolution 103. Despite the trappings of synthetic referendums, despite the high rhetoric of "let the people decide," the basic purpose of Senate Joint Resolution 103 is to permit the special interests, the courthouse gangs and their high-paid lobbyists to continue to manipulate weak, irresolute and unrepresentative State legislatures.

If we are going to meet the needs of the mid-20th century; if we are going to clean up our rivers and decontaminate the air; if we are going to rebuild our cities and staff our schools; if we are going to improve our hospitals and develop our parks; if we are going to provide jobs, opportunity, and hope for all Americans, then our State legislatures must fairly reflect the aspirations of all

of the citizens in their State. If State governments are to reexert their historic role in a strong and viable Federal system, we must scrape the barnacles of malapportionment from our ships of state.

Mr. President, I ask unanimous consent that, as part of my remarks, an article appearing in the April issue of the Atlantic magazine, in a special section on the GOP, entitled "The Struggle for Power," be printed at this point in the RECORD.

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

THE STRUGGLE FOR POWER

(By David S. Broder)

It is odd, sometimes, how an event will trigger the memory of an almost forgotten earlier occurrence. One day last August, I received a brochure announcing the opening of the Washington office of F. Clifton White and Associates, Inc. Clif White is the brilliant and articulate New Yorker who invented and directed the draft Goldwater movement, one of the most impressive feats of political management in our era.

Now, the brochure said, he had formed a public affairs consulting firm that would offer "on a nationwide basis, an in-depth program designed to generate maximum support for the client's political and governmental objectives in connection with its corporate goals." In short, a superlobby.

As I read this, my mind was jogged backward more than a year to the week of White's triumph, the Goldwater nomination in San Francisco. In the booming confusion of the St. Francis Hotel, I had been talking to Alexander M. Lankler, a Washington lawyer who had worked for Nelson Rockefeller's nomination. We had been debating the Republican future—after the drubbing for Goldwater which both of us believed to be inevitable. I said it might be well to let the conservatives get it out of their system; after the debacle, I thought, the proprietors of the defeat would have no choice but to confess the bankruptcy of their dream.

Lankler shook his head and said, "You're wrong. No matter how badly mauled the party is, they will still want to control it. It may not be much, you see, but it's still bigger, more effective, and more salable than any other lobby they can get hold of."

Odd notion, I thought, to confuse a political party, which exists to elect men to office, with a lobby, which tries to exert influence on behalf of its clients. Odder still to suggest that a national party would abandon its responsibility for the affairs of state and its chief goal, winning the Presidency, and instead transform itself into a superlobby, serving its clientele by marketing influence. But now, a year later, here was the chief organizer of the Goldwater drive setting up his own superlobby.

I began to reflect on some of the things I had seen as a reporter covering the Goldwater phenomenon—seen but not probed. White had been a pioneer in the corporate public affairs field before he nurtured the Goldwater drive. Many of his major associates in the movement were from the same background—men like Charles Barr of Standard Oil of Indiana, Tyrone Gillespie of Dow Chemical, and William McFadzean of Archer-Daniels-Midland.

They had been helped by the thousands of Goldwater volunteers. But equally significant were their allies among the semipermanent Republican cadre in Congress. These congressional Republicans miscalculated political realities to their own peril: out of 54 Representatives who signed a statement in the spring of 1964 saying, "We are convinced that the nomination of Senator Barry Goldwater will result in substantial increases in Republican membership in both Houses of Congress," 21 were not reelected.

Finally, White had the help of the most influential Republican of them all, Senator EVERETT MCKINLEY DIRKSEN, who at a critical juncture rejected Gov. William Scranton's plea for help from the Illinois delegation and agreed, instead, to make the speech that nominated Goldwater.

It appears that Lankler was right when he said that the struggle would continue, and right when he said that the men who had put over Goldwater would try to use the party as a superlobby. What light does this cast on the party's future? What does it tell us about the nature of its internal divisions? The more I thought about it, the more I began to suspect that the real struggle within the Republican Party is more basic than the much publicized differences between liberals and conservatives.

The real struggle is between, on one hand, the relatively few men who are still trying to expand the party's base to the point where it can again compete effectively for the Presidency and, on the other hand, the many Republican officials and officeholders who have long since resigned themselves to a minority role—and do not really desire to have it change. It is a struggle, to put it in the bluntest terms, between the few who want to see the Republican Party again exercise responsibility for the affairs of cities, States, and Nation and the many who are quite content to market its influence to its financial clients.

The first group includes most of those few Republicans who now hold positions of executive responsibility: mayors like John Lindsay, of New York, and Theodore McKeldin, of Baltimore; county officials like Marlow Cook, of Jefferson County, Ky.; and Governors like Scranton, George Romney, of Michigan, Mark Hatfield, of Oregon, Nelson Rockefeller, of New York, Dan Evans, of Washington, Robert Smylie, of Idaho, and John Chafee, of Rhode Island.

Their natural allies are the Republican State chairmen, because State chairmen don't stay in office long and they want a victory to show for their efforts. They are also helped by a certain number of politicians, like Robert Merriam, of Chicago, and George Lodge, of Massachusetts, who had a taste of power in the Eisenhower era and are young enough to want more of it; and by an increasing number of young lawyers and eggheads, like those in the Ripon Society, who happen to be interested in public issues and are stubborn enough to think their own party can contribute to their resolution.

The "Republican Responsibles," if I may call them that, are anything but monolithic in their ideology; indeed, some of their members, like Governor Evans, a civil engineer, are determinedly nonideological. What they share is a common courage about using the tools of government to solve the problems confronting their States and cities; a pragmatic willingness to grapple with people's concerns, not to flee from them; and, most important of all, a willingness—in fact, an ambition—to take responsibility for public needs.

Their typical figure, perhaps, is Governor Romney, not because he is necessarily the smartest, ablest, or strongest of the group, but because he exemplifies their drive for personal power and responsibility, a drive that will probably make him this group's representative in the battle for the 1968 nomination.

THE INFLUENTIALS

On the other side, there are what might be called the "Republican Influentials." This group includes some of the party's chief financial clients, including those organized by White in the 1964 campaign. It also includes most of the members of the Republican National Committee, who are, on the average, older and richer than the State chairmen and less subject to removal for failure to bring victory. But the great strength of the Republican Influentials comes from the Congress and the State legislatures, with Republican lawmakers from safe districts who return election after election, with enhanced seniority, regardless of who is elected President or Governor. Despite the ravages of 1964, dozens of them remain. Men like JAMES UTT, of California, LES ARENDS, of Illinois, and WILLIAM BATES, of Massachusetts, in the House; FRANK CARLSON, KARL MUNDT, and WALLACE BENNETT in the Senate.

The influentials, too, are not altogether united in their ideology. But their relative political immunity inclines them to prefer the status quo to abrupt changes, and their longevity in office promotes a cozy relationship with the interest groups that surround State legislatures and Congress, just as it increases the value of their favors to the lobbyists. Finally, as creatures of the legislative branch, these men have a natural jealousy of the executive, which, together with the other factors already mentioned, generally pits them against the positive, pragmatic use of governmental authority to deal with public problems.

What this group prizes, and what it basically can offer its clientele, is influence, not responsibility. The Republican influentials would rather amend a bill—or block it—than pass it. If a Governor or President from their party is elected, their joy, if any, will be muted by the realization that they may be forced, in the name of party unity, to support legislation they would prefer to oppose. Many of them in Congress were frankly miserable during the Eisenhower years, just as many Republicans in the State legislatures are unhappy under Republican Governors now.

Even more fundamentally, many of the Republican influentials have ceased to believe that their party will ever be anything but the opposition during their lifetime. The will to win a party victory has been drained from them. Many of them gave up the struggle when their hero, Robert Taft, was denied the nomination in 1952. Goldwater may have given them a flicker of life, but his crushing defeat just strengthened their belief that the kind of Republican Party they feel comfortable with will never be the majority.

There are numerous Republican influentials, but the archetype is Senator DIRKSEN. We will talk more about him in just a moment, but first some notice must be taken of a third group, whose members occupy an interesting sort of middle ground between the responsibles and the influentials. I think here of the young activists in the House of Representatives, men like GERALD FORD, of Michigan, MELVIN LAIRD, of Wisconson, and CHARLES E. GOODELL, of New York.

These men, because they are young and ambitious, are spiritually kin to the Governors and State chairmen who are dissatisfied with the status quo. GERRY FORD, like CHARLIE HALLECK before him, hankers for a vice-presidential nomination, and LAIRD would like to be Speaker of a Republican House.

But their freedom of action is limited by their congressional colleagues; they are subject to the pressures and temptations of the influence politics of Capitol Hill. When the young activists tried to put up a Republican plan for medical care for the aged, they were balked because many of their colleagues were under contrary instructions from the AMA. When they have tried to force a foreign policy issue with the administration, the cozy relationship of DIRKSEN and some other Senate Republicans with Lyndon Johnson has interfered.

I hope I have cited enough examples to indicate my views that the split between the Republican responsibles and the Republican

influentials is not wholly one of Governors versus Congress, or liberals versus conservatives. Mark Hatfield can be as responsible a Republican in the Senate, for which he is running now, as he has been as Governor. Conversely, Ronald Reagan does not automatically become a responsible by seeking the governorship. No one, I venture, can safely judge what the gentleman-actor will turn out to be politically. But as a general rule, I think, Governors have to be more responsible and can exert greater benefit for their party than Senators.

Thus, it was a matter of regret that good men like THOMAS KUCHEL, of California, and CLIFFORD P. CASE, of New Jersey, chose to stay in the relative comfort of a minority role in the Senate rather than run for the governorships in their home States. Similarly, it is unfortunately for the party, I think, that Charles Percy was maneuvered into running for the Senate, rather than waiting for another crack at the Illinois governorship. But there are exceptions to every rule: MEL LAIRD, a Congressman and a conservative, is a responsible in my book because he judges ideas by their potential for damaging the Democrats and boosting the Republicans, not by their popularity among the lobbyists. And on the other hand, Gov. James A. Rhodes, of Ohio, despite his great personal popularity, has not exerted himself significantly to build public support for the Republican Party in Ohio or the country.

TWO IN THE MIDDLE

Besides the House leaders there are two other prominent Republicans-in-the-middle: Richard M. Nixon and Ray C. Bliss, the chairman of the Republican National Committee. Nixon is an equivocal figure, successful in every race he has made for legislative office, beaten both times that he ran for a post with executive responsibility. Because he still wants to be President, his political instincts tell him he must support the group trying to expand the party's base. But he has no base himself, except among his old friends in the status quo congressional ranks, for whom he can still perform some campaigning and fund-raising chores. The irony of Nixon's position is that if he runs again for the nomination, as he clearly would like to do, he will probably have the support of the very men who care least whether a Republican is elected President and be opposed by the Governors, the mayors, and the intellectuals who really think the Presidency can be won with the right candidate and policies, and can do the most to make that possible.

Bliss is in a somewhat different position. His entire commitment as a professional politician is to win the big one—the Presidency. His instinct as well as purpose is to expand the base. But his timidity—particularly his deference toward DIRKSEN as the leader of the congressional hierarchy—makes him draw back from the very fights that would point the party toward its presidential objective and away from the influence politics of the permanent Republican minority on Capitol Hill.

One reason for Bliss' caution is the relative weakness of the Republican Responsibles in the intraparty battles. There are 17 Republican Governors, most of them from small States. Of the handful of potentially powerful allies, Scranton is leaving office this year. Rockefeller is in a desperate fight for reelection, and Rhodes, of Ohio, is no friend of Bliss'.

Nor are the State chairmen any tower of strength to Bliss. An astonishing percentage have not yet been through their first election. They don't intimidate anyone.

By contrast, the Republican influentials led by DIRKSEN are, though reduced in numbers, secure in their posts. Anyone who survived 1964 is likely to survive anything, and they have shown no disposition to yield command of party policymaking. Moreover, they are in control of their own financial resources, a point of considerable significance. In April 1964, the National Republican Senatorial Committee raised over $400,000 at a single testimonial dinner for DIRKSEN. In February 1965, they duplicated their success. The lobbyists who bought their $500-a-plate tickets were buying access to the influentials—and specifically to DIRKSEN, the most influential Republican of them all.

Now, influence politics is not restricted to the Republicans. It occurred on the Democratic side under Majority Leader Lyndon B. Johnson during the Eisenhower years, when Bobby Baker, among other duties, was a liaison man between the lobbyists and the National Democratic Senatorial Committee. The crucial difference is this: The Democrats have never fallen so far out of power that they have been tempted to abandon their pursuit of the Presidency; but Republicans have been so divorced from the responsibility of Executive power for such an extended period that many in their party have resigned themselves to the easy course of influence politics.

A NO WIN POLICY?

Is this unduly harsh on DIRKSEN and his colleagues? I am certain many of my journalistic colleagues will think so, for in the bloodless conformity of Lyndon Johnson's Washington, EVERETT DIRKSEN shines forth as the most delightful, most quotable free spirit still functioning. He also happens to be about the hardest working man on Capitol Hill and the most skilled legislator. On occasions in recent years—as with the civil rights bill and the test ban treaty—he has lent his great talents to projects of major national interest. But his tremendous influence, I am forced to say, is inimical to his party's welfare.

His motives in the test-ban and civil rights episodes, for example, may have been as pure as the day is long. But undeniably, when DIRKSEN shelves "influence politics" for one of his dramatic embraces of "responsibility," he deposits certain "money in the bank" at the White House, for the President must always be alert to opportunities for trading with the opposition. At least in part because of DIRKSEN's support for the administration on major foreign policy and legislative issues, the White House has carefully pulled its punches in several other fights in which DIRKSEN has staked out forthright antiadministration stands. Thus, for a man of DIRKSEN's abilities, does "responsibility" buy "influence."

DIRKSEN's overt intervention into Republican presidential politics have been misguided, from his finger-wagging admonition to nominate Robert Taft instead of Dwight Eisenhower in 1952 to his velvet-voiced pleading for Barry Goldwater at the convention of 1964.

A deliberate no-win policy? I do not know. But it is, I think, unarguable that DIRKSEN's political influence has risen steadily as the position of the Republican Party has declined. He leads 31 other Republican Senators today, 2 fewer than the already depleted group he took command of in 1959; but he is more quoted by the press and more courted by the White House than ever he was when General Eisenhower was President. Is it his deepest desire to see another Republican in the Presidency?

DIRKSEN's desires would be a mere matter of academic interest were it not for the fact that he is setting priorities for Republican policymaking today. Who was it, if not DIRKSEN, who decided that the Senate Republicans would fight a knockdown battle against repeal of section 14(b) of the Taft-Hartley Act. Not, you can be sure, Ray Bliss, who saw disaster overtake the Republican Party in Ohio in 1958 when pressure from business contributors forced GOP candidates for Governor and Senator to endorse a right-to-work referendum in the State. Not the Governors of Ohio, New York, Pennsylvania, and Michigan, the largest jurisdictions now under Republican administration.

The right-to-work issue is a perfect example of the basic opposition between the Republican influentials and the Republican responsibles. The whole question is more than a little phony. The demonstrable effect of union shop agreements in 31 States, or their ban in 19 others, on the quality of labor relations in the States is much less than the symbolic importance of right-to-work to certain labor and business executives.

The labor leaders, whose attitude toward the Democratic Party is nearly as selfish and shortsighted as some businessmen's attitude toward the Republicans, have pressured incessantly for the repeal of 14(b). But President Johnson put a low priority on the project, delayed it until the rest of his 1965 domestic program was passed, and then contrived to say the absolute minimum about the issue. DIRKSEN, on the other hand, made the retention of 14(b) almost his top objective and organized two filibusters on the subject. The reason, I suggest, is that DIRKSEN is playing influence politics, while Johnson now is playing the politics of party responsibility.

If the Republicans were to deal responsibly with labor policy, they would not have to drop their opposition to repeal of section 14(b). But instead of giving top priority to a phony issue, they would concentrate instead on proposing answers to some labor problems that actually might win their party some votes. Why not a Republican Party plan for avoiding crippling strikes in public service industries, such as newspapers and transit systems? There are votes in that issue; in 14(b) the only rewards are cash from contributors and the continued enmity of organized labor.

THE SUBURBAN VOTER

The battle over apportionment shows even more clearly the undeclared civil war between the Republican influentials and the Republican responsibles. A political party simply cannot fight the population trends and hope to survive. Republicans have every reason to welcome the flight from farm and city to the suburbs; they should thrive in the suburbs if they can thrive anywhere. How they came to be opposed to judicial rulings recognizing the rights of the suburban voter is almost incomprehensible.

A bit of history is useful. On June 16, 1964, the day after the Supreme Court handed down its one-man, one-vote ruling, William E. Miller, then Republican national chairman and later vice-presidential candidate, was asked to comment. Mr. Miller is, Lord knows, anything but an automatic defender of the Court and anything but a liberal. But his comment was: "This [decision] is in the national interest and in the Republican Party's interest."

Miller was talking on the basis of a carefully documented study by the national committee's research division on the political consequences of malapportionment. Andrew Hacker, the political scientist who has made the most painstaking study of the subject, later came to the same conclusion: "Republicans would be well advised to work for the equalization of districts; they can only profit by such a move." Both the Hacker study and that done by the Republican National Committee staff concentrated on congressional districts. But the same major point also applies to State legislative districts. The areas of most rapid recent growth, the areas most underrepresented in the legislatures, are the suburbs and smaller cities, where Republicans should be able to run their best races.

Just 10 days after Miller had accurately stated the Republican Party position on one

man, one vote, DIRKSEN and Representative HALLECK, then the House Republican leader, issued a statement saying they would take the lead in an effort to overturn the Court decision. "We Republicans," it said, "believe the historic geographic-population-legislative balance which has protected minority rights and interests for 175 years, should be maintained."

That was the start of what has become the celebrated Dirksen amendment, the most publicized issue of the most publicized Republican of them all. Whatever the constitutional merits of the argument, the Dirksen amendment fight has become a classic battle of economic interests.

Until the 1964 decision, conservative business and farm groups could depend on the malapportioned legislatures—and particularly their State senates—for their leverage against the urban and suburban majorities. So long as they could elect (or successfully influence) even one-third of the State senators, they could, under many State constitutions, exercise a veto power over inimical provisions of tax codes, cut the budgets of regulatory agencies, or block appointments of unfriendly administrators. It is this veto power, this tool of the influentials, which they are striving to preserve through the Dirksen amendment.

The groups that are fighting the battle include employers who want to hold down unemployment compensation benefits; truckers who want lenient load limits; insurance companies and private utilities who think that the best regulation is the least regulation; farmers who want no minimum wage for agricultural workers; and every business with a stake in State taxation.

These groups have no special interest in the Republican Party or its future. They have done business with anyone from either party who would help block progressive legislation and strict regulation. But through Senator DIRKSEN, they have identified the Republican Party with their last-ditch fight against the effects of population change.

All this, ironically, has happened at a time when Bliss and the other Republican responsibles are focusing their efforts on the metropolitan areas. Last June, at the first meeting of the Republican National Committee after he became chairman, Bliss arranged for William O. Cowger, then mayor of Louisville, to speak. Cowger was blunt: "Today, over 70 percent of Americans live and work within the urban areas of our country. By 1980, according to the Census Bureau figures, we will be 90 percent urbanized. These are cold, hard facts that should be known to every Republican politician. Yet we find many who would fight against more legislative representation for the urban areas. They support plans that they feel will favor traditional rural Republican sections. Just how shortsighted can we really be?"

In November 1965, just 4 months after his speech, Cowger proved again the validity of his argument. Barred from seeking another term, he managed the campaign that elected a Republican successor as mayor and reelected Marlow Cook to the chief executive post in Jefferson County (Louisville and suburbs) by the biggest margin in history. The election was remarkable for many things, including a near-even split among Negroes, who had gone 97 percent Democratic a year before. But one of the major talking points for Kenneth A. Schmied, Cowger's Republican successor, was the fact that he was the man who filed the lawsuit that forced the reapportionment of the Kentucky Legislature. As a result of that reapportionment, Metropolitan Louisville vent from 15 seats to 23 seats in the State house and senate. Twenty of those seats were contested in 1965; Republicans won 18 of them.

The Louisville-Jefferson County victory is one that Bliss has cited as a guidepost on the path to future Republican successes. But Cowger, despite dozens of speeches, letters, and private pleas, has not yet begun to budge the Republican Party from its disastrous marriage to the Dirksen amendment. It has been endorsed at least twice in official statements since the 1964 platform.

Will the Republicans ever learn? Will the Cowgers, the Blisses, the Romneys, the Evanses, and the Scrantons—who want to win and have proved they can win—will they have the courage and the backing required to assert their voice in Republican policy decisions? Will the men who can make Republicanism make sense in the biggest cities and biggest States start making it credible to the Nation?

I do not know the answer, but I think I know where it will be found. Not among the influentials in Congress, who define national Republican doctrine today in the conscious perpetuation of a party that has lost its significance to all but the handful of lobbyists and interest groups who find it useful for their purposes. That Republican Party is a party of perpetual opposition. It is an Avis which is not trying harder.

To find a Republican Party with signs of vitality, with hope of future success, you must leave Washington, and go to the States and cities with Republican Governors and mayors. There, Republican responsibilities are broadening public support for their party, not by old slogans, but by daily innovation in seeking solutions to the people's problems.

One sign of their success is their own remarkable political strength; with one or two exceptions, the incumbent Republican Governors look almost unbeatable this year; several of them have only token opposition. A wise political party would recognize these men for what they are: the only base on which a new party, a responsible party, can be built. But the Republicans have not yet done so.

To one observer who has been watching the internal Republican battle for 5 years now, the choice is clear: It is responsibility or sure extinction. I am rooting for the responsibles, but I am not betting on them.

Mr. TYDINGS. Mr. President, I would like to go into history of reapportionment a little bit. The distinguished junior Senator from Arizona is on the floor and he will recall a point in the debates of the Constitutional Convention in Philadelphia where the proposal was made that any new territories the Western States brought in, no matter how populous they might be, should never have as much representation as the first 13 Colonies. That proposal was defeated by Madison, Wilson, Hamilton, and those great men of that day.

That same year, in 1787, the Northwest Ordinance was adopted which provided that the inhabitants of the Northwest Territory shall always be entitled to a trial by jury, to the right of habeas corpus, and to a legislature apportioned substantially on the basis of population. Thirty-eight of our States, when brought into the Union, had both houses based substantially on population.

The Senator will recall how Thomas Jefferson repeatedly denounced, and finally successfully, a provision in the Virginia constitution of 1776 which resulted in inequality of representation. He said, and I quote Thomas Jefferson:

> A government is republican in proportion as every member comprising it has equal voice in the direction of its concerns * * * by representatives chosen by himself.

Again, I quote Thomas Jefferson:

> Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified.

Mr. President, I point out that throughout the history of our Nation there have been tides of migration. Beginning in the late 19th century people moved in large numbers from rural areas to the urban areas. More recently people have begun to move from the cities to the suburbs.

In the early part of the 19th century repeated efforts were made by the larger city areas, urban complexes on the eastern seaboard to control State legislatures. Our Founding Fathers consistently fought for fair representation for the new areas, the new parts of our country being settled.

In those days, the right to fair representation was deemed to include the protection of the people living primarily in the great farm areas of the country. They deserved no less to be protected because they lived in the farm areas than if they lived in the urban areas.

Since the Civil War, we have seen a migration to the cities. Now we have seen a migration out again. In my State of Maryland, it was not any more right for the city of Baltimore, having a population of 900,000, to have 6 members of the State senate and 36 members of the house of delegates, while our two largest suburban counties, having the same population, had only 2 senators and 12 delegates; than it was for the Eastern Shore of Maryland, having a quarter of that population, to have 9 senators and 29 delegates. It is simply not possible to have fair representation by trying to utilize land boundaries. The only way to be consistent is to have representation of people.

The argument is put forward by the Whittaker-Baxter public relations group that this proposal is something that the people want. The justification used is that it is all right to malapportion a State if the proposal is submitted to a referendum for the people's vote. But it is well known, first, that in a referendum, we are lucky if we get 20 or 30 percent of the registered electorate of a State to vote. It is also known that in a referendum, the financial interests having large amounts of money to spend for television, newspaper advertising, and billboards, all too often can use these media to control the referendum. They fully realize what can be done with dollars and cents. So, to that extent, they know full well that the people will never really have an opportunity to pass on the issue.

Second, let us consider our own history and the birth of our Republic. The United Colonies began their committees of correspondence after the Stamp Act Parliament began to levy taxes on legal documents and other official documents without any representation from this continent in the British Houses of Parliament. The argument was thrown up in Great Britain that "Since they are all Englishmen over there, they don't need any representation; they are already represented."

That brings us to the basic, fundamental principle of any republican system of government; that is, the right

of vote. We take great pride in the Bill of Rights, which provides for freedom of religion, freedom of speech, freedom of press, and the right to trial by jury. But they are all of no avail if the right of a citizen to vote is taken away.

If a citizen is not given the right to vote, all of his other basic rights can be taken away, and he will have no way in which to protect himself. The right to vote is basic.

There are a number of ways in which a citizen can be deprived of his right to vote. The ballot box can be robbed; ballots can be stolen; and election judges can be corrupted. Or the right of a citizen to vote can be diluted. That is what happens in rotten borough legislatures. If a person lives in county A, his vote may be counted once; but if he lives in county B, his vote may be counted ten times. When the right of a person to vote in A county is diluted or diminished, his basic right in a democracy is taken away. There can never be effective government where there is not a fair and equal right to vote.

The history of our Federal system since 1860 has shown that State after State that has become malapportioned has consistently abrogated its responsibilities in facing up to the needs of the times, in facing up to the needs of the majority of the people. The States come to Washington and ask Congress to do everything.

During the first 9 months I was a Member of the U.S. Senate, we voted on air pollution, water pollution, law enforcement assistance, medicare, and aid to education at the primary and secondary levels. There was not a single subject among them that could not have been just as effectively handled at the State level. But it was not handled at the State level, and the people of the United States sent men and women to Congress in 1964 to enact legislation to fill the gaps where the States had failed to act.

If Senate Joint Resolution 103 should be enacted, its sole purpose would serve to freeze the status quo, to destroy the Federal system in this country as we know it, to maintain and perpetuate State governments as they have developed in the last 100 years as increasingly obsolete parts of the federal system.

There was a time in this country when State legislatures were the great incubators of political ideas and new thoughts. But today, where are the State legislatures and State governments that initiate new proposals to solve the problems of the people? They were active in that way when they were fully representative of all the people in their States and their areas. But gradually through the 19th century and the first half of the 20th century, as the vested interest groups gained their stranglehold on State legislators, the philosophy developed that the best government is the least government. More and more, State legislatives pride themselves, as so many members of the legislature of my State did, when I was a member, on the belief that what they do is not important; they take pride in the legislation that is killed. They do not worry about the problems of the great cities or of the metropolitan and suburban areas; they do not concern themselves about educational television, or about the Chesapeake Bay. Today the philosophy is to keep the status quo; to stop progress.

I sincerely hope that when the votes are cast, Senate Joint Resolution 103 will be buried for good.

Mr. DOUGLAS. Mr. President, I congratulate the able Senator from Maryland for the work which he has done throughout the last 2 years in helping to bring this issue before the American public. He has been resourceful in debate. His experience has helped him to see what is at stake.

Incidentally, he is the author of the best article on this subject, an article published in the March issue of Harper's magazine and which has been placed in the RECORD. It is the record of what State legislatures can do when they are properly apportioned, a record so far from being discreditable that it shows the progress that has been made, and how the agricultural sections of the State have received full justice and have in no sense been oppressed. The Senator from Maryland has made a fine contribution to the discussion of this subject.

Through his efforts and the efforts of others, there is a better understanding of this issue now than there used to be.

ILLINOIS EDITORIALS OPPOSE DIRKSEN'S AMENDMENT

Mr. President, I ask unanimous consent to have printed in the RECORD three editorials published in newspapers of my own State: One is entitled "Equal Vote Issue Crucial to Suburbs," published in Paddock Publications, Inc., which serves the northwest suburbs of Chicago. It is an editorial which makes a powerful case against the Dirksen amendment and points out that the suburbs are the ones which now are most underrepresented in the State legislatures. The Senator from Maryland has pointed that this is also true insofar as the suburbs of Baltimore and Washington are concerned in his own State.

Another editorial is entitled "DIRKSEN Wasting Time With Amendment Fight," and was published in the Illinois State Register of January 24, 1966. The Illinois State Register is the journal which supported Stephen A. Douglas, of Illinois, for President more than a century ago. The editorial concludes:

Senator DIRKSEN has many duties. He could spend his time much more profitably—and the whole Congress could spend its time much more profitably—on other matters than trying to override a prefectly proper decision by the U.S. Supreme Court.

The third editorial is entitled "DIRKSEN Versus the Remap" and was published in the Chicago's American on January 21, 1966. The Chicago American was founded by William Randolph Hearst and is now owned by the Chicago Tribune. The editorial, which is in opposition to the Dirksen amendment, makes the same point that the Senator from Maryland has made and which others of us have tried to make. The editorial states, in part:

It is surely clear that one of the legislature's most crippling handicaps, particularly in dealing with urban problems, has been domination by downstate rural interests. Senators elected on a basis of geography, not population, swing weight far out of proportion to the number of people they represent, and some have regularly used it to block laws urgently needed by Chicago and the suburbs.

The same is true of many other States with serious metropolitan problems. And the Federal Government has been moving fast to fill the resulting vacuum, using such means as the antipoverty program and the new Departments of Transportation and of Housing and Urban Development. Plainly the crunch is coming; the States will either have to start doing their job more efficiently, or stand aside and let Washington do it.

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

[From Paddock Publications, Inc., Mar. 3, 1966]

EQUAL VOTE ISSUE CRUCIAL TO SUBURBS

A few weeks ago a west coast publicity firm was hired to help sell Senator DIRKSEN's proposed constitutional amendment to nullify the Supreme Court's one-man, one-vote ruling.

Now we have received their first pamphlet. It is just as unconvincing as previous efforts to prove that a step backward would actually mean progress.

The pamphlet starts by claiming that "most" States "always" have adhered to a system of electing one house of the legislature on a geographical basis. This is not true of Illinois and other neighboring States.

The Northwest Ordinance of 1787 guaranteed equal representation in the Nation. This ordinance is a good indication of the intent of the Founding Fathers.

The Illinois constitutions of 1818, 1848, and 1870 provided for equal representation by population in both houses of the legislature.

But because there was no penalty provided, rural legislators defied the State constitution's mandate to reapportion for half a century, from 1903 to 1954. They forced the acceptance of area representation in 1954 as the only method available at that time to the majority to gain partial relief from malapportionment.

Plainly, tradition in Illinois is on the side of the one-man, one-vote doctrine.

The pamphlet also ignores the Supreme Court's ruling that each individual as a constitutional right to an equal vote.

People cannot properly be deprived of a constitutional right, such as freedom of speech or trial by jury, even by referendum. The right to an equal voice in government is basic and inviolable.

The pamphlet repeats the scare story that big-city bosses will take over if voting is equal. Experience is deflating that bogeyman, however. In a study made recently for the National Municipal League, William J. D. Boyd wrote:

"Rather than being dominated by the big cities, as is commonly supposed, the new legislatures will see suburban representatives increase the most."

Boyd's study showed suburbs gaining in population, big cities losing, and the trend being away from big city domination instead of toward it.

It is worth pointing out, too, that big cities do not have a monopoly of political bossism. Downstate bosses can have a grip as tight as Daley's.

Finally, the Dirksen amendment, in the name of saving State government, would sound its death knell.

A primary cause of the shift of governmental power to Washington has been the failure of State governments to meet the needs of growing populations.

Rural representatives have ignored these problems because they were largely the problems of urban and suburban areas and not of the farms and small towns. Thus, the root of State legislative failure has been in malapportionment resulting from the area representation concept.

The only way to reverse the flow of power and to preserve the federal system is to elect State legislatures which represent the people, know their problems, and will seek solutions.

It is no accident that the last Illinois General Assembly, which had many more suburban legislators than ever before because of the at-large election, was the most productive legislature within memory.

The suburbs cannot afford to go back to the horse and buggy days when urgent problems of schools, mental health, traffic, pollution, highways and tax reform were neglected by an indifferent rural power bloc.

[From the Illinois State Register, Jan. 24, 1966]

DIRKSEN WASTING TIME WITH AMENDMENT FIGHT

Senator EVERETT DIRKSEN has announced he plans to make another attempt this year to override the U.S. Supreme Court's one-man, one-vote decision.

He failed by seven votes last year to get Senate approval for his constitutional amendment permitting States to apportion their legislatures on a basis other than population, so he's planning a more elaborate campaign for 1966. He describes it as putting "extra ginger and extra troops" into the fight.

The Senate Republican leader and his cohorts have formed something called the "Committee for Government of the People." They have hired the public relations firm of Whittaker & Baxter to conduct an "education" campaign to build public support for the amendment.

What really is planned is a propaganda campaign to convince the people that we should have minority rule—rather than majority rule—in State legislatures. If the Dirksen amendment were approved by Congress and by three-fourths of the State legislatures, it would be possible for the States to return to the system whereby one house of the legislature was apportioned on a basis of area. This would permit a minority of the voters to elect a majority of that house, therefore making some voters' ballots worth more than others.

Fortunately, the odds are extremely great that DIRKSEN will not succeed. Here's why:

Nearly four-fifths of the State legislatures already have been reapportioned to comply with the one-man, one-vote principle. As a result of this, the controversy over the court's ruling seems to have cooled; therefore, it is unlikely DIRKSEN will be able to garner more votes for his proposal that he got last year.

And it's not likely that a legislature which has been reapportioned on a basis of population would vote in favor of any other basis of reapportionment. So even if Congress were to approve the Dirksen amendment—which is most improbable—the States very well might turn it down.

As Illinois' senior Senator, PAUL H. DOUGLAS said, the amendment "is not only constitutionally undesirable, it is too late." And he added that if the amendment forces were as DIRKSEN described them, "Knights Templar going forward to meet the infidels," and "they are riding off to belabor a dead horse."

As Senate Republican leader, Senator DIRKSEN has many duties. He could spend his time much more profitably—and the whole Congress could spend its time much more profitably—on other matters than trying to override a perfectly proper decision by the U.S. Supreme Court.

[From Chicago's American, Jan. 21, 1966]

DIRKSEN VERSUS THE REMAP

Senator EVERETT DIRKSEN has launched a major campaign for his proposed amendment to the Constitution curbing the Supreme Court's one-man, one-vote ruling for State legislatures. At the same time, three different legislative commissions in Springfield are beginning studies on a large scale aimed at finding ways to modernize the legislature. The two facts make us wonder if DIRKSEN is keeping in touch with his party on the State level; they seem to be pulling in opposite directions.

The three bipartisan study commissions are trying to solve an urgent problem that affects many more States besides Illinois. That is the dwindling effectiveness of State governments and the accompanying growth of Federal power, which is taking over more and more of the tasks that once were considered strictly the States' business.

One group is studying the Illinois constitution with an eye toward overhauling it; another is considering ways to modernize the executive branch, and a third is probing into the legislature itself. The whole project was ordered by the general assembly last year because one fact had grown too obvious to avoid: The State government has become a creaky and inefficient instrument which provides good legislation largely by luck, and it needs to be tightened up to serve the State even passably well.

It is surely clear that one of the legislature's most crippling handicaps, particularly in dealing with urban problems, has been domination by downstate rural interests. Senators elected on a basis of geography, not population, swing weight far out of proportion to the number of people they represent, and some have regularly used it to block laws urgently needed by Chicago and the suburbs.

The same is true of many other States with serious metropolitan problems. And the Federal Government has been moving fast to fill the resulting vacuum, using such means as the antipoverty program and the new departments of transportation and of housing and urban development. Plainly the crunch is coming; the States will either have to start doing their job more efficiently, or stand aside and let Washington do it. The one-man, one-vote ruling, and the State reapportionments that have resulted from it, promise to break at least one logjam for the States. DIRKSEN may contend that the Supreme Court had no business telling the States how to elect their legislatures, and we won't argue with that; the point is that the ruling has been made, and will leave the States better able to deal with their own problems.

Senator DIRKSEN, we are sure, does not favor the growth of Federal power at the States' expense. Why, then, spend so much effort fighting a reapportionment ruling that can only modernize and strengthen State governments?

Mr. DOUGLAS. Mr. President, what the Senator from Maryland [Mr. TYDINGS], the Senator from Oregon [Mr. MORSE], the Senator from Wisconsin [Mr. PROXMIRE], and I are trying to do is to enable the States to function in the interests of the people by enabling the people to be adequately represented in their State legislatures.

I thank and congratulate the Senator from Maryland for the magnificent record which he is making in this body and for his alertness, his intelligence, and his skill.

## THE OBLIGATIONS, JURISDICTION, AND PROCEDURAL DUTIES OF THE SENATE SELECT COMMITTEE ON ETHICS

Mr. MORSE. Mr. President, I rise to discuss for a few moments a very delicate matter, a matter that I think falls clearly within the purview of the Senate. It is a matter which places upon this body an obligation to discuss it and to seek to find a solution for it within the rules of the Senate.

I wish to discuss for a few moments what I consider to be the obligations, jurisdiction, and procedural duties of the Senate Select Committee on Standards and Conduct.

Each committee of the Senate is an agent of the Senate. It is the servant of the Senate, and therefore Members of the Senate have a right, when they think the circumstances warrant it, to express publicly on the floor their advice to any committee. I shall express some views by ways of advice to the select committee this afternoon.

I do not speak as a critic of the Select Committee on Standards and Conduct, but rather as a stanch supporter of the creation of the committee and as a stanch supporter of the need for such a committee. For many years in this body, I have introduced the Morse resolution bearing upon various phases of the question of senatorial ethics. I have taken the position that of course elected officials of the Senate of the United States truly are the legislative servants of the people of this country, and our course of conduct is a matter of public business.

Let me also say at the very outset of these brief remarks that I am in no way reflecting upon, nor speaking in criticism of, a colleague in this Senate who has been under public attack. Rather, I propose to befriend him. I take the position that any Member of this body who is under attack is entitled to procedural rights in this body in order to provide a full and fair opportunity to set the record straight in regard to any matter for which he is criticized.

This is no new position for the senior Senator from Oregon. In July 1954, the senior Senator from Oregon was involved in the procedural aspects of the so-called McCarthy case. How well I remember the evening here on the floor of the Senate when a resolution was introduced in the hope that there could be obtained immediate passage of the resolution which, as I indicated at the time, in my judgment out-McCarthied McCarthy. In a speech that I made in opposition to the resolution from the standpoint of its procedural proposals, I pointed out that the resolution violated what I considered to be all the basic guarantees of a fair investigation.

I shall not burden the Senate with a repetition of the comments that I made on that evening, Mr. President, but I ask unanimous consent that that brief speech of mine, starting on page 12735 of the CONGRESSIONAL RECORD, volume 100, part 10, and extending over to the middle of the third column on page 12736 be printed at this point in the RECORD.

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

Mr. MORSE. Mr. President, my senior colleague (Mr. Cordon) and I do not agree on many matters in the field of American politics, but on the record, Mr. President, it can be shown that we do agree many times on basic procedural safeguards in the administration of American justice.

I wish to say a few words at this time, Mr. President, about one of my deepest convictions concerning the administration of government. I have expressed it before on the Senate floor. It relates to a principle which is in agreement with the major thesis the senior Senator from Oregon has alluded to tonight. That is, Mr. President, our substantive legal rights can never be any better than our procedural rights. Determine the procedure of any body, and you determine in large measure all the substantive rights it can administer or adjudicate or grant.

Mr. President, being a liberal does not mean advocating procedural tyranny, either by the majority or by the minority. In my judgment, after having studied the cases of impeachment in the history of our country as well as the cases of censure or the cases involving the unseating of Members of the Senate of the United States, I cannot escape the fact that those cases are based upon bills of particulars.

Mr. President, let me refer for a moment to the matter of impeachment, as it is provided for in the Constitution of the United States. Oh, I know it can be said that when a Member of the U.S. Senate is censured or ousted, an impeachment procedure is not being conducted under the definition of the Constitution. But it is in effect, Mr. President. Let us not fool ourselves about that. An examination of the cases will reveal a remarkable similarity between the principles of basic procedural safeguards which apply to impeachment cases and those which apply to the cases which, in effect, have tried U.S. Senators.

Let me read what the Constitution of the United States says in regard to impeachment:

"The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the Members present.

"Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law."

Upon what is an impeachment proceeding based in the U.S. Senate when there is an impeachment proceeding? It is based upon a bill of particulars on impeachment drafted by the House of Representatives.

It is easy to argue that we all know the bill of particulars against the junior Senator from Wisconsin. I shall say something about my position with respect to the junior Senator from Wisconsin in a moment, so that no one will have any doubt as to where I stand on the political record he has made to date or what I think of his course of political conduct, which objectionable course of action bothers a great many of us.

But, Mr. President, let us not forget that when it comes to the impeachment of an officer of the Government, it is done upon the basis of a solemn bill of particulars drafted by the House of Representatives. When lynch law is applied, as it has been applied sometimes in the history of this country during the frontier days, and sometimes unfortunately in modern times when vigilante mob rule breaks out, each participant thinks he knows the particular acts of the accused that justify trial by accusation rather than by proof. But, Mr. President, lynch law does not proceed in keeping with a great American safeguard of justice; namely, the protecting of the procedural rights of the guilty as well as of the innocent.

If I make only one point in the brief speech I am making, I wish to drive this one home: Basic in the principles of American criminal law jurisprudence is the guarantee of a procedure which protects the procedural rights of the guilty as well as of the innocent to a fair trial or hearing based upon a bill of particulars and the requirement of the establishment of guilt by proof.

I have studied the very general accusations against the junior Senator from Wisconsin as set forth in the resolution of the Senator from Vermont. It does not set forth a specific bill of particulars. My senior colleague is absolutely right when he puts his finger on that weakness of this particular resolution. It relies upon each Senator reading into the resolution his own views as to what the bill of particulars should be. But there is no official bill of particulars written into the resolution. At best all that can be said is that the Senator from Vermont's speech was an offer of proof of some allegations not made in the resolution. The resolution reads:

"*Resolved*, That the conduct of the Senator from Wisconsin (Mr. McCarthy) is unbecoming a Member of the U.S. Senate, is contrary to senatorial traditions, and tends to bring the Senate into disrepute, and such conduct is hereby condemned."

What conduct? What specific acts? What violations of his obligations and duties as a Senator?

I think there is ample ground, in my judgment, for the drafting of a resolution based upon specific charges which justifies censure of the Senator from Wisconsin, but it is not contained in this resolution.

I think it would be a great mistake, as my senior colleague has suggested, for the Senate to establish a precedent tonight for the kind of procedure for the trial of a U.S. Senator which would develop under the Flanders resolution. I think this man ought to be tried, so to speak, by the U.S. Senate. I think he ought to be tried on the basis of a resolution which corresponds to the kind of indictment which the House of Representatives must draft when the U.S. Senate proceeds with an impeachment trial. I think that kind of a bill of particulars should be set forth. Then the Senate should follow a regular course of procedure of taking testimony, evidence, and proof on the charges. It should not take very long. It should be done before we adjourn. The country is entitled to it.

But, as I have given thought to the situation, and have reached a final conclusion in regard to it, I wish to raise my voice in protest against establishing what would amount to a form of procedural tyranny in the Senate of the United States if we should proceed to action on the basis of the resolution as it is presently drafted.

Let me illustrate by two assumptions or two hypotheticals. Let us suppose that the resolution in its present form should be adopted. The procedure would not be made right merely because the majority might advocate it. I say that because there is another very precious principle in American jurisprudence. It is that every citizen, no matter how small a minority he may represent, even if he stands alone, is entitled to the protection of a fair procedure, in accordance with which he is charged specifically, with the acts, or the conduct, which, if proved, make him guilty of the crime charged or the wrong complained of.

I speak most respectfully about this, Mr. President, because I intend to fight on this issue on a professional plane, and not on any plane of personal attack. If I refer in the course of my brief remraks to any colleague in the Senate, I shall not do so on a personal basis; it will be only because the particular individual happens to be involved in a principle which I wish to discuss.

We have the very precious principle that even if the minority represents only a minority of one, the majesty of American justice will protect him in seeing to it that if he is convicted, he is convicted on the basis of specific charges. In this case the Senator should not be tried on the basis of a blanket, general charge, into which each individual can read his personal prejudices, his personal beliefs, or his personal understandings in respect to the conduct of a fellow colleague in the U.S. Senate.

I am not now criticizing individual Senators, but I have said for a long time, on platforms across America, that, in my judgment, a Senate committee long before this should have submitted a report on the Senator from Wisconsin, setting forth specific charges, specific findings in relation to the charges, and specific recommendations as to the course of action which the U.S. Senate should follow in regard, first, to the charges; second, in regard to the findings; and, third, in regard to the recommendations relative thereto.

No committee of the U.S. Senate, to date, has ever done so. It may be that the committee now considering the McCarthy matter will. I do not know. There are colleagues of mine in the Senate who believe that if we wait for that committee to report, we shall be waiting a long, long time. But I shall not engage in that presumption. I am not going to engage in the presumption that the Republican members or the Democratic members of the committee, which has been conducting the so-called McCarthy-Army investigation, are going to engage in dilatory tactics. I think they have a clear duty to the Senate and a clear duty to the American people, on the basis of the hearings, to come to a conclusion at an early date. I think we have a right to say to them that we respectfully request that they give us the benefit of their conclusions and their recommendations before we adjourn.

Now for my second assumption let us assume that the committee does come forward with a report finding the junior Senator from Wisconsin guilty of conduct unbecoming a Senator.

Then if they have recommendations based upon certain specific findings of wrongdoing on the part of the junior Senator from Wisconsin, I think those charges, findings, and recommendations should be included in a bill of particulars filed in the Senate, and we should, in effect, go to trial on the issue thus drawn.

The junior Senator from Wisconsin knows that he and I have differed time and time again on a great many of the positions he has taken from the standpoint of political tactics.

So far as I am concerned, the issue to me, on the basis of evidence which I think can be presented in support of a bill of particulars, is whether the Senate of the United States is going to countenance political thuggery in American politics. I think, by and large, that is the best descriptive term I can apply to what I think has been the wrongdoing of the junior Senator from Wisconsin in incident after incident. Too frequently his political tactics and investigation methods have constituted what I consider to be political thuggery.

Mr. President, that calls for due deliberation and consideration by the Senate on the basis of a bill of particulars backed up by proof which supports such a conclusion. We do not have that in the resolution of the Senator from Vermont.

I close by saying that I think there are two courses of action open to us. With the parliamentary situation which now confronts

the Senate, the first is to amend the resolution so as to set forth a bill of particulars; and if there is set forth a bill of particulars, the second is to decide then what is fair procedure, not to the Senator from Wisconsin alone, but to 96 Members of this body—not to 96 Senators alone, but to 160 million Americans, because what we are dealing with here tonight, Mr. President, does not happen to be our prerogative alone. What we are dealing with here tonight in my judgment happen to be precious procedural rights of free men and women, 160 million strong.

I think it would be most unfortunate if the Senate were to set a precedent here tonight of bringing in an undefined blanket charge against the Senator from Wisconsin (Mr. McCarthy) and then proceeding—and and let us be frank about it—on the basis, I think, primarily of various political motivations to pass judgment on this issue.

This is an issue which I think rises above partisanship. We ought to get it down to a specific bill-of-particulars resolution, so that no one can charge a single Senator, liberal, or conservative, with following a partisan political course of action.

The American people are entitled to know the specific acts for which the Senator from Wisconsin deserves the censure of the Senate. I think there are plenty of such acts, but I think in the first place they ought to be stated in a bill of particulars, just as the House must set out a bill of particulars in the case of an impeachment charge. Then the Senate will decide whether or not that question should be passed upon by the Judiciary Committee before we take it up on the floor of the Senate, or whether we want to exercise—and I emphasize this, Mr. President—our right to turn the Senate into the Committee of the Whole, and proceed as a Committee of the Whole, on specific charges, asking for the proof and reaching a conclusion in a judicial way upon such proof.

I know, Mr. President, how my remarks will be misinterpreted and distorted by many, but I would rather take this position in this fight, as I have reached my conclusion on it, in support of sound procedure which protects the guilty as well as the innocent by way of guaranteeing them a fair trial in the Senate of the United States, than to rely upon the exercise of the political strength of the voting power of any particular group in the Senate, whether it be the majority or the minority.

Of course, there has been much harassment which justifies the expression of criticism of the Senator from Wisconsin, but I think we must rise above that, Mr. President, and recognize, after all, that government by law cannot be retained and maintained in America if Senators undermine it by adopting the kind of arbitrary procedure which I think is inherent in the resolution of the Senator from Vermont.

Mr. MORSE. Mr. President, in essence I pointed out then that resolutions seeking to have the Senate render a judgment upon the conduct of any Member of this body could not be defended unless the resolution were to set forth a bill of particulars. That just happens to be basic in fair trial and fair procedure in our country.

I pointed out also that anyone charged by such a resolution was entitled to a full opportunity and the right to recognized procedural guarantees to answer the charges and present his side of the case.

In that speech I pointed out that no matter how long it took me between that evening meeting and the morning to prepare such a resolution setting forth the guarantees of what some call a bill of particulars, I would bring such a resolution to this body. I did.

That resolution was modified by the Senate to what became known as the Watkins resolution, and the Watkins committee, headed by the then Senator from Utah, Mr. Watkins, was selected by the Senate to investigate the so-called McCarthy charges of conduct unbecoming a Senator.

A great constitutional lawyer in the Senate at that time—in fact, in my years in the Senate he has had no peer on this subject matter—the great Walter George, of Georgia, had some very kind things to say about the position the senior Senator from Oregon took on this procedural matter, as did the then Senator from Texas, Mr. Johnson. I am proud the record shows that on many occasions while he was a U.S. Senator and on some occasions since, he has left this body, he has cited this speech on the part of the senior Senator from Oregon for seeing to it that basic guarantees of fair trial or fair investigation, or fair inquiry, if one prefers that term, must at all times be made available to anyone who is placed under charges by the Senate, or who is subject to investigation by the Senate. In fact, in my many years in the Senate, I have been very critical of the procedure of congressional committees, including senatorial committees, when they sometimes get into the realm of determining guilt or innocence of individuals brought before them, I care not what the subject matter of the charge is.

The CONGRESSIONAL RECORD is laden, probably burdened with a large number of speeches by the senior Senator from Oregon during my many years here, protesting the failure of a congressional investigation to follow those basic elementary guarantees of fair trial and investigation. They are very simple, but they are very precious: That guarantee of a bill of particulars. That guarantee of being allowed to present one's case in chief in an orderly fashion. That guarantee of being allowed to face one's accusers and cross-examine them. That guarantee that does not countenance the rationalization that some congressional committees, and let me say also, some agencies of our Government, are prone to advance in denying confrontation of one's accusers that such confrontations would dry up the source of the material and the information. It is a precious guarantee that the person accused should be allowed to confront his accusers.

I say to the American people today, as I have said so many times from my desk in the Senate, "Watch out for your rights, if your guilt or innocence can be determined by accusers whom you do not have the chance to confront and examine."

There is another guarantee that I have often mentioned; namely, that a committee make an official stenographic record so that one should not be confronted with the statement, as has been done too often in the past by congressional committees when people are charged: "Well, we can't give the source of our information. We can't tell you all the information."

Nothing is more precious to an American from a legal standpoint that his presumption of innocence. Nothing is more precious than his right to have his guilt established by the accusers and sustained by their burden of proof.

I have pleaded, as I plead again tonight, of course, for the right to be represented by counsel, but also, Mr. President, for the right to answer the charges in an orderly fashion, and for the right of appeal. To be represented by counsel does not mean that our rights should be limited to having the body of a counsel in the same room while the investigation is going on. Any time a congressional committee seeks to turn itself into a court, then all the juridical protections of fair procedure should be available to the person accused. If they are not, then he is before a kangaroo court, not an American court, not an American investigatory body which under our system of jurisprudence should be bound by these fair rules of procedure.

That was the position I took on the night of March 30, 1954, and in other statements I made during the historic debate on the McCarthy case.

Tonight, I rise to recall that time, because that will always be my position, and that is going to be my position in connection with any investigation by this body into the conduct of any Member of this body. But let me make clear that no Member of this body occupies a privileged position from the standpoint of having his conduct adjudged. For the Senate happens to be the judge of its Members. Not only has it that right, but it also has that duty. It is very important we see to it that we carry out that constitutional mandate, and I speak of the constitutional mandate that is provided by the Constitution itself.

Let me lay down a few basic legal premises from which I approach this subject tonight. Let me also say that the Senator who is involved in the public controversy now being waged in some of the press of this country is entitled to every single procedural right for which I have pleaded in the years gone by, and I will fight to every degree that I can to protect him in those procedural rights.

The record is perfectly clear, on the basis of my work with this particular Senator, that my friendship is a matter of proven record. There is no man or woman in this body for whom I would not go to the "mat," so to speak, in protecting and fighting to assure a fair hearing for him, guaranteeing to him the procedural rights to which he is entitled.

That is well known by the Senator involved, for, on the basis of my past associations with him, limited to our official relations in the Senate, and to his service on a delegation which went with me to Latin America, I say for the record tonight that I consider myself to be his friend.

If—and I stress the word "if"—it should develop that there is some basis for questioning any action that he has ever taken, that does not change my friendship. To the contrary, let me say that I believe one of the tests of a friend is whether he stands with a friend when he is in trouble—if he is in trouble. But it also carries with it the duty on the part of a Senator never to let friendship in any way interfere with carrying out

his responsibilities as a Senator, to carry out the constitutional mandate—when the conduct of a Senator is placed under questioning within the framework of proper procedure—to sit in judgment on the record.

But, it is the record I wish to talk about procedurally tonight. I wish to make certain that we will have a record which will stand up under analysis. When I make these comments about the obligations of the Select Committee on Standards and Conduct, I am really pleading that it recognize some of the comments which are already getting into print and which, in fairness to the committee and to the Senate, it should clarify the record as to the committee's procedure.

I am sure, with the high regard I have for the estimable members of that committee, including the brilliant lawyer who is its chairman and a former judge from his State, that they, too, will recognize the importance of clearing the atmosphere a bit in regard to the many misunderstandings which I believe are developing in this country concerning the work of the committee in the so-called instant case.

For example, I am disturbed over press reports that the committee expects to conclude its "investigation"—as found in one of the press reports—by the end of this month.

I do not believe that would be fair to the Senator involved, or to the Senate, because I believe that the committee has an obligation to make an official record, and a public one. If it does not do so, then the public is not likely to forget that the Senate dug into the affairs of Bobby Baker, former secretary to the majority in the Senate, for more than 2 years. As is known, I thought that there was a great deal of time wasted in that investigation. I am not suggesting a long investigation in the instant case but I am suggesting a thorough investigation, on the record.

In my judgment, what happened in the Bobby Baker case was that it did drag on, and that sufficient care was not taken in regard to making a record which deals with the procedural guarantees to which I have already alluded; but the committee, in the Baker case, did a remarkable job in many ways. It interviewed, I believe, more than 200 persons. It took sworn testimony from more than 60 witnesses, and pursued leads in 31 States and countries, including Puerto Rico and the Dominican Republic.

In fact, I do not believe that the Senate itself ever made the best use that could have been made in that situation of the record that the committee made in the Bobby Baker case. But I believe it is important, before this matter gets out of hand and before a great deal of damage is done by individuals and to the Senate itself, that we obtain a clarification from the select committee as to what procedure it is following and plans to follow toward final culmination of its work on this case. I believe that the Senator involved is entitled to know. I believe that the Senate is also entitled to know.

On the basis of communications already received, conversations already had, and newspaper stories already read, I am worried that the Senate itself may be the sufferer, if the committee does not follow some of the suggestions I am making tonight, procedurewise.

(At this point, Mr. TYDINGS took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, the resolution creating the Select Committee on Standards and Conduct gave it broad powers to investigate charges of improper or illegal conduct by Senators or Senate employees. Any hesitation to carry out this responsibility will only damage the reputation of the committee and the Senate.

Mr. President, I turn to the CONGRESSIONAL RECORD, volume 110, part 13, page 16939, at the time Senate Resolution 338 was agreed to, on July 24, 1964, and ask unanimous consent to have the entire resolution printed in the RECORD.

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

So the resolution (S. Res. 338), as amended, was agreed to, as follows:

*"Resolved,* That (a) There is hereby established a permanent select committee of the Senate to be known as the Select Committee on Standards and Conduct (referred to hereinafter as the 'select committee') consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the President of the Senate. The select committee shall select a chairman and a vice chairman from among its members.

"(b) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

"(c) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The select committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

"SEC. 2. (a) It shall be the duty of the select committee to—

"(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

"(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the select committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

"(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the select committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

"(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

"(b) The select committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

"SEC. 3. (a) The select committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable.

"(b) Upon request made by the members of the select committee selected from the minority party, the committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the select committee may receive compensation at an annual gross rate which exceeds by more than $1,600 the annual gross rate of compensation of any individual so designated by the members of the committee who are members of the minority party.

"(c) With the prior consent of the department or agency concerned, the select committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the select committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the select committee determines that such action is necessary and appropriate.

"(d) Subpenas may be issued by the select committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the select committee or any member thereof may administer oaths to witnesses.

"SEC. 4. The expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

"SEC. 5. As used in this resolution the term 'officer or employee of the Senate' means—

"(1) an elected officer of the Senate who is not a Member of the Senate;

"(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

"(3) the Legislative Counsel of the Senate or any employee of his office;

"(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

"(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

"(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

"(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate."

The title was amended, so as to read: "Resolution establishing the Senate Select Committee on Standards and Conduct."

Mr. MORSE. Mr. President, section 2(a)(1) of the resolution reads as follows:

Receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of rules and regulations of the Senate relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto.

Section 2, subsection 2:

Recommend to the Senate by report on resolution by a majority vote of the full committee, disciplinary action to be taken with respect to such violations which the select committee shall determine, after according the individuals concerned due notice and opportunity for hearing, to have occurred.

Subsection 3:

Recommended to the Senate, by report or resolution, such additional rules or regulations as the select committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities.

Those are the three pertinent subsections that I wanted to read into the RECORD, although I have already placed the entire matter in the RECORD.

Thus, it has given me concern to read an Associated Press dispatch that I think clearly and impliedly criticizes the select committee, I think without justification, for I know of no evidence that justifies criticism of the select committee, but, nevertheless, an article that leaves the impression that the select committee is going to rush through this inquiry, and not give it the due deliberation which it now calls for.

The dispatch reads that soon after April 17, "the committee hopes to have in hand the investigators' findings and then to draw up a report to the Senate, setting forth the conclusions and recommendations. Under these plans, no public hearings would be held."

I do not see how they can avoid public hearings. I have not any doubt that in a matter such as this a considerable number of executive hearings are necessary. It may be that the information available to the committee may justify a conclusion of no public hearings, but the record ought to be public. The American people are entitled to it, because it has become public business.

Certainly, witnesses ought to be examined under oath, subject to the penalty for perjury if they lie.

In fact, Mr. President, I think the storm that has brewed over this matter leaves the committee no other course but to make a juridical record—and the able members of the committee know how to do that—because if that kind of record is not made, a report of the committee will not end the case. That will not silence the press.

It may very well feed the storm of criticism.

I fear that the newspapers may continue to publish new charges which the committee in its haste may not have investigated. This might give the impression that the committee had attempted to whitewash some phases of the charges, which would be unfair to the Senator concerned and to the Senate.

Of course, I wish that a controversy such as this had never arisen, but we have to face the facts as we find them. I think, in the interest of the Senator concerned and his friends, those of us who believe in fair play, we should have the type of procedure the senior Senator from Oregon has suggested tonight in his remarks.

I am also concerned about a critical article I read appearing in the press alleging—and I have no reason to believe the allegations are true—that there seems to be a primary interest on the part of the Department of Justice, and on the part of the committee, over the question as to whether or not certain documents were rifled, were copied without permission, or stolen.

I do not know what the facts are, but I know the press and the people are going to continue to ask the controlling question: What about the contents of the documents? Are they true or false?

I do not think I need to tell anybody in this body my feelings about stool pigeons or betrayers of trust, but those questions are irrelevant to the question of determining innocence or guilt.

As we know, our own Government very frequently makes use of the testimony of stool pigeons and promises them immunity.

Many newspapers, congressional committees, law enforcement officers, have access to unauthorized documents.

In the last few days, for example, the Los Angeles Times has published the excerpts from a confidential Senate Preparedness Subcommittee report. The New York Times has published unauthorized information from State Department files on the Abba Schwartz controversy.

There is nothing new about these devices for obtaining information, no matter how we may deplore them.

The continuing cry about stolen documents could open up the charge that a divisionary tactic is being used to avoid facing up to the merits of the truth or falsity of the charges.

As one Member of this body, I think it is the clear responsibility of the select committee to determine whether the charges are true, and take whatever time is necessary, and exercise whatever procedural rights are needed to be exercised, to find an answer to the question.

Mr. President, if we ever start taking the position that, once charges are made, false or true, we are going to consider the charges only on the basis of the source of the information or the circumstances under which it was obtained, then I think we will bring down on the heads of the Members of the Senate a criticism of the Senate of the United States that when our own Members are involved, we have one procedure, and when others are involved, we have another.

We are not guilty of that charge, and I am satisfied we will never become guilty of that charge. But I want to point out tonight that a good many newspaper articles are already making the charge, by one innuendo after another; and I think the best way we can serve any Member of the Senate who is ever under a charge is to follow the type of procedure I have urged here tonight.

I hope the select committee to which I have referred will give a great deal of heed to this suggestion.

Mr. President, I am not alone. I may be alone on the floor, but I am not alone in this body, for many conversations are being carried on among us. There is great concern among us. Senator after Senator has told me that he shares my view that the best way, as friends of the Senator concerned, is to take the stand I am taking tonight for a full, fair investigation, under the basic guarantees of the rules of procedure that protect a person in a fair investigation and a fair hearing.

It has been suggested by some that they think perhaps, under the circumstances, the matter ought to be moved from the forum of the Senate to the forum of the courts, but I do not think that is for us to determine.

That is for individuals involved to determine. My own personal view is that a politician is placed in a difficult position if he has to become the plaintiff in a court action in a charge, for example, of libel.

If I ever paid attention to libelous charges made against me I would be in court most of the time. I have always taken the position that we politicians are fair game when it comes to the matter of libel.

But this is a case far beyond a case of libel, for this case raises an issue within a forum of the Senate of the United States that places responsibility upon the Senate to determine whether or not a constitutional mandate requires implementation. I do not know whether it does or not and we will not know until the record is made. But I want a record made on which I can place reliance, and that is what I am pleading for.

I think the Department of Justice, on the basis of such information as has been given to me, is following a mistaken course of action if it is limiting itself to an investigation of the accusers, and they should not be exempt from investigation. They should fall within the jurisdiction of the case, too, and I take it for granted they would be subpenaed and placed under examination and cross-examination under oath.

I recognize the role that muckrakers have played in American journalism throughout the history of our country. Lincoln Steffens probably has never been exceeded in the contributions he made to journalistic muckraking. Journalistic muckraking is never justified except on the basis of the truth. No journalist is entitled to any protection on the ground of freedom of the press if he does not tell the truth. Freedom of the press does not mean a license to lie.

I do not know what the facts are in regard to the charges and countercharges. I do not know what the facts are in regard to the article appearing in Newsweek for April 11, 1966, which I shall not put in the RECORD, certainly not at this stage of the controversy, because I think the committee first has an obligation to proceed with its hearings

and advise the Senate as to the procedures it is following and proposes to follow in order to answer such charges as are in Newsweek.

I do not know, for example, what the facts are about an editorial in the Los Angeles Times for March 28 entitled "Shadow Falls Across the Senate." I shall not put the editorial in the RECORD as of now. I wish to make this reference to it because it bears upon remarks I made earlier in this speech supporting the justification for my concern about the image of the U.S. Senate that will be created in this Republic if we do not see to it that a fair and full hearing is conducted in regard to the controversy that has been forced upon us. The Senate is not the creator of it.

I do not know what the facts are with regard to an editorial in the St. Louis Post Dispatch of April 3, 1966, but it bears out the point of view of the senior Senator from Oregon that there is concern about this matter in the country; or an editorial that appeared in the Milwaukee Journal for Wednesday, March 9; or an article in the Publishers' Auxiliary entitled "In Our Opinion Stirrings of Cause Celebre Muffled by Ethics Quiz."

I do not know of a scintilla of justification existing for any such allegations. I shall continue to believe that there is no justification for them, but they cannot be swept under the rug and they cannot be answered by running away from them.

The matter must be considered on a strictly professional basis to winnow the truth from falsehood and present a public record.

The Hartford, Conn., Courant of March 20, 1966, printed an article entitled "The Senate Has No Code of Ethics." I do not believe we can permit this unfair evaluation of us to go unanswered.

Therefore, this select committee has a thankless job, and also an exceedingly responsible job. I have made these remarks, which are motivated entirely by feelings of friendliness toward the committee and toward the Senator involved, in the hope that we can stop the spread of misunderstanding in this country in regard to the procedure that is being followed in the handling of this controversy.

If the Department of Justice is going to interest itself in this case, as it has a right to—I am not so sure it does not have a duty—then certainly it should consider the source of material and the circumstances under which it was obtained. All of that is pertinent.

In the last analysis we, as Senators, may very well be members of a jury. I hope not. When one comes as a juryman all of these factors in regard to the source of evidence are important.

The Department of Justice also has an even more important primary obligation, and that is the consideration of the question: What is the truth and what is the falsehood involved? Has a muckraking job been done by taking statements and material out of context, in the sense that it changes truth into falsity? We are entitled to know that.

The individuals involved are entitled to the kind of protection procedurally for which the Senator from Oregon has pleaded tonight. I have taken that stand time and time again in respect to Senate and House committee investigations. I take it now only by way of expressing my friendly advice as a Member of the Senate to an agent of the Senate, the Senate Committee on Standards and Conduct.

Mr. President, I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I am thankful that the distinguished senior Senator from Oregon yielded to me. I concur in the statement he made today on this serious matter.

I would like, Mr. President, to associate myself with each and every statement made in the sound, irrefutable legal argument of the distinguished senior Senator from Oregon, who is one of the great lawyers in this body.

Many years ago I was the chief criminal prosecuting attorney of Cuyahoga County in Ohio, and I tried many criminal cases, trying only felonies at that time. Over the years, as a trial lawyer, I have defended many men accused of criminal offenses.

Firmly and fervently impressed upon me over the years is the view that every person in our Nation accused of any offense is presumed to be innocent until proven guilty by evidence sufficient to convince beyond a reasonable doubt of the guilt of the person charged with the offense.

Then also, as a result of my experience and training, I have come to the fervent conclusion that punishment, like a shadow, should follow conviction based on proof beyond a reasonable doubt of any offense. We are not talking today about criminal accusations; but in this matter adverted to by the senior Senator from Oregon, adverted to regretfully, as I take the floor regretfully—because in a Senate of 100 Members, we all become good friends and honor and respect one another—I feel as does the great and distinguished Senator from Oregon. He does not envy our colleagues who serve on the Committee on Standards and Conduct the heavy responsibility that is theirs to investigate, at the request of a Member of this body, what the committee has termed "charges of misconduct" against him.

Frankly, I am glad that I am not a member of that committee. However, I am certain that if I were a member of the Select Committee on Standards and Conduct, I would urge open hearings without unnecessary delay, just as has been urged by the senior Senator from Oregon. I would urge that all available witnesses testify at that hearing, which would be open to the public, after, of course, necessary executive and investigatory sessions of the committee itself were held.

After Senators had considered all the available legal evidence, I would, if I were a member of the select committee, announce my decision among the group of my colleagues in accord with my judgment and conscience.

Our colleagues who are members of the Committee on Standards and Conduct are outstanding Senators of unquestioned integrity. The chairman of the committee, the distinguished Senator from Mississippi [Mr. STENNIS], is one of the great statesmen of this generation. He has been a judge of the courts in his State. It has been mentioned from time to time that he might be selected, if he wished to be selected—he probably does not—to be a member of the Supreme Court of the United States. The Senator from Mississippi, we all agree, would grace the Supreme Court were he a member of that body.

The gravity of this situation cannot be overemphasized. The integrity and dignity of the U.S. Senate is at stake. An accusation of misconduct against one Senator of the United States is a matter of concern on the part of the 99 other Senators.

Since the time our colleague who has been accused asked the Select Committee on Standards and Conduct to take up this matter, it has seemed to some persons, according to statements we hear or read from time to time, that the committee's proceedings have been shrouded in a cloak of secrecy. I hope that that is not true. As a result, there has been a great deal of public misunderstanding and perhaps misinformation concerning the investigation.

There are reports that the Federal Bureau of Investigation is harassing the newspapermen who originally made the allegations which resulted in the investigation, and that knowledgeable individuals who are in a position to testify to the facts have been intimidated by FBI agents. FBI agents are guilty of misconduct if these allegations are factually correct. I am confident that no Senator had a part in the alleged harassment and intimidation, and that all Senators would join me in condemning it.

Other newspaper articles report that greater emphasis is being placed on determining the source of the information allegedly received by certain columnists, instead of determining the validity of the charges. I hope that is not true; it should not be true. However, as a result of these reports and rumors, citizens are confounded and confused, and the reputation of the Senate may be tarnished if they continue. If these reports are accurate, they constitute conduct on the part of FBI agents that is reprehensible.

I have every confidence that any Senator accused of misconduct will obtain justice.

I was interested to hear what the Senator from Oregon said about libelous charges made against him and that they are a part of the life of a politician. Over the years, I have received similar scars, but I have taken them in my stride, or have tried to. I have confidence that in the end, the truth will make itself known.

The Committee on Standards and Conduct is honorbound to determine the validity of the conflicting allegations and charges. Any other action or failure to take appropriate action is out of order at this time. I cannot believe that there

will be any evasion by the committee of its clear duty. I feel that it would be in the best interests of the Senate and of the Nation if the committee were to conduct open hearings on this subject without delay. Certainly, were a Senate committee to be investigating similar charges against any high official in the executive branch of the Government, open hearings would be held, and the matter would be fully aired before the American public. Have we the moral right to create a double standard of conduct, one for the executive branch, and another for the legislative branch of our Government?

I am much saddened by the necessity for this investigation as I know all of my colleagues are, and especially, as I know, the senior Senator from Oregon is. The Senator from Oregon adverted to some editorials. I have read some of those editorials, including an excellent editorial published in the St. Louis Post-Dispatch. I shall not ask that it be placed in the RECORD as a part of my remarks. However, at the outset, the writer of the editorial in the St. Louis Post-Dispatch stated:

> The Senate Committee on Standards and and Conduct ought to be encouraged to get to the bottom of what it has termed "charges of misconduct" * * *. This bipartisan committee established to police senatorial ethics is the proper body to determine (the facts).

What is disturbing about the case, according to the editorial, and this was a matter adverted to by the Senator from Oregon—is the allegation that the Federal Bureau of Investigation and Attorney General Katzenbach apparently are questioning some sources to determine how newspapermen obtained the information in the first sentence.

The point is not how columnists obtained any information. The point is, as was stated by the senior Senator from Oregon, whether the charges stand up. That is what the Select Committee is honor bound to determine. Any other inquiry is out of order at this time.

Mr. President, we all agree that public office is a public trust. A great American on a historic occasion said:

> Let no guilty man escape. No personal considerations should stand in the way of performing a public duty.

Let this serve as a guide to us.

I thank the Senator for yielding.

Mr. MORSE. Mr. President, I commend the Senator from Ohio for the statement he has just made. I associate myself with his statement.

The Senator from Ohio is really a teacher of mine. He will not admit it, but his record on law enforcement has been a source of reliance for me as I have sought information since he has been in the Senate with regard to some of the basic procedural questions I have talked about today.

The Senator mentioned one point that I think needs to be stressed in the RECORD before we adjourn; that is, that the Senator involved is the one who, to his everlasting credit, stated to the Select Committee on Standards and Conduct that he would make available to the committee all his records. He urged the committee to conduct a thorough investigation. That is to his everlasting credit, and it bears out the expressions of regard that I bespoke of him in my remarks.

I think that he is entitled to the very thorough type of investigation that the Senator from Ohio and the Senator from Oregon suggested here today by way of advice to the Senate committee.

Mr. YOUNG of Ohio. That is a correct statement. I am proud that our colleague did exactly as the Senator from Oregon has stated.

Mr. FANNIN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. FANNIN. Mr. President, I commend the senior Senator from Oregon for the very fine statement he has made on the responsibility that is ours as Members of this body to seek the truth and to determine just what has happened.

I feel that the recommendations that the senior Senator from Oregon has made are appropriate, and I hope that they will be given every consideration.

Mr. MORSE. Mr. President, I thank the Senator from Arizona very much. The Senator knows the extremely high regard in which I hold him, as I have demonstrated not only here, but also when we have traveled abroad.

I am not at all surprised by the statement the Senator from Arizona has made. He has demonstrated over and over again that he recognizes that unless we protect the procedural rights of the people, we will never be able to protect their substantive rights.

## ADJOURNMENT

Mr. MORSE. Mr. President, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to, and (at 5 o'clock and 51 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, April 14, 1966, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate April 13, 1966:

DEPARTMENT OF LABOR

Stanley H. Ruttenberg, of Maryland, to be an Assistant Secretary of Labor.

U.S. ATTORNEY

Edward L. Shaheen, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years. (Reappointment.)

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

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

## CONFIRMATION

Executive nominations confirmed by the Senate April 13, 1966:

COMMISSIONER OF INDIAN AFFAIRS

Robert LaFollette Bennett, of Alaska, to be Commissioner of Indian Affairs.

# SENATE

THURSDAY, APRIL 14, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Honorable JOHN O. PASTORE, a Senator from the State of Rhode Island.

Rev. Dr. Paul Morrison, assistant minister, Foundry Methodist Church, Washington, D.C., offered the following prayer:

Almighty and eternal God, our help in ages past, our hope for years to come, we pause humbly and reverently in Thy presence acknowledging that Your world is not a child of chaos or an offspring of chance, but a world of abundance, of beauty, of order, and design. Out of Thy goodness and guidance, Thou hast showered favors upon our beloved land. We thank Thee, O God, for the heritage that has come down to us, and for the great leaders who, in crucial times, have held steadfast, affirming their trust and obedience to Thy divine will.

May each Member of the Senate this day receive Thy blessing and benediction, as they deliberate and legislate together for the common good of our Nation and the benefit of all mankind. Make stable and wise their minds to understand their entrustment. Grant that their every effort be made to turn back war's devastation of human life. Guide and direct each Senator as a lover of peace and concord, a lover of righteousness and justice, to implore Thy divine power that their efforts may lead this Nation, and the nations of the earth, into the path of victory for brotherhood and peace. Out of this moment of silence, speak to their hearts and minds; and stir their souls to good works, we pray through Jesus Christ our Lord. Amen.

## DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., April 14, 1966.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island, to perform the duties of the Chair during my absence.

CARL HAYDEN,
*President pro tempore.*

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

## THE JOURNAL

On request of Mr. LONG of Louisiana, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 13, 1966, was dispensed with.

## LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. LONG of Louisiana, and by unanimous consent, statements