

H.R. 3026. A bill for the relief of Dr. Sid-diq Nabl; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:
H.R. 3027. A bill for the relief of Maria Guida; to the Committee on the Judiciary.

H.R. 3028. A bill for the relief of Bahram Ravan; to the Committee on the Judiciary.

By Mr. MINSHALL:
H.R. 3029. A bill to provide for the free entry of one ship model for the use of the Lutheran Church of the Covenant, Maple Heights, Ohio; to the Committee on Ways and Means.

By Mr. POOL:
H.R. 3030. A bill for the relief of Soon Chol; to the Committee on the Judiciary.

By Mr. REID of New York:
H.R. 3031. A bill for the relief of Mr. and Mrs. Christos Photinos-Svoronos; to the Committee on the Judiciary.

H.R. 3032. A bill for the relief of Mrs. Karen Wood Davila; to the Committee on the Judiciary.

By Mr. ROYBAL:
H.R. 3033. A bill for the relief of Miss Hea Ja Kim; to the Committee on the Judiciary.

By Mr. RYAN:
H.R. 3034. A bill for the relief of Antonio Lora and his wife, Angela Columna de Lora; to the Committee on the Judiciary.

H.R. 3035. A bill for the relief of Claudio Silvestri; to the Committee on the Judiciary.

By Mr. SIKES:
H.R. 3036. A bill to permit the vessel *Jan-ice Vee* to be documented for use in the fisheries and coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of New York:
H.R. 3037. A bill for the relief of Syed Hashim Reza; to the Committee on the Judiciary.

By Mr. TUNNEY:
H.R. 3038. A bill for the relief of Daniel Marin Macias; to the Committee on the Judiciary.

By Mr. VIGORITO:
H.R. 3039. A bill for the relief of Dr. Chul Nam Lee; to the Committee on the Judiciary.

H.R. 3040. A bill for the relief of Mrs. Hae Kyong Han, and her minor children, Myong Suk Lee, Ki Dong Lee, Kyong Dong Lee, and Myong Dong Lee; to the Committee on the Judiciary.

By Mr. WALDIE:
H.R. 3041. A bill for the relief of Hiroshi Nakao; to the Committee on the Judiciary.

SENATE

WEDNESDAY, JANUARY 18, 1967

(Legislative day of Thursday, January 12, 1967)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

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

Eternal God, in whose peace our restless spirits are quieted, take Thou the dimness of our souls away, help Thy servants in this Chamber of governance to lift the difficult decisions of the public service into Thy holy light.

Grant us inner greatness of spirit, purity of heart, and clearness of vision, to meet and match the vast designs of this changing, demanding day, which even across this shaken earth is marching on to its coronation in the affairs of men.

Gird us to meet with the might of

righteousness and justice the massed forces of evil loose in the world—

"That we may tell our sons who see the light

High in the heavens, their heritage to take,

I saw the powers of darkness put to flight,

I saw the morning break."

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Tuesday, January 17, 1967, was approved.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States, submitting nominations, was communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,
The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting several nominations, which were referred to the Committee on Public Works.
(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

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

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

PROPOSED VISIT OF PRESIDENT EDUARDO FREI OF CHILE TO THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional minute or so beyond the 3-minute limitation.

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

Mr. MANSFIELD. Mr. President, it is not usual for me to comment on political developments in governments of friendly nations. On yesterday, however, a disturbing event occurred in Santiago de Chile which seems to bear a most unfortunate relationship to this Nation.

According to press reports, the Cabinet of President Eduardo Frei sought to resign en bloc in apparent protest of a decision of the Chilean Senate not to give the President permission to visit the United States next month. This refusal,

I regret to note, has been generally interpreted as an expression of antagonism toward the United States.

I hope, Mr. President, that that is not the case. There do not appear to be any questions in United States-Chilean relations which are so heated as to bring about an action of this kind, and if there were, the action would be even more inexplicable. After all, our two countries are not strangers. We have lived together and worked together in this hemisphere for a long time. Whatever difficulties there may be in Chilean-United States relations, they will hardly be resolved by indirection, by inferred expressions of displeasure or hostility. They will be met, may I say most respectfully to my Senate colleagues in Santiago, by an honest coming together, by a direct confrontation of views, by a measure of mutual forbearance which is to be expected in the light of the long and peaceful association of Chile and the United States in the affairs of the Western Hemisphere.

That attitude, I had assumed, was expected to prevail as a basis for the scheduled visit of President Frei with President Johnson in February. On the part of the United States, may I say, the invitation to President Frei was primarily an expression of friendship and respect for the people of Chile and their institutions. It would also, of course, have provided a setting for a frank discussion. Quite apart from any other effects, therefore, the cancellation of the visit will represent a lost opportunity for such a discussion. That is regrettable, for both Chile and the United States.

Mr. President, this situation is most unusual in that it involves not only the United States and Chile but also colleagues in the Senate of a friendly country. I have felt free, therefore, to direct my remarks to the latter on a matter which is probably of more direct concern to the diplomats of both countries. I trust that my comments on the situation will not be deemed offensive in any manner to the Chilean Senators.

In all humility, I ask my peers in Chile whether it would be possible to reconsider the question, so that the meeting of the two Presidents may take place as planned. I reiterate, all problems of Chilean-United States relations are soluble if we face them and each other in honesty and forbearance. None can be resolved if we turn back to back in anger.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, may I have my 3 minutes now?

The PRESIDING OFFICER (Mr. MONTGOMERY in the chair). The Senator may.

Mr. JAVITS. I am glad to say to the Senator from Montana that I believe this is one of the finest things he has ever done in the Senate.

I know the Chilean situation personally. I was there more than once. Indeed, I was the senior official present, on the ground, in the political crisis that brought President Frei to the point where he could be elected, which was 3 years ago. I know something about the

Chilean Senate. I believe this is strictly an internal political situation.

I should like to support such an appeal, for whatever it means—and I hope it is meaningful to the Chileans, for whom I have attempted to work. I should like to support the majority leader in his plea to the Chilean Senate, that whatever may be their feelings about their internal situation, this is bound to be construed in the United States as something of a reservation about whether their President should visit us.

President Frei is the leading Christian Democratic statesman of Latin America, devoted to Latin American economic integration and to what I believe every American would consider the finest relations with our country. He has by no means always been on our side. On the contrary, he has often been extremely critical and has taken actions which many Americans would regard as representing the Chilean policy, not our policy. He is an extraordinarily gifted leader for peace and for the values in life and in government which we esteem so highly.

As I have said, I know something about the situation. I am confident that it does not actually, substantively have any overtones unfriendly to the United States, but it is bound to be so construed. I join with the Senator from Montana in his plea to our Chilean parliamentary colleagues.

There is a great deal of sentiment in Latin America to organize a parliamentary association of the Americas, which would bring us together in a rather common bond, such as we have, for example, with the European countries in the North Atlantic Assembly.

I hope, Mr. President, that the Chilean Senate will listen to the gifted words of our distinguished majority leader, and that there may be truly a reevaluation from the heart of what this means and why the President should, rather than should not, be permitted to visit here.

I thank the Senator.

INCREASING MEMBERSHIP OF JOINT ECONOMIC COMMITTEE— REPORT OF COMMITTEE

Mr. PROXMIRE. Mr. President, from the Banking and Currency Committee, I report favorably, without amendment, S. 376, which is a bill to expand the Joint Economic Committee from 16 to 20 members, one member being added from the Senate and the House from each party, so that there will be four additional members.

I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 376) fixing the representation of the majority and minority members of the Joint Economic Committee.

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

There being no objection, the bill (S. 376) was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024(a)) is amended to read as follows:

"(a) There is established a Joint Economic Committee, to be composed of ten Members of the Senate, to be appointed by the President of the Senate, and ten Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by six members and the minority party shall be represented by four members."

CONTINUATION OF CERTAIN STUDIES AND INITIATION OF OTHERS—REPORT OF A COMMITTEE (S. REPT. NO. 3)

Mr. MONRONEY, from the Committee on Post Office and Civil Service, reported an original resolution (S. Res. 43) authorizing the continuation of certain studies and the initiation of others, and submitted a report thereon, which report was ordered to be printed, and the resolution was referred to the Committee on Rules and Administration, as follows:

S. RES. 43

Resolved, That the Committee on Post Office and Civil Service, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and conduct such studies as may be deemed necessary with respect to any and all aspects of—

(1) the postal service, including studies of mechanization, modernization, personnel policies, utilization of manpower, hours, wages, work schedules, and management techniques, designed to improve postal service in the United States;

(2) postal rates, including ascertainment of costs and assignment of costs to the various classes of mail, the possibility of increased rates for first, second, third and fourth class mail;

(3) the Federal civil service, including salary adjustments in compliance with the Federal Salary Reform Act of 1962, insurance, and retirement benefits, and general consideration of legislation to improve the quality of Federal employment and Federal personnel policies and practices;

(4) committee jurisdiction concerning the census and the collection of statistics.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1967, until January 31, 1968, inclusive, is authorized

(1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments and agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.*

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1968.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed

\$225,000, shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR COMMITTEE ON BANKING AND CURRENCY TO MAKE CERTAIN INVESTIGATIONS— REPORT OF A COMMITTEE (S. REPT. NO. 4)

Mr. SPARKMAN, from the Committee on Banking and Currency, reported an original resolution (S. Res. 45) authorizing the Committee on Banking and Currency to make certain investigations, and submitted a report thereon, which report was ordered to be printed, and, under the rule, the resolution was referred to the Committee on Rules and Administration, as follows:

S. RES. 45

Resolved, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) banking and currency generally;

(2) financial aid to commerce and industry;

(3) deposit insurance;

(4) the Federal Reserve System, including monetary and credit policies;

(5) economic stabilization, production, and mobilization;

(6) valuation and revaluation of the dollar;

(7) prices of commodities, rents, and services;

(8) securities and exchange regulations;

(9) credit problems of small business; and

(10) international finance through agencies within the legislative jurisdiction of the committee.

Sec. 2. For the purposes of this resolution the committee from February 1, 1967, to January 31, 1968, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.*

Sec. 3. Expenses of the committee, under this resolution, which shall not exceed \$188,300, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF MATTERS PERTAINING TO PUBLIC AND PRIVATE HOUSING AND URBAN AFFAIRS— REPORT OF A COMMITTEE (S. REPT. NO. 5)

Mr. SPARKMAN, from the Committee on Banking and Currency, reported an original resolution (S. Res. 46) authorizing the Committee on Banking and Currency to investigate matters pertaining to public and private housing and

urban affairs, including urban mass transportation, and submitted a report thereon, which was ordered to be printed, and the resolution was referred to the Committee on Rules and Administration, as follows:

S. RES. 46

Resolved, That the Committee on Banking and Currency, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to public and private housing and urban affairs, including urban mass transportation.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1967, to January 31, 1968, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1968.

Sec. 4. Expenses of the committee, under this resolution, which shall not exceed \$150,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

EXECUTIVE REPORT OF A
COMMITTEE

As in executive session,
The following favorable report of a nomination was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

William B. Camp, of Maryland, to be Comptroller of the Currency.

BILLS AND JOINT RESOLUTIONS
INTRODUCED

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

By Mr. TALMADGE:

S. 454. A bill for the relief of Richard K. Jones; to the Committee on the Judiciary.

By Mr. MUNDT:

S. 455. A bill for the relief of Efthia Evmorfouchlkou;

S. 456. A bill for the relief of Raymond Ku; and

S. 457. A bill for the relief of Miss Fructuosa Gonzales; to the Committee on the Judiciary.

S. 458. A bill to provide for periodic congressional review of Federal grants-in-aid to States and to local units of government; to the Committee on Government Operations.

By Mr. MUNDT (for himself, Mr. CARLSON, Mr. HRUSKA, Mr. MILLER, Mr. CURTIS, Mr. SYMINGTON, Mr. LONG of Missouri, and Mr. YOUNG of North Dakota):

S. 459. A bill to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program; to the Committee on Public Works.

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

(NOTE.—The above bill was ordered to be held at the desk until January 28, 1967, for additional cosponsors.)

By Mr. YOUNG of North Dakota (for himself and Mr. BURDICK):

S. 460. A bill to authorize Federal assistance for the construction by public school districts of classroom facilities needed for the education of Indian children who reside outside the boundaries of the district; to the Committee on Interior and Insular Affairs.

By Mr. HILL (for himself and Mr. SPARKMAN):

S. 461. A bill for the relief of Gustavo Eugenio Gomez;

S. 462. A bill for the relief of Dr. Jesus L. Lastra;

S. 463. A bill for the relief of Eladio Ruiz DeMolina;

S. 464. A bill for the relief of Dr. Guillermo N. Hernandez, Jr.; and

S. 465. A bill for the relief of Dr. Mario Guillermo Martinez; to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 466. A bill for the relief of Victor Abadi; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. DOMINICK, Mr. ALLOTT, Mr. BENNETT, Mr. CASE, Mr. FANNIN, Mr. JAVITS, Mr. KUCHEL, Mr. MORTON, and Mr. TOWER):

S. 467. A bill to provide for a study with respect to the utilization of systems analysis and management techniques in dealing with problems relating to unemployment, public welfare, education, and similar problems; to the Committee on Labor and Public Welfare.

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

(NOTE.—The above bill was ordered to be held at the desk until January 20, 1967, for additional cosponsors.)

By Mr. WILLIAMS of Delaware (for himself, Mr. AIKEN, Mrs. SMITH, and Mr. PROXMIER):

S. 468. A bill to amend the Internal Revenue Code of 1954 to limit the maximum rate of percentage depletion to a rate of 20 percent; to the Committee on Finance.

By Mr. BAYH:

S. 469. A bill to amend section 416(b) of the Federal Aviation Act of 1958; to the Committee on Commerce.

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

By Mr. BAYH (for himself, Mr. DRUKSEN, Mr. HARTKE, and Mr. PERCY):

S. 470. 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. BURDICK:

S. 471. A bill for the relief of the Swanston Equipment Co.;

S. 472. A bill for the relief of Dr. Eugene B. Finch;

S. 473. A bill for the relief of Dr. Edward Ting Llu;

S. 474. A bill for the relief of Jane Jast Delorme;

S. 475. A bill to provide an additional place for holding court in the district of North Dakota; and

S. 476. A bill to amend the Immigration and Nationality Act, as amended, to permit the free entry of citizens of the Trust Territory of the Pacific Islands into the United States; to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. YOUNG of North Dakota):

S. 477. A bill for the relief of the widow of Albert M. Pepon; to the Committee on Post Office and Civil Service.

By Mr. CASE:

S. 478. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Harold Braun, of Montclair, N.J.; to the Committee on the Judiciary.

By MOSS (for himself, Mr. ALLOTT, Mr. BAYH, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CARLSON, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. CURTIS, Mr. DODD, Mr. ERVIN, Mr. GRUENING, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HILL, Mr. HRUSKA, Mr. INOUE, Mr. JAVITS, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCGEE, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MORSE, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. RANDOLPH, Mr. SMATHERS, Mrs. SMITH, Mr. SYMINGTON, Mr. TOWER, Mr. TYDINGS, and Mr. YARBOROUGH):

S. 479. A bill to provide for the flying of the American flag over the remains of the U.S. ship *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941; to the Committee on Armed Services.

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

By Mr. LAUSCHE:

S. 480. A bill for the relief of Nicolae Calinescu; and

S. 481. A bill for the relief of Lubomira Chodakiewicz (Luba Hodakievic); to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. BAKER, Mr. CARLSON, Mr. COOPER, Mr. DOMINICK, Mr. SCOTT, and Mr. YOUNG of North Dakota):

S. 482. A bill to establish a system for the sharing of certain Federal revenues with the States; to the Committee on Finance.

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

By Mr. BOGGS (for himself, Mr. AIKEN, Mr. BURDICK, Mr. CANNON,

Mr. COOPER, Mr. COTTON, Mr. EASTLAND, Mr. GRUENING, Mr. HICKENLOOPER, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MURPHY, Mr. MUSKIE, Mr. PROUTY, Mr. SCOTT, Mr. WILLIAMS of Delaware, and Mr. YOUNG of North Dakota):

S. 483. A bill to amend title 38, United States Code, so as to require the Administrator of Veterans' Affairs to give 6 months' advance public notice of the planned closing or relocation of any veterans' facility, and to provide for at least one Veterans' Service Center in each State, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. BREWSTER:

S. 484. A bill to authorize the detention of certain persons charged in the District of Columbia with the commission of an offense punishable as a felony, and for other purposes; to the Committee on the District of Columbia.

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

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

S. 485. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other

purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. BAYH:

S. 486. A bill for the relief of Todorka Janicijevic; to the Committee on the Judiciary.

By Mr. ALLOTT:

S. 487. A bill to amend the Mineral Leasing Act of 1920 in order to provide for public records of oil and gas leases issued under such act and other instruments affecting title to such leases, and for other purposes; and

S. 488. A bill relating to membership in Indian tribal organizations; to the Committee on Interior and Insular Affairs.

S. 489. A bill for the relief of Jesus Jose Escobar (also known as Joe Orosco); and

S. 490. A bill for the relief of R. Carl Britt; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 491. A bill to determine the rights and interests of the Navajo Tribe and the Ute Mountain Tribe of the Ute Mountain Reservation in and to certain lands in the State of New Mexico, and for other purposes; and

S. 492. A bill to determine the rights and interest of the Navajo Tribe and the Ute Mountain Tribe of the Ute Mountain Reservation in and to certain lands in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

S. 493. A bill for the relief of Mrs. Hae Kyong Han, and her minor children Mysong Suk Lee, Ki Dong Lee, and Kyong Dong Lee; and

S. 494. A bill for the relief of Dr. Chul Nam Lee; to the Committee on the Judiciary.

By Mr. MCGEE (by request):

S. 495. A bill for the relief of Mrs. Mary Conger; to the Committee on the Judiciary.

By Mr. MCGEE:

S. 496. A bill for the relief of Bing Hung Leo;

S. 497. A bill for the relief of Robert L. Miller and Mildred M. Miller; and

S. 498. A bill to determine the claims of certain prisoners of war permanently disabled, and to confer jurisdiction upon the Court of Claims in the event of disagreement as to such claims; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. HILL):

S. 499. A bill for the relief of Dr. Manuel A. Zuniga;

S. 500. A bill for the relief of Dr. Eduardo Sixto Dieguez-Santiesteban;

S. 501. A bill for the relief of Dr. Fernando O. Garcia-Hernandez; and

S. 502. A bill for the relief of Wing Wong; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 503. A bill for the relief of Dr. Angel Reaud, also known as Angel Reaud Ramos Izquierdo; to the Committee on the Judiciary.

By Mr. MCGEE:

S. 504. A bill to amend the Communications Act of 1934 to make unlawful the transmission over a telephone system of any recorded message which does not identify the subscriber through whose telephone such message was transmitted, and for other purposes; to the Committee on Commerce;

S. 505. A bill for the relief of the Hanover Irrigation District of Worland, Wyo.; and

S. 506. A bill for the relief of Leonard F. Rizzuto; to the Committee on the Judiciary.

By Mr. MCGEE (for himself and Mr. HANSEN):

S. 507. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such

Act; to the Committee on Interior and Insular Affairs.

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

By Mr. MAGNUSON (for himself, Mr. COTTON, and Mr. WILLIAMS of New Jersey):

S. 508. A bill to promote the development of nuclear-powered merchant ships; to the Committee on Commerce.

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

By Mr. WILLIAMS of New Jersey:

S. 509. A bill to provide for the free entry of a variable pressure water channel for the use of the Stevens Institute of Technology; to the Committee on Finance.

By Mr. WILLIAMS of New Jersey (for himself and Mr. KUCHEL):

S. 510. A bill providing for full disclosure of corporate equity ownership of securities under the Securities Exchange Act of 1934; to the Committee on Banking and Currency.

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

By Mr. WILLIAMS of New Jersey:

S. 511. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency; and

S. 512. A bill to amend section 13a of the Interstate Commerce Act, relating to the discontinuance or change of certain operations or services of common carriers by rail, in order to require the Interstate Commerce Commission to give full consideration to all financial assistance available before permitting any such discontinuance or change; to the Committee on Commerce.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bills, which appear under a separate heading.)

(NOTE.—The above bills were ordered to be held at the desk until January 25, 1967, for additional cosponsors.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. METCALF, Mr. BREWSTER, Mr. KENNEDY of Massachusetts, Mr. RANDOLPH, Mr. YARBOROUGH, and Mr. LONG of Missouri):

S. 513. A bill to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation; to the Committee on Labor and Public Welfare.

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

(NOTE.—The above bill was ordered to be held at the desk until January 28, 1967 for additional cosponsors.)

By Mr. METCALF (for himself, Mr. MANSFIELD, Mr. BURDICK, Mr. CLARK, Mr. DODD, Mr. GRUENING, Mr. INOUE, Mr. KENNEDY of New York, Mr. MCCARTHY, Mr. MCGEE, Mr. MONDALE, Mr. NELSON, Mr. PELL, Mr. RIBICOFF, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 514. A bill to establish a Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

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

(NOTE.—The above bill was ordered to be held at the desk until January 28, 1967 for additional cosponsors.)

By Mr. BURDICK:

S.J. Res. 19. Joint resolution providing for the establishment of an annual National Farmers Week; to the Committee on the Judiciary.

By Mr. MCGEE:

S.J. Res. 20. Joint resolution to determine the susceptibility of minerals to electro-metallurgical processes, and for other purposes; to the Committee on Interior and Insular Affairs.

CONCURRENT RESOLUTION

FAVORING CERTAIN ACTIONS BY THE UNITED NATIONS ON THE BALTIC QUESTION

Mr. ALLOTT submitted the following concurrent resolution (S. Con. Res. 3) favoring certain action by the United Nations on the Baltic question, which was referred to the Committee on Foreign Relations:

S. CON. RES. 3

Whereas the Communist regime did not come to power in Lithuania, Latvia, and Estonia by legal or democratic processes; and Whereas the Soviet Union took over Lithuania, Latvia, and Estonia by force of arms; and

Whereas Lithuanians, Latvians, and Estonians desire, fight, and die for their national independence; and

Whereas the Government of the United States of America maintains diplomatic relations with the Governments of the free Baltic Republics of Lithuania, Latvia and Estonia and consistently has refused to recognize their seizure and forced "incorporation" into the Soviet Union; and

Whereas the select committee of the House of Representatives created by H. Res. 346 of the Eighty-third Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia, and Estonia was contrary to established principles of international law; and

Whereas the opinion of the free nations and the free people of the world is to eliminate any kind of colonialism and imperialism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate and House of Representatives of the United States of America request the President of the United States to bring the Baltic States question before the United Nations and ask the United Nations to request the Soviet Union to do the following:

(1) To withdraw all Soviet troops, secret police, agents, colonists, and all controls from Lithuania, Latvia, and Estonia;

(2) To return to their homes all Baltic exiles and deportees from Siberia, prisons, and slave-labor camps in the Soviet Union; and be it further

Resolved, That the United Nations conduct free elections in Lithuania, Latvia, and Estonia under its supervision and punish all Russian Communists who are guilty of crimes against the peoples of the Baltic States.

RESOLUTIONS

CONTINUATION OF CERTAIN STUDIES AND INITIATION OF OTHERS

Mr. MONRONEY, from the Committee on Post Office and Civil Service, reported an original resolution (S. Res. 43) authorizing the continuation of certain studies and the initiation of others, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. MONRONEY,

which appears under the heading "Reports of Committees.")

STUDY OF MIGRATORY LABOR

Mr. WILLIAMS of New Jersey submitted the following resolution (S. Res. 44); which was referred to the Committee on Labor and Public Welfare:

S. RES. 44

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to migratory labor including, but not limited to, such matters as (a) the wages of migratory workers, their working conditions, transportation facilities, housing, health, and educational opportunities for migrants and their children, (b) the nature of and the relationships between the programs of the Federal Government and the programs of State and local governments and the activities of private organizations dealing with the problems of migratory workers, and (c) the degree of additional Federal action necessary in this area.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1967, to January 31, 1968, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

Sec. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1968.

Sec. 4. Expenses of the committee under this resolution, which shall not exceed \$75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORITY FOR CERTAIN INVESTIGATIONS BY COMMITTEE ON BANKING AND CURRENCY AND ADDITIONAL FUNDS THEREFOR

Mr. SPARKMAN, from the Committee on Banking and Currency, reported an original resolution (S. Res. 45) authorizing the Committee on Banking and Currency to make certain investigations, and to provide additional funds therefor, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. SPARKMAN, which appears under the heading "Reports of Committees.")

INVESTIGATION OF MATTERS PERTAINING TO PUBLIC AND PRIVATE HOUSING AND URBAN AFFAIRS

Mr. SPARKMAN, from Committee on Banking and Currency, reported an original resolution (S. Res. 46) authorizing

the Committee on Banking and Currency to investigate matters pertaining to public and private housing and urban affairs, including urban mass transportation, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. SPARKMAN, which appears under the heading "Reports of Committees.")

MINORITY PARTY'S MEMBERSHIP ON SELECT COMMITTEE ON SMALL BUSINESS

Mr. DIRKSEN submitted a resolution (S. Res. 47) relating to the minority party's membership on the Select Committee on Small Business for the 90th Congress, which was considered and agreed to.

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

MISSOURI RIVER BASIN PROGRAM

Mr. MUNDT. Mr. President, I send to the desk a bill to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program. I introduce this bill on behalf of myself and Senators CARLSON, HRUSKA, MILLER, CURTIS, SYMINGTON, LONG of Missouri, and YOUNG of North Dakota, and ask that it lie on the desk for 10 days for additional co-sponsors.

The PRESIDING OFFICER. Without objection, the bill will be held at the desk, as requested by the Senator from South Dakota.

Mr. MUNDT. Mr. President, I wish to point out that the Missouri River Basin development program is something which in its magnitude was unique in American history because it brought together in happy harmony on a major project for virtually the first time two great agencies of Government, the U.S. Army Corps of Engineers and the Bureau of Reclamation, working together to produce the many dividends of a multipurpose dam for the people of the United States.

Gen. Lewis A. Pick was a distinguished military leader before he assumed control of the Omaha office of the Corps of Engineers and through his efforts and those of Mr. Glenn Sloan, of the Bureau of Reclamation office in Billings, Mont., a series of meetings were held in a 10-State area of the heartland of this country and a formula of cooperation was developed.

Mr. President, it seems fitting and proper that their names should be identified with this unique and highly constructive American project.

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

The bill (S. 459) to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program, introduced by Mr. MUNDT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

IMPROVED AIR ACCESS FOR SMALLER CITIES

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to amend the Federal Aviation Act of 1958.

The amendment—identical to S. 3317 which I offered on May 5, 1966—would broaden the scope of section 416 of the act by assisting efforts of smaller cities to improve their access to air service.

The Civil Aeronautics Board would be authorized to grant temporary certificates of service to local service carriers along routes which trunk airlines have petitioned for termination of service. Two specific benefits would result from the amendment:

First. It would permit continuation of adequate air service during the extended period—usually 2 to 4 years—in which the Civil Aeronautics Board is adjudicating the petition for cessation of service. This is necessary because by the time a trunk airline has petitioned for termination of service, it has usually reduced its flights along the route in question to the legal minimum of one a day.

Second. It would permit local service carriers to accumulate information based on experience along the route. Thus, when the Civil Aeronautics Board must decide whether to replace the trunk carrier with a local service carrier, it can do so based on actual experience, not mere assumptions. It should be emphasized that during the temporary period, the local service carrier would not be entitled to any subsidy for the route in question. Rather, it would fly the route on a use-it-or-lose-it basis.

Let me cite an example which will illustrate how this amendment would work. Terre Haute, Ind., is on a trunkline segment between Indianapolis and St. Louis. The once-adequate schedules declined to one flight a day in each direction at quite inconvenient times. The trunkline petitioned the CAB to delete Terre Haute on this flight. During the 3 years involved in deciding this case, the city of Terre Haute had woefully inadequate service, passengers who normally would have used the airline turned to other means of travel to Indianapolis, St. Louis, and elsewhere. No justification could be introduced into the case to show that a local service carrier could generate the passengers needed to operate on this route without requiring subsidy.

Under the amendment that I am introducing today, the CAB would have the authority to issue a temporary certificate to a local service carrier to fly this route during the period when the trunkline petition was being considered. Thus, Terre Haute or any other similar city would be able to introduce into the record of the case specific statistics to justify the substitution of another carrier for the trunkline along the route in question. While the case is proceeding, the city involved would enjoy the benefit of better schedules and more frequent flights.

This amendment would in no way interfere with the city's presentation of a case to retain a presently operating carrier. The CAB would have before it the issue of whether or not a present

carrier should be deleted. The CAB could decide that the present carrier should remain at the point in question, and could further determine that it should upgrade its level of service.

Mr. President, Congress presently is taking a hard look at the question of subsidy to the local service airline industry. The distinguished Senator from Oklahoma has conducted hearings on the industry's position in the Nation's pattern of air service. Many witnesses have pointed out the need for strengthening the route patterns of the industry, thus greatly reducing the subsidy requirements of the carriers. All of us are very conscious of the need to reduce any unnecessary expenditure, and look forward to the time when the industry will be able to operate with little or no Federal subsidy but still provide the services to our smaller communities for which the carriers were created.

This amendment would be of great benefit to smaller cities in their efforts to maintain and improve air service. It would benefit the carriers and at the same time provide information for the CAB insuring that public convenience and necessity are being protected in the deletion proceedings.

It seems to me, Mr. President, that in the not-too-distant future, we are going to be confronted with many cases in which trunk airlines may wish to terminate service to smaller cities.

More and more, the trunklines are replacing aircraft suited to short-haul service with jets and other aircraft which make the once-profitable short-haul flights clearly uneconomical.

On the other hand, local service carriers have smaller planes and considerably less overhead. Certainly, they deserve the opportunity, during a trial period, to demonstrate whether they are capable of providing adequate service without loss along routes no longer profitable to the trunk airlines.

In the public interest, Mr. President, I suggest that serious consideration be given to this amendment.

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

The bill (S. 469) to amend section 416(b) of the Federal Aviation Act of 1958, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Commerce.

NATIONAL COMMISSION ON PUBLIC MANAGEMENT

Mr. SCOTT. Mr. President, on behalf of the Senator from Utah [Mr. BENNETT], the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from New Jersey [Mr. CASE], the Senator from Arizona [Mr. FANNIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from Texas [Mr. TOWER], and myself, I introduce for appropriate reference a bill to establish a National Commission on Public Management.

Mr. President, I ask unanimous consent that the text of my bill be printed

at the conclusion of my remarks, and that the bill lie on the desk for 2 additional days for additional cosponsors.

The mandate of the Commission would be to answer two substantial questions: Can the assistance approach contribute to the solution of these problems; and, if so, how best can it do the job?

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

Mr. SCOTT. Mr. President, the Commission's task would be to investigate the applicability of modern management analysis techniques, the so-called systems analysis approach, to the solution of such pressing economic and social problems as education, unemployment, welfare, crime, juvenile delinquency, air pollution, housing, transportation, and waste disposal.

The Commission's mandate would be to answer two fundamental questions: Can the systems approach contribute to the solution of these problems? If so, how can it best do the job?

The Commission, to be composed of representatives of Government, business, labor, and education, would:

First. Define a social and economic problem to which the application of the systems approach appears to hold promise.

Second. Examine the many modern management techniques currently being used in the aerospace industry to ascertain which are best suited for application to these problems and what modifications may be required.

Third. Determine the proper relationship between public and private investment in these areas, including the degree of public involvement and the best procedures for governmental support and funding.

Fourth. Decide on the optimum organizational relationships among several levels of governmental authorities.

Fifth. Explore the roles of small business and organized labor in the application of these new management techniques.

Sixth. Assess the potential contributions of the universities toward resolving public management problems.

The Commission's tenure would be 2½ years. At the conclusion of its study, the Commission would submit a report outlining explicit plans, including case examples, for applying particular management technology to specific public problems. This report would also contain recommendations for legislative and administrative action at all levels of government to facilitate the application of these techniques.

I urge early consideration of my bill.

The bill (S. 467) to provide for a study with respect to the utilization of systems analysis and management techniques in dealing with problems relating to unemployment, public welfare, education, and similar problems introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 467

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

CREATION OF COMMISSION

SECTION 1. In order to study and recommend the manner in which modern systems analysis and management techniques may be utilized to resolve problems relating to unemployment, public welfare, education and similar national and community problems in the nondefense sector, there is hereby established a National Commission on Public Management (hereafter in this Act referred to as the "Commission"), under the general supervision and direction of the Secretary of Labor.

MEMBERSHIP OF THE COMMISSION

SEC. 2. The Commission shall be composed of a Chairman, a Vice Chairman, and eleven other members to be appointed by the President, by and with the advice and consent of the Senate. Members of the Commission shall be individuals concerned with the subject matter to be studied by the Commission, including individuals with experience derived from government, business, the labor movement, or from teaching and research.

DUTIES OF THE CHAIRMAN AND VICE CHAIRMAN

SEC. 3. (a) The Chairman shall be responsible for calling regular quarterly meetings of the Commission and other special meetings as he deems necessary. The Chairman shall determine the time, place, and agenda for each regular or special meeting.

(b) The Vice Chairman shall act in the Chairman's absence.

QUORUM

SEC. 4. Seven members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 5. (a) Members of the Commission, other than officers or employees of the Federal Government, shall receive compensation at the rate of \$75 per diem while engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(b) Any members of the Commission who are officers or employees of the Federal Government shall serve on the Commission without compensation, but such members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

STAFF

SEC. 6. (a) The Commission may appoint an Executive Director and such other personnel as it deems advisable. The Executive Director shall be the chief staff member of the Commission and shall be responsible to the Commission for the direction of its staff. The annual compensation for the Executive Director shall be \$28,500.

(b) The Commission may procure temporary and intermittent services in accordance with section 3109 of title 5, United States Code, but at rates not to exceed \$75 per day.

EXPENSES OF THE COMMISSION

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary, but not exceeding \$500,000 in the aggregate, to carry out the provisions of this Act during the initial year of Commission operation.

DUTIES OF THE COMMISSION

SEC. 8. The Commission shall concern itself with the management of the public business and shall give attention to the development, dissemination, and implementation of modern management technology and analysis of the systems interrelationships involved in public business problems. The Commission, in the performance of its duties, shall:

(1) Develop information on the method-

ology of the systems approach and its applications.

(2) Analyze the possible application to public programs of such recognized management planning and control techniques as operations analysis and research, econometrics, mathematical programming and modeling, simulation, project management, and the utilization of automatic data processing devices and procedures for program control and information systems.

(3) Determine and categorize the national and community problems to which the application of such techniques offers the greatest promise of solution.

(4) Assess the proper relationship between governmental and private investment to obtain the most effective application of the techniques involved.

(5) Make recommendations to the executive and legislative branches of the Federal Government regarding data requirements, management techniques, and systems interrelationships in the formulation of legislation.

(6) Conduct studies into unemployment, public welfare, education, and other specific problem areas and make recommendations.

(7) Schedule seminars, symposia, and prepare publications to expand public knowledge of and stimulate the use of modern management technology.

(8) Encourage the Nation's best talent in government, labor, university, and private enterprise to study public management problems and to participate in the improvement and extension of modern management technologies and their application to public problems.

(9) Analyze alternative methods and make recommendations of Federal, State, and local governmental support and encouragement of the application of modern management technology to public problems through the use of various contracting procedures, grants, loans, cost allowances, and tax incentives.

REPORTS

SEC. 9. (a) Within one year after the first meeting of the Commission it shall submit to the President and the Congress a preliminary report on its activities with particular emphasis on the plan for the study and investigation provided for in section 8 and any activities undertaken to carry out such plan, including an estimated budget for the remainder of the life of the Commission.

(b) Within thirty months after such first meeting the Commission shall submit to the President and the Congress a final report on its study and investigation which shall include its recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

(c) In addition to the preliminary report and final report required by this section, the Commission may publish such interim reports as it may determine, including but not limited to consultants' reports, transcripts of testimony, seminar reports, and other Commission findings.

POWERS OF THE COMMISSION

SEC. 10. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpoena may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (U.S.C. title 2, secs. 192-194), shall apply in the

case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(c) The Commission is authorized to hold seminars or informal conferences as it deems appropriate to provide a forum for discussion of the application of modern systems analysis and management techniques to the solution of national community problems.

TERMINATION

SEC. 11. On the sixtieth day after the date of its submission of its final report to the President, the Commission shall terminate and all offices and employment therein shall expire.

MR. SCOTT. Mr. President, I yield to the Senator from Colorado [Mr. DOMINICK].

MR. DOMINICK. Mr. President, I commend the Senator from Pennsylvania [Mr. SCOTT] in taking the lead in what I think is a most important objective.

Mr. President, we are living in an age of rapidly advancing scientific and technical knowledge. Major problems are confronted, and conquered daily, and feats once thought impossible have become a matter of routine. We are proud of this progress and the many tangible benefits that it has given us. It does seem ironic though that where we have such a wealth of knowledge it can be ignored in providing solutions to some of the major problems of our country.

Private industry has developed, tested, and successfully used new systems of management and administration in order to cope with monstrous industrial problems. Private enterprise has acquired an expertise in dealing with its problems that the Federal Government has never been able to do. Private enterprise has shown that practical solutions can be provided to many problems while the problems of the Federal Government have increased. Private enterprise has found that major problems can be effectively eliminated by early analysis and quick action while the Federal Government has found that national problems are only complicated by inaction.

As the Federal Government has expanded into fields once a matter of regional concern, it has often left untapped the knowledge of private industry in these fields. Instead we should be utilizing the expertise which is available in industry and our universities to find solutions.

Even as State governments are recognizing the importance of revitalizing governmental structures by modernizing approaches, we continue to waste money and set up inefficient programs directed toward our complex problems. We have ignored the fact that there are now new tools at our command which will streamline the solutions, bring about success more rapidly, and which will cut down on Federal control in areas better left to other sectors of our political and economic life.

If we consider some of the feats of private industry, we can readily appreciate their accomplishments. The aerospace companies have been able to envision, design, construct, assemble, and fly missiles which can put men in orbit around the earth. The automobile industry in the United States built almost 9 million cars last year. These were tasks which required a thorough analysis of the total project to be done and the utmost in preparation and coordination of men, materials, and machines. Surely some of this great systems management and engineering ability could be used to find solutions to our domestic problems.

We have sometimes appropriated funds for programs which I felt, though laudable in their goals, were hastily conceived; only to find later that the rapid and economical solutions which we desired were not obtained. The appropriation of funds without a clear and thoughtful plan for solving the problem will not guarantee a solution. This is why a program of systems management is needed.

Among the national problems we must consider are air pollution which has become a menace to our health; water pollution which has destroyed the usefulness of many of our streams; slum housing which is often unfit for human occupancy; traffic which has clogged our roads and made driving a hazard; welfare which might be distributed more equitably among the poor and law-enforcement techniques which must be improved.

We are in need of a small, centralized, and coordinated group which can thoroughly study these national problems and make sound recommendations for prompt, efficient and economical solutions.

This bill, entitled "A National Commission on Public Management," proposes that a Commission be appointed by the President in order to study and recommend the best way to use modern systems analysis techniques to solve our domestic problems. This Commission would use the best minds in the field of management technology to work on our problems of national interest. The Commission could draw from the experience of State governments which have tackled their local problems in a similar manner. There are presently many educators capable of doing this job. There are experts in private industry, where the system analysis techniques have been used for years, from whom the Commission could draw.

Mr. President, we have the opportunity through the National Commission on Public Management to revolutionize our political approach to vital national problems. The significance of this example of political creativity will go far beyond the mere consideration of our scientific advances. We must set forth our desire to honestly meet and solve the problems and encourage our citizens that finally we are going to employ the tools which are necessary. This commission will provide the basis for an effective attack and, in keeping with the mood of the times, will help us to grow in effectiveness without necessarily growing in cost.

Mr. President, I also wish to point out to Senators that we will have a series of

hearings conducted by the Senator from Wisconsin [Mr. NELSON], commencing on January 24, 1967, in which this bill and a bill which he previously introduced will be considered, and additional evidence on the need for this legislation will be considered.

I wish to congratulate the Senator from Pennsylvania [Mr. SCOTT] for his leadership in this field.

Mr. SCOTT. I thank the Senator from Colorado [Mr. DOMINICK].

ILLINOIS-INDIANA AIR POLLUTION CONTROL COMPACT

Mr. BAYH. Mr. 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.

Increasing awareness of air pollution problems has resulted in congressional action designed to combat it. 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 anti-pollution 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 situation clearly 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 its 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 make 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.

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. 1150, has been introduced in the House

of Representatives by the Honorable CHARLES M. PRICE of Illinois.

Mr. President, I believe that this agreement will help the people of Illinois and Indiana avoid future tragedies from air pollution like those which struck the Meuse Valley, Donora, Pa., London, and New York. For this reason I hope that this ratification legislation 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. 470) granting the consent and approval of Congress to the Illinois-Indiana Air Pollution Control Compact, introduced by Mr. BAYH (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

FLYING OF THE AMERICAN FLAG IN HONOR OF THE MEN ENTOMBED ON THE U.S.S. "UTAH"

Mr. MOSS. Mr. President, a handsome monument has been erected over the hulk of the U.S.S. *Arizona* in honor of the 1,102 men who died in the Japanese attack on Pearl Harbor, and the colors are flown there every day.

But comparable recognition has not been given to the 54 other officers and men who lost their lives in the Japanese attack on Pearl Harbor, and who lie entombed in the U.S.S. *Utah*, only a mile or two from the *Arizona*. The resting place of the dead in the *Utah* is marked by only a small plaque.

The men of the U.S.S. *Utah* deserve similar recognition as that accorded the men of the U.S.S. *Arizona*. I am, therefore, introducing today for myself and Mr. ALLOTT, Mr. BAYH, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CARLSON, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. CURTIS, Mr. DODD, Mr. ERVIN, Mr. GRUENING, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HILL, Mr. HRUSKA, Mr. INOUE, Mr. JAVITS, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCGEE, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTROYA, Mr. MORSE, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. RANDOLPH, Mr. SMATHERS, Mrs. SMITH, Mr. SYMINGTON, Mr. TOWER, Mr. TYDINGS, and Mr. YARBOROUGH, a bill directing the Secretary of the Navy to erect a flagpole over the hulk of the U.S.S. *Utah*, on which the colors will be raised and lowered each day.

I introduced similar bills in both the 88th and 89th Congresses. Each bill has been cosponsored by more than a third of the Members of the U.S. Senate. So far no hearings have been held by the Senate Armed Services Committee. I sincerely hope that in the 90th Congress hearings will be held on this bill and it will be passed. The dead of the U.S.S. *Utah* have been too long neglected.

Almost every State—and certainly every area of the country—has one or more of its boys listed among the *Utah* dead. Of the 54 men whose bodies were not found or identified, 13 gave California as their home State; 11, Texas; three each Illinois, Iowa, Washington State, and

New York; two each Colorado, Missouri, Virginia, and Massachusetts; one each Kentucky, Arkansas, Minnesota, Louisiana, Michigan, Oregon, Ohio, Nebraska, and one who did not list his home. His record, however, showed he was born in Iowa. Another man was a native of the Philippine Islands. Many men showed next of kin in States other than their home at the time of enlistment, so there is hardly a State which is not touched in some way by the ghostly hands of those entombed in the U.S.S. *Utah*.

We all salute these men who gave their lives for us, and we must demonstrate our gratitude by seeing that a flag is flown over their watery grave. There must be no further delay on the U.S.S. *Utah* bill.

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

The bill (S. 479) to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941, introduced by Mr. Moss (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Armed Services.

FEDERAL REVENUE SHARING BILL ESSENTIAL FOR FEDERAL-STATE PARTNERSHIP

Mr. JAVITS. Mr. President, I understand that it is agreeable to the leadership to allow a little extra time to Senators at this moment, and I therefore ask unanimous consent that I may proceed for 10 minutes.

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

Mr. JAVITS. Mr. President, I send to the desk for appropriate reference, on behalf of myself, and Senators BAKER, CARLSON, COOPER, DOMINICK, SCOTT, and YOUNG of North Dakota, a Federal revenue-sharing bill, designed to return to the States, and through them to local governments, a portion of Federal tax revenues with a minimum of strings attached.

A companion measure is being introduced in the other body by Representative REID of New York.

Mr. President, I ask that the bill be printed as part of my remarks, together with specific tables as to the distributions to States and other data which implement the concept of the bill.

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

The bill (S. 482) to establish a system for the sharing of certain Federal revenues with the States, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Revenue-Sharing Act".

Sec. 2. (a) There is hereby established in the Treasury of the United States a fund

to be known as the revenue-sharing fund. The revenue-sharing fund shall consist of such amounts as may be appropriated to such fund as provided in this section.

(b) (1) There is hereby appropriated to the revenue-sharing fund, out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning July 1, 1968, an amount equal to 1 per centum of the aggregate taxable income reported on individual income tax returns during the preceding calendar year; for the fiscal year beginning July 1, 1969, an amount equal to 1½ per centum of the aggregate taxable income reported on individual income tax returns during the preceding calendar year; and for the fiscal year beginning July 1, 1970, and for each fiscal year thereafter, an amount equal to 2 per centum of the aggregate taxable income reported on individual income tax returns during the preceding calendar year.

(2) For purposes of this subsection—

(A) The term "taxable income" shall have the same meaning as specified in section 63 of the Internal Revenue Code of 1954.

(B) The term "individual income tax returns" means returns of the tax on the income of individuals imposed by chapter 1 of the Internal Revenue Code of 1954.

(c) The Secretary of the Treasury (hereinafter referred to as the "Secretary") shall, from time to time, but not less often than quarterly, determine the amounts appropriated by subsection (b) and transfer from the general fund of the Treasury to the revenue-sharing fund the amounts so appropriated. Such transfers shall, to the extent necessary, be made on the basis of estimates by the Secretary of the amounts so appropriated by subsection (b). Proper adjustments shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

Sec. 3. (a) Subject to the provisions of subsection (d) and sections 4(c) and 5(b), the Secretary shall, during the fiscal year beginning July 1, 1968, and during each fiscal year thereafter, pay to each State, from amounts appropriated to the revenue-sharing fund for the fiscal year in which payments are to be made, a total amount equal to the allotment or allotments of such State in such fiscal year under this section. Such payments shall be made in installments periodically during any fiscal year, but not less often than quarterly.

(b) From 85 per centum of the amount appropriated to the revenue-sharing fund pursuant to section 2 for any fiscal year, the Secretary shall allot to each State in such fiscal year an amount (computed by the Secretary) equal to the product resulting from multiplying—

(1) an amount which bears the same ratio to such 85 per centum of the amount so appropriated as the population of such State bears to the total population of all of the States, by

(2) a number which is the quotient resulting from dividing the revenue effort ratio of such State for the preceding fiscal year by the average national revenue effort ratio for the preceding fiscal year.

(c) From 15 per centum of the amount appropriated to the revenue-sharing fund pursuant to section 2 for any fiscal year, the Secretary shall allot, to each State with a per capita annual income of individuals residing in such State which is below the average of all the State per capita annual incomes, an amount (computed by the Secretary) in such fiscal year which bears the same ratio to such 15 per centum of the amount so appropriated as the amount of the difference between the per capita annual income of any such State and the average of all the State per capita annual incomes bears to the total of the amounts of the differences between the per capita annual incomes of all such States and the average of all the State per capita annual income.

(d) Notwithstanding any other provision of this section, (1) the amount of any State's allotment in any fiscal year under either subsection (b) or (c), (2) the total amount of any State's combined allotments in any fiscal year under subsections (b) and (c), or (3) the total amount resulting from combining any State's allotment or allotments in any fiscal year and any re-allotment to such State under this subsection and sections 4(c) and 5(b) shall not exceed 12 percent of the amount appropriated pursuant to section 2 for such fiscal year. In the event of any reduction of a State's allotment or reallotment in any fiscal year under the provisions of the preceding sentence, the Secretary shall reallot and pay, from time to time during such fiscal year, the amount of such reduction to other States in proportion to the original allotment to such States under subsection (b) for such fiscal year.

(e) For purposes of this section—

(1) The term "State" means any of the various States and the District of Columbia.

(2) The term "revenue effort ratio", when used in relation to any State for any fiscal year, means a fraction (A) the numerator of which is the total of the revenues derived by such State (including revenues derived by any political subdivision thereof) from its own resources during such fiscal year and (B) the denominator of which is the total income of individuals residing in such State during the calendar year ending within such fiscal year.

(3) The term "average national revenue effort ratio" means a fraction (A) the numerator of which is the total resulting from adding together all revenue effort ratios of the States, and (B) the denominator of which is 51.

(4) The term "income of individuals", when used in relation to any State, means income subject to the tax imposed by chapter 1 of the Internal Revenue Code of 1954.

(5) The population of a State and the per capita annual income of individuals residing in a State shall be determined by the Secretary on the basis of the most recent data available from the Department of Commerce; but the same period shall be used in determining the population of all the States and the same period shall be used in determining the average of all the State per capita annual incomes.

(6) The term "State per capita annual income," when used in relation to any State, means the quotient resulting from dividing the total income of all individuals residing in such State by the population of such State.

Sec. 4. (a) Each State may use funds from any allotment or reallotment to it in any fiscal year under this Act for activities, programs, projects, and services (including capital expenditures) in the fields of health, education, and welfare. In addition each State may use a portion of such funds, not to exceed 5 per centum thereof, to provide for planning, research, and development in the fields of modernization of the institutions of State government and the improvement of governmental procedures. Toward these ends, each State may provide for planning, research, and development directed toward the establishment of active, well-staffed State budgetary offices, improved budgetary procedures and expenditure controls, adequate recruiting and retaining of qualified planning personnel, reasonable policy coordination between the various units of government, and an appropriate salary schedule for management personnel. None of such funds shall be used for administrative expenses, except that each State may procure the services of special consultants and experts, or organizations thereof, as necessary to carry out the research, planning, and development authorized herein and may establish and operate programs for the training of its employees in order to increase economy and efficiency in the operations of State government and to raise the standards

of performance by employees of their official duties to the maximum possible level of proficiency.

(b) (1) In order to insure that each State shall give maximum consideration to the needs of local governments within such State, the Governor of each State shall, after consultation with officials of such local governments, develop a plan prior to the beginning of each fiscal year, for sharing the anticipated funds which such State will receive under this Act in such fiscal year with its local governments. In determining the anticipated allotments of such funds by such State to its local governments, the Governor shall take into consideration the population and population density of each such local government, the per capita annual income of individuals residing therein, local costs, and other relevant factors.

(2) On or before such date prior to the beginning of each fiscal year as the Secretary may prescribe, the Governor of each State shall submit to the Secretary a detailed statement showing the intended use of the anticipated funds which such State will receive during such fiscal year, including a report of such State's plan for sharing its funds with its local governments. Any State desiring to amend its reported plan for sharing its anticipated funds with its local governments may do so only after due consultation with officials of such local governments. After such consultation, any State may modify the allocation of its funds for any fiscal year by filing a statement of its amended plan with the Secretary.

(c) Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a State, finds that such State, or any local government to which such State has apportioned part of any allotment or reallocation—

(1) has used any amount of such allotment or reallocation for purposes not within the scope of subsection (a),

(2) has not apportioned any amount of such allotment or reallocation to its local governments in accordance with the provisions of its plan, as filed with the Secretary, for sharing its funds, or

(3) has not obligated any amount of such allotment or reallocation within five fiscal years immediately following the fiscal year in which such allotment or reallocation was made

the Secretary shall subtract, from any subsequent allotment or reallocation to such State, a total amount equal to the amount referred to in paragraph (1), (2), or (3). In the event of any reduction of a State's allotment or reallocation in any fiscal year under this subsection, the Secretary shall reallocate and pay, from time to time during such fiscal year, the amount of such reduction to other States in proportion to the original allotment to such States under subsection (b) of section 3 for such year.

(d) For purposes of this section—

(1) The term "health, education, and welfare" shall be construed in its broadest sense so as to provide the greatest possible coverage of activities, programs, projects, and services related directly or indirectly to the fields of health, education, and welfare; except that such term shall not include any activity, program, project, or service designed to provide—

(A) administrative expenses for State and local government;

(B) highway programs;

(C) State payments in lieu of property taxes;

(D) debt service; and

(E) disaster relief.

(2) The term "local government" means any city, township, village, school district, municipality, county, parish, or similar territorial subdivision of a State, but shall not include any department, agency, commission, or independent instrumentality of a State.

SEC. 5. (a) (1) In addition to the requirements of section 4 any State desiring to receive any allotment or reallocation in any fiscal year under this Act shall, on behalf of itself and any local government which may receive any apportionment thereof, certify and provide satisfactory assurance to the Secretary that such State and local government will—

(A) use such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for any allotment or reallocation paid to such State, and any apportionment made by such State to local governments, under this Act;

(B) make such reports to the Secretary, the Congress, and the Comptroller General, in such form and containing such information as the Secretary may reasonably require to carry out his functions under this Act, including the statement of intent and report of sharing funds required by section 4(b), except that any State may make any such reports on behalf of any local government thereof; and

(C) adhere to all applicable Federal laws in connection with any activity, program, or service provided solely or in part from such allotment or reallocation.

(2) For purposes of this subsection, the provisions of title VI of the Civil Rights Act of 1964 shall be deemed to be applicable to any activity, program, or service provided solely or in part from any allotment or reallocation received by a State under this Act.

(b) Whenever in any fiscal year the Secretary, after giving reasonable notice and opportunity for hearing to a State, finds that the Governor of such State has failed to submit any statement of intent or report required by section 4(b) or that such State or any local government thereof is not in substantial compliance with the purposes of subsection (a), the Secretary immediately shall—

(1) in the case of the failure of compliance

of the Governor of any State or the failure of compliance of any State, cancel any subsequent payments to such State under this Act in such fiscal year and reallocate any remainder of such State's allotment or reallocation in such fiscal year to other States in proportion to the original allotments to such States under subsection (b) of section 3 for such fiscal year, or

(2) in the case of the failure of compliance of any local government of any State require satisfactory assurance that such State will cancel any subsequent payments to such local government under this Act in such fiscal year and reapportion any remainder of or such local government's apportionment to other local governments of such State in proportion to the original apportionments to such local governments under the State plan reported to the Secretary pursuant to section 4(b) for such fiscal year.

SEC. 6. The Secretary shall report to the Congress not later than the first day of March of each year on the operation of the revenue-sharing fund during the preceding fiscal year and on its expected operation during the current fiscal year. Each such report shall include a statement of the appropriations to, and the disbursements made from, the revenue-sharing fund during the preceding fiscal year; an estimate of the expected appropriation to, and disbursements to be made from, the revenue-sharing fund during the current fiscal year; the use by each State of the funds which it received under this Act during the preceding fiscal year and the amounts distributed by each State to its political subdivisions; and any changes recommended by the Secretary concerning the operation of the revenue-sharing fund.

SEC. 7. The Appropriations Committee and the Finance Committee of the Senate and the Appropriations Committee and the Ways and Means Committee of the House of Representatives, respectively, shall conduct a full and complete study at least once during each Congress with respect to the operation of the revenue-sharing fund, the activities, programs, projects, and services provided by the States from allotments and reallocations received pursuant to this Act, and the manner of the distribution of funds by each State to its local governments, and report its findings upon such study to each House, respectively, together with its recommendations for such legislation as it deems advisable at the earliest practicable date. This section is enacted by the Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

The explanatory materials, are as follows:

Comparison of personal income and taxable income, 1939-64
(Dollar amounts in billions)

Year	Personal income	Taxable income		Year	Personal income	Taxable income	
		Amount	Percentage of personal income			Amount	Percentage of personal income
1939	\$72.8	\$7.2	9.9	1952	\$272.5	\$107.5	39.4
1940	78.3	10.7	13.7	1953	288.2	115.7	40.1
1941	96.0	22.7	23.6	1954	290.1	115.3	39.7
1942	122.9	36.1	29.4	1955	310.9	128.0	41.2
1943	151.3	50.1	33.1	1956	333.0	141.5	42.5
1944	165.3	55.3	33.5	1957	351.1	149.4	42.6
1945	171.1	57.1	33.4	1958	361.2	149.3	41.3
1946	178.7	65.3	36.5	1959	383.5	166.5	43.4
1947	191.3	75.4	39.4	1960	401.0	171.6	42.8
1948	210.2	74.7	35.5	1961	416.8	181.8	43.6
1949	207.2	71.6	34.6	1962	442.6	195.3	44.1
1950	227.6	84.3	37.0	1963	464.8	209.1	45.0
1951	255.6	99.4	38.9	1964	495.0	229.9	46.4

¹ Preliminary.

Sources: Personal income: Survey of Current Business (August 1965). Taxable

income, 1939-45: Author's estimates; 1946-63: Table B-4; 1964: Statistics of Income, 1964, Preliminary, Individual Income Tax Returns; Federal Tax Policy, by Joseph D. Pechman.

TABLE C-63.—State and local government revenues and expenditures, selected fiscal years, 1927-64

[Millions of dollars]

Fiscal year ¹	General revenues by source ²							General expenditures by function ²				
	Total	Property taxes	Sales and gross receipts taxes	Individual income taxes	Corporation net income taxes	Revenue from Federal Government	All other revenue ³	Total	Education	Highways	Public welfare	All other ⁴
1927	7,271	4,730	470	70	92	116	1,793	7,210	2,235	1,809	151	3,015
1932	7,267	4,487	752	74	79	232	1,643	7,765	2,311	1,741	444	3,269
1934	7,678	4,076	1,008	80	49	1,016	1,449	7,181	1,831	1,509	889	2,952
1936	8,395	4,093	1,484	153	113	948	1,604	7,644	2,177	1,425	827	3,215
1938	9,228	4,440	1,794	218	165	800	1,811	8,757	2,491	1,650	1,009	3,547
1940	9,609	4,430	1,982	224	156	945	1,872	9,229	2,638	1,573	1,156	3,862
1942	10,418	4,537	2,351	276	272	858	2,123	9,190	2,586	1,490	1,255	3,889
1944	10,908	4,604	2,289	342	451	954	2,269	8,863	2,793	1,200	1,133	3,737
1946	12,356	4,986	2,986	422	447	855	2,661	11,028	3,356	1,672	1,409	4,591
1948	17,250	6,126	4,442	543	592	1,861	3,685	17,684	5,379	3,036	2,099	7,170
1950	20,911	7,349	5,154	788	593	2,486	4,541	22,787	7,177	3,803	2,940	8,867
1952	25,181	8,652	6,357	998	846	2,566	5,763	26,098	8,318	4,650	2,788	10,342
1953	27,307	9,375	6,927	1,065	817	2,870	6,252	27,910	9,390	4,987	2,914	10,619
1954	29,012	9,967	7,276	1,127	778	2,966	6,897	30,701	10,557	5,527	3,060	11,557
1955	31,073	10,735	7,643	1,237	744	3,131	7,584	33,724	11,907	6,452	3,168	12,197
1956	34,667	11,749	8,691	1,538	890	3,335	8,465	36,711	13,220	6,953	3,139	13,399
1957	38,164	12,864	9,467	1,754	984	3,843	9,252	40,375	14,134	7,816	3,485	14,940
1958	41,219	14,047	9,829	1,759	1,018	4,865	9,699	44,851	15,919	8,567	3,818	16,547
1959	45,306	14,983	10,437	1,994	1,001	6,377	10,516	48,887	17,283	9,592	4,136	17,876
1960	50,505	16,405	11,849	2,463	1,180	6,954	11,634	51,876	18,719	9,428	4,404	19,324
1961	54,037	18,002	12,463	2,613	1,266	7,131	12,563	56,201	20,574	9,844	4,720	21,063
1962	58,252	19,054	13,494	3,037	1,308	7,871	13,489	60,206	22,216	10,357	5,084	22,549
1963	62,890	20,089	14,456	3,269	1,505	8,722	14,555	64,816	24,012	11,136	5,481	24,187
1962-63 ⁵	62,269	19,833	14,446	3,267	1,505	8,663	14,555	63,977	23,965	11,150	5,420	23,442
1963-64 ⁵	68,443	21,241	15,762	3,791	1,695	10,002	15,952	69,302	26,533	11,664	5,766	25,339
1964-65 ⁵	74,341	22,918	17,118	4,090	1,929	11,029	17,256	74,954	28,971	12,221	6,315	27,441

¹ Fiscal years not the same for all governments. See footnote 5.² Excludes revenues or expenditures of publicly owned utilities and liquor stores, and of insurance-trust activities. Intergovernmental receipts and payments between State and local governments are also excluded.³ Includes licenses and other taxes and charges and miscellaneous revenues.⁴ Includes expenditures for health, hospitals, police, local fire protection, natural resources, sanitation, housing and urban renewal, local parks and recreation, general control, financial administration, interest on general debt, and other unallocable expenditures.⁵ Data for fiscal year ending in the 12-month period through June 30. Data for 1963 and earlier years include local government amounts grouped in terms of fiscal years ended during the particular calendar year.

NOTE.—Data are not available for intervening years. Data for Alaska and Hawaii included beginning 1959 and 1960, respectively. See table C-64 for net debt of State and local governments.

Source: Department of Commerce, Bureau of the Census.

Indebtedness of State and local governments by type of debt, 1952-65

[In millions of dollars]

Item	1964-65 ¹	1963-64 ¹	1962	1961	1960	1959	1958	1957	1956	1955	1954	1953	1952
Total	99,512	92,222	80,802	75,023	69,955	64,110	58,187	53,039	48,868	44,267	38,931	33,782	30,100
Long term	94,204	87,527	77,067	71,540	66,801	61,127	55,737	50,845	46,775	42,272	36,898	32,004	28,720
Full faith and credit	56,417	53,266	48,185	44,664	41,650	39,263	35,844	32,577	31,815	29,325	26,992	24,273	22,436
Nonguaranteed	37,786	34,261	28,883	26,878	25,151	21,864	19,893	18,268	14,960	12,947	9,905	7,731	6,284
Short term	5,309	4,695	3,735	3,483	3,154	2,983	2,450	2,195	2,093	1,995	2,033	1,778	1,380
Net long-term debt	88,942	79,950	71,181	65,812	61,596	56,361	51,297	46,678	43,217	38,502	33,182	28,553	25,513

¹ Data for fiscal year ending in the 12-month period through June 30. Data for 1963 and earlier years include local government amounts grouped in terms of fiscal years ended during the particular calendar year.

Source: Department of Commerce, Bureau of the Census.

State-local general revenues, present Federal aid and additional allotments under Federal-State revenue sharing plan

State	Total general revenues, 1964-65 (millions)	Revenue from Federal Government, 1964-65		Federal revenue sharing allotment		
		Amount (millions)	As percent of total general revenue	Percent increase over total general revenue	Percent increase over revenue from Federal Government	Per capita allotment
Alabama	\$1,014.9	\$246.6	24.3	7.3	30.0	\$21.14
Alaska	214.6	113.0	52.7	1.7	3.2	13.48
Arizona	667.0	128.2	19.2	4.7	24.4	19.87
Arkansas	527.8	134.5	25.5	10.3	40.5	28.08
California	9,843.5	1,403.8	14.3	2.8	19.6	14.95
Colorado	894.5	165.7	18.5	3.2	17.3	14.67
Connecticut	1,103.3	136.8	12.4	2.7	22.0	10.64
Delaware	232.9	31.5	13.5	2.8	21.0	13.12
Florida	2,033.5	267.5	13.2	4.2	32.1	14.80
Georgia	1,335.8	249.3	18.7	5.6	30.0	17.01
Hawaii	331.6	63.6	19.2	3.0	15.6	13.94
Idaho	274.0	59.5	21.7	8.8	40.3	39.63
Illinois	3,845.8	512.8	13.3	2.9	21.5	10.37
Indiana	1,748.0	193.5	11.1	3.5	31.2	12.34
Iowa	1,073.5	144.4	13.5	3.8	28.1	14.72
Kansas	877.3	127.5	14.5	3.5	23.8	26.39
Kentucky	918.5	212.8	23.2	6.8	29.2	19.60
Louisiana	1,363.1	309.9	22.7	5.7	25.2	21.94
Maine	324.1	53.5	16.5	8.3	50.5	27.38
Maryland	1,268.8	157.1	12.4	3.2	25.7	11.40
Massachusetts	2,122.5	277.5	13.1	3.0	22.9	11.84
Michigan	3,370.3	426.2	12.6	3.2	25.3	12.97
Minnesota	1,553.7	226.9	14.6	3.5	24.1	15.33
Mississippi	656.4	141.7	21.6	11.9	55.0	33.74
Missouri	1,476.9	256.1	17.4	3.4	19.4	11.06

State-local general revenues, present Federal aid and additional allotments under Federal-State revenue sharing plan—Continued

State	Total general revenues, 1964-65 (millions)	Revenue from Federal Government, 1964-65		Federal revenue sharing allotment		
		Amount (millions)	As percent of total general revenue	Percent increase over total general revenue	Percent increase over revenue from Federal Government	Per capita allotment
Montana.....	\$322.3	\$84.4	26.2	5.8	22.0	\$26.46
Nebraska.....	494.1	75.3	15.2	3.9	25.9	13.37
Nevada.....	245.0	62.4	25.5	2.4	9.5	13.59
New Hampshire.....	214.8	33.5	15.6	3.6	23.3	11.59
New Jersey.....	2,380.5	216.9	9.1	3.0	33.1	10.57
New Mexico.....	475.9	116.3	24.4	6.9	28.4	32.54
New York.....	8,700.5	749.1	8.6	2.9	34.2	14.16
North Carolina.....	1,360.6	214.7	15.8	6.2	39.1	17.02
North Dakota.....	300.2	57.8	19.3	10.8	56.1	46.69
Ohio.....	3,306.7	414.6	12.5	3.3	26.6	10.76
Oklahoma.....	914.0	208.1	22.8	5.2	23.0	19.57
Oregon.....	875.5	188.8	21.6	3.1	14.3	13.93
Pennsylvania.....	3,845.7	463.9	12.1	3.4	28.4	11.36
Rhode Island.....	326.1	62.4	19.1	3.6	15.9	11.11
South Carolina.....	623.0	104.5	16.8	10.4	61.9	25.37
South Dakota.....	284.6	70.3	24.7	12.7	51.5	52.77
Tennessee.....	1,083.8	227.3	21.0	6.6	31.6	18.65
Texas.....	3,413.0	523.2	15.3	4.2	27.4	13.54
Utah.....	416.5	109.1	26.2	5.1	19.4	21.33
Vermont.....	171.0	42.5	24.9	11.6	46.8	49.26
Virginia.....	1,327.6	268.2	20.2	4.1	20.4	12.40
Washington.....	1,373.6	220.8	16.1	3.1	19.2	14.23
West Virginia.....	561.2	133.7	23.8	8.4	35.3	26.01
Wisconsin.....	1,673.8	163.7	9.8	3.6	36.6	14.47
Wyoming.....	210.6	79.7	37.8	2.5	6.5	15.76
District of Columbia.....	368.1	98.1	26.7	2.1	7.8	9.60
All States and District of Columbia.....						

Source: Department of Commerce, Bureau of the Census.

Federal-State revenue sharing plan—State allotments

State	Percentage of national population (1965 estimate)	Unadjusted primary allotment (col. 1 X \$2.55B)	General revenue from own sources (1964-65)	Personal income (1964)	Revenue effort ratio (col. 3 ÷ col. 4)	Relative revenue effort ratio (col. 5 ÷ 13.2)	Primary allotment (col. 6 X col. 2)	Per capita personal income (1964)	Per capita income deficiency (\$2,431 - col. 8)	Percentage share of total deficiencies (col. 9 ÷ \$9,793)	Supplementary allotment (col. 10 X \$0.45B)	Total allotment (col. 7 + col. 11)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Alabama.....	1.72	\$43.9	\$768.3	\$6,098	12.6	95.5	\$43.6	\$1,777	\$654	6.68	\$30.0	\$73.7
Alaska.....	.14	3.6	101.6	789	12.9	97.7	3.6	3,082				3.6
Arizona.....	.81	20.7	538.8	3,520	15.3	115.9	24.0	2,272	159	1.62	7.3	31.3
Arkansas.....	1.00	25.5	393.3	3,374	11.7	88.6	22.7	1,740	691	7.06	31.8	54.5
California.....	9.50	242.3	8,439.8	56,404	15.0	113.6	275.1	3,133				275.1
Colorado.....	1.01	25.8	728.8	4,967	14.7	111.4	28.6	2,559				28.6
Connecticut.....	1.46	37.2	966.5	9,004	10.7	81.1	30.1	3,234				30.1
Delaware.....	.26	6.6	201.4	1,542	13.1	99.2	6.6	3,121				6.6
Florida.....	2.99	76.2	1,766.0	12,920	13.7	103.8	79.1	2,285	146	1.49	6.7	85.8
Georgia.....	2.27	57.9	1,086.5	8,626	12.6	95.5	55.1	2,004	427	4.36	19.6	74.7
Hawaii.....	.37	9.4	268.0	1,912	14.0	106.1	9.9	2,775				9.9
Idaho.....	.36	9.2	214.5	1,464	14.7	111.4	10.2	2,131	300	3.06	13.8	24.0
Illinois.....	5.49	140.0	3,332.9	32,136	10.4	78.8	110.4	3,050				110.4
Indiana.....	2.52	64.3	1,554.5	12,556	12.4	93.9	60.4	2,599				60.4
Iowa.....	1.42	36.2	929.1	6,608	14.1	106.8	38.8	2,392	39	.40	1.8	40.6
Kansas.....	1.16	29.6	749.8	5,565	13.5	102.3	30.3	2,488				30.3
Kentucky.....	1.64	41.8	705.7	5,968	11.8	89.4	37.2	1,887	544	5.55	25.0	62.2
Louisiana.....	1.84	46.9	1,053.2	6,762	15.6	118.2	55.3	1,936	595	5.05	22.8	78.1
Maine.....	.51	13.0	270.7	2,088	13.0	98.5	12.8	2,122	309	3.16	14.2	27.0
Maryland.....	1.82	46.9	1,111.7	9,734	11.4	86.4	40.3	2,828				40.3
Massachusetts.....	2.77	70.6	1,844.9	15,383	12.0	90.1	63.5	2,910				63.5
Michigan.....	4.29	109.4	2,944.1	22,626	13.0	98.5	107.9	2,772				107.9
Minnesota.....	1.84	46.9	1,326.9	8,610	15.4	116.7	54.6	2,440				54.6
Mississippi.....	1.19	30.3	514.6	3,422	15.0	113.6	34.4	1,485	946	9.66	43.5	77.9
Missouri.....	2.32	59.2	1,220.8	10,988	11.1	84.1	49.7	2,458				49.7
Montana.....	.36	9.2	238.9	1,585	15.0	113.6	10.5	2,255	176	1.89	8.1	18.6
Nebraska.....	.75	19.1	418.8	3,506	11.9	90.2	17.3	2,383	48	.49	2.2	19.5
Nevada.....	.22	5.6	182.6	1,351	13.5	102.3	5.9	3,232				5.9
New Hampshire.....	.35	8.9	181.4	1,600	11.3	85.6	7.7	2,428	3	.03	.1	7.8
New Jersey.....	3.50	89.3	2,163.6	20,501	10.6	80.3	71.7	3,069				71.7
New Mexico.....	.52	13.3	359.6	2,107	17.1	129.5	17.3	2,090	341	2.48	15.7	33.0
New York.....	9.34	238.2	7,951.4	55,946	14.2	107.6	256.3	3,127				256.3
North Carolina.....	2.55	15.0	1,145.9	9,321	12.3	93.2	60.4	1,918	513	5.24	23.6	84.0
North Dakota.....	.34	8.7	242.4	1,294	13.7	141.7	12.2	1,991	440	4.49	20.2	32.4
Ohio.....	5.28	134.6	2,892.1	26,736	10.8	81.8	110.2	2,641				110.2
Oklahoma.....	1.26	32.1	705.9	5,196	13.6	103.0	33.2	2,111	320	3.27	14.7	47.9
Oregon.....	1.00	25.5	686.7	4,904	14.0	106.1	27.0	2,600				27.0
Pennsylvania.....	5.98	152.5	3,381.8	29,770	11.4	86.4	131.6	2,588				131.6
Rhode Island.....	.46	11.7	263.7	2,344	11.3	85.6	9.9	2,652				9.9
South Carolina.....	1.32	33.7	518.5	4,287	12.1	91.7	30.9	1,696	735	7.51	33.8	64.7
South Dakota.....	.35	8.9	214.3	1,814	16.3	123.5	11.2	1,877	544	5.55	25.0	36.2
Tennessee.....	1.99	50.7	856.5	7,130	12.0	90.9	46.2	1,874	507	5.69	25.6	71.8
Texas.....	5.47	139.5	2,889.8	22,966	12.6	95.5	133.1	2,208	223	2.28	10.3	143.4
Utah.....	.51	13.0	307.4	2,216	13.9	105.3	13.8	2,268	163	1.66	7.5	21.2
Vermont.....	.21	5.4	128.5	850	15.1	114.4	6.1	2,130	301	3.07	13.8	19.9
Virginia.....	2.28	58.1	1,069.4	9,895	10.7	81.1	47.2	2,264	167	1.70	7.7	54.8
Washington.....	1.53	39.0	1,152.8	8,063	14.3	108.3	42.3	2,714				42.3
West Virginia.....	.94	24.0	427.5	3,447	12.4	93.9	22.4	1,891	540	5.51	24.8	47.2
Wisconsin.....	2.14	54.6	1,510.2	10,388	14.5	109.8	59.9	2,534				59.9
Wyoming.....	.17	4.3	131.0	821	15.6	118.2	5.1	2,429	2	.02	.1	5.2
District of Columbia.....	.41	10.5	270.0	2,804	9.6	72.7	7.7	3,527				7.7
All States and District of Columbia:												
Total.....	100.00	2,550.0					2,464.0		9,793	100.00	45.0	2,930.5
Average.....					13.2			2,431				

Source: Department of Commerce, Bureau of the Census.

MEMORANDUM ON DISTRIBUTION OF THE REVENUE SHARING FUND

The total amount deposited in the Revenue-sharing trust fund is distributed among the fifty states and the District of Columbia on the basis of state need and state efforts to meet that need. State need for shared Federal revenue is measured in two ways: by population size and per capita personal income. State effort is measured by the ratio of the revenue each state and its localities have raised from their own sources to the personal income of the inhabitants of the state. The revenue is actually distributed in the following manner.

First, 85 percent of the fund is divided among all the states and the District of Columbia by population share of the national population, the more populous states receiving greater allotments than the less populated. This unadjusted allotment is then adjusted up or down for each state depending on whether the state's revenue effort is above or below the average effort of all states. A state whose revenue effort ratio is 10 percent greater than the average of the states would receive a 10 percent greater allotment than it would be entitled to on the basis of its population size alone. Thus, it is to each state's advantage to increase its revenue from within the state, for a larger revenue effort ratio means a larger share of the Revenue-sharing fund.

After this primary allotment has been decided for each of the states and the District of Columbia, a supplementary allotment is calculated for the relatively poorer states. This portion, 15 percent of the fund, is distributed among those states with per capita personal incomes below the average for all the states. Each state's allotment is decided by the idea that the lower a state's per capita income, the greater its need and the larger its share of the supplementary allotment.

To decide the allocation of the supplementary allotment, a per capita income deficiency is calculated for each of the poorer states equal to the difference between the state's per capita income and the per capita income average for all the states. These deficiencies are then added together to obtain the total per capita income deficiency. Each state's share of the supplementary allotment is then calculated from its share of the total income deficiency. For example, if the total per capita income deficiency for all the poorer states equaled \$10,000, and an individual state had a deficiency of \$1,000, it would receive \$1,000/\$10,000 or 10 percent of the total supplementary allotment. The total amount received by each of the poorer states is then calculated by adding each state's primary allotment to its supplementary allotment.

Mr. JAVITS. Mr. President, the bill is a modified version of the tax-sharing bill of 1965, which I authored, and would return to the States 1 percent of the annual aggregate income the first year, 1½ percent the second year, and 2 percent thereafter. Using annual taxable income as reported in 1966 income tax returns, about \$3 billion would be returned to the States the first year after passage of the measure.

Under the bill, 85 percent of this fund would be distributed to the States on the basis of population. The remaining 15 percent would be distributed among the States with per capita income figures below the average State per capita income—the farther below this norm, the greater the allotment.

I point out that under the bill's formula, for example, New York would receive \$256.3 million; Pennsylvania, \$131.6 million; Kansas, \$30.3 million; Colorado, \$28.6 million. Under that portion of the

formula used to distribute the additional 15 percent on the basis of per capita income, Kentucky would receive a basic allotment of \$37.2 million. Because the per capita income of the State in 1966 was \$544 below the average State figure, the State would receive an additional \$25 million, for a total of \$62.2 million. North Dakota with a per capita income \$440 below the norm, would receive an additional \$20.2 million for a total of \$32.4 million.

Under the plan introduced today, the States would receive the following amounts, based on 1966 figures, during the first year of operation:

	[In millions of dollars]
Alabama ¹	73.7
Alaska	3.6
Arizona ¹	31.3
Arkansas ¹	54.5
California	275.1
Colorado	28.6
Connecticut	30.1
Delaware	6.6
Florida ¹	85.8
Georgia ¹	74.7
Hawaii	9.9
Idaho ¹	24.0
Illinois	110.4
Indiana	60.4
Iowa ¹	40.6
Kansas	30.3
Kentucky ¹	62.2
Louisiana ¹	78.1
Maine ¹	27.0
Maryland	40.3
Massachusetts	63.5
Michigan	107.9
Minnesota	54.6
Mississippi ¹	77.9
Missouri	49.7
Montana ¹	18.6
Nebraska ¹	19.5
Nevada	5.9
New Hampshire ¹	7.8
New Jersey	71.7
New Mexico ¹	33.0
New York	256.3
North Carolina ¹	84.0
North Dakota ¹	32.4
Ohio	110.2
Oklahoma ¹	47.9
Oregon	27.0
Pennsylvania	131.6
Rhode Island	9.9
South Carolina ¹	64.7
South Dakota ¹	36.2
Tennessee ¹	71.8
Texas ¹	143.4
Utah ¹	21.2
Vermont ¹	19.9
Virginia ¹	54.8
Washington	42.3
West Virginia ¹	47.2
Wisconsin	59.9
Wyoming ¹	5.2
District of Columbia	7.7

¹Funds for States include the supplementary allotment for States with per capita incomes lower than the average of all State per capita income figures.

Mr. President, the aspects of the bills which are the most important, are as follows:

First, A trust fund would be established in the Treasury Department into which an amount equaling 1 percent of the aggregate taxable income reported on individual income tax returns would be appropriated starting July 1, 1968. The fund would increase to 1½ percent of aggregate taxable income starting July 1, 1969, and to 2 percent of taxable income starting July 1, 1970, and thereafter. Using current data this fund would total \$3 billion. It would grow as

the fund increased and as the tax base expanded.

Second, Payments to the States from the trust fund would be made on the basis of the following formula: 85 percent would be distributed on the basis of population. This amount would be increased or decreased depending on a State's own tax effort relative to that of other States, which would be measured by a "revenue effort ratio" for each State. This is obtained by dividing the total revenue collected by the State and its political subdivisions by the total income of individuals residing in the State. The State's revenue effort ratio is then compared to the average ratio for all States by dividing the State's ratio by the average; 15 percent would be distributed to those States with per capita personal incomes below the average for all the States. The per capita income for each of these States is subtracted from the average of all States. The difference between these figures is then used to compute each State's share of the fund.

Third, No State could receive a total payment for any one fiscal year in excess of 12 percent of the trust fund for that year.

Fourth, A State could use its allotment of funds for programs, projects and services—including capital expenditures—in the general areas of health, education, and welfare. In addition each State may use a portion of its allotment—not exceeding 5 percent—to provide for planning, research, and development in the modernization of the institutions of State government and the improvement of governmental procedures.

Fifth, To insure that each State will give local governments a fair share of this fund, the Governor of each State would be required to develop a distribution plan prior to the beginning of each fiscal year and following consultations with local officials. The plan would set forth how the State proposed to share with local governments the funds obtained under the act.

Sixth, Funds could not be used for administrative expenses for State and local governments; highway programs; State payments in lieu of property taxes; debt service, and disaster relief.

Seventh, To benefit from the plan, a State would be required to file reports with the Secretary of the Treasury, the Comptroller General and the appropriate committees of Congress, including a statement of intent as to how and for what purposes it shall spend the money. States would also have to comply with all applicable laws including title VI of the Civil Rights Act of 1964. The Secretary of the Treasury would be required to provide a detailed audit report to the Congress annually on the operation of the trust fund during the preceding fiscal year and on its expected operation during the current fiscal year.

Eighth, Failure to comply with prescribed conditions would require cancellation of future payments and permit reallocation of the remainder of a State's allocation to other States in proportion to the original allotment.

Ninth, Appropriations Committees of

both Houses and the Finance Committee of the Senate and Ways and Means Committee of the House, responsible for appropriations and tax legislation, at least once during each Congress, would be required to conduct a complete study of the operation of the trust fund and provide such legislative recommendations as appropriate.

The President missed a great opportunity in his state of the Union message in failing to propose legislation providing for the sharing of Federal revenues with the States. He did, of course, make the declaration:

*** Only a total working partnership among Federal, State, and local governments can succeed.

But declarations are not enough. He failed to note that the relationship between Washington and other levels of Government in this country today, in terms of real taxing power, more closely resembles that of a patriarch to poor relatives than a partnership of equals. The interchange of ideas and services so essential to a genuine partnership will not be possible until the States and local governments have the financial resources to innovate, to initiate and to pay for programs designed to meet the individual needs of their people. This cannot be done without money, and many States are already using their taxing powers to the fullest extent possible.

In my judgment there can be no genuine partnership between the Federal and local governments without some well designed program of Federal-State revenue sharing with a minimum of strings attached. The bill being introduced today is designed to accomplish this in the most meaningful and equitable way, so that the poorer States will have an opportunity to improve their services and that the so-called richer States will have the resources necessary to meet the overwhelming problems of their urban complexes.

There has been growing support, both inside and outside of Congress, for legislation to distribute a portion of Federal tax revenues to the States with a minimum of Federal controls since I first introduced a distribution formula based on the Heller-Pechman proposals in 1965. In that year, the Ripon Society, a group of Republican activists at Harvard, and the Republican Governors Association were among the few groups to support such an idea.

But in recent months, Representatives and Senators of both parties have either introduced revenue-sharing legislation or have declared their intention of doing so in the near future. As an example, two of the cosponsors of this measure—Senators BAKER and SCOTT also plan to introduce programs of their own incorporating certain additional innovations. In 1966, both the bipartisan National Governors Conference and the National League of Cities called for the sharing of Federal revenues with States and local governments.

Nevertheless, in view of the administration's failure to act in this field, I am pleased to see the initiative taken by members of my party, including Representatives GOODALL and RED of New York. Republican support for this idea

should be based on the record of those State and local governments which can show accomplishment and should be motivated by our desire to enable other levels of government to meet the growing needs of their residents by themselves.

Many Republicans in Congress believe that an effective revenue-sharing program would be a major step in this direction and I hope we can successfully convince the majority and the administration.

The problem facing State and local governments is essentially this: While their expenditures have risen steeply in the postwar period, their present and foreseeable resources are not adequate to meet the expanding demands for greater services, the increased costs of education or the complex problems of development.

Unless legislation is enacted giving States and local governments a share of Federal tax revenues with a minimum of strings and with maximum freedom to spend it as they see fit, the trend will continue inexorably toward more grant-in-aid programs, with increasing Federal intrusion into decisionmaking at the State and local levels.

The strain on State and local government finances is illustrated by the 125 percent increase in total debt outstanding for State and local governments over the past decade while the Federal debt increased by 14 percent. The outlook for the future is not very encouraging either. A study recently published by the Joint Economic Committee estimates State and local government debt, totaling about \$100 billion in 1965, will reach \$145 billion in 1970 and almost \$200 billion in 1975.

The States undoubtedly will increase their sources of revenue from property taxes, sales taxes and individual income taxes. The question is can they increase these taxes without limit? State and local tax revenues increased from \$23.5 billion in 1955 to \$51.6 billion in 1965.

Interstate competition to attract new industry—and similar competition among localities—will undoubtedly hamper efforts to add to current revenues, particularly in the case of corporate taxes. States and localities generally offer some form of inducement to attract new corporations to their areas, with the long-range objective of creating new job opportunities and increasing the overall tax base. This sort of competition tends to restrain local governments from increasing tax rates.

In the face of heavy demands placed upon State and local governments, the increase in their taxes and borrowing has been insufficient to prevent them from becoming gradually more dependent on financial assistance from the Federal Government. Between 1955 and 1965 Federal aid to the States increased by 252 percent. The bulk of Federal assistance in the form of grants-in-aid has grown from a total of \$884 million in 1946 to approximately \$11 billion in 1965. In 1964 the Federal expenditure of \$9.8 billion represented approximately 16.7 percent of total taxes and other general revenues raised by State and local governments, compared with only 7.3 percent in 1946. Grants to help support public welfare programs and to help

build public roads and highways have shown the sharpest increase over the postwar years, and together they totaled some \$7.5 billion in 1964.

It may be argued by some that State and local governments will not wisely use Federal funds under a revenue-sharing plan or that they will use them to reduce their own taxes and expenditures for necessary programs. Experience of the past, however, indicates that such fears are groundless. A large proportion of total State and local outlays over the past years have been used for educational, health, and welfare purposes—an indication that local governments are cognizant of the needs of their people in these areas and are attempting to meet them.

Grants made to State and local governments under a plan such as this will enable these bodies to operate more independently. Local officials will be free of Federal domination, and the spread of a growing Federal bureaucracy may be halted. State and local governments will be in a stronger financial position, and a better fiscal balance will be achieved between Federal, State, and local governments.

Now, let me direct one word to those who may feel that the sort of tax-sharing plan I propose would mean further incursion on State prerogatives. Of course, there is always a possibility that this can happen, but the choice we face is not between State dollars and Federal dollars, but between Federal dollars bound by strings and conditions and funds which are relatively unconditional and can help buttress the capability of State and local governments to carry their responsibilities and not to abdicate authority to the Federal Government due to financial inability to discharge it.

For, we have to look to the days and years ahead when the demand for more and better local governmental services will increase.

Critics on the one side of the political spectrum are suspicious of the States and seemingly convinced of Federal infallibility; critics on the other side are suspicious of Washington. But mutual suspicions should not produce a deadlock, for this country cannot be governed well unless government is imaginative and active and responsible and works at all levels in a Federal-State system.

I feel that the proposal embodied in the bill introduced today can help prepare our governmental system to meet needs of the coming decades, and can help us to put cooperative federalism into practice for the benefit of all our people.

The issue of revenue sharing involves a struggle between those who want the Federal Government to earmark everything and those who want to leave something to the States, provided there is something in addition; in other words, the Federal funds provided are added to the States' resources and are spent largely at the discretion of State and local governments on the basis of their priorities.

I am with those who believe that with the safeguards written into this bill—and I am the ranking member of the Committee on Labor and Public Welfare

which handles most of these programs—we are better advised to begin the process of some form of Federal revenue sharing with the States and localities, letting them, as they progress in showing their ability to discharge their responsibilities, get a greater and greater share of Federal tax revenues rather than being tied to the grant-in-aid idea which, up to now, has been the best we could do. I do not believe that the grant-in-aid program has given us the optimum efficiency or the optimum return per dollar expended.

SAFEGUARDS NEEDED ON POSSIBLE CLOSINGS OF VA OFFICES AND HOSPITALS

Mr. BOGGS. Mr. President, on behalf of myself and Senators AIKEN, BURDICK, CANNON, COOPER, COTTON, EASTLAND, GRUENING, HICKENLOOPER, JAVITS, JORDAN of Idaho, MCGEE, MCGOVERN, MCINTYRE, METCALF, MILLER, MURPHY, MUSKIE, PROUTY, SCOTT, WILLIAMS of Delaware, and YOUNG of North Dakota, I introduce for appropriate reference a bill to require that each State continue to have at least one veterans' service center and also that 6 months' notice be required of any plan by the Veterans' Administration to close or materially reduce the services available to any veterans hospital, domiciliary or outpatient dispensary.

It will be recalled that 2 years ago the Veterans' Administration proposed consolidating its regional offices in such a way that eight States would have been left with no such office. The Veterans' Administration later wisely withdrew this plan. This bill is intended to prevent any State from being deprived of such a center in the future.

There is much more than State pride involved in the introduction of this bill, although I am concerned with the tendency of Federal agencies to disregard the States as entities in making up regions for administrative purposes.

My study of the proposed consolidation of the VA regional offices 2 years ago convinced me that while the VA might show an anticipated savings on its books, the fact that any savings thus effected would be more than offset by the inconvenience and added expense to the veterans themselves.

This bill would not set out specifically the makeup of the VA offices in the States. It would require that at least one such office in each State be sufficiently staffed and equipped so that it could handle the affairs of the veterans in that State. In other words, it would not be necessary to send to some distant national regional office for a man's file before the office could even begin to consider his case.

There is a compelling practical reason for the administration of VA programs at the State level. It is not generally recognized, or even fully appreciated, but an astonishing amount of the task of keeping our veterans apprised of their rights and obligations under the law is borne by the service organizations such as the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars, to name only three. These veterans organizations have assumed and

carried out a tremendous responsibility in the vital task of maintaining a working relationship between the veteran and his government. All of these fine organizations are organized and function on a State-by-State basis. The American Legion, for example, is made up of 58 departments, 1 for each State and the District of Columbia, and 7 outside the country.

If each of these State veterans' service units can continue to maintain a working contact with a corresponding State level VA service center, this arrangement will help tremendously in providing service to the State's veterans. It is clear that removal of State contact, or reduction of it to a point where it is substantially lost, would mean a very real breakdown in effective administration of the programs designed to aid those men who have served this Nation so well. Let us look for efficiency and economy in government by all means, but let us by no means be unduly conscious of cost when dealing with those who did not count the cost in serving their country. And let us be sure we are talking about real savings, and not merely transferred expense.

The second part of the bill is also important. The provision for notice of intention to close any veterans' medical facility would prevent any sudden announcement of a decision before the Congress and others had an opportunity to explore the matter thoroughly. Our experience 2 years ago in this field underlies the need to have adequate prior notification, in my opinion.

These two changes proposed in the bill are far from earth shattering as far as the Veterans' Administration is concerned. In my opinion they will—if written into the law—not only help the Veterans' Administration but provide some very real and needed safeguards for those whom this agency is intended to serve.

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

The bill (S. 483) to amend title 38, United States Code, so as to require the Administrator of Veterans' Affairs to give 6 months' advance public notice of the planned closing or relocation of any veterans' facility, and to provide for at least one veterans' service center in each State, and for other purposes, introduced by Mr. Boggs (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

BAIL REFORM

Mr. BREWSTER. Mr. President, "Crime in the streets" has become a cliché of our society. It is not a cliché to the citizens of the District of Columbia, many of whom are afraid to venture out after dark. It is not a cliché to those residents of Maryland who work, shop, and socialize in Washington—in the realization that they may be the next victim of a mugging, robbery, or rape.

I have stated on numerous occasions that we in Congress must take positive action to fight crime in the District. Getting at the sources of crime—poverty,

inadequate education, slum housing—is certainly a major part of the solution. More money to train and equip our police force is another answer—and I intend to seek more money for the District police during the 90th Congress.

In addition, there are a number of measures suggested in the brilliant report of the District of Columbia Crime Commission, which completed its work just 2 weeks ago. One of these proposals concerned bail reform.

At present, under the Bail Reform Act of 1966, any person charged with a non-capital offense—and that means anything other than first degree murder or rape—must be released pending trial, unless release on specified terms will not reasonably assure presence at trial.

What this means, in brief, is that—no matter how dangerous such an individual may be to other persons or to the community in general—he must be released, as long as he is likely to appear at his trial.

As a practical matter, during the 1963-65 period, Crime Commission statistics revealed that 2,776 persons charged with felonies were released—207 of these individuals committed further felonies while out on bail.

Six murders, two rapes, and 60 robberies were committed by persons on bail. Twenty-five of these persons were charged with two new offenses while on bail. Six allegedly committed three new felonies; and three individuals were released on bail and proceeded to commit four more felonies while on bail.

Some of these offenses doubtlessly could not be prevented. It is difficult to predict which offenders are likely to commit another crime if they are freed on bail.

But the Commission came up with two interesting facts: most of the "repeaters" tended to have long prior criminal records; and most of the crimes committed on bail were similar to the original charges brought. It seems that there may be some means of gaging which defendants pose a high risk to the community.

I, therefore, send to the desk a bill which would implement the proposal of the majority of the Crime Commission. It would provide that, at the first hearing of a defendant charged with a felony, the judge be empowered to consider the safety of the community as well as the likelihood of the defendant's appearance at trial, in setting conditions for bail.

If the defendant is considered to pose a high risk to the safety of another person or the community in general, the judicial officer will be allowed to release him into the custody of another person or organization; place restrictions on his travel, associations, or place of abode; require the execution of a money bond; or impose any other condition reasonably necessary to safeguard the community, including return to custody after specified hours. Finally, if—and only if—there is no other means of assuring the safety of the community, the defendant may be held in custody for a period not to exceed 30 days.

I would hope and expect that this last provision would be used only in rare cases, and only when there is a very

high risk which other means are insufficient to meet. The provisions of the bill tightly restrict the use of this detention.

This bill has been drafted in such a way that the defendant is virtually assured of a trial within 30 days. If there is no trial within 30 days, the defendant must be released from custody. This period may be extended only by the judge and only in extraordinary circumstances.

Briefly, what my proposal—recommended by the majority of the Crime Commission—provides is that the judge who holds the preliminary hearing will decide how much of a danger the defendant poses to the community. If he poses a sufficient threat, the judge may impose tight restrictions on his freedom, including curfew, daily or even hourly reporting to specified officers, and limitations on companions and travel. If this is not enough, he may be kept off the streets and in custody until trial, which must be held within 30 days.

I am aware that there have been some objections to this proposal on constitutional grounds. I see no real constitutional problem, however, and there are many authorities to support this view.

The argument of unconstitutionality rests on the presumed eighth amendment guarantee of a right to bail. I do not believe that there is any absolute "right to bail." The Supreme Court has never held that such a right exists.

A majority of the members of the Crime Commission felt that this proposal is constitutional. Their fine report cites considerable authority for this view.

Finally, I would point out that, in capital cases and certain other situations, courts have always had the right to deny bail before trial. This has never been held to be a violation of the Constitution. I see no reason why similar denial of bail, in very restricted circumstances, for certain highly dangerous defendants, should be unconstitutional.

Mr. President, this measure will not by any means solve the crime problem of this city. However, it will help to prevent certain highly dangerous individuals from being turned loose pending trial. It is a reform which was proposed by a majority of the highly competent and thoughtful District of Columbia Crime Commission. I hope that it will receive the prompt and favorable consideration of the Senate.

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

The bill (S. 484) to authorize the detention of certain persons charged in the District of Columbia with the commission of an offense punishable as a felony, and for other purposes, introduced by Mr. BREWSTER, was received, read twice by its title, and referred to the Committee on the District of Columbia.

CONSTRUCTION, MAINTENANCE, AND OPERATION OF THE TOUCHET DIVISION, A MULTIPURPOSE RECLAMATION PROJECT, WASHINGTON

Mr. JACKSON. Mr. President, I introduced for appropriate reference on

behalf of myself, and my colleague from Washington [Mr. MAGNUSON], a bill to authorize the Secretary of the Interior to construct, maintain and operate the Touchet division, a multipurpose reclamation project in the State of Washington.

This proposed legislation was the subject of hearings during the 89th Congress and was passed by the Senate on July 29, 1965.

When authorized, the Touchet division will bring 10,000 acres under irrigation in its initial stages and will provide deferred water storage for an additional 7,000 acres.

In addition, as a multipurpose project, work authorized in the bill will first, provide needed irrigation facilities; second, reestablish the anadromous fishing run on a very large scale with benefits to both sport and commercial fishing; third, provide municipal and industrial water for the city of Dayton; fourth, provide the only sizable lake in timbered surroundings in the entire Walla Walla basin with facilities for boating, swimming, sport fishing, water skiing, camping and other recreational opportunities; fifth, provide vitally needed flood protection on the Touchet River which is now completely uncontrolled; and sixth, alleviate growing water pollution problems.

It is my hope that this project will be authorized early in this session of Congress so that construction of these needed facilities may be started.

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

The bill (S. 485) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF SECTION 35 OF THE MINERAL LEASING ACT OF 1920

Mr. MCGEE. Mr. President, on behalf of my colleague, the Senator from Wyoming [Mr. HANSEN], and myself, I introduce, for appropriate reference, a bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act.

Specifically, Mr. President, this measure, which has a long history in the Senate, would provide for return of 90 percent of such income under the Mineral Leasing Act to the States within whose borders the leased lands or deposits are located. It is, in a very real sense, a bill to grant equality for the Western States where Federal ownership of lands is an ever-present fact of life. In my own State, the public lands represent nearly half the area. In some Western States the ratio is even higher. Today, the States, by and large, receive 37½ percent of the royalty income, with 52½ percent going to the reclamation fund. But the reclamation fund no longer depends upon the mineral royal-

ties for any substantial part of its revenues and we in Wyoming, as elsewhere in the West, believe the reclamation fund's solvency would not be threatened by this legislation.

States such as my own, on the other hand, could make immediate and effective use of the funds which would accrue to them under this proposal. Indeed, we know today that our States are in a tight bind financially. For the Western States—and particularly, I will say, to my own State of Wyoming—the legislation here proposed would relieve that bind to a very large extent. I think it time this proposal be given serious consideration by this body.

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

The bill (S. 507) to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act, introduced by Mr. MCGEE (for himself and Mr. HANSEN), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

NUCLEAR-POWERED MERCHANT VESSELS

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to promote the development of nuclear-powered merchant vessels. This bill authorizes the construction of six vessels to foster the development, construction, and operation of privately owned, nuclear-powered merchant ships in order to contribute to the development of nuclear-powered merchant ships which are economically competitive with ships using other fuels. I am particularly pleased to have as a cosponsor, Senator COTTON, who has authored bills on this subject in the past. With his support, I am hopeful that the executive inertia can be overcome.

The bill provides for aid in the following major areas: First, the excess cost of developing the ship over the estimated fair and reasonable cost of developing a comparable conventional ship; second, for construction in U.S. yards; third, use of nuclear materials; fourth, training crews; fifth, appropriate shore service facilities; sixth, inspection; and seventh, operating-differential subsidy. The ships must be built in the United States and documented in the United States so long as they have nuclear propulsion.

In his transportation message of March 2, 1966, President Johnson said:

After years of U.S. leadership, maritime technology in other countries has caught up with and, in some instances, surpassed our own.

Several examples of this are found in nuclear-powered vessels. It is reported that Communist China has had a 20,000-ton nuclear-powered coaster under construction since April 1964. In Germany, the world's second nuclear merchant ship, the *NS Otto Hahn* will soon be undergoing sea trials. Japan is building a combination freighter and oceanographic survey vessel. Since December 1959, the *Lenin*, a nuclear-powered ice-

breaker, has operated as part of the Soviet fleet.

The history of nuclear-powered merchant vessels in this country began in 1956, the 84th Congress, second session, with S. 2523, to authorize the construction of a nuclear-powered prototype merchant ship. The Committee on Interstate and Foreign Commerce reported that bill on June 18, 1956—Report No. 2258—after consideration by the Joint Committee on Atomic Energy.

The committee said:

The Committee are in agreement with the witnesses that the United States should give No. 1 priority to the building and operation of a nuclear propelled merchant vessel. We realize full well that the first such vessel will not be economic in the sense that it will ever pay for itself or make a profit. However, even though, as Admiral Rickover suggested at the hearing, the second or third or fourth or fifth such vessel may not be economic, we are convinced that the United States must go forward with such a project, and devote whatever efforts and funds may be requested for research, testing, etc., to the end that this nation may be the first in the field to construct a nuclear propelled non-military vessel.

The Maritime Administration was given a major responsibility for such a vessel. The committee said:

We believe that the interests of the American maritime industry will be promoted more promptly and successfully if the project is under the supervision and control of the Maritime Administration.

The NS *Savannah*, commissioned in 1962, was the result. It is nearly 11 years since those first hearings. In these 11 years, no new plans have been made, even though the *Savannah* was built and has visited 40 ports and traveled 130,000 miles.

In 1956, witnesses said that the ship would not be economic, that more research was needed, and so forth. In 1967, the same arguments are being heard. Last February, I wrote to the Maritime Administration, the Atomic Energy Commission, and the Department of Defense, asking for their collective recommendations.

I requested that the report be transmitted to the committee by June 14, 1966. The report was never received, and this failure to report was not officially explained. While I have heard nothing, the Wall Street Journal reports the following:

A secret joint report from the Defense and Commerce departments and the Atomic Energy Commission, favoring the construction of three or four atom-powered merchant vessels, has been in the White House since May.

This sounds strangely like the report which I requested.

Some recite the cost difference between conventional and nuclear merchant vessels. This argument that such ships are uneconomical proves both too little and too much. It proves too little because conflicting figures are available that dispute the claims of the pessimists. It proves too much because portions of the merchant marine are already heavily subsidized in various ways. The economy argument should concern itself with whether it is desirable to have what might be called a new opportunity in the existing subsidy program.

There are a variety of factors to be considered in these economic arguments. Representatives of Babcock & Wilcox Co. have stated that their reports "indicate that 30-knot container ships will definitely reduce the Government's overall maritime subsidy, that income taxes paid by the operators of these ships will quickly offset the construction subsidy, and that nuclear propulsion may be competitive with conventional propulsion even for the first flight of such ships."

The NS *Savannah* is now in commercial operation, under the banner of FAST—first atomic ship transport. The corporation states that it is in a sound financial position. American Export Lines, who has expressed a desire to go ahead with nuclear ship construction, has stated to me:

We are convinced that over the lifetime of the ship, a nuclear vessel will cost less to build and operate than its conventionally powered counterpart. The initial construction cost will be more than offset by the lower operating cost and greater productivity of the nuclear ship.

This is based on operating experience, not speculative argument.

I do not necessarily subscribe to the oversimplified theory that a nuclear fleet will revitalize our merchant marine. It should be perfectly obvious that no one-shot operation can accomplish this. It should also be obvious that part of the revitalization program must include nuclear vessels.

Across the land, plans for nuclear electric plants are being projected. By 1973, some estimate that nuclear electric central station plants will represent 10 percent of the Nation's generating capacity. I applaud these activities both as an efficient means of generating power and as a reaffirmation of our desire to demonstrate and promote the peaceful uses of the otherwise monstrous atom. For similar reasons, this Nation should promote the peaceful proliferation of maritime uses of the atom. Our indecision on the nuclear merchant marine question does not slow down the rest of the world.

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

The bill (S. 508) to promote the development of nuclear-powered merchant ships, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. WILLIAMS of New Jersey. Is this for the private merchant marine?

Mr. MAGNUSON. Yes.

Mr. WILLIAMS of New Jersey. The bill would result in producing, through Government sponsorship, nuclear-powered ships that the merchant marine would be provided with?

Mr. MAGNUSON. Yes. Actually, the bill—and I think this is important—would provide Government sponsorship of the excess cost of developing a nuclear ship as compared with the fair cost of producing a conventional ship. Russia has a nuclear ship. West Germany is promoting one. Japan will have one.

The greatest cost of a nuclear ship is the initial cost. We have found that nuclear ships can operate very economically. We have not heard very much about the USS *Savannah* for some time.

Mr. WILLIAMS of New Jersey. The reason is that it has worked so effectively and efficiently and there are no troubles.

Mr. MAGNUSON. Yes. I made it a point at the last session to get a report on nuclear ship operation. I found that it was operating not only economically but at a profit during this last year and doing very well. That is why I think the Government should encourage the providing of nuclear ships. The bill provides for taking care of the excess costs only.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that I be added as a cosponsor of the bill.

Mr. MAGNUSON. I would welcome the cosponsorship of the bill by the Senator from New Jersey.

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

FULL DISCLOSURE OF CORPORATE EQUITY OWNERSHIP AND IN CORPORATE TAKEOVER BIDS

Mr. WILLIAMS of New Jersey. Mr. President, I introduce, for appropriate reference, proposed legislation amending the Securities Exchange Act of 1934 to deal with problems raised by changes in corporate ownership.

On October 22, 1965, I introduced S. 2732, the purpose of which was to provide increased investor protection. The need for such legislation has been caused by the increased use of cash tender offers rather than the regular proxy fight to gain control of publicly owned corporations. Although no hearings were held on this bill in the 89th Congress, it was the subject of numerous staff discussions with the Securities and Exchange Commission, members of the New York Stock Exchange, private industry, and other interested parties. As a result of these discussions, I have substantially revised the original bill.

This legislation will close a significant gap in investor protection under the Federal securities laws by requiring the disclosure of pertinent information to stockholders when persons seek to obtain control of a corporation by a cash tender offer or through open market or privately negotiated purchases of securities. In addition, this bill gives the SEC authority to regulate purchases by corporations of their own stock.

This measure is not aimed at obstructing legitimate takeover bids. In some instances, a change in management will prove a welcome boon for shareholder and employee, and in a few severe situations it may be necessary if the company is to survive.

I have taken extreme care with this legislation to balance the scales equally to protect the legitimate interests of the corporation, management, and shareholders without unduly impeding cash takeover bids. Every effort has been made to avoid tipping the balance of regulatory burden in favor of management or in favor of the offeror. The purpose of this bill is to require full and

fair disclosure for the benefit of stockholders while at the same time providing the offeror and management equal opportunity to fairly present their case. Experience under the Securities Act of 1933 and the Securities Exchange Act of 1934 has amply demonstrated that the disclosure requirements of the Federal securities acts are an aid to legitimate business transactions, not a hindrance.

With this in mind, I am certain that this amendment to the Securities Exchange Act will benefit the interests of America's more than 20 million shareholders and will not serve as a device to protect an inefficient management from a legitimate takeover bid.

A cash tender offer usually involves a bid by an individual, group, or company to buy a specified number of shares of a corporation's stock from the public at a specified price—which is set above the going market price in order to make the offer more attractive. Those accepting such an offer are said to "tender" their stock for purchase.

The cash tender offer has become an increasingly favored method of acquiring corporate control because it is generally cheaper and faster than a proxy fight. In addition, filings are not required with the SEC under the Securities Exchange Act. Last year, for example, the Wall Street Journal reported 107 cash tender offers, most of which involved a bid to take over control of a company.

Cash tender offers generally follow a simple pattern. The prospective buyer offers a price far enough above the market to obtain the desired number of shares—usually an amount sufficient to gain operating control of the corporation. As an aid in carrying out his objective the buyer generally hires a brokerage house to manage the offer, arranges a loan to pay for the purchase, buys a few newspaper ads and issues press releases to shareholders of the "target" company. If the number of shares tendered by stockholders falls below the number desired, then all of the shares are returned and the acquisition plan is cancelled. If the tender offer brings in more stock than the specified number of shares bid for, the offeror may at his option buy only the number of shares for which he has bid or may buy all of the stock tendered.

The essential problem in transfers of control resulting from cash tender offers or open market or privately negotiated purchases is that persons seeking control in these ways are able to operate in almost complete secrecy concerning their intentions, their commitments and even their identities. Since the competence and integrity of management and controlling persons are of vital importance to stockholders, secrecy in this essential area is inconsistent with the disclosure pattern generally prevailing in the American securities markets. In Canada, the Ontario Securities Act was revised last year to regulate takeover bids in a manner similar to the method which I have proposed. Legislation has also been enacted in England, South Africa, Australia, and other nations. In this area investor protection in the

United States lags behind that existing elsewhere.

The failure to protect investors in connection with a cash takeover bid is in sharp contrast to the regulatory requirements applicable where one company offers to exchange its shares for those of another, or the protections applicable to a proxy fight for corporate control.

Where one who seeks control of a corporation makes an exchange offer of stock to obtain control, the offer must be registered under the Securities Act of 1933. The shareholder gets a prospectus explaining all material facts about the offer. He knows who the purchaser is, and what plans have been made for the company. He is in a position to make an informed decision either to hold his original security or to exchange it for another. Similarly, where control is sought through a proxy contest, information must be filed under the Securities Exchange Act which tells shareholders the identity of the participants and their associates, their stockholdings and when they acquired them, the extent to which the shares were purchased with borrowed funds and the identity of the lender if the funds were obtained otherwise than through a bank loan or margin account. Additionally, details as to any arrangements made regarding employment by, or other future transactions with, the issuer must be given. In both the exchange offer and the proxy fight the disclosures made are filed with the Commission and are subject to statutory requirements and sanctions.

But no information need be filed where a cash tender offer is made to stockholders. Such an offer can be made on the most minimal disclosure; yet the investment decision—whether to retain the security or sell it—is in substance little different from the decision made on an original purchase of a security, or on an offer to exchange one security for another. Nevertheless, in many cases of cash tender offers the public investor does not even know the identity of the purchaser, much less that the purchaser's plans for the company if the takeover bid is successful. In fact, stockholders sometimes find themselves the target of cash tender offers where the plan is to gain control of the corporation by using the stockholders' assets to finance the takeover, although this fact is seldom made known to the shareholders at the time of the offer.

It can be argued that a cash tender offer is a straightforward business proposition which can be rejected by a stockholder or accepted by him, usually at a price in excess of the market price. But where no information is known about the persons seeking control, or their plans, the shareholder is forced to evaluate the proposition on the basis of a market price which reflects the evaluation of the company based on the assumption that the present management and their policies will continue. The persons seeking control, however, may have other plans, for example, to liquidate the company to realize an amount per share far in excess of the market value. By keeping his plans secret, the offeror is able to deprive the share-

holders of their rightful participation in the liquidation. After all, the liquidation plans may be the reason for the tender offer. All shareholders should have such information so that they can make informed investment decisions on the basis of the same facts known by the person making the tender.

If the stockholder sells and can establish at a later time that he fell victim to fraud or misstatements, he would obviously have recourse to the courts. But many stockholders are unwilling to go to court even though they believe they have a sound case. Litigation is expensive, time consuming, and lacks the advantages that result from advance filing of the facts for the public record.

What then must the stockholder know to make an informed decision whether or not to accept a cash tender offer?

First, the stockholder must know the identity and background of the person, or group, making the tender offer. The stockholder must also be informed about—

The size of the holdings of the person or group involved.

The source and amount of the funds used or to be used to acquire shares.

The financing arrangements made for these funds and how these arrangements will be liquidated.

Any side agreements that have been made with respect to the stock.

The purpose of the tender offer.

The plans of the offeror—if he wins control of the company—whether to liquidate it, sell its assets, merge it with another company, or to make major changes in its business or corporate structure.

The legislation I am proposing amends the Securities Exchange Act of 1934 and requires the person soliciting tenders to answer these questions. Indeed, anyone acquiring securities which would give him more than 10 percent of a class of an equity security registered under the Securities Exchange Act would be required to file this information with the SEC. This is the only way that corporations, their shareholders and others can adequately evaluate a tender offer or the possible effects of a change in substantial shareholdings.

Under this bill a person, or group acting in concert, will be required to file with the SEC a statement containing essential information at least 5 days before making a tender offer, which would result in their acquiring beneficial ownership of more than 10 percent of a class of equity security which is already registered under the act. Copies of any additional material would be required to be filed with the SEC 2 days before it is sent or given to shareholders. All requests or invitations for tenders would be filed as part of the statement and would contain such information required under the provisions of this legislation. This procedure would give the Commission an opportunity to review the contents of the material.

Additionally, the Commission would be given rulemaking power with respect to solicitations or recommendations to the holders of a security to either accept or reject a tender offer. In the rather common situation where existing manage-

ment or third parties contest a tender offer, shareholders may be exposed to a bewildering variety of conflicting appeals and arguments designed to persuade them either to accept or to reject the tender offer. The experience of the SEC with proxy fights offers ample evidence that this type of situation can best be controlled, and shareholders most adequately informed, if both sides to the argument are subject to the full and fair disclosure rules of the Federal securities laws.

However, exemptions would be provided for transactions where a filing has been made under the Securities Act of 1933 in view of that act's full disclosure requirements.

In addition, this bill provides that anyone acquiring the beneficial ownership of more than 10 percent of a class of equity security registered under the Securities Exchange Act file with the SEC substantially the same information as that required with respect to a cash tender offer; however, such a filing would not be required until 7 days after the acquisition. This statement would have to be sent to each exchange on which the security is listed and to the principal executive offices of the issuer of the security.

Substantial open market or privately negotiated purchases of shares may precede or accompany a tender offer or may otherwise relate to shifts in control of which investors should be aware. While some people might say that this information should be filed before the securities are acquired, disclosure after the transaction avoids upsetting the free and open auction market where buyer and seller normally do not disclose the extent of their interest and avoids prematurely disclosing the terms of privately negotiated transactions.

To avoid hindering casual acquisitions which are not substantial, I propose an exemption from these reporting requirements for any acquisition or proposed acquisition which, together with all other acquisitions effected during the preceding 12 months by the person or group in question does not exceed 2 percent of the outstanding shares.

I am also including a provision giving the SEC authority to exempt any transaction if the particular transaction will not change or influence the control of the issuer or otherwise is not comprehended within the purposes of this legislation.

This bill also regulates "taking up" of shares pursuant to a tender offer. Persons who have tendered shares would be allowed to withdraw them at any time prior to 7 days after the tender offer is made or at any time after 60 days from the date of the original tender. This will provide shareholders who tendered their shares immediately after the offer is made with a short period within which to reconsider, perhaps in the light of countervailing arguments from the management or competing offeror. At the other end of the spectrum it would prevent tendered securities from being tied up indefinitely awaiting a decision by the person making the offer as to whether or not he will purchase them.

If more securities are deposited pursuant to a tender than the person mak-

ing the offer is willing to buy, the securities to be bought would be required to be taken up as nearly as possible pro rata according to the number of securities deposited by each shareholder. This would outlaw tender offers on a first-come, first-served basis and thus eliminating pressure on shareholders to make hasty deposits.

Another provision would require a person who substantially increases the price for securities tendered to pay the increased amount to those who deposited their stock before the increase was announced. Thus all tendering shareholders would be treated equally.

The proposed legislation spells out clearly the authority of the SEC to deal with the various problems which have arisen with respect to the acquisition by a corporation of its own outstanding shares. To date the SEC has handled the more flagrant problems on a case-by-case basis beginning with its report on Ward La France Truck Corp. in 1943.

Under present Commission regulations corporations are not required to disclose their stock purchase programs except in certain instances, always after the fact. Such stock purchase programs, however, may involve substantial amounts of securities and can have a substantial effect on the market price. There have been disturbing instances, where, it has been suggested, that such programs may have been utilized as a device to manipulate the market to serve the purpose of the corporation or of those who control it. Even where no manipulative purpose exists, market impact can be substantial and, particularly where the corporations' incursions into the market occur sporadically, unnecessary and undesirable price fluctuations can result.

Finally, the term "person" would be defined for purposes of this bill to include partnerships, syndicates, and other groups formed for the purpose of acquiring, holding, or disposing of securities. This definition would successfully close the loophole that now exists which allows a syndicate, where no member owns more than 10 percent, to escape the reporting requirements of the Securities Exchange Act.

My proposed legislation, while protecting investors and the public interest, will not place undue obstacles in the way of honest and fairly conducted transactions. Legitimate businessmen have nothing to fear from full disclosure. The Securities Act of 1933 and the Securities Exchange Act of 1934 are impressive testimonials that full disclosure is not an impediment, but an aid, to legitimate business transactions.

It is the millions of legitimate businessmen as well as the more than 20 million American shareholders who have the most to gain from this proposed legislation. With this legislation, all will stand on an equal footing with respect to the availability of significant facts about a tender offer or a corporate stock purchase program. All will be able to deal in the securities markets knowing that all of the pertinent facts are available. This is the premise on which our securities markets are supposed to work. Following this premise they have blossomed and thrived under over 30 years of Federal regulation. Now is the

time to eliminate the areas where full disclosure is necessary but not yet available.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

The bill (S. 510) providing for full disclosure of corporate equity ownership of securities under the Securities Exchange Act of 1934, introduced by Mr. WILLIAMS of New Jersey (for himself and Mr. KUCHEL), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Securities Exchange Act of 1934 is amended by adding at the end thereof a new subsection as follows:

"(1) Every person, who by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, directly or indirectly acquires or obtains the right to acquire the beneficial ownership of, or increases or obtains the right to increase his beneficial ownership to, more than 10 per centum of any class of any equity security which is registered pursuant to section 12 of this title shall, within seven days after such acquisition, or the obtaining of such right to acquire, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement as herein below described.

"(A) Each such statement shall contain such of the information specified in subsections (1)-(v) of this section, and such additional information, as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(i) the background and identity of all persons by whom or on whose behalf the purchases have been or are to be effected,

"(ii) the source and amount of the funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading such security, a description of the transaction and the names of the parties thereto, except that where a source of funds is a loan made in the ordinary course of business by a bank as defined in section 3(a)(6) hereof it will be sufficient to so state,

"(iii) if the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer of the securities any plans or proposals which such persons may have to liquidate such issuer, to sell its assets to, or merge it with any other persons, or to make any other major change in its business or corporate structure,

"(iv) the number of shares of such security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (a) such person, and (b) by each associate (as defined in the rules and regulations of the Commission under this Act) of such person, giving the name and address of each such associate, and

"(v) information as to any contracts, arrangements, or understandings with any person with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guar-

anties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

"(B) If any material change occurs in the facts set forth in the statements to the issuer and the exchange and the statement filed with the Commission, an amendment shall be transmitted to the issuer and the exchange and shall be filed with the Commission in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(2) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a person for the 'purposes' of this subsection.

"(3) In determining, for purposes of this subsection and of section 2 of this bill, whether a person is the beneficial owner, direct or indirect, of more than 10 per centum of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer.

"(4) The provisions of this subsection and of section 2 of this bill shall not apply in respect of—

"(A) Any acquisition or offer to acquire securities made or proposed to be made by means of a registration statement under the Securities Act of 1933.

"(B) Any acquisition or proposed acquisition of a security which, together with all other acquisitions by the same person of securities of the same class during the preceding twelve months, does not exceed 2 per centum of the outstanding securities of that class at the time of the acquisition. As used herein the term 'outstanding securities' of a class shall not include securities of the class held by or for the account of the issuer.

"(C) Any acquisition of an equity security by the issuer of such security.

"(D) Any acquisition or proposed acquisition of a security which the Commission, by rules or regulations or by order, shall exempt from the provisions of this subsection as not entered into for the purpose of, and not having the effect of, changing or influencing the control of the issuer or otherwise as not comprehended within the purposes of this subsection.

"(5) It shall be unlawful for any issuer, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors or in order to prevent such acts and practices as are fraudulent, deceptive or manipulative, to purchase any equity security which it has issued. Such rules and regulations may require such issuer to provide holders of equity securities of such class with such information relating to the reasons for such purchase, the source of funds, the number of shares to be purchased, the price to be paid for such securities, the method of purchase, and such additional information, as the Commission deems necessary or appropriate in the public interest or for the protection of investors, or which the Commission deems to be material to a determination whether such security should be sold."

Sec. 2. That section 14 of the Securities Exchange Act of 1934 is amended by adding at the end thereof new subsections as follows:

"(1) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a 'person' for purposes of this subsection.

"(2) It shall be unlawful for any person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to make a tender offer for, or a request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12 of this title which, if consummated, would result in such person owning beneficially more than 10 per centum of such security, unless five days prior to the making of such tender offer or request or invitation for tenders, such person has filed with the Commission a statement containing such of the information specified in paragraphs (A) and (B) of subsection 1, section 1 of this bill, and such additional information, as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors. All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders of such a security shall be filed as a part of such statement and shall contain such of the information contained in such statement as the Commission may by rules and regulations prescribe. Preliminary copies of any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain such information as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors and shall be filed with the Commission at least two days prior to the date copies of such material are first sent or given to security holders.

"All copies of preliminary statements filed with the Commission hereunder shall be clearly marked 'Preliminary Copies' and shall be for the information of the Commission only, except that such statements may be disclosed to any appropriate department or agency of government and the Commission may make such inquiries or investigation in regard to such statements as may be necessary for an adequate review thereof by the Commission. Definitive copies of all statements, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Commission and shall be sent to the issuer not later than the date such material is first published or sent or given to any security holders. The time periods contained in this subsection may be shortened as the Commission may direct.

"(3) Any solicitation or recommendation to the holders of such a security to accept or reject a tender offer or request or invitation for tenders shall be made in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(4) Securities deposited pursuant to a tender offer or request or invitation for tenders may be withdrawn by or on behalf of the depositor at any time until the expiration of seven days after the time definitive copies of the offer or request or invitation are first published or sent or given to security holders, and at any time after sixty days from the date of the original tender offer or request or invitation except as the Commission may otherwise prescribe by rules, regulations or order as necessary or appropriate in the public interest or for the protection of investors.

"(5) Where any person makes a tender offer, or request or invitation for tenders for less than all the outstanding equity securities of a class, and where a greater number of securities is deposited pursuant thereto than such person is bound or willing to take up and pay for, the securities taken up shall be taken up as nearly as may be pro rata, disregarding fractions, according to the number of securities deposited by each depositor.

"(6) Where any person varies the terms of

a tender offer, or request or invitation for tenders before the expiration thereof by increasing the consideration offered to holders of such securities, such person shall pay the increased consideration to each security holder whose securities are taken up and paid for pursuant to the tender offer or request or invitation for tenders whether or not such securities have been taken up by such person before the variation of the tender offer or request or invitation.

"(7) It shall be unlawful for any person making or soliciting tender offers, or management, or any person or persons who circularize or solicit security holders in opposition to or in favor of any such offer, to make in connection therewith any false, deceptive or misleading statements, or omit to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or to engage in such acts and practices as are fraudulent, deceptive, or manipulative."

BEWARE THE CORPORATE RAIDER

Mr. KUCHEL. Mr. President, the strength of our free enterprise system rests in large measure upon the strength of our securities markets. Today, there are more than 20 million individual Americans who actively participate in this Nation's investment community; a community composed of some 6,724 public-held corporations. The public's participation represents some 14 billion shares of stocks amounting to an aggregate value of more than \$516 billion. These figures represent an investment of more than half of our savings in common and preferred stock. The American people have placed a tremendous trust in the strength, integrity, and vitality of our securities system. It is our responsibility to protect and safeguard that trust through effective Federal laws and regulations.

Congress first acted in this area in response to the tragedy of the "depression." The Banking Act of 1933 divorced commercial banks from their underwriting and securities-floating affiliates. In 1933, the first disclosure law was enacted. The Securities Act required issuers of new securities to disclose to the public all relevant facts needed for an intelligent evaluation of the risks and prospects of ownership. Finally, in 1934, Congress passed the Securities Exchange Act of 1934 to regulate the operations of the New York Stock Exchange and other exchanges.

For well over 32 years, these laws have guided the fantastic growth of individual investment in securities. Though they have prevented effectively the type of underhanded manipulations which led to the "crash" of 1927, new and more dangerous threats have arisen. In particular, the activities of the so-called corporate raiders are immune from the protection of the law.

Today, there are those individuals in our financial community who seek to reduce our proudest businesses into nothing but corporate shells. They seize control of the corporation with unknown sources, sell or trade away the best assets, and later split up the remains among themselves. The tragedy of such collusion is that the corporation can be financially raped without management or shareholders having any knowledge of the acquisitions. The purchases can be made in so-called street names or, even

more commonly, by Swiss banks for an undisclosed account number. The corporate raider may thus act under a cloak of secrecy while obtaining the shares needed to put him on the road to a successful capture of the company.

Under the present securities regulations, the takeover pirate need not publicly reveal his intentions until after he acquires more than 10 percent of the outstanding shares. Moreover, he need not reveal the names of individuals with whom he may be acting in concert to seize control of the company. As a result, corporate management is often unable to protect itself from such inroads, because in most instances, it is possible to wrest control of a corporation by buying up considerably less than 51 percent of the outstanding stock.

Recently, in a situation which involved serious implications for the economy of my own State of California, a renowned corporation—Columbia Motion Pictures—was faced with a takeover by a group of prospective stockholders, many of whom were unknown. A Swiss bank, representing an unknown number of individuals, made a tender offer to purchase a large amount of Columbia stock. The attempt was then made to gain control of Columbia.

At that time, I directed letters to the Chairman of both the Securities Exchange Commission and the Federal Communications Commission requesting a full and complete investigation by each of the circumstances of the Columbia stock transaction. I ask unanimous consent that copies of these letters, together with the letter and memorandum which I received from the SEC in response to my inquiry be placed in the RECORD at this point.

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

NOVEMBER 10, 1966.

HON. ROSEL H. HYDE,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: A matter of grave concern to the people of California and the Nation has arisen as a consequence of certain stock transactions which are of particular concern to you and your Commission. They involve the administration of the Communications Act and the regulation of American broadcasting.

Columbia Motion Pictures is an organization renowned for its significant contribution to the entertainment industry. For over 40 years, it has produced great motion pictures. It is the parent company of Screen Gems, Inc. which in turn owns and operates subsidiary corporations holding television and radio licenses approved by the Federal Communications Commission. In a word, this Corporation and its subsidiaries constitute a diversified entertainment enterprise employing many thousands of persons at an average annual payroll of over \$24 million, and average annual gross receipts of over \$170 million.

A significant portion of this operation is located in California. It represents an important element in my State's economy. Any potential threat to its existence is, of course, an equal threat to its California based personnel, and, to the myriad of related firms who do business with Columbia.

The potential threat of which I speak developed as a consequence of a recent large sale of Columbia stock to the Swiss branch of a French Bank, the Banque de Paris et des Pays Bas. The Bank made a public tender

in September of this year to purchase a large amount of Columbia stock for what it alleged to be investment purposes only. Approximately 675,000 shares were purchased by the foreign Bank, representing 34% of the entire outstanding stock of the Company. The Bank, in turn, assigned substantial blocks of Columbia stock to two United States mutual funds. These funds, and a relatively few individual stockholders, joined forces with the French Bank in an attempt to gain absolute control of Columbia. That, of course, includes the power to use or to misuse, to liquidate or to destroy. A spokesman for the group, the President of one of the mutual funds involved, Madison, has publicly stated "We have control".

This power of life or death over any American business or industry, directly or indirectly in the hands of a foreign group, is patently against the national interest. This is a danger already recognized by the Congress when it enacted Section 310 of the Communications Act, a provision which establishes a limitation against the possible foreign control of broadcasting corporations.

I have great respect for the operations of your Commission. Recently, acting on published reports of these transactions, you indicated to Columbia the possibility of a violation under Section 310(a) and 310(b) of the Communications Act. In a letter dated October 21, 1966, you described the possible infringement as the "acquisition of de facto control and a holding by aliens of stock in your corporation in excess of that allowable, without securing the prior consent of this Commission".

On October 25, 1966, Columbia transmitted copies of the FCC letter to the French Bank and other members of the group seeking control, requesting them to advise Columbia whether they intended to apply to the FCC for approval of their acquisition of interest in the Corporation. To date, no adequate information has been forthcoming.

Further, the public interest requires the full investigation of the part which two mutual funds—Madison and Dreyfus—may have played in this transaction. This is particularly true because, spokesmen for mutual funds generally have publicly represented that mutual funds do not as a matter of policy acquire stock in broadcasting companies for the purpose of participating in management or exercising control. These representations were recently made before your Commission. If a different course is now being pursued by the two funds in this transaction, then a full investigation is required. With the enormous capital controlled by mutual funds in America, and the large blocks of stock they hold in public corporations, these funds would have and could exercise a dominant power in the operation of broadcast corporations, in a fashion which surely would have a bad impact on the national interest.

The methods being used in this attempted takeover, if allowed to succeed, will adversely affect the future of Columbia Pictures Corporation. If practiced extensively, they would jeopardize the integrity of our entire communications system. It is and should be a matter of the most grave concern to all Americans when any foreign interest, whose motives may be unascertainable, attempts in any manner to control an American corporation, particularly one whose field is communications, motion pictures, and television.

May I respectfully and officially urge your Commission to assert jurisdiction on the premises, and to undertake a full and complete investigation of the circumstances surrounding this situation. I would further request that, pending the completion of such an investigation, all necessary steps should be taken to prevent the control of Columbia by those employing such questionable methods.

Our country would greatly benefit by such

an official inquiry by the Federal Communications Commission.

With kindest regards.

Sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

NOVEMBER 10, 1966.

HON. MANUEL F. COHEN,
Chairman, Securities Exchange Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: Recently, a situation was brought to my attention which I believe involves serious and far-reaching implications for the economic welfare of the State of California and the Nation.

Columbia Motion Pictures is an organization renowned for its significant contribution to the entertainment industry. For over 40 years, it has produced great motion pictures. Its subsidiaries own and operate valuable American television and radio stations. In a word, this Corporation and its subsidiaries constitute a diversified entertainment enterprise employing many thousands of persons at an average annual payroll of over \$24 million and average annual gross receipts of over \$170 million. A significant portion of this operation is located in California. It represents an important element in my State's economy. Any potential threat to its existence is, of course, an equal threat to its California based personnel, and to the myriad of related firms who do business with Columbia.

The potential threat of which I speak developed as a consequence of a recent large sale of Columbia stock to the Swiss branch of a French Bank, the Banque de Paris et des Pays Bas. The Bank made a public tender in September of this year to purchase a large amount of Columbia stock for what it alleged to be investment purposes only. Approximately 675,000 shares were purchased by the foreign Bank, representing 34% of the entire outstanding stock of the Company. The Bank, in turn, assigned substantial blocks of Columbia stock to two United States mutual funds. These funds, and a relatively few individual stockholders, joined forces with the French Bank in an attempt to gain absolute control of Columbia. That, of course, includes the power to use or to misuse, to liquidate or to destroy. A spokesman for the group, the President of one of the mutual funds involved, Madison, has publicly stated, "We have control".

This power of life or death over any American business or industry, directly or indirectly in the hands of a foreign group, is patently against the national interest. This is a danger already recognized by the Congress when it enacted Section 310 of the Communications Act, a provision which establishes a limitation against the possible foreign control of broadcasting corporations. It is unfortunate that a similar provision was not provided for in the Investment Company Act. The dangers inherent in such a situation are numerous and foreboding for any public corporation.

Under the facts as they have been represented, Columbia Motion Pictures Company would find itself under the control of a combination including significant foreign interests, without prior notice to the Company, without an opportunity for examination into the circumstances surrounding a tender offer for a very substantial block of its stock, and without any regard for the rights of its stockholders, its employees and its creditors.

According to newspaper reports in connection with the tender offer, the French Bank and its agent stated that Columbia stock was intended to be purchased as an investment. However, once the Bank had acquired Columbia stock, it combined forces with what press accounts call "dissident stockholders" in order to establish domination over Columbia. This would indicate that the sole purpose of the purchase was not investment alone. Would not the public interest be

served by your Commission carefully sifting the facts behind this bizarre development?

The actions of the two mutual funds involved in this transaction raises serious questions under the Investment Company Act. The Madison and the Dreyfus Fund are members of the group seeking control of Columbia. When the Investment Company Act was enacted, Congress was concerned about the domination and control by mutual funds of companies engaged in interstate commerce. This concern is reflected in the findings and declaration policy in the Act itself. It is one of the grounds on which investment companies were found to be affected with a national public interest. With the enormous capital controlled by mutual funds, and the large blocks of stock they hold in public corporations, these funds would have and could exercise a dominant power in the operation of such corporations, in a fashion which surely would have an adverse impact on the national interest.

The dangers inherent in the methods used in this attempted takeover threaten the very life of Columbia Pictures Corporation. If these methods were to be practiced extensively, they would pose a hazard to our entire system of free, competitive enterprise. It is and should be a matter of the most grave concern to all Americans when any foreign interest, whose motives may be unascertainable, attempts in any manner to control an American corporation, particularly one whose field is communications, motion pictures, and television.

I respectfully urge your Commission to assert jurisdiction in the premises, and to undertake a full and complete investigation of the circumstances surrounding the situation. Our country would greatly benefit by such an official inquiry by the Securities and Exchange Commission.

With kindest regards.

Sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C.

HON. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: This is in reply to your letter of November 10 in which you refer to the purchase through a public tender offer by the Swiss branch of the Banque de Paris et des Pays Bas of approximately 675,000 outstanding shares of Columbia Pictures Corporation, and express the view that this situation involves serious and far-reaching implications for the economic welfare of the State of California and the Nation.

I enclose a Memorandum from the Office of our General Counsel which discusses the situation, both in terms of the Commission's existing responsibilities under the federal securities laws and in terms of a possible legislative problem, of which the Columbia Pictures transaction may well be an example.

If we can be of any further help to you in connection with this situation, please let us know.

Sincerely,

MANUEL F. COHEN,
Chairman.

Enclosure.

MEMORANDUM OF THE OFFICE OF THE GENERAL COUNSEL, SECURITIES AND EXCHANGE COMMISSION, WITH RESPECT TO LETTER OF NOVEMBER 10, 1966, FROM SENATOR THOMAS H. KUCHEL.

In his letter of November 10, 1966, Senator Kuchel expresses serious concern about the acquisition of 675,000 shares of Columbia Pictures Corporation pursuant to a public tender offer by the Banque de Paris et des Pays Bas, the Swiss branch of a French bank. Subsequent to the tender offer, the bank assigned substantial blocks of this stock to two United States investment companies, The

Dreyfus Fund, Inc. and Madison Fund, Inc.

This matter has been receiving the attention of the Commission and its staff, and inquiry is being made into possible violations of the federal securities laws in connection with the bank's tender offer and the subsequent transfer to United States investment companies, including the violations alleged in a suit instituted by Columbia Pictures Corporation against the French bank, the two investment companies and various other companies and individuals. Although we understand that the private suit has been settled, should it appear that violations of the federal securities laws have been committed, the staff will continue its investigation and the Commission will take appropriate action.

Although both The Dreyfus Fund, Inc. and Madison Fund, Inc. are registered under the Investment Company Act of 1940, that Act does not prohibit an investment company from obtaining a controlling interest in a portfolio company. However, as Senator Kuchel's letter points out, the Act does express a concern over the domination and control by investment companies of other companies in which they are interested, and Section 14(b) of the Act expressly authorizes the Commission to investigate the effects of investment company size on portfolio companies. Pursuant to this mandate, the Commission has just issued a comprehensive report on the Public Policy Implications of Investment Company Growth. Chapter VIII of that report deals specifically with problems of investment company-portfolio company relationships. Although the report notes that some mutual funds seem to have become somewhat more active in portfolio company affairs, it does not find evidence that they have misused their power as large stockholders to the detriment of portfolio company shareholders. It concludes that, apart from special questions raised by investment companies that invest in other investment companies, there is no present need for new legislation in this area.

The circumstances surrounding the French bank's acquisition from public stockholders of a substantial position in the stock of Columbia Pictures Corporation, however, does point up an important problem of investor protection under the federal securities laws. While the pattern of corporate disclosure to investors provided by the federal securities laws is probably the most effective and comprehensive in the world, there is a significant gap with respect to efforts by outside persons to acquire a controlling influence over a publicly held corporation through tender offers and other purchases of outstanding shares. Notwithstanding the great importance to stockholders of possible changes in the management of their companies, persons making tender offers and other purchases are presently able to operate in almost complete secrecy concerning their intentions, their commitments and even their identities.

This gap in investor protection will be closed by the enactment of legislation similar to S. 2731, a bill introduced by Senator Harrison Williams of New Jersey during the 89th Congress. That bill would have amended the Securities Exchange Act to provide for disclosure of essential facts by persons making tender offers so that stockholders would be in a position to make more informed decisions as to whether to tender their shares, retain them or perhaps purchase additional shares.

The Commission supported the objectives of S. 2731 and understands that this legislation in revised form is likely to be reintroduced in the 90th Congress. In a situation like that of Columbia Pictures Corporation, such legislation would afford significant and much needed protections to public stockholders who are being solicited to sell their stock.

Mr. KUCHEL. Fortunately, the threat of takeover involved in this transaction was resolved by a private agree-

ment between the parties. But such agreements offer little assurance that similar future attempts at takeover will not succeed. As the SEC memo states:

Notwithstanding the great importance to stockholders of possible changes in the management of their companies, persons making tender offers and other purchases are presently able to operate in almost complete secrecy concerning their intentions, their commitments and even their identities.

I believe that the proposal introduced by the distinguished Senator from New Jersey, Senator HARRISON WILLIAMS, providing for full and complete disclosure requirements by those making cash tender offers, will provide needed legislative protection in this area. This proposal is similar to S. 2731, a bill also introduced by Senator WILLIAMS during the 89th Congress. Regarding this proposal, the SEC memo states:

This gap in investor protection will be closed by the enactment of legislation similar to S. 2731, a bill introduced by Senator Harrison Williams of New Jersey during the 89th Congress.

I am delighted that I may add my name as a cosponsor to this needed legislation.

I also look forward to the proposed legislative recommendations of the SEC, following its report on the "Public Policy Implications of Investment Company Growth." It is my hope that these proposals will provide additional regulatory tools against the threats to our securities system. We must always remember that the securities markets of America are the public markets of all Americans. The security of our investments demand the continued and improved vigilance of our laws.

COMMUTER SERVICE BILL

MR. WILLIAMS of New Jersey. Mr. President, for many years now, we have recognized that the Federal Government has a basic involvement in fulfilling this country's transportation needs. In our early days, we were concerned with building long-haul railroads and creating an adequate merchant marine. As our country has gone through different phases of its history, different modes of transportation became increasingly important and made their claims on the Government's help.

Understandably enough, as the United States grew industrially and great metropolitan areas became the commercial and social hub for large masses of people, the problem of urban transportation slowly came to the forefront of our national concern. By the end of World War II, it was becoming obvious to anyone who cared to look, that we were paying a disproportionate amount of money and attention to the private automobile and a multibillion dollar highway network, and were almost ignoring the question of how to move large numbers of commuters and casual travelers into and out of large urban areas in an orderly, pleasant and economical manner.

Congress first faced up to its responsibilities in this area when, in the 1961 Housing Act, it authorized programs for mass transportation demonstration projects, loans, and planning. This was only a small start, however, and in 1964

we finally succeeded in getting the Mass Transportation Act of 1964 enacted into law. Under this act, \$375 million was authorized and \$320 million has been appropriated, to revitalize and expand all types of transit and commuter transportation systems.

However, I think it vital to keep clear in our minds just what major premises underlay the provisions of the act. Basically, the act operated on the theory that fare box revenues could finance operation. Consequently, the grant provisions were designed to meet the heavy costs of new construction, new equipment, modernization, and the installation of new systems.

For many communities, this was just what the doctor ordered. The Memphis Transit Authority was able to purchase 75 new air-conditioned buses and complete a 3-year-old modernization program. The city of Minneapolis received a grant to develop a planned transitway and pedestrian mall along eight major downtown streets.

But it is essential to remember that the act was aimed at revamping and remodeling transportation systems which were already paying their own way out of the fare box or were receiving sufficient local subsidies to stay in business. Unfortunately, we have been somewhat beguiled by the "folklore of the fare box" and have tended to ignore the disconcerting fact that many public transportation systems—buses, subways, and commuter railroads—are simply not meeting their operational costs and consequently are in no position to take advantage of the capital grants under the Mass Transit Act.

I think that there is no longer any question that provision of adequate transit services has become a legitimate concern of government. Transportation has become as much of an essential public service as police protection or sanitation. Just as we now fully recognize that the local governments of large metropolitan areas have a responsibility for the health and safety of our cities, so we must face hard facts about our responsibilities throughout the whole broad field of commuter transportation.

The recent mass transit tieup in New York City presents a vivid and frightening example of the paralysis caused by a breakdown in transportation facilities: a city is brought to a standstill, incalculable losses are sustained by manufacturers and retailers, millions are kept from their jobs with resulting loss of pay, essential services are stymied, and virtual chaos develops on every alternate artery of transit.

This spectacle should serve as fair warning to all of us. Government is as directly concerned with the maintenance and functioning of an adequate transportation system as it is with maintenance and functioning of the power system which supplies electricity to a city.

In addition to a power failure and a disastrous mass transit labor dispute, the New York metropolitan region may well be on the verge of still another crisis which is merely indicative of that faced in other areas of the country. The commuter problem facing the tristate area of New Jersey, New York, and Connect-

icut—a problem which has been studied, discussed, analyzed, and argued about for over a decade—merely exemplifies that aspect of the commuter transit problem which we were not yet ready to deal with in the Mass Transit Act, and which is now staring us in the face. Many of the commuter lines—whether publicly owned subways in Boston or New York, privately owned railroads like the New Haven and Reading, or bus systems, simply cannot finance their operations out of the fare box and need immediate and direct cash grants merely to keep their heads above water.

There is no question at this point of the central role which commuter railroad service plays in every major metropolitan region. In a sense, this is a two-way relationship, for not only is the urban industrial complex dependent on those who commute into the city to perform their tasks, but the suburban, exurban, and rural communities which feed their residents into those commuter lines are even more dependent on the financial feedback from the cities.

For example, in my own State, where about 200,000 commuters daily pour into New York, it has been estimated that over \$3 billion is generated by this employment for the benefit of New Jerseyans.

The time has now come for drastic action—for enactment of a carefully designed, long-range, commuter-service bill which looks forward to or envisions an eventual solution of the problem rather than the sporadic handouts which transit facilities receive each time they cry poverty and threaten stoppage of service.

For too long we have labored under the comfortable myth that provision of passenger service was strictly the concern of private enterprise and a simple matter of market economics. Because of that comforting myth—which enabled us to avoid an early and honest appraisal of the problem—we ignored the danger signals which have been sent up over the years.

For example, even though private companies did a superb job—often with generous government contributions—of building and running a network of railroads linking every corner of our country, the events of the 20th century have drastically altered their ability to handle present needs. The reasons for this have by now become obvious to everyone.

First of all, the very nature of commuter service presents difficulties because it serves large masses of riders for only short periods of the workday and the workweek. The inroads made by the automobile and our strangulating highway network have severely curtailed railroad passenger and bus traffic. The high cost of labor and the large capital outlays required for new rolling stock, have also contributed to the woes of buses and railroads and breakdown of commuter service.

The railroads have made clear their present inability to operate their commuter operations on anything approaching a fiscally sound basis. The Erie-Lackawanna, the major commuter railroad for New Jerseyans, has

estimated its losses at \$63 million in the past decade and \$8.2 million—before State subsidies—last year alone; the Jersey Central claims it has incurred deficits of \$60 million in the past 10 years, and \$6.5 million—before State subsidies—during 1964. The regional plan association calculates the operating loss on all commuter operations in the metropolitan region at about \$25 to \$30 million annually.

Obviously, these losses cannot continue. Whether all possible efforts have been made over the years by railroad management to avoid them or to forestall them, is no longer the issue. At this time we must simply face the unpleasant facts of commuter life. The Erie-Lackawanna is reported to be preparing its application to the Interstate Commerce Commission to abandon service; the New Haven has been in bankruptcy for years; the Long Island Railroad has been virtually operated by the State of New York for over a decade.

Let me make one thing clear: I have talked in detailed terms of the problems in New Jersey and the entire New York region, but that is because, naturally, I know this area most intimately, and it is of most direct concern to me. However, the problems of this region of 17 million people are merely illustrative of the problems faced by failing commuter systems all over the country. Whether you look at the Boston area with its subway and Boston & Maine difficulties, or the current dispute right here in Washington, D.C., over a reasonable fare to be charged on the bus system, or at the remarkable progress made by the Chicago & Northwestern in serving the Chicago suburbs, the basic issue is the same. It is my strong belief that we must now make public our commitment that commuter lines—of all types—will be maintained in order to insure the continuing prosperity and well-being of the millions of people all over the country whose daily routine is so dependent on them.

Having made this policy decision, the question becomes one of how best to act. How are we going to keep these commuter facilities operating? Are we forced to accept the unpleasant notion of State or Federal ownership? I think not. Are we going to continue throwing them the bones of haphazard emergency subsidies and thinly disguised "demonstration grants" which demonstrate only the inadequacy of the funds granted? To me this is neither the rational nor the economic answer.

I would like to explain to you a program which I think presents an honest and well-thought-out plan for dealing with this situation. I say honest, because I think we must face squarely the financial magnitude of this problem and the funds which are needed to solve it, and we must no longer flinch at the application of some novel approaches which are necessary.

The program is relatively simple and embodies two major ideas: First, we must keep the commuter lines going. The danger on several railroad lines for

example, is of immediate curtailment and abandonment or of mergers which will result in eventual abandonment. Consequently, the Federal Government must contribute a certain portion of Federal funds to keep our transit facilities running. Whether we term these temporary subsidies, interim relief, or grants to defray operating deficits, we must recognize that the first order of business is, in the New York region, to transport 77,000 New Jerseyans daily to New York City and to make sure that the other 123,000 commuters from Connecticut and New York also make it to their jobs in the metropolitan region.

The concept of government subsidies for operating losses is hardly a new one. My own State has been paying out between \$6 and \$7 million a year for the last 6 years to the Erie-Lackawanna, the Jersey Central, and the Pennsy. Connecticut has authorized a subsidy of up to \$4½ million annually to keep the New Haven in operation. And New York set up a separate corporation, back in 1954, to run the Long Island Railroad rather than let it go out of service. New York City and Chicago have long realized the necessity of subsidizing their public transportation systems, and the Philadelphia area has established a transportation authority which is in the process of doing the same thing.

In short, whatever long-term arrangements we make for the prosperity of commuter buses, subways, and railroads, our short-term problem is one of their continued existence, and for this the lines must have help to meet their day-to-day operating deficits.

The bill I am introducing squarely faces this portion of the problem and provides, on a two-third, one-third matching basis, for Federal funds to help defray the out-of-pocket operating losses of any transportation facility which provides commuter services in a metropolitan, urban area.

Second, to merely hand out, year after year, payments to meet deficits, would be throwing good money after bad. There must be a massive effort made to modernize equipment, to purchase great numbers of new cars and buses, to make service more efficient, to cut labor costs where possible, and to institute all possible economies in the running of the lines. Essentially, what is needed is a long-range capital improvement program which, once put into final effect, can either lessen deficits to the minimal level where they can be totally borne by the State or local governments, or can eliminate them entirely.

Under the provisions of the legislation I am introducing today, the Secretary of the Department of Housing and Urban Development would make these grants on a two-third, one-third matching basis, not to the operating applicant itself, but to a public transportation authority which has broad responsibilities for maintenance of commuter transportation and upon whose contribution the ratio is based. For example, the New York Metropolitan Commuter Transportation Authority, or Connecticut's Public Transportation Authority would be eligible for such aid. The excellent suggestion of Dwight Palmer, New Jersey's experienced and knowledgeable State high-

way commissioner, that his agency be expanded into a more comprehensive Department of Transportation would probably bring such a Department under the provisions of this legislation. On a broader level, the existing tristate transportation commission could be given the powers and authority to take advantage of such assistance.

The central requirement of this bill is that no grant shall be made unless the public transportation body and the particular applicant to be assisted have submitted a comprehensive commuter service improvement plan—which sets forth a program—for capital improvements to be undertaken by such railroad for the purpose of providing more efficient, economical, and convenient commuter service in an urban area, and for placing the commuter operations of such railroad on a sound financial basis.

In operation, a State or independent public body with transportation responsibilities, will submit to the new Department of Urban Affairs a complete, long-term program setting out a limited period of time in which its operating deficits must be met and a comprehensive schedule for capital improvements. I am hopeful that in addition to providing the benefits which I have outlined, this legislation will also stimulate creation of the broad regional transportation authorities which have proven so successful in dealing with the complex and interrelated problems of planning transportation for a particular metropolitan region. The Massachusetts Bay Transportation Authority and the newly emerging Southeastern Pennsylvania Transportation Authority are outstanding examples of the successful use of these far-ranging public authorities.

In order to insure, so far as possible, that this will not turn into another never-ending program of government subsidies, we have written a 10-year limit into the program and have given the Secretary discretion, when necessary, to extend individual grant programs for an additional 5 years.

This measure also directs the Secretary of HUD to conduct a study of the subsidy program, comparing it with other subsidy programs of the Federal Government to determine the efficacy of this program in assuring adequate urban commuter service, not just in the Northeast, but throughout the country.

It also assures that no grant will be approved unless it fulfills the long-range comprehensive urban transportation requirements applicable to the capital grants portion of the Mass Transportation Act.

As a piece of companion legislation, I am also introducing a bill which would forestall the kind of action which the management of certain railroad lines, like the Erie-Lackawanna, is so anxious to take. Instead of allowing abandonment of service on the grounds it currently does, which are mostly financial, the Interstate Commerce Commission must first require that a carrier have made good faith efforts to take full advantage of the provisions of the commuter service bill. In this way, commuter lines will not be allowed to totally abandon their responsibilities to the public without having made the attempt—

requiring time and imagination and will—to arrive at sound constructive growth plans which will enable them to get on their feet again. In short, we will give all possible help to keep the railroads in business, but we will not tolerate their just walking out of the picture because that is the simple way out.

I realize that it would be impossible for the Federal Government to provide the money to finance even a sizable portion of what needs to be done overall throughout the country in this field. However, I do believe we could make a major contribution toward finding a solution to some of the major problems with a very modest \$75 million per year, as provided in my bill, for a period of 5 years.

In conclusion, this bill is not a complete answer to all the problems of commuter transportation facing the Nation. I do believe, however, that it may provide a system for discovering many solutions to a conflict which, if not resolved, will lead to utter chaos in most urban communities within the near future.

Mr. President, I respectfully request unanimous consent for these bills to lie on the table for 1 week for additional cosponsors and for the text of these bills to be printed following my remarks.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD, and will lie on the desk for 1 week for additional cosponsors.

The bills, introduced by Mr. WILLIAMS of New Jersey, were received, read twice by their titles, appropriately referred, and ordered to be printed in the RECORD, as follows:

The bill (S. 511) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes was referred to the Committee on Banking and Currency, as follows:

S. 511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds—

- (1) That over 70 per centum of the Nation's population lives in urban areas, and it is anticipated that by 1986 80 per centum of the population will be concentrated in such areas;
- (2) That transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provisions of efficient, economical, and convenient transportation;
- (3) That for many years the mass transportation industry served capably and profitably the transportation needs of the urban areas of the country;
- (4) That in recent years the maintenance of even minimal commuter service in urban areas has become so financially burdensome as to threaten the continuation of this vital service;
- (5) That some mass transportation companies are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their commuter operations; and
- (6) That immediate substantial Federal assistance is needed on an interim basis to enable many mass transportation companies to continue to provide vital commuter service during the period required to overhaul and revitalize commuter operations and to place such operations on a sound financial basis.

SEC. 2. The Urban Mass Transportation Act of 1964 is amended by redesignating sections 6, 7, 8, 9, 10, 11, and 12 as sections 7, 8, 9, 10, 11, 12, and 13, respectively and by adding after section 5 a new section as follows:

"INTERIM ASSISTANCE TO ASSURE ADEQUATE COMMUTER SERVICE IN URBAN AREAS"

"Sec. 6. (a) For the purpose of providing interim assistance on an experimental basis to assure adequate commuter service in urban areas, the Secretary is authorized to make grants to any State or local public body or agency thereof to enable such State or public body or agency thereof to assist any mass transportation company which maintains commuter service in an urban area within the jurisdiction of such State or public body or agency thereof to defray operating deficits incurred as the result of providing such service to such areas. No grant shall be provided under this section to any State or local public body or agency thereof to assist any mass transportation company unless (1) the Secretary determines that the commuter services provided by such company are needed for carrying out a program referred to in section 4(a), and (2) such State, public body, or agency and such company have jointly submitted to the Secretary a comprehensive commuter service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital improvements to be undertaken by such company for the purpose of providing more efficient, economical, and convenient commuter service in an urban area, and for placing the commuter operations of such company on a sound financial basis. No mass transportation company shall be eligible to receive assistance provided under this section for a period in excess of ten years, except that the Secretary may authorize such assistance for an additional period, not exceeding five years, if he determines that an extension is necessary in order to enable such company to carry out its commuter service improvement plan.

"(b) Any grant under this section to a State or local public body or agency to defray the operating deficit of any mass transportation company shall not exceed an amount equal to two times the amount of financial assistance provided by such State, public body, or agency to such company to defray such deficit, and any assistance provided under this section shall to the greatest extent practicable be coordinated with other assistance provided under this Act.

"(c) To finance grants under this section there is authorized to be appropriated not to exceed \$75,000,000 for each of the fiscal years 1968, 1969, 1970, 1971, and 1972. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year. The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes to make advance or progress payments on account of any grant made pursuant to this section.

"(d) The Secretary shall conduct a study of the operation of the subsidy program authorized by this section, as compared with other operating subsidy programs carried out by the Federal Government, with a view to determining the efficacy of such program in assuring adequate commuter service in urban areas. The Secretary shall submit an interim report of his findings and recommendations to the Congress not later than June 30, 1969, and a final report of such findings and recommendations shall be submitted to the Congress not later than June 30, 1972.

"(e) No grants shall be made under this section after June 30, 1972, except pursuant to a commitment entered into prior to such date."

SEC. 3. Section 7(b) of the Urban Mass Transportation Act of 1964 (as redesignated

by section 2 of this Act) is amended by striking out "July 1, 1966" and inserting in lieu thereof "July 1 of each of the years 1967, 1968, 1969, 1970, and 1971."

SEC. 4. Section 10(c) of the Urban Mass Transportation Act of 1964 (as redesignated by section 2 of this Act) is amended—

(1) by striking out the semicolon at the end of clause (3) and inserting in lieu thereof " and the term 'Secretary' means the Secretary of Housing and Urban Development";

(2) by striking out "and" at the end of clause (4);

(3) by striking out "serving the general public" in clause (5) and inserting in lieu thereof "serving commuters and others", and by striking out the period at the end of such clause and inserting in lieu thereof the following: " and the term 'mass transportation company' means any private company or public authority or agency providing mass transportation service; and"; and

(4) by adding at the end thereof a new clause as follows:

"(6) the term 'annual net operating deficit' means that part of the annual operating costs of a mass transportation company which could reasonably have been avoided by the elimination of commuter service in an urban area, less the annual revenues derived by such company from the provision of such service."

SEC. 5. Section 13 of the Urban Mass Transportation Act of 1964 (as redesignated by section 2 of this Act) is amended by striking out "section 7(b)" and inserting in lieu thereof "section 8(b)".

The bill (S. 512) to amend section 13a of the Interstate Commerce Act, relating to the discontinuance or change of certain operations or services of common carriers by rail, in order to require the Interstate Commerce Commission to give full consideration to all financial assistance available before permitting any such discontinuance or change, was referred to the Committee on Commerce, as follows:

S. 512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(a)(1) of the Interstate Commerce Act (49 U.S.C. 13a(1)) is amended by inserting after "If, after hearing in such investigation," the following: "including full consideration of any financial assistance available pursuant to the Urban Mass Transportation Act of 1964 or any other law for the purpose of continuing such operation or service and the efforts of such carrier or carriers to obtain such assistance,".

SEC. 2. Section 13a(2) of the Interstate Commerce Act (49 U.S.C. 13a(2)) is amended by inserting after "The Commission may grant such authority only after full hearing" a comma and the following: "including full consideration of any financial assistance available pursuant to the Urban Mass Transportation Act of 1964 or any other law for the purpose of continuing such operation or service and the efforts of such carrier or carriers to obtain such assistance,".

ADULT HEALTH PROTECTION ACT OF 1967

Mr. WILLIAMS of New Jersey. Mr. President, I introduce, for appropriate reference, a bill to establish health screening programs in a limited number of regional and community centers equipped with the latest in instrumentation and communication systems. The service would be free and voluntary for persons of age 50 or over, and it could

become the cornerstone for a genuine national effort to prevent or reduce chronic disease by detecting it in its early stages.

Few national goals could be more urgent.

We have been told within recent weeks that chronic disease in the United States takes an economic toll of \$57.8 billion annually in direct and indirect costs.

We have also been told that we spend just a small fraction of that sum for the prevention of illness.

In other words, we treat disease when it occurs; we do not attempt to put obstacles in its path. We give disease a head start, and then we run to catch up with it, after it has already begun to cause damage.

Would prevention not be better than an almost total reliance on treatment?

And now with the advent of medicare, do we not have one more compelling economic reason to prevent chronic disease?

Why, we should ask ourselves, must we pay out money for hospital care of illnesses that might have been held at bay if caught in time?

Why, with the need and demand for medicare, do not we turn our attention to ideas and actions that will reduce illness and the cost of treating illness?

And why, in a Nation capable of deep compassion, have we not concerned ourselves more effectively with the people who are weakened, crippled, or killed by chronic illness?

Eighty-seven million persons in the United States now suffer from at least one chronic condition—including more than seven out of 10 persons of age 45 or over.

Of all who suffer, 22.6 million must limit their physical activity in some way.

Heart disease alone afflicts 14.6 million individuals and 13 million know the anguish of arthritis.

Of the 1.5 million persons in medical institutions, the great majority are there because of chronic disability.

With disheartening statistics such as these—and there are many more—can we in this Nation honestly believe that we have done all that can be done to fight disease before it overtakes its millions of victims?

Treatment, however superb the techniques or the care, is fundamentally a defeat. It is an attempt to repair damage after it has occurred, but we must do more than deal with outright physical disaster or long-term attrition. We must take positive preventive action while it is still early enough to matter.

The bill I submit today would, I am convinced, give us some of the resources we need to be most effective, most strategically. Its provisions are modest, but this bill could lead us to a new national standard of health maintenance. Early detection of chronic illness could become as much a part of our lives as fire protection or vaccination against smallpox.

SUMMARY OF PROVISIONS

This bill would authorize the Surgeon General to make grants to medical schools, community hospitals, health departments, and other public or non-profit agencies to establish and operate health protection centers.

REGIONAL HEALTH PROTECTION CENTERS

The regional health protection centers would provide a series of basic tests to detect abnormalities in the cardiovascular, respiratory, gastrointestinal, genitourinary and musculoskeletal systems, as well as defects in metabolism and organs of special sense. Specific diseases or conditions to be tested for might include first, hypertension, heart muscle enlargement, and disease; second, mouth, lung, breast, cervical, and other cancer; third, diabetes; fourth, kidney disease; fifth, glaucoma; sixth, tuberculosis; seventh, rheumatoid arthritis; eighth, gastrointestinal bleeding; ninth, anemia; 10th obesity; 11th, respiratory insufficiency; 12th, vision impairment; 13th, hearing impairment; 14th, hypercholesterolemia; and 15th, gout.

The tests would be administered by technicians, nurses, and medical specialists using automated or semiautomated equipment which has already been proven to give swift, accurate, and reliable results. The results of these tests along with data provided by the person undergoing the health appraisal, would be fed into a computer. It is estimated that the battery of tests could be administered within 2½ hours.

The results of the tests, summarized by the computer, would be referred to the private physician of the person tested. In cases where the person either did not have a private physician or was medically indigent, the test would be referred to a physician in accordance with local practice.

The regional health protection centers are intended to provide an efficient means for the detection of abnormalities or indications of disease. They would not replace full examinations. Their purpose is to place in the hands of the examining physician a summary of basic data and to place promptly under a physician's care a person with indications of possible disease.

The centers would be under the supervision of physicians, but they would be principally staffed by technical personnel. Health counselors would be on the staffs of the centers to explain the purpose of the tests, to insure proper referral and to follow up those cases where prompt medical treatment was indicated by the tests.

Health appraisals and disease detection tests would be available to any person age 50 or above on a voluntary basis.

The regional health protection centers would conduct training programs in the operation of technical disease detection procedures and would research and develop new disease detection tests and equipment. Additional grants to the regional centers would be authorized for operational research and for the establishment of internships to give on-the-job training to physicians, nurses, social workers, and technical personnel. The centers would also conduct community education programs on preventive health care.

The availability of these testing services would be intended to encourage men and women approaching retirement to take regular health examinations and to facilitate the giving of full examinations by practicing physicians.

COMMUNITY HEALTH PROTECTION CENTERS

The Surgeon General would be authorized to make grants to medical schools, community hospitals, and other community health service agencies for the establishment of community health protection centers. They would be linked by data transmission lines to the regional centers and could use the more sophisticated electronic equipment and other facilities of the regional centers for the evaluation of some tests.

One of the criteria for the awarding of grants to regional centers would be their ability to provide services to the small community centers. Although the community centers would be directly connected to the regional centers, they would not necessarily be operated by the same institutions which ran the regional centers. One purpose of the community centers would be to make the services of the regional centers more widely available to a greater number of people. Special facilities might be developed to meet particular needs. For example, mobile units might be used in rural areas.

OTHER PROVISIONS

A 12-man Advisory Council on Adult Health Protection would be established to advise and assist the Surgeon General in the administration of this program.

The Surgeon General would be authorized to contract with educational institutions or other appropriate organizations for the conduct of educational programs. He would also be authorized to contract with profit and nonprofit organizations for the research and development of equipment, systems, or processes which would improve disease detection procedures.

Let me emphasize—that this point bears emphasis—that the centers would not be treatment centers. They would not be diagnostic centers. They would be laboratories which give data to physicians, who would interpret that data and deal directly with patients when consultation would be needed.

The bill I am introducing requires that in every case the results of the screening test be given to a practicing physician. The health protection centers would not be equipped or intended to provide treatment, although the staff of the centers would be expected to follow up cases and to make sure that a participant was promptly brought under a doctor's care if treatment was indicated by the tests. Even should the screening tests show no indications of possible disease, the data would provide basic information to a physician on his patient which would be extremely helpful for a full physical examination by a doctor or as base line data in future examinations.

Doctors would thus be given more time to perform the executive, expert functions that only they can perform. They would be given more time and more facts to help more people.

As the population continues to increase—especially the elderly population which is most susceptible to chronic disease and disability—physicians and others in the health professions will need all the time they can get.

HEALTH SUBCOMMITTEE FINDINGS

Mr. President, I introduced an identical bill (S. 2983) last February and said at that time that it was urgently needed. Supporting my arguments were excerpts from letters written by eminent representatives of medicine and related professions.

Representative John Fogarty, who had long sought adequate health care for all Americans, introduced the bill on the same day, and he made an eloquent plea for early attention by Congress. As always, he was in the forefront of action for new health advances. As one who knew him well in the House, I was deeply saddened by his passing. Congress and the Nation have lost a great legislator and a remarkable man.

As each of us well remembers, 1966 was a busy year in both Houses of Congress. There were not enough hours for full consideration of the Adult Health Protection Act—or "preventicare," as it has been nicknamed.

Fortunately, however, the Subcommittee on Health of the Elderly in the Senate Special Committee on Aging conducted hearings that bear directly upon the purposes of the bill submitted here today.

I might add that the hearings were not concerned with a specific bill. The Committee on Aging does not consider legislation; it conducts studies and makes recommendations for action. It seems to me that the value of such studies was amply demonstrated once again in this case. Knowledgeable witnesses—including physicians, State public health directors, medical economists, experts in medical electronics, and sociologists—came to Washington to give facts and opinions necessary for full understanding of modern health screening and its implications when applied on a national scale.

Senator Maurine Neuberger, the subcommittee chairman, performed a valuable public service, it seems to me, when she conducted the hearings and related studies. In the final months of a distinguished Senate career, she once again expressed effective interest in the health resources of our Nation.

A summary of the testimony taken in September during 3 days of hearings appears in a subcommittee report "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques," was published on December 30, and it was worthy of the widespread attention it received.

The major recommendation of that report is thoroughly consistent with the purposes of the Adult Health Protection Act introduced by Congressman Fogarty and myself.

The subcommittee recommendation was as follows:

Federal legislation should be enacted to establish a multiphasic screening program on a large-scale basis with eventual expansion nationwide.

Furthermore, the report said that multiphasic screening—the simultaneous testing for one or more illnesses—"offers the possibility of converting 'an ounce of prevention' from a proverb into an avenue of health for the Nation."

Senator Neuberger made it clear in her

foreword to the report that multiphasic screening alone will not end all health care deficiencies in this Nation.

But—

She added—

It can become, as one witness described it, a "new entity" providing a much-needed service while it alerts public officials and private citizens to the need for preventive medicine.

Weighty facts and arguments in support of such conclusions appear frequently in the 648 pages of hearing transcript and appendixes. I wish that I could quote at length from the testimony, but I will attempt instead to summarize the major subcommittee findings and the reasons for them.

First. The subcommittee found that the economic and sociological costs of chronic disease are intolerable, but that this Nation is spending relatively little on programs to prevent disease.

Many of the statistics on chronic disease costs used earlier in this speech are from a study discussed at some length during the subcommittee hearing. That study, impressive as it was, could tell only the dollars and cents cost of chronic disease. There is much, much more to the story.

From Dean Walter Beattie, of the School of Social Work at Syracuse University, for example, the subcommittee received this statement:

Far too often long-term illness results in the loss of self-mastery and an increased emphasis on dependency—physical, psychological, emotional, economic and social—in a society which places a high value on independence. . . . To the community and society, the social significance of chronic disease must be that of the loss of our basic human resources. Our goal should be to conserve resources and enhance their contributions to the society.

Furthermore, said the dean, dependency increases the demands on already overworked professional and technical manpower in the helping professions, including those concerned with medical care and social service.

His Eminence Cardinal Ritter of the Ritter Institute in St. Louis said that chronic illness has an impact on the very structure of the family:

For some the statistics on the mounting tide of chronic illness and its damaging effects may seem distant or academic in nature only. If, however, one could go behind the statistics to the individual or individuals affected—one would then be better able to measure its damaging effects by seeing it engulf the individual or family in pain or despair or death—by seeing it sap the foundation of family life and community life in all parts of the country.

Another witness, chief of the gerontology section in a Brooklyn hospital gave a gripping description of the effects of chronic illness on individual people:

The Statistics I have quoted, being aggregate entities, fail to convey the consequences in terms of people—individual people. It is in the microcosm of clinical practice that they become meaningful.

The 60-year-old man, a diabetic, with gangrene of a foot, who refuses to permit amputation despite his constant pain, drags his wife, his children, and their families all into his own orbit of despondency, bickering, and emotional turmoil. Or

again, the 55-year-old widow crippled by arthritis, living with an unmarried daughter, who is living her life out in quiet desperation. The 75-year-old man who prided himself on the fact that he had never seen a physician, until a chronic sore on his face began enlarging, and now is a hideous, foul-smelling disfigurement. We can go on, literally ad nauseam.

Second. A second major conclusion suggested by several of the findings is that multiphasic screening has already been shown to be practical and effective, and that more widespread screening would hasten new technological breakthroughs and reduced costs.

Perhaps the most succinct statement on present status of screening programs was given by Dr. Lester Goodman, Chief of the Biomedical Engineering and Instrumentation Branch in the National Institute of Health. He said:

I would point out that technical feasibility is established. The major question remaining is concerned with the allocation of resources to accelerate development.

A very similar conclusion was reached by Dr. Lester Breslow, director of the California State Department of Public Health. Dr. Breslow has long been aware of the potential value of multiphasic screening, and he has worked with the Kaiser Foundation and other organizations on screening projects. Here is his estimate of the present situation:

What has been achieved in the case of tuberculosis, diabetes, cancer of the uterus, and other forms of cancer, hypertensive heart disease, and many other chronic diseases, is due to a relatively simple form of attack on the problem. That attack consists of early detection of the disease process and prompt treatment with modern methods. *The technical basis for a successful attack on many important chronic diseases is well established. All that is needed is an organization in the full-scale application of available tools* (H 173). (Emphasis added.)

The subcommittee arranged for a demonstration—in the hearing room itself—of some of the very latest instrumentation already in use or available for health screening programs.

One automated chemical analysis instrument divided a thimbleful of blood into 12 samples and performed a separate test on each. Findings were printed automatically on a convenient form. We were told that about 500 findings can now be turned out in 1 hour, and that within another 5 years or so a machine of this kind may be able to turn out about 2,000 findings an hour. To keep such data manageable, computers can be put to work. One model is capable of taking the blood sample as soon as it comes out of the patient's arm and maintaining the identity of that sample automatically until results are printed up.

We also witnessed computer analysis of electrocardiograms and spirometers. The computer was a few miles away, and the data was transmitted through ordinary telephone wires. Findings came back by way of teletype. We also watched a computer take a medical history from a person who operated a keyboard in order to answer questions flashed on a cathode-ray screen.

You will find descriptions of the demonstration in the report and in the hear-

ing transcript, but I will take another moment now to give a personal reaction to one of the memorable moments from the hearing.

Dr. Paul Dudley White, as we well know, is renowned as a cardiologist and as an authority on health practices. He was a witness at the hearing, and told why prevention of disease should start long before the first symptoms appear. Then, much younger men addressed the subcommittee and demonstrated their electronic wonders. Dr. White was fascinated. It was obvious, I thought, that some of the equipment was new to him, but he had already begun to think of ways in which it could be useful to him. In fact, he came back to the microphone for a few more words to the subcommittee. Dr. White, white haired as he is, is young in outlook and spirit. It was good to see him in action.

Multiphasic screening, of course, does not utilize automated equipment simply for the sake of complexity. Such instrumentation is used only when it is needed to open up screening to far larger numbers of persons than had been possible when other methods were used.

Quite often, however, even the most sophisticated screening program will employ simple tests. The test for glaucoma, for example, can be performed by hand with a small device to measure pressure. And yet it does the job.

Many individuals who were screened under the District of Columbia public health screening program have been informed, after taking the test, that they have early signs of glaucoma. If they had not been so informed, blindness could have developed so gradually that they might not have even noticed the decline in vision. Surgery or treatment can prevent such decline, but only if applied in time.

What kind of results does screening produce? Much testimony on testing for one disease at a time is in the hearing records, and usually such testing is effective. We all know, for example, of successful programs to detect tuberculosis or diabetes. Multiphasic screening is similarly effective, and it saves time by making it possible for participants to have several tests at one visit.

At the Kaiser Foundation multiphasic clinic, about which I will talk in detail a little later, the results for 1965—when 39,524 patients were screened—were described as follows:

Hypertension and hypertensive heart disease was diagnosed in 9 percent of all patients.

The electrocardiogram had some abnormality reported in 20 percent of all patients.

Over the age of 50, 25 percent of women and 31 percent of men had some abnormality reported.

In men ages 50 to 59, 25 percent; men ages 60 to 69, 35 percent; and men aged 70 years or more, in 52 percent of their electrocardiograms, some abnormality was reported.

Similarly, the chest X-ray had some abnormality reported in 24 percent of all patients over age 50, in 33 percent of women and 43 percent of men.

In men ages 50 to 59, 30 percent; 60 to 69, 48 percent; and in men 70 years or

more, 68 percent had some abnormality reported in the chest X-ray.

Pulmonary emphysema was diagnosed in 0.5 percent of our women and 2.5 percent of our men. Mammography X-ray examination of the breasts, for cancer detection showed that cancer of the breast in women aged 50 years or more, proven by surgery, was found in 1 out of every 500 women.

Visual acuity of 20/20 or 20/30 is considered as within normal limits.

Visual acuity of 20/40 or less indicates need for refraction; 7.5 percent of all people had a visual acuity of 20/40 or less.

For aged 60 to 69, it was 12 percent, and for age 70 or more, 26 percent of all people had a visual acuity of 20/40 or less.

Glaucoma was diagnosed in 1 percent of our patients, and deafness in 2.5 percent.

The retinal photograph of the fundus of the eye had some abnormality reported in 9 percent of all patients.

The urine contained sugar in significant amounts in 11.5 percent of all patients; urine protein in 1.2 percent; urine bacteria in significant amounts in 1 percent of men and 3 percent in all women.

Diabetes was diagnosed in 3 percent of all patients; anemia was diagnosed in 1 percent of men, and 7.5 percent of all women.

Gout was diagnosed in 1 percent of men, osteoarthritis in 3 percent of men and 7.5 percent of women.

The most common diagnosis is obesity, which was diagnosed in 12 percent of men and 20 percent of women.

Great benefits from a screening program of the future were foreseen by another witness. She described project studies made by a Committee in the Department of Health, Education, and Welfare as part of the Department's effort to examine the objectives, benefits, and costs of existing or potential programs.

One committee study evaluated the benefits that could be expected from a 5-year cervical cancer detection program if applied on a national scale.

If 7 million women were examined during the 5-year period, more than 80,000 cervical cancers would be found, and approximately 34,000 cancer deaths averted.

The committee was able to arrive at the dollar value associated with such a program by using formulas showing estimated savings in high treatment costs for invasive cancer, as well as the savings that could be expected from death reduction.

The anticipated payoff, or benefit-cost ratio would be high, said the witness—\$9 returned for every dollar invested in detection.

A newspaper article by Morton Minitz, appearing in the December 19 edition of the Washington Post, gave details on other studies by the same HEW Committee.

A program for early detection of breast cancer, for example, could be expected to cost \$22.5 million, but it would avert 2,936 deaths. The benefit-cost ratio would be \$4.4 in benefits to \$1 in costs.

We cannot be satisfied, of course, to

measure benefits solely in terms of dollar savings.

When we delay or prevent chronic illness and the suffering it causes, we give each moment of life more meaning. Each of us has a claim on life's full measure, and we strengthen that claim when we find new ways to fight disease.

HOW A CENTER WORKS

Mr. President, I discovered last year in my conversations about the Adult Health Protection Act that many individuals—including laymen and medical practitioners—found it difficult to visualize the workings of a multiphasic screening center.

Some believed that screenees receive the test findings and—in rare cases where the computer or testing device may err—would become alarmed or confused. And yet, all screening programs that I know of send such data directly to a physician for interpretation. If any findings appear to be questionable, the physician will most certainly find them and the screenee need never know about them. The Adult Health Protection Act would employ similar procedures.

Another common misgiving about health screening had to do with the so-called depersonalization of the participants. And yet, to judge by testimony taken before the Health Subcommittee, participants in health screening programs are enthusiastic about the centers and appreciative about the savings in time made possible by efficient routing and scheduling. One witness reminded the subcommittee that, although machines are used in screening, those machines are manned by well-trained and sympathetic human beings.

Still other misgivings are expressed about potential increases in the workload of our doctors. After all, screening is intended to reveal incipient disease that would otherwise go undetected, and doctors will presumably be called upon to take early preventive action. But often during our hearing, we heard a contrary argument. We were told that multiphasic screening could result in considerable time savings for physicians—an important consideration in the face of severe and growing medical manpower shortages. One witness, in fact, gave us this estimate of current methods and the time they take from our doctors:

... Consider the average practicing physician who, at any point in time, is responsible for the health of a thousand people. If we take the minimum figure of one hour of physician time per preventive examination and provide such an examination once every two years for each person, we have to conclude that this doctor would need to devote the equivalent of ten weeks of full time each year in order to achieve the objective. There are few who believe that this amount of physician time can or should be withdrawn from an overloaded schedule devoted to the diagnosis and treatment of sickness which is already evidenced or strongly suspected.

Multiphasic screening—by amassing vital data and making it available in convenient form for diagnosis by a doctor—can help reduce demands on him and can help him serve more people.

The subcommittee report, I am happy to say, discusses other problems and

reservations that have arisen in discussions of a national multiphasic screening program, and it gives due weight to their importance. But the report sees none of the problems as insurmountable. Instead, it vigorously states that this Nation cannot wait until all problems are solved before it undertakes programs for prevention of disease.

We must—

The report says at one point—

consider our long-range goal, which is to reduce the need for costly and timetaking treatment of illness by detection and prevention of disease.

It seems obvious to me that the screening process must be understood by Congress and the public if we are to have objective discussion of the program I propose here today. For that reason, I would like to refer to a statement made by Dr. Morris Collen, director of the Permanente Foundation Multiphasic Health Screening Clinic in Oakland, Calif. This clinic is associated with the Kaiser Foundation health plan, a prepaid comprehensive medical care and health program in the San Francisco Bay area.

Dr. Collen is a pioneer in the development of screening programs. He believes that the Oakland facility is "the largest organized program that functions on line with a computer." I might add that many, many visitors consult with Dr. Collen each year about the techniques he has developed.

In his testimony before the subcommittee, Dr. Collen described 20 stations at which patients stop during 2 to 3 hours in the clinic. It must be remembered that some of the methods and tests employed in Oakland would not necessarily be part of a program authorized by the Adult Health Protection Act of 1967. Nevertheless, Dr. Collen's testimony gives valuable insight into modern technology as applied to screening, and I insert his statement at this point in the RECORD:

At the first station, a patient registers at the reception desk approximately every 3 minutes from 1 to 8 p.m. daily. Here he receives a clipboard which contains a medical questionnaire form and a deck of cards which are prepunched with his medical record number for computer input.

This is an actual deck of cards as they are prepared by the computer for the patient before his appointment.

The patient at station 2 removes the outer body garments in a dressing booth and puts on a disposable paper gown. The patient then proceeds to station 3, where the six-lead electrocardiogram is recorded. These are subsequently read by the cardiologist, who records his interpretation on a card, using pencil marks which can be sensed directly by a card-reading machine for input into the computer. Automatic analysis of the electrocardiograms by the computer is being tested.

The patient drinks a solution of 75 grams of glucose in carbonated water, and the time of glucose ingestion is recorded by a time stamp on the back of the card, and the patient at that time is assigned a sequencing number from 1 to 24 for control purposes.

The patient then proceeds to receive a chest X-ray, which is subsequently read by the radiologist, who records his interpretation on the mark-sense card. X-rays of the

breast are performed on all women over 45, and these are also read by the radiologists.

Weight and skin thickness are measured, and then by means of an automated anthropometer, a dozen height and transverse body measurements are recorded directly onto the patient's punchcard in 3 minutes. At the next station, pulse rate and blood pressure are measured and recorded.

The patient then returns to his dressing booth and redresses. Visual acuity is then tested by reading a wall chart, and ocular tension is measured by a nurse with a tonometer, and the reading is recorded on a card. A drop is then placed in one eye to dilate the pupil for later retinal photography. The vital capacity is measured with a spirometer. The hearing is tested with an automated audiometer, and the readings are recorded on a mark-sense card.

At station 14, a self-administered medical questionnaire form, which the patient received at the first station, and which was completed while waiting between stations—this questionnaire is now audited by the nurse. The patient is then assigned to 1 of 24 questionnaire booths in accordance with the sequencing number which was assigned to the patient at station 4.

Here the patient receives a box which contains a deck of 207 punched cards, each having a separate question printed on the card. The questions have been selected which are adjudged medically to be of value in discriminating patients with specific diseases from nondiseased persons. The patient responds to each question by taking the card from the top section of the divided letter-box and dropping the card into the middle section if his answer is "Yes" or into the bottom section if the answer is "No." This procedure automatically sorts "Yes" responses for direct input into the computer by means of a card-reading machine.

As a part of the preventive medical program, the patient receives a booster dose of tetanus toxoid, and when an hour has elapsed since the ingestion dose, the patient is called from the questionnaire booth and sent to the laboratory, where blood samples are drawn for hemoglobin, blood count, test for syphilis, and rheumatoid factor; these test factors are recorded on the mark-sense cards.

Also, eight blood chemistry determinations—glucose, albumin, total protein, cholesterol, creatinine, uric acid, calcium, and transaminase—are simultaneously done within 12 minutes by the multichannel automated chemical analyzer, with the test results directly punched in the cards. A urine specimen is collected, and tests are done for bacteria, for the urine pH, glucose, blood, and protein and the results are marked into the patient's test cards.

The patient then returns to his questionnaire booth, and when he has completed all of his questions, he then goes to the next station, where a photograph is taken of the right retina, with a camera. These retinal photographs are subsequently read by an ophthalmologist, who records his interpretation on a mark-sense card.

The patient now returns to station 20, the last station, where he turns in his clipboard containing the marked and punched cards, and the questionnaire form, and there exchanges the box which contains assorted medical questionnaire cards for a second box of cards by which a psychological test is evaluated. By the time the patient turns in this last questionnaire, the on-line computer processing has been completed and supplemental tests and appointments are advised by the programmed rules of the computer, and these are arranged for the patient.

Routinely advised are a sigmoidoscopy for all patients aged 40 or more and for all women a gynecological examination with cervical smear for cancer detection. A majority of the data is recorded on prepunched or mark-sense cards, so as to permit its immedi-

ate introduction into the data processing system. Thus, as an on-line procedure, while the patient waits at station 20, the computer processes the information from the punched cards, from the prepunched sorted cards, and from the reproduced mark-sense cards; in the central facility these punched cards are entered directly into the computer.

In the San Francisco facility, the punched cards are read into a data communicating system, and transmitted via telephone line to the central computer in Oakland, 15 miles away. The processor now goes through a program routine containing various test limits and decision rules and prints out a report constituting "advice" as to any additional procedures which should be done prior to the patient's next visit.

These advice rules have been previously established by the internists, and the receptionist is instructed to arrange certain additional tests and appointments for the patient before his physical examination visit with the physician.

For example, if the 1-hour serum glucose is greater than a predetermined normal limit for the patient's age and sex and hours since last food intake, the computer prints out instructions to the receptionist to return the patient to station 16 for a 2-hour serum glucose. If a serious abnormality is detected, an earlier appointment with the physician is advised. As an off-line procedure, the computer collates and stores on the random access disk pack the physician interpretations that arrive 2 days later. These are the mark-sense reports from the X-rays, electrocardiograms, and the remaining laboratory tests.

When all the information has been received and stored, the computer then produces a printed summary of all the test reports and the questions answered "Yes" by the patient.

When he sees the patient, the internist reviews the summary report at the time of the patient's first office visit. The physician directs his attention toward elaborating on the questions to which the patient has answered "Yes" and to the test abnormalities reported from the automated multitest laboratory. He completes his physical examination and then proceeds to arrange whatever medical care is necessary for his patient in a customary manner (H 215-217).

WIDER USE: BIGGER SAVINGS

Health-screening technology, advanced as it may now seem, is still in its early years. It was quite apparent to several of our witnesses that more widespread use of instrumentation and other testing techniques would hasten important advances. Cesar A. Caceres, Instrumentation Activities Chief for the Heart Disease Control Branch in the U.S. Public Health Service, summed up the situation admirably when he said:

We can foresee that widespread use of automation and modern communications media can reduce the total costs of medical tests from dollar to cents.

Third. The subcommittee made it clear that only substantial screening effort would give us the impetus and the working experience we must have within the next few years.

Here, I think, the subcommittee recognized several bedrock facts.

For one thing, we no longer require "demonstrations" of the need for and the value of health screening. Individual programs to detect early signs of single diseases—such as tuberculosis or cancer—have yielded very tangible benefits over the years. Multiphasic screening programs have shown that it not only is feasible, but desirable, to combine sev-

eral tests at once in well-planned sequence.

What is needed now is not further demonstration, but application of what we already know on a scale big enough to first, test both the regional center and the community center concept; second, to try differing approaches in differing geographical zones; and third, to serve many, many more people than we now do in sporadic or limited programs.

It seems to me that the Adult Health Protection Act of 1967 would clearly fulfill those objectives, and it would give us the experience and new techniques we must have if we are to broaden it into a full national program.

Five regional centers with their satellite community centers cannot, after all, serve an entire nation.

But they will give us a meaningful beginning—a beginning we must have if we are ever to make multiphasic screening what Dr. Austin Chinn of the U.S. Public Health Service describes as "a new entity in the complex of health services—an entity which is not presently available."

ANOTHER CALL FOR SCREENING

Mr. President, I have an additional exhibit expressing the intensifying interest in multiphasic screening.

On October 13, the Special Subcommittee on Investigation of the Department of Health, Education, and Welfare for the House Committee on Interstate and Foreign Commerce issued its report on the organizational structure of HEW as it pertains to matters of public health.

The subcommittee, under the chairmanship of Representative PAUL G. ROGERS, of Florida, made several recommendations and transmitted them to Representative HARLEY O. STAGGERS, the committee chairman.

In its recommendation E, the subcommittee issued a clear-cut call for development of efficient multiphasic screening programs. While the report did not deal directly with any specific bill, its comments on screening have a direct relationship to the subject before us today, and I include the following excerpts in the RECORD:

Similarly, there has been very little effort made to promote multiphasic screening as a form of preventive medicine. When linked to a systematic procedure and assisted by computers, diagnostic tests can be made self-auditing, capable of assigning an array of secondary checks upon positive indication from a standard test. With proper follow-up, it will lead to a discovery of unknown conditions before they become acute, and will assist in the management of known but neglected conditions. When administered to a population it can help mitigate or avoid serious disease, its cost, and the manpower necessary to treat it.

Fifteen years ago the International Longshoremen's & Warehousemen's Union in San Francisco arranged through the Permanente Health Plan for multiphasic screening of 4,000 union members. Under a battery of only 12 diagnostic tests, two-thirds of these men showed positive results and one-fifth of them were reported with previously unknown conditions—including malignant neoplasms, pulmonary, tuberculosis, syphilis, diabetes, hearing and sight impairments, cardiovascular disease, nephritis, nervous disorder and respiratory conditions. The total cost of screening and follow-up (exclusive of thera-

peutic management) averaged \$9.13 per person tested. Several additional benefits flowed from the multiphasic operation: health education among workers formerly suspicious of examination, correlations between socioeconomic status and disease incidence, and the inclusion of multiphasic screening services as a regular feature of the Kaiser-Permanente Health Plan.

Test batteries and screening procedures have improved considerably since the longshoremen's demonstration. It is now possible to screen 24,000 persons per year in a single multiphasic clinic. All of the equipment required will fit into a small neighborhood apartment or into a mobile unit for rural areas. The testing may be performed by nurses and medical technologists and fed into magnetic tapes for computer analysis and automatic auditing. The per patient cost for testing large populations is still very low.

Our attention to maximizing health manpower utilization demands consideration of eventual periodic multiphasic screening for every citizen of the United States. It is unsuitable that the "medical checks" administered to much of the population be only those designed by employers primarily for the purpose of refusing employment to the impaired. Multiphasic screening facilities might be combined with low cost referral diagnostic services, similar to those provided by the "doctor's laboratories" in Denmark, which are manned by biotechnicians trained in testing procedures to furnish, efficiently and on short notice, local physicians with diagnostic information.

A GOOD TIME TO BEGIN

Mr. President, the passage of medicare in 1965 was a turning point in our thinking about the health needs of a nation.

Until President Johnson signed that bill in the presence of Harry S. Truman, we had been caught in the feverish debate that had increased in intensity each year.

Now we have ended that debate. We are taking fresh new looks at other problems associated with the health of our people.

We are concerned about the delivery of services to all Americans, rich or poor, rural or urban.

We have good reason to believe that medical manpower shortages are going to intensify rather than decrease.

We look for more efficient methods of providing professional medical services to more people.

We are trying to establish a pioneering heart, stroke, and cancer treatment program.

We are, in short, about to engage in much reviewing and rebuilding of our national health objectives and programs.

At this time, therefore, we have to make certain our thinking about the future is not made in a partial vacuum, as it will be if we do not make adequate provision for programs that help prevent disease.

The Adult Health Protection Act of 1967 is a sensible, significant, and very timely proposal intended to help us begin now to make the proper allocation of resources for the prevention of disease.

Detection is the beginning of prevention. Screening today will lead to other positive actions in man's long fight against debilitation and death caused by disease.

Mr. President, I respectfully request unanimous consent for this bill to lie on the table for 10 days for cosponsors and

for the text of the bill to be printed at the close of my remarks.

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

The bill (S. 513) to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 513

A bill to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Adult Health Protection Act of 1967".

SEC. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE X—DETECTION OF DISEASES IN ADULTS THROUGH FACILITIES PROVIDED BY REGIONAL AND COMMUNITY HEALTH PROTECTION CENTERS

"FINDINGS OF FACT

"Sec. 1001. The Congress hereby finds and declares that—

"(1) the Federal Government has a duty to assist the adult population of the United States, particularly the aged and the aging, in protecting, maintaining, and improving their health;

"(2) utilization by individuals on a regular basis of a health appraisal program, which makes full use of appropriate technical facilities in its disease detection procedures, can lead to the prevention of illness and chronic disorders which they would otherwise suffer;

"(3) the early detection of disease is essential to the prompt and effective treatment thereof;

"(4) there presently exist modern equipment and techniques which make possible the efficient and rapid appraisal of large numbers of individuals for indications of many common chronic diseases, including heart and vascular diseases, cancer, diabetes, tuberculosis, glaucoma, and kidney disease;

"(5) the rapid appraisal, by use of such equipment and techniques, of large numbers of individuals for indications of common chronic diseases in no way constitutes medical treatment nor in any way replaces or obviates the need for regular physical examinations by physicians;

"(6) the making available to physicians caring for individuals who have undergone such an appraisal of properly documented findings resulting therefrom will assist such physicians in conducting, more rapidly and

efficiently, complete medical examinations of such individuals; and

"(7) the expansion of facilities providing for the appraisal, by use of modern equipment and techniques, of large numbers of individuals for indications of common chronic diseases, together with the making available to appropriate physicians of the documented findings resulting from the appraisals conducted by such facilities, will assist the medical profession in employing to the fullest extent their knowledge, training, and abilities in preventing illness and in healing the sick.

"DECLARATION OF PURPOSE

"SEC. 1002. It is the purpose of this title—

"(a) to encourage and assist, through grants, in the planning, establishment, and operation of regional health protection centers each of which will provide health appraisal and disease detection services, on a periodic basis, to any adult who requests such services, if he has attained age fifty and resides within the immediate geographic area, as prescribed by the Surgeon General, within which such center is located, and each of which will assist and support any community health protection centers, which may be located within the geographic area served by it, in carrying out their functions;

"(b) to encourage and assist, through grants, in the planning, establishment, and operation of community health protection centers which will provide health appraisal and disease detection services, on a periodic basis, to any adult who requests such services, if he has attained age fifty and resides within the geographic area served by the center from which he requests such services;

"(c) (1) to provide grants to regional health protection centers (and, under certain circumstances, to community health protection centers), which have received grants under this title to carry out the purposes of subsection (a) or (b), to enable them to provide specialized training in the various functions and activities of such centers, through working internships in such centers, for physicians, nurses, health counselors, referral specialists, medical technicians, and other professional or technical health personnel; and (2) to enable the Surgeon General to enter into contracts with educational institutions and other appropriate organizations for the development and carrying out of educational programs designed to improve or enhance the effectiveness of professional or technical personnel engaged in (or interested in engaging in) activities involved in the operation of health protection centers; and

"(d) (1) to provide grants to regional health protection centers (and, under certain circumstances, to community health protection centers), which have received grants under this title to carry out the purposes of subsection (a) or (b), to enable them to conduct operational research designed to secure information leading to the improvement of systems, methods, processes, or procedures to be employed by such centers in carrying out their functions, including systems, methods, processes, or procedures relating to the development of counseling, informational, referral, and other activities related to the carrying out of such functions, and (2) to enable the Surgeon General to enter into contracts with profitmaking and nonprofitmaking organizations for the conduct of research designed to improve the operations of health protection centers.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1003. (a) In order to carry out the purposes of this Act, there are authorized to be appropriated, for the fiscal year ending June 30, 1968, \$10,000,000; for the fiscal year ending June 30, 1969, \$20,000,000; and for the fiscal year ending June 30, 1970, \$30,000,000.

"(b) Any sums appropriated under subsection (a) for any fiscal year shall, if not expended prior to the end of such year, remain available for the purpose for which they were appropriated until expended.

"DEFINITIONS

"SEC. 1004. As used in this title—

"(1) the term 'Council' means the National Advisory Council on Adult Health Protection established by section 1011; and

"(2) the term 'nonprofit institution' means an institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"PURPOSE OF REGIONAL AND COMMUNITY HEALTH PROTECTION CENTERS

"SEC. 1005. (a) (1) It shall be the purpose of any regional health protection center to provide, in accordance with the succeeding provisions of this subsection, a health appraisal program for which all adults age fifty or over living within the immediate geographic area, as prescribed by the Surgeon General, within which such center is located will be eligible to participate.

"(2) Such health appraisal program—

"(A) shall be designed to detect, in the most rapid and efficient manner possible, indications, in individuals participating in the program, of common chronic diseases and conditions such as heart and vascular disease, cancer, diabetes, tuberculosis, glaucoma, and kidney disease, and abnormalities or defects in metabolism, organs of special sense, and in the cardiovascular, respiratory, gastrointestinal, genitourinary, and musculoskeletal systems;

"(B) shall include the full and proper use, in its disease, abnormality, and physical defect detection functions of the most efficient procedures and technical equipment;

"(C) may include the training of professional and technical personnel in the operation of technical disease detection procedures and related functions of health protection centers;

"(D) shall include the carrying out of educational and informational activities for the benefit of the general public and of professional health personnel in concepts of health protection and maintenance; and

"(E) may include the conduct of research into new means of disease detection and into the development of new diagnostic equipment.

"(b) In addition to providing (in accordance with the preceding requirements of this section) a health appraisal for the residents within the immediate geographic area in which it is located, it shall be the duty and function of any regional health protection center to provide support and assistance to such community health protection centers as may be established in neighboring geographic areas or which can be feasibly related to such regional health protection center. In carrying out such duty and function, each regional health protection center shall maintain a direct working relationship with each such community health protection center, and shall disseminate appropriate information among, and shall coordinate the efforts of, such community health protection centers. Each regional health protection center shall have and maintain a full and adequate supply of automated and other equipment so as to be able to process tests for and otherwise assist all community protection centers which it is to serve.

"(c) (1) It shall be the purpose of any community health protection center to establish a health appraisal program in accordance with the provisions of subsection (a), and to cooperate with the regional health protection center serving the geographic area in which such community health protection center is located.

"(2) In order that the foregoing purpose may effectively be carried out, each commu-

nity health protection center shall be designed to serve the people of a well-defined geographic area, as prescribed by the Surgeon General, and shall be designed so as to facilitate the convenient utilization of its services by the greatest possible number of the people residing within such area.

"GRANTS FOR REGIONAL HEALTH PROTECTION CENTERS

"SEC. 1006. (a) The Surgeon General is authorized to make grants to medical schools, community hospitals, health departments, and other appropriate public or nonprofit agencies or institutions to assist them in the planning, establishment, and operation of regional health protection centers.

"(b) Grants under this section may be made only upon application therefor approved by the Surgeon General. Any such application may be approved only if it contains or is supported by reasonable assurances that—

"(1) any regional health protection center, the planning, establishment, or operation of which is assisted by any such grant will be one which, when it is in operation, will fulfill the purposes of regional protection centers as set forth in section 1005 and will comply with the requirements prescribed for any agreement under section 1008;

"(2) Federal funds paid pursuant to any such grant will be used only for the purposes for which paid and in accordance with the applicable provisions of this title and the regulations thereunder;

"(3) the applicant for a grant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General to assure proper disbursement and accounting for such Federal funds;

"(4) the applicant for such grant will make such reports, in such form and containing such information as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports; and

"(5) any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"GRANTS FOR COMMUNITY HEALTH PROTECTION CENTERS

"SEC. 1007. (a) The Surgeon General is authorized to make grants to medical schools, community hospitals, health departments, and other appropriate public or nonprofit agencies or institutions to assist them in the planning, establishment, and operation of community health protection centers.

"(b) Grants under this section may be made only upon application therefor approved by the Surgeon General. Any such application may be approved only if it contains or is supported by reasonable assurances that—

"(1) any community health protection center, the planning, establishment, or operation of which is assisted by any such grant will be one which, when it is in operation, will fulfill the purposes of community health protection centers as set forth in section 1005 and will comply with the requirements prescribed for any agreement under section 1008;

"(2) Federal funds paid pursuant to any such grant will be used only for the pur-

poses for which paid and in accordance with the applicable provisions of this title and the regulations thereunder;

"(3) the applicant for such grant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General to assure proper disbursement of and accounting for such Federal funds;

"(4) the applicant for such grant will make such reports, in such form and containing such information as the Surgeon General may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General may find necessary to assure the correctness and verification of such reports; and

"(5) any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"HEALTH PROTECTION CENTERS—FINDINGS OF HEALTH APPRAISALS TO BE REFERRED TO PRIVATE PHYSICIANS

"SEC. 1008. (a) Each grant made under this title to any health protection center shall be conditioned upon an agreement that such center will refer any and all findings resulting from any health appraisal, test, or examination provided by it for any individual to the private or other physician who is charged with the health care of such individual.

"(b) The Surgeon General shall promulgate regulations specifying the particulars to be included in any agreement referred to in subsection (a) and such regulations shall provide that, in the event an individual, who undergoes a health appraisal, test, or examination provided by a health protection center, does not have a private physician who is charged with the health care of such individual, the findings resulting from any such appraisal, test, or examination of such individual shall be referred in accordance with the practice of local medical groups in the community where such individual resides, or, if such individual is medically indigent, shall be referred in accordance with local practice in such community with respect to medically indigent individuals.

"(c) Any agreement referred to in subsection (a) shall provide that any findings resulting from any health appraisal, test, or examination provided by a health protection center for any individual, or any research or study involving such findings, shall be treated with commonly accepted standards of confidentiality in the medical and health field.

"(d) Any health protection center which has entered into an agreement referred to in subsection (a) shall not be eligible to receive any grant or part of a grant under this title during any period with respect to which the Surgeon General finds that such center has failed substantially to comply with such agreement.

"TECHNICAL TRAINING OF PERSONNEL FOR HEALTH PROTECTION CENTERS

"Grants to Health Protection Centers

"SEC. 1009. (a) The Surgeon General may make grants to regional health protection centers, which have received grants under section 1006 (and, when the Surgeon General determines that the purpose of section 1002(c) can best be carried out thereby, to community health protection centers which have received grants under section 1007), to enable such centers to establish and operate

working internship programs under which physicians, nurses, health counselors, referral specialists, medical technicians, and other professional or technical personnel will receive training in performing the activities of health protection centers. No such grant shall be used to make any such program available to any individual for a period greater than two years, and no such grant shall be made to any health protection center with respect to any period for which such center is not a recipient of a grant under section 1006 or section 1007.

"Contracts with institutions and organizations"

"(b) The Surgeon General may enter into contracts with educational institutions or other appropriate organizations for the development and carrying out of educational programs designed to improve or enhance the effectiveness of professional or technical personnel engaged in (or interested in engaging in) activities involved in the operation of health protection centers.

"OPERATIONAL RESEARCH"

"Grants to health protection centers"

"SEC. 1010. (a) The Surgeon General may make grants to regional health protection centers, which have received grants under section 1006 (and, when the Surgeon General determines that the purpose of section 1002(d) can best be carried out thereby, to community health protection centers which have received grants under section 1007), to enable such centers to conduct operational research designed to secure information leading to the improvement of systems, methods, processes, or procedures employed in the detection of disease, in the providing of counseling, informational, referral, and other services, and in other activities of such centers. No grant under this section shall be made to any health protection center prior to the first full year in which such center has been in operation.

"Contracts with organizations"

"(b) The Surgeon General may enter into contracts with appropriate profitmaking or nonprofit organizations for the purpose of the development or alteration of equipment, communications, processes, systems, or procedures designed (singly or in combination) to improve the effectiveness or efficiency of health protection centers in carrying on the activities for which they were established.

"NATIONAL ADVISORY COUNCIL ON ADULT HEALTH PROTECTION"

"SEC. 1011. (a) The Surgeon General, with the approval of the Secretary, may appoint, without regard to the civil service laws, a National Advisory Council on Adult Health Protection. The Council shall consist of the Surgeon General, who shall be Chairman, and twelve members, not otherwise in the regular full-time employ of the United States, who are leaders in the fields of medicine, dentistry, optometry, preventive medicine, public health, public welfare, or are representatives of national organizations concerned with the interests of the aging, and shall include one or more national leaders known for their dedication to the national interest and the welfare of the Nation's citizens.

"(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Surgeon General at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(c) Appointed members of the Council,

while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including travel time, and while so serving away from their homes or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(d) The Council shall advise and assist the Surgeon General in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title.

"REGULATIONS"

"SEC. 1012. The Surgeon General, after consultation with the Advisory Council, shall prescribe general regulations covering the terms and conditions for approving applications for grants under this title and the coordination of programs assisted under this title with the programs, having related purposes, which are authorized under other titles of this Act or other Acts of Congress.

"RECORDS AND AUDIT"

"SEC. 1013. (a) Each recipient of a grant under this title shall keep such records as the Surgeon General may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this title which are pertinent to any such grant."

SEC. 3. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"SECTION 1. Titles I to X inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

NOW IS THE TIME FOR A REDWOOD NATIONAL PARK

Mr. METCALF. Mr. President, though what has been called the third wave in American conservation has been underway now for a number of years and has been most productive, a few of the most urgent projects are still before us awaiting action. The most critical of these is the proposal for a Redwood National Park.

Studies, indecision on the part of the administration, costlines, and the complexity of the interests involved have all contributed to delay this project. Despite the skillful work of the chairman of the Senate Interior Committee, Mr. JACKSON, in securing voluntary commitments from lumber companies to limit cutting in the areas under consideration, logging in some key areas is continuing. The 90th Congress is the Congress that must at last decide this issue. We can delay no longer, and indeed I hope we have not delayed too long already.

Today, on behalf of the senior Senator from Montana [Mr. MANSFIELD], the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Hawaii [Mr. INOUE], the Senator from New York [Mr. KENNEDY], the senior Senator from Minnesota [Mr. McCARTHY], the Senator from Wyoming [Mr. McGEE], the junior Senator from Minnesota [Mr. MONDALE], the Senator from Wisconsin [Mr. NELSON], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF] the Senator from Maryland [Mr. TYDINGS], the Senator from Texas [Mr. YARBOROUGH], the Senator from Ohio [Mr. YOUNG], and myself, I am reintroducing the proposal for a 90,000-acre Redwood National Park in Redwood Creek which a number of us cosponsored in the last Congress. I am leaving the bill on the table for 10 days in the hope that as many of our colleagues as possible will join us, as so many did before, in co-sponsorship.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will lie at the desk as requested.

The bill (S. 514) to establish a Redwood National Park in the State of California, and for other purposes, introduced by Mr. METCALF (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. METCALF. Mr. President, this proposal has drawn more support than any other on the subject before Congress. Not only has it had the largest body of sponsorship in both Houses, but most witnesses who testified or submitted statements in support of a park at the hearings of our Interior Committee favored it. It has the broadest support among America's conservation groups, and particularly has the support of the Sierra Club which knows the area intimately. Congressman COHELAN and others are introducing companion legislation in the House today.

As a result of their introduction, I have resolved to introduce the bill today. I think it is highly appropriate that the chairman of the Interior and Insular Affairs Committee, the Senator from Washington [Mr. JACKSON], agreed with Governor Reagan that there would be a moratorium so the new Governor of California could consider and look into the matter of a Redwood National Park.

I have discussed this matter with the senior Senator from California [Mr. KUCHEL], who introduced a bill for a Redwood National Park last session.

I hope the Senator from California and I and others who are interested and concerned about the creation of a Redwood National Park can, on the basis of the bill I am today introducing, and the bill he proposes to introduce at some later date, similar to the one introduced in the last Congress, reach some kind of agreement so we can achieve a Redwood National Park early in this Congress.

Time is wasting on this important proposition, and I assure the Senator

from California that I and the people who are cosponsoring my legislation will work with him, and will abide by the agreement that the Senator from Washington, the chairman of the Committee on Interior and Insular Affairs, has entered into with the Governor of California, so that we will have time to work this out.

But inasmuch as this bill is being introduced on the House side by the gentleman from California, Representative COHELAN, I should like to have it presented to my fellow Senators today, so that it can be a part of the format upon which we do work out, ultimately, a Redwood National Park.

I yield to the Senator from California.

Mr. KUCHEL. Mr. President, as a Californian, I believe the public interest would be served by the establishment of a great Redwood National Park, a park which would keep for the benefit of all of America's people now and in the future a large block of the remaining virgin redwoods. These trees reach up to the sky 350, 360 feet, and more; some living on this earth when Jesus Christ was in Nazareth. That means something to me, Mr. President, and I hope that Congress, this year, will be able to find a basis on which to legislate to establish the Redwood National Park. It is my earnest hope that the distinguished Governor of California, Mr. Reagan, and his administration, the Sierra Club, which sponsors the bill being introduced today, the Save the Redwoods League, which sponsored the bill proposed by the administration and introduced by me last year, other conservation clubs, and our colleagues, not only in my State but all across the country, will be able to come into agreement on this legislation.

I thank my able friend for indicating that he does not intend to push his legislation. I thank him for agreeing that he will abide by the agreement which was entered into between the chairman of our Interior Committee, Senator JACKSON, and the Governor of California, that action on the Redwood National Park bills will be postponed for a 3-month period, which is perfectly reasonable and understandable, and that thereafter, we will proceed to hearings and committee action. The chairman has announced that the Senate Interior Committee will hold hearings on these bills on April 18, 1967.

I thank the Senator from Montana.

Mr. METCALF. I thank my friend from California. I wish to say to the Senator from California that while I count myself as a Montanan, my parents have lived in California for many, many years—since 1929—and that as a student at Stanford University, I enjoyed and gained spiritual restoration from going up into the redwoods. The marine coast at that time was much less populated than it is at the present time.

I feel that I, as a Montanan, share in the interest of the Senator from California in this national resource, and I am pleased at the assurance of the Senator from California that we will have legislation this session.

Mr. President, there is not a more majestic, awesome tree than the redwood. It is the patriarch, the giant of the plant

and animal kingdoms. The redwood antedates the mammal, dwarfs all other living things.

Redwood forests flourished 130 million years ago. They once extended across the Northern Hemisphere, into the then-temperate Arctic, through Europe and Asia. Through the ages, climate and geology forced the redwoods of Europe down to the Mediterranean, where they perished. The Asian redwoods were driven to a small isolated area of central China. In North America the redwoods are making their last stand along the California coast.

Now it is man, not nature, who is endangering the redwood forests. The biggest, most accessible trees go first. In 1909, there were an estimated 102 billion board feet of virgin redwoods in the western forests. This was reduced to 72 billion by 1920, to 57 billion by 1931, to 35 billion—including some second growth—by 1953. At the current cutting rate the bulk of virgin redwood in private hands will be gone by 1980. Most of the virgin redwood—93 percent of the virgin growth—is privately owned. Only 86,723 acres, not all of it virgin growth, have been set aside in State parks.

The Redwood National Park we propose would be located within portions of Humboldt and Del Norte Counties, in northwestern California. The proposed park is south of the town of Klamath, north, east, and southeast of the town of Orick.

Our bill does not go nearly so far toward redwood preservation as President Theodore Roosevelt proposed. He felt "most emphatically that we should not turn into shingles a tree which was old when the first Egyptian conqueror penetrated to the valley of the Euphrates, which it has taken so many thousands of years to build up, and which can be put to better use." The great majority of remaining redwoods would remain in private hands.

Support for our proposal has been strong for four principal reasons:

First. It proposes that the national park be located in the region originally recommended by the professional staff of the National Park Service as the result of its comprehensive field survey of 1963-64. No other region was found to be suitable in this survey, which was made before political pressures mobilized.

Second. The area in which the park would be located, the Redwood Creek area, contains the largest concentration of superlative virgin redwood timber yet unprotected. Here is where the greatest opportunity for conservation exists. This proposal directs itself to making a significant, new, and needed contribution to saving threatened redwoods too important to lose. It does not content itself with finishing a State project, or relabeling State parks as National parks.

Third. The Redwood Creek area contains the trees of greatest public and scientific interest. Here the world's tallest tree and other trees of record height are found. The public wants to see these trees, and it wants to see them in their natural setting, protected both for the health of the trees and for the appreciation of visitors. Scientists, too, want to know more about the conditions

needed to produce such trees, and they want to study the remarkably varied terrain and local climates that comprise this setting.

Fourth. The Redwood Creek area not only has the redwood forests which will display that species at its best in the national park system, but it also has a variety of other scenic and recreational features that cannot be matched in the redwood region. It has wide, sandy beaches, high, colorful cliffs, fresh-water lagoons, major rivers, Roosevelt elk, and unique Fern Canyon. This would be a magnificent national park.

I have prepared a table which details the attributes of this area. I ask unanimous consent that my table, entitled "Principal Features of Proposed Redwood National Park, Redwood Creek-Prairie Creek Area," be printed in the RECORD at this point.

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

PRINCIPAL FEATURES OF PROPOSED REDWOOD NATIONAL PARK REDWOOD CREEK-PRAIRIE CREEK AREA

1. Total acreage (prospects for perpetuation improve with greater acreage): 90,000 acres.

2. Virgin acreage: 42,000 acres.

3. Conservation opportunity (privately owned virgin acreage to be protected): 32,000 acres.

4. Record displays: World's tallest trees; world's best example of redwood slope types (fairly even-aged stands of 400-year-old redwoods); World's largest mountain covered with redwoods, near Bridge Creek.

5. Elevational contrast: Slope types extend up hillsides to an average elevation of 2,000 feet, with a better demonstration of the variation in redwood types as elevation and distance inland increase.

6. Notable views: Lower Redwood Creek Valley from Bald Hills Road, unbroken panorama of last, large valley of virgin redwoods; Northern Gold Bluffs from Highway 101; Gold Bluffs beach from the beach road; Elk Prairie from Highway 101 at south edge of Prairie Creek Redwoods State Park.

7. Additional recreational attractions: 18 miles of coastline; 11 miles of usable beach (Gold Bluffs Beach); 22 miles of river frontage along Redwood Creek on which spring float trips can be made down a canyon enclosed in virgin redwoods; 18 miles of scenic highway through the park (at least 8 more miles south of Orick should be protected by scenic easements); 76 miles of additional display roads are now available.

Associated features include herds of Roosevelt elk at Elk Prairie and at the beach, Fern Canyon, waterfalls over the Gold Bluffs, nearby lagoons with waterfowl and marsh displays, sites with Indian artifacts at the mouths of Redwood Creek and the Klamath River, and renowned Klamath River fishing.

8. User impact patterns: Over a 33-mile-long area available for recreational use; thus there should be no tendency to concentrate impact on fragile areas. Ideal site for park headquarters exists near Orick. Good sites for new campgrounds exist on open flats along lower Redwood Creek.

9. Flood protection: 22 miles of land along the main stem of Redwood Creek is proposed for acquisition, embracing 1/2 of the creek's drainage area; 12 named tributary drainages will be entirely within the park (including Prairie Creek, May Creek, Lost Man Creek, Little Lost Man Creek, McArthur Creek, Bond Creek, Forty-four Creek, and Tom McDonald Creek).

Complete flood protection will be provided to the stands in the tributary drainages. Control of 1/2 of the entire drainage will also

appreciably help in controlling main stem flood problems. As Redwood Creek features mainly slope types, there are only a few major flats with bottom stands (about 4) to protect. These stands should be protectible by agreements (easements) to control land treatment practices in the remainder of the drainage and by local protective works.

10. Feasibility: Preliminary professional report of the National Park Service identified this area as the most outstanding. National interest has centered on it (both as a result of the report and the discovery of the tallest trees). Considerable support is developing for a national park here, including support from a local citizens group (Citizens for a Redwood National Park).

Mr. METCALF. This table makes it clear that the Redwood Creek area meets all three criteria which the National Park Service has put forth for a suitable Redwood National Park: First, superlative examples of the redwood species; second, an area that can be protected from erosion damage; and third, space sufficient for heavy public use.

In addition, recent studies of the age structure of 32,670 acres of virgin timber in private ownership in the Redwood Creek area show that the preponderance is in the older age classes, which contain the most impressive specimens:

Age class, (as percentage of crown canopy) :	Acres
80 percent or more old growth.....	23, 287
50 to 80 percent old growth.....	8, 730
50 to 80 percent young growth.....	653
Total	32, 670

On the question of protectibility, much has been said in general terms about the need to protect entire watersheds. There is no doubt that this is desirable wherever possible. Unfortunately, with none of the major park proposals under discussion is this possible. The watersheds are too large and the influences too varied to permit the parks to be designed by reference to hydrographic basins. As useful as it is as a generality, the concept of watershed protection should not become a shibboleth dictating Congress decision. The objective is protection. Watershed acquisition is just one of the means, though as good a start on this can be made in Redwood Creek as elsewhere. In originally recommending three alternate plans for parks in Redwood Creek, the National Park Service obviously thought the forests of Redwood Creek could be protected. Other competent observers too feel this is fully possible. Those who profess to have doubts should cite the specific sectors of the stream frontage that concern them rather than merely resorting to the slogan of watershed protection. Let us hear if they are really worried about anything concrete or merely trying to discredit a rival proposal.

The bill I am introducing today has essentially the same boundaries as my previous proposal. However, there is one substantive change in the bill. To remove any suggestion that there is an issue with the administration over provisions to compensate counties for temporary losses in the tax base, I have incorporated the provision for economic adjustment payments of the administration bill into mine. I believe that this provision for payments for a 5-year pe-

riod of three-fifths of 1 percent of the assessed valuation of the property acquired is a fair procedure. It recognizes the transitional problems which an area may experience as a result of a major change in land use, but it does not commit the Federal Government to permanent payments that may no longer be needed once an expanded tourist economy is established. In this respect, it avoids the drawbacks of regular payments in lieu of taxes, which Congress has been reluctant to make.

Mr. President, from the discussions which have taken place in the last few months, it appears that nearly all conservation groups will unite behind a plan which includes, among other things, a substantial share of the great forests of Redwood Creek. It is beginning to be evident also that this can be done within the budgetary limits of the proposal which the administration made to the last Congress.

When the administration sends us its proposal on redwoods, I sincerely hope that it will reflect the lessons of the past year. These are simply that the public opinion, scientific fact, and congressional support in behalf of Redwood Creek cannot be ignored to suit some of the administration's philanthropic advisers who prefer other plans. It is time for the administration to help the Congress and the people get on with this work. It has waited long enough.

ADDITIONAL COSPONSOR OF BILL

Mr. MANSFIELD. Mr. President, on behalf of the distinguished senior Senator from New Mexico [Mr. ANDERSON] I ask unanimous consent that at the next printing of S. 284 the name of the junior Senator from New Mexico [Mr. MONTOYA] be added as a cosponsor.

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

NOTICE OF HEARINGS ON THE IMPLEMENTATION OF TWO PUBLIC LAWS CONCERNING RECLASSIFICATION OF CERTAIN PUBLIC LANDS

Mr. JACKSON. Mr. President, I announce that the Subcommittee on Public Lands will conduct a hearing on Tuesday, February 7, to inquire into the implementation of two public laws concerning the reclassification of certain public lands.

These are Public Law 88-607, which authorizes and directs that certain lands administered by the Secretary of the Interior be reclassified in order to provide for their disposal or interim management; and Public Law 88-608, a related public sale act.

The Secretary of the Interior has been asked to render a full report on the implementation of this important legislation. Other citizens interested in the administration and management of our public lands may wish to express their opinions on these laws. They are cordially invited to do so.

The hearings will be conducted in room 3110 in the New Senate Office Building and will start at 10 a.m.

HANOI'S PROPAGANDA OFFENSIVE

Mr. MILLER. Mr. President, on January 9, the distinguished columnist, Joseph Alsop had an article in the Washington Post entitled "Hanoi's Propaganda Offensive," in which he very knowledgeably points out the reason why the President's policy on continued bombing in North Vietnam should be continued.

Also, in the January 20 issue of Life magazine, an editorial entitled "Why L.B.J. Will Continue Bombing" sets forth similar arguments.

In view of the present discussion of this policy, I believe that these two articles merit the attention of the readers of the RECORD, and I ask unanimous consent that they be printed in the RECORD.

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

[From the Washington Post, Jan. 9, 1967]

HANOI'S PROPAGANDA OFFENSIVE

(By Joseph Alsop)

The right way to look at the so-called mission of Harrison Salisbury is very simple indeed. Salisbury was invited to Hanoi to make propaganda for a proposal long pressed by the Soviets, and he accepted with apparent alacrity.

As reported long ago in this space, an extraordinary campaign to persuade the U.S. Government to "stop the bombing to get talks" was launched by Moscow late last summer. It was a well orchestrated effort, participated in by just about every Soviet Ambassador all over the world, conspicuously including Anatoly Dobrynin here in Washington. Eastern European diplomats also joined in, *en masse*.

The theme was that if we would just "stop the bombing to get talks," all sorts of wonderful things would happen. Hanoi persistently refused to confirm that talks would in fact result; but the Soviets kept the pressure on.

The President and his advisers had the good sense to see this campaign for what it was—a blatant attempt to get something for nothing. They did not budge. The campaign petered out. Whereupon, by some strange chance, Hanoi made available to Salisbury the visa that had been refused before; and as the Hanoi leaders no doubt foresaw, the country was soon ringing with propaganda for "stopping the bombing to get talks."

What Salisbury has seen on his guided tours; the propaganda figures (very belatedly acknowledged as such) that have been given him in Hanoi; even his interviews with Hanoi leaders—all this is of very little real interest.

Whether an American reporter ought to go to an enemy capital to give the authority of his byline to enemy propaganda figures is indeed an interesting question.

It is interesting to note, too, that what Salisbury has said about civilian casualties would have made almost no noise at all, except for the ludicrous, image-making and hypocritical way the Johnson Administration has always talked about the Northern bombing.

But the topic of really major interest is the question why Hanoi wanted Salisbury now whereas Salisbury was not wanted a bit earlier.

The answer is obvious. The Hanoi leaders are more and more eager for a respite in the war. They are coming closer and closer to the point reached in Korea in the summer of 1951, when the Chinese and North Koreans abruptly abandoned their violent opposition to negotiations, for the sole purpose of gaining a respite at the front.

And the reason is also the same: the posi-

tion of Hanoi's forces at the front is gravely deteriorating.

More and more evidence of this deterioration comes in each week. There is no space to enter into details here. But the net of the evidence is that the military backbone of the Vietcong, the main force units now largely composed of North Vietnamese invaders, are almost everywhere suffering in an acute manner from the continuing attrition inflicted by Gen. Westmoreland's strategy.

More and more defector-reports show main force units at half strength, or even less than half strength. This is unquestionably because the Northern bombing has been producing its designed result.

It has not completely stopped the flow of men and supplies from North Vietnam, which only fools expected. But it has reduced that flow very greatly, and has thereby made it impossible for the main force units in the South to replenish their constant losses.

If the President yields to this pressure to "stop the bombing to get talks," either now or hereafter, the result is also very easily predictable.

The rate of infiltration from the North will be instantly quadrupled or quintupled. The main force units in the South will swiftly be brought up to full strength again. And Gen. Westmoreland's troops will have a brand new war on their hands in a matter of months.

That is precisely what happened in Korea in the summer of 1951. When talks began, a respite was granted to the enemy. It did not result from an order by President Truman, as previously and incorrectly reported in this space. But in obscure ways, probably because U.S. military headquarters feared intensive fighting producing significant casualties "when talks have already started," the enemy got the respite that he wanted.

The result was enemy reinforcement, leading to two more years of war and 90,000 additional American casualties. Thus we now have the experience to guide us that was lacking in the Korean war. If the same error is repeated in Vietnam, in flat defiance of that experience, those who are responsible will have American soldiers' blood on their hands.

It is vital to note this fact now, because the time may so easily come when Hanoi will cross the crucial line between making propaganda for "stopping the bombing to get talks" and actually offering to talk "if the bombing is stopped." Because of his image-making, the President will then find it very hard to stand firm on his announced position, that he will only stop the bombing in return for a fully adequate quid-pro-quo. But he will also be wicked if he gives way.

[From Life magazine, Jan. 20, 1967]

WHY L.B.J. WILL CONTINUE BOMBING

Hanoi has been issuing visas to a mixed bag of Westerners, including U.S. journalists. Hanoi has also given U Thant reason to "feel hopeful" that if the U.S. should stop bombing North Vietnam, contacts and truce negotiations *might* ensue. Does all this mean that Hanoi is reappraising its position? Possibly. What is certain is that Hanoi is enlisting new allies in its old propaganda effort to get us to stop bombing the North.

This purpose is inevitably served, even if unintentionally, by reports like those of Harrison Salisbury in the New York Times. They tell us that our bombs have been killing some civilians, that the damage to transport is speedily repaired, and that North Vietnamese morale is high. Because the Pentagon has been overclaiming on both the precision and effectiveness of the bombing, Salisbury's articles also served to widen the Washington credibility gap. But they have not changed the real terms of the argument

over whether we should bomb North Vietnam or not. Neither, in our judgment, does U Thant's insistence that we stop it unconditionally. U Thant has in fact disqualified himself as an "honest broker" of peace by his virtual endorsement of the Hanoi position, and his misrepresentation of ours.

These arguments need weighing once more. The Pentagon's primary purpose in bombing the North is to restrict the flow of men and supplies to the South. Its secondary hope is that by thus raising the cost of war to Hanoi, we may give Ho Chi Minh enough reason to stop the infiltration, perhaps even to negotiate a truce. This is a wholly rational strategy and has produced results—up to a point.

Although the number of infiltrators has risen to about 8,000 a month since the bombing began, they can bring with them only about half enough equipment for battalion-strength attacks in the South, which have greatly diminished. The strain on the Hanoi economy is increasingly great: rice and fish are rationed, truck convoys must carry their own fuel, and at least 200,000 workers are pinned down keeping the roads open. The strain on Hanoi's Communist suppliers is also considerable. At the very least, bombing has forced Ho Chi Minh to change his timetable and tactics and has saved the lives of an unknown number of American and South Vietnamese ground troops.

On the other side of the argument, the cost of the bombing is high: we have lost over 450 planes and 300 aircraft personnel, mostly to SAMs and AA fire. This loss rate is going up and represents a palpable drain on the Air Force's pilot supply. Moreover, an F-4 Phantom costing \$2.5 million is an expensive price to pay for taking out a North Vietnamese bridge or truck. Haiphong port facilities and Red River dams and dikes would be much more rewarding targets, but they are off our self-imposed limits, partly to avoid involving Chinese or Russians.

Our policy of minimizing purely civilian damage is also costly. Yet because there are inevitably some unintended civilian casualties, our bombings give Hanoi and its friends an extra source of atrocity propaganda, which can be expected to increase. The bombings entail another political cost by giving a David-and-Goliath color to the conflict.

A more important argument against the bombings is that their secondary objective—to persuade Ho Chi Minh to negotiate—has proved unattainable, at least so far. But is negotiation our real objective? Ambassador Lodge, for one, plays it down. He looks for a "sensational" improvement in our military situation this year, but predicts that its likeliest fruit will be gradual de-escalation. A military stalemate can be acknowledged by mutual actions without words.

In his State of the Union message last week, the President recognized this possible version of an "honorable peace." We will continue our present course in Vietnam, he said, until the quest for negotiations succeeds, "or until infiltration ceases, or until the conflict subsides." But while the infiltration and conflict continue, bombing the North is an entirely legitimate and partially effective way to check it.

There are strong pressures on Johnson not only for less bombing, but for more. Senator Russell argues that our self-restraint is "trading American lives for public opinion." As evidenced in his message, the President is courageously and firmly resisting these pressures too.

Bombing the North is a far less important part of our job in Vietnam than what is going on in the South. The huge American-Vietnamese job of clearing the Delta has only begun. So has the campaign to pacify and rebuild free villages elsewhere. And in Saigon the Constituent

Assembly has just submitted a draft constitution which should bring a new political consciousness to the whole country.

What we have already accomplished and begun justify the energetic support of our present policies in Vietnam. As the President said, this is a time of testing for the will and the patience of the American people—"Whether we can fight a war of limited objectives over a period of time and keep alive the hope of independence and stability for people other than ourselves; whether we can continue to act with restraint when the temptation to get it over with is inviting, but dangerous; whether we can accept the necessity of choosing a great evil in order to ward off a greater one."

GOLD DIPLOMACY, IN THE DE GAULLE STYLE

Mr. MILLER. Mr. President, in the Friday, January 18, issue of the Wall Street Journal is an article entitled "Gold Diplomacy, in the De Gaulle Style." As we know, the impending discussions regarding international liquidity indicate that the position of the French is to support the gold standard. This article develops that thesis and points up its inequities very well.

Also, in the January 1967, issue of the "Monthly Economic Letter" of the First National City Bank of New York is an excellent article entitled "Annual Gold Review," which points out some of the same problems.

Mr. President, I ask unanimous consent that these two articles may be printed in the RECORD.

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

[From the Wall Street Journal, Jan. 13, 1967]
GOLD DIPLOMACY, IN THE DE GAULLE STYLE
(By George Melloan)

LONDON.—President de Gaulle's reminder over the last weekend that he has not forgotten his two-year-old proposal for an international gold standard was hardly surprising, but it represented a setback for the U.S. and Britain nevertheless.

At a time when the Western world's so-called liquidity crisis has eased only slightly, it clouds U.S. and British hopes, which were high last fall, that major nations might be able to create a new international currency to supplement gold, dollars and the British pound. If the French insist that gold should become the sole international money, the progress that apparently was being made could be seriously retarded.

But if the French president is considered to be a master of political timing, his reintroduction of the gold question was hardly such a triumph. It came on the heels of news that the world's supply of monetary gold is, for the first time in modern history, beginning to shrink. For that reason, the complexities at this time of making gold the basic international medium of exchange could hardly be greater.

FRENCH WANT GOLD INCLUDED

The French, according to a weekend statement by Finance Minister Michel Debre, will demand that their gold proposals be made part of the discussions of how to improve international liquidity that are being conducted by a "Group of 10" major nations and the International Monetary Fund. This demand will come before the next meeting on the subject in London, Jan. 25 and 26. Among the things the French will want to discuss, according to Mr. Debre, will be whether the price of gold could be raised to

broaden the value of the existing supply and make it possible to use gold as the basic international money. His statement was the first public demand by France that the price of gold be made part of the Group of 10-IMF discussions.

Both the U.S. and Britain oppose even discussing a gold price increase, which would, in effect, devalue the dollar and all other currencies. The U.S. has pegged gold at \$35 an ounce since 1934 by offering to buy gold at that price. If for no other reason, both countries feel that bringing gold into the discussions would introduce a complication that could cause the talks to drag on for years, probably with no worthwhile conclusion. For another, any intimation that gold's price might be lifted might bring a run on U.S. gold supplies that could have serious consequences for both the dollar and the pound.

Last summer and fall, as Group of 10 talks progressed along the lines of creating a "composite reserve unit" based on a number of currencies, there were rising hopes that France would not push the gold question with any great fervor.

Hopes were in fact so high that Britain's Chancellor of the Exchequer, James Callaghan, who will be chairman of the talks here this month, said that by next summer "I hope there is general agreement to a contingency plan" for improving world liquidity. He said that the main problem was to make plans for how the new reserve currency asset would be held and used.

Mr. Debre did not say that he wanted a gold price increase. But presumably the only reason for discussing gold would be to talk about whether raising the price of gold would be a better way of increasing the international money supply than creation of a new reserve currency.

There is little doubt that President de Gaulle still believes that international transactions should be financed with gold, which he contends is the only "real" money. More importantly, from his viewpoint, if gold became the basic medium of exchange, there would no longer be the need to use dollars and pounds as international reserve currencies.

Mr. de Gaulle has not been reluctant to state why he wants the dollar demoted from its position as the world's foremost reserve currency. He insists that the U.S. uses the dollar as a weapon for U.S. economic imperialism, which he claims threatens to make Europe an economic satellite of the U.S. as American companies buy up an ever larger share of European industry. Moreover, he contends that creation of a "composite reserve unit" would draw heavily on nations that have balance of payments surplus and unduly benefit those like the U.S. and Britain, that have a payments deficit.

But any French argument that gold should be used as an international standard is likely to be weakened at this point by the current uncertain status of the world's gold supply and by the overwhelming clarity with which France has shown that it has a large vested interest in any increase in the price of gold.

Just last week, First National City Bank of New York issued a report showing that gold output in the non-Communist world rose by only 2% in 1966 from 1965, compared with a 3% increase the year before. And for the first time in modern history, the bank said none of the output of gold went into official monetary stocks. That was followed by a report by Mocatta & Goldsmid Ltd., London bullion dealers, showing that during 1966 the gold reserve of the 105 IMF member nations declined, the first time this has happened since the IMF was founded more than 20 years ago.

There are dangers that the gold supply may contract even further. In South Africa, the world's biggest gold source by far, there

is a threat of labor trouble in the mines this year. Gold from other parts of Africa could be endangered by political troubles. Supplies of gold from the Soviet Union, a big exporter in 1965, dropped sharply last year, although no one knows whether this was because of production problems or because Russia needed to buy less outside grain in 1966.

But probably the most disturbing are signs that more gold is being hoarded. City Bank estimated that about \$1 billion of 1966 production went into private hoards. And, interestingly enough, one of the main centers for gold hoarding is France, where even the relatively impecunious have a fondness for gold.

SURE-FIRE POLITICS

It has been estimated that private caches in France contain some \$5 billion in gold and it is never bad politics for a French leader to urge an increase in the price of gold. Mr. Debre's mere mention of the subject sent the price of gold ingots in Paris to a five-year high. The cost of a 20-franc gold Napoleon coin, a favorite of gold collectors, went to a record 50.40 francs.

The French government's own gold hoard has climbed steadily, too, in recent years as it has systematically exchanged dollars for U.S. gold. At the end of last September, France held some \$5.2 billion in gold, 73% more than its holdings three years earlier. France worked its dollar reserves down to the point where it had to stop buying gold in October last year, but it indicated it would resume purchases if its dollar reserves rose again.

France argues that a price increase for gold would end speculation. The U.S. and Britain contend on the other hand that recent history shows that a gold standard would offer undue opportunity for certain countries to manipulate world money and that the machinery for preventing such manipulation would take years to build.

There is little likelihood that at a time when gold supplies are as uncertain as they are now, much new support will swing behind France's view. But if France chooses to push the issue, it could seriously slow the imminent liquidity talks when there is considerable concern in the U.S. on the subject. And if Mr. de Gaulle is still seeking weapons against the U.S. in his bid for greater European economic and political independence, tampering with the liquidity talks might serve as well as any other.

[From the Monthly Economic Letter of the First National City Bank of New York, January 1967]

ANNUAL GOLD REVIEW

For the first time in modern monetary history, all of the newly mined gold is going into private hands, in part for the fabrication of jewelry and gold articles of all sorts but mostly for saving, investment and speculative hedging against a possible gold-price rise. For 1966, the private gold absorption may be estimated at \$1.5 billion. Official monetary gold stocks, as reported by governments and central banks, have actually shown a small decline.

This annual gold review surveys the circumstances behind this unparalleled state of affairs. Against this background, gold will be very much in the news in 1967 as governments are engaged in negotiations to create, if need be, new world money—fabricating instant gold, as it were.

FLATTENING OUTPUT

In 1966, for the fourth consecutive year, world gold output rose less than in the preceding year. This flattening in the rate of growth reflected, of course, the trends in the production in South Africa, which represents about three-fourths of the world total (excluding the Soviet Union, other Eastern European countries and Mainland China). At 2 per cent over 1965, last year's rise in South

African output compared with 5 per cent, 6 per cent and 8 per cent during 1965, 1964 and 1963, respectively.

The flattening out in the dramatic increase in South African output may best be seen against the background of the recent history of the industry. In 1938, new gold fields were discovered, primarily in the Orange Free State and beginning with 1953, they produced in appreciable volume. As stands out strikingly from the chart, output in these "newer" mines rose from the equivalent of about \$70 million in 1952 to an estimated \$870 million in 1966.

The rise has been the outcome of such factors as the richness of deposits, a geological formation that allows low-cost extraction methods and efficiency of operation. But as the expansion of new mining areas has tapered off, output has ceased to grow as rapidly as only a few years ago. On the other hand, production in "older" South African mines has declined continuously, in large part because the scope of profitable operations is limited by rising costs. For South Africa as a whole, the pace of output, at the present price of gold, is believed to be slowing down even more and production may reach its peak by 1970.

Estimated gold production in 1966

	In millions of dollars	Percent change from—		
		1965	1953	1940
South Africa.....	\$1,090	+2	+161	+122
Canada.....	115	-8	-19	-38
United States.....	65	+11	-6	-62
Australia.....	31	-----	-18	-46
Ghana.....	25	-5	-2	-19
Rhodesia.....	20	+5	+14	-31
Japan.....	18	-----	+100	-41
All others ¹	106	+9	-22	-62
Total ¹	1,470	+2	+73	+16

¹ Excluding the U.S.S.R., other East European countries, mainland China, etc.

Of other major gold producers, only the United States recorded—for the second year in a row—an increase, the result of a doubling in output in Nevada. At some \$65 million, U.S. production reached the highest level since 1955. In Canada, output continued to decline.

At almost 42 million fine ounces, equivalent to \$1.5 billion, last year's world gold output was at its highest level ever recorded. At the same time, however, the Soviet Union, whose gold sales during much of the past decade added substantially to world supplies, sold little, if any, gold in 1966, presumably because of good grain harvests. As a result, total gold supplies in 1966 amounted to only three fourths of the previous year's figure.

Other factors reduced the supplies flowing into gold markets in 1966. By far the most important among these was the fact that South Africa, because of a surplus in its balance of payments, added substantial amounts of gold to its own monetary reserves.

ENTIRE OUTPUT GOING INTO PRIVATE HANDS

Just how much of the new gold supplies is being absorbed privately is brought out forcibly in the second chart. In 1966, \$1.5 billion of gold thus went into private uses—as much as last year's entire output and roughly the same amount as in 1965. These are the highest amounts ever attained—\$0.5 billion more than in 1964. For the past ten years, gold to the value of over \$10 billion has gone into private hands.

In the United States, the demand for industrial and artistic uses has risen markedly. In 1965, the latest year for which data are available, such uses amounted to \$185 million (net); only a few years ago, they had averaged about \$100 million a year.

Gold used in industry and the arts thus represents approximately three times domestic production. The deficit is covered by imports and from the Treasury stock; during the first nine months of 1966, the Treasury released \$105 million, compared with \$118 million for 1965 as a whole. In eleven other countries, as depicted in the chart, gold consumption has also shown a sharply rising trend—reaching probably some \$300 million in 1966.

Roughly three fourths of industrial uses in the twelve countries covered in the chart are for jewelry and gold objects of all sorts. Increases in employment and incomes to all-time highs obviously stimulate the buying of gold articles—articles that have become relatively cheap, given the persistent rise in the cost of living. Buying gold articles thus embodies elements of saving. In the United Kingdom, the manufacture and sale of medals, medallions, tablets, coins minted since 1837, etc., were stopped by the government in April 1966 on the ground that these practices tended to avoid exchange control provisions prohibiting the hoarding of gold.

Something like \$1 billion went last year into what is labeled in the chart "Savings, etc." [Charts do not appear in RECORD.] This is a no man's land, surrounded by an aura of mystery. Some of this gold may have gone into unpublished reserves of governments and central banks. In 1966, for the second successive year, Mainland China and certain Eastern European countries were reported as official buyers in the London market.

The great bulk of "disappeared" gold undoubtedly consists of private savings in gold. Some of this goes into the customary mode of savings in the Far East, the Middle East and parts of Africa; some goes for investment in gold to secure protection against the continuing depreciation of money and political upheavals, as in much of Europe and Latin America; and some reflects shorter-term speculation on, or hedging against, a possible gold-price rise—activities nourished by debates, not always well informed, about alleged weaknesses of the international monetary system and the lack of liquidity.

Gold prices in international as well as in domestic markets have risen. At the year end, the price in London for bar gold— Influenced by stabilizing operations of the so-called gold pool—stood at close to \$35.20 per fine ounce, the highest in five years. In Paris, the popular Napoleon, the 20-French franc gold piece, reached the highest level in a decade and a half, commanding a premium of 50 per cent over bar gold. In Germany, the 20-mark gold coin stood at a premium of almost 90 per cent.

Given the tightness and the high cost of money throughout much of the world, the persistence and the sheer amount of gold buying are extraordinary. In the judgment of the Bank for International Settlements, "the indications are that most of this component of private gold offtake over the years is accounted for by fairly firmly held savings in gold, rather than by large blocks of speculative holdings awaiting a shorter-term capital gain."

THE SHORTAGE OF MONETARY GOLD

The avalanche of private demand for gold has left little, if any, gold for governments and central banks to add to monetary reserves. In 1965, the record was already bad, since, of the \$2 billion of new gold supplies, only \$250 million was added to world official stocks—the smallest such additional since 1952. During the first nine months of 1966, official gold stocks, as published, actually declined by some \$50 million.

Private gold absorption on the present scale thus gives rise to a shortage of monetary gold. The planning among governments now under way to meet, if need be, future shortages of international reserves rests on the expectation that the amount of

new gold available for monetary purposes will not be enough by itself to satisfy the requirements for reserves of an expanding world economy in an environment of basically free international trade and investment. But, judging from published statements, the official planning anticipates that, year in year out, gold worth several hundred million dollars will be available from fresh supplies—depending, apart from private demands, on trends in output and Russian sales. The difference between additions to world monetary gold stocks and the total growth of reserves that might be regarded as appropriate would then be made good by the creation of a supplement to gold. The substantial decline in new gold available for monetary reserves, therefore, affects the current planning.

It also affects the current operation of the international monetary system. For, in the world today, gold remains by far the most important single element of monetary reserves. In the United States, as the third chart shows, official holdings of convertible foreign currencies and the reserve position in the International Monetary Fund are quite small in comparison with the gold stock. Other nations hold, proportionately, more foreign exchange than the United States but, as evidenced in the table, gold predominates, especially among the major nations of Western Europe. The propensity to hold gold has increased over the past two years despite the fact that little gold was added to reserves in 1965 and none in 1966.

France continued to build up its gold reserve until the closing months of 1966 when its balance of payments was in deficit. In fact, France has since 1958 reacquired practically all the gold it had sold to settle its payments deficits between the mid-1930s and the late 1950s. At today's \$5.2 billion, France's reserve equals approximately one eighth of the world total; at its peak in early 1935, it probably represented as much as one fourth.

The U.S. payments deficit has continued so long that much of it has had to be met in gold. True, last year's decline in the U.S. stock was not nearly as large as in 1965; but, as the chart shows, it brought the U.S. stock down to the level of mid-1938. At the end of 1966, the U.S. stock represented about one third of the world total, compared with about two thirds at its peak in mid-1949.

STUBBORN FACTS OF LIFE

Looking at the decline in the U.S. gold stock, some students of international finance have advanced the thought that the United States should seek to demonetize gold by international agreement. This thought assumes that everything would be all right if only Europe were not insistent upon gold rather than dollars in the settlements of its surpluses. This is simply not true. Furthermore, it disregards the stubborn facts of international economic life.

The world today is not ready to demonetize gold. The governments of the leading nations regard gold as the "ultimate" international reserve asset. In the negotiations now under way, they are seeking to work out plans to create new international money—plans, of course, that are not to be activated until the United States reaches a balance in its international payments. One of the crucial problems is to make gold and the new international money equally attractive as reserves—something that is being sought through linking the uses of gold and the new international money. Thus, countries would be required to hold the new money in an agreed fixed ratio with gold or accompany each disbursement of the new money by a disbursement of gold in an agreed proportion. In practical reality, whatever changes might be adopted in present arrangements, policies and techniques would also have to permit the continued use of the dollar as a reserve currency.

All this presupposes an agreement on gold. As Milton Gilbert, Economic Adviser of the Bank for International Settlements, recently noted:

"Some people seem to have the vision that as the central banks become used to the new reserve assets * * * they will begin to prefer them to gold, and that gold will gradually disappear as a monetary instrument—or at least become unimportant. This seems to me to be plain fantasy and about as close to reality as the original idea of Karl Marx that under communism the state would gradually wither away."

For the power to create international money is, in the final analysis, the power to take tangible goods from some countries and give them to others. Such power will, of necessity, have to be circumscribed both in amounts and in time—something that, in the view of many leading nations, can most efficiently be done by retaining gold as the inner circle of the monetary universe—a universe which, of course, may well be expanding so that the inner circle would, with the passage of time, become relatively smaller.

The perennial proposals for a gold-price rise are again being heard. The case remains, however, unconvincing. The obvious objection is that a gold appreciation would bring about a sudden surge in the purchasing power of current gold output and accumulated reserves—a surge unfairly distributed, while what is wanted is a gradual expansion, fairly shared. Besides, such a move would add fuel to the fires of inflation. When France's Finance Minister, M. Michel Debré, stated last September that he opposed a gold-price rise, he might well have had in mind, among other things, the vision of the monetary consequences of massive private discharging in a nation which is holding \$3-4 billion in gold in its proverbial stockings and mattresses. From yet another crucial vantage point, a gold-price rise, by destroying faith in the dollar as a currency that nations can reliably use as a store of value, would do irremediable damage to the incentive to hold dollars as reserves, which is an essential part of the international monetary system as it operates today.

At this particular juncture, therefore, it is most necessary for governments of the major nations to eradicate the belief in the inevitability of a rise in the price of gold. In their planning for the future, they must stress the quality of international reserves, not just the quantity. This is the only way to prevent new gold supplies from flowing into private hands in as clearly excessive amounts as today, instead of going into official coffers.

Without unquestioned confidence in the lasting value of the dollar, no international monetary system can work properly. But with convincing evidence that the United States will safeguard the strength of the dollar, many of the seemingly intractable problems of international liquidity will disappear. For shortages of liquidity are not a matter of fate but depend on human actions and reactions. All the United States has to do today is to supply dollars abroad, through lending and investing, in amounts other nations really want without seeking to convert them into gold. This is yet another way of saying that the dollar must be made as desirable as it was when, by the free choice of nations, it began to be used as a currency in which to hold reserves—along with gold and, perhaps, in preference to gold.

GOLD AS A PERCENTAGE OF TOTAL OFFICIAL GOLD AND FOREIGN EXCHANGE RESERVES

(September 1966)

Over 90 percent

United States, Switzerland.

80 to 90 percent

France, South Africa, Netherlands.

70 to 80 percent

Belgium, Spain.

60 to 70 percent

Germany (Federal Republic), Italy, Venezuela, United Kingdom, Portugal.

40 to 60 percent

Austria, Canada.

20 to 40 percent

India, Mexico, Sweden, Denmark.

1 to 20 percent

Japan, Australia, Norway.

Mr. MILLER. Finally, Mr. President, the same monthly economic letter contains a knowledgeable article entitled "Tax Credits To Help the States." We are all discussing the possibility of transferring some Federal revenue to the States to help them finance their operations. This article merits the attention of readers. I ask unanimous consent that the article be printed in the RECORD.

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

TAX CREDITS TO HELP THE STATES

So long as expanding needs for Vietnam strain the Federal budget, any new national program involving substantial sums of money is probably out of the question. But looking forward to a time when defense needs moderate, the political ranks are already forming behind different versions of plans to aid state and local governments.

Interest in bolstering the fiscal capabilities of states and localities has quickened recently in Washington and in state capitols, among leaders in both major political parties, and among businessmen and the public at large. The question was pushed to the forefront in Washington in 1964 when Walter W. Heller, then chairman of the Council of Economic Advisers, pressed for adoption of a tax-sharing plan, whereby a percentage of Federal individual income tax payments would be redistributed to the states in the form of unconditional grants.

An alternate plan of enlarged Federal tax credits for state individual income taxes was advanced in 1965 by the Advisory Commission on Intergovernmental Relations, a group established by Congress in 1959 with members representing the Congress, the Executive branch, and state and local governments.

Important backing for the revenue-sharing idea came last month when the National Governors Conference approved the proposal in principle, though without designating a specific plan. Also last month, the American Farm Bureau Federation passed a resolution supporting Federal income tax credits for state taxes. Tax credits for state income taxes have long been advocated by the AFL-CIO.

Such impressive support indicates that the question of aiding the states is moving toward the top of the national agenda. It is becoming abundantly clear that some rebalancing in the relative strength of Federal, state, and local governments is necessary to meet the needs of the times.

NEED TO REVITALIZE STATE AND LOCAL GOVERNMENTS

The growing interest in aid-to-the-states plans partly reflects disenchantment with Federal grant programs, which have been burgeoning since the late Fifties. In the past two years alone, grants to states and localities have climbed 35 per cent to an estimated \$15 billion in the current fiscal year; under existing legislation, they are expected to double to \$30 billion by 1975.

So rapid has been the proliferation of programs that the search for Federal money by the states and cities has come to resemble a giant Easter egg hunt. To make sure of getting their fair share, some of the larger cities and states—like defense contractors before them—have even established liaison offices in Washington. According to *Time* maga-

zine, aid to states and municipal governments "is distributed among 170 separate programs, funded by 400 different appropriations, administered by 21 departments and agencies, assisted by 150 bureaus." To guide the public in their search, the Office of Economic Opportunity has published a 414-page *Catalog of Federal Programs for Individual and Community Improvement*, which contains brief descriptions of 262 separate programs.

Though intended to raise minimum standards in many areas of governmental activity, the grant programs are threatening to overwhelm the states and localities with direct and indirect pressures from Washington. Since they are normally required to match Federal grants with their own money, state budgets are increasingly weighed down and distorted by Federal programs, frequently to the neglect of more immediate local needs.

At the same time, more and more aid is on a project basis, requiring the states and localities to conform to guidelines set by bureaucrats in Washington. Moreover, in some Federal activities—notably the anti-poverty programs—states and local governments are being bypassed completely. Former Governor John Anderson of Kansas has argued that such encroachment on the states and localities may "ultimately have the effect of destroying a system of government we really want to preserve."

A similar warning was issued last November by John Gardner, Secretary of Health, Education, and Welfare, in testimony before the Senate Subcommittee on Intergovernmental Relations:

"One possibility that one could easily imagine is that increasingly large sums of money flowing to weak state and local governments might eventually bring about complete subordination of the latter. All state and local governments would then be mere branch offices of one all-dominating national government. . . ."

"It will not be possible to fashion a mutually respecting partnership if the state or local government is not able to play its role as a vital partner. . . . We must revitalize state and local leadership so that it can play its role vis-a-vis an increasingly powerful Federal Government without being completely submerged and obliterated."

CONSIDERATIONS OF ECONOMIC GROWTH

Many observers maintain that the relative decline of the states and localities at least partly reflects their weakened taxing power, owing to the "pre-emption" of the progressive income tax by the Federal Government. This has led, so the reasoning goes, to a mismatching of revenue sources and expenditure needs, particularly when viewed from the standpoint of economic growth.

As incomes rise and urban populations increase, the public demands more and more education, health care, highways, parks, etc., which are normally provided by the states and localities. Welfare burdens tend to rise disproportionately in urban areas. But since their principal revenue sources—taxes on property and on sales and gross receipts—are less responsive to rising incomes and economic growth, the states and localities tend to be in a persistent fiscal bind. Moreover, existing tax systems in many states are frequently criticized as being inefficient, inequitable in incidence, and poorly administered. With the Federal income tax biting so deeply into their incomes, people often protest by voting against new and higher state and local taxes.

On the other hand, because of a progressive rate structure, yields from the Federal individual income tax rise much faster than incomes. Indeed, when the economy is growing with unchanged tax rates, income tax liabilities climb so rapidly as to cause a periodic problem of "fiscal drag," whereby the cash drain into the Treasury's coffers tends to have a growth-retarding effect.

Advocates of aid-to-the-states plans, therefore, see an opportunity to kill several birds with one stone: (1) To strengthen the financial resources of states and localities, thus enabling them to deal more effectively with problems of urban growth; (2) to counter the current strong trend toward centralized direction and detailed control from Washington; (3) to check the tendency of Federal spending programs to proliferate year after year with the rise in revenues; and (4) to eliminate "fiscal drag" effects from the Federal budget.

BROADER CONSIDERATIONS

A great deal of careful study must be given to the pros and cons of different methods of helping the states. Inevitably, much broader considerations than economics alone are involved. Some of these considerations were underscored by Secretary Gardner in his Senate testimony:

"We have had a system—political, economic, social—characterized by dispersed power and initiative. We like that attribute of our system. But if we are to preserve it, we have to be conscious of what is happening as the old system gives way and a newer system is invented piecemeal. . . . If we want pluralism in the system (and I assume we do), we are going to have to build it in consciously and systematically."

Both of the two general approaches now receiving widespread attention—the unconditional block grant under the so-called Heller plan or the enlarged Federal tax credit for state income taxes—would tend to provide increased state revenues with greater independence. With either plan, provisions could be made to ensure that urban areas and local governments receive a fair share of the extra revenues.

Under a Heller-type plan, the Federal Government would set aside and distribute to the states a stated percentage—perhaps one or two per cent—of the Federal individual income tax base, which now runs close to \$300 billion. Thus, 1 per cent would amount to roughly \$3 billion a year, a figure that would rise rapidly with the growth of the economy.

In practice, certain revenue-sharing formulas could be established for distribution of the funds. Under one proposed bill, a tax-sharing fund equal to 1 per cent of taxable individual income would be established, with payments made to the states according to a formula based on population, on each state's tax effort, and on its relative income level. These funds would be earmarked for use by state and local governments for health, education, and welfare purposes under the surveillance of the Federal Government.

Percentage of taxes collected by Federal, State, and local governments, 1964-65

Type of tax	Federal	State	Local	Total
Individual income	92.3	6.9	0.8	100.0
Corporation income	93.0	7.0		100.0
General sales ¹		84.1	15.9	100.0
Selective sales ¹	61.1	35.5	3.4	100.0
Property		3.3	96.7	100.0
Total	64.5	18.0	17.5	100.0

¹ Includes gross receipts taxes.

Source: U.S. Bureau of the Census, "Governmental Finances in 1964-65."

THE TAX-CREDIT APPROACH

It would appear, however, that the tax-credit approach would be better from the standpoint of preserving freedom of action for the states and taxpayers as well as encouraging dispersed initiative, while still providing substantial help to the states. Currently, the best-known tax-credit plan is one suggested by the Advisory Commission on Intergovernmental Relations in October, 1965.

Under the Advisory Commission's plan,

individual taxpayers would be permitted to use 40 per cent of their state income tax payments as a credit to offset against their Federal income tax liabilities. In effect, the Federal Treasury would provide an indirect subsidy to the states by returning to the taxpayer two dollars for every five dollars of income tax paid to the states. (Taxpayers would still have the option of itemizing income taxes—along with most other state and local taxes—as deductions from taxable income. Deductions of state income taxes now cost the Treasury 24 cents for every dollar of state income tax collections.) Since only 33 states now have an income tax, with widely varying rates, the 40 per cent credit is designed to encourage wider adoption of state income taxes with the help of the subsidy.

It is expected that the initial cost to the Treasury of the 40 per cent tax credit would amount to about \$700 million, with the total rising to \$2 billion if all states adopted a low-rate income tax. Even more help to the states could be given by simply enlarging the tax credit to 50 per cent or more. Some people, however, believe that enlarged tax credits should be given for sales and other state taxes as well.

An important virtue of the tax-credit approach lies in the fact that it maintains the responsibility for both taxing and spending decisions in the same hands. State governors and legislators enacting costly expenditure programs must still face up to the problem of finding the money, whether or not it comes from Federally subsidized state taxes. Thus, it would help preserve fiscal responsibility at the state and local level.

The unconditional block-grant approach, on the other hand, would tend to separate the pain of taxing from the pleasure of spending. Politicians at the state level might be encouraged to push popular expenditure programs, while looking to Washington to foot the bill through enlarged block grants. Thus, the pressure for larger and larger block grants from Washington would be likely to grow over the years, while state spending might rise faster than citizens are actually willing to pay for. A powerful vested interest might be created to preserve the present Federal tax structure unchanged.

Historical experience shows that this is not merely idle speculation. In their 1961 study of *The Growth of Public Expenditures in the United Kingdom* for the National Bureau of Economic Research, Professors Alan Peacock and Jack Wiseman pointed out that:

"It is inherent in the nature of choices made through the political process that the ideas of citizens as to what is desirable public expenditure can be separated from the ideas of those same citizens as to the reasonable level of taxation. Clearly, both the views that citizens hold and their influence on government policy will be affected by the political organization of the society concerned. . . .

"Governments may, of course, have plans that would increase their expenditures, and the plans may be thought desirable by many of the citizens. Nevertheless, their implementation, and thus the rate of growth of government expenditure, will depend upon the view taken by the government as to the revenues that it is (politically) able to raise as well as upon its own views as to the desirability of increasing government expenditures in any direction."

At this time, it may be noted that in at least three leading countries—Canada, the United Kingdom, and the German Federal Republic—control of state and municipal expenditures is an important problem in overall anti-inflation policy. Professor C. Lowell Harriss of Columbia has recently cited similar problems in West Germany, as detailed in a 1930 report by S. Parker Gilbert, Agent General for Reparations:

"These recent developments illustrate what is indeed the underlying fault in the whole system of transfers to the states and

communes, namely, the division of responsibility as between the authority which collects the taxes and the authority which spends the money. . . . The states and communes, on their side, spend the money without having had any of the responsibility or odium of collecting it, and they have fallen into the habit of expecting the Reich to provide more and more money for them to meet their recurring budgetary deficits."

THE FISCAL CHOICES AHEAD

Any new program to help the states must be considered along with various other proposals for utilizing the built-in growth of Federal revenues. Particularly if an antiballistic missile system is to be deployed, defense needs may continue to put the Federal budget under pressure. On the other hand, despite continuing demands for domestic spending programs, there is a widespread feeling that the principal needs of the day have been met by recent legislation and the time for consolidation has arrived. Thus, Senate Majority Leader Mike Mansfield last month called for a pause in new domestic legislation to review and tighten up the administration of programs already under way.

Whenever the budget situation permits, moreover, high priority should be given to further tax rate reduction. As vividly demonstrated by the 1964-65 rate reductions, tax cuts can provide a powerful stimulus for economic growth, which in turn enlarges the base for state and local taxation. Since the existing progression of rates becomes more onerous as incomes rise, the question of further tax reductions must always be kept in mind.

An attractive feature inherent in the tax-credit approach, however, is that it combines Federal tax reduction with aid to the states. By means of enlarged Federal tax credits, the states can, in the words of the Advisory Commission on Intergovernmental Relations, "be encouraged to exploit their own tax resources before Congress considers the introduction of large scale general purpose aid programs." This would enhance the capacity of state and local governments to resist encroachments from an "all-dominating national government."

The case for erring "in the direction of leaving too much rather than too little in the hands of state and local authorities" was effectively presented by Professor Roland McKean of UCLA in a 1965 statement to the Congressional Joint Economic Committee, in which he warned against "overexpansion of Federal expenditures":

"Ultimately they could lead to the neglect of alternatives, because programs would cater to broad majorities more than to minority or local needs, and indeed the incentives of lower level units to propose alternatives might diminish. The result could be to inhibit change, flexibility, and growth.

"Also, heavy Federal taxes and expenditures could ultimately make too many persons beholden to too few, actually reducing the number of options open to individuals, and impairing their willingness to speak and vote freely. . . . So far, of course, government activity in Western nations has surely increased the options open to most individuals, but beyond some point it could work the other way. Like growing older, it would happen so gradually that it would be hard to become alarmed at any particular moment. Yet, like growing older, it could ultimately be fatal."

WHY SENATE WALKOUT ON SLAVERY, FORCED LABOR TREATIES

Mr. PROXMIER. Mr. President, speaking in favor of the ratification by the Senate of the Human Rights Conventions is perplexing because it is hard to find opponents and those who are against these treaties.

The administration has asked for them. The Senate has stopped them for 4 long years. Why do we not act? Why?

The true opponents to ratification in this case are not groups or individuals; instead, they are the most lethal pair of foes for human rights everywhere in the world—ignorance and indifference. This attitude insists that slavery is a closed, albeit unpleasant, chapter in our national history. Slavery in the United States is constitutionally prohibited, and certainly everyone agrees that forced labor is hardly a problem in a country where the merits of a 35-hour workweek are being widely discussed.

We, in the United States, are undeniably blessed that slavery and forced labor are not national problems. But forced labor is at this very moment being practiced on the African Continent. Slavery, the question put to rest in the United States almost a century ago, is a flourishing economic activity on the Arabian Peninsula.

The United States has an obligation of ratification of these two vital human rights treaties. This obligation has been recognized and requested by many of America's labor statesmen. These men want, as I believe all Americans really want, minimum standards of international behavior. The freedom from slavery or from forced labor is a human freedom—an inalienable freedom—not one to be granted or withdrawn at the whim of any dime store despot.

In July of 1963, the late President Kennedy urged Senate ratification of the Human Rights Conventions on slavery and forced labor because:

They will stand as a sharp reminder of world opinion to all who may seek to violate the human rights they define. They also serve as a continuous commitment to respect these rights. There is no society so advanced that it no longer needs periodic recommitment to human rights.

Ambassador Goldberg last year pointed to the damage being done to this country in the United Nations by our failure to act in this area. It is hard for other countries to understand why the United States failed to ratify the slavery and forced labor treaties.

Certainly we are a people who in our own land for the cause of human rights have done so very much; internationally we should do no less.

Mr. President, I might add that our Ambassador to the United Nations feels intensely our failure to act weakens the United Nations. Our failure to recognize this is weakening this important aspect of the United Nations.

I ask Senators to join me in the fight to win Senate ratification of these human rights conventions, that the United States may regain our rightful place in the continuing crusade for the political rights of women and against slavery, forced labor, and genocide.

OUR ARMED FORCES AND THEIR DEPENDENTS HAVE BEEN FAR TOO LONG IN WESTERN EUROPE—BRING THEM HOME

Mr. YOUNG of Ohio. Mr. President, I am in complete accord with the pur-

poses of the resolution reintroduced by the distinguished majority leader expressing to the President the sentiment of the Senate that there be a substantial reduction in our forces stationed in Western Europe. I was a cosponsor of this resolution in the 89th Congress, and I am again glad to be a cosponsor of this important resolution.

As early as April 1963, I spoke out urging the withdrawal of a great many of our troops from Western Europe. Since then, I have on many occasions in the Senate, in my newsletter, and in speeches in Ohio and elsewhere continued to urge that we reevaluate our military requirements in Europe with a view toward bringing home hundreds of thousands of military personnel with their dependents, as well as thousands of civilian employees stationed in nations of Western Europe.

Today, unofficial count put these forces at approximately 400,000 to 450,000 men, and together with dependents the total is between 900,000 and 1 million Americans stationed and supported in Europe by American taxpayers.

At the present time we are contributing up to one-third of the manpower and almost 80 percent of the cost of defending Western Europe. The nations of that area are strong enough today, both militarily and economically, to cope with whatever danger remains and to provide for a much greater share of their defense needs. Following the devastation of World War II, Western Europe completely rehabilitated itself, largely with money supplied by American taxpayers. It is now a thriving and dynamic region of greatly expanded economic, political, and potential military capacity.

The United States is the only member of the NATO alliance that has met its commitment 100 percent. The only other NATO nation that has come up to even 80 percent of its commitment has been West Germany.

Mr. President, 10 years ago this Nation had almost \$22 billion in gold reserves. Today we have \$13½ billion, a loss of almost \$8½ billion. At the same time the gold supply of other countries, primarily in Western Europe, has risen by \$13 billion. The fact that we have approximately 1 million Americans in Western Europe supported by American taxpayers, spending American dollars and enhancing the economy of the nations in that part of the world, is the most important factor contributing to our unfavorable balance-of-payments problem.

It has been estimated that the expense of keeping troops in Western Europe accounted for \$1.4 billion of our foreign exchange deficit in 1965—only some of which was offset through European purchases in the United States. As of November 1966, more than \$675 million of the current deficit in our balance of payments was due to the expense of keeping troops in Germany alone. These figures are expected to have risen considerably by the end of 1966. By decreasing the level of troop deployment in Europe we can take a constructive step toward easing our balance-of-payments problem.

Bringing hundreds of thousands of

officers and enlisted men and their dependents home from France, West Germany, and other nations of Western Europe will not only cut down the drain on our gold supply, but will make troops available for assignment to Vietnam.

The American presence in Europe was necessary and was welcomed by our European allies following World War II. Times have changed. Now the French under De Gaulle have insisted that we remove our forces from French soil. Also, today it is by no means clear that our other West European allies, including even the West Germans, still desire the presence of American Armed Forces.

However, our President and his advisers in the State Department should not concern themselves over whether or not the feelings of the civilian leaders of the West European governments would be hurt because we finally, after all these years, return to the United States a substantial number of our men and their dependents. In view of the fact that these allies have refused to send any soldiers to aid us in Vietnam, thousands of these trained soldiers of the United States should be reassigned to Vietnam and other areas of the world where they are really needed.

Furthermore, whatever men of our Armed Forces are sent to Western Europe for a tour of duty in the future should be sent for a period of not more than 13 months and with no dependents. If there really is a need for our troops in Western Europe, then we should have a lean, trim combat-ready force stationed there, and not hundreds of thousands of "squawmen" with their wives and children accompanying them.

Following World War II, there was a bitter cold war raging with the Soviet Union and there was a threat of aggression which required the presence of our Armed Forces to deter the Russians. Stalin was then dictator of the Soviet Union. The threat of military aggression by the Communists in Europe has all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles. The Russians are veering toward capitalism. The Soviet Union is no longer a have-not nation. Its leaders now appear principally dedicated to the objective of raising the standard of living of their people.

Mr. President, of course, if it were necessary to the security of our Nation and to the security of the free world to station these huge forces in Western Europe, in one way or another we would find the financial resources to do so. However, when it is obvious that our Military Establishment in Western Europe is far in excess to the actual need, and when the attitude and actions of our Western European allies—primarily De Gaulle of France—confirm this conclusion, then it is wholly unwarranted to continue this unnecessary dollar drain.

Mr. President, at the very best our troops in France and in the NATO countries must be considered as a token force rather than an effective striking force. We can improve our military and financial situation greatly by bringing most of our Armed Forces and their dependents home. By our Operation Airlift we have proven we can airlift a combat-ready division to West Germany from the con-

tinental United States in a matter of hours. Furthermore, it is the nuclear umbrella of the United States that provides the real protection for Europe, not these large numbers of ground troops.

The nations of Western Europe can today provide the necessary troops to defend themselves instead of continuing to depend on us. Let their young men be conscripted and drafted into their own armed services. Why should the lives and aspirations of our teenage young men be disrupted to form the first line of defense for the German and French Governments, whose officials and nationals have come to despise us?

Mr. President, the reduction in U.S. Armed Forces in Western Europe might very well induce the leaders of the Soviet Union to make similar reduction in their military forces in Eastern and Central Europe. Such action would produce a significant easing of world tensions and go far toward helping to promote a peaceful settlement in Europe. If adopted by the Senate—and I fervently believe that it should be—the resolution introduced by the distinguished majority leader could well be one of the most important steps toward world peace made in this decade.

GRENVILLE CLARK

Mr. MCINTYRE. Mr. President, Grenville Clark, a great American and distinguished public servant, died last week in Dublin, N.H., at the age of 84.

Grenville Clark will be best remembered for his pioneer work in the field of peace through world law and his co-authorship of the now-famous book, "World Peace Through World Law."

As a lawyer, counselor to leaders of our Government and as a great humanitarian, Grenville Clark will be sadly missed by his Nation.

Shortly before his death, Norman Cousins wrote an article about Grenville Clark in the Saturday Review in which he said:

It is doubtful if any living American is more deserving of the Nobel Peace Prize.

Mr. President, Norman Cousins's tribute to Grenville Clark describes better than I can the great qualities of this man; and I ask unanimous consent that this article be inserted at this point in the RECORD.

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

A MAN FOR ALL SEASONS

Grenville Clark, who makes you think of a company of Americans like Madison, Jefferson, and John Adams, has just turned eighty-four. He has never held public office and is not popularly known, but it is doubtful if any living American is more deserving of the Nobel Peace Prize. If the United Nations ever achieves the maturity of a workable government with adequate, responsible powers, the role of Grenville Clark in making it possible will have been a key one.

I first met him in 1945, shortly after the end of the Second World War. He had joined with the late Owen J. Roberts, associate justice of the Supreme Court and the late Robert P. Bass, former governor of New Hampshire, in inviting forty-eight Americans to a conference in Dublin, New Hampshire, where he lived, for the purpose of considering the revolutionary new situation in the world rep-

resented by the development of nuclear weapons. I learned that he was widely respected by his peers as a lawyer with a keen interest in world affairs, and that he had been consulted by four Presidents on matters of foreign policy and national defense.

Clark made the opening presentation at the Dublin Conference. He attempted to look ahead twenty years or more. He said he thought it unreasonable to assume that the wartime alliance between the United States and the Soviet Union could hold up under the pressure of events. He forecast a struggle for the balance of power under conditions of uncertainty and insecurity for both countries. He saw the emergence of a world atomic armaments race. Despite published assurances to the contrary by U.S. Government spokesmen, he anticipated the development within a few years of nuclear weapons by the Soviet Union, and by other countries within a generation. He said it would be difficult to keep the atomic armaments race from leading to a world holocaust unless strong measures were taken to create a world authority with law-enacting and law-enforcing powers.

He believed the moment in history had come for creating the instruments of workable law. He spoke of the need for a world government which would have "limited but adequate" powers. It should be "limited" in the sense that it would not interfere with internal functioning of the nations. It should be "adequate" in the sense that it would be able to deal with the historic causes of war and would seek to insure justice in the relations among nations. In short, he proposed world law as the only alternative to the existing world anarchy.

Listening to Grenville Clark that day at Dublin, New Hampshire, was an unforgettable experience. He was then, as he is today, a magnificent example of the man of reason joined to the man of good will. He summoned historical experience, always giving proper weight to his analogies, always making the essential qualifications. The political philosophy reflected in his talk placed him in the tradition of John Stuart Mill, the Physiocrats, the leaders of the Philadelphia Constitutional Convention, and jurists like Oliver Wendell Holmes. When he spoke about the need for world law, he was not just trying to prevent world war; he was speaking to a condition necessary for human progress.

As the result of Clark's leadership, the Dublin Conference produced a document that commanded national attention and served as the effective beginning for the world law movement in the United States and elsewhere. Clark was its main architect and champion; he was also its primary source of energy and inspiration. Since then he has put everything aside in order to work for the ideas contained in the Dublin Declaration. He is one of the few men in the world, in fact, who has given full time to the most important need on earth. With Professor Louis B. Sohn of Harvard University, he wrote the book, *World Peace Through World Law*, which addressed itself to the multiplicity of problems involved in the transformation of the United Nations into a source of enforceable world law. The book recognizes that a world legislative body must be "weighted" in representation. For the present one-nation, one-vote system of representation makes the enactment of world legislation cumbersome and potentially inequitable. The book presents carefully developed ideas that indicate the practicality as well as feasibility of weighted representation. In 1959, the American Bar Association awarded him its Gold Medal, referring to *World Peace Through World Law* as a "major contribution to world literature" on the subject of peace.

Clark has tackled the bugaboo of absolute sovereignty in a way that has disarmed even the most pronounced ad-

herents of unfettered national determination. At the Dartmouth Conference between prominent Americans and Russians in 1960, the meeting was virtually at a point of tension-saturation. The Americans were steadfast in their advocacy of a plan for disarmament with full inspection and control. The Russians reacted sharply to what some of them described as a plan for violating the sovereignty and security of their country. The tone of the meeting became somewhat harsh and strident. Grenville Clark, who until that moment had been silent, asked to speak.

He began by saying he accepted fully the genuineness of the desire of the Russians present to reduce and eliminate the danger of war. He spoke of the enormous number of casualties suffered by the Russian people in the Second World War. He referred to the siege of Leningrad and the heroism of its people. He spoke of the contribution made by the Russian people to victory in the war. He spoke movingly and with great dignity. Then he spoke of the need to avert even greater wars in an age of nuclear weapons. He defined the basic principles that had to go into the making of a workable peace. He described the opportunity before leaders of public opinion in getting acceptance for these principles. He called on both Americans and Russians to see the problem of disarmament in a larger and more historic setting than weapons alone. When he sat down, both sides gave him sustained applause. And from that moment, Grenville Clark's name was magic with all the Russians who had heard him and many who hadn't. He had demonstrated not just the power of logic but the prodigious force that is represented by an understanding of the next man's experience and problems. Even more, he had proved that even the most hardened positions tend to dissolve in the presence of honest good will and friendliness.

In 1964, despite advancing age, Grenville Clark took off on a world tour to advance the cause of world peace through world law. And wherever he went, whatever the local political and ideological situation he made converts and friends, for the two were synonymous. To know him is to believe him.

In November 1965, he received the "Publius Award" of the United World Federalists, an organization that seeks wide acceptance for many of the ideas he helped to define and enlarge. Many of his friends in law and government, whether or not they were world federalists, came to honor him that night. He had earned their love and trust. He has a view of a better world and he has done his best to make it real.

—N.C.

FREEDOM AND INDEPENDENCE

Mr. KUCHEL. Mr. President, the Washington Post performed an excellent service this morning in its editorial comments on the words "freedom" and "independence," particularly as those terms are misused and misapplied by the government of Ho Chi Minh in North Vietnam.

The editorial reads in part:

There must be some extraordinary total failure of communication if President Ho Chi Minh of North Vietnam really believes that peace is to be had only at the sacrifice of North Vietnam's "freedom and independence."

Later the editorial states:

The only North Vietnam "surrender" sought by this country is the surrender of the right—

I am sure that we agree that means the alleged right—

to subvert and infiltrate and invade a neighboring area. It is only a semantic idiosyncrasy of Communist lingo that can construe a nation's compliance with the conventional rules of international law into a surrender of a national prerogative essential to its "independence" and "freedom" . . .

For if it is a mere misapprehension about the security of North Vietnam that is involved, it ought to be possible to move toward peaceful settlement. But, if peace is to be had only by accepting the principle that North Vietnam has the "freedom" to subdue all its neighbors on the Indo-China peninsula, then, of course, it is a different matter.

The American Government and the people believe that a nation ought to be permitted to live in peace and that none of its neighbors ought to perform acts of aggression against it. That is the position which the Government of the United States takes.

The misuse of this terminology has been exploited by the North Vietnamese Government in an attempt to blacken the name of the gallant American men who serve in the American Armed Forces, to cast doubt on their loyalty to freedom as the world understands it. This message ought to get through to North Vietnam.

I ask unanimous consent that the entire text of the editorial from which I have read be printed in the RECORD at this point.

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

[From the Washington Post, Jan. 18, 1967]

FREEDOM AND INDEPENDENCE

There must be some extraordinary total failure of communication if President Ho Chi Minh of North Vietnam really believes that peace is to be had only at the sacrifice of North Vietnam's "freedom and independence."

The "independence" the venerable president is talking about and the "freedom" he seeks to preserve never have been threatened by the United States. The only "freedom" for North Vietnam that the United States opposes is the "freedom" to overthrow the governments of its neighbors in Thailand, Laos and South Vietnam by the use of force and violence. The only North Vietnam "surrender" sought by this country is the surrender of the right to subvert and infiltrate and invade a neighboring area. It is only a semantic idiosyncrasy of Communist lingo that can construe a nation's compliance with the conventional rules of international law into a surrender of a national prerogative essential to its "independence" and "freedom." This construction of the words "freedom" and "independence" is a construction that was common among tribes of vandals and huns and mongols, but it is not a view of national right appropriate to the Twentieth Century. If it is a right that must be conceded to any nation then we must resign ourselves to an era of lawlessness and conquest and barbarism such as the world has not seen since the middle ages.

It is simply not believable that so sophisticated a master of philosophy and politics seriously believes that the right to conquer and subdue neighboring peoples is a right inseparable from full nationhood. So it must be assumed that there is a failure of communication—that North Vietnamese leaders have been misled by their own propaganda into the belief that the United States, notwithstanding a thousand disavowals, means to invade and occupy North Vietnam. Is there any kind of multinational guarantee

of the territorial integrity of North Vietnam that would allay this fear and remove any legitimate anxiety? Perhaps it is the first task of diplomats to find it. For if it is a mere misapprehension about the security of North Vietnam that is involved, it ought to be possible to move toward peaceful settlement. But, if peace is to be had only by accepting the principle that North Vietnam has the "freedom" to subdue all its neighbors on the Indo-China peninsula, then, of course, it is a different matter. North Vietnam's "freedom" to invade cannot be reconciled with South Vietnam's "freedom" to resist invasion.

TRIBUTE TO CHAIRMAN AND MEMBERS OF THE REPUBLICAN COMMITTEE ON COMMITTEES

Mrs. SMITH. Mr. President, as chairman of the Republican conference, I want to commend the senior Senator from Kansas and his fellow members of the Republican Committee on Committees for the excellent job they did in committee assignments of the minority.

I am particularly proud of the very excellent treatment they gave our five new Republican Senators. All five of them received two major committee assignments. Two of them received assignments to the committee traditionally most coveted by past Senators from their State. Senators HANSEN and HATFIELD were appointed to the Interior and Insular Affairs Committee that has traditionally been of top importance to Wyoming and Oregon and most desired by Senators from those States.

I cannot help but compare these good assignments for the Republican Senators of the class of 1967 with those of my class of 1949. There were four of us in 1949—KARL MUNDT, of South Dakota, Andrew F. Schoepel, of Kansas; Robert Hendrickson, of New Jersey, and myself. None of us received a major committee assignment. Senator Hendrickson was assigned to the then minor Committees on the District of Columbia and Post Office and Civil Service. Senator MUNDT, Senator Schoepel, and I were assigned to the minor Committees on the District of Columbia and Executive Expenditures.

Perhaps it is impolitic to say so, but everyone knows that the committee that most Senators have the least desire to be on and leave just as soon as they can is the Committee on the District of Columbia.

While all Republican members of my class of 1949 were assigned to the District of Columbia Committee, in contrast all Republican members of the 1967 class were spared and none were assigned to this committee.

For this very special consideration to our five new Republican Senators, credit must not only be given to the Republican Committee on Committees but also to the senior Senator from Vermont who gave up his place on the Committee on Aeronautical and Space Sciences so that two of the new Republican Senators could be appointed to that committee—and to the junior Senator from Kentucky, who agreed to fill one of the Republican spots on the District of Columbia Committee, and the junior Senators from Vermont and Colorado, who agreed to remain on

that committee and fill the two other spots, rather than having any of the five new Senators have to take assignment to the District of Columbia Committee.

Yes, Mr. President, I am very pleased with this excellent treatment and consideration given the Republican class of 1967 as contrasted to the treatment given my class of 1949. Senators MUNDT, Schoepel, and Hendrickson had to serve 2 years before they were given a major committee assignment. I had to serve 4 years before I was given a major committee assignment and so I can testify of what this means to a new Senator not to have to wait 2 to 4 years before being given a major committee assignment.

I am, indeed, proud of the manner in which the Republican conference and the Republican Committee on Committees have given such generous treatment to our new additions to the Republican side of the aisle in the Senate.

BETTER SCHEDULES FOR LOCAL AIR ROUTES

Mr. MONRONEY. Mr. President, in February and March of last year the Senate Aviation Subcommittee held extensive hearings devoted to a review of the local air carrier industry, the smaller airlines which serve the small and medium-sized cities of this Nation. There had not been any such legislative review since Congress in 1955 enacted legislation granting permanent certification for this group of airlines. The committee heard testimony from the top officials of the various Government agencies which deal with this industry, from the carriers themselves, and from the cities they serve.

Despite a remarkable decade of growth and service, some serious problems confront this industry and require that the Congress take another look at the purposes and goals of this segment of aviation. There have been many changes during the decade which have had an important bearing on the present and future progress of these carriers.

There were substantial shifts in population from the smaller cities to metropolitan areas. The Interstate Highway System was initiated and its construction is well underway. This increased the mobility, range, and use of the individual automobile, thus cutting into the local service carrier market for passengers traveling short distances. The jet aircraft revolutionized the whole aviation industry and the smaller two-engine jet made its appearance on the aviation scene. The priorities on the expenditure of Federal funds changed, making it necessary to reduce drastically the Federal subsidy paid to this industry.

At the commencement of the hearings I made the following statement:

Most of the problems in the industry are caused by the harsh economics of short-haul air transportation and any suggested changes must come to grips with the hard dollar cost of providing this type of air service.

This nation's transportation system is undergoing the most thorough and comprehensive analysis ever made by the government agencies and departments responsible for establishing and maintaining an adequate transportation system. The local service car-

riers are an integral part of that system, but to maintain that status they must be flexible enough to adapt to the increased needs and demands for passenger and cargo service. With the introduction of vast numbers of new jet aircraft, the nature of our transportation system and the competitive balance which has prevailed will, I believe, change. If the local service carriers are to keep pace with these changes, now is the time to alter any of our policies or procedures which could impede the ability of the local service carriers to maintain their role in our transportation system.

At the hearings the Chairman of the Civil Aeronautics Board, Charles Murphy, presented very detailed and comprehensive testimony on the local air carrier industry, its progress and its future. An excellent staff study was presented to the committee for its consideration. Chairman Murphy indicated to the committee his willingness and his desire to find solutions to the problems facing the industry and to have the Board act expeditiously in its regulatory proceedings to implement solutions, to initiate experiments, and to reduce the regulatory lag.

I am pleased to report to the Senate today that Chairman Murphy and the other members of the Board have kept that promise. Last year the Board began to experiment with different types of proceedings, notably the use of the show cause order, to give to local air carriers the stronger and more profitable route segments they need, if the Board is to succeed in its policy of substantial subsidy reductions and the carriers are to continue as strong and viable entities.

Also, last month the Board initiated what I believe will be a landmark rule-making proceeding to "establish a new Board policy with respect to nonstop authority for local service carriers." Under this proposed policy the local service carriers would be permitted to prove nonstop service between major traffic points on their linear route segments. This would permit them, as the Board indicated, "to take advantage of the lower unit direct operating cost characteristics of the new jet technology, and thereby reduce subsidy."

During the course of the rulemaking proceeding the Board will hear comments from all interested parties and will decide whether this is a proper policy to put into effect. A similar proposal was presented to the Aviation Subcommittee for its consideration. I do not know whether the policy change proposed by the Board will solve all of the difficulties which the local carriers have. But I strongly believe it is a step in the right direction and is a beginning toward making those policy changes which of necessity must occur when technology, the economy, and service needs change, as they do continuously.

I commend the Board for its initiative and courage in initiating this proceeding and for indicating its willingness to experiment in finding means to strengthen this segment of the aviation community and thus improve service to the people of the United States. The Aviation Subcommittee, in the exercise of its oversight function, will follow developments in this proceeding and others at the Board with great interest.

UTILIZATION OF FUNDS BY OREGON UNDER THE LIBRARY SERVICES AND CONSTRUCTION ACT

Mr. MORSE. Mr. President, Miss Eloise Ebert, State librarian of Oregon, has kindly provided me with the descriptive report of the State of Oregon on the utilization of funds under the Library Services and Construction Act.

This attractive publication outlines in short compass the way in which funds for Oregon which were appropriated under that act have been used. I wish to express to Miss Ebert and her colleagues my commendation on having prepared a most informative review of operations and I wish to bring it to the attention of my colleagues as an example of the effect that Public Law 88-269, as amended, is having.

I therefore ask unanimous consent that the report to which I have alluded be printed at this point in my remarks.

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

OREGON: LIBRARY SERVICES AND CONSTRUCTION ACT—ANNUAL DESCRIPTIVE REPORT FOR THE PERIOD ENDING JUNE 30, 1966

The Library Services and Construction Act, Public Law 88-269, is administered by the U.S. Department of Health, Education and Welfare; Office of Education; Library Services Branch.

The State Library is responsible for administration of the act in Oregon. The State Library Board of Trustees adopts the state plan and approves all Grant programs.

Title I *Services* provides federal financial assistance to develop library services to all areas, urban as well as rural, that are without public library services or with inadequate services. Oregon received \$227,557 under Title I in 1965-66.

Title II *Construction* provides federal financial assistance for the construction of new public library buildings and the expansion, remodeling and alteration of existing buildings. Architects fees and cost of acquisition of land are included. Oregon received \$47,535 under Title II as its share of the federal allotment. To qualify for a grant, a local jurisdiction must:

1. have available local matching funds;
2. plan a building adequate to meet the needs of the area served; and
3. meet minimum standards of library service or present a plan for reaching these minimums.

Two Construction Grants were awarded by the State Library Board of Trustees in Fiscal 1966. A second phase grant of \$37,535 was made to the Library Association of Portland for a Library Service Center, bringing the total assistance on this project to \$100,000 to assist on remodeling costs for a Periodical Service Center.

TITLE I—SERVICES

Following is a brief description and evaluation of the projects of the 1965-66 Fiscal year:

S 1 State library services

The Oregon State Library provides extensive reference services and library materials to individuals and public libraries. The Administration Division has responsibility for carrying out the State Plan and advises libraries on fiscal, personnel, and operational questions.

Library Research Specialist

The Library Research Specialist conducts research and makes studies contributing to the improvement and extension of library services. This position was vacant for 7½ months of the fiscal year. The Library Re-

search Specialist completed the following studies:

1. A statistical evaluation of the impact of LSCA projects in Oregon counties; measuring the growth in circulation and library expenditures in these counties as compared to counties where LSCA projects were not carried on.

2. Analysis of the budgetary history of the Oregon State Library over the past decade including the role of federal support of State Library Services and an evaluation of the change in the levels of expenditure for major budgetary categories (i.e.) books, personnel, and other operating expenses during this decade.

3. A comparison of Oregon General Fund expenditures for the State Library in comparison with expenditures for other state agencies.

4. Writing and setting up the layout for the Biennial Report of the Oregon State Library to the Governor and members of the Legislature.

5. A statistical sampling of the Oregon State Library holdings in science and technology relating to publication dates.

6. The Research Specialist also started a survey of State Institution libraries.

Having a person skilled in research techniques has contributed to library development by providing studies in depth of areas of concern. His research and clear presentation of findings were valuable as guidelines for determining policies.

Printed Book Catalog

Cumulative supplements to the Book Catalog bring the resources of the State Library directly to the user in any part of the State. New acquisitions are listed by Author, Title, and Subject.

Presently available in 243 separate locations throughout Oregon, the Book Catalog is a resource which will break the barriers of distance and time. In an era of change these need no longer enclose the library. The breadth of library resources available is demonstrated to residents throughout the State.

Production difficulties have held up completion of the Master Catalog. The latest plan is to produce the catalog through a photo-composition process directly from computer magnetic tape.

Library Intern Program

The intern program provided one of the library school scholarship recipients with an opportunity to work in each of the major divisions of the Oregon State Library. It was a valuable opportunity for a new librarian to become acquainted with the overall operation and unique services of the State Library.

Field Services Division

Public library consultants in the Field Services Division carry on a statewide program for promotion and expansion of library services through consultations, field visits, workshops and contacts with organizations and public officials. Specialists in the fields of Services to Children and Young Adults and Public Library Construction give intensive assistance in these fields.

S 2 Graduate library scholarships

This program encourages qualified personnel to attend an American Library Association accredited graduate library school.

Four scholarships of \$2,000 each were awarded in 1965-66. One of the recipients withdrew after the first quarter because of ill health.

In accepting their scholarships, the recipients agree to work for one year in an Oregon Public Library. Two have accepted positions with the Douglas and Josephine County Libraries located at Roseburg and Grants Pass. The third recipient will graduate from the University of Chicago in January and is expected to serve as an intern in the Reader's Services Division of the Oregon State Library.

The program was undertaken because of the desperate needs for additional librarians in Oregon public libraries. Three of the first seven recipients have remained in Oregon beyond their required year of service.

S 3 Inservice training

Since many public libraries in Oregon have no professional librarian as administrator, In-Service Training courses provide those responsible for public library service an opportunity to expand their knowledge of library services and techniques. Concentrated study in special areas of librarianship is provided through courses given in various locations and conducted by a professional librarian.

A course on "Public Library Reference Services" was repeated in Portland, North Bend and La Grande. The classes were conducted by Elizabeth Findly, Head Reference and Documents Librarian at the University of Oregon. A total of 68 persons were enrolled. The courses assisted the individual librarians in alerting them to the resources already available in their own libraries and giving them a broad view of the tools which would be valuable additions to the local collections. Those attending the sessions reported the material covered was pertinent to their needs.

S 3 Salary subsidy

Salary assistance is given to encourage the addition of professional librarians to public library staffs. Libraries employing a graduate library school scholarship recipient in a new position are eligible to receive one-third of the first year professional librarian's salary. A grant of \$1,800 was awarded the Deschutes County Library at Bend to assist in the employment of one of the scholarship recipients. This grant resulted in the creation of a new professional position of children's librarian at the Deschutes County Library.

S 7 Trustee information and education

A Trustee Coordinator has been employed. She will visit library boards, government officials, and Friends groups to ascertain the special needs for types of information and education in the different areas of the State.

Programs will be instituted on the local, regional, and state level to directly involve trustees. Emphasis will be two-fold:

1. Practical information and workshops on specific helps to local libraries.
2. Long-range planning for library development in Oregon.

S 8 Library improvement grant

Grants for the extension of public library services and the strengthening of library resources. A grant was made to Salem Public Library for the purchase of a second bookmobile to serve additional areas of the city. An additional grant will be made to assist in purchasing and processing a basic collection for the expanded service in 1966-67.

S 9 Institute on Planning

Approximately 50 librarians and trustees were selected to participate in this Institute held August 23-27, 1965 at the University of Oregon. Consultant and lecturer was Dr. Preston P. Le Breton, nationally recognized expert in the field of planning.

The Institute on Planning was built on background reading done by those attending. It reinforced the concepts of planning principles and techniques so that these might be applied in the management of public libraries and liaison relationships with local officials.

Among the members attending the Institute were outstanding librarians in the State who have since been appointed to the Oregon Library Association Library Development Committee. This committee is working on a proposal to be presented to the Oregon State Library Board of Trustees for a statewide library development plan. The plan will be prepared by a nationally recognized consultant or consultant firm.

Publication: *Institute on Planning Proceedings*

S 10 County library orientation

This project was designed to acquaint librarians, trustees, and public officials with county library services and to provide them with a concentrated exchange of ideas with people engaged in providing library service from a larger unit of service or system. A county library tour was conducted in October 1965 with approximately 58 librarians, trustees, and public officials in attendance. The tour started at the Extension Headquarters of Multnomah County in Portland and covered services of the following counties: Tillamook, Douglas, Josephine, and Jackson.

Publication: *Oregon County Library Service 1965*

S 11 Business, science, and industry study

A preliminary investigation by the Library Research Specialist on the Oregon State Library Staff showed a need for special library services for business, science, and industry in Oregon. This study by Edwin T. Coman, Jr., recently retired librarian at the University of California at Riverside, was designed to investigate the present level of services available and to determine the future development of these services.

His final report has been used as a basis to prepare a plan for increased State Library Services to business, science and industry including activities under the State Technical Services Act. Funds to implement this program have been requested in the Biennial Budget for 1967-1969.

S 13 public relations program

This project is to provide information to public librarians and library users at large throughout the State on the availability and uses of the book catalog of Adult Non-Fiction holdings of the Oregon State Library. It will not be completed until the Master volumes of the book catalog are prepared. The firm has been doing research and developing ideas, preparing material for news releases, general brochures, feature articles, and television presentations on the book catalog.

S 15 grants for purchase of library materials

These grants are designed to improve the adult non-fiction holdings of public libraries constructing new buildings, making it possible for them to serve as an information center for the community. Local libraries and government jurisdiction eagerly supported this project.

The new building will serve as a focal point to attract people to the library and the enriched collection will act as a drawing card to the citizen. All types of non-fiction materials including books, periodicals, pamphlets, maps, documents, and phonograph records are included.

Grants were made to the following libraries:

1. Astoria, \$5,000.
2. Coos Bay, \$5,000.
3. Corvallis, serving Benton County, \$5,000.
4. Milwaukie, \$5,000.
5. Multnomah County Library, \$10,000.
6. The Dalles, serving Wasco County, \$5,000.

Second year grants equal to the increase in library materials budget to a maximum of \$5,000 are also planned.

TITLE II—CONSTRUCTION

An increased interest in the evaluation of present library building needs has resulted from the availability of funds to assist public library construction.

Two libraries assisted under LSCA were completed in 1965-66:

Corvallis Public Library serving Benton County.

Coos Bay Public Library.

An addition of more than double the size of the original *Corvallis Public Library*

building was made possible through federal funds. The library is well located in the center of a closely populated and highly literate area which makes heavy demands upon its services. Corvallis Public Library has a continuing contract for services to Benton County.

Coos Bay Public Library, formerly located on a site away from the main flow of traffic, has been relocated on a level site in the main commercial area. It has 10,500 square feet with provision for expansion to 15,000 square feet. The building has the capacity for books and seating to serve the present and projected population.

Other Public Library construction projects assisted under LSCA and presently underway are:

Astoria, Eugene (remodeling for a Periodical Service Center), Library Association of Portland serving Multnomah County, The Dalles serving Wasco County.

BOB COOKE'S DAY IN ABILENE, TEX.

Mr. TOWER. Mr. President, Monday, January 23, will be Bob Cooke's Day in Abilene, Tex. Friends and luminaries in the press and agriculture world, who have come to depend on the advice of the farm editor of the Abilene Reporter-News, are gathering to honor the retiring journalist at the close of his 19 years of service.

Guests from more than 22 west Texas counties are expected to attend the Bob Cooke appreciation dinner in Abilene, in the words of Dinner Chairman Benton Watson, "for no other reason than to honor Bob Cooke."

With Mr. Cooke's retirement, the people of west central Texas are losing the services of a much-acclaimed journalist and a most knowledgeable agriculturist. I join my friends and colleagues in Abilene in their tribute to this highly esteemed Texan, and I wish him a continuing productive life in his retirement.

Mr. President, I ask unanimous consent that the text of two articles which appeared in the Abilene Reporter-News concerning the ceremonies for Bob Cooke be printed in the RECORD at this point.

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

BANQUET TO HONOR BOB COOKE JANUARY 23

An area-wide appreciation banquet for Bob Cooke, who retired Sunday as farm editor of the Reporter-News, will be held Jan. 23 at the Starlite Inn.

The dinner is being sponsored by a committee of eight men, including representatives of various agricultural organizations, as well as prominent farm individuals. The group is known as "The Friends of Bob Cooke Committee."

Tickets for the event are being distributed in 22 West Central Texas counties through vocational agriculture teachers and county agents. Bill Scott, VA teacher at Abilene High, is in charge of ticket sales.

COMMITTEE NAMED

Others on the banquet committee are B. J. Gist, Hamby farmer and state Farm Bureau director; Roy Manahan, Taylor County rancher; Sam Beam, farmer and county Farm Bureau director; H. C. Stanley, Taylor County agent; Bob Morford, new president of the West Texas Fair Assn.; Bill Haynes, operator of Abilene Auction, and Benton Watson, Farm Bureau staff member. Watson is chairman of the committee.

"The reason the group wants to do this is that we feel Bob has contributed tire-

lessly and unselfishly to the agricultural industry throughout the area and that he deserves some special recognition," Watson said. "The dinner is for no other purpose than to honor Bob Cooke."

HERE SINCE 1947

Cooke served as farm editor of the Reporter-News from 1952 until his retirement. He had joined the paper's staff in 1947, coming from Sweetwater.

The banquet will be held on the Monday night during the Abilene Stock Show, making it convenient for many from out of Abilene to attend.

Scott said tickets could be obtained locally at the Abilene Chamber of Commerce, the Farm Bureau office, County Agent's office, at Abilene Auction, Rancher's and Farmer's Livestock Auction, ASCS office, SCS office, and from Scott at Abilene High.

FARM EDITOR COOKE RETIRES

Bob Cooke, whose work as Farm Editor of The Abilene Reporter-News since 1952 has won both regional and statewide acclaim, retires today.

His retirement climaxes an interesting career which embraced country school teaching, football coaching and a school superintendency before he entered journalism.

He had been with The Reporter-News since Dec. 16, 1947.

Cooke, whose hobby interests and abilities are as varied as his newspaper talents will not lead an idle life in retirement.

He's handy with tools and making and repairing things. He has tried his hand at oil and watercolor painting. And he may now find time to return to a love of former years at which he excelled, growing flowers and plants in a greenhouse.

Cooke was once noted for the beauty of orchids and camellias he cultivated with tender care and spectacular results.

WIDE KNOWLEDGE

In 14 years as Farm Editor, Bob Cooke's work reached into every rural community of the Big Country, touching the lives and endeavors of hundreds of young people and farmers and ranchers as well.

He covered their stock shows and fairs, their banquets, their special projects. He reported new trends and successes in farming, stock raising and ranching.

Cooke supervised The Reporter-News' biggest public service undertaking, Soil Day, for the five years it was staged from 1954 through 1958. This was a huge demonstration joined in by farmers, implement dealers, farm and soil conservation leaders to foster better practices in farming and ranching. Thousands of people attended the functions.

In 1956, the Headliners Club at Austin chose the previous year's Soil Day and Better Land Use program as the state's top community service by a newspaper. Cooke received the award in a presentation at Austin.

PRESS AWARD

In 1963 at Fort Worth, Cooke was given the annual Press Award by the Production Credit Associations of Texas in recognition of his outstanding service and contributions to the PCAs and agriculture in general.

In December, 1964, he was presented a Friend of 4-H Silver Spur clasp at a District 7 4-H Council luncheon at San Angelo.

Bob Cooke was born Nov. 7, 1901 on a cotton farm near Hood in Cooke County, which bears his family name. He was reared in Haskell and Cooke Counties.

After attending rural schools, Cooke obtained higher education at Decatur Baptist College, Baylor University and the University of Missouri. It was in that order, but not in an unbroken period.

After Decatur, he spent two years teaching at Mt. Hope, a rural school where Cooke recalls that some of the boys were bigger

than he and were always threatening to whip him.

In 1922 he returned to college, at Baylor, and got his B.S. degree in 1924. He went back to being a country school teacher (Marysville, Valley Creek) and then became a coach, principal and finally superintendent at St. Jo in Montague County.

LESS THAN TREMENDOUS

Cooke can't quote his all time won-loss record coaching at St. Jo, but notes wryly that it was not tremendous.

But there is one thing he recalls clearly from his coaching days.

"Jim Lauderdale was my star quarterback," he says. Lauderdale, an oilman now living at Tyler, is a former president of both the Abilene Chamber of Commerce and West Texas Fair.

In 1929, Cooke decided he wanted to be a newspaperman. He resigned at St. Jo and enrolled in Missouri's famed School of Journalism. He received his degree in 1930.

Cooke worked for the Gainesville Register and Waco News-Tribune before coming to the Big Country in 1935 as sports editor of the Sweetwater Reporter. In 1938 he became editor of the Nolan County News, Sweetwater and continued in that post until joining The Reporter-News.

Cooke and his wife, Dorothy, live at 890 Westwood. They are members of the First Baptist Church.

INTERPARLIAMENTARY UNION

Mr. TALMADGE, Mr. President, on Monday, January 16, the election of officers for the U.S. Group of the Interparliamentary Union was held in the Senate reception room, S-207, at 10 o'clock. The following officers for the 90th Congress were elected unanimously:

President: Alexander Pirnie, Representative from New York.

Vice Presidents: Gordon Allott, Senator from Colorado; John J. Sparkman, Senator from Alabama; E. Ross Adair, Representative from Indiana.

Treasurer: Paul C. Jones, Representative from Missouri.

Secretary: Edward J. Derwinski, Representative from Illinois.

Executive Committee: In addition to the 6 officers listed above, three were elected to constitute a committee of 9 Members: W. Robert Poage, Representative from Texas; Thomas H. Kuchel, Senator from California; John S. Monagan, Representative from Connecticut.

United States representatives to the Interparliamentary Union Council: Emilio Q. Daddario, Representative from Connecticut; Philip A. Hart, Senator from Michigan.

It will be recalled that representative EMILIO Q. DADDARIO was elected as a member of the Executive Committee of the Interparliamentary Union at the conference in Teheran, Iran, last October for a term of 4 years.

Mrs. Katharine St. George was elected executive secretary of the group. Mr. Darrell St. Claire was elected administrative secretary and financial officer.

Dr. George B. Galloway, who served as executive secretary of the U.S. group for 5 years, retired from his Interparliamentary Union position and also as senior specialist in American Government and Public Administration in the Legislative Reference Service, Library of Congress. Dr. Galloway served the Federal Government for more than 24 years and is internationally recognized for his contributions to scholarly literature on the U.S. Congress.

Dr. Galloway was born in Brooklyn, N.Y., on January 9, 1898. He received his A.B. degree from Wesleyan University Middletown, Conn., in 1920; his M.A. from Washington University, St. Louis, Mo., in 1924; and his Ph. D. from the Robert S. Brookings Graduate School of Economics and Government in 1926. He was a member of the professional staff of the Philadelphia Bureau of Municipal Research, 1926-29, of the Editorial Research Reports, 1929-31, of the Bureau of Economics, Greater Pennsylvania Council in Harrisburg, 1932, and of the Twentieth Century Fund in 1933. From 1933-35, he served as Deputy Administrator in the Research and Planning Division of the National Recovery Administration, and in 1935-41 he was field representative of the National Planning Association. Subsequently he served as consultant on postwar problems, Twentieth Century Fund, before becoming staff director of the Joint Committee on the Organization of Congress—the La Follette-Monroney Committee—U.S. Congress, 1945-46. The New York University Law School dedicated its 1946 annual survey of American Law to Senator Robert M. La Follette, Jr., of Wisconsin, Representative A. S. MIKE MONRONEY, of Oklahoma, and Dr. Galloway "in recognition of their distinguished service in safeguarding the legislative process through the enactment of the Legislative Reorganization Act of 1946."

After joining the staff of the Legislative Reference Service in 1946, Dr. Galloway served as staff director of the Subcommittee on Home Rule and Reorganization, House Committee on the District of Columbia, 80th Congress, and as consultant to the Senate Committee on Expenditures in the executive departments during the 82d Congress, first session. For the last 5 years, he has been Executive Secretary of the U.S. group of the Interparliamentary Union.

Dr. Galloway was appointed chairman of the Committee on Congress, American Political Science Association, 1941-45. He was vice president of the American Political Science Association in 1941, vice president of the District of Columbia Chapter of the American Society for Public Administration in 1950, and vice president of the District of Columbia Chapter of the American Political Science Association in 1952-53. He received the Distinguished Alumnus Award from Wesleyan University in 1959.

Dr. Galloway is the author of numerous books, documents, and articles, his major works being "Planning for America, 1941," "Congress at the Crossroads, 1946," "The Legislative Process in Congress, 1953," "Congress and Parliament, 1955," and "History of the House of Representatives, 1961."

THE TONKIN GULF INCIDENT: A QUESTION MARK

Mr. GRUENING, Mr. President, an exceedingly thoughtful and penetrating article by our colleague, GEORGE MCGOVERN, the distinguished junior Senator from South Dakota, appears in the current issue of the Atlantic Monthly. I hope it will be read by both Senate and House Members.

I call attention particularly to the following statement it contains:

Looking back on the Bay of Tonkin incidents of August, 1964, one wonders if a crisis was manufactured by the administration to justify a politically popular aerial reprisal against Hanoi backed by a strongly worded congressional resolution of this at the beginning of a national election when administration firmness was being questioned by the political challenger.

I ask unanimous consent that the article "Foreign Policy and the Crisis Mentality" be printed at this point in my remarks.

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

VIEWPOINT: FOREIGN POLICY AND THE CRISIS MENTALITY

(By George McGovern)

In his *Crisis* papers of the American Revolution, Thomas Paine observed " 'Tis surprising to see how rapidly a panic will sometimes run through a country.' "

Yet Paine was so fearful of the tendency of men to become indifferent or weary in times of crisis and conflict that he believed even panics produce "as much good as hurt."

If he were permitted to review our own time, he would doubtless conclude that the problem of maintaining a proper course between panic and complacency has taken on new dimensions, for the thirteen colonies which leveled their muskets against the established order have evolved into the world's mightiest power in a highly dangerous nuclear age. This is a responsibility which demands a rare capacity to distinguish between fundamental forces at work around the globe and localized crises of uncertain significance.

But there is a disturbing America tendency to overreact to certain ideological and military factors while overlooking issues of vastly greater relevance to our safety and well-being. A civil insurrection in Santo Domingo or Vietnam is dramatic, but what is its significance compared with such quiet challenges as the proliferation of nuclear weapons, the surging of nationalism and social upheavals in the developing world, or the mounting crisis of hunger and population? What, too, is the relationship of the quality and strength of our own society to our position in the world? How will the world see us if we succeed in pacifying Vietnam but fail to pacify Chicago?

Many Americans, having grown impatient with the frustrations of the cold war, see each international tension as an urgent crisis calling for a direct and decisive attack on the enemy. Moreover, there must be no halfway measures: "Either get in or get out!" Those who suggest that there may be a proper limit to American power are branded as "neo-isolationists." A preference for the peacekeeping actions of the United Nations over a free-wheeling unilateral interventionism is, for example, a sure sign of "neo-isolationism."

I believe that, in fact, we are in danger of seeing the isolationists of the 1920s and 1930s replaced by the neo-imperialists, who somehow imagine that the United States has a mandate to impose an American solution the world around. Those who see the United States in this role not only want U.S. police action in each trouble spot, but with decisive speed. The old isolationists and the new imperialists may be cut from the same cloth in that both look with disdain on the claims of the international community in contrast with the American way.

For example, the neo-imperialists' solution to the long, inconclusive struggle in Vietnam is a crushing military onslaught. They reject the outlook expressed not so long ago by General Maxwell Taylor when, as ambassador to Saigon, he said that the

issue there is "very largely a political, economic, and psychological problem." They would prefer the approach of former Senator Goldwater, who said of Vietnam: "I would turn to my Joint Chiefs of Staff and say: 'Fellows, we made the decision to win. Now it's your problem.'"

In this scheme of things, the Soviet Union and Mainland China are viewed not as major world powers with which we must live, but as diabolical conspiracies that sooner or later we must face in battle. The answer to other lesser threats, such as Fidel Castro, is the U.S. Marine Corps. If a political rebellion occurs in the Dominican Republic, send in American troops and worry about such international niceties as the UN and the OAS later. The answer to the Berlin problem is simple: "Tear down the wall."

There are doubtless many explanations for the crisis outlook.

For one thing, America is a comparatively new country that has been largely separated from the turmoil of world politics for most of our history. During the nineteenth century, we relied on the British to put out the fires that flared from time to time in out-of-the-way places. We were free to concentrate on the development of our own economy and institutions. Pulled into World War I by the course of events, we swung back to an even more ardent isolationist course in the 1920s and 1930s. It is thus not surprising that faced with a vastly greater international involvement after World War II, we have frequently overreacted to incidents that an older, more mature society would have regarded as "business as usual."

Second, many Americans have not assimilated a sense of the world's diversity, nor do we look at events from an international vantage point. The older nations of Europe, steeped in the maelstrom of continental politics and with a century or more of colonial experience in every corner of the globe, have acquired a cosmopolitan view of the world. But when a political coup is attempted against an unpopular government in the Dominican Republic, or student rioting changes government policies in Japan, or De Gaulle seeks the leadership of Europe after liquidating hopeless French ventures in Asia and Africa, or a guerrilla movement threatens to bring down a much more generously armed American-backed regime in Saigon, we are unable to equate these events with our own experience. The revolution in mass communications instantly brings such developments into our living rooms, but there has been no corresponding increase in our capacity to evaluate the swift changes of our convulsive age.

COMMUNIST DEVILS

A third explanation of our tendency to react strongly to events is the unique power of Communism (as a general menace) and of the Soviet Union or China or Cuba or North Vietnam (as the precise devil) to challenge a variety of deeply felt American dreams and values at their core. For the democratically oriented American public, these are evil forces which deny open political discussion, religious freedom, bona fide elections, and a framework of law and legal process. For those businessmen to whom a large portion of the world represents an essential area for expansion, Communism presents a dangerous challenge to capitalist ground rules. For Americans who dream of the United States exercising a dominant role in potentially unlimited areas of world development, to whom Theodore Roosevelt, and later, Henry Luce and others, have spoken, Moscow, Peking, Havana, and Hanoi are challenges to the American Century. And finally, for that sizable and vociferous minority whose views are premised on the assumption that conspiracies and dark alien powers sway world affairs—to whom the late Senator Joseph McCarthy was the Angel Gabriel—Communist propaganda is tailor-made.

Thus, the American consensus against Communism—no matter the variety—is rooted in a very real set of challenges and denials. It is not easily dismissed as "hysteria." Its deep traditional sources lead to an almost irresistible identification of any event related to Communism as a crisis, a dire and fundamental threat to basic values.

Our crisis tendency has been given additional force by the nature of our political leadership and our two-party political dialogue, especially since 1950.

In the years immediately following World War II, thanks to the leadership of men such as the late Senator Vandenberg, our foreign policy was conducted in a bipartisan manner largely free from political rancor and partisan duels. This was the period which launched the United Nations, the Marshall Plan, Point IV, and the North Atlantic Treaty Organization.

But with the triumph of Communism in China in 1949, the North Korean attack of 1950, and the breaking of our nuclear monopoly by the Soviet Union, the comparative confidence and calm of post-war American foreign policy were shattered. The first strains of the post-war world were beginning to wear on the American public even before the Korean conflict.

It was these cold-war tensions which set the stage for the poisoning of American political life by the late Senator McCarthy in the early 1950s. Many government officials and politicians still find it expedient to demonstrate their "Americanism" by frequent outbursts of rhetoric directed at the Communist enemy. The two political parties, having generally agreed on basic foreign policy objectives, wage a recurring battle over which party is taking the harder line against the Communists.

FUEL ON THE FIRE

Foreign policy, more mysterious and remote than domestic issues, is ideal grist for the political mill. The average citizen knows enough about social security to be somewhat invulnerable to loose charges against the program. But a prediction of disaster in the Caribbean based on alleged evil in high places is beyond the capacity of our citizens to evaluate.

This kind of exercise has been a major cause of the crisis mentality. Having agreed for years on basic foreign policy assumptions and especially the containment of Communism, our political party leaders have found it necessary to devise other areas of combat. Each side knows that it must capitalize quickly on even inconsequential events lest the opposition do so first with telling political results. Politicians out of power have found it expedient to interpret each international incident as a mortal danger to the republic. Politicians in power must demonstrate that they are taking swift and forceful steps to save the nation from disaster.

No doubt the late President Kennedy benefited in the 1960 presidential campaign from the fact that Castro had come to power during a Republican Administration while at the same time the Russians were moving ahead of us in the missile race. Once in power, the new President was under pressure to take a hard, activist line on Cuba. Even after the nuclear showdown of October, 1962, when the Russian missiles were withdrawn from Cuba—a sensational cold-war victory for the United States—some politicians worked overtime to keep the crisis boiling. Any step to ease tensions was quickly branded as a softening of resolve.

American domestic political considerations have probably motivated our deepening involvement in Vietnam since the 1950s as much as any other factor. The Republicans accused the Democrats of "losing" China to the Communists in the 1940s; Secretary of State Dulles did not want to "lose" Southeast Asia in the 1950s and see the tables reversed. Whatever else was prudent, it was safest in terms of domestic politics to take a

tough, militaristic stance toward revolutionary Asian leaders while embracing the comfortable old despotisms.

Looking back on the Bay of Tonkin incidents of August, 1964, one wonders if a crisis was manufactured by the Administration to justify a politically popular aerial reprisal against Hanoi backed by a strongly worded congressional resolution—all of this at the beginning of a national election when Administration firmness was being questioned by the political challenger.

Again in February, 1965, American planes began bombing in both North and South Vietnam in response to a nighttime Viet Cong attack which killed several Americans in one of our barracks near Pleiku. Senator Goldwater had earned a "trigger-happy" label in 1964 for recommending the use of American bombers in Vietnam, but Administration spokesmen rationalized the bombing in 1965 by dramatic references to the Viet Cong's dastardly "sneak attack"—implying that enemy troops should attack only in broad daylight after a fair warning. Apparently our spokesmen had forgotten our schoolboy pride in George Washington's "sneak attack" on the British after he and his rebel forces stole across the Delaware River.

AN AMERICAN ILLUSION

The meagerness of genuine discussion about fundamental issues and our tendency to magnify minor incidents have caused us to miss many opportunities for constructive new initiatives both at home and abroad. We have, for example, concentrated too heavily and too long on an all-out military response to the international challenge while neglecting the economic, political, and moral sources of our strength. Frequently we have confused means with ends and then argued about those means with all the passion ordinarily reserved for sacred principles. The crisis mentality and the emphasis on means always call for more and bigger weapons. The crisis addict becomes impatient when it is suggested that a nation's strength is measured as much by the quality of its schools, the health of its citizens, the vigor of its economy, and the treatment of minorities as by the size of its weapons. He lacks the perspective to realize that the steady, peaceful development of Asia, Africa, and Latin America is of far greater significance to American security than the political color of future regimes in Vietnam or in the Dominican Republic.

Foreign aid for underdeveloped countries is a favorite target of crisis-oriented citizens and legislators, who are much more comfortable appropriating \$50 billion annually for arms than \$2 billion for economic development. The results of foreign aid are too slow to satisfy the mind dominated by a sense of crisis. Indeed, even an economic boycott (Cuba) or limited military action (Korea and Vietnam) is frustrating and unsatisfying to the crisis-prone individual, who would prefer to "clean up the mess" overnight.

Foreign aid bills have been presented to Congress year after year as a stopgap against the spread of Communism rather than as an investment in social and economic development. Poverty-stricken countries have been encouraged by shipment of American arms to build military machines as part of "the free world" defense against Communist aggression. But in the summer of 1965, Pakistan threw its American-supplied Patton tanks into war with India's American-supplied Sherman tanks. The final irony came when the Soviet Union, theoretically a potential target of the tanks, mediated an end to the war. This was scarcely a convincing demonstration of U.S. wisdom in determining other countries' needs.

While recognizing our responsibility to influence world affairs in the direction of peaceful development as best we can, we will do well to heed D. W. Brogan's warning of

"the illusion of American omnipotence." There is a tendency for some Americans to assume that every distressing situation, no matter how remote, is the result of a failure on our part. During the late 1940s and early 1950s, we talked about "losing China," as though we had somehow been in command of China's destiny. But as Professor Brogan has reminded us, "A great many things happen in the world regardless of whether the American people wish them or not." For example, we ought to take every reasonable step to ensure the success of the Alliance for Progress and the defeat of Castroism in Latin America, but we must also recognize that the success of these efforts depends more on decisions that are made in Latin-American capitals than in Washington.

Furthermore, we must be willing to look at our own view of the world with at least as critical an eye as we apply to the views of others. Those who have suggested that college students protesting our Vietnam policy should be automatically drafted are, in effect, calling for a moratorium on conscience and freedom. It would be ironic indeed to surrender liberty in America in the name of its advancement in Vietnam. Instead of intimidating the public dissenter, we ought to welcome his independence and give his views a careful hearing. Instead of promoting the government official who plays it safe by avoiding thoughts that might irritate his superiors, we ought to encourage intellectual integrity and moral courage as the most precious qualities of the public servant.

STOP, LOOK, AND LISTEN

If we are to strengthen our position in the world, we must be willing to look carefully and critically at all foreign policy assumptions, including our present course in Southeast Asia and our insistence that the world's largest nation be excluded from the United Nations.

We can well afford to listen thoughtfully to the views of experienced leaders abroad including General de Gaulle, despite his peculiar faculty for irritating Washington. The French successfully and gracefully terminated self-defeating campaigns in Southeast Asia and North Africa; in the process they might have gained certain insights that are worth our evaluation.

America has achieved a position of power and influence in the world that is unprecedented. We have often used that power generously and courageously, perhaps more than any other nation of our age. I have no doubt of our capacity to respond effectively to a genuine crisis that calls for vigorous and decisive action. I should like to believe that we will also develop a talent for discovering and responding rationally to the underlying forces at work in our time. But to those innumerable tensions, struggles, and incidents of the future that we neither can nor should control, I hope we will manifest a measure of Ralph Waldo Emerson's wisdom: "Let him not quit his belief that a popgun is a popgun, though the ancient and honorable of the earth affirm it to be the crack of doom."

THE JOB CORPS—FOLLOWUP STUDY OF GRADUATES

Mr. MURPHY. Mr. President, I am most pleased that the Office of Economic Opportunity, as indicated by the announcement of the Job Corps Director, Mr. William P. Kelly, is taking steps to implement the amendment I offered last year to the poverty bill requiring a follow-up study of Job Corps graduates.

This is a long overdue administrative step which should prove helpful in providing the Congress the hard data necessary to evaluate the Job Corps program.

During last year's hearings on the poverty program, the lack of necessary information on the Job Corps program was all too evident and was disturbing to me. With the then estimated cost per enrollee in excess of \$9,000, the American taxpayer rightfully was demanding facts to indicate whether the results of the program justified its high cost.

Mr. President, I am also pleased that the Senate Labor and Public Welfare Subcommittee on Employment and Manpower under Senator CLARK contemplates an in-depth review and evaluation of the poverty program this year, including, as I understand it, some field hearings to determine how the program is actually operating throughout the country. This follow-up study should be an invaluable aid to the program's administrators, to the Congress, and to the Nation.

Mr. President, I first became aware of the lack of information necessary for Congress to evaluate objectively the effectiveness of the Job Corps program during the hearings last year. Later I paid a personal visit to the Women's Job Corps Center in Los Angeles and it was brought home to me more vividly the inadequate followup procedures that were being employed. To correct this deficiency, I offered, and as my colleagues will recall, the Senate and the Congress accepted, my followup amendment. This amendment, now section 108 of Public Law 89-794, requires the Director to compile certain information on graduates of the Job Corps program.

Mr. President, I ask unanimous consent that this section of Public Law 89-794 be printed in full at this point in the RECORD.

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

[78 Stat. 509., 42 USC 2714]

PUBLIC LAW 89-794—80 STAT. 1453

JOB CORPS—FOLLOW-UP INFORMATION

SEC. 108. Section 104 of the Act is amended by adding at the end thereof (after the subsection added by section 107) the following:

"(j) The Director shall to the maximum extent feasible assure that each enrollee who successfully completes enrollment in the Corps furnishes to him six months and eighteen months after such completed enrollment the following information:

"(1) The place of residence of such enrollee;

"(2) The employment status of such enrollee;

"(3) The compensation received by such enrollee in his current job and the compensation received by him in the job, if any, immediately preceding his current job; and

"(4) Such other relevant information determined by the Director to be necessary for an effective follow-up."

Mr. MURPHY. Mr. President, in the January 1967 "Monthly Labor Review" which I just received I noticed that the Labor Department authorized a study by the Stanford Research Institute of the Oak Glen Training Camp. Oak Glen is a training camp that was established in 1963 by the California Legislature for unemployed youths. Support of the Oak Glen camp was transferred to the Office of Economic Opportunity from the State of California in 1965. This study by the Stanford Research Institute which was summarized by Jane R. Chap-

man of the Labor Department attempted to determine whether Oak Glen was meeting its goals.

Among other findings the study confirmed the need for more followup data and I quote from the January article:

More extensive and reliable followup information on trainees after they leave work camps was also cited as critical to evaluation studies, and any such program must inevitably stand the scrutiny of an economic evaluation, that is, measuring the net economic benefits of the program, if any, to the trainees and to the public.

While the study certainly is not sufficient to enable one to reach a final verdict regarding the Job Corps program, I am encouraged that at long last it would appear that we are beginning to gather the facts necessary to reach a judgment.

Mr. President, I also ask unanimous consent that this article be printed in full at this point in the RECORD.

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

OAK GLEN: A TRAINING CAMP FOR YOUTH

(By Jane R. Chapman, the Office of Manpower Policy, Evaluation and Research, Manpower Administration, U.S. Department of Labor)

In 1963, the California legislature established Oak Glen training camp for unemployed youth in a rural area between Riverside and San Bernardino, Calif.¹ Little is known about the effectiveness of current programs such as the one at Oak Glen because little serious research has been done on work camps. For this reason, the U.S. Department of Labor arranged for the Stanford Research Institute (SRI) to undertake a study which would determine the extent to which the Oak Glen program was meeting its stated goals.² The urgent need for this information led to primary reliance on existing data, such as camp files or employment service information.

The study covered 479 young men who either entered the program or were eligible to enter between November 1963 and July 1964. Its objectives were to determine: the proportion of trainees who find employment or enroll in further training following the camp experience; the extent to which trainees who entered the program but terminated before completing the program may have benefited from their experience—that is, have found employment or enrolled in additional training or education programs; the factors within the camp experience that benefited trainees in moving toward the goal of employment or further training or education; and the characteristics of boys who are likely to benefit from such a program and the characteristics of those who are not.

The Oak Glen Camp prepared young men 16 to 21 years old for jobs as forestry

¹ In the summer of 1965, support of the Oak Glen Camp was transferred from the State of California to the Office of Economic Opportunity.

² *An Evaluation of the Concept of Trainee Camps for Unemployed Youth*, Gertrude D. Peterson (Stanford Research Institute, Menlo Park, Calif., 1965). A monograph based on the full report was published by the Department of Labor; *Oak Glen—A Training Camp for Unemployed Youth* (Manpower Administration, Manpower/Automation Monograph No. 5, Washington, D.C., 1966). Both the original report and the monograph contain a bibliography resulting from the literature search undertaken as part of the study.

trainees and in occupations related to camp operations, such as cooks and laundry workers. A voluntary educational program, including courses in reading and arithmetic, was also available to the youth. The enrollment period was usually for 6 months, although this was at times extended to 1 year. In order to qualify for the program, prospective trainees had to be out of school; unemployed with poor employment prospects because of lack of skills and education; and without conviction for felony.

A "profile" of typical trainee characteristics provides perspective on the challenge faced by the Oak Glen Camp. The average trainee had neither employment experience, nor knowledge of how to look for a job. His life had been an almost unrelieved series of failures. His physical condition was not good. He had an IQ below average, was a low achiever in reading and arithmetic, and did not know how to use the most elementary tools. He came from an economically disadvantaged, and often a broken, home.

TERMINATION OF TRAINING

Because a great number of trainees dropped out of the Oak Glen program, the question of termination was a crucial one for the camp. Of the group of trainees entering the program in November 1963, 66 percent terminated before graduation. The rate dropped for those entering in the summer of 1964 (to 58 percent), but the differences were not statistically significant. The camp staff felt that the first few weeks were critical and that if they kept a trainee for that length of time there was a good chance that he would stay the full term. Among all trainees entering during the period studied, 22 percent terminated during the initial 2 weeks.

As would be expected, the graduates of the program were more likely to become employed, enter the military, or return to school than were the trainees. In fact, the likelihood of trainees being employed increased the longer they stayed in camp.

Determining the real reasons for dropping out of camp was extremely difficult. It was necessary for the researchers to rely on subjective file material which gave a staff member's opinion as to the reason for a termination. The accuracy of this information, therefore, could have been affected not only by the trainees' reluctance to reveal reasons for leaving the camp, but also by the staff's interpretation of the trainees' explanations.

The most frequent reason for dropping out cited in the trainees' files was a general one—"disinterested, unwilling to participate." Forty-six percent of the terminations were attributed to this reason. Dismissals from camp accounted for 13 percent of the terminations; 11 percent were attributed to trainee immaturity, and 3 percent to emotional or unstable behavior. Of all the trainees who dropped out before graduation, 9 percent said finding employment was their reason, and 2 percent indicated an intention to enter military service. The remaining 6 percent had a variety of reasons for leaving.

The researchers considered homesickness among the young men a serious cause for dropping out, which can perhaps be accounted for by the fact that a large proportion of them were under 18 years of age. Though only 10 percent of the terminations were ascribed to this problem, the research team felt that not all cases of homesickness were identified.

A number of prospective trainees did not show up at Oak Glen after acceptance into the program, and it was not possible to obtain information for 44 percent of these cases. It was determined that 17 percent of the "no shows" joined the Armed Forces. The balance accepted employment (17 percent); returned to school (10 percent); changed their minds about joining the program (7 percent); or were kept away by family problems (4 percent).

Whether trainees graduated or terminated varied sharply according to their level of education. The more education a trainee had before coming into the program, the greater the likelihood of his graduating. The data showed a steady progression from 24 percent graduating among trainees who had not completed the ninth grade to 58 percent among those with a high school diploma. The age of the trainee also seemed to affect his propensity to drop out. It was clear from the data that 16 yearolds were least likely to graduate, and 19 yearolds were most likely to graduate.

EDUCATIONAL FACTORS

Of the Oak Glen trainees studied about 21 percent were high school graduates; about 61 percent had had some high school education; and 11 percent had completed less than the ninth grade. The educational attainment of 7 percent was unknown.

The SRI study found differences in post-training employment status according to educational level. High school graduates were more likely to be working (whether they graduated or terminated), while those who had not completed the ninth grade were less likely to be working. The same was true of improvement in general attitude, as rated by the camp staff. The more education a trainee had, the more likely he was to be rated as having improved in attitude over the course of the program. The research team determined that there was a steady progression in the staff's rating of attitude improvement—from 31 percent of those who had not completed the ninth grade to 57 percent of those who graduated from high school.

The reading levels of the trainees were far below the level indicated by the years of education completed. Most trainees used the camp's educational facilities and the gains in reading achievement while at Oak Glen appeared to be significant. Among all the graduates tested for reading gain, 47 percent had gained a year or more. This was considered particularly impressive, because the trainees in general had never done well in school. A gain of a full year during the 6-month training period is twice the gain that would be expected of an average student in a regular school in the same period of time.

The level of mathematics achievement on entering the training program was considerably lower than reading achievement among the trainees. Those graduates who were retested were at a much higher math level upon completing the program—55 percent at the sixth grade level or higher—than when tested upon entering the program. Of those retested, 45 percent gained a year or more, and 25 percent gained from a half to nine-tenths of a year. The marked improvement in reading and mathematics resulted in part from the fact that graduates tended to have higher entry scores in these subjects. Nevertheless, the gains were considered by the staff and by the researchers to be impressive.

There were no great changes over time in the IQ scores of trainees. Among all trainees, 23 percent had IQ scores below 80; 54 percent between 80 and 99; and 23 percent 100 or over. This information was compared with a number of other variables, but IQ did not prove to be a potential predictor of trainee success.

ETHNIC GROUP

There were no significant changes in the distribution of trainees by ethnic group over the time period studied. The great majority of trainees were white (76 percent) with 12 percent Negro, 11 percent Mexican American, and 1 percent from other nonwhite groups.

Several cross tabulations were run by ethnic group, but none of the differences found was significant. The research team considered this lack of significant differences an important finding in itself, because it indicated that regardless of ethnic group, trainees entered with essentially the same back-

ground, performed equally in camp, and were meeting with essentially the same degree of success on leaving Oak Glen.

OBSERVATIONS

Most of the factors studied by the researchers were readily measurable with existing data. During their weeks of study and observation at the camp, however, a number of impressions were formed. The analysis based on these impressions is for the most part subjective, and was not systematically documented. Since the impressions related to important aspects of the Oak Glen program, they are worth discussing.

The research team emphasized the unusual dedication of the camp staff to their task. The staff believed in the program and put forth extraordinary effort to help each trainee develop in accordance with the program objectives. The researchers felt that staff dedication was probably crucial to the success of any such program. The camp director and other staff members had applied specifically for assignment at Oak Glen because they believed in the concept of the program, and this element of "self-selection" was considered salutary. In addition, many of the State Forestry Division personnel had had previous experience in forestry camps for convicts and juvenile delinquents.

Though dedication to the overall purpose of the camp was uniform, it was observed that the Forestry Division foremen varied greatly in their approach to the trainees. Some were quite authoritarian, while others tended to be permissive. It appeared that the most authoritarian of the foremen were in general the least effective, however, several ex-trainees wrote later expressing gratitude for learning strict discipline from these foremen.

The researchers considered the camp administration imaginative in thinking of ways to give praise and rewards to trainees. Whenever possible, the reward was tangible—a certificate or a trophy. For example, the trophy for "Trainee of the Week" provided immediate rewards and continuing goals and other certificates and trophies were presented at the graduation ceremony. The staff felt that since the lives of the trainees had been marked by failure—in school, in work, and at home—every effort should be made to help trainees achieve even small successes.

The research team concluded that the individual attention given to trainees appeared to be an important factor, since trainees could feel for the first time in their lives that "somebody cared." The dedication of the staff and their general behavior made their concern clear to the trainees, and they made every effort to assist each trainee and persuade him to complete the program successfully.

The research team noted that there were indications that the location of the camp had a significant effect on trainees. Oak Glen is in a mountainous area in a national forest and gives the impression of being isolated from civilization. It appeared that the isolation affected some trainees adversely and was a contributing factor to their termination.

There was some feeling among the researchers that the climate may also have had an adverse effect on the trainees. The weather in the camp area is not severe in comparison with many other parts of the United States, but it is more severe than most of the trainees were accustomed to. Snow may occur during the winter, and it is more often foggy and rainy than in nearby areas. There was speculation that when the weather was dreary, more terminations occurred.

CONCLUSIONS

The SRI study took a preliminary step toward determining the types of young people that can best be aided through such resi-

dential programs and the program ingredients which give the highest degrees of success with youngsters of diverse backgrounds. The need for more comprehensive and refined research was stressed by the researchers, but they felt that even within the limitations of the available data, two general conclusions emerged from their analysis.

The first relates to the success of the Oak Glen program. Full evaluation could not be made at this point; however, there are numerous indications that the program had been "successful" or fulfilled its objectives to some degree. One criterion for eligibility was that the individual be unemployed with no employment prospects. Given this situation, the fact that graduates were more likely to become employed or return to school than were those who terminated would indicate that the program was indeed successful. Among all graduates for whom there was followup information, 69 percent were employed compared with 54 percent of the trainees.

If the educational advancement of the trainees can be considered a measure of success, the Oak Glen program had significant accomplishments. A high proportion of trainees made use of the educational facilities, and the average gain in reading achievement was twice that expected of an average student in a regular school. The level of education of the trainee upon entering the program was cited by the researchers as the only potential predictor of completing the program.

The second conclusion relates to the objectives of the Oak Glen program. The researchers felt that, ultimately, a program like that at Oak Glen can be evaluated only in terms of specific goals. During the period under study, the goals, as set forth by the Legislature, were general—"to develop [in the trainees] the traits and attitudes necessary to become productive members of society." In addition to specific, measurable goals, the more subjective effect of the program on the lives of individual human beings should be evaluated. The study concluded that it is important to know whether a trainee goes to work or returns to school after leaving the camp. But it would also be useful to know the effect of the camp on the young men in more subtle ways, such as attitude changes; an increase in self-respect, self-reliance, and the like. Unfortunately, the full impact of such a program may not be known for years. Adolescence and young adulthood tends to be a difficult period for many young men, not just the disadvantaged—making it even more difficult to trace the effects of camp life.

In its recommendations for future research on work camps, the SRI team suggested that more background and attitudinal data on trainees is needed. More extensive and reliable followup information on trainees after they leave work camps was also cited as critical to evaluation studies. Any such program must inevitably stand the scrutiny of an economic evaluation, that is, measuring the net economic benefits of the program, if any, to the trainees and to the public. A detailed economic evaluation of the Oak Glen program was not within the scope of the SRI study, but this area was cited as one deserving future research. The use of a control group (a group like the trainees in every way except that they do not have the experience of the program) was urged for future work camp research. It was felt that only when it is known what would have happened to the trainees if they had not gone to Oak Glen can the program be fully evaluated.

The SRI study was clearly an exploratory effort in the field of studying and assessing work camps for young people. But, to the extent that the youth population and operations at the Oak Glen Camp are similar to those at other work camps, the study's findings may offer useful guidance.

FOURTH OF JULY SPEECH DELIVERED BY COL. JAMES C. WHITE

Mr. PELL. Mr. President, it is with great pleasure that I ask unanimous consent to insert in the RECORD a very fine Fourth of July speech given in my home town of Newport, R.I., by Col. James C. White, a highly respected and gallant retired officer in the Army. He has served our country well, in war and in peace, in uniform and in retirement mufti. I believe that my colleagues will enjoy his speech.

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

DRAFT OF A SHORT ADDRESS DELIVERED BY COL. JAMES C. WHITE, U.S. ARMY, RETIRED, TO THE SONS OF THE REVOLUTION AT THE OLD COLONY HOUSE, NEWPORT, R.I., ON JULY 4, 1966

Mr. chairman, fellow compatriots, distinguished guests, ladies and gentlemen: Once again, and perhaps for the last time, I have been honored with an invitation to speak at this hallowed shrine. I approach this platform with great pride, but also with a feeling of deep humility, when I harken back to days-gone-by, when many of the great men of our beloved Country have spoken from this historic rostrum.

Today—the Fourth of July, a National Holiday (which originally meant a holy day) is a day for rejoicing, a day for brass bands, parades, old fashioned oratory, firing of cannon, out-door sports, picnics, merry-making and a jolly time for all.

On the other hand, it is a day for prayer and solemn contemplation, a day to rekindle the sacred fires of patriotism and to renew and repledge our allegiance to the flag of this great country of ours that has been so good to all of us. We are proud to be Americans and exceedingly glad that our forebears had the good sense and the fortitude to cross the stormy seas, to settle in the New World, and establish homes for themselves and their children in this happy land.

Primarily, we are celebrating the adoption of the Declaration of Independence by the Continental Congress. Mr. Durfee has read the text of this immortal document with fervor, and enthusiasm. Whenever I hear, or even read in the privacy of my study, this classic, defiance of tyranny and injustice, I experience a "spine-tingling," similar to that brought about by the playing of "The Star-Spangled Banner" at Retreat Parade, on the plain at West Point when "Old Glory" is slowly hauled down at sunset.

I. DECLARATION OF INDEPENDENCE

I shall dwell briefly upon the signers of the Declaration. The majority were lawyers, others merchants, farmers or planters (as they were called South of the Mason-Dixon Line), others printers, tradesmen, two physicians, one clergyman and some ordinary fellows like you and me. Some were Protestants, others Catholics. All were civilians, although several signers later became officers in the Continental Army and served with distinction. A few of the signers were rich men—others comparatively poor in worldly goods—but my friends—they had one characteristic in common—*courage!*

Benjamin Franklin grimly remarked after he signed his name, "Gentlemen, from now on we must hang together or assuredly we shall hang separately!"

John Hancock, the President of the Continental Congress, a prosperous merchant, affixed his signature in bold writing, saying that he was sure that King George could read it without his spectacles.

Charles Carroll, an aristocratic land-holder, from Maryland, insisted upon adding to his signature "of Carrollton"—so there could not be any misunderstanding.

Then there was *Robert Morris*, who raised substantial sums of hard cash, under difficult circumstances, to provide food, blankets, lead, gun powder and medicine for the American Army. This great patriot ran into personal financial trouble after the Revolution and our Independence had been established. He was imprisoned for debts and died a bankrupt. I have read that republics are ungrateful. May this glorious Republic of ours never again be ungrateful toward any of our patriots and defenders.

II.

Now a few words about General George Washington. I have been told that he once spoke from yonder balcony. He was a most fortunate choice by the Continental Congress for the post of Commander-in-Chief.

As a boy, I grew up to think of him as a sort of a demigod, almost a saint. Also to believe that all red-coats were villains, and all Hessians devils. (Of course, this was not true.) Perhaps, I took the writings of Parson Weems too seriously.

Actually, General Washington was a man of flesh and blood. I've read that once-upon-a-time he lost his temper and even used profanity on occasions, but, according to tradition, never told a lie.

Contrary to some popular opinion, General Washington was not a signer of the Declaration of Independence and had nothing whatever to do with the drafting of this document at Philadelphia. On July 4, 1776, he was in New York, preparing to resist a British invasion known to be imminent. His brave troops were defeated at the Battle of Long Island—but he was not a quitter. The British government had sent over "officers of reputation" and some crack regiments to crush the "American Rebellion."

General Washington, perhaps, was not a military genius of the highest order—he lost several battles, but he was victorious at Yorktown, the last and most decisive.

I recently talked to an elderly physician who had drawn up a "medical profile" of our foremost national hero. The good doctor told me that George Washington suffered from almost every kind of human ailment, including small-pox and malaria, that today he probably would be classified as "4 F" by his "draft board."

But by sheer force of his noble character and colossal integrity, he held his ragged, unpaid, half starved army together during nearly seven years of adversity.

Some of his greatest and most heartfelt tributes were paid by contemporary Englishmen, including Lord Byron who wrote—"Washington—whose every battlefield was holy ground."

"The first the last—the best—the Cincinnati of the West—that envy dare not hate—bequeathed the name of Washington—there was but one to make men blush."

III.

The Declaration was proclaimed on July 4, 1776, printed, and later engrossed on parchment. It is now on display at the National Archives Building in Washington. The Liberty Bell was rung at Philadelphia on July Fourth. But this was but the beginning. Nearly seven more years of cruel and bitter warfare, including near starvation in the frozen bivouacs at Valley Forge passed before the surrender of Cornwallis at Yorktown. The ragged "Continental" made the Declaration of Independence effective and made possible our Constitution. *When I think of their heroism, I am filled with emotion, I am unable to express!*

IV. THE AMERICAN SOLDIER

The American Soldier has never failed us. May I pay a short tribute to him?

Unfortunately, I do not possess the gift of eloquence, rhetoric or diction, nor the brilliance of metaphor without resorting to classic quotations. Some of my remarks are borrowed from the prophets, poets and orators of old.

Our soldiers, and when I say soldier, I include the sailor, the marine, the airman, the coast-guardsmen and their women counterparts—May God bless the nurses in these equally devoted services.

I recall that it was *Horace* (or was it *Virgil*?), who wrote in Latin of course, that "Brave Men were living before Agamemnon". The American Soldier has a heritage of courage—he needs no eulogy. His epitaph has been written in letters of fire! His heroic deeds have emblazoned his encomium—his panegyric—upon the "Scroll of History!"

Since the days of *Isaiah* and *Micah*, mankind has hoped fervently and prayed devoutly that the horrible scourge of war could be done away with—that we could beat our swords into plowshares and our spears into pruning hooks!

A few centuries after the days of *Isaiah* and *Micah*, *Plato* sadly remarked that "only the dead have seen the last of war!" The good people of this world cry peace! peace! when there is no peace.

Our martyred President, *John Fitzgerald Kennedy*, spoke "We must never negotiate from fear, but we must never fear to negotiate."

v.

We have been living in an age of insanity which began August 1, 1914. "The Guns of August rumbled and roared." Our world has never been the same since. We must be prepared to face the future without fear of Communist-Atheistic tyranny. We must be prepared to fight—often a deterrent to war. Our fighting men must have the best modern weapons and equipment regardless of cost. Civil Defense must not be neglected. We must strive to maintain our supremacy in space and send the first team of American astronauts to the moon.

VI. THE AMERICAN SOLDIER

I have great confidence in the character of our young soldiers. I am certain they will give a good account of themselves, if and when the bugles again sound the clarion call "To Arms." We must guard against "another Pearl Harbor. This disaster was not a disgrace—but a *Moral Victory*—akin to the glorious defeat of the 300 Spartans at the pass of *Thermopyle*. General *MacArthur* when speaking at the cemetery at *Honolulu*, in a tribute to our soldiers and sailors, who gave their last full measure of devotion, said: "I do not know the dignity of their birth, but I do know the glory of their death!"

Our fighting men of today are stronger physically, better educated and more thoroughly trained than their fathers and grandfathers in our past wars. May I quote from *Lincoln's First Inaugural Address* regarding our soldiers of days gone-by! "Honest Abe" wrote and spoke:

"The mystic chords of memory stretching from every battlefield and patriot's grave, to every heart and hearthstone over this broad land, will yet swell the chorus of the *Union*, when again touched, as surely they will be, by the better angels of our nature."

And from "Bob" Ingersoll—

"These heroes are dead. They died for us. They are at rest. They sleep in the land they made free, under *The Flag* they made stainless, under the solemn pine, the sad hemlocks, the tearful willows, the embracing vines. They sleep beneath the shadows of the clouds, careless alike of sunshine or storms, each in the windowless palace of rest. Earth may run red with other wars—they are at peace. In the midst of battles, in the roar of conflict they found the serenity of death!"

And a stanza from the poem by *Theodore O'Hara* inscribed over a gate at *Arlington Cemetery*:

"On Fame's Eternal Camping Ground,
Their Silent Tents are spread
And Glory Guards, with Solemn Round
The Bivouac of the Dead!"

VII. TYRANNY

The Declaration of Independence was a blow for *Liberty* and against *Tyranny*! "In support of this Declaration, with a firm reliance on the *Protection of Divine Providence*," the signers mutually "pledged to each other their lives, their fortunes and their sacred honor"—The noblest and most courageous compact and covenant in history!

VIII. ETERNAL VIGILANCE IS THE PRICE OF LIBERTY

The good people of our Country, must at all times be on the alert to resist and overthrow any form of *Tyranny* and *Injustice*—political, economic, military, legislative and judicial! And remember we cannot afford to lose a war. There is no substitute for victory!

In closing, may I quote from *Thomas Jefferson*, author of the Declaration of Independence:

"I have sworn upon the Altar of God, eternal hostility against every form of Tyranny over the mind of Man."

CHANGES IN BASIC EDUCATION LEGISLATION OCCURRING IN THE SECOND SESSION OF THE 89TH CONGRESS

Mr. MORSE. *Mr. President*, *School Management*, a publication directed toward informing educators at every level of developments of interest to the profession, in 1966 was recognized by being given a *First Award for Editorial Excellence* in the 28th annual competition conducted by *Industrial Marketing*. It also received an award for distinguished performance given by the *Editorial Press Association of America*.

An examination of two recent issues of that magazine, the November 1966 and the December 1966 issues, reveals the type and kind of reporting that warranted the professional commendation given. I refer particularly to two reports written by *Mr. Buckman Osborne*. The first in the November issue is entitled "A Guide to Federal Aid for Higher Education" and the second in the December 1966 issue is entitled "A Schoolman's Guide to Federal Aid—Part IV."

The latter is one piece in a continuing series of articles initiated in June of 1965. The two articles are designed to acquaint the profession with the changes in basic legislation which occurred in the second session of the 89th Congress and are broad in their coverage, including as they do legislation which emanated from more than one subcommittee.

Because I feel that Senators will find the articles helpful in bringing within short compass the major developments of the past session of the 89th Congress, I ask unanimous consent that the two articles to which I have alluded be printed at this point in my remarks.

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

[From *College Management*, November 1966]

A GUIDE TO FEDERAL AID TO HIGHER EDUCATION

The 89th Congress—dubbed "the education congress" by the time its first term ended last year—continued to live up to that name to the moment of its final adjournment.

No congress in the history of the United States has ever passed so much new and updated education-related legislation as did the 89th.

Unfortunately for the men who must use the fruits of that legislation, Congress did not pass a single education act, or split its education measures into two packages—one for elementary and secondary schools, the other for higher education. Instead its education legislation was tucked into a myriad of bills, acts, riders, amendments and resolutions. And, to compound the confusion, the job of carrying out the intent of the legislation was left to a wide range of organizations in and out of the Department of Health, Education and Welfare.

It's no wonder that schools and colleges throughout the United States feel the need of outside experts to keep them posted on what is—and is not—happening insofar as federal support for education is concerned.

Tripartite support. Actually, federal support of higher education falls into three basic categories. The first is support of research on college campuses. The second is support of individual students through loan programs. The third is support of the various programs of the colleges themselves. It is this third area that is covered in this special report. The report was prepared by *Buckman Osborne*, CM's Washington correspondent.

Under the seas. It is interesting to note that federal support of higher education came full circle in the closing days of the 89th Congress with passage of the *Sea Grant College Act*. Growth of this nation during the past century, the demands of an increasing population, and the economic facts of life have finally drawn attention to the various disciplines of oceanology.

Although the *Sea Grant College Act* is only funded with \$45 million during the next three years, *Public Law 89-688* promises to be landmark legislation. It is certainly one of the two most significant enactments regarding education which can be attributed to the second session of the 89th Congress. Properly speaking, *P. L. 89-688* is an amendment to the *National Science Foundation Act of 1950* and *NSF* is charged with basic responsibility for the program.

A guide. Essentially, the *Sea Grant College Act* is intended to guide education toward practical application of marine knowledge and development of aquaculture. Unlike the *Land Grant College Act* to which it is often compared, there is no provision in the act to create any new institutions of higher education. For the most part, the act will benefit the 50 or so colleges in 21 states which already offer courses in the marine sciences.

Nor is support limited to institutions of higher education; i.e., degree-granting institutions. Public and private agencies, staffs and laboratories may submit proposals which will contribute to education and training in the marine sciences. It is expected that maximum use of existing facilities will be achieved by cooperative arrangements between educational and scientific groups.

The program will be guided by a soon-to-be-named national advisory council on *Sea Grant Colleges and Programs* comprised of 11 presidential appointees. No grant may be approved or disapproved by *NSF* without the advice of the council. *NSF* is also directed to cooperate with the *U.S. Office of Education* in administering the program. Details regarding policies, procedures and operation of the program have yet to be promulgated but it is expected that guidelines and regulations will be announced by the *National Science Foundation* before January 1, 1967.

Over the seas. The second major piece of education legislation affecting higher education enacted during the closing days of the 89th Congress was the *International Education Act*. This act is a real sleeper and its

implications are far reaching. As passed by Congress, the International Education Act bears little resemblance to proposals advanced by President Johnson in his International Education and Health message last January.

The International Education Act is international in point of emphasis, but it is strictly domestic legislation which supports educational activities in this country. In many respects the International Education Act is a catch-all. Most important is its creation of a very independent National Advisory Committee on International Studies. This new committee shall include at least eight educators among its 15 members and shall be headed by the assistant secretary of HEW for education.

Grants. After completing an analysis of existing conditions during the current year, the committee will direct allocation of \$130 million during fiscal years 1968 and 1969. Grants will be awarded to establish, strengthen and operate graduate centers for research and training in international studies and the international aspects of other fields of study.

Publish. IEA authorizes, in fact direct, the publication of all scholastic endeavors resulting from this program. It is the intent of Congress that this new program be a true example of academic freedom.

In total the 89th Congress enacted a score of new programs in support of education, from kindergarten through graduate school. Virtually every program for federal aid to education previously enacted was amended and expanded by the 89th Congress. Yet these new programs are hardly an end in themselves. In fact they are just a beginning. Expanded support of education by federal funding is an economic, political and social fact of life. The foundation has been strengthened and the structure of federal support of education, at all levels, is beginning to take shape.

The future of federal support for education will depend in large measure on effective planning by institutions of higher education.

Combine funds. Each of the education-related Acts passed by the 89th Congress provides some support to institutions of higher education. Your problem is to combine these available funds with previously enacted legislation to accomplish the most for your institution. To aid you in that pursuit, College Management editors have identified 10 specific areas in which help is available.

The 10 areas identified for specific attention include the following: libraries; instructional equipment and materials; humanities and the arts; health education; teacher training; community services; developing institutions; vocational education; construction of academic facilities, and construction of housing facilities.

Up ahead. On the next 21 pages, each of these areas is explored, programs that can receive federal support are described, and the office with which contact should be made is listed.

MAJOR LEGISLATIVE ACTIONS—1965-66

The 89th Congress has earned the title of "education congress." Listed here are a number of measures that will support higher education during the years to come. About half of these laws are directly concerned with health and welfare. Several are directed to aiding the national economy. And others are specifically in support of higher education. Virtually all universities, most colleges and many two-year institutions can participate in these programs. But, college administrators will have to take the initiative. A logical first step is to obtain a copy of the appropriate public law from a member of Congress.

Public Law 89-10

The billion-dollar program to improve elementary and secondary education, with

special emphasis on disadvantaged children. This law provides, under Title IV, \$100 million for research and training activities to be undertaken by institutions of higher education.

Public Law 89-15

Extended the Manpower Development and Training Act through 1969 and authorized \$454 million for the current year. Project support to be reduced to 90% starting this year. Training period extended to two years.

Public Law 89-36

Established a national technical institute to provide higher educational opportunities for the deaf.

Public Law 89-69

Extended the Juvenile Delinquency and Youth Control Act through 1967 and authorized expenditure of \$16.5 million annually for research and demonstration projects.

Public Law 89-105

Includes authorization of \$80 million over five years for research and demonstration projects related to community mental health. These funds can also be used for construction of necessary research facilities.

Public Law 89-115

Authorized \$289 million for matching grants during three years for health research facilities, most of which will be directed to university medical schools and affiliated hospitals.

Public Law 89-117

The Housing and Urban Development Act reduced the effective interest rate on college housing loans to 3%. Accredited two-year colleges and college-administered public technical institutes became eligible to participate in this program.

Public Law 89-182

Provided for a \$60-million, three-year program to establish state and regional technical service centers supported by matching federal grants to universities, local governments and private enterprise. These centers will disseminate their findings of science and technology to business and industry.

Public Law 89-209

Established the National Foundation for the Arts and the Humanities. An endowment of the arts will support productions in various media, including college groups. An endowment of the humanities will provide assistance for education, research and workshop activities.

Public Law 89-239

Authorized \$340 million for a three-year program to support cooperative research in regional medical centers to combat heart disease, cancer and stroke. Medical schools are among those eligible to apply for grants.

Public Law 89-287

Provides for federal insurance of loans to high school graduates for tuition at vocational, technical and business schools at the postsecondary level. Direct loans, up to \$1,000 per year, are also authorized where needed. This is a two-year support program.

Public Law 89-290

Authorizes \$775 million for a three-year extension of the Health Professions Educational Assistance Act. Matching grants will be available for construction of teaching facilities and student loans will be continued. New program will also aid efforts to improve scope and quality of teaching.

Public Law 89-329

Provides a wide variety of programs under the omnibus Higher Education Act of 1965. Initiates special aid for developing institutions and community services. Amends various provisions of the National Defense Education Act and the Higher Education Facilities Act. Establishes federal scholarships for needy students, as well as matching

grants for library resources and audiovisual equipment.

Public Law 89-358

Authorizes educational and housing benefits similar to World War "G.I. Bill of Rights" to more than three million cold-war veterans with a minimum of 180 days active service since January 31, 1955.

Public Law 89-511

Extended provisions of the Library Services and Construction Act of 1964 for an additional five years; authorizing \$88 million for the current fiscal year. Annual increases in authorization will double that amount by 1971.

Higher education amendment

Extended and expanded the Higher Education Facilities Act of 1963, providing greatly increased support for construction of undergraduate facilities. Also extended aid to developing institutions for two years, under Title III of the Higher Education Act of 1965.

International Education Act

Provided support for institutions of higher education to offer expanded curriculum in international affairs; including additional support for language centers, teacher training institutes and student assistance.

Public Law 89-688

Authorizes three-year, \$45 million programs for education, training and research in the marine sciences to be undertaken by so-called Sea Grant Colleges. This program to be administered by the National Science Foundation.

Health professions

Provides for construction of facilities, improvement and expansion of curriculums, traineeships for technicians, therapists and others in nonmedical allied health professions, at the two-year and four-year college level.

CHAPTER I. LIBRARY RESOURCES

Assistance is available to help all institutions of higher education acquire library resources. Title II of the Higher Education Act of 1965 provides matching grants of \$5,000 annually to all colleges, including accredited two-year institutions and university branch campuses located in different communities from the parent institutions. Current legislation authorizes \$50 million annually for three years to cover basic, supplemental and special purpose grants for college libraries.

Basic grants of \$5,000 will be awarded to any college which can provide an equal sum in matching funds, over and above the average amount it has been spending for library resources during the past two years. Colleges which can't provide matching funds won't be able to qualify for the basic grants but may be able to obtain supplemental grants.

What can be purchased

As defined by the legislation, library resources covered by federal grants can include books, periodicals, documents, magnetic tapes, phonograph records, audio-visual materials (but not equipment) and related materials such as binding, etc. While there is no specific reference to textbooks, phrasing of the law indicates that such purchases will not be allowed. Current regulations governing this aid program will specifically exclude such purchases.

Seventy-five percent of the amount authorized, \$37.5 million for each of three years, is reserved for basic grants and supplemental grants. Since it is almost impossible for more than 2,200 institutions to qualify for basic grants, a maximum of \$10.5 million annually will be required for this purpose. Thus, there is every indication that more than \$27 million will be available for supplemental grants. In addition, at least \$5 million more is earmarked for supplemental grants.

Growing and developing institutions will be the primary recipients of supplementary awards. These grants will be based on demonstrated need and matching funds are not required. The total amount for which any college can qualify is limited to \$10 for each full-time student who is a degree candidate.

Special grants

A maximum of \$7.5 million has been authorized for special grants to colleges which qualify for a basic grant but have need for additional resources. Special grants are also available to institutions that fulfill special regional and national library resources requirements; e.g. special collections, complete reference in certain disciplines, etc. The special grants require the institution to finance at least one-fourth of the project, with federal funds being limited to 75% of the total cost.

Not specifically mentioned in the law, but expressed as the intent of Congress, are two guidelines covering basic grants. First, it is expected that all colleges will endeavor to arrange for joint use of facilities where possible. Along these lines, several colleges are already exploring joint libraries. And, it is expected that every college should be able to qualify for at least \$1,500 in basic grants (matching funds) before applying for a supplemental grant.

In addition to direct grants-in-aid, \$15 million annually has been authorized for research and training activities in the library sciences. This program will make funds available for colleges to undertake projects relating to the improvement of library services, development of new techniques and implementation of such concepts in training librarians.

Regulations covering these grant programs may be obtained through the Library Services Branch, Division of Library Services and Educational Facilities, Bureau of Adult and Vocational Education, U.S. Office of Education, Washington, D.C.

CHAPTER II. INSTRUCTIONAL EQUIPMENT AND MATERIALS

A bounty of audio-visual aids are finding their way into college classrooms as a result of provisions of Title VI of the Higher Education Act. Congress has authorized a total of \$145 million over a three-year period for colleges to acquire audio-visual equipment and material. In addition \$11.2 million was earmarked for closed-circuit television facilities.

Only a portion of this authorization, however, has been appropriated for fiscal years 1966 and 1967. Authorizations totalled \$60 million for the current year, but only \$14.5 million has been appropriated. This results from the decision to administer Title VI as an experimental and demonstration program for the first two years. It is fully expected that the appropriation next year will approach the \$70 million authorization.

Before you start spending this money, you must find out what type of plan has been developed by the state commission assigned jurisdiction over this program. Funds appropriated for audio-visual equipment will be allocated on a state-by-state basis. The distribution formula considers both total population and college enrollment within the state. Applications must be approved by the appropriate state commission but funds will be paid directly to the applicant institution.

Administration of this program has been assigned to the College Grants Branch, Division of College Facilities, Bureau of Higher Education, U.S. Office of Education, Washington, D.C.

Subjects eligible for support

The language of the law is quite specific in identifying how Title VI funds can be used. Purchases may include laboratory and other special equipment, including audio-visual materials and equipment for class-

rooms or audio-visual centers, and printed or published materials for classrooms and libraries. The cost of minor remodeling required to install such equipment is an allowable expense. Textbooks and supplies consumed in use are, however, excluded from purchase with federal funds.

Approved equipment and materials may be acquired to support instruction in science, mathematics, foreign languages, history, geography, government, English, other humanities, the arts, and education at the undergraduate level.

Title VI grants may be awarded for fixed-service instructional television (as defined by the Federal Communications Commission) but not for television broadcast equipment. Grant awards can include the cost of instructional materials and minor remodeling required to implement the project.

No college is guaranteed a specific allotment under Title VI. All grants are being made according to priority as established by the state commission. Furthermore, these are matching funds. The federal share of total cost may run as high as 80% in some cases. But, for the most part, colleges are required to put up the money for half the cost of the project. Considering the "competitive" nature of this program, college administrators should be prepared to present well-documented evidence to justify applications requiring federal support in excess of 50% of the project cost.

Educational television

A number of colleges and universities have participated in development of local ETV facilities but there is an obvious need for greater activity. Federal grants to establish or expand noncommercial educational television facilities have totaled \$25 million since the program was authorized by Public Law 87-447. Congress authorized a total of \$32 million for this program over a five-year period starting with fiscal year 1963. Thus, as things stand, \$9 million is available for projects submitted during the next six months. But pending applications exceed available funds.

Building ETV stations

Colleges or college-affiliated nonprofit organizations can apply for grants to cover up to one-half of the cost of new construction. In addition, the federal grant can be boosted to cover one-quarter of the value of ETV facilities already owned by the college. There are two basic limitations on these grants. First, no more than \$1 million in grants can be distributed within a single state. Second, federal funds cannot be used for the acquisition of television receivers.

These restrictions shouldn't be insurmountable to colleges desiring to enter this field. ETV facilities aren't excessively expensive. The average federal grant has been about \$200,000, with individual awards ranging from as little as \$15,000 to as much as nearly \$500,000. The problem of purchasing receivers can be solved with federal funds available under Title VI of the Higher Education Act.

College administrators interested in applying for ETV grants should obtain details of the grant application from the Educational Television Branch, Division of Library Services and Educational Facilities, Bureau of Adult and Vocational Education, U.S. Office of Education, Washington, D.C.

With the regulations in hand, college administrators can determine the legal and engineering advice required to prepare the project proposal. Such expenses are allowed in determining the total project cost. Next, colleges should check with local public school officials and community action groups to ascertain what plans they may have for construction of ETV facilities. Public school agencies are also eligible to apply for grants under P. L. 87-447 and they can use funds provided under the Elementary and Secondary Education Act of 1965.

Poverty money available

The Economic Opportunity Act of 1964 also mentions ETV as a possible means of resolving some of the conditions which contribute to poverty. There isn't much sense in communicating directly with the Office of Economic Opportunity in Washington if a nearby city has established a local community action group. All poverty programs must be initiated at the local level and approved by the state authority before Washington can act. If funds are limited, however, it may be worth the red tape to seek support from this source.

Scientific instruction

Colleges have until January 30, 1967 to apply for matching grants from the National Science Foundation for the purchase of scientific equipment to be used for undergraduate instruction. During the past five years over 1,000 institutions of higher education have been assisted with grants totaling almost \$40 million. The college must provide half the cost of the equipment.

Strengthening science instruction

The purpose of this program is to improve undergraduate education in science. Many colleges have recognized the need to update and strengthen instruction in the sciences, especially in view of the increasingly high standards being set by graduate schools. The technological revolution has placed demands on undergraduate programs which many colleges could not meet without NSF support. The pressure on NSF is being somewhat relieved as a result of assistance provided by the Higher Education Act but, take care to stretch every dollar by carefully evaluating the benefits which can be derived from both sources.

Cost estimates must be complete

Whereas NSF equipment grants require matching funds, there are no state-by-state allotments and no state plans with which to contend. NSF grants are made directly to the college, based on the merits of the application, and limited only by available appropriations. Current regulations limit grants to \$180,000 for degree-granting institutions. A \$20,000 limit has been set for other colleges, including two-year institutions.

Before applying for NSF assistance carefully evaluate your needs. The review panel expects realistic budgets. Proposals may include the cost of:

Scientific equipment to be used in any phase of undergraduate science education, provided that it has a life expectancy of at least one year.

Hand and machine tools necessary for assembling, repairing and maintaining scientific equipment used in undergraduate instruction.

Reference materials including scientific journals, secondary reference works, microprint cards, microfilm, binding expenses, etc.

Teaching aids including films, models, charts and various audio-visual equipment and related materials.

Construction or assembly of equipment, including materials and labor where it is necessary or feasible to construct a piece of apparatus.

Expendable supplies, which must be itemized and the cost of which cannot exceed 5% of the cost of basic equipment.

Cost of installation of equipment or necessary safety facilities, not to exceed 10% of the cost of basic equipment.

Incidental expenses, including shipping costs, state and local taxes, etc., but excluding indirect and overhead costs.

Submit multiple proposals

Proposals are evaluated by panels of scientists drawn from the academic community, research organizations and professional societies. The panel's recommendations are the major element influencing approval of a pro-

posal and subsequent award of a grant. Each proposal is reviewed as an entity but elements of the budget may be negotiated with college officials. Thus partial support of a proposed project is possible. You can submit multiple proposals covering several projects.

NSF received only \$4 million for this program in its 1966-67 budget, just half the amount it had the year before. This source of funds is not drying up, but this year, at least, it is certainly tightening.

Inquiries regarding the instructional scientific equipment program should be directed to the Division of Undergraduate Education in Science, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

The Atomic Energy Commission has limited funds from which grants are awarded for the acquisition of special equipment needed in nuclear education programs. The AEC can provide grants covering the full cost of such equipment as nuclear measurement instrumentation, radioactive sources, subcritical assemblies, neutron howitzers and small particle accelerators. In addition to equipment grants, the AEC makes loans of materials which are related to instruction in nuclear science and engineering. Colleges may obtain such materials as heavy water, uranium for subcritical assemblies and neutron sources on a loan basis, without cost.

Contact the Division of Nuclear Education and Training, U.S. Atomic Energy Commission, Washington, D.C. 20545.

The AEC has several other programs of interest to colleges. It loans traveling exhibits and films through the *Information and Exhibits Division at the Oak Ridge, Tenn., Institute of Nuclear Studies.*

A wide variety of curriculum materials has also been developed for college use. These materials are distributed by AEC's *Division of Technical Information Extension at Oak Ridge.*

In addition, several mobile radio-isotope laboratories are available for two-week training sessions at colleges throughout the nation. These units, accompanied by visiting scientists, may be scheduled through *The Special Training Division of the Oak Ridge Institute of Nuclear Studies.*

CHAPTER III. ARTS AND HUMANITIES

The National Foundation for the Arts and the Humanities, created by Public Law 89-209, has become a source of financial assistance to many colleges and universities. The Foundation operates through two endowments; the National Endowment of the Arts which aids productions in the performing arts; and the National Endowment of the Humanities which directs its activities toward education. *At present, inquiries about this Foundation should be sent in care of the Executive Office Building, Washington, D.C.*

Congress has authorized \$5 million annually for the Arts Endowment to provide matching grants to groups or individuals needing assistance for productions in the performing arts. A wide range of performances will be eligible for support and various media, including radio and television, can qualify.

Special emphasis has been placed on productions which exemplify American creativity in the performing arts. Individuals and groups are encouraged to produce performances which otherwise would not be available to residents. Grants will be available to encourage artists, in the broad sense, to achieve standards of excellence.

Reviving interest in the arts

It is the intent of Congress that public interest in the arts be revived and extended. As a result it is expected that some awards will be made to support research which will indicate what the general public enjoys and appreciates. Such projects are expected to develop programs which will generate public response.

Try to raise matching funds

Although direct grants-in-aid from the National Endowment for the Arts are intended to be matched by funds from other sources, up to \$1 million can be distributed to support worthwhile projects and productions which can't raise matching funds. To obtain a grant for more than 50% of the total cost, an applicant must furnish evidence that it has made every possible attempt to raise matching funds. While some applicants may not be able to raise the full amount of matching funds, it's expected that local resources should be available to cover part of the total project cost—if only 5-10%.

In addition to the basic authorization, Congress has agreed to match \$2.25 million in private contributions to the Arts Endowment. Thus it is possible that another \$4.5 million will be available for the purpose of providing matching grants to support productions in the performing arts.

On July 1, 1966 each state became eligible for a grant of \$50,000 to initiate an intrastate program of support similar to the national program. The states were allowed to spend up to \$25,000 during 1965-66 to develop a state plan. The state plans are required to provide for matching grants in support of individual projects.

College groups or affiliated organizations which plan to seek support had better check their tax status. The law specifies that grantees must be classed as charitable organizations (Section 170, Internal Revenue Code, 1954). While educational institutions normally qualify, little theaters and other groups may not have taken the time to get properly organized. Unless a college wants to assume full responsibility, affiliated groups had better get their tax status clarified.

Support for the humanities

The National Endowment for the Humanities is empowered to make grants for general scholarship in the humanities—a very broad scope program. As defined by the law (P.L. 89-209), the term humanities includes: "Language, both modern and classic; linguistics; literature; history; jurisprudence; philosophy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods."

The law provides for a basic annual authorization of \$5 million for the National Endowment for the Humanities and an additional \$5 million incentive authorization to match private contributions. Thus, the Humanities Endowment will distribute up to \$15 million annually for educational assistance programs.

A substantial portion of the Endowment's funds will be directed to workshop activities, many of which will be college sponsored. In planning a workshop, in conjunction with a fellowship program or as a separate project, college administrators should be especially aware of the effect of admission charges. If admission is charged for any performance connected with the workshop, the federal grant must be limited to 30% of the total cost of the workshop. On the other hand, if there are no admission charges, the federal grant could cover the full cost of the project. Workshop grants do not require matching funds.

CHAPTER IV. HEALTH FIELDS

Under authority of the Public Health Service Act, frequently amended since its passage in 1943, colleges and universities can obtain substantial support for educational activities in a variety of health-related fields. Widespread support is available through grants for training projects at the undergraduate, postgraduate, predoctoral and postdoctoral levels.

These training grants are not limited to universities with medical schools. The scope

of activity is extremely broad and virtually every accredited college can probably qualify under one program or another. In fact, two-year colleges are eligible for some of the training programs, especially at the subprofessional level.

College administrators interested in bolstering current course offerings with training programs in health-related fields should contact the *Division of Research Grants, National Institute of Health, U.S. Public Health Service, Westward Building, Bethesda, Md.* This office serves as a clearinghouse for all grant proposals. The actual grant awards are made by one of the many institutes or divisions in the Public Health Service.

Before applying for a training grant, college officials should be aware of the wide range of program possibilities. PHS records reflect that grants have been awarded in the fields of nursing, public health, and environmental health. The various national institutes of health support training programs, at all levels, in such fields as: engineering, biological sciences, medical sciences, mathematics, physical sciences, educational psychology, social psychology, clinical psychology and social sciences.

Not for medical education

PHS training programs are not intended to provide medical education. Candidates for the degrees of MD, DDS, DO, DVM, or similar degrees, are excluded from participation.

The sponsoring college can expect a training grant to cover all direct expenses incidental to the program. Certain indirect costs will also be allowed but such items should be presented for approval as part of the project budget. Colleges may obtain assistance in altering or renovating facilities used in approved training programs but construction and land acquisition are not allowed. Funds will be provided for the purchase of books and periodicals but not for library resources.

Trainees beyond the undergraduate level can qualify for federal stipends and dependency allowances. At the predoctoral level, stipends range from \$2,400 to \$2,800 annually. At the postdoctoral level, stipends run from \$5,000 to \$6,000 per year. An allowance of \$500 annually is provided for each dependent. It should be noted that a trainee may not qualify for a PHS stipend if such person is also receiving another federal education benefit: fellowship stipend, scholarship, loan, etc.

In planning health field training programs, college administrators can think in terms of relatively long periods—PHS training project grants can run for periods up to seven years. Generally application for continued support must be submitted at the end of each budget period. If the need arises, application can be submitted during the period for supplemental funds.

CHAPTER V. TEACHER TRAINING INSTITUTES

Several colleges are already operating institutes for advanced study authorized by the National Defense Education Act, but the program is wide open to new applicants. The Higher Education Act expanded the program to include economics, civics and industrial arts.

This is not a crash program. Detailed planning is necessary. Applications must be made well in advance. The U.S. Office of Education expects to invite proposals early in the spring of 1967 for the 1968-69 school year (fiscal year 1969).

All NDEA institutes for advanced study are administered by the *Division of Education Personnel Training, Bureau of Elementary and Secondary Education, U.S. Office of Education, Washington, D.C.* In addition, this division administers the institute program for teachers of handicapped children. And, it will direct activities for training National Teacher Corps volunteers as well as the institutes authorized by the Arts and Humanities Act of 1965.

Two-year colleges, too

As defined by law, institutes are for advanced study including study in the use of new materials, and to improve the qualifications of individuals who are engaged or preparing to engage, as teachers or specialists in elementary or secondary schools. Supervisors and teacher training personnel are also eligible to participate.

Many colleges with university affiliation have operated institutes during the past four years. There is nothing to preclude an accredited two-year college from applying to participate in the program, provided it has the facilities and personnel to fulfill the desired objectives. These institutes are not graduate programs as such. Universities may choose to offer graduate degree credit in connection with an institute, provided that such arrangements aren't a condition of participation.

Institutes are intended to be well-rounded autonomous programs. Federal funds will cover all expenses for operation of the institute including administration, materials and supplies, instructors' salaries, etc. Institute grants are not intended to provide funds for acquisition of equipment but equipment rental is acceptable when adequately justified for a special purpose. This is strictly a cost reimbursement program.

Identify your field of interest

Interested colleges should first identify the field of interest and establish the need. Obviously the field of interest should be one in which the college has a demonstrated capability. For general subjects there should be a significant number of potential participants from the region in which the college is located, either within a single state or adjacent states. In some specialized fields, justifying operation of relatively few institutes, the emphasis on area to be served is minimized.

Next, college officials should name a director of the proposed institute. This selection is critical. The qualifications of the director are carefully scrutinized by the panel which evaluates institute proposals. The director should be highly qualified and well versed in the instructional techniques of the field to be covered. Arrangements must be made to relieve the director from teaching at least one course during the term just preceding the institute. The director may not, however, be compensated for spending more than half time preparing for the institute.

In planning the institute, one of the first steps is to determine the schedule. Should it be a full-time program during a regular college session? Should it be a summer session activity? Or, should arrangements be made to provide a part-time program in which teachers could participate after school, during evening sessions, on Saturdays, etc.? Most of the institutes have been scheduled over a period of six to eight weeks during summer sessions. But, there's no requirement for such a schedule.

Watch out for deadlines

Having determined the field of interest, type of institute and schedule, the director then prepares a proposal which is the grant application. The Division of Education Personnel Training sets firm deadlines for all institute programs well in advance of the time during which such activities are scheduled. The deadline for submitting proposals covering institutes scheduled during 1968-69 will be in the spring of 1967. Approved programs will be announced in the fall of 1967, allowing at least a full year for preparation.

Don't pattern your proposals after previously successful applications. Times change and new techniques are constantly being developed. Review panels are looking for new ideas and fresh approaches to improve methods of instruction in elementary and secondary schools. One indication of the quest for new programs is the announcement from the U.S. Office of Education that

repetition of specific institute programs may be limited to three consecutive years. Since some institutes were operated for the fourth year during the summer of 1966, new programs should be gaining acceptance during 1967-68 and even more the following year.

Stipends for participants

As part of the administrative responsibility in operating an institute, a college arranges for stipends to participants. Federal funds are provided to cover payment of \$75 per week to each participant, as well as \$15 weekly for each dependent. This stipend is intended to defray living expenses for the participants while in attendance at an institute. Participants apply directly to the college for this stipend and the total amount of such allowances is included in the institute's operating budget as a reimbursable expense.

Title IV of the Civil Rights Act of 1964 also provides for college-operated institutes, as well as inservice training, to help teachers deal effectively with the special problems occasioned by desegregation of public schools. This program requires particularly close coordination with local public school officials. The procedure follows the same general pattern established for other institutes for advanced study, but there are no deadlines for submitting proposals. *Further information may be obtained from the Office of Equal Educational Opportunities, U.S. Office of Education, Washington, D.C.*

Developing your faculty

In connection with authorizing funds for colleges to acquire audiovisual equipment and materials, Congress provided \$5 million annually for a faculty development program under Part B of Title VI of the Higher Education Act. Colleges and universities will be invited to operate workshops as well as short-term and regular-session institutes providing instruction in the use of educational media. Teachers using audiovisual equipment in the classroom, as well as media specialists and librarians, will be eligible to participate. The standard \$75 weekly stipend and \$15 dependent allowance has been authorized. *Colleges interested in submitting proposals for such projects should contact the Division of College Programs, Bureau of Higher Education, U.S. Office of Education, Washington, D.C.*

The National Science Foundation, an independent federal agency, administers a wide-ranging program for both school and college teachers. Virtually every scientific discipline will be covered by 1,000 NSF institutes scheduled during the current year. The administration and operation of NSF institutes for advanced training of teacher personnel closely parallels U.S. Office of Education activities in this area.

The most comprehensive NSF institute program benefits secondary-school teachers who participate in six- to 12-week summer sessions. More than 20,000 high school teachers participated in some 450 summer programs during one year alone. Course offerings included anthropology, astronomy, general science, geography, mathematics, physics, psychology, radioactivity and nuclear science, as well as sociology.

Economics and geography supported

Institutes in the field of geography are also authorized under the NDEA program. And, as a result of the Higher Education Act, NDEA institute activities have now been expanded to include economics. Under the circumstances, college administrators may find it is feasible to submit duplicate proposals for institutes in geography and economics to both the NSF and the Office of Education.

Another field requiring duplicate proposals is radioactivity and nuclear science. These institutes are administered by NSF in cooperation with the Atomic Energy Commission. The AEC pays for the cost of operating the institute, while NSF covers stipends and allowances paid to participants. *College administrators should direct preliminary in-*

quiries to the Division of Nuclear Education and Training, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Summer institutes

NSF summer institutes are also operated for elementary-school personnel. This activity covers six general fields: biological science, earth science, general science, physical science, mathematics, and mathematics and science combined. This program has grown to the point that some 40 institutes are currently scheduled.

In addition to the summer session institutes, NSF also sponsors a widespread inservice training program at the elementary- and secondary-school level. The only difference between an inservice institute and a summer session institute is the schedule. It takes more time to cover the course offering on a part-time schedule. The sponsoring college is still awarded a grant to cover the project's operating expenses.

Academic-year institutes

NSF also sponsors a limited number of academic-year institutes. Academic-year institutes are conceived and conducted by individual colleges and universities to provide courses in mathematics and science for teachers who have received little formal scientific education beyond undergraduate preparation. In addition, NSF is prepared to award grants for teacher development conferences, most generally arranged by institutions of higher education. These conferences may be for just a few days or for as long as two or three weeks.

Both NSF and the Office of Education provide the same basic stipend and dependency allowance for participants in summer session institutes. NSF does, however, provide a travel allowance of four cents per mile, not to exceed \$80, to cover one round trip to the institute site. Participants in inservice institutes are allowed a seven-cent-per-mile commuting allowance. Instead of weekly stipends for academic-year institutes, NSF provides annual stipends up to \$3,000 plus \$450 for each dependent.

Inquiries and requests for program announcements covering institutes and conferences for elementary- and secondary-school teachers should be directed to: Division of Pre-College Education in Service, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Training college teachers

The program for college-level teachers is similar but not as extensive as that offered for secondary-school teachers. During the third year of the program, grants were awarded for operation of 65 institutes. More than 10,000 teachers applied for the 2,500 available participant openings. *Information about this program may be obtained from: Division of Undergraduate Education in Science, National Science Foundation, 1800 G Street, N.W., Washington, D.C.*

A number of NSF institute projects have been open to participants at the elementary and secondary levels, as well as junior college and college teachers. In planning a program for mixed participation, get advice from both the NSF's Division of Pre-College Education and its Division of Undergraduate Education to determine which division has administrative jurisdiction over the project.

The Atomic Energy Commission administers special programs for a limited number of college faculty members. Some of these programs are operated by individual colleges and universities, while others require attendance at various AEC installations. Colleges interested in establishing or expanding teacher training activities, in nuclear science should direct inquiries to both the University Participation Office, Oak Ridge Institute of Nuclear Studies, Oak Ridge, Tenn., and The Division of Nuclear Education and Training, U.S. Atomic Energy Commission, Washington, D.C.

CHAPTER VI. COMMUNITY SERVICE AND CONTINUING EDUCATION

Financial assistance is now available to support community service programs initiated by colleges and universities. Institutions of higher education have been exerting leadership in such activities for many years, but most often in an advisory capacity. Now Congress has recognized the contribution colleges can make in solving community problems such as housing, poverty, government, recreation, employment, youth opportunities, transportation, health and land use.

Solving community problems

Title I of the Higher Education Act authorizes matching grants to institutions of higher education which will undertake such community service projects. Proposed projects may be educational programs, including university extension or continuing education offerings, acceptable for credit toward a degree or at least at the college level of instruction.

Research and demonstration projects designed to assist in the solution of community problems in rural, urban and suburban areas may also qualify. Particular emphasis will be placed on urban and suburban area projects.

Grants will be awarded in accordance with provisions of a state plan. College officials should pay heed to the designation of an agency which will direct this program at the state level. Such agency must be representative of institutions of higher education in the state. This determination is delegated to the state higher education agency.

A total of \$50 million has been authorized for fiscal years 1967 and 1968. The entire amount will be allotted to the states according to proportionate population. Alaska will qualify for approximately \$150,000 this year, while New York's allotment will exceed \$1.8 million.

All grants will be distributed through the state agency. During the first two years of the program (this is the second), colleges are being required to furnish only 25% of the project cost and federal funds can be requested for up to 75% of the total. Starting July 1, 1967, any federal grants for such activities must be matched.

Whereas individual institutions of higher education will work through the designated state agency, *general administration of this program will be under the jurisdiction of the Program Support Branch, Division of College Programs, Bureau of Higher Education, U.S. Office of Education, Washington, D.C.*

CHAPTER VII. DEVELOPING INSTITUTIONS

New colleges which have managed to keep their doors open for at least five years are getting some help in their fight for survival. Congress has authorized the expenditure of \$30 million, for the current fiscal year, under Title III of the Higher Education Act, with the express purpose of helping such institutions help themselves. Authorization for continuing this program next year is set at \$55 million. *Proposals will be processed by the Division of College Programs in the Bureau of Higher Education, U.S. Office of Education, Washington, D.C.*

There is no state-by-state allocation of Title III funds. Aside from the basic criteria that an institution must be accredited and have been in operation for at least five years, qualifications for eligibility are general. Most of the program support will be directed to four-year institutions which award one or more bachelors' degrees. Up to 22% of the amount appropriated can be directed to two-year colleges, but that is a maximum rather than a definite allotment. *No funds will be available for theological schools or institutions which prepare students in any sectarian vocation.*

The entire program is based on cooperation between developing and established in-

stitutions. Faculty and student exchanges will be encouraged. Arrangements can be made for alternate periods of academic study and business or public employment—so-called cooperative education activities. Established institutions will be urged to offer joint use of their facilities to students and faculties of the developing institutions whenever possible.

New curriculums and materials

Projects can also include the introduction of new curriculums and curricular materials. Support will be available for strengthening the administration of developing institutions. In fact virtually any activity that will enable a developing institution to improve its academic program and meet the demands of increasing enrollment may logically be included in a project proposal.

CHAPTER VIII. VOCATIONAL EDUCATION

A few years ago, vocational education was certainly not within the purview of institutions of higher education. But, times have changed. Vocational education is now interpreted to include training activities for virtually all occupations, with the possible exception of those at a professional level. Institutions of higher learning are, or should be, concerned with such activities.

Numerous federal programs have been established to support vocational education. Institutions of higher education are eligible to participate in most of these programs, in one way or another. Nearly \$2.5 billion annually is channeled into vocational-technical and adult education programs by the federal government.

Adult education centers

Many colleges have established adult education centers, emphasizing evening classes and extension courses. If such a center provides training in five or more specific occupations, it fulfills the first qualification as an area vocational educational school. Thus it can seek assistance provided by the Vocational Education Act of 1963. Then it's just another step to qualify for support under the Manpower Development and Training Act and the Economic Opportunity Act.

General information, program areas, grant procedures, etc. can be obtained from the Division of Vocational and Technical Education, Bureau of Adult and Vocational Education, U.S. Office of Education, Washington, D.C. Project grants are not, however, awarded directly to educational institutions. Federal funds are allocated to the appropriate state agencies for distribution to local educational and community action organizations.

Check with BES on local needs

These programs can provide support for a wide range of post-secondary and undergraduate-level curriculums. Each federal agency has established procedural regulations in line with its objectives. Realistically, college administrators can save a lot of time by checking first with the local Bureau of Employment Security (BES). That agency can provide advice as to labor market shortages in the area, the number of unemployed and underemployed persons and the training needed to bring the two together. BES personnel will also be familiar with the programs in progress at the secondary-school level, and in institutions of higher education.

Colleges are already providing courses in supervision, economics, leadership, etc. for the benefit of local industry. It is the intent of Congress that consideration now be given to the additional training or retraining required by administrators, technicians and scientists whose skills have become obsolete. The training required by these persons is at a college level, and often at the graduate level. Some of these persons are still employed, others are unemployed or underemployed and still others will soon be faced with loss of the jobs they now hold.

Full costs can be defrayed

It's quite probable that the full cost of a college's vocational education activities can be defrayed by federal funds, or a combination of federal and state funds. This is especially true if support is sought through more than one federal program for different parts of a project. Instructional and administrative expenses, materials and supplies and even equipment and construction are allowable project expenses, if the end justifies the means.

Special academic programs

Federal assistance is available to support a limited number of special educational opportunities at the post-secondary, subprofessional level. College administrators must, however, be careful in planning two-year terminal programs. Even if the curriculum calls for awarding an associate degree or diploma, "graduates" should be qualified to continue their education without interruption or loss of credit. Unless adequate accreditation is provided, two-year colleges may be ineligible for other federal financial assistance.

Nurse training is example

An outstanding example of the programs open to two-year institutions is provided under the Nurse Training Act of 1964. This is not to be confused with the Health Professions Educational Assistance Act, which also supports nursing education. The Nurse Training Act provides \$55 million over a four-year period to construct facilities for two-year nurse-training programs. Matching grants are awarded to cover 50-66% of the cost. Another \$15 million is authorized to assist two-year institutions to meet the instructional costs incurred in preparing nurses at the associate-degree level. The same law, Public Law 88-581, provides funds for construction and nursing instruction at the four-year collegiate level. *Inquiries about this program should be directed to The Division of Nursing, U.S. Public Health Service, 7915 Eastern Avenue, Silver Spring, Md.*

Depending on availability of funds, two-year institutions of higher education are invited to participate in the radiological health technician training program. These grants cover the cost of equipment, supplies, faculty salaries and in some cases student stipends. *Inquiries regarding possible participation in this program should be directed to the Division of Radiological Health, Bureau of State Services, U.S. Public Health Service, Washington, D.C.*

A limited program for training occupational therapy assistants at the technician level is also open to two-year colleges. Grants under this program cover the costs incurred in curriculum development and strengthening, as well as student stipends. *Inquiries should be sent to the Division of Training, Vocational Rehabilitation Administration, Department of Health, Education and Welfare, Washington, D.C.*

CHAPTER IX. CONSTRUCTION OF ACADEMIC FACILITIES

The Higher Education Facilities Act of 1963 (PL 88-204)—as amended and funded this year—is still the controlling legislation insofar as building of college academic facilities is concerned.

Title I of that Act authorizes expenditure of \$475 million during fiscal year 1967 to assist in construction of undergraduate academic facilities. These funds are allotted to the states according to a formula which considers high school and college enrollment. Public two-year institutions of higher education may obtain grants up to 40% of the development cost. Four-year colleges and private two-year colleges are eligible for grants amounting to a maximum of one-third of the project total. The authorization for fiscal year 1968 is \$728 million and for fiscal year 1969 it is \$936 million.

Title II authorizes \$60 million during the current year to defray the cost of building graduate academic facilities. These funds are not allotted to the states. All grants are limited to one-third of the cost of the project. The amount authorized for each of the next two years is \$120 million.

Title III authorizes \$200 million for the year ending June 30, 1967 for loans to aid in construction of higher education academic facilities. Four hundred million dollars has been authorized for this purpose next year. Loans may be made to public and private colleges and universities, including accredited two-year institutions. Higher education building agencies may also qualify. Loan terms include a maximum 50-year repayment period and an interest rate not exceeding 3% per annum. Loan funds are not allotted to the states but no single state may benefit from more than 12.5% of the total.

What can't be built

Three exclusions are common to all federal funding programs.

1. Federal funds cannot be used to construct any building which will be used for the purpose of worship or religious instruction.
2. Federal aid cannot be used to build a gymnasium or stadium for sporting events or recreational purposes.
3. Federal funds cannot be directed to the construction of any facility to be used for events which will require payment of an admission charge.

Schools of divinity out

Exclusion of facilities to be used for sectarian instruction refers specifically to schools or departments of divinity. In practice this exclusion extends to facilities which will be utilized for the purpose of preparing students for related vocations: teachers and directors of religious education, ministers of music, church social workers, etc. Don't be concerned by the use of academic facilities for courses which deal with the study of religion incidental to preparation in a discipline such as psychology or philosophy.

Physical education, not recreation

The exclusion of facilities which are primarily intended for athletic or recreational activities does not exclude space which is needed to carry out the college's physical education program. Construction of a field house to be used only for physical education courses could qualify. But a gymnasium to which the general public would be admitted, couldn't.

Don't charge admission fees

The third general exclusion applies to facilities which are intended primarily for events for which admission is to be charged to the general public. Obviously this would include theaters. But auditoriums, regardless of size, may qualify for federal support if they are primarily intended to be used as lecture halls or for some other instructional purpose. Student unions can also be constructed with federal loans.

Undergraduate facilities

The purpose of this program (Title I, Public Law 88-204) is to provide greater enrollment capacity. Thus, a project should provide at least 10,000 square feet of additional space to be used for instructional or library purposes. Another guide to what is considered a substantial expansion calls for the addition of an area equal to 40% of the space now being used for academic facilities. Of course colleges must furnish evidence to support a projected increase in enrollment in order to justify the proposed construction.

Colleges are required to submit their applications through the state commission which has jurisdiction over this program. The application is evaluated according to the state plan. Those applications that are approved are assigned a priority based on need, proposed construction schedule, etc. Projects

that can be funded from available allotments are forwarded to Washington.

Identify and classify

Final review and ultimate approval for all undergraduate construction projects comes within the purview of the *College Facilities Branch, Division of College Programs, Bureau of Higher Education, U.S. Office of Education, Washington, D.C.* Grants are awarded directly to the applicant college.

It's not enough to project an increased enrollment and plan to build a new facility with a specified number of classrooms. Every square foot of a proposed construction project must be identified and classified. A closet adjacent to a classroom must be assigned as a service area for teaching facilities. But a closet adjacent to a faculty office is considered part of the office. If a music studio also serves as an instructor's office, it must be counted with space assigned as faculty offices. But, a research facility which also serves as an office is counted under research facilities, not offices. It pays to watch this carefully.

Every nook and cranny of a proposed building must be classified as:

Instructional and library facilities, including general classrooms, instructional laboratories or shops, other teaching facilities, service areas for teaching facilities, library facilities, and faculty offices.

Instruction-related facilities, including research facilities, administrative facilities, study facilities, and other instruction-related facilities.

Related supporting facilities, including all other areas necessary for the utilization, maintenance and operation of academic facilities.

Support your demands

In developing a project application, college administrators must be prepared to support the need for every space assignment. Specially designed facilities should be adequately justified. Average annual and weekly room-period use must be forecast for all instructional facilities. State plans have established minimum standards to evaluate this information. But, since all grants are awarded on a priority basis it's wise to plan for maximum utilization which will exceed standard requirements.

An application must cover a well-defined project which is part of a single construction activity at one location. Long-range plans calling for a building to be erected each year for five years will require five separate project applications. In like respect, a building program which involves construction at a central campus and a branch would require two project applications.

Watch expenses incurred early

The so-called development cost should be carefully determined because after the project is approved the college must guarantee completion. College planners should be careful about expenses incurred before the project is approved. No construction contracts should be concluded until the grant has been awarded. Land acquisition cost is an allowable expense, provided that the site was purchased within two years preceding approval of the project. The same time limitation applies to architectural expenses.

The term construction includes acquisition and installation of initial equipment as well as rehabilitation, alteration, conversion or improvement of existing structures. Careful selection of initial equipment can save substantial expense under development cost. Equipment installed to replace obsolete or worn-out equipment is an allowable expense.

Initial equipment must be necessary to accommodate the functions for which a proposed facility has been designed. All such equipment must be permanently installed in the structure and should have a life expectancy comparable to the useful life of the facility. Thus there is substantial room for judgment in determining what equipment

may be included under allowable development cost. Many fixtures can be permanently installed as *initial equipment* which will serve the same function as *furnishings*.

Long-term loans

Title III of the Higher Education Facilities Act provides additional federal funds for construction of academic facilities in the form of long-term loans. These loans now carry a maximum interest rate of 3% and the repayment period may run up to 50 years.

Funds for the loan program aren't allocated to the states, but institutions within a single state may not obtain more than 12½% of the monies available during a single year. Colleges seeking loans must be prepared to furnish at least one-fourth of the total project cost from other than federal sources. This doesn't necessarily mean that the federal loan will be the remaining 75% of the cost. If a grant is obtained for 33⅓% of the project, the federal loan would be limited to 41⅓%. The other 25% would have to come from nonfederal sources. Of course if the grant is less, the loan could be more.

Undergraduate institutions should apply for loans to the College Facilities Branch, Division of College Programs, Bureau of Higher Education, U.S. Office of Education, Washington, D.C.

Graduate facilities

Construction grants are available for graduate academic facilities under Title II of Public Law 88-204. Congress reduced the funding authorization for these projects to \$60 million for the current year, half the amount available in 1966. Authorization for fiscal year 1968 and 1969 was, however, set at the \$120 million level. Administration of these grants is assigned to the Facilities Branch, Division of Graduate Programs, Bureau of Higher Education, U.S. Office of Education, Washington, D.C.

Other exclusions

In addition to the basic exclusions covering religious education, athletic stadiums, etc., assistance is *not* available for facilities used by schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing or public health. Other federal programs are available.

Loans under Title III of the Higher Education Facilities Act are also available for graduate facilities.

Universities seeking loans for graduate facilities should direct inquiries to the Facilities Branch, Division of Graduate Programs, Bureau of Higher Education. All inquiries should be sent to the U.S. Office of Education, Washington, D.C.

Education in health professions

Congress extended the Health Professions Educational Assistance Act for three years. As a result, the expenditure of \$480 million has been authorized for construction of teaching facilities for health personnel. This program benefits schools of medicine, dentistry, pharmacy, optometry, podiatry, nursing, osteopathy and public health. Academic facilities in these fields are, of course, excluded from the Higher Education Facilities Act.

Amendment of the law will provide \$160 million annually in matching grants to institutions of higher education and teaching hospitals. The deadline for applications will be scheduled for next spring and awards from annual appropriations will be made after July 1, 1967. There is a heavy backlog of project proposals already on hand, which couldn't be funded from the original appropriations.

College and university officials planning to seek this form of assistance during the next few years should submit inquiries without further delay. *Contacts should be directed to Chief, Division of Hospital and Medical*

Facilities, U.S. Public Health Service, 7915 Eastern Avenue, Silver Spring, Md. This program is not administered by the Office of Education or the National Institutes of Health—a common misunderstanding.

These grants can range from 50-75% of the total construction cost. Two-thirds of the cost of expanding existing facilities or erecting new facilities may be covered by federal funds. This level of support is based on evidence which indicates that the facility will accommodate increased enrollment or provide an improved program. A two-year nursing course which is extended to a four-year degree program could qualify. Expansion of academic facilities to accommodate a 5% increase in enrollment also could qualify. Naturally, the establishment of a new school within a university fulfills the requirements for two-thirds support.

To prevent curtailment of enrollments

Other projects can qualify for 50% grants if the new construction or remodeling will prevent curtailment of enrollment or quality of training. All projects for schools of public health are eligible for support up to 75%.

All awards are made directly to the institutional applicant. There is no requirement regarding geographic distribution of these funds, nor is there a state allotment limit. Grants are evaluated in terms of the public interest, nationally and regionally. The need certainly isn't going to lessen in the face of Medicare. In fact, federal support must be expanded in order to provide facilities to educate health professionals.

Other assistance

The Allied Health Professions Training Act, passed in the closing hours of the 89th Congress, provides over \$60 million during the next three years for grants to support construction and improvement of new facilities. Attention will be given to more adequate facilities for the education and training of a wide range of health professional and technical occupations at the bachelor's and associate degree levels.

Grants under this new program run as high as two-thirds of the cost of new construction. If other federal aid is involved, however, the grant under this program will be limited to 50%. The prime requisite is that the grant must provide a major expansion of the training center. The improvement grants fall into two categories: basic and special. In each case the level of eligibility is based on the number of additional students to be served. *Contacts should be directed to Chief, Division of Hospital and Medical Facilities, U.S. Public Health Service, 7915 Eastern Avenue, Silver Spring, Md.*

Construction if necessary

In the health field, colleges and universities can participate in numerous programs which include construction of new facilities. Many of these involve research treatment and education. Any college interested in becoming involved in a regional medical center, community mental health center or similar project should direct a preliminary inquiry to the Division of Research Grants, National Institutes of Health, Bethesda, Md., 20014.

Almost all major research programs provide for construction of facilities necessary to carry out the project. Obviously construction is only authorized for relatively long-range activities and only for the research facilities. Such facilities, can, however, be useful for instruction-related research activities.

In this area, university officials should first decide on the field of research interest and then contact the appropriate federal agency. *The departments of Interior, Agriculture, Defense, and Health, Education and Welfare administer programs providing for research facilities construction. Similar support is available from the National Science Founda-*

tion, the Atomic Energy Commission, and other independent agencies.

CHAPTER X. FACILITIES FOR COLLEGE HOUSING

Recognizing the continuing increase in college enrollment, Congress extended the college housing loan program through 1968. The Housing and Home Finance Agency, through the Community Facilities Administration, is authorized to provide loans totaling \$300 million annually, at a low interest rate of 3%.

Under authority of Title IV of the Housing Act of 1950, loans amounting to over \$3 billion have been approved for college dormitories, married-student and faculty housing, dining halls, college union buildings and housing for student nurses, interns and residents.

Two-year colleges now eligible

All public and private nonprofit colleges and universities which award a bachelor's degree are eligible to participate in the program. Two-year colleges which provide a curriculum accredited toward a degree, or are in the process of attaining that objective, are eligible. Public post-secondary vocational schools and technical institutes, which are administered by accredited colleges or universities, may also qualify.

Public and private nonprofit hospitals are eligible if they operate a state-approved school of nursing. Hospitals which have been approved for post-doctoral intern or resident programs are also eligible. Theological schools, seminaries and other institutions for religious training are, however, excluded from this program.

Government purchases your bonds

Loans are made through government purchase of bonds issued by the college to finance the proposed project. The bonds are prepared as soon as the final plans for the project have been completed. The bond issue is then publicly advertised and HHFA will purchase only those issues, or parts of issues, for which an equal or better bid is not received by a private bidder. The regulations covering this program are intended to make the bonds acceptable to the private financial market.

The type of security provided by the bond indenture will depend to some degree on individual circumstances. The basic security for each loan is, however, the pledge of project revenues and mortgages of the project itself. Viewing the types of projects which are eligible for assistance, it will be noted that they are all revenue producing and should be planned as sound business ventures. Whereas such activities are not generally intended to show a profit, they should not require a subsidy to cover operating expenses and debt repayment.

Assume as much of cost as you can

Colleges may obtain 100% financing of a housing facility for a term up to 50 years. The amount and term of the loan is based on need and ability to repay from revenues generated by the facility. Colleges are urged to assume as much of the total cost of construction as possible from available resources. In some cases financial participation by applicants is required to make a loan feasible.

In order to provide the widest effective distribution of funds, the Community Facilities Administration (CFA) is authorized to limit the amount of loans to a single institution during any one year. Consult the nearest regional office of the Housing and Home Finance Agency (HHFA) to determine what maximum limits, if any, are currently being observed.

CFA evaluates the need for proposed housing on the basis of current full-time student enrollment and faculty. Eligible projects can include new housing, expansion or remodeling of existing facilities, and related service facilities such as dining halls, infirmaries and college unions.

Loans cannot be made for construction of classrooms, laboratories, libraries, chapels, auditoriums, gyms or administrative offices. If an eligible project includes such a facility, the college must provide the total amount of funds required for the ineligible portion of the approved project.

The types of expenditure permitted for an eligible project are complete and well defined. Preliminary expenses incurred in developing and planning the project are allowable. Land and right-of-way may be included only if it is necessary to purchase a suitable site for the project. Architectural, legal and administrative fees covering services necessary to the project must be approved in advance by CFA. Costs of basic construction, site improvement and fixed equipment are allowed in full.

You should be especially aware of the "fixed equipment" item. According to CFA regulations, fixed equipment must be permanently built into the structure. Boilers, plumbing equipment, central air-conditioning, etc. are obviously allowed under the regulations. But, so are built-in kitchens, chests, beds and wardrobes, communications systems, and numerous other "furnishings" which are not readily removable from the premises. Individual pieces of furniture are not allowed as part of the construction cost.

Taking the first step

The first step to be taken by college officials is completion of the preliminary application (CFA Form 501). This preliminary application includes a general description of the project, evidence of the need for the proposed facilities and details of the applicant's eligibility. At the time this form is submitted, or before, CFA field personnel will arrange a meeting with college officials to explain the details and requirements of the program. This meeting is normally held at the regional HHFA office nearest the college.

If the preliminary application is satisfactory, funds are reserved for 90 days (120 days for college union projects) pending submission of the final application accompanied by engineering, financial and legal data. At the same time the college must provide a construction schedule, the architect's preliminary plans and outline specifications. This final application is reviewed and subject to approval by the regional HHFA office. Upon approval, a formal loan agreement is executed between the college and HHFA.

Submit plans, then advertise

The college is required to submit all construction plans, proposed contract documents, and cost estimates to the regional office. Before the college can advertise for competitive bids, all preliminary work must be reviewed and approved by CFA to assure conformity with existing law and terms of the loan agreement.

Expenses incurred during construction are financed with the college's own funds, by short-term loans based on the HHFA commitment, or by advances from the government. These short-term obligations are satisfied with the proceeds of the bond issue when the project is finally completed, approved and accepted.

[From School Management, December 1966]

A SCHOOLMAN'S GUIDE TO FEDERAL AID—

PART IV

PART I. COMPENSATORY EDUCATION

Compensatory Education is a fancy term for a very simple and sensible idea: Helping children who need help most. This first section of A schoolman's guide to federal aid—Part IV tells how Congress has changed significant legislation affecting compensatory education—Title I, ESEA, Title VI, ESEA and the Economic Opportunity Act programs, Head Start and the National Teachers Corps.

Title I, ESEA

Title I of ESEA—the "poverty" title—is in its second year as the major source of federal aid for most local school districts.

After the Senate came out so strongly for a new formula for allocating dollars this year, based on a \$3,000 income level (instead of the \$2,000 level used last year), many observers were disappointed when the final compromise didn't call for any increase at all.

But this was hardly a defeat in view of the significant amendments that will become effective next year.

It seems appropriate to consider Title I, in this report, from two viewpoints: how it will work this year and how it will work during the 1967-68 school year. At least local school administrators can plan for next year with some degree of certainty—which is more than they could do until October 20th of this year.

How It Works This Year

Perhaps Congress should have paid more attention to the remarks President Johnson aimed at schoolmen when he signed the appropriations for ESEA in September, 1965: "Open your schools to the promise of these new programs. I hope that not a single day will be lost. For in education, the time we waste today can mean a life wasted tomorrow."

Generally speaking, local districts have been most anxious to open their schools to the promise of these new programs. But schools open right after Labor Day and, this year, Congress didn't promise any money for these new programs until more than six weeks later. Scores of school supporters implored Congress, during hearings last winter, to provide some early assurances which would enable realistic advance planning. But this problem still remains, it will remain until many strong voices speak out and it must be considered in any discussion of how Title I will operate.

Many local school districts will derive greater support from Title I funds this year, even though the basic formula remains the same. The low-income factor for 1966-67 is still \$2,000. Eligibility is still primarily based on the number of children, from five to 17 years of age, in low-income families (see "A schoolman's guide to federal aid—Part II," *SM December '65*, p. 103). The 1960 census is still the fundamental basis for determining eligibility.

So who gets more money . . . and for what? To answer this question let's look at the record of changes Congress has made in Title I.

More recent statistics. 1966 amendments provide that the most recent statistics be used in counting eligible children from families drawing Assistance for Dependent Children, instead of the 1960 census figures used last year.

Expanded eligibility. In addition, grants will be based on eligibility of children of migratory workers; children in foster homes under the jurisdiction of public agencies; dependent and neglected children, ages 5-17, in public institutions; and adjudicated juvenile delinquents, ages 5-17, in training schools or detention homes.

Generally, local administrators won't have to be concerned with counting the number of children thus added to the "eligible" category. This falls to state officials, who will make the claims and be responsible for allocating allotments to the appropriate educational agencies—i.e., to local school districts or other public agencies. Local districts won't share equally in this increased coverage under Title I, but some inequities will be corrected.

No incentive grants. One provision of Title I (by which many local districts had planned to derive added support this year was repealed. There won't be any incentive grants. It is interesting to note that the

amount of money originally estimated for incentive grants is almost precisely the amount required to extend coverage for the additional categories of educationally deprived children mentioned above.

Reduced eligibility requirements. Another change in Title I enables some local districts to receive support for the first time this year. Eligibility will henceforth be based on at least 10 children from low-income families. The previous requirement—you needed at least 100 eligible children to qualify for participation—has been rescinded.

Funding limitations. As now amended, Title I funding may not account for more than 50% of the local district's total budget . . . regardless of entitlement. Until a district has completed its final budget projections, the USOE will release only an amount equal to 40% of the budget estimate. The balance will be allotted after the final budget has been approved. This new provision under Title I compares with a 30% limitation last year.

Cooperative projects. Congress has also given some direction to project planning by requiring that a minimum of \$2,500 be expended on any single project. The intent of this directive is to encourage smaller districts to cooperate with each other in joint ventures which, hopefully, will be more effective than many small district projects were last year. However, the state agency is given the freedom to approve projects under the \$2,500 minimum—if it can ascertain that joint effort is not feasible.

Better planning. In addition, Title I was amended to permit local officials to spend at least \$2,000 in planning for new programs or construction. Specifically, this planning allowance is set at 1% of the district's allocation, or \$2,000—whichever is greater. However, school administrators are cautioned not to expect much added support in the way of construction funds.

Construction will still be permitted under Title I only when necessary to implement a high priority project. And, the outlook for a school construction bill next year is indeed bleak, in view of, among other things, expected increases in spending for Vietnam.

Even in view of the various restrictions on Title I spending, the program has been considerably broadened in scope and coverage, and regulations will, of necessity, have to be liberalized. The USOE's Division of Compensatory Education (formerly Program Operations) is still sorely understaffed and without resources to adequately assist state and local officials. Proposals to provide for adequate evaluation of local projects and dissemination of information have been stifled by lack of funds. Perhaps this situation will be relieved by Congress' action in authorizing \$1.5 million for dissemination of ESEA information. Time will tell.

To date, only \$1.342 billion has been appropriated to fund the entire ESEA program during the current fiscal year. This amount is slightly less than the estimated requirement for Title I alone. Thus it may be expected that one of the first orders of business for the new 90th Congress will be appropriation of approximately \$500 million more for ESEA. The ease or difficulty with which such appropriations clear Congress will be one of the first indications as to what can be expected from the solons elected on November 8th.

The question teases: Will the 90th Congress match the record of the fighting 89th?

Planning Current Projects

Considering the availability of funds, local districts can plan Title I programs—for the balance of the regular school year—with a fair degree of assurance. Of course, if Congress should fail to appropriate additional money after the first of the year, all local allotments will be sizeably reduced. But there is no indication, now, that such a catastrophe is to be expected.

Generally speaking, the biggest problem facing local districts is developing and implementing Title I programs that include more than one project. And, for the most part, local programs should encompass various projects in some order of priority.

No one doubts that all Title I money will be used this year. The big question is: How can we achieve more effective utilization of funds than was the case last year?

Local districts are well advised to identify the needs of educationally deprived children more specifically this year. Title I coordinators are cautioned not to propose broad-based projects, which are tantamount to general aid for all students. Cursory evaluation of Title I activities last year indicated that over 20 million children were served—compared to a five million target group. And there is good reason to believe that a substantial number of the target group weren't served!

State agencies are being directed by the USOE to scrutinize local project proposals more carefully. USOE has arranged for computer evaluation of all projects forwarded to Washington by the states. Key factors will be scanned and, where there is evidence of some deviation from the program guidelines, the state agencies will be called to account.

Now, this doesn't mean that local projects must be entirely limited in coverage to educationally deprived children from low-income families or to the other categories on which eligibility is based. It does mean, however, that local projects should obviously serve—as was emphasized time and again last year—high concentrations of such children. Benefits derived by other children should be incidental.

With the exception of closer control, Title I will follow essentially the same guidelines this year as last year. Funding will be substantially at the same level. Determination of eligibility is slightly broadened. But, for most local districts, it will be business as usual.

Local districts will still deal through their state agencies under Title I. However, if there is need to clarify federal regulations or guidelines regarding project and program implementation, it is suggested that local officials contact:

The Division of Compensatory Education, Bureau of Elementary and Secondary Education, U.S. Office of Education, DHEW, 400 Maryland Avenue, S.W., Washington, D.C.

USOE now has a moderately staffed Title I field services branch operating out of Washington, primarily for the purpose of helping state agencies. Nine regional offices have also been established in major cities across the nation. Each of these offices is headed by a "regional assistant commissioner," who is assisted by specialists in various program areas.

Region 1: John Fitzgerald Kennedy Building, Boston, Mass.
(617) 223-6896

Region 2: Rm. 1200, 42 Broadway, New York, N.Y.
(212) 264-4035

Region 3: 220 Seventh St., N.E., Charlottesville, Va.
(703) 296-1275

Region 4: Rm. 404, 50 Seventh St., N.E., Atlanta, Ga.
(404) 526-5087

Region 5: Rm. 712, New Post Office Building, 432 Van Buren St., Chicago, Ill.
(312) 828-5215

Region 6: 601 E. 12 St., Kansas City, Mo.
(816) 274-3137

Region 7: 114 Commerce St., Dallas, Texas
(214) 749-2635

Region 8: 9017 Federal Office Building, 19th and Stout St., Denver, Colo.
(303) 297-3544

Region 9: Federal Office Building, 50 Fulton St., San Francisco, Calif.
(415) 556-4781

Plan Ahead for Boom in 1967

ESEA will truly come of age next year. It is estimated that Title I entitlements will increase from \$1.4 billion to \$2.3 billion during fiscal year 1968 (school year 1967-68). *Almost every state will realize an increase approaching 50% and some states will find their Title I funding more than doubled.*

This increase results from two major amendments to Title I.

First, the low-income factor will be raised to \$3,000 starting next year.

Second, local districts will have the options of calculating eligibility on the basis of either the state average per pupil cost or . . . the national average. Thus, in those states where the cost of education is below the national average, local districts can take the option and derive a substantially greater share of Title I funds.

An example of the projected increases in Title I support is indicated by the estimates for three states which will each receive approximately the same aid during the current year: \$21 million. Next year (1967-68), Maryland will receive less than \$6 million more for Title I. Wisconsin, however, will receive over \$11 million more. And Arkansas will find its Title I grants up by over \$30 million.

At first glance, it might appear that the educationally deprived children from low-income families in Maryland are being penalized. Not so. The average per pupil cost of education is already substantially higher in Maryland than in Arkansas.

It is the intent of Congress to provide help where the need is greatest.

This new provision of Title I permitting calculation of grant entitlement on the basis of national average costs was a hard-fought battle in Congress. Apparently, this single amendment is the price paid for holding off on the increase in the low-income factor until next year. The significance is great: Now that the option is on the books, the wide disparity in the cost of education among various states should slowly narrow.

With the knowledge of what's to come next year, fiscally, local districts can plan for next year with relative certainty. Up to 1% of this year's grant, or \$2,000, can be directed to future planning. Thus, with enough time and some money to do the job, local officials should be able to develop truly exemplary projects for the 1967-68 school year.

In making plans, take special note of the fact that, in 1967-68, the location of high concentrations of low-income families may be different. With the inclusion of children from families with incomes between \$2,000 and \$3,000, target areas will probably broaden.

Taking these additional students into account—and also additional students qualifying under expanded eligibility—may very well change the relative priority of your proposed projects. So don't count on having additional funds available for the purpose of following through with plans made last and this year. Next year, it's likely that a new course of action must be developed. If it happens to agree with your original forecast, so much the better.

Education of Indian Children

There are straws in the wind that indicate that the Bureau of Indian Affairs of the Department of the Interior may be going out of the education business. Title I of ESEA has already been amended to provide for direct grants to aid Indian children attending federally operated schools. Congress, in so doing, directed the Bureau of Indian Affairs to carefully evaluate its educational activities.

Local districts may well be faced, in the not-too-distant future, with the need to integrate some Indian schools into their systems. This won't be a crash program, however, and it is not expected that local

districts will be faced with a hardship, if and when it happens. Chances are good that jurisdiction over Indian schools will first be transferred to USOE. After that, attempts will be made to place these schools under local jurisdiction, with adequate federal aid to relieve the burden.

To relieve any local concern in such an event, local districts can point to the fact that any Indian children involved will be eligible for support under P.L. 874 and P.L. 815—school aid to federally affected areas. They will also qualify for additional entitlement under ESEA and "integration" of students can be eased somewhat with assistance under Title IV of the Civil Rights Act.

Title VI, ESEA

One of the most significant provisions of the ESEA amendments of 1966 applies to the education of handicapped children and the creation of a Bureau for Education and Training of the Handicapped in the USOE.

Of principal importance to local districts is the authorization of \$200 million, during the next two years, for grants to the states for education of the handicapped. During the current year, \$50 million will be allotted to the states in proportion to the number of children ages 3-21. One reason for the small initial authorization is that state agencies must prepare a state plan, prior to seeking grants.

The state plan must provide for initiating, expanding or improving special education programs for handicapped children. By definition, "handicapped children" includes children who are: mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled or health impaired in some other way.

This new program is identified as Title VI of ESEA. There is, however, no change in the intent of Title I—i.e., that handicapped children should benefit from Title I projects. Handicapped children are not counted, as such, in determining Title I eligibility but Title I projects are supposed to provide for them.

Title VI provides an added allowance of \$75,000, or 5% of the total state allotment, for administration of the handicapped programs at the state level. It is apparent that local school officials should be aware of progress being made in development of the state plan, to protect their own interests.

How it's portioned out—\$3,200,000,000

Congress has authorized \$3.2 billion to be spent for elementary-secondary education in the fiscal year 1967. The chart below shows how this amount breaks down under the major legislation.

Note that \$3.2 billion is the amount authorized; considerably less was appropriated initially. But the chances are that the full amount will be made available . . . and then some.

Elementary and Secondary Education Act

Title I (estimated need)-----	\$1,450,000,000
Title II -----	128,750,000
Title III -----	180,250,000
Title IV -----	80,000,000
Title V -----	30,000,000
Title VI* -----	51,500,000

School assistance in federally affected areas

Public Law 874-----	432,000,000
Public Law 815-----	58,000,000
Adult Education Act-----	40,000,000
National Teacher Corps-----	7,500,000
Vocational Education Act---	225,000,000
NDEA title III-----	90,000,000
Operation Headstart-----	352,000,000
Library Services and Construction Act-----	75,000,000

*New this year.

Title VI funds can be used for all expenses related to the education of handicapped children, including acquisition of special equipment and, where necessary, construction of additional school facilities. It is expected

that many local districts will seek immediate support for remodeling existing facilities.

Considering the level of funding and the time required to develop state plans, it is expected that relatively few new programs will be initiated during the first year. Emphasis will be on expansion and improvement of existing programs and planning for 1967-68. By that time, the USOE will have been reorganized to provide better coordination of all programs related to education of the handicapped.

Prior to July 1, 1967, the Bureau for Education and Training of the Handicapped will be organized in the USOE. In all probability, this new operating bureau will replace the staff function now provided by the existing Office of Disadvantaged and Handicapped. In the language of the Act, the new bureau will direct "programs and projects related to the education and training of the handicapped including programs and projects for the training of teachers of the handicapped and for research in such education and training."

Administration spokesmen were opposed to this provision of the new Title VI. They resented the fact that Congress saw fit to get involved in the organization of the Department of Health, Education and Welfare (HEW). Senator Wayne Morse (D-Ore.) called particular attention to this situation on the floor of the Senate:

"It happens to be the responsibility of Congress, under our Constitution, to pass legislation providing for the make-up of the agencies, the procedures they are to follow and the divisions and bureaus that are to be established therein. If the President doesn't like our legislation, he can veto it."

Of course, Senator Morse was correct. And the President didn't veto the legislation. But the situation does indicate the complexity of the bureaucracy charged with operating federal aid to education.

Headstart

One of the most popular programs initiated under the Economic Opportunity Act has been Operation Head Start, serving preschool children. Congress has authorized continuation and expansion of Head Start during the current year. But the picture isn't all sunshine and light. There have been significant and substantial conflicts between local community action programs and local school officials regarding this program.

Operation Head Start is primarily intended to serve five- and six-year-old preschool children from poverty-stricken families; i.e., families with incomes of less than \$3,000 per year. There is no hard and fast rule as to activities and schedules of individual projects. Among activities which have been scheduled during the past two years are: introduction to coloring and picture books; exposure to educational toys and just plain "toy" toys; field trips; supervised play periods with other children; group singing and dancing; and general physical check-ups.

Many school officials say they should have complete jurisdiction over Head Start programs, since this is an educational activity. In most instances, Head Start projects do involve school personnel and facilities. There have been cases, however, where, for one reason or another, such projects have been operated entirely outside of local schools.

During the coming year, it is estimated that some 800,000 preschool children will participate in Head Start projects, two-thirds of them in eight-week summer sessions. The increased emphasis on year-round projects comes into direct conflict with provisions of Title I, ESEA, which also authorizes special projects for five-year-old preschool students (normally kindergarten age).

Of course, Title I regulations require cooperation with local OEO-CAP groups in planning programs. But the basic problem of fundamental responsibility for education

of preschool students remains unresolved. Congressional spokesmen indicate that, next year, *Head Start will be transferred from OEO to USOE* and the matter will be settled. They point to the transfer of the work-study program in 1965 and the adult basic education program this year as significant precedents.

With this in mind, local districts that have not been involved too extensively in Head Start had better take some precautionary steps. Considering Title I of ESEA and its five-year-old program level, the three-year-old level under Title VI for handicapped children and Head Start's preschool group, *school enrollment could well experience an increase of 10% or more in some districts.*

For the present, inquiries regarding Head Start should be directed through the local Community Action Program group. If, for some reason, no local CAP organization is active in your community, contact can be made with the regional office of the Office of Economic Opportunity or with Operation Head Start, Office of Economic Opportunity, Washington, D.C.

It's too late to apply for support of year-round projects during the current school year but applications are being processed for 1967 summer programs and plans can be made, now, for year-round projects during 1967-68. Even if Head Start is eventually transferred to the USOE, OEO actions or recommendations will doubtless be honored.

Funding for Operation Head Start is currently authorized under Title II of the Economic Opportunity Act. For the current year, \$352 million has been earmarked for this preschool program. This is substantially less than recommended by the Senate committee but it will permit continuation of Head Start activities at the same level, with possible expansion, as last year.

These funds are not allocated by state or school district. Individual projects are approved and funded on their own merit.

Teacher Corps

It is difficult to determine, at this early date, whether the National Teacher Corps will be primarily a training program for teachers or a program to support compensatory education for economically disadvantaged children. One thing is sure: The Corps, pronounced dead by many earlier this year, is off and running, after all, with \$7.5 million appropriated during the closing hours of the 89th Congress.

Even though it hadn't officially commenced activity in the field as of October 31, the Corps had already gathered enough newspaper clippings to publish a 100-page book acclaiming its reception across the country. If nothing else happens, it is safe to say that the Teacher Corps will be one of the most publicized of the new aid-to-education programs. But, educational results are expected, too.

The 1,300 Teacher Corps volunteers now on duty have already evidenced their dedication by devoting an average of 12 hours daily, six days a week, as unpaid "observers" since school started in September. The recent appropriation of \$7.5 million will, however, provide them with salaries for the balance of the current school year. (But this is a two-year program and funds have yet to be appropriated for expenses beyond June, 1967.)

Some 13,000 applicants sought the 1,600 spaces available for preservice training last summer. Of the 1,600 experienced teachers and new college graduates who completed preservice training, only 15% left when no funds were available to start paying their salaries in September. The remaining 1,300 Corps members accepted the risk and traveled to their assignments . . . at their own expense.

Now they are working in teams headed by a veteran teacher and including three to five interns. Three-quarters of these interns graduated from college with a major in some

field other than education. By arrangement with 51 colleges and universities, these interns will continue their academic programs for the next two years, earning graduate degrees in education.

The Teacher Corps teams have been assigned to over 500 local school districts in 41 states. In every instance, *they are under jurisdiction of local school officials* and they are paid at the lowest prevailing salary scale. In some cases the teams have even been assigned to cover several one-room school systems, riding circuit from one to another or rotating assignments among the group.

Depending on their accomplishments this year, and the outlook is bright, local officials may find that the Teacher Corps is one excellent way of helping to 1) meet the teacher shortage, and 2) meet the special needs of deprived children. Corps members are only assigned to schools with high concentrations of children from low-income families. Their basic contract calls for two years of service. Their salaries are paid by local districts, with the funds provided by the Corps. Thus it is one of the *cheapest* ways of meeting the teacher shortage.

Of more than passing interest is the fact that the corps plans to place increased emphasis on recruiting interns with degrees in fields other than education. The reason is very simple: Education majors tend to enter teaching anyway and the objective is to create *more* qualified teachers.

In planning for projects under Title I of ESEA to be implemented next year, consider the Teacher Corps resources.

Preliminary inquiries can be directed to: The National Teacher Corps, Bureau of Elementary and Secondary Education, U.S. Office of Education, DHEW, 400 Maryland Avenue, S.W., Washington, D.C.

PART 2. EDUCATIONAL RESOURCES

Virtually all federal aid for specific programs provides for the acquisition of materials and equipment. A large share of ESEA, Title I funds—a disproportionately large share, some say—has been directed to the purchase of equipment, materials and supplies. But even before this source of funds became available, the National Defense Education Act was channeling funds into local districts to support equipment purchases. NDEA is still a major source of support for local districts. Part 2 of this report brings you up to date on all major sources of aid for resource materials and equipment.

Title II, ESEA

The greatest support for acquisition of new educational resources is being generated by Title II of ESEA. During the current year, \$128.75 million will be allocated to the states for the purchase of textbooks, reference works and other published materials, including various audiovisual materials. Congress authorized a 25% increase in Title II funding this year but also provided stricter control for state plans.

A total of \$125 million will be distributed to the states, in proportion to enrollment in public and private elementary and secondary schools in the state. The balance of \$3.75 million will be allocated to outlying areas and for schools operated by the Departments of Interior and Defense. These funds are intended to finance purchase or other acquisition of library resources for use by pupils and teachers. There is no direct allocation to local school districts. Local districts may, however, be designated as depositories for such library resources, according to the state plan.

After a year's experience, state agencies are now being required to set forth more specific criteria for the purchase and allocation of library resources acquired with Title II funds. There have been charges that Title II programs suffered from inadequate planning and control last year. As a point of fact, some plans were approved by committees to which

no library specialist had been appointed. It is also true the USOE's organizational structure and staff have provided little coordination in this area.

Perhaps this condition will improve as a result of the new provision in Title II which calls for appropriate coordination at state and local levels between Title II programs and activities being carried out under the Library Services and Construction Act. This directive is long overdue. Such coordination was recommended in SM's first "Schoolman's guide to federal aid—Part I" (See *SM June, '65*).

LSCA

No one can challenge the fact that students are residents of the community. Nor is there any doubt that public libraries are intended to serve all residents of the community. Thus, public libraries should serve students. Simple?

Yes, it is simple. Yet, for some reason, there has long been an attitude that school and public library functions are so different that never the twain should meet. Now, Congress has directed closer coordination.

Recent amendment of Public Law 88-269, the Library Services and Construction Act (LSCA), provides authorization for the expenditure of \$275 million during the next five years for extending local library services—in accordance with state plans.

A total of \$35 million will be available for matching grants to the states this year.

In addition, \$300 million has been authorized over the next five years for library construction. Of this amount, \$40 million has been authorized for matching construction grants during the current year.

In many states, master plans governing Title II of ESEA and LSCA are developed by the same agency, if not the same individuals. Unfortunately, local school districts usually have no direct influence on these plans but *must* abide by the results.

Between the two programs, over \$200 million is available for school and library materials, services and construction. Considering the dearth of library resources, it is critically important that there be no duplication of effort—but instead the closest possible coordination and cooperation. Local pressure at the state level can do no harm, could do much good.

NDEA

The eight-year-old NDEA equipment grant program is still going strong with an authorization of \$90 million for the current year. Actually, NDEA will, as usual, generate acquisition of a far greater amount in actual equipment purchases—as a result of the matching funds requirements. This requirement has restricted some districts from participating . . . but NDEA funds haven't gone begging.

There was a move, earlier this year, to cut NDEA funding on the premise that ESEA could now fill the need. The assumption was, of course incorrect, and the program remains in force. Actually, the more affluent local districts, with little ESEA entitlement are deriving more support from NDEA than was previously possible. As the poorer districts pass up matching grants, more funds become available to districts that can afford matching dollars.

Title III of NDEA has been one of the most effective federal-state-local matching grant programs. Allotments are made to the states on the basis of school-age population and average income. Local districts can obtain assistance for acquisition of laboratory equipment, AV materials and equipment, and certain published materials, as well as test grading equipment. NDEA matching grants cannot be used for the purchase of consumable supplies or textbooks. But the cost of minor remodeling, incidental to use of approved equipment purchases, can be defrayed.

It is apparent that there will be repeated efforts to cut funding authorizations for Title III of NDEA, especially as funding of Title I of ESEA increases. But leaders of both Congressional committees concerned with this legislation are quick to emphasize that NDEA and ESEA aren't concerned with the same objectives. Until there is a general aid-to-education measure, which provides adequate support for all schools, NDEA grants will doubtless continue to provide local districts with assistance in equipment acquisition.

ETV

Matching grants for modification, acquisition or construction of educational television broadcasting facilities have dried up.

The \$32 million authorized under P.L. 87-447, the Federal Communications Act, has been disbursed or obligated to cover applications already received by the ETV Branch of the Bureau of Adult and Vocational Education (USOE).

This doesn't mean an end to federal support for ETV facilities. On the contrary, activity under this program has been so heavy, during the past couple of years, that an expanded ETV facilities act is expected to pass Congress next year.

Under the circumstances, local districts are urged to file new applications under the existing program as evidence of interest and intention. In so doing, applicants will still have to be guided by the one million dollar state grant limit and the 50% matching funds requirement.

But there is every indication that the new ETV Facilities Act will include more liberal matching funds provisions and will authorize sufficient money to substantially increase the state grant limit. Testimony already presented to Congress has called for a 75% federal share of new construction and an initial authorization of \$100 million to fill the immediate need.

One possible alternative, if you want help for ETV now, is to apply for support under Title III of ESEA. ETV certainly qualifies as a supplementary education service. Another alternative: seek a cooperative effort with an adjacent college, which can obtain funds for limited closed-circuit ETV under the Higher Education Act.

Curriculum

Virtually every federal agency has developed information and/or education programs that explain (or "publicize") their function. This is often excellent curriculum material. Obvious sources of such programs: the Departments of Agriculture, Interior, Commerce and Labor as well as the Atomic Energy Commission, the National Aeronautics and Space Administration and the National Institutes of Health.

Any attempt to list all of the available programs and services would fall far short of the mark. Why not simply pick any subject for which you or your staff would like special curriculum material and contact the appropriate federal department or agency. Inquiries directed to the "Information Officer" in care of the agency in Washington, D.C., will be channeled to the proper office and will reduce delay.

Surplus equipment

As in the past, a frequently overlooked source of equipment and materials for educational purposes will again be provided under the Federal Property and Administrative Services Act. A fantastic array of government surplus equipment is distributed by regional representatives of the Surplus Property Utilization Division of the Department of Health, Education and Welfare.

For the most part, this surplus property can best be used to support school science programs or vocational education activities. Surplus items can be selected at distribution centers maintained by appropriate state agencies. This surplus material is available only to public agencies for educational, health and civil defense purposes.

HEW's Division of Surplus Property Utilization has often emphasized the benefits that this program can afford school science programs. Special attention has been drawn, for example, to the cost of many of the components used in high school science projects. Many of the needed components can be found in surplus or damaged government equipment. Sometimes, an obsolete government assembly will include parts that a school could never afford to buy on the open market. Through the surplus property program, however, these parts may be obtained—without cost.

Surplus shop equipment and machinery can be obtained for trade and vocational programs. Complete wood-working and metal-working shops have been equipped by some schools with surplus materials. Printing equipment and automotive materials have also found their way into surplus property distribution centers.

If your school district hasn't designated a representative to keep track of this resource, the time to do it is now. If you don't know who to contact at the state level, direct an inquiry to the Division of Surplus Property Utilization, DHEW, Washington, D.C. They will send you a list of state representatives and regional distribution centers, along with instructions for getting on the surplus property mailing list.

PART 3. IMPACTED AREA AID

After the events of the past year, no one can challenge the fact that Public Law 81-874 has become the cornerstone of general federal aid to education.

Just to clarify the situation, the original P.L. 81-874, now Title I, provides school assistance in federally affected area (SAFA), Title II of P.L. 81-874 is actually the Elementary and Secondary Education Act of 1965.

There are those in government who were of the opinion that ESEA would supplant the need for SAFA. But they learned otherwise, as the record shows.

SAFA

In January, efforts were made to reduce SAFA payments on the premise that all local school districts should assume partial responsibility for the education of students from federally connected families. The recommended level of support for SAFA payments to local school districts was severely slashed.

And then the battle started.

In the end, SAFA advocates won. Congress authorized an increase in SAFA funding—to \$432 million. In addition, eligibility requirements were liberalized, rather than restricted. Now, any school district with as many as 400 federally connected pupils—regardless of the percentage of total enrollment—will be eligible for apply to SAFA aid. This new provision benefits larger school districts. Smaller districts are still guided by the 10-pupil minimum and 3% factor. (See "A schoolman's guide to federal aid—Part I," SM June '65, page 108.)

Thus over 4,000 local school districts will continue to receive payments, ranging from \$1,000 to over \$1 million annually. A few districts are eligible for the first time this year as a result of the liberalized eligibility requirements. The amount for which a single district is eligible this year varies from last year, however, due to the mobility of federal employees.

Amendment of P.L. 81-874 also provides some small variation in calculating the local contribution rate, starting next year. The new provision provides for a system of grouping generally comparable districts within the state, so that the local contribution rate of each district within the group will be the average per pupil expenditure of the entire group. The local contribution rate must still be as high as one-half the state or national per pupil cost. It is expected that local contribution rates will average almost \$300 during the next two years.

The full contribution rate will continue to be paid for pupils who reside on federal property and whose parents are employed on federal property. Both conditions must be met to qualify for the full contribution rate.

One-half of the contribution rate will be paid when only one of the conditions obtains—i.e., when either pupils reside on federal property or parents are employed on federal property. In this category, local officials should include children of servicemen, regardless of where the child resides or where the serviceman-parent is assigned. This is a new provision.

Local districts across the country are now in the process of gathering information on which to base entitlement for SAFA. This preliminary survey is used to document the district's application for financial assistance for operating expenses during the current year. Form RSF-1 must be submitted to the Commissioner of Education by March 31.

Next spring, local districts must complete another survey and file a final report (Form RSF-3) no later than September 30. Both the application and final report are forwarded to Washington through the state department of education. The state agency serves as liaison and provides assistance in this program but all payments are made directly to the local school district by the government.

Provisions of SAFA designed to meet temporary conditions remain in force. A few school districts will be eligible for short-term aid, as a result of increased government activity not involving federal property. Other districts will benefit from gradually decreasing support, resulting from a sharp drop in eligibility, (when a federal installation is closed, for example). In addition, the Commissioner of Education has certain discretionary powers to counter conditions which otherwise defeat the intent of the law. If you feel there is a special condition which should qualify your district for SAFA support, contact the federally impacted area specialist in your state education agency.

Construction

In addition to furnishing assistance for operating expenses, SAFA is also in the construction business under authority of P.L. 81-815. Two school construction programs are authorized by P.L. 815. The first is directed to unsheltered federally connected children. The second, initiated only last year, is directed to major disaster areas.

Regulations governing school construction for unsheltered federally connected children remain unchanged, except for a requirement that special attention be directed to facilities for handicapped children. In the future, all construction plans involving P.L. 815 assistance must be accessible to, and usable by, handicapped children. USOE will shortly announce regulations prescribing what constitutes such minimum school facilities.

Eligibility is still based on an increase in federally affected pupils, as reflected by average daily attendance (ADA), of at least 20 in number and 5% of ADA. This increase must be calculated after the local district has absorbed the normal annual increase in ADA—currently set at 3.5%.

To be eligible for a SAFA construction grant, local districts must provide evidence that the required increase in federally connected ADA has occurred within a two-year period. Local officials may still take advantage of the overlapping two-year provision. Thus the current school year, 1966-67, may be coupled with last year or next year in supporting eligibility.

Categories of federally connected pupils are described in the same manner under P.L. 874 and P.L. 815. Construction grants are based on 95% federal contribution for students residing on federal property and whose parents are also employed on federal property. A 50% contribution rate is allowed for students who reside on federal property

or whose parent is employed on federal property. Both categories of children can be counted in establishing the required 5% increase but the appropriate contribution rate is applied for the number in each category.

For information concerning possible eligibility for a SAFA construction grant, contact the impacted area specialist at your state education agency. A preliminary inquiry will bring a copy of the current regulations and instructions for filing Form RSF-2, application for a construction grant. This application is forwarded through the state education agency to USOE's Division of School Assistance in Federally Affected Areas. If approved, the construction grant is awarded directly to the local district.

Disaster

Late in 1965, Congress amended Public Laws 815 and 874 to provide emergency aid for schools damaged or destroyed by major disasters. This new program has already proven its worth in numerous school districts across the country—districts hit by flood, drought, fire, hurricane, earthquake and other catastrophes of sufficient magnitude to justify help from the federal government.

Fortunately, this program is unencumbered by complex formulas and involved procedures. There are three primary requirements that qualify a district for this disaster aid.

First, the governor of the state must certify the need for disaster assistance and pledge the expenditure of a reasonable amount of local and state funds.

Second, there must be proof of loss, in that school facilities have been so severely damaged as to require reconstruction or restoration.

Third, application for school disaster aid must be filed within 90 days of the date the area was designated as a disaster area.

Two forms or types of disaster aid are available:

1. Under amendment of P.L. 874, funds are available for school operating expenses and for the cost of replacing materials, equipment and supplies.

2. P.L. 815 was amended to provide grants for replacement or restoration of school buildings.

In both instances, it should be emphasized that local and state agencies are expected to contribute as much support as possible under the circumstances.

The local contribution is particularly important with respect to construction. Local districts certainly should have some insurance coverage, perhaps a depreciation reserve and possibly proceeds from a bond issue earmarked for construction, all of which can be directed at the replacement or restoration of facilities destroyed by natural disaster.

Even if such resources are available, however, the actual "cash" may not be obtainable on short notice. In this event, USOE will advance the funds to replace facilities, subject to repayment at a future date. There is no basic restriction on the amount of disaster aid which can be used for a single facility. But one thing is clear: Don't plan on building a country club school to replace a one-room schoolhouse. Moderation and reason must prevail.

As soon as an applicant school district's formal request for construction aid has been approved, USOE will advance 10% of the cost of construction. These funds are to defray construction plans and other preliminary activities. After the final plans and specifications have been approved, the balance of the funds is promptly paid.

The amount available for operation and acquisition of equipment, materials and supplies is also flexible. The need is established by negotiation between local, state and federal officials. The basic allowance is established for the year during which the disaster occurred. But continuing support is available for the three succeeding years. Three-fourths of the basic grant can be paid the

second year; 50% the third year; and 25% the fourth year.

Continuation of this support, however, is not automatic. The need must be established during annual review of existing conditions.

Shared revenues

Virtually every taxing authority outside of the federal government is looking for more property to assess. If all federal property was assessed as private property and taxed accordingly, local tax rates could be sharply reduced in many communities. Obviously, this isn't going to happen. But the federal government has taken steps to reduce the impact of its vast holdings in certain areas.

The federal government controls approximately 800 million acres of land across the country, encompassing over 15,000 different properties. Most of this land is under the jurisdiction of the Bureau of Land Management in the Department of the Interior or the Department of Agriculture's Forest Service. Much of the federal property is leased to private interests for mining, grazing, timber, etc.

The federal government derives an income from this source. A major share of the net receipts are passed along to state and/or local governments. These payments are often referred to as "shared revenues," or payments in lieu of taxes. Over \$100 million is distributed annually in this way.

When Congress authorized sharing this income with the states, it stipulated that such funds should be used for the purpose of improving roads and supporting public schools. The distribution formula varies from state to state, with schools generally receiving 25% to 75% of the total. In some states, the funds are channeled directly to local governments but, most often, the money is budgeted by the state. As a result, it is difficult to determine just how much benefit the local school district derives from this source of income.

Suffice to say that local schools don't receive as much support from shared revenue as they would if direct payments were made in lieu of taxes.

This situation will not change until local schoolmen insist on it and make an issue of it.

PART 4. SUPPLEMENTARY SERVICES

Title III of ESEA provides the largest measure of support for supplementary services—\$175 million has been authorized for the 50 states and the District of Columbia during the current year.

Authorization for next year increases drastically—to \$500 million. Technically, Title III is entitled "Supplementary Educational Centers and Services." But as currently being administered by USOE, Title III is referred to as PACE—Projects to Advance Creativity in Education.

PACE

As amended this year, the Title III authorization provides that every state shall be allotted a minimum of \$200,000, with the balance distributed in proportion to 1) the total population, and 2) the school-age population.

Title III remains a federal-local grant program. Funds are not available to state agencies. Duly constituted intermediate school agencies, comprising more than one school district, can qualify for grants. In fact, cooperative efforts will have a much better chance of gaining approval—all other factors being equal.

The application and approval procedure under Title III also remains unchanged this year. Applications must be forwarded through the state agency to USOE. The state can recommend but cannot approve or disapprove. Various reviews of proposals follow that made by the state agency, but the Title III Advisory Committee makes the final funding determination, in consultation with the Commissioner of USOE (see "Title

III, ESEA—what you can learn from the first evaluation," SM Feb. '66).

PACE is primarily concerned with problems of "national interest"—

- Equalizing educational opportunities.
- Planning for metropolitan areas.
- Meeting the needs of rural communities.
- Coordinating all community resources.

Emphasis will again be on innovation and demonstration of creative educational activities. Considering the level of funding under Title III, school officials are being discouraged from submitting proposals which require substantial equipment purchases or major construction activities. As funding authorization increases, however, projects involving capital expenditures will receive more liberal consideration. For the present, however, supplementary education centers (termed "educational service centers" by USOE) will exist in the figurative, rather than the literal, sense.

Support will be available for educational service centers, organizationally speaking, which facilitate creative educational change. Valid project areas again include: education manpower development, curriculum development and consultation, adult and vocational education, cultural enrichment and educational planning.

PACE guidelines stress joint funding with other ESEA programs, paying particular attention to the overlapping functions of research and development centers and regional laboratories funded under Title IV.

If you do end up attempting to obtain support under Title III for a PACE project, be certain to involve a group of persons, representative of various cultural and educational institutions in the area, in planning the project. Teachers and educational specialists should definitely participate. Advice and counsel should also be sought from the state school agency, local colleges, private schools, libraries, museums, ETV station, community health, welfare and character-building agencies, civic and professional associations, etc.

Preschool students draw special attention as a result of a recent amendment of Title III. Starting next year, USOE is directed to give special consideration to applications from local school districts that are financially overburdened. Emphasis is being placed on the needs of four- and five-year-olds in districts suffering from serious overcrowding. Apparently, Congress intends that part of the \$500 million authorized under Title III for next year shall be used for construction purposes.

For Title III guidelines, regulations, preliminary evaluation, other information, contact:

PACE, Division of Plans and Supplementary Centers, Bureau of Elementary and Secondary Education, U.S. Office of Education, DHEW, 400 Maryland Ave., SW., Washington, D.C.

PART 5. EDUCATIONAL RESEARCH

If you're thinking about seeking a research grant, here's your first step: Request a copy of instructions for preliminary draft proposals from the Bureau of Research, USOE. It is quite possible that certain projects can be considered for support under either Title III or Title IV of ESEA, or both, Title III is discussed above. Now let's look at Title IV of ESEA.

Title IV, ESEA

USOE's Bureau of Research provides assistance for two basic types of research: project support and program support. The most readily identifiable is "project support"—support for a clearly delineated research activity directed to solving a particular problem. Financial support of such projects ends when the goal is achieved.

If, on the other hand, the general problem requires a concentration of professional resources over an extended period of time, "program support" may be possible. A second qualification for program support involves

focus on a group of continuous research activities that can adapt to new situations.

The best opportunity for local public schools to break into the research field is through the relatively new "small grant cooperative research programs." Under this program, the new regional offices of USOE have authority to award grants of up to \$10,000 for project support. (For a list of these offices, see page 64.) But make every effort to hold the request for support down to \$7,500. Prior to establishment of the new regional authority, the small grant program was guided by the latter figure—and habits are hard to break.

If you want to embark on prolonged research that will require extended program support, it's a good idea to enter a cooperative effort with other educational institutions or agencies, such as local colleges. Another alternative: Seek assistance from other Title IV projects—regional research and development centers or educational laboratories.

The difference between R & D centers and the educational laboratories is fundamentally a matter of focus. The centers provide leadership in areas of particular educational problems. The laboratories direct their efforts to identifying, researching and implementing general educational improvements. These new service facilities are springing up all over the country as the most feasible means of providing for cooperative research activities.

Some specific areas for which research support is available this year are: education of the handicapped, the arts and humanities, curriculum development, educational media, vocational education and human resources.

PART 6. TEACHER TRAINING

Better teachers are an asset hard to measure in dollars. You can encourage and help your staff to take advantage of federally supported programs for advanced study. Not only are their expenses paid, but they are eligible to receive a modest stipend as well. The institute program is becoming so broad that teachers can almost select the part of the country where they'd like to spend the summer. There just aren't many more incentives that can be offered to encourage teachers to participate.

NDEA

By far the most extensive institute program is authorized by Title XI of the National Defense Education Act (NDEA), frequently amended to expand such activities. At present NDEA institutes are authorized for teachers of history, geography, economics, civics, English, reading, English as a foreign language, modern foreign languages, industrial arts and disadvantaged youth.

Title XI also provides institutes for school library personnel and AV specialists.

Title V of NDEA authorizes institutes for guidance counselors.

And, as a result of the International Education Act of 1966, NDEA is now amended to provide for Title XI institutes in international affairs for secondary school teachers.

Current bulletins regarding NDEA institutes may be obtained from the Division of Educational Personnel Training, Bureau of Elementary and Secondary Education, USOE, DHEW, Washington, D.C.

National Science Foundation

Paralleling the NDEA program are the National Science Foundation (NSF) institutes which include: anthropology, astronomy, general science, biological science, earth science, physical science, science and math, geography, mathematics, physics, psychology, radioactivity, nuclear science and sociology. (Both NDEA and NSF offer institutes in geography. The overlap of these two programs threatens to increase and there is some indication that they will be merged within the foreseeable future.)

Bulletins regarding NSF institutes may be

obtained from the Division of Pre-college Education in Science, NSF, 1800 "G" Street, N.W., Washington, D.C.

NDEA and NSF institutes follow essentially the same operational pattern.

Summer session institutes are scheduled during six- to 12-week periods, with all costs underwritten by the sponsoring agency. Teaching personnel and educational specialists who want to attend an institute should apply directly to the administering college. If accepted, participants are eligible for weekly stipends of \$75 and an allowance of \$15 per week for each dependent.

Institutions of higher education that administer institutes are not required to offer graduate credit for the program. Furthermore, even if the college does offer graduate credit, participants are not obligated to enroll as graduate students. In other words, graduate credit is optional from both standpoints.

In addition to the summer sessions, some colleges operate institutes during the regular school year, either full time or part time. There are not as many opportunities for teachers to participate in this more limited program. For example, last summer there were 40 NDEA summer institutes for geography teachers but only one year-round institute is being operated during the current school year.

While local districts can't operate institutes, school officials can urge nearby colleges to arrange for special programs to meet area needs. Sometimes, part-time institutes can be scheduled along with district inservice training. Perhaps a fairly large school district has a particular problem which justifies a "private"—but federally supported—institute. Possibly, local officials may want something that hasn't been done before. But that doesn't mean it can't be done. There's only one way to find out. Urge the cooperating college to apply for institute support. An application can't be rejected until it's submitted.

Teacher Corps

In addition to subject-oriented institutes, there are various other teacher training programs directed specifically to the problems of teaching disadvantaged and handicapped youth.

The newest program is the National Teacher Corps. Activities to be undertaken by the Teacher Corps were covered previously in this report (in the discussion of compensatory education). But, as was noted there, the Teachers Corps is also a teacher training program.

To place this program in perspective, all teacher interns serving in the Teacher Corps are actually involved in a two-year academic program leading to a graduate degree in education. Teacher Corps teams are headed by experienced teachers who also supervise the inservice training of interns in the group.

Corps teams are assigned, at the invitation of local districts, to schools in areas with high concentrations of low-income families. They are under the full control of local officials and responsible to local authority.

VISTA

Local school districts can also take advantage of VISTA—Volunteers in Service to America. This is a program sponsored by the Office of Economic Opportunity for the purpose of creating a supply of trained volunteer workers to assist with programs for the economically disadvantaged. VISTA volunteers are recruited for one year of service, during which they are provided with free room and board and a monthly allowance of \$75.

Special emphasis is placed on using VISTA volunteers in pockets of poverty, among migrant workers, on Indian reservations, etc. Relatively few have been placed in schools as teacher aides but many are assigned to education-related community activities. All VISTA personnel are enrolled in a four-

six-week training program before being assigned.

If it appears that VISTA could be effectively used in your local school system, contact the local Community Action Group or the regional headquarters of the Office of Economic Opportunity. As a last alternative write directly to VISTA, OEO, Washington, D.C.

Civil Rights Act

There is one type of institute for which local officials can initiate action. Under Title IV of the Civil Rights Act of 1964, local school districts can seek aid in improving the ability of teachers and educational specialists to deal more effectively with conditions incidental to desegregation.

Financial assistance is available through the Office of Equal Educational Opportunities, USOE, according to the same guidelines established for NDEA institutes. Accordingly, Title IV institutes can be scheduled during the summer, as regular programs during the academic year or as part-time institutes. Support is also available for regular inservice training.

Direct preliminary inquiries to the Office of Equal Educational Opportunities, USOE, Washington, D.C.

Handicapped

Most support for training and education of personnel to become teachers of handicapped children is directed to undergraduate students or graduate students without teaching experience. There is, however, one program which local school administrators should keep in mind for new teachers who evidence a talent with handicapped children.

Individuals with at least one year of teaching experience with handicapped children are eligible to apply for fellowships provided under authority of the Education of Mentally Retarded Children Act. This class of eligibility is specifically intended for teachers who are preparing to become supervisors or administrators.

Recipients receive stipends of \$2,000 the first year, \$2,400 the second year, and \$2,800 during the third and fourth years. Each fellowship is for a one-year period but a recipient can be awarded as many as four fellowships, leading to a doctoral degree. In addition to the basic stipend, an annual allowance of \$400 is provided for each of the recipient's dependents.

Some local districts have arranged to supplement these allowances on the condition that the teachers return to the district after completing their studies. Local officials interested in more information about this program should contact the Office of Disadvantaged and Handicapped, USOE, Washington, D.C.

Experienced teachers

The newest fellowship program for experienced teachers was authorized by the Higher Education Act of 1965. This program provides up to two years of graduate study, including summer sessions. Stipends of \$4,000 per academic year are provided to each fellow, plus \$500 for each dependent up to four. Summer session stipends are set at \$800, plus \$100 per dependent. Thus the total allowance could run as high as \$7,200 if the fellow attended year round and had four dependents.

The fellowship program cannot be used for the purpose of earning a graduate degree at the doctoral level. It is basically a master's degree program. The fields of educational specialty covered by this fellowship program closely parallel subjects and areas supported by other federal aid programs, such as NDEA institutes.

The applicant can be a specialist in guidance and counseling, library science, educational media, school psychology or education of the disadvantaged. The following subject areas are covered: geography, history, social studies, English, mathematics, science, modern foreign languages, art and

music. The program can also be used to prepare teachers to be curriculum specialists, administrators or health educators.

If you are interested in more information about this new experienced teacher fellowship program, contact the Division of Educational Personnel Training, Bureau of Elementary and Secondary Education, USOE, Washington, D.C. 20202.

There are numerous other federal aid programs to support teacher training and education but this discussion has been limited to those programs of particular interest to local school administrators, in that these opportunities are open to teachers now employed by local districts.

PART 7. ADULT AND VOCATIONAL EDUCATION

Increasing emphasis is being placed on adult and vocational education. Recent legislation has bolstered programs in the Departments of Labor and Commerce as well as in the Office of Economic Opportunity. Such action reflects the economic necessity of improving adult and vocational education programs. Whereas new programs have been funded through various federal departments, administration of educational activities is still concentrated in the Office of Education.

Public schools aren't operating many of the adult and vocational programs being funded at the local level. A host of new quasi-public, nonprofit agencies are drawing on federal funds to support adult and vocational educational programs. Often these new groups, as well as some long established, are ill equipped and poorly staffed to properly operate such programs. Yet they are applying for the funds—and are receiving the grants.

Many of these groups are well intentioned. But that isn't the point.

The question is: What agency can provide the best possible adult and vocational educational programs?

The answer is obvious: public school systems.

Three programs

There are three major federal programs for support of adult and/or vocational education: the Vocational Education Act, the Manpower Development and Training Act (MDTA) and the Adult Education Act of 1966. Local school districts have an obligation to perform under both the Vocational Education Act and the Adult Education Act. Participation by local districts in MDTA activities is, however, discretionary.

Voc. ed. During the current year, over \$200 million has been authorized for matching voc ed grants to the states. Of this sum, approximately \$135 million will be designated for voc ed activities at the secondary school level. The balance will be directed to adult voc ed activities. In 47 of the 50 states, local voc ed programs are administered by the local school agency. Only Georgia, Kentucky, and North Carolina maintain separate voc ed school systems.

Due to the fact that state voc ed plans are required to provide "balanced" programs, some local requests for support often fail to obtain the assistance required. One-third of each state's allocation must be expended for adult voc ed training or construction of area voc ed facilities. Thus it becomes necessary for the statewide program to take precedence, while assigning priorities to local requests for aid.

Adult education. Local school authorities must become more extensively involved in adult education as a result of the El-Sec Amendments of 1966, which established the Adult Education Act under jurisdiction of the Office of Education. This program was previously administered with lower funding authorization by the Office of Economic Opportunity.

During the current year, approximately \$35 million will be allotted to the states according to a formula that is based on the proportionate number of adults who have com-

pleted not more than five years of formal schooling. As a general rule, a nonfederal contribution amounting to at least 10% of the project cost will be required. This provision may be waived if not feasible.

The purpose of this program is to encourage and expand basic educational programs for adults who are handicapped by their inability to speak, read, and/or write English. It is the objective of this program to prepare such individuals for occupational training and more profitable employment.

It thus becomes obvious that the Adult Education Act provides preparation for programs supported by the Vocational Education Act. Local districts should keep in mind the provision of the Adult Education Act which requires cooperation with local community action programs and other activities related to the antipoverty effort. This provision has become standard in virtually all education legislation during the past couple of years.

Manpower. The responsibility of local schools for MDTA programs isn't quite clear, even after three years of experience. Last spring, attention was drawn to the fact that private agencies were receiving MDTA grants, even when local schools offered to do the job at a lower cost. This caused some furor in the Department of Labor, as well as on Capitol Hill. There have also been instances when local schools weren't even invited to submit proposals for MDTA training. (And, there have been other cases when the schools were invited . . . but refused.)

All in all, it may safely be said that there is much room for improvement in school-MDTA relations. There is certainly justification to establish a mutually advantageous relationship. Local schools are generally prepared to fulfill MDTA training requirements and MDTA support can provide needed assistance to school voc ed programs.

MDTA projects are generally initiated at the local office of the Bureau of Employment Security (although impetus can come from the school district). BES identifies a group of unemployed, underemployed or unemployable individuals who could be trained to fill a gap in the labor market. A project recommendation is then forwarded through state and regional channels to Washington. If approved by the Labor Department's Manpower Administration, funding is authorized and the matter is referred to the U.S. Office of Education.

Now the entire process starts back again. USOE advises the appropriate state agency of the training request. The state agency is then responsible for making suitable arrangements at the local level. At this point, it would appear that local school officials should be contacted. But this isn't always the case. Sometimes another agency has already been recommended for the training function. In other cases, the state agency refers the matter to an antipoverty agency. In any event, there is too often some breakdown in communications.

Of course there are instances when MDTA projects are justifiably awarded to private businesses that are better qualified to provide specialized training or apprenticeship programs. In fact, private industry sometimes requests MDTA assistance to fill a critical manpower shortage.

It can't, in all fairness, be stipulated that all MDTA projects should be administered by local school districts. But it can be concluded that many local schools aren't taking full advantage of MDTA assistance.

More help

Numerous provisions of the Economic Opportunity Act can supplement adult and vocational education activities provided through the public schools. VISTA, Neighborhood Youth Corps, urban Job Corps centers, work-study for high school-aged youth and work-training for high school dropouts are possible areas of cooperative effort between schools and the local CAP.

One provision of the most recent amendment to the Economic Opportunity Act provides for greater coordination of government training programs, including vocational education. This effort to establish a more effective government-wide program will be under the direction of the President's Committee on Manpower.

Finally, bear this in mind. Various federal agencies provide materials for specialized adult and vocational education activities. The Internal Revenue Service offers a course in taxes. The Immigration and Naturalization Service provides textbooks for citizenship classes. The Small Business Administration will arrange for small business management seminar programs. The National Science Foundation provides a variety of adult science education projects. There's plenty of help available . . . but you have to ask for it!

WATER RESOURCES RESEARCH REPORT REFLECTS RAPID PROGRESS

Mr. ANDERSON. Mr. President, as required by law, the Secretary of the Interior has forwarded to the Congress his annual report on the program authorized by the Water Resources Research Act of 1964. This is the second annual report, and like the first one 12 months ago, the accomplishments reported reflect great credit on the program and its administrators. It is both multiplying our work on pressing water problems and speeding up the process of training water specialists in many related sciences and disciplines.

In the 2 short years of its existence, the water resources research program has provided support to university scientists and engineers in every one of the 50 States and Puerto Rico; thus enabling some of the ablest men in the Nation to apply their knowledge to solving urgent water problems of their States and regions. Under this program, more than 600 new water research projects have been started in these 2 years on almost every aspect of water resources. The projects include research in practically all branches of the physical, life, and social sciences, in engineering and in law related to water resources.

Through providing opportunities for employment as laboratory and research assistants, well over 1,000 university students are being helped to complete advanced technical training, thus providing professional manpower that is essential for carrying out water conservation and development programs of the State, Federal, and local governments, and of private industry.

Highlights of the first 2 years' accomplishments are summarized in Secretary Udall's January 10, 1967, letter to the President of the Senate:

1. The 51 approved water resources research institutes or centers that serve as focal points in the program are now fully organized. In addition to these 51 universities, 36 others have participated in the research program through affiliation with the institutes, so that an increasingly larger portion of the country's water resources and training talent is being brought into the program. Closer liaison is being developed with governmental units and operating agencies at local and State levels, many of whose representatives serve on the respective institutes' advisory boards. This helps assure an aware-

ness of research needs and enhances the development of research programs directed towards solving high priority problems.

2. The universities, largely with non-P.L. 88-379 funds, responded in 1966 to the challenges for better research and training facilities by employing over 300 new staff members from many scientific disciplines, developing more than 300 new water-related courses, and constructing many new laboratories. More than 1100 students serving as research assistants on approved projects received support from P.L. 88-379 funds and were enabled to obtain valuable training in the water resources field. Many well qualified staff members, who had not been engaged previously in water resources research, were brought into this field through encouragement of State institute directors.

3. Approval of 67 annual allotment and 71 matching grant projects under Title I of the Act during the first half of Fiscal Year 1967 brought the total of projects funded since initiation of the program to 674. Nearly 200 publications and 72 graduate student theses were produced during the year, and research results were beginning to be used in improved water management and conservation.

4. To facilitate the exchange of information and reduce undesirable replication of research effort in the water resources field, the Office of Water Resources Research, with the collaboration of the Science Information Exchange of the Smithsonian Institution, published catalogs listing current water resources research projects, and a water resources thesaurus. Research was facilitated, and high priority research needs were identified through publication of a bibliography on the socio-economic aspects of water resources and of state-of-the-art reports on selected water problem areas.

This second annual report of the cooperative water resources research program is testimony to the wisdom of the authorization. The Senate may take justifiable satisfaction and pride in having provided the legislative basis for this excellent and productive program.

The 250-page report contains much information on program activities in each of the States. I commend the report to my colleagues. It can be obtained by calling the Department of Interior, Office of Water Resources Research.

Included in the document is the report of a special Advisory Panel relative to the conduct of the program, its progress, and its prospects. The Panel was composed of eminent scientists, engineers, and persons distinguished in public affairs related to water resources. Members of the Panel were:

Mr. Harvey O. Banks, president, Leeds, Hill & Jewett, Inc., 120 Montgomery Street, San Francisco, Calif.

Prof. Lyle E. Craine, chairman, Water Resources Committee, School of Natural Resources, Department of Conservation, the University of Michigan, Ann Arbor, Mich.

Mrs. Bernard H. Flood, director, Water Resources, chairman, League of Women Voters of Massachusetts, 151 New Lenox Road, Lenox, Mass.

Mr. Frank Gregg, vice president, the Conservation Foundation, 1250 Connecticut Avenue NW., Washington, D.C.

Mr. C. W. Klassen, chief sanitary engineer, State of Illinois Department of Public Health, division of sanitary engineering, Springfield, Ill.

Dr. Allen Kneese, director, Water and Environmental Studies, Resources for

the Future, Inc., 1755 Massachusetts Avenue NW., Washington, D.C.

Prof. Philip E. LaMoreaux, State geologist, State oil and gas board, Post Office drawer O, University, Ala.

Prof. Ronald T. McLaughlin, Department of Civil Engineering, Massachusetts Institute of Technology, Cambridge, Mass.

Mr. Bernard J. Wachter, editor, Industrial Water Engineering, suite 2112, 333 North Michigan Avenue, Chicago, Ill.

Mr. William S. Wise, director, State of Connecticut Water Resources Commission, State office building, Hartford, Conn.

The advisory panel report deserves thoughtful attention. It is reproduced in full on pages XV to XXIV of the annual report. For brevity, however, I quote only the initial paragraph and the summary:

The Panel finds that the prospects for a water resources research and training program responsive to the needs of the American people have been enhanced significantly by activities carried out under the Water Resources Research Act. The States moved quickly in the first year of the program to organize and staff water resources research centers, and to devise research programs consistent with the purposes of the Act. During the second year—in numbers of projects initiated, numbers of projects completed, numbers of graduate students assisted in connection with research projects—the program has generated a remarkable level of activity. The Panel is pleased also to note the depth and diversity of research projects undertaken with assistance under the Act.

SUMMARY

The Panel concludes—

(1) that the presently funded programs authorized by the Water Resources Research Act are being intelligently and effectively administered;

(2) that a strategy and expanded program for producing trained personnel is urgently needed, and will require a substantial research effort to identify personnel and training needs and ways of meeting them;

(3) that there are urgent needs for expanded research efforts, including research on aquatic environments, on coordinated use and development of water and related resources, and on techniques for maintaining quality of re-used water—and particularly for studies in the social and behavioral sciences designed—

(a) to illuminate human perceptions of and attitudes toward water resources and water problems;

(b) to measure the impacts of water development on the broad spectrum of human needs served by water resources;

(c) to devise more effective institutions for water planning, development and management;

(4) that new and expanded efforts are clearly needed to communicate usable information on research findings and applicability to those in positions to make use of such information;

(5) that the matching grant program authorized by Title I, the Title II program, and the Water Resources Scientific Information Center should be fully funded if the Act is to effectively assist in assuring the Nation at all times of a supply of water sufficient in quality and quantity to meet the requirements of its expanding population.

Mr. President, for the ready reference of Senators I ask unanimous consent to append to my remarks the January 10, 1967, letter of the Secretary of the Interior to the President of the Senate,

the report of the Advisory Panel, and the summary of the annual report. A list of allotment and matching grant projects by States is contained in the report, which is available to Members on request.

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

LETTER OF TRANSMITTAL

U.S. DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,

Washington, D.C., January 10, 1967.

HON. HUBERT H. HUMPHREY,

President of the Senate,

Washington, D.C.

DEAR MR. PRESIDENT: This is my second annual report to the Congress of activities authorized by the Water Resources Research Act of 1964 as amended by P.L. 89-404 (80 Stat. 130).

During Fiscal Years 1965, 1966 and 1967, a total of \$16,740,000 has been appropriated for research and training under Title I of the Act and for coordination and administration purposes. Non-Federal financial support and contributions in kind have far exceeded minimum matching requirements. Public Law 88-379 funds have served as seed money to get research started and attract other support. There have been no appropriations for research under Title II of the Act, but with enactment of P.L. 89-404, on April 19, 1966, and the preparation of guides and review procedures by the Office of Water Resources Research, the stage has been set for activation of this part of the program.

From the many activities and accomplishments of this new program described in more detail in the appended report, the following may illustrate progress being made toward fulfilling the primary objective of the Act—"to assist in assuring the Nation at all times of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population."

1. The 51 approved water resources research institutes or centers that serve as focal points in the program are now fully organized. In addition to these 51 universities 36 others have participated in the research program through affiliation with the institutes, so that an increasingly larger portion of the country's water resources and training talent is being brought into the program. Closer liaison is being developed with governmental units and operating agencies at local and State levels, many of whose representatives serve on the respective institutes' advisory boards. This helps assure an awareness of research needs and enhances the development of research programs directed towards solving high priority problems.

2. The universities, largely with non-P.L. 88-379 funds, responded in 1966 to the challenges for better research and training facilities by employing over 300 new staff members from many scientific disciplines, developing more than 300 new water-related courses, and constructing many new laboratories. More than 1100 students serving as research assistants on approved projects received support from P.L. 88-379 funds and were enabled to obtain valuable training in the water resources field. Many well qualified staff members, who had not been engaged previously in water resources research, were brought into this field through encouragement of State institute directors.

3. Approval of 67 annual allotment and 71 matching grant projects under Title I of the Act during the first half of Fiscal Year 1967 brought the total of projects funded since initiation of the program to 674. Nearly 200 publications and 72 graduate student theses were produced during the year, and research results were beginning to be used in improved water management and conservation.

4. To facilitate the exchange of informa-

tion and reduce undesirable replication of research effort in the water resources field, the Office of Water Resources Research, with the collaboration of the Science Information Exchange of the Smithsonian Institution, published catalogs listing current water resources research projects, and a water resources thesaurus. Research was facilitated, and high priority research needs were identified through publication of a bibliography on the socio-economic aspects of water resources and of state-of-the-art reports on selected water problem areas.

As stipulated by the Rules and Regulations pursuant to the Act, a special panel composed of outstanding scientists, engineers, and laymen experienced in public affairs related to water resources was convened to provide advice relative to the overall program of water resources research and training authorized by the Act as amended. The Panel's report and recommendations are incorporated in my report. The Panel identified accomplishments and pointed out gaps which prompt attention is being given.

The 1965 Panel strongly recommended that Title II of the Act be amended to promote a more adequate program of water research. This was accomplished by P.L. 89-404. This year's Panel urges that research under Title II of the law be activated and that the authorized funds be provided if the Act is to effectively accomplish its purpose. I am in full agreement that this part of the program should become operative at the earliest possible date.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

SUMMARY OF THE 1966 ANNUAL REPORT OF THE OFFICE OF WATER RESOURCES RESEARCH

Whether considered from the standpoint of a fiscal, or a calendar year, 1966 was the first full year in which Federal funds were provided to support the new cooperative program authorized by the Water Resources Research Act of 1964 (78 Stat. 329).

The chief purpose of this Act is "to assist in assuring the Nation at all times of a supply of water sufficient in quality and quantity to meet the requirements of its expanding population."

Administered through the Office of Water Resources Research (OWRR) of the Department of the Interior, the Act authorizes the establishment and support of a water resources research center or institute in each State and Puerto Rico, and the promotion of a more adequate program of water resources research and training.

During the year, several progressive steps were taken to this end. Title I of the Act (P.L. 88-379) was fully activated. Public Law 89-404, approved by the President April 19, 1966, amended Title II of the basic Act, thus paving the way to bring additional water research competence to bear on the Nation's water problems by providing greater flexibility and authorizing larger appropriations for water resources research. Research under Title I got into full gear and research results began to appear in publications and be used in water resources planning and management. The scope of the program was broadened through modest increases in funding and senior investigators entering into new areas of research. The academic capability for research and training was strengthened. More students were attracted to the water resources field and provided financial support as research assistants. Good progress was made in scientific information exchange in the water resources field; in the development of long-range programs; in focusing on high priority research problems; and in improved administration of the program.

Research conducted under Title I of the Act is cooperative and often interdisciplinary in nature. In conducting the annual allot-

ment (Section 100) program in Fiscal Year 1966, \$4,462,500 of Federal funds were obligated. Of this amount, \$3,506,718 was in direct support of 415 annual allotment projects and \$955,782 for administrative and other functions of the offices of the State Institute directors. The participating colleges and universities, through other funds, services, and facilities, contributed \$2,624,234. Federal funds in the amount of \$1,500,000 for 72 matching grant (Section 101) projects were matched by \$1,673,249 of funds from other sources. Thus, under Title I of the Act, every dollar from P.L. 88-379 funds was matched by \$0.72 of other funds.

During the first half of Fiscal Year 1967, a total of 138 new projects—67 annual allotment and 71 matching grant—were approved. This brought the total projects funded since initiation of the program to 515 annual allotment and 159 matching grant projects. Most of these projects were active during Calendar Year 1966 and the Fiscal Year 1967 projects expanded the work of some of the State Institutes into new areas of research including socio-economic and planning aspects of water problems.

Although most of the research supported in this new program has been underway for less than a year, the field and laboratory work on 126 of the first short-term projects had been completed by the end of Fiscal Year 1966. Many other projects were scheduled for completion by the end of the calendar year. Also, results of studies had begun to appear in publications and theses and to be used in water resources management. For example—

139 publications based on 95 approved research projects had appeared or were in press at the end of June 1966;

72 graduate student theses or dissertations based on 53 projects had been produced;

16 other publications based on activities, such as symposia supported wholly or in part by P.L. 88-379 funds, had emanated from the program;

A study of water law by the Cornell University Center had resulted in a New York State statute clarifying the law as to private riparian rights;

Findings from a Florida study were of value in locating wells for the city of Arcadia, Florida, and are being used in the development of Gainesville's water supply;

Several new university courses have been generated or developed as outgrowths of research projects supported by P.L. 88-379 funds.

More than three-fourths of the principal investigators of research projects approved in this cooperative program hold Doctoral Degrees and most of the remainder Master's Degrees. These investigators were trained in at least 35 broad scientific disciplines, or fields, with engineers, biologists, geologists, economists, and chemists heading the list, but with social and political scientists and specialists from other fields participating also.

During Fiscal Year 1966, at least 60 engineers, scientists and other specialists were reported by the State Institute directors as having been attracted to the water resources field to employ, for the first time, their special talents in research on water-related problems.

Many instances were mentioned, also, in which modest P.L. 88-379 allotments or grants served as "seed money" to attract support from other sources for continuation of research initiated under this program, or for the development of other research projects.

Academic capabilities for water resources research and training were improved greatly during the year in recognition of growing needs for more and better research results and trained manpower. With encouragement and stimulation from OWRR, but with funds largely from other sources—State, Federal and private—the universities par-

ticipating in the P.L. 88-379 program have responded vigorously to new challenges in the water resources field by hiring new staff members, offering new water-related courses, constructing new laboratories and classrooms, and installing needed equipment. They reported:

Employing 305 new staff members from many scientific disciplines of whom 249 filled newly created positions and 56 were staff replacements;

Developing more than 300 new water-related courses, many of which were of a multidisciplinary nature involving interdepartmental cooperation;

Constructing dozens of new laboratories or other research and training facilities.

Graduate student training and research go hand-in-hand and the role of the Office of Water Resources Research in strengthening the Nation's academic capability in water resources training is largely through the support of research in which students serve as research assistants. More than 1,100 students drawn from 47 different scientific and engineering disciplines received support from P.L. 88-379 funds during Fiscal Year 1966. In addition, more than 2,500 students used P.L. 88-379 program supplies and equipment.

These students and others receiving support from different sources are thus encouraged to swell the number of students enrolling in water-related curricula—students who will constitute the much needed trained manpower to fill tomorrow's increasingly complex water resources positions.

Records of the numbers of students enrolled in water resources curricula in 1965-66 and the status of the graduates are incomplete; but, of 4,727 graduates who may be considered to have "majored" in water-related fields, the status of 2,623 was reported as follows:

1,292 (49.3 percent) obtained water-related positions—435 with private industry, municipal agencies, etc., 374 with Federal agencies, 268 with State agencies, and 215 with universities;

871 (33.2 percent) returned to school for further training;

460 (17.5 percent) went into military service;

A high percentage of Doctoral Degree graduates went into university research and teaching;

A relatively high percentage of Bachelor's Degree graduates went into operations and management work in the water resources field.

With the counsel of various university and State-wide advisory boards, and the cooperation of Federal, State, and local organizations, and private industry—representing both the academic and nonacademic community—the 51 water resources research institutes approved under the Act made important gains in developing more comprehensive and effective programs during the year. In addition to attracting new senior investigators into the water resources field and utilizing P.L. 88-379 funds as "seed money" to secure other support for research, they developed:

Cooperative agreements and arrangements whereby more departments or units of the universities at which the State Institutes are located, and more universities within the respective States, participated in the program in such a way as to better utilize the research competence available;

Well conceived research programs recognizing both current needs and potential water resources problems;

Closer relations with, and better understanding of, action agencies and their needs, which resulted in activities of consequence to water resources planning and management at local and regional level.

The Office of Water Resources Research, aided by recommendations of the special panel convened in 1965 to advise on the

overall program, and with the advice and cooperation of consultants, Federal and State agencies, private research institutes, and the academic community has:

Sponsored state-of-the-art studies and reports designed to aid program participants and others in focusing on critical gaps in water knowledge;

Distributed to program participants and others—calling their attention to the significance of the same—state-of-the-art reports on watershed hydrology and water quality, a report on areas of defense and space technology applicable to water resources research, and the report, "A Ten-Year Program of Federal Water Resources Research," prepared by the Committee on Water Resources Research of the Federal Council for Science and Technology;

Issued 34 publications authored by OWRR staff members, or prepared under contract with OWRR, including the Water Resources Catalog of currently supported water resources research projects to aid in the exchange of information and to avoid undesirable duplication of research effort, a Bibliography on the Socio-Economic Aspects of Water Resources, a Thesaurus of Water Resources (scheduled for early publication);

Continued its liaison with the many agencies and organizations having a significant interest in water resources;

Developed guides and policy statements for the effective administration of research under Title II of the Act, when that part of the program is funded; and

Worked closely with the 51 approved water resources research institutes and the cooperating universities in the screening and evaluation of projects and the progressive development of the Title I program.

No major problems were encountered during the year, either in OWRR or at the institutes, but some institute directors mentioned as factors limiting the development of the program in their respective States: scarcity of funds, inadequate space, and lack of qualified manpower in certain specialized areas. The outlook for resolving these problems is good in that more State legislatures are appropriating additional funds for water resources research—including matching grants; more laboratories are being built; one of the valuable outputs of the Title I activities will be trained manpower; and, with the passage of P.L. 89-404, the way is clear for activation of research under Title II of the program.

REPORT AND RECOMMENDATIONS OF THE PANEL¹
CONVENED TO REVIEW OPERATIONS OF THE
OFFICE OF WATER RESOURCES RESEARCH, U.S.
DEPARTMENT OF THE INTERIOR, DECEMBER 5,
1966

The Panel finds that the prospects for a water resources research and training program responsive to the needs of the American people have been enhanced significantly by activities carried out under the Water Resources Research Act. The States moved quickly in the first year of the program to organize and staff water resources research centers, and to devise research programs consistent with the purposes of the Act. During the second year—in numbers of projects initiated, numbers of projects completed, numbers of graduate students assisted in connection with research projects—the program has generated a remarkable level of activity. The Panel is pleased also to note

¹ The Panel met on November 29 and 30, 1966, to review operations of the Office of Water Resources Research. The Office was represented by its Director, Roland R. Renne, and its Associate Director, E. D. Eaton. The Panel had reviewed a draft of the 1966 Annual Report of the Office, prepared pursuant to the Water Resources Research Act of 1964 as amended, and had access also to other pertinent documents.

the depth and diversity of research projects undertaken with assistance under the Act.

A measurable increase in OWRR support of priority research as identified by the Committee on Water Resources Research, Federal Council for Science and Technology, took place within the year. This responsiveness to urgent problems is indicated by a substantial proportional increase in research related to water resources planning, identified as the most promising area for expanded research effort by the Committee.

The Panel agrees with the stated policy of OWRR to encourage concentration on research areas which are not receiving adequate attention in other research programs, i.e., in the mission-oriented research activities of public agencies, and in product and process development research by private industry.

The Panel notes with approval the efforts of the Office both to encourage research in priority areas, and to respect and support investigators whose competencies and interests are in other areas.

The Panel is particularly pleased to see that most of the water resources research centers have developed programs beyond the minimum required to qualify for assistance under the Act. Universities at which centers have been established are expanding curricula relating to water resources research, development and management. New and revised course offerings have been developed. New faculty positions have been created and filled, and additional graduate students attracted. It is clear that the depth of scholarly interest, the quality of intellectual leadership, and the allocation of financial resources by universities have been enhanced significantly as a result of the program.

A number of centers have established effective working relationships with other universities, and with agencies and institutions in the States, leading to further strengthening and sharpening of research and training effort. The Panel notes that the quality of coordination between the centers, other universities and resource agencies varies widely among the States, and suggests that the Office take appropriate steps to encourage strengthening of intrastate cooperation. This should include research coordination with action agencies on field problems.

The level of activity now underway confirms the judgment of the Congress in authorizing the program. The Panel notes, however, that two years of experience is not adequate to appraise the program's contribution to meeting the Nation's water needs. The Panel urges that the Office of Water Resources Research, and those carrying out research and training programs under the Act, initiate promptly and pursue vigorously a special effort to devise and apply objective criteria for evaluating effectiveness in terms of contributions to the body of knowledge available for dealing with water problems, and to the supply of well-trained personnel for both research and management.

GENERAL PROGRAM GUIDELINES

The Panel devoted much of its time to an analysis of the operations of the Office of Water Resources Research in the context of broad needs, opportunities, and goals. The Panel did not attempt to evaluate the quality of specific research projects nor to analyze the applicability of current research efforts to major problem areas. The Panel did consider and devise recommendations on a number of matters relating to policy and general program guidance which are set forth in the following paragraphs.

The Panel believes that the conceptual basis for the water resources research programs funded under the Act must be a concern for the broad range of human needs served by water resources. The observation may be obvious. However, the Panel believes it deserves emphasis since there is a natural

tendency to relate research objectives to current problems of water management as viewed by specific institutions, agencies and groups. Research designed to resolve such problems is most likely to serve the broad public interest if the conceptual framework for the entire program reflects the overriding dependence of human society on the quantity, quality and distribution of water and related resources.

The Panel urges also that the conceptual basis for the program include specific recognition of the interdependence of water resources management with the management of other natural resources—indeed, with all activities affecting the physical environment. The concept is both ecological and social—that is, it recognizes the complex systems of natural and social interactions which arise from changes in the physical environment. The acceptance of this concept, and the development of systematic research to anticipate and consider such interactions, is essential to responsible environmental planning and development.

More specifically, the Panel recommends increased emphasis on water resources research projects designed to improve the coordination of water resources planning with other physical planning programs, such as urban regional planning, highway planning, outdoor recreation planning and land-use planning. The Panel recognizes that the effective integration of all physical planning activities (not to mention the integration of physical and social planning) is extremely complex. But the accomplishment, of which adequate and well-distributed supplies of water is an element, cannot be accomplished without substantial improvement in planning and program coordination.

The Panel further recommends increased concentration on research to improve techniques of systems analysis for application to water resources planning, development and management. Integrated management of total water systems will require also intensive research to improve the technologies of development and of operations.

TRAINING

The Panel finds that the stated training objective of the Act is being served. The Act envisions the accomplishment of training objectives through assistance for graduate students engaged in research projects. Over 1,300 students have received assistance under the Act.

Still, the demand for trained personnel and highly qualified research staffs is acute. Productive research on critical problems is much more likely to be inhibited by shortage of qualified personnel than by constraints on the funds available.

The Panel suggests that the need for trained personnel may require the development of a more purposeful training strategy, roughly comparable to the development of objectives and priorities for research.

The Panel recommends that the Office consider funding research projects designed:

(1) to further clarify future needs for trained water resources personnel, including personnel for research, for planning and for the performance of water management jobs in operating situations;

(2) to improve utilization of personnel—to avoid the diversion of high quality research talent, and ineffective utilization of professional managerial and operations manpower, for tasks that can be performed by less highly trained personnel, perhaps especially through strengthened ADP techniques;

(3) to recommend appropriate actions to improve training at all levels.

The water resources research centers are uniquely qualified to consider, individually and cooperatively, a strategy for meeting future personnel needs in water resources research, planning and management, and to design improved curricula for these purposes.

It will be necessary, however, to complement the competence of the centers by drawing upon specialized educators from other universities and upon the experience of practicing water resources professionals.

The Panel considers it likely that research will identify training needs which cannot be met effectively by training related exclusively to research projects. The Panel suggests that thoughtful consideration be given to authorizing the Office of Water Resources Research to carry on a broadened program to improve professional training. Research should be supported to provide a factual basis for appraising these needs and for determining effective means for meeting them.

AREAS FOR INTENSIFIED RESEARCH

The Panel finds, as did the Panel convened in 1965, a significant gap in research in the social and behavioral sciences. Solutions to the most pressing water resources management problems require the understanding and support of a wide range of private and public institutions and agencies, as well as by the unorganized public.

The ways in which people and institutions perceive water and water problems—in the values assigned to water, the uses they wish to make of water, their recognition of and attitudes toward solutions to water problems—will be the ultimate factors determining the wisdom with which water resources are conserved and developed. Knowledge of the properties of water, of techniques for planning, of cleansing, of efficient utilization, of costs and benefits is essential. But the degree to which knowledge actually is used is a function of attitudes.

Recent studies on perception of flood problems, for instance, suggest that attitudes of flood plain occupants pose severe obstacles to the implementation of flood damage control programs based on hydrologic and economic analysis.

The Panel recommends emphatically an increased concentration of effort to determine how and why individual citizens and public and private institutions perceive and react to water and to water problems.

The Panel recommends continuing emphasis on research to improve administrative arrangements, including State, local, and regional public agencies for water resources planning and development. There is special need for better ways to encourage informed public participation in water decisions.

The Panel also recommends increased emphasis on:

(1) Research in aquatic environments generally. The Panel finds that lack of basic knowledge of aquatic communities is a significant limitation on effective water management. Estuaries, receiving the cumulative effects of upstream water uses and affected by the transition from fresh to saline conditions, are especially complex and vulnerable. An increasing amount of estuarine research is underway; further acceleration is needed, with special emphasis on the interactions of various factors affecting estuarine environments. Further, the Panel finds a serious gap in specific information for the effective management of fishery resources, especially in knowledge of requirements for optimizing fishery values as distinct from requirements for bare survival.

(2) Research on coordinated use and development of water and related land resources. Recreational uses of waters and associated shorelines, for instance, can be sensibly planned only on the basis of joint study of the water and the land. The Panel finds a concentration in the current program on studies of water and water problems as such, and a corresponding shortage of coordinated studies of water and related resource values.

(3) Research on water quality management as related to re-use of water, and particularly on treatment to meet quality de-

mands in situations where supplies consist largely of re-used water. The strong interrelationships between water supply and quality management suggest the need for examination in a systems framework drawing upon operations research methodologies.

APPLICATION OF RESEARCH FINDINGS

The Panel, as suggested above, is concerned that research findings be made available promptly in usable form to those who influence or make decisions about water resources conservation and development. The Panel commends the Department of the Interior and the Office of Water Resources Research for the established program of the Water Resources Scientific Information Center. By providing abstracts of published research, the Center should assist substantially in improving communication among researchers.

The Panel believes strongly that the Office of Water Resources Research should undertake a considerably expanded and strengthened information dissemination program on research findings.

First, the Panel recommends that the Office expand the Center's activities to provide abstract services on significant research conducted abroad, and to extend the services of the Center to scientists and professionals in appropriate fields at all levels of Government and private institutions. As now planned, the service would be provided primarily to Federal agencies and the water resources research centers.

Second, the Panel recommends that the Office, in addition to providing abstracts of research reports, develop a program to analyze the application possibilities of research, and to disseminate such information to those in positions to make use of it.

The Panel recognizes the delicacy of OWRR itself expressing judgments on the relevance of research done by others. The Panel suggests, therefore, that OWRR commission papers by outstanding individuals or panels to prepare papers evaluating the applicability of available knowledge to selected critical water resources problems. (Such "state of the art" studies may be carried out in connection with the 1965 Panel recommendations for perspective studies of research progress needs, but should go beyond these in relating research findings to current and foreseeable problems.) The Panel explicitly encourages a systematic effort to review the potential usefulness of water resources research undertaken abroad.

Organizing and disseminating information on the applicability of research findings may require reports written especially for various levels of technical competence, i.e., for scientists, practicing professionals, administrators, policy-making public officials and responsible private citizens.

The Panel recommends, also, that the Office develop procedures for application of research findings in actual water resource planning, development, and management programs. Resource management agencies and administrators are understandably reluctant to pioneer the application of untested techniques. "Real world" examples are persuasive. A program providing for prototype applications of promising and significant research findings may be decisive in encouraging the use of improved ways of managing water. The Office of Water Resources Research should work closely with other Federal agencies providing assistance to water resource projects, such as the Federal Water Pollution Control Administration, to encourage the application, for demonstration purposes, of new research findings.

The Panel recognizes that these recommendations may considerably broaden the mission of OWRR. It believes, however, that the public investment in water resources research and the urgency of water resource problems require painstaking efforts to en-

courage the effective use of new knowledge as it becomes available.

FULL IMPLEMENTATION OF THE PROGRAM

The Panel urges full funding of the programs authorized by the Act.

The matching grant program has not yet been funded to the authorized level. Research projects are now awaiting funds for their implementation; and applications continue to expand the backlog. The matching grant program serves a highly useful purpose in OWRR's total program, perhaps especially in generating non-Federal dollars for research projects of immediate State and regional concern. The program should be fully funded.

The Panel most urgently recommends the full funding of Title II, authorizing grants and other arrangements to utilize a wide variety of competencies not effectively drawn upon through the water resources research centers: other universities, foundations, private research and consulting firms, business organizations and qualified individuals.

In considering the magnitude of the water resources research and management task, it is clear that the best minds available will be required to find workable solutions to the most difficult and pressing problems.

The water resources research centers will continue to play a central role in developing increased research capacity through education and training, and in undertaking research assisted by the allotment and matching programs under Title I of the Water Resources Research Act.

The flexibility provided by Title II is needed especially to permit concentrated attention on complex research projects in priority research categories, making use of the full range of talents available, including the centers.

Through consultation with directors of the water resources research centers, other advisers and consultants, and commissioned papers on progress and needs in major research areas, OWRR is in a unique position to use a portion of Title II funds to marshal research resources where needs and opportunities are greatest.

Title II funds may be used to fund strategic assaults on pressing problems, simultaneously involving a variety of disciplines and approaches. In a sense, Title II provides a vehicle for a systems approach to water resources research not unlike the successful research and development programs undertaken in recent years in Government, universities, and private industries in the aerospace fields.

SUMMARY

The Panel concludes:

- (1) that the presently funded programs authorized by the Water Resources Research Act are being intelligently and effectively administered;
- (2) that a strategy and expanded program for producing trained personnel is urgently needed, and will require a substantial research effort to identify personnel and training needs and ways of meeting them;
- (3) that there are urgent needs for expanded research efforts, including research on aquatic environments, on coordinated use and development of water and related resources, and on techniques for maintaining quality of re-used water—and particularly for studies in the social and behavioral sciences designed:
 - (a) to illuminate human perceptions of and attitudes toward water resources and water problems;
 - (b) to measure the impacts of water development on the broad spectrum of human needs served by water resources;
 - (c) to devise more effective institutions for water planning, development and management;
 - (4) that new and expanded efforts are clearly needed to communicate usable information on research findings and applica-

bility to those in positions to make use of such information;

(5) that the matching grant program authorized by Title I, the Title II program, and the Water Resources Scientific Information Center should be fully funded if the Act is to effectively "assist in assuring the Nation at all times of a supply of water sufficient in quality and quantity to meet the requirements of its expanding population."

AVIATION'S PROBLEMS AHEAD: "A SYMPATHETIC TABULATION" FROM NEW YORK TIMES

Mr. MONRONEY. Mr. President, the problems facing aviation during the coming decade are exceeded only by the promise which aviation holds in terms of increased service, lower fares, greater mobility for the people of this country, and a shrinkage in the time-distance barrier which separates the nations of the world.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article from the January 15 issue of the New York Times, entitled "A Sympathetic Tabulation of Aviation's Problems: 747 Jet, the SST, Fourth Jetport." Mr. Friedlander's remarks, do, indeed, treat aviation problems with sympathy, but with frankness and full recognition of their magnitude.

Congress, if not this year then next, must face up to the growing airport crisis mentioned in Mr. Friedlander's article. The aviation industry is the greatest and most expanding segment of our national transportation network. Any gaps in this network, such as inadequate airports, will create serious traffic blockages, not only for aviation, but for other modes of transportation. Also, traffic congestion at airports will back up into our already overcrowded and congested cities unless, for example, our Interstate Highway System provides convenient and rapid access to our airports.

It is estimated that \$5 billion needs to be spent on airport construction and improvement during the next 10 years. Securing that amount of public investment is a monumental task in itself. But success in raising the necessary funds could very well be frustrated if State and local governments do not solve, on the local level where they should be solved, problems such as the selection of airport sites, which has become a controversial issue in New York City.

Unless aviation's problems are solved the bright promise of new breakthroughs in technology, such as the SST and the giant jets, cannot be attained. I commend Mr. Friedlander's article to the attention of Senators.

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

[From the New York Times, Jan. 15, 1967]
A SYMPATHETIC TABULATION OF AVIATION'S PROBLEMS: 747 JET, THE SST, 4TH JETPORT
(By Paul J. C. Friedlander)

These are exciting days for the travel industry, days filled with developments that are already changing the basic pattern of world travel and will most certainly change it almost beyond present concepts in the next half-dozen years. Three recent and major steps, seemingly disparate, are so in-

extricably connected and jointly involved in the future of all kinds of travel that they warrant being held up and examined without benefit of the statements of advocacy and opposition that welcomed and followed their announcements.

These steps are the Jan. 1 inauguration of new, and sometimes lower, fares for package tours on international air routes; the decision by the Federal Aviation Agency to have the Boeing Company build America's supersonic air transport, while General Electric builds the SST's engines, and the suddenly revitalized project for that fourth jetport for the New York metropolitan area, plus the amazing hoop-la sent up like anti-aircraft fire by those vehemently for, against and uninterested in the jetport proposal.

NEW PROPOSAL

To the spate of jetport comment, some of it informed and much either wildly uninformed or representing deeply vested interests, has just been added Governor Rockefeller's proposal that his Metropolitan Commuter Transportation Authority be moved into the jetport debate.

How this will help solve anyone's problem is difficult to judge, since that authority seems to be having trouble keeping its present major responsibility, the Long Island Rail Road, running or doing such comparatively simple things as equipping its coaches with electric lights that light or seeing that the cars are even properly swept out. Which only points up the sad fact that the traveling public often is forced to lean upon some rather weak governmental reeds.

This may explain why the airlines and their related industries, and parts of the traveling public, were prompt to admit that they were happy with the F.A.A. choice of Boeing. It was no secret behind the secrecy officially enforced by the F.A.A. that the airlines voted heavily for Boeing over its competitor for the air-frame contract, the Lockheed Aircraft Corporation.

The issue between General Electric and the Pratt & Whitney Aircraft Division of the United Aircraft Corporation, its competitor for the engine contract, was not as fiercely defined. The carriers have been successfully using all kinds of Pratt & Whitney engines through generations of piston and jet airlines.

PREVIOUS EXPERIENCE

Airline executives freely noted that their experience with Boeing planes, especially the jet series beginning in 1958 with the first 707 four-engine passenger jet, through the intercontinental versions of that plane and on through the highly successful three-engine 727 jet, has been good. This is translatable into good mechanically, and especially good as moneymakers.

Thus, in a gamble as big as the SST decision, it was logical for the airlines to vote on the basis of past performance in the important areas of safety, reliability, passenger acceptance and operating costs and profits. It might be that those who have been arguing against a "monopoly" manufacturer in a project this big, and so well supported by the Federal Government, have failed to consider the choice and voice of the airlines—certainly as primary a set of participants in the SST program as any other group of citizens.

Unfortunately, much of the preliminary thinking and paperwork, and the computer computing, had to be done in great secrecy during the SST competition. Consequently, many of the comments and reports being published about the SST—its characteristics, the country's need therefor and the like—are not as firmly backed by facts and information as they should be.

One example: There is much talk about building a second, smaller supersonic plane for domestic flights on the theory that the big SST will make too much of a sonic boom to be tolerated in flights across this country.

LESS NOISE DOUBTFUL

The simple fact is that no one in the airline business is yet convinced, save a few often-quoted, unnamed advocates of a second, smaller "domestic SST," that a smaller plane will make a bang more acceptable to the residents beneath it than the big one will.

The British-French Concorde, which will be smaller than the American SST and fly at 1,400 miles an hour, against 1,800 for our plane, is expected to make a bang plenty big enough to make its presence felt.

Anyone who has felt and heard the sonic boom caused by a small supersonic fighter, and the boom caused by a large supersonic bomber, can question the seriousness of the talk about a small domestic SST. Experts in the airplane business agree now that, at the present stage of the art, supersonic planes go boom in all sizes, and earthlings in a 50-mile-wide swath in the path of the SST's will hear and feel the boom.

The noise is caused by the shock wave created in the air by the leading edges of the plane compressing the air ahead of it at speeds above the speed of sound. In five or six years, perhaps, a solution to the boom problem may be found; the search is on intensively enough to warrant hope.

OVER WATER ONLY

Until that day, the supersonic passenger planes probably will be flown at supersonic speeds only over large bodies of open water—oceans and seas the size of the Mediterranean and the Caribbean—so that the boom problem will be one for salt-water fish and their friends and associates.

In recent months, Trans World Airlines has been busy flying the projected American SST through a computer so as to determine many things about what its life with that plane will be like when it comes out for passenger service in 1974, three years behind the Concorde. T.W.A. found that it can live happily, and probably profitably, with the SST by using it at supersonic speeds over open water and flying it at subsonic speeds over land masses. This is the roughly 600 miles an hour that today's passenger jets aim for.

Thus, a T.W.A. round-the-world SST flight route would go supersonic across the North Atlantic as soon as it was above 40,000 feet and off the shores of Long Island, dropping back down to subsonic flight when the plane skimmed over the shores of England or France.

If it were going New York-Rome nonstop, this plane would fly subsonic across France and northern Italy. From Rome, the east-bound plane could skirt westward out over the Mediterranean and then swing supersonic around Sicily and eastward to Cairo, Tel Aviv or Beirut.

From the Middle East, it could possibly dodge down the center of the Persian Gulf as a supersonic or, at subsonic speed and sound, skirt overland to the south and east until it caught the edge of the Indian Ocean. There it would zoom up from 600 to 1,800 miles an hour for India.

The plane's progress up the Asian coast would be a series of supersonic loops out to sea and back to the destination airport or, subsonically, it could follow today's overland routes. Across the Pacific to North America, it would head straight out to open water and an 1,800-mile-an-hour booming flight until it reached land at Hawaii or Alaska and the West Coast. Across the United States, the last leg would be at subsonic speeds.

The time loss around the world because of sonic-boom deviations is slight: Block-to-block time, which is measured from the time engines are started for each segment of the flight until they are stopped at the next terminal, would be 21 hours 2 minutes for a completely supersonic flight and 25 hours 12 minutes for a flight supersonic over water and subsonic over populated land masses.

The penalty in time would be 4 hours 10 minutes. Today's subsonic jets go around the world in about 60 hours.

Robert W. Rummel, vice president for planning and research for T.W.A., said the computer told T.W.A. that it would, of course, do better flying the SST supersonically over land as well as water. However, the machine indicated that, even with restrictions limiting use of the SST at full speed and power over land, the penalties in time and operating costs would not be impossible.

Boeing has argued that its SST could fly subsonically at the same, or possibly even lower, cost per mile and per passenger-mile than today's subsonic jets. Its statistics show such a marked operating cost improvement anticipated from many factors, including greater daily utilization of the SST, that, the company claims, boom penalties would be sufferable by the airlines.

ARGUMENTS DISPUTED

The T.W.A. dry runs of the supersonic would seem to dispose of the strange arguments for building immediately a second, smaller domestic-size supersonic. With the Boeing SST and the Concorde, there would seem to be, at this stage of the SST development, no crying need for another smaller plane.

Airline executives now anticipate flying the Boeing subsonically during the 730 miles from New York to Chicago and then folding its wings back for supersonic flight for the 1,742-mile hop from Chicago to Los Angeles. There, the time differential would pay both the passenger and the airline.

It would seem, therefore, that talk of a second, smaller supersonic American project could be laid to rest for the time being, the time limit being until the sonic boom problem is eventually licked. Until then, it has the ring of a political approach to the problem of compensating workers and areas that did not get the big SST prize.

Mr. Rummel and other airline executives also laid to rest the cries from some quarters that the SST must be stopped at all costs because of the large Federal investment, which is to be recovered out of the purchase price of these planes; the boom noise, and besides, if the Good Lord had wanted anyone to fly that fast, etc.

With the successful determination of Britain and France to build their Concorde SST, the supersonic plane is an accomplished fact. Airline executives say that, once one airline lays on an SST across the North Atlantic, all the other competing airlines must, by the nature of their highly competitive business, offer as big and as fast airplanes.

For all their pleas for slower and quieter transportation, recent history has proved that when they become airline passengers, people demand the fastest, slickest, newest airplane available. They will pass up last year's plane to ride this year's, if this year's is faster, prettier or more comfortable, as well as being newer.

This may or may not be the way to advance civilization, but this is the way people behave, and in aviation and travel, as well as in other forms of retailing, the customer is right, or at least treated as if he were.

Moving on to the jetport controversy, it is the Boeing 747, the 500-passenger, subsonic super-jet that is sometimes impertinently called the jumbo jet, which is as much responsible for the revival of this project as its big brother, the SST.

LOWER COSTS

The 747, a monstrous plane that will fly about 30 miles an hour faster than today's subsonic jets but at much lower operating costs, is only a couple of years away. And when it starts unloading its large economy-size passenger manifests upon today's airports, there is going to be large, economy-size trouble:

Trouble for the airlines in getting that many people on and off a plane in a short time.

Trouble inside the terminals trying to provide for all those people on each flight, and their friends and welcoming committees.

Trouble trying to get the baggage to the right passengers in as few minutes as some airlines actually are doing this job today.

Trouble for the airport operators, who will need more airport roads, more parking space, more airport buses and, even though many of them appear to hate this thought, some high-speed, electrified railway line to get all these people to and from metropolitan centers.

Even without the 747 in the offing and the SST beyond the horizon, many of today's airports are already obsolescent in that, at peak times, they cannot handle their aerial and ground traffic. And when the weather goes bad, both kinds of traffic control fall sadly apart.

New York City is particularly vulnerable, since it is the aerial gateway to North America from Europe and South America, and since most of the foreign-bound pleasure and business travel originating inland wants to stop off in New York going and/or coming.

In aviation circles, it is generally accepted that politics, money and personalities have delayed airport development for the metropolitan area. The airlines have long had an airport committee whose function, until about a month ago, was to fight vigorously all proposals, principally from the Port of New York Authority, for a fourth jetport.

AIRLINES' VIEWS

Deep-seated reasons behind this seemingly regressive attitude were generally listed as these:

A mistrust of the Port Authority, which many airline people visualize as an octopus squeezing them and their industry in regulations and financial charges for airport usage.

A strong desire not to have to build new and costly terminal buildings and equipment at a new airport, one whose capital costs and whose employee staffing costs would pile up on top of the airlines' present high airport operations costs.

A fond, now seemingly evaporating, hope that progress in electronics and in automatic zero-zero weather landing systems and airways controls would soon improve landing and take-off operations in good weather and bad, thus speeding plane movements on and off the ground and increasing the plane capacity of today's airports.

An equally fond hope that the VTOL (vertical take-off and landing) and STOL (short take-off and landing) planes would be just around the end of the runway, taking some of the short-haul pressure off the big planes and picking up and dropping passengers in the heart of Manhattan. While some people are still talking glibly about building runways in the East and North Rivers for leapfrogging passengers to and from the big airports and from shuttle-distance cities, many of them are now having second serious thoughts.

These planes are, at best, a half-dozen years away, if their development moves that fast; and how will they cope with fog, rain, sleet and no visibility on the edges of Manhattan's skyscrapers?

So another jet airport seems indicated in four or five years, although, even if everyone involved moves at full speed, an airport the size of a fourth jetport for New York City may be 10 years in the making.

A nine-airline Metropolitan Airport Committee, in a fascinating reversal of position, called a news conference late in December to announce that it had come out for a fourth jetport, it knew not where. And it had not given up on its proposal to remove general aviation—that is, private pleasure and business flights from La

Guardia, Newark and Kennedy Airports—and base it at a new airport, preferably on Staten Island. Or maybe someday at Floyd Bennett Field, which is within sight and sound of jet traffic to and from Kennedy Airport.

FOURTH JETPORT

This public relations minuet preceded by only a few days the long-heralded report by the Port Authority on its canvass of possible sites for the fourth jetport. As was expected, the Port Authority found all candidates for the airport sadly wanting, save its favored marshy area in Morris County, N.J., which was partly converted into a Federal wildlife sanctuary when the authority first made eyes at this site back in 1959.

The authority said it found proposed sites in Orange County, N.Y., in northern New Jersey and in Suffolk County, near the eastern end of Long Island, unworthy because of their remoteness that would require high-speed rail transportation systems to reach the airport and its passengers within reach of Manhattan.

Students of the Port Authority, and its view on airports and on ground transportation, smiled knowingly over this report. The Port Authority owns and operates the Lincoln and Holland Tunnels and the George Washington Bridge between New York City and New Jersey, and it collects the tolls for vehicles using them.

Its friendly counterpart, the Triborough Bridge and Tunnel Authority, owns and operates, and collects tolls from vehicles using, the Queens-Midtown Tunnel, the Triborough Bridge, the Whitestone and Throgs Neck Bridges and the Verrazano Bridge.

All these amenities are predicated on tolls collected from rubber-tired conveyances, and their bonds are backed by and paid for by these seemingly endless tolls. Close observers, therefore, never expected that the Port Authority studies ever would find it feasible to build an airport where traffic to and from the airfield would not use either tunnels or bridges, or some kind of rubber-tired ground transportation.

These two authorities have a rather solid grip on the river-crossing situation in and around New York City. By the contracts that established the Triborough Bridge Authority, it has the exclusive right to build all highway, bridge and tunnel crossings of the East River between its Midtown Tunnel at 34th Street and 125th Street, site of the Triborough Bridge landfill in Manhattan.

AUTHORITY'S RIGHTS

The Port Authority has an even wider swath of exclusivity. Its rights to bridge and tunnel crossings between New York State and New Jersey are in the 25-mile radius drawn from the Statue of Liberty. The New York Thruway crossing of the Hudson at Tappan Zee is exempt from this radius because both ends of that 50-cent toll bridge are anchored firmly on New York State terrain.

Enthusiastic as it is for automobile bridges and tunnels—original plans for the George Washington Bridge allowed for a railway line across the second level, but it was never built—the Port Authority has, with great self-restraint, remained aloof from rail transport.

The exception is PATH, the salvage job of the Hudson Tubes that was almost forced upon the authority.

This restraint must seem odd to anyone who has ever tried to get across the Hudson River in an automobile, taxi or bus to catch an airplane at Newark, or simply to drive to the Jersey shore or to find driving space on the Jersey or Pennsylvania Turnpikes. There are odd hours when this is a simple feat, but not on the Friday of a Fourth of July or Labor Day weekend, or, for that matter, any summer Friday.

TWO HOURS ALLOWED

Experienced motorists and airline passengers then allow a minimum of two hours for what should be a 30-minute run from Times Square to Newark Airport. What might this river crossing be like if a fourth jetport were to be built around Morristown, which, the Port Authority says, is 50 minutes by car or Carey bus from Manhattan?

The only slight hope for the airline passenger of the future appears to be in a fourth jetport situated somewhere on a rail line that can be improved, or where a high-speed electric railway can be built leading straight into midtown New York, tunneling under either the Hudson or the East Rivers.

But to get this, someone may have to wrestle the Port of New York Authority and the Triborough Bridge Authority two falls out of three, all the way up to the Supreme Court.

Now, how do the jetport debate and the impending 747 jumbo jet and the farther-off supersonic jet relate to each other and to the new excursion fares for air travelers willing to go on loosely gathered package trips in groups of 15?

MORE PASSENGERS PREDICTED

At a farewell news conference the other day, Willis G. Lipscomb, who is retiring as senior vice president for traffic and sales of Pan American World Airways, predicted that this new group rate, which Pan American pioneered and literally forced upon the other international airlines, will result in about a 14 per cent increase in air traffic this year. This, he spelled out, would be on top of the anticipated normal 14 per cent or so growth in air passengers.

This rate of increment in air traffic could easily continue and, given better price inducements, increase in the next half-dozen years. The 747's must, by their very presence and nature lead to better merchandising of air travel and larger numbers of people being put aloft in the commercial airliners.

The SST, judging by the impact on travel and traffic of its predecessor subsonic jets, will stimulate air traffic even more, while the increased speed, capacity and operating economies of these new planes must lead to fare reductions. Not the first year or two, when the airlines will be in transition with mixed fleets of slow jets and fast SST's, and surcharges may be levied, as they were with the first jets, to force passengers on to the older, subsonic jets.

AVIATION BOOM

Even a pessimistic observer of the airline industry cannot reach any other conclusion but that an aviation explosion—one of greater intensity than that of the automobile explosion in this country between 1918 and 1929—is just around the end of this decade.

The threat—for, in a negative sense, that is what the new planes are to old-fashioned airport operators—of the new generation of faster and bigger planes, coupled with the fare reductions that their merchandising will enforce, ties the airports, fast ground transport and the packaging of airplane trips into one huge and inseparably intertwined Gordian knot, none of whose solutions can be resolved without involving all the participants equally, for better or for worse, until and unless their bondholders tear them asunder.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. McGOVERN. Mr. President—
Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right

to the floor, so that I may suggest the absence of a quorum?

Mr. McGOVERN. Yes.

Mr. MANSFIELD. Mr. President, this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 3 Leg.]

Aiken	Gruening	Morse
Allott	Hansen	Morton
Anderson	Harris	Moss
Baker	Hart	Mundt
Bartlett	Hatfield	Murphy
Bayh	Hayden	Muskie
Bennett	Hickenlooper	Nelson
Bible	Hill	Pastore
Boggs	Holland	Pearson
Brewster	Hollings	Pell
Brooke	Hruska	Percy
Burdick	Inouye	Prouty
Byrd, Va.	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Jordan, N.C.	Ribicoff
Carlson	Jordan, Idaho	Russell
Case	Kennedy, Mass.	Scott
Church	Kennedy, N.Y.	Smathers
Clark	Kuchel	Smith
Cooper	Lausche	Sparkman
Cotton	Long, Mo.	Spong
Curtis	Long, La.	Stennis
Dirksen	Magnuson	Symington
Dodd	Mansfield	Talmadge
Dominick	McClellan	Thurmond
Eastland	McGee	Tower
Ellender	McGovern	Tydings
Ervin	McIntyre	Williams, N.J.
Fannin	Metcalf	Williams, Del.
Fong	Miller	Yarborough
Fulbright	Mondale	Young, N. Dak.
Gore	Monroney	Young, Ohio
Griffin	Montoya	

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. HARTKE] and the Senator from Minnesota [Mr. McCARTHY] are necessarily absent.

The VICE PRESIDENT. A quorum is present.

SENATE RULES—AMENDMENT OF RULE XXII, RELATING TO CLOSURE

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from South Dakota [Mr. McGOVERN] to proceed to the consideration of the resolution (S. Res. 6) amending the standing rules of the Senate.

Under the previous unanimous-consent agreement, the Chair recognizes the Senator from South Dakota.

Mr. DIRKSEN. Mr. President, may we have order?

Mr. MANSFIELD. Also, Mr. President, as was requested on the first day of the session, and as I hope will be observed on every day of the session from now on, I ask that the Senate be cleared.

The VICE PRESIDENT. On the first day of the session, the majority leader made such a request of the Chair, and the Chair responded then and responds now by stating that all employees and attachés of the Senate who are not needed for the immediate business will please withdraw from the Chamber. Seats are available in the gallery. The Senate will be in order.

The Senator from South Dakota is recognized, and will proceed.

Mr. McGOVERN. Mr. President, after consultation with the distinguished ma-

majority leader, it has been determined by those of us who support a change in rule XXII that this is the appropriate time to seek Senate action on the pending motion to proceed to the consideration of Senate Resolution 6.

I stress the fact, Mr. President, that we are only at this moment seeking Senate action upon the motion to take up Senate Resolution 6. We are not, under this procedure, now seeking action upon the merits of Senate Resolution 6 itself.

It would seem to me that the motion merely to proceed to the consideration of Senate Resolution 6 ought not to be the subject of lengthy debate. We have debated this preliminary matter for several days now, and it is our thought that the Senate should be able to reach a decision on the pending motion to consider Senate Resolution 6 at this time.

I shall propound very shortly a unanimous-consent request to vote on the motion to proceed to the consideration of Senate Resolution 6. I hope that we will be able to obtain such a unanimous-consent agreement, as I am firmly convinced that that procedure would be preferable to the other alternative, that of voting at this time on the pending motion.

If, however, such a unanimous-consent agreement is not possible, we feel that we have no choice except to move to close debate under article I, section 5, of the Constitution. We believe that a majority of the Senate has the constitutional power to determine the rules to govern the Senate for the next 2 years, and we are unwilling to yield that right to a minority's refusal to allow the Senate to come to a vote.

Mr. President, I ask unanimous consent that all debate on the pending motion to proceed to the consideration of Senate Resolution 6 come to a close within 2 hours, the time to be equally divided between the distinguished Senator from Montana [Mr. MANSFIELD] and me.

The VICE PRESIDENT. Is there objection?

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

Mr. DIRKSEN. Mr. President, reserving the right to object, let me see if I understand the distinguished Senator from South Dakota correctly.

I understood that the original intention was to offer a motion to summarily close debate and ask for an immediate vote on Senate Resolution 6. Is that understanding correct?

Mr. McGOVERN. No; that is not correct.

Mr. DIRKSEN. What was the original intention?

Mr. McGOVERN. The original intention was the same as the request I have just made of the Senate. I explained that if we cannot achieve that purpose, which is to bring the debate to a close within 2 hours under a unanimous-consent agreement, I would then seek to obtain the same objective through a motion.

Mr. DIRKSEN. The Senator is undertaking to do by a unanimous-consent

request now what he had in mind originally by way of a motion.

Mr. McGOVERN. I was hopeful that a motion would not be necessary, and that we could achieve that objective through a unanimous-consent agreement.

Mr. DIRKSEN. Mr. President, I would have no objection to the amount of time involved, but I am interested in the procedure from that point on. If we are to be involved in a constitutional point, somewhere along the line I do want to raise a point of order, and, if necessary, I would prefer to object now to the unanimous-consent request and have the distinguished Senator make his motion. Then I could make a point of order, and that would be open to debate for as long as the distinguished occupant of the chair would permit.

Mr. McGOVERN. Mr. President, if the unanimous-consent request fails, I should be happy at the appropriate time to yield to the Senator so that he may make a point of order on the motion.

Mr. DIRKSEN. Does the Senator want to proceed with his unanimous-consent request at this time?

Mr. McGOVERN. That is my intention.

Mr. DIRKSEN. Obviously, that only gives us time for discussion, and then we would proceed almost at once to vote on the motion to shut off debate and proceed with Senate Resolution 6.

Mr. McGOVERN. Mr. President, under the terms of the motion, and also under the terms of the unanimous-consent request, we would have 2 hours' time remaining before voting on the question.

Mr. DIRKSEN. Mr. President, in order to formalize the matter for purposes of precedent, it would be infinitely better, in my judgment, if the Senator were to make his motion at this time rather than to ask unanimous consent to do it. Then we could get a division of the time, if that is preferable, or we could debate the point of order.

Mr. McGOVERN. If the Senator prefers to object to the unanimous-consent request, then we can proceed with it.

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

Mr. McGOVERN. I yield.

Mr. MANSFIELD. Mr. President, I thought—and I could be mistaken—that the unanimous-consent request would come after the point of order had been made.

Mr. McGOVERN. I think the Senator's understanding was mistaken.

Mr. MANSFIELD. It was. That was my understanding.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. DIRKSEN. Mr. President, reserving the right to object, we might just as well take the time to get the proposed motion ironed out. Obviously, one cannot make a point of order against a unanimous-consent request when there is no substance coupled with it.

If there is to be a motion, then I can make a point of order. I should prefer that the distinguished Senator file his

motion now, so that we can hear what it contains and then make a point of order.

It would be on that basis that the Chair would make a ruling. We can then determine where we should proceed from there.

Other things being equal, I would prefer to object now to a unanimous-consent request until a motion is made.

The VICE PRESIDENT. There is objection. The Senator from South Dakota has the floor.

Mr. McGOVERN. Mr. President, it now appears clear that it is not possible to obtain a unanimous-consent agreement to vote on the motion to take up Senate Resolution 6.

I do not believe, however, that the only other recourse is the two-thirds cloture requirement of rule XXII. Rather, it seems to me that under article I, section 5, of the Constitution, a majority of the Senate may close debate at the opening of a new session of Congress and get to a vote on the rules that are to govern the Senate during that Congress.

In that belief, it is my intention in a few moments to move under the Constitution to close debate on the motion to take up Senate Resolution 6.

Mr. President, under the brief that a number of Senators submitted to the Chair, I believe that a majority of the Senate has the right to work its will at the opening of a new Congress on the rules that will govern the Senate of that Congress. The Senate has this right, unfettered by actions of an earlier Congress.

I shall not repeat the arguments contained in the brief. Those arguments have been aired on the floor at considerable length. The brief is clear and convincing. It demonstrates that a majority of the Senate has the right to act at this time.

Mr. President, I ask unanimous consent that the brief entitled "In the Matter of the Efforts To Change Rule XXII at the Opening of the 90th Congress," under date of January 1967, be printed at this point in the RECORD.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. McGOVERN. I yield.

Mr. HOLLAND. Who is the author of the brief? I do not believe the Senator has stated that.

Mr. McGOVERN. The brief was authored by those Senators who have taken the leadership in encouraging a change in the rules.

Mr. HOLLAND. Is there such a brief signed by those Senators?

Mr. McGOVERN. The brief is merely signed by the Senators who have joined in the motion to amend rule XXII.

Mr. HOLLAND. I thank the Senator for that information.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. McGOVERN. I yield.

Mr. ERVIN. Mr. President, what does the Senator do with the provision of the Constitution that every State is entitled to be represented in the Senate by two Senators?

Mr. McGOVERN. The Senator from

South Dakota certainly would not question that provision.

Mr. ERVIN. How can a Senator represent his State unless he is allowed to explain his views on the floor of the Senate?

Mr. McGOVERN. I think the provision we are now suggesting here will provide every Senator with that opportunity.

Mr. ERVIN. What provision is the Senator making for Senators to have an opportunity to represent their States by expressing their views on behalf of their States on the floor of the Senate?

Mr. McGOVERN. There is no provision in the resolution that is now pending, or that we are asking to have taken up, that would in any way deprive a Senator of his right to be heard.

As the Senator knows, even after cloture is invoked under whatever procedure is followed, whether under the three-fifths rule as suggested in the resolution of the Senator from Kentucky [Mr. MORTON] and me, or under the so-called constitutional majority provision that the Senator from California [Mr. KUCHEL] and other Senators have proposed, the right of any of the 100 Senators to be heard would not be disturbed in any way.

Mr. ERVIN. Mr. President, as I understood the Senator from South Dakota, he was announcing, in effect, that he was going to propose to silence the Senate at the outset until the Senate either adopted its own rules or adopted some change in its own rules.

Mr. McGOVERN. If the Senator will wait for my motion, he will see that a time factor is involved; and if he would like to ask for additional time, that can be considered. But we will propose a procedure under which a majority of the Senate can work its will, which we believe is the constitutional right of the Senate.

Mr. ERVIN. Does the Senator proceed upon the theory that a majority of the Senate can silence a minority of the Senate in speaking on his proposal?

Mr. McGOVERN. The Senator from South Dakota is proceeding on the assumption that at the beginning of a new Congress, a majority of the Senate has the right to do business, a quorum being present under the Constitution, and it has the right to determine its own rules.

Mr. ERVIN. But what provision of the Constitution provides that a majority of the Senate can deprive the States that are represented by a minority of the Senate of their right to represent their States in the Senate and to be heard? In the nature of things, a Senator cannot represent his State in the Senate unless he is permitted to say what he thinks the welfare of his State or the country demands.

Mr. McGOVERN. If the Senator will permit me to complete my statement, I will cite the constitutional provision under which I am proposing this action.

The VICE PRESIDENT. Without objection, the request of the Senator from South Dakota for the printing of the brief in the RECORD is granted.

The brief is as follows:

IN THE MATTER OF THE EFFORTS TO CHANGE RULE XXII AT THE OPENING OF THE 90TH CONGRESS—MEMORANDUM AND BRIEF CONCERNING THE NEED FOR A NEW ANTIFILIBUSTER RULE PERMITTING A MAJORITY OF THE TOTAL SENATE TO CLOSE DEBATE, AND, SUPPORTING THE PROPOSITION THAT THE SENATE OF THE 90TH CONGRESS HAS POWER TO ENACT SUCH A RULE AT THE OPENING OF THE NEW CONGRESS BY MAJORITY VOTE, UNFETTERED BY ANY RESTRICTIVE RULES OF EARLIER CONGRESS

(For presentation to the Vice President of the United States (acting as President of the Senate of the United States) and all Members of the Senate)

I. INTRODUCTION: FAVORABLE OUTLOOK FOR CHANGE IN SENATE RULE XXII AT OPENING OF 90TH CONGRESS

The effort to strengthen the anti-filibuster rule at the opening of the Senate of the 90th Congress on January 10, 1967 will be the seventh such attempt in the past fourteen years. What makes the outlook for a change this year more favorable than at any time in this 14-year period is the fact that both Vice President Humphrey and a majority of the Senate of the 90th Congress favor a change in Rule XXII. For the first time, we have the indispensable combination of a Vice President and a majority of the Senate who favor change. The burden of this brief is that the Vice President and a majority of the Senate of a new Congress have full legal power to work their will into a new Rule XXII and, in view of the need for such a new Rule, have the obligation to act.

(1) *Vice President Humphrey.* This brief is, of course, being presented to Vice President Humphrey, but it is not written on an empty slate. Vice President Humphrey was one of a small group of Senators who, in January 1953, espoused the principle that the Senate of a new Congress has power to adopt its own rules at the opening of the new Congress, unfettered by the rules of earlier Congresses. Through the entire period that the Vice President remained as a Senator he was one of the most eloquent spokesmen for the proposition that the new Senate could act unfettered by the past. It was he who arranged and had the colloquy with Vice President Nixon in 1957 in which the latter first gave his advisory ruling in favor of the power of the Senate of a new Congress to act by a majority vote.¹ It seems unlikely that Vice President Humphrey would not follow the precedent which he himself helped set. And, indeed, on the ABC television program "Issues and Answers" only this past October 16th, the Vice President responded to a question on how he would rule at the opening of the 90th Congress with the statement that "my past actions indicate pretty much my views on the filibuster rule, so you do a little research and you might have some predictions to make." With these factors in mind, this brief is more to remind Vice President Humphrey of details of history and procedure than to persuade him of the basic proposition contained herein for which he has spoken so eloquently and so often.

(2) *A Growing Majority of the Senate Favors a Change in Rule XXII at the Opening of the 90th Congress.* We are encouraged to renew the effort to bring about majority rule in the Senate on January 10, 1967 by the continuously growing support for the principle that the Senate of a new Congress has the right to adopt its own rules unfettered by the rules of earlier Congresses and by the continuously growing recognition of the urgent need to strengthen Rule XXII.

In 1953, when the initial effort of recent times was made to adopt new rules at the opening of the Senate of a new Congress, only 21 Senators supported this effort and

opposed the successful motion to table the proposal for new rules.

Four years later, in 1957, twice as many Senators opposed the motion to table as in 1953 (38 so voted and Senators Wiley, Neely and Javits announced their position against the motion to table).

In 1959, a minor change was actually made in Rule XXII at the opening of the Senate of the 86th Congress. While we sought a far more meaningful change in the rule than that actually adopted, the important thing to note here is that those who opposed the meaningful change, as well as those who supported it, recognized that the appropriate moment for dealing with the antifilibuster rule is at the beginning of a new Congress.

In 1961, the proposal for a change in Rule XXII at the opening of the Senate of a new Congress received greater support than at any previous time. After seven days of discussion, the Majority and Minority Leaders moved to commit the proposals for changing Rule XXII to committee. Despite vigorous arguments concerning the need for action in support of the incoming Administration and despite the prestige of their offices, only the barest majority (51 to 49) supported the Leaders in sending the proposals to committee (the actual vote for committal was 50 to 46 with Case of South Dakota paired against the committal and Young of Ohio and Kefauver announced against it).

In January 1963, the times were ripe for victory. A clear majority of the Senators favored changing Rule XXII at the opening of the Senate of the 88th Congress. With this majority behind him, Senator Anderson, the floor leader of the effort to change Rule XXII, moved to close debate under the Constitution and the Nixon advisory rulings; this move was frustrated when Vice President Johnson put the Anderson motion to close debate to the Senate for *debate* instead of *for a vote* (as Vice President Nixon had indicated he would have done). Putting the Anderson motion to close debate to the Senate for *debate*, of course, had the effect of killing the motion; this forced the supporters of a change in Rule XXII to a cloture motion which was lost 54 to 42 (less than two-thirds).

In 1965, again there was a majority of the Senate for changing the rules at the opening of the 89th Congress, but again the Chair (Senator Hayden²) was opposed to change. After some debate on the issue, a unanimous consent agreement was reached sending the matter to committee under instructions to report back by March 9, 1965, with "all existing rights" protected. This meant that when the matter came back to the Senate, it would be debated as though it were still the opening of Congress. But when the committee reported on March 9, 1965, the matter was not called up for debate because the impending voting rights bill appeared more important.

This ever-increasing support for action on Rule XXII at the opening of the Senate of a new Congress—rising steadily from 21 in 1953 to 49 in 1961 and to a majority in 1963 and 1965—reflects a growing feeling that Rule XXII *must* be changed and that the *only* time to do it is at the opening of a new Congress. For then, as we make abundantly clear in this Memorandum and Brief (See Point V), the Senate can determine its rules for the new Congress by majority vote, unfettered by any restrictive rules of earlier Congresses.

Actually, the opening of Congress is the appropriate time to deal with the rules question for an additional reason. There is no legislative business at the opening of Congress with which a lengthy discussion of the rules can interfere. In 1961, for

example, after the proposals to change Rule XXII had been sent to committee on January 11th, the Senate only met for 81 hours from then until March 1st. The situation was not too much different in 1963 and 1965. With the decks clear at the opening of Congress, the Senate can determine this significant rules issue without fear that important legislation will be held up. It can truthfully be said that January is the month to solve this problem and, as we show later (in Point IV), it is the only time to solve it.

We turn now to a consideration of why there is need for a rules change (Point II), the reasonableness of the rules change we propose (Point III), the need to make the change at the opening of the Senate of a new Congress (Point IV), the constitutional right to act at that time unfettered by earlier rules (Point V), and the parliamentary procedure whereby majority rule can be accomplished (Point VI).

II. THE OVERWHELMING SIGNIFICANCE OF THE STRUGGLE FOR MAJORITY RULE IN THE SENATE

(1) *The Issues At Stake on January 10, 1967.* The success or failure of the efforts that will be made on the opening day of the 90th Congress to end the filibuster and bring majority rule to the Senate may very well determine the outcome of much of the important legislation that will be presented to the new Congress.

For Rule XXII is not only the "gravedigger" of such meaningful legislation, it is also the threat under which other vital legislation has been defeated, delayed, or compromised to meet the views of the minority.

It would not be too much to say that what is at stake in the fight for reasonable majority rule to be made at the opening of the new Congress is nothing more nor less than the dignity of the Senate and its ability to function as a democratic and representative legislative body.

(2) *The Impossible Hurdle of Two-Thirds Cloture.* The existing Rule XXII permits the closing of debate only after two-thirds of those present and voting have voted affirmatively to close debate. The history of the filibuster in the United States Senate makes abundantly clear that two-thirds cloture simply cannot be obtained in those areas where cloture is needed and this is true both in relation to civil rights legislation and equally in relation to other legislation.

Thus, a list of 36 bills (not purporting to be complete) which had been defeated or delayed by filibuster in the Senate was inserted as an exhibit during the January, 1961 debate on proposed changes in Rule XXII (107 Cong. Rec. 86). Twenty-six of these bills had not the remotest connection with civil rights. They covered such diverse proposals as the 1911 bill for statehood for Arizona and New Mexico, which was passed one year later, and two ship subsidy bills, introduced in 1907 and 1922, respectively, which were delayed by filibuster until 1936.

In all of the eleven cases of attempted cloture on a civil rights bill in the Senate prior to 1964, it was never possible to secure a two-thirds vote of those present—although in several cases a heavy majority wanted to proceed to a vote (e.g. 52-32 and 55-33 on FEPC in 1950). The nine unsuccessful attempts at cloture on civil rights bills up to 1961 are set forth in the January, 1961 debate on cloture (107 Cong. Rec. 87). The latter two unsuccessful attempts at cloture occurred on the literacy test bill in 1962 in the 87th Congress.

(3) *Rule XXII Has Damaged The National Interest.* To use only examples from recent history, the filibuster and threat of filibuster in 1957 and 1960 against the then pending civil rights bills delayed much needed civil rights legislation for years and contributed substantially to the present divisive racial tension in our Nation.

¹ Vice President Nixon's rulings in 1957, and also in 1959 and 1961, are set forth in the Appendix.

² Vice President Humphrey was, of course, not inaugurated into his present office until January 20, 1965.

Up until 1957 the strategy of the anti-civil rights forces was to use the filibuster or threat of filibuster to prevent any civil rights legislation whatever from going through. In 1957 this strategy was shifted to emasculating civil rights measures under threat of filibuster and thus avoiding the necessity of an actual filibuster. Thus the 1957 and 1960 civil rights bills were watered down by such threats of filibuster and the impossibility of obtaining two-thirds cloture for a stronger civil rights bill. In 1957 the House of Representatives passed "Part III" authorizing the Attorney General to institute suits in federal courts to enforce constitutional rights; the Senate deleted Part III from the bill under the threat of filibuster and thus failed to give Congressional support and implementation to the Supreme Court's 1954 desegregation decision. In 1960 the Senate refused to approve the only really significant step being proposed to enforce voting rights—the appointment of federal registrars; the rejection of the proposed federal registrars was the only way to avoid a filibuster. In both instances the two-thirds rule made it impossible to end the filibuster and the price of any bill was dilution to the point of Southern acceptability.

The crucial provisions of the 1957 bill supporting the Supreme Court's 1954 desegregation decision, which were deleted under threat of filibuster, were finally enacted in 1964. The federal registrar provisions, which were deleted from the 1960 bill under threat of filibuster, were finally enacted in 1965. These delays of 7 years and 5 years, respectively, in recognizing Negro rights in the fields of desegregation and voting exacerbated racial tensions in this country to their present danger-point.

(4) *Three Successful Uses of Cloture From 1962 to 1965 No Clue to Future.*

(1) The cloture vote in 1962 on the Communications Satellite Bill has sometimes been cited as proof that the Senate does not need a change in Rule XXII in order to break a filibuster. We disagree. The overwhelming support for that bill from every region of the country made the short-lived filibuster virtually a hopeless venture from the start; there was neither organized nor sectional opposition to the bill. Indeed, the Southern Senators themselves made certain the successful cloture vote on the Communications Satellite Bill. Some Southerners and their traditional allies actually voted for cloture; others absented themselves—otherwise cloture would have been defeated even on a bill so overwhelmingly supported by the Senate. And it might also be noted that, by cooperating to permit cloture on the Communications Satellite Bill, the Southern Senators destroyed the last vestige of the so-called "principled" argument against cloture based on the idea of "free speech in the Senate."

(ii) Opponents of a change in Rule XXII also point to the successful cloture vote on the Civil Rights Act of 1964. But the length of that debate was a national scandal rather than a victory for cloture. The 1964 Civil Rights Bill reached the Senate for consideration on February 26. The debate on the motion to decide whether the Senate should take up the Civil Rights Bill began on March 9. Actual debate on the Bill began on March 26. Cloture was voted on June 10. There were 57 days of formal consideration of the Civil Rights Bill. Actually, however, the real filibuster began on March 9 on the motion to take up the Bill. There were thus 13 additional days of actual debate before the debate began on the Bill on March 26, making a total of 70 days of actual debate on the Bill. Indeed it is unlikely that the filibuster could have gone on much longer than that even without a cloture vote. The Bill was acceptable to nearly all Senators except those from the South and was passed despite Rule XXII solely because there was no real opposition outside the South. Yet the Senate

of the United States made a three-months spectacle of itself on a Bill so overwhelmingly passed.

(iii) The situation on the 1965 Voting Rights Act, where cloture was again successful, was not too dissimilar from the experience of the previous year. While the debate was not nearly as long as the debate on the 1964 law, the unanimity behind the Voting Rights Act was at least as great or greater. The national shame involved in denying Negroes the basic right to vote took much of the starch out of even the Southern opponents of the bill and the battle against the right to vote had no meaningful support from any other source.

(iv) What these three successful attempts at cloture prove and all that they prove is that when two-thirds of the Senators support legislation it can be enacted. But, as we show in Part V of this brief, the Constitution was never intended to require two-thirds support for legislation.

(5) *1966 Experience Demonstrates Need For a Change in Rule XXII.* Just as the experience in the years 1962 to 1965 demonstrates that cloture can be obtained where there is two-thirds support for legislation, so the experience in 1966 demonstrates that a majority cannot obtain cloture and enact legislation where a substantial minority opposes the legislation. *1966 was a year of Senate minority rule*

(1) A majority of Senators favored the repeal of Section 14(b) of the Taft-Hartley Law. The bill repealing 14(b) passed the House; but, when it came to the Senate, repeal was never enacted into law for the plain and simple reason that the minority maintained a successful filibuster. On February 8, 1966, 51 Senators supported invoking cloture and 48 opposed cloture. On February 10, 1966, 50 Senators supported invoking cloture and 49 opposed. This is a clear case where Rule XXII thwarted the will of the majority.

(ii) The 1966 Civil Rights Bill is another case in point. The House of Representatives passed a strong Civil Rights Bill including much-needed jury reform, increase of Federal authority against racial violence, and prohibition of discrimination in housing. Just as in the House, a majority of the members of the Senate supported the bill; just as in the case of the repeal of 14(b), the filibuster succeeded in thwarting the will of the majority. On September 14, 1966, 54 Senators supported invoking cloture and 42 opposed it. Counting the pairs, the vote would have been 56 to 43. On September 19, 1966, 52 Senators supported invoking cloture and 41 opposed it. Counting the pairs and public announced positions, the final vote would have been 57-43. Despite this substantial preponderance in favor of the 1966 Civil Rights Bill, the bill went down to defeat.

(iii) Home rule, too, was executed by the Rule XXII guillotine. The Senate had passed a Home Rule Bill in 1965 by the overwhelming vote of 63 to 29. After the bill was stymied in the House, Senator Morse proposed a weaker Home Rule Bill as an amendment to the Higher Education Bill. A filibuster was threatened; cloture was the only method of dealing with the matter as the session was drawing to a close. Despite the full debate on, and the overwhelming support for, the Home Rule Bill in 1965, cloture failed. 41 Senators voted in support of invoking cloture and 37 opposed it. If the pairs and publicly announced positions were counted, the vote would have been 53-40, with 7 abstentions. Despite this overwhelming majority for home rule, the citizens of the District are left without the right to vote.

(6) *Rule XXII Is Inequitable.* In the last analysis, our case against Rule XXII is not based wholly or even principally upon the fact that it obstructs legislation as it has done innumerable times and as it did in 1966;

it is predicated upon a basic belief that it is inequitable for a minority to prevent the majority from working its will. A majority of the members of the Senate can vote to go to a war; a majority can vote to draft our young men. Majority rule is the letter and spirit of our Constitution (see Point V (7)). It is both inequitable and undemocratic to retain a rule which allows a relentless minority to thwart the efforts of an elected majority.

III. THE PROPOSED NEW ANTI-FILIBUSTER RULE IS A WORKABLE AND REASONABLE COMPROMISE

(1) *The Proposed New Rule XXII.* Our proposal for a new Rule XXII provides for debate limitation in two ways:

first, by a vote of two-thirds of the Senators present and voting *two days after the filing of a petition* for limitation by 16 Senators; and

second, by a vote of a majority of the Senators elected (i.e., fifty-one) *15 days after a petition is filed* by 16 Senators.

It has been decided to retain the two-thirds vote for cloture after two days of debate following the filing of a limitation petition in order that the Senate may be able to deal with a national emergency. It is not contemplated, however, that the two-thirds rule would be used on other legislation. In any event, if the two-thirds limitation is attempted and fails, a new petition would have to be filed for majority cloture and 15 days debate would take place before a vote on that petition for limitation.

(2) *How the Proposal for Majority Rule Would Work.*³ In order that the full meaning of the proposal for majority limitation of debate may be crystal clear, we list the various steps that would be involved:

(i) Since the petition for limitation requires the signatures of 16 Senators, in the absence of an emergency threatening national security, it is clear no petition could be filed before there was some real evidence of a filibuster or some announced threat of filibuster. Thus a week or two of debate would occur before such a substantial number of Senators would set a limitation procedure in motion.

(ii) After the petition was filed, there would be 15 additional days of debate before the vote on limitation would be taken. This means a minimum of 4-5 weeks of debate up to that time.

(iii) If 51 votes are then cast for limitation, a minimum of an additional one hundred hours of debate is allowed. If only half of this time is utilized, it would mean at least another week of normal Senate sessions.⁴ This adds up to a minimum of 5-6 weeks in all before a final vote on passage of the bill or motion.

(iv) *And* if extended debate were engaged in on the preliminary motion to bring up a bill (the motion to bring up the Civil Rights Bill of 1964 was debated for 13 days), the 5-6 weeks of debate before a final vote on that motion could be secured, could be followed by extended debate on the bill itself, necessitating a *second* limitation of debate to reach a vote on final passage of the bill itself. This would add at least another 3 weeks (omitting the waiting period described

³The text is set forth at the opening of Point VI where the proposed parliamentary procedure is outlined.

⁴Our proposed procedure after cloture as voted is far more generous in time than that under which the Communications Satellite Bill and the Civil Rights Bills of 1964 and 1965 were considered after the cloture vote. First, there is a guarantee of 100 hours of debate (fifty for each side). Second, there is a guarantee of a minimum of one hour per Senator. Third, authority is granted for the Senators seeking cloture to specify in their cloture petition that additional time will be available for debate.

in (1) above). Thus there would finally have been 8-9 weeks of debate before, by action of a majority of those elected, the Senate eventually reached a vote on the bill.

(v) This proposal obviously permits full, fair, and even prolonged debate. But this proposal not only permits prolonged debate; it also leaves it *ultimately* within the power of a majority of the whole Senate to reach the crux of the matter, a vote on passage of the measure thus lengthily considered.

(3) *Three-fifths Cloture Is Not Adequate.* The arithmetic on three-fifths cloture leaves no doubt that while it is far better than the present rule, it would not be a satisfactory cloture rule. Assuming that 96 of the 100 Senators voted on cloture (and votes on cloture do run that high and at times even higher), three-fifths of those present and voting will be 58 Senators, or seven more than a majority of the total Senate. The important thing to note is that these 7 additional votes for cloture are the hardest to obtain for they will have to come from Senators who are at best only mildly in favor of the bill being filibustered and who may feel that it is more important to propitiate some senior member of the filibustering group than to help the majority obtain the cloture it seeks. It is these 7 votes very often that will determine the outcome on cloture.

But more important than the difference between majority and three-fifths cloture is the need to hold the anti-filibuster forces together until it is established that the Senate of a new Congress can write its own Rule XXII unfettered by restrictions of earlier Congresses. If this principle is established under the procedure set forth in Part VI, then it will be time enough to see which of the possible versions of a new Rule XXII will prevail.

Actually, there are at least three possible solutions once it is established that a majority of the Senate of a new Congress has the power to act. Senator Morse favors a simple majority of those present and voting having the right to close debate. Senator Clark and most of the Senators who have made the effort at the opening of Congress in the past favor a constitutional majority of 51 Senators voting in the affirmative. Senator Anderson, who has led the fight in the Senate for a change in Rule XXII in the past, and Senators Cooper and Morton, who have joined with him, all favor three-fifths of those present and voting. As indicated above, the first two proposals will make it possible to close debate far more readily than the third and indeed it is not certain whether three-fifths could have been obtained to close debate on the three bills filibustered to death in the 89th Congress. Nevertheless, all three are improvements on the present situation and it is important that all Senators favoring any of the three proposals above work together to establish the principle that the new Senate can adopt whatever Rule XXII a majority desires. Once that principle is established, we will work for the Rule XXII set forth above; if a majority of the Senate does not, however, favor this proposal, we recognize that the three-fifths proposal is a substantial, if not yet adequate, change.

(4) *Conclusion.* A democratic society depends upon the ability at some stage to have the legislature get to a vote. The majority rule proposal we make, which provides for full, fair, and even extended debate, protects the interest of the minority to be heard and the right of the majority to decide.⁵

⁵ Before we leave this point, it might be well to note that the Rule XXII proposal we are making is a compromise not only in its assurance of extensive debate but also in the number of Senators it requires to close debate. Our proposal is for cloture by a majority of the total Senate (i.e., by 51 Senators). It has often been suggested, and is

IV. THERE IS NO ESCAPE FROM THE FILIBUSTER ONCE THE EXISTING RULE XXII IS ACCEPTED AT THE OPENING OF CONGRESS

(1) *No Escape Hatch after Rule XXII Is Accepted.* Once the Senate of the 90th Congress, meeting in January 1967, accepts Rule XXII by action or acquiescence and commences to operate under that rule, there is no practical way of obtaining majority rule later on in the session. The only time a new filibuster rule can be adopted is at the opening of the Senate of the new Congress on January 10, 1967. As we demonstrate in Point V of the Memorandum and Brief, at the opening of a new Congress a majority of the Senators present and voting can cut off debate and adopt any filibuster rule for the Senate of the new Congress that the majority desires. But, once the Senate of the 90th Congress has accepted Rule XXII by action or acquiescence and has commenced to operate under it, there is no way out.

(2) *Rule XXII Is Self-perpetuating Except at the Opening of a New Congress.* Once Rule XXII has been accepted by the new Congress it can be used as a lethal weapon against changing it; there is no way of obtaining the necessary two-thirds to close debate on a resolution for majority rule once the existing rules are in effect. The suggestion that majority rule can be obtained by bringing a resolution to that effect out of the Rules Committee and passing it on the floor later in the Congress is totally illusory. *The same group that make it impossible to obtain two-thirds cloture on meaningful and effective legislation for civil rights or the repeal of 14(b) makes it impossible to obtain two-thirds cloture on a rules change for the purpose of enacting such meaningful and effective legislation.* Majority rule will either be obtained at the opening of the Senate of the new Congress or it will not be obtained during the new Congress at all.

(3) *Experience in Last Eight Congresses.* That there is no escape from the filibuster if Rule XXII is accepted by the new Congress is shown by what happened in the last eight Congresses.

In the 82nd and 83rd Congresses, a change in Rule XXII was favorably reported to the Senate by the Rules Committee, but in both Congresses the threat of a filibuster kept the issue from the floor of the Senate.

In the 84th Congress, nothing whatever happened on Rule XXII.

In the 85th Congress, the Rules Committee on April 30, 1958, reported out Senate Resolution 17 to amend Rule XXII to provide for majority rule after full and fair debate. On July 28, 1958, a bi-partisan group of a dozen Senators took the floor and urged action on Senate Resolution 17, but the Resolution was not called up for action.

In the 86th Congress, both those who supported a substantial change in the filibuster rule and those who supported only a negligible change (from two-thirds of the total Senate to two-thirds of those present and voting) moved for a change in Rule XXII at the opening of the Senate of the 86th Congress before any other business had been transacted. Those who favored the negligible change from two-thirds of the total Senate to two-thirds of those present and voting won out over those who favored the substantial change. But this cannot obscure the fact that both sides recognized that the time, and the only time, to obtain any change in the filibuster rule is on opening day of the Senate of a new Congress when the majority of the Senate can vote its will.

In the 87th Congress the Majority and Minority Leaders sent our motion for a new

presently being suggested by Senator Morse, that cloture should be obtainable by a majority of those present and voting, but we have decided to stand by the more moderate suggestion of a majority of the entire body.

Rule XXII to the Rules Committee with a promise that there would be action later in the Senate. The Majority Leader later stated that "I am not at all certain that there will be a filibuster . . ." (CONGRESSIONAL RECORD, vol. 107, pt. 1, p. 521). And the Minority Leader went even further, saying that, if a filibuster against a rules change were to develop, "it would be like falling off a log to get two-thirds of the Senators to vote for cloture" (CONGRESSIONAL RECORD, vol. 107, pt. 1, p. 527). Despite these assurances, when the matter was brought up on the floor in September, 1961, the filibuster prevented action on a change in Rule XXII and the matter died as it was bound to do.

In the 88th Congress, after Vice President Johnson put the Anderson motion to close debate under the Constitution to the Senate for debate instead of for a vote (thus killing the motion) and after the cloture motion under Rule XXII was lost, the subject of changing Rule XXII was never heard from again in that Congress. Everybody knew that Rule XXII had to be changed at the opening of the new Congress or not at all.

In the 89th Congress, a unanimous consent agreement was reached at the opening of Congress sending the matter to committee under instructions to report back by March 9, 1965, with "all existing rights" protected. The Rules Committee did report back on March 9, but the matter was not called up for debate because the impending Voting Rights Bill appeared more important.

Whatever assurances may be given about action after the opening of the Senate of a new Congress, history renders those assurances meaningless. It is the opening of Congress—or never.

V. THE SENATE IN EACH CONGRESS HAS A CONSTITUTIONAL RIGHT TO ADOPT RULES OF PROCEEDINGS FOR THE SENATE OF THAT CONGRESS BY MAJORITY VOTE UNFETTERED BY ACTION OR RULES OF THE SENATE OF ANY PRECEDING CONGRESS

(1) *Brief Filed During January, 1961, Rule XXII Effort Never Answered.* On December 30, 1960, a number of Senators favoring majority rule presented to Vice President Nixon a "Brief in Support of Proposition that a Majority of the Members of the Senate of the Eighty-Seventh Congress Has Power to Amend Rules at the Opening of the New Congress Unfettered by Any Restrictive Rules of Earlier Congresses." This Brief was inserted in the Congressional Record on January 5, 1961, by Senator Douglas (CONGRESSIONAL RECORD, vol. 107, pt. 1, pp. 232-241), and will not be repeated here, particularly as this Brief was never seriously challenged or controverted. Indeed, in none of the debates of recent years has anyone made a serious effort to challenge the basic proposition that the Senate of a new Congress has power to act unhindered by rules from the past. What follows is a summary of the arguments in favor of the right of the Senate of the new Congress to act, and further details are available in the earlier brief through reference to the cited pages of the Congressional Record.

(2) *The Basic Constitutional Issue.* Vice President Nixon's advisory rulings in 1957, 1959 and 1961, which are set forth in the Appendix, reflect a very real understanding of the basic constitutional principle here involved—that the members of the Senate of each new Congress have undiluted power to determine the manner in which they will operate during that Congress and have no power whatever to determine the manner in which the Senate of future Congresses will operate. This basic constitutional principle is rooted both in Article I, Section 5 of the Constitution and in the historic democratic principle that the present shall determine its own destiny unhampered by the dead hand of the past.

The Senate of the First Congress meeting in 1789 promptly adopted rules (see Debates

and Proceedings in the Congress of the United States, Vol. I, pp. 15-21). Just as the Senators of the First Congress meeting in 1789 had undiluted power to determine the rules under which they would operate, so the Senators of the 90th Congress meeting in 1967 have undiluted power to determine the rules under which they will operate. No rules of the Senate of an earlier Congress protecting filibusters can obstruct this right to adopt rules to govern the transaction of business. And no Senator or group of Senators can obstruct this right by seeking to prevent action on the rules through undertaking a filibuster. The filibuster is not a constitutional or a God-given right. It is up to the majority of the Senators convening on January 10, 1967, to determine whether and how they will limit the use of the filibuster for the Senate of the 90th Congress.

(3) *Article I, Section 5 of the Constitution of the United States is Determinative.* That section declares that "each House may determine the rules of its proceedings." Both the language and context make clear that "each House" means not only the separate branches of the Congress—that is, the House and the Senate—but also the separate branches of each succeeding Congress. No reason has been or can be adduced to interpret this constitutional provision as a grant of rule-making authority to the members of the House and the Senate meeting for the first time in 1789 and a withholding of this same authority from the members of the House and the Senate of later Congresses. Both language and logic lead to the conclusion that the constitutional authority to make rules is granted to each House of each Congress.

Article I, Section 5, as we have just seen, is an identical grant of rule-making authority to each House of Congress. It is not disputed that the House of Representatives of each new Congress has the power to, and does, adopt new rules at the opening of each Congress. The identical constitutional provision cannot reasonably be given a different interpretation as applied to the Senate, a coordinate branch of the "Congress of the United States." Article I, Section 1. The two bodies must act as a team in the Congress, and, if the Senate is so inhibited by old rules that it cannot express the will of its majority on legislation, the will of Congress is thwarted and the rule-making authority of the House becomes meaningless. Every principle of constitutional construction supports the interpretation of Article I, Section 5, which gives the majority of the Senate present on January 10, 1967, the right to "determine the rules of its proceedings" unfettered by action or rules of the Senate of any preceding Congress.⁸

(4) *The Four Closest Senate Precedents Support the Right of the Majority to Act.*

⁸ Since the Constitution gives the majority of the Senate present on January 10, 1967, the right to "determine the rules of its proceedings," Section 2 of Rule XXXII can not thwart this right. Section 2 of Rule XXXII provides that "the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules." This Section may be valid with respect to rules that do not obstruct the will of the majority of the Senate of the new Congress, but, as Vice President Nixon repeatedly made clear, it is unconstitutional as applied to Rule XXII. See Appendix. Simply put, a majority in 1959 cannot give a minority in 1967 the right to prevent the majority in 1967 from exercising its democratic will. It might also be well to note that there is doubt whether there actually was a majority for this provision in 1959; it was added as part of a "compromise package" and no vote was ever taken on this provision separately. At any rate, neither this provision nor any other rule can override the Constitution of the United States.

In 1841 the Senate dismissed a printer whom the Senate of an earlier Congress sought to foist upon it. In 1876 the Senate abrogated the joint rules of the Senate and House which had been carried over from Congress to Congress by acquiescence for 87 years. In 1917 Senator Tom Walsh of Montana challenged the binding effect of the rules of the earlier Senate upon the new body and accomplished his purpose of obtaining the cloture rule he sought before acquiescing in the old rules. In 1957, 1959 and 1961 Vice President Nixon gave repeated advisory rulings that a majority of the Senate of a new Congress can act to adopt its own rules without the obstruction of actions and rules of the Senate of an earlier Congress and that a motion to cut off debate would be in order against a filibuster attempt to prevent a determination of the rules to govern the Senate of the new Congress.⁷ Thus, in the four closest precedents, the Senate, while some of its members talked

"continuous body" and others talked in a contrary vein, each time supported the right of the Senate to adopt new rules unfettered by past actions (see 1961 Brief, 107 Cong. Rec. 232-241).

(5) *The Senate of Each New Congress Makes a Fresh Start on All Activities.* In every major activity the Senate recognizes a constitutional right of the Senate of each new Congress to determine both legislative and executive business anew. All consideration of bills, resolutions, treaties and nominations start at the beginning of each Congress without reference to or continuation of what has taken place in the past; new officers and committee members are elected in the Senate of each new Congress; when the Senate finally adjourns, the slate is wiped clean; the proceedings begin again in the next Congress.

For convenience, we present the following analysis of the operations of the United States Senate in tabular form:

Analysis of the operations of the U.S. Senate

Activity	Senate acts anew in each Congress	Senate bound by Senate of preceding Congress	Comment
1. Introduction of bills.....	X.....	.....	See Senate rule XXXII.
2. Committee consideration of bills.....	X.....	.....	Do.
3. Debate on bills.....	X.....	.....	Do.
4. Voting on bills.....	X.....	.....	Do.
5. Election of officers.....	X.....	.....	While the old officers carry over until new ones are elected, the carryover does not prove rules carry over. It is a mere convenience. Even in the House, the Clerk carries over until the new one is elected. Obviously this does not prove that House rules carry over: they do not.
6. Consideration of validity of senatorial elections.....	X.....	.....	Although credentials of a Senator-elect are often presented to the Senate prior to the beginning of his term, the validity of the credentials can only be considered by the Senate to which he was elected and not before.
7. Consideration of treaties.....	X.....	.....	See Senate rule XXXVII(2).
8. Submission and consideration of nominations.....	X.....	.....	See Senate rule XXXVIII(6).
9. Election of committee members.....	X.....	.....	See rule XXV. While old committees carry over until new ones are elected, the carryover does not prove rules carry over. It is a mere convenience. Even in the House, the Clerk carries over until the new one is elected. Obviously this does not prove that House rules carry over; they do not.
10. Adjournment.....	X.....	.....	Adjourns sine die. When Congress ends at noon of a particular day, and a special session of the Senate of the new Congress is called, the Senate adjourns at noon, and 1 minute afterward opens the new session.
11. Rules.....	?.....	?.....	Past practice of Senate on rules is ambiguous. It is best explained as acquiescence in past rules, which can either be repeated at the opening of the new Senate of any new Congress by beginning to operate under them or which can be refused by the adoption of new rules in whole or in part.

The thing that stands out in the above analysis is that everything starts afresh with the possible exception of the rules. And these, too, it is submitted, start afresh in whole or in part the moment a majority of the Senators at the opening of the Senate of a new Congress so will it and so vote. All that has happened over the past years is that there has been acquiescence in the carry-over of rules of the Senate from Con-

⁷ Actually, it would be possible to cite another Vice President to the same effect, although not in the same detail, as Vice President Nixon. On the opening day of the new Congress in 1953, Vice President Barkley stated to the Senate that: "The organization of the Senate is an inherent right of the Senate, as it is of any sovereign body, and all that has taken place up to date [election of officers] has been under that inherent right." This inherent right to organize the Senate includes, as Vice President Barkley was making clear, the right of the majority to determine the rules under which the Senate would operate.

gress to Congress.⁸ Carry-over of the rules based on acquiescence is certainly no precedent for arguing that the earlier rules bind the Senate of the new Congress in the absence of such acquiescence. Absent acquiescence, the Senate of the new Congress has power to adopt its rules at the opening of the new Congress unfettered by any restrictive rules of earlier Congresses. The acquiescence in Rule XXII will be ruptured when the Resolution proposed herein is offered on January 10, 1967.

(6) *Continuous Body Talk is Irrelevant.* As we have seen in (4) and (5) above, the Senate has not in the past acted as a continuous body.

It did not act as a continuous body in 1841 when it dismissed the printer chosen by the Senate of the earlier Congress; it did

⁸ Except, of course, in 1917, when Senators Walsh and Owen refused to acquiesce until the Senate adopted the cloture rule they sought, and in 1953, 1957, 1959, 1961, 1963 and 1965, when Senators sought to change the rules as we are now doing.

not act as a continuous body in 1876 when it adopted new joint rules; and it did not act as a continuous body in 1917 when it yielded to the contrary arguments of Senator Walsh and adopted the cloture rule he demanded.

It does not today act as a continuous body; it wipes the slate clean on bills, resolutions, treaties and nominations at the beginning of each new Congress.

No one would deny that many Senators have talked in terms of a continuous body and that textbook writers have accepted this talk in their academic works. But the talk has been largely by those who tried—unsuccessfully—to use the phrase to prevent Senate action departing from that of the Senate of an earlier Congress and who have failed in their efforts.

Actually, parliamentary bodies generally have both continuous and discontinuous aspects. The House of Representatives has continuous aspects and yet no one refers to it as a continuous body and no one disputes its right to adopt new rules at the beginning of each Congress. By the same token, the Senate has both continuous and discontinuous aspects; its limited continuous aspects (e.g., two-third carry-over) do not support the proposition that the Senate of an earlier Congress can prevent the Senate of a new Congress from acting upon rules as the majority may determine at the opening of the new Congress.

The argument for the carry-over of the rules seems to come down to this: Because two-thirds of the Senators carry over, the Senate is a continuous body; because the Senate is a continuous body, the rules carry over. Striking the words "continuous body" out of this formula, the argument comes down to this: Since two-thirds of the Senators carry over, the rules carry over. But this is a patent non-sequitur. It assumes that the carry-over of two-thirds of the Senate always carries over a majority in favor of the rules. The infusion of one-third newly elected Senators—both by their numbers and their power of persuasion—may very well change the majority view on rules and it is this majority view that is determinative under our constitutional democracy, not who carries over. That the new one-third may change the majority on any matter is well illustrated by the shifting of the Senate from Party to Party over the years. The argument that the two-thirds carry-over prevents the new majority from acting on the rules disenfranchises not only the newly elected one-third, but the new majority who are prevented from exercising their powers and duties to make the rules for their own work and laws for the people. To say that the Senate of the 90th Congress in 1967 is the same as the Senate of the First Congress in 1789 because two-thirds of its members carried over to the Senate of the Second Congress is to prefer romantic form to rational substance and dubious academic theory to practical reality.

Some Senators genuinely believe the Senate is a "continuous body." Others genuinely believe that it is not, that it acts as a "discontinuous body." Both have the right to their opinions. But when a descriptive term resulting from nothing more than the carry-over of two-thirds of the Senators is used as a reason for preventing the majority of the body from determining the Senate's actions, an adjective is being confused with a reason and an effect with a cause. The parliamentary deadfall dug by the Senate of a dead Congress, harmless enough as an abstraction, should not be permitted to stultify and destroy the power of the Senate and of the entire Congress in the present.

(7) *Majority Rule Is The Letter and Spirit of our Constitution.* The Supreme Court has aptly described the principle of majority rule as one "sanctioned by our Governmental practices, by business procedure, and by the

whole philosophy of democratic institutions." *N.L.R.B. v. A. J. Tower Co.*, 329 U.S. 324, 331.

The pervasive need for majority rule was recognized at the Constitutional Convention. Alexander Hamilton, writing in the *Federalist*, No. XXII, strongly emphasized this need as follows:

"To give a minority a negative upon a majority (which is always the case where more than a majority is requisite to a decision) is, in its tendency, to subject the sense of the greater number to that of the lesser . . . If a pertinacious minority can control the opinion of a majority, respecting the best mode of conducting it, the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to national proceedings."

The authors of the Constitution prescribed majority rule as the rule for Congressional action by expressly enumerating all the instances in which more than a majority vote was to be required—These special cases were limited to five. There are two-thirds requirements in connection with (1) the power of Congress to override the veto, (2) Senatorial ratification of treaties, (3) the initiation by Congress of proposals to amend the Constitution, (4) the impeachment power, and (5) the expulsion of members of Congress. In these rare instances, where it was felt necessary to make exceptions to majority rule, the Constitution expressly said so (Article I, Section 7; Article II, Section 2; Article V; Article I, Section 3; Article I, Section 5). This detailed specification of the two-thirds requirement in connection with particular powers demonstrates that, when Congress was to operate by other than majority rule, it was so instructed by definite language in the Constitution.⁹

Majority rule is the constitutional measure for legislative action. As Senator Thomas of Colorado pointed out in debating the cloture rule of 1917, "majority rule is an essential principle in American Government" (55 Cong. Rec. 33). Yet this fundamental constitutional principle can only be reestablished in the United States Senate through new rules, in whole or in part, at the opening of the Senate of a new Congress. If this route is blocked, there will be no way to carry out this basic principle of the Constitution and to implement the Supreme Court's statement that a House of Congress "may not by its rules ignore constitutional restraints . . ." *United States v. Ballin*, 144 U.S. 1, 5. We turn now to the parliamentary steps to obtain majority rule at the opening of Congress.

VI. THE PARLIAMENTARY STEPS TO CHANGE RULE XXII AT THE OPENING OF CONGRESS

(1) *Proceedings on January 10, 1967.* The Senate of the 90th Congress will convene at 12 o'clock meridian on January 10, 1967. Immediately after the opening prayer, there will be formalities of presenting credentials, administering the oath to new members and the election of officers. At the close of the formalities, Senator Anderson or one of the other Senators who supports a change in Rule XXII to three-fifths of those present and voting will seek recognition and, upon receiving recognition, will send his three-fifths cloture resolution to the Chair and ask that it be read. After the Clerk reads the three-fifths cloture resolution, the Senator who had sent that resolution to the desk will request unanimous consent for the immediate con-

⁹ It should be noted here that the argument under this subsection (7), as distinguished from the other arguments made in support of the proposition that the Senate of a new Congress has unfettered authority to deal with its rules, would be equally valid if raised at a later stage in the Congress. See CONGRESSIONAL RECORD, vol. 107, pt. 15, p. 19847.

sideration of the resolution. Unanimous consent for immediate consideration of the resolution is required because Rule XL entitles the Senate to one day's notice in writing of motions to amend or modify a rule.¹⁰ If unanimous consent is forthcoming, the resolution is on the floor of the Senate for debate. If, as seems almost certain, one or more Senators refuse unanimous consent, the Senator who had sent the resolution to the desk will send to the desk a notice of motion under Rule XL to amend Rule XXII to provide for three-fifths cloture.

After the three-fifths cloture resolution has been offered, one of the Senators seeking to change Rule XXII to provide for majority rule will seek recognition and, upon receiving recognition, will address the Chair substantially as follows:

"Mr. President, on behalf of the following Senators (listing them) and myself and in accordance with Article I, Section 5 of the Constitution of the United States and the advisory rulings of the Chair at the opening of the 85th, 86th and 87th Congresses, I send to the desk a resolution and I ask that the Clerk read it."

The resolution sent to the desk will be as follows:

"Resolved, That rule XXII of the Standing Rules of the Senate is amended by adding a new section 3 as follows:

"3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this section, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays, legal holidays, and nonsession days) he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea and nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter, debate upon the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions with respect thereto, shall be limited in all to not more than one hundred hours, of which fifty hours will be controlled by the majority leader, and fifty hours will be controlled by the minority leader. The majority and minority leaders will divide equally the time allocated among those Senators favoring and those Senators opposing the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and the motions affecting the same; Provided, however, That any Senator so requesting shall be allocated a minimum total of one hour. It shall be the duty of the Presiding Officer to keep the time. The above provisions for time in this paragraph are minimum guarantees and the motion to bring the debate to a close may specify additional time for debate. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a

¹⁰ Since Rule XL does not restrict the power of the Senate to act expeditiously on new rules, the group seeking to change Rule XXII acquiesces in this rule and is operating under it.

close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Resolved, further, That section 3 of the Standing Rules of the Senate be redesignated as section 4."

After the Clerk reads the resolution, the Senator who had sent the resolution to the desk will request unanimous consent for the immediate consideration of the resolution. If unanimous consent is denied, as seems almost certain, the Senator who sent the resolution to the desk will address the Chair as follows:

"Mr. President, I therefore send to the desk a notice of motion to amend certain rules of the Senate and ask that it be read."

The notice of motion would read as follows:

"NOTICE OF MOTION TO AMEND CERTAIN SENATE RULES

"In accordance with the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend Rule XXII of the Standing Rules of the Senate in the following particulars, namely:

"Rule XXII of the Standing Rules of the Senate is amended by adding a new section 3 as follows:

"3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this section, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays, legal holidays, and nonsession days) he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea or nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter, debate upon the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions with respect thereto, shall be limited in all to not more than 100 hours, of which 50 hours will be controlled by the majority leader, and 50 hours will be controlled by the minority leader. The majority and minority leaders will divide equally the time allocated among those Senators favoring and those Senators opposing the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same; provided, however, that any Senator so requesting shall be allocated a minimum total of one hour. It shall be the duty of the Presiding Officer to keep the time. The above provisions for time in this paragraph are minimum guarantees and the motion to bring the debate to a close may specify additional time for debate. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order including

questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"Section 3. Redesignate section 3 of the Standing Rules of the Senate as Section 4."

"The purpose of the proposed amendment is:

"To provide for bringing debate to a close by a majority of the Senators duly chosen and sworn after full and fair discussion."

After the resolutions have been offered, the Senate would presumably adjourn until Wednesday, January 11th. It is not believed that Majority Leader Mansfield would seek to prejudice the right of the Senators bringing up the resolution to change Rule XXII by attempting to take up other business on January 10th. Indeed, it is customary for the Senate not to remain in session for any length of time on opening day when new Senators who have just been sworn in have congratulatory and other festivities to attend. If, by some remote chance, an effort were made to go to other business, it would be incumbent on the Senators supporting either of the proposed rules changes to object to the transaction of any such business or to make certain, by obtaining the necessary consents or parliamentary rulings, that the transaction of such business would not waive the rights of the majority to adopt rules at the opening of the Senate of the new Congress. In other words, it would be necessary to make sure that the Vice President would be prepared to treat January 11th as still the opening of the new Congress for purposes of the rules, despite the business the Majority Leader proposed to transact on January 10th. As already indicated, however, it is not believed that this problem is likely to arise; rather, it is assumed that debate on the Resolution will commence on January 11th without hitch.

(2) *Proceedings on January 11, 1967 and thereafter.* As in past efforts to change Rule XXII at the opening of Congress, the Vice President would lay the resolution before the Senate during the morning hour. At the conclusion of the morning hour, the resolution would be placed on the calendar. At that time the sponsor of the resolution for three-fifths cloture would move that the Senate proceed to the consideration of the resolution. Debate on the motion that the Senate proceed to the consideration of the resolution would follow and presumably the motion would be agreed to (see, for example, the experience in 1961, CONGRESSIONAL RECORD, vol. 107, pt. 1, p. 231). As soon as the three-fifths resolution becomes the pending business of the Senate, the Senators who have given notice of their proposal for majority rule would offer their proposal as a substitute for the three-fifths cloture resolution. Debate would then go forward on the majority rule and three-fifths proposals. During the course of the debate on the motion to proceed to consideration and on the resolutions themselves, it would be incumbent on the Senators supporting either of the rules changes to object to the transactions of any other business except by unanimous consent or under a ruling from the Chair that such business would not prejudice the rights of the majority to adopt rules at the opening of the Senate of the new Congress. Presumably the debate would continue from day to day after January 11th.

(3) *Motion for Majority Cloture to be Voted First.* It is generally agreed both by those supporting majority rule and those supporting three-fifths cloture that the proposal for majority rule should be voted upon first. Because of this, it is important that the three-fifths proposal be offered first and that the majority rule proposal be offered as a substitute for it. This would automatically bring majority cloture up for the first vote.

(4) *Tactics of the Opposition.* What tactics the opposition to a change in Rule XXII will adopt are, of course, not known

to us at this time. The opponents have at least the following alternatives:

(i) They can move to table the Resolution to change the rules. If a majority votes to table, such action would, as Vice President Nixon made clear in 1957, constitute approval of Rule XXII as a part of the rules of the Senate of the 90th Congress.

(ii) They can move to commit the Resolution to committee as was done in 1961. This would also constitute approval of Rule XXII as a part of the rules of the Senate of the 90th Congress.²¹

(iii) They can seek to defeat a motion to take up the Resolution to change Rule XXII or seek to defeat the Resolution itself. If a majority so votes, this would likewise constitute approval of Rule XXII.

(iv) They can make a point of order against the consideration of the Resolution to change Rule XXII. The point of order would not, clearly not, be well taken. Whether or not the proposed Resolution is considered under the Constitution or under the existing rules, in either event it is clearly in order. If rules do not carry over from Congress to Congress except by acquiescence, the proposed Resolution is in order as an expression of such acquiescence in the existing rules other than Rule XXII plus a new Rule XXII. If the rules do carry over, the Resolution is in order (as then Majority Leader Johnson's Resolution was in 1959) as a Resolution to change a particular Rule.²²

If the opponents of a change in Rule XXII do not have the votes to table (as in (i) above), to send to committee (as in (ii) above), or to defeat the proposed Resolution (as in (iii)), those who are most strenuously opposed to majority rule will undoubtedly seek to filibuster either the motion to take up the rules change or the rules change itself or both. It is then and only then that the real constitutional issue arises: Whether a majority of the Senators of the newly-convening body can cut off debate in order to carry out their constitutional function of determining rules or whether they must stand powerless before the minority shielded by the Rules of an earlier Senate? As we have conclusively demonstrated in Point V, there can be only one answer to this question—the majority of the Senate of the 90th Congress has the power, under the Constitution, to act to determine its rules.

(5) *Motion to Close Debate—Point of Order Raised Against It.* As just indicated, if the opponents of a change in Rule XXII do not have the vote to table the resolution, to commit it to committee or to defeat it, they will undoubtedly filibuster. After reasonably lengthy debate, the time will come for the proponents of a new Rule XXII to make their move to end the filibuster. The

²¹ The only other motions that appear possible besides the tabling and committal motions would be ones either to postpone indefinitely or to postpone to a day certain. Unless an agreement were made that the matter would be considered at the later time as though it were the opening of Congress, such motions, if adopted, would likewise mean the fastening of Rule XXII upon the Senate of the 90th Congress.

²² Nor would a point of order lie on the ground that the resolutions to change Rule XXII must go to the Rules Committee. In the first place, a majority of the Senate has the right under existing rules to determine whether a bill or resolution should go to committee or go directly to the calendar. Furthermore, as fully demonstrated in Point V above, if any rule of the Senate did require a rules change to go to committee and thus prevent the majority from working its will at the opening of Congress, the rule itself would be invalid as an effort by an earlier Congress to prevent the new majority from working its will.

first step would be a request to the filibusterers to agree to a vote at some specified time in the future. If this request is refused, the next step would be to announce that a motion to close debate will be made on the following day as soon as recognition can be obtained. At that time one of the supporters of a new Rule XXII (either a three-fifths or majority supporter) would rise and address the Chair substantially as follows:

"Mr. President, it is now clear that a majority of the members of this body desire to change Rule XXII. It is also clear that there has been a full and fair and even prolonged discussion of this matter. Further discussion will not enlighten the Senate or the nation, but will simply be an effort to keep this body from acting. Therefore, under the Constitution and especially under Article I, Section 5 thereof, and under the advisory rulings of the Vice President Nixon, I move that the Senate without further debate now vote upon the question whether the body wishes to terminate debate and to vote without further debate upon the pending resolution and all amendments thereto concerning Rule XXII."¹³

It would seem likely that Senator Russell or one of his colleagues would raise a point of order contending that the proposed motion is out of order on the ground, as they would claim, that Rule XXII carries over and is the only method for closing debate. The matter would then be squarely before the Vice President on the right of the Senate of a new Congress to adopt its rules by a majority vote and without the fetters of Rule XXII laid down by an earlier Congress.

The Vice President would have three choices:

(i) The Vice President could, and we submit *should*, rule that the motion is in order (as Vice President Nixon repeatedly made clear he would have ruled). In this event there would undoubtedly be an appeal from the ruling of the Chair and this appeal is debatable. However, the Senators favoring a change in Rule XXII could move to table the appeal and, if the tabling motion succeeded, this would have the effect of upholding the Vice President's ruling. Immediately upon the tabling of the appeal, the Vice President would put the motion to terminate debate, and, if this motion carried, the Vice President would put the majority rule proposal to the Senate. If that carried, it would be the end of the matter; if it failed, the Vice President would then put the three-fifths motion to the Senate. Whatever happened, that would be the end of the matter.¹⁴

(ii) The Vice President could, with or without giving an advisory ruling, place before the Senate the constitutional question whether the motion to terminate debate was in order. During the debate on Rule XXII in the 87th Congress, Vice President Johnson indicated that this was the course he would follow in dealing with any question involving an interpretation of the Constitution (CONGRESSIONAL RECORD, vol. 107, pt. 15, p. 19847). Senator Keating in a series of par-

¹³ This form of motion is probably to be preferred to a motion for the previous question (as used in the House) to avoid the raging academic controversy on the history of the previous question motion from 1789 to 1806. We are convinced, however, that the previous question motion could be utilized as an alternative.

¹⁴ If the opponents of a change in Rule XXII filibuster the motion to proceed to consideration of the rules change rather than allowing that motion to be voted upon (as they did, for example, in 1961), the motion to terminate debate which we set forth above would have to be made initially as an effort to terminate debate upon the motion to proceed to consideration of the change in Rule XXII. While this might require two motions to terminate debate rather than one, it would not change the basic procedure in any way.

liamentary inquiries sought confirmation of the view that a majority of Senators had the power under the Constitution to determine the rules of proceedings in the Senate. In declining comment on one of the questions posed during this colloquy, the Vice President stated: "The Chair has no authority to interpret the Constitution. *Constitutional questions must be submitted to the Senate for determination under the uniform practices of the Senate.*" Ibid. This same view is set forth in the Manual on Senate Procedure prepared by the Senate Parliamentarian. In the words of the Manual (at page 20): "It is not within the province of the Presiding Officer to rule a bill or an amendment out of order on the ground that it is unconstitutional; the Presiding Officer has no authority or power to pass on the constitutionality of a measure or amendment; that is a matter for the Senate itself to decide."

If the Vice President should follow this course, any point of order against the motion to terminate debate under Article I, section 5 of the Constitution, would be put to the Senate for decision. If a majority of the Senators rejected the point of order and voted that the motion to terminate debate was in order, then the motion to terminate would be put and from there on the procedure would be identical with that in (i) above.

(iii) The Vice President could, of course, contrary to Vice President Nixon's several advisory rulings and to his own views expressed over a number of years, sustain the point of order against the motion to terminate debate. If he did this, we could appeal the ruling, but the matter would be subject to further filibuster and there would be no way out of the dilemma. But the Senators joining in this effort to obtain majority rule in the Senate do not consider this a realistic possibility.

(6) *Motion to Close Debate—No Point of Order Raised Against It.* It was assumed in the discussion under (5) immediately above, that the motion to close debate under the Constitution and the Nixon advisory rulings would be met by a point of order and the Vice President's ruling would thus come in deciding the validity of that point of order. But it is also possible that the opponents of a change in Rule XXII would simply sit tight in the hope that Vice President Humphrey would put the motion to close debate to the Senate for debate (as Vice President Johnson did in 1963) rather than for a vote (as Vice President Nixon indicated he would do in 1957, 1959 and 1961). We are confident that Vice President Humphrey would put the motion to close debate to the Senate for a vote rather than killing the motion by putting it to the Senate for debate.

Our case to the Vice President on this point can be simply put: *You do not debate a motion to end debate.* This is for the obvious reason that debating the motion renders it meaningless. It is just like the fact that you do not debate a motion to adjourn because you defeat the motion by debating it. So, if the Vice President were to say that there is no way to get to a vote on a motion to end debate under the Constitution, he would be saying:

(i) You can debate a motion to end debate;

(ii) You can kill a motion to end debate with debate;

(iii) The Senate cannot act except under Rule XXII;

(iv) The Senate does not have the power of the Senate of the 1st Congress to adopt rules by majority will.

The Senators seeking rules change are confident that the Vice President will be willing to help the Senate to perform its Constitutional obligations. His statements from 1953 to date make clear his belief that the Senate of a new Congress does have the power to act by majority will. We rest our case in the firm belief that the Vice President will put the motion to close debate to

the Senate for a vote not for certain death by further debate.

(7) *Procedure Like 1961, 1963 and 1965 not 1953, 1957 or 1959.* It is immediately recognizable that the proposed procedure for January 10, 1967, is like the 1961, 1963 and 1965 procedure and is different from the procedure adopted by the proponents of majority rule at the opening of other recent Congresses.

In 1953 and 1957, the motion utilized on opening day was as follows:

"In accordance with Article I, Section 5 of the Constitution which declares that * * * 'each House may determine the rules of its proceedings' * * * I now move that this body take up for immediate consideration the adoption of rules for the Senate of the Eighty-third (or Eighty-fifth) Congress." In 1959 the same motion was offered as a substitute for Majority Leader Johnson's motion to amend the rules.

The Senators joining in the effort to change the rules on January 10, 1967, have two alternative courses open to them:

(i) They could have proceeded with the motion to take up rules as they did in 1953 and 1957 and as they sought to do in 1959.

(ii) Or they could proceed, as they did in 1961, 1963, and 1965 and are now doing, under the Constitution, Vice President Nixon's advisory rulings in 1957, 1959 and 1961, and the existing rules (to the extent they do not thwart the will of the majority).

The motion to take up rules utilized in 1953, 1957 and 1959 proceeds on the assumption that the rules of the Senate do *not* carry over from Congress to Congress except by acquiescence of a majority of the Senate of the new Congress. The briefs submitted in support of the motion to take up the rules at the opening of those Congresses made out an overwhelming case for this proposition.

We have, however, decided on the second alternative of proceeding under the Constitution, Vice President Nixon's rulings and the existing rules, for four reasons:

(i) Some Senators have indicated concern at operating under general parliamentary procedures even during the period of the adoption of rules, and the procedure now being followed avoids this problem, for the rules are assumed to carry over except to the extent that they thwart the ability of the majority to determine the rules at the opening of the Senate of the new Congress.

(ii) Vice President Nixon repeatedly expressed his opinion at the opening of the 85th, 86th, and 87th Congresses that the rules do carry over from Senate to Senate except that earlier rules, insofar as they restrict the power of the Senate of a new Congress to change its rules, are not binding on the Senate at the opening of a new Congress.

(iii) Then Majority Leader Johnson's 1959 action in bringing up a rules change on opening day of the new Congress is a recent precedent for immediate consideration under the rules of such rules changes as are desired by a majority of the members of the Senate.

(iv) This procedure worked smoothly in 1961, 1963, and 1965. It was thwarted in 1961 only by a motion to send to committee adopted by the barest majority and in 1963 by Vice President Johnson's putting the motion to close debate to the Senate for debate. If the Vice President and a majority are now on our side, as we believe them to be, the procedure we are utilizing will be effective.

We desire to make it extremely clear that, by proceeding as we are doing under both the Constitution and the existing rules, we do not waive and we cannot be considered as waiving the constitutional power of the Senate of the new Congress to adopt their own rules by majority vote unfettered by any restrictive rules of the past. We are proceeding under the Constitution and under Vice President Nixon's repeated advisory rulings that the rules, although they do carry

over from Congress to Congress, cannot restrict what a majority of the Senate of the new Congress wants to do at the opening of a new Congress in the way of determining what rules are to govern the body for the next two years. With a majority of the Senators supporting a change in Rule XXII at the opening of the 90th Congress and with a Vice President who has long favored such action, 1967 is the year of decision.

Respectfully Submitted by Senators Joining in Motion to Amend Rule XXII to Permit a Majority of the Total Senate to Close Debate.

APPENDIX

VICE PRESIDENT NIXON'S RULINGS

In 1957, during the debate on the rules at the opening of the Senate of the Eighty-fifth Congress, Vice President Nixon gave an advisory ruling as follows (CONGRESSIONAL RECORD, vol. 103, pt. 1, pp. 178-179):

"It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

"Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule 22 in practice has such an effect.

"The Chair emphasizes that this is only his own opinion, because under Senate precedents, a question of constitutionality can only be decided by the Senate itself, and not by the Chair.

"At the beginning of a session in a newly elected Congress, the Senate can indicate its will in regard to its rules in one of three ways:

"First. It can proceed to conduct its business under the Senate rules which were in effect in the previous Congress and thereby indicate by acquiescence that those rules continue in effect. This has been the practice in the past.

"Second. It can vote negatively when a motion is made to adopt new rules and by such action indicate approval of the previous rules.

"Third. It can vote affirmatively to proceed with the adoption of new rules.

"Turning to the parliamentary situation in which the Senate now finds itself, if the motion to table should prevail, a majority of the Senate by such action would have indicated its approval of the previous rules of the Senate, and those rules would be binding on the Senate for the remainder of this Congress unless subsequently changed under those rules.

"If, on the other hand, the motion to lay on the table shall fail, the Senate can proceed with the adoption of rules under whatever procedures the majority of the Senate approves.

"In summary, until the Senate at the initiation of a new Congress expresses its will otherwise, the rules in effect in the previous Congress in the opinion of the Chair remain in effect, with the exception that the Senate should not be bound by any provision in those previous rules which denies the membership of the Senate to exercise its constitutional right to make its own rules."

In 1959, during the debate on the rules at the opening of the Senate of the Eighty-sixth Congress, Vice President Nixon gave advisory rulings as follows:

"Under the advisory opinion the Chair rendered at the beginning of the last Congress, it is the opinion of the Chair that until the Senate indicates otherwise by its majority vote the Senate is proceeding under

the rules adopted previously by the Senate, but, as the Chair also indicated in that opinion, it is the view of the Chair that a majority of the Senate has a constitutional right at the beginning of each new Congress to determine what rules it desires to follow" (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 6).

"The resolution submitted by the Senator from Texas will be considered under the rules of the Senate which have been adopted previously by the Senate. But as the Chair stated earlier today, and as he expressed himself more fully in an advisory opinion at the beginning of the last Congress, in the opinion of the Chair the rules previously adopted by the Senate and currently in effect are not, insofar as they restrict the power of the Senate to change its rules, binding on the Senate at this time.

"The Chair expressed that opinion in the last Congress, but it is only an opinion. The question of constitutionality lies within the power of the Senate itself to decide. The Constitution gives to the Senate the power to make its rules. That means that the Members of the Senate have the right to determine the rules under which the Senate will operate. This right, in the opinion of the Chair, is one which can be exercised by and is lodged in a majority of the Members of the Senate. This right, in the opinion of the Chair, in order to be operative also implies the constitutional right that the majority has the power to cut off debate in order to exercise the right of changing or determining the rules" (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 8-9).

"If, for example, during the course of the debate on the motion of the Senator from Texas, which deals with changing the rules, a Senator believes that action should be taken and debate closed, such Senator at that time could, in the opinion of the Chair, raise the constitutional question by moving to cut off debate. The Chair would indicate his opinion that such a motion was in order but would submit the question to the Senate for its decision" (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 9).

"In the opinion of the Chair, as he has expressed it both yesterday and at the beginning of the first session of the last Congress, the rules of the Senate continue from session to session until the Senate, at the beginning of a session indicates its will to the contrary.

"In the opinion of the Chair, also, however, any rule of the Senate adopted in a prior Congress, which has the express or implied effect of restricting the constitutional power of the Senate to make its own rules, is inapplicable when rules are before the Senate for consideration at the beginning of a new Congress.

"It has been the opinion of the Chair, for example, that subsection 3 of rule XXII would fall in that category, because it has the practical effect, or might have the practical effect, of denying to a majority of the Senate at the beginning of a new Congress its constitutional power to work its will with regard to the rules by which it desires to be governed.

"On the other hand, in the opinion of the Chair, the requirement that any proposal to amend or adopt rules lie over for a day, under rule XL, would not have such an inhibiting effect. Consequently, the Chair believes that rule XL is one which can properly apply in connection with consideration of the rules by the Senate at this point" (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 96).

"It is the opinion of the Chair that at the beginning of a new Congress a majority of the Senate has the constitutional right to work its will with regard to the rules by which it desires to be governed, and that that

right cannot be restricted by the membership of the Senate in one Congress imposing its will on the membership of the Senate in another Congress" (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 101).

"The key problem around which this discussion has resolved is with regard to the question of whether the Senate can move to bring a question of change of the rules to a vote, as the Senator from Wyoming is aware. It is the opinion of the Chair that insofar as that problem is concerned, at the beginning of a new Congress the Senate can proceed to adopt new rules or to amend old rules without being inhibited by any previous rule which might restrict or deny the constitutional right or power of a majority of the membership of the Senate to determine its rules" (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 102).

"A constitutional question would be presented if the time should come during the course of the debate when action on changing the rules should seem unlikely because of extended debate. At that point any Member of the Senate, in the opinion of the Chair, would have the right to move to cut off debate. Such a motion would be questioned by raising a point of order. At that point the Chair would submit the question to the Senate on the ground that a constitutional question had been raised because of the Chair's opinion that the Senate, at the commencement of a new Congress, has the power to make its rules. That power, in the Chair's opinion, cannot be restricted even by action of the Senate itself, which would be the case where the membership of the Senate in one Congress has attempted to curtail the constitutional right of the membership of the Senate in another Congress to adopt its rules" (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 103).

In 1961, during the debate on the rules at the opening of the Senate of the 87th Congress, Vice President Nixon gave advisory rulings as follows (CONGRESSIONAL RECORD, vol. 107, pt. 1, pp. 9-13):

"The Chair has indicated his opinion that at the beginning of each new Congress a majority of the Members of the Senate have the constitutional right to determine the rules under which the Senate will be guided. Once that decision is made, or once the Senate proceeds to conduct business under rules adopted in previous Congresses, those rules will then be in effect."

"The ruling of the Chair is that any rule adopted in a previous Senate which would inhibit the right of a majority of the Members of the Senate in a new Congress to adopt its rules is not applicable. And, as the Chair has made his ruling previously, the Chair would hold that in this instance the filing of the motion under rule XL, as the Senator has indicated he would desire to proceed, is proper; but that any section of the rules, other than rule XL, which would inhibit the right of the majority of the Members of the Senate to determine its rules, would not be applicable."

"... The Chair stated that at the beginning of a new Congress a majority of the Members of the Senate can, either by positive action or by waiver of the right to take such action proceed to adopt its rules; but if the Senate proceeds, without objection, under rules previously adopted, to the conduct of business, it is the Chair's opinion that then the rules adopted in previous Congresses will apply to the Congress in which this Senate is sitting.

"On the other hand, if at the beginning of a Congress, before other business is transacted, a majority of the Members of the Senate desire to change the rules under which the Senate has been operating, it is

the opinion of the Chair that the majority rule will apply."

"As the Chair pointed out in his advisory opinion during a previous session of the Senate, any provision of the rules adopted by the Members of the Senate in one Congress cannot, in his opinion, inhibit the constitutional right of a majority of the Members of the Senate in any new Congress to adopt their rules by majority vote.

"As the Senator from Georgia has properly pointed out, only a majority vote is required to change the rules, if the Senate reaches the point of voting.

"What the Chair held as, in his opinion, unconstitutional was the attempt of the Senate in a previous Congress to inhibit the right of the Senate in a practical sense to get to the point where it could adopt rules by majority vote."

"The Chair in his advisory opinion did hold that the Senate was a continuing body and that the rules of the Senate did continue except for any rule adopted by the Senate which, in the opinion of the Chair, would inhibit the constitutional right of a majority of the Members of the Senate to change its rules or adopt new rules at the beginning of a new session of the Senate. This was the basis of the Chair's advisory opinion. The Chair's opinion was not that it was not a continuing body and that it began with no rules at all at the beginning of a new Congress. It is the opinion of the Chair that, at the beginning of each new session of Congress, the Senate does operate under and begins its business with the rules adopted in previous sessions of the Senate; but the Chair holds that any provision of the rules previously adopted which would restrict what the Chair considers to be the constitutional right of the majority of the Members of the Senate to change the Senate's rules, or to adopt new rules, would not be applicable."

"The Chair expressed his opinion that the provisions of rule XXXII which would inhibit the right of a majority of the Members of the Senate at the beginning of a new Congress to change its rules by majority vote would be unconstitutional."

"It is the opinion of the Chair that so long as no substantive business is undertaken by the Senate the opening of the new Congress still is in effect, so that the Senate would be able to adopt its rules under the majority procedure which the Chair has described."

The VICE PRESIDENT. The Senator from South Dakota may proceed.

Mr. McGOVERN. Mr. President, what we do here today, I wish to make perfectly clear, will not be a precedent for any action this body may take later, except as to the right of a majority of the Senate to act on its own rules at the opening of a Congress, unfettered by any rules of the Senate of earlier Congresses that would prevent a majority of the Senate from working its will on the rules. It would not be a precedent for any action during the term of the Senate.

Appropriate action under article I, section 5, of the Constitution at this time cannot be deemed a precedent for improper action not under that constitutional provision at some future time. A motion to close debate upon a rules change at the opening of Congress is appropriate action under the Constitution.

Mr. President, under article I, section 5, of the Constitution, which provides that a majority of each House shall con-

stitute a quorum to do business and that "each House may determine the rules of its proceedings," I move that debate upon the pending motion to proceed to the consideration of Senate Resolution 6 be brought to a close in the following manner:

The Chair shall immediately put this motion to the Senate for a yea-and-nay vote; and upon the adoption thereof, by a majority of Senators present and voting, a quorum being present, there shall be 2 hours of debate upon the motion to proceed to the consideration of Senate Resolution 6, divided equally between the distinguished Senator from Montana [Mr. MANSFIELD] and myself; and immediately thereafter, the Chair shall put to the Senate, without further debate, the question on the adoption of the pending motion to proceed to the consideration of Senate Resolution 6.

The VICE PRESIDENT. Will the Senator from South Dakota send the motion to the desk, so that the clerk may read it?

Mr. RUSSELL. Mr. President, how can the Senator embrace all his proposals within one motion? It gets to be a divisional question. He will have to submit his motion in two questions. I am confident I am right about that.

The VICE PRESIDENT. The clerk will restate the motion of the Senator from South Dakota for the edification of the Senate.

The assistant legislative clerk read the motion, as follows:

Mr. President, under article I, section 5, of the Constitution, which provides that a majority of each House shall constitute a quorum to do business, and each House may determine the rules of its proceedings, I move that debate upon the pending motion to proceed to the consideration of S. Res. 6 be brought to a close in the following manner:

The Chair shall immediately put the motion to the Senate for a yea-and-nay vote and, upon adoption thereof by a majority of those present and voting, with a quorum present, there shall be two hours of debate upon the motion to proceed to the consideration of S. Res. 6 divided equally between the proponents and the opponents thereof and immediately thereafter the Chair shall put to the Senate, without further debate, the question on the adoption of the pending motion to proceed to the consideration of S. Res. 6.

Mr. RUSSELL. Mr. President, the motion is confused. One-half of it will have to be submitted at a time. Both proposals cannot be submitted at the same time.

The VICE PRESIDENT. The Senator from Georgia is correct in reference to his request that there be a division of the question, under Senate rule XVIII; and that division, of course, would take place at the time of the vote upon the motion. However, the Chair should say that a point of order can be raised against the entire motion at any time.

Mr. RUSSELL. All right.

Mr. DIRKSEN. Mr. President, I make the point of order that the motion is out of order; and in support of that point of order, I take the position that this motion does not present a constitutional question.

The motion simply is a dressed-up "previous question." It contains some

surplusage and other matters; but when it is resolved into its solid component, it amounts to nothing more than an effort to shut off debate. That can only be done by a two-thirds vote. It can be done in the House of Representatives by a majority, only because there is a special rule in the Rules of the House of Representatives to that effect. But under every other parliamentary procedure, insofar as I am familiar with the authorities on the subject, including Robert's Rules of Order, section 29, this is a summary motion to chop off debate in this body; and that is tantamount to asking for the previous question.

In every case, the previous question called for two-thirds. Here, however, it is expected that it is to be resolved by a majority vote; and the author of the motion has so stated in the presentation which he has made to the Senate. In fact, the Senator from South Dakota has intimated to the occupant of the chair that the question should be determined by a majority vote of the Senate.

So, no constitutional question being involved, and this being a summary motion, it flies in the face of the present rules of the Senate and of all other parliamentary procedure, and is, in my judgment, clearly subject to a point of order.

The VICE PRESIDENT. The Chair feels that it is its obligation at this point, in light of the point of order raised by the Senator from Illinois, to state its view on this matter.

The point of order made by the Senator from Illinois involves or raises the question of the constitutionality of the motion of the Senator from South Dakota. On many occasions questions have been raised regarding the constitutional right of the Senate to act in a given manner, and the precedents are uniform. The Chair, on all these occasions, has submitted such questions to the Senate for its consideration.

The Chair is sure that Members of the Senate are well aware of the Presiding Officer's record as a U.S. Senator, at that time as an advocate of a point of view. The Chair is now the Presiding Officer of the entire Senate and stands as a servant of the Senate, rather than as an advocate within it.

Therefore, the precedent, which is a part of Senate history—namely, that the Chair has submitted constitutional questions to the Senate for its decision—the Presiding Officer believes to be a sound procedure. It has not been considered the proper role of the Chair to interpret the Constitution for the Senate. Each Senator takes his own obligation when he takes his oath of office to support and defend the Constitution. The Presiding Officer is aware of no sufficient justification for reversing this procedure.

Because the point of order made by the Senator from Illinois involves the constitutionality and propriety of the motion of the Senator from South Dakota—and at this time the Senate is attempting to modify its rules at the opening of Congress under rule XX on matters relating to questions of order—the Presiding Officer may submit any question of order for the decision of the Senate.

Therefore, following the precedent of

the Senate, the Chair submits to the Senate the question: Shall the point of order made by the Senator from Illinois be sustained? That question is debatable.

Mr. MANSFIELD. Mr. President, I have a series of parliamentary inquiries I would like to propound if I may do so now.

The VICE PRESIDENT. The Senator may state them.

Mr. MANSFIELD. Mr. President, first of all, am I correct in stating that the point of order raised by the Senator from Illinois questioning the propriety of the motion of the Senator from South Dakota [Mr. McGovern] has been submitted to the Senate by the Chair and that that point of order is debatable?

The VICE PRESIDENT. The answer is "Yes."

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

Am I correct in stating that it would be a proper procedure for any Senator to move to table the point of order, and that if that tabling motion prevailed, the effect of that vote would be to affirm the propriety of the motion of the Senator from South Dakota [Mr. McGovern]?

The VICE PRESIDENT. That is correct. The motion would then be the pending question.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

Am I correct in stating that the motion to table requires but a simple majority?

The VICE PRESIDENT. That is correct, according to the rules of the Senate and the precedents.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

If the Senate, by an affirmative vote tabled the point of order submitted to the Senate by the Chair, would the pending question at that time be the motion to proceed to the consideration of Senate Resolution 6?

The VICE PRESIDENT. That would be the only question left before the Senate.

Mr. DIRKSEN. Mr. President, will the Chair clarify that statement? If the motion to table is voted down—

The VICE PRESIDENT. If a motion to table the point of order made by the Senator from Illinois is carried—

Mr. DIRKSEN. If the motion is carried—I am speaking now about the motion to table.

The VICE PRESIDENT. Yes. If the motion to table fails, the point of order remains the pending question and is debatable.

If the motion to table carries, then, of course, the point of order is not valid, and it is the understanding of the Chair, and he will so advise the Senate, that the motion of the Senator from South Dakota would be valid and the Chair would be instructed to place that motion before the Senate for an immediate vote.

Mr. DIRKSEN. Mr. President, will the majority leader yield for a further parliamentary inquiry?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. If this decision is appealed or submitted to the Senate for a vote, the Chair will have to resolve by the size of the vote whether or not the Chair is sustained or is not sustained.

What would the Chair do—and I think it is an appropriate parliamentary inquiry—if there were only a majority and not two-thirds to sustain the position of the Chair?

The reason for the inquiry is simply this: I am trying to ascertain, if it were done by a majority, whether that would be tantamount to imposing cloture on the Senate by a majority vote.

The VICE PRESIDENT. The Senator from Illinois, as I understand, is asking the question: If the point of order which he has made is subjected to a motion to table, and the motion to table receives a majority vote, would the motion of the Senator from South Dakota to take up, with its proviso for submission of the question to the Senate after 2 hours debate, then be subject to further debate, and would a majority vote on a tabling motion have the effect of cutting off all debate?

That is what the motion provides.

Mr. MANSFIELD and Mr. ERVIN addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from Montana.

Mr. MANSFIELD. Mr. President, I have a further parliamentary inquiry to make, if I may. This is not surplusage; I raise it for emphasis, because the issue has been covered in whole or in part because of various other questions raised.

Assuming that the yeas and nays are ordered on the motion to proceed to Senate Resolution 6, am I correct in stating that if the Senate affirms the propriety of the motion of the Senator from South Dakota [Mr. McGovern] no further debate on the pending question would be allowed, and the Chair would order the clerk to call the role on the motion to proceed to the consideration of Senate Resolution 6?

The VICE PRESIDENT. The Senator is correct. The wording of the motion so states, with the 2-hour proviso.

Mr. PASTORE. Mr. President, will the Senator yield at this point?

Mr. MANSFIELD. I yield.

The VICE PRESIDENT. At the end of 2 hours the issue would be before the Senate for a yea-and-nay vote.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. Is the motion of the Senator from South Dakota debatable or not debatable?

Mr. MANSFIELD. Under the terms laid down at the request of the Senator from South Dakota [Mr. McGovern], he does have a 2-hour limitation.

Mr. PASTORE. Yes, if the motion carries; but is it debatable before coming to a vote?

Mr. MANSFIELD. The point of order is debatable. And the Chair has submitted the point of order to the Senate for debate and determination.

Mr. PASTORE. I am not talking about the point of order. I am talking about the original motion of the Senator from South Dakota. Is it debatable or not debatable? I realize that if it is carried and goes to a vote, whether it is debatable or not debatable, there is a limitation of time.

The VICE PRESIDENT. At this point the Chair informs the Senator from Rhode Island that a point of order has

been raised on the motion of the Senator from South Dakota. The Chair said that the point of order is debatable.

Mr. PASTORE. If a motion is made to lay the point of order on the table and that motion is carried, do we revert to the original motion made by the Senator from South Dakota? Is that original motion debatable or not debatable?

The VICE PRESIDENT. For 2 hours. The Senator from Rhode Island raised the same question which the Senator from Montana raised in his parliamentary inquiry; namely, that a point of order has been raised by the Senator from Illinois to the motion of the Senator from South Dakota. The motion of the Senator from South Dakota involves a question of constitutionality.

The Presiding Officer has placed that decision before the Senate, under precedent. A point of order has been made by the Senator from Illinois. If a motion to table that point of order under the parliamentary inquiry procedure of the majority leader is made, and if a majority vote to table is obtained, that invalidates the point of order and validates the motion of the Senator from South Dakota, which says, in turn, that the motion shall be debated for 2 hours, and that at the end of the 2 hours the Chair shall place the question before the Senate.

Several Senators addressed the Chair.

The VICE PRESIDENT. It makes it the pending question under the terms of the motion. However, the effect of the tabling motion on the point of order, under Senate precedent, carries the point of order which, in turn, directs the Chair to put the question under the terms of the motion of the Senator from South Dakota to the Senate ordering the yeas and nays at the end of 2 hours' debate. That is the motion.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Montana [Mr. MANSFIELD] has the floor.

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

Mr. DIRKSEN. Mr. President, the Senator from Rhode Island is correct—that is, the 2 hours will not obtain until the motion is carried.

Mr. PASTORE. Until it is carried.

Mr. DIRKSEN. There is one way to cure it, and that is to make it moot by having the majority leader ask unanimous consent for 2 hours of time. That takes care of the situation. But we cannot get 2 hours under this resolution unless we first adopt it. In so doing, of course, we will have to pass on the point of order that I make.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, I should like to make a unanimous-consent request at this time.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield to me first for a parliamentary inquiry?

Mr. MANSFIELD. Could I make my request first, please?

Mr. President, I ask unanimous consent that there be a limitation of 2 hours on the pending question, the time to be equally divided between the distinguished Senator from South Dakota [Mr. Mc-

GOVERN] and the Senator from Montana [Mr. MANSFIELD].

Mr. JAVITS. Mr. President, reserving the right to object, I wish to point out, in answer to the Senator from Rhode Island, that the motion is a motion to close debate. It is not a motion to take up the resolution. Two votes are required by the Senate. There would first be the necessary adoption of the motion to close debate; the 2 hours of debate would come thereafter, in the division which the Senator from Georgia [Mr. RUSSELL] has properly asked for, on the issue of taking up the change in rule XXII. At the end of those 2 hours, the Chair would be required to put that question. So 2 hours of debate would be granted without this unanimous-consent request.

This unanimous-consent request, if the Senator from South Dakota [Mr. McGOVERN] persists in his motion, can be locked in by anyone asking for the yeas and nays, which means 4 hours of debate. That is all right with me. I have no objection to it. However, I wish to point out that the motion will not cut off 2 hours' debate, because it is not a motion to take up; it is a motion to end debate. Under the Constitution, that motion lies; and that, in effect, is what has happened here.

This is a historic time when, at long last, the Gordian knot has been cut, a knot which has been doubling back upon itself for decades. The question can now be settled by the Senate, I hope very much that it will be at this time.

Mr. President, I withdraw my reservations.

The VICE PRESIDENT. The Chair will ask the clerk to read the motion of the Senator from South Dakota again, so that there may be no confusion as to the procedure.

The Chair observes, meanwhile, that the observations of the Senator from New York are proper and in order.

The assistant legislative clerk read as follows:

I move that debate upon the pending motion to proceed to the consideration of S. Res. 6 be brought to a close in the following manner: The Chair shall immediately put this motion to the Senate for a yeas and nays vote and, upon adoption thereof by a majority of those present and voting, there shall be 2 hours of debate upon the motion to proceed to the consideration of S. Res. 6 divided equally between the proponents and opponents thereof and immediately thereafter the Chair shall put to the Senate, without further debate, the question on the adoption of the pending motion to proceed to the consideration of S. Res. 6.

The VICE PRESIDENT. The Chair wishes to observe that in his earlier comments he had misunderstood the full procedure of the motion of the Senator from South Dakota. The observations of the Senator from New York are correct; namely, that the Chair would put the question for an immediate vote. Then, the second procedure would be that 2 hours of debate on the motion to take up would take place, and at the end of the 2 hours, the vote would take place.

Mr. HOLLAND. Mr. President, reserving the right to object, has the Chair already ruled, as I understand it has, that

the motion of the distinguished Senator from South Dakota is divisible into two different moieties?

The VICE PRESIDENT. The Senator is correct.

Mr. HOLLAND. I so understood. I invite attention to the fact, as a predicate for a parliamentary inquiry, that if the motion to lay on the table the point of order is carried, the first item for business would be the first portion only of the divided motion of the Senator from South Dakota, which would be the motion to stop debate, and under its terms it would be put immediately to the Senate; am I correct?

The VICE PRESIDENT. The Senator is correct.

Mr. HOLLAND. All right. The question then comes on the first part of the motion, and it would come before the latter part of the motion would come to an issue at all, the part providing for 2 hours of debate on the first part of the question. Is it not clear that the first part of the question is subject to debate?

The VICE PRESIDENT. It is the Chair's view that since the question of the constitutionality of the entire motion raised in the point of order by the Senator from Illinois is the pending question, that point of order is debatable; but if a motion is made to table that point of order on the entire motion of the Senator from South Dakota, and if the motion to table carries, the instructions within the motion of the Senator from South Dakota would be the question before the Senate, and it would be an instruction, as it reads, "that debate upon the pending motion to proceed to the consideration of Senate Resolution 6 be brought to a close in the following manner: The Chair shall immediately put this motion to the Senate for a yeas-and-nays vote and, upon adoption thereof by a majority of those present and voting"—

At that point—that is, stage No. 1—the instruction would be that a majority vote on the question would place the issue before the Senate.

Mr. HOLLAND. Place the second part of the motion before the Senate.

The VICE PRESIDENT. Place the second part of the motion before the Senate.

Mr. HOLLAND. All right. Now my question is this: On the first part of the motion—which the Presiding Officer has properly ruled would be separately presented—would not the right of debate, which belongs in the Senate on such a motion, or any motion, be retained?

The VICE PRESIDENT. The point of order, as the Chair understands it, was made to the entire motion. If the motion to table invalidates the whole point of order, and validates the entire procedure of the motion of the Senator from South Dakota.

Mr. HOLLAND. Mr. President, the failure of the point of order on the motion to lay it on the table would simply make the motion of the Senator from South Dakota the pending business, and the Presiding Officer has ruled that the first part of that motion would come on separately for debate. There is nothing in that first part of the motion that has

to do with limitation of debate. My question is, Under those conditions, would not that first part of the motion be subjected properly to debate by the Senate?

The VICE PRESIDENT. The Chair will consult for a moment with the Parliamentarian.

Mr. RUSSELL. Mr. President, reserving the right to object, the Chair has stated the effect of the carrying of the motion to table; but if the motion to table the point of order made by the Senator from Illinois were to lose, the entire motion of the Senator from South Dakota would collapse.

The VICE PRESIDENT. If the motion to table the point of order of the Senator from Illinois received less than a majority vote, it would remain the pending question before the Senate.

Mr. HOLLAND. Is there any contention that the point of order raised by the Senator from Illinois has embraced in its provisions anything affecting a limitation of debate? I heard nothing of that sort.

The VICE PRESIDENT. The full impact of the point of order raised by the Senator from Illinois is to the effect that the entire motion of the Senator from South Dakota is out of order. I gather that what the Senator says is that the Chair advises that the motion involves a constitutional question and violates the precedents of the Senate. The Senator from Illinois has seen fit to make that point of order. The inquiries of the majority leader have helped to delineate the line of conduct the Senate can follow.

Mr. MANSFIELD. Mr. President, at this time I would prefer to go ahead with my speech and, if possible, get a ruling on the unanimous-consent request. There undoubtedly will be further parliamentary inquiries.

Mr. GORE. Mr. President, will the Senator yield for a parliamentary inquiry?

The VICE PRESIDENT. Does the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GORE. The Presiding Officer of the Senate has referred several times to instructions to the Presiding Officer and to the Senate contained in the motion of the distinguished Senator from South Dakota. My inquiry is, Would those instructions flow from the action of the Senate or merely from the terms of a motion presented by the distinguished junior Senator from South Dakota?

The VICE PRESIDENT. The instructions would come from the motion that was made by the Senator from South Dakota, in rather precise and explicit terms.

Mr. GORE. How is it that one Senator can rise and offer a motion which will operate as instructions to the Senate and the Presiding Officer? That is an obtuse situation.

The VICE PRESIDENT. The point of order has been made against the motion, the Chair advises the Senator from Tennessee, and the point of order is debatable. The point of order is, of course, subject to a motion to table.

The Chair, in its effort to be helpful to the Senate in having it work its will, wishes to advise the Senate that it would

be the interpretation of the Chair that if the motion to table carries, the point of order is not well taken, and, under the precedents of the Senate, the motion of the Senator from South Dakota would be the pending question; and instructing the Chair as to the procedure to be followed.

Mr. GORE. But in so holding, does not the Presiding Officer put himself in the position of holding that because a point of order against a proposed motion has failed, the terms of that motion, without further action by the Senate, ipso facto, become instructions to the Senate?

The VICE PRESIDENT. What the Chair will do is to place before the Senate the substance of the motion which was challenged on the point of order. When a motion to table a point of order is made, precedent in this body, requires that the primary motion become the pending business and that the substance of the motion be carried out. In this instance, there are instructions to the Chair in the motion.

Mr. ERVIN. Mr. President, will the Senator yield for a parliamentary inquiry?

The VICE PRESIDENT. Does the Senator from Montana yield?

Mr. MANSFIELD. I would be happy to yield but first, I would like to ascertain whether any Senator intends to object to my unanimous-consent request.

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

Mr. MANSFIELD. I promised to yield first to the Senator from Tennessee.

Mr. JAVITS. The Senator has asked a question. I would like to answer.

Mr. MANSFIELD. Will the Senator answer it "Yes" or "No"?

Mr. JAVITS. My answer is "No"; I do not intend to object if I have a right to make a parliamentary inquiry in due time.

Mr. MANSFIELD. I would be glad to have the Senator do so.

The VICE PRESIDENT. May the Chair ask the Senator from Montana whether, in his unanimous-consent request, if it be carried, he asks for an additional 2 hours?

Mr. MANSFIELD. Two hours from now.

Mr. KUCHEL. Mr. President, reserving the right to object—

Mr. MANSFIELD. Mr. President, I think it advisable that I withdraw my unanimous-consent request. I am indeed sorry, because there would have been plenty of time for parliamentary inquiries. I think it would have helped to expedite the issue before the Senate. I do not believe any Senator is unaware of the question before us; nor do I think that anyone in this Chamber is unmindful of the fact that weekends are a hard time to keep the Senate in motion.

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

Mr. MANSFIELD. No; I would prefer to go ahead, with the indulgence of the senior Senator from Pennsylvania.

Mr. CLARK. I think the Senator is incorrect in that statement.

Mr. MANSFIELD. If the Senator will allow me to put this question, I will yield to enable Senators including the Senator

from Pennsylvania, to make parliamentary inquiries.

Mr. CLARK. I do not understand the request.

Mr. MANSFIELD. That there be 1 hour to a side on the pending question.

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

Mr. MANSFIELD. It is a request to the Senate to limit debate on the pending question to 2 hours, the time to be divided equally between the Senator from South Dakota [Mr. McGOVERN] and the Senator from Montana [Mr. MANSFIELD].

Mr. CLARK. On the pending question, the point of order?

Mr. MANSFIELD. Yes.

Mr. CLARK. I have no objection.

Mr. KUCHEL. Reserving the right to object, at the end of the 2 hours what does the Chair understand his responsibility to be?

The VICE PRESIDENT. The Chair understands his responsibility to be, at the end of 2 hours, to place before the Senate the question of the point of order as stated by the Chair; namely, Shall the point of order made by the Senator from Illinois be sustained? The yeas and nays would be ordered.

Mr. CURTIS. Mr. President, reserving the right to object—

The VICE PRESIDENT. The Chair recognizes the Senator from Nebraska.

Mr. MANSFIELD. How long does the Senator expect to speak?

Mr. CURTIS. Briefly. Only to ask a question. If the unanimous-consent request is agreed to, will there be opportunity to propound parliamentary inquiries made in good faith at the close of the time the Senator requests?

The VICE PRESIDENT. Is the Senator asking the Chair?

Mr. CURTIS. Yes.

The VICE PRESIDENT. Will the Senator from Nebraska repeat his question?

Mr. CURTIS. Yes. My question is this: If the unanimous-consent request to limit debate is agreed to, will there be ample opportunity for any Senator to propound a parliamentary inquiry made in good faith and notwithstanding the termination of the time stated in the unanimous-consent request?

The VICE PRESIDENT. The Chair, after consultation with the Parliamentarian, will advise the Senator from Nebraska, that at the end of the 2 hours the Senate would vote.

Mr. CURTIS. Then how can we make a parliamentary inquiry before we vote?

Mr. MANSFIELD. During the 2 hours, if it is allowed.

The VICE PRESIDENT. If the unanimous-consent request is agreed to, the Senator may, within that 2-hour period, make parliamentary inquiries.

Mr. RUSSELL. Mr. President, the confusion becomes worse confounded. I ask for the regular order.

Mr. MANSFIELD. Mr. President, I withdraw my request.

The VICE PRESIDENT. Is there objection to the unanimous-consent request?

Mr. MANSFIELD. Mr. President, I withdrew it.

The VICE PRESIDENT. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the motion of the Senator from South Dakota [Mr. McGOVERN] demands cloture by a simple majority; it thereby denies the continuing nature of this body. It is imperative that all of us clearly understand the full implications of this issue. It has much more significance than a direct and easy way to extricate the Senate from the parliamentary maze in which it finds itself now and at the beginning of each new Congress. The questions posed by this motion reach to the very heart of the Senate as an institution.

The underlying question is the motion to proceed to the consideration of Senate Resolution 6, a resolution to change rule XXII to require three-fifths of those present and voting, instead of the present two-thirds, to close debate. I have always favored this proposition—not because I believe that there is anything magical about the choice of three-fifths but because I feel it draws an equitable balance while still protecting the rights of a minority position in the Senate.

I very strongly urged this change in the past. I must admit, however, that with the achievement of the Civil Rights Act of 1964 and 1965 a great deal of the urgency for this change has been removed. Nevertheless, I still feel that a three-fifths rule would strike a proper balance between the present two-thirds requirement and a more far-reaching proposal. The present three-fifths resolution would preserve the essential nature of the Senate as an institution and its adoption should put to rest the biennial parliamentary parlor games which open each new Congress.

But the urgency or even wisdom of adopting the three-fifths resolution does not justify a path of destruction to the Senate as an institution and its vital importance in our scheme of government. And this, in my opinion, is what the present motion to invoke cloture by simple majority would do. The proponents would disregard the rules which have governed the Senate over the years simply by stating that the rules do not exist; that until the rules are changed to their liking and in the manner they choose, the Senate is consigned to oblivion. They insist that their position is right and any means used is therefore proper. I cannot agree.

This biennial dispute for a change in the rules has brought to issue the question of the Senate as a continuing body. The concept is really symbolic of the notion of the Senate in our scheme of government.

Numerous reasons are given to support the continuity of the Senate: the fact that two-thirds of its Members carry forward from one Congress to the next; the fact that committees of the Senate meet even after sine die adjournment of a Congress; the fact that States themselves by their own laws require the filling of vacancies in this Chamber even after sine die adjournment; the fact that the Senate itself by an overwhelming vote in 1959 attested to the continuation of the rules from one Congress to the next—and 47 Members who voted for that proposal are still serving in this Chamber.

But these reasons, though compelling, have not resolved the issue. They do demonstrate, however, that the Senate as an institution is very different from the House, that its function in our scheme of government is distinct and unique. What should be considered is whether the motion at hand—the motion for simple majority cloture—would destroy the character of the Senate as a parliamentary body.

Our consideration should be directed, therefore, to the destructive effect the pending procedure would have upon these distinct and historical features which distinguish the Senate as an institution.

First of all, the motion to cut off debate immediately has never been used in the Senate. This fact does not in itself make the motion improper, but it does justify questioning why the Senate has never before chosen to cut off debate in this manner. If a simple majority votes to sustain the availability of this motion at this time, it necessarily means that henceforth on any issue, at any time, and during any future session of any Congress a simple majority, with a cooperative presiding officer, can accomplish any end they desire without regard to existing rules of process and without consideration or regard to the viewpoint of any minority position.

Unquestionably, majority rule is basic and vital to our democracy. And a simple majority should and does decide the merits of virtually every issue raised in this body—including a change in our rules. But that is not the question here; the question is whether the simple majority can cut off debate in the U.S. Senate. And because of the earnest zeal of the advocates for a change—and their frustration in facing a prolonged debate—they insist that in this case debate must be shut off by a simple majority so that a majority rightfully can accomplish a proper change.

I think the issues are distinct. I simply feel the protection of the minority transcends any rule change, however desirable, if attempted in this manner.

The issue of limiting debate in this body is one of such monumental importance that it reaches, in my opinion, to the very essence of the Senate as an institution. I believe it compels a decision by more than a majority. I believe it ranks with other fundamental issues which by their very nature are elevated to a level above the dictates of a majority. This is not a novel concept. This is not heresy. Our Constitution itself specifies that nine distinct issues shall require more than a majority for adoption. The Constitution of the United States is not undemocratic.

In other words, I consider the issue of whether a Senator representing his State has spoken long enough to be of such transcendent scope that it should be decided by more than a bare majority vote. I believe this is vital for the protection of any and every minority—for the protection of every State, large or small—and should not be taken from either.

It has been suggested in this debate that the majority should decide the relative importance of this issue and the sufficiency of the debate—not the minor-

ity. But giving this choice to the minority has one redeeming feature—the minority can never impose its changes on the majority. The minority can but say to the majority, "you are going about it in the wrong way—the need for a change may exist but your solution is defective." This negative power of a minority plays a critical role in our scheme of government.

As a practical matter, our everyday experience in this Chamber shows how the last minute shift of two or three votes changes a majority. Far be it from any of us to admit these last minute changes are not proper and in response to valid and sincere argument on the merits. But when the issue itself concerns each Member's right to continue to urge in debate valid and sincere arguments for or against the merits of a proposal, I feel the issue so vital as to warrant a Senate endorsement based on a less tenuous foundation than a single vote margin.

In 1964 a great majority of the present Members debated and resolved one of the most comprehensive pieces of legislation enacted in this century, on an issue which generated deep emotion and conflicting conviction. The distinguished occupant of the Chair, the Vice President, played an essential and leading role in that great debate on the Civil Rights Act of 1964. You will recall that the debate proceeded on this Senate floor 83 days.

I cannot help but wonder what would have been the result if a majority could have imposed cloture on that debate. I know it could have been accomplished in a month or less. I doubt very much if the bill would have been nearly as comprehensive. I do not believe that this law's observance today would be nearly as uniform, nearly as great a source of pride for all Americans without that comprehensive debate. The Senate then demonstrated its unique and distinct character. The conflicting convictions were expressed in an atmosphere of open and free debate where the result was not by any means a foregone conclusion. Attention was focused on this body as the safety valve for an emotionally charged issue in our scheme of government. The country as a whole regarded the Senate as the one institution that would test for all, the urgency and propriety of that measure. The fact that the law is now fully observed in all parts of our country attests abundantly to the vital service performed in this Chamber. After all, any law is only as good as its observance. I think the Senate as an institution should continue to play this critical role on issues of this nature, when emotions are so highly charged. It provides the only forum where calmness, coolness, and reflection may be demanded of even a majority. The experience of 1964 and 1965 removes, in my opinion, a great deal of the sting for the urgency of a change in rule XXII. I do not mean to say that a change to three-fifths would not strike a more equitable balance and still preserve the institution of the Senate in our governmental system. At the same time, there is basis for belief that such a limited proposal would assuage the demands for further change. However, I do not agree that the basic nature of the Senate

should be destroyed in reaching the end. I urge each Member to consider carefully the implications of his vote. I urge you strongly to vote against the anticipated motion to table the point of order.

Several Senators addressed the Chair. The VICE PRESIDENT. The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I share the majority leader's conviction that the three-fifths' formula is the most prudent and most commonsense approach, and the most moderate way in which to bring debate to a halt after the Senate has fully discussed any issue which comes before it.

The point on which I would take issue with the distinguished majority leader is that I believe that at the beginning of a new Congress the Senate has the right under the Constitution to act by a majority vote to set that rule—in other words, to establish a three-fifths procedure for henceforth terminating debate in that Congress if it sees fit to do so.

I wish there were some way in which we could arrive at that point by a procedure other than the one we are attempting here today. I know of no other way in which to do it.

I believe we are acting clearly under our constitutional authority. A quorum being present, a majority of the Senate has the constitutional right to set its rules.

In my judgment, the only precedent that we are setting here today is the right of the Senate at the beginning of a new Congress to establish its rules by a majority vote.

Mr. President, I intend in a moment to move to table the pending point of order. However, I informed the Senator from Arizona [Mr. HAYDEN] that I would see to it that he had an opportunity to be heard on this point. Without losing my right to the floor, I ask unanimous consent that I may yield to him for a period of 5 minutes.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. ERVIN. Mr. President, I object to that unless I can have 3 minutes.

Mr. McGOVERN. Mr. President, without losing my right to the floor, I ask unanimous consent that I may also extend 3 minutes to the Senator from North Carolina.

Mr. MILLER. Mr. President, I ask the Senator from South Dakota for the same privilege.

Mr. McGOVERN. Mr. President, without losing my right to the floor, I ask unanimous consent that I may also yield to the Senator from Iowa for 3 minutes.

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

Mr. McGOVERN. I yield.

Mr. MANSFIELD. Mr. President, I think a dangerous precedent is being set.

I think the Senator from Arizona should be recognized in his own right for many reasons, but if somebody wants to come in with a tabling motion—and it will not be the Senator from Montana—what good would the promises be?

Mr. McGOVERN. Mr. President, I do want to extend the time that I pledged to the Senators. However, I cannot yield any additional time.

I will press for the tabling motion after

the Senator from Iowa [Mr. MILLER], the Senator from Arizona [Mr. HAYDEN], and the Senator from North Carolina [Mr. ERVIN] have spoken for the amount of time which they have requested.

I then intend to move to table the point of order.

The VICE PRESIDENT. Is there objection to the request?

Mr. GORE. Mr. President, I reserve the right to object.

The VICE PRESIDENT. The Senator from Tennessee.

Mr. GORE. Mr. President, we are about to see—indeed, we are seeing—the extremity to which adulteration of the rules of the Senate can lead in a situation in which one Senator can be an arbiter over which Senator is recognized, which Senator is not recognized, which Senator in representation of his State can have the privilege of addressing the Senate, and which Senator cannot do so, and for how long a Senator may speak, whether 2 minutes, 3 minutes, or 5 minutes.

Mr. President, further reserving the right to object, I wish to call attention to the fact that the failure—

The VICE PRESIDENT. Is there objection?

Mr. WILLIAMS of Delaware. Regular order.

The VICE PRESIDENT. Debate is not in order.

Mr. GORE. Mr. President, I am reserving the right to object.

The VICE PRESIDENT. Regular order has been called for.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Tennessee be recognized. He is raising a valid point of order.

The VICE PRESIDENT. Will the Senator from Delaware withdraw his request?

Mr. WILLIAMS of Delaware. Mr. President, I withdraw my request.

Mr. KUCHEL. Mr. President, reserving the right to object—

The VICE PRESIDENT. The Senator from Tennessee has reserved his right to object.

Mr. KUCHEL. Mr. President, regular order.

The VICE PRESIDENT. The Senator from Tennessee is recognized under conditions which prevail in the Senate in which he reserves the right to object.

Mr. GORE. Mr. President, action upon a motion to table—

Mr. PASTORE. Mr. President, may we have order?

The VICE PRESIDENT. It is hard to get. Let there be order in the Chamber.

Mr. GORE. Mr. President, action by the Senate, or under any parliamentary rule of order I have ever known—and I was familiar with the parliamentary rules of the other body for some years—has two effects.

First, if the matter is tabled, the issue is dead. If it is not tabled, then the issue against which the point of order was raised remains as it was, de novo.

By no stretch of parliamentary imagination can an action of the Senate upon tabling a point of order operate as approval of the original motion in the terms in which it was offered.

What we have here is a rule in our proposed parliamentary order by which any Senator, by reference to the Constitution in his motion, if this precedent is followed, can give instructions not only to the Presiding Officer but also to the Senate itself, merely by the terms of the motion he is offering; not by action of the Senate, not by disposition of the Senate of that motion, but merely by the terms of it. This is a strange set of circumstances, strange to any parliamentary order with which the senior Senator from Tennessee has ever become acquainted.

A point of order that fails is dead. But a point of order that fails does not affect the motion to which it was made.

What do we have here? A motion put by one Senator, which any Senator has a right to make; and we have a point of order against that motion by another Senator, which any other Senator has a right to make. But then it is held that if a motion to table that point of order is acted upon and the point of order is tabled, that operates as an approval of the motion, that the terms of the motion become the order of the day for the Senate. Why? Merely because one Senator has written it out in his motion. Not because the Senate has adopted it, not because the Senate has disposed of it—merely because the Senate has disposed of a point of order. Is it not subject to other points of order?

This is an obtuse situation, and I hope that the Senate will extricate itself by following the sound advice of the distinguished majority leader.

I shall not further reserve my right.

Mr. CURTIS. Mr. President, will the Senator yield for a brief question?

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. CURTIS. Mr. President, will the Senator yield for a brief question?

Mr. ANDERSON. Point of order, Mr. President.

Mr. HOLLAND. Mr. President, reserving the right to object, and I shall not object—I am certainly desirous of giving the Senator from Arizona any time he wishes to be heard—the most offensive thing about this whole procedure is the refusal to allow the person who raised the point of order, the Senator from Illinois [Mr. DIRKSEN] the chance to even defend or justify his position. There could not be any clearer illustration, as the Senator from Tennessee has just said, of what this course of action is leading to.

Mr. ANDERSON. Mr. President—

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. MCGOVERN. Mr. President, under the circumstances, I shall not press immediately for the tabling motion, and I shall yield the floor at this point. However, after reasonable discussion of this matter—I believe that we have already gone into the pros and cons at considerable length—I shall seek the floor again, to make a motion to table.

The VICE PRESIDENT. The Senator from Arizona is recognized.

Mr. HAYDEN. Mr. President, may I recite some history?

The VICE PRESIDENT. Will the Senator from Arizona withhold for just one moment?

Out of respect for the Senator from Arizona, and for the proper understanding in this body of this important decision that the Senate will make, I ask that we have attention and quiet in the Chamber.

Mr. HAYDEN. Mr. President, I remind Senators that from 1806 to 1917, a period of 111 years, there was no limitation on debate in the Senate.

The CONGRESSIONAL RECORD of March 8, 1917, shows that a resolution—Senate Resolution 5—containing rule 22 was presented by Senator Martin of Virginia, the majority leader, who obtained unanimous consent for its immediate consideration. The primary reason for proposing a limitation of debate was a filibuster which resulted in the failure to pass the armed merchant ship bill before the adjournment of the 64th Congress on March 4, 1917. As a warning to the German Kaiser, that legislation was promptly enacted at a special session of the Senate called by President Wilson on March 5, 1917.

As then adopted by the Senate, rule 22 provided that debate could be brought to a close by a two-thirds majority vote of all Senators. Thirty years later, in 1947, the rule was amended to provide that a two-thirds majority of those present and voting could close debate. That was a reasonable amendment because modern transportation makes it possible for almost all Senators to be present. That provision is now in effect, and I am opposed to any change in that ratio.

I cannot forget that on January 25, 1906, the House of Representatives, under a rule providing for only a few hours of debate, by a vote of 195 to 150, passed a bill to admit into the Union Arizona and New Mexico as one State and Oklahoma and Indian Territory as another State. But in the Senate, debate could not be cut off, and a few determined Senators would not let the House bill pass until it was amended to provide that the people of each of the proposed States had an opportunity to vote on whether they wanted joint statehood.

The vote in New Mexico was 26,105 for and 14,735 against. Only 3,141 voted for joint statehood in Arizona, and 16,265 voted against it.

The right to talk as long as necessary made it possible for a few Senators to arrange that Arizona did not become a minor part of a State second in size to Texas and under the domination of New Mexico politicians who did not hesitate at that time to use corrupt methods to control elections.

It was freedom of debate in the Senate that made it possible for me to begin my 54 years of service as a Member of Congress on February 19, 1912.

Mr. President, I ask unanimous consent that the text of a speech on cloture delivered by James A. Reed, a Senator from Missouri from 1911 to 1929, be printed at this point in the body of the CONGRESSIONAL RECORD.

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

Mr. REED. Cloture means the granting of a power. Whenever you grant a power you must assume that the power will be exercised. So, when we discuss this proposed

rule, we must do so in the light, not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm.

I need not pause to add to the argument already made, that when it is proposed to bring in a great measure involving the expenditure of vast sums of money, if it be a bill for the appropriation of money, or a bill for the collection of taxes from the entire country, affecting intimately the industries of the country, an hour's debate upon such a bill is utterly insufficient, utterly inadequate, and that a rule limiting debate to one hour would mean the end of debate. The truth is that this measure, if adopted, will empower a majority to throttle freedom of speech upon this floor and enable sinister and wicked measures to be carried to consummation without the country being advised of the iniquities they bear.

Gag rule is the last resort of the legislative scoundrel. Gag rule is the surest device of the rascal who presides over a political convention and proposes to accomplish something which will not bear discussion. Gag rule is the thing that men inexperienced in legislative proceedings always advocate at first, and if they have any sense, nearly always retire from as gracefully as possible after they have seen it in operation.

There is justification for unlimited debate in this body. I am getting a little tired of hearing about the sacred rights of the majority; that this is a country ruled by the majority; and that the majority has the right to have its way. This is not a country ruled by the majority. This is not a country of majority rule. The Constitution of the United States was written, in large part, to prevent majority rule. The Declaration of Independence was an announcement that there are limitations upon majority rule.

MAJORITY RULE

Majority rule! Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government! The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared advocate the liberty of the press. The majority to the south of the Mason and Dixon's line established the horrible thing called slavery, and the majority north of it did likewise and only turned reformer when slavery ceased to be profitable to them.

FREEDOM

What is it that has made this race great? It has not been the proud blood of an illustrious ancestry; it has not been because we could trace our lineage back to kings and a royal household; it has not been because of the peculiar graces or abilities of those immigrants who came to our shores and from whose loins we are sprung. It is simply because for once in the history of the world the chains were taken from the arms, the shackles from the brain, the shadows of fear were dissipated by the sunlight of liberty and

freedom, and every brain of every human being, great or small, was at liberty to function, every arm and every limb was at liberty to move. So we unleashed the latent powers of a race of people; and from the cottage of poverty there came forth the genius, and from the house of the man of humble estate there emerged the child who could turn the dull and inexpressive canvas into pictured harmony of color, light, and shade, and paint the rainbow's mingling hues and marvelous tints.

From the cottages of the impoverished, from the homes of ancestors who had been enslaved and enthralled, there came forth children who in the full liberty of our civilization were able to attack every problem and to undertake every great vocation of life; so that within one generation of time we produced here orators whose words of flame could fire the hearts of all the people of this land; poets whose words will be read so long as men shall love the music of our tongue, and a citizenry who have defended our soil and our flag with unexampled valor in every contest of this Republic. All these triumphs of intellect, all these great advances in the arts and in the sciences, all our wondrous advance in wealth are due to one great fact; that we have allowed the individual in this land the opportunity to develop, the opportunity to express himself.

FREE DEBATE

Mr. President, what has this to do with the question I am discussing? Everything, sir. Before any law to bind 110,000,000 people could be passed it should somewhere be subjected to free debate; somewhere it should encounter opposition; somewhere the fires of keen intellects should burn their heat about it and test it for its metal; somewhere and somehow it should be determined by all that the intellect can do and all that the tongue can express whether the particular law which is proposed is fit to be insisted be fastened upon 110,000,000 people who think they are free and who once were free. That one forum reserved of all the places in the world is the Senate of the United States. Here a man can stand and express his views until exhaustion comes. And what of it? Some rules of common sense and decency and gentlemanly conduct have their effect. Not in all the nearly 16 years I have sat in this body have I ever seen but two or three instances of what might be really called a filibuster.

Time and time again I have seen the opportunity under the rules for the minority to have stood and obstructed legislation, but as soon as debate was fairly over they have invariably given way and the vote has come. In the two or three instances which I remember a very simple expedient was adopted. Freedom of speech was not denied, but continuance of speech was demanded. It was insisted that the bill was before the Senate and that the opponents or advocates of the bill should speak for or against it and that no other business should intervene.

We have been told here of two or three bills—one of them the force bill. The force bill, if it had been enacted, would have kept alive the fires of hatred between the North and the South almost as bright and as keen and as hot as they were at the close of the great civil strife.

NEW MEXICO AND ARIZONA

Another example; it was sought here to admit New Mexico to statehood as a partisan measure and under a constitution that had been written by the corporations of New Mexico. It was insisted upon the other hand that New Mexico should not come into the Union except under a fairly adopted constitution, and that at the same time Arizona should be received. What happened? One or two men stood here and held their ground;

and a short space of time, a few months, rolling by, both States were received into the Union with proper constitutions.

Sir, I know it is popular to attack the Senate. So many an ass has stood and brayed at the lions. He who would claim for this body perfection would prove himself a fool. But the more imperfect we are, the more we need to counsel and to take advice. The less we know, the more we ought to strive to know. There may be some men of such supernatural power of intellect that they can gain nothing by the discussions their fellows may produce; but I have never seen an important bill upon the floor of the Senate, unless there was some political organization in control determined to pass it without the dotting of an "i" or the crossing of a "t," that has not been amended and amended to its benefit.

A FREE FORUM

As long as we can keep this forum free, as long as a vigorous and determined minority can prevent the passage of a statute, so long this country will be safe, reasonably safe, at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.

But strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is to be applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that, if you please. He is a fool, he is every kind of a fool, that has ever cursed this earth or cursed himself, who thinks that any power will always be used wisely and justly. Power is almost invariably abused.

Mr. HAYDEN. In my opinion, no better defense of freedom of debate in the Senate has ever been made.

Mr. ERVIN. Mr. President—

The VICE PRESIDENT. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I followed with interest the argument of my good friend, the Senator from South Dakota. As has been observed, his position not only asserts that the Senate is not a continuing body for all practical intents and purposes, but it also asserts that the Constitution of the United States is not a continuing document during the session of the Senate.

Section 3 of article I of the Constitution provides that two-thirds of the Senate shall always be in office. It provides that Senators have terms of 6 years and that only one-third of them come up for election every 2 years.

In the very nature of things, a continuing body must have continuing rules. If it does not, it starts out at the beginning of each session emulating and having to emulate the actions of Josh Billing's mule, which is reputed to have kicked according to no rule.

The Constitution provides, in article I, section 5, that each House may determine the rules of its proceedings. The Senate is a continuing body. It has been a continuing body, under the Constitution, for 177 years, and during that 177 years it has operated under continuing rules. Those who advocate the theory that a majority of the Senate may ignore the continuing rules of the Senate at the beginning of a session and change the rules of the Senate without observing the procedures prescribed by those rules rely upon the provision of section 5 of article I, which provides:

Each House shall be the judge of the elections, returns, and qualifications of its own Members. * * *

And these words are those relied upon—

* * * and a majority of each shall constitute a quorum to do business;

This Constitution not only applies at the opening day of the session, it applies on the 10th day of the session, on the 20th day of the session, the 100th day of the session and the 350th day of the session, if we stay in session that long and it applies when we are not in session. If a majority can act as proposed by the distinguished Senator from South Dakota at the beginning of the session, it can so act on any day of the session. It could not have a rule, it could not have a committee system, it could not have anything that a majority could not set aside any day of the session and at any hour of any day of the session.

If the Senate adopts this theory it not only will say that the Senate is not a continuing body but that the Constitution itself does not continue from day to day. Such action would bring legislative chaos because the only rule the Senate could have under this theory would be that the majority of Senators present on any given occasion could do anything they wish to do at any time regardless of what the rules of the Senate might be. If the Constitution does not permit the Senate to adopt rules to bind a majority of the Senate at the beginning of the session, it does not permit the Senate to adopt rules which can bind a majority at any time in the session. This conclusion is inescapable because the provisions of the Constitution applicable to the Senate are exactly the same on every day of the session, however long it may last.

Mr. HOLLINGS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HOLLINGS. Mr. President, in a ruling that the motion of the Senator from South Dakota is divisible the Chair cited rule XVII earlier this morning. And later, I believe the Chair sustained a point under rule XX.

Is it the position of the Chair that this body is presently operating under the Standing Rules of the Senate?

The VICE PRESIDENT. The answer to the Senator's question is that the rules of the Senate shall continue from one Congress to the next unless changed as provided in these rules.

The question has been raised by the Senator from South Dakota, under what he terms to be the constitutional provisions, of the right to vote on a change of the rules by a majority vote.

The distinguished Senator from Illinois challenges that motion on the basis of a point of order which contests the constitutionality as well as the precedent of the Senate of the motion of the Senator from South Dakota.

Mr. HOLLINGS. Mr. President, if the Chair just ruled—

The VICE PRESIDENT. The Chair observed.

Mr. HOLLINGS. The Chair not only sustained rule XVIII and rule XX, but now rule XXXII, that the Senate is a

continuing body. Is that the position of the Chair?

The VICE PRESIDENT. The Chair cited what is the rule of the Senate as printed and subscribed to.

The Senator from South Dakota raised a constitutional question.

The Presiding Officer said that, under precedent, constitutional questions shall be settled by the membership of the Senate. The Chair does not want to put himself in the position of deciding constitutional questions which are basic questions for every Member of the Senate.

Therefore, in light of the Chair's observation, and in light of the motion of the Senator from South Dakota, the distinguished Senator from Illinois has raised the point of order and the Chair has said that the point of order involves a constitutional issue and relates to a constitutional issue.

The Chair has put the point of order for debate to the Senate, which is precedent within the Senate, and the Chair has said, as every Senator knows, that any Senator has the right of moving to table; and if that motion to table is successful, if the motion to table the point of order is successful, the point of order is invalid, and the Chair must then place before the Senate the motion of the Senator from South Dakota with the instructions embodied therein.

Mr. HOLLINGS. Mr. President, is not the motion of the Senator from South Dakota for a proposed change of the rule obviously in conflict with rule XXII? Since we recognize rule XX and rule XVIII, and the Chair now recognizes rule XXXII, is not the procedure of the Senator from South Dakota on the question of constitutionality the point of order, and otherwise is not the entire procedure obviously in contradiction to rule XXII?

The VICE PRESIDENT. The Chair has said and repeats, because this does involve constitutional questions, and the Senator from South Dakota raised the issue of the constitutional right to change the rules of the Senate by majority vote, that the Chair does not want to prejudice the attitude of the Senate by his personal observations, advisory opinions, or rulings.

It is the view of the Chair that this is a matter that must be settled by Senators themselves. This is very important business and, therefore, the Chair does not rule but rather places before the Senate its right to make its own decision.

Mr. MUNDT. Mr. President, I wish to make a parliamentary inquiry, or perhaps it is an inquiry of the Chair, as to whether the senior Senator from South Dakota correctly understands what the Chair said in a previous ruling.

The Chair stated if the resolution of my colleague becomes operative and valid that then we would have automatically a 2-hour debate because, if I quote correctly, the Chair is bound by the instructions of the motion.

The VICE PRESIDENT. The Chair corrected its earlier observation after having reread the resolution. The Chair stated that he would feel obligated if the motion to table the point of order was carried, to place for immediate vote the

motion of the Senator from South Dakota.

Mr. MUNDT. To take up.

The VICE PRESIDENT. To take up.

Mr. MUNDT. But the Chair went further than that in an additional question raised as to whether any limitation of debate would ensue by saying yes, we would be limited to 2 hours because the Chair was bound by the instructions in the motion.

The VICE PRESIDENT. The Senator is correct.

Mr. MUNDT. To that I would like to address the attention of the Chair to whether he does not agree with the senior Senator from South Dakota that if that interpretation stands the Chair has surrendered the power he has to rule on points of order and to determine parliamentary questions, to whoever originates the motion, because there can be incorporated in the motion that there shall be 5 minutes' or 10 minutes' debate on one side and the other.

I do not believe that merely making a motion commits either the Chair or the Senate.

If this ruling stands, as the Chair has reiterated, I am afraid you have vacated your position and surrendered what is rightfully and constitutionally your responsibility to any one of 100 Members who cranks into his motion some unique conception of immediate cloture. I do not think that any of us want that. We would rather rely on the good judgment of the Presiding Officer.

The VICE PRESIDENT. The Chair appreciates the concern of the Senator over the responsibility of the Chair. The Chair would like to extend the same concern to the responsibilities of the Senate.

Rule XX says that the Presiding Officer may submit any question of order for the decision of the Senate. There are those, I am sure, in this community of the Senate and elsewhere who expected the Chair to rule on the issue of constitutionality.

I have read a great deal about that. The Presiding Officer feels that the precedents of this Senate would deny him that right if he felt he had the right, but that prudent judgment and, I hope, wisdom, would indicate that the matter of constitutional concern, or where an issue of constitutionality is raised, should be decided by the Senate itself. It is the view of the Chair that the motion of the Senator from South Dakota involves the question of a constitutional issue. It is the view of the Chair that the point of order raised by the distinguished Senator from Illinois was related to the constitutional issues involved in the motion of the Senator from South Dakota. The Chair feels that the Senate should be forewarned, as the Chair has indicated, as to the procedure that it is following. The Chair is not passing judgment. The Chair is merely stating that if a point of order is tabled, Senators should know that the Chair would interpret that tabling to be an instruction to the Chair to place before the Senate a motion from the Senator from South Dakota with the instructions in that motion as controlling and as directive to the Chair and the Senate.

Mr. MUNDT. I feel that the Chair—my good friend and neighbor—has been very fair and very candid in his explanation. My concern goes right to this last part of what the Chair has said because, if I interpret that correctly, any one of 100 Senators henceforth could introduce a motion with some kind of trick limitation of debate and, if he gets a friendly ruling from the Chair on a point of order, or does it at a time when his friends are on the Senate floor and those who are opposed to him are not he, then, by virtue of introducing the motion, has committed the Senate.

If we refer that to the Senate and they say "OK," that is fine with me. Or, if we get a ruling of the Chair which is sustained, that, too, would be fine, but I cannot quite follow the Chair when he argues that it is written in the motion that it should be so and so. I think the Senate, somehow, must express its will collectively or through its Presiding Officer as to where it is going.

I agree with the originator of the motion as to particular limitations, parliamentary devices, and trick maneuvers which may be incorporated into a motion. I do not think that binds the Chair at all. I think the Chair is free to act on his own part. This is not a constitutional point, but a parliamentary point.

The VICE PRESIDENT. The Chair would observe that he disagrees with the Senator from South Dakota on this matter, but the Chair has made it quite clear as to the meaning of any vote that is cast on this issue of tabling. The Chair is not advising the Senate how to vote. The Chair is merely saying what the consequences of its vote will be as the Chair sees it. The reason the Chair takes that point of view is that the terms of the motion of the Senator from South Dakota, according to his motion, must be self-executing, because in the nature of the motion it is implicit that the Senate is attempting to determine whether it wishes to close debate on a constitutional question involving the amendment of Senate rules.

The point of order of the Senator from Illinois was to that very constitutional question. It is for that reason that the Chair has not ruled on the point of order but placed it before the Senate. It is the view of the Chair that this constitutional question is one that can be properly determined under Senate precedent by the manner in which the Senate disposes of the pending point of order. That will be disposed of by majority vote. Nothing here in the motion directs the Senate to do anything except to vote.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Iowa has been asking for the floor for some time. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, we have heard the majority leader state that there is a dangerous precedent involved in the pending business. If I understood the Senator from South Dakota correctly, he indicated that there was no particular precedent involved except at the beginning of a session of a new Con-

gress. Therefore, I propound this parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. MILLER. If the motion to table prevails, will this serve as a precedent for permitting a change or suspension in any rule of the Senate at any time by a motion similar to the pending motion followed by a similar point of order which is tabled?

The VICE PRESIDENT. The Chair must observe that because we are now getting into an area in which there is no precedent, and that is the debate and argument on the Senate floor, the Chair does not feel at this time that he should rule on the question of the parliamentary inquiry raised by the Senator from Iowa.

Mr. MILLER. I thank the Chair.

The VICE PRESIDENT. The Chair is not going to entertain a number of hypothetical questions, points of order, or parliamentary inquiries. The Chair does not think it will help the Senate in working its will. The Chair wishes to caution the Senate that inquiries based upon hypothetical situations in this very difficult area, which have been well described by the opponents and the proponents, will do little or no good. Therefore, the Chair will try to exercise his responsibility to maintain debate on the issue and not on what may or may not happen.

Mr. MILLER. I thank the Chair. Let me make one further parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. MILLER. There are now pending to Senate Resolution No. 6 two amendments. If the motion to table prevails, what will be the status of those two amendments? Will they be eligible to be considered by the Senate, or will they die?

The VICE PRESIDENT. Will the Senator please repeat that? The Senator's question has many implications.

Mr. MILLER. There are two amendments, I understand, pending to Senate Resolution 6. If the motion to table prevails, what will be the status of those two amendments? Will they still be eligible for offering and consideration by the Senate, or will they be foreclosed?

The VICE PRESIDENT. I suggest that the Senator raise that question once the Senate has disposed of the pending matter one way or the other. The Chair will then be willing to entertain that parliamentary inquiry at that time, and make his observation.

Mr. MILLER. The reason for asking the question is that it will have a bearing on how some of us may wish to vote. In other words, once the tabling motion carries—if it carries—then it is too late to ask the Chair. The Chair may say, "Well, it is too bad, your amendments are foreclosed." It is too late then.

The VICE PRESIDENT. If the motion to table carries, the point of order then is not well taken. It is the view of the Chair that the tabling motion on the point of order which contests the constitutionality of the motion of the Senator from South Dakota will have the direction, through indirection, of having

the Chair place the motion of the Senator from South Dakota before the Senate for an immediate vote.

Mr. MILLER. Subject to amendment?

The VICE PRESIDENT. No, subject to immediate vote under the terms of the motion.

Mr. CASE. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I yield.

Mr. CASE. Just in the interests of clarification, because this is an important matter, the Senator from Iowa has an amendment, not to the motion but to the resolution of the Senator from South Dakota.

The VICE PRESIDENT. I understand.

Mr. CASE. I think he is concerned that his amendment to the resolution not be lost, or that his right to have it considered not be lost as a result of a vote on the tabling motion.

The VICE PRESIDENT. The Chair was referring to the immediate business at hand, which is the motion to table. The substance of the resolution—if it is still the pending business before the Senate—once the motion to take up has been agreed to—if it is agreed to—then the amendments are in order.

Mr. MILLER. That is what I was hoping for. Thank you, Mr. President.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New York will state it.

Mr. JAVITS. Is it a fact that the Chair is applying the rules of the Senate other than the rule challenging rule XXII?

The VICE PRESIDENT. The Chair is applying the rules of the Senate, but putting the proposition to the Senate for its determination.

Mr. JAVITS. Is it a fact, too, that the Chair is doing that because the Chair considers that by acquiescence or usage in accordance with the traditions and precedents of the Senate, all rules of the Senate are now in effect for this Congress other than rule XXII now being challenged by the Senator from South Dakota at the opening of this Congress?

The VICE PRESIDENT. The point is made by the Senator from South Dakota that on the opening of the Senate, the Senate has a right to vote on a change of rule XXII, on the basis that it is a violation of the Constitution by denying a majority of the Members of the Senate to change the rules at the opening of the Senate.

Mr. JAVITS. Other than that, there are other rules on the books. Other than that, is the Chair considering the rules of the Senate other than the one challenged by the Senator from South Dakota—the rules of the Senate now, by virtue of usage and acquiescence?

The VICE PRESIDENT. Those rules are not being contested. If some Senator wishes to contest them, he may do so.

Mr. JAVITS. How long will a Senator have to contest those rules now, after the opening of the Senate?

The VICE PRESIDENT. That is a hypothetical case which the Chair would not care to go into at this time.

Mr. JAVITS. This is the essential

question. This incendiary idea that one can challenge or not, on the technique that it stands or falls on the question of a point of order, and everything not challenged at the opening of Congress stands and is accepted and is in the rules—if that is the case, we are not dealing with an astral region; we are dealing with merely challenging the rules. If no one challenged any rule except the one specifically challenged, therefore the Senate has its rules, other than the one challenged. That is the question.

The VICE PRESIDENT. The Chair states that his purpose at this hour is to help the Senate work its will on the motion and point of order raised by the Senator from South Dakota and the Senator from Illinois. The Chair does not feel it will contribute to the work of this body or the consideration of the will of the Senate by responding to a host of parliamentary inquiries as to unrelated matters. The Chair would prefer, and would request, that the Senate come to grips with the issue at hand. If Senators wish to raise other issues afterward, the Chair will entertain those inquiries.

Mr. McCLELLAN. Mr. President, I wish to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arkansas.

Mr. McCLELLAN. I do not think it is a foreign issue to the inquiry. We are going to vote on a tabling motion. If we table that motion I would like to inquire whether I will have an opportunity to speak. I am going to vote to table the motion for one reason, but there are other issues in the motion to take up this matter and limit debate to 2 hours. If the point of order is tabled, will there be a vote on the crux of the issue of limiting debate as proposed to 2 hours?

The VICE PRESIDENT. The first part of the motion will be the immediate motion to take up, which will be decided by majority vote. That is the nature of the motion of the Senator from South Dakota. Then there will be a period of 2 hours relating to the entire motion.

Mr. McCLELLAN. I am asking the question whether we vote first on whether we are going to limit debate to 2 hours or whether to take up the motion.

The VICE PRESIDENT. If the motion is tabled, the ball game is over.

Mr. McCLELLAN. I understand that is what the view of the Chair is; and, therefore, precluding further debate on the question to limit debate beyond 2 hours?

The VICE PRESIDENT. I do not think that is the Chair's holding.

Mr. McCLELLAN. The point of order on the issue of constitutionality?

The VICE PRESIDENT. That is correct.

Mr. McCLELLAN. Then we are to understand there will be no vote on the question of shutting off debate on this issue in 2 hours? Am I correct that that is the ruling of the Chair? If the point of order is voted down, then there can be no further debate?

The VICE PRESIDENT. If the point of order is tabled, the Chair will say to the Senator, the Chair is required to

place before the Senate the motion of the Senator from South Dakota.

Mr. McCLELLAN. How long can we debate it?

The VICE PRESIDENT. The Senator from Georgia [Mr. RUSSELL] has suggested that the motion be subject to division. The Chair has ruled it can be. So the first vote will be on that question.

Mr. McCLELLAN. How long can we debate the motion to take up? There is not anything in the rules that says we cannot debate the motion to take up. We can pass on the question of the point of order, but that does not adopt the motion.

The VICE PRESIDENT. The Chair will inform the Senator that the motion is designed to instruct the Chair to place the question before the Senate immediately for a vote.

Mr. McCLELLAN. That is a separate issue, on the point of order.

The VICE PRESIDENT. That may be the Senator's interpretation; that is not the Chair's. The Chair thought he should inform the Senator what the situation is.

Mr. McCLELLAN. Then any Senator can cut off debate. If the point of order is defeated and voted down, debate can be cut off and there can be no debate. Is that going to be the precedent of the Senate?

The VICE PRESIDENT. The Senator ought to be fully aware that that is what the Senate will be doing.

Mr. RUSSELL. Mr. President, inasmuch as the distinguished Presiding Officer mentioned my name, I did suggest a division of the question when it was first raised. I did not understand the motion in all its implications at that time. That means the 2 hours of debate would be confined to obsequies at the funeral of the Constitution. We would have already destroyed all the rules and would have adopted a simple majority cloture. I do not see exactly what the 2 hours of debate is for. If I understand correctly, the vote comes before the 2 hours. If there ever has been an illustration of the cart being put before the horse in a parliamentary body anywhere in the world, it is in that motion, because all the speeches we could make would be lamentations over the Constitution of the United States.

The VICE PRESIDENT. The Chair did not write the motion.

Mr. DIRKSEN. I must say that the 2 hours would be in the nature of a wake that goes along with a funeral.

Mr. President, I have a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. DIRKSEN. As I understand the rule, debate on a point of order is at the sufferance of the Chair.

The VICE PRESIDENT. The Senator is correct if the Chair were ruling on the point of order.

Mr. DIRKSEN. Does the Chair wish to indicate now to the Senate how long he would like us to debate and argue this question before the motion is submitted?

The VICE PRESIDENT. May the

Chair say to the Senator from Illinois that the Chair has submitted to the Senate this question for the decision of the Senate. There is a difference between that and seeking advice and counsel. But, as indicated, the motion of the Senator from South Dakota is to be acted upon and the point of order has been submitted to the Senate on one vote. The Chair feels this point of order relates to a problem of constitutionality raised by the Senator from South Dakota on a point of order and it was to that issue that the point of order was directed which is debatable.

Mr. DIRKSEN. I regret that I fully misinterpreted all the statements and speeches made today, because I thought all of them were made by way of advice to the Chair.

I should like to raise one more parliamentary inquiry. The Senator from South Dakota said that after a given time he would offer his motion to table. For the convenience of the Senate, would he care to indicate now at what point he would like to make the motion?

Mr. McGOVERN. Mr. President, in answer to the Senator from Illinois, it seems to me the issue here is quite simple. The question is whether it is proper to permit a majority of the Senate to close debate in determining rules at the beginning of a new Congress.

I would hope that I could offer that motion to table, and protect the right of Senators to a reasonable discussion first, perhaps by 3 o'clock.

Mr. DIRKSEN. The scramble for time that ensued when the distinguished Senator from South Dakota announced his intention to move to table occurred so that the time was being farmed out, not on the basis of the question but—

The VICE PRESIDENT. The Senator had yielded the floor.

Mr. DIRKSEN. That is correct, but not until we began to farm out the time.

Mr. McGOVERN. I asked unanimous consent to yield time.

Mr. DIRKSEN. I am aware of that. The clock now says 20 minutes of 3, and I think we ought to have some idea as to how long this discussion is going to take. It may very well be that the humble offerer of the point of order may wish to speak on his point of order and would not care to be "clocked out" when the time was up.

Mr. MANSFIELD. Mr. President, I am sure the distinguished Senator from South Dakota acted in very good faith and was trying to accommodate certain Members of the Senate. I applaud him for what he attempted to do, because I know his intent behind it was only to work out this issue in the best possible way for all concerned.

Mr. DIRKSEN. I join in that applause also.

Several Senators addressed the Chair. The VICE PRESIDENT. The Senator from Tennessee.

Mr. GORE. Mr. President, is the senior Senator from Tennessee recognized?

The VICE PRESIDENT. The Senator from Tennessee has the floor.

Mr. GORE. The senior Senator from Tennessee does not propose to yield for

a motion to table, or for any other purpose, until he has made some remarks in conformity with the rules of the Senate.

The Senator from Tennessee understands that the President of the Senate has held that the Senate is now proceeding under the rules of the Senate, except for the challenged rule. If that be true, then, upon the disposition of a point of order, by one Senator, any other Senator can raise a point of order. If we are operating under the rules of the Senate, then, when that point of order is disposed of and the original motion survives that point of order, in the absence of a further point of order which any other Senator may or may not offer, the matter is then before the Senate, because it is a motion duly offered by a Member of the U.S. Senate against which points of order have been made, but which points of order have not been sustained. By the rules of the Senate the motion is then subject to consideration by the Senate.

But the Presiding Officer has said that he would interpret the tabling of the motion of the senior Senator from Illinois as an instruction to him to lay the motion of the junior Senator from South Dakota before the Senate for an immediate vote. If we are operating under the rules of the Senate, then that is a matter before the Senate, subject to the consideration and the disposition of the Senate.

Now, true, the motion contains a part, or in part provides, that a vote shall be had at a certain time. Is that not a matter for the determination of the Senate? Or is, in the future, the determination of one Senator, under this bizarre procedure, to decide whether there will be 1 minute of debate, 2 minutes, 1 hour, 2 hours, or none at all? And is it for one Senator and a Presiding Officer to say that only one Senator can make a point of order, that only one point of order can be raised against a motion offered to this body? Where are we coming to? Where are we now? As the Presiding Officer has said, in language suitable to this ruling, "the ball game is over."

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. ERVIN. Does not the Senator from Tennessee agree with the Senator from North Carolina that the pending motion has two provisions, one of which says that we shall vote immediately, and the other says we shall debate for 2 hours?

My question is this: How is it possible for one Senator to say to the other 99 Senators, by just filing the motion, that they shall vote immediately, without debate? That is worse than majority cloture, is it not? Is it not cloture at the instance of a single Senator?

Mr. GORE. By the term of the motion he offers.

Mr. ERVIN. Yes.

Mr. GORE. Which are subject to the consideration of the Senate.

Mr. ERVIN. Which is not to be debated?

Mr. GORE. Nor amended, nor subject to other points of order.

Mr. ERVIN. And cannot be discussed, is that not so, under the ruling?

Mr. GORE. Under the ruling, it must be voted upon immediately. No further points of order are eligible, no further consideration may be given, no amendments heard. Yes, Mr. President, that would mean that the parliamentary ball game is over for the U.S. Senate.

This is a hasty decision. It could not be otherwise. It could not be motivated by any unworthy purpose. It is an ill-considered, hasty ruling.

Just consider it. Does the senior Senator from Tennessee not have a right to make a point of order against a motion offered by another Senator in this body? The senior Senator from Illinois has exercised that right. He has exercised that right. But the Chair has ruled that if the point of order of the Senator from Illinois is tabled, then the Senator from Tennessee does not have a right to make a point of order. Indeed, no Senator has such right. We must vote immediately.

Why? Not because the Senate has determined to do so, but because the Chair has ruled that if a point of order is tabled, this means, ipso facto, that the resolution is passed and agreed to, and must be adopted and complied with immediately.

Such a procedure is not only unworthy of the U.S. Senate, it would be unworthy of any high school debating society.

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

Mr. GORE. I yield.

Mr. TALMADGE. Does the Senator from Tennessee agree that this would be a good analogy to the situation that is now before the Senate: That if the Senator from Georgia offered a proposition declaring a state of war against some foreign country, and some other Senator made a point of order that it was not in order, and a motion was made to table, and that motion to table carried, then we would be, ipso facto, in a state of war, because of a parliamentary situation.

Mr. GORE. With one condition: That the motion was offered as a constitutional measure, the point of order was made with a constitutional implication, and the Presiding Officer had held that it was a constitutional question, and laid it before the Senate.

Mr. TALMADGE. The Senate would not then even have the opportunity to debate the proposition about the state of war?

Mr. GORE. Under the ruling of the Chair, if that is a precedent.

Mr. TALMADGE. Would not have an opportunity to amend?

Mr. GORE. Nor could another point of order be made.

Mr. TALMADGE. A parliamentary device, then, would create a state of war, with no Senator having an opportunity to be heard, make a point of order, or speak?

Mr. GORE. Well, what are we doing here? What is proposed here?

Mr. TALMADGE. Will the Senator yield further?

Mr. GORE. I yield.

Mr. TALMADGE. Under such a situation, the Senate would not even be permitted to vote it down?

Mr. GORE. Or to debate it.

Mr. TALMADGE. I think the Senator.

Mr. GORE. I hope the Presiding Officer will reconsider. He has very wisely, in his later remarks, declined to offer rulings on hypothetical situations.

The Chair advised in the first instance, however, upon an hypothesis. He did not content himself with ruling upon the effect of the point of order of the senior Senator from Illinois, but he went further and advised the Senate what his ruling would be if the point of order of the senior Senator from Illinois [Mr. DIRKSEN] should be tabled—which ruling would be to have an immediate vote without further consideration, without debate, without amendment, and denying me and any other Senator the right to make any other point of order.

It seems to me that, if we are operating under the rules of the Senate, a motion before the Senate is subject to more than one point of order.

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

Mr. GORE. I yield to the senior Senator from New Jersey presently.

Once the Senator from South Dakota is recognized under this procedure and moves to table, then all debate has ceased not only on the point of order, but also upon the merits of the pending question. By any normal and sensible and reasonable parliamentary procedure, the failure of a point of order has no effect upon the pending motion. The pending motion is before the Senate de novo, unaffected by a point of order that has failed.

Mr. CURTIS. Mr. President, will the distinguished Senator yield for a brief question?

Mr. GORE. I yield.

Mr. CURTIS. Mr. President, will the Senator explain how a motion made by a Senator, carrying instructions, is binding upon the Presiding Officer until that motion is agreed to?

Mr. GORE. It is not binding, but the Presiding Officer has so held, that it is an instruction to him. I do not agree with that. There is also a provision in our rules that the ruling of the Chair can be appealed from and that appeal is subject to debate. Are we operating under that rule? Is that rule effective?

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

Mr. GORE. I yield.

Mr. HOLLINGS. Mr. President, does the Presiding Officer's dilemma not lie on the fact that he is really referring to a point of order to a point of order when the question of constitutionality is submitted to the Senate? Really, a point of order has been made to him as Presiding Officer, and then when one raises a point of order to a point of order, that is how we get into it. It is really out of order. Is that not a fact? It is not a motion as to the constitutionality, but it is a point of order as to the constitutionality, and then when one raises a point of order to that, he raises a point of order to a point of order which should be ruled out of order and, when not, leads to the conclusion when tabled that it is affirmed in the first place.

Mr. GORE. Mr. President, I am really not familiar with a point of order to a point of order. I do see the point that the able Senator makes, but under the

rules of the Senate—if, indeed, we are operating under the rules of the Senate—a point of order is sustained or overruled, or tabled or the Presiding Officer can submit it to the Senate. Any Senator, after a ruling on the point of order has been rendered, can appeal the ruling on the point of order to the Senate.

Those are the only things that the senior Senator from Tennessee is aware of that can happen to a point of order.

I have never heard of any way except this by which the failure of a point of order operates as an approval of the original proposition.

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

Mr. GORE. I yield.

Mr. LAUSCHE. The point which the senior Senator from Tennessee is making, according to my understanding, is that the motion to table the point of order, if agreed to, under the ruling of the Chair would not only defeat the point of order, but would also, ipso facto, constitute an adoption of the main issue pending before the Senate.

Mr. GORE. Of the proposal that we have an immediate vote?

Mr. LAUSCHE. That is correct.

Mr. GORE. The Senator is correct. That is the ruling, or the proposed ruling, of the Chair, if I understand the ruling correctly.

Mr. LAUSCHE. It is the position of the senior Senator from Tennessee that the defeat of the point of order constitutes only a negation of that issue but has no effect on the matter pending before the Senate.

Mr. GORE. The Senator is correct.

Mr. LAUSCHE. Mr. President, I have been in the Senate for 10 years. I have heard countless motions to table made, and never have I heard that a defeat of a motion to table constituted anything but a rejection of that motion and left pending in all of its merits and demerits the matter pending before the Senate.

In 10 years I have never heard any interpretation of this type concerning the results of a motion to table.

Mr. GORE. Nor have I. I point out to the Senate one other bizarre situation. Ordinarily a Senator can appeal the ruling of the Chair to the Senate, but this is but a proposed ruling on a hypothetical question.

This ruling is not before the Senate. The only thing before the Senate is a motion offered by the junior Senator from South Dakota and a point of order of the senior Senator from Illinois which has been submitted to the Senate, but the Chair has volunteered to tell us what his interpretation would be should the point of order be tabled.

How does one appeal a hypothetical ruling of the Chair to the Senate? I do not know. The rules do not provide for such a ruling or for an appeal therefrom.

The rules of the Senate provide for no such procedure. The Chair is well advised in his recent discourses to refrain from hypothetical rulings. I wish he had refrained from this one.

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

Mr. GORE. I yield.

CXIII—59—Part 1

Mr. JAVITS. Mr. President, will the Senator, with me, see if we can picture for our colleagues the practical question involved. I am not going to debate the question. The Senator is doing that very well.

The VICE PRESIDENT. The Chair cannot hear the Senator, and the Chair is the subject of the discussion.

Mr. JAVITS. Not intentionally, I might inform the Chair.

I should like to clarify, with the Senator's help, the factual situation. Many Senators have asked me concerning this, and perhaps we can clarify the matter together.

In the first instance, the Chair has not ruled. The Chair has submitted the question to the Senate. Is that the understanding of the Senator? The Chair has not made a ruling.

We are not talking about how he interprets the matter, but the Chair has referred the motion made by the Senator from South Dakota to the Senate. That is where we stand now.

Mr. GORE. To be precise, as I understand it, the Chair has submitted the point of order to the Senate for its determination.

Mr. JAVITS. The Senator is correct.

Mr. GORE. The Senator does not call it a ruling, and I will adopt his reservation. I do not think it is worthy to be classed as a ruling.

The Chair has advised the Senate how he would rule thereafter. Let me be as precise and exact as I can in recalling his words.

The Chair has held that if a motion is made to table the point of order of the senior Senator from Illinois [Mr. DIRKSEN] and that motion is carried, then the Chair has advised us that he will feel instructed by terms of the original resolution, upon which the Senate will not have taken any action, to call for an immediate vote, and he further advised us that if someone requests it and it is affirmed, there will be a yea-and-nay vote.

I believe that is an exact statement of the advice and ruling and submission of the Presiding Officer. Does the Senator agree?

Mr. JAVITS. I believe that is correct. So that we can agree that the question now being debated is a debatable point of order which has been submitted to the Senate. That is all we know now. We just know that we are debating a debatable point of order submitted to the Senate. The Senator would agree with that, would he not?

Mr. GORE. A point of order is pending now, and the senior Senator from Tennessee has been recognized for the purpose of debating that point of order and such other business as may be before the Senate.

Mr. JAVITS. Of course.

The next step will be, we anticipate, that a Senator will rise—probably the Senator from South Dakota—and will move to table the point of order; and upon that he will ask for the yeas and nays, and that also will be granted, and that would be the first vote. Does the Senator agree?

Mr. GORE. That could be.

Mr. JAVITS. The second vote would

then come. Assuming that the Chair does what the Chair says it will do, the second vote will then come, on a motion divided in two parts—one, the first part, saying that debate shall cease on the motion made a few days ago by the Senator from South Dakota [Mr. McGOVERN] to take up a rule change.

Mr. GORE. The Senator from New York has now leaped over the rights of every other Senator.

Mr. JAVITS. Oh, no, not at all.

Mr. GORE. Oh, yes.

Mr. JAVITS. I am only attempting to catalog for Members—

Mr. GORE. The Senator is cataloging, but he is cataloging with long strides, striding over my rights as a U.S. Senator. Do I not have a right to make a point of order against this motion?

Mr. JAVITS. The Chair will have the right to determine when another point of order is made—

Mr. GORE. On what basis can the Chair decide that?

Mr. JAVITS. The Chair has that power in the Senate precedents for decades.

Mr. GORE. What rule gives the Presiding Officer the discretion of determining whether a Senator can, when a Senator can, and which Senator can submit a point of order against a pending motion? I know of no such rule that the Senator can cite. I shall be happy to be advised.

Mr. JAVITS. I shall not argue with the Senator.

Mr. GORE. I am not asking the Senator to argue. I am asking why the Senator makes that statement; and if he does make that statement, I ask where the rule is in the Senate.

Mr. JAVITS. It is my understanding of the precedents of the Senate that once a question has been decided—to wit, a point of order—the Chair does not have to entertain another point of order exactly upon the same ground. That is all I am saying. I am saying nothing else.

Mr. GORE. The Senator has narrowed the proposition, but I do not believe his position will hold water even there. I take it the Senator means to say that the Chair would not entertain the resubmission of the same point of order in the identical terms.

Mr. JAVITS. This is a general point of order. I only have the RECORD to go by. The Senator from Illinois [Mr. DIRKSEN] has made the point of order that the motion is not in order. When that question is decided, I assume that, under the usage of the Senate, that will be the end of that question. If the Senator has some other question raised in a point of order, of course every Senator is not denied that privilege. A Senator can raise any question.

Mr. GORE. We are advised, however, by the Presiding Officer that he will feel instructed, after one vote to table one point of order is carried, to lay immediately before the Senate, for an immediate vote, the original proposition, which would deny me the right to make another point of order, perhaps from a different point of view, which would

deny me the right to discuss it, to consider it, to offer an amendment to it.

The Senator from New York has leaped over all these rights of every other U.S. Senator.

Mr. LAUSCHE. Mr. President, will the Senator yield? Will the Senator from New York answer the proposition just stated by the Senator from Tennessee?

Mr. JAVITS. I shall answer that proposition, because I assume—

Mr. GORE. I yield to the senior Senator from New York.

Mr. JAVITS. Because I assume that, as we interpret the law, the "general" includes all the specifics; and as this was a complete point of order, it would raise every conceivable question. The Senator made the point of order that it was out of order, which leaves it open for any conceivable point in the book.

I assume that there would be a right to assume, therefore, that having dealt with the whole ball of wax, it would be inappropriate to divide it into 85, 100, or 196 separate parts. This is a general point of order that it is out of order. That will have been tabled. That would seem to me to be the logical end of the question.

I am not attempting to be tricky. I shall argue on my own time—

Mr. GORE. Before the Senator goes further, he raises an assumption that because one Senator makes what the senior Senator from New York describes as a general point of order, this settles all points of order, no matter how specious the proposition may be in the mind of another Senator, no matter how faulty it may be in the minds of other Senators.

The Senator from New York has just held that he believes it is reasonable to assume that once a general point of order has been overruled, invalidated, no other point of order can be made. I do not believe that that position is tenable; but even if it were tenable, the senior Senator from Illinois did not make a general point of order. He made a point of order with respect to the Constitution and with respect to the propriety of the amendment. Other points of order can be made, from other standpoints.

I yield further.

Mr. JAVITS. May I just tell the Senator my purpose, and what I think is the purpose for us all?

I am attempting to trace what seems to be the procedure required, so that Senators may be advised as to the respective factual stages involved, because there seems to have been great confusion about this. I was attempting, for myself and other Senators, to see that we all understand how many votes are likely and what each vote will attempt to decide.

I submit this thought to the Senator: We anticipate that there will be a motion to table. There will be a vote on that. Assuming that it is tabled, there will then be two votes on the basic motion of the Senator from South Dakota which would then be held in order—to wit, one to close debate and the other to allow 2 hours to debate his original motion, upon which will come closing debate—to wit, the motion to take up. That would be three votes. The fourth vote would

come on the motion to take up. In each of those four votes, as I understand, a majority of the Senate must vote affirmatively.

That is all I submit to the Senator. Does that not represent quite a deliberate determination by a majority of the Senate as to what it wishes to do in this situation? Four separate votes are needed before actually taking up any amendment to rule XXII, and I am sure that each will be a yea-and-nay vote. Would that not be a deliberate judgment by the Senate, rather than by one Senator? That is the question I ask the Senator.

Mr. GORE. If this procedure is followed and every other Senator is denied his rights, all intervening rights and responsibility, it would mean that one Senator, by terms of a resolution which he, himself, has offered, and which he had a right to offer, has, through the holding of the Chair, a point of order, and a motion to table a point of order, succeeded in making the terms of his motion the action of the Senate.

This is not in accordance with the rules of the Senate. The senior Senator from New York [Mr. JAVITS] through a parliamentary interrogation established with the Presiding Officer that the rules of the Senate, other than the rule here challenged, are in effect. One of those rules of the Senate, therefore, now in effect permits me to address the Senate. Another rule of the Senate now in effect provides that such matters as this can by motion be referred to the Committee on Rules and Administration. Is that to be denied to any Senator?

I do not wish to make the motion, but another Senator may. Do we deny him the right, which he has under the rules of the Senate, by this contrived procedure, to make such a motion? The rules of the Senate provide that a Senator has such a right.

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

Mr. GORE. I yield.

Mr. LAUSCHE. What about the right to amend the original motion?

Mr. GORE. The rules of the Senate under which we are operating, according to the ruling of the Chair elicited by the distinguished senior Senator from New York [Mr. JAVITS], provide that Senators can be recognized to offer an amendment, or to table a proposed amendment; and that Senators may be recognized to debate those amendments.

It is over all these rights that the able senior Senator from New York has leapt. I do not believe that we should dismiss or destroy the rights of Senators and the responsibilities of Senators so cavalierly.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. JAVITS. Mr. President, will the Senator yield to me for just a moment and then I shall be finished.

Mr. GORE. I yield to the Senator from New York.

Mr. JAVITS. I believe we have established what I think does enlighten the Senate, to wit: The timetable, the number of votes, and so forth. As to the merits, the Senator from Tennessee is making an eloquent speech. I have been listening to his speech. I shall make my

speech on this subject. I wished to establish the factual situation at this moment, and we have done that.

Mr. GORE. Mr. President, I recognize that a number of able men have spent a good deal of time on this timetable and this parliamentary scheme. Some of the statements seem to have been well prepared in advance. I do not criticize anyone for that.

We had a great former colleague in the Senate, the late Senator Bob Kerr, who made an enlightening statement here one day when he said: "I am against any combine I am not in on."

Well, Mr. President, not many Senators were in on this combine chartering this bizarre parliamentary procedure by which the contents of a motion offered by one Senator becomes by tabling motion, ipso facto, an action of the Senate on the original proposition.

Mr. LAUSCHE. Mr. President, will the Senator yield briefly?

Mr. GORE. I yield.

Mr. LAUSCHE. Mr. President, I invite the Senator from New York to listen to my question.

Is it the position of the Senator from Tennessee that under the ruling of the Chair the right of any Senator to subsequently offer a motion to table or to offer an amendment, or to offer a motion to table an amendment will be barred?

Mr. GORE. If I correctly understand the advice of the Presiding Officer as to what he would interpret, before we act, our action to mean, then he would be prepared, following the instructions which he said he will take, not from the Senate, but from the contents of the motion offered by the junior Senator from South Dakota [Mr. McGOVERN], to immediately call for a vote on the motion.

Did the Senator from Ohio understand that?

Mr. LAUSCHE. Mr. President, will the Senator yield for one further question?

Mr. GORE. I yield.

Mr. LAUSCHE. Does the Senator take the position that the right to discuss an amendment that might be offered subsequently will also be barred?

Mr. GORE. As I understand the advice we are given as to the meaning of the vote we are to take, it would mean that no amendment would be in order, nor considered, nor entertained, nor would any Senator be recognized, nor would any Senator have any right but to vote immediately.

Mr. LAUSCHE. I wish to ask the Senator from New York [Mr. JAVITS] whether he agrees or disagrees with the statement of the Senator from Tennessee.

Mr. JAVITS. No right to amend of any kind or character will be denied on the merits of the proposal, because this is a motion to take up. The fourth vote may result in a vote to take up. Then, the measure which the Senator wants taken up is open to full amendment, and before the motion to take up is voted on, the other motions, in order of preference, provided in the rules, may be made in the 2 hours. Nobody's right is denied. The only thing is that the proceeding is limited to 2 hours.

Mr. GORE. I thank the able Senator from New York. He is making what would be a helpful addendum to the ad-

vice of the Chair, except the advice of the Chair was not in accord with it.

The Chair advised us that if the Senate votes to table the point of order submitted by the senior Senator from Illinois [Mr. DIRKSEN], although no point to table has yet been made—this is how hypothetical the situation is; the motion to table has not yet been made, but the Presiding Officer advises if somebody makes a motion to table and that motion prevails—then he will interpret that as instructions to him and the Senate to vote immediately on the resolution, including the terms of the resolution. I think I have correctly stated the advice of the Chair.

This procedure is untenable. The Senate cannot accept it. By this unusual procedure, the senior Senator from Tennessee cannot even appeal this ruling to the Senate. It is not a ruling yet. It is advice upon what the Presiding Officer says he would interpret an action of the Senate on a motion that is not yet made.

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

Mr. GORE. I yield.

Mr. ERVIN. I wish to ask the Senator if such a ruling as that would not be tantamount to a ruling that the provisions of the rules which permit other Senators to move to table the McGovern motion, or rules of the Senate which permit any Senator to commit to the Committee on Rules and Administration for consideration, or rules of the Senate which authorize any Senator to offer a substitute for it, or rules of the Senate which permit any Senator to offer an amendment to it, or rules of the Senate which permit any Senator to move to postpone further consideration either to a time certain or an indefinite time, would absolutely be nullified?

Mr. GORE. In other words, in the words of the Presiding Officer "the ball game would be over."

Mr. ERVIN. The ball game would be over without anybody except the distinguished and able Senator from South Dakota ever being allowed to come to bat or throw a ball.

Mr. McGOVERN. Mr. President, will the Senator yield for a brief observation in that regard?

Mr. GORE. I yield.

Mr. McGOVERN. The Senator has suggested several times that what we are proposing here is a procedure whereby one Senator shall dictate to the Senate what it is going to do. That is not proposed at all.

We are proposing a sequence of three rollcall votes, each one of which will be decided by majority vote of the entire Senate. One Senator cannot resolve this at all. If 100 Senators are here, it will take 51 Senators to approve any one of the three possible steps that will come before the Senate.

I should like to observe that neither the Senator from South Dakota, nor the Senator from Tennessee, nor anyone else, will carry this motion with his vote alone. It takes a majority of the Senate to act on this procedure. Thus, what we are really talking about is whether a majority of the Senate should have the right to exercise its will at the beginning of a new Congress to determine its rules.

No one is questioning any of the other Standing Rules of the Senate. We are simply suggesting, under the Constitution, that when, at the start of a Congress, a majority of the Senate so desires, it should have a procedure whereby it can set or modify the rules. There is no way any part of that can be accomplished except by a majority vote of the Senate.

Mr. GORE. I thank my able and distinguished colleague, for whom I have exceedingly high regard and with whom I think I have voted about 98 percent of the time. He has said that I have strained to interpret this as giving the right of one Senator to determine the course of action of the Senate.

Let me remind the Senator that one provision of the motion which he and he alone has offered is that we shall have an immediate vote.

I had no part in determining that. The Senator from Kentucky had no part in determining that. The Senator from Tennessee might have some views which he would wish to express based upon his responsibility as one of the representatives of the people of the great State of Tennessee, and as a Member of the U.S. Senate.

Mr. McGOVERN. Mr. President, will the Senator from Tennessee yield at that point?

Mr. GORE. I will in a moment. The Senator has made a helpful statement and I want to analyze it.

By the terms of the resolution which he has proposed, there would be a certain result, in consequence of certain stipulated votes by the Senate, but the Senator himself provides in the motion the rules by which his motion will be considered. He does not leave to me any discretion. He does not leave to the rules of the Senate any effect. He provides in his motion that there shall be an immediate vote.

I am sure the Senator does not mean to exercise any tyrannical parliamentary procedure. He is about as democratic a Senator as anyone can come by. But, nevertheless, there it is. Is that not true?

Mr. McGOVERN. Let me say one thing—

Mr. GORE. Is this not true?

Mr. McGOVERN. I do not accept the Senator's interpretation of it. I do accept his good faith.

Mr. GORE. Does it not provide that there shall be an immediate vote?

Mr. McGOVERN. Yes, but let me say—

Mr. GORE. Then what other Senators determine that except the Senator from South Dakota by the terms of his motion?

Mr. McGOVERN. The Senator has the same right he has on any other motion to vote against it, if he disapproves of its terms.

Mr. GORE. Is my right as a Senator to be limited merely to vote for or against a proposition which another Senator wishes to submit at any time he wishes to submit it and have a vote at any time he wishes me to vote? There is something other than the responsibility of a Senator to say "yea" or "nay." It seems to me there might be a few mumbling thoughts that I would want to utter.

Mr. CASE. Mr. President, will the Senator from Tennessee yield at that point?

Mr. GORE. I yield.

Mr. CASE. On this one point, in answer to the Senator's question, we do have a procedure by which one Senator can compel all Senators to vote immediately, and that is on a motion to table anything. Thus, this is not strange. It is not a monster. I have had, as I know the Senator from Tennessee has had, some question as to whether the rules should not go into this matter of tabling and its process, because I have personally been the victim, I think, of injustice, on account of it, as the Senator feels that he has in substantive matters, on a number of occasions, of which I am well aware. But this is not a strange, new kind of procedure. I will develop these thoughts on my own time, and I shall not interrupt the Senator again, but we know that Senators call upon a motion to table immediately to decide an issue without debate.

Mr. GORE. The rules provide for a motion to table. I have expressed the view on the Senate floor that this is the most tyrannical parliamentary device available to the leadership or to any other Senator. Fortunately, the leadership on both sides of the aisle—and I hope they will pay heed to this—have been restrained in their use of the motion to table. In other parliamentary procedures, the "previous question" has the same effect. But the procedure here proposed is not provided for in the rules of the Senate. This is an interjection by which, through the motion of one Senator and the advice of the Presiding Officer, we are advised in advance that if we vote a certain way, it will mean that every other Senator will be denied the right to make a point of order, to discuss a proposition or to offer an amendment before there is an immediate vote.

This is unusual. It would be destructive of the deliberate quality of debate and consideration in the Senate. It must not be permitted.

I had not intended to take any part in debate on this controversy, but I love the U.S. Senate. I love the U.S. Congress. This is the beginning of my 29th year as a Member of the U.S. Congress. I have great respect for it. I have been disturbed to see the growth of the executive branch and the seemingly comparable diminution of the legislative branch.

I am happy to see some evidence—last year, for instance, in the Senate Foreign Relations Committee and the Senate Appropriations Committee, and other committees—that they are once again asserting the coequal status of the legislative branch.

Our system of government will be best served by a strong, independent, and coequal legislative branch of the Government. That is not particularly involved here. The executive, of course, is not, but here is a clever parliamentary procedure which a few enthusiastic men have contrived—for good purposes, I acknowledge—but I think that they contrive a little too sharply. They ignore the rights of other Senators, the responsibilities of other Senators, and the pru-

dence of deliberate consideration of proposals of all Senators submitted to the Senate.

Mr. ALLOTT. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. ALLOTT. Would the Senator mind my founding a question or two based upon his colloquy a few moments ago with the distinguished Senator from New York? I read from the motion which has been filed with the clerk:

I move that debate upon the pending motion to proceed to the consideration of Senate Resolution 6 be brought to a close in the following manner—

And then he sets it up.

The distinguished Senator from Tennessee has made very well the point that amendments are forbidden under the ruling of the Chair. I am sure the Senator would agree with me that, once the motion to lay on the table has been made, it would be impossible for him, or any other Senator, to amend the procedure by which we bring this to a close, because we would have to vote immediately upon the whole procedure, unless it were divided into two parts at the request of one Senator. Is that not true?

Mr. GORE. I think it is true. I do not think it will be true. I cannot conceive that the Senate will put its foot into this trap.

Mr. ALLOTT. I feel personally it is true that, under the ruling made by the Chair, for example, if in this particular copy there were 6 hours of debate—and that has been stricken out and 2 hours placed in its stead—if the senior Senator from Colorado desired to make it 6 hours under the rule, once a motion to lay on the table were made, no amendment could be offered.

Then I would like to propound a question also about a situation in which a motion to lay on the table should prevail. Two hours of debate are to be equally divided between the junior Senator from South Dakota and our distinguished majority leader. The statement was made by our distinguished minority leader that already requests are coming in for time. From a practical situation, can the Senator from Tennessee tell me a practical way that any Senator could offer an amendment during those 2 hours and have a reasonable time to discuss that amendment?

Mr. GORE. This proposed procedure would be a stricture that would nullify careful consideration.

Mr. ALLOTT. If I may pursue this inquiry, the point of it is that the point made by the Senator about amendments is not a facetious one, nor should it be lightly taken. It is an actual one which deprives any Senator of the opportunity to amend and in the other instance deprives a Senator of the opportunity to amend by reason of the practicalities of the situation.

Mr. GORE. And also denies the right to make other points of order or a motion for referral or postponement.

Let me remind the distinguished Presiding Officer, for whom I have warm affection—if I have been sharp in my comments I regret it and I apologize—that the U.S. Constitution is not restricted in its application to this one issue before

the Senate. If one can make that constitutional reference on one issue, he can make it on another. If one Senator can make a point of order against the constitutionality of a proposed motion, then every other Senator would have that right. If every other Senator has that right, let me conjure a proposition that might occur.

Suppose, after this precedent is set, I offer a motion to rescind the Tonkin Bay resolution on the ground that the President has interpreted it as tantamount to a declaration of war, and therefore since this was a constitutional procedure, I proposed to rescind the Tonkin Bay resolution, and provided in my motion that it come to an immediate vote, and the senior Senator from South Dakota or the junior Senator from South Dakota made a point of order that my motion was not in accord with the Constitution, and another Senator moved to table his point of order, and it was tabled, and then there was an immediate vote, would not this precedent and procedure to rescind the Tonkin Bay resolution be on all fours? That is a question or motion of constitutional reference.

Here is a point of order which the Presiding Officer submits to the Senate. A Senator moves to table the point of order. It is tabled. Ipso facto, the Senate has finished its consideration of my motion to repeal the Tonkin Bay resolution. We vote immediately.

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

Mr. GORE. I yield.

Mr. MUNDT. The Senator raises a most significant and serious possibility, which is not altogether any longer a hypothetical situation. We have Members in our body who feel that way about the Tonkin Bay resolution. One of them might do precisely what the Senator from Tennessee has suggested. A Senator might raise a point of order. We would go through the same process.

It was for that reason that I interrogated the Chair, thinking about the latter part of the decision, which disturbs the Senator from Tennessee, which says that the Chair is bound by the instructions of the Senator's resolution. This is the situation the Chair is faced with if a Member of the Senate continues to offer a resolution and a Senator makes that point of order.

The Chair candidly said he was telling us what the consequences were and that he did not want us to be in the dark. It was not necessarily a ruling. It was simply an explanation. He was trying to tell us about the consequences of the events before us. It seems to me those consequences are more cataclysmic and more catastrophic than this whole debate about majority rule with respect to the rules, because the whole rule book could be kicked out by any Senator merely by writing a resolution, coming before the Vice President or the Presiding Officer, and his saying, "I am sorry. It looks cockeyed to me, but it is in the resolution. I can do nothing about it."

Mr. GORE. I thank the Senator.

Let me trace these steps. After this procedure becomes a precedent—and God forbid that it does—assume that I offer a resolution tomorrow reciting the constitutional responsibility of the Sen-

ate and the House to declare war, and propose to rescind the Tonkin Bay resolution on the ground that the declaration of war is the constitutional function of the Congress and that the President has erroneously interpreted the Tonkin Bay resolution as tantamount to a declaration of war. In my resolution I propose to move that there shall be an immediate vote and such other conditions as I may decide to provide in the resolution.

Then the senior Senator from South Dakota makes a point of order against it, and the Presiding Officer advises that he is going to submit that point of order, since it relates to a constitutional procedure or question or issue, to the Senate, subject to a majority vote, and he further advises that some Senator can make a motion to table, and that if some Senator does make a motion to table that point of order, which motion is not debatable, and the Senate tables the point of order, then he will feel instructed by terms of the motion I have made or the resolution I have offered to lay before the Senate for immediate vote, not subject to amendment, not subject to further point of order, not subject to debate, upon the rescission of the Tonkin Bay resolution.

Now, is that not on all fours with this?

Mr. MUNDT. It seems to me that the Senator has struck a very significant point there, and I see no difference, because it is the constitutionality of the situation which is in harmony between the Senator's hypothetical case and the one we have before us. Both deal with the constitutional question, and the sequence of events which the Senator has anticipated and speculated about is precisely the sequence of events which have occurred here this afternoon.

Mr. GORE. And we are advised of this procedure with respect to a motion to table that is not even now pending, that has not been made.

Mr. MUNDT. That is right. And we have no appeal from this recital by the Chair of the consequences which would eventuate. We have no means by which to register our displeasure except by voting on a tabling resolution of a point of order not directly related to the thing we are particularly complaining about.

Mr. GORE. I would appeal from such a ruling of the Chair, if it were a ruling. It is not a ruling. It is an advice of what the Presiding Officer will interpret the vote to mean, if we have such a vote, if some Senator makes a motion to table, and if that motion is carried.

Mr. President, I have felt rather strongly about the matter, as I have witnessed the development of this bizarre parliamentary scheme, and I have expressed my views with some vigor in exercising what I consider to be my responsibility. I do not wish to detain the Senate further. I hope that there is a way through which the Senate can avoid the very grave damage which would flow from the establishment of such a precedent.

(At this point, Mr. HARRIS took the chair as Presiding Officer.)

Mr. KUCHEL. Mr. President, a week ago yesterday the two Houses of Con-

gress, in accordance with the Constitution, proceeded to meet and to organize. The House of Representatives, as has been the case since the founding of this Republic, proceeded, on its opening day, to consider and dispose of the problem of the adoption of rules of procedure under which its Members would operate during the 90th Congress. A resolution was offered and adopted by the House of Representatives to approve as rules for the 90th Congress the rules as they applied in the 89th. An amendment was subsequently offered and adopted. The resolution, as amended, then became the rules of procedure under which the House of Representatives will dispose of public business during the next 2 years.

From whence did the power come, Mr. President, which the Members of the House of Representatives exercised that timely responsibility? It came, clearly, from the Constitution of the United States, under that clause which says:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

We read that clause, incidentally, Mr. President, with a second clause in the Constitution that "a majority of each—House—shall constitute a quorum to do business."

The Constitution of the United States, therefore, does not differentiate between the two Houses of the legislative branch as to the mode, manner, or procedure by which their rules will be adopted. It has been put forth by some in this debate that the Senate is a continuing body, and that therefore the clear language of the Constitution should not apply in the same fashion as it does on the other side.

I do not rise to debate whether the Senate is a continuing body. I think perhaps in some instances it may well be. There are differences between the Senate and the House of Representatives. But with respect to the problem of the adoption of rules, it should be crystal clear to all Senators that the Constitution of the United States treats each House of the Congress precisely in the same fashion, and authorizes a majority of a quorum to determine what rules shall guide each House during each new Congress.

The truth is that the Senate, in the few years that I have been honored to be a Member here, has never adopted rules. It is true that upon occasion, some amendments have finally been adopted. But rules of the Senate have not been adopted in the last 15 years, by the U.S. Senate, at the beginning of each new Congress nor indeed at any other time.

I think, therefore, it should be apparent that the rules under which we operate this year and have operated in prior sessions follow the theory of acquiescence—that because the Senate has done nothing, the rules of the preceding Senate come along and operate as a basis on which procedures shall be determined in the next.

Indeed, 10 years ago the Senate saw fit to indicate that specifically in its rules and, by an amendment provided, in rule XXXII, section 2:

The Rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

That is an attempt, and I believe it constitutes an unconstitutional attempt, to deny to the Members of a new Congress the right to exercise their constitutional authority to adopt such rules of procedure as they themselves may determine.

So when some of my fellow Senators talk about breaching, violating, and breaking the American Constitution, I say, Mr. President, it is all the other way around. For some of us in this Chamber believe that the public welfare would be advanced if the Members of the Senate were permitted, at the opening of each new Congress, to determine what rules of procedures should be adopted. That is the reason these resolutions have been introduced and motions have been made.

This, of course, is not the first time that the Senate had been faced with this kind of debate. I am pleased, on this occasion, Mr. President, to recall the views and comments which were made by the Vice President of the United States in 1957—my fellow Californian and my friend, Richard Nixon—which I shall read to the Senate. I hoped that the Vice President would be here, for I believe it would be helpful for all of us to recall just a few of the sentences which Vice President Nixon laid down with great clarity—and with great respect for the Constitution. I think that it might be helpful in this debate if I do so at this point.

This is in volume 103, part 1, pages 178–179 of the CONGRESSIONAL RECORD. It reads:

It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule 22 in practice has such an effect.

The Chair emphasizes that this is only his own opinion, because under Senate precedents, a question of constitutionality can only be decided by the Senate itself, and not by the Chair.

(At this point, the Vice President assumed the chair.)

Mr. KUCHEL. I am reading the comments of former Vice President Nixon, your predecessor, Mr. President, once removed. I continue to read:

At the beginning of a session in a newly elected Congress, the Senate can indicate its will in regard to its rules in one of three ways:

First, it can proceed to conduct its business under the Senate rules which were in effect in the previous Congress and thereby indicate by acquiescence that those rules continue in effect. This has been the practice in the past.

Second, it can vote negatively when a motion is made to adopt new rules and by such action indicate approval of the previous rules.

Third, it can vote affirmatively to proceed with the adoption of new rules.

Permit me to observe parenthetically that the situation is precisely the same today as it was when former Vice President Nixon said this in 1957.

Turning to the parliamentary situation in which the Senate now finds itself, if the motion to table should prevail, a majority of the Senate by such action would have indicated its approval of the previous rules of the Senate, and those rules would be binding on the Senate for the remainder of this Congress unless subsequently changed under those rules.

If, on the other hand, the motion to lay on the table shall fail, the Senate can proceed with the adoption of rules under whatever procedures the majority of the Senate approves.

In summary, until the Senate at the initiation of a new Congress expresses its will otherwise, the rules in effect in the previous Congress in the opinion of the Chair remain in effect, with the exception that the Senate should not be bound by any provision in those previous rules which denies the membership of the Senate to exercise its constitutional right to make its own rules.

I appeal to my colleagues in the Senate on this question—which is in the public interest and which ought not to be considered in a partisan manner—to listen to the words of one who had a responsibility to give to the Senate his views a decade ago. I ask them to listen to a courageous statement by an able lawyer and a dedicated American.

It was said earlier today by the able majority leader that the proposed action to these changes in the Senate rules may imply a danger that minorities in the Senate might not have an opportunity to express themselves.

It is the Constitution of the United States which lays down clearly the right of a majority of a quorum of elected Members of the U.S. Senate to adopt rules.

It is on that basis and that basis alone that the motion has been made.

Some of my colleagues talk about this 2-hour request that is involved on the merits.

The Senate would purport to change one part of the prior Senate rules. I look at it in this way. I believe that the Senator from South Dakota is completely within his constitutional rights in moving now that this debate come to a conclusion and that the Senate proceed to dispose of the resolution which he has offered, subject to all its rules which are not in controversy today. That means every rule of the Senate acquiesced in now, apparently, except this one rule, rule XXII.

I believe further that the Senator is completely correct in asking the Senate to determine the constitutionality of the motion which is pending.

I believe also that it is in complete accordance with the Constitution after that a vote be taken immediately to take up the question whether we want to amend, offer substitutes for the resolution with respect to rule XXII, or vote up or down the resolution that has been introduced by the two distinguished Sen-

ators, the Senator from South Dakota [Mr. McGOVERN] and the Senator from Kentucky [Mr. MORTON].

In the interest of giving more time than the last several days has provided, the Senator has seen fit to suggest that there be an additional 2 hours allowed. Mr. President, I suggest this in the interest of orderly procedure. That is the basis upon which I am delighted to accept that part of the argument that has been made.

The question before the Senate is a simple, fundamental, and elemental one. Does the Senate have the right to adopt rules of procedure?

That is the question before the Senate, and that is the only question.

It has been said here this afternoon by one of my friends that Senators would be able to twist and turn the recognition of this right into some kind of an ugly jungle for Senate moderates who would cause chaos and near anarchy here in the Senate.

The fact of the matter is, I suppose, that this year or next year a majority of the Members of the Senate—if they are so venal and the Presiding Officer goes along with them—could ruthlessly shunt aside every other Senator.

The argument was made earlier that that is not the basis upon which parliamentary rulings have been made.

In all that I have said, I have not commented upon the need for the Senate to exercise its authority with respect to the manner in which debate may be terminated in the public interest.

If we proceed with it, I can repeat what the Presiding Officer and most of my colleagues—no matter how long or how short a time they have served—understand. In this nuclear era of modern living unlimited, unrestricted, unrelated, irrelevant talkathons designed only to prevent a majority of the Senate from discharging its responsibility on whatever important business is pending before the Senate are a crippling anachronism.

I urge my colleagues to accept a constitutional responsibility as the House has under precisely the same constitutional language, and to proceed now to determine that it is a duty, as well as a constitutional opportunity, to proceed to terminate this debate and to adopt rules in accordance with whatever provision the Senate finally decides upon.

The VICE PRESIDENT. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I rise to state the views that I have developed as a result of this interesting debate this afternoon and the views that I held prior thereto as well. I rise to support, in essence, the very clear statement that was just made by the Senator from California [Mr. KUCHEL].

I think we ought to face up to the fact that the constitutional question is as he put it. Under the Constitution the Senate, by the majority of a quorum, has the constitutional power and, I happen to think, the duty also to adopt its rules of procedure.

It does not make any difference what the Senate has said or the action it has taken in times gone by, whether in connection with rule XXXII or any other

rule. Any rule that it adopted which would seek to modify a constitutional provision would, as the Senator from California pointed out, have no constitutional standing. It does not constitute a constitutional amendment.

The major premise from which I argue on this point is that under the Constitution the Senate has the power to do exactly what it is proposed that we do here this afternoon.

My next point is that, bearing out what the Senator from California said, we all know, and can take judicial knowledge of the fact, that the only rule in controversy before us this afternoon is rule XXII.

This whole parliamentary movement is a movement to change rule XXII. I do not know in what way it is going to be finally determined. I do not think that anyone else in the Senate knows.

We have the McGovern proposal for a three-fifths vote to end debate. We have the Kuchel proposal for a majority vote to end debate.

One listening to this debate would be inclined to think that at least some of our colleagues believe that the substantive issue before us this afternoon is not subject to amendment. The substantive issue relates to the contents of a new rule XXII if, as, and when such a new rule becomes the pending business of the Senate.

I wish to emphasize that when we finally get to the point of adopting a new rule, if we decide to pass a new rule for ending debate at the beginning of this session of Congress, we will replace the old rule XXII. I do not know what its provisions will be. In my judgment, there is nothing in the proposal of the Senator from South Dakota that prevents us from adopting any rule XXII that we wish to adopt, or readopting the rule XXII that past Senates have adopted.

Therefore, I believe we have to separate the issue as to the substantive legislation that eventually will—at least, I hope so—arise in this debate for action and the steps of procedure by which we will get to the point of considering a new rule XXII. We are not yet at the point of considering substantive legislation providing for a new rule XXII. Where we are, as I see it, is on notice by Senator McGovern of South Dakota that he will move to lay on the table the point of order raised by the Senator from Illinois [Mr. DIRKSEN] as to the constitutional point raised by the Senator from South Dakota. A motion to lay on the table the Dirksen point of order will be the first vote. When that motion is made, the Presiding Officer will be in a position in which he has to put that motion to a vote without debate. I repeat that will be the first vote.

I do not know how anyone could have made it any clearer than the Presiding Officer has made it. I have followed what the Presiding Officer has said all afternoon in regard to the parliamentary issues raised in this debate, and I believe that he has acted clearly within the limitations imposed upon him as the Presiding Officer of this body. In my view he has been correct in his rulings and eminently fair in performing his duties as the Senate's presiding officer under the Constitution.

I wish to say to my friend, the Senator from California, the minority whip, that I also completely agree with the ruling of former Vice President Nixon on the constitutional power and right of the Senate to adopt rules of procedure at the beginning of a Congress. The Senator from California has again inserted the rulings of Vice President Nixon in the Record. I have taken that position ever since Vice President Nixon issued the ruling. Vice President Nixon made the major point, that after all, it is a constitutional right and responsibility of the Senate to adopt its own rules at the beginning of a session of Congress, if it wishes. The Senate can adopt rules at any time, if it wishes.

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

Mr. MORSE. I should like to finish my argument before yielding, because my argument cannot be understood unless one understands the procedural and parliamentary steps through which I think the Senate must now proceed to take before it can untangle the parliamentary barbed wire that has been stretched across the path of orderly procedure in the Senate.

I agree that the ruling of Vice President Nixon was completely sound constitutionally and procedurally.

Let us assume—I am speaking hypothetically now—that the motion to lay the point of order on the table is adopted. Let us assume that first. Then what will be the parliamentary situation before the Senate? The Chair will then put the motion to close debate. That is the next step in the proposal of the Senator from South Dakota. That will result in the second vote. Listen to the motion:

I move that debate upon the pending motion to proceed to the consideration of S. Res. 6 be brought to a close in the following manner: The Chair shall immediately put this motion to the Senate for a yea and nay vote and, upon adoption thereof by a majority of those present and voting, with a quorum present, there shall be two hours of debate upon the motion to proceed to the consideration of S. Res. 6.

In other words the second vote will be on the motion to close debate. It is not until after that vote on the motion to close debate that the provision in Senator McGovern's motion for a 2-hour debate on the motion to take up Senate Resolution 6 comes into play. The motion to proceed to the consideration of Senate Resolution 6 when voted upon after 2 hours of debate will be the third vote. However, let us take note of the fact that the three votes which I have described are all procedural votes. None of them involves a vote on the substantive provisions of a new rule XXII.

We are not dealing with legislative substance yet, at all, as far as the wording or contents of a new rule XXII is concerned.

We will not have come to the substantive issue at all until after the third vote. The motion simply says in effect that after all the debate that has occurred this past week and today there shall then be 2 hours of debate on the motion as to whether or not we will proceed to take up Senate Resolution 6.

Let us assume—hypothetically, again—that the Senate passes the motion and proceeds to consider Senate Resolution 6. Then the substantive resolution of the Senator from South Dakota for a cloture rule by a three-fifths vote will be before the Senate for the first time. It can be amended. It is subject to no limitation. The Senate can amend it. The Senate can adopt a substitute. The Senate can recommit it or do anything else with the Senate Resolution 6 which the procedures of the Senate permit. As the Senator from California has said, this is permissible under the rules of the Senate, in which we have acquiesced, because at this point in the debate the only rule we seek to change is rule XXII.

Where are any Senator's rights being lost? How has any Senator lost any rights? I know of none. Therefore I reject all the false alarm arguments I have heard the past several hours to the effect that the proposed procedures in Senator McGOVERN's motion will burn up Senators' parliamentary rights. Such contentions are not sound.

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

Mr. MORSE. I do not know what amendments I shall support, once we get to the consideration of the substance of Senate Resolution 6 itself.

Mr. President, I also wish to say this, and then I shall yield. Let us face it. We know the basic question which confronts us at this time. It is, shall we continue with a rule XXII, in this critical era of the Republic's history, which permits a minority of Members in the Senate to substitute themselves for a controlling majority. That is the issue. Shall we have majority or minority rule in the Senate when it comes to passing legislation?

With all that is going on in the world and in our country, we cannot, as Senators, justify continuing a rule that permits a willful minority in the Senate to block the welfare of this country, according to their minority sights. Our system of checks and balances gives to the minority adequate protection of their legitimate rights. They should not have the right to dictate the nonpassage of legislation which is desired by the majority. Senators know that on all the antifilibuster resolutions I have offered since my first one in 1946, I have always insisted that there not only be adequate time but also liberal time for debate in order to protect the rights of the minority as it tries to change itself into a majority. But I have opposed, ever since I took my oath in 1945, a rule XXII by which a small group of Members of the Senate can impose their will against the public interest, as seen by the majority.

What are the checks on the majority? They will be the checks that we will put into any new rule and in addition they are the checks of the Constitution itself as well as the many checks within the legislative processes of the two Houses of Congress.

There is no monolithic majority in the Senate. All afternoon I have heard a majority spoken of as though it were a monolithic, fixed, number of specific individuals. One of the striking features that characterizes the Senate is its flu-

idity. There is no monolithic majority in the Senate. We vary among our groupings from issue to issue, almost minute by minute, in the Senate. We all know that whatever new rule XXII we may adopt there will be checks written into it that will protect the right of the minority to adequate time for debate. But it should not give the minority license to exploit the public interest by preventing the majority the right to come to a vote on the issue. Any pending piece of legislation should have to come to a final vote within a fair and reasonable time for debate whether the minority likes it or does not like it.

Some of my colleagues, whom I respect very much, but with whom I disagree, have wanted unlimited debate, with no checks upon it, so long as their physiques can hold out, in order to prevent a vote from ever being held on a legislative issue not to their liking. What they want is no vote at all on an issue at any time. They believe the Senate should not be allowed to vote if they can muster the power to filibuster a bill to death. That is the kind of filibuster that should be run off the floor of the Senate this afternoon, once and for all. That is the substantive issue that will be brought before the Senate if we finally reach the point in this debate of voting in favor of taking up a consideration of the merits of Senate Resolution 6.

What other checks do we have in our system of Government to protect a minority from what may be at times a mistaken majority? With regard to the substantive legislation that will be passed, under the rules, there is the check of the other body. The House may defeat a bill favored by the Senate or amend it. If the House passes a somewhat different bill then there is the check of the Senate-House conferences. There is the check of the President of the United States with his veto power. That is the check-and-balance system that the Constitutional Fathers set up when they wrote the Constitution. They did not write in it a rule XXII that subjects the Senate to minority rule. They did not write into the Constitution a rule that would enable a minority to prevent the will of the majority to operate. When the Constitutional Fathers wanted anything other than a majority rule to prevail in the operation of the Congress they specifically spelled out the percentage of vote that was required for adoption. Thus more than a majority vote is spelled out for overriding a President's veto or for amending the Constitution. That is what our Constitutional Fathers did. They provided in the Constitution itself the vote ratio, varying from a majority vote rule in every instance in which more than a majority was to be required. The clear intent of the Constitutional Fathers was that in all other cases the will of a simple majority vote would be the law of the land. In determining Senate procedure a simple majority should have the right to adopt a cloture rule requiring a three-fifths vote or any other for ending debate.

I do not share the view that the steps provided for by the resolution of the Senator from South Dakota—they are not necessarily the steps that I would have provided—are in some way stripping me

of some precious procedural right. I yield to no one in defense of legitimate procedural rights in the Senate. However, I do not accept the view that a minority should have a procedural right to choke to death by a filibuster the right of a majority to govern.

I think the motion of the Senator from South Dakota provides reasonable steps leading to a final consideration of Senate Resolution 6 on its merits. My rights and those of every other Senator are fully protected when we finally adopt—as I hope we will—his motion to proceed with the consideration of the merits of Senate Resolution 6. As I have said Senate Resolution 6 will then be open to amendment. I shall have proposals of my own to make for amendments to the substantive issues raised by Senate Resolution 6. We ought to get on with reaching that substantive point. That is why I wanted to make known my views now and to explain my reasons for disagreeing with the speeches that have been made in the Senate this afternoon in opposition to the procedure proposed by the Senator from South Dakota [Mr. McGOVERN].

Before I yield to the Senator from Pennsylvania [Mr. CLARK], I wish to commend both Senator McGOVERN and Senator CLARK for their leadership in this historic debate seeking to have the Senate carry out its constitutional rights and responsibilities in adopting rules at the beginning of a new session of the Congress.

I yield to the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, the Senator from South Dakota [Mr. McGOVERN], the Senator from California [Mr. KUCHEL], and the Senator from Oregon [Mr. MORSE] so ably expressed my views on this subject that I do not intend to participate at this time in the debate, in the hope that we can quickly come to a vote on the motion to table.

Mr. President, I congratulate the three Senators for their brilliant presentation.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. The Senator from Oregon made the statement that Members of the Senate will be vested with all rights they ordinarily have to offer amendments, motions to refer to committee, and other procedural operations. Is there any limitation on the time, according to the ruling of the Chair, that will be available to make those motions and for other procedural operations?

Mr. MORSE. That depends on what procedure is adopted for procedure of debate on substantive issues; that will be provided in a new rule XXII which I hope the Senate will adopt.

Mr. LAUSCHE. The statement was made that all of these things will have to be done in 2 hours.

Mr. MORSE. Not at all. That is the burden of my argument. The 2-hour provision has nothing to do with the substantive issue after it is decided to take up the McGOVERN proposal. The McGOVERN proposal is subject to all amendments, and to all the procedures, which the Senator from California referred to as existing rules we have adopted by ac-

quiescence. The only rule under challenge is rule XXII.

Mr. LAUSCHE. What rules will be applicable to the procedural steps that might be proposed by Members of the Senate?

Mr. MORSE. That is going to be up to the majority.

Mr. LAUSCHE. What about rules that now exist in the control of the operation?

Mr. MORSE. All rules other than rule XXII will be enforced.

Mr. LAUSCHE. Then, it is the position of the Senator that the ruling which supposedly was made is that there will be a situation where the ball game is over except that Senators may talk for 2 hours after the issues have been decided by the vote that will now be taken on the matter that is pending before us.

Mr. MORSE. I most respectfully say that I do not speak for the Presiding Officer, but I interpret him. I most respectfully point out when the Vice President made those comments in his ruling he was not talking about the situation before the Senate if, as, and when the Senate votes to take up the substantive proposal of the Senator from South Dakota.

Mr. LAUSCHE. Will there be any limitation of time?

Mr. MORSE. That would be up to the Senate.

Mr. LAUSCHE. As I understand the position taken by the Senator from Oregon, all of the rules which heretofore have been applicable will continue in existence except those which might be changed by the Senate.

Mr. MORSE. And except rule XXII, because that is the one under challenge.

Mr. CASE. Mr. President, I, as does the Senator from Pennsylvania, feel that Senators have well and fully discussed this issue. I shall not burden the Senate long with my exposition. I, too, love the Senate, as does the Senator from Tennessee [Mr. GORE], and this is the reason why I am concerned about making it an effective instrument, as the Senator from Oregon [Mr. MORSE] suggested.

It is important to keep the Senate in proper balance with the executive. It is important to keep Congress in proper balance with the executive as a check and balance. In our system of checks and balances it is important because we believe so deeply in the importance of the Senate as a coequal branch of government that we want to make it more effective.

I agree also that the exposition of the situation presented some 10 years ago and the way in which it was handled by Vice President Nixon is accurate and complete. Nothing should be permitted to prevent the Senate by a majority vote from amending its rules or adopting any rules at the beginning of each Congress—nothing. Neither a precedent, nor a provision of previous rules, nor anything else should do that, and I include the precedent which says that the President of the Senate shall ordinarily present to the Senate constitutional questions for decision even that all-important "precedents," if its observance will mean the stultification of the majority of the Senate from

adopting new rules at the beginning of the session. What the Vice President has done is more gentle than what was suggested by Vice President Nixon 10 years ago. I do not mean to criticize the Vice President. It is in accord with his general attitude of accommodation and reasonableness.

But the steel is still there, and rightly so. The President of the Senate could, in my judgment, have ruled on this question himself. Of course, the effect of that would be that under our processes of an appeal and a motion to table the appeal, the motion would have been decided without the delay that those who would change the rules seek. He decided to be more moderate and to afford an opportunity to discuss it. The effect is actually the same under the way he is going to regard a vote on the tabling motion. Mr. President, it is utterly right that it should be so.

All the talk of bad precedent or destruction of the Senate is poppycock. The only precedent established here will be a precedent for the constitutional right of the Senate at the beginning of each session to change its rules or to adopt the old ones, if it so desires. Mr. President, for a majority to have that right unfettered by a minority, is a necessity.

With respect to these crocodile tears that I see being flooded around the Chamber in connection with the 2-hour limitation, and the crushing of the minority by the majority in connection with right to speak, I have not heard anybody who wanted to talk being shut off yet. The normal way to get the right to speak is to ask for it. The Senate will always accommodate a Member who wants to speak. Is that not so, I ask the Senator from Oregon?

Mr. MORSE. The answer is "Yes."

Mr. CASE. I would like to have the RECORD show that response. If those who oppose this change wanted a longer time—if they wanted a week, or if they wanted a month—every Senator knows and the country knows they could have it by suggesting that at the end of that time they would permit the Senate to vote. Let them not complain that they, or any Senator, or the majority, or the minority of the Senate is being deprived of any sacred right.

Mr. President, the sole precedent that will be established will not be to destroy the rules, so that the majority can override the minority at any time, but only the single right of the majority at the beginning of a Congress to adopt rules and prevent the minority—the willful minority—from acting to stultify that right. The sooner we come to grips with this problem in terms of its actual consequences, the sooner we will see it clearly.

I suggest that the Vice President well could have ruled that the previous question would be in order for this purpose, and then this motion to allow 2 hours of debate would have been fully in order.

But we do not have to go into that. If a minority wants more time, or if the Senator from Illinois [Mr. DIRKSEN] wants more time, they can have it. He knows it. If he wants more time he has only to ask for it.

The same reason is given for opposing

a change in the rules. Mr. President, let us not confuse the issue. It has been suggested that the provision of the rules which provides that a suspension of the rules shall require a two-thirds vote under a day's notice, or something of that sort, might be impaired. It would not be impaired. The only thing that would be changed here is the right of the minority at the beginning of a Congress to prevent a majority from acting to amend the rules.

This is the only thing that would be changed. It would not be impressive or important in itself, because it is a right not dependent upon precedent, but a right of the Constitution of the United States of America. Today, the Senate, by majority vote, should exercise that right, and exercise it now.

Mr. DIRKSEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am happy to yield to the Senator from Illinois.

Mr. DIRKSEN. Does the Senator wish to speak now?

Mr. JAVITS. Whatever the Senator from Illinois would wish to do is all right with me.

Mr. DIRKSEN. Mr. President, if I may take a moment, I have been seeking to ascertain who still wished to take time under the point of order. It appears that nearly every Senator has spoken. The Senator from New York would take up the cudgels on his side, and I would take equal time. That would take us up to 5 o'clock, which would mean approximately 15 minutes to a side.

I have suggested—and this, I think, has the concurrence of the distinguished Senator from South Dakota—that perhaps we could begin a quorum call and then rescind the call, but at least get Senators started in this direction. It would be in the nature of a warning that a vote is about to ensue, and at 5 o'clock the distinguished Senator from South Dakota would make his motion to table and we would then be ready for a vote.

The VICE PRESIDENT. Will the Senator from Illinois make that as a unanimous-consent request?

Mr. DIRKSEN. I make that a unanimous-consent request, including the calling of a quorum now, before the distinguished Senator from New York begins.

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

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DIRKSEN. Mr. President, may we have order?

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

Mr. JAVITS. Mr. President—

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Florida will state it.

Mr. HOLLAND. Do I correctly understand that the time under the unanimous-consent agreement is to be divided equally between the distinguished Senator from New York and the distinguished Senator from Illinois?

Mr. DIRKSEN. That is correct.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HOLLAND. Ending at 5 o'clock p.m.?

Mr. DIRKSEN. That is correct.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HOLLAND. I thank the Chair.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from New York will state it.

Mr. JAVITS. As I recall, the unanimous-consent request provided for recognition of the Senator from South Dakota at the conclusion of the debate for the purpose of making his motion.

Mr. DIRKSEN. Yes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. RUSSELL. Mr. President, I did not hear a quorum call for the purpose of calling the names of Senators.

Mr. KUCHEL. It was for a 5 o'clock vote.

The ACTING PRESIDENT pro tempore. The Parliamentarian informs the Chair that this was done previous to the quorum call. This is on a resolution. The Senator from South Dakota is to be recognized after the Senator from New York.

Mr. RUSSELL. Who requested unanimous consent for the quorum?

The ACTING PRESIDENT pro tempore. A quorum call is not required—

Mr. RUSSELL. Since when, Mr. President? Is there not something in the rules about having a quorum call before we have a—

The ACTING PRESIDENT pro tempore. The rules require a quorum call previous to a unanimous-consent agreement to set an hour to vote on bills and joint resolutions. The Senate is considering a resolution.

Mr. RUSSELL. Is it because this is a very exceptional procedure that no rules apply? We do not have to have a quorum call, or anything else?

The ACTING PRESIDENT pro tempore. We are abiding by Senate rules. The Senate rules require a quorum call only on joint resolutions and bills.

Mr. RUSSELL. And bills. In other words, we can have any procedure we desire on this type of resolution?

Mr. DIRKSEN. Except that we had a quorum call. I requested it.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I believe, in order to understand the situation which faces us, that it is necessary to compare 2 sections, one in a rule and the other in the Constitution.

The rule is rule XXXII, not rule XXII. It is rule XXXII.

Section 2 of rule XXXII states, in part:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

That is the rule. We adopted it.

The Constitution says that each House may determine the rules of its own procedure.

These are the two horns of the dilemma upon which we have been caught for years, and never in my experience in this Chamber, which is now 11 years, or in the experience of much older Members, going back to 1917, when a rule of this character was first adopted, has the Senate been able to get itself away from being impaled upon the horns of this dilemma.

Some very strong things have happened in the name of this particular dilemma. For example, the Senator from Illinois [Mr. DIRKSEN] has said we have had "biennial convulsions." Indeed we have. Why not, if the rules of the Senate permit us to amend the Constitution of the United States, not by a vote of two-thirds of the Members of each body of Congress and by three-fourths of the States as the Constitution provides, but because the rules of the Senate say so?

The rules of the Senate amend the Constitution of the United States not only in this respect but in the passage of laws. The fact is that we in the Senate cannot pass a bill without a two-thirds vote, and that is the end of it. So the provision of the Constitution which relates to approving treaties or overriding vetoes in the Senate applies in fact to all pieces of legislation in the Senate. Everybody recognizes that, and it is a fact.

I have not been a party to the procedure outlined today by the Vice President of the United States. I would like to emphasize this to the world, notwithstanding what has been said here. This is his procedure. It is not mine. As far as I know, it is not that of the Senator from South Dakota [Mr. McGOVERN].

It is the Vice President's procedure. He has given the Senate an opportunity, in a very astute manner—though I would have preferred, like my colleague, the Senator from New Jersey [Mr. CASE], to have him rule in accordance with the advisory opinion of Vice President Nixon; and I emphasize that it was an advisory opinion only, because it was never passed on by the Senate—to get out from under an impossible situation. He has given us the opportunity to debate. On the other hand, he has given the majority the right to reach a decision at last. That fact appears to have been overlooked this afternoon.

It is one thing to have the right to be heard. It is a different thing when the right to be heard is abused for the purpose of vetoing bills. The Constitution never gave us that right. The people of the United States have been subjected to that abuse for years.

The Vice President has not ruled. He has exercised his right under rule XX

to submit the question, of whether this particular motion is or is not in order, to the Senate. He is not questioning the validity of any Senate rule, not even this one, but the point of order is being raised on a constitutional point. He is submitting that question to the Senate. He is saying that heretofore when it has been submitted, the result as obtained by Senate vote has been meaningless because the Presiding Officer has been unwilling to carry out the will of the Senate. He has said: "I am the Vice President. I will carry out the will of the Senate."

That was the whole difference between Vice President Nixon and Vice President Johnson. Vice President Johnson passed exactly on the same situation. He submitted the same question to the Senate, in general terms, but he said that question is open to debate. He said, "I cannot be bound by anything except the substantive vote; nothing else."

So the Senate doubled back on itself and a filibuster began on the question of amending the rules.

Vice President Nixon, on the other hand, said, "I am not an empty vessel. I am the Vice President, and if the Senate indicates to me clearly its will, I will carry it out."

That is the whole difference.

The big thing is that the Vice President has made clear, in response to inquiries by the majority leader, that he is following the precedents, he is following the decision of the Senate, and he will be bound by it. He is not saying, "Go ahead, I am nothing except an instrument of the Senate." Instead, he advises us: "I will not remain silent and turn the question back to the Senate and leave us where we were in the first place."

So, Mr. President, this is a historic breakthrough. I think we have cut the Gordian knot. I do not know what the Senate will do, but I think a historic decision has been made. We are going to be put on our own feet for the first time.

Let me deal very briefly with the arguments made against adopting this course. The argument has been made that voices of the Members of the Senate will be stilled. The argument has been made that no motion will be possible, that no amendment will be possible. The argument does not stand up. When there is a cloture vote of two-thirds, yes, Members are stilled in their voices. So what? I think even Senator Walsh back in 1917 said that it must end some time.

The only reason why we have not been able to invoke the Constitution in amending the rules has been that we have always been tangled up in our own feet until the procedure now before us, which involves a motion to take up. A motion to take up is covered on page 253 of the book on Senate Procedure, written by our august Parliamentarians, Charles L. Watkins and Floyd M. Riddick, which clearly states that a motion to take up is not subject to amendment.

The other point made is on whether the Senate is a continuing body. I do not know whether it is a continuing body or not, because in some ways it is and

for some purposes it is not. For example, I refer to the possession of papers. We have just reorganized our committees. That hardly shows it to be a continuing body. So I do not think there has been a definite, conclusive opinion as to whether it is a continuing body. I do not think that question can be finally decided. But the question whether we have the power to proceed as the Constitution permits us to proceed we can decide, and that question has been laid before us by the procedures the present Vice President has provided.

We have been frustrated for years from proceeding upon our constitutional rights. Just think, if members of the opposition were to argue that a rule of the Senate was adopted in 1789, which rule of the Senate amended the U.S. Constitution so that we could not pass any bill except by a two-thirds vote instead of a majority vote, and that we cannot change that rule because it was adopted in 1789. In effect what they are arguing now is that because in 1789 the Senate said it required two-thirds, it must still be two-thirds. It must be that way indefinitely. It must be that way for our descendants, whoever they may be, until Lord knows when. That is the argument they make, that we are paralyzed, that we are finished, that we are done, that only two-thirds can pass measures in the Senate, forever and ever. I do not think that is right. I do not think that is patriotic.

It is said, Mr. President—and Senator GORE gave us as an example the Tonkin Bay resolution—suppose a Senator rises and says, "I want to repeal the Tonkin Bay resolution; I make a motion to take up that resolution, which I have on the Senate Calendar. I raise the issue that I have a constitutional right to raise it, because it represents, in effect, a declaration of war."

The Vice President, he says, adopts exactly the same procedure the present Vice President did, a majority of the Senate votes to table that particular point of order, and we are all done in.

Mr. President, I should like to point out to my fellow Senators that they can do that today. We do not need this precedent. If a Vice President is determined to violate the Constitution and be a tyrant, or if a majority of the Senate is determined to be a tyrant, then they can do it in lots of other ways, not just this one.

There is no law that says the Vice President of the United States has to recognize me when I stand up to be recognized in a filibuster. If the Vice President of the United States determines to be a tyrant, Mr. President, he does not have to see me. He does not have to see Senator DIRKSEN, or Senator RUSSELL. He can simply look around the Chamber, with four or five Senators standing up, and say, "Nobody else wishes to debate this question, read the resolution and let's vote."

There is nothing to stop him except the fact, Mr. President, that to do so would represent a revolution, and tearing up of the Constitution.

We can do that, Mr. President. The House of Representatives or the Senate can sit on its hands and not appropriate

a dollar. There is nothing in the Constitution which says we have to appropriate. We do not have to appropriate a dollar, and the whole country would go to pot. Everything would come to a standstill. Of course we can do that.

You can conjure up all the terrible images you like as to what any precedent will do. But the fact is, Mr. President—and I conclude upon this point—that this is a motion based upon the Constitution, at a given time, for a given narrow purpose. That is all the Senate is deciding, not more than that. At the opening of a Congress, we contend that the Constitution permits anybody to challenge a rule, any rule, and then the Senate must have a chance to amend its rules, and not only amend the rules, but revise them generally, when a challenge is raised on a particular point. And rule XXXII cannot stop it.

That is really what the Senate is passing on. Because if you look at the rules now, and follow what all these gentlemen are saying, then rule XXXII stops you completely, and you have not a prayer; the Constitution means nothing.

That is the real issue presented to us: are we, at long last, going to strike the shackles of tradition or are we going to continue to be subject to them? As Senator MORSE has pointed out, and Senator KUCHEL and Senator CASE, in this modern day, when, within a split second we may have to act, and when, if we are attacked, Mr. President, a third of the Senate can hang us up and prevent even a declaration of war, we cannot afford to take that chance. There is nothing inimical in that whatever, except the fact that we would thus relieve ourselves of the incubus of the inability to deal with our own rules.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for the remaining time until the hour of 5 o'clock.

(The VICE PRESIDENT assumed the chair at this point.)

Mr. DIRKSEN. Mr. Vice President, we have heard a lot of quaint doctrine here today. It reminds me of the little girl coming home from Sunday school. When her mother said, "Suzy, what was the lesson about," she said, "Well mother the text was 'the Lord is sneaking through Humbolt Park.'"

Well, her mother was incredulous. She could not imagine that. She was sure it could not be the Lord sneaking through Humbolt Park. So the mother called the Sunday school teacher and asked, "What was the text today?"

She said, "The Lord is seeking a humble heart."

That is altogether different doctrine.

So we have had a lot of quaint doctrine. But two things, Mr. President, will not be gainsaid after all the debate is over. The first one is the endeavor to get cloture by a majority vote. That was standing out so clear that it requires no explanation on my part. And then, of course, there was all the eloquence addressed to the figure of the majority.

Probably history will record that the majority has been wrong oftener than not. I believe there is something to that text, in the book of Exodus in the Old

Testament, which says, "Follow not a multitude to do evil." It is in language so crystal clear that it cannot be mistaken, and it has been there for a long, long time.

And it has some weight; because it appeared here, in 1964, that there was a multitude moving the Senate in a given direction in the field of civil rights. It has been said here today that we took 83 days on the issue.

Mr. President, that is the best 83 days that the U.S. Senate ever expended, on that explosive and incandescent issue, because all the while, in my office, for weeks with the Vice President sitting at the table, and the Attorney General, and oftentimes the majority leader and myself, laboriously we hammered out the details of a civil rights bill that started with four titles and wound up with 11. And it works today; that is the important thing. It was full of bugs and worms. I remember talking so many times about it with the late President Kennedy. I do not know how many times the Attorney General was in my office, and I said, "We will not take it; it is defective." But we did not forsake our labors. We worked at it.

But what could we have done if the debate could not have been carried on here, in disposing of the motion to take up? It is true that that occupied the time of the Senate; but all the while the business of perfecting that legislation went on, and it stands on the books today, a credit to everyone who had any hand in fashioning it.

My friend the Senator from Oregon mentioned a moment ago that, of course, if we do not respond to the checks and balances, they will do it over in the House of Representatives.

How do you think the 14(b) business got out of the House of Representatives? They gagged them, Constitution or no Constitution. Those poor 47 tender Congressmen, who were led down the pathway to slaughter and did not come back, could not even amend the bill. They had it rigged so no amendments could be offered on the floor of the House. What do you think they do with tax bills? The Ways and Means Committee comes in under a rule: no amendments except those that are offered by the committee on the floor of the House.

Oh, there are lovely ways to get around checks and balances. Do not be beguiled by all this fancy rhetoric, nor by the fact that my distinguished friend from New York says that since a proposition obtained in 1789, profane hands must not touch it now.

That is not the issue. The question is, Was it right in 1789? If it was sound as a matter of principle then, it ought to be a matter of principle in 1967. You can argue until this domed ceiling falls, but you will never alter the fact that 2 and 2 was 4 in 1789, and it is 4 in 1967. So it is a question of the principle, and how fundamental it is, that is involved.

So, when I think of the majority, I remember, you know, that it was the majority that jeered Christopher Columbus because he had an idea the world was round. They jeered Galileo, and made him recant before they sacrificed him. That was the majority speaking. You

have to be pretty careful, and especially so when you are in the field of procedure.

So I want to see no majority cloture. It is dangerous for free institutions.

Now, what was the other proposition? As this thing was set up, it set up a formula, first, to offer a motion to cut off debate, and insist on an immediate vote.

Then, of course, wait for the point of order, and then let it be a constitutional issue. Submit it to the Senate. Otherwise, you get one step deleted and come along with a motion to table in the hope that you have enough votes to beat a point of order.

Now, that is a formula. Well, if it works here in the rules, it works here on legislation.

For how many years have we heard about the item veto? They tried to put it through. What was the objection? The objection was that it would delegate to the President the power to appropriate. It has not ever gone through this body.

The result is what? They try to boot us. Here is the weapon they wanted. Put it on the item veto. Offer it as an amendment to any bill. Get a ruling out of order. Appeal from the ruling of the Chair, and then, of course, get a majority of those who are present and voting.

I have seen the time when appropriation bills have gone through this body with only six or seven Senators on the floor. Those appropriation bills involved billions of dollars. All you need is four, and you will get it stuck on there as an amendment.

There is a rule that you cannot legislate on appropriation bills. In the House we did it with impunity. If I violated that rule once, I did it a hundred times. It worked because I made it work. We have to suspend the rules. There has to be an intervening day. Then there must be a two-thirds vote. Oh, it is said we can circumvent all that. Let us not worry about the rules. Throw the rule book in the rain barrel. Ignore the appropriation bills. Why bother about them? Wait until an Agriculture or an Interior appropriation bill comes in. Stand on your own two feet. Offer an amendment, and when the Presiding Officer says it is out of order, you appeal from the ruling of the Chair. You have your soldiers present on the floor.

You do not undertake these efforts unless you are equipped. That is part of the strategy. It always has been. You ask that it be submitted. Oh, there should be a quorum call. You can get them over here.

More often than not, there will not be time enough to acquaint them with what is going on, but if you have enough troops around, you will get the bill amended.

I went so far as to amend an agricultural act. I got the Sugar Act liquidated in the House of Representatives. I had every sugar Representative and Senator rush into my office with stilettos in their teeth to try to do disciplined mayhem on me.

I know how it works because I have made it work. And it can work again. That is the danger. You will destroy the orderly processes.

Senators remember the work-or-fight bill that Bob Taft stopped on the floor. I have said a thousand times that if there

is one vote in my whole career that I would undo, that would be the vote. However, there is no piety and no icy finger or anything else that can erase that from my record. That is the one vote that I would undo. Yet, that bill could have been rammed through under this kind of proposal.

It could be done on strike legislation.

Senators remember the Court-packing proposal of a long time ago. It was here that they stopped it. It was here that the Senate stopped the packing of the Supreme Court of the United States. And it was because this institution was free, and one could speak his piece here and was not inhibited or fearful of the fact that a majority was going to put some condign thing upon the statute books for which one would express a deep regret later.

It is not needed. In 1964 I got on my knees on this carpeted floor. I said, "Please, please vote for cloture."

You remember what happened here. You do not have to conceal any names. I begged the Senator from Arizona. I begged him. I guess I was not much of an advocate. I could not persuade him with all the tears in my eyes, the tremor in my voice, and the solicitude I had for the Senator, as much as a mother would have for a tender and gentle baby, I could not persuade him.

You heard the dean of Congress this afternoon, CARL HAYDEN, who has been on this hilltop for 54 years. He never voted for cloture, mainly because in the fuss that went on here long ago when Arizona tried to get into the Union, New Mexico was standing in the wings.

Had there been a cloture vote, there would have been no Arizona. Had there been no Arizona, there probably would have been a thumping Republican majority in 1964. [Laughter.]

The VICE PRESIDENT. The Senate will be in order.

Mr. DIRKSEN. Mr. President, take it out of my time.

Seven times out of 36 endeavors, this Senate has voted cloture, going back to 1919. Do not tell me you cannot get it, because I got it, just as others did. You can get it again when you have a case, but when you have a bill of goods to sell to the Senate, a bill of goods that is under suspicion and not in the national interest, it should not be sold.

That is the point. If we are going to protect the Republic against wild schemes and fantasies and favorite legislative brain children, the thing to do is to protect our rules.

As my time runs out, and just before my friend, the Senator from South Dakota, makes his motion to table, let me adjure you now with everything that is in my heart to vote down this motion to table and let the point of order prevail.

We can then approve it today by a voice vote, and when we adjourn tonight that will have erased the confusion. It will have clarified the air, and we will start anew.

I am in the mood now, if they file a cloture motion on Senate Resolution 6 to put my name on it and see where we go.

I would then give assurance to the Senator from South Carolina that I will

sit down with him and see if we cannot negotiate a reasonable time to discuss this matter and let it come to a vote.

I do not mind. I am prepared to do it, and surely in the wisdom and genius of this body we can find the right answer without forfeiting the safeguards that have meant so much to this country.

This is the 90th Congress. It is the 179th year in which this body has met without interruption in peace or war.

There is no better parliamentary body.

The reason we are here is because our procedures were safeguarded. Let us safeguard them now. Let us vote down this motion to table and get the air clarified.

Then we will make a start and I am confident that our innate restraint, our intuitive wisdom, and our sense of patience can negotiate a period in which we can bring this matter to a vote, and I shall be delighted to do so.

So I say to you, vote down the motion to table and then we will get to work.

The VICE PRESIDENT. The Senator from South Dakota is recognized under the unanimous-consent agreement.

Mr. MCGOVERN. Before making a motion to table, I should like to make one brief observation.

In my judgment there is only one central issue involved here today, and that is the question of whether Senators believe that the Constitution authorizes a majority of the Senate to modify one of its rules at the beginning of a new Congress.

There is no doubt that the first Congress, in 1789, assumed that right, exercised it and determined its rules by majority vote. In 1917 and 1959, one of the rules relating to the termination of debate was modified. So the only question at this time, really, is whether the Congress of 1789 or 1917 or 1959 can deny this Congress its right under the Constitution to modify one of its rules by majority vote.

I believe that the motion that I put before the Senate some 4 hours ago, attempting to work out a procedure whereby debate could be terminated on this matter, is in order. I believe that the point of order is not well taken. I therefore move at this time to table the point of order raised by the Senator from Illinois [Mr. DIRKSEN].

The VICE PRESIDENT. The question before the Senate is the motion of the Senator from South Dakota to table the point of order by the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

Mr. MCGOVERN. I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

Mr. HOLLAND. Mr. President, a point of order. Is the Chair dividing the question, as the Chair indicated to the Senate?

The VICE PRESIDENT. This is on the motion to table.

Mr. DIRKSEN. Mr. President, will the Chair restate the proposition to the Senate?

The VICE PRESIDENT. The proposition is the motion of the Senator from

South Dakota to table the point of order offered by the Senator from Illinois on the original motion of the Senator from South Dakota.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. HARTKE], and the Senator from Minnesota [Mr. McCARTHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE], and the Senator from Minnesota [Mr. McCARTHY], would each vote "yea."

The result was announced—yeas 37, nays 61, as follows:

[No. 4 Leg.]

YEAS—37

Anderson	Javits	Muskie
Bayh	Kennedy, Mass.	Nelson
Brewster	Kennedy, N.Y.	Pastore
Brooke	Kuchel	Pell
Burdick	Magnuson	Proxmire
Case	McGovern	Randolph
Church	McIntyre	Ribicoff
Clark	Metcalf	Scott
Dodd	Mondale	Symington
Fong	Montoya	Williams, N.J.
Hart	Morse	Young, Ohio
Hatfield	Morton	
Jackson	Moss	

NAYS—61

Aiken	Gore	Monroney
Allott	Griffin	Mundt
Baker	Gruening	Murphy
Bartlett	Hansen	Pearson
Bennett	Harris	Percy
Bible	Hayden	Prouty
Boggs	Hickenlooper	Russell
Byrd, Va.	Hill	Smathers
Byrd, W. Va.	Holland	Smith
Cannon	Hollings	Sparkman
Carlson	Hruska	Spong
Cooper	Inouye	Stennis
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dirksen	Lausche	Tower
Dominick	Long, La.	Tydings
Eastland	Long, Mo.	Williams, Del.
Ellender	Mansfield	Yarborough
Ervin	McClellan	Young, N. Dak.
Fannin	McGee	
Fulbright	Miller	

NOT VOTING—2

Hartke
McCarthy

So Mr. McGOVERN's motion to lay on the table Mr. DIRKSEN's point of order was rejected.

Mr. MANSFIELD. Mr. President, it is my intention to ask unanimous consent to adjourn this evening. Since the motion to table the point of order did not carry, the question reverts to the point of order. I intend tomorrow to renew the motion to proceed to the consideration of Senate Resolution 6. The debate will continue on that issue, uncluttered by the parliamentary leftovers of today.

Mr. HOLLAND. Mr. President, there has not been a ruling on the point of order by the Presiding Officer.

Mr. MANSFIELD. A ruling is not needed.

Mr. HOLLAND. Mr. President, has the President of the Senate ruled on the point of order?

The VICE PRESIDENT. The President of the Senate submitted the point of order to the Senate. The Senator from South Dakota [Mr. McGOVERN] moved to table it. The Senate did not agree with the Senator from South Dakota.

Mr. HOLLAND. I thank the Presiding Officer.

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

Mr. MANSFIELD. Mr. President, I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President—

The VICE PRESIDENT. The point of order is still the pending business; the motion to table was not successful.

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 VICE PRESIDENT. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, may I respectfully suggest to the Chair that if he wants to submit the point of order I am quite content with a voice vote.

The VICE PRESIDENT. The Chair puts the question to the Senate: Is the point of order of the Senator from Illinois [Mr. DIRKSEN] to be sustained?

Mr. MORSE. Mr. President, I ask for the yeas and nays. Is my request subject to debate?

The VICE PRESIDENT. It surely is subject to debate.

Mr. MORSE. Mr. President, I would like to suggest that we get the yeas and nays.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. The question is: Is the point of order of the Senator from Illinois [Mr. DIRKSEN] sustained?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. INOUE. I announce that the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator for Louisiana [Mr. LONG], and the Senator from Minnesota [Mr. McCARTHY], are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE] would vote "nay."

On this vote, the Senator from Louisiana [Mr. LONG] is paired with the Senator from Minnesota [Mr. McCARTHY]. If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Minnesota would vote "nay."

The yeas and nays resulted: yeas 59, nays 37, as follows:

[No. 5 Leg.]

YEAS—59

Aiken	Fulbright	Monroney
Allott	Gore	Mundt
Baker	Griffin	Murphy
Bartlett	Gruening	Pearson
Bennett	Hansen	Percy
Bible	Harris	Prouty
Boggs	Hickenlooper	Russell
Byrd, Va.	Hill	Smathers
Byrd, W. Va.	Holland	Smith
Cannon	Hollings	Sparkman
Carlson	Hruska	Spong
Cooper	Inouye	Stennis
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dirksen	Lausche	Tower
Dominick	Long, Mo.	Tydings
Eastland	Mansfield	Williams, Del.
Ellender	McClellan	Yarborough
Ervin	McGee	Young, N. Dak.
Fannin	Miller	

NAYS—37

Anderson	Burdick	Dodd
Bayh	Case	Fong
Brewster	Church	Hart
Brooke	Clark	Hatfield

Jackson	Mondale	Proxmire
Javits	Montoya	Randolph
Kennedy, Mass.	Morse	Ribicoff
Kennedy, N.Y.	Morton	Scott
Kuchel	Moss	Symington
Magnuson	Muskie	Williams, N.J.
McGovern	Nelson	Young, Ohio
McIntyre	Pastore	
Metcalf	Pell	

NOT VOTING—4

Hartke	Long, La.	McCarthy
Hayden		

The VICE PRESIDENT. The vote is yeas 59, nays 37. The point of order of the Senator from Illinois [Mr. DIRKSEN], that the motion of the Senator from South Dakota [Mr. McGOVERN] is out of order, is sustained.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the point of order was sustained.

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

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader what the program is for the remainder of the week and, insofar as he can say, what it will be for the first part of the following week.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is anticipated that a cloture motion will be filed tomorrow, in which the distinguished minority leader will join me, as well as the author of the proposal, the Senator from South Dakota [Mr. McGOVERN], and other Senators.

Then it is anticipated that we will go over from Thursday to Monday. Monday will be the legislative day intervening, and 1 hour after the Senate convenes on Tuesday, the vote on the cloture motion will be had.

Following the disposition of Senate Resolution 6, hopefully on its merits, the only order of business on the Senate Calendar is the Monroney-Metcalf reorganization bill, which has been ready for some time, and on which the Policy Committee made a commitment toward the end of the last session to call up at the earliest opportunity this year.

These two measures are the only measures that the Senate will have before it in the days ahead.

MINORITY MEMBERSHIP ON SELECT COMMITTEE ON SMALL BUSINESS

Mr. DIRKSEN. Mr. President, I submit a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 47) as follows:

S. RES. 47

Resolved, That the following shall constitute the minority party's membership on the Select Committee on Small Business of the Senate for the Ninetieth Congress:

Mr. Javits.
Mr. Scott.
Mr. Cotton.
Mr. Dominick.
Mr. Baker.
Mr. Hatfield.

The VICE PRESIDENT. Is there ob-

jection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. Pursuant to the provisions of Public Law 89-790, the Chair appoints the following Senators to a Capital Study Commission on sites and plans for visitors and students to the Nation's Capital: Messrs. BIBLE, NELSON, TYDINGS, SCOTT, THURMOND, and BAKER.

Pursuant to the provisions of Senate Resolution No. 33 and Senate Resolution No. 111, 87th Congress, the Chair appoints Senator WALTER F. MONDALE to the Special Committee on Aging.

Pursuant to the provisions of Public Law 89-801, the Chair appoints Senators McCLELLAN, ERVIN, and HRUSKA as mem-

bers of the National Commission on Reform of Federal Criminal Laws.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there is no further business

to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 53 minutes p.m.) the Senate adjourned until tomorrow, Thursday, January 19, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 18 (legislative day of January 12), 1967:

FEDERAL HIGHWAY ADMINISTRATION

Lowell K. Bridwell, of Ohio, to be Administrator of the Federal Highway Administration.

DIRECTOR OF PUBLIC ROADS

Francis C. Turner, of Virginia, to be Director of Public Roads, vice Rex Marion Whittton, resigned.

EXTENSIONS OF REMARKS

Mr. Will W. Campbell, Dean of Savings Bonds Chairmen, Receives Tribute From the ABA

EXTENSION OF REMARKS OF

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1967

Mr. GATHINGS. Mr. Speaker, I wish to call to the attention of this body the significant contributions to the U.S. savings bonds program by one of America's most distinguished bankers, Mr. Will W. Campbell, of Forrest City, Ark.

Mr. Campbell is chairman of the National Bank of Eastern Arkansas. He has served continuously as Arkansas State chairman for the savings bonds program since June 29, 1941—just a few weeks after the program was launched on May 1 of that year with the sale of the first series E savings bond to President Franklin D. Roosevelt.

Mr. Campbell is the dean of all State chairmen for the bond program.

Thus, it is entirely appropriate that he has been presented the 25-year Savings Bonds Volunteer Award by the American Bankers Association in recognition of outstanding service to the Treasury bond program.

In presenting the award, the Association said that it constituted a tribute to all commercial bankers who have provided leadership for the savings bonds program during the 25-year period. During this period of time, more than 2.7 billion individual savings bonds have been sold, valued in excess of \$150 billion. Of this total, more than \$50 billion in bonds still are being held by Americans, contributing importantly to the support of our men in Vietnam.

Mr. Campbell has contributed significantly to the achievement of this record and merits the respect and appreciation of this Nation.

Hon. Victor L. Anfuso

EXTENSION OF REMARKS OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1967

Mrs. KELLY. Mr. Speaker, while Congress was adjourned, a former colleague, the Honorable Victor L. Anfuso, of New York, passed away on December 28, 1966. As a fellow Brooklynite, I remember when he first came to Congress in 1950, I too was considered a freshman in Congress. Unfortunately, he had to give up his seat at the end of 2 years because the area he represented was redistricted due to a population change in Brooklyn.

Victor Anfuso, in his strong desire to represent his people, ran again for election in 1954 and was elected to the 84th Congress. While in Congress, he served on several committees, among them the Committee on Science and Astronautics, the Committee on Merchant Marine and Fisheries, and the Committee on Agriculture where he achieved the reputation of "window-box gardner." He was chairman of the Subcommittee on International Cooperation and Security and was a congressional adviser to the U.S. representative on the United Nations Committee on Peaceful Uses of Outer Space. He also expressed his great interest in foreign affairs and U.S. foreign policy and, as a Member of the House of Representatives, he was sent on a special mission to study stockpiling and handling of American surplus food in Europe and the Middle East.

He was dismayed when he learned that his district would again be redistricted in 1962. He agreed to step down in favor of another colleague and Democrat, the Honorable JOHN J. ROONEY.

Victor Anfuso regretted leaving the House of Representatives but the people of Brooklyn elected him as a justice of the supreme court so that he would not

lose the opportunity to serve his people, whom he loved and enjoyed helping. He was well liked by all who knew him and was sorely missed by his colleagues.

I extend to Mrs. Anfuso and to his family my deepest sympathy in their irreplaceable loss.

East-West Trade and Export Control List

EXTENSION OF REMARKS OF

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 1967

Mr. REES. Mr. Speaker, last October, President Johnson added another important span to the bridges his administration is building between the American people and the people of Eastern Europe. He announced the removal of some 400 items from the list of export control.

I believe it was an important gesture in our efforts to ease cold war tensions.

Some thought otherwise. Some looked over the list of items and concluded that they were insignificant and had little, if any, trade potential. I recall that man-hole covers was one of the items used as an example.

So it came as a surprise to me to learn that my distinguished colleague from California [Mr. LIPSCOMB] is now criticizing the list on the ground that it contains strategic materials—materials that could conceivably be used against our fighting men in Vietnam. And he has accused the administration of misleading the American public with regard to the items in question.

Mr. Speaker, the last thing I want to do is add to this confusion. If possible, I would like to clear it up.

What are the facts?

First of all, the gentleman from California [Mr. LIPSCOMB] contends that the list of 400 items contains, among other