HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 16, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He looked for a city which hath foundations, whose builder and maker is God.—Hebrews 11: 10.

O God, our Father, may the spirit of wisdom and compassion move our hearts and our hands as we wait upon Thee at the altar of prayer. Day after day we pray, night after night we lift our hearts unto Thee—knowing that often our words are without wings and that at times we say what we do not mean—yet in the midst of the pressure of persistent problems may we feel the touch of Thy healing hand, receive the guidance of Thy wise providence, and become one with Thee in the adventure of making the world a better place in which to live.

Purge our minds of all prejudice, cleanse our hearts of all cynicism, remove far from us all ill will, and make us builders of the bridges of understanding and good will which span the differences between men and unite them in the shining endeavor to create a world in which righteousness reigns and peace prevails and the welfare of all is the desire of every heart. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1619. An act for the relief of Rene Hugo Heimann;

H.R. 2036. An act for the relief of Carlos Rogelio Flores-Vasquez;

H.R. 2668. An act for the relief of Sevasti Diakides;

H.R. 3195. An act for the relief of Eli Eleonora Bianchi;

H.R. 3881. An act for the relief of Christina Hatzisavvas; and

H.R. 7516. An act for the relief of Song Sin Taik and Song Kyung Ho.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1633. An act to amend the act of June 12, 1960, relating to the Potomac interceptor sewer, to increase the amount of the Federal contribution to the cost of that sewer.

RAISING THE ANTI

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, the U.S policy of training military personnel from countries antagonistic to us and our allies is without justification

But the Department of Defense, rather than reexamining this policy that violates our national security, continues to reach for unacceptable and weak apologies. I now have new figures indicating that in the current fiscal year we are expanding our training of Arab military personnel. On last count reported the figure is revised upward from 300 to a new high of over 600 men in training.

The most outstanding and flagrant violation of our national security, amid a series of unfortunate violations, is a plan to train in fiscal 1968, 296 military men from Libya. Mr. Speaker, Libya has broken diplomatic relations with the United States. What a curious way to reward our enemies.

PRESIDENT'S VISITS TO HIS HOME IN TEXAS

Mr. JACOBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JACOBS. Mr. Speaker, in 1950 a west coast newspaper ran two different pictures side by side one day. One picture was of President Truman laughing in some informal gathering. The other picture was of some fallen GI's on a Korean battlefield. The caption read: "What's Funny, Mr. President?"

Despite the fact that all Members of Congress are given Government-paid trips home, one Member thinks the President should be chastized for visiting his home in Texas, since money could be saved if he did not, and this would be a useful symbol.

Maybe the complaining Member thinks the President should give it up for golf.

But, in any case, Members of both parties should disavow this gratuitous attack on the personal needs of a President, needs recognized by almost everybody since the beginning or our Republic.

This highly personal attack on the President holds the distinction of being one of the most curious acts of statesmanship since the sardonic demand for the Government cost of the eternal flame at Arlington.

PERSONAL ANNOUNCEMENT

Mr. CHAMBERLAIN. Mr. Speaker, it has been necessary for me to be absent on three rollcalls while I have been in my district on official business.

I would like the RECORD to show that on rollcall 190, on July 31, I would have voted "nay"; on rollcall No. 208, on August 14, I would have voted "yea"; and on rollcall No. 209, on August 14, I would have voted "yea."

THE SYMBOLISM OF PRESIDENTIAL FRUGALITY

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, I see that another member of the Democratic Party is following the typical approach that when a fair attack has been made on an administration for its policy, they immediately grab their groin and yell "foul."

There was no foul. This is a point at issue. The administration has not been symbolizing its action toward frugality in spending.

As I pointed out in the hearings yesterday, back in 1964 and 1965 President Johnson symbolically was turning out the lights in the White House. This was his expression—and a proper one—to demonstrate what he was trying to do. I pointed out that today this symbolism was lacking. Today, quite to the contrary, the symbolism is these trips to his ranch down in Texas on weekends. This is symbolism. I said we need symbolism today to demonstrate that we are in fiscal difficulty. This symbolism is lacking. No one begrudges the President trips back to Texas or anyone else. I would request that the Democrats, if they want to defend their administration, do so on a proper basis.

WHAT IS FAIR AND WHAT IS FOUL?

Mr. HAYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, I was interested in the remarks of the gentleman from Missouri. Of course, he says his attack was fair and that the other was foul, but I guess he is the judge, and the sole judge, of what is fair and what is foul.

I would just like to remind the gentleman and all other Members that no matter how much money the administration wants to spend, it cannot spend a dime until the Congress not only authorizes the money but appropriates it. I am going to try next week to offer all economy-minded Members a chance to save some money on the foreign aid bill, and I will be interested to see how many of them talk economy and vote some other way, especially when it is not going to do the United States some good. On the other hand, I think I can document how it is going to do the United States some harm. If an example is desired, look at the Congo.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No 218]

Ashley	Gallagher	Roybal
Baring	Hanna	Shipley
Blatnik	Hathaway	Teague, Tex.
Burton, Calif.	Matsunaga	Williams, Miss.
Diggs	Murphy, N.Y.	Willis
Everett	Passman	

The SPEAKER. On this rollcall 413 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

GOLDEN WEDDING ANNIVERSARY OF CLARENCE E. AND ANNE KILBURN

Mr. McEWEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McEWEN. Mr. Speaker, when I entered the House of Representatives 2½ years ago, it was with the knowledge that I was succeeding an able and popular legislator.

My predecessor, the Honorable Clarence E. Kilburn, came to this body on February 13, 1940, as the result of the sudden death of his predecessor, the Honorable Wallace E. Pierce. For just 1 month short of a quarter century, Clarence Kilburn served this House with quiet dignity and efficiency. Soon after attaining his 70th year, Clarence made the decision to retire from Congress.

Mr. Speaker, I should like to report to you and to the many Members who know Clarence Kilburn, that he maintains an active interest in the affairs of his community, State, and Nation, while enjoying his retirement with his wife, Anne, in their lovely home in the beautiful Adirondack foothills community of Malone, N.Y.

Today, August 16, 1967, Clarence and Anne Kilburn are noting their golden wedding anniversary at their home at 59 Milwaukee Street, Malone, N.Y. They will have their sons, Bill and Jim, their daughter, Katharine, and their families gathered about them. Moreover, I know that their legion of friends will drop by to express their personal felicitations.

I was delighted personally to congratulate them, and it is with pleasure that I bring this milestone to the attention of the Members of the House, especially those who knew Clarence for so many years.

PENALTIES FOR INTERFERENCE WITH CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2516, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, it was agreed that the committee amendment in the nature of a substitute now in the bill be considered as read and open for amendment at any point. Are there any amendments to the committee amendment?

COMMITTEE AMENDMENTS OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer two committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. CELLER: On page 6, line 17, strike "compaigning" and insert in lieu thereof "campaigning".

On page 9, line 12, strike "SEC. 12" and insert in lieu thereof "SEC. 2".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 6, line 15 strike "while he is" and insert in lieu thereof "and because he is or has been."

Mr. CELLER. Mr. Chairman, this amendment would clarify the provision in question, on page 6, line 15. I understand it has the approval of the ranking minority member of the Judiciary Committee, the gentleman from Ohio, and I believe it has the approval of those who are in charge of the bill now. May I ask whether that is so?

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Minnesota.

Mr. MacGREGOR. Mr. Chairman, it occurs at least to this member of the committee that the proposed change in the language now suggested by the distinguished chairman of the Committee on the Judiciary would make the bill more restrictive in its scope. Further it appears to me that the amendment now suggested by the distinguished chairman would make it more difficult for any prosecuting authority to obtain a conviction for any alleged act which may fall within the purview of the statute.

Mr. CELLER. Mr. Chairman, may I say to the gentleman, in that respect the Department of Justice thoroughly approves the amendment. Frankly, the amendment originated with the Department of Justice in a conference with me. I had gone over the matter very carefully with the gentleman from Ohio. I would just like to read my view of this, if I may.

The purpose of this amendment is to add a more rigorous requirement of proof. With this amendment the statute will require two elements of intent for successful prosecution. It must be shown both that the defendant acted on account of race, color, religion, or national origin and—the word "and" is important—that he acted on account of the victim's participation in one of the eight specified kinds of protected activities. In other words, with this amendment the bill would make it a crime to interfere or attempt to interfere by means of force or threat of force with a person both because of his race, color, religion, or national origin and because of his participation or his attempt to participate in any of the described activities. Both elements of intent must be present to support a conviction. This is a criminal statute and every effort must be made to render it precise.

It was felt that the word "while" in the bill was imprecise and might give rise to false constructions. To nail the matter down and to make it crystal clear that those two elements I mentioned had to be present and were conditions precedent before there could be successful prosecution, this amendment is offered.

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Minnesota.

Mr. MacGREGOR. Mr. Chairman, I thank the chairman very much for that further explanation. I am glad to know that it is the Department of Justice and the chairman of the committee who apparently have initiated this amendment to make it more difficult to obtain a conviction under this statute and to narrow the scope of the possible criminal activity sought to be covered by the statute.

I deeply respect the opinion of the chairman of the Committee on the Judiciary and, of course, the gentleman from Ohio, our ranking Republican member on the committee. I am somewhat disturbed by this present attitude on the part of the Attorney General and the Department of Justice, but I shall not oppose the amendment.

Mr. CAHILL. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. CAHILL. I, too, want to thank the chairman for his very frank description of what the amendment will do. It would seem to me that what this amendment really will do is to make it more difficult to obtain a conviction than would be true without the amendment.

Does the chairman agree with that?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CAHILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I am happy to yield to the gentleman from New York.

Mr. CELLER. I would not want to say it will make it more difficult. It will make the matter more clear. The danger might be, if we do not have this amendment, at

some future time somebody who was really guilty might get out of the toils of the law because of the possibility that imprecise language was used.

Mr. CAHILL. I may say to the chairman and to the committee, it is my understanding that under the Supreme Court decisions in Screws against the United States, and some of the other decisions which followed, it was indicated by the Court that it was almost impossible to prove a specific intent to deprive a person of his constitutional rights.

What we really are doing here—and I believe the membership should understand—is placing an additional burden on the U.S. attorney. Based on my limited experience, I believe we really are making it impossible, or certainly improbable, for a U.S. attorney to get a conviction under this legislation.

I would also say to the distinguished chairman that I am surprised the Attorney General and the Department of Justice recommended this change, because really what the Department of Justice is doing by this change is placing an additional burden on its own prosecutors, on the people who are charged with enforcement of the law.

I would close by saying to the chairman that this view which is now expressed by the Department of Justice is completely different from the view which was expressed by them in their brief in support of the 1966 act. One of the questions and answers included in the brief was the following:

In a prosecution for racially motivated interference with a person while he is eating or seeking to eat in a restaurant would the Government have to prove a purpose to interfere with that activity?

The answer to the question that the Attorney General gives is:

No . . . such cases involve actual interference with the protected activity, and since the government would have to prove that the interference was racially motivated, additional proof of purpose would be superfluous.

As I understand it, if the amendment is adopted—and again I evidence surprise that the amendment is suggested by the Justice Department—it will make convictions more difficult.

I accept the chairman's word that it is agreeable to the ranking minority member. If it is, I believe the committee should understand, and we should all understand, that we are placing an additional responsibility, an additional burden, on the U.S. attorney, and we are making it more difficult, if not impossible, in my judgment, to get a conviction under the act. I oppose the amendment because it requires evidence impossible to prove, because it places an unreasonable burden on the Department of Justice in prosecutions under this legislation.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I am happy to yield to the gentleman from New York.

Mr. CELLER. We have to consider the history of section 241, title 18, United States Code, which goes back to 1870. Because of the artificial language which was originally used the courts have chopped off here and chopped off there, until there was very little left of that original bill which was of any consequence. It was just about as worthless as an empty pitcher in an empty well.

The Attorney General has that idea in mind. In order to have the language made definite and crystal clear and not imprecise he makes this suggestion. In a communication to me the Department of Justice has said the following:

We do not feel that this will appreciably increase the difficulty of obtaining convictions, and it makes the scope and purpose of the statute more clear.

That is the purpose of the amendment.

Mr. CAHILL. I would point out to the distinguished chairman, however, that the Attorney General prefaces "increase" by the word "appreciably," thereby conceding it really in fact does increase.

I would say it was always my thought that we were seeking by this legislation to remedy the defect in existing law pointed out by the Supreme Court, which indicated that the law was vague and should be more specific. It seems to me we are defeating the very purpose of the act if this amendment is adopted.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so because I think the purpose of the amendment as explained is this: I have read the explanation as well as having listened to the distinguished chairman, and I think with this amendment it would read as follows, on page 6, line 10:

Whoever, whether or not acting under color of law, by force or threat of force, knowingly—

(a) injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person because of his race, color, religion, or national origin, and because he is or has been lawfully engaged in or seeking to engage in the enumerated acts . . .

Is that a correct statement of the new language?

Mr. CELLER. That is correct.

Mr. CRAMER. I wholeheartedly agree and commend the chairman for suggesting that the relationship of the requirement of proof should "knowingly" not only refer to the fact that the acts are done because of his race, color, religion, or national origin but also because he is or has been lawfully engaging in these activities. It is a dual responsibility of proof. That is wise.

What I want to ask the question about, however, which appears possibly to broaden the basis of the bill, is this language "or has been." The bill before us without the amendment is in the words of the present. The amendment puts the words in the present and in the past. I wonder if the distinguished chairman could advise us as to why both present and past are included. If it were just present, I would wholeheartedly agree with the amendment, but in this present and past phase of this amendment I am wondering if you are not including acts that are so remote in the period of time that they should not be included under this bill.

Mr. CELLER. I do not think we are including remote acts here at all.

Mr. CRAMER. Would the chairman listen for just a moment to this question: Is it not true that under the present wording on line 15, which says "while he is lawfully engaging or seeking to engage in," that that refers only to present actions, but the amendment, which says "because he is or has been engaging in," refers to present and past actions.

Mr. CELLER. I suppose in the case of voting you might have violence which follows the casting of ballots. The bill would apply to after the fact and after votes are cast.

Mr. CRAMER. I want to make sure that the record is clear and that is why I asked the question. In any event, proof would have to be to the effect that this is done knowingly because of his race and because he is or has been lawfully engaging in or seeking to engage in these acts, and they happen to be sufficiently closely related in time as to indicate intent. As a matter of the burden of proof, you could not prove that intent if the time lapse were 2 or 3 weeks or a month from the time.

Mr. CELLER. I think the gentleman is correct in that interpretation, and I would agree.

Mr. CRAMER. So it is a matter of proof in which the burden of proof is on the Government to show that there is a definite intention or relationship between the two matters, because of his race and because he is or has been engaging in these acts.

Mr. CELLER. That is correct.

Mr. CRAMER. So there is no likelihood or possibility that an act remote as to time of engaging in these enumerated rights could be a reason for seeking an indictment under this bill?

Mr. CELLER. That is right.

Mr. CRAMER. I thank the chairman.

Mr. RYAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. RYAN. Mr. Chairman, I am concerned about the committee amendment which will change and weaken the bill. The effect, by the very nature of its plain language, will be to make it more difficult for the Attorney General to prosecute cases of racial violence.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Chairman, I respectfully wish to correct the gentleman from New York. The amendment that is now being considered is not a committee amendment. It is an amendment which has been offered by the distinguished gentleman from New York, the chairman of the Committee on the Judiciary [Mr. CELLER].

Mr. RYAN. I accept the explanation of the gentleman from Minnesota. In any event, I am concerned about the amendment now pending before the Committee which in my opinion requires an additional element of proof. Therefore, the amendment, if adopted, would increase the problem of prosecution which the Attorney General will face.

Mr. Chairman, I do not feel that the Attorney General's disclaimer as presented by the distinguished chairman of

the Committee on the Judiciary can obliterate that fact. The Attorney General's disclaimer really flies in the face of the language.

The distinguished chairman of the committee said that the purpose is to add a more rigorous requirement of proof by including an additional element. Not only does it require that the proscribed act be motivated because of race, color, religion, or national origin but also be motivated because of the victim's participation in the enumerated activities. This does, indeed, change the proposed statute and makes it more restrictive. In fact, it has already been made more restrictive than title V as it passed the House last year. I pointed this out yesterday during general debate. This amendment represents an additional restriction which I am constrained to oppose, Mr. Chairman. It should be defeated. I regret that the distinguished chairman has offered it, and I am surprised at the position of the Attorney General.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CELLER].

The amendment was agreed to.

Mr. LONG of Louisiana. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No 219]

Ashley	Gathings	Nix
Baring	Hagan	Passman
Blatnik	Hathaway	Roybal
Burton, Calif.	Hicks	Shipley
Diggs	Howard	Teague, Calif.
Dulski	Irwin	Teague, Tex.
Everett	Matsunaga	Williams, Miss.
Findley	Miller, Calif.	Willis
Fulton, Tenn.	Moorhead	
Gallagher	Murphy, N.Y.	

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MILLS) having assumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 2516, and finding itself without a quorum, he had directed the roll to be called, when 403 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 9, line 23 add a new section 3 to read as follows:

"SEC. 3. Nothing contained in this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any provision of the Act operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act or any provision thereof."

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am happy to yield to the gentleman from New York.

Mr. CELLER. That amendment is entirely acceptable.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Ohio.

Mr. McCULLOCH. The amendment is acceptable on this side.

Mr. WHITENER. Mr. Chairman, the amendment that I offer provides that nothing contained in this act shall indicate an intent on the part of Congress to occupy the field in which any provision of the act operates to the exclusion of State laws on the same subject matter, nor shall any provision of this act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this act or any provision thereof.

On yesterday, I commented upon this proposition. Without the amendment, there would be an unwarranted deprivation of criminal jurisdiction now exercised by the several States in most of the fields of criminal law touched by this bill.

I am delighted that the chairman of the Judiciary Committee and those representing the ranking minority member of the committee have agreed to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The amendment was agreed to.

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

I have taken this time—and I shall use only a portion of it—to clear up any misconception which may exist in the minds of some of the members of this Committee concerning the attitude of the minority members of the Judiciary Committee on this bill.

It is clearly true that an overwhelming majority of the minority members on the Judiciary Committee are in support of this legislation; but I, as one minority member of the Judiciary Committee, wish to indicate that in my opinion this is bad legislation and should not be supported in its present form.

I find it extremely difficult, Mr. Chairman, to oppose a bill described as a civil rights measure, because like all Members, I am sure, I thoroughly believe in the full and fair enjoyment of civil rights by all Americans.

The difficulty with H.R. 2516 is that several of its sections have nothing to do with civil rights as I understand them.

A "right" is that which is legally protected. If this Congress lacks the power to afford this legal protection, we are not talking about civil rights at all.

Look at the bill.

Subsections 1, 2, 3, and 5 all deal with the protection of the individual from discriminatory State action, or the enjoyment of a State-sponsored activity. I believe these to be true civil rights guaranteed by the 14th amendment to the Constitution.

But what about subsections 4 and 8? Is there a constitutional right to be free from private discrimination? Not to my knowledge, Mr. Chairman. Certainly not, under the 14th amendment, which protects individuals against State action only.

Nor can subsection 8, the public accommodations section, find constitutional sanction under the commerce clause, because the bill is clearly aimed at all commercial establishments.

The fundamental question, Mr. Chairman, is, where do we get the power to protect these so-called rights? The truth is we do not have it. It is a power reserved to the States.

Mr. Chairman, I want to vote for civil rights, but we should have a better bill than this.

Surely it is not too naive to believe that civil rights can be protected without emasculating the Constitution itself, that the complicated problems of modern America can be solved within the framework of the federal system created by that Constitution.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE: On page 6, line 13, delete all of said line after the word "injure," and insert in lieu thereof the following: "or intimidate any person,".

Mr. HUNGATE. Mr. Chairman, this amendment would deal with that part of the statute on page 6 that says, beginning at line 13, "injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person." It is my thought that the words "attempts to interfere," given the rest of the context of this statute, are extremely broad in a criminal statute which provides fines starting at $1,000 or a year in jail up to life imprisonment. Therefore, I went into this in my amendment so that it would provide it would punish acts to injure or intimidate but would eliminate the attempt to interfere.

Mr. Chairman, I urge support of my amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the chairman of the committee.

Mr. CELLER. Does not the gentleman feel that to strike out the words "interfere with" would to a vast degree weaken this bill? Interference envisages a great many actions. Under the bill, to be punishable it must always be by force. Interference would be by force, and you want to eliminate that. To that degree I think you weaken the bill to a great extent.

Mr. HUNGATE. If the chairman would permit me, I understand the bill provides that "whoever by force or threat of force knowingly injures, intimidates, or interferes with, or attempts to interfere with." I think it seems to me it reaches down the line. I think that is a little broad. I would still leave it so if you want to cover a man attempting to injure or intimidate, that is all right. We all recognize, in criminal law the field of attempts is a delicate one.

Mr. ROGERS of Colorado. Mr. Chairman, would the gentleman yield to me at that point?

Mr. HUNGATE. Yes. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. As I read your amendment, you would delete the words "or interfere with" on page 6, line 13 of the bill.

Mr. HUNGATE. May I say to the gentleman from Colorado it is my intention to change the measure to read "attempts to injure or intimidate any person," and so forth. The only thing I seek to take out is a threat, to attempt to interfere with. It seems to me that is piling inference on inference and has no place in a criminal statute.

Mr. ROGERS of Colorado. You put your finger right on it. You are emphasizing something that is not necessary. You would just burden this piece of legislation.

Mr. HUNGATE. I think I would have to strike the enacting clause to do that.

Mr. ROGERS of Colorado. I know, but as far as this is concerned, as I read the bill, it provides:

> Whoever, whether or not acting under color of law, by force or threat of force, knowingly injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person . . .

Mr. HUNGATE. May I beg the gentleman's pardon, but as I read the bill it says "injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with," the way the bill is now written. I want to change it so as to cover an attempt to injure or intimidate by threat of force which would not cover a threat of force to attempt to interfere with. I think it is very difficult to have that in a criminal statute.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Ohio.

Mr. HAYS. Just to show you how ridiculous this is, if the gentleman from Colorado is speaking and I attempt to interrupt him, that is attempting to interfere with his civil right to say whatever he thinks; is it not? This is really a ridiculous amount of language in here. What I am trying to say is I think the gentleman from Missouri is trying to clear it up and make it at least understandable and enforceable, and I want to support his amendment.

Mr. HUNGATE. I thank the gentleman, and I yield back the balance of my time.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment which has been offered by the gentleman from Missouri [Mr. HUNGATE] would go to line 13, page 6 of the bill, and after the word "injure" it would insert: "Or intimidate any person."

Now, the bill already prohibits "interference." I cannot see any reason why language of this type should cover up a plain and a definite understanding of what the section itself deals with. The bill punishes—"Whoever, whether or not acting under color of law, by force or threat of force, knowingly"—injures, intimidates or interferes with others while they are engaged in enumerated activities.

In other words, the bill only punishes one who knowingly commits some act against some person.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, the only thing I seek to do here by the adoption of this amendment is to take out the word "interfere." I leave the language of the bill as it is otherwise written.

The only thing for which the amendment provides, if adopted, is to change that language which appears on page 6, line 13: "attempts to injure," and so forth. And, as I would reiterate, "attempts to injure or intimidate any person." Your bill reads "attempts to injure, intimidate or interfere with any person because of his race, color, religion, or national origin while he is lawfully engaged or seeking to engage in" certain activities. That goes beyond what is in my opinion reasonable.

Mr. ROGERS of Colorado. If you do that, you remove the protection guaranteed to these people under the 14th amendment.

Mr. HUNGATE. Would the gentleman from Colorado tell me why that is so?

Mr. ROGERS of Colorado. It is so for this reason: Because we are implementing congressional power under section 5 of the 14th amendment. We seek to punish all types of violence against an individual because of his race, color, religion, or national origin.

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further, I do not deny you that right.

Mr. ROGERS of Colorado. But, by this amendment the scope of the prohibitions of the bill will be somewhat limited. The amendment would exclude the prohibitions against "attempts to interfere."

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further, "interfere"; that is right. I propose to strike the word "interfere."

Mr. ROGERS of Colorado. Does the gentleman not feel that an individual has a right not to be interfered with while he is pursuing Federal rights?

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further, I understand that the present law does not use the word "interfere."

Mr. ROGERS of Colorado. That is the reason for putting this in, in this bill.

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further, in substance and in summation—if I can state it succinctly and understandably the amendment which I have proposed it seeks to cover "threat to attempt to interfere" which is just too "iffy" for me. That is the sum total and substance of my proposed amendment and that is the end of my argument thereon.

Mr. ROGERS of Colorado. Well, all I have to say is that if the members of the Committee adopt your language, this would make it that much more "iffy."

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, could the gentleman from Colorado tell me what penalty is provided under this proposed legislation for the so-called civil rights worker who attempts to intimidate or interfere with a law enforcement officer?

Mr. ROGERS of Colorado. It would depend upon the nature of the situation.

Mr. WAGGONNER. Could the gentleman from Colorado tell me whether it provides any penalty?

Mr. ROGERS of Colorado. Certainly.

Mr. WAGGONNER. Tell me what the penalty is.

Mr. ROGERS of Colorado. The provisions under this would be $1,000 or not more than 1 year in jail, and for bodily injury, he could be fined not more than $10,000 and imprisoned for not more than 10 years.

Mr. WAGGONNER. Is the gentleman from Colorado really telling me that this law provides a penalty which can be applied to a so-called civil rights worker who reverses the subtle purpose and intent of this legislation and attempts to intimidate or interfere with a law-enforcemen officer?

Mr. ROGERS of Colorado. Now, the gentleman is turning it the other way around.

Mr. WAGGONNER. No, the gentleman from Colorado is just catching on.

Mr. ROGERS of Colorado. No; no. The gentleman from Louisiana is turning it the other way around. What I am saying is that if a local law-enforcement officer or anyone else is threatened or intimidated because of his race, color, religion, or national origin, then one may be subject to the penalties provided for in this bill, if adopted.

Mr. WAGGONNER. Still, this legislative history is important. The gentleman is saying that if a so-called civil rights worker attempting to participate in a civil rights protest or demonstration by word or action attempts to intimidate or interferes with a duly elected law enforcement official, then he will be subject to the same penalty of intimidation and interference that a law-enforcement official or private individual would be if he attempted to intimidate a civil rights worker.

Mr. ROGERS of Colorado. The gentleman is putting two different analogies together.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. WAGGONNER, and by unanimous consent, Mr. ROGERS of Colorado was allowed to proceed for 1 additional minute.)

Mr. ROGERS of Colorado. May I say to the gentleman from Louisiana that when we put the question of a civil rights worker in context with whether or not he violates the law under the provisions of this proposal, he may do so under certain circumstances, but when you turn it around and say it would not apply to a law-enforcement officer if he intimidates or threats, which takes from the law-enforcement officer certain of his rights and duties—constitutional rights—then the person who does that is guilty under the provisions of this proposal.

Now is that clear?

Mr. WAGGONNER. As clear as mud. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] be permitted to revise and extend his remarks with the hope that he can clarify his answer.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as indicated before, the amendment offered by the gentleman from Missouri will substantially weaken the bill. He would eliminate the phrase "attempt to interfere with."

For example, one of the areas which is protected against violence and the threat of violence because of race and color, is voting. Suppose someone is pushed off the voting line, or one threatens to push another off the voting line, that would be an attempt to interfere with the man from voting.

Similarly, if one would want to enter a theater or a place of public accommodation, and there was interference by forcible obstruction to the individual at the entrance, if there are threats, and if there are motions or actions which do not involve personal contact, or words of abuse which involve threats, that would indeed be an attempt to interfere, and I should believe that those actions should be embraced within the act. They are embraced within the act as we have it with the wording before us now.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I want to make it perfectly clear that my amendment does not affect intimidation, it only removes threats to attempt to interfere.

Mr. CELLER. I know.

Mr. HUNGATE. Intimidation would still be covered.

Mr. CELLER. I gave this as an example of an attempt to interfere, and I believe the amendment would materially affect those attempts, and for this reason I hope the amendment will be voted down.

Mr. FLYNT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the amendment offered by the gentleman from Missouri. I wish that he had gone one step further, and had consolidated the language of his amendment which, if adopted, would have substituted language which would require some definable act, instead of this nebulous language of "a threat to attempt to interfere with."

Mr. Chairman, this would not only make it a criminal offense to utter certain words or to make a certain statement which might fall within the purview of the language as now written, but it might even go so far as to make it a criminal offense to even think of something that might be a threat to attempt to interfere with.

I cannot think of any language which could be more loosely written or which could be more nebulous than this language of the committee amendment.

I would like to ask some questions of the gentleman from Colorado and the gentleman from New York as well—and I have great respect for the gentlemen's ability, but I think in trying to defend the language that the committee has written into this bill, they are trying to defend an indefensible proposition.

Would the gentleman give the committee an example of what he construes to be a threat to attempt to interfere with?

Mr. ROGERS of Colorado. You can imagine any number of examples.

Mr. FLYNT. Give us one.

Mr. ROGERS of Colorado. All right. Suppose four men are coming up the street and they see a man going down to vote, unarmed, and he is going on his own way down there to vote. So they walk up to him and say, "Now look, brother, if you go down there to vote or if you go down there to register to vote, we are going to beat you up."

There is a good example of exactly what we mean by the words here.

Mr. FLYNT. I completely disagree with the gentleman from Colorado in the example that he has given, because that is an overt threat and the gentleman knows that it is an overt threat. It is not a threat to attempt to interfere.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. FLYNT. I yield.

Mr. ROGERS of Colorado. Well, certainly, there has to be some action. There has to be either a use of force or a threat of force.

Mr. FLYNT. I will say to the gentleman that the example he gave is clearly a threat to injure and it is not a threat to attempt to interfere with.

Mr. ROGERS of Colorado. The thing is very simple. If you will read this language and follow the example I gave, then he would see that there would be a violation or an intimidation.

Mr. FLYNT. Of course, it would be a violation, but it would not be a threat to attempt to interfere with.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman.

Mr. HAYS. The gentleman has said exactly what I wanted to say, that the illustration of the gentleman from Colorado has nothing to do with a threat to attempt to interfere with.

I have long thought that the gentleman from Colorado was a master of circumlocution and obfuscation, but I am going to raise it to a doctor's degree today, because he has done the best job I have ever heard since I have been around here. That language is just completely ridiculous and impossible.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman.

Mr. KORNEGAY. The gentleman now addressing us in the well is, I know, a lawyer, and has been a former prosecuting attorney, and comes with a high pedigree and great experience in the field that he is now talking about.

I have just learned from the policemen out on the Capitol steps that a group of civil rights workers were approaching the Capitol, but have been restrained, and held back from the Capitol about two blocks away by other policemen.

I want to ask the gentleman who is a lawyer, if in his opinion, this action which is now going on, by police officers two blocks away is a violation of this bill we now have under consideration?

Mr. FLYNT. The answer is "Yes."

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. HAYS. Mr. Chairman, if this bill were on the books, and were a law now, and if Rap Brown wanted to come up in the gallery, and I was making a speech, and if anybody interfered with him, would he be prosecuted?

Mr. FLYNT. Probably not; but if the situation were reversed and any one interfered with Rap Brown such person would probably be prosecuted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. I would say this. Assuming there were a group of civil rights advocates approaching the east front of the Capitol now. If they were known to have been parties to previous riots, and if two policemen of the Capitol Police force saw them coming, and discussed with each other what might happen, that they might come into this gallery and do any action of violence whatsoever, and if one of them told the police "I think we ought to keep a close eye on them," under the language given by the gentleman from Colorado that they would be subject to criminal prosecution under this act, if it becomes law.

I am absolutely serious when I say to the gentleman from Colorado that the language in the committee substitute as presently printed in this bill might make it a crime even to think about talking to another law enforcement officer with the idea of preventing or forestalling a crime. I think this language is just as dangerous as it can be, and that it could be the forerunner of the destruction of all rights, civil rights and otherwise.

If the gentleman from Colorado and the gentleman from New York would reflect on this, they would be the first ones to want to amend this section and take that language out. Language of this kind is a by-product of a sick society. It is the byproduct of a sick kind of thinking that puts the rights of criminals and rioters ahead of the rights of society and public safety in general.

For those reasons, Mr. Chairman, among many others, the amendment offered by the gentleman from Missouri should be adopted.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I wish to point out that not only would the policemen who would confront these people be charged

with a violation of their rights and be guilty of an infraction of the proposed legislation, but the Congress who ordered them to so conduct themselves would be equally guilty.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from North Carolina.

Mr. KORNEGAY. With the gentleman's knowledge as a lawyer, is there a law now on the books which would protect the Congress from being invaded by these people, assuming that the bill we now have under consideration is adopted into law?

Mr. FLYNT. I think I understand the import of the gentleman's question. I think there are adequate laws on the statute books today to protect any individual, whether he is a civil rights advocate or any other citizen. What we need, instead of more language like that proposed and more legislation of this kind, we need an attitude throughout this country—in the Department of Justice, the office of the U.S. Attorney General, and many of the courts—that takes the side of society and the victims of criminals, instead of upholding the rights of criminals to violate laws.

Mr. KORNEGAY. I congratulate the gentleman on that statement, and say that I agree with him wholeheartedly.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all the allegations that this somehow would restrict a peace officer in the legal pursuit of his duties is so absurd that it is not worthy of answer.

I suggest to you further that a society which believes that people ought to have the right to vote, no matter what color they are, that people have a right to go to school, no matter what color they are, and that they ought to have a right to participate in the economic life of this Nation no matter what color they are, is not a sick nation. That portion of it which has long fought so hard to prevent equal opportunity in this country might fall into that category, though I do not indict them for that.

I just suggest to you that what we are doing here is very simple. For the past at least 3 years we have spelled out in some detail what people ought to have a right to do in this country in some specifics, and that they ought not to be denied those rights because they are black.

It has been experienced—and there is ample evidence of it—that they have been denied those rights because they have been killed or their lives have been threatened or they have suffered great bodily harm because they have been pursuing the right that we have said they ought to have. Whether intentionally or because of incapacity, State governments have not in many instances protected those people. The purpose of this legislation is to give them some Federal protection.

This does not mean that we are going to preempt the States in the administration of their penal laws. We do not stand here telling you that the States do not have the capacity to protect their policemen or that this bill usurps that responsibility. We do tell you that when people are murdered in the presence of informants for the Federal Bureau of Investigation and those guilty cannot be successfully prosecuted in the State courts, then the Federal Government ought to take cognizance of it and do something about it.

That is what we are doing with this bill. I sincerely hope we will defeat this amendment and pass this bill today.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California has done what one usually does when one is in an indefensible position: He has talked about something else. He has not talked about the amendment at all. He talked about the general intent and purposes of the bill. I believe that everyone who wants to have a chance to vote ought to have a chance to vote. I believe that everyone ought to have an opportunity, and an equal opportunity, for an education. But I also happen to believe that it ought to be possible for a secretary of a Congressman to drive down the street in broad daylight at noon without being accosted and attempted to be run off the street, as one of my secretaries was only this week.

There has been an unbalanced application of the law. I tried to get the Attorney General a couple of years ago to enforce the Constitution when a certain State in the South refused to let Negroes vote, to reduce its proportion of representation in the House of Representatives. But we have to have a civil rights bill every year, and this is the 1967 version. It is a long way from perfect.

I think the amendment of the gentleman from Missouri will improve it. Will the gentleman, if I yield to him, repeat the exact language that he would like to delete from this bill?

Mr. HUNGATE. Mr. Chairman, I thank the gentleman from Ohio for yielding. On line 13, delete after the word "injure"—and this is preceded by the words "attempts to injure," so we have to read the paragraph where it says:

> Threat of force . . . attempts to injure—

And we would have the statute read, "attempts to injure or intimidate," and we would simply take out the words "or interfere with," so we would not be trying to reach a threat to, or an attempt to interfere.

I thought that a criminal statute should be more narrowly drawn.

The gentleman from California has mentioned about the need for all persons to vote. I am certain the gentleman in the well recalls that recently, when a bill was before this House on redistricting, and it was sought to raise the percentage to 30 percent, I was in the well arguing for "one man, one vote" and that the districts ought to be more evenly alined, so the people we are talking about would have more voice and more influence, and the distinguished gentleman from California was on the other side. I supported measures along this line, but I believe a criminal statute, no matter to whom it applies, must be narrowly drawn.

Mr. HAYS. Mr. Chairman, I thank the gentleman for his contributions.

I would like to point out that the gentleman from Colorado, if I can understand him—and I attempt seriously to understand him—makes the point that this law applies to police officers but does not apply to a Stokely Carmichael in a reverse situation.

I always thought what we were attempting to do was to make everybody equal under the law. I do not think we ought to pass any bills which give a Stokely Carmichael a privilege to abuse a police officer, and if we try to stop him from doing it or we try to ask him not to burn down a city, or not to assassinate a President—that is what he advocated—if anybody tries to interfere with him, it is interference with his civil rights.

If this country has come to that pass, it is in bad shape, and I think the voters are going to rectify it at the next election.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know what kind of shape the country is in, but the legal scholarship of the House seems to be in bad shape.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I am not a legal scholar, but I would point out that the last bill before this House which the Judiciary Committee brought in had different sets of additional views, so maybe the confusion is there.

Mr. O'HARA of Michigan. Mr. Chairman, I guess that is why we have dissenting opinions in the decisions of the Supreme Court.

I do not believe that this bill in any way covers "attempts to threaten." If we read the language closely, on page 6 it says:

> Whoever, * * * by force or threat * * * attempts to * * * interfere with * * *.

That is what we are talking about. If we were to adopt the amendment offered by the gentleman from Missouri, which does not strike "interfere with" on line 12, if by threat one attempts to interfere with some person and succeeds, he would be in violation of the law, but if by threat one attempts to interfere with the same person in exactly the same manner but fails, he would not be in violation of the law.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield on that point?

Mr. O'HARA of Michigan. I yield to the gentleman from Missouri.

Mr. HUNGATE. The gentleman touched precisely on the nature of inchoate crimes, which are not punished. If I shoot at something which is you, and it is not, I suppose I might have made an attempt, but I would not have a complete crime.

I believe that when we seek to punish threats that do not succeed we go too far.

All these words, if the gentleman will yield further, are what in the law are sometimes called "weasel words." They are not capable of the greatest precise definition. "Threat" is such a word. We

can imagine that a threat to one man would not be a threat to another. "Interference" is such a word. "Attempt" is a very difficult word to define.

Mr. O'HARA of Michigan. The gentleman has been in the Congress for some time, and he knows that criminal statutes punish an attempt in the same way they punish a successful effort.

The gentleman is saying that the clumsy wrongdoer should go free because he failed.

If I slash the tire of someone who is trying to go to vote because I do not want him to vote, and he gets to the polls and votes anyway, that is all right; but if he does not get to the polls, it would be a violation of law.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman.

Mr. FLYNT. Did I correctly understand the gentleman from Michigan to say that the statutes punish an attempt in exactly the same way they punish a crime? That certainly is not true. It is not true under Federal law, and it is not true under State law.

In fact, some of the States do not even have the crime of attempt.

As in my State of Georgia, there is the crime of assault with intent to commit a crime.

It is correct that in some offenses, such as arson and passing and uttering forged documents, the offense and the attempt are merged, but that is the exception to the rule rather than the rule.

If the gentleman believes that laws universally punish an attempt in the same way as, or the threatened attempt in the same way as, they treat the completed crime, then he is just certainly mistaken.

Mr. O'HARA of Michigan. I have no knowledge of Georgia, but I disagree with the gentleman's statement as it affects the Federal criminal laws.

That is not the point here. The point here is if we take out the "interfere with" as the gentleman from Missouri has suggested, an attempt that actually interferes with someone would be punishable, but the same threat uttered under the same circumstances in an attempt to interfere did not succeed, the wrongdoer would go free.

I do not believe such a result makes sense, especially considering the treatment of other "attempts". An attempt to intimidate would be punished; an attempt to injure would be punished, whether or not successful. But an attempt to interfere with would be punished only if it succeeds.

I hope that the Committee will reject the amendment.

Mr. MATHIAS of Maryland. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, my distinguished friend from Ohio pointed out a minute ago that when we do not want to grapple with the central issue before us, we talk about other things; and then he proceeded very ably to illustrate the force and strength of that position by talking about other things than the amendment before us.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS of Maryland. If I have time I shall be glad to yield. I do not yield to the gentleman now.

In the course of the colloquy the gentleman said—and I believe it is an important principle upon which the RECORD should be correct—that this bill would create some sort of special privilege for some people.

That is not the way I understand the bill. I do not think it is the way the House will understand the bill. This bill applies to anyone regardless of his color, regardless of his religion, and regardless of his national origin who places himself within the purview of the bill. It does not create a special privilege for anybody or a sanctuary for anybody. On the other hand, everyone who is guilty of the prohibited acts is brought within the purview of the bill. It does not create any special class.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS of Maryland. I said I would yield to the gentleman from Ohio, and if my distinguished friend from Minnesota will just wait for a moment, I want to address myself first to this amendment, because I think there is an importance to the language as it was written.

Mr. HAYS. Mr. Chairman, will the gentleman yield for just a sentence on this subject that I was talking about?

Mr. MATHIAS of Maryland. I have only 5 minutes. I did not interrupt the gentleman when he was talking. I am doing this on my own time. I am preserving my time for you, as you saw, if there is any left over.

On the subject of the amendment, I think that the language that the committee has fashioned is of some importance here. The testimony which is available from hearings before the Judiciary Committee, the Civil Rights Commission, and from other sources provides us with the evidence of attempts to interfere with the rights that should be protected. There is ample evidence to illustrate the subtlety of the kind of activities that take place to discourage people from registering, to discourage people from going to a polling place, and to discourage people from doing any one of the kinds of things we want to give all people in America the opportunity to do. These are very subtle and insidious kinds of activities. If this language reaches to the subtle and insidious means of discouraging people from doing what we think they ought to be able to do, then I think this language is proper and reasonable and necessary.

For that reason I am opposing the amendment and hope it will be defeated.

Now, Mr. Chairman, I promised to yield to the gentleman from Ohio, and I am glad to do so.

Mr. HAYS. The point I would like to make at this stage is what the gentleman is saying about the bill is apparently just in diametrical opposition to what the gentleman from Colorado said, because in answer to a very pointed question, or at least I thought it was, as near as I could ascertain his answer he said it would apply to someone interfering with a person's civil rights, but if a civil rights worker interfered with a law officer, it would not apply.

Mr. ROGERS of Colorado. Will the gentleman yield?

Mr. HAYS. You did not say so in so many words, but if anybody can get anything out of your tortured explanation, that is what I got.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to anybody and, if so, to whom?

Mr. MATHIAS of Maryland. I yield to the gentleman from Minnesota [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Chairman, I thank the gentleman from Maryland for yielding to me.

I believe I am correct in saying that the gentleman from Ohio during the course of his remarks and referring to Stokely Carmichael and Rap Brown said it would not apply to them. May I just say——

Mr. HAYS. I did not mention Rap Brown's name.

Mr. MACGREGOR. Perhaps it was one of your colleagues. On page 6 of the bill the language clearly covers campaigning for office. If I am campaigning for reelection next year and if Rap Brown or Stokely Carmichael is in my district and if he knows that I am campaigning for public office and because of my race or color he calls me a Honky and seeks forcefully to intimidate or interfere with or injure me because I am lawfully campaigning for public office, then under this bill, if it becomes law, he would be guilty.

Mr. HAYS. Do not try to take Stokely away from me. If he comes into anybody's district, I want him in mine to oppose me.

Mr. MACGREGOR. This bill will not keep Rap Brown out of your district.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. WHITENER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the full 5 minutes, but I think what has been said here by some of our colleagues on the Committee on the Judiciary indicates a lack of understanding of the bill or of the statement made by the gentleman from Ohio [Mr. HAYS]. He made the distinction—and I think properly so—that this was providing unequal protection under the law for certain specified classes of people. My friend from Maryland [Mr. MATHIAS] says, "Oh, no. That is not true. This protects people who want to vote. It protects them from interference and so forth." But it does not do any such thing.

You can interfere, insofar as this bill is concerned, with any person in the United States while voting or acting as a poll watcher or going to a public school or otherwise enjoying the privileges of the programs of the United States and of the various States in the field of employment or otherwise so long as you do not do it because of his race, color, religion, creed, or national origin of the person for whom you are working.

So, this is not an equal protection law application.

If one followed the rationale of this bill, insofar as the Federal Government is concerned, or insofar as the Congress of the United States is concerned, there is no interest in prohibiting interference, intimidation or injury, unless it is done because of race, religion, color, or national origin.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Ohio.

Mr. HAYS. In other words, then the illustration which was previously given by the gentleman from Minnesota [Mr. MacGregor] would not apply in so long as Mr. Carmichael did not refer to the fact that the gentleman from Minnesota was of the white race?

Mr. WHITENER. I think Carmichael could throw tomatoes at members of his own race campaigning for public office until his arm fell off and the provisions of this bill would never apply.

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Minnesota.

Mr. MacGREGOR. In the hypothetical situation which I proposed, I clearly said that if one of these Black Muslims or black power advocates who preach racism should interfere on racial grounds with my right to campaign for public office, then he would be guilty under the provisions of this bill.

Mr. HAYS. Yes, but that is true so long as he does not mention the fact that you are white. If you were black, which of course you are not, he would not be guilty.

Mr. MacGREGOR. I think the gentleman from Ohio knows that this bill applies to the black power advocates as well as to the white supremacists.

Mr. WHITENER. Mr. Chairman, in conclusion, I would just say that my friend, the gentleman from Minnesota [Mr. MacGregor] has strayed from the point we were discussing.

I am interested in everyone having a right to vote and to go to school, and in having that right protected. I do not think anyone who really believes in the rights—if one wishes to call them civil rights—of all the people would support legislation which if adopted would provide that one could interfere with those rights so long as they are not doing it on the basis of race, creed, color, religion, or national origin. If this bill is enacted into law there would be no Federal prosecution unless race, color, religion, or national origin was involved in the case.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want only to speak to the point raised by my distinguished colleague on the Judiciary Committee, and say that if he is correct, and if there are other reasons in this country for which civil rights interference episodes have occurred, other than race, color, creed, religion, national origin, then I think we might as well suggest some of these other reasons and that we incorporate them by adding them to the provisions of this bill.

Therefore, Mr. Chairman, I yield to the gentleman from North Carolina for the purpose of enumerating those factors.

Mr. WHITENER. Mr. Chairman, the only thing I would say in reply to the gentleman from Michigan is this—if he is not familiar with some of the interferences that have gone on in many parts of this country with reference to persons voting and with reference to persons acting as election officials, just to give an example, then I do not wish to undertake to educate the gentleman.

Mr. CONYERS. I thank the gentleman from North Carolina for his contribution, but the gentleman has not elaborated upon nor enumerated other persons in America who because of their race, color, religion, or national origin, or for some other additional reason, are discriminated against or who need civil rights protection.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Chairman, it seems to me this amendment would have a weakening effect upon the provisions of this bill that are already sound, and on which there are plenty of precedents in connection with the law. Practically every other criminal law includes "attempt to interfere with." The protection here is "knowingly." The Government has to prove "knowingly interferes with." And "to attempt to interfere with," if you exempt that you are nullifying for all practical purposes the meaning and significance of the word "interfere."

In all of the laws, the attempt to do something is usually a crime. The actual effect is a crime. The attempt to commit an assault is a crime, although in a sense different language is used, the actual assault is a crime.

Mr. Chairman, I respectfully submit to my colleagues that it seems to me the language incorporated in the bill is necessary, is sound, it is rational, it is logical, and I hope the amendment will be defeated.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time in order to ask questions of Members of the Committee, particularly the gentleman from Colorado, as to just how far the provisions of this bill reach. I would ask the gentleman from Colorado to let me put this hypothetical question to him: Let us suppose there is a group of Negroes deep in the rural southland who are organized, and who start meeting to work for the rights which are constitutionally guaranteed and protected by the terms of the bill; that is, the right to vote, or to qualify to vote, the right to enroll in and attend any public school or public college, et cetera; then one of the local bigots, I believe the popular term is "redneck," starts holding counter meetings and he gathers about him people of like prejudice, and does a pretty good job of agitating them.

Let us further assume the group of Negroes are renting the upstairs over a leading merchant's store in town, and this bigot, or "redneck," goes to the merchant and says, "The white people in this area are quite disturbed, and I think you should cease renting your building to this group of Negroes who are trying to exercise their rights."

Mr. Chairman, I would like to have the opinion of the gentleman from Colorado as to whether or not that bigot or "redneck" would be guilty of a crime under the provisions of this law.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. Yes, I yield to the gentleman.

Mr. ROGERS of Colorado. Does the gentleman have a copy of the bill before him?

Mr. ICHORD. I do.

Mr. ROGERS of Colorado. I direct the gentleman's attention to page 6, line 10, where it says "whoever, whether or not acting under color of law, by force or threat of force, knowingly—."

The proposition the gentleman has put forth here——

Mr. ICHORD. Let me further state——

Mr. ROGERS of Colorado. Now, I would ask the gentleman to wait just a minute.

In what the gentleman has presented so far he has left out the phrase "force or threat of force." Therefore, the case described would not come within the four squares of the bill.

Mr. ICHORD. Because he is merely exercising his freedom of speech; is that correct?

Mr. ROGERS of Colorado. That is right. He can say anything he wants to, but whenever he uses force or threatens to use force, then that is different. And I may point out to the gentleman from Missouri that a great deal of the misunderstanding of those jumping up and down, talking about the bill is because they do not understand this part of the proposal.

Mr. ICHORD. Well, now, I do not want the gentleman to get off on another subject.

I am satisfied with the answer that the gentleman has given.

Now permit me to ask another question.

The gentleman from Minnesota got into the picture by saying, as I understood him to say, that this bill is going to prohibit or at least make it a crime for Stokely Carmichael to call a white man a honky; is that correct?

Mr. MacGREGOR. No; that is not what I said. I would call the gentleman's attention to page 61 of the bill where, in cluded in the list of activities sought to be protected, the language reads:

> * * * voting or qualifiying to vote, qualifying or campaigning as a candidate for elective office * * *.

And so on.

I happen to be of Scotch-Irish descent and I will be campaigning next year for public office. That is a protected activity. Now, if Stokely Carmichael enters my district, or if one of the other black power or black muslin advocates comes along, and, unfortunately, we have them in Minnesota, and if he knowingly by force or a threat of force, because of my heritage and background, I being a member

of the white race and white in color, because I am a candidate for public office and because he feels that only one with a black skin ought to be elected from my district, if he injures or intimidates me or interferes with my campaigning, quite obviously he is guilty under the terms of this bill if it becomes law.

Mr. ICHORD. I understand the gentleman from Minnesota.

Let me further inquire of the gentleman from Minnesota. I am sure that the Judiciary considered the long line of Supreme Court cases that have consistently ruled against vagueness, and particularly in penal statutes.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ICHORD. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. May I ask the gentleman from Minnesota this question?

I am sure the Committee on the Judiciary considered the long line of Supreme Court cases consistently ruling against vagueness, and particularly I would point out to the gentleman from Minnesota is this true in the case of penal statutes and that is that no one may be required at the peril of life, liberty or property to speculate as to the meaning of a penal statute or a statute which either forbids or requires the doing of an act in terms so vague that a man of common intelligence must necessarily guess at its meaning and differ as to its application, and that such a statute violates the first essential of due process of law.

I am wondering that the gentleman from Minnesota is not duly concerned about the vagueness or ambiguity of the term "interfere" or "attempt to interfere with." I have serious reservations as to whether such language is constitutional in a penal statute.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman.

Mr. MACGREGOR. I respect the gentleman's knowledge of both the civil and criminal law, and I respect his genuine concern about vagueness in this matter.

May I say to the gentleman that the subcommittee and the full committee did address itself to this problem and did give it consideration at length both last year and this year.

By enumerating the eight specific activities and by selecting the language on pages 6 and 7 of the bill which particularizes in specific detail the eight enumerated activities, we felt we were dealing successfully with the problem of vagueness, particularly insofar as it has been discussed by the Supreme Court in the case of Screws against the United States reported in 325 U.S. 91.

Mr. ICHORD. Would the gentleman state that the term interference as used in the bill would not be interference by speech alone, for example, but must be interference using force or threat of force? Is that not true?

Mr. MACGREGOR. Yes; and it must relate, along the lines of the gentleman's concern about vagueness and in connection with the Court's decisions about vagueness; to one of the eight enumerated activities, and to no others.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the so-called Hungate amendment and all amendments thereto close at 2:35 o'clock p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. Mr. Chairman, I heard the gentleman from Ohio [Mr. HAYS] say that we wish to pass a civil rights bill annually. I would like to remind him and my colleagues that we passed this bill in this House in the last session with a much stronger section having to do with open housing. Perhaps if the Senate had passed the same bill we would not have the conditions which the extremists are exploiting today.

The chairman of the Rules Committee said yesterday that we need this bill like a hole in the head. I would remind him and my colleagues that there have been people who have wound up with holes in their heads because they tried to exercise their civil rights and their constitutional privileges. I think that this bill, rather than being needed like a hole in the head, is going to be needed to protect people from getting holes in the head.

The bill that passed in the last session was preceded by a hearing on the Ku Klux Klan. I despise the Klan. I despise the black supremists and the white supremists. I voted for the antiriot bill. I am going to vote for this bill because I believe in law and order and the American way of life.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. THOMPSON].

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in support of this amendment. At a later date I am going to have an amendment to attempt to provide a degree of protection for our law enforcement officers.

I should like to point out at this time that a direct reading of the bill clearly indicates that the officers who are attempting to restrain the people who we are told are outside the Capitol right now would be in violation of this act. If you refer to line 11, these officers may be attempting by force to prevent a group of Negroes who they know by their past actions would like to come in and disturb the business of this Capitol.

If you refer further to line 24, you will see that anyone who interferes with a person's enjoyment of any facility administered by the U.S. Government is in violation of this act.

This Capitol is a facility administered by the U.S. Government and if the police officers, by force, are attempting to interfere with a group of marchers coming on this Capitol, which is clearly within the definition as set forth in section 245, they are in violation of this act and are subject to the criminal penalties imposed. And if they cause even a skinned knee of one of these people, they are subject to 10 years' imprisonment. I feel this is an undue burden to place on our law enforcement officers.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Chairman, I think it should be unnecessary to point out that by enacting this bill, while we do provide that these additional acts are criminal acts, we do not by enacting this bill thereby approve of any other conduct or rather misconduct which under existing statutes is a violation of the criminal law.

I cannot understand how anyone can be willing to enact this bill with the words:

Whoever, whether or not acting under color of law, by force or threat of force, knowingly—

(a) injures, intimidates, or interferes with, * * * any person—

And would want to strike from the bill by this amendment the words—

or attempts to interfere with * * * any person * * *

And at the same time leave in the bill the words—

or attempts to injure or intimidate * * * any person.

If you say that any person who knowingly injures, intimidates, or interferes with a person by force or threat of force, should be punished, you should not excuse those who attempt by the same means to interfere with a person. I think the amendment is a bad amendment. The language of the bill is very well thought out. The bill should prevail as reported and the amendment should be defeated.

It is high time that we stopped quibbling about the language of this bill. We debated it in the last Congress. We did it again yesterday and again today.

This bill is practically identical with the bill we passed in the 89th Congress.

The committee report including the additional views clearly and fully explain the intent and purpose of this bill.

It is one more effort to show that the Congress believes in law and order and to the fullest extent possible we want this country to continue to exist and to prosper without disorder or civil commotion.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, on yesterday, Martin Luther King, in announcing his call for a campaign of mass civil disobedience, not only said he is going to dislocate the functions of our cities, but indicated that he is going to shamelessly exploit the schoolchildren of America by mass school boycotts. I would like to ask some of the distinguished members of this Committee whether or not under section 245, where it forbids anyone to interfere with someone because of his race or color, from enrolling in or attempting to attend any public school or public college—can I have some

assurance that when I vote for this bill, it is going to apply to Martin Luther King or someone else who tries to exploit the schoolchildren of this country by attempting to keep them from attending school? I wish I could get a reply from a member of the committee.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, the answer is emphatically that if Martin Luther King or anyone else who forcibly interferes with or injures others because of their race, color, or religion, or national origin, while they are engaging in protected activities specified in the bill—then he would be subject to this law.

Mr. ANDERSON of Illinois. That is precisely the reason he is going to use.

Mr. ROGERS of Colorado. Then he would be subject to this law.

Mr. ANDERSON of Illinois. I hope he reads the RECORD of this debate in this House today.

Mr. ROGERS of Colorado. If he uses force in this case.

Mr. ANDERSON of Illinois. Does the gentleman not think there is inherent intimidation or force for some school child, 5 or 6 years old, to be told by an adult not to go to school because he is expected to further a school boycott whether he has any understanding of the issues involved or not.

Mr. ROGERS of Colorado. That would be decided by the jury.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Chairman, I want to call to the attention of the Committee a problem I see arising if this should become law. I would like the distinguished chairman of the committee or the gentleman from Colorado to advise me. If this should become law, and if next year we have another civil rights bill before this House—as we probably will have—and one of my constituents were to write and say, "If you vote for this 1968 civil rights bill, you should be kicked, and I am going to see that you get defeated," would he be guilty under this? We have the threat of force, we have the intimidation, and we have him trying to keep a man from giving additional aid for civil rights. Just answer me. Would the constituent be guilty under this, with a fine of $1,000 or a year in jail?

Mr. CELLER. I will say to the gentleman, if it involves race, color or creed, and there is involved a degree of force, then the man is guilty.

Mr. CASEY. As I read this, Mr. Chairman, it says "Whoever, whether or not acting under color of law, by force, or threat of force, knowingly"—and then skipping down to paragraph (c)—"injures, intimidates"—and it does not say anything about race or color—"any public official."

Think about it.

The bill reads on page 6, line 10, "Whoever, whether or not acting under color of law, by force or threat of force, knowingly—."

And then taking up on line 21 of page 8, paragraph (C), "injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any public official or other person to discourage him from affording another person or any class of persons equal treatment in participating or seeking to participate in any of such benefits or activities without discrimination on account of race, color, religion, or national origin, or because he has afforded another person or class of persons equal treatment in so participating or seeking to so participate—shall be fined not more than $1,000 or imprisoned not more than one year, or both;".

You will note that race, color, creed has no bearing on any violation of this section. To be guilty of this section of the bill, one only needs to endeavor to intimidate or interfere with a public official through force or threat of force.

In my hypothetical situation, you have all the elements; threat of force—my constituent threatened to kick me—and intimidation—he also intends to defeat me.

In my opinion, this is a little harsh penalty for a strong expression of a constitutent's opinion. I would hope that the Committee would make some amendments in this regard.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. HUNGATE].

Mr. HUNGATE. Mr. Chairman, the distinguished Members of this body have explained my amendment so much better than I could that I simply solicit their support, and I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York to conclude the debate.

Mr. CELLER. Mr. Chairman, this amendment would weaken the provisions of the bill for reasons that have already been expressed. I do not want to repeat them. I hope this amendment will not be agreed to.

A lot has been said about this bill. Somebody voiced the opinion that if it is passed, it will not be adopted by the Senate. That is the business of the Senate. If we exercise, in our judgment, rare wisdom and acumen, and the other body persists in its opposition to our wisdom, that is their lookout. We have nothing to do with that. This is a separate body, and we act independently of the other body.

I am quite sure that this bill is going to pass, because it is long overdue. It provides protection against anyone, black or white, who seeks to pursue his constitutional rights under these so-called eight categories which are specifically mentioned.

If that pursuit is interfered with because of race or color and by force or violence, there is a violation of the act. It is as simple as that, and I am quite sure the reaction will be favorable on the part of the membership of the House.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. HUNGATE].

The question was taken and on a division (demanded by Mr. HUNGATE) there were—ayes 71, noes 68.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HUNGATE and Mr. CELLER.

The Committee again divided, and the tellers reported that there were—ayes 114, noes 104.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 6, line 10, preceding the word "Whoever", insert the letter "(a)" and on page 9, line 10, insert a new subsection:

"(b) As used in this section, the term 'engaged in speech or peaceful assembly' shall not mean the urging, instigating or inciting of other persons to riot or to commit any act of violence in furtherance of a riot."

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes in support of his amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. Mr. Chairman, I will be glad to yield to the chairman of the committee. However, I want to discuss this amendment for a couple of minutes to make certain it is understood what is being done. I will be glad to yield.

Mr. CELLER. I want to state that while I think the amendment is needless, the amendment is acceptable.

Mr. CRAMER. Then, Mr. Chairman, I understand the chairman of the Committee on the Judiciary accepts the amendment?

Mr. CELLER. I do.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, we are pleased on this side of the aisle to accept the amendment.

Mr. CRAMER. Mr. Chairman, I just want to make sure that everyone knows what this amendment provides, should it be adopted. My remarks shall be very brief.

However, Mr. Chairman, I feel that this is one of the most important areas that has been discussed in this legislation and that is where any assistance, any possible defense or any support is given to those who are creating riots or aiding, abetting, or inciting others to riot, and that is the reason why this amendment has been offered to this legislation.

Mr. Chairman, this amendment is intended to make certain that this legislation if finally adopted does not do so and, particularly, that by your vote on this bill with this amendment you are not in any way being inconsistent with your vote on the antiriot bill which was passed on the floor of this House just recently.

Mr. Chairman, in order to make certain that that is the case, this amendment is offered to assure no license or assistance is given to anyone inciting a riot, because of the reference which has been made to "speech and peaceful assembly" in the bill itself—and I am glad to see that the amendment is agreed to by the managers of the bill on both sides of the aisle.

Mr. Chairman, I am hopeful that this will lay to rest, at least, as it relates to

speech and peaceable assembly, the problem, especially as to whether it will give any aid or assistance to or condone the preachments of insurrection by Rap Brown or Stokely Carmichael—to whom none of us want to give this aid and assistance.

Mr. Chairman, I just want to make this one point and then I am finished: I am utterly amazed that anyone who claims to serve the cause of the minorities and other elements of this Nation, and who are interested in the cause of civil rights—I am utterly amazed that they would choose this day during which this legislation is under consideration for Martin Luther King to call for "massive civil disobedience" and for him to suggest that there "could be marches on Washington by thousands," and for him to say that he "intends to adopt a campaign of civil disobedience in order to upset the operations of a city without destroying it."

Mr. Chairman, that is insurrection.

I am utterly amazed that on this very day when we have this bill under consideration those who claim to serve the best interest of the minorities and who should be interested in the passage of this legislation, were recently banded together on the steps of the Capitol itself, and this attempted dramatization jeopardizing its passage. Also, that on this very occasion Rap Brown should in effect threaten again to "come to the Capital of the United States and take it over."

Mr. Chairman, these are the persons who are doing a disservice to the civil rights movement in America. And if this bill is in trouble today, I say to you in all sincerity, that these statements by these people and these acts are partially, if not largely, responsible as are those who are inciting riots and violent civil disturbances.

I think they have a degree of responsibility. This Congress of the United States has accepted and is accepting its responsibility. I think it is time that they accept their responsibility.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BARRETT. Mr. Chairman, the Nation is in the midst of another hot, turbulent summer. Violence, arson, and looting—lawlessness in general—has taken place in far too many of our communities. Neighborhoods are being destroyed and lives are being needlessly lost. This is in every sence a national tragedy and unfortunately it has taken place in the Negro areas and slum areas of our communities.

Studies and investigations have been undertaken to determine the causes, the reasons and the roots of the situation which have given rise to this lawlessness. Much already has been said and written about the situation. We all deplore what has happened; we agree that this lawlessnes is not to be tolerated; and, we agree that those responsible are to be condemned.

Whether answers will be found to all the questions raised by these events, it is uncertain to say or speculate. It must be borne in mind, however, that we are dealing with human beings—their hopes, desires, and emotions.

We must recognize that the instigators of these actions are a small, but vocal and violent group—hoodlums really—and do not represent or speak for the decent Negro families in any neighborhood, community, city, or in our country.

As a representative of many thousands of Negro residents in the First Congressional District of Pennsylvania, which I have the honor to represent, I feel I must speak out in their behalf.

I know these people and am proud to represent them. I live among them. They have been and are now neighbors of mine—people whom I am proud to have as neighbors. They are decent, upright citizens and members of the community and society; raising wonderful families and adhering to the Golden Rule. And, I can say, with full knowledge of their attitude, that they abhor the actions of the bigots within their own race and are unalterably opposed to the riots and destruction and waste of life and property—as any other human naturally would be.

An editorial in the Philadelphia Inquirer of Tuesday, August 8, 1967, clearly indicates the opinions and attitudes of the millions of Negroes in our country.

THEY DON'T FOLLOW RAP BROWN

The kind of performance H. Rap Brown put on in New York on Sunday, urging a Black Power "show of force" at a rally of 1500 cheering, stomping Negroes, and declaring that the recent riots were only "dress rehearsals for revolution," gains attention because of its sensational, inflammatory nature.

Brown is chairman of the Student Nonviolent Coordinating Committee; he is under indictment for incitement to riot in Cambridge, Md.; and he goes around the country calling on Negroes to arm against the "honky conspiracy" and referring to the President of the U.S. as an "outlaw" and "lynching Johnson."

At about the same time that Rap Brown was putting on his latest exhibition of racist hate, the executive committee of the A.M.E. Zion Church, which is said to represent a million Negro Methodists, condemned the Black Power concept and praised President Johnson's efforts on behalf of American Negroes.

The committee, concluding a three-day meeting in Brooklyn, issued a manifesto counseling a return to nonviolent militancy by civil rights groups.

"We will not be intimidated by the so-called Black Power," the manifesto states, "so we will not be intimidated by the so-called white backlash."

The backlash is a product of black radicalism of the Rap Brown variety and, while it is aimed at the whole Negro community, it actually aids and abets the Rap Browns by stirring up further racial division and turmoil—the stuff upon which the Black Power extremists feed.

The statement issued by the Negro Methodist group is so much more important than the repetitious ravings of Rap Brown because it shows again that the great majority of Negroes want their rights—but have no intention of following riot-strewn leadership of the preachers of violence in attempting to gain them.

It is essential to keep in mind the fact that the rioters, the arsonists, the snipers, the looters, and their fanatic leaders are only a very small fraction of the great body of American Negroes.

Mr. Chairman, national Negro leaders have also spoken out against the violence; pleading for an end to the destruction of their own communities, because it is they that are hurt and suffer the most. And it is the segregationist and his kind that stand on high and look down and snicker at the self-destruction and self-defeat brought on by the ignorant and intolerable acts of those who preach violence.

The desire of the vast, vast majority of the Negroes, as it is of the vast, vast majority of all the citizens of the United States, is to live together, work together, pray together, build together and bring peace—not only to their own community and the United States but throughout the world.

However, we are all children of God, regardless of the color of our skin, and must be treated equally. Everyone, in this land of ours, must be given the opportunity for employment and education; must have decent, safe and sanitary housing; and, must be able to enjoy the wealth of this great country.

Mr. Chairman, this is a time to reflect and to reason—to give understanding to those who have suffered. And it is a time for the people of America to act so as to provide the tools necessary for all to assume the responsibilities of good citizens.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude at 3:15.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAYS. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude at 3:30.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAYS. I object.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

Mr. MATHIAS of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment which has been accepted both by the chairman of the committee and the ranking minority member of the committee I feel restates the language of the amendments on this subject, the language of the Supreme Court in Feiner against New York and in the most recent case of Cox against Louisiana. I feel that in light of those opinions, taken together with the legislative history, this may prove to be a very valuable amendment which has been offered by he distinguished gentleman from Florida [Mr. CRAMER].

In *Feiner* v. *New York* (340 U.S. 315 at 321), the Supreme Court said that

demonstrations lose their constitutional protections if the participants engage in violence or, short of that, when a speaker "passes the bounds of argument or persuasion and undertakes incitement to riot."

In Cox against Louisiana the Supreme Court said:

Nothing we have said here or in No. 24, *ante*, is to be interpreted as sanctioning riotous conduct in any form or demonstrations, however peaceful their conduct or commendable their motives, which conflict with properly drawn statutes and ordinances designed to promote law and order, protect the community against disorder, regulate traffic, safeguard legitimate interests in private and public property, or protect the administration of justice and other essential governmental functions.

Liberty can only be exercised in a system of law which safeguards order. We reaffirm the repeated holdings of this Court that our constitutional command of free speech and assembly is basic and fundamental and encompasses peaceful social protest, so important to the preservation of the freedoms treasured in a democratic society. We also reaffirm the repeated decisions of this Court that there is no place for violence in a democratic society dedicated to liberty under law, and that the right of peaceful protest does not mean that everyone with opinions or beliefs to express may do so at any time and at any place. There is a proper time and place for even the most peaceful protest and a plain duty and responsibility on the part of all citizens to obey all valid laws and regulations. There is an equally plain requirement for laws and regulations to be drawn so as to give citizens fair warning as to what is illegal; for regulation of conduct that involves freedom of speech and assembly not to be so broad in scope as to stifle First Amendment freedoms, which "need breathing space to survive," *NAACP* v. *Button*, 371 U.S. 415, 433; for appropriate limitations on the discretion of public officials where speech and assembly are intertwined with regulated conduct; and for all such laws and regulations to be applied with an equal hand. We believe that all of these requirements can be met in an ordered society dedicated to liberty. We reaffirm our conviction that "[f]reedom and viable government are . . . indivisible concepts." *Gibson* v. *Florida Legislative Comm.*, 372 U.S. 539, 546.

Thus it is that the language of this amendment is not inconsistent with the settled expressions of law and merits the support that has been announced for it.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand before the membership of this body appalled by the fact that the most vicious, hate-filled, destructive statement in the field of human relations that I have seen, read, or heard in many years had to emanate from the largest city within my district. I refer, of course, to the statement contained in the monthly newsletter of the Student Nonviolent Coordinating Committee published in Atlanta. I assure you that neither this organization nor its statement is representative of the Fifth District of Georgia.

It was this statement which shocked Americans everywhere by charging that the State of Israel has become an imitator of Nazi oppressors. To charge that a people who have withstood more terrorism from Arabs than you and I can imagine are now deliberate murderers of Arab men, women, and children, is the most distorted, twisted, malignant reasoning that I have ever seen.

That such a statement should come from a minority group aimed at another minority group which has consistently fought for the rights of other minorities is more than ample proof to me that the organization which issued this despicable statement, and those who have espoused its policies, are totally unworthy of any further recognition as a responsible, American group.

The harsh words of the SNCC newsletter clearly showed that this organization is not attempting to build better human relations, but is seeking to spoil, destroy, tear down, and create havoc in the area of race relations not only in America, but throughout the world. They have become vultures on the internation scene. They are not attempting to build better human feelings but instead are seeking to absolutely polarize racial ill feeling throughout the world.

Though I am unable to produce any tangible evidence of Communist influence in the SNCC group, I can certainly conclude from the statement of these black power leaders, and any other logical person can do so, that this organization has become totally un-American and anti-American in its concept, its outlook, its course of action, its intent, and its design. It is obvious that SNCC intends to follow a course of action from here on out that is intended to destroy our way of life as we know it and bring about the substitution of another way of life similar to that which exists in Fidel Castro's Cuba, Mao's Red China, or the Soviet Union.

And I am sorry to see that even the more restrained civil rights leaders, such as Dr. Martin Luther King, Jr., who is also a constituent of mine, are being drawn into the camp of these advocates of hate. Dr. King's statement of yesterday to the effect that nonviolent activity no longer is sound and that massive civil disobedience is now the order of the day, is reprehensible, irresponsible, and borders on insurrection. It is indeed tragic that these men who have set themselves up as leaders in the drive for human rights have now set out on a course of human wrongs that will destroy every major gain in the field of human relations that this Nation has made in recent years.

They have turned upon the Jewish people—the very people who have for so long been their benefactors—and they are seeking to destroy the urban areas whose leaders have worked so hard to improve their position in life.

Mr. Chairman, we cannot allow these advocates of hate and chaos to control this Nation and further damage the race relations in this country and our image throughout the world. The time has come when responsible men of good will must realize that disorder and diatribe do not, cannot and never will bring about any worthwhile improvement in mankind's relationship with each other.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. Yes, I yield to the gentleman.

Mr. MACGREGOR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman from Florida [Mr. CRAMER] for offering the amendment which we are about to adopt. It improves the bill and strengthens the bill, and it increases the majority which the bill will have on final passage.

Again I commend the gentleman for this clarifying language, and I support the amendment strongly.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude at 5 minutes to 4.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

Mr. DE LA GARZA. Mr. Chairman, I object.

Mr. HAYS. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I now move that all debate on the bill and all amendments thereto conclude at 5 minutes to 4.

Mr. WRIGHT. Mr. Chairman, will the gentleman withhold his motion in order that we might determine how many amendments are pending at the Clerk's desk?

Mr. CELLER. There are about five amendments.

Mr. WRIGHT. In other words, there would be about 20 minutes' debate on each amendment.

Mr. WAGGONNER. There is no guarantee there would be no other amendments.

The CHAIRMAN. The Chair will state there are approximately 10 amendments presently at the Clerk's desk, a number of which are to be offered by the same Member.

Mr. WRIGHT. Then there would be something less than 6 minutes of debate to each amendment.

Mr. COLMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COLMER. Mr. Chairman, if I understand correctly there is a motion to close debate at a certain time?

Mr. CELLER. At 5 minutes to 4.

The CHAIRMAN. The gentleman from New York has made a motion to close all debate at 5 minutes to 4.

Mr. COLMER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COLMER. Mr. Chairman, is that motion debatable?

The CHAIRMAN. The Chair will state the motion is not debatable.

Mr. HAYS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HAYS. Mr. Chairman, the point of order is that there is an amendment pending, the point of order being can we have another motion intervene to close debate?

Mr. Chairman, I make the point of order that the gentleman's motion is out of order.

The CHAIRMAN. The Chair will state that the Chair will have to overrule the

gentleman's point of order because a motion may be made on the amendment, or to close debate, at any time after debate has been had on the pending amendment.

Mr. HAYS. Mr. Chairman, a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. Mr. Chairman, it is my understanding that a motion may be made to close debate on an amendment. But this motion is to close debate on the bill and all amendments thereto.

The CHAIRMAN. It happens that the Committee of the Whole is considering an amendment which is a committee amendment, and the motion made by the gentleman from New York under the circumstances is in order.

Mr. WATSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WATSON. Mr. Chairman, up to this time all of the amendments that have been presented have been offered by members of the Committee on the Judiciary. Those of us who are not privileged to serve on that committee and as a consequence do not readily receive recognition have to wait until later to gain recognition to try to present an amendment.

If this motion passes at this time, am I to conclude that those who are not serving on the Committee on the Judiciary will virtually be precluded from having a complete and exhaustive debate on their particular amendments?

The CHAIRMAN. The Chair will state that the amendment pending before the Committee is not made by the gentleman from New York but by the gentleman from Florida and is made by a Member who is not a member of the committee.

The Chair must also state that the gentleman's inquiry is not a parliamentary inquiry.

Mr. HAYS. Mr. Chairman, a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. Mr. Chairman, if I understood the Chairman correctly, he said that the motion that was pending was a committee amendment and therefore for that reason the motion of the gentleman from New York was in order.

Upon inquiry of the gentleman from Florida, he says that this is not a committee amendment that is pending.

The CHAIRMAN. The Chair did not make himself clear.

The rule which the House adopted earlier provided that the substitute committee amendment would be considered as an original bill. Therefore, we have been discussing in Committee of the Whole the substitute committee amendment to which the gentleman from Florida offered an amendment.

The question is on the motion made by the gentleman from New York [Mr. CELLER] that all debate on the substitute committee amendment and all amendments thereto close at 5 minutes to 4.

Mr. POFF. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. POFF. Mr. Chairman, under the motion as it has been put, will the vote occur on the amendments as they are offered, or will they occur seriatim at the conclusion of the time fixed in the motion?

The CHAIRMAN. The Chair will try to put the question on the amendments in an orderly fashion. In other words, they will be taken on the amendments as offered.

Mr. CELLER. Mr. Chairman, I withdraw the motion.

Mr. HAYS. Mr. Chairman, I object. The gentleman cannot withdraw the motion without getting unanimous consent, so I object.

The CHAIRMAN. Objection is heard.

Mr. DOWDY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOWDY. Mr. Chairman, would it be in order to move that the clock be stopped?

The CHAIRMAN. The Chair has no control over that.

The question is on the motion offered by the gentleman from New York [Mr. CELLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WAGGONNER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. RODINO and Mr. WAGGONNER.

The Committee divided, and the tellers reported that there were—ayes 76, noes 112.

So the motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Chairman, this amendment has to do with the freedom of assembly. I wish to ask a question of the chairman of the full committee. The subject of this legislation is "Penalties for interference with civil rights." It begins by stating in section 245—

Whoever, whether or not acting under color of law, by force or threat of force, knowingly—

I skip down to subparagraph (b) on page 8—

(b) injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person

I skip further to subitem (2) in subparagraph (b):

(2) because he has so participated or sought to so participate, or urged or aided others to so participate, or engaged in speech or peaceful assembly opposing any denial of the opportunity to so participate; or

The gentleman understands the language to that point. The question is this. I am a Methodist by faith. Under the language of this bill as written by the committee, would I, my preacher, or any member of my congregation, or any lawfully elected peace officer be in violation of this act if he denied Martin Luther King, Rap Brown, Stokely Carmichael, or any other civil rights advocate the right to come to my church on Sunday morning and make a civil rights speech?

Mr. CELLER. Mr. Chairman, the case the gentleman has put has nothing to do with denying the man his civil rights by force or violence. That is not the case. If I, Martin Luther King, or Carmichael, or the gentleman from Louisiana are guilty of force or violence because of race or color, of preventing a man from pursuing his eight rights under these eight categories, we are in violation of the law.

Mr. WAGGONNER. The language of the bill says if he seeks to participate and he is prevented from participating, if he is interfered with, then one will be in violation of the law by interfering.

Mr. CELLER. Mr. Chairman, that section of the law the gentleman speaks of refers to civil rights workers, and civil rights workers must be protected. There is no race required there or interference with a civil rights worker, who, in turn, seeks to protect those who are being pursued and victimized because of their race or color by force or violence, while they are also pursuing or engaging in one of these eight particular categories.

Mr. WAGGONNER. Then I ask of the chairman what the situation would be if that civil rights advocate was denied entrance to the church?

Mr. CELLER. And he at the time was helping or seeking to help others who were pursuing their civil rights, and he was urging them to pursue their civil rights, there would be a violation of the law.

Mr. WAGGONNER. Mr. Chairman, with the admission of that answer, how can any man who believes in freedom of religion vote for this legislation? Let your conscience be your guide.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HAYS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HAYS. Mr. Chairman, I think my credentials on civil rights are just about as good as those of anybody around here. I voted for every single civil rights bill that has been before this House in 19 years, and I have voted against, I believe, every crippling amendment and every amendment that was not supported by the committee with the exception of the amendment which was just offered by the gentleman from Missouri. But while the chairman of this committee, who is protesting how interested he is in civil rights, is trying to deprive the House of adequate debate on the amendments to this bill, I hope I can vote for

this bill, and I have every intention—or I had every intention—of voting for it if it has a couple of amendments, one of which has been adopted. But I am not afraid to vote against it as a protest to this kind of deprivation, if we please, of our civil rights.

The chairman wants to give Rap Brown and Stokely Carmichael and, yes, Martin Luther King the right to advocate, if necessary, not only violence and the murder of the President of the United States, but anything else they want to say, and cover them under the authority of the law; but he does not want to give this House an hour to debate this bill and offer amendments to it.

Now, we have had one amendment—two, now, with the one that just passed—and I understand there are 10 more pending.

What is the chairman afraid of? Is he afraid of this mob which is at present being restrained from entering the gallery to put on a demonstration? Does he want to get the debate over before they break the police lines and get here?

Why, we have sat around this House until 8 or 9 or 10—yes, even midnight—already this session to debate a bill which had less import and less impact than this legislation would have.

I repeat, I would like to vote for the bill, but I would like to have it debated. I would like to have the amendments offered. And I would like to have an opportunity for the authors to explain them.

I hope that any further attempts to close off debate within the next 2 or 3 hours will be voted down. If we do get choked off, and if we do get our civil rights taken away from us, and if we do get our freedom of speech taken away, then I am not afraid to vote against this bill, and I am not afraid of the political consequences.

Mr. CAHILL. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I hestitate to take any further time, but, even though I am a member of the minority party, I cannot sit still and hear the chairman of the Judiciary Committee of the House of Representatives accused of violating the civil rights of anyone.

In the 8 years I have been in the Congress of the United States, whether one agrees with him or whether one does not, any fairminded Member will concede that no man has been a greater champion of the civil rights of all citizens of the United States than the chairman of the Judiciary Committee.

Second, let me say something else which perhaps you who are not on the Judiciary Committee do not understand.

Nobody is more patient, nobody is more generous, nobody is more understanding of the other man's point of view, whether he agrees with him or whether he does not, than the gentleman from New York. Just the other day I had the occasion to violently disagree with him and he with me, yet he was the first man in the House of Representatives to come over to me and shake my hand.

I do not know what the gentleman from Ohio has in mind, but by observation is this: I would hope that the House of Representatives would conduct itself as the Congress of the United States should. I would hope it would discuss the merits of this bill and save the campaign oratory for November.

Just the other day I had an occasion to attack a newspaper for what I felt was an unfair insinuation which harmed the image of the Congress of the United States. Well, perhaps today, if the conduct I observe here continues, I shall have to take that back, because we ourselves may be doing ourselves more harm by this demonstration than anyone else can do to us.

I would suggest we get to the merits of the bill, that we discuss the amendments on their merits, and permit the politics of the matter to remain until a later date.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I am glad to yield to the gentleman from South Carolina.

Mr. WATSON. Since the gentleman said he would prefer to get on with the heart of the matter and discussion of the amendments, I am sure the gentleman will go along with us in not cutting off debate by allowing adequate debate on the amendments.

Mr. CAHILL. Well, I would say that, in my judgment, we have been discussing a bill that everybody understands for approximately 2 days. We have had more quorum calls and more dilatory tactics and more delay in 2 days of what should have been adequate general debate than I have seen in several years. So I would say we have discussed it enough. The general debate is over; let us get to the amendments and a vote.

Mr. WATSON. The gentleman certainly does not know what is contained in my amendment, and we are only asking for full and complete opportunity to explain them in the democratic tradition.

The CHAIRMAN. The question is on the preferential motion.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WAGGONNER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HAYS and Mr. RODINO.

The Committee divided, and the tellers reported that there were—ayes 54, noes 117.

So the preferential motion was rejected.

Mr. DOWDY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the light of the violence that has been disturbing the peace and welfare of this Nation for the past several months, it seems poor judgment to be considering a bill such as this, especially at this time.

It is already been developed in the preceding debate on this bill that it is here before us at this time as an antidote to counteract the antiriot bill which the House passed a few days ago. There is a halfhearted denial that the purpose of this proposal is to counteract the first; in this connection, it will be noted that the Department of Justice for some reason best known to its officialdom, desperately opposes the enactment of the antiriot bill, and presently has it stalled in the other body. It will be further remembered that the Assistant Attorney General who leads the fight against the riot-curbing bill is the same assistant who presided in furnishing transportation at the expense of the Federal taxpayers to the "demonstrators" in Alabama, and who served as parade marshal for the "marchers" in Mississippi.

Neither the Congress as a whole, nor either House, has any enforcement power; all we can do is enact a law, and it is up to the Attorney General and his Department of Justice to enforce it. The House of Representatives has done all it can toward enactment of the antiriot bill. If that bill should survive the other body and the White House, and if we can judge the future from the past, it will, to say the least, not be enthusiastically enforced by the Department of Justice; and there we find the basic reason for this bill to be before us today. This bill, if enacted, will make State and local law enforcement officers, sheriffs, police, constables, and State police and guardsmen liable to prosecution for a Federal offense, at the whim of the Attorney General, for any arrest they might make to prevent or stop a riot, or to prevent or stop an incitement of a riot, such arrests made would be at their own peril, and at the risk of being committed to a Federal penitentiary for so doing.

It seems to me law enforcement officers are presently under more restraint and suffering more from intimidation than they can endure and still perform their duties, and this bill would only further intimidate them. This intimidation from the Federal judiciary and from the Department of Justice has continually grown over the past decade, and Congress would make a serious mistake to put this further oppressive power in the hands of the Attorney General. This bill, if enacted, would well become known as the "right to riot" act of 1967.

I believe it to be commonly accepted that the destructive riots of the past few months were not controlled by reason of the fact that local and State officers and guardsmen failed to take adequate and prompt action for a combination of two reasons, either they were under orders not to do so, or feared to do so. This bill, if enacted, would only increase that hesitancy and fear. They and their overseeing officials would feel compelled to first get the approval of the Federal Attorney General before taking any action—and who knows how long it would take to get it, or whether they would get it. In the meantime their cities would have been looted and burned, and rioters dispersed of their own accord because there was nothing else to steal or burn.

For some years, high officials have been favorably speaking of revolution, and for discontented and malcontented to take their gripes to the streets; some preachers have been preaching the right to disobey and violate any laws with which they disagree, and to obey only such laws as are agreeable; during those years their urgings have been borne fruit, and we have seen the violations rapidly progress

from "sit-ins," trespassing on private property, through massive demonstrations, to riots, looting, and guerrilla warfare in our cities, all condoned in one way or another by the Government. And it will be observed that these various violations differ, one from the other, only in degree.

In the sit-ins, when local officers arrested trespassers for the unlawful use of a person's property against his will, the Federal courts promptly freed the defendants, condoning and supporting their unlawful actions; in the massive "demonstrations" and "marches," the Federal Department of Justice furnished advisers to direct and encourage; and the present rioting is aided and abetted, according to reports from most of the affected areas, by "poverty" employees. As stated, the principle in the unlawful trespass is the same, except in degree, as in the stealing, burning, or other destruction of the property of another.

Now, would this bill, if enacted, be used in aid of rioters? We have an omen which may give a look at the future. In the recent riot in Cambridge, Md., the rioters after being incited to do so by Rap Brown, burned a school building and some two blocks of other buildings. The Maryland officials are making a serious attempt to prosecute the offenders, have arrested a number of them, and are seeking extradition of Rap Brown, who fled to Virginia. He was first arrested by Federal officials, but was promptly freed by a Federal court. He was then arrested by Virginia officers and is now awaiting extradition. In the meantime he was given the use of a District of Columbia church to make another inflammatory speech, urging burning and killing. Still the Attorney General makes no move to prosecute him under presently existing Federal laws.

And what has been going on as this was transpiring? Attorneys for Rap Brown and the others involved in Cambridge have said they will ask the Federal courts to stop the prosecutions on the ground that the defendants were arrested to "utilize the processes of the law to prevent articulation of civil rights." I hope the Federal courts will not hold that arson and rioting are "civil rights," but those courts and Federal officials have permitted the use of a person's property against his will, and other depredations against the public peace in the name of "civil rights."

And this bill would give a statutory base for the claim that a defendant was prevented by the arresting officer from "articulating civil rights," and would effectively nullify the purpose of the antiriot bill, because, among other things, it would make a peace officer liable to criminal punishment for arresting a person who was "articulating civil rights," and certainly, as in the Cambridge cases, any person who might be arrested for rioting, arson, or looting would claim that he was merely articulating civil rights. It would be the arresting officer who would be confronted with trial and the possibility of Federal incarceration for performing his duty to protect the lives, persons, and property of the law abiding.

The people of this country are full to the brim and overflowing with their concern over crime and violence. I believe fully two-thirds would say it is the chief public concern as of this date. I have heard, as you have, discussions of how it came that Ronald Reagan was overwhelmingly elected Governor of California. I believe it was the direct result of the concern about crime and violence. There were the riots in Watts, the "demonstrations" in San Francisco and the student riots at the university, and threats of more of the same. The people had all they wanted, and their resentment of the situation spilled over into the elections.

No government can survive unless it is willing and able to take effective steps against crime in all of its aspects. It is the paramount duty of government to protect its citizens from the depredations of criminals. Crime, riots, and guerrilla warfare are prima facie evidence of failure.

The people of this country do not want law-enforcement officers further intimidated, as this bill would do. They want their Government to be their protector—not their enemy. If this bill is passed by this House, I sincerely believe that our people will feel that the House of Representatives of the U.S. Congress has placed its stamp of approval on the prevailing conditions in the embattled cities of this land.

It is sad to contemplate that in this year of our Nation's history, television and magazine and newspaper photographers can photograph vandals and looters in the very act of committing their crimes, while the police and guardsmen stand by, under orders from their mayors and other superiors not to interfere with or attempt to arrest the looters. This bill would further aggravate this already disastrous situation, and should be defeated, and I so urge.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 9, line 4, after the word "participate", add a semicolon and the following: "or,

"(d) injures, intimidates, interferes with, or attempts to injure, intimidate or interfere with (1) any public official acting or attempting to act in the performance of his duty to carry out the purposes of this Act or to prevent or abate a riot or to give aid or shelter to those endangered by a riot, or (2) any law enforcement officer making or attempting to make a lawful arrest to carry out the purposes of this Act or to prevent or abate a riot or violent civil disturbance or acts of lawlessness or violence in furtherance thereof or attendant thereto, or (3) any fireman attempting to extinguish a fire created by any disturbance resulting from a civil rights protest—"

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CELLER. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. Chairman, I will go to the germaneness of the amendment in a moment, but first I want to tell the distinguished author of the amendment that if the amendment is germane I shall not oppose it.

Mr. Chairman, I believe the amendment is not germane because it is not related to the fundamental purposes of the bill. Two subjects that may be related are not necessarily always germane.

The fundamental purpose of this bill is to prescribe penalties for the forcible interference because of race, color, or creed or national origin with the enjoyment of civil rights.

Those rights are Federal rights. They stem from the 14th amendment, and from the laws passed by the Congress.

Mr. Chairman, there are eight distinct categories specified in the bill, among them are voting, public schools, facilities that are supported by the Federal Government or the State, labor, serving on juries, use of facilities of common carriers; financially, those who are receiving financial assistance from the Federal Government, places of public accommodation. The protection of policemen and firemen, while most laudatory—and I certainly would vote for any kind of a bill that would give them protection provided the bill were constitutional—and I will touch upon that in a moment—however, Mr. Chairman, I believe that this amendment is not germane.

The question of protection of policemen and firemen is a matter I doubt very much whether we would have the constitutional right to adopt, or pass.

The congressional power in this respect could not stem from the 14th amendment. It could not stem from the commerce clause.

That is not the case with policemen and firemen. In my estimation this is purely a State or local matter and not for the Congress.

While it may be true that in passing upon the question of germaneness the question of constitutionality may not enter, and I am not so certain about that and the Parliamentarian or the Chairman will have to enlighten me on that—we cannot disregard the fact that the provision offered is unconstitutional. Therefore and for these reasons I believe the amendment is not germane.

The CHAIRMAN. Does the gentleman from Texas [Mr. WRIGHT] desire to be heard on the point of order?

Mr. WRIGHT. Yes, Mr. Chairman, I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WRIGHT. Mr. Chairman, it is a well-established principle fully recognized in the rules of this House and in its precedents and rulings of the Chair that an amendment is germane when it does no more than to add an additional category to the list of punishable offenses prescribed in the bill.

Mr. Chairman, that is precisely what this amendment does—and that is the only thing it does.

I would like to invite the attention of the Chair to the caption of the bill wherein the bill is described as "a bill to prescribe penalties for certain acts of violence and intimidation." That is precisely what the amendment does. That is all it does. It extends the same identical penalties that are prescribed in the bill

for certain acts of violence and intimidation to cover certain other acts of violence and intimidation, namely acts of violence and intimidation committed against law-enforcement officials, firemen, and other public officials seeking in a lawful manner to carry out their duties.

As to whether an amendment relating to riot control would be held not germane to a bill relating to civil rights, I offer the suggestion to the Chair that the distinguished Committee on the Judiciary itself originally submitted and proposed to this House one bill that embodied the features contained in this bill presently before us together with features of a type embodied in my amendment. Therefore, it cannot be argued by any stretch of the imagination that the distinguished committee regards the two subjects to be mutually exclusive or incapable of being dealt with in the same legislation.

Mr. Chairman, I should like to invite the attention of the Chair further to subsection (b) appearing on page 8 of the written and published copy of the bill.

That subsection directs itself to the question of peaceful assembly. Therefore, Mr. Chairman, what could be more germane than to guarantee protection of this type under this act, to those who are carrying out the purposes of this act and guaranteeing that an assembly be indeed peaceful?

Mr. Chairman, I should like to invite your attention additionally and, moreover, to the very first clause in the bill which appears on page 6 of the printed copy and which applies to the entirety of the bill.

That provision describes those to whom the bill's sanctions apply as being, and I quote:

Whoever, whether or not acting under color of law * * *.

So that provision obviously applies to local law enforcement officials.

And further I direct the attention of the Chair to the statement made in support of the bill, appearing in the committee report that has been published and presented to us by the members of the distinguished committee, in which a reference is made to that provision. Therein it is said:

The bill would prohibit forcible interference * * * by public officers * * *

Obviously then, the bill directs itself to inhibiting, to constraining, to controlling, to prohibiting, the willful exercise of improper authority or unlawful authority or excessive authority on the part of local law enforcement officials, many of whom are charged with carrying out and protecting the very provisions of this bill.

Is it not germane, then, that we balance the bill by giving protection to those law-enforcement officials who are acting properly and lawfully and carrying out the purposes of this very bill as well as carrying out the other lawful duties to which they are assigned?

One other question that has arisen, offered by the distinguished chairman of the committee, relates to the problem of constitutional rights. It seems to beg the question of germaneness, Mr. Chairman, but let us address ourselves to it briefly.

It is suggested by the distinguished gentleman from New York that, since the rights sought to be protected in this bill spring from the Constitution, therefore no other rights of American citizens, such as law-enforcement officials, firemen carrying out their duties, public officials, and others, may be treated in the bill or may be protected in the bill. But surely, Mr. Chairman, the rights of law-enforcement officers, firemen, and policemen to protect the public rights, to insure the domestic tranquillity, and to establish justice, are inherent and implicit in the very fabric of the Constitution, and in the fabric of the laws of the United States, and are wholly inseparable therefrom.

For all of these reasons—because the amendment gives protection to those charged with carrying out the purposes of the act, and because it is in keeping with the rules of the House which permit as germane an amendment which only adds an additional category to the list of punishable offenses prescribed in the bill—I suggest to the Chair that no other rule can be made than that this amendment is indeed germane.

Mr. GROSS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. GROSS. The chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], in support of his point of order, referred specifically to paragraph 7 on page 7 of the bill, which reads as follows:

(7) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance;

Mr. Chairman, I would point out that police departments are today the beneficiaries of Federal funds under the Law Enforcement Assistance Act, and therefore qualify under paragraph 7. The language in paragraph 7 therefore supports the germaneness of the amendment and in no way can be construed to support the point of order.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

The Chair would like to advise the Committee that the Chair makes no ruling as to the constitutionality of any matter. That is not within the purview of the Chairman. However, the Chairman has had an opportunity to examine the amendment and to examine certain of the precedents.

The bill before the Committee of the Whole enumerates eight areas of civil rights activity and is designed to prevent or punish interference with these activities. It does this by defining three new crimes:

The bill makes it a crime:

First, to interfere with any person, because of his race, color, religion, or national origin, while he is lawfully engaging or seeking to engage in these activities;

Second, to interfere with any person to discourage lawful participation by such person in any of the eight activities, and, more particularly, to interfere with related free speech and assembly;

Third, for any person to interfere with any public official to discourage such official from affording equal treatment to those participating in the eight activities.

The amendment adds a fourth category of criminal activity closely related to the last of these three crimes. It also relates to interference with public officials in the performance of their duties and proscribes any attempt to injure, intimidate or interfere with a public official attempting to carry out the purposes of this act or attempting to prevent certain civil disturbances.

The Chair feels that this amendment falls within the general proposition that where a section of a bill defines several unlawful acts an amendment proposing to include an additional unlawful act of the same class is germane. The Chair has referred to several decisions affirming this principle: one by Chairman Miller in the 74th Congress, where it was held that—

To a section of a bill defining several unlawful acts pertaining to commerce in distilled spirits an amendment proposing to include an additional unlawful act in connection with such commerce was held to be germane. (74th Cong. July 23, 1935; Rec. p. 11729)

A more recent decision by Chairman MCCORMACK, of Massachusetts, is also pertinent. Chairman MCCORMACK held that to a bill seeking to prevent certain pernicious political activities by making certain acts unlawful, an amendment adding a further activity as unlawful conduct was germane. In the 76th Congress, July 10, 1940, RECORD pages 9447 to 9454.

For these reasons, the Chair overrules the point of order and holds that the amendment is germane.

The Chair recognizes the gentleman from Texas in support of his amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New York, the distinguished chairman of the committee.

Mr. CELLER. Mr. Chairman, I felt it was necessary to make the point of order. Now that I am overruled on the matter, I will accept the amendment offered by the gentleman.

Mr. WRIGHT. Mr. Chairman, I am grateful to the chairman for his gracious comment.

Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield with great pleasure to the distinguished ranking minority member on the committee.

Mr. MCCULLOCH. Mr. Chairman, we offer no objections to the amendment.

Mr. WRIGHT. Mr. Chairman, this amendment is not intended to weaken the bill. This amendment strengthens the bill. It balances the bill.

Certainly we favor civil rights. Certainly we oppose the intimidation of citizens engaged in exercising those lawful rights. But we do not desire to encourage the abuse of those rights.

Unfortunately, in the minds of some there has grown a tortured and confused connection between rights and riots. They are not the same. The Constitution clearly guarantees to every citizen the right to assemble peaceably and pe-

tition duly constituted authorities for a redress of grievances. But emphatically there is no right under the Constitution or any other law to stage a riot, to intimidate duly constituted authorities, to destroy the property of others, to pillage, burn, loot, or kill.

Surely the law enforcement officials and firemen whose painful task it is to keep the public order and protect the very rights with which this bill concerns itself are themselves entitled to some protection.

Surely it is equally as onerous for a mob to intimidate a law-enforcement official engaged in the proper enforcement of his duty as it is for law-enforcement officials to abuse their lawful authority by intimidating others engaged in lawful pursuits.

Surely a fireman attempting to extinguish a fire and thus protect the rights of American citizens to be secure in their persons and in their property, or a policeman attempting to prevent looting from the broken store windows which have resulted from civil disturbances, are fully entitled to our equal protection.

Very definitely should we affirm the rights of every citizen to be free from violence or intimidation when he attends a school, or registers to vote, or goes to the polling places, or travels peacefully in interstate commerce, or pursues his lawful right to ask for service at a lunch counter. And with equal force we should protect from intimidation, forceful interference or physical injury those whom we charge with the difficult responsibility of insuring the domestic tranquillity and protecting the rights of us all.

This amendment helps the bill to balance rights with responsibility. I hope it will be adopted by an overwhelming vote.

Mr. KEE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. KEE. Mr. Chairman, I rise to support the amendment offered by the distinguished gentleman from Texas [Mr. WRIGHT].

This amendment—authored by our colleague—is a recognition of the responsibility of the Congress to support—by legislation—the conscientious public official, the conscientious police officer, the conscientious fireman, as they faithfully perform their sacred duties.

These officials who risk their lives every day of the year to protect the people deserve nothing less.

These dedicated men have the sympathetic support of the vast majority of the citizens of the United States.

Today—we have the opportunity to make this fact crystal clear. It is my hope the House will adopt this amendment by an overwhelming majority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. WRIGHT].

The amendment was agreed to.

Mr. PICKLE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Chairman, I want to commend the gentleman from Texas [Mr. WRIGHT] for offering this amendment which clearly shows the intent of Congress that while the civil rights of individuals should be protected, we must also protect the rights of those public officials or law enforcement officers or firemen who are performing their duties pursuant to an act that might arise from any riot or disturbance.

I would also like to express my agreement with the Chairman in his ruling that this amendment was germane. Certainly it was commendable that both the chairman of the committee, the gentleman from New York, the Honorable EMANUEL CELLER and the ranking minority member of the Judiciary Committee, the gentleman from Ohio, the Honorable WILLIAM MCCULLOCH, agreed to accept the amendment. I think this leaves no doubt that we want full protection given to these public officials.

I think that the House should again note the words of this amendment, which provides penalties when an individual knowingly:

(d) injures, intimidates, interferes with or attempts to injure, intimidate or interfere with (1) any public official acting or attempting to act in the performance of his duty to carry out the purpose of this act or to prevent or abate a riot; or (2) any law enforcement officer making or attempting to make a lawful arrest to carry out the purposes of this act or to prevent or abate a riot violent civil disturbance or acts of lawlessness or violence in furtherance thereof or attendant thereto; or (3) any fireman attempting to extinguish a fire created by any disturbance resulting from a civil riots protest—

Mr. Chairman, I do not share the feeling of some of this House that there is a great need or a great hue and cry for this particular civil rights bill. That is why I voted against the rule yesterday. The Congress recently, however, did pass an antiriot bill which says it is a Federal offense for any person to cross State lines with intent to incite a riot. It was made plain during the debate on the antiriot bill that it was not intended that the civil rights of any one individual were to be interfered with and that, very plainly, an individual ought to be permitted to engage in peaceful assembly in the furtherance of civil rights measures if there was no intent to cause harm to persons or property.

In a sense, this particular bill today complements the other measure. I voted for the antiriot bill and in principle I would agree with this measure, although I regret that there seem to be a few places in the country where some restraint and restrictions and intimidations are practiced that would deprive the people of basic civil rights. I am proud that no such conditions exist in the 10th District of Texas.

Our Nation has been appalled at the burning and rioting in Cambridge, Chicago, and Detroit. The average citizen is so infuriated by these acts of violence that it would not take much to cause an extensive civil disturbance—even by law-abiding citizens. The point is that America must not permit riots and acts of violence and lawlessness.

No matter how difficult it might be to carry out, the law must be enforced. This amendment is designed to say to our police officers and public officials that their rights also will be protected. Let this serve notice to the Rap Browns and the Stokely Carmichaels that we are not going to treat intimidations or threats with softness or with philosophical words, and if Martin Luther King, though he has in the past advocated nonviolence, urges mass civil disobedience, he and his followers will be dealt with accordingly.

It is my hope, Mr. Chairman, that this spirit of ugliness in American history will soon pass. We ought to be building this country, providing better educational facilities, better health privileges, and job opportunities, rather than worrying about riots or intimidations or violence. Therefore, I again commend my colleague from Fort Worth for offering this amendment because I think it improves this bill considerably. I also was glad to see the amendment of the gentleman from Missouri [Mr. HUNGATE] added earlier.

AMENDMENT OFFERED BY MR. WATSON

Mr. WATSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATSON: On page 9, after line 9, insert the following subparagraph:

"(d) Nothing in this section shall be interpreted as conferring any special privileges or immunities with respect to any person or class of persons."

Mr. WATSON. Mr. Chairman, certainly I would like to commend the House on the adoption unanimously, as I recall the vote, of the amendment which was presented by my esteemed friend from Texas. As I listened to the debate, I believe all of us can conclude that there is no intentional or admitted effort in this legislation to provide or confer any special privileges of immunities to any person or to any class of persons. I think, if we have followed the debate, many of us pointed out that we have apprehensions so far as what interpretations the American public might make concerning the intent of this legislation.

Will they conclude at this time, as we are facing all these riotous conditions, that we would be attempting under this legislation to provide some cloak of immunity to those who are either agitating or encouraging these conditions?

Second, people are disturbed about the fact that this might provide a built-in defense against, if not completely vitiate the bill we passed earlier in attempting to stop the riots now plaguing the cities of America.

I have discussed my amendment with one of the ranking Members on this side, and likewise with the chairman of the Judiciary Committee, who at that time said he would give it some more thought, as I recall, but he was inclined favorably. I know on this side of the aisle [Mr. MACGREGOR] with whom I discussed the amendment, said he would be agreeable

to my amendment in order to spell it out categorically and without equivocation, that we are not attempting in this legislation to confer any special privileges or give any immunities to any person or any class of persons.

In my judgment, if we want to be fair, this is our opportunity to tell the American people that we are not trying to have favoritism or to be one sided. I hope the Chairman of the Judiciary Committee has seen fit and has had time to study the matter further, and is inclined toward favoring this amendment, and that he can now support us in this effort.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The time of the gentleman from South Carolina has not expired.

Mr. CELLER. Mr. Chairman, I am sorry.

Mr. WATSON. Mr. Chairman, inasmuch as it is a simple amendment, to express a desire on our part that the House is going to be fair and that we are not granting any special privileges or special immunities, I am shocked at this time that the chairman of the committee would imply by his opposition that the purpose of this legislation is to give special privileges and immunities. If that be so, which would be implicit in his opposition to this amendment, then I believe the House should unanimously go along with my amendment. Should the amendment fail of adoption then we should unanimously vote down this particular bill which seeks to grant special privileges and immunities.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. WATSON. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. The gentleman from South Carolina has correctly stated and recounted a conversation which he and I had. Clearly it is not my intent in my strong support of this legislation to give a special privilege or immunity to any class or group within the body politic of the United States.

It is my understanding of the gentleman's amendment that that is all he seeks to put in this bill by specific language. I have no objection to the amendment, and I support it.

Mr. WATSON. I thank the gentleman from Minnesota.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

I must take exception to the statement of the gentleman that this bill might conceivably create special privileges and immunities.

I do not know what the future will bring in the enforcement of this act but, in any event, what the gentleman from South Carolina says is merely a truism. That are no immunities and no special privileges conferred by this legislation.

In a certain sense the phraseology of amendments is harmless, but it is, I believe, perfectly superfluous.

It might be argued, since it is harmless, why not allow it? I say "No".

I do not believe any superfluity of this sort should be added to any codified title of the United States Code.

Language of this sort might involve confusion. It might be an invitation to astute if not cunning counsel in the future to devise ways by which persons could escape punishment.

I repeat, there are a lot of things which are true and harmless which we could put into this bill. I could conjure up any number of them. I believe it is unwise to do that.

For that reason, I hope the amendment will not be agreed to.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from South Carolina.

Mr. WATSON. In my judgment, not only would this amendment be a great satisfaction to the American people but also, frankly, I believe it would be advisable for us to have it in here, to alert the would-be civil rights leaders to the fact that we are not granting them any special immunities or any special privileges.

Mr. CELLER. We are not granting special privileges to anyone.

Mr. WATSON. If that be true then why should the gentleman not let us spell it out in this bill.

Mr. CELLER. None whatever. It is palpably clear, if we read the bill, that nobody is given any special rights or special privileges. Everybody is treated in a similar vein.

As I say, it is harmless language, but I do not believe the Federal criminal code should be cluttered with all these superfluous phrases. I believe it may be, moreover, at some future time I cannot envision, do harm.

Mr. WATSON. At that future time, Mr. Chairman, we could consider the matter. Frankly, I believe it is meaningful, in letting people of all persuasions know that we are not granting any special privileges or immunities. Many believe, and I share their belief, that too many unconstitutional rights have been already granted to these groups.

Mr. CELLER. I respect the gentleman's judgment, but I must reluctantly disagree.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, it was indeed revealing a few minutes ago to see the quick capitulation on the part of the Judiciary Committee in the acceptance of an amendment which provides at least a modicum of protection for the police and firemen of this country. It is almost impossible to believe that the Judiciary Committee could have considered this bill, could have given it earnest and sincere consideration, without having inserted some provision to do what they have so readily accepted on the House floor.

I say to you that this is one of the most revealing developments in the two days that have been devoted to this bill. In view of the situation that exists across this country with respect to rioting and attacks upon police and firemen, it is almost incredible that the committee spent the time it claims it did on the bill, and wound up with an utter lack of consideration for the protection of police or firemen in doing their duty.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. CELLER. I suggest that in view of the tremendous wisdom possessed by the gentleman from Iowa——

Mr. GROSS. The gentleman from Texas, author of the amendment, has the wisdom, not the gentleman from Iowa. I am merely a bystander and observer.

Mr. CELLER. In the light of the prowess possessed by the gentleman from Iowa, I suggest he come to the Judiciary Committee and give us lessons on the various measures we are adopting and proposing. We might profit therefrom.

Mr. GROSS. Since the gentleman invites it—I would not have said it otherwise—I think someone ought to come before your committee and do just that.

Mr. CELLER. I think if the gentleman would come, that it would be as incongruous as Puck on Jupiter's throne.

Mr. GROSS. Whatever that is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. WATSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 6, line 14, after "religion" insert "political affiliation", and on page 8, line 15, after "religion" insert "political affiliation", and on page 9, line 2, after "religion" insert "political affiliation".

Mr. ANDERSON of Illinois. Mr. Chairman, when I addressed the House on yesterday when we were considering the rule that would make in order the consideration of this bill I announced at that time it was my intention to support this legislation. Therefore I can assure the members of the committee that I do not offer this amendment facetiously. I do not offer it in a desire or out of a spirit or purpose or intent to frustrate the hopes of those who would see us pass this bill today. However, I think in our desire to protect and to assure the protection of the civil rights of the people of this country we should not limit ourselves merely to a consideration of race and color and religion. We should recognize the fact—and it is a fact—that there are parts of this country and there are sections of this country and there are counties in this land where people, because of their political affiliation, may be interfered with in the exercise of their civil rights. I call your attention particularly to the fact that the very first subparagraph here under subparagraph (a) of section 245 refers to the most precious right that any citizen has, that of voting or of qualifying to vote. The section in question also refers to such essential elements of the electoral process as acting as a poll watcher or an election official.

It can be documented beyond peradventure of a doubt that there have been instances where people have been interfered with, they have been intimidated in the exercise of that right, because they announced a particular political affiliation.

So, I do not think anyone can argue that it is not just as important to protect the precious right of voting by assuring against discrimination, because of your membership in a particular political

party, as it is for the other reasons that are already given in this legislation.

Then, let me also point out the fact that there are two other very important sections or subsections of this bill dealing with participation in or the enjoyment of benefits, services, privileges, programs, facilities or activities provided for or administered by the United States. And, here again, I think that particularly in this day and age when we are seeing an explosion in Federal services, when we are seeing a tremendous and an even unprecedented growth in the Federal Government in the kind of activities into which it is entering, it is important that we make certain that people are not discriminated against, or that they are not barred from benefits contained in a program or from participating in a program because they are members of a particular political faith or political party. They ought to have the right to participate in and enjoy those benefits regardless of political affiliation.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Chairman, I commend the gentleman from Illinois for offering this amendment and for his comments thereon.

Mr. Chairman, earlier in a colloquy this afternoon between the distinguished gentleman from Michigan [Mr. CONYERS] and the equally distinguished gentleman from North Carolina [Mr. WHITENER], both members of the Committee on the Judiciary, reference was made to the possible expansion of the bill which now reads "race, color, religion, or national origin." While I was listening to that colloquy the thought went through my mind that perhaps the insertion of the words "political affiliation" both at page 6 of the bill and at the two additional points you suggest would help this bill immeasurably and would be responsive to the invitation which was extended by the gentleman from Michigan [Mr. CONYERS].

I had drafted such an amendment, but the distinguished gentleman from Illinois has beaten me to it and I am pleased to support him.

Mr. ANDERSON of Illinois. I am grateful to the gentleman from Minnesota for his contribution and the assurance of his support of the amendment. With such assurance coming from members of the Committee on the Judiciary on the Republican side of the aisle I would certainly hope that similar support would now be forthcoming from the majority side of the aisle.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New Jersey.

Mr. JOELSON. Is the gentleman's intention to protect the rights of the members of the Communist Party which is probably a legal political party in this country today?

Mr. ANDERSON of Illinois. Under this language which I have offered anyone would be entitled to benefit in these programs and he would be entitled to vote; he could not be discriminated against because of his political affiliation and the gentleman from New Jersey can give it that legal interpretation if the gentleman feels that the Communist Party is a legal political party and if all the elements of the crime as defined in the statute were present. This would then apply.

Mr. JOELSON. Mr. Chairman, if the gentleman will yield further, I think the courts have indicated that it is a political party, and that we might be erasing our steps heretofore taken not to help and assist that party.

Mr. ANDERSON of Illinois. I do not think that is the problem that the amendment is designed to meet, frankly. However, I am fully prepared to accept a consensus of such an interpretation, because I think the overriding benefits which we would receive would outweigh the decision.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ANDERSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 9, line 6, strike out "bodily injury" and insert "serious bodily injury."

Mr. DOWDY. Mr. Chairman, I shall not take the full 5 minutes. This is just a hiatus as contained in the bill about which I feel something should be done.

In other words, Mr. Chairman, if a person can be punished to the extent of a $1,000 fine or imprisonment for 1 year, and if there is bodily injury, can be fined to the extent of $10,000 or imprisonment for not more than 10 years, then I feel this amendment should be adopted for the reason that, as the bill is written, if an officer arrests a man and puts handcuffs on him, and in so doing happens to scratch the skin or break the skin on his hands, then that is bodily injury. Such a trivial injury does not seem to me to justify 10 times the punishment.

Now, a serious bodily injury I can understand; I believe the laws of all of our States recognize the difference between what ordinarily would be called a simple assault and an aggravated assault. I feel certain that the committee ought to adopt, without any argument, the idea that the higher punishment would be for serious bodily injury, and not for a scratch.

Mr. Chairman, I urge that the amendment be adopted.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman.

Mr. CELLER. Mr. Chairman, I do not necessarily oppose the amendment. However, I would like to know what the term "serious" would involve.

Mr. DOWDY. As far as I know, serious bodily injury would be a legal term that would be understood in any State in the Union. I do not know anywhere that there would not be any distinction made between bodily injury and serious bodily injury. I believe the phrase to be words of art, and well defined in the law.

Mr. CELLER. We have a criminal statute here. It must be precisely drawn. If you were the judge you would have to determine what "serious" would be.

If a man's finger were broken, would that constitute a serious injury?

Mr. DOWDY. That is the very point I make.

Mr. CELLER. What is it? I am curious to know.

Mr. DOWDY. I do not conceive of any problem on it as to what "serious" would mean. A serious bodily injury is one which would be dangerous, or maiming, or grave, or seriously painful, in contrast to a minor injury.

Mr. CELLER. That is the explanation of the gentleman?

Mr. DOWDY. Yes.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I believe the Committee ought to realize what the significance of this word "serious" means in a situation where serious bodily injury results.

A serious bodily injury is an injury in which a person faces death. If the gentleman had put in the words "substantial bodily injury," that would be different, but when the word "serious" is used, that means a person is injured to the extent where death is imminent or where even death results.

Mr. Chairman, I wonder if the Committee of the Whole wishes to put that burden upon the Government, and face that question through the courts. It would seem to me, Mr. Chairman, that the adoption of the word "serious" would be very unwise, and would create a situation in connection with the prosecution of cases where it would be most difficult to determine between what are substantial injuries and what are serious injuries, because serious injuries are usually connected with imminent death, or death itself.

One might be injured to the extent where death is imminent, and recover, but these are serious injuries.

On the other hand, the word "serious," where a person is injured, is used in connection with the injuries that will result in death, or where a person who has been assaulted and attacked, when taken to the hospital is faced with imminent death.

Mr. HALL. Mr. Chairman, will the distinguished Speaker yield?

Mr. McCORMACK. I yield to the gentleman from Missouri.

Mr. HALL. I can understand the distinguished gentleman from Massachusetts seeking to make this point, and I believe his point is well taken. I would not want to argue semantics with the gentleman, but having had considerable experience in employment compensation physical evaluation of cases, which in all States have been worked out and those practices have been set down for determining bodily injury, either on the job or off the job, I must say in the interest of clarity and perfection of the record before us today that I do not agree with the statement of the distinguished Speaker that "serious bodily injury" means imminence of death, either in the hospital or out. It is much less than that. It is any type of maiming or deforming type injury, but never in the sense of criticality meaning approach of death.

I feel certain the distinguished gentleman would want to know what is the acceptable medical usage in determining actually what "serious bodily injury" means.

Mr. McCORMACK. Will the gentleman admit there is a possible implication legally in connection with the word "serious"?

Mr. HALL. I would say to the distinguished gentleman I believe even in his own Commonwealth of Massachusetts it does not mean, when you say "serious bodily injury," that you are closely juxtaposed to death. I would agree with the gentleman that "serious" is more than "substantial."

But certainly it would not have to be critical and not necessarily maiming. I think this is backed up by every unemployment compensation statute for determining physical disability in every State in the land, and sustained often in the courts.

Mr. McCORMACK. If I may have the attention of the gentleman from Texas [Mr. DOWDY] for a moment, will the gentleman state for the RECORD what he *means by the* word "serious" or "seriously injured"? I think there ought to be a record established here.

Mr. DOWDY. I do not know what the law may be in every State, but I am assuming that in any State in the criminal law there is the distinction between simple assault and aggravated assault. An aggravated assault would be where there is some serious bodily injury, while a scratch might constitute a simple assault. Under this bill, if an arrested person gets only a scratch, there may be punishment 10 times greater than would be the case in which the officer did not scratch him. I think to enhance the punishment that much it sould be necessary to show an injury of a serious nature. But it does not mean that it must be an injury to the point of death.

Mr. McCORMACK. Or imminent death—to the point of death or imminent death.

Mr. DOWDY. No, no.

Mr. McCORMACK. In other words, what the gentleman has in mind is aggravated assault—something more than simple assault.

Mr. DOWDY. That is exactly right.

Mr. McCORMACK. I think this little colloquy has clarified the RECORD.

Mr. DOWDY. In other words, there should be no argument about it, because I think that is the law in all States.

Mr. McCORMACK. While I do not agree with this amendment, I am not disputing my friend, but I do think he has clarified the RECORD in this regard.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I believe this amendment offered by the gentleman from Texas would very seriously impair the enforcement of this act. It would take a Sabbath Day journey and all the wisdom in the world to know what "serious bodily injury" would mean under these circumstances. What are we getting after here? We are getting after somebody who in very cruel fashion with force or violence or by threat of force and violence injures, intimidates, or interferes with a person who is pursuing his basic civil rights in these eight specific areas.

How serious must that injury be? Let us take an example. Take the famous Grenada, Miss., case, where children wanted to enter an integrated school and rocks were thrown. Suppose one of those rocks hit a child in the arm or hit a child in the head or other parts of the body. Why should we require that the injury be serious before imposing more serious penalties?

But the mere fact that the rock was thrown under those circumstances, to my mind, betokens serious injury, and the culprit must be brought to book and should suffer the sanctions that we provide here, namely, a fine of not more than $10,000 or imprisonment for not more than 10 years, or both.

There should be no qualitative criteria on injury. It is bodily injury that we are getting after under these circumstances and to put a qualitative adjective like "serious" before "injury" to my mind is dangerous.

Suppose a man wants to vote and somebody comes along and gives him a bloody nose. Is that serious? Well, I do not know whether it is serious or not. It may not be serious. But to my mind the seriousness is in the act of depriving that man of his civil rights and giving him the bloody nose is the bodily injury. I do not think we should try to weigh the severity of the injury.

As someone has suggested, this is not a compensation case where you get certain sums of money for different kinds of injuries.

I believe where a man has this trauma—a bloody nose, a broken arm, or a broken finger—under these circumstances I think that is sufficient to say "bodily injury." I do hope for that reason the amendment will not prevail.

Mr. WHITENER. Mr. Chairman, I think sometimes it helps us to look at what the authorities say on these questions. I have heard it said today that in order for an injury to constitute a serious injury within the criminal law, one must be in apprehension or in danger of death. I do not so understand the law. I would like to read from 6 Corpus Juris Secundum at page 936:

> Under some statutes the aggravated character of the assault is made to depend upon the character of the injury inflicted. In some cases the statutory offense consists in the infliction of "great bodily harm," "great bodily injury," "grievous bodily harm," or "serious bodily injury." Under such statutes any injury which gives rise to apprehension of danger to health will be deemed a serious bodily injury, and in determining whether there has been serious bodily injury, the Court will consider the fact that the person assaulted suffered great bodily pain.
>
> Accordingly, in order to onstitute aggravated assault under these statutes the injury must be of a graver and more serious character than that required for a simple battery.

Throughout this country every day the criminal courts and juries are determining whether or not injuries are "serious bodily injuries." It seems to me that there is no problem about a definition of it. There is still accepted language, as far as I know, in every jurisdiction under which the court would submit the case tc a jury. I submit that a mere bloody nose would not be serious injury, but a battered and bloody nose might be found by a jury to be a serious injury, if bones were broken, or if it were such an injury that great pain was suffered by the individual.

I hope that the language of Corpus Juris Secundum will help us all to understand that there is nothing complicated about using the words "serious bodily injury."

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I just wished to point out that on the question of the severity of punishment that many people take the view that the more serious the punishment, the more effective the law will be. To those who have had experience in the prosecutor's office, of which there are many here, realize that people are acquitted because the punishment is so severe, practical-minded jurors will not go along. I do not believe there is anyone here who would think, or any juror who would believe, that if an injury was less than serious, a man ought to be subject to the possible punishment of a fine of $10,000 or 10 years in prison. For that reason I believe the amendment should certainly be adopted, so it will make the punishment prescribed in the bill somewhat commensurate with the crime which this bill establishes.

Mr. WHITENER. The gentleman is a former prosecutor, as are some of the rest of us. Would you not agree that what may be a serious bodily injury for a child of tender years which would not be a serious bodily injury for one who was an adult?

Mr. WHITTEN. Certainly.

Mr. WHITENER. So you must leave it to a jury to determine whether under the facts in a given case the injury is serious.

Mr. WHITTEN. I would certainly agree with the gentleman. I would state further that the books are full of cases in which a decision as to what serious injury may mean. You might almost say that each case is a separate case as to whether the facts constitute serious injury in each instance.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment. I would point out that we are setting maximum limits on penalties. We are not setting minimum limits or mandatory sentences. I would suggest to you that if a person fires a gun into a school because of its being integrated and merely slightly injures a student, we very probably ought to treat that as a felony and not as a misdemeanor.

We are not saying that anyone must be given 10 years for inflicting bodily injury on a person enjoying his civil rights or attempting to, but, rather, we say punishment may be up to that. It may be nothing at all or anything in between, depending on specific circumstances of the case. I doubt if we will find in any other body of the law that we require serious bodily injury in cases such as this. I hope the amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 66, noes 50.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 6, line 10, after the word "Whoever," strike the words "whether or not acting under color of law,".

Mr. WAGGONNER. Mr. Chairman, I will not take the 5 minutes.

Yesterday in a colloquy with the esteemed chairman of the full committee, I asked the question as to the purpose of the words used in this particular instance, "acting under color of law". The chairman told me that the purpose of utilizing these words in this instance would be to insure that public officials would be made liable for infraction of the law if they, themselves, violated someone else's civil rights, or failed to provide the necessary protection for someone who was seeking to exercise his civil rights as specified.

I raised then a question whether or not, if these words should be stricken from the bill, it would be his interpretation that public officials as well as private individuals would be covered. He said to me then, in almost these exact words, "Possibly so, but we want to be sure that they are covered."

This to me indicates that it was the intention and it is the intention, whether the words "under color of law" are used or not, to make sure public officials in such cases would be covered.

Consider further just this fact. We do not want to intimidate and undo what we have been trying to do when we offer support to law enforcement officials. We do not want to point an accusing finger of distrust at law enforcement officials—at the policeman who is charged on the street day and night with enforcing the law. We do not want to send the National Guard in to quell a disturbance, and in sending the National Guard to some specific area to quell a disturbance where a riot has developed because of someone's protesting the violation of his civil rights, where they proclaim their effort to be one in which they want to exercise their civil rights, we do not want further to tie the hands of the National Guard. Are they while acting under orders going to be guilty of an infraction of this act?

We do not want to point an accusing finger or to diminish law enforcement by local law enforcement personnel, nor do we want to tie the hands of the National Guard, who conceivably in the future, as they have been in the past, could be charged with the responsibility of suppressing some disturbance which has come about as an outgrowth of someone entering into a protest attempting to exercise legislated civil rights or participating in a civil rights demonstration.

I do not believe it will actually add to or take from the bill to strike this wording. It seems to me we are removing the pointing of a finger of doubt and distrust at local law enforcement officials, and we ought to pass the amendment. If we do not want to point an accusing finger at law enforcement officials we should delete this language.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

May I point out first, exactly what the gentleman's amendment tries to accomplish. On page 6, line 10, after "whoever" he would strike the words "whether or not acting under color of law." Those are the words his amendments would strike.

May I point out to the Committee that the words "acting under color of law" are words of long standing, which have been on the statute books of the United States since 1870, title 18, United States Code, section 242. The objective and purpose of including the phrase "under color of law" is to prohibit police officers, sheriffs, and others who have authority to act under the law, from joining in with mobs, crowds, and others and helping violate and take away the constitutional rights of individuals. That is the reason why the phrase is in the bill.

That is what the chairman yesterday explained to the gentleman from Louisiana.

The Supreme Court has often pointed out that officials acting under color of law constituted "state action" under the 14th amendment and gave the Federal Government the authority to move in.

All that we want to do here is to say that no police officer, no constable, and no other person acting under authority of law can come in and by force or threat of force injure, intimidate, or interfere with an individual while he is engaging in enumerated activities.

Hence, I believe the amendment should be voted down.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a question?

Mr. ROGERS of Colorado. I am glad to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Would the gentleman believe that the language of the legislation would be restricted in any way if we merely say, as I propose to do, "Whoever, by force or threat of force, knowingly" does these things? Does this not really include everybody, public as well as private?

Mr. ROGERS of Colorado. It would include everybody, but we also want to include and make sure that the sheriffs and those who have combined in the past to help deny people their constitutional rights can be indicted and punished under this provision.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

The gentleman from Louisiana conceivably might do a great deal of damage with his amendment. He would strike out the words "whether or not acting under color of law," on page 6, line 10.

The amendment might do a great deal of harm, because it would strike out those words. This conceivably might eliminate an official, namely a sheriff or any other law-enforcement officer, from being accused of violation of this act.

While it is true he uses "whoever," which is an all-embracive term, we want to nail it down to make it crystal clear that there is involved here not only the sheriff but the private individual also. There are innumerable cases where private individuals have been guilty of wrong-doing in the sense that they have deprived the other citizens of their constitutional rights on all levels of American life by force or violence or threat of it because of race, color, or national origin. We want to make sure that not only is the State official to be prevented from perpetrating these wrongs, but also private individuals.

There is another good reason for it. We have often referred in this debate to the old statute that goes back to 1870 and there are a number of others that seem to hold that private citizens are sacrosanct; that you could not touch him because in some way he was not acting "under color of law." There were two different statutes. The courts absolved those not acting "under color of law." Therefore, in order to make doubly sure and to avoid any ambiguity, we say "whoever, whether or not acting under color of law, knowingly" commits this violence is covered. So we say a private individual shall be held to the terms of this act and a State or local official shall not be held to the terms of this act. Grammatically the amendment may cover that, but legally there is a question. For that reason, because there is a question, we have to dissipate that question and we have to remove that doubt. You can only remove that doubt by specifically spelling it out and saying, as we do on line 10 of page 6, "whoever, whether or not acting under color of law."

We are not a lot of fools in the Judiciary Committee despite the observations and exclamations and connotations and all of the other things stated by the gentleman from Iowa. We have thought this thing out and have had any number of executive sessions last year. The House passed this bill with this exact language in it last year. We get rather impatient when you have observations made like those coming from the gentleman from Iowa and rather impatient with amendments of this sort, because we want to make clear that there is no ambiguity; that when a prosecutor sees this language he knows what his duty is and he cannot depart from it; that when a judge interprets the statute he knows what he has to interpret. It is crystal clear when we have the language as originally given to you; namely, "whoever, whether or not acting under color of law."

Mr. Chairman, I do hope that the amendment will be voted down.

Mr. MATHIAS of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment and to support the very able argument just made by the distinguished chairman of the Committee on the Judiciary.

A number of amendments that have been offered today have been offered with the hope, the express hope I should say, of adding clarity and precision to the bill. Well, certainly, that claim cannot be made for this amendment, because this amendment would do nothing more than to lower the impact of this legislation.

If the members of the Committee would

refer to the report of the Committee on the Judiciary which is published on this bill, I think the history and the background of the language we used will become clear, because on page 8 of the report the existing language is quoted under section 242, wherein there is set forth the traditional words of art, "under color of law," without the additional words which are included in this bill. As to the question of whether or not incorporating "under color of law" under previous court decisions, under the history of this particular section of law, there was some doubt as to whether both public and private sectors of activity were included. As we have progressed—and I do think there has been an advance and a progression—I feel we will do more to cover both public and private sectors of activity.

Mr. Chairman, this language that we have included in the bill makes that clear and precise and definite. If we were to strike this language, we would not be making any advance. It might be interpreted as a retreat.

Therefore, Mr. Chairman, I very emphatically support the argument which has been made by the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], and I urge the defeat of this amendment.

Mr. HUNGATE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard some rather serious statements made here during the course of this debate this afternoon concerning sheriffs of our country and their apparent collusion in the violation of civil rights. I would hope that anyone who has any information of this kind would get those names and areas into the record within the very, very near future, because I am certain that we will want to see that something is done about it. On the other hand, we did not want to malign the sheriffs of the United States or their organization without names and evidence to support it.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. I direct the gentleman's attention to the case of the United States against Cecil Ray Price. If the gentleman from Missouri will read that decision the gentleman will see that the indictment was based upon actions taken by Cecil Ray Price in Neshoba County, Miss., based upon "(1) a person who joined in with others"—

And, this is the objective of this legislation, to——

Mr. HUNGATE. I thank the gentleman from Colorado. We have one case, then. I have read that case, because it points out the fact that the criminal statutes have to be very particularly drawn and I have endeavored to do this in offering the previous amendment.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I would simply like to say that I offered this amendment with the firm belief that the language included in the bill as it is written represents an obvious effort to intimidate and to hinder and to retard the work of local law enforcement officers.

I think the discussion which has gone on since I offered the amendment permits me to conclude that I was correct in my assumption in offering the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE: On page 7, line 11, after the words "United States," strike remainder of line 11 and all of line 12.

Mr. HUNGATE. Mr. Chairman, this amendment would do one thing and one thing only: It would eliminate the application of this bill to petit juries and grand juries at the State and local level. That is precisely what my amendment, if adopted, would do. If you favor the Federal Government selecting those jury panels at the State level, then you would be against my amendment.

If you think the Federal statute should relate to Federal jurors only, then you would favor my amendment.

Mr. Chairman, I ask unanimous consent that all debate on this proposed amendment cease in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman.

Mr. CELLER. In other words, your amendment would have the effect of providing that this bill would not apply to jurors who are on State court juries, but would apply only to jurors in Federal courts?

Mr. HUNGATE. I believe that states the purport of the amendment.

Mr. CELLER. Does the gentleman not believe that the terms of the bill should be applicable to those who may serve on State juries, as well as those who may serve on Federal juries?

Mr. HUNGATE. Mr. Chairman, my philosophy would be that the Federal court should regulate the Federal juries, and that the State government should regulate the State juries. As far as I can ascertain, that is the feeling of the State justices, and State officials. We have had this problem before us on other occasions.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Would the gentleman not want to protect an individual who may be summoned to serve as a juror on either a State petit or a grand jury, or as a witness in a State court when someone comes up to him and says, "Now, look, if you go down to that court and testify as a witness, or if you go down there and serve in that court on that jury I am going to beat you. Because of your color, and your race, we do not want you down there."

Does the gentleman not believe that protection should be extended in that situation?

Mr. HUNGATE. Mr. Chairman, I thank the gentleman for making that inquiry. As a philosophical matter, I would protect the rights of people everywhere, of whatever creed, color, race, or religion, but as a practical matter I believe the Federal Government has plenty to do in administering the Federal criminal laws that we have, and in doing this, and handling Federal juries equally. This is simply a matter of preference.

In my opinion I would like to say that I believe the jury system in the 50 States is excellent, and it used to be the philosophy that because each of our States was separate each of the States could experiment, and they did not all have to do the same thing, and because of this the various States have made various improvements through following this system. And in my opinion one inherits the jury system of a State, just as you inherit its its climate and geography, when you go to that State.

Mr. ROGERS of Colorado. The gentleman says the philosophy is all right as far as applying to the Federal Courts, but that the gentleman does not want the same philosophy to spill over into the State Courts?

Mr. HUNGATE. Evidently I did not make myself clear. As a matter of philosophy, it would cover Asia, Africa, India, but as a practical matter here we are concerned with Federal juries and Federal law.

Mr. ROGERS of Colorado. Does the gentleman not recognize that people may be threatened or intimidated from attending courts or acting as juries when summoned as jurors, or when summoned as witnesses; does the gentleman not believe they should be protected, regardless of what court, State or Federal, they may be in?

Mr. HUNGATE. I believe that when we get to regulating all of the State juries with the Federal Government, then we are going to need a larger apparatus, and a much larger number of people who will be involved in areas with which they are not familiar, than we have ever seen in the past. I believe it would cause a great deal of bedlam.

I believe the States have the duty to protect the rights of their citizens, and I do not believe some of the provisions in the bill here will help protect those rights. I prefer to have the State courts administered at the State level. If you will give me the power to regulate those State juries, that is all the power I want.

Mr. MATHIAS of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. Yes, I yield to the gentleman from Maryland.

Mr. MATHIAS of Maryland. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I appreciate the gentleman yielding to me, but it seems to me that the gentleman's amendment would produce a ridiculous result.

For example, in the city of Baltimore

the Federal courthouse is on one side of the street, and the State courts are on the other side of the street in the city courthouse. How ridiculous it would be if you could not intimidate or threaten the jurors who are going over to the east side of the street to the Federal courthouse because they are protected under this act, but that those jurors going over to the west side of the street into the city courthouse would not be protected.

Mr. HUNGATE. If the gentleman will pardon my interruption, is the gentleman stating that that condition exists in the State of Maryland?

Mr. MATHIAS of Maryland. I merely point out that the gentleman's amendment would invite such a possibility in any one of the 50 States of the Union.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair recognizes the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems to me we want to prevent people from being denied rights which are guaranteed by the U.S. Constitution. It seems to me specious that we say we protect them in their rights as Federal jurors but not as State jurors. It makes no more sense than to say that we are going to protect people's right to vote in a Federal election, but not in a State election.

In order to stop the violence and intimidation that is being used against some people in some parts of this country, and who are being denied their rights, I hope that this amendment is defeated.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman.

Mr. McCULLOCH. Mr. Chairman, I am pleased to join in the statement made by the gentleman from California [Mr. CORMAN].

Mr. Chairman, this amendment will weaken the bill and there will be no protection against intimidation of State jurors in State courts in these fields if the amendment is adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, I, too, join with the members of the committee, with the exception of the gentleman from Missouri [Mr. HUNGATE], of course, in opposition to his amendment.

As has been pointed out, the only objective of this legislation is to protect an individual against force or the threat of force because of his race, color, creed, political affiliation, or national origin.

The objective here is to see that the same rights are available to those who are summoned to jury service, grand or petit, in any court of any State. That they shall not be subjected to this harassment, and if they are, then there shall be punishment by the U.S. Government.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the other gentlemen who have preceded me in opposition to this amendment have stated, the amendment would clearly treat jurors or those who would be serving or attending upon any court, differently if they were going to be prospective jurors in State courts or prospective jurors in Federal courts. I can see no reason for a distinction here.

We seek to protect the individual who may be serving or attending upon any court. We do not want to exempt from protection from any injury that might occur to an individual who would be going to a State court and only punish those who assault prospective Federal jurors.

Therefore, Mr. Chairman, I think the gentleman's amendment is out of order and certainly not within the intent of protecting those who would be doing service as jurors, and for that reason, I urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER] to close debate on the pending amendment.

Mr. CELLER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. HUNGATE].

The amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 9, line 9, after the last word, strike the period, insert a semicolon, and the following:

"Provided, however, that nothing within this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the legal duties of his office and no such officer shall be considered to be in violation of this act for carrying out the duties of his office or enforcing lawful ordinances and laws of the United States, the several States, or their political subdivisions."

Mr. THOMPSON of Georgia. Mr. Chairman, the amendment which I propose is a sincere effort on my part to provide a measure of assurance and protection for the local law-enforcement officials who are endeavoring to carry out the legal and lawful duties of their office.

I have a sincere and genuine desire to assure to each person equal rights and equal opportunities and I hope that no person in this body will construe my amendment as in any way detracting from those basic principles.

However, I do very strongly feel that the law-enforcement officers may be placed in an almost untenable position by the enactment of this law unless we grant to them certain defenses from abuse of prosecution, though not likely to occur, but which certainly could occur because of the emotional application of this bill which we are considerng.

Let me give an example. Let us assume that there is a group of Negroes approaching the Capitol. They have every right to come into this building. They number 300 or 400. They are led by some black power leaders whom the Capitol Police recognize as having participated in certain militant activities. The Capitol Police are concerned about maintaining law and order in this building. The Capitol Police then, by force, and knowing these people and because of their race, forcefully prevent these individuals from entering the Capitol premises.

I would like to submit to you that under this bill the police would be guilty of a violation of this bill we are considering and would be subject to the penalties described herein.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Florida.

Mr. CRAMER. As I understand the amendment of the gentleman from Georgia, it would take the Wright amendment, which dealt with the subject of riots as it relates to law-enforcement authorities, and it would expand that to include any illegal act being committed, or any effort on the part of the police relating to any criminal law in carrying out the policeman's duties as a law-enforcement officer, and it would not limit it only to riots. It would apply as to any lawful activity in protecting citizens and carrying out the law by any law-enforcement officer.

What the gentleman is doing is taking the Wright amendment and expanding it to all activities of law-enforcement authorities and, by so doing, we would not get the Federal Government into the middle of a fight between local law-enforcement authorities and the Federal authorities every time an officer arrests someone or tries to enforce the law at the local level. Is that not what the gentleman's amendment does?

Mr. THOMPSON of Georgia. In general, that is true. However, there are certain distinctions we should draw between the Wright amendment and my amendment. The Wright amendment prescribes certain penalties for a person attempting to interfere with a law-enforcement officer. This amendment in no way detracts from the bill. It simply provides a defense for a law-enforcement officer who has been charged with the violation of this act. That defense is that he was engaged in the lawful duties of his office, and in such, he incurred a violation of this particular act.

Mr. CRAMER. If the gentleman will yield further, I will say to the gentleman the purpose of the gentleman's amendment is precisely what I recommended to the committee. I recommended that they write "lawfully" into the bill so that the Federal Government would not get injected into disputes over whether local law-enforcement authorities were properly exercising their duties. Otherwise they would get involved.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Georgia.

Mr. FLYNT. I, of course, support the amendment offered by the gentleman from Georgia. However, I think he has one word in his amendment which is self-defeating as well as being surplusage, and that is the word "lawfully" as it applies to ordinances and laws of the United States and the several States.

At the proper time I shall offer an amendment to strike the word for this

reason. All laws and all ordinances, State, Federal, and municipal, are presumed to be lawful until and unless they are declared to be unconstitutional—not unlawful but unconstitutional. They are all lawful, and I think the inclusion of that word in the gentleman's amendment is not only surplusage but is dangerous.

(By unanimous consent, Mr. THOMPSON of Georgia was given an additional 2 minutes.)

Mr. THOMPSON of Georgia. I would like to say this: I specifically included "lawfully," for I do not desire to have any sheriff or marshal attempting to enforce or use as a defense an ordinance which has been declared unconstitutional and is therefore an unconstitutional ordinance.

I concur with the comments of the gentleman from Georgia. I am fully cognizant of this, and that is the purpose I put the term "lawful" in there.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from New York.

Mr. MULTER. Mr. Chairman, what the gentleman actually is doing by his amendment is striking out on page 6, line 10, "Whoever—acting under color of law"? Is that not in effect what the gentleman is doing?

Mr. THOMPSON of Georgia. No, sir. This is not correct at all. What I am doing is providing a defense for a law officer who may have been charged with violating this. His defense, would then be he was engaged in lawful duties of his office, carrying out a lawful ordinance.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, has the gentleman compared his amendment with the ones that have been adopted, particularly the one by the gentleman from Texas [Mr. WRIGHT]?

Mr. THOMPSON of Georgia. No, I have not. If the gentleman will allow me, the amendment offered by the gentleman from Texas [Mr. WRIGHT] prescribes certain penalties for persons interfering with law enforcement officers. My amendment provides a defense for law-enforcement officers who may have unintentionally run afoul of this particular law. As an example, I gave the example where there are demonstrators coming into the Capitol. This is a measure to provide protection for our law-enforcement officers, who are trying to carry out the duties of their office.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Chairman, I support the amendment offered by the gentleman.

The gentleman hit the nail on the head with what he said just then, that what he is trying to do is keep people from attempting to enforce ordinances or laws which had previously been declared unconstitutional. I do not think any law-enforcement officer would attempt to do that.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Georgia [Mr. THOMPSON] be reread, because we have only one copy here, and I am not sure that the copy is accurate.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Georgia [Mr. THOMPSON] will be reread.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 9, line 9, after the last word, strike the period and insert a semicolon and the following:

"*Provided, however,* That nothing within this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the legal duties of his office. No such officer shall be considered to be in violation of this Act for carrying out the duties of his office or enforcing lawful ordinances and laws of the United States, the several States, or their political subdivisions."

AMENDMENT OFFERED BY MR. FLYNT TO THE AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. FLYNT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Georgia [Mr. THOMPSON].

The Clerk read as follows:

Amendment offered by Mr. FLYNT to the amendment offered by Mr. THOMPSON of Georgia: Before the word "ordinances" strike the word "lawful".

Mr. FLYNT. Mr. Chairman, this is the amendment to the amendment which I discussed in my colloquy with my colleague from Georgia [Mr. THOMPSON]. I would like to say this is not merely a question of semantics. It goes to the very heart of the amendment which the gentleman from Georgia has offered.

First, let me inquire of the gentleman from Georgia, since I do not have the amendment before me, does he have a comma after the word "ordinance" or does the word "lawful" go beyond to the word "and" and the words that follow?

Mr. THOMPSON of Georgia. Mr. Chairman, I would ask that the Clerk may read that, because I do not believe there is a comma.

The CHAIRMAN. The Chair will state to the gentleman that there is no comma in that place.

Mr. FLYNT. Mr. Chairman, then the language as it would be construed would apply to "lawful laws", and, of course, that is redundant. It is surplusage.

In the sense and in the context in which the word is included, it could be self-defeating of the very purpose of the amendment of my colleague from Georgia. In this connection, I ask the gentleman if he will not agree to the inclusion of this amendment, because my purpose is to help his amendment and to strengthen it.

Mr. THOMPSON of Georgia. I appreciate the gentleman's help and efforts. However, I feel that the word "law" is actually a part of this, as well as "ordinance", because I do not desire to see any person attempting to enforce an ordinance which has been declared unconstitutional, and use that as a defense against prosecution under the act. I want to be certain that if a law enforcement officer is attempting to carry out a lawful ordinance or law he will be able to use that as a defense against prosecution.

Mr. FLYNT. Would the gentleman agree with me that if the constitutionality of a law or an ordinance is tested in the courts and it is subsequently held to be unconstitutional, the question which raises constitutionality goes to the initial application of the ordinance or statute, and it is void ab initio. It is not simply voidable, but if it is unconstitutional it is void from the moment of enactment.

Mr. THOMPSON of Georgia. I would concur. However, I would say an officer who is enforcing an ordinance which has not been declared unconstitutional would have a valid defense under this particular act. Once the act is declared unconstitutional it is then stricken from the lawbooks. It is still a law, although invalid law.

Mr. FLYNT. It ceases to be a "law" once it is declared unconstitutional by every interpretation. It ceases from the very moment of enactment to be law or ordinance. The action declaring it unconstitutional is retroactive.

The language of the original amendment would place an undue and unnecessary burden on law enforcement officers to determine and to sit in judgment on the constitutionality of statutes and ordinances. This undue burden should not be imposed upon a policeman or other law enforcement officer.

The very existence of an ordinance or law presumes that it is lawful, and lawful it is until it is declared unconstitutional. It is not a question of it being declared unlawful, it is a question of it being declared unconstitutional from its inception.

For this reason I hope that the amendment to the amendment will be adopted, rather than to impose an undue burden on law-enforcement officials.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. What the gentleman is saying is that if a police officer acting under an illegal or unconstitutional ordinance should carry out his duties and responsibilities under that ordinance, then under no circumstances could he be punished under the provisions of this bill.

Mr. FLYNT. That is correct. But if the amendment is not amended by my amendment, he would be subject to being punished for carrying out his duty, his lawful duties as they exist at that time.

Mr. JACOBS. Mr. Chairman, I rise in opposition to the amendment to the amendment.

I agree with the gentleman from Georgia that it is quite dangerous to say that no matter what ordinance is passed in what town or what hamlet any place in the United States the mere passage of that ordinance insures police officers and other local authorities from any kind of prosecution under this act, no matter how unreasonable that ordinance is.

In my own city of Indianapolis in 1946 they got the city council together in a

huff and they passed an ordinance prohibiting the passing out of handbills merely because some union was on strike and passing out handbills at the time.

It seems to me that the deletion of the word "lawful" would open the door very wide not only to local police officers but also to local councils to work through local police officers to destroy the very meaning of this legislation we are seeking to pass.

For that reason I certainly must oppose the amendment to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. FLYNT], to the amendment offered by the gentleman from Georgia [Mr. THOMPSON].

The amendment to the amendment was rejected.

Mr. MACGREGOR. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Georgia [Mr. THOMPSON].

Mr. Chairman, I do so reluctantly. I appreciate the motive of the gentleman from Georgia in offering this amendment. That motive, I am sure, as he has expressed it to me, is to make absolutely sure that not only in carrying out the purposes of this act but in all other purposes it should be clear that law-enforcement officials are not to be harassed in the performance of their duties.

However, I have carefully read this amendment, and I find the language:

No such officer—

Referring to a law-enforcement officer—

no such officer shall be considered to be in violation of this Act for carrying out the duties of his office.

Mr. Chairman, as concerned as many of us are—and hopefully a great many of us are—about the full and free exercise by all Americans of their constitutional rights, there are also those of us in this Chamber who are concerned about excessive zeal on the part of law-enforcement officers. It is within my personal knowledge that on more than one occasion officers have conducted themselves in carrying out their duties in such a fashion that they should not be protected by this legislation or by any other legislation.

Mr. Chairman, we want to give every encouragement, every protection, every inducement to law-enforcement officials fearlessly and fairly and with compassion for all to carry out their duties. However, we do not, I am sure, wish to write into this legislation any language that could provide aid and comfort to those very few law enforcement officers who do not operate as law enforcement officers should, but who in fact on limited occasions—and I stress that in my knowledge they are very limited—use an excess of zeal and an excess of force and should not be protected in that sort of conduct.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MACGREGOR. I yield to the chairman of the committee.

Mr. CELLER. Last year and in all of the deliberations we had on this bill, did you find any real concern that police officers would not be properly protected by this bill?

Mr. MACGREGOR. I found none, Mr. Chairman.

Let me state again and let me emphasize again that the insertion of the word "lawfully" as the Committee on the Judiciary did insert it on the suggestion of the gentleman from Florida [Mr. CRAMER], makes it crystal clear that the only protection we afford in this bill to people seeking to exercise their eight enumerated constitutional rights is the protection that extends to those who are lawfully exercising those constitutional rights.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. If the amendment to the amendment of the gentleman from Georgia [Mr. THOMPSON], carried striking out "lawfully," I would agree with the gentleman from Minnesota. That is why I voted against striking out "lawfully." The act done by the officer must be lawful. If he exceeds his authority, that is unlawful. That is why I supported inserting "lawfully," and that is why I think the amendment of the gentleman from Georgia now is sound. It does not do what the gentleman suggests, because the action on the part of the officer has to be lawful. If it is excessive, it is not lawful. I think there is adequate protection, but I think we have to make certain that the Federal Government is not injected as a referee every time a local law enforcement officer takes action necessary to carry out the law so long as that act is lawful.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MACGREGOR. I yield to the author of the amendment, the gentleman from Georgia [Mr. THOMPSON].

Mr. THOMPSON of Georgia. Mr. Chairman, let me say that I think probably we both have not a meeting of the minds necessarily but the same purpose and intent. I want to protect a law-enforcement officer who may not be as qualified to judge whether he is in valid exercise of his duties or should prevent people from coming to the Capitol or not coming to the Capitol, but because of the fact that he is lawfully engaged in the duties of his office and enforcing valid ordinances, I think we should allow him to have that as a defense against prosecution under this act. That is all it does. It does not exclude this but simply provides a defense he may put up to prosecution under this act, that he was engaged in enforcing a valid and lawful ordinance.

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it would seem to me it is very likely that if this legislation is enacted into law the first place that it will have its chance to be put into operation is here at the Capitol of the Nation. I think most of us will agree that Dr. Martin Luther King—most Americans will agree that he is a responsible, temperate, and moderate civil rights leader.

Some of us were quite shocked over the inflammatory statements that he made yesterday in Atlanta, Ga. To me it is a little bit significant that those statements were made at the time that this Congress was considering this legislation, when he, Dr. Martin Luther King, called upon the people of America who support his position to manifest their position by massive civil disobedience.

Dr. King further stated that he would personally lead massive general strikes and demonstrations in the Nation's largest cities; that all of this would take place in the period of the next 4 months; he said we would begin in Washington.

Mr. Chairman, it leads me to question the direction in which we are headed with this legislation.

Dr. Martin Luther King states this: that one of the possibilities is that we will have a sit-in at the Department of Labor.

Mr. Chairman, I think we must admit that we are getting into the twilight zone and the gray zone with respect to the right of the guards down at the Department of Labor and those guards here on Capitol Hill and our Capitol Hill police and also in every Federal building within the District of Columbia and in every State or municipally owned building in the country.

Now, let us reconsider this matter. If this gentleman who has been considered a moderate and a responsible civil rights leader—not that we do not have a few more responsible civil rights leaders—Dr. Martin Luther King who I must say to you has been a symbol in that direction, if he brings to Washington what he said he was going to bring, a massive demonstration and a sit-in at the Federal buildings of this Nation in the exercise of civil rights, how are we going to meet that threat?

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. LENNON. Not at this time. It does give me and I think should give these distinguished members of this great Judiciary Committee—fine, able, outstanding lawyers of the country—concern. We are going to get into the twilight or gray zone in our efforts to maintain a semblance of law and order here at the Nation's Capital. I think we should seriously consider this question. I am hopeful that the distinguished chairman of this committee, the gentleman from New York [Mr. CELLER], and his counterpart, the ranking minority member, the gentleman from Ohio [Mr. MCCULLOCH], will see fit to communicate with Dr. Martin Luther King and other responsible civil rights leaders and caution them that they may bring this act into play, assuming that it is enacted into law and becomes law within the next 2 or 3 weeks, as Dr. King projected in his statement.

He said very frankly that the organization of the Southern Christian Leadership Conference will take a new turn, a new direction, and new tactics.

My friends, I believe that we are faced with being impaled not on the horns of one dilemma, but on the horns of two dilemmas. It is rather odd to me that he should make this statement and take this change in his course of direction yesterday, knowing that the House was

considering this legislation today. Is it a threat? Is he saying to the men and women of the House of Representatives that they must respond to what he wants with respect to this legislation? I hope not, but I cannot help but believe that that connotation is there.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman.

Mr. MACGREGOR. Mr. Chairman, having the high regard which I do for the character and the ability of the gentleman from North Carolina, I would like to ask this: Is the gentleman suggesting that a massive sit-in, one which obstructs the operations of the employees of the Department of Labor, would constitute one of the eight protected activities in this bill?

Mr. LENNON. No, but the gentleman will note in subsection 3 that it relates to all public facilities owned by the U.S. Government, and the Labor Department, where the sit-down is now planned, is a public facility belonging to the Federal Government, just as are almost three-quarters of all the buildings here.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. MACGREGOR, and by unanimous consent, Mr. LENNON was allowed to proceed for 1 additional minute.)

Mr. LENNON. The point I am concerned about, my friend, is the fact that are we going to in a sense handcuff these people that work here as Capitol policemen, and guards in these other buildings, because how can they distinguish?

The gentleman may say, well, a man may lie down or sit down, that may be true, but he does not have to do that to be an obstructionist.

Mr. MACGREGOR. I certainly do not want in any measure to be a part in passing a bill that will make it impossible or even very difficult for the guards to carry out their duties in the different buildings throughout the District of Columbia, but I would like to know how a sit-in could qualify for coverage under the language of section 3, where it says "participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States."

Mr. LENNON. I would say to the gentleman that having read the bill and knowing a little bit about human nature, if they march on any building in Washington they will not have to get in and sit there before we have a problem with them. The gentleman knows that, and the gentleman knows that the temper of the people here in Washington is such today that there is going to be hesitancy in enforcing this law if this law is in effect at that time.

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. THOMPSON of Georgia. Mr. Chairman, I ask unanimous consent that an inadvertent error be corrected in the amendment.

In the last section it says "violation of this act,". It should read "violation of this section," in order to be consistent with my language throughout.

Also, Mr. Chairman, I have used "lawful duties" throughout, and in the phrase which says "for carrying out the duties", I would like the word "lawful" inserted prior to the word "duties".

So that the section will now read, and I will read it:

Provided, however, that nothing within this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the lawful duties of his office and no such officer shall be considered to be in violation of this section for carrying out the lawful duties of his office or enforcing lawful ordinances and laws of the United States, the several States, or their political subdivisions.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. THOMPSON].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 74, noes 42.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RARICK: On page 9, line 19, after (b), strike out lines 19, 20, 21, and 22, and insert:

"(b) Section 242 of title 18, United States Code, is amended to read as follows:

" '§ 242. Deprivation of rights under color of law

" 'Whoever, under color of any law, statute, treaty, ordinance, regulation, or custom (including any order, rule, or regulation issued by the President to apply measures which the Security Council or General Assembly has decided, or may decide, pursuant to chapter 41, or any other chapter, of the Charter of the United Nations, are to be employed to give effect to its decisions or resolutions under such charter, or otherwise), willfully subjects any inhabitant of any State, District, Commonwealth, territory, or possession of the United States to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and if death results shall be subject to imprisonment for any term of years or for life.' "

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane in that in the bill before us all we do with reference to section 242 is to amend the penalties.

But in the amendment as offered by the gentleman from Louisiana the entire section and substance of section 242 of title 18 of the United States Code is added to the bill.

This amendment is purely extraneous matter so far as the bill is concerned and it has no relevancy.

Reference is even made in that section to the United Nations, and of course the United Nations has no relevancy to this act and to the issues that we are debating.

Mr. Chairman, for these reasons I ask that the amendment be declared out of order.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. RARICK] desire to be heard on the point of order?

Mr. RARICK. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. RARICK. Mr. Chairman, the bill before us today in subsection (b) does provide for amendment by additional penalties under section 242 of title 18, United States Code.

In substance the amendment that I have offered only provides that in addition to the penalties against States and State officials acting under color of law, an American citizen may also have his constitutional rights denied him by treaties and orders, et cetera, emanating from the United Nations and from other sources.

Therefore, Mr. Chairman, I certainly feel that the amendment is germane and I would ask the Chairman to so rule.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule. The Chair has had an opportunity to examine the amendment of the gentleman from Louisiana, and he feels that it goes well beyond the proposition before the House and adds additional penalties to title 18, section 242, which are not germane to the bill. He therefore sustains the point of order.

AMENDMENT OFFERED BY MR. WATSON

Mr. WATSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATSON: On page 8, line 9, insert the following subparagraph:

"(9) the conduct and operation of his business; or—".

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes in support of his amendment.

Mr. WATSON. Mr. Chairman, and Members of the Committee, I shall not take the 5 minutes. I think the amendment is quite clear and self-explanatory to everyone. Frankly, I had a little misgiving as to whether it was germane. However, after the able argument of the gentleman from Texas in support of his amendment and the wise ruling of the Chair in reference to the germaneness of that amendment, I am happy to say that now I am confident there is the germaneness and that the amendment should be properly considered.

We have some eight specific acts listed in the bill that are, according to law, malum prohibitum. All I am trying to do in this amendment is to protect the civil rights of businessmen against intimidation and harassment. We have under the provisions of this law the protection of those who are interested in civil rights from intimidation, harassment, and interference with their rights. The only thing we are asking now is to turn the coin over and give the legitimate businessman who is conducting a business in a lawful manner the same protection against harassment, intimidation, and interference from so-called civil rights advocates who will disrupt the legitimate business operator. It is just as simple as that. Protect the rights of all.

I hope we will go along with this amendment and show the people who have been so intimidated and harassed that we are concerned about the civil rights of the businessman as well as the

civil rights of the man who would take to the streets in order to protect his interests.

I hope that the chairman of the committee again has studied this amendment and that he will go along and say that we want to treat everyone fairly. Certainly we do not want to permit harassment or intimidation to anyone, although he might be someone who was out trying to make a living legitimately and giving employment to American people instead of demonstrating in the streets and causing general disruption of civil law and order. Let us not reward the troublemaker while ignoring the interests of the businessman.

The CHAIRMAN. Does the gentleman from South Carolina yield back the remainder of his time?

Mr. WATSON. Does the gentleman from New York wish me to yield to him? If so, I would be happy to do so and perhaps we can expeditiously conclude consideration of the amendment.

Mr. CELLER. I wish to take my own time.

Mr. WATSON. Then I yield back the balance of my time.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment, which would create a new Federal right, the right to operate a business or a profession. Unlike the eight activities enumerated in the bill, which are already guaranteed by the Constitution or existing Federal statutes, engaging in a business or a profession is not itself a presently federally protected activity.

The unconstitutionality of this amendment is quite clear. Such a provision certainly should not be enacted without exploring the Federal interest. We have had no opportunity to do that at all. There is a possibility of a connection with interstate commerce, but we do not know of this. We have had no hearings on this particular provision. The connection between business and profession and interstate commerce is not clear by the amendment itself. Therefore, I believe that the provision is unconstitutional.

Beyond that, the amendment would be far reaching. I ask this question: Should the Government regulate professions and businesses? That is what the implications in the amendment are.

I say to those who are addicted to States' rights to beware. For example, shall we seek to go into the nooks and crannies of every business? Are we going to regulate accountants and other professional men like lawyers, doctors, psychiatrists, and all others who are in business, such as fortune tellers, engineers, butchers, bakers, candlestickmakers, chiropodists, grocers, public relations counselors, beauty parlor operators, and opticians?

I do not know where it would stop. Yet the gentleman wants us to attempt to regulate all business and professions and wants us to put the halo of protection around them. For those reasons—and many others which I could conjure up later—I hope the amendment will not prevail.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Chairman, I am not sure I heard correctly my esteemed colleague, but he made a reference that I intended my amendment to license all these businesses. Am I wrong in concluding that under the Federal Constitution a man might have pursuit of happiness, and that might include operating a business? I am not seeking to control the business. I am only saying since we are protecting the civil rights worker from intimidation and harassment and interference, is it not equally fair that we protect a businessman against intimidation, harassment, or interference on the part of another citizen as long as he is operating his business lawfully?

Mr. CELLER. Mr. Chairman, I would say it might surprise the gentleman to know that there is no Federal law that permits or licenses one to enter into business. That is generally a right conferred by the State and not by the Federal Government. That is why I direct the attention of the gentleman to the fact that this is an unconstitutional provision, and very dangerous provision. It may seem innocent on its face, but it is not. It could raise all manner and kinds of difficulties to enforce this kind of statute.

Mr. WATSON. Mr. Chairman, may I respectfully respond to my esteemed friend. There is nothing in my amendment concerning what kind of business a person might go into. It is simply to protect him in the conduct of that business, which I assume will be licensed by the appropriate city, county, or State authorities. This is not to license or control any business.

Mr. CELLER. The gentleman says "business or profession." That encompasses the whole waterfront. It takes in all those businesses and professions I have mentioned.

Mr. WATSON. I must confess I am interested in protecting anybody who wants to work.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from South Carolina [Mr. WATSON].

The question was taken; and, on a division (demanded by Mr. WATSON) there were—ayes 55, noes 69.

Mr. WATSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WATSON and Mr. ROGERS of Colorado.

The Committee again divided, and the tellers reported that there were—ayes 90, noes 90.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 6, line 14, strike the words, "because of his race, color, religion, or national origin".

On page 8, lines 15 and 16, strike the words, "on account of race, color, religion, or national origin".

On page 9, lines 1 and 2, strike the words, "on account of race, color, religion, or national origin".

The CHAIRMAN. The gentleman from Louisiana is recognized for 5 minutes in support of his amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I will be happy to yield to my friend from Ohio.

Mr. HAYS. I made a strong speech awhile back, 2 or 3 hours ago, about freedom of speech and about not closing off debate. Now, I did not want to overdo it. The chairman here seems to be a little reluctant. At this point I would like to ask unanimous consent that all debate on this amendment and on the bill close at 10 minutes to 6.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Chairman, reserving the right to object, how many amendments are pending?

Mr. HAYS. That is a good question. I was told two, but I do not know whether that is right. I would be glad if the Chair will tell us.

The CHAIRMAN. There are no further amendments pending.

Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WAGGONNER. Mr. Chairman, I have no intention of utilizing the 5 minutes allotted to me on this particular amendment.

This bill as proposed is supposedly a bill which will secure to certain individuals certain federally legislated rights and will prevent interference in their attempts to achieve or exercise these eight area of rights. Penalties are provided if someone knowingly injures, intimidates, or interferes because of race, color, religion, or national origin. Much has been said about equal treatment. If this is what we really mean then it is time to say what we mean and mean what we say. Let us provide the penalty for any and every reason. Delete race, color, religion, and national origin. If someone knowingly interferes why limit the causes? If you are really concerned about every man regardless of race you will pass this amendment. If not then you will continue to give preferential treatment to the Negro.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I will be glad to yield.

Mr. ROGERS of Colorado. You remember that heretofore we adopted the Anderson amendment which had political affiliation in it.

Did the gentleman purposely leave that out—strike that out?

Mr. WAGGONNER. No, I did not purposely leave that out. The amendment went to the desk before the additions. If the gentleman will accept the amendment, I would be glad to add it to mine.

Mr. ROGERS of Colorado. Well, would the gentleman yield for a unanimous-consent request that it be added to the gentleman's amendment?

Mr. WAGGONNER. I would indeed.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I would be glad to yield to the gentleman from New York.

Mr. MULTER. I am wondering whether or not if this amendment prevails, the

gentleman from Louisiana is prepared to support this bill?

Mr. WAGGONNER. I do not think there is any sugar which you could put on this bill to get me to support it.

Mr. MULTER. I thank the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I oppose the amendment which has been offered by the gentleman from Louisiana [Mr. WAGGONNER]. We are here because of the racial tensions and the racial prejudice. Negroes are in despair; which despair flows from the fact that they are denied their rights under the 14th amendment on the basis of their race and their color. If we knock out the words "race or color" from this bill, we practically take the whole guts out of the bill, the very reason and purpose for the bill, race, religion, and national origin.

Therefore, Mr. Chairman, the gentleman from Louisiana offers an amendment which would only destroy this bill. I cannot conceive how there could be any vote for it. For that reason, it should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MCCLORY].

Mr. MCCLORY. Mr. Chairman, I just want to reiterate my support for this legislation and to express the hope that we will keep in mind the purpose of this legislation.

Mr. Chairman, this is a very difficult atmosphere under which we are debating this legislation today, I might say, and I have noted a great emphasis upon some of those who have abused their civil rights and who have done a disservice to the cause of civil rights. There has been a great discussion as to Stokely Carmichael and Rap Brown before this House.

I would like to say that this legislation is intended to assist those millions of persons who because of their color have been deprived of an opportunity for a job or for service on a jury or the right to vote or the right for a public education. It was for that purpose that this legislation was introduced.

We are trying to aid and assist them in the exercise of their constitutional rights.

Therefore, Mr. Chairman, I urge support of this legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. Chairman, after hearing and analyzing Dr. King's statement last night, it is my opinion that he be flushed out. These so-called clergymen better quit hiding behind the Lord's coattail. If they are going to be Communist sympathizers—let them say so. Let's have the FBI ferret these men out.

For the past year or so I have felt an inner urge to speak out on the subject of law enforcement. In view of what has transpired in the entire area of law enforcement during this period of time, I can no longer fail to speak.

I have been reluctant to add to the present confusion and until now I have held my peace, but in good conscience I can do so no longer. The brief remarks that I am about to make are not directed entirely at the Negro community, although in view of recent happenings in Newark and Detroit, it would perhaps be convenient to do so. It seems to me, however, that the problem is not entirely one of race, nor even, sir, of law enforcement, but—more to the point, one of awareness of law itself.

I ask the simple question—How long can a society go on thumbing its nose at law and order? Have we lost forever the youth of yesterday who had an appreciation for the "cop on the beat?" Have we reached the stage where the man who wears a blue coat and a badge is no longer respected at all? I find it difficult to believe that this Nation has changed to the extent that no one feels a respect for this man who is burdened and charged with the maintenance of law and order on our streets.

I admit, Mr. Chairman, that my view of this man in blue may be tinged with my own experience. In military service, part of my time was spent as a provost marshall—later I served as a chief of police—in total some 15 years of my life has been devoted to law enforcement. And I guess that is why I felt the need to speak out now in behalf of the men who are protecting our homes and property.

I have walked the dimly lit streets of western Pennsylvania in the early hours of the morning. I have seen other men who were underpaid and overworked do the same. I know not how many other Members in this Chamber have done so—but I have and I know of what I speak. I have watched family men dedicated to the protection of life and property take their chances—sometimes with drawn revolvers risking their own life to protect the life of others. At least in my days of law enforcement they earned the respect of the community and its children if not the material rewards that other occupations provide.

Now we face a society that has no respect for these men who allow all of us to sleep safely in our homes. We not only fail to respect them, we fail to pay them adequately and I have serious reservations about how we provide for their widows and orphans after they have fallen in the battle of protection of your life and mine.

We truly have heroes in the war in Vietnam, they are men recognized for their work in the protection of liberty. We here, right in this Chamber, have provided the necessary financial protection for those who fall in the field of battle and that is as it should be. But what have we done for those who have fallen in the field of domestic battle? Twelve months from now, who will care for the widow of the police officer stomped to death recently? Will there be someone in this Chamber, or elsewhere, concerned a year from now with the firemen who were felled by the bullets of snipers? Will the suburbanite or the city dweller feel a responsibility a year from now for these men that we have lost?

We will give a proper and dignified military funeral for those men who have fallen in a far distant land. And well we should. But what will we do for law enforcement officers who have fallen in their line of duty? I know, as a former law enforcement officer that they well know the risks that they undertake when they pull the blue jacket over their shoulders. But does the citizen of the United States know? Does the man in the street—and more to the point for the future—does his child know that the policeman, sheriff, state trooper, FBI agent, Secret Service man is a friend—and not an adversary? Do they truly realize that this man is the one who maintains an ordered society?

Mr. Chairman, I find it extremely difficult to concern myself with the sociologists and the urban planners who charge the lawless society to our failure to appropriate enough funds. I cannot concern myself with the complexities of a modern urban society without considering that the feeling for an appreciation of law and order has been lost. A long time ago Patrick Henry stood up and declared, "Give me liberty or give me death." It is time for another declaration of liberty or death. We certainly cannot have liberty without order. We most assuredly send our law enforcement officers to their death without an ordered society. And none of us can enjoy liberty without order. All we can and will reap is death—death of devoted law enforcement men unless we find a new respect for the law and the man in blue.

Mr. Chairman, I hear the constant urgings of the bleeding hearts for greater and greater appropriations for a multitude of purposes, but in my opinion the money should be going to those who defend the society in which we live. Is not it time to consider Federal funds for local law enforcement training? Should not we consider increased salaries for the FBI and Secret Service? It seems to me that there are so many who are worrying about the underprivileged and disenfranchised—and they are there—but who is worrying about the cop on the beat?

Well, Mr. Chairman, there is one Member of the Congress of the United States who is. I do not pretend to be a social relations expert. I cannot claim to be an urban renewal man. I may not understand the total complexities of an urban society. But I understand one thing very clearly. I know that the officer who walks the beat right now in Baton Rouge or Seattle or San Francisco or Boston is defending me and my family. Our country might do well to worry about our domestic soldier in blue and compensate him for the job that he is doing rather than spend endless hours analyzing the causes that we must face some time from now.

Mr. Chairman, I suggest to the Members that the police of this Nation need greater respect—deserve far greater respect and substantially greater pay for

the risks they take. And if they have only one defender in this respected Chamber, I am very happy to claim that title.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Chair recognizes the gentleman from Minnesota [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Chairman, 3 years ago the Congress of the United States passed legislation which was rightfully hailed at that time and should be hailed today as one of the most forward-looking steps to implement the U.S. Constitution that the Congress has ever enacted. That was the Civil Rights Act of 1964.

This legislation H.R. 2516, passed the House last year. The bill we are now considering seeks to protect and guarantee to all Americans the utilization of those rights, services, and privileges spelled out in the Civil Rights Act of 1964.

Mr. Chairman, we have had a very extensive 2-day debate on this measure. Nine amendments have been adopted to this bill. The bill still carries out the intent of those who desired to provide guarantees of protection for those seeking the full exercise of the civil rights guaranteed under the 1964 Civil Rights Act.

Also, Mr. Chairman, the bill now clearly does not hamper nor restrict policemen and firemen and other public officials in carrying out their duties. This bill should receive an overwhelming bipartisan vote on final passage.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The Chair recognizes the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Chairman, just to give the Members an idea of how rumors can start, and how much misinformation can get around, the group that was here earlier this afternoon was given permission to meet in a committee room in the other building, and read a great petition about their wrongs, and so forth—and maybe there is some validity to them, I do not know—but at one place they said "Whereas, we only last week tried to present our grievances to the House, and we were driven out of the galleries by the police at the orders of the Speaker who said 'Kill the black so-and sos'," and some fellow in back of the room got up and said, "That's right, that's telling 'em, because I was there and heard Sam Rayburn say it."

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair recognizes the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I urge a favorable vote on the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, I yield back the balance of my time.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that this House, with traditional wisdom, will calmly and speedily approve this measure before us, H.R. 2516, which prescribes graduated penalties for forcible interference with any person engaging in or attempting to engage in the exercise of his legal and civil rights. The bill encompasses substantially the same provisions as those that were contained in the Civil Rights Act of 1966, which was approved in this House 1 year ago almost to the day.

In other words, the rights and privileges of all citizens, with which this bill is concerned, have already been granted to our citizens by previous laws, as, indeed, they were already pledged to all our citizens in the Constitution of this great country. The basic purpose of this measure is, as a matter of practicality, to make all citizens safer and more secure in their exercise of these rights.

In substance, this measure would make it a Federal offense for anyone to interfere with a person exercising his rights or privileges; for instance, to vote, hold a job, eat in a restaurant, serve on a jury, ride a common carrier, use public facilities, and receive the benefits of Federal programs.

Mr. Chairman, the objectives of this bill are not in any way intended to have limited application; the urgent need for this legislation is, in a regrettable sense, too obviously universal throughout the country.

Mr. Chairman, if we wish to give any real meaning to our past adoption of civil rights legislation, the passage of this bill is essential and it is especially so in this most critical period of our national history. Therefore, I hope that the House will resoundingly accept this bill without any unnecessary, extended delay.

Mr. KASTENMEIER. Mr. Chairman, passage of this bill will have little or no effect on the average American Negro. Inferior housing and education will continue unabated. Job discrimination will not be alleviated. Poverty will persist. This, however, does not make the bill or other civil rights legislation irrelevant. On the contrary, we will not be able to deal effectively with the problems of discrimination and poverty in reality until we have dealt with them on paper. Equally important is the symbolic significance of restoring confidence in Congress by Negroes. Unfortunately Congress dealt with the social conditions which gave rise to the riots by passage of an antiriot bill, defeat of a rat control bill, and continued emasculation of antipoverty legislation. To defeat this bill, even drastically amended as it is, now would only add insult to injury. I cannot honestly find any justification for opposing this bill. How can we expect Negroes to respect the law if we do not respect their basic rights as citizens? How can we condemn Stokely Carmichael and Rap Brown, on the one hand, while condoning interference with civil rights on the other?

While I support this bill I have many reservations about it, however. It is not as many claim a far-reaching civil rights bill. Besides its dealing with only one segment of a very complex problem it is significantly weaker than the bill passed by the House last year. Most important is the deletion from last year's bill of a section which would prohibit intimidation of Negroes who want to move into all-white neighborhoods. I also question the effectiveness of this bill in dealing with the problem of intimidation of civil rights workers. Let us not deceive ourselves; without vigorous enforcement this bill will be as much a deterrent to interference with civil rights as the antiriot bill will deter the riots in our cities.

In the final analysis the bill offers only a beginning and holds out a hope that significant legislation to combat housing discrimination, inferior education, and poverty in general will be forthcoming shortly.

Mr. HELSTOSKI. Mr. Chairman, I wish to state my firm support of H.R. 2516, a bill to provide Federal criminal penalties for forcible interference with federally created and federally guaranteed rights.

I am sure that this measure will be passed by the House by a substantial vote, but it would not have been necessary to consider this bill if the rights of individuals were respected.

Under this legislation it would be a crime to interfere with a person exercising his right to vote, his right to attend school, eat in a restaurant, hold a job, serve on a jury, ride a common carrier, use public facilities, and enjoy the many benefits as an American citizen. These rights were enacted into law by previously passed legislation. This bill is intended to make them safer to exercise them.

I have voted in favor of the passage of previous civil rights bills and I intend to vote for this measure. The enactment of this measure is long overdue.

It appears that local law enforcement officers are unable or, in some part of our Nation, unwilling to enforce the law guaranteeing equal rights to all persons; therefore, Federal legislation now becomes appropriate and necessary.

Actually there is still much to be done in this area. This bill gives us an opening for protection of civil rights workers and minority group individuals.

In passing this legislation we will be showing this Nation that we will protect the rights of the individual just as much as we need to protect our citizens from lawlessness. Each of these factors is essential to an orderly and responsible free society.

Mr. Chairman, in the total years of the existence of our Nation, American law has served as a shield to protect our citizens, and also as a sword to hit back at injustices and the capricious use of power or force.

This bill, H.R. 2516, would give real protection against both private and governmental wrongdoing to those lawfully enjoying their constitutional and statutory rights.

I commend this legislation to all of the Members of this House.

This legislation has long received and enjoyed the support of the Members of this House as a bipartisan program. It is for us to reaffirm this support today in the passage of this legislation.

It is my hope that this law will be seldom invoked, but should there be continued interference with the people who exercise their legal rights, it will be a tool that is readily available to discourage the criminal assaults which have gone unpunished in the past.

Under our definition and understand-

ing of justice, this legislation must be passed to curtail aggressive acts of physical violence.

Mr. VAN DEERLIN. Mr. Chairman, over the last 2 days, we have been debating what can only be described as a most modest civil rights proposal. H.R. 2516, the measure now before us, does little more than incorporate a single section of the more far-ranging civil rights legislation which was passed by the *House last year* but talked to death in the Senate.

That bill, approved in the House by a comfortable margin of 259 to 157, would have prohibited discrimination in the selection of State and Federal jurors, permitted the Attorney General to initiate school and public accommodations desegregation suits, opened some housing and—just as the bill before us now—protected civil rights workers.

These provisions presumably all were acceptable to a 3-to-2 majority of our colleagues on August 9, 1966—barely a year ago—when the legislation containing them was voted upon by the House.

They are all still acceptable to me, and I wish we were considering the entire package today, instead of the one meager fragment for punishing interference with the lawful exercise of civil rights.

I wonder how many of our Negro citizens will be directly helped by enactment of H.R. 2516. I will vote for it, of course, but it is a sadly inadequate proposal when matched against the injustices that still exist in American life.

Instead of eliminating these injustices, we seem determined this year to avoid the issue, by whooping it up for ineffectual plans to get the "bad guys," the flag burners and symbol shatterers, the Rap Browns and Stokely Carmichaels.

But I wonder, sometimes, if Rap Brown and his ilk are really worth all this attention. Are we not basically taking little men—pipsqueaks, if you will—and giving them a notoriety they never imagined, even in their wildest reveries, that they would enjoy?

We should begin to concentrate our energies on something other than sanctimonious preachings directed at the Browns and Carmichaels.

We should turn once again, as we did a few years ago, to a pursuit of a better life for all Americans, regardless of their creed or color. After all isn't that what we, as the elected Representatives of the people of the United States, are here for?

There are those among us, however, who apparently see the role of a Congressman in a different light. How else can we explain the obvious obstructionist tactics used yesterday?

I would like to advise my colleagues from the Deep South that their rearguard actions cannot for long stem the tide of human progress, and that despite some temporary setbacks the cause of decency and justice for all our citizens eventually must prevail.

Mr. CORMAN. Mr. Chairman, I rise in support of H.R. 2516. In recent years this Congress has taken significant steps to assert, in positive law, this Nation's faith in and adherence to the principle of full equality for all Americans.

Today we consider legislation to assure the protection of many of the rights so recently created or reaffirmed by legislation. We have approved laws dealing with racial discrimination in voting, public accommodations, employment, public facilities, and education. It is a truism to state that such laws are meaningless if they are not offered full and forceful protection from those who would defeat their exercise by means of violence or intimidation.

We have recognized and established the rights—now let us take the additional necessary step of pledging the Nation's law enforcement machinery to their protection.

Almost 100 years ago, after a violent civil war, Congress made efforts similar to those taken by this body in recent years to guarantee the rights of full citizenship to all our people. Much of the criminal legislation enacted at that time was defeated by judicial interpretation invalidating or severely limiting its scope. With that national defeat came a shameful relapse into a racial caste system that even now survives in some respects.

It is clear that we now have the opportunity to avoid the mistakes of the past and to reassert specific and appropriately severe criminal sanctions against interference with the exercise of civil rights. Recent decisions of the Supreme Court and other Federal courts offer assurance that the old hampering restrictions on Federal criminal power will not be applied to new legislation. We can be certain that the executive department will vigorously enforce this legislation. We have a unique opportunity to heed a tragic lesson of history and act upon what we have learned.

I urge that we take that action by promptly approving this needed legislation.

Mr. GILBERT. Mr. Chairman, in addition to the strengthening of sanctions against interference with civil rights contained in the provisions of this bill constituting a new section 245 of title 18, United States Code, I would like to call the attention of the House to the amendments to sections 241 and 242 set out in this bill.

The amendments increase the maximum penalties for violation of these provisions. The maximum penalties under these statutes as currently drawn are too lenient where a serious injury or death has occurred. Section 241 provides for a maximum of $5,000 fine or a 10-year prison sentence, or both. Under section 242, the maximum penalties are only a $1,000 fine or 1 year imprisonment, or both.

Under the amendments proposed in the bill before us, the maximum fine for a violation of section 241 is raised to $10,000. And in both sections 241 and 242, provision is made for imprisonment of "any term of years or for life" where the prohibited activity has resulted in death.

These amendments are important for two reasons. First, they make the penalties for violation of these statutes more commensurate with the gravity of the crime committed. It is outrageous that Federal law provides only a misdemeanor penalty, for example, to punish a law officer for willfully causing the death of a prisoner in his custody. Under the amended version of section 242, the punishment would more nearly fit the crime.

The second reason these amendments are important is that they will serve to reaffirm the vitality of these two statutes. Much has been said about the inadequacy of sections 241 and 242, and about the difficulties of proof that their general language has caused; nevertheless, it is certain that there will continue to exist, after passage of the new section 245, certain Federal rights entitled to protection but not there enumerated. It is imperative that Congress make clear that 245 in no way undercuts the more general provisions contained in the older statutes. By increasing the penalties provided for in these statutes—an action long overdue—we also assert the fact of their continuing importance in the overall scheme of Federal civil rights enforcement.

Mr. ESCH. Mr. Chairman, I am delighted that the House of Representatives is today considering this important legislation. Nearly a month ago we approved legislation to penalize those who move in interstate commerce with the purpose of inciting a riot. At that time we made it clear that the Constitution does not permit the right of insurrection or the right of inciting insurrection. I supported that bill and believe that its enactment is necessary.

However, we must make it clear that it was not and is not the intention of the Congress to deny anyone his constitutionally guaranteed rights. We must guarantee each individual and group their constitutional rights of freedom of speech and assembly. Due protection of law must be afforded every individual or group to peacefully assemble, to speak and to protest.

The bill before us today would help to accomplish that guarantee. Its passage in combination with the antiriot bill would clarify the difference between our concern for legitimate civil rights activity and our opposition to exploitation of race and incitement to riot. It would protect individuals while working to obtain and enjoying long overdue civil rights for themselves and others. It would be a blow against the forces of prejudice and hate which have attempted to deprive significant portions of our Nation of their rights.

Mr. Chairman, the basic constitutional theory on which this country is founded is that social change can be instituted lawfully and that, therefore, in a democracy there is no need to overthrow the Government. We as a Congress and a people have asserted our condemnation of those who would abuse those rights by attempting to overthrow that very structure which provides them with their freedom.

Today a favorable vote on this legislation will be a congressional affirmation of our determination that social change can be instituted lawfully and that the Government will be used to protect those who are attempting to bring about such lawful change. It will assist us in defeating those who urge that violence is the

only way to bring about change. It dedicates our Nation, once again, to the equal protection under the law of all citizens regardless of color, race, or creed. It reaffirms our faith that the democratic system can work for all the people.

Mr. Chairman, I have long favored legislation of this type. Earlier this year I urged protection of civil rights workers through the introduction of "The Injunctive Relief Act," the concept of which is similar to H.R. 2516 which is before us today. I have worked with others to emphasize the rights of all our citizens. I support this bill and believe that early enactment and implementation is imperative.

Mr. COHELAN. Mr. Chairman, I want to associate myself with the views expressed in the report of the Judiciary Committee on H.R. 2516. I wish to congratulate the committee on a cogent statement in support of this bill.

In the last several years Congress has done more to further the civil rights of all Americans than it had done in the previous 90 years. We now have laws which specifically provide for the enjoyment of these freedoms. In short Congress has much to be proud of in the area of civil rights. But the work is not yet done. At present we still have very little means to insure that the rights granted by Congress are secured by the people. Which of us has not been shocked and repulsed by the acts of violence and terror perpetrated upon individuals attempting to secure rights we supposedly guaranteed?

I need not go into the inadequacies of present legislation as this is clearly set out in the committee report. The report notes that the Supreme Court has dismissed charges in several important cases because the crimes committed involved the action of private individuals, and not the States. Thus, the Court concluded, no Federal offense had been committed. H.R. 2516 would rectify this situation, by clearly identifying areas of civil rights to be protected, and providing penalties for those who would obstruct their attainment.

Congress must stand firm in support of this measure if we are to give meaning to the sentiments expressed by our earlier legislation on civil rights. To provide the declaration of such basic human rights, and to neglect, or even worse, to refuse to insure the means to guarantee these rights is to make a mockery of this body, and of the democratic ideals we espouse.

Mr. EDMONDSON. Mr. Chairman, I am voting for this bill in the hope that it will be administered with both fidelity and good judgment in the courts of the land.

I was pleased to support and vote for the Wright amendment to the bill, assuring additional legal safeguards within this measure for law enforcement officers and firemen who are entitled to protection of Federal law as they discharge their public responsibilities.

Those who interfere with these public officers as they perform their duties, will face severe penalties as a result of the Wright amendment. The overwhelming vote in support of this amendment is evidence of the conviction of the Congress to move constructively to improve law enforcement and support law and order.

It should be equally certain that people who employ violence and threats of violence to deny the constitutional rights of any American citizen should face severe penalties for their unlawful acts.

I hope and trust the bill will be approved as amended.

Mr. SIKES. Mr. Chairman, it has been but a short time since the House passed a riot control measure with dispatch and courage. I would hope that the new civil rights bill entitled "Penalties for Interference With Civil Rights" is not now before us because of afterthought and apprehension of the consequences of that action. Whatever the reason for the consideration of the bill by the House, a close reading of the measure will show that the bill as introduced largely negates the effectiveness of the riot control bill.

It has already been stated in debate that if the Riot Control Act and the present bill both were law, it would be possible for agitators for racial disorder to insist that they were simply talking to the people about their entitlements under the law. Whereupon an officer attempting to arrest the agitators under the Riot Control Act could himself be arrested, indicted, and tried for interfering with the troublemakers. The courageous policemen who refused to allow your Capitol to be taken over during the recent invasion of the building by other troublemakers could, under this bill, be sent to jail for interfering with the alleged rights of those who sought to take over the Capitol.

There obviously is no justification for the bill. The civil rights of individuals have been guaranteed to them in a dozen measures in recent years. There are penalties already on the statute books for every possible type of interference with civil rights. It is very certain that the American people will see no need for legislation to placate the troublemakers, if that is its purpose. The civil rights measures are already a part of the law of the land. So are the penalties for nonconformance. There is no requirement for the Congress to repeat itself. It is incomprehensible that the House should consider it necessary to reopen the whole subject. It is the riot control bill which is so badly needed. Passage of the bill now before us can only weaken the effectiveness of that measure.

It should be noted that this measure is couched in vague and indefinite language which gives the courts and the Department of Justice great latitude in their interpretations. Much more can be written into this bill in its enforcement than even the most vigorous advocate of civil rights would deem possible—all of it dangerous and all of it bad. The bill obviously is intended to implement the encroachment of Federal jurisdiction into fields now served by State and local courts.

I think it clear that the passage of this badly conceived language would simply place the Congress on record as ducking the issue of facing up to violence in the streets. Even with the amendments which have been adopted and which are still to be considered, the bill is dangerous at worst and a nuisance at best. The people of the United States will not welcome this additional needless interference into their daily lives by the Federal Government.

Mr. FOUNTAIN. Mr. Chairman, I am compelled to point out that H.R. 2516 is exceedingly misleading legislation.

I know of no one who would dispute the concept that everyone should be protected in the exercise of his rights as guaranteed by the Constitution.

I think there is agreement that every citizen of our country has the same guarantee of those rights and is free to pursue and enjoy them. We have laws providing for penalties for those who would deny those rights to our citizens.

In short, we have the Constitution and we have laws to protect all Americans. This bill would provide special treatment for a special group or class in contravention of the tradition, spirit and intent of our constitutional history.

Furthermore, it would include "privileges" as an item protected by Federal law. I was under the impression that we were and are concerned with rights, not privileges. To me, a privilege is something granted and, in this case, it would be granted to a special group.

That group comprises only a small fraction of our total population. I am speaking of those who feel that their privileges—not their rights—are insufficient and who seek to secure additional privilege at whatever cost and whatever harm to the rights not only of themselves but to others.

If this bill becomes law, it will be a clear invitation to this tiny band of agitators to continue to foment strife and fuel civil disorder. We have seen too much of that lately and why we seem to want to nourish it is beyond me. But that is exactly what the impact of this bill would be.

One of the worst features of H.R. 2516 is what it would do to law enforcement throughout the country. It would transfer to the Federal Government practically every law-enforcement jurisdiction held by the States and their subdivisions.

Going beyond that, it would establish Federal jurisdiction over State and local programs, courts, and other activities. It would, in my opinion, be the final nail in the coffin bearing the lamented but nevertheless dead concept of non-Federal rights, responsibilities, and authority.

Law-enforcement authorities in this country have enough trouble now trying to enforce the laws already enacted. In recent years, they have become even more reluctant to do their duty as they see it in cases even remotely touching on civil rights. To many of them, it is not worth facing false arrest suits, harassment, and physical attack in the name of so-called civil rights.

Now we would further impair the ability and willingness of those authorities to do their job which is simply to maintain law and order. H.R. 2516 would provide criminal penalties for those acting "under color of law" and extend this concept to private individuals who hold no public office or law-enforcement position.

Suppose, for example, that a Rap

Brown of Stokely Carmichael was busy exhorting a group to burn a particular city—but not until he were safely out of town.

To my mind that would be instigating a riot. But if nothing happened for 6 hours after the instigator departed the scene, he probably could claim the time lag proved that there was no "clear and present danger" in his remarks. The Supreme Court as presently constituted would no doubt agree.

But suppose a police officer, in the honest and objective exercise of his duty, felt, such a proponent really was instigating violence and arrested him.

The officer would be subject to criminal action because he tried to do his job of keeping peace and order.

Is this the type of legislation we want? Certainly we do not need it. I submit that H.R. 2516 is bad legislation, that it is an unwarranted and unconstitutional intrusion of Federal power into areas where it has no business, and that it is class legislation pure and simple. In short, it is another lay of unnecessary legislation of which we already have far, far too much.

I believe the vast majority of Americans will agree that the most serious domestic problem facing our Nation today, in fact the No. 1 domestic problem, is the breakdown of law and order. This is not the occasion to suffocate the Members of this House with statistics to prove the point, although such data is available by the bale.

The rationalizers, who contend that we have more crime today simply because we have more people, are contradicted by the fact that our crime rate is increasing five times faster than our population.

Naturally all of us concerned over the welfare of all our citizens. I am fearful, however, that we too often overlook the fact that the safety and security of our people and their property is dependent upon the respect of our people for law and order and the ability of our law enforcement institutions to enforce the law.

On every hand there are signs that the moral strength of our Nation is weakening. The principles upon which our Nation was founded are being slowly but surely eroded. As someone has said, "Too many Americans are still emulating Rip Van Winkle."

Unless we can find a way to wake them up, there might be no stopping the downward course of America. Somehow, some way, an epidemic of sleeping sickness has struck our Nation. Like Sodom and Gomorrah—like Rome and other great nations of the past, America is rotting from within. Disregard for law and order has been given a cloak of respectability, and some of the laws we have enacted, however well intentioned, have had this unfortunate result.

Instead of additional laws to protect our citizens from an occasional mistake or abuse on the part of law enforcement officers, we should be concentrating our efforts toward supporting law enforcement officers. Let us demand of them the highest quality and efficiency of performance, but let us also demand for them the public respect which they so rightly deserve and which our own protection demands.

Even U.S. Supreme Court Justice Hugo Black said in a recent dissenting opinion:

> It is high time to challenge the assumption in which too many people have too long acquiesced, that groups that think they have been mistreated have a constitutional right to use the public's streets, buildings and property to protest whatever, wherever, whenever they want, without regard to whom it may disturb.

The greatest danger, as Justice Black went on to say is "that the crowd moved by noble ideals today can become the mob ruled by hate and passion and greed and violence tomorrow." If we ever doubted that, we know it now.

There are many today who, in order to achieve their own ends, are attempting, in the name of freedom, to spread hatred, fear, and suspicion. They have ignored the fact that true freedom carries with it responsibility, and that for every right there is a corresponding duty. As North Carolina's great Gov. Charles Brantley Aycock put it in his 1901 inaugural address:

> The highest test of a great people is obedience to law and a consequent ability to administer justice.

In view of the breakdown in law and order and disrespect for law which we have observed in recent months, and while more than 500,000 of our sons are on foreign soil defending freedom with their lives, it is inconceivable to me that this Congress would even seriously consider passing legislation which may have the effect of providing a very small and dangerous criminal and irresponsible element with a license to take the law into their own hands.

I am today reminded of the inspiring words of Franklin D. Roosevelt on a late June night in 1936 when he accepted renomination as President of the United States. Our country faced difficult times then, although substantially of a different nature. But Mr. Roosevelt said:

> There is a mysterious cycle in human events. To some generations much is given. To some generations much is expected. This generation of Americans has a rendezvous with Destiny.

Americans met that rendezvous then, and God willing, we must meet it now with courage and determination or we perish. Mr. Chairman, we cannot meet it with this kind of legislation.

Mr. HOLLAND. Mr. Chairman, I was amazed and amused by yesterday's debate on the bill to provide additional protection for Americans lawfully engaged in the pursuit of their constitutional rights. I was amazed by the frequency with which some Members, who a few weeks ago were doing their best to prevent this bill from even coming to the floor, were rising to demand quorum calls to insure that all of us were here to listen to the debate. Since dilatory tactics are contrary to the rules of the House, I would certainly not accuse these Members of trying to stall or prevent action. I take their actions at face value, and I am delighted to know that so many distinguished Members, formerly known as opponents of civil rights, wanted so badly to have their colleagues hear the very persuasive remarks delivered by the proponents of this bill.

My amusement stemmed from another phenomenon. I think all of us remember reading in high school about the Roman Senator Cato who ended every speech he made in the senate—on whatever subject—with the demand that Carthage be destroyed. In the year 1967, there are some among us who must begin, punctuate, and end every speech with the usually irrelevant observation that Rap Brown and Stokely Carmichael are giving their fellow Americans bad advice.

I have, apparently, news for some of our colleagues. Gentleman, nobody in this body thinks that Mr. Brown and Mr. Carmichael are being any help to the country, or to its black citizens in urging insurrection and violence upon them. From every evidence that I can gather, an amazingly tiny percentage of the Nation's black people are listening to Brown and Carmichatel, either. The only purpose either of these two people are serving is to provide the enemies of civil rights with a strawman to knock down every time we want to do something about the very real and pressing problems of injustice, discrimination and bigotry which threaten all America.

Let us go through it from the top, once again. This bill seeks to do precisely the same thing that the much more poorly drafted "antiriot" bill which was whooped through the House some time back seeks to do. This bill seeks to punish violence directed against Americans who are engaged in the lawful pursuit of their fundamental rights—rights guaranteed by the Constitution and the laws. The kind of violence which this bill seeks to punish is, of course, older, more widespread and far less well reported than the kind of violence which the antiriot bill sought to punish. Violence directed against black Americans who have the temerity to assume that the Constitution and the laws mean what they say is as old as emancipation. For years the American Negro suffered quietly and patiently under this form of violence, and the greater community which he had helped build with his sweat and his blood stood by and let it happen. Only yesterday has the Negro begun to organize and to seek even peaceful redress of these longstanding grievances. The Civil Rights Acts of 1957 and 1964 and 1965 were not gifts of "new rights" or "special privilege" to the Negro. These acts simply served to provide new mechanisms by which he could secure what the Constitution had said for 100 years was his right. And the bill before us today only seeks to prevent violent interference with the lawful exercise of those rights. Far from encouraging violence, or incitement to riot, as one of our colleagues asserted yesterday, this bill will deter violence—violence directed against law-abiding Americans.

But, Mr. Chairman, just as Cato could not finish a speech without demanding the destruction of Carthage, I conclude, from listening to yesterday's debate, that no one can make a speech on this bill without calling down fire and brimstone on Rap Brown.

Very well, Mr. Chairman, I will not

leave out anything required by the new rituals of 1967. Rap Brown is indeed to be condemned. He deserves the scorn of every American—because he has learned all too well how to preach hatred against persons of other races, because he has learned how to incite violence and to set black Americans against white Americans, Jews against Christians, the rich against the poor. Rap Brown and Stokely Carmichael have rightly drawn upon themselves the indignation of the American public—for sounding so very much like white politicians, small-town sheriffs, and Ku Klux Klan leaders have been sounding these past 100 years.

Mr. BUCHANAN. Mr. Chairman, this bill comes to the House with the apparent blessing of the Justice Department. On three prior occasions the Justice Department has, to my knowledge, opposed legislation containing language approximately as vague as that of H.R. 2156, on the grounds that such vagueness placed the legislation in a gray area of possible unconstitutionality. This was the case when the House Committee on Un-American Activities sought to write legislation to provide penalties for plan-type intimidation and violence. It was again the case when the House Committee on Un-American Activities sought to provide legislation against aiding and abetting the Vietcong or blocking the movement of troops or supplies. Over the objections of the Justice Department this bill passed the House in the last Congress.

The Justice Department raised the same objection to the initial versions of the antiriot legislation which recently passed the House. Justice insisted that this legislation be very strictly circumscribed in its language in order to meet the test of clear constitutionality. The objections of the Justice Department limited the scope of this legislation, and threatened the extent of its usefulness. Permit me to reiterate that the language in these bills was similar to that in the legislation before the Congress today.

I shall oppose H.R. 2156, therefore, primarily because the double standard of evaluation of legislation demonstrated by the Justice Department might well carry over into enforcement of this legislation. It is no secret that the Justice Department has demonstrated great zeal in protecting the rights of such persons as Martin Luther King and Stokely Carmichael. This Department has demonstrated no zeal whatsoever in moving against those who interfere with the military effort in Vietnam or those who have aided and abetted riots and civil disturbances which have cost many American lives.

If and when the Justice Department determines to enforce all the laws all the time, and to protect all the rights of all the people, our country will make a great step forward in combating crime and quelling civil disturbance. Unless and until this is the case, no amount of legislation can result in domestic tranquillity and effective law enforcement.

Mr. PUCINSKI. Mr. Chairman, the pronouncement made by Martin Luther King that he will lead nationwide appeals for civil disobedience is the high water mark for perfidy against the United States and its people.

It is absolutely inconceivable to me that there can remain any doubt that Martin Luther King is determined to destroy America from within and he will stop at no measure to achieve his goal.

His pious pronouncements about "peaceful demonstrations" are a monumental deception upon the people of America.

Now, Martin Luther King has coined a new gimmick—"civil disobedience."

Let there be no mistake. Martin Luther King is exhorting his followers to break down law and order and to take the law into their own hands. By these very acts, Martin Luther King shows his total contempt for law and order and demonstrates his disregard for those institutions which have helped this Republic of ours become the great citadel of hope not only for all Americans but for people all over the world.

I want the record to show that within the framework of the act before us today, there is ample language to protect entire communities in their civil rights against the violent outbursts and agitation of advocates like Martin Luther King.

I want the record to show that when we speak of civil rights we speak of them not only for the minority, but civil rights also for the majority. If it is wrong for anyone to deny an individual in this country the pursuit of his rights guaranteed under the various civil rights acts enacted by Congress, it is equally wrong for any individual through his exhortations to mass violence or civil disobedience, to deny an entire community the same civil rights it is entitled to as an organized society under these same acts.

I believe I understood the chairman of the Judiciary Committee correctly when he stated that the legislation before us today will apply to people like Martin Luther King and his exhortations to denial of civil rights to entire communities with the same force that it would apply to those who would deny any individual his rights under the law.

But just to establish legislative intent and so that there will be no doubt that this legislation applies with full force to those who would deny any person their full rights through civil disobedience or any other form of rioting as well as to those who would deny an individual his legal and lawful civil rights, let me cite this example. Martin Luther King said he will lead massive strikes and sit-ins in the Nation's big cities.

Among the possibilities, he said, are simultaneous school boycotts and sit-ins at factories.

Under section 245 of this act which deals with interference with civil right, I want the record to show that it is the intent of Congress that whoever through such a sit-in at a factory or a boycott of a school or in any other way, injures or intimidates any person because of his race, color, religion, or national origin while he is lawfully engaging or seeking to engage in—

(2) enrolling in or attending any public school or public college;

* * * * *

(4) applying for or enjoying employment, or any prerequisite thereof, by any private employer—

And so forth. The person responsible for such a sit-in or boycott and all those actually participating in such a sit-in or boycott would be liable under this act and subject to a fine of not more than $1,000 and imprisoned for not more than 1 year; and if bodily injury results shall be fined not more than $10,000 or imprisoned not more than 10 years or both; and if death results, shall be subject to imprisonment for any term of years or for life.

Let there be no doubt about the intent of Congress, Mr. Chairman. While we certainly want to protect the individual seeking rights under this act, we also, want to fully punish those individuals who incite riots and civil disobedience and through such acts deny the civil rights of others.

This act applies to Martin Luther King as much as it would apply to the Ku Klux Klan or the American Nazi Party. It applies to Stokely Carmichael and Rap Brown as much as it would apply to "Bull" Smith.

I want the record crystal clear so that at some future date the Justice Department or same other agency will not write guidelines which conveniently exclude the Martin Luther Kings and the Stokely Carmichaels. This act is designed to deal effectively with anyone who would deny another his civil rights. The denial of civil rights to the victims of rioting and civil disobedience is covered by this act. If Martin Luther King persists in his determination to destroy America through civil disobedience, the full force of this law and all other laws should be used to stop him.

Mr. RANDALL. Mr. Chairman, I oppose the enactment of H.R. 2156 for three principal reasons. First, the time of its consideration is ill advised. Second, no new civil rights or remedies are created and therefore it is not needed and is surplusage. Third, the measure is defectively written. Before further consideration of these objections, let me emphasize I have never been a racist. I do not believe in racism. Neither should any of us at this period of national crisis approve or condone the reverse of racism which is the black power movement. My credentials on the subject of civil rights is about as good as any other Member. Since 1959 I have supported every bill that has been before the Congress involving civil rights, with the exception of the forced housing measure of 1966. Earlier in that same year, I supported the extension of the Equal Employment Opportunity Act. I have repeatedly approved the extension of the Civil Rights Commission.

The objective of this bill, entitled "Interference With Civil Rights," starts out with a worthwhile purpose by providing a cloak of protection around eight separate fields of activity, including voting, attending public schools, participating in activities sponsored by the United States, employment, engaging in jury service, travel, receiving benefits from Federal financial assistance, and the use of accommodations.

But now in this long hot summer of 1967 is not the time to consider any further civil rights legislation that could contribute in any manner or way to any

new or further disturbances, small or large. In my opinion, it is entirely possible the legislation we are considering today could or might be taken by civil rights workers as encouragement to become overenthusiastic and interpret this bill as a license to riot. We cannot run that risk.

Although planned with good intentions to protect peaceful demonstrations, this bill could become an invitation or signal to zealots and hotheads that they are henceforth protected by the provisions of this bill and thus proceed with their militancy under the cloak of protection provided by this act.

To illustrate my proposition that the consideration of this bill was ill-advised at this particular time is the fact that during the very hours of the long afternoon while the House was engaged in the amending process, two or three bus loads of demonstrators came from New York City and when finally accorded the use of a meeting room in the Longworth Building, accused the House of "rat mentality." One of their leaders arose to point out they had really only two choices: First, to burn down America, or second, seek a political solution by electing 40 Representatives from their minority group.

It seems some approved the political solution but a member of my staff who overheard the proceedings reported to me that others in the group stated they were tired of the political solution and that we must burn down America and start over again from the ashes.

Think of that for a minute. Right here on Capitol Hill during the very hours of our debate a group seeking to exercise civil rights are suggesting that America be turned into ashes.

Mr. Chairman, even if this bill were letter perfect, it is a poor, poor time to consider its content. What if an officer comes to the scene of a disturbance to make an arrest and the defense is used he is interfering or attempting to interfere with the person exercising one of the eight protected areas of civil rights. This means the officer is making the arrest at his own peril.

We have heard complaints about police brutality. It is my considered opinion that if this or a similar bill is passed and becomes law, there will be much more such complaint than heretofore. Why do I make such a statement? Because those faithful, and underpaid policemen after they make an arrest or two in the honest belief they had the right to make an arrest, and run head on into the provisions of this bill to become charged with intimidation or interfering with the exercise of civil rights and thereafter subjected to a personal lawsuit for false arrest, such experiences will cause all good policemen to turn in their badges.

The reason I say police brutality may increase is because good policemen will be replaced by those who cannot find employment elsewhere and who have no concern for the consequences that might issue from the operation of this measure. In other words, those officers who have given lives to a career in law enforcement will resign and be replaced by those who have little training, no dedication, and are immune to a lawsuit or judgment. We will then have a much inferior police force throughout our land.

It has been a source of concern to me throughout the debate whether H.R. 2516 might or could interpose a possible defense against H.R. 421 or the so-called antiriot bill. On page 8, line 10, subsection B, as I read this section, Rap Brown or one of his kind could argue they went to Cambridge, Md., to be sure certain civil rights were protected. Then under the protection of this section Brown could go on to tell those who would listen to him they have the right to resist law and order and should arm themselves with guns and knives.

What I am trying to say is that under this provision of H.R. 2516, Rap Brown could enter a city under the protection of H.R. 2516 and proceed to start a disturbance by telling his followers they have a right to resist any injustice. He could then argue he had provoked no riot because he could not be "discouraged" from urging others to participate to achieve their rights. This is the exact wording of the provision in H.R. 2516.

I could not go so far as some others to say this bill has a built-in defense against the antiriot bill, but I do say that Brown and his sort when subjected to the antiriot charges could defend themselves by arguing they were not inciting a riot or disturbance and use the provisions of this bill to say to an officer, "You can't arrest me, I just came here to tell these people they are not getting what they're entitled to under Federal law."

It is certainly subject to thoughtful consideration whether an officer acting under either local disturbance of the peace statutes or the new antiriot law, H.R. 421, if it should be passed by the other body, might then subject himself to a suit of false arrest for interfering with the civil rights of the one he arrested because of the provisions of H.R. 2516.

The Attorney General, by letter to some of the members of the House Judiciary Committee, sought to assure them there is no conflict between H.R. 2516 and H.R. 421 because they refer to two different sorts or types of conduct. As a partial answer to such a comforting letter I would point out that while Rap Brown in the eyes of one measure, H.R. 2516, would be a civil rights leader in the terms of the bill, H.R. 421, this same individual would be a black power revolutionary.

In other words, the distinction between the two types or kinds of conduct that the Attorney General refers to would seem to break down and could well become merged in actual practice.

As a second objection, I am firmly convinced there is no need for more civil rights legislation at this time. We have passed bills repeatedly providing for civil rights in the eight enumerated areas mentioned in this bill. There is no need for further civil rights legislation. Instead, what we need now is civil responsibility instead of civil rights. Unfortunately, we cannot enact such responsibility any more than we can legislate morals and good conduct. But on the other hand let us guard against a bill with terms and phrases that might or could encourage, invite, or provide license for civil irresponsibility.

Bear in mind, this bill does not create any new rights. It simply creates two or three new Federal crimes covering acts which are already crimes under the laws of the various States. It is significant that today we have gone beyond the business of providing for civil rights and are saying under the terms of this bill there must be Federal penalties to duplicate the already existing State penalties in the eight areas covered in this measure.

The third of my objections to H.R. 2156 is that a criminal measure should be clear and specific while this bill uses several expressions of doubtful meaning. The meaning of the word "injure" is well known. However, the word "intimidate" simply means to make one timid. It was probably intended to be used as a prohibition or deterrent against a use or display of force but such is not so spelled out in the bill.

The word "interfere" is not sufficiently definite because its meaning includes such small relatively minor meanings as dissent and opposition. This without any further definition of the word could include debate between any member of a minority group and others. There would need be not even a bloody nose but simply expressions of dissent and opposition to constitute interference.

As I mentioned earlier, H.R. 2516 creates three new Federal crimes. The second crime created uses the phrase "to discourage such persons from participating in benefits without discrimination on account of race, color, religion," and so forth. The use of the word "discourage" is so vague and indefinite as to allow a complainant to argue almost anyone has discouraged him in the exercise of his rights for the reason the word "discourage" means to depress and deprive one of confidence. If we follow such a definition, a mere shout or name calling such as "you dirty so and so" would constitute discouragement. The only reason I emphasize these objections is because such words or terms mean different things to different people. We need a clear definition of terms rather than to indulge in unclearness, lack of definition, ambiguity, and uncertainty.

There is yet another objection to this bill, Mr. Chairman, that must be raised and that is the provision that covers the enjoyment of accommodations. The bill uses the word "any" in referring to inns, hotels, motels, or other places of lodging. I would assume the word "any" means "every" or all accommodations. If this bill really means what it seems to say, it clearly repeals the Mrs. Murphy clause of the 1964 Civil Rights Act which barred discrimination in any place of lodging except owner-occupied units with five or less rooms for rent. Surely that is not the intention of this measure.

As I read the bill, there are uncertainties even in the penalties. The fine will only be $1,000 unless "bodily injury" results when the fine jumps to $10,000 and 10 years imprisonment or both. Exactly, what is the meaning of bodily injury?

Does it mean a scratch or disabling blow? Is it a slight or substantial injury? Is it a bloody nose or must there be a broken bone? In the lesser categories of penalties which are covered by $1,000 fine and a year imprisonment does a shout about one's race constitute an offense? Concerning the phrase "if death results," does this mean that one is subject to life imprisonment only if the death is a direct result of some act or does it include the deaths which are an indirect result of some act covered in the bill? This should be clearly spelled out. What kind of a death and when? Clarity is certainly a requirement of a good criminal statute and this bill does not meet this requisite.

Mr. MACHEN. Mr. Chairman, I speak as a Member who supported the antiriot bill and the administration's proposal to aid law-enforcement agencies. As I spoke out then, I cannot in good conscience remain silent now.

We meet in a time of tragedy and crisis. Having experienced the rioting and widespread destruction which occurred in the past few months, the Nation now finds the seeds of bitterness sown in many quarters as rancor and race hatred attack the body politic.

We have been asked to consider a measure providing stiff penalties for those who would interfere with individuals attempting to exercise their constitutional rights in eight specific fields. The bill provides for a maximum penalty of $10,000 or imprisonment for 10 years, or both, and if death results, an indefinite prison term or life.

The areas protected are voting and activities relevant to the exercise of that right; enrolling in or attending public schools and colleges; participation in obtaining service from or receiving benefit from governmental activities administered by the Federal, State, or local government; employment and using the services, advantages, or membership in any labor organization; areas pertinent to jury duty; the use of vehicles, terminals, or facilities of common carriers; participation in or enjoying the benefits of programs or activities receiving Federal financial assistance; and public accommodations.

These are not new fields of protection but a forceful reiteration of rights long recognized as basic. This bill merely adds "teeth" to laws that Congress, in its wisdom, has already seen fit to pass.

Mr. Chairman, the Members of this House can debate any of the fine points of this bill, but let us recognize that there is a definite need to let the public know that we are consistent in the application of the principles of individual liberty. As we stand on record for the protection of the individual from rioters and looters, let us also stand up for his protection from purveyors of violence. Let us aid in the provision of security and safety for individuals engaging in these specific activities.

In the light of the past treatment of individuals attempting to exercise their legitimate rights and the impending threat of social dissolution in this country, who would deny that the need for legislation exists? Can the House afford to apply the principle of Federal guarantees for the protection of the individual in the one instance and refuse to provide them in the other? I think not. Let us discuss this measure thoroughly, make any amendments necessary, and pass it with all due speed.

Thank you.

Mr. HALPERN. Mr. Chairman, the courts and law enforcement officers can only do their duty in enforcing the law as it is written. It is our duty here in Congress, the lawmakers, to provide our public officers with proper guidelines in order that they may adequately protect the civil rights of all our citizens.

The Civil Rights Act of 1967 establishes a Federal law protecting the civil rights guaranteed in our Constitution. This is most fitting since the acts covered in this legislation protect an individual's Federal civil rights, and is not confined to any one State's laws.

I am sure all my colleagues remember the Civil Rights Act of 1966 which passed this body last year. During debate on that legislation, I took the floor to implore my fellow Americans in this distinguished body to join with me in passage of that bill. I stated then, as I do now, that this act deals with important gaps which recent civil rights legislation did not fill. This 1967 Civil Rights Act is nothing new to us. We debated its merits last year, and passed it.

This year's bill, as last year's, describes with great specificity the conduct which is prohibited. It prohibits violence and threats of violence in connection with voting, attending schools, enjoying the benefits of Federal or State programs and programs using Federal funds, employment, jury service, common carrier transportation, and public accommodations.

For most of our citizens, the above activities are everyday occurrences taken for granted. Would not it be a shock for anyone of us, entering a polling place, to be told that we could not vote? What indignation and humiliation we would feel! Yet this type of occurrence happens daily in many parts of our country and, to large numbers of our citizens. It is up to us to see that these acts do not continue, or if they do happen, that the wrongdoer be brought to account for his unlawful and unconstitutional deeds.

I wish to emphasize that it is the responsibility of the Federal Government to insure the security of all Americans. This means both the security to freely exercise their federally protected civil rights, and the security of being safe from violence in their homes and on the streets.

And, with regard to safety guarantees other than in one's own home, this legislation has the great merit of assuring prosecution of anyone who interfers with a fireman's or policeman's duty to restore order in the streets. It is incumbent upon this body to protect the safety of these brave men who, in fulfilling their duty, have recently risked their lives, not only in the combat of natural disasters, but in trying to restore civil order as well.

Four weeks ago, this body passed an antiriot bill, empowering Federal authorities to deal with interstate threats of violence. That measure is intended to secure law and order in this country. This is a necessary requirement, if our society is to be able to function. Today we have the opportunity to pass a bill which will provide Federal penalties for interference with the exercise of federally guaranteed civil rights. This action is a necessary and natural partner to the antiriot legislation. It simply seeks to protect the Negro and other minority groups seeking to practice the human rights guaranteed by the laws and by our Constitution. One cannot be upheld without the other. Without civil rights, we have totalitarianism; without law and order, we have anarchy. Neither can be condoned in our Nation.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, pursuant to House Resolution 856, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole?

If not, the question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. For what purpose does the gentleman from California rise?

MOTION TO RECOMMIT

Mr. WIGGINS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WIGGINS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WIGGINS moves to recommit H.R. 2516 to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. MACGREGOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 327, nays 93, not voting 12, as follows:

[Roll No. 220]

YEAS—327

Adair	Foley	Minish
Adams	Ford, Gerald R.	Mink
Addabbo	Ford, William D.	Minshall
Albert	Fraser	Mize
Anderson, Ill.	Frelinghuysen	Monagan
Anderson, Tenn.	Friedel	Moore
Andrews, N. Dak.	Fulton, Pa.	Moorhead
Annunzio	Fulton, Tenn.	Morgan
Arends	Garmatz	Morris, N. Mex.
Ashbrook	Giaimo	Morse, Mass.
Ashley	Gibbons	Morton
Aspinall	Gilbert	Mosher
Ayres	Gonzalez	Moss
Barrett	Goodell	Multer
Bates	Goodling	Murphy, Ill.
Battin	Gray	Myers
Bell	Green, Oreg.	Natcher
Berry	Green, Pa.	Nedzi
Betts	Griffiths	Nelsen
Biester	Gross	Nix
Blatnik	Grover	O'Hara, Ill.
Boggs	Gubser	O'Hara, Mich.
Boland	Gude	O'Konski
Bolling	Hall	Olsen
Bolton	Halleck	O'Neill, Mass.
Bow	Halpern	Ottinger
Brademas	Hamilton	Patten
Brasco	Hanley	Pelly
Bray	Hanna	Pepper
Brock	Hansen, Idaho	Perkins
Brooks	Hansen, Wash.	Pettis
Broomfield	Harrison	Philbin
Brotzman	Harsha	Pickle
Brown, Calif.	Harvey	Pike
Brown, Mich.	Hathaway	Pirnie
Brown, Ohio	Hawkins	Pollock
Burke, Fla.	Hays	Price, Ill.
Burke, Mass.	Hechler, W. Va.	Pucinski
Burton, Utah	Heckler, Mass.	Quie
Bush	Helstoski	Railsback
Button	Hicks	Rees
Byrne, Pa.	Holifield	Reid, Ill.
Byrnes, Wis.	Holland	Reid, N.Y.
Cabell	Horton	Reifel
Cahill	Hosmer	Reinecke
Carey	Howard	Resnick
Carter	Hunt	Reuss
Casey	Hutchinson	Rhodes, Ariz.
Cederberg	Ichord	Rhodes, Pa.
Celler	Irwin	Riegle
Chamberlain	Jacobs	Robison
Clancy	Joelson	Rodino
Clausen, Don H.	Johnson, Calif.	Rogers, Colo.
Cleveland	Johnson, Pa.	Ronan
Cohelan	Karsten	Rooney, N.Y.
Collier	Karth	Rooney, Pa.
Conable	Kastenmeier	Rosenthal
Conte	Kazen	Rostenkowski
Conyers	Kee	Roth
Corbett	Keith	Roudebush
Corman	Kelly	Roush
Cowger	King, Calif.	Roybal
Cramer	King, N.Y.	Rumsfeld
Culver	Kirwan	Ruppe
Cunningham	Kleppe	Ryan
Curtis	Kluczynski	St Germain
Daddario	Kupferman	St. Onge
Daniels	Kyl	Sandman
Davis, Wis.	Kyros	Saylor
Dawson	Laird	Schadeberg
de la Garza	Langen	Scheuer
Delaney	Latta	Schneebeli
Dellenback	Leggett	Schweiker
Denney	Lloyd	Schwengel
Dent	Long, Md.	Shipley
Derwinski	Lukens	Shriver
Devine	McCarthy	Sisk
Dingell	McClory	Skubitz
Dole	McClure	Slack
Donohue	McCulloch	Smith, Iowa
Dow	McDade	Smith, N.Y.
Dulski	McDonald, Mich.	Snyder
Duncan	McEwen	Springer
Dwyer	McFall	Stafford
Eckhardt	Macdonald, Mass.	Staggers
Edmondson	MacGregor	Stanton
Edwards, Calif.	Machen	Steiger, Ariz.
Eilberg	Madden	Steiger, Wis.
Erlenborn	Mailliard	Stratton
Esch	Martin	Stubblefield
Eshleman	Mathias, Calif.	Sullivan
Evans, Colo.	Mathias, Md.	Taft
Fallon	May	Talcott
Farbstein	Mayne	Teague, Calif.
Fascell	Meeds	Tenzer
Feighan	Meskill	Thompson, Ga.
Findley	Michel	Thompson, N.J.
Fino	Miller, Calif.	Thomson, Wis.
Flood	Miller, Ohio	Tiernan
Van Deerlin	White	Tunney
Vander Jagt	Widnall	Udall
Vanik	Williams, Pa.	Ullman
Vigorito	Wilson, Bob	Wylie
Waldie	Wilson, Charles H.	Wyman
Walker	Winn	Yates
Watkins	Wolff	Young
Watts	Wright	Zablocki
Whalen	Wyatt	Zion
Whalley		Zwach

NAYS—93

Abbitt	Gettys	Poff
Abernethy	Gurney	Price, Tex.
Andrews, Ala.	Hagan	Pryor
Ashmore	Haley	Purcell
Belcher	Hammer-schmidt	Quillen
Bennett	Hardy	Randall
Bevill	Hébert	Rarick
Blackburn	Henderson	Rivers
Blanton	Herlong	Roberts
Brinkley	Hull	Rogers, Fla.
Broyhill, N.C.	Hungate	Satterfield
Broyhill, Va.	Jarman	Scherle
Buchanan	Jonas	Scott
Burleson	Jones, Ala.	Selden
Clark	Jones, Mo.	Sikes
Clawson, Del	Jones, N.C.	Smith, Calif.
Colmer	Kornegay	Smith, Okla.
Davis, Ga.	Kuykendall	Steed
Dickinson	Landrum	Stephens
Dorn	Lennon	Stuckey
Dowdy	Lipscomb	Taylor
Downing	Long, La.	Teague, Tex.
Edwards, Ala.	McMillan	Tuck
Edwards, La.	Mahon	Utt
Evins, Tenn.	Marsh	Waggonner
Fisher	Mills	Wampler
Flynt	Montgomery	Watson
Fountain	Nichols	Whitener
Fuqua	O'Neal, Ga.	Whitten
Galifianakis	Patman	Wiggins
Gardner	Poage	
Gathings		

NOT VOTING—12

Baring	Gallagher	Williams, Miss.
Bingham	Matsunaga	Willis
Burton, Calif.	Murphy, N.Y.	
Diggs	Passman	
Everett	Pool	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Bingham for, with Mr. Willis against.

Mr. Diggs for, with Mr. Baring against.

Mr. Murphy of New York for, with Mr. Everett against.

Mr. Burton of California for, with Mr. Passman against.

Mr. Matsunaga for, with Mr. Williams of Mississippi against.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2516 and include extraneous matter.

The SPEAKER. Is there objective to the request of the gentleman from Colorado?

There was no objection.

LEGISLATION INTRODUCED TO PROVIDE FOR THE ELECTION OF SCHOOL BOARD IN THE DISTRICT OF COLUMBIA

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Speaker, I just wish to announce that there were Members of the House wondering whether or not a school board bill would be introduced following the defeat of our bill as of a few days ago.

Mr. Speaker, the gentleman from South Carolina [Mr. McMillan] and myself, the gentleman from Virginia [Mr. Broyhill], the gentleman from California [Mr. Sisk], the gentleman from Michigan [Mr. Brown], the gentleman from Arizona [Mr. Steiger], the gentleman from Kansas [Mr. Winn], the gentleman from Illinois [Mr. Springer], the gentleman from Ohio [Mr. Harsha], the gentleman from Indiana [Mr. Myers], the gentleman from Washington [Mr. Adams], the gentleman from New York [Mr. Multer], the gentleman from Georgia [Mr. Hagan], and the gentleman from Florida [Mr. Fuqua] have introduced such legislation.

Mr. Speaker, I would like to point out the fact that the gentleman from Michigan [Mr. Brown] was named as a coauthor. Actually it should be Mr. Clarence Brown of Ohio who was one of the cosponsors. However, I wish to announce that a former Member of the House of Representatives and a former U.S. Senator who has been here a long, long time is now the newest author, belatedly, but we welcome him aboard, and his name is Lyndon B. Johnson.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I am curious to know whether the bill as presented by the newest author contains any provision for a nonvoting delegate or for and participation on behalf of the various agencies involved?

Mr. NELSEN. I am not aware of that fact, but I shall be glad to consult with the President about it. I thank the gentleman from Ohio for his contribution.

LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the Members that we are going to finish the rule on the social security bill and plan to finish the bill tomorrow.

Also, we have a conference report from the Committee on Veterans' Affairs tomorrow.

The distinguished gentleman from Arkansas [Mr. Mills] has stated that he would go through to the completion of the social security bill tomorrow. After consulting with the distinguished minority leader, I hoped that at the accommodation of the Member of the House, we might come in early.

ADJOURNMENT UNTIL 11 O'CLOCK A.M. TOMORROW

Mr. ALBERT. Accordingly, Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, I find it difficult to believe, in view of the demonstration on the part of the leadership on the prior two Thursdays, as referred to on pages 21222 and 22286 of the CONGRESSIONAL RECORD, wherein we came in on August 3 at 12 o'clock noon, but after considerable discussion and finishing debate on the pending legislation as well as other general business, due to the opportuning and the pleading of the "Tuesday-to-Thursday people" to go home, we adjourned at 3:17 in the afternoon and completed all business at 3:55. We put over the anticrime bill until the next week. On August 10, coming in under the great pressure of business which we thought would call for a full day's work, we adjourned at around 3 o'clock p.m., and put the calendared and programed business over until the next week. The so-called pornography bill has never since been heard of.

This has happened on the last three Thursdays in a row. And, as the distinguished majority leader will recall, I put the leadership on notice at that time—page 21223—that we would not have a unanimous-consent request again for this purpose.

Therefore, would the distinguished gentleman from Oklahoma [Mr. ALBERT] explain why such a request would be asked again?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, the request is made under circumstances entirely different from those under which a similar request was made before. We have the assurance of the distinguished chairman of the Committee on Ways and Means that the bill will be finished tomorrow, and I know we can act on that assurance, and the gentleman knows that also.

Mr. HALL. I am not quite sure whether the egg comes before the chicken or not, because if the leadership comes down to those who are handling the bill and says that "we are going to rise and put the bill over," it has been my experience the last 3 weeks in a row that we do just that. The chicken has come home to roost. Although I have the greatest respect for the gentleman from Arkansas and, indeed, the majority leader from Oklahoma, even with the assurances and pleas for action out of comity and of accommodation to all of the Members, I am not reassured in view of the vagaries that have been demonstrated as to the programing in the past 3 weeks that such word would not come down from on high.

Mr. ALBERT. May I say to the gentleman, if he will yield further, that the leadership would do that only under the most extraordinary circumstances, and I cannot imagine by any stretch of the imagination that such a situation can possibly take place tomorrow.

I therefore renew my request, Mr. Speaker.

Mr. HALL. Mr. Speaker, further reserving the right to object, I understand we are going to have a conference report in addition to consideration of the rule, and in addition to the consideration of the Social Security Amendments of 1967. May I ask the majority leader is there anything else in the offing for tomorrow's calendar?

Mr. ALBERT. I believe there are three or four resolutions from the Committee on House Administration that we hope to dispose of some time this week.

Mr. MILLS. Mr. Speaker, will the gentleman from Missouri yield?

Mr. HALL. I will be delighted to yield to the gentleman from Arkansas after I ask the distinguished majority leader just one more question:

What is the objection to working on Friday? That is part of the ordinary work week.

Mr. ALBERT. There is no particular objection to working on Friday if it were necessary, but the difference between 1 hour will not make any difference as to whether or not we work Friday.

Mr. HALL. I thank the distinguished majority leader, but predict we will be here through Thanksgiving.

Mr. MILLS. Mr. Speaker, will the gentleman from Missouri yield?

Mr. HALL. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I want to assure the gentleman from Missouri that the gentleman from Wisconsin [Mr. BYRNES] and I have conferred on this matter, knowing the rules does provide for 8 hours of general debate.

We have evaluated it, and I assume—and Mr. BYRNES of Wisconsin is on the floor—that it will not take us that much time in general debate; we can dispose of it in less hours than that, so that it will be possible for us to dispose of it in 1 day, so certainly we will finish it.

Mr. ALBERT. Mr. Speaker, will the gentleman yield further?

Mr. HALL. I will be glad to yield to the gentleman.

Mr. ALBERT. The distinguished gentleman from Maryland advises me that he will not bring up the resolutions I referred to from the Committee on House Administration.

Mr. HALL. I would again advise the distinguished majority leader that if he did, they would not be accepted by unanimous consent under any circumstances.

Mr. Speaker, under the circumstances, and in view of the pledge of troth and plea for comity, I will withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SOCIAL SECURITY AMENDMENTS OF 1967

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 902, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 902

Resolved, That upon the adoption of this resolution is shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12080) to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance system, to provide benefits for additional categories of individuals, to improve the public assistance program and programs relating to the welfare and health of children, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts [Mr. O'NEILL] is recognized for 1 hour.

Mr. O'NEILL of Massachussetts. Mr. Speaker, House Resolution 902 provides a closed rule waiving points of order, with 8 hours of general debate for consideration of H.R. 12080 to amend the Social Security Act. The request to waive points of order was made due to the fact that the Ramseyer Rule was not complied with.

H.R. 12080 would provide a general benefit increase of 12½ percent for people on the rolls. As a result, the average monthly benefit paid to retired workers and their wives now on the rolls would increase from $145 to $164. The minimum benefit would be increased from $44 to $50 a month. Under the bill monthly benefits would range from $50 to $159.80 for retired workers now on the social security rolls who began to draw benefits at age 65 or later. Under existing law, the benefit range for those now receiving old age benefits is $44 a month to $142.

The special benefit paid to certain uninsured individuals aged 72 and over would be increased from $35 to $40 a month for a single person and from $52.50 to $60 a month for a couple.

The amount of earnings which would be subject to tax and could be used in the computation of benefits would be increased from $6,600 to $7,600 a year, effective January 1, 1968.

The $168 maximum benefit eventually payable under present law would be increased to $189 on the basis of the same monthly earnings. The increase in the amount of earnings that can be used in

the benefit computation would result in a maximum benefit of $212 in the future. The maximum benefits payable to a family on a single earnings record would be increased to $423.60, rather than $368 as under present law. Of course to qualify for the maximum benefits, a wage earner must have earned the maximum under the new wage base for a number of years in the future.

The increased benefits would be payable beginning with the second month after the month in which the bill is enacted. It is estimated that 23.7 million people would be paid new or increased benefits in December 1968 and as a result of the benefit increase $2.9 billion in additional benefits would be paid out in 1968. Of this amount, $52 million would be paid out of general revenues as benefits for 708,000 people over 72 who have not worked long enough to be insured under the social security program.

Mr. Speaker, as you know the President urged and asked for a 20-percent increase. The Committee has seen fit to give an increase of 12.5 percent. During the Committee on Rules' hearings there was opposition to this bill with regard to title II, and the gentleman from New York [Mr. GILBERT] wanted us to have a modified open rule to allow an amendment to the bill to place medicaid as it is in the present law.

Mr. Speaker, title II of this bill in itself is regressive and it turns back the present medicaid program that we have.

Mr. Speaker, I have here a letter from Dr. William M. Schmidt from the School of Public Health of Harvard University which was written to me with regard to this bill.

The letter reads in part as follows:

Section 208, "Limitation of number of children with respect to whom Federal payments may be made": This Section provides a ceiling on the percent of children with respect to whom payments may be made to a State. The ceiling is established as of January 1, 1967, and may not exceed the percent as of that date in any year after 1967. There is reason to believe that despite efforts to the contrary, there will be an increase of the number and percent of children of families eligible to receive AFDC.

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from New York, who, by the way, appeared before the Rules Committee and obtained a complete open rule for title II of the bill.

Mr. CAREY. I thank the gentleman. With reference to the gentleman's statement of my appearance before the Rules Committee, I pointed out that this particular section of the bill would not result in a true saving. It simply shifts the burden of paying the cost of aid to dependent children from the Federal Government, which initiated this program, back to the States. I thank the gentleman for yielding for the purpose of enabling me to inform the House at this time that I have checked some of the data with the distinguished social service commissioner of New York, Mr. Ginsburg, and he has confirmed by his estimate that it will cost the State of New York some $35 million to $40 million for the operation of this coming year. That is why I think this section of the bill should be open, so the House can work its will.

Mr. O'NEILL of Massachusetts. I am in agreement with the gentleman from New York in part.

I have also in the letter from Dr. William M. Schmidt a breakdown of section 201. In that letter Dr. Schmidt gives his report on the question. The complete letter is as follows:

HARVARD UNIVERSITY,
SCHOOL OF PUBLIC HEALTH,
Boston, Mass., August 8, 1967.

Hon. THOMAS P. O'NEILL, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN O'NEILL: I am writing to call your attention to certain provisions of H.R. 12080—"A Bill to Amend the Social Security Act . . ." which, if enacted, are likely to have an adverse effect upon the welfare of children and the strength and integrity of families.

There are especially two Sections which in my judgment would be bad at any time. Coming at this point of tension in our cities, these provisions, I am convinced, are deplorable.

1. *Section 208,* "Limitation of number of children with respect to whom Federal payments may be made": This Section provides a ceiling on the percent of children with respect to whom payments may be made to a State. The ceiling is established as of January 1, 1967, and may not exceed the percent as of that date in any year after 1967. There is reason to believe that despite efforts to the contrary, there will be an increase of the number and percent of children of families eligible to receive AFDC. Even the best of preventive measures designed to reduce the need for AFDC cannot be immediately effective. If a ceiling of this type is imposed, each State will be obliged to increase its own appropriations for AFDC or failing that to resort to denial of assistance. In many areas this will tend to encourage discriminatory practices to the detriment of needy families with children if the families are deemed to be "unworthy" by State or local public welfare officials.

2. *Section 201,* "Programs of services furnished to families with dependent children", provides as one new clause (15)(A), for the development of a program for each appropriate relative and dependent child receiving aid under the plan which will assure (i) "to the maximum extent possible, that such relative . . . will enter the labor force and accept employment so that they will become self-sufficient . . .". This clause, with emphasis on the phrase *"to the maximum extent possible",* encourages State and local welfare agencies to put pressure on mothers of dependent children to leave home and go to work. The aim of AFDC, however, is to provide for the best interests of children. In many families the interests of infants and very young children, and sometimes older children, are best served by enabling the mother to remain at home in order to provide care for them.

Extensive provision should be made for day care services for the care of preschool age children and after-school care of school age children of mothers who choose to work and for whom this appears to b the best plan and for mothers who are seeking work or for other reasons require day time care of their children. However, safeguards should be provided so that *no pressure is put upon mothers to leave their children in order to go to work.*

There are other elements in the Bill which I think need close examination, but these two are especially bad.

I don't know whether amendments can be offered on the floor. If so, would it be at all possible to strike out Section 208 and modify Section 201?

If this is not possible, I do hope you will speak against these Sections, so that the record will show that the House did not enact these harsh provisions without opposition.

Yours sincerely,
WILLIAM M. SCHMIDT, M.D.

As I said with regard to medicaid, the measure is definitely regressive, as I look at it.

I also have a statement by Gov. John A. Volpe, of Massachusetts, in opposition to title II. That statement is as follows:

STATEMENT BY GOV. JOHN A. VOLPE, OF MASSACHUSETTS

(Meeting of the National Governors' Conference Advisory Committee on Federal-State-Local Relations with the Honorable John Gardner, Secretary of Health, Education, and Welfare, Aug. 8, 1967)

I should like to emphasize that the comments I shall make on HR 12080 will be my personal views. Although my remarks have been cleared with Governor Dempsey, the Chairman of our Federal-State Relations Committee of the National Governors' Conference and with the staff of the Washington Office of the National Governors' Conference, the bill was not reported until last Thursday so that most Governors have not had an opportunity to familiarize themselves with the provisions of the clean bill.

Personally, I had hoped the Committee would consider tying Social Security benefits to the cost of living index, but I am sure all Governors will support the recommendations of the House Ways and Means Committee to increase the level and scope of Social Security benefits.

First, I think we must object to the two ceilings proposed by HR 12080.

1. No state could increase the proportion of children of broken homes under 21 who will receive Aid for Dependent Children (AFDC) after 1967. Of course, it is in the interest of all the states financially to develop programs which would cutback the number of poor families receiving AFDC. I think all of the Governors would support those programs which would encourage AFDC recipients to find employment and to keep that employment through the proposed wage incentives. This amendment makes no provision for local, statewide, or even federal economic emergencies. What would be the effect in America's cities which had gone through a catastrophic summer if the unemployment rate were suddenly to increase and AFDC was legally tied to the 1967 proportion? Would we not encourage heads of families unable to find employment to abandon those families?

Obviously through past experiences all levels of government are trying to avoid an economic cutback when a solution is found to the Vietnam dilemma. We must expect some drastic changes when millions of dollars are no longer going every day into a war economy. To box ourselves in as this section would do is simply ignoring the economic facts of life. The federal government in effect would be penalizing those states with the greatest need and in many areas would tend to encourage discriminatory practices to the detriment of needy families with children if the family is determined to be "un-worthy" by state or local public welfare officials.

2. The 133⅓% of income level for eligibility for programs under AFDC applied to Title XIX, Medicaide is another ceiling which would eventually require those states with forward-thinking programs to make additional moral judgments. Will the states, already overburdened financially, be forced to assume that portion of the cost which would exceed the proposed ceiling or will they be forced to retrench a program which is so vitally needed by the poor and the underprivileged? A program which has been undertaken by the states in good faith with

the understanding that the federal government would support its part of the costs. I feel we should give careful consideration to retaining the present 150% figure.

The original concept of AFDC was to keep families together. Section 201 by requiring that mothers enter the labor force would negate this original concept. While mothers of school aged children should be encouraged to find employment, this need not be a requirement of AFDC and by no means should be required by mothers of pre-school aged children.

Adequate provisions should be made for day care services for the care of pre-school aged children and after school care for school aged children for mothers who *choose* to work. This appears to be the best plan for mothers who are seeking work or for some other reason require daytime care for their children. However, safeguards should be provided so that no pressure is put upon mothers to leave their children in order to go to work.

While many states, including the Commonwealth of Massachusets, are moving forward by placing control of welfare programs at the statewide level this bill would reemphasize the role of the local agencies by requiring that they be responsible for such moral judgments as the limiting of illegitimate births, provision for family planning, and the determining of what constitutes a "suitable" family home life. Once again the federal government is pointing the finger of moral justice (a justice to be determined by local welfare boards) at one class of our population.

Section 223 by eliminating comparability may be a step backward towards separate and unequal care by downgrading the level of health and medical care for AFCD children, their caretakers, the disabled and the blind, even though much needed additional funds are recommended by the Committee. These children are the neediest in the country and they should have not less but more in standards of quality, amount, duration and scope of programs of assistance. While medical care for the aged is a long overdue program, we must not forget that a far better investment is that in the health of our young people. Certainly, those eligible for Medicaid should be recipients of the same care as the aged receive under Medicare.

If the section is adopted eliminating the five presently named types of coverage, and instead the states could have any seven out of fourteen named benefits, many states will obviously choose the seven cheapest benefits.

Under section 201, most of the proposed changes would encourage AFDC recipients to seek and retain employment. However, the section should be amended so that the wages of children under 21 who are going to school *part-time* would also be included since most of these young people are unable to attend school on a full time basis.

Section 235, which would move the existing Child Welfare programs from Part 3 of Title V, providing that Child Welfare Services be as fully available to children and families receiving AFDC as they are to all other children. It looks good on paper. It would be a progressive step if the program will assure the establishment and maintenance of standards and the extension and improvement of services such as have been developed by the Children's Bureau. The Children's Bureau, established 55 years ago, has developed an approach to the total problems of the individual and provided the first grant in aid to the states in 1921. It was the original plan of the Congress to put AFDC under the Children's Bureau. Does the Department of HEW intend to assure the continued administration of Child Welfare services by the Children's Bureau after the transfer of Part 3 of Title V into Title IV, or under the continued reorganization of the Department, will it establish an Assistant Secretary removing Child Welfare from the Children's Bureau.

Again on the favorable side, the proposed increase of the Federal contribution for training in Social Welfare will help to resolve the most pressing problem of the states. In the past five years recipients of Child Welfare, for example, have more than re-doubled, but we have been unable to increase staff resources, thereby diluting the quality of the service.

Yesterday I was of the belief that title II should be subject to an open rule, but my position did not prevail in the Rules Committee. A closed rule was reported. But after considering it during the course of the night, in my opinion there are so many inequities in title II of the bill in regard to needy children, medicaid, and half a dozen other provisions in the bill, I do not think we honestly could write this bill on the floor of the House.

Mr. Speaker, between now and the next time this bill is reported great consideration should be given to this question. If there is anything wrong in our system of government, it certainly is in relation to our welfare problems. I have talked to the mayors of three or four different cities in my district. Each one complains about what is happening.

For example, a man might be working as a car washer and making about $80 a week. He supports five children. Because he cannot get by on $80 a week, he goes completely into debt. The first thing you know he leaves his family and runs away. Why? Because he cannot meet his obligations and because his wife can draw $120 to $130 per week under the aid to dependent children program. He would rather have his family on relief than to live up to his moral obligation of taking care of his own family. Personally I believe we should help in cases like that to keep the family together. If we spent money under the aid to dependent children to help the father who is making $80 a week, we might even save that much and we would also be keeping a family together.

I believe the welfare section of this bill is riddled with inequities. Something should be done about them. I hope the chairman of the Ways and Means Committee will make a thorough investigation of this entire program. It is obsolete. Let us see if we can bring in some new ideas. But I do not believe we can write the measure on the floor of the House.

Mr. Speaker, I urge the adoption of House Resolution 902 in order that immediate consideration may be given to H.R. 12080.

Mr. BINGHAM. Mr. Speaker, I am opposed to a closed rule in this case because H.R. 12080 represents one of the most comprehensive and important bills to come before this House, and I believe it is wrong that no amendments can be debated or considered. I intend therefore to vote against the motion for the previous question on the resolution and, if that motion is defeated, I shall offer an amendment to the resolution to provide that amendments to the bill may be taken up and considered in the normal way.

This social security bill—with provisions on social security benefits, disability payments, aid-to-dependent children, State medical assistance programs—is one of the most significant pieces of social legislation which will come before the 90th Congress. In addition to committing the Federal Government to the expenditure of over $3 billion during the first full year after enactment, this bill will lay down basic policy guidelines affecting millions of elderly, of children without an employable parent, of the medically indigent, of disabled—in short the policies established in this legislation will affect the lives of a vast number of citizens at all stages of their lives.

And, yet we in the House are being asked to vote this bill up or down, as it comes from committee, with absolutely no opportunity to consider amendments to it or to make any constructive changes on the floor. Mr. Speaker, I submit that the 409 Members of this body who did not participate in the committee deliberations on the bill are being asked to abdicate their role as responsible legislators.

I do not for one moment underestimate the job which the Ways and Means Committee has done, under its superbly able chairman [Mr. MILLS] in working out the details of this legislation and in separating the wheat from the chaff of the many, many amendments to the social security program which my colleagues introduce each year. But the Members of this House also have a responsibility—to their constituents—to take part in some of the fundamental policy decisions embodied in this legislation.

For example, the bill provides for an across-the-board general increase in social security benefits of 12½ percent. A number of my colleagues, myself included, had introduced legislation calling for a 50-percent increase; the administration asked for a 20-percent increase. Many different factors would affect the size of the increase but surely any decision of this magnitude—affecting the existence of many of our elderly—deserves the attention of the entire House.

As a New Yorker, I was particularly dismayed by the amendments to title XIX which represent a major step backward from what was accomplished in 1965 to provide medical care for those who cannot afford it. This amendment would severely penalize those States which went ahead in good faith reliance on the 1965 provisions, and instituted far-reaching programs for the care of the medically indigent within their borders. Surely such a reversal ought to be considered separately by the House.

There are several other items in the bill which clearly merit separate attention and debate. Many of my constituents have written asking that the outside-earnings limit for social security be raised above the $1,680 figure so that they could earn a bit more to make their lives more comfortable. A very restrictive and unfair definition of "disability" has been written into the law which would allow those seeking disability payments to obtain them only if they were unable to secure gainful employment anywhere in the entire country, regardless of where they lived or what personal hardships would be entailed by such a move.

Immensely significant changes have

also been made in the AFDC program. These amendments would require States to set up programs for job training and counseling, family planning, and day care centers to apply to every adult and child over 16 who is himself receiving or whose family is receiving AFDC payments. Now some of these provisions carry great potential—such as the day care and family planning requirements—and some raise very disturbing policy questions—such as the implicit requirement that mothers of young children should deposit them in day care centers and spend their days working, even though it might be far better for both children and mother if she were at home caring for these children.

Finally, the bill contains the extremely restrictive provision freezing all State payments under the AFDC program at the current levels. In other words, no State will be allowed to give subsistence payments to a greater percentage of dependent children than are now being aided. This I find the most truly regressive limitation of all.

Mr. Speaker, I merely raise these issues to indicate some of the major items included in this bill. We should not be forced to cast only a yea or nay vote on this legislation. At the very least, we should be allowed the opportunity to approve or disapprove a few selected floor amendments raising the most important policy questions contained in this bill.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield a half hour to the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman from Massachusetts [Mr. O'NEILL] has stated, House Resolution 902 makes in order the consideration of H.R. 12080 under a closed rule which also waives points of order. Eight hours of general debate are provided for H.R. 12080, the Social Security Amendments for 1967.

The chairman of the Ways and Means Committee requested the waiver of points of order because the committee report does not include the entire text of the Social Security Act. In the interest of clarity and expense, it includes only those parts of the act that are amended.

Mr. Speaker, I have long been a champion of the social security program feeling that it means so much to our people. At the same time, I have been concerned about whether the program was sound financially, and I have been assured by the distinguished chairman of the House Ways and Means Committee that this bill is actuarially sound.

H.R. 12080 makes major changes in old-age, survivors, and disability insurance and health insurance programs, and many minor revisions. I will mention only the most important ones briefly here.

Under these amendments, a general benefit increase of 12½ percent would be provided for people on the rolls. As a result, the average monthly benefit paid to retired workers and their wives now on the rolls would increase from $145 to $164. The minimum benefit would be increased from $44 to $50 a month. Under the bill monthly benefits would range from $50 to $159.80 for retired workers now on the social security rolls who began to draw benefits at age 65 or later.

The special benefit paid to certain uninsured individuals aged 72 and over would increase from $35 to $40 a month for a single person and from $52.50 to $60 a month for a couple.

The $168 maximum benefit eventually payable under present law would be increased to $189 on the basis of the same monthly earnings.

The maximum benefits payable to a family on a single earnings record would be increased to $423.60 rather than $368 as under the present law. Of course, to qualify for the maximum benefits just mentioned, a wage earner must have earned the maximum under the new wage base for a number of years in the future.

Monthly social security benefits would be payable between ages 50 and 62 to disabled widows and widowers of covered deceased workers. If benefit is first payable at age 50, the benefit would be 50 percent of the primary insurance amount. The amount would increase depending on the age at which benefits begin, up to 82½ percent of the primary insurance amount at age 62.

Also in regard to disability, a worker who becomes disabled before the age of 31 could qualify for disability insurance if he worked in one-half of the quarters between the time he is 21 and the time he is disabled, with a minimum of six quarters of coverage. This requirement would be an alternative to the present requirement that the worker must have had a total of 5 years out of the last 10 years in covered employment.

All of the above amendments would become effective the second month after the month in which the bill is enacted.

The amount a person can earn and not lose any of his social security benefits is increased from the current $1,500 to $1,680. Over this figure, a beneficiary loses $1 in benefits for each $2 he earns, up to a total of $2,880 when all his benefits would cease. The provision would be effective for earnings in 1968.

This legislation also redefines disability for workers to mean that a person could be determined to be disabled only if he is unable to engage in any kind of substantial gainful work which exists in the national economy even though such work does not exist in the general area in which he lives.

This proposed new definition of disability places additional burdens to the attainment of a disability benefit by a physically or mentally handicapped individual. He not only must prove that his physical or mental impairment is of such severity that he is not only unable to do his previous work, but that he cannot, considering his age, education, and work experience, engage in any other kind of gainful work which exists in the general area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied to work.

It was my hope that this bill would relax the requirements to establish eligibility for an individual to draw disability benefits.

If an individual is disabled by medical evidence, he is disabled under the social security law and should draw disability benefits. This law should not create new burdens to the attainment of just benefits.

I have seen disabled individuals denied their just benefits because they were caught in the cobweb of regulations.

It would appear to me that the Social Security Administration has the responsibility for improving further additional methods for developing evidence of disability as well as more effective ways of assessing the total impact of an individual's impairment on his ability to work. There is accumulating evidence that many individuals, already drawing disability benefits, can benefit from rehabilitation and can be placed back in the work force over a period of time.

Only time will tell the impact of this new definition of disability if it becomes law. Let us hope that it will not deny anyone their just and lawful benefits.

Both taxable wage base and the tax rate will be increased to cover the increased costs to the social security trust fund, estimated at $3,200,000,000 in 1968. Currently the wage base is $6,600. This will be increased to $7,600. The combined employer-employee tax rate is currently 8.8 percent; it will be 8.8 percent in 1968, rise to 9.6 percent in 1969–70, to 10.4 percent in 1971–82, and to 11.3 percent in 1973.

Another amendment is in the dependency of the child on his mother. A child would be deemed dependent on his mother under the same conditions that, under present law, a child is deemed dependent on his father. As a result, a child could become entitled to benefits if at the time his mother dies, or retires, or becomes disabled, she was either fully or currently insured.

Also included in the bill are additional wage credits for servicemen. For social security benefit purposes, the pay of a person in the Armed Forces would be deemed to be $100 a month more than he is actually paid. The additional cost of paying the benefits resulting from this provision would be paid out of general revenues.

Amendments have also been made to the hospitalization insurance title of current law. The number of days of paid hospital care are increased from 90 to 120, but the patient will be required to pay $20 per day for each day over 90.

The bill attempts to speed up reimbursement to patients of doctor's bills they have paid themselves for covered illness, and a modification of the enrollment provisions for those over 65 who want to participate in the supplementary medical insurance program. New medical charges are included among those covered: podiatry services, additional radiological and pathological services, and physical therapy services.

In the area of programs of aid to families with dependent children and child welfare, aid to families with dependent children and for foster families caring for such children is increased from $55,000,000 to $100,000,000 for fiscal 1969 and to $110,000,000 for each year thereafter.

I am not sure what the new language affecting the States' welfare programs

will have on the benefits to individuals and families. No one should be denied just and lawful benefits and the overall welfare program should be improved.

It is my hope that our older citizens, those disabled, dependent children, and all those eligible for welfare benefits will not be neglected, rather their station in life improved financially and otherwise.

Under the bill, States would be required to establish community work and training programs in every area of the State where a significant number of AFDC families live. Every adult member and child over 16 not attending school for whom it was determined that work or training is appropriate would be required to participate or face the loss of assistance. All States would be required to have such programs by July 1, 1969. The bill also deals with work incentives, family services, emergency assistance for needy children, needy children of unemployed fathers, and limitation on aid to families with dependent children eligibles.

Finally, I would like to point out that title XIX of the current act, the medicaid program, is amended to remove the problem pointed up last year by events in New York. There, the State set the income ceiling so high that many more people were permitted to participate in the program than was expected, and the Federal Government had to pick up most of the tab. The amendment basically provides that the income level for participation in the program cannot be higher than 133.5 percent of the income level for eligibility for the ADC program. This ceiling will go into effect on January 1, 1970.

There are no minority views, although Mr. CURTIS has submitted supplemental views. He supports the bill, but believes the real problems in the health field are not met by the bill. He points out that Congress must be careful not to accept the argument that social security benefits are not the sole retirement income for most Americans and that Congress should not operate from this position when amending the law.

Mr. Speaker, I repeat that I think this is basically a very good bill, with the exception of a few minor reservations which I have mentioned, and I know of no objection to a rule being granted. I urge the adoption of the rule.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. CAREY].

Mr. CAREY. Mr. Speaker, I shall confine my remarks just as much as I can and be as brief as possible. At this stage let me indicate I commend and pay my respects to the distinguished chairman and the members of the Ways and Means Committee for the bulk of the bill as it comes to the floor for debate.

Certainly, I would be the last to attempt to open this bill to amendments as related to the old age and social security section, which, as the chairman has stated, is in delicate actuarial balance and should not be written on the floor. It would run the risk of tinkering with the mechanism which is very finely engineered in the committee, and might throw it out of balance.

Recent articles on this system have shown the social security system is working well, that it is sound, and that in every way it is responding to the need for which it was designed. But as far as using this system as protective cover to bring to the floor the public assistance program at this stage and run it through the House without the possibility of amendment, I believe flies in the face of good policy in the House of Representatives.

We know—many of us who have been involved in poverty work—who have been close to this, that an awful lot is wrong with it. We know certain things that can be done, and there have been some worthy revisions of this program which have been addressed in the Committee on Ways and Means. The child welfare amendments, which had been proposed by the distinguished gentleman from Massachusetts [Mr. BURKE] and the gentleman from New York [Mr. GILBERT], have been incorporated in the bill, and this means we will have some adequate professional day care services and institutional care for children who badly need it. That provision goes in the right direction.

But insofar as some of the revisions they have made as to the northern urban areas, where a great many of the recipients of welfare are located, I suggest that some of these appear to be punitive measures which are not reasonable and practical. The gentleman from Massachusetts has already well stated that the change in the limitation on aid to dependent children is going to cost us money in the northern cities and the areas where the children are located. We are not in a position to undertake any greater burden in this field. My city is the most taxed city in the country today; and $900 million of the budget of my city is being paid to 660,000 welfare recipients. Yet, under this bill, with no additional Federal support, we will be forced to take on additional burden insofar as aid to dependent children is concerned. This is why I have opposed granting this closed rule.

This bill has new work training provisions which duplicate and overlap other acts. There are some measures in the Economic Opportunity Act where we have put in work training, and there is an amendment I sponsored to the Economic Opportunity Act in which we set forth a provision under which the Director of OEO is to encourage compulsory work training and compulsory basic literacy training in the programs in public assistance. We have been working in this direction in the Committee on Education.

There is hidden danger in this bill. I understand the committee's interpretations of its new language requires in all cases of public assistance from age 16 on up, in families who receive public assistance, where there are 16-year-olds or over, who are not in school and where the father or mother is in the home and receiving public assistance, that if they are able to work they must accept employment. This seems to be a good thing, and I say anything which will make recipients of welfare self-supporting appears to be good, but we have tried some of these things, and if we go too far, we will defeat our own purpose.

Let me illustrate what I mean. If we consider the case of a mother with two children who are infants, and if we force her to accept employment because she is receiving public assistance, we run into the question of what will happen to the infants. If they are turned over to a public shelter, if one is available, that may not be the best thing for them. In the case of handicapped children it is less expensive to have the mother care for them than have the mother go to work as a scrubwoman and have the locality pay a public nurse or institution run for the children at a cost per day that totals as high as the mother's earnings or benefits.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from Arkansas.

Mr. MILLS. Let me assure the gentleman that there is no intention here, in the administration of this program, and it is clearly understood, to take any mother away from her small children, because we say that if she has good cause—and that is listed as a good cause—then she is excused from this requirement.

Mr. CAREY. I am pleased to hear the chairman of the committee state this. This is one of the reasons why I had hoped to get into a discussion of this matter, because if we can get a legislative history that this bill will not do that, it probably is a worthy amendment. This was my only purpose in coming to the floor at this time, because this may be the only time we can address ourselves to consideration of very vital programs and get a legislative history, to save this from becoming a punitive measure which would work a disadvantage to the families.

Mr. Speaker, I came to the well to indicate the dissatisfaction which I have with respect to the closed rule, as to this provision of the bill, but it is not my purpose at this time in any way to unhinge the legislative machinery by requiring a vote in opposition to this rule.

I agree with the gentleman from Massachusetts that there is much to be done in this field. This is a program which requires a great deal of consideration, and I believe we should begin right now in an attempt to rewrite this program from top to bottom.

The poor do not like the program. They are not happy over the indignities they endure under this program.

Those who administer the program, such as Commissioner Ginsberg of New York, have indicated it is an unworkable, unmanageable program, which should be refined from top to bottom.

I am sure the taxpayers do not like the program, which has now reached the astronomical figure of $4.1 billion. As predicted by the committee, this will go up to $4.5 billion next year. Ten years ago it was only $1.7 billion, and it has gone up $2.5 billion in 10 years.

There will be more persons added to the roll next year, even though we are in an unparalleled prosperity. This program is betting so large it rivals all other major programs of the Federal Government.

The programs we address in this field in the Economic Opportunity Act do not seem to be able to cope with this program, and cannot thus far contain this program. It is getting out of hand. Something must be done. We need to do something to stop attracting the poor to the ghettos and the unlivable conditions of the cities which this program does. And these things need to be done without delay.

I will yield to the counsel, judgment, prudence, and wisdom of the gentleman from Massachusetts, who stated, and I believe quite correctly, that we had better get to work and start rewriting this program from top to bottom, because, so far as I am concerned, the people of the great cities have had it. This is not the answer to our problems. It creates more havoc than it is curing.

For that reason, I will oppose in the future the granting of any closed rule on the public assistance provisions of this bill, and I hope that the Ways and Means Committee members, in their judgment and their wisdom—and I admire every member of the committee—will see their way clear the next time around to bring this out as a separate measure, not to be hooked up to social security amendments, where it does not belong.

I thank the gentleman from Massachusetts for yielding to me.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, I take this opportunity merely to advise the House that I appeared before the Rules Committee to ask for a modified rule, to the extent that the rule be modified so that amendments could be offered with respect to the medicaid provisions, which I believe act very unfairly so far as the bill is concerned in respect to the largest States. Unfortunately, a closed rule was granted.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Speaker, I do not know that I can add much to the very excellent remarks of my friend, the gentleman from Massachusetts [Mr. O'NEILL], and my colleagues, the gentlemen from New York [Mr. CAREY and Mr. GILBERT]. I wholeheartedly support their views.

I suppose we from New York are speaking out most against this rule because New York stands to be hurt worst by some of the changes made to the welfare and aid to dependent children provisions in title II.

In spite of the fact that I have a tremendous amount of respect for the chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS], and his colleagues on that committee, I think the committee adopted some very controversial measures in title II concerning welfare that deserve discussion by the House.

Therefore, acting as the fool who walks in where angels fear to tread, I propose that the House vote down the previous question on this rule. If that is successful, I propose to offer an amendment which would open only title II to amendment.

The most grave problem with title II, in my opinion, is the adoption of a freeze on welfare recipients. This would work grave inequities because of the tremendous population shifts throughout the country into and out of cities.

I think penalizing children for the failure of their parents to take work is completely wrong. Although I entirely favor compulsive measures to require those parents to take work and training where they are available and, in the case of mothers, where adequate day care facilities are available, I feel that to penalize the innocent children in these situations is an unfortunate mistake.

Another controversial change made by the committee that deserves discussion is the drastic limitation on medicaid. This will cause particular disruption in New York.

Therefore, I urge my colleagues in the House to vote down the previous question and to adopt an amendment to the rule which would permit amendments to title II relating to the welfare provisions of this bill.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I join with my colleagues from New York in expressing my concern about the fact that the Social Security Amendments of 1967 are to be brought to the floor of the House under a closed rule which precludes the opportunity to offer amendments to certain sections of H.R. 12080 which have a particularly deleterious effect on the State of New York.

I should also like to express my concern about the aspect of the rule which waives points of order.

The report filed with the bill, House Report No. 544, does not comply with rule 13(3) of the House known as the Ramseyer Rule which provides that, when reporting a bill amending any statute, the committee shall—

> Include in its report or in an accompanying document—
>
> (1) The text of the statute or part thereof which is proposed to be repealed; and
>
> (2) A comparative print of that part of the bill . . . making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns. . . .

Nor has a supplementary document complying with the rule been brought to my attention.

The purpose of the Ramseyer rule is to permit Members more easily to ascertain the effect of proposed amendments. Important as it is for short bills, it is even more important for a bill such as H.R. 12080, which is 207 pages in length, involving as it does many proposals of a technical and detailed nature proposals which, if adopted, will affect a large number of our citizens.

Especially when legislation is to be considered almost immediately after being reported out of committee, there should be a method to facilitate Members' understanding of proposed changes in the law.

By waiving all points of order, House Resolution 902 makes it unnecessary to comply with the Ramseyer rule.

I have the greatest respect for the competence and knowledge of the House Committee on Ways and Means concerning the matters that are passed on by that committee. The effect, however, of the closed rule is to vest the 25 members of that committee with virtually sole authority concerning this legislation. Except for a motion to recommit, and except for amendments offered by direction of the Committee on Ways and Means, the House would under House Resolution 902 only have the opportunity to vote for or against H.R. 12080.

Mr. Speaker, H.R. 12080, if adopted will affect the welfare of many citizens residing in every part of the United States. The bill as reported contains several provisions which in my opinion are inconsistent with our general policy concerning the welfare of persons unable to adequately provide for themselves.

There should be an opportunity to attempt to make needed changes. If the closed rule is approved, Members will be able to air their opinions for 8 hours with no probability of affecting H.R. 12080 in a substantive way through the amendment process.

Mr. Speaker, I am not particularly concerned about two formulas.

One is the title XIX formula which could have the effect of reducing the amount of Federal funds which would go to the State of New York under the medicaid program. This also penalizes the people of New York State, where there was a medical assistance program already in effect.

Before the enactment of title XIX, New York's eligibility level was $5,200 for a family, of four; it was expected to be $5,700 in 1967 regardless of a Federal medicaid program. After the enactment of title XIX it became $6,000. Under the new formula proposed in section 220 of H.R. 12080 the eligibility level is estimated to be reduced by over $700 to $5,292. This is the first step in the proposed three step percentage reduction.

I should like to commend my colleague from New York [Mr. GILBERT] for his supplemental views. He points out there very clearly that—

> This amendment . . . penalizes the State of New York more than any other.

Another formula, which works an injustice and to which amendments might be offered were it not for a closed rule, is that which affects the program of aid to dependent children. By freezing the number of children according to the formula in the bill, it means short changing the large populous metropolitan States which are experiencing and have experienced for the past number of years a large immigration of poor people, particularly from the rural areas of the country from which for various reasons, including mechanization of farming and the inadequate level of public assistance, they are forced to the cities.

Again this means that the large popu-

lous metropolitan States would be penalized.

If we do not have a closed rule, it will be possible to examine not only this formula but the method by which public assistance is financed. The Federal Government should bear a much larger responsibility than it does for the public assistance programs which the big cities are required to maintain because of conditions pertaining in other parts of the country over which the big cities have absolutely no control.

Mr. Speaker, for those reasons, I recommend that the previous question be defeated in order to amend the rule. We should have an open rule in order to deal with these provisions.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. KUPFERMAN].

Mr. KUPFERMAN. Mr. Speaker, I am opposed to the closed rule. As I see it, this bill will pass tomorrow overwhelmingly, even though there are a number of areas that deserve a specific vote and which areas are unsatisfactory. In addition to those items which have already been cited and which I believe should have consideration on the floor of the House and that there be provided an opportunity for each Member to vote upon the questions specifically, I am also in favor of an amendment which I would have proposed had I had the opportunity to do so to eliminate the restriction on outside earnings for people receiving social security by reason of retirement age.

I think it is necessary, in view of the overall poverty situation in the United States today, and with inflation, that we have an opportunity to consider such a specific proposal and, now, I shall not have the opportunity to present it.

Therefore, Mr. Speaker, I am opposed to the closed rule.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island [Mr. TIERNAN].

Mr. TIERNAN. Mr. Speaker, I oppose a closed rule on H.R. 12080. The provisions putting a limit on title XIX, medicaid, and on aid to families with dependent children are ill considered and heartless. I plan to offer amendments to these two provisions if I succeed in defeating the closed rule.

Mr. SCHEUER. Mr. Speaker, may I commend my colleagues on the Ways and Means Committee for their constructive efforts in producing the Social Security Amendments of 1967. Their work is the more impressive and their task was made more difficult by virtue of the fact that they are not a committee that deals daily with measures designed to help people, people in deep trouble, with pressing and often multiple needs.

The Ways and Means Committee, during its normal course of business, deals with the subtleties and complications of highly technical and sophisticated taxes and tariffs, not with broken homes, sick and starving children, illegitimacy, or problems relating to jobs and manpower. It is understandable, therefore, that the welfare provisions of the amendments in many ways produce more problems than they are meant to solve, raise more questions than they attempt to answer, and work a hardship on the urban taxpayers who must provide the extra funds they require.

Three areas, in particular, deserve a serious examination by Congress. It is my hope that when this bill is taken up for consideration by the Senate, the Members of that body will provide the scrutiny in those areas which the House of Representatives, because of the closed rule, has been denied.

The aid to families with dependent children provisions, by setting as the maximum State client population the current State AFDC child percentage, places an additional heavy burden on the cities and States of America. These committee-passed provisions fail to take into consideration the ongoing migration from our Nation's rural areas to our cities.

Although the total number of individuals being assisted nationally under AFDC increases at an average annual rate of less than a quarter of a million, the increase within a given city, in percentage terms, is significant.

In New York City, for example, the cost of this unwarranted restriction will be in excess of $40,000,000—to be absorbed half by the city and half by the State.

There is no doubt that this additional burden will have to be absorbed. We are not going to permit children—legitimate or illegitimate—to go starving, sick, and homeless in New York State.

Certainly, innovative employment programs such as the new careers amendment to the Economic Opportunity Act, or the establishment of day care centers and birth control plans can help resolve the welfare problem by reducing the welfare rolls and getting now-dependent people into jobs and thereby bringing to them the independence, pride, and self-respect that comes with filling a responsible job. But in the interim the wealthiest country in the world can and must summon up the will and the resources to feed its children—whether they live in the country or in the city.

Second, the committee-backed amendments effectively change the basic thrust of the original AFDC program from one of protecting the welfare of dependent children to one of enforcing the employability and employment of the parents of those children. The amendments require that AFDC mothers leave their dependent children to accept work or training, without setting forth any standards for evaluating the impact of such requirements on the family—or what is left of the family. No adequate standards have been set for jobs or training for jobs or for supporting social, health, educational, medical or other community services.

Finally, the committee-backed amendments, by setting the income limits for medicaid lower than their current level, force many States and cities to take up the slack out of their own pockets. New York State will have to find some $40,000,000 to maintain the level of services it now provides—bringing up to $80 million the additional amount New York will have to bear.

This enumeration of substantive deficiencies in the bill as reported out of the Ways and Means Committee is not exhaustive or all-inclusive. My colleagues—on both sides of the aisle—will find others. All of us, however, because of the archaic mechanism of the closed rule governing this bill, are frustrated in working our will on the floor as we are freely able to do with the vast myriad of defense, housing, education, antipoverty, foreign aid and other vital measures which flow through the House each session.

There is no necessity and no rationale for welfare provisions such as AFDC to be included in the same measure as social security. The result is to hamstring Congressmen who wish to improve the effectiveness and workability of the bill by offering substantive amendments to remedy the defects like the ones I have highlighted in the committee-passed bill.

Mr. ST GERMAIN. Mr. Speaker, I am opposed to the closed rule on H.R. 12080, because there are several provisions in the bill which I think should be open to amendments on the floor. I refer particularly to the provisions which would impose arbitrary and unfair limitations on title XIX of the Social Security Act. The 133⅓-percent limit on eligibility should be raised to at least 160 percent. The bill is very unfair in this regard in its effect on Rhode Island and other States.

Mr. RHODES of Arizona. Mr. Speaker, the House Republican policy committee supports H.R. 12080. This bill provides an across-the-board increase of 12½ percent, increases the amount an individual may earn and still get full benefits, strengthens the benefit formula, improves the health insurance benefits, and requires the development of programs under aid to families with dependent children—AFDC—that would insure that individuals receiving aid would be trained to enter the labor force as soon as possible.

During the 89th Congress and again in the January Republican state of the Union message, the Republican leadership in the House of Representatives called for an immediate increase in social security benefits. Due to the Great Society inflation, many of our elderly citizens have been faced with a serious situation. Last year alone, the cost of living rose 3.3 percent. Cash benefits had fallen 7 percentage points behind the Consumer Price Index. Under the circumstances, it is unfortunate that the administration delayed action on this bill for so long. The 12½-percent increase in social security benefits is needed now to help many of our senior citizens cope with the inflation that has resulted from the fiscal policies of the Johnson-Humphrey administration.

We believe that the present earnings ceiling is inadequate. The increase that is contemplated by this bill would, in some measure, reflect the financial realities of the present inflationary period. Under the provisons of this bill, the amount that a person may earn and still get his benefits would be increased from $1,500 to $1,680 and the amount to which the $1 for $2 reduction would apply, would range from $1,680 to $2,880 a year. Also,

the amount a person may earn in 1 month would be increased from $125 to $140.

Experience has proven that a number of major changes in the present health insurance provisions are required. As a result, under H.R. 12080, the number of days of hospitalization would be increased from 90 to 120 days. A patient would be permitted to submit his itemized bill directly to the insurance carrier for payment. And a physician no longer would be required to certify that a patient requires hospitalization at the time he enters or that a patient requires hospital outpatient services.

One of the most perplexing problems in the welfare area is centered in the program that provides aid to families with dependent children. In the last 10 years, this program has grown from 646,000 families that included 2.4 million recipients to 1.2 million families and nearly 5 million recipients. It is estimated that the amount of Federal funds allocated to this program will increase from $1.46 billion to $1.84 billion over the next 5 years unless constructive and concerted action is taken. In order to reduce the *AFDC rolls* by restoring more families to employment and self reliance, H.R. 12080 would make a number of changes in the present program. For example, States would be required to:

First. Establish a program for each AFDC adult or older child not attending school which would equip them for work and place them in a job. Those who refuse such training without good cause would be cut from the rolls.

Second. Establish community work and training programs throughout the State by July 1, 1969.

Third. Provide that protective payments and vendor payments be made where appropriate to protect the welfare of children.

Fourth. Furnish day-care services and other services to make it possible for adult members of the family to take training and employment.

Fifth. Have an earnings exemption to provide incentives for work by AFDC recipients.

There is no provision in the present Social Security Act under which States may permit an employed parent or other relative to retain some of his earnings. This has proven to be a serious defect. The number of assistance recipients who take work or enter into a training program can be increased if the proper incentive exists. We support the adoption of a work incentive provision.

At the present time, there are a number of other Federal programs that make provision for work incentives to welfare recipients. This proliferation of work incentive provisions has proven confusing to welfare personnel and recipients. In an effort to end this confusion, the proposed provision in H.R. 12080 would, in effect, supersede the provisions relating to earnings exemptions now contained in the Economic Opportunity Act and the Elementary and Secondary Education Act. We support this attempt to establish a uniform rule. We urge prompt action to bring the provisions of other legislation into conformity with this provision.

GENERAL LEAVE TO EXTEND

Mr. O'NEILL of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. OTTINGER) there were—ayes 120, noes 7.

So the previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MARY SWITZER, A GREAT CHOICE

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, yesterday the Secretary of the Department of Health, Education, and Welfare announced the formation of a new agency—the Social and Rehabilitation Service. Named to head this new agency is Mary Switzer, presently Commissioner of the Vocational Rehabilitation Administration.

In this major reorganization of three important agencies within the Department of Health, Education, and Welfare, Miss Switzer, for 17 years the Director of the Nation's largest rehabilitation program, will be in charge of the Government's vocational rehabilitation, welfare, aging, and mental retardation programs. Mary Switzer, during her years of service to the Government has commanded the highest respect from Congress and from experts in the field of rehabilitation. Secretary Gardner, in announcing her appointment today, referred to her as "a dynamo" and as "a woman of spirit and imagination." She is both as well as an able administrator. The traditions in this country are such that one woman doer observed:

A woman must be an innovator but must never be caught with the blueprints in her hand.

Thank goodness, Mary Switzer has challenged this tradition. She has been an innovator—and the rehabilitation services have been much improved because many of the blueprints have been drafted in her office. Innovation, wise planning, efficient administration have been the hallmarks of the Department under her supervision.

Miss Switzer began her Federal career with the U.S. Treasury Department, where she later served as assistant to the Assistant Secretary in charge of the Public Health Service—then part of the Treasury Department. When the Public Health Service was transferred to the Federal Security Agency in 1939, she was named assistant to the FSA Administrator.

In recognition of her work in medical manpower procurement and the development of scientific research programs during World War II, Miss Switzer received the President's Certificate of Merit—the highest award given to a regular civil service employee. In 1956 the Department of Health, Education, and Welfare presented her with the distinguished service award.

Other awards Miss Switzer has received are the Albert Lasker Award for distinguished service to the physically handicapped in 1960 and the Presdent's Award of the National Rehabilitation Association. Nine colleges and universities have presented her with honorary degrees. Miss Switzer is past president of the National Rehabilitation Association and twice served as president of the American Hearing Society.

Her unique administrative ability will be directed toward giving the help and the skills and the motivation necessary for those in our country who are striving to become independent.

Mr. Speaker, I include in the RECORD the statement of Secretary John Gardner announcing this reorganization:

STATEMENT BY JOHN W. GARDNER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

I'm here to announce the merger of three existing agencies—Welfare, Vocational Rehabilitation and Aging—into a new agency to be called the Social and Rehabilitation Service.

I'm not going to go into detail now about the reorganization, because you can figure out a good deal of it from these charts, and also I'll be glad to answer any questions you have in a few minutes. Right now I just want to tell you briefly about why we did what we did. And I should add that this reorganization is based on extensive consultations, going back over almost a year, with numerous state and local officials and many others in and out of Government.

There are three key features of the reorganization. First, in the new Social and Rehabilitation Service we have brought together the various services of HEW that deal with special groups: the aged, the handicapped, and families, particularly children.

Second, we have separated the administration of programs having to do with cash payments—that is, public assistance payments—from the programs offering rehabilitation and social services.

Third, we have established a single regional commissioner of the new Service in each of HEW's nine regions throughout the country.

When you boil it all down, HEW, working with and through the states, counties, and local communities, provides two different kinds of help to these special groups or populations.

It helps toward meeting their basic needs, where necessary, by financing medical costs through Medicare and Medicaid, and through cash payments for old age assistance and aid to the blind, the totally and permanently disabled, and families with dependent children.

And it also provides a wide range of services aimed at rehabilitation in the broadest sense of that word—giving people opportunities to become self-supporting and self-suffi-

cient, where possible; releasing and fostering their energies and talents; enhancing their capacity to cope with the world and to be responsible and participating citizens; enabling them to live their lives with some measure of dignity.

The emphasis on rehabilitation in our social and welfare programs is in large part due to the foresight and wisdom of one of my predecessors, Senator Ribicoff, when he was Secretary of HEW. It is an emphasis we intend to continue, expand, and strengthen.

Rehabilitation can take many forms. It may mean, in one instance, giving a blind boy the training he needs so he can become a skilled mechanic. In another case, it may mean helping an elderly person find meaning and satisfaction through participation in a foster grandparents' project, at the same time providing a deprived youngster with the interest, attention, and affection of a responsible adult. It can mean helping a bewildered and frightened AFDC mother to develop a realistic budget, receive information about family planning, learn to cope better with the tasks of housekeeping and child-rearing, and perhaps get the training she needs so she can get a part-time or full-time job, providing day care for her children while she gets it. Already, we have had a good deal of success in preparing the unemployed parents of AFDC children and other needy people for jobs—about 36,000 have become partially or fully self-supporting under the relatively limited work-experience program we have been running for the past two and a half years—and we expect to expand that program in the future.

The aged, the handicapped, and children should continue to be given special emphasis, and assigning each of these groups special status within the new Service while preserving their administrative integrity insures that each will receive the priority attention it needs and deserves.

But we find that usually the trouble an individual or family is in is a combination of several related problems requiring a combination of approaches. And those problems, different though they may be, are all concentrated in that one person or one family. We must not take a fragmented approach to them. We want to encourage a unified approach to the problems of all these groups, with special emphasis on the family. We believe that the new Service can make this possible and that each of its parts can draw on the strengths of the others and that they can be mutually reinforcing.

The second key feature of the reorganization is that we have separated the two basic functions: the fiscal, on the one hand, and the services, on the other. The new Assistance Payments Administration will be responsible for the provision of policy guidance to state agencies in the administration of the money payment aspects of the public assistance programs. Several states and cities have already taken or are contemplating steps to separate the administration of payments and the provision of services, in the interest of efficiency and of saving scarce time and talent for the provision of rehabilitative services. But it should be emphasized that the form of organization we are adopting here is not intended to predetermine forms of organization at the State and local level.

The third key feature of the reorganization is that an SRS commissioner in each of the regions will supervise all the programs and activities of the Service in his region and will give approval to all state plans. We expect that this will make it easier for the states and communities to deal with the Federal Government on all these matters.

Now there are two things I'd like to mention that aren't exactly "major features" of the reorganization, but demonstrate the kinds of concerns we have and the kinds of approach we are trying to take.

First there is the Office of Research and Demonstrations. Its sole charge from me is to develop policies and projects that are innovative and experimental—all of them aimed at finding ways of delivering services more effectively, more efficiently, more quickly. That is the spirit we want to characterize all our efforts.

Second, some time ago I announced the establishment of the Center for Community Planning, attached to the Office of the Assistant Secretary for Individual and Family Services. This Center is now operating. We feel it is one effective means through which we can address ourselves directly to the problems of our central cities. And it provides a good example of the kind of unified approach we want to take. At the moment, for instance, the Center is cooperating with HUD in the development of neighborhood centers being established in fourteen cities throughout the country. And it is receiving wholehearted cooperation from all the agencies in HEW that can be helpful: from the health people, from various units of the Children's Bureau, from mental health experts. The creation of a unified Social and Rehabilitation Service will greatly help this kind of exchange of information.

I have named Mary Switzer, Commissioner of the Vocational Rehabilitation Administration, as Administrator of the new Service. For seventeen years she has directed the nation's largest program of rehabilitation of disabled people. I have worked closely with her ever since I came to Washington, and have unqualified respect for her ability. She is a dynamo. She is a women of spirit and imagination. Any government operation under her direction will enjoy a rising curve of vitality.

OPERATION OF THE REFUGEE SECTION—SECTION 203(a)(7) OF THE IMMIGRATION AND NATIONALITY ACT

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the Immigration Act of 1965 authorizes the conditional entry into the United States of 10,200 refugees annually who are uprooted from their homes by natural calamities or who, because of persecution or fear of persecution, or on account of race, religion, or political opinion, have fled from a Communist-dominated country, or from a country within the general area of the Middle East.

Under the provisions of this act the conditional entry of a refugee is the same as an entry under parole and provision is made for the adjustment of status of these refugees after they have been physically present in the United States for 2 years. Additionally, the law provides that one-half of the numbers authorized for refugees—5,100—may be used in lieu of conditional entry to adjust the status of refugees who have already been physically present in the United States for 2 years.

In order that the House may be fully informed of the operation of the refugee section—section 203(a)(7) of the Immigration and Nationality Act—I wish to insert in the RECORD a report submitted by Raymond F. Farrell, Commissioner of the Immigration and Naturalization Service, which sets forth refugee statistics for the 6-month period ending June 30, 1967:

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On January 1, 1967, there were pending 2,382 applications for conditional entry under Section 203(a)(7) of the Immigration and Nationality Act, submitted by aliens in Austria, Belgium, France, Germany, Greece, Italy and Lebanon. During the six-month period ending June 30, 1967, an additional 2,854 applicants registered in these countries. During this period, 2,454 were approved for conditional entry, 560 were rejected or otherwise closed, and there were 2,222 applications pending on June 30, 1967.

The following reflects the activity in each of the countries in which applicants were examined during the period between January 1, 1967 and June 30, 1967:

Country	Applications pending, Dec. 31, 1966	Registrations received during period	Total	Found qualified for conditioned entry	Rejected or otherwise closed	Pending, June 30, 1967
Austria	450	479	929	270	80	579
Belgium	40	27	67	27	14	26
France	534	511	2,045	427	165	453
Germany	284	505	789	277	129	383
Greece	36	98	134	69	5	60
Italy	718	972	1,690	1,048	128	514
Lebanon	320	262	582	336	39	207
Total	2,382	2,854	5,236	2,454	560	2,222

Established screening procedures resulted in the rejection of 203 applicants during the period, on the following grounds:

Ineligible	32
Security Grounds	86
Criminal Grounds	14
Medical Grounds	3
Immorality	2
Undesirability	12
Firmly Settled	53
Spouses and Children of above principals	51
Total	203

During the period from January 1, 1967 to June 30, 1967, 2,105 conditional entrants arrived in the United States, as follows:

Country of visa chargeability (includes accompanying spouses and children)

Albania	40
Austria	5
Belgium	2
Bulgaria	129
Burma	1
China	2
Czechoslovakia	190
France	17
Germany	2
Greece	4
Hungary	190
Iraq	5
Italy	14
Lebanon	25
Palestine (Arab)	4

Country of visa chargeability (includes accompanying spouses and children)—Con.

Poland	86
Rumania	244
Southern Rhodesia	1
Spain	1
Switzerland	3
Syrian Arab Republic	13
Turkey	56
U.A.R. (Egypt)	250
U.S.S.R.	38
Yugoslavia	783
Total	2,105

During the six-month period ending June 30, 1967, 452 aliens in the United States were accorded permanent resident status pursuant to the proviso to Section 203(a)(7).

In compliance with Section 203(f) of the Act, detailed reports on aliens who conditionally entered the United States are attached.

Sincerely,

RAYMOND F. FARRELL,
Commissioner.

WASTEFUL PROCUREMENT PRACTICES BY DEFENSE SUPPLY AGENCIES

Mr. PIKE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIKE. Mr. Speaker, 2 weeks ago I made a speech on the floor of the House citing five specific examples of wasteful procurement practices by the Defense Supply Agency. Somehow this has led to the impression that they are the only ones wasting the taxpayers' money. Heaven forbid, Mr. Speaker, heaven forbid. The Army is doing it. On December 27 last year, without even looking at the manufacturer's catalog, the ECOM—Electronics Command—of the Army in Philadelphia, Pa., bought 128 gear clamps. The manufacturer said in his catalog, which was up to date, that these were worth $1.80 apiece. The Army paid $18.75 for them. And an item which should have cost $230 cost $2,400. On November 9, the same great purchasing unit of the U.S. Army bought 110 little knurled thumb screws less than an inch long. The manufacturer said they were worth 65 cents, but by intelligent quantity buying the Army got 110 of them for $6.25 each.

The Navy gets this week's prize. The Navy Electrical Supply Office in Great Lakes, Ill., on February 3, bought some little insulated couplings which the manufactured said in his catalog were worth $2.75. By buying 30 of them the Navy managed to get this $2.75 item for only $67.50 each. And a total purchase which should have cost $82.50 cost the American taxpayer $2,025.

The Air Force did better. In one purchase they only paid three times the catalog price. Out at Kelly Air Force Base in San Antonio, on February 28 of this year, they got 64 couplings which the manufacturer said were worth $16.99 each. They paid $46.75 apiece for them, and the total sale which should have been $1,087 was $2,992. That is a real bargain. The Air Force does not always do that well. At McClellan Air Force Base on April 20, they got some worm gears worth $4.49 each. They paid 10 times that—$44.90 each—but they only got six of them.

Mr. Speaker, the Comptroller General of the United States, testifying before Congressman PORTER HARDY'S subcommittee last week, advised us that 98 percent of all Department of Defense procurement—some 14 million transactions a year—involve amounts under $10,000. These small purchases approximate almost $4 billion a year and apparently no one anywhere is really auditing. While the items I have enumerated involved one contractor, they involve every single purchasing agency in every single branch of the service and in the Department of Defense. This contractor had no difficulty whatsoever in selling products to every branch of our military establishment for from three times to 50 times what the products were worth because no one was paying any attention.

I am absolutely appalled at the reaction of the Department of Defense to these disclosures. First, they said nothing and they did nothing. After a week, when I made a second speech and showed some of the tiny items for which the Government paid 50 times the contract price, I got a reaction. In an official Pentagon press release dated August 9, 1967, the Secretary of Defense said this:

> I am delighted that Congressman Pike has located some $2,000 worth of the hundreds of millions of dollars of waste that I am confident I can find—and wring out—of our $73 billion budget. Waste is bound to creep in when an organization expands as rapidly as this one has in the past year. The people of the Department of Defense are looking for such waste, and we welcome the help of Mr. Pike.

Oddly enough, I did not get the feeling that the Secretary was either delighted with my disclosures or that he welcomed my help. Remember, not in one of these purchases did one of these agencies even look at the manufacturer's own catalog prices. On the following day, August 10, the Department of Defense, instead of going after both the supplier and the purchaser, defended this outrage. To any reporter who called they said this:

> In response to the initial inquiry by the Defense Construction Supply Center, the manufacturer reported that while the items are carried in the catalogue they are not available from stock and must be manufactured to order. The catalogue prices according to the manufacturer's condition of sale are subject to change without notice. The contractor has stated the catalogue prices for the items in question are obsolete and not applicable today. He further stated that they will vary with quantity and are quoted only on request. In the cases cited, the Government bought limited numbers of each item—the largest quantity of any item bought was 40. To provide these small quantities, the supplier reported that he had to incur start-up costs for the limited fabrication of each of the items bought with resultant higher prices.

A Pentagon spokesman said that the higher prices "may be termed waste or excessive payment when contrasted with the same item in on-shelf supply but must be paid when there is no satisfactory substitute that can be procured at a less cost."

First of all, not only did the purchasing agents, who are wasting our money by the millions, not look at the manufacturer's catalog, but the massive brain in the Pentagon which produced that release never looked at the catalog either. I now read to you from page 16 of the current, and I repeat current, manufacturer's catalog:

> *Sterling*, long a leader in the precision, electro-mechanical component field, has taken another step forward and has placed at its customers' disposal, a vast stock of standard components which will fulfill every requirement of the experimental, prototype and production departments of your company.
>
> *Sterling* standard components are precision designed, engineered and manufactured to make interchangeability a reality. Standard components are designed for quick and economical assembly. No longer must the cost of prototype work be prohibitive. With Sterling standard components, your requirements are always "in stock."
>
> *Sterling* standard components, as listed in this catalog, are stock items, available "off the shelf."

It does not matter whether the items were in stock or out of stock. There are no startup costs whatsoever. There was a catalog and there was a catalog price and private manufacturers all over the country were buying at the catalog price while the Department of Defense was making excuses for paying 50 times that amount. Furthermore, although the fact is actually immaterial, the General Accounting Office in its preliminary investigation has determined that the items investigated were actually available in stock at the time of the Government's purchases.

As an interesting footnote to this sorry, sorry tale of cupidity on one side and stupidity on the other, think about this: At least through fiscal 1966, the Department of Defense listed all sales of under $2,500 as competitive sales. In 1966, just four major purchasing centers reported a total of $80 million of procurement actions involving amounts of $2,500, or less, and because of Defense Department regulations claimed that these were competitive. The Department of Defense in its well-publicized cost reduction program applied a factor of 25 percent to all of its sales under $2,500 and said that they had saved 25 percent of the sale price because it was competitive.

In other words, in the items which I have set forth here, if the Government had paid the catalog purchase price they would have "saved" 25 percent of the catalog price. By paying 50 times the catalog price they were able to report to Congress that they had "saved" 50 times as much. Yesterday, Mr. Speaker, 2 weeks after my initial speech on this sorry situation, the Department of Defense reluctantly put out a release admitting that it was "possible" that one contractor had substantially overcharged the Government. The Department of Defense in manly manner put all of the blame on the contractor. It utterly ignored the fact that it takes two to tango. It utterly ignored the fact that the Army purchasing agents unquestion-

ingly paid many times the contractor's own catalog prices. It utterly ignored the fact that the Navy purchasing agents unquestioningly paid many times the contractor's catalog prices. It utterly ignored the fact that the Air Force purchasing agents unquestioningly paid many times the manufacturer's catalog prices. It ignored the fact that the Defense Supply Agency, that paragon of efficiency set up to protect us from the inefficiencies of the Army, the Navy, and the Air Force in purchasing, unquestioningly paid up to 50 times the manufacturer's own catalog prices. It utterly ignored the fact that the Department of Defense defended the practice because it, too, never bothered to look at the manufacturer's catalog.

I am happy to be able to report that both the chairman of the House Armed Services Committee, the Honorable L. MENDEL RIVERS, of South Carolina, and the chairman of the Armed Services Special Investigations Subcommittee, the Honorable PORTER HARDY, of Virginia, have shown a far greater interest in getting to the bottom of the situation and investigating not simply one contractor, but the entire procurement practices of the Department of Defense than has the Department itself.

THE OIL DEPLETION ALLOWANCE

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, I have introduced a bill today to amend the Internal Revenue Code of 1954 to eliminate the percentage depletion method for determining the deduction for depletion of oil and gas wells.

The oil depletion allowance, as it is commonly known, deprives the Government of up to $1.5 billion a year in tax resources. At a time when Congress is being asked to approve a 10-percent surtax because of the huge national expenditures, we should be exploring means to close many of the tax loopholes and gimmicks which give preferential treatment to persons and corporations which need it the least.

Mr. Speaker, the Democratic Party platform of 1960 pledged to close such loopholes "by which certain privileged groups legally escape their fair share of taxation." The percentage depletion for oil and gas wells is certainly such a loophole, as the platform noted.

I do not propose merely to reduce the allowance. Major oil companies would still benefit tremendously. Taxation figures from 1965 showed that 20 major oil companies paid corporate taxes at a rate of 6.3 percent, while most American businesses paid the usual Federal corporate rate of 48 percent. In addition, the 20 largest oil firms together paid taxes totaling less than 23 percent of the largest's income for 1 year.

Some large companies paid no taxes at all. Others even received tax refunds—while making a profit and paying no taxes at all. Under such conditions, a reduction in the depletion allowance would only alleviate the situation—but it would not provide a final solution to the problem.

Mr. Speaker, I reject the idea that such incentives are necessary to the fiscal health of the oil and gas companies. Studies have shown that two-thirds of the depletion allowances are claimed by firms with assets of $250 million or more. Smaller companies are often not affected by the law since many drilling projects are too risky for them to undertake in the first place.

Furthermore, I specifically object to the fact that there is no limit on the amount of reinvested receipts which can be claimed. Yet most companies can write off between 75 and 90 percent of all costs in 1 year.

PASSING OF GEORGE W. PATRICK, JR., SUPERINTENDENT OF THE GRIFFIN-SPALDING COUNTY, GA., SCHOOL SYSTEM

Mr. FLYNT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Mr. Speaker, Mr. George W. Patrick, Jr., superintendent of the Griffin-Spalding County, Ga., school system died this morning at approximately 3 o'clock.

George Patrick's untimely death at the age of 49 removes from our community and our State an outstanding educator and one of our finest citizens.

He was totally dedicated to the cause of education and to the development and upbuilding of our entire community with special emphasis upon our human resources. During critical times he has guided and directed our school system with good judgment, understanding, and clear thinking. Under times and conditions of stress and strain he met crisis after crisis with resolution.

George Patrick was a man of tremendous ability and courage.

He has been a part of the Griffin-Spalding County school system all of his life. His father served as a member and chairman of the Board of Education of Spalding County. He received his elementary and high school education in Spalding County, and he and I were in the first group of students enrolled in the Spalding County High School when it was established. He later served as principal of the Spalding Junior High School and from that position became assistant superintendent of the Griffin-Spalding County school system. In 1964 he was elected superintendent and served in this capacity until today.

The son of George W. Patrick and Hildred Bell Patrick, he was born on November 4, 1917. His family has always been prominent in the educational, religious, civic, and community life of Spalding County and middle Georgia. He is survived by his wife, Mrs. Grace McBride Patrick and a son, George W., III, and a daughter, Pamela; and three brothers, Thomas B., Marion, and Perry; and a sister, Mrs. Robert W. Burke.

Our State and country have suffered the loss of one of our leading citizens, and I have lost a devoted personal friend.

Mrs. Flynt and our children join me in extending our condolence and heartfelt sympathy to Mrs. Patrick and her family.

ELECTIONS IN SOUTH VIETNAM

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, I am deeply disturbed by recent developments in South Vietnam. We are confronted by an apparent willingness on the part of the South Vietnamese leaders to let the United States fight their war, and by an unwillingness on the part of the military government to permit the development of a popular, representative government. These two factors, furthermore, are inextricably entwined, for a government that does not inspire the loyalty of the people cannot inspire the enthusiasm of the people in its defense against aggression.

The Vietnamese junta approves the call for more American troops, but its members do not bring to bear all of their own will and resources. I am dismayed by the precipitous rise of late in American casualties, at times even exceeding the Vetnamese losses. And I am disturbed by the reports of extremely low morale among the South Vietnamese troops, which must be attributed largley to lack of motivation. Do they really have in view anything worth fighting for? The Vietcong and North Vietnamese troops do not appear to lack motivation. As a letter I received recently asked, Why do their Vietnamese fight better than our Vietnamese? I cannot answer that inquiry to even my own satisfaction.

If the South Vietnamese are to achieve success, even without help, in their fight to secure freedom, the loyalties of the people must be engaged. We are now approaching the presidential election in Vietnam. If properly conducted it could be a great motivating force by establishing a popular government that would seek the necessary reforms. Unfortunately, however, the military rulers have strongly suggested in the past several months that they do not intend to be defeated in the election, and appear to be using their power of position to see that they have exceptional advantages over the other candidates. In addition, they have indicated that they will do all they can to retain real, if not titular power, regardless of the outcome of the election.

A cynical attitude on the part of the men who should be providing the leadership South Vietnam so desperately needs bodes ill for the success of the struggle in Vietnam. In the past week, Premier Ky and President Thieu have offered evi-

dence that they will behave more suitably, and I hope their words will be borne out by deeds.

Their behavior at this time is of critical importance to the United States. As I understand it, our involvement in Vietnam is predicated solely on the commitment to insure that the South Vietnamese shall be able to choose for themselves. That is why we are trying to keep Hanoi from imposing a government. But if the military leaders refuse to permit a choice and themselves impose a government, there seems little difference in principle between the two alternatives, and little to justify our vast efforts.

I feel that it must be made clear to the present South Vietnamese military government that we consider as free and fair election as is possible under the circumstances to lie at the heart of our common cause, and that if they will not lend themselves wholeheartedly to its achievement and abide by the results, the U.S. Government may rethink its entire Vietnam policy. Nor do I mean to suggest that we use this possibility as an idle threat, for if the South Vietnamese junta is intractable and does not present proof of its commitment to the development of free, representative institutions, then, I believe, full reconsideration will be necessary.

I believe the South Vietnamese people wish to gain their liberty, and I support our efforts to assist them. But if they are thwarted by a government which does not respect the people's wishes, and does not make a strenuous attempt to participate fully in the struggle, it seems that our efforts, however great, may be all in vain.

ATTACKS ON SOUTH VIETNAM ELECTIONS UNJUSTIFIED

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, yesterday I strongly criticized those who have questioned the validity of the forthcoming elections on September 3 in South Vietnam, and said that such continued attacks in these elections could only prolong our participation in that war.

It is a source of great comfort to me to have seen in this morning's press that some of the most distinguished American journalists share my view.

The highly respected team of Evans and Novak, in a column titled "Debunking the Vote Fraud," extensively quoted a telegram from Ambassador Ellsworth Bunker who methodically knocked down one charge after another that the military government running South Vietnam has systematically subverted the electoral process.

I shall include the column at the conclusion of my remarks, but it is important to note that Ambassador Bunker said some critics of the elections expect a standard of conduct in the Vietnam elections that even an election in the United States could not meet.

Mr. Roscoe Drummond said the critics of the Vietnam elections in the other body are throwing away balance and perspective in maligning the South Vietnam elections before the voting.

I shall include his column also in my remarks.

Mr. William S. White said of these irresponsible attacks on the forthcoming elections:

> Never before in so somber an issue have so few prejudged the vital efforts of so many. The new Isolationists have already predetermined the case and not all the factual information patiently supplied by Americans on the ground in South Vietnam, including Ambassador Ellsworth Bunker, makes the slightest difference.

Mr. White's column shall also appear at the end of my remarks.

Finally, Mr. Speaker, Mr. Lee Lescaze, writing a news analysis from Saigon for the Washington Post foreign service, wrote about efforts of the 11 candidates to discredit the forthcoming elections and added:

> It is unclear why they have chosen this course. Since the initial reports of the U.S. congressional protest reached Saigon last week, the civilians have seemed to be "using the United States as their umbrella," in the words of one official.

He added:

> For whatever reason, there has been no civilian who has made an effort to reach the people despite whatever obstacles may exist. No civilian has gained stature since the campaign opened, although many in Saigon agree with their complaints against the Government.
>
> "If one of the candidates," an observer said recently, "had started walking from Dangha to Quangtri after their plane landed there, if he had made it by foot or any means, to talk to the people, he would have been a hero. The campaign so far has produced no heroes."

Mr. Speaker, no American has made a more sincere and determined effort to bring this war to a successful conclusion than President Johnson.

But the President quite properly believes the first step toward American disengagement in Vietnam is the election of a constitutional government.

We must help President Johnson in this goal, and I hope we have heard the last from the cynics in the other body who try to muddle the waters by denouncing the forthcoming elections in South Vietnam.

The columns which I referred to follow:

UNFAIR COMPARISON: VIET CRITICS IGNORE U.S. FAULTS

(By Roscoe Drummond)

The Senate critics of the Vietnam war are throwing away balance and perspective in maligning the South Vietnamese election before the voting.

A year ago most of them were saying that Vietnam had so little experience and tradition in democratic ways that it couldn't even elect a Constituent Assembly to draft a constitution and even if a constitution was written the generals would never accept it.

They were all wrong—all the way.

Now the U.S. critics are complaining, because they see some signs that South Vietnam is not likely to hold a perfect election, that there is fumbling in the campaign and maybe flaws and shortcomings in the voting procedures.

Wouldn't it be more fair, more wise, and more mature for the critics to measure the Vietnamese election not against some standard of theoretical perfection but against the flaws and shortcomings of actual American political practices?

When you look at it that way, you get quite a different picture. For example:

Press coverage—Peter Braestrup of the New York Times reports from Saigon: "There have been a few complaints of a 'one-party press' since the censorship was lifted." But the woes of the one-party press constituted a central theme of Adlai Stevenson's presidential campaign in 1952 and his complaints had substance.

Radio coverage—Vietnamese editors and even anti-Ky politicians frankly say that "balance has been maintained by the government-run media." The minority party spokesmen in the United States—usually the Republicans—have complained scores of times that the networks treat them unfairly and give all the breaks to the President. In Paris last week was anyone given equal time on TV to reply to General de Gaulle?

The ubiguitous Ky—A fair complaint is being made that Premier Ky is taking advantage of his position to put in "non-political" appearances at public gatherings where he can get the best political effect. But what happens in the United States? How many public works does a President dedicate in a campaign year? And in 1944 when FDR said he wouldn't campaign because of the war, he always took plenty of reporters along when he took his "non-political, military inspection trips."

The Quangtri incident—Some 9000 miles from the scene, there are U.S. politicians who wring their hands on reading the news that the generals deliberately messed up the opening campaign of the civilian candidates and instantly began to talk about "fraud" and "farce." Here is the corrective report of Times reporter R. W. Apple Jr. on the spot: "None of the outsiders present at Quangtri City, when the civilian candidates arrived to find no welcoming party, believes that the government conspired to embarrass or discredit the civilians."

It is true that the competing South Vietnamese candidates are accusing each other of many things, but does that make the accusations true or justify smearing the elections? Haven't the Senate critics ever heard of "campaign oratory" in U.S. elections which is not to be taken at face value?

Some Americans seem to be horrified that the Vietnamese people may elect a general as president of Vietnam while the nation is at war. But haven't the Amercian people quite a few times elected a general as President of the United States even in time of peace?

PREJUDGING THE VOTE: DRIVE AIMS AT BIPARTISAN U.S. POLICY

(By William S. White)

The supreme effort to force the United States out of Vietnam has now been opened by the outright peacenik and the yes-but blocs in the Senate.

The counter-offensive has been signaled, not by coincidence, at a moment when President Johnson is falling in the popularity polls.

The underlying assumption clearly is that now that the President is in trouble at home this is the time to destroy the bipartisan policy of determined military resistance to the Communist invasion of South Vietnam.

The J. William Fulbrights, the Robert Kennedys and other Democrats of the New Isolationism, joined here and there by such Republican ex-hawks as Jacob Javits of New York, are basing their new strategy on the inevitable internal difficulties of South Vietnam itself.

They are using the argument that if the forthcoming national elections in South Vietnam are to be corrupt there will be no regime worth this country's continued efforts to defend. They are proceeding from this proposition to a conclusion that these elections, though not yet held, must necessarily be corrupt and thus that the United States will have to withdraw under one sort of alibi or another.

Never before in so somber an issue have so few prejudged the vital efforts of so many. The New Isolationists have already predetermined the case and not all the factual information patiently supplied by Americans on the ground in South Vietnam, including Ambassador Ellsworth Bunker, makes the slightest difference.

Bunker has reported over and over that charges by the civilian candidates that the present heads of South Vietnam, Gens. Thieu and Ky, are loading the electoral dice have no foundation.

Our more loudly suspicious Senators are in actuality demanding of South Vietnam a perfectionism in "clean" elections that has never been found in the United States itself.

The realities as stated by Ambassador Bunker, an honorable Republican in his 70s who has no political ambition and no conceivable motive to mislead his own Government are these:

There is freedom of expression in the South Vietnamese press. All presidential candidates, including, of course, the civilians, are being given money for their campaigns by the present supposedly evil military government and are being furnished transportation by that government, along with free time on radio and television.

The complaints of "unfairness" from among the civilian candidates amount to the perfectly normal campaign outcry of any outs against any ins. Indeed, the real and central complaint is that the incumbents have the inherent advantage of already holding office—an advantage of which the Kennedys, the Fulbrights, the Javitses and so on are happy to avail themselves in this country at election time.

These are the facts. But the New Isolationists have long since abandoned any notion that facts are to be respected unless they support their own tireless campaign to repudiate the pledges of three American Presidents to the people of South Vietnam.

Debunking the Vote Fraud

(By Rowland Evans and Robert Novak)

The vital importance to the Johnson Administration of a reasonably clean election in Vietnam was underscored last weekend in a confidential cable from Ambassador Ellsworth Bunker.

Deeply worried by the clamor in Congress over alleged irregularities in the campaign for President, Bunker methodically knocked down one charge after another that the military junta running South Vietnam has systematically subverted the electoral process.

But while rebutting most charges, Bunker (who also was chief U.S. pollwatcher at the successful 1966 presidential election in the Dominican Republic) had words of caution.

Some critics, he told the President, expect a standard of conduct in the Vietnamese election that even an election in the United States could not meet.

For example, he cited complaints that the military's candidates for President and Vice President—Gen. Nguyen Van Thieu and Air Marshal Nguyen Cao Ky—should have resigned their present positions in the government before the presidential campaign began. Not so, said Bunker, adding:

"The President and the Vice President of the United States do not resign to run for reelection."

Bunker dealt with the most publicized charges of intimidation by the junta against the 10 civilian tickets running against Thieu and Ky. The charge: when these civilian candidates arrived by air for a scheduled campaign appearance in Quangtri city, in northern South Vietnam, their plane was arbitrarily deflected to the small town of Dongha. Finding no reception committee or transportation, they angrily left and accused the regime of deliberate sabotage. Said Bunker in his cable to the White House:

"A strong crosswind (at Quangtri) convinced the pilot that a landing would be dangerous. He went to the nearest field (at Dongha) nine miles away. No one was present to meet the candidates. A convoy sent from Qangtri arrived 15 minutes after they had left."

According to Bunker, the sensational incident was a combination of bad weather and poor planning, "combined with impatience and suspicion on the part of the (civilian) candidates."

Although Bunker did not again refer to this "suspicion" of the civilian candidates, that aspect of the presidential race in Vietnam is worrying the Johnson Administration perhaps more than anything else.

They are worried less about proof of campaign discrimination and sabotage turning up before the Sept. 3 vote. What really concerns the White House is the prospect that if the Thieu-Ky ticket wins, as everyone assumes, defeated civilian candidates will then charge a vote steal and blacken the credentials of the new government.

How dangerous this could become for the Johnson Administration was hinted at in the U.S. Senate last Friday. Two Administration Democrats—Sen. Stuart Symington of Missouri and Sen. John Pastore of Rhode Island—indicated their continued support of the U.S. commitment in Vietnam would depend on whether the election was clean or fraudulent.

Thus the Administration is now making an all-out effort to convince American politicians the election will be reasonably untainted. U.S. leaders have been pointing toward the election for more than a year as proof that South Vietnam is learning to govern itself and has advanced far enough to trust the will of the people.

If the defeated candidates in the Sept. 3 election charge wholesale fraud and corruption, the enormous political investment that the Johnson Administration has made in the election could be wiped out overnight. And that would further erode the waning support that Mr. Johnson now has for his Vietnam policy.

Considering this backdrop, Bunker's cable has deep significance. Nobody has a better reputation for integrity than senior diplomat Bunker to judge whether the Sept. 3 election is reasonably free and fair. Consequently, his strongly-worded message to the President was taken at the White House very seriously as evidence that the charges of corruption have been exaggerated.

In Bunker's words, it is grossly unfair to judge the Vietnam election campaign "against a standard of perfection which does not prevail even in the United States and which cannot reasonably be expected anywhere, particularly in a nation at war without democratic experience and traditions."

Vietnam Election: Honesty's the Issue

(By Lee Lescaze)

SAIGON, August 15.—Since the initial campaign attempt of South Vietnam's presidential candidates ended in confusion nine days ago, the speeches and private statements of all candidates have centered on one issue—will the election be fair?

At his press conference this morning, Tran Van Huong, the most respected civilian candidate, threatened to withdraw from the race if the government does not stop what he calls widespread misuse of power on behalf of the military ticket of generals Thieu and Ky.

Withdrawal is the final weapon available to the civilian candidates. They are fully aware of the United States' interest in the campaign and have been pleased by the protests of U.S. legislators over events following the Aug. 6 incident in which the candidates were dropped off five miles from their audience at Quangtri.

The civilians are well aware that if Huong and others withdrew, Thieu and Ky would gain little stature from winning an election they have always been favored to win under any conditions.

A withdrawal only by Huong, the candidate who figures to run second to the military ticket, would strip the election result of much of its meaning.

Like supporters of a football team that has lost a game while one of its players was injured, many Vietnamese would be prepared to argue that the result would be different if the contest were held a second time.

But Huong carefully refused to be pinned down as to the circumstances under which he would withdraw.

Having made his threat Huong seems content to go along with the present campaign arrangements. He said he will go to Bienhoa 15 miles from Saigon Wednesday for the belated start of the civilian candidates' provincial campaign tour.

Even if Huong, and the several other candidates who would probably imitate his withdrawal, stay in the race, they have succeeded in seriously discrediting the elections and possibly laying the ground for post-election protests assuming the military ticket wins.

"To prove the election is honest now," one observer said today, "Thieu and Ky would have to lose it."

No accurate assessment of how much pressure Thieu and Ky have applied through their agents and police in the provinces will ever be made. It is undeniable that such pressure exists in several places, but it takes various forms and it is difficult to document.

FOREGONE RESULT

Few independent observers have doubted that Thieu and Ky would win the election. It has been taken for granted that there would be some amount of pressure on voters and that the generals would win many votes from the armed forces, civil servants and from people who have seen only misfortune follow a change of government in Saigon.

By concentrating their campaign speeches on attacks against Thieu and Ky, the civilian candidates have enlarged the already considerable number of people in Saigon who were never prepared to accept a Thieu-Ky victory as legitimately won.

They have also damaged whatever chances the election had of being viewed as honest by the rest of the world, and have caused considerable controversy in Washington.

"UMBRELLA"

It is unclear why they have chosen this course. Since the initial reports of U.S. congressional protest reached Saigon last week, the civilians have seemed to be "using the United States as their umbrella," in the words of one official.

The civilians are unfamiliar with the American mission here, let alone with the temper in Washington, and they may have expected that the United States would listen to their protests and rush to their support.

But the civilians, although they have been spoken of as a group throughout the last week, have remained united only in their criticism of the government. They have often been unable to agree among themselves on campaign procedure and certainly do not agree in their platforms.

For some, like lawyer Truong Dinh Dzu, dentist Hoang Co Binh and physican Pham Huy Co, the campaign has been an opportu-

nity to make speeches, to be followed by reporters, to be important.

The two senior candidates, Huong and Phan Khac Suu, both in their 60s, have often referred recently to their dignity. Huong, in particular, has stressed that the government has not treated him with courtesy.

For whatever reason, there has been no civilian who has made an effort to reach the people despite whatever obstacles may exist. No civilian has gained stature since the campaign opened, although many in Saigon agree with their complaints against the government.

"If one of the candidates," an observer said recently, "had started walking from Dongha to Quangtri after their plane landed there, if he had made it by foot or any means to talk to the people, he would have been a hero."

The campaign so far has produced no heroes.

WASTE IN POVERTY PROGRAM

Mr. CARTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. CARTER. Mr. Speaker, as evidence of terrific waste in the poverty program, I submit the following report of an investigation made by the General Accounting Office on a building constructed in Leslie County, Ky., by an Office of Economic Opportunity grant, the total cost of which was approximately $65,000. According to my information, the contractor, the B. J. Equipment Co., of Athens, Ohio, retained ownership of the building.

As it happens, I have visited this building and have inspected it carefully. It is my opinion that it could have been built for $12,000 or less. Therefore, it would seem that the contractor made a tremendous profit on the erection of the building, possibly as much as $50,000. Upon completion of the construction of the building, it is reported that the local county poverty agency, with OEO approval, rented the building from the contractor at a rental of $97 per day, over $35,000 per year, which was also paid for out of OEO funds.

Waste such as this, Mr. Speaker, in which OEO money does not filter down to the poor, was one of the many reasons why 52 percent of my constituents in Appalachia, in a recent questionnaire, voted against continuation of the poverty program.

The article follows:

[From the Courier-Journal & Times, Aug. 13, 1967]

RENTAL OF $97 A DAY FOR CLINIC IN LESLIE HIT BY U.S. AGENCY

(By William Greider)

WASHINGTON.—The General Accounting Office (GAO), Congress independent investigator, has concluded that an anti-poverty project in Leslie County, Kentucky, paid $97-a-day rent to house its medical clinic when it could have paid about $12.

The GAO report, released yesterday by 5th Dist. Rep. Tim Lee Carter, who requested the investigation, said "questionable management decisions" were made when officials decided to pay $33,000 in annual rent so a contractor would construct a new portable building for the clinic in Hyden, Ky.

Investigators reported that they found another suitable building in the town of 350 which was available for rental at about $4,320 when the project started two years ago. The existing building was not so conveniently located but would have offered more space, the report said.

"We believe that in a community the size of Hyden a reasonable effort to locate available space would have disclosed that the Melton Building was available and consequently a less costly facility would have been obtained," the report concluded.

The investigators blamed officials at the local, state, and federal levels for sloppy management procedures and said the rush to get the project under way in late 1965 led to the waste.

The $97-a-day rent was revealed in a Courier-Journal story in April 1965.

Rep. Carter said that early this year he asked the GAO to check out the charges of waste on the Leslie County project. He also has the agency checking out accusations against several community-action agencies in his Eastern Kentucky district.

"I support the idea of helping the poor," Carter said, "but, in so many cases the money isn't doing what it's supposed to do."

OTHER PROBES NOT REVEALED

In the Leslie County program, he said "inadequate planning has caused much money to be wasted when it would have been better used if it had filtered down to the poor people themselves."

Carter would not reveal where the other GAO investigations are under way, but he said: "This program in Eastern Kentucky has been plagued by being run by people from outside the 5th District and outside Kentucky and they have received a large part of the money."

The congressman said he intends to vote for the anti-poverty legislation when it comes before the House but he wants to see it improved by amendments.

The GAO report said local officials were under the impression they had to contract with an Athens, Ohio, firm, B. J. Equipment, for a portable building in order to get a quick start on the program.

As it turned out, the new building was not ready for six months and the health clinic was started in other quarters at the county Health Department and at an unoccupied Presbyterian manse, the report noted.

The clinic moved to the new building in the spring of 1966 and paid the high rent until the lease expired last December. The clinic is still located in the building but the contractor and the local anti-poverty agency have not been able to agree on a new rental scale.

The GAO said the contractor insists that he lost money on the transaction and wants a rent of $828 a month or about $27 per day. The Leslie County Development Corp., which operates the program, has insisted on a rate of $350 a month with an option to buy the building for $12,000.

The investigators traced a tangled series of misunderstandings and oversights at the local agency, the state Health Department and the U.S. Office of Economic Opportunity which led to the contract dispute.

NO COMPETITIVE BIDS TAKEN

As an aside, the GAO noted that the local group arranged to rent additional space at the manse and acquired three surplus trailers from the General Services Administration, but did not appear to be making full use of either the house or the trailers when investigators checked there in March.

On the question of the portable building, the report said no competitive bids were taken on the project but two contractors in Louisville and another in Illinois would have been capable of handling the project. These three builders cited cost estimates of $8 to $10 per square foot while the Ohio contractor's cost was $20.

"Procurement on a noncompetitive basis may be attractive because it is simpler and more expedient," the report said. "But we believe that this form of procurement generally results in higher prices, fosters and subsidizes inefficient and uneconomical practices in contractors, and violates the general principle that the maximum number of bidders practicable should have the opportunity to compete for the business in government-financed projects."

WHO IS BEHIND ANTI-SEMITISM IN AMERICA

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. TAFT. Mr. Speaker, reference has already been made by the gentleman from Illinois [Mr. ANDERSON], to an alarming article that has appeared in the newspapers. The article reports anti-Semitic attacks leveled by the Student Non-Violent Coordinating Committee.

I was shocked by the allegations, and request that the article be printed for those who may have missed it:

JEWS EXPLOIT NEGROES, ARABS, SNCC CHARGES

(By Jack Nelson)

ATLANTA, August 14.—The Student Nonviolent Coordinating Committee, which was supported by many Jews when it functioned as a civil rights organization, has assailed Zionism and accused Israelis of committing atrocities against Arabs.

A two-page article on "the Palestine Problem" in the current issue of SNCC's bimonthly newsletter criticizes Jewish Americans as well as Israelis.

It links SNCC's Black Nationalist policies with the Arabs' plight, and both to a worldwide struggle of colored peoples against whites. It refers to "the Third World—Africa, Asia, Latin America, American Indians and all persons of African descent."

Photographs similar to those used by the Ku Klux Klan in its anti-Semitic attacks depict alleged Zionist atrocities. One which shows figures stooping with guns aimed at their backs, is captioned: "Gaza massacres, 1956. Zionists lined up Arab victims and shot them in the back in cold blood. This is the Gaza Strip, Palestine, not Dachau . . ."

The article accused the U.S. Government of working with Zionist groups "to support Israel so that America may have a toehold in that strategic Middle East location, thereby helping white America to control and exploit the rich oil deposits of the Arab nations."

Irwin Shulman, southern director of the Antidefamation League of B'nai B'rith, said today SNCC statements "follow the Arab and Soviet line so closely that it is almost inconceivable for anyone to believe them to be representative of any segment of American society. The extreme racism throughout is illustrative of SNCC's seeming philosophy that anything white is bad and that all that is nonwhite is good."

"While legitimate civil rights organizations are doing all in their power to remain free from anti-Semitism," Shulman said, the SNCC article and drawings leave no doubt as to a negative attitude and stereotypes of Jews. And this from an organization which has leaned heavily on the name of Andrew Goodman over the past few years."

(Goodman, a Jew, was one of three civil

rights workers murdered in Neshoba county, Miss., during SNCC's 1964 summer activities. SNCC has frequently used his name as a martyr in soliciting for funds.)

Ralph Featherstone, SNCC program director, said "some might interpret what we say as anti-Semitic, but they can't deny that it is the Jews who are doing the exploiting of black people in the ghettos."

"They own the little corner groceries that gouge our people in the ghettos," he said, "and there is a parallel between this and the oppression of Arabs by the Israelis."

Featherstone acknowledged that the source of some of SNCC's material was Arab embassies.

Just what the implications of this position might be is something on which Congress and the Nation should ponder.

EX-NAVY PILOT CHARGES WASTEFUL BOMBING IN VIETNAM

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CEDERBERG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, startling charges concerning wasteful bombing expeditions by U.S. Navy pilots are made in a copyrighted article which appeared last night in my hometown newspaper, the Bay City Times.

These allegations are very serious and I am asking the Armed Services Committee to investigate. I feel Mr. Alex Waier, author of the charges, should be given an opportunity to reveal his facts to this committee.

Our success in Vietnam should be based on effectiveness of our bombing sorties and not how many sorties are recorded.

The article to which I refer follows, and I hope my colleagues will give it their serious consideration:

PILOTS LIVES WASTED

(By David Miller, Howard Kohn and Karen Meyers)

MIDLAND.—An ex-Navy pilot says he and his squadron mates dropped their bombs in the seas off North Vietnam on useless "missions" ordered by commanders trying to amass combat records.

"About a third of our ordnance was dumped in the water and that's a conservative estimate," says Alex Waier, 32, a systems analyst at Dow Chemical Co.

"We'd drop our bombs in a foggy area without the slightest idea if anything was there. We used to joke about it. We called them 'tree strikes.'"

Until last February, Waier was an A-1 Skyraider pilot flying from the deck of the carrier Ticonderoga.

A nine-year Navy veteran, Waier charges lives and planes are being lost because of a premium placed on intra-service rivalry.

"The one that gripes the pilots most is when we were told that we were to beat the other carriers' records on numbers of sorties.

"It was common knowledge all the time I was aboard. One time our squadron commander actually got us in the wardroom and told us pointblank, 'we're out to beat the record of the (carrier) Enterprise.'"

Waier says pilots responded to this pressure by expending huge amounts of bombs and rockets on little more than Vietnamese scenery.

He adds most of the pilots he knows are getting out of the services. Of the 25 men in his squadron, 21 had announced their intention to resign when Waier left the Ticonderoga.

"We weren't supposed to go on a hop without a minimum ceiling of 5,000 feet and five-mile visibility," he continues. "Sometimes we knew the weather was bad. We even had weather planes up. But we launched aircraft anyway.

"Then we'd zip up and down the coast and unload, or dump them in the water. That way the carrier would get credit for a sortie."

Waier charges his own roommate on the Ticonderoga was shot down on one of these meaningless missions.

Waier says Vietnam is split into bombing zones and the U.S. Air Force "has South Vietnam." The areas of responsibility sometimes reduced combat effectiveness, he adds.

"One day we saw a group of trucks running (between the zones). We had planes looking at them and we couldn't bomb. That was Air Force territory."

Except for the Hanoi and Haiphong areas, parts of which are bombing sanctuaries, there are few targets of value in North Vietnam, he claims.

"A lot of pilots objected risking their necks to drop a $2,000 bomb on a little bridge they'd put back together during the night.

"There were times pilots would bomb the same railroad car 15 times in a month. Each time the bomb assessment was 'target destroyed.'"

Waier says "cratering" a road was also counted as a successful mission because pilots had nothing else to bomb and couldn't return with live ordnance.

"This was even encouraged by the senior officers on the ship," he adds. "They didn't like to hear you didn't drop them on anything.

"Flight after flight dropped bombs on targets that had been hit over and over again. And most of the squadron commanders didn't have the guts to speak out against it."

Waier charges resignations of younger pilots have allowed "mediocrity" to creep into command.

For debriefing purposes, he says, pilots would put down "suspected radar site" when pressed by knowing but agreeable intelligence officers. These bombs usually struck nothing but the heavy green foliage of the Vietnam countryside, Waier adds.

Waier, who flew more than 100 missions over Vietnam, says commanders also almost totally ignored the "lay down," or rest order every eighth day in their eagerness to compile sorties records.

"Junior officers don't get to talk to reporters," he says. "We had newsmen on board, but we were told not to tell newspapermen anything.

"If a reporter wanted to talk to a pilot, he was usually steered to the squadron executive officer and maybe his wingman. And, of course, they could take disciplinary action against you if you did talk."

Waier says he "went to Vietnam as a hawk," but that "no pilot really thinks we're in Vietnam to save democracy for the South Vietnamese.

"Most think it's a staging area in case of war with Red China."

He adds this lack of candor also embitters pilots. He says most fliers would feel the conflict more worthwhile if this were the stated objective.

"I'm not anti-Vietnam War, but I'm against the way it's being conducted. The troops are doing a real fine job, and I'd go right back and fly missions to protect them. But the way we're doing it, it's such a waste."

Waier, married and the father of two, is a 1953 graduate of Saginaw Arthur Hill High School and attended the University of Michigan before entering the Navy's cadet program.

WHITE HOUSE STATEMENT REFLECTS ON SEATTLE NEGRO LEADERSHIP

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. PELLY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PELLY. Mr. Speaker, an imprudent remark attributed to a representative of the administration has been brought to my attention. A White House representative is said to have told the Central Area Motivation Program Center in Seattle that Seattle was not a favored recipient of certain Federal funding and Federal concern because Seattle's Negroes are "contented."

This came to my attention in a letter from the Center in Seattle, and I find this administration attitude distressing.

Mr. Speaker, the reason Seattle has had no violent racial trouble is because of the leadership demonstrated by the Negroes themselves. There are problems, as there are in every large American city, but rather than working on slogans, speeches, and appeals to emotion, Seattle Negroes have gone to the sources of the problems, along with Seattle Mayor J. D. Braman and Washington Gov. Daniel J. Evans.

I am proud of the work performed by the Negro and white leadership in Seattle, and in the State of Washington. And, I am perplexed by the intemperate and confusing remarks of a White House visitor who feels there is no concern unless we are in civil disorder.

Mr. Speaker, under unanimous consent I include the letter from the Central Area Motivation Program Center in Seattle in the CONGRESSIONAL RECORD. The letter follows:

CENTRAL AREA MOTIVATION PROGRAM,
Seattle, Wash., August 11, 1967.

Hon. THOMAS PELLY,
House of Representatives,
Washington, D.C.

DEAR SIR: The city of Seattle had a visitor from a White House office in Washington, D.C., recently, who stated in the course of discussion on a variety of subjects that Seattle was not a favored recipient of certain federal funding and federal concern because Seattle's Negroes are "contented."

This statement both concerned and angered us at CAMP, and we feel it is necessary that you understand the true facts—if you do share the speaker's sentiments. We are proud of the fact that, to date, Seattle has not experienced a major riot or racially-inspired domestic upheaval. The reasons for this, however, lie not in the docile mood of the Seattle Negro, but rather in the kind of leadership and programs developed in the Central Area community. There have been civil rights demonstrations and activities which have mobilized the Negro community in constructive acts to achieve dignity and justice, and while the response of government and business to these activities generally fell short of our aims, the *activity* and the direction toward change, the engagement of people led to a feeling among Negroes in Seattle that we could "overcome" without violence.

The essential ingredient here was that Negroes had leadership that worked on program and strategies of change rather than

working on slogans, speeches and appeals to emotion.

In short, we feel intense chagrin that the reaction to these constructive efforts would be interpreted as contentment on the part of Negroes. If you had been in Seattle during the past two weeks, you would have been caught up in the fear and panic that rumors of a potential riot evoked. The riot has not occurred as yet; it has not occurred because the Negro community met and developed constructive program to present to local government and to which, fortunately, local government paid tentative heed.

If Washington truly assesses communities along the criteria suggested by our visitor from a White House office, then indeed Seattle Negroes should have had their riot, and Seattle taken its place among those cities to whom attention is paid. We would suggest that representatives and senators visit Seattle, and find out what our strategies and programs are so that the lessons learned here can be shared with other cities in other states.

Yours sincerely,

WALTER R. HUNDLEY,
Executive Director, CAMP-Center.

THE INTRODUCTION OF THE FRESH AIR ASSISTANCE ACT OF 1967

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, today I have introduced the Fresh Air Assistance Act of 1967. My bill arranges for Federal financial assistance to private nonprofit organizations, which provide needy children with summer camp vacations. The bill is an innovation in Federal welfare assistance programs.

Throughout the United States there are many groups who have voluntarily assumed the responsibility of solving one of the most pressing problems in the ghetto areas of our cities—the restlessness and boredom resulting from underprivileged children using our asphalt streets as their only summer playground.[1]

The Fresh Air Fund [2] is a perfect example of a successful summer camp program. The Fresh Air Fund is a nonsectarian welfare organization that has provided 961,388 free vacations to New York City's slum children. The fund accepts children of every faith, race, and nationality—the only criterion is that the children lack the financial means necessary for a summer vacation. When the New York Herald Tribune ceased publishing in 1966, the New York Times took up editorial support for the program.

In 1966, it raised $606,251.93 from 16,634 individual contributors. The fund pays for transportation to and from the city, in addition to the expenses incurred in providing a 2-week stay at a campsite with facilities constructed by the fund. In addition to the 2,468 children that will attend the seven camps on the fund's 3,000-acre Sharpe Reservation this year, 12,275 free vacations will be given to boys and girls in the homes of host families in about 2,200 friendly towns. Under this friendly town program the children are invited for 2-week periods to be guests in private homes in communities away from the crowded city. The fund pays transportation and insurance while the friendly town families contribute the cost of food, lodging, and often clothing, medical costs, and incidentals.

The legislation I have introduced today provides for the disbursement of $5 million annually by the Secretary of the Department of Health, Education, and Welfare, in assisting organizations similar to the Fresh Air Fund throughout the Nation. The aid would be given directly to these organizations provided that no group receives Federal money in excess of one-third of the amount raised from their private contributors. Thus, the bill will also serve as an incentive for these private groups to raise more money from their individual and corporate contributors.

The bill also authorizes the Secretary to conduct a study to determine how many of these private organizations actually exist in the Nation, the amount of money raised annually, and the number of needy children affected. Presently, Mr. Speaker, there is no nationwide organization which performs this vital information-gathering function. My bill would establish a Federal clearinghouse where information could be obtained and coordinated for multiple purposes.

It would determine, for example, the actual reach and accomplishment of these programs, the methods of raising funds by private campaigning, the number and location of possible campsites, and other relevant data. The information would be available to assist these organizations, thus providing them with insight and the answers necessary for running a successful vacation schedule.

In the past, allocation of Federal funds to a public agency has served as a commendable aid to the underprivileged child. However, the President's Council on Youth Opportunity informs me that camping programs for the underprivileged, although providing enriching experiences for the children, are too costly to be attempted on a full-scale basis. Under some community action programs, private nonprofit camping organizations have received Federal funds as a delegate agency. However, due to the fact that CAP agencies have multiproblem-solving programs to operate, activities involving camping programs have been slight. My bill is not a substitute plan for existing Federal programs. Instead, it solicits the private sector to supplement the Federal funds expended for camping programs on a 2-to-1 ratio. The funds of existing Federal programs are characteristically allocated to a public, local agency. My bill allocates funds to a private organization. My procedure, I believe, is a necessary addition to the already established Federal programs.

I feel, Mr. Speaker, that it is time for the Federal Government to actively pursue a path which would involve the private sector of our Nation in a more active role than that which it has previously taken. The possibilities of this bill are numerous. For example, a group of citizens in a small community could raise funds to send some of the underprivileged children in their area to a private camp. The Government would match the funds up to one-third. The local citizens would be receiving incentive through Federal assistance, while the child would spend part of the summer with companions from various different socioeconomic backgrounds, learning camping skills and having the refreshing experiences which camp life brings.

As I pointed out with respect to the camp safety bill, H.R. 10628,[3] which I introduced on June 7, 1967, there are now some 15,000 day, resident, and travel camps in the United States providing for some 6 million campers. The parents of that many children must be right in determining that camps can build sound minds in a healthy body.

On July 19 this body passed an antiriot bill, but we must concentrate our efforts on establishing the necessary programs to alleviate the causes of these riots, and eliminating the conditions which breed chaos, poverty, and destruction in our cities.

There follows a list of overnight camps available for New York City's needy children—including camp placement and referrals:

Albany houses (See Stuyvesant Community Center).

Albert B. Hines, Camp (See Madison Square Boys' Club).

All Angels Church (See Incarnation Camp).

All Saints Church (See Incarnation Camp).

All Souls' Church Camp:

Office, 88 St Nicholas Ave, Man 10026 [MO 3–4514] Rev Clifford S Lauder, exec dir.; Camp, Parksville, NY 12768 [Liberty 1247 W]. Two 2-week periods for boys, 8–17 years. Two 2-week periods for girls, 8–17 years. July 5–Aug. 28. Complete outdoor summer program.

Alpine Scout Camp (See Greater New York Councils, Boy Scouts of America).

American Board of Missions to the Jews, Inc.: 236 W 72 St, Man 10023 [EN 2–7201] Harold B Pretlove, exec sec; Daniel Fuchs, missionary sec.

Camp Tel-Hai, Honey Brook, Pa 19344. For boys and girls of the classes conducted by the American Board of Missions to the Jews.

American Ethical Union (See Encampment for Citizenship).

American Foundation for the Blind, Inc.: 15 W 16 St, Man 10011 [WA 4–0420] M Robert Barnett, exec dir.; Rest-Haven, Monroe, NY 10950. A vacation center for blind women, 18–60, who are in good health and who cannot afford a paid summer resort. June-Sept. Capacity 30. Free.

American Legion Children's Camp of New York Country, Inc.: Office, 238 William St., Man 10038 [WO 2–4044].

Camp Roosa Gap, Sullivan Co., N.Y. For needy boys and girls of New York City, 8–12 years. Boys in July; girls in Aug. Nonsectarian. Transportation by bus. Program includes swimming, hiking, crafts, dramatics, nature study, cook-outs, and pioneering. Capacity 80. Stay 2 weeks. Free.

American Youth Hostels, Inc.: 14 W Eighth St. Man 10011 [GR 5–5680] Frank D Cosgrove, exec dir.: Purpose: to develop healthy, happy, self-reliant, well-informed, community-minded and world-minded citi-

[1] See list of summer camps in the New York area at end of statement.

[2] Formerly known as the New York Herald Tribune Fresh Air Fund.

[3] The New York Times, in an editorial of July 24, 1967, page 24, endorsed this bill and the Senate bill, S. 1473, by Senator Ribicoff.

zens; and to further good will among people of all lands. Provides, especially for youth, the inexpensive, educational, and recreational, outdoor travel opportunities of hosteling—primarily by bicycle and on foot along scenic forest trails and byways, and to places of historic and cultural interest in America and abroad.

Andree Clark, Camp (See Girl Scout Council of Greater New York).

Anita, Camp (see Herald Tribune Fresh Air Fund).

Apache Circle (see Jubilee Youth).

Associated Cardiac Leagues, Inc.: 1 Union Sq W Man 10003 [WA 9–8055]: Sprout Lake Camp, Verbank, NY, 12585. Maury Antine, exec dir.: For girls and boys, 8–15 years, with organic heart disease in the IB, IIB, IC, and IIC classifications. Nonsectarian and interracial. Referrals through cardiac clinics and private physicians.

Associated YM–YWHA'S of Greater New York: 33 W 60 St, Man 10023 [PL 7–0920] Irving Brodsky, gen dir.: Camp Poyntelle-Ray Hill, Poyntelle, Pa 18454, New York office: 33 W 60 St. Man 10023 [CO 5–0616] Ethel Abrams, camp dir.; Boys, 8–14; girls, 8–13. Three 3-week periods.

Camp Ella Fohs, New Milford, Conn 06776. New York office: East Tremont YM–YWHA, 1926-30 Crotona Pkwy, Bronx 10460 [LU 9–4200] Harry D Katz camp dir.: Boys and girls, 8–12 years. Three 3-week periods. Senior Citizens Camp. Men and women. Five 2-week trips.

Association for the Advancement of Blind Children, Inc, 520 Fifth Ave, Man 10036 [MU 2–5844; LA 5–6983] Mrs Selma Shenkin, pres.; Grants to residential or day camps for blind, emotionally disturbed children. Also funds for special counselors or staff for a child accepted into a camp for sighted children.

Association for the Help of Retarded Children, New York City Chapter (See in this section Day).

Association of Jewish Sponsored Camps, Inc., 31 Union Sq W, Man 10003 [AL 5–3722] Marcus Rothman, exec dir.; Jewish Camp Application Bureau. Information about and referral to camps operated by Jewish sponsored social agencies and organizations. Professional consultation available year round for discussion of plans to meet individual needs for camping and related services in New York and neighboring states.

Baptist Fresh Air Home Society, The, 297 Park Ave S, Man 10010 [AL 4–0880] Rev Angus C Hull, th d, exec sec; Rev S Soto Fontánez, dir of camping; Old Oak Camp, Poughquag, NY 12570 [914: PA 4–5285]; primarily for Baptist underprivileged children, 8–12 years, but some others accepted. Med exam required. Special recommendations from physician will be noted. Resident registered nurse and dietitian. Stay 11 days. Capacity 75.

Barryville Camp (See Mel-Met Camps).

Bicycle Tours (See Young Men's and Young Women's Hebrew Association).

Big Brothers, Inc., 223 E 30 St, Man 10016 [MU 6–2042] Howard A Kieval, exec dir; Robert M Pattison, social service dir.; limited to boys enrolled in Big Brothers, as integral part of total program. Camp referrals for boys 10–16 years of age. Camp stay 2 weeks or more. Examination by qualified physician required. Registration fee $5.

Bishop McDonnell Vacation Camp (See Society of St Vincent de Paul in the Diocese of Brooklyn, Long Island, New York).

Bliss, Camp (See Herald Tribune Fresh Air Fund).

Bohatom, Camp (See St. Augustine Church).

Bowdoin Boys' Camp (See Children's Aid Society).

Boy Scouts (See Greater New York Councils, Boy Scouts of America).

Boys' Athletic League, Inc., 51 E 42 St, Man 10017 [OX 7–0947] Willard L Kauth, dir.: Camp Kirby, RFD, Stony Point, NY 10980. Fred Levine, dir. Leadership camp.

Camp Kiwago, Upper Twin Lake, Central Valley, NY 10917 [914: WA 8–6730] Robert G Brandt, dir. Capacity 96.

Camp La-No-Wa, Barnes Lake, Central Valley, NY 10917 [914: WA 8–6759] George Meyers, dir. Capacity 75.

Camp Orenda, Lake Massawippa, Central Valley, NY 10917 [914: WA 8–6754] Raymond Weinberg, dir. Capacity 85.

Camp Sebago, Lake Skenonto, Bear Mountain, NY 10911 [914: EL 1–9846] Sal Romano, dir. Capacity 100.

Camp Wakonda, RFD 1, Stony Point, NY 10980. Fred Levine, dir. Day camp and overnight camp for boys and girls 8–16 years.

Boys Brotherhood Republic of New York, Inc., 290 E Third St, Man 10009 [CA 8–4433] Ralph Hittman, exec dir.; Camp Wabenaki, Lake Stahahe, Southfields, NY 10975 [914: EL 1–2285]. Capacity 120 boys, 7–16 years. Interracial, nonsectarian, diversified outdoor program; emphasis on leadership training. Low-income families; fees based on ability to pay.

Boys' Club of New York, the, 287 E 10 St, Man 10009 [GR 7–8177] Robert T Olson, exec dir.; Camp Harriman, East Jewett, NY 12424. Andrew Korothy, dir.; Adm through main office. Nurse, physician on call. For members only, 8–14 years. Capacity 1,200 a season. Rates vary.; Camp Tabor (Caddy Camp), Fishers Island, NY 11943. Frank Skokan, dir.; For members only, 14–18 years. Capacity 100.

Boys Harbor, Inc., Office, 545 Fifth Ave., Man 10017[OX 7–5846]. Camp, East Hampton, LI 11937. Warner Griffin camp dir.; For boys 8-16 years, specially referred by the courts, churches, community agencies, from diverse ethnic and religious groups, high hazard areas, and multi-problem families. Field workers in constant touch with them throughout the year. July-Aug, 8-week period. Capacity 75. No fee.

Brady, Camp (See Girl Scout Council of Greater New York).

Bronx House-Emanuel Camps, Inc., Office, 990 Pelham Pkwy S, Bronx 10461 [TA 8–8952] Aaron Mitrani, dir.; Camps, Copake, NY 12516. Children's Camp. Boys 8–14 years, capacity 154; girls 8–13 years, capacity 147. Stay 3 weeks. July-Aug. Fees on sliding scale. Referrals accepted from treatment agencies and group-work centers; reports written on request; Counselor-in-training Program. For 20 girls 16–17 years. Stay 9 weeks. Fee $400. Work Camp Program. For 15 boys 15–16, and 15 girls, 14–15 years. Stay 9 weeks. Fee $400. A camp is also maintained for older people. (See in section Aged: Recreation).

Brooklyn Bureau of Social Service and Children's Aid Society; 285 Schermerhorn St, Bklyn 11217 [TR 5–0710]. Dept for the Handicapped. Jewell K. Phillips, dir.; Shelter Island Camp, Shelter Island, LI 11964. For blind women and physically handicapped men and women. Open summer months. Adm through Jewell K. Phillips, dir.

Brooklyn YWCA (See Young Women's Christian Association of Brooklyn).

Brownsville-Van Dyke Community Center: 330 Powell St, Bklyn 11212 [HY 5–6650] John D Morrison, exec dir. Sponsored by the New York City Board of Education, Bureau of Community Education. Camp Placement Division. Registration in April and May for the Herald Tribune Fresh Air Fund and other agencies. Two weeks. No fees.

Buckskin Stockade (See Jubilee Youth).

Burrwood (See in section Aged: Homes under listing Industrial Home for the Blind).

CYO (See Catholic Youth Organization of the Archdiocese of New York).

Caddy Camp (See Boys' Club of New York: Camp Tabor).

Calvary and St Cyprian's Episcopal Church, 962 Bushwick Ave, Bklyn 11221 [GL 3–3764]. Mountain View Camp, Haines Falls, NY 12436. Rev Edward B Beckles, exec dir; Rev John A Richards, camp dir. For boys and girls 5–16 years. Area 134 sq acres. Season 10 weeks. Capacity 150, Fee $30 per week. Visiting Sun. Apply to exec dir. An area and building available to adults who are desirous of spending a vacation.

Camp: In the case of camps with names other than those of their sponsoring organizations, the name, not "Camp," is listed as a cross reference, e.g., "Kiwago, Camp (See Boys' Athletic League)."

Camp and Outing YMCA (See Young Men's Christian Association of Greater New York).

Camp Dineen: Office, 122 E 22 St, Man 10010 [OR 7–5000] Msgr Philip J Murphy, supervising dir.; Camp, New Paltz, NY 12561. For boys 8–14 years. July–Aug. Stay 2 weeks, $40. Capacity 150.

Camp Hurley, Inc.: Office, 1 Union Sq W, Man 10001 [WA 4–7443]. Camp, R3, Kingston, NY 12401. Merrill Youkeles, dir.; Boys 9–16 years; girls 8–16 years. Three 3-week trips. Capacity 200. Sliding scale up to $168.

Camp Isabella Freedman of Connecticut, Inc.: Office, 1395 Lexington Ave, Man 10028 [TR 6–2074]. Camp, Falls Village, Conn 06031 [203: TA 4–5991] Charles Berland, dir.; For adults 55 years and over, three 2-week trips; for teen-age girls 12½–15½ years, two 3-week trips. Off-season weekends throughout the year for young adults, 18–28 years, and family groups. Sliding scale of fees.

Camp Louemma, Inc., Office, 89–47 163 St, Jamaica, LI 11432 [OL 8–7272] Byrd Drucker exec dir.; Camp, Glenwood, NJ 07418. For boys and girls, 8–15½ years, of low-income families of Queens and Nassau counties. Three 3-week trips. Fee according to ability to pay.

Camp Loyaltown, Inc., New York City Office, 1440 Broadway, Man 10018 [WI 7–7876] Hyman L. Flechner, dir.; Camp, Hunter, NY 12442. Boys 7–13 years. Three 3-week camping periods. Agency scholarship rates on agency referrals.

Camp Madison-Felicia, Inc., Office, 1 Union Sq W, Rm 701, Man 10003 [OR 5–5710]. Camp, Putnam Valley, NY 10579. Sol Press, dir. Boys and girls 7–12. July-Aug. Three 3-week trips. Capacity 100. Work camp for girls and boys, 16–17 years. Serves recognized social agencies; some direct referrals. Winter facilities for special program in cooperation with New York City Youth Board.

Camp Moonbeam Association, Inc., Office, 31 Union Sq W, Man 10003 [CI 6–9761]. Camp Moonbeam, Putnam Valley, NY 10579. Walter-John Kazeka, dir.; Boys 7–13 years; girls 7–12 years (at time of adm). Three 3-week periods. Simple dietary laws observed. Rates, sliding scale adjusted on individual basis, fare, and laundry linens included. Scholarship funds available.

Camp Rainbow, Inc., Office, 33 W 60 St, Man 10023 [JU 6–2900]. Camp, Croton-on-Hudson, NY 10521 [914: CR 1–4291] Meyer Rabban, dir.; For emotionally disturbed boys and girls 6–11 years. Stay 8 weeks. July 2-Aug 27. Capacity 66. Fee based on ability to pay. Referrals accepted from social agencies only.

Camp Sussex, Inc., Office, 1140 Broadway, Man 10001 [MU 3–8528]. Camp, Sussex, NJ 07461. Martin Silverman, exec dir.; For underprivileged boys and girls from lowest income families, 7–12. July–Sept. Stay 3 weeks. Dietary laws observed. Resident physician and nurses. Capacity 400. Free, including transportation and clothing.

Camp Vacamas Association, Inc., 31 Union Sq W, Man 10003 [WA 9–8105] Irving Topal, exec dir; Mrs Judith E Heyman, admin assoc. Camp Vacamas, Butler, NJ 07405. Boys and girls 8–14 years. Stay 2 or 3 weeks. For children from low income families. Resident physician and nurses. Simple dietary laws observed. Capacity 280. Special arrangements with referral agencies. Limited number of direct applications with fees based on ability to pay.

Camp Williams, 1133 Broadway, Man 10010 [CH 3–1648] Irwin Schlussel, pres. Camp, 20 Road 306, Suffern, NY 10901. Camp for underprivileged children, 8–12 years. Three

groups of children, 60 boys and 60 girls at one time. Exam by physicians. Rates $72 for 3 weeks, to be paid by agencies or by relatives who send the children.

Carola, Camp (See New York Philanthropic League, UOTS).

Catholic Camp Association, Inc., 322 E 22 St, Man 10010 [OR 7–5000]. Camp Hayes, Godeffroy, NY 12739. John T Ryan, res dir. Boys 8–15 years. Exam by physician. Capacity 325. Rates $55 for 2 weeks.

Catholic Charities, Diocese of Brooklyn, *191 Joralemon* St, Bklyn 11201 [TR 5–0800]. Family Division. Free vacation homes program for needy children. Italian Board of Guardians. Camp IBG (see separate listing under Italian Board of Guardians).

Catholic Charities of the Archdiocese of New York, 122 E 22 St, Man 10010 [OR 7–5000] Helene Corrigan, dir Free Camp Care Dept. General information regarding free camp care for Catholic children.

Catholic Settlement Association of Brooklyn, Inc., The Doctor White Memorial Catholic Settlement, 237 Front St., Bklyn 11201 [TR 5–8802] Sr Thomas Marie, exec dir.; Places children in summer camps and private homes in coordination with the Herald Tribune Fresh Air Fund and Catholic Charities, Diocese of Brooklyn.

Catholic Youth Organization of the Archdiocese of New York, 122 E 22 St. Man 10010 [OR 7–5000]. Camps, Putnam Valley, NY 10579. Ages: 8–14 years; rates: $37 for 2 weeks. CYO Girls Camp. Ursula Mannle, dir. Capacity 140. CYO Boys Camp. W. Dennis Healey, dir. Capacity 200.

Center for Education in Democracy (*See* Encampment for Citizenship).

Child Service League, Inc., 92–32 Union Hall St. Jamaica, LI 11433 [AX 7–7300] Samuel C. Weir, exec. dir.; Turkey Mountain Camp, Yorktown Heights, N.Y. 10598. Outdoor group living. Coed. 11–14 years. Leadership Training Corps for boys and girls, 15–18; for development of group leaders. Camp Placement. Maintains camp placement service for children of Queens.

Children's Aid Society, the, 105 E 22 St., Man 10010 [GR 5–3640] John H. Dreasen, dir. County Branches. Maintains three camps, integrating children 5–16 years from all neighborhoods. Grouped by age: 5–10 years chiefly at Bowdoin and Vanderbilt camps. Bowdoin Boys' Camp, New Hamburg, N.Y. 12560. Vanderbilt Girls' Camp, New Hamburg, N.Y. 12560.

Wagon Road Camp for Handicapped Children, Chappaqua, N.Y. 10514. Wallkill Camp, New Paltz, N.Y. 12561.

Christian Herald Association, the, 27 E 39 St. Man 10016 [MU 6–0712]. Mont Lawn, The Children's Home, Bushkill, Pa. 18324 [717: LU 8–6618] Cal Gertsen, dir.; Hubert Mott, consultant. All-year camping program for underprivileged boys and girls, 7–11 years. Refer through agencies only. Stay 3 weeks in summer; weekends and vacation periods during fall, winter, and spring. Interdenominational and interracial. Resident nurses. Physician on call. Physical health exam required. Capacity 200 in summer. Facilities for groups—up to 20—during fall, winter, and spring. Emphasis during these months on underprivileged, handicapped, and those groups for whom few facilities are available in the summer. No charge at any time.

Long House, the Continuation Camp, Hillsboro, N.H. 03244 [603: 464–3906] Cal Gertsen, dir.; Hubert Mott, consultant. A summer camping program. Registration by invitation only for boys and girls age 14 years and up who have previously stayed at Mont Lawn Camp.

Christodora House, 86 E First St, Man 10009 [OR 3–5453] Stephen Slobadin, exec dir. Northover Camp, Bound Brook, NJ 08805 [201: EL 6–3018]. For boys and girls 6–12 years. July and Aug. Stay 3 weeks. Capacity 140.

Church of All Nations and Neighborhood House (See New York City Society of the Methodist Church).

Church of the Good Shepherd (See Incarnation Camp).

Church of the Incarnation (See Incarnation Camp).

Clark, Camp (See Girl Scout Council of Greater New York: Camp Andree Clark).

Clear Pool Camp (See Madison Square Boys' Camp).

Cliff Villa (See New York City Society of the Methodist Church).

Coler, Camp (See Herald Tribune Fresh Air Fund).

Community Church of New York, the, 40 E 35 St, Man 10016 [MU 3–4988]. The Homestead, RFD 1, Crafts, NY (PO: Carmel, NY 10512) Rev. Richard D. Leonard, minister of education. Family camp. June 23–July 7. Adults, $30 weekly; children 6–14, $15 weekly; children under 6, $8 weekly. Two 3-week jr-high youth camp periods. July 8–28; July 29–Aug 18. $135 per period. One 2-week senior-high youth camp. Aug. 19–Sept 1. $70.

Community Witness (See New York Baptist City Society).

Cooperative Council of Jewish Welfare Organizations (See Educational Alliance).

Cummings Campgrounds (See Educational Alliance).

Cummings Village (See Educational Alliance: Camp Edalia, Cummings Village, and Camp Leah).

Dineen, Camp (See Camp Dineen).

Divine Providence Foundation (See Institue of Franciscan Missionaries of Mary).

Doctor White Memorial Catholic Settlement (See Catholic Settlement Association of Brooklyn).

East New York Young Men's and Young Women's Hebrew Association (See in this section Day).

East Side House, Inc., Central Offices, 337 Alexander Ave, Bronx 10454 [MO 5–5250] Mrs. Grace Gosselin Lindquist, Carleton R. Lindquist, assoc dirs.; Mill Brook Center, 201 St Anns Ave, Bronx 10454 [LU 5–1254]. Stepney Camp, Botsford Conn. 06464. John McGinn, dir.; Girls, 6–13; boys, 7–15, members given preference. Stay: girls, 3 weeks; boys, two 2-week trips. Capacity 80. Rates $10 weekly. Aging men and women at close of camp season. Capacity 35. Two weeks without fee.

Echo Hill Farm (See Henry Street Settlement).

Edalia Camp (See Educational Alliance).

Edgewater Crèche and Rethmore Home Camp (See Episcopal Mission Society in the Diocese of New York).

Educational Alliance, Inc., The, 197 E Broadway, Man 10002 [GR 5–6200]. Israel and Leah Cummings Campground, Brewster, NY 10509. Jack Kamaiko, dir. For aged, mothers, fathers, and children 3–15 years. Four 2-week trips and one 3-week trip for aged; one 3-week trip for mothers and children; three 2-week trips for families. Two resident RNS. Sliding scale of fees based on family income.

The Cooperative Council of Jewish Welfare Organizations co-sponsors vacations for Jewish aged. Leadership and counselor training programs for adolescents.

Camp Edalia, Cummings Village, and Camp Leah, Lake Tiorati, Bear Mountain, NY 10911 Sam Goldstein, dir.; Girls and boys, 8–12½ years. Three 3-week trips. Resident doctor and RN. Sliding scale of fees based on family income. Coed, 13–15½ years; two 1-month trips; special leadership training, girls 16 years. (See also Surprise Lake Camp of the Educational Alliance and Young Men's Hebrew Association.)

Elko Lake Camps for Boys and Girls (See Episcopal Mission Society in the Diocese of New York).

Elko Lake Pioneer Camp (See Episcopal Mission Society in the Diocese of New York).

Ella Fohs, Camp (See Associated YM–YWHA's of Greater New York).

Emanuel Camps (See Bronx House-Emanuel Camps).

Encampment for Citizenship, 2 W 64 St, Man 10023 [SU 7–2714] Saal D Lesser, exec. dir. Sponsored by the American Ethical Union. For young men and women, 18–23 years. Nonprofit, nonsectarian, nonpolitical, educational organization for citizenship education in the principles and practices of democracy. Six weeks during July and Aug; 120 campers in New York, 80 in Puerto Rico. Program for 80 campers, 15–17 years, at the Center for Education in Democracy in California. Adm Committee selects on basis of leadership potential. Fees: $400 for 6 weeks plus own travel; $450 plus own travel for younger age group.

Episcopal Mission Society in the diocese of New York, 38 Bleeker St, Man 10012 [WO 6–2960] Formerly The New York Protestant Episcopal City Mission Society. William Houtz, camp dir; William Kestner, regr.

Camps, Parksville, NY 12768. Nonsectarian; religious emphasis. Physician on call; resident nurses. Rates dependent on need. Edgewater Crèche and Rethmore Home Camp. Capacity 102 children, 6–8 years. Elko Lake Camps for boys and girls. Capacity 260, 9–14 years. Elko Lake Pioneer Camp. Primitive camping. Capacity 40, 14–15 years.

Felicia, Camp (See Camp Madison-Felicia).

Five Points Mission (Old Brewery). 69 Madison St, Main 10002 [CO 7–6464] Rev Robert E. Rhodes, pastor-dir.; Olmstead Fresh Air Camp, Cornwall-on-Hudson, NY 12520. Children 9–17. July-Aug.

Fohs, Camp (See in section Vacation Services: Overnight under listing Associated YM–YWHA's of Greater New York: Camp Ella Fohs).

Forest Lake, Camp (See Morningside Community Center).

Free Synagogue Social Service, Inc 30 W 68 St, Man 10023 [TR 7–4050] Henry E Ziegler, exec sec. Boys and Girls Work Program. Placement and scholarship program includes the care of boys and girls who are sent to camp during the summer months by the Men's Club of the Stephen Wise Free Synagogue.

Freedman, Camp (See Camp Isabella Freedman of Connecticut).

Fresh Air Association of St John, Inc, the, Mrs. Charles J Nourse, treas, 115 E 67 St, Man 10021 [RE 4–6645].

Camp, Tomkins Cove, Rockland Co, NY 10986 [914: ST 6–5354] Jane E Porter, dir [914: ST 6–2190]. Owns and conducts a Fresh Air Home where an 11-day camping vacation is given to children and mothers, and to older adults, who are dependent upon the Assn for their only holiday. Adult group accommodated during June. Small registration fee and bus fare. Six groups of about 75 each, June–Labor Day.

Friendly, Camp (See New York Baptist City Society).

Friendly Town Homes (See Herald Tribune Fresh Air Fund).

Girl Scout Council of Greater New York, Inc., 133 E 62 St, Man 10021 [TE 8–3200] Elsa Bostrom, dir camp division. Maintains 4 summer season country camps, a short-term camp, established troop camp, 5 day camps, also 7 primitive camp sites, 29 spring and fall troop camp units, and 6 year-round troop camp units.

Camp Andree Clark, Briarcliff Manor, NY 10510.

Camp Brady, Patterson, NY 12563.

Camp High Rock, Staten Island, NY 10306.

Camp Laughing Water, Bear Mountain, NY 10911.

Camp Quidnunc, Bear Mountain, NY 10911.

Henry Kaufmann Girl Scout Camp, Holmes, NY 12531.

Girls Clubs of America, Inc., National Office, 101 Park Ave, Man 10017 [MU 3–9670] Gertrude DonDero, national exec dir.; Iron Rail Camp, Beverly, Mass 01915. The na-

tional camp for members of Girls Clubs of America. Two-week periods. July-Aug. Capacity 200. Fee: junior camp, ages 10–13, $41; senior camp, ages 14 and up, $51. Junior counselor training in May, ages 12 and up, three days, $5 per person.

Girls' Friendly Society, Diocese of New York (See Incarnation Camp).

Goddard-Riverside Community Center, 161 W 87 St, Man 10024 [TR 3–6600] Thomas G Wolfe, exec dir.; Pioneer Youth Camp, Rifton, NY 12471. George Lockhart, dir.; Focus on small group program. Interracial and interfaith. Open year round. Boys and girls 6–15; 4 or 8 weeks. Capacity 180. Senior citizens, 2 weeks in September; capacity 45. For boys and girls, 7–12; 3-week camp program. Capacity 100.

Grace Church (See Incarnation Camp).

Gramercy Boys' Camp. (See Gramercy Boys' Club Association).

Gramercy Boys' Club Association, Inc., 1637 Washington Ave, Bronx 10457 [TR 8–0500] Herbert Reinwald, exec. dir; Daniel G Grady, ast exec dir.; Gramercy Boys' Camp, Blairstown, NJ 07825. Referrals of boys and girls accepted. July-Aug. Two-week sessions. Capacity 150.

Grand Street Settlement, Inc., 283 Rivington St, Man 10002 [Gr 3–5828] Arthur Cohn, exec dir.; Grand Street Settlement Camp, East Stroudsburg, Pa 18301.

Camp Moodna. Girls and boys, 7–14 years. Capacity 150. Three 3-week periods. Small groups with program emphasis on the group and on individual relationships; relaxed, informal atmosphere. Resident trained nurse; local doctor on call. Sliding scale of fees based on ability to pay. Social agency referrals accepted.

Teenage Work Camp. Coed, 15–16 years; 9 weeks.

Grant, Camp (*See* Jeannie L Grant Recreation Camp Association).

Greater New York Corporation of Seventh-Day Adventists, 108–11 69 Rd, Forest Hills, LI 11375 [BO 8–8110] M E Moore, camp mgr. Berkshire Seventh-Day Adventist Camp, Wingdale, NY 12594. Summer camps for children and youth, 9–12, 12–15 years. Capacity 800. July–Aug. Two-week periods, $25. Weekend camp for young married couples. May 30 to Labor Day. Fees $20–50 according to facilities.

Greater New York Councils, Boy Scouts of America, 25 W 43 St, Man 10036 [WI 7–8400].

Bronx Office, 2455 Sedgwick Ave, Bronx 10468 [933–6800] Robert D Smith, borough exec.

Brooklyn Office, 133 Remsen St, Bklyn 11201 [TR 5–4900] Jack Bucher, borough exec.

Manhattan Office, 25 W 43 St, Man 10036 [WI 7–8400] Joseph R Klein, borough exec.

Queens Office, 172–19 Hillside Ave, Jamaica, LI 11432 [JA 6–0606] Jack D. Dunkle, borough exec.

Statin Island Office, 36 Richmond Ter, SI 10301 [GI 7–6600] Primo T Paolini, borough exec.

Ten Mile River Scout Camps, Sullivan Co, NY (PO: Narrowsburg, NY 12764).

During July and Aug operate for four two-week periods. Serve Boy Scouts and Explorers. Minimum age 11 years. Physical exam required; campers with physical limitations or special med requirements accepted with approval of Health and Safety Committee. Resident physicians and nurses. Capacity 2,798 in 12 separate camps.

Year 'Round Camps (open all school holidays and weekends). Serve Cub Scouts (day trips), Boy Scouts, and Explorers. Attendance is with adult leadership provided by institution sponsoring Scout unit.

Alpine Scout Camp, Alpine, NJ 07620. Capacity 4,000.

Camp Sanita Hills, Holmes, NY 12531. Capacity 700.

Henry Kaufmann Scout Camp. South Huntington, LI 11743. Capacity 960.

Hoyt Farm, Brentwood, NY 11717. Capacity 400.

Spruce Pond Camp, Southfields, NY 10975. Capacity 188.

William H Pouch Scout Camp, New Dorp, SI 10306. Capacity 1,112.

Green Acres Family Camp (See New York City Mission Society).

Greenwich House, 27 Barrow St, Man 10014 [CH 2–4140]. Summer vacations arranged for neighborhood children through other agencies. Greenwich House Camp, Copake Falls, NY 12516. For neighborhood children 7–13 years. Stay 4 weeks. Capacity 64.

HES (See Hebrew Education Society of Brooklyn).

Harriman, Camp (See Boys' Club of New York).

Hartley House (See in this section Day).

Hatikvah, Camp (See Young Men's and Young Women's Hebrew Association of Williamsburg).

Hay Fever Relief Association (See National Hay Fever Relief Association).

Hayden, Camp (See Herald Tribune Fresh Air Fund).

Hayes, Camp (See Catholic Camp Association).

Hebrew Educational Society of Brooklyn. 564 Hopkinson Ave., Bklyn 11212 [DI 2–0337] David M. Kleinstein, exec. dir.; Camp HES, Inc, Lake Stahahe, Southfields, NY 10975. Boys and girls 8–14 years. July–Aug. Sliding scale of fees.

Hebrew Infants Home (See Hebrew Kindergarten and Infants Home).

Hebrew Kindergarten and Infants Home, Inc. 310 Beach 20 St, Far Rockaway, LI 11691 [FA 7–1140] Mrs Gilbert Goldstein, pres. Camp Beach Isle. For underprivileged children, 5 and 6 years. July–Aug.; 2-week stay.

Henry, Camp (See Henry Street Settlement).

Henry Kaufmann Girl Scout Camp (See Girl Scout Council of Greater New York).

Henry Kaufmann Scout Camp (See Greater New York Councils, Boy Scouts of America).

Henry Street Settlement, 265 Henry St, Man 10002 [OR 4–1100] Helen Hall, dir., Camp Henry, Mahopac Falls, NY 10542. Ray Bonda, dir. Boys 8–15. Three 3-week trips. Echo Hill Farm, Yorktown Heights, NY 10598. Mrs Ruth S Tefferteller, dir. Family day camping; 6 days a week.

The Fresh Air Fund, 230 W 41 St. Man 10036 [PE 6–4000] Frederick H. Lewis, exec dir.; Vacations provided children, 5–16 years, in Friendly Town homes. Stay 2 weeks to all summer. All referrals through established social agencies. Nonsectarian. Free. Also maintains the following camps. Stay 2 weeks. Free.

Camp Anita, Fishkill, NY 12524. Girls 11–13 years. Capacity 36.

Camp Bliss, Fishkill, NY 12524. Girls 9–11 years. Capacity 108.

Camp Coler, Fishkill, NY 12524. Girls 14–16 years. Capacity 72.

Camp Hayden, Fishkill, NY 12524. Boys 11–13 years. Capacity 108.

Camp Hidden Valley, Fishkill, NY 12524. Lucille Chandler, dir; sixty able-bodied children and 60 handicapped, 8–12 years.

Camp Marks Memorial, Red Hook, NY 12571. Owen Engler, dir.; Boys 8–10 years. Capacity 108.

Camp Pioneer, Fishkill, N.Y 12524. Jacob Juluis, dir.; Boys 14–16 years. Capacity 80.

Herrlich, Camp (See Lutheran Social Services of Metropolitan New York).

Hidden Valley, Camp (See Herald Tribune Fresh Air Fund).

High Rock, Camp (See Girl Scout Council of Greater New York).

Hines, Camp (See Madison Square Boys' Club).

Holiday Hills Branch (See Young Men's Christian Association of Greater New York).

Homestead, the (See Community Church of New York).

Hope, Camp (See Lakeside Bible Conference).

Horseshoe Mesa (See Jubilee Youth).

Hoyt Farm (See Greater New York Councils, Boy Scouts of America).

Hudson Guild, Inc, 436 W St, Man 10001 [LO 4–9040] H Daniel Carpenter, exec dir.; Farm and Camp, Andover, NJ 07821. For adult vacationers, including the aged, and families. Cottages for families with organized day camp for children. Low rates. Excellent facilities for winter use by groups.

Huntington Community Center (See Samuel Hunting Community Center).

Hurley, Camp (See Camp Hurley).

I B G, Camp (See Italian Board of Guardians).

Incarnation Camp, Inc., 65 Elm St, Winsted, Conn 06098. Andrew Katsanis, dir.; A joint venture of the Church of the Incarnation, Church of the Good Shepherd, All Angels Church, All Saints Church, Grace Church, St James Church, St Thomas Church, and the Girls' Friendly Society, Diocese of New York.

New York Office, 240 E 31 St, Man 10016 [MU 9–2151].

Camp, Ivoryton, Conn 06442. For children 8–14 years. Capacity: 120 boys; 94 girls. Cabins, tents, and houses. Lake. Staff of 60; doctor on call; 2 resident registered nurses. Opportunity to play, work, and worship together in a country setting under skilled Christian guidance. Two 4-week sessions. Fee $200 per month plus $10 canteen.

Vacation lodge for older adults. For men and women over 60 years. Capacity 60. Swimming, boating, fishing, handicrafts, singing, discussion groups, indoor and outdoor games, bus trips. Two 12-day sessions, June 7–18, Aug 30–Sept 10. Fee $60, sliding scale.

Industrial Home for the Blind (See in section Aged: Homes).

Institute of Franciscan Missionaries of Mary (Divine Providence Foundation), 225 E 45 St, Man 10017 [YU 6–5191] Mother Mary Edgarda, supth. St Helene Camp, Palenville, NY 12463. Adm through city office. Boys 6–8 years, girls 6–14 years. Capacity, boys 50; girls 125. Resident nurse, physician on call. Rates $35 a week and fare.

Iron Rail Camp (See Girls Clubs of America).

Isabella Freedman, Camp (See Camp Isabella Freedman of Connecticut).

Israel and Leah Cummings Campgrounds (See Educational Alliance).

Italian Board of Guardians, Inc., 191 Joralemon St, Bklyn 11201 [TR 5–0800]. Camp I B G, Wappingers Falls, NY 12590 [914: AX 7–2142] Rev Domenick J Adessa, dir. July–Aug. Three 3-week periods. Therapeutic, geared to meet the needs of boys or girls showing emotional disturbances. Specialized staff. Capacity 50. Sliding scale of fees.

Italian Welfare League, Inc., 34 E 29 St, Man 10016 [MU 5–4764] Angela M Carlozzi, exec sec; Frank Traverso, immigration consultant. Finances camp vacations for approximately 100 Italian-American children through various agencies selected by its social service committee.

Jawonio, Camp (See Rockland County Center for Physically Handicapped).

Jeanne L Grant Recreation Camp Association, Inc., % Rotary Club of Brooklyn, Hotel St George, 51 Clark St, Bklyn 11201 [MA 5–7272]. Camp Grant, Calverton, LI 11933 [516: PA 7–0655] Daniel Hurley, dir. Boys 8–14 years. Stay 2–8 weeks. Exam by sending organization's physician. Resident nurse. Capacity 176. Rates on application.

Jefferson Park Mission and Social Center (See New York City Society of the Methodist Church).

Jened Camp Foundation (See in section Handicapped: Other Services).

Jewish Camp Application Bureau (See Association of Jewish Sponsored Camps).

Jewish Guild for the Blind (See in section Recreation: Manhattan).

Jewish Society for the Deaf, The, 171 W 85 St, Man 10024 [SU 7-5333] Mrs. Tanya Nash, exec dir.; Arranges placements for day or country camping for deaf children, boys and girls 8–15 years, and country camping for aged deaf.

Jewish Vacation Association, Inc., 31 Union Sq W, Rm 1615, Man 10003 [AL 5–3722] Ida Oppenheimer, consultant. An agency of the Federation of Jewish Philanthropies of New York. Its basic functions are research and development of vacation activities for the Jewish community.

Jonas Foundation (See Louis August Jonas Foundation).

Joy, Camp (See Lakeside Bible Conference).

Jubilee Ranch (See Jubilee Youth).

Jubilee Youth, Inc., 55 Hanson Pl, Bklyn 11217 [JA 2–6000].

Jubilee Ranch, PO Box 1, Port Jervis, NY 12771. James William Anderson, dir; Lynn Anderson, dir social service. Assists children whose needs may be met by program and staff; seriously disturbed excluded. Qualified social worker must certify the child's needs and that he is not seriously disturbed. A ranch camp, with full program of crafts, sports, swimming, hobbies, mechanics; horseback riding (28 horses) included in fee. Mature college staff. June 26–Aug 28, minimum 2 weeks. Visiting Sun, 3–5 pm. Fee $30 a week. Scholarships available in proportion to contributions received. Apply to Dept A, PO Box 1, Port Jervis, NY 12771. Buckskin Stockade. Boys 12–16 years, capacity 60. Horseshoe Mesa. Girls 12–16 years, capacity 80. Apache Circle. Boys and girls, 6–11 years, capacity 80.

Kaufmann Girl Scout Camp (See Girl Scout Council of Greater New York: Henry Kaufmann Girl Scout Camp).

Kaufmann Scout Camp (See Greater New York Council, Boy Scouts of America: Henry Kaufmann Scout Camp).

Kinder-Ring, Camp (See Workmen's Circle).

Kips Bay Boys' Club, Inc. 301 E 52 St. Man 10022 [PL 5–5233] Charles McNiven, exec dir.; Kips Bay Boys' Camp, Valhalla, NY 10595 Boys 6–12 years. Stay 3 weeks. Exam by Club's physician. Physician on call. Capacity 112. Rates vary according to parents' ability to pay. For members of Kips Bay Boys' Club only.

Kirby, Camp (See Boys' Athletic League).

Kiwago, Camp (See Boys' Athletic League).

LaGuardia Memorial House, 331 E 116 St, Man 10029 [LE 4-7800] Edward Corsi, exec dir.; Vacation services, Fresh Air Fund registration and placement, summer day camp and trips, etc.

Lakeside Bible Conference, Inc, Camps, RFD 2 Carmel, NY 10512 [914: CA 5-2005] Rev W F Ruelke, exec dir.; Camp Joy. For children 4–12 years. 9 weeks. June-Aug. Recreational activities, crafts. Religious services. Capacity 150. Rate $25 a week. Referrals from orphan homes; sliding scale of fees; hardship cases. Camp Hope. For orthopedically handicapped children to 16 years. 9 weeks. June–Aug. Mentally retarded children are cared for by a special program, June–Aug. Referrals accepted from hospitals, agencies, and parents. Acceptance based upon personal interview. Rate $30 per week. Sliding scale of fees; hardship cases.

La-No-Wa, Camp (See Boys' Athletic League).

Laughing Water, Camp (See Girl Scout Council of Greater New York).

Lawrenceville, Camp (See New York City Mission Society).

Leah, Camp (See Educational Alliance).

Lenox Hill Camp (See Lenox Hill Neighborhood Association).

Lenox Hill Neighborhood Association, Inc, 331 E 70 St, Man 10021 [RH 4-5002] Jerome Spiegel, dir.; Camp registrations and referrals for House members and neighbors. Lenox Hill Camp, Bantam, Conn 06750. Boys and girls 7–14 years. Three-week trips. Capacity 80. Nine-week work camp for children 15 and 16 years. Two-week camping for those over 60. Sliding scale of fees.

Lighthouse, Camp (See New York Association for the Blind).

Long House (See Christian Herald Association).

Long Island Baptist Societies, the, 297 Park Ave S. Man 10010 [AL 4–0880] Rev Angus O Hull, Th D, exec sec. Community Witness. See in this section under listing New York Baptist City Society.

Louemma, Camp (See Camp Louemma).

Louis August Jonas Foundation, Inc P O Drawer 33, Walden, NY 12586 [914: PR 2-1500] George E Jonas, in charge. Camp Rising Sun, RFD 1, Box 108, Rhinebeck, NY 12572 [914: PL 8-2841]. For deserving boys of fine character and exceptional intelligence, 14–17 years. Length of stay, one month or more if necessary. Exam by physician required. Physician on call. Report of child's progress sent to sending organization upon request. Capacity 55. Rates according to ability to pay.

Loyaltown, Camp (see Camp Loyaltown).

Lutheran Boys' Camp Association, Inc., Office, 275 Madison Ave, Man 10016 [LE 2-5115]. Camp Trexler, Lake Stahahe, Southfields, NY 10975 [914: EL 4-9889] Lee M Miller, camp dir.; For boys of Lutheran Churches and their friends. Stay two weeks or more. Open July 3–Aug 28. Operated as a part of the camping program of the New York Synod, Lutheran Church in America. Capacity 125. Rates $70 per 2-week period.

Lutheran Charities (see Lutheran Social Services of Metropolitan New York).

Lutheran Community Service (see Lutheran Social Services of Metropolitan New York).

Lutheran Inner Mission Society in New York City (see Lutheran Social Services of Metropolitan New York).

Lutheran Inner Mission Society of Brooklyn and vicinity (see Lutheran Social Services of Metropolitan New York).

Lutheran Social Services of Metropolitan New York, Inc., 525 Clinton Ave, Bklyn 11238 [UL 7-9492] Rev Robert M Bauers, dir. A federated agency constituted of the Lutheran Inner Mission Society in New York City, Lutheran Inner Mission Society of Brooklyn and Vicinity, Lutheran Community Service, and Lutheran Charities, Inc. Camp Wilbur Herrlich, Towners, NY. Mailing address: RFD 1, Holmes, NY 12531. Arthur Fugelsoe, Mrs. Betty Fugelsoe, co-dirs.; For children 7–15 years. July-Aug. Sliding scale of fees to $55 for 2-week period.

McDonnell Vacation Camp (see in this section under listing Society of St Vincent de Paul in the Diocese of Brooklyn, Long Island, New York: Bishop McDonnell Vacation Camp).

Madison-Felicia, Camp (see Camp Madison-Felicia).

Madison Square Boys' Club, Inc. 301 E 29 St, Man 10016 [LE 2-5751] Sherwood T Ernenwein, exec dir.; Clear Pool Camp and Camp Albert B Hines, Carmel, NY 10512 [914:CA5-2050] William L Petty, dir.; Boys 7–16 years. Stay 2 weeks. Capacity 400. Fee based on ability to pay.

Marks Memorial, Camp (See Herald Tribune Fresh Air Fund).

Masonic Camp Seven, Seventh Masonic District Association, 71 W. 23 St, Man 10010 [OR 5–4850] Morton B. Harris, Camp chrm, Camp, Tallman, NY 10982. Girls 7–11 years. Three 3-week periods, July-Aug. Capacity 202. Free. Apply through members Seventh Masonic District.

Methodist Camp Service (See New York City Society of the Methodist Church).

Methodist Church, New York City Society of the (See New York City Society of the Methodist Church).

Metropolitan Jewish Centers Camp Association (See Wel-Met Camps).

Mikan, Camp (See Recreation Rooms and Settlement).

Mill Brook Center (See East Side House).

Minden (See Presbyterian Conference Association).

Minisink, Camp (See New York City Mission Society).

Mogen Avraham, Camp (See Young Men's and Young Women's Hebrew Association of Wiliamsburg).

Mont Lawn (See Christian Herald Association).

Moodna, Camp (See Grand Street Settlement).

Moonbeam, Camp (See Camp Moonbeam Association).

Morningside Community Center, Inc., 360 W. 122 St., Man 10027 [MO 6–7199]. Camp Forest Lake, Winchester, NH 03470. Elmer Redwine, dir.; Coed. Ages 8–14. Two-week stay $70. July-Aug.

Mountain View Camp (See Calvary and St. Cyprian's Episcopal Church).

Munger Camp (See New York Association for the Blind).

Napretep, Camp (see Peter Pan Nursery School of the Bronx).

Narrowsburg Camp (see Wel-Met Camps).

National Hay Fever Relief Association, the, Office, 50 Broadway, Man 10007 [WH 4–2740] Sarah Masor, exec. dir.; Camp and Institution, Bethlehem, NH 03574. Nonsectarian. For underprivileged sufferers from hay fever and seasonal asthma. Modern, well-equipped institution for adults and limited number of girls, camp for boys, in pollen-free area. Varied recreational facilities. Aug. 14–Sept. 28. Stay 6 weeks. Referrals and direct applications. Capacity 70 adults, 40–50 boys. Jewish dietary laws. Rates according to ability to pay; $5, $10, $15 a week, some free.

National Ramah Commission, Inc., 3080 Broadway, Man 10027 [RI 9–8000] M Bernard Resnikoff, exec. dir.; Ramah Camps in Wisconsin, Pennsylvania, Connecticut, California, New York, and Canada. Coed, for children 8–15 years. Season 8 weeks. Hebrew-speaking educational program. Fee $650.

New York Association for the Blind, the, 111 E. 59 St., Man 10022 [EL 5–2200] Maurice Case, mgr. Dept. of Recreation and Camping Services. River Lighthouse, Cornwall-on-Hudson, N.Y. 12518. A vacation home for older blind men and women. Stay 2 weeks. Capacity 50. Free. Camp Munger, Cornwall-on-Hudson, N.Y. 12518. Vacations for children 7–11 years. Stay one month. Capacity 16. Free. Camp Lighthouse, Waretown, N.J. 08758. For blind teen-agers and active adults. Stay 2–4 weeks. Capacity 52. Free.

New York Baptist City Society, 297 Park Ave. S., Man 10010 [AL 4–0880] Rev. Angus C. Hull, th d, exec. sec. Community Witness. Tabea Korjus, dir. Sponsored jointly with the Long Island Baptist Societies. Camp Friendly. Arranges hospitality in homes for needy children and foreign students.

New York City Baptist Society (see New York Baptist City Society).

New York City Mission Society, 105 E 22 St, Man 10010 [OR 4–3500] David W Barry, pp, exec dir.; Camp Minisink, Shawangunk Mountains, near Port Jervis, Orange Co, NY. Glady V Thorne, dir.; Admission office, 348 Convent Ave, Man 10031 [AU 6–4160]. For children recruited from the churches and centers served by the Harlem unit: girls, 6–16 years; boys, 9–16 years. Length of stay 2–5 weeks. Exam by physician. Resident nurse. Capacity 330. Rate $21 a week; transportation $4.50 round trip.

Camp Sharparoon, Dover Furnace, Dutchess Co, NY. Rev Luke M Torosian, dir.; Admission office, 105 E 22 St, Man 10010 [OR 4–3500]. For boys and girls, 9–15 years from New York City. Four 2-week periods. Resident nurse. Physician on call. Capacity 95 boys, 91 girls. Exam by physician. Rates $70 per period, including transportation and insurance.

Green Acres Family Camp, Dover Furnace, Dutchess Co, NY. Rev Luke H Torosian, dir.; Admission office, 105 E 22 St, Man 10010 [OR 4–3500]. For parents and children 2–9 years. Four 2-week periods. Examination by physician. Resident nurse. Physician on call. Capacity 25 families. Rates per period adjusted to need. Two-week camping for senior citizens.

Lawrenceville Camp, Ludlow-Asbury, NJ. Maintained by the Lawrenceville School. For boys 10–12 years from agencies of the City Mission Society.

Youth Leadership Camp, Dover Furnace, Dutchess Co, NY. Admission office, 105 E 22 St, Man 10010 [OR 4–3500]. Camp for high-school-age youth, stressing vocational guidance and leadership training. Capacity 40.

New York City Society of the Methodist Church, the, 475 Riverside Dr., Man 10027 [RI 9–5717] Rev. Henry C. Whyman, exec. dir.; Church of All Nations and Neighborhood House, 9 Second Ave., Man 10003 [GR 7–4155]. Cliff Villa, 110 Cliff Ave, Bradley Beach, N.J. 07720. For mothers, fathers, and children of church or settlement and community. Children 10–18 years without parents. Three parties during the season. Capacity 40. Rates $6–$20 a week. Children of community also sent to camps, homes, and cottages of cooperating agencies. Special summer play school 6 weeks, all day, July and Aug.

Jefferson Park Mission and Social Center, 407 E 114 St., Man 10029 [AT 9–6740] Rev. John A. Collins, Rev. Mario Fernandez, ministers. Summer camp, 142 Ocean Ave., Long Branch, N.J. 07740. For mothers and children of church and community. Capacity 60.

Methodist Camp Service, 2085 Fifth Ave., Man 10035 [EN 9–1430] Lionel E. McMurren, dir. Serves as a year-round referral agency. Provides information concerning camps in the Eastern area, including day camps, and provides total and partial scholarships for children 5–16 years. Serves as referral agency for job placements as camp counselors, camp nurses, etc. Directs recreational activities in 12 affiliated Methodist Churches. Conducts program of visual education. No restrictions of race or creed.

New York Diabetes Association, Inc., 104 E. 40 St. Man 10016 [OX 7–7760] Alfred C. Nichols, exec. dir.; Stanley T. Sajecki, camp dir.; Camp Nyda, Burlingham, N.Y. 12722. For diabetic children 6–15 years. July–Aug. Two 4-week sessions. Resident physicians, nurses, and dietitions. Capacity 350. Fee according to ability to pay.

New York Institute for the Education of the Blind, the, 999 Pelham Pkwy, Bronx 10469 [KI 7–1234] Merle E. Frampton, principal. Camp Wapanacki, Hardwick, Vt. 05843. For blind and blind-deaf children 5–21 years. Boys in July, girls in Aug. Capacity 200. Free.

New York Philanthropic League, UOTS, Inc., 150 W 85 St., Man 10024 [TR 3–4581]. Camp Carola, Spring Valley, N.Y. 10977. Susan Samuel, exec. dir.; Orthopedically handicapped children: boys 6–13 years, girls 6–16 years. Stay one month. Exam by League's physician. Capacity 60. Vacancies for nonmembers. Sliding-scale fee.

New York Protestant Episcopal City Mission Society (See Episcopal Mission Society in the Diocese of New York).

New York Service, for Orthopedically handicapped, Office, 853 Broadway, Man 10003 [LF 3–4020] Marygold V. Nash, exec. dir.; Camp Oakhurst, Oakhurst, N.J. 07755 [201: KE 1–0215] Natalie Gordon, dir., For orthopedically handicapped children 6–14 years, young adults 18–40 years, and handicapped teens 15–18 years. Stay: children 3 weeks; young adults 2 weeks. Teen Tour, Natalie Gordon, dir.; Two two-week summer bus tours for handicapped teens 15–18 years.

New York State Association for Retarded Children (See Association for the Help of Retarded Children, New York City Chapter).

Norge, Camp (See Norwegian Lutheran Community Service).

North Shore Holiday House, Inc., 74 Huntington Rd., Huntington, L.I. 11743 [516: HA 7–2944] Gustavo E. Sosa, dir.; Girls 7–11 years. Open June 30. Three 3-week periods. Capacity 45 for each period. Boarders only. Fee $50 for 3 weeks. Enrollment: through 8 metropolitan social agencies served by the camp.

Northeastern Conference Corporation of Seventh-Day Adventists, 560 W 150 St., Man 10031 [AU 6–0233] Rev. L. Davis, Camp dir.; Victory Lake Camp, Hyde Park, N.Y. 12538 [914: CA 9–9913; 914: CA 9–8527]. A junior youth camp established to give recreation and inspiration, to establish right habits of living, to instruct in the history and completion of God's work, to lead the youth in study, prayer, and worship, to develop a love for God's out-of-doors, to form lasting and helpful friendships, to build Christian characters, and to develop a personal responsibility for duty. For children 9–16 years. Capacity 250. Six weeks; $22 per week.

Northover Camp (see Christodora House).

Norwegian Lutheran Community Service, Inc., 4520 Fourth Ave, Bklyn 11220 [GE 9–4693]. Camp Norge, Saw Mill Rd, New City, NY 10956 [914: NE 4–4426] Robert Gundersen, camp dir.; Children 7–12 years. Accommodations for summer available. Exam by physician. No special clothing required. Capacity 110. Fee $60 for two-week period. Must supply own linens. Bus transportation from Bronx, $5 per round trip.

NYDA, Camp (See New York Diabetes Association).

Oakhurst, Camp (See New York Service for Orthopedically Handicapped).

Old Brewery (See Five Points Mission).

Old Oak Camp (See Baptist Fresh Air Home Society).

Olmstead Fresh Air Camp (See Five Points Mission).

Orenda, Camp (See Boys' Athletic League).

Peter Pan Nursery School of the Bronx 726 Beck St, Bronx 10455 [KI 2–8110] Mrs. Willa Mae White, exec dir.; Camp Napretep, Box 44, Glen Wild, NY 12738 [Woodridge 256 R]. For children 5–12 years. July–Aug. Capacity 50. Stay 2–8 weeks. Hiking, dramatics, games, nature and science study, swimming. Tents, cabins, and bungalows. Rates: 2 weeks $75; 8 weeks $250.

Pioneer Camp (See Herald Tribune Fresh Air Fund).

Pioneer Youth Camp (See Goddard-Riverside Community Center).

Pouch Scout Camp (See Greater New York Councils, Boy Scouts of America: William H Pouch Scout Camp).

Poyntelle-Ray Hill, Camp (See Associated YM–YWHA's of Greater New York).

Presbyterian Camp and Conference Center (See Presbyterian Conference Association).

Presbyterian Conference Association, Inc., 475 Riverside Dr., Rm 371, Man 10027 [870–2111] Rev Donald A Hostetter, assoc in camps and conferences. Minden, Bridgehampton, LI 11932. Mrs Edmund Winkler, mgr. Year-round center serving senior high school, adult, and family groups. Capacity 80. Presbyterian Camp and Conference Center, Holmes, NY 12531. Randall Nielsen, mgr. Year-round center serving senior high school and adult groups; capacity 30. Two camps for all ages; capacity 250.

Protestant Episcopal Mission Society in the Diocese of New York (See Episcopal Mission Society in the Diocese of New York).

Pythian Camp, the, Office, 164 Fifth Ave, Man 10010 [OR 5–5533] Jack Lowenkron, exec dir; Camp, Glen Spey, NY 12737. For underprivileged boys 8–12 years, irrespective of race, color, or creed. Stay 3 weeks. Physician in residence. Capacity 350. Free.

Quannacut Camps (See Young Women's Christian Association of the City of New York).

Quidnunc, Camp (See Girl Scout Council of Greater New York).

Rainbow, Camp (See Camp Rainbow).

Ramah Camps (see National Ramah Commission).

Ramapo–Anchorage Camp, Rhinebeck, NY 12572. Specialized camp for emotionally disturbed boys and girls, 8–13 years. New York City Office, 120 W 57 St, Man 10019 [JU 2–9100] Robert Thomases, dir.

Ray Hill Camp (See Associated YM–YWHA's of Greater New York: Camp Poyntelle-Ray Hill).

Recreation Rooms and Settlement, 12 Ave D, Man 10009 [SP 7–6963] Mrs Harriette Fennik, camp regr. Camp Milkan, Arden, NY 10910. Mrs. S Bedell, exec dir.; Girls, 8–15 years. Stay 3 weeks. Res nurse. Capacity 157. Rates for 3-week period: sliding scale to $125. Camp Recro, Arden NY 10910. Jerome Spitzer, dir.; Boys, 8–15 years. Stay 3 weeks. Capacity 114. Rates for 3-week period: sliding scale to $125. Limited number of all-summer campers, 9 weeks, $425, at Mikan and Recro. Camp Wildwood, Central Valley, NY 10917. Mrs Theresa Dirnfield, dir.; For children under 8 years, parents, and older adults. Res nurse. Capacity 142. Rates for 3-week period: sliding scale to $125 for adults; $80 for children.

Recro, Camp (See Recreation Rooms and Settlement).

Rest-Haven (See American Foundation for the Blind).

Rethmore Home Camp (See Episcopal Mission Society in the Diocese of New York: Edgewater Crèche and Rethmore Home Camp).

Rising Sun, Camp (See Louis August Jonas Foundation).

River Lighthouse (See New York Association for the Blind).

Robin Hood Camp for Girls (See Young Women's Christian Association of Brooklyn).

Rockland County Center for the Physically Handicapped, Inc. 171 Phillips Hill Rd, New City, NY 10956 [914: NE 4–4648] Goodwin D Katzen, dir.; Camp Jawonio. For physically handicapped 6–18 years. July–Aug. Stay 4 or 8 weeks. All activities common to normal camping, modified to suit the individual abilities of each child, together with treatments in physical, occupational, and speech therapy. Resident camp. Capacity 55. Rates: 4 weeks $350; 8 weeks, $630.

St Augustine Church, Prospect Ave at 165 St, Bronx 10459 [DA 3–7258]. Camp Bohatom, Coeyman's Hollow, NY 12046 [518: 715–7194] Rev Edler G Hawkins, dir.; For children of community. July–Aug. Stay 3 weeks. Capacity 125. Fee $24 per week.

St George's Camps (See St George's Episcopal Church in the City of New York).

St. George's Episcopal Church in the City of New York, 207 E 16 St, Man 10003 [GR 5–0830]. St. George's Camps, RFD 3, Saugerties, NY 12477. E. Hilton Chaloner, dir. Superb location, 100 miles up the Hudson. Three separate camps: boys 8–15; girls 8–15; coed 6–7. Two 4-week periods. College counselors. Good food. Pioneering, fishing, hiking, outpost, athletics, riflery, swimming, boating, canoeing, arts and crafts, dramatics, council ring. For further information apply at Church.

St. Helene Camp (See Institute of Franciscan Missionaries of Mary).

St. James Church (See Incarnation Camp).

St. Philip's Community Service Council (See St. Philip's Community-Youth Center).

St. Philip's Community-Youth Center, 215 W. 133 St. Man 10030 [AU 6–6410; AU 1–0820] V. Benjamin Louard, exec. dir. An affiliate of St. Philip's Community Service, Herald Tribune Fresh Air Camps, Friendly Town Program, and others. Camp. Rates on sliding scale, based on ability to pay. Boys and girls, ages 7–18.

St. Thomas Church (See Incarnation Camp).

St. Vincent de Paul, Camp (See Society of St. Vincent de Paul in the City of New York).

St. Vincent de Paul, Society of. See Society of St. Vincent de Paul in the City of New York. Society of St. Vincent de Paul in the Diocese of Brooklyn.

St. Vincent de Paul Fresh Air Home (See Society of St. Vincent de Paul in the City of New York).

Salvation Army, the, Star Lake Camps, Bloomingdale, NJ 07403 [201: TE 8-4378] Maj James G Henderson res dir.; Boys 6-11 years; girls 6-12 years. Stay 3 weeks. Exam by physician. Res registered nurse and dietitian. Capacity 200 boys and 150 girls. Free or part pay according to circumstances. Admission office, 546 Ave of the Americas, Man 10011 [CH 3-8700] Maj James G Henderson, dir.; Sunset Lodge, (See in section Aged: Recreation under listing Salvation Army.)

Samuel Huntington Community Center, Inc., 109-04 160 St, Jamaica, LI 11433 [OL 7-2447] James E Robinson, exec dir. Camp and Friendly Town sending service maintained for children from Queens County.

Sanita Hills Camp (See Greater New York Councils, Boy Scouts of America).

Schlueter, Camp (See Trinity Church, Corporation of).

School Settlement Association (See in this section Day).

Sebago, Camp (See Boys' Athletic League).

Seventh-Day Adventists (See Greater New York Corporation of Seventh-Day Adventists. Northeastern Conference Corporation of Seventhy-Day Adventists).

Seventh Masonic District Association (See Masonic Camp Seven, Seventh Masonic District Association).

Sharparoon Camp (See New York City Mission Society).

Shelter Island Camp (See Brooklyn Bureau of Social Service and Children's Aid Society).

Silver Lake Camp (See Wel-Met Camps).

Society of St. Vincent de Paul in the City of New York, 122 E. 22 St, Man 10010 [OR 4-4871]. St. Vincent de Paul Fresh Air Home (Camp St. Vincent de Paul), 245 N Main St, Spring Valley, NY 10977. Edward T Reilly, exec sec. Managed by the Sisters of Mercy, New York. For poor children 6-11 years. Stay 12 days. Physical exam required. Physician on call. Furnish own clothing. Capacity 325. Application must be made to local parish branches of the Society. Free.

Society of St. Vincent de Paul in the Diocese of Brooklyn, Long Island, New York, 191 Joralemon St. Bklyn 11201 [MA 5-1400] Joseph E. Lynch, exec sec. Bishop McDonnell Vacation Camp, Commack, LI. 11725. Boys and girsl 6-10 years. Average stay 10 days. Exam by physician. Special recommendations from physician will be noted. Physician on call; res nurse. All clothing except shoes furnished. Capacity 300. Free.

Sprout Lake Camp (See Associated Cardiac Leagues).

Spruce Pond Camp (see Greater New York Councils, Boy Scouts of America).

Star Lake Camps (See Salvation Army).

Stepney Camp (See East Side House).

Stuyvesant Community Center, Inc., Camp Placement Service, Albany Houses, 164 Troy Ave, Bklyn 11213 [HY 3-6262; HY 3-8666] Denis A Dryden, exec dir; Mrs Ethel T Wynne, regr. Registration by appointment, Apr 15-May 30, for children 6-16 years. Placement in a variety of camps.

Sunset Lodge (See in section Aged: Recreation under listing Salvation Army).

Surprise Lake Camp of the Educational Alliance and Young Men's Hebrew Association, Inc., Camp, Cold Springs, NY 10516. Asher Melzer, exec dir, 31 Union Sq W, Man 10003 [WA 9-7483]. Moys 8½-15½; girls 10-15¼. Capacity 576. Fee based on ability to pay.

Susex, Camp (See Camp Sussex).

Tabor, Camp (See Boys' Club of New York).

Tel-Hai, Camp (see American Board of Missions to the Jews).

Ten Mile River Scout Camps. See Greater New York Councils, Boy Scouts of America.

Trail Blazer Camps, 24 W 45 St, Man 10036 [OX 7-2140] Lois Goodrich, exec dir. Camps, Lake Mashipacong, Sussex, NJ 07461. For needy children; agency referrals. Capacity 50 boys, 9-13 years; 90 girls, 8-16 years. Four-week stay, July-Aug. Family camp for former campers, Sept. Nonprofit. Decentralized program emphasizing individual growth and adjustment to group, group planning, and outdoor living.

Trexler, Camp (See Lutheran Boys' Work Foundation).

Tribune Fresh Air Fund (See Herald Tribune Fresh Air Fund).

Trinity Church, Corporation of, 74 Trinity Pl, Man 10006 [BO 9-6640]. Camp Schlueter, West Cornwall, Conn 06796. Dexter Stephens, dir. For boys, 9-14 years, associated with Trinity Parish. July 1-Sept 9. Stay 3 weeks. Outdoor sports, swimming, handicrafts. Capacity 70. No set schedule of fees. Trinity Mountain Camp, Sharon, Conn 06069. Under direction of a Sister of St Margaret. For girls 8-14 years, associated with Trinity Parish. July 1-Labor Day. Stay 3 weeks. Outdoor sports, swimming, handicrafts. Capacity 80. No set schedule of fees.

Trinity Mountain Camp (See Trinity Church, Corporation of).

Turkey Mountain Camp (See Child Service League).

UOTS (See New York Philanthropic League, UOTS).

United Order True Sisters (see New York Philanthropic League, UOTS).

University Settlement Society 184 Eldridge St, Man 10002 [OR 4-9120] Victor Remer, exec dir; Ernest Greizman, camp dir. University Settlement Camp, Beacon, NY 12508 [914: 831-9788]. Boys and girls 7-14. Med certificate required. July-Aug; stay 3 weeks. Capacity 200. Some partial scholarships available. University Settlement Work Camp, Beacon, NY 12508 [914: 831-9788]. A service unit of University Settlement Camp. Group of 36 boys and girls, 15-17 years. Ten-week season.

VOA Summer Camp (See Volunteers of America).

Vacamas, Camp (See Camp Vacamas Association).

Vacation Camp for the Blind, Spring Valley, N.Y. 10977 [914: EL 6-3003] Harry Minkoff, exec dir. For legally blind adults and families including children to 8 years. Nonsectarian. Interracial. July 1-Sept. 1. Stay 2 weeks. Capacity 200 beds. Winter weekend camping program. Capacity 200 beds. Year round social service referral unit. Rates based on ability to pay.

Valeria Home, office, 1 E 42 St., Man 10017 [MU 7-3760] Margaret A. Barnes, in charge. Resort, Oscawana, N.Y., 10561 [914: PE 7-1700] Herbert M. Garland, mgr. A nonprofit organization. All year-round vacation and convalescent resort for fully employed business and professional adults. All applications made in person in NY office. Capacity 200. Rates including meals: single $6-$8.50 per day; double $14-$17 per day (2 persons). Minimum 1 week, June 1-Nov. 1. Weekends available Nov. 1-June 1.

Vanderbilt Girls' Camp (See Children's Aid Society).

Victory Lake Camp (See Northeastern Conference Corporation of Seventh-Day Adventists).

Virginia Day Nursery, Inc., 464 E. 10 St., Man 10009 [CA. 8-5220]. Summer Home, Bernardsville, N.J. 17924. For children of the Nursery only. July-Aug. Stay 3 weeks. Capacity 24.

Volunteers of America, The, 340 W 85 St., Man 10024 [SU 7-6900]. VOA Summer camp, Arden Lake, Ridgefield, Conn. 06877. Col. Irene McMahon, dir. Mothers and children apply to main office in Manhattan.

Wabenaki Camp (see Boys Brotherhood Republic of New York).

Wagon Road Camp for Handicapped Children (see Children's Aid Society).

Wakonda, Camp (see Boys' Athletic League).

Wallkill Camp (see Children's Aid Society).

Wapanacki, Camp (see New York Institute for the Education of the Blind).

Warren Street Community Center (see in section Recreation: Brooklyn).

Wel-Met Camps, the (the Metropolitan Jewish Centers Camp Association, Inc.), Office, 31 Union Sq W, Man 10003 [AL 5-7530] Jack R. Goldberg, exec dir; Dan Morris, assoc exec dir and camp dir Narrowsburg Division; Bob Salmon, acting camp dir Barryville Division; Richard Steinberg, S. Morton Altman, asst camp dirs; Ralph Kreiss, business mgr. Camps: Cabin-centered program. Resident med staff. Member-applicants register through agency affiliated with New York Metropolitan Section, National Jewish Welfare Board; public at large through city office. Fee adjustments available for 3-week period. Trip program to Yellowstone National Park: 6 weeks for girls 14-16, boys 15-17. Trip program to Europe: 6 weeks for girls 15-17, boys 16-18. Barryville division, Barryville, NY 12719 [Barryville 3541]. Narrowsburg division, Narrowsburg, NY 12764 [914: AL 2-9925]. Boys 8-14, girls 8-13. Teen-Age Career (TAC) Program for 16 girls 16 years of age interested in exploring careers in one of the helping professions. Supervised field work seminars, camp program. Stay 3 weeks or 6 weeks. Capacity: Narrowsburg Division, 700; Barryville Division, 675. Silver Lake division, Narrowsburg, NY 12764 [914: AL 2-9925]. Boys and girls, 8-10 years, first-time campers. Capacity 72. Men, women, and couples 55 years and over. Capacity 75.

White Memorial Catholic Settlement (see Catholic Settlement Association of Brooklyn).

Wilbur Herrlich, Camp (see Lutheran Social Services of Metropolitan New York).

Wildwood, Camp (see Recreation Rooms and Settlement).

William H. Pouch Scout Camp (see Greater New York Councils, Boy Scouts of America).

Williams, Camp (see Camp Williams).

Williamsburg YM-YWHA (see Young Men's and Young Women's Hebrew Association of Williamsburg).

Willoughby House Settlement (see in section Recreation Brooklyn).

Workmen's Circle, 175 E. Broadway, Man 10002 [OR 4-2051]. Workmen's Circle Camp, Hopewell Junction, NY 12533. Marvin Stelman, mgr. For adults and children. July-Aug. Unlimited stay. Reduced rate for members. Camp Kinder-Ring, Hopewell Junction, NY 12533. Jerry Sloane, dir. Boys and girls 6-15 years.

Y Bicyle Tours (see Young Men's and Young Women's Hebrew Association).

YDI, Camp (see Youth Development).

YM-YWHA'S (see Associated YM-YWHA's of Greater New York, Young Men's and Young Women's Hebrew Association, Young Men's and Young Women's Hebrew Association of Williamsburg).

Y Service Project (see Young Men's and Young Women's Hebrew Association).

Yorkville Community Association, Inc., 205 E 85 St, Man 10028 [RE 7-4380] Mrs. Henry Kaufman, exec dir. Placement at recognized camps through the Yorkville Camp Fund.

Young Men's and Young Women's Hebrew Association, 92 St. and Lexington Ave., Man 10028 [AT 9-2400] Carl Urbont, exec dir. Y Bicycle Tours. Teen-age coed trips on bicycles for 2-, 3-, and 4-week periods under two Y leaders. Approximately 12 participants in each trip. Y Service Project. Summer work program for teens. (see also Surprise Lake Camp of the Educational Alliance and Young Men's Hebrew Association.)

Young Men's and Young Women's Hebrew

Association of Greater New York (see Associated YM–YWHA's of Greater New York).

Young Men's and Young Women's Hebrew Association of Williamsburg Inc., 575 Bedford Ave, Bklyn 11211 [EV 7–6695] Murray Gunner, exec dir. Camp Hatikvah, Lake Cohasset, Bear Mountain, NY 10911 [914: EL 1–4477] David Hirsch, dir. Boys 8–13. Stay 3 weeks. Res nurse. Capacity 170. Camp Mogen Avraham, Barnes Lake, Central Valley, NY 10917 [914: WA 8–6037] Rabbi Ronald Greenwald, dir. Boys 8–13. Stay 3 weeks. Res nurse. Capacity 120.

Young Men's Christian Association of Greater New York. Camp and Outing Branch, 204 W 24 St, Man 10011 [WA 9–2084] Lloyd E. Moore, exec dir. Holiday Hills Branch, Pawling, NY 12564 [914: UL 5–6011] Perry M. Sample, exec dir. Vacation and conference center for individuals and groups. Open year round. All kinds of outdoor activities. Rates per day, weekend, or week on application.

Young People's Baptist Union of Brooklyn and Long Island, Joseph A. Fernandez, Jr., pres. 125G Hempstead Gardens Dr., West Hempstead, LI. 11552. Camp Sunshine Acres, Honk Hill Rd., Napanoch, N.Y. 12458 [Ellenville 1956] James Dougherty, Fresh Air dir. 90–30 80. St, Woodhaven, LI 11421. Underprivileged children, 8–16, from Baptist churches of Brooklyn and Long Island, July-Aug. Stay 14 days. Bible study, outdoor sports, handicrafts, camp fires, stunt night. Capacity 84. Free.

Young Women's Christian Association of Brooklyn, Central Bldg, 30 Third Ave, Bklyn 11217 [TR 5–1190]. Robin Hood Camp for Girls, Central Valley, NY 10917 (Bear Mountain Park), Mrs. Margaret M. Lembo, dir. Ages 8–16. Moderate rates to fit every family budget.

Young Women's Christian Association of the City of New York, Camp Headquarters, 610 Lexington Ave, Man 1022 [PL 5–2700] Virginia B. Gillespie, camp dir. Quannacut Camps, Pine Bush, NY 12566. Girls 9–15 years. Stay 4 or 8 weeks. Capacity 250. Rates $175 for 4 weeks, $335 for season.

Youth Development, Inc., main office, 27 N. Broadway, Tarrytown, NY 10591 [914: ME 1–6110] Jim Vaus, exec dir. Camp Y D I, Lake Champion, Glen Spey, NY 12737, Gary Templin, dir. Boys, 13–17 years, three 3-week trips. No fee for members, others $25 per week.

Youth hostels. *See* American Youth Hostels.

Youth Leadership Camp, *see* New York City Mission Society.

VIRGIN ISLANDS DISTILLATION PLANTS

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SAYLOR. Mr. Speaker, in June of this year the Virgin Islands Water and Power Authority announced that it had signed a contract with the firm of Stearns-Roger for the construction of a 1 MGD vertical evaporator distillation plant for the island of St. Croix. At the time of the awarding of this contract complaints were filed by other bidders as to the plant experience of the proposed contractor, but these complaints were rejected by the Virgin Islands Water and Power Authority.

Reportedly, the authority had relied heavily on a clean bill of health which the Office of Saline Water had given to both Stearns-Roger's capability and the technical reliability of the long tube vertical process with the understanding that it had reached the point of practical commercial application. It is my understanding OSW's solid endorsement passed directly to the Governor of the Virgin Islands as well as to the executive director of the Virgin Islands Water and Power Authority.

At the time this award was contemplated, I discussed at length with the Assistant Secretary of Water Pollution Control of the U.S. Department of the Interior, Mr. Frank C. Di Luzio, my amazement that the Office of Saline Water would give an endorsement to the capabilities of the bidder, not only for the construction of the plant, but mainly for the technical reliability of the process for practical technical application. At that time I had been assured by the Assistant Secretary that in his estimation the LTV process was not ready for commercial application and even if this question could be resolved, such a vertical evaporator production plant should not be built in the Virgin Islands.

In first opposing the distillation plant for the Island of St. Croix, I was very reliably informed that the Governor had hoped to acquire the questionable Freeport plant for St. Croix, which would have meant a questionable savings to the islands. At the time of my previous discussion with the Assistant Secretary for Water Pollution Control, I was informed that the Secretary was completely opposed to moving the physical plant to the Virgin Islands or anywhere else.

In view of the conflict between the firm approval by the Office of Saline Water and the very positive doubts as expressed by one of the most knowledgeable men in the field, the Assistant Secretary of Water Pollution Control, I am still very amazed and shocked that the Virgin Islands Water and Power Authority proceeded to award a contract for a desalination project which still has not been recommended for practical commercial application.

As a part of my remarks, I wish to include correspondence between the Assistant Secretary of Water Pollution Control and myself on this desalting project in the Virgin Islands.

The letter from the Assistant Secretary of Water Pollution Control confirms my belief that the present Virgin Islands government acts in haste and repents at leisure at the expense of the citizens of both the Virgin Islands and the United States.

Recently, news reports from the islands confirm a severe water shortage on St. Thomas and the necessity to close down the present water distillation plants on the island for a month because of needed repairs and changes.

I believe the words of the president of Harvey Aluminum to the Governor of the Virgin Islands are very appropriate in advising caution when buying on the basis of the lowest bid.

Regrettably, even though the Assistant Secretary of the Interior states the Office of Saline Water advised the Virgin Islands Water and Power Authority only in a technical capacity, reports to the contrary indicate that OSW gave solid endorsement to the Stearns-Rogers' capability and the reliability of the LTV process.

The letters and an article from the Virgin Islands Times follows:

SEVERE WATER SHORTAGE THREATENS ST. THOMAS—DISTILLATION PLANTS TO CLOSE FOR MONTH

A serious water shortage problem that will affect the entire island of St. Thomas was announced this week by the Commissioner of Public Works who cautioned all persons on the potable water line to fill their cisterns prior to the shut-down of the water distillation plants on the island.

Commissioner James Huston stated that both distillation units, the Agua-Chem plant installed in 1961, and the Westinghouse plant, in operation little more than a year, will be shut-down within two weeks.

The older plant, Huston stated, will need complete re-tubing, and the Westinghouse plant has, thus far, failed to meet its 1 million gallon per day announced capacity. A new distillation unit will be installed in this plant.

During the month that the work is being done on the plants, the only water available to St. Thomas will be rainwater and the water shipped in from Puerto Rico. As the island is in the midst of a severe drought, little rain is expected during the next month.

Currently, St. Thomas water is rationed from 11 p.m., to 6 a.m., but with the shut-down of the two plants, this period of rationing will be extended.

The seriousness of the St. Thomas situation again highlights the success of the water distillation plant installed on St. Croix by Harvey Alumina and gives added weight to recent recommendations by Lawrence Harvey, president of the firm, to Governor Ralph Paiewonsky regarding the proposed new government plant.

The unit at Harvey Alumina, also designed to produce a million gallons of fresh water out of sea water daily, has been producing far above expected capacity.

Except for one minor shut-down to check the tubing, the industrial plant has been in constant operation, whereas the St. Thomas unit has been closed down frequently.

The unit at the St. Croix plant was a joint effort on the part of Westinghouse and Harvey engineers. It utilized, for the first time, titanium, enabling the plant to exceed the normal capacity for a plant of that size.

In a letter to the governor, Mr. Harvey advised that the government secure the services of an independent thermodynamic engineer to review the technical aspects for future plants. This man, he added, should be completely independent of any manufacturer or government agency.

In voicing caution, Mr. Harvey pointed out that experience has proven that, "when we buy on the basis of lowest bid, the manufacturers cut materials and sizing to the theoretical minimum. This may look good on paper but it always comes back in a decreased yield and efficiency."

Placed at the disposal of the government were the findings of Harvey engineers, the same who had devised the highly successful system now in use at the plant on St. Croix.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 26, 1967.

HON. FRANK C. DI LUZIO,
Assistant Secretary of Water Pollution Control, U.S. Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: I am sure you will recall our conversation of several weeks ago when the officials of the Virgin Islands government suggested that the physical plant

of the saline water project at Freeport, Texas, which is presently operated by Stearn-Roger's Company for the Office of Saline Water, be acquired for the Island of St. Croix. Your comments at that time were rather adamant as to the process involved in this particular plant.

In view of the above, I was greatly amazed and somewhat shocked to learn that the Office of Saline Water has given a firm endorsement not only to the capabilities of the bidder for the distillation plant to be constructed on St. Croix—being the same Stearn-Roger's Company—but for the technical reliability of the long tube vertical process of distillation having indicated that the process has reached the point of practical commercial application.

It is my understanding that these solid endorsements by the Office of Saline Water were the deciding factor in the Virgin Islands Water and Power Authority approving the contract with Stearns-Roger's Company for the new distillation plant at St. Croix.

I would be interested to receive your comments as to the decisions for reversing the previous views on the process involved in this plant, as well as to the experience which has been obtained by the bidder to qualify them for the endorsement by OSW.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR JOHN: I am pleased to provide you with additional information and comments in response to your letter of June 26. Following more or less the order of the comments in your letter, I would first like to reiterate my position regarding moving the Freeport desalting plant to the Virgin Islands. As I previously informed you, I was, and still am, completely opposed to moving this plant to the Virgin Islands or anywhere else. The design of the Freeport plant was based on the 1959 state-of-the-art. It has been operated in the intervening years, first as a demonstration plant and more recently as an adjunct to our experimental program. The basic plant is obsolete by the standards of present day design; it would be cumbersome and expensive to operate as a routine production plant. Furthermore, the plant is needed to support the continuing research and development program of the Office of Saline Water. My opposition to moving this plant to the Virgin Islands was primarily based upon the value of this plant as an experimental tool and its obvious shortcomings as an economic commercial production plant.

Regarding the question of an OSW endorsement of the Stearns-Roger Company, they have provided me the following information. In response to a direct question by officials of the Virgin Islands Government, regarding the Stearns-Roger Company's capability to effectively design and construct a 1 MGD vertical evaporator, the OSW staff informed the Virgin Islands officials that the Stearns-Roger Company had modified and improved the basic Freeport plant and had designed and constructed the five new effects which are just now going on stream. The first tests of these five new effects have been entirely satisfactory. On the basis of this demonstrated competence, OSW stated that Stearns-Roger was qualified to design and construct small LTV plants.

The OSW believes the vertical evaporator process has now reached the point of technical development where it is appropriate to consider it for small (approximately 1 MGD) production plants. As you know, we are continuing our development program to further refine this process with the expectation of making further cost reductions in water produced by this process and to increase the ability of industry to build large capacity production plants. We would not yet recommend construction of large-scale (10 MGD) production plants based on this process. However, I am not as sure as OSW that the LTV process is ready for commercial application.

Even if the LTV is ready for initial commercial application, I would still question the desirability of locating the first vertical evaporator production plant in the Virgin Islands. We would, of course, prefer that it could have been located at a site more convenient for technical support and surveillance by the vendor and OSW to insure proper operation and monitoring. However, OSW had no grounds or the right to deny the use of the LTV process by the Virgin Islands. OSW merely advised the Virgin Islands as to the technical state-of-the-art.

The specifications for the plant were prepared by E. P. Eardley Consulting Engineers of Annandale, Virginia, and hired by the Virgin Islands. OSW did not influence the specification or bidding procedure in any way other than technical corrections and suggestions.

The enclosed photograph shows the five new effects designed and constructed by Stearns-Roger at our Freeport plant. Each of these five effects is comparable in performance and capacity to one of the older effects in spite of their vastly reduced size. In fact, this comparison is a good pictorial representation of the improvement that Stearns-Roger has effected in this process.

While I still have reservations about the economics and readiness of the LTV process for commercial application, and the fact that this is Stearns-Rogers' first commercial desalting venture, I suppose both events were inevitable. Only time will tell whether my concern is well-founded.

Sincerely yours,

FRANK C. DI LUZIO,
Assistant Secretary.

I AM A TIRED AMERICAN

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. GARDNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GARDNER. Mr. Speaker, in view of the changing conditions in America today, which never cease to amaze me, I would like to read what I consider to be a very refreshing article, with which I am in wholehearted agreement:

"I AM A TIRED AMERICAN"

I am a tired American.

I'm tired of being called the ugly American.

I'm tired of having the world panhandlers use my country as a whipping boy 365 days a year.

I am a tired American—weary of having American embassies and information centers stoned, burned, and sacked by mobs operating under orders from dictators who preach peace and breed conflict. . . .

I am a tired American—choked up to here on this business of trying to intimidate our government by placard, picket line, and sit-ins by the hordes of dirty unwashed who rush to man the barricades against the forces of law, order, and decency.

I am a tired American—weary of the beatniks who say they should have the right to determine what laws of the land they are willing to obey.

I am a tired American—fed up with the mobs of scabby-faced long-haired youths and short-haired girls who claim they represent the "new wave" of America and who sneer at the old-fashioned virtues of honesty, integrity, and morality on which America grew to greatness.

I am a tired American—weary unto death of having my tax dollars go to dictators who play both sides against the middle with threats of what will happen if we cut off the golden stream of dollars.

I am a tired American—nauseated by the lazy do-nothings who wouldn't take a job if you drove them to and from work in a Rolls Royce. . . .

I am a tired American—who is getting madder by the minute at the filth peddlers who have launched Americans in an obscenity race, who try to foist on us the belief that filth is an integral part of culture.

I am a tired American—who is angered by the self-righteous breastbeater critics of America, at home and abroad, who set impossible yardsticks for the United States, but who never apply the same standards to the French, the British, the Russians, the Chinese.

I am a tired American—who resents the pimply-faced beatniks who try to represent Americans as the "bad guys on the black horses."

I am a tired American—who is weary of some Negro leaders who, for shock purposes, scream four-letter words in church meetings.

I am a tired American—sickened by the slack-jawed bigots who wrap themselves in bedsheets in the dead of night and roam the countryside looking for innocent victims.

I am a tired American—who dislikes clergymen who have made a career out of integration causes, yet send their own children to private schools.

I am a tired American—who resents those who try to peddle the belief in schools and colleges that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed. They say they hate capitalism, but they are always right at the head of the line demanding their share of the American way of life.

I am a tired American—who gets more than a little bit weary of the clique in our State Department which chooses to regard a policy of timidity as prudent—the same group which subscribes to a "no-win" policy in Vietnam.

I am a tired American—real tired of those who are trying to sell the belief that America is not the greatest nation in all the world—a generous-hearted nation—a nation dedicated to the policy of trying to help the "have nots" achieve some of the good things that our system of free enterprise brought about.

I am an American—who gets a lump in his throat when he hears the "Star Spangled Banner" and who holds back tears when he hears those chilling high notes of the brassy trumpet when Old Glory reaches the top of the flag pole.

I am a tired American—who wants to start snapping at those phony "high priests" who want us to bow down and worship their false idols and who seek to destroy the belief that America is the land of the free and the home of the brave.

I am a tired American—who thanks a merciful Lord that he was lucky to be born an American citizen—a nation under God, with truly mercy and justice for all.

CAPITALISM: THE UNKNOWN IDEAL

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, a unique philosophy, "Objectivism," has taken root in various parts of the United States and is most recently evidenced by the publication of a new book, "Capitalism: The Unknown Ideal," by Ayn Rand.

Primarily the writings of Miss Rand, the book also contains articles by Nathaniel Branden, Alan Greenspan, and Robert Hessen.

In Ayn Rand's introduction, she states:

This book is not a treatise on economics. It is a collection of essays on the *moral* aspects of capitalism.

I want to stress that our primary interest is not politics or economics as such, but "man's nature and man's relationship to existence"—and that we advocate capitalism because it is the only system geared to the life of a rational being.

The method of capitalism's destruction rests on never letting the world discover what it is that is being destroyed—or never allowing it to be identified within the hearing of the young.

The purpose of this book is to identify it.

Miss Rand is well known as the author of the best selling works, "Atlas Shrugged," and "The Fountainhead," and states that she is not a conservative but a "radical for capitalism." The book exhibits not only an intense concern, but an intense mind providing "radical" approaches to the problem of our socialist-capitalist system. It is a defense of capitalism, a system which she says, and I think rightfully so, has never fully been in effect, but has come the closest in the United States.

To show the range of the book, here is a listing of several of the 22 chapters:

What is Capitalism; The Roots of War; America's Persecuted Minority: Big Business; Antitrust; Common Fallacies about Capitalism; Gold and Economic Freedom; Notes on the History of American Free Enterprise; Patents and Copyrights; Is Atlas Shrugging; The Pull Peddlers; "Extremism," of The Art of Smearing; The Obliteration of Capitalism; Conservatism: An Obituary; The New Fascism: Rule by Consensus; and The Cashing-in: The Student Rebellion.

I would like to include three articles from the book which I think are especially thought provoking; the first chapter of the book, "What Is Capitalism," and two articles from the appendix, "Man's Rights" and "The Nature of Government."

Why are these chapters worth reading? In her introduction, Miss Rand states:

No politico-economic system in history has ever proved its value so eloquently or has benefited mankind so greatly as capitalism—and none has ever been attacked so savagely, viciously, and blindly. The flood of misinformation, misrepresentation, distortion, and out right falsehood about capitalism is such that the young people of today have no idea (and virtually no way of discovering any idea) of its actual nature.

The chapters follow:

[From the book "Capitalism—The Unknown Ideal"]

1. WHAT IS CAPITALISM?

(By Ayn Rand)

The disintegration of philosophy in the nineteenth century and its collapse in the twentieth have led to a similar, though much slower and less obvious, process in the course of modern science.

Today's frantic development in the field of technology has a quality reminiscent of the days preceding the economic crash of 1929; riding on the momentum of the past, on the unacknowledged remnants of an Aristotelian epistemology, it is a hectic, feverish expansion, heedless of the fact that its theoretical account is long since overdrawn—that in the field of scientific theory, unable to integrate or interpret their own data, scientists are abetting the resurgence of a primitive mysticism. In the humanities, however, the crash is past, the depression has set in, and the collapse of science is all but complete.

The clearest evidence of it may be seen in such comparatively young sciences as psychology and political economy. In psychology, one may observe the attempt to study human behavior without reference to the fact that man is conscious. In political economy, one may observe the attempt to study and to devise social systems without reference to *man*.

It is philosophy that defines and establishes the epistemological criteria to guide human knowledge in general and specific sciences in particular. Political economy came into prominence in the nineteenth century, in the era of philosophy's post-Kantian disintegration, and no one rose to check its premises or to challenge its base. Implicitly, uncritically, and by default, political economy accepted as its axioms the fundamental tenets of collectivism.

Political economists—including the advocates of capitalism—defined their science as the study of the management or direction or organization or manipulation of a "community's" or a nation's "resources." The nature of these "resources" was not defined; their communal ownership was taken for granted—and the goal of political economy was assumed to be the study of how to utilize these "resources" for "the common good."

The fact that the principal "resource" involved was man himself, that he was an entity of a specific nature with specific capacities and requirements, was given the most superficial attention, if any. Man was regarded simply as one of the factors of production, along with land, forests, or mines—as one of the less significant factors, since more study was devoted to the influence and quality of these others than to *his* role or quality.

Political economy was, in effect, a science starting in midstream: it observed that men were producing and trading, it took for granted that they had always done so and always would—it accepted this fact as the given, requiring no further consideration—and it addressed itself to the problem of how to devise the best way for the "community" to dispose of human effort.

There were many reasons for this tribal view of man. The morality of altruism was one; the growing dominance of political statism among the intellectuals of the nineteenth century was another. Psychologically, the main reason was the soul-body dichotomy permeating European culture: material production was regarded as a demeaning task of a lower order, unrelated to the concerns of man's intellect, a task assigned to slaves or serfs since the beginning of recorded history. The institution of serfdom had lasted, in one form or another, till well into the nineteenth century; it was abolished, politically, only by the advent of capitalism; politically, but not intellectually.

The concept of man as a free, independent individual was profoundly alien to the culture of Europe. It was a tribal culture down to its roots; in European thinking, the tribe was the entity, the unit, and man was only one of its expendable cells. This applied to rulers and serfs alike: the rulers were believed to hold their privileges only by virtue of the services they rendered to the tribe, services regarded as of a noble order, namely, armed force or military defense. But a nobleman was as much chattel of the tribe as a serf: his life and property belonged to the king. It must be remembered that the institution of private property, in the full, legal meaning of the term, was brought into existence only by capitalism. In the pre-capitalist eras, private property existed *de facto*, but not *de jure*, *i.e.*, by custom and sufferance, not by right or by law. In law and in principle, all property belonged to the head of the tribe, the king, and was held only by his permission, which could be revoked at any time, at his pleasure. (The king could and did expropriate the estates of recalcitrant noblemen throughout the course of Europe's history.)

The American philosophy of the Rights of Man was never grasped fully by European intellectuals. Europe's predominant idea of emancipation consisted of changing the concept of man as a slave of the absolute state embodied by a king, to the concept of man as a slave of the absolute state embodied by "the people"—i.e. switching from slavery to a tribal chief into slavery to the tribe. A non-tribal view of existence could not penetrate the mentalities that regarded the privilege of ruling material producers by physical force as a badge of nobility.

Thus Europe's thinkers did not notice the fact that during the nineteenth century, the galley slaves had been replaced by the inventors of steamboats, and the village blacksmiths by the owners of blast furnaces, and they went on thinking in such terms (such contradictions in terms) as "wage slavery" or "the antisocial selfishness of industrialists who take so much from society without giving anything in return"—on the unchallenged axiom that wealth is an anonymous, social, tribal product.

That notion has not been challenged to this day; it represents the implicit assumption and the base of contemporary political economy.

As an example of this view and its consequences, I shall cite the article on "Capitalism" in the *Encyclopaedia Britannica*. The article gives no definition of its subject; it opens as follows:

"Capitalism, a term used to denote the economic system that has been dominant in the western world since the breakup of feudalism. Fundamental to any system called capitalist are the relations between private owners of nonpersonal means of production (land, mines, *industrial plants*, etc., collectively known as capital) [italics mine] and free but capitalless workers, who sell their labour services to employers. . . . The resulting wage bargains determine the proportion in which the total product of society will be shared between the class of labourers and the class of capitalist entrepreneurs." [1]

(I quote from Galt's speech in *Atlas Shrugged*, from a passage describing the tenets of collectivism: "An industrialist—blank-out—there is no such person. A factory is a 'natural resource,' like a tree, a rock or a mud-puddle.")

The success of capitalism is explained by the *Britannica* as follows:

"Productive use of the 'social surplus' was the special virtue that enabled capitalism to outstrip all prior economic systems. Instead of building pyramids and cathedrals, those in command of the social surplus chose to invest in ships, warehouses, raw materials, finished goods and other material forms of wealth. The social surplus was thus converted into enlarged productive capacity."

This is said about a time when Europe's population subsisted in such poverty that child mortality approached fifty percent, and periodic famines wiped out the "surplus" *population* which the precapitalist econo-

[1] *Encyclopaedia Britannica*, 1964, Vol. IV, pp. 839–845.

mies were unable to feed. Yet, making no distinction between tax-expropriated and industrially produced wealth, the *Britannica* asserts that it was the *surplus wealth* of that time that the early capitalists "commanded" and "chose to invest"—and that this investment was the cause of the stupendous prosperity of the age that followed.

What is a "social surplus"? The article gives no definition or explanation. A "surplus" presupposes a norm; if subsistence on a chronic starvation level is above the implied norm, what is that norm? The article does not answer.

There is, of course, no such thing as a "social surplus." All wealth is produced by somebody and belongs to somebody. And "the special virtue that enabled capitalism to outstrip all prior economic systems" was *freedom* (a concept eloquently absent from the *Britannica's* account), which led, not to the expropriation, but to the *creation* of wealth.

I shall have more to say later about that disgraceful article (disgraceful on many counts, not the least of which is scholarship). At this point, I quoted it only as a succinct example of the tribal premise that underlies today's political economy. That premise is shared by the enemies and the champions of capitalism alike; it provides the former with a certain inner consistency, and disarms the latter by a subtle, yet devastating aura of moral hypocrisy—as witness, their attempts to justify capitalism on the ground of "the common good" or "service to the consumer" or "the best allocation of resources." (*Whose* resources?)

If capitalism is to be understood, it is this *tribal premise* that has to be checked—and challenged.

Mankind is not an entity, an organism, or a coral bush. The entity involved in production and trade is *man*. It is with the study of man—not of the loose aggregate known as a "community"—that any science of the humanities has to begin.

This issue represents one of the epistemological differences between the humanities and the physical sciences, one of the causes of the former's well-earned inferiority complex in regard to the latter. A physical science would not permit itself (not yet, at least) to ignore or bypass the nature of its subject. Such an attempt would mean: a science of astronomy that gazed at the sky, but refused to study individual stars, planets, and satellities—or a science of medicine that studied disease, without any knowledge or criterion of health, and took, as its basic subject of study, a hospital as a whole, never focusing on individual patients.

A great deal may be learned about society by studying man; but this process cannot be reversed: nothing can be learned about man by studying society—by studying the interrelationships of entities one has never identified or defined. Yet that is the methodology adopted by most political economists. Their attitude, in effect, amounts to the unstated, implicit postulate: "Man is that which fits economic equations." Since he obviously does not, this leads to the curious fact that in spite of the practical nature of their science, political economists are oddly unable to relate their abstractions to the concretes of actual existence.

It leads also to a baffling sort of double standard or double perspective in their way of viewing men and events: if they observe a shoemaker, they find no difficulty in concluding that he is working in order to make a living; but as political economists, on the tribal premise, they declare that his purpose (and duty) is to provide society with shoes. If they observe a panhandler on a street corner, they identify him as a bum; in political economy, he becomes "a sovereign consumer." If they hear the communist doctrine that all property should belong to the state, they reject it emphatically and feel, *sincerely*, that they would fight communism to the death; but in political economy, they speak of the government's duty to effect "a fair redistribution of wealth, and they speak of businessmen as the best, most efficient trustees of the nation's "natural resources."

This is what a basic premise (and philosophical negligence) will do; this is what the tribal premise has done.

To reject that premise and begin at the beginning—in one's approach to political economy and to the evaluation of various social systems—one must begin by identifying man's nature, *i.e.*, those essential characteristics which distinguish him from all other living species.

Man's essential characteristic is his rational faculty. Man's mind is his basic means of survival—his only means of gaining knowledge.

Man cannot survive, as animals do, by the guidance of mere percepts. . . . He cannot provide for his simplest physical needs without a process of thought. He needs a process of thought to discover how to plant and grow his food or how to make weapons for hunting. His precepts might lead him to a cave, if one is available—but to build the simplest shelter, he needs a process of thought. No percepts and no "instincts" will tell him how to light a fire, how to weave cloth, how to forge tools, how to make a wheel, how to make an airplane, how to perform an appendectomy, how to produce an electric light bulb or an electronic tube or a cyclotron or a box of matches. Yet his life depends on such knowledge—and only a volitional act of his consciousness, a process of thought, can provide it.[2]

A process of thought is an enormously complex process of identification and integration, which only an individual mind can perform. There is no such thing as a collective brain. Men can learn from one another, but learning requires a process of thought on the part of every individual student. Men can cooperate in the discovery of new knowledge, but such cooperation requires the independent exercise of this rational faculty by every individual scientist. Man is the only living species that can transmit and expand his store of knowledge from generation to generation; but such transmission requires a process of thought on the part of the individual recipients. As witness, the breakdowns of civilization, the dark ages in the history of mankind's progress, when the accumulated knowledge of centuries vanished from the lives of men who were unable, unwilling, or forbidden to think.

In order to sustain its life, every living species has to follow a certain course of action required by its nature. The action required to sustain human life is primarily intellectual: everything man needs has to be discovered by his mind and produced by his effort. Production is the application of reason to the problem of survival.

If some men do not choose to think, they can survive only by imitating and repeating a routine of work discovered by others—but those others had to discover it, or none would have survived. If some men do not choose to think or to work, they can survive (temporarily) only by looting the goods produced by others—but those others had to produce them or none would have survived. Regardless of what choice is made, in this issue, by any man or by any number of men, regardless of what blind, irrational, or evil course they may choose to pursue—the fact remains that reason is man's means of survival and that men prosper or fail, survive or perish in proportion to the degree of their rationality.

Since knowledge, thinking, and rational action are properties of the individual, since the choice to exercise his rational faculty or not depends on the individual, man's survival requires that those who think be free of the interference of those who don't. Since men are neither omniscient nor infallible, they must be free to agree or disagree, to cooperate or to pursue their own independent course, each according to his own rational judgment. Freedom is the fundamental requirement of man's mind.

A rational mind does not work under compulsion; it does not subordinate its grasp of reality to anyone's orders, directives, or controls; it does not sacrifice its knowledge, its view of the truth, to anyone's opinions, threats, wishes, plans, or "welfare." Such a mind may be hampered by others, it may be silenced, proscribed, imprisoned, or destroyed; it cannot be forced; a gun is not an argument. (An example and symbol of this attitude is Galileo.)

It is from the work and the inviolate integrity of such minds—from the intransigent innovators—that all of mankind's knowledge and achievements have come. (See *The Fountainhead.*) It is to such minds that mankind owes its survival. (See *Atlas Shrugged.*)

The same principle applies to all men, on every level of ability and ambition. To the extent that a man is guided by his rational judgment, he acts in accordance with the requirements of his nature and, to that extent, succeeds in achieving a human form of survival and well-being; to the extent that he acts irrationally, he acts as his own destroyer.

The social recognition of man's rational nature—of the connection between his survival and his use of reason—is the concept of *individual rights.*

I shall remind you that "rights" are a moral principle defining and sanctioning a man's freedom of action in a social context, that they are derived from man's nature as a rational being and represent a necessary condition of his particular mode of survival. I shall remind you also that the right to life is the source of all rights, including the right to property.[3]

In regard to political economy, this last requires special emphasis: man has to work and produce in order to support his life. He has to support his life by his own effort and by the guidance of his own mind. If he cannot dispose of the product of his effort, he cannot dispose of his effort; if he cannot dispose of his effort, he cannot dispose of his life. Without property rights, no other rights can be practiced.

Now, bearing these facts in mind, consider the question of what social system is appropriate to man.

A social system is a set of moral-political-economic principles embodied in a society's laws, institutions, and government, which determine the relationships, the terms of association, among the men living in a given geographical area. It is obvious that these terms and relationships depend on an identification of man's nature, that they would be different if they pertain to a society of rational beings or to a colony of ants. It is obvious that they will be radically different if men deal with one another as free, independent individuals, on the premise that every man is an end in himself—or as members of a pack, each regarding the others as the means to *his* ends and to the ends of "the pack as a whole."

There are only two fundamental questions (or two aspects of the same question) that determine the nature of any social system: Does a social system recognize individual rights?—and: Does a social system ban physical force from human relationships? The answer to the second question is the practical implementation of the answer to the first.

Is man a sovereign individual who owns

[2] Ayn Rand, "The Objectivist Ethics," in *The Virtue of Selfishness.*

[3] For a fuller discussion of rights, I refer you to my articles "Man's Rights" in the appendix, and "Collectivized 'Rights'" in *The Virtue of Selfishness.*

his person, his mind, his life, his work and its products—or is he the property of the tribe (the state, the society, the collective) that may dispose of him in any way it pleases, that may dictate his convictions, prescribe the course of his life, control his work and expropriate his products? Does man have the *right* to exist for his own sake—or is he born in bondage, as an indentured servant who must keep buying his life by serving the tribe but can never acquire it free and clear?

This is the first question to answer. The rest is consequences and practical implementations. The basic issue is only: Is man free?

In mankind's history, capitalism is the only system that answers: Yes.

Capitalism is a social system based on the recognition of individual rights, including property rights, in which all property is privately owned.

The recognition of individual rights entails the banishment of physical force from human relationships; basically, rights can be violated only by means of force. In a capitalist society no man or group may *initiate* the use of physical force against others. The only function of the government, in such a society, is the task of protecting man's rights, *i.e.*, the task of protecting him from physical force; the government acts as the agent of man's right of self-defense, and may use force only in retaliation and only against those who initiate its use; thus the government is the means of placing the retaliatory use of force under *objective control.*[4]

It is the basic, metaphysical fact of man's nature—the connection between his survival and his use of reason—that capitalism recognizes and protects.

In a capitalist society, all human relationships are *voluntary.* Men are free to cooperate or not, to deal with one another or not, as their own individual judgments, convictions, and interests dictate. They can deal with one another only in terms of and by means of reason, *i.e.*, by means of discussion, persuasion, and *contractual* agreement, by voluntary choice to mutual benefit. The right to agree with others is not a problem in any society; it is *the right to disagree* that is crucial. It is the institution of private property that protects and implements the right to disagree—and thus keeps the road open to man's most valuable attribute (valuable personally, social and *objectively*): the creative mind.

This is the cardinal difference between capitalism and collectivism.

The power that determines the establishment, the changes, the evolution, and the destruction of social systems is philosophy. The role of chance, accident, or tradition, in this context, is the same as their role in the life of an individual: their power stands in inverse ratio to the power of a culture's (or an individual's) philosophical equipment, and grows as philosophy collapses. It is, therefore, by reference to philosophy that the character of a social system has to be defined and evaluated. Corresponding to the four branches of philosophy, the four keystones of capitalism are: metaphysically, the requirements of man's nature and survival—epistemologically, reason—ethically, individual rights—politically, freedom.

This, in substance, is the base of the proper approach to political economy and to an understanding of capitalism—not the tribal premise inherited from prehistorical traditions.

The "practical" justification of capitalism does not lie in the collectivist claim that it effects "the best allocation of national resources." Man is *not* a "national resource" and neither is his mind—and without the creative power of man's intelligence, raw materials remain just so many useless raw materials.

The *moral* justification of capitalism does not lie in the altruist claim that it represents the best way to achieve "the common good." It is true that capitalism does—if that catch-phrase has any meaning—but this is merely a secondary consequence. The moral justification of capitalism lies in the fact that it is the only system consonant with man's rational nature, that it protects man's survival *qua* man, and that its ruling principle is: *justice.*

Every social system is based, explicitly, on some theory of ethics. The tribal notion of "the common good" has served as the moral justification of most social systems—and of all tyrannies—in history. The degree of a society's enslavement or freedom corresponded to the degree to which that tribal slogan was invoked or ignored.

"The common good" (or "the public interest") is an undefined and undefinable concept: there is no such entity as "the tribe" or "the public"; the tribe (or the public or society) is only a number of individual men. Nothing can be good for the tribe as such; "good" and "value" pertains *only* to a living organism—to an individual living organism—not to a disembodied aggregate of relationships.

"The common good" is a meaningless concept, unless taken literally, in which case its only possible meaning is: the sum of the good of *all* the individual men involved. But in that case, the concept is meaningless as a moral criterion: it leaves open the question of what *is* the good of individual men and how does one determine it?

It is not, however, in its literal meaning that that concept is generally used. It is accepted precisely for its elastic, undefinable, mystical character which serves, not as a moral guide, but as an escape from morality. Since the good is not applicable to the disembodied, it becomes a moral blank check for those who attempt to embody it.

When "the common good" of a society is regarded as something apart from and superior to the individual good of its members, it means that the good of *some* men takes precedence over the good of others, with those others consigned to the status of sacrificial animals. It is tacitly assumed, in such cases, that "the common good" means "the good of the *majority*" as against the minority or the individual. Observe the significant fact that that assumption is *tacit*: even the most collectivized mentalities seem to sense the impossibility of justifying it morally. But "the good of the majority," too, is only a pretense and a delusion: since, in fact, the violation of an individual's rights means the abrogation of all rights, it delivers the helpless majority into the power of any gang that procaims itself to be "the voice of society" and proceeds to rule by means of physical force, until deposed by another gang employing the same means.

If one begins by defining the good of individual men, one will accept as proper only a society in which that good is achieved and *achievable.* But if one begins by accepting "the common good" as an axiom and regarding individual good as its possible but not necessary consequence (not necessary in any particular case), one ends up with such a gruesome absurdity as Soviet Russia, a country professedly dedicated to "the common good," where, with the exception of a minuscule clique of rulers, the entire population has existed in subhuman misery for over two generations.

What makes the victims and, worse, the observers accept this and other similar historical atrocities, and still cling to the myth of "the common good"? The answer lies in philosophy—in philosophical theories on the nature of moral values.

There are, in essence, three schools of thought on the nature of the good: the intrinsic, the subjective, and the objective. The *intrinsic* theory holds that the good is inherent in certain things or actions as such, regardless of their context and consequences, regardless of any benefit or injury they may cause to the actors and subjects involved. It is a theory that divorces the concept of "good" from beneficiaries, and the concept of "value" from valuer and purpose—claiming that the good is good in, by, and of itself.

The *subjectivist* theory holds that the good bears no relation to the facts of reality, that it is the product of a man's consciousness, created by his feelings, desires, "intuitions," or whims, and that it is merely an "arbitrary postulate" or an "emotional commitment."

The intrinsic theory holds that the good resides in some sort of reality, independent of man's consciousness; the subjectivist theory holds that the good resides in man's consciousness, independent of reality.

The *objective* theory holds that the good is neither an attribute of "things in themselves" nor of man's emotional states, but *an evaluation* of the facts of reality by man's consciousness according to a rational standard of value. (Rational, in this context, means: derived from the facts of reality and validated by a process of reason.) The objective theory hold that *the good is an aspect of reality in relation to man*—and that it must be discovered, not invented, by man. Fundamental to an objective theory of values is the question: Of value to whom and for what? An objective theory does not permit context-dropping or "concept-stealing"; it does not permit the separation of "value" from "purpose," of the good from beneficiaries, and of man's actions from reason.

Of all the social systems in mankind's history, *capitalism is the only system based on an objective theory of values.*

The intrinsic theory and the subjectivist theory (or a mixture of both) are the necessary base of every dictatorship, tyranny, or variant of the absolute state. Whether they are held consciously or subconsciously—in the explicit form of a philosopher's treatise or in the implicit chaos of its echoes in an average man's feelings—these theories make it possible for a man to believe that the good is independent of man's mind and can be achieved by physical force.

If a man believes that the good is intrinsic in certain actions, he will not hesitate to force others to perform them. If he believes that the human benefit or injury caused by such actions is of no significance, he will regard a sea of blood as of no significance. If he believes that the beneficiaries of such actions are irrelevant (or interchangeable), he will regard wholesale slaughter as his moral duty in the service of a "higher" good. It is the intrinsic theory of values that produces a Robespierre, a Lenin, a Stalin, or a Hitler, It is not an accident that Eichmann was a Kantian.

If a man believes that the good is a matter of arbitrary, subjective choice, the issue of good or evil becomes, for him, an issue of: *my* feelings or *theirs?* No bridge, understanding, or communication is possible to him. Reason is the only means of communication among men, and an objectively perceivable reality is their only common frame of reference; when these are invalidated (*i.e.*, held to be irrelevant) in the field of morality, force becomes men's only way of dealing with one another. If the subjectivist wants to pursue some social ideal of his own, he feels morally entitled to force men "for their own good," since he *feels* that he is right and that there is nothing to oppose him but their misguided feelings.

Thus, in practice, the proponents of the intrinsic and the subjectivist schools meet and blend. (They blend in terms of the psychoepistemology as well: by what means do the moralism of the intrinsic school discover their transcendental "good," if not by means of special, non-rational intuitions and

[4] For a fuller discussion of this subject, see my article "The Nature of Government" in the appendix.

revelations, *i.e.*, by means of their feelings?) It is doubtful whether anyone can hold either of these theories as an actual, if mistaken, conviction. But both serve as a rationalization of power-lust and of rule by brute force, unleashing the potential dictator and disarming his victims.

The objective theory of values is the only moral theory incompatible with rule by force. Capitalism is the only system based implicitly on an objective theory of values—and the historic tragedy is that this has never been made explicit.

If one knows that the good is *objective*—*i.e.*, determined by the nature of reality, but to be discovered by man's mind—one knows that an attempt to achieve the good by physical force is a monstrous contradiction which negates morality at its root by destroying man's capacity to recognize the good, *i.e.*, his capacity to value. Force invalidates and paralyzes a man's judgment, demanding that he act against it, thus rendering him morally impotent. A value which one is forced to accept at the price of surrendering one's mind, is not a value to anyone; the forcibly mindless can neither judge nor choose nor value. An attempt to achieve the good by force is like an attempt to provide a man with a picture gallery at the price of cutting out his eyes. Values cannot exist (cannot be valued) outside the full context of a man's life, needs, goals, and *knowledge*.

The objective view of values permeates the entire structure of a capitalist society.

The recognition of individual rights implies the recognition of the fact that the good is not an ineffable abstraction in some supernatural dimension, but a value pertaining to reality, to this earth, to the lives of individual human beings (note the right to the pursuit of happiness). It implies that the good cannot be divorced from beneficiaries, that men are not to be regarded as interchangeable, and that no man or tribe may attempt to achieve the good of some at the price of the immolation of others.

The free market represents the *social* application of an objective theory of values. Since values are to be discovered by man's mind, men must be free to discover them—to think, to study, to translate their knowledge into physical form, to offer their products for trade, to judge them, and to choose, be it material goods or ideas, a loaf of bread or a philosophical treatise. Since values are established contextually, every man must judge for himself, in the context of his own knowledge, goals, and interests. Since values are determined by the nature of reality, it is reality that serves as men's ultimate arbiter: if a man's judgment is right, the rewards are his; if it is wrong, he is his only victim.

It is in regard to a free market that the distinction between an intrinsic, subjective, and objective view of values is particularly important to understand. The market value of a product is *not* an intrinsic value, not a "value in itself" hanging in a vacuum. A free market never loses sight of the question: Of value *to whom?* And, within the broad field of objectivity, the market value of a product does not reflect its *philosophically objective* value, but only its *socially objective* value.

By "philosophically objective," I mean a value estimated from the standpoint of the best possible to man, *i.e.*, by the criterion of the most rational mind possessing the greatest knowledge, in a given category, in a given period, and in a defined context (nothing can be estimated in an undefined context). For instance, it can be rationally proved that the airplane is *objectively* of immeasurably greater value to man (to *man at his best*) than the bicycle—and that the works of Victor Hugo are *objectively* of immeasurably greater value than true-confession magazines. But if a given man's intellectual potential can barely manage to enjoy true confessions, there is no reason why his meager earnings, the product of *his* effort, should be spent on books he cannot read—or on subsidizing the airplane industry, if his own transportation needs do not extend beyond the range of a bicycle. (Nor is there any reason why the rest of mankind should be held down to the level of his literary taste, his engineering capacity, and his income. Values are not determined by fiat nor by majority vote.)

Just as the number of its adherents is not a proof of an idea's truth or falsehood, of an art work's merit or demerit, of a product's efficacy or inefficacy—so the free-market value of goods or services does not necessarily represent their philosophically objective value, but only their *socially objective* value, *i.e.*, the sum of the individual judgments of all the men involved in trade at a given time, the sum of what *they* valued, each in the context of his own life.

Thus, a manufacturer of lipstick may well make a greater fortune than a manufacturer of microscopes—even though it can be rationally demonstrated that microscopes are scientifically more valuable than lipstick. But—valuable to whom?

A microscope is of no value to a little stenographer struggling to make a living; a lipstick is; a lipstick, to her, may mean the difference between self-confidence and self-doubt, between glamour and drudgery.

This does not mean, however, that the values ruling a free market are *subjective*. If the stenographer spends all her money on cosmetics and has none left to pay for the use of a microscope (for a visit to the doctor) *when she needs it*, she learns a better method of budgeting her income; the free market serves as her teacher: she has no way to penalize others for her mistakes. If she budgets rationally, the microscope is always available to serve her own specific needs *and no more*, as far as she is concerned: she is not taxed to support an entire hospital, a research laboratory, or a space ship's journey to the moon. Within her own productive power, she does pay a part of the cost of scientific achievements, *when and as she needs them*. She has no "social duty," her own life is her only responsibility—and the only thing that a capitalist system requires of her is the thing that *nature* requires: rationality, *i.e.*, that she live and act to the best of her own judgment.

Within every category of goods and services offered on a free market, it is the purveyor of the best product at the cheapest price who wins the greatest financial rewards *in that field*—not automatically nor immediately nor by fiat, but by virtue of the free market, which teaches every participant to look for the *objective* best within the category of his own competence, and penalizes those who act on irrational considerations.

Now observe that a free market does not level men down to some common denominator—that the intellectual criteria of the majority do not rule a free market or a free society—and that the exceptional men, the innovators, the intellectual giants, are not held down by the majority. In fact, it is the members of this exceptional minority who lift the whole of a free society to the level of their own achievements, while rising further and ever further.

A free market is a *continuous process* that cannot be held still, an upward process that demands the best (the most rational) of every man and rewards him accordingly. While the majority have barely assimilated the value of the automobile, the creative minority introduces the airplane. The majority learn by demonstration, the minority is free to demonstrate. The "philosophically objective" value of a new product serves as the teacher for those who are willing to exercise their rational faculty, each to the extent of his ability. Those who are unwilling remain unrewarded—as well as those who aspire to more than their ability produces. The stagnant, the irrational, the subjectivist have no power to stop their betters.

(The small minority of adults who are *unable* rather than unwilling to work, have to rely on voluntary charity; misfortune is not a claim to slave labor; there is no such thing as the *right* to consume, control, and destroy those without whom one would be unable to survive. As to depressions and mass unemployment, they are not caused by the free market, but by government interference into the economy.)

The mental parasites—the imitators who attempt to cater to what they think is the public's known taste—are constantly being beaten by the innovators whose products raise the public's knowledge and taste to ever higher levels. It is in this sense that the free market is ruled, not by the consumers, but by the producers. The most successful ones are those who discover new fields of production, fields which had not been known to exist.

A given product may not be appreciated at once, particularly if it is too radical an innovation; but, barring irrelevant accidents, it wins in the long run. It is in this sense that the free market is not ruled by the intellectual criteria of the majority, which prevail only at and for any given moment; the free market is ruled by those who are able to see and plan long-range—and the better the mind, the longer the range.

The economic value of a man's work is determined, on a free market, by a single principle: by the voluntary consent of those who are willing to trade him their work or products in return. This is the moral meaning of the law of supply and demand; it represents the total rejection of two vicious doctrines: the tribal premise and altruism. It represents the recognition of the fact that man is not the property nor the servant of the tribe, that *a man works in order to support his own life*—as, by his nature, he must—that he has to be guided by his own rational self-interest, and if he wants to trade with others, he cannot expect sacrificial victims, i.e., he cannot expect to receive values without trading commensurate values in return. The sole criterion of what is commensurate, in this context, is the free, voluntary, uncoerced judgment of the traders.

The tribal mentalities attack this principle from two seemingly opposite sides: they claim that the free market is "unfair" both to the genius and to the average man. The first objection is usually expressed by a question such as: "Why should Elvis Presley make more money than Einstein?" The answer is: Because men work in order to support and enjoy their own lives—and if many men find value in Elvis Presley, they are entitled to spend their money on their own pleasure. Presley's fortune is not taken from those who do not care for his work (I am one of them) nor from Einstein—nor does he stand in Einstein's way—nor does Einstein lack proper recognition and support in a free society, on an appropriate intellectual level.

As to the second objection, the claim that a man of average ability suffers an "unfair" disadvantage on a free market—

"Look past the range of the moment, you who cry that you fear to compete with men of superior intelligence, that their mind is a threat to your livelihood, that the strong leave no chance to the weak in a market of voluntary trade. . . . When you live in a rational society, where men are free to trade, you receive an incalculable bonus: the material value of your work is determined not only by your effort, but by the effort of the best productive minds who exist in the world around you. . . .

"The machine, the frozen form of a living intelligence, is the power that expands the potential of your life by raising the productivity of your time. . . . Every man is free

to rise as far as he's able or willing, but it's only the degree to which he thinks that determines the degree to which he'll rise. Physical labor as such can extend no further than the range of the moment. The man who does no more than physical labor, consumes the material value-equivalent of his own contribution to the process of production, and leaves no further value, neither for himself nor others. But the man who produces an idea in any field of rational endeavor—the man who discovers new knowledge—is the permanent benefactor of humanity. . . . It is only the value of an idea that can be shared with unlimited numbers of men, making all sharers richer at no one's sacrifice or loss, raising the productive capacity of whatever labor they perform. . . .

"In proportion to the mental energy he spent, the man who creates a new invention receives but a small percentage of his value in terms of material payment, no matter what fortune he makes, no matter what millions he earns. But the man who works as a janitor in the factory producing that invention, receives an enormous payment in proportion to the mental effort that his job requires of *him*. And the same is true of all men between, on all levels of ambition and ability. The man at the top of the intellectual pyramid contributes the most to all those below him, but gets nothing except his material payment, receiving no intellectual bonus from others to add to the value of his time. The man at the bottom who, left to himself, would starve in his hopeless ineptitude, contributes nothing to those above him, but receives the bonus of all of their brains. Such is the nature of the 'competition' between the strong and the weak of the intellect. Such is the pattern of 'exploitation' for which you have damned the strong. (*Atlas Shrugged*)"

And such is the relationship of capitalism to man's mind and to man's survival.

The magnificent progress achieved by capitalism in a brief span of time—the spectacular improvement in the conditions of man's existence on earth—is a matter of historical record. It is not to be hidden, evaded, or explained away by all the propaganda of capitalism's enemies. But what needs special emphasis is the fact that this progress was achieved by *non-sacrificial* means.

Progress cannot be achieved by forced privations, by squeezing a "social surplus" out of starving victims. Progress can come only out of *individual surplus, i.e.,* from the work, the energy, the creative over-abundance of those men whose ability produces more than their personal consumption requires, those who are intellectually and financially able to seek the new, to improve on the known, to move forward. In a capitalist society, where such men are free to function and to take their own risks, progress is not a matter of sacrificing to some distant future, it is part of the living present, it is the normal and natural, it is achieved as and while men live—and *enjoy*—their lives.

Now consider the alternative—the tribal society, where all men throw their efforts, values, ambitions, and goals into a tribal pool or common pot, then wait hungrily at its rim, while the leader of a clique of cooks stirs it with a bayonet in one hand and a blank check on all their lives in the other. The most consistent example of such a system is the Union of Soviet Socialist Republics.

Half a century ago, the Soviet rulers commanded their subjects to be patient, bear privations, and make sacrifices for the sake of "industrializing" the country, promising that this was only temporary, that industrialization would bring them abundance, and Soviet progress would surpass the capitalistic West.

Today, Soviet Russia is still unable to feed her people—while the rulers scramble to copy, borrow, or steal the technological achievements of the West. Industrialization is not a static goal; it is a dynamic process with a rapid rate of obsolescence. So the wretched serfs of a planned tribal economy, who starved while waiting for electric generators and tractors, are now starving while waiting for atomic power and interplanetary travel. Thus, in a "people's state," the progress of science is a threat to the people, and every advance is taken out of the people's shrinking hides.

This was not the history of capitalism.

America's abundance was not created by public sacrifices to "the common good," but by the productive genius of free men who pursued their own personal interests and the making of their own private fortunes. They did not starve the people to pay for America's industrialization. They gave the people better jobs, higher wages, and cheaper goods with every new machine they invented, with every scientific discovery or technological advance—and thus the whole country was moving forward and profiting, not suffering, every step of the way.

Do not, however, make the error of reversing cause and effect: the good of the country was made possible precisely by the fact that it was not forced on anyone as a moral goal or duty; it was merely an effect; the cause was a man's right to pursue his own good. It is this right—not its consequences—that represents the moral justification of capitalism.

But this right is incompatible with the intrinsic or the subjectivist theory of values, with the altruist morality and the tribal premise. It is obvious which human attribute one rejects when one rejects objectivity; and, in view of capitalism's record, it is obvious against which human attribute the altruist morality and the tribal premise stand united: against man's mind, against intelligence—particularly against intelligence applied to the problems of human survival, i.e., productive ability.

While altruism seeks to rob intelligence of its rewards, by asserting that the moral duty of the competent is to serve the incompetent and sacrifice themselves to anyone's need—the tribal premise goes a step further: it denies the existence of intelligence and of its role in the production of wealth.

It is morally obscene to regard wealth as an anonymous, tribal product and to talk about "redistributing" it. The view that wealth is the result of some undifferentiated, collective process, that we all did something and it's impossible to tell who did what, therefore some sort of equalitarian "distribution" is necessary—might have been appropriate in a primordial jungle with a savage horde moving boulders by crude physical labor (though even there someone had to initiate and organize the moving). To hold that view in an industrial society—where individul achievements are a matter of public record—is so crass an evasion that even to give it the benefit of the doubt is an obscenity.

Anyone who has ever been an employer or an employee, or has observed men working, or has done an honest day's work himself, knows the crucial role of ability, of intelligence, of a focused, competent mind—in any and all lines of work, from the lowest to the highest. He knows that ability or the lack of it (whether the lack is actual or volitional) makes a difference of life-or-death in any productive process. The evidence is so overwhelming—theoretically and practically, logically and "empirically," in the events of history and in anyone's own daily grind—that no one can claim ignorance of it. Mistakes of this size are not made innocently.

When great industrialists made fortunes on a *free* market (*i.e.,* without the use of force, without government assistance or interference), they *created* new wealth—they did not take it from those who had *not* created it. If you doubt it, take a look at the "total social product"—and the standard of living—of those countries where such men are not permitted to exist.

Observe how seldom and how inadequately the issue of human intelligence is discussed in the writings of the tribal-statist-altruist theoreticians. Observe how carefully today's advocates of a mixed economy avoid and evade any mention of intelligence or ability in their approach to politico-economic issues, in their claims, demands, and pressure-group warfare over the looting of "the total social product."

It is often asked: Why was capitalism destroyed in spite of its incomparably beneficent record? The answer lies in the fact that the lifeline feeding any social system is a culture's dominant philosophy and that capitalism never had a philosophical base. It was the last and (theoretically) incomplete product of an Aristotelian influence. As a resurgent tide of mysticism engulfed philosophy in the nineteenth century, capitalism was left in an intellectual vacuum, its lifeline cut. Neither its moral nature nor even its political principles had ever been fully understood or defined. Its alleged defenders regarded it as compatible with government controls (*i.e.,* government interference into the economy), ignoring the meaning and implications of the concept of laissez-faire. Thus, what existed in practice, in the nineteenth century, was not pure capitalism, but variously mixed economies. Since controls necessitate and breed further controls, it was the statist element of the mixtures that wrecked them; it was the free, capitalist element that took the blame.

Capitalism could not survive in a culture dominated by mysticism and altruism, by the soul-body dichotomy and the tribal premise. No social system (and no human institution or activity of any kind) can survive without a moral base. On the basis of the altruist morality, capitalism had to be—and was—damned from the start.[5]

For those who do not fully understand the role of philosophy in politico-economic issues, I offer—as the clearest example of today's intellectual state—some further quotations from the *Encyclopaedia Britannica's* article on capitalism.

"Few observers are inclined to find fault with capitalism as an engine of production. Criticism usually proceeds either from *moral* or *cultural* disapproval of certain features of the capitalist system, or from the short-run vicissitudes (crises and depressions) with which long-run improvement is interspersed." [Italics mine.]

The "crises and depressions" were caused by government interference, not by the capitalist system. But what was the nature of the "moral or cultural disapproval"? The article does not tell us explicitly, but gives one eloquent indication:

"Such as they were, however, both tendencies and realizations [of capitalism] bear the unmistakable stamp of the businessman's interests and still more the businessman's type of mind. Moreover it was not only policy but the philosophy of national and individual life, the scheme of cultural values, that bore that stamp. Its materialistic utilitarianism, its naive confidence in progress of a certain type, its actual achievements in the field of pure and applied science, the temper of its artistic creations, may all be traced to *the spirit of rationalism* that emanates from the businessman's office." [Italics mine.]

The author of the article, who is not "naive" enough to believe in a capitalistic (or *rational*) type of progress, holds, apparently, a different belief:

"At the end of the middle ages western

[5] For a discussion of the philosophers' default in regard to capitalism, see the title essay in my book *For the New Intellectual.*

Europe stood about where many underdeveloped countries stand in the 20th century. [This means that the culture of the Renaissance was about the equivalent of today's Congo; or else, it means that people's intellectual development has nothing to do with economics.] In underdeveloped economies the difficult task of statesmanship is to get under way a cumulative process of economic development, for once a certain momentum is attained, further advances appear to follow more or less automatically."

Some such notion underlies every theory of a planned economy. It is on some such "sophisticated" belief that two generations of Russians have perished, waiting for *automatic* progress.

The classical economists attempted a tribal justification of capitalism on the ground that it provides the best "allocation" of a community's "resources." Here are their chickens coming home to roost:

"The market theory of resource allocation within the private sector is the central theme of classical economics. The criterion for allocation between the public and private sectors is formally the same as in any other resource allocation, namely that the community should receive equal satisfaction from a marginal increment of resources used in the public and private spheres. . . . Many economists have asserted that there is substantial, perhaps overwhelming, evidence that total welfare in capitalist United States, for example, would be increased by a reallocation of resources to the public sector—more schoolrooms and fewer shopping centers, more public libraries and fewer automobiles, more hospitals and fewer bowling alleys."

This means that some men must toil all their lives without adequate transportation (automobiles), without an adequate number of places to buy the goods they need (shopping centers), without the pleasures of relaxation (bowling alleys)—in order that other men may be provided with schools, libraries, and hospitals.

If you want to see the ultimate results and full meaning of the tribal view of wealth—the total obliteration of the distinction between private action and government action, between production and force, the total obliteration of the concept of "rights," of an individual human being's reality, and its replacement by a view of men as interchangeable beasts of burden or "factors of production"—study the following:

"Capitalism has a bias against the public sector for two reasons. First, all products and income accrue [?] initially to the private sector while resources reach the public sector through the painful process of taxation. Public needs are met only by sufferance of consumers in their role as taxpayers [what about *producers?*], whose political representatives are acutely conscious of their constituents' tender feelings [!] about taxation. That people know better than governments what to do with their income is a notion more appealing than the contrary one, that people get more for their tax money than for other types of spending. [By what theory of values? By whose judgment?] . . .

"Second, the pressure of private business to sell leads to the formidable array of devices of modern salesmanship which influence consumer choice and bias consumer values toward private consumption . . . [This means that your desire to spend the money you earn rather than have it taken away from you, is a mere *bias.*] Hence, much private expenditure goes for wants that are not very urgent in any fundamental sense. [Urgent—to whom? Which wants are 'fundamental,' beyond a cave, a bearskin, and a chunk of raw meat?] The corollary is that many public needs are neglected because these superficial private wants, artificially generated, compete successfully for the same resources. [*Whose* resources?] . . .

"A comparison of resource allocation to the public and private sectors under capitalism and under socialist collectivism is illuminating. [It is.] In a collective economy all resources operate in the public sector and are available for education, defense, health, welfare, and other public needs without any transfer through taxation. Private consumption is restricted to the claims that are *permitted* [by whom?] against the *social product,* much as public services in a capitalist economy are limited to the claims permitted against the private sector. [Italics mine.] In a collective economy public needs enjoy the same sort of built-in priority that private consumption enjoys in a capitalist economy. In the Soviet Union teachers are plentiful, but automobiles are scarce, whereas the opposite condition prevails in the United States."

Here is the conclusion of that article:

"Predictions concerning the survival of capitalism are, in part, a matter of definition. One sees everywhere in capitalist countries a shifting of economic activity from the private to the public sphere. . . . At the same time [after World War II] private consumption appeared destined to increase in communist countries. [Such as the consumption of wheat?] The two economic systems seemed to be drawing closer together by changes converging from both directions. Yet significant differences in the economic structures still existed. It seemed reasonable to assume that the society which invested more in people would advance more rapidly and inherit the future. In this important respect capitalism, in the eyes of some economists, labours under a fundamental but not inescapable disadvantage in competition with collectivism."

The collectivization of Soviet agriculture was achieved by means of a government-planned famine—planned and carried out deliberately to force peasants into collective farms; Soviet Russia's enemies claim that fifteen million peasants died in that famine; the Soviet government admits the death of seven million.

At the end of World War II, Soviet Russia's enemies claimed that thirty million people were doing forced labor in Soviet concentration camps (and were dying of planned malnutrition, human lives being cheaper than food); Soviet Russia's apologists admit to the figure of twelve million people.

This is what the *Encyclopaedia Britannica* refers to as "investment in people."

In a culture where such a statement is made with intellectual impunity and with an aura of moral righteousness, the guiltiest men are not the collectivists; the guiltiest men are those who, lacking the courage to challenge mysticism or altruism, attempt to bypass the issues of reason and morality and to defend the only rational and moral system in mankind's history—capitalism—on any grounds other than rational and moral.

[Reprinted from the Virtue of Selfishness]

APPENDIX: MAN'S RIGHTS

(By Ayn Rand)

If one wishes to advocate a free society—that is, capitalism—one must realize that its indispensable foundation is the principle of individual rights. If one wishes to uphold individual rights, one must realize that capitalism is the only system that can uphold and protect them. And if one wishes to gauge the relationship of freedom to the goals of today's intellectuals, one may gauge it by the fact that the concept of individual rights is evaded, distorted, perverted and seldom discussed, most conspicuously seldom by the so-called "conservatives."

"Rights" are a moral concept—the concept that provides a logical transition from the principles guiding an individual's actions to the principles guiding his relationship with others—the concept that preserves and protects individual morality in a social context—the link between the moral code of a man and the legal code of a society, between ethics and politics. *Individual rights are the means of subordinating society to moral law.*

Every political system is based on some code of ethics. The dominant ethics of mankind's history were variants of the altruist-collectivist doctrine which subordinated the individual to some higher authority, either mystical or social. Consequently, most political systems were variants of the same statist tyranny, differing only in degree, not in basic principle, limited only by the accidents of tradition, of chaos, of bloody strife and periodic collapse. Under all such systems, morality was a code applicable to the individual, but not to society. Society was placed *outside* the moral law, as its embodiment or source or exclusive interpreter—and the inculcation of self-sacrificial devotion to social duty was regarded as the main purpose of ethics in man's earthly existence.

Since there is no such entity as "society," since society is only a number of individual men, this meant, in practice, that the rulers of society were exempt from moral law; subject only to traditional rituals, they held total power and exacted blind obedience—on the implicit principle of: "The good is that which is good for society (or for the tribe, the race, the nation), and the ruler's edicts are its voice on earth."

This was true of all statist systems, under all variants of the altruist-collectivist ethics, mystical or social. "The Divine Right of Kings" summarizes the political theory of the first—"*Vox populi, vox dei*" of the second. As witness: the theocracy of Egypt, with the Pharaoh as an embodied god—the unlimited majority rule or *democracy* of Athens—the welfare state run by the Emperors of Rome—the Inquisition of the late Middle Ages—the absolute monarchy of France—the welfare state of Bismarck's Prussia—the gas chambers of Nazi Germany—the slaughterhouse of the Soviet Union.

All these political systems were expressions of the altruist-collectivist ethics—and their common characteristic is the fact that society stood above the moral law, as an omnipotent, sovereign whim worshiper. Thus, politically, all these systems were variants of an *amoral* society.

The most profoundly revolutionary achievement of the United States of America was *the subordination of society to moral law.*

The principle of man's individual rights represented the extension of morality into the social system—as a limitation on the power of the state, as man's protection against the brute force of the collective, as the subordination of *might* to *right.* The United States was the first *moral* society in history.

All previous systems had regarded man as a sacrificial means to the ends of others, and society as an end in itself. The United States regarded man as an end in himself, and society as a means to the peaceful, orderly, *voluntary* co-existence of individuals. All previous systems of him in any way it pleases, and that any freedom he enjoys is his only by favor, by the *permission* of society, which may be revoked at any time. The United States held that man's life is his by *right* (which means: by moral principle and by his nature), that a right is the property of an individual, that society as such has no rights and that the only moral purpose of a government is the protection of individual rights.

A "right" is a moral principle defining and sanctioning a man's freedom of action in a social context. There is only *one* fundamental right (all the others are its consequences or corollaries): a man's right to his own life. Life is a process of self-sustaining and self-generated action; the right to life means the right to engage in self-sustaining and self-generated action—which means: the freedom to take all the actions required by the nature of a rational being for the support, the furtherance, the fulfillment and the enjoyment

of his own life. (Such is the meaning of the right to life, liberty and the pursuit of happiness.)

The concept of a "right" pertains only to action—specifically, to freedom of action. It means freedom from physical compulsion, coercion or interference by other men.

Thus, for every individual, a right is the moral sanction of a *positive*—of his freedom to act on his own judgment, for his own goals, by his own *voluntary, uncoerced* choice. As to his neighbors, his rights impose no obligations on them except of a *negative* kind: to abstain from violating his rights.

The right to life is the source of all rights—and the right to property is their only implementation. Without property rights, no other rights are possible. Since man has to sustain his life by his own effort, the man who has no right to the product of his effort has no means to sustain his life. The man who produces while others dispose of his product, is a slave.

Bear in mind that the right to property is a right to action, like all the others: it is not the right *to an object*, but to the action and the consequences of producing or earning that object. It is not a guarantee that a man *will* earn any property, but only a guarantee that he will own it if he earns it. It is the right to gain, to keep, to use and to dispose of material values.

The concept of individual rights is so new in human history that most men have not grasped it fully to this day. In accordance with the two theories of ethics, the mystical or the social, some men assert that rights are a gift of God—others, that rights are a gift of society. But, in fact, the source of rights is man's nature.

The Declaration of Independence stated that men "are endowed by their Creator with certain unalienable rights." Whether one believes that man is the product of a Creator or of nature, the issue of man's origin does not alter the fact that he is an entity of a specific kind—a rational being—that he cannot function successfully under coercion, and that rights are a necessary condition of his particular mode of survival.

"The source of man's rights is not divine law or congressional law, but the law of identity. A is A—and Man is Man. *Rights* are conditions of existence required by man's nature for his proper survival. If man is to live on earth, it is *right* for him to use his mind, it is *right* to act on his own free judgment, it is *right* to work for his values and to keep the product of his work. If life on earth is his purpose, he has a *right* to live as a rational being: nature forbids him the irrational." (*Atlas Shrugged*)

To violate man's rights means to compel him to act against his own judgment, or to expropriate his values. Basically, there is only one way to do it: by the use of physical force. There are two potential violators of man's rights: the criminals and the government. The great achievement of the United States was to draw a distinction between these two—by forbidding to the second the legalized version of the activities of the first.

The Declaration of Independence laid down the principle that "to secure these rights, governments are instituted among men." This provided the only valid justification of a government and defined its only proper purpose: to protect man's rights by protecting him from physical violence.

Thus the government's function was changed from the role of ruler to the role of servant. The government was set to protect man from criminals—and the Constitution was written to protect man from the government. The Bill of Rights was not directed against private citizens, but against the government—as an explicit declaration that individual rights supersede any public or social power.

The result was the pattern of a civilized society which—for the brief span of some hundred and fifty years—America came close to achieving. A civilized society is one in which physical force is banned from human relationships—in which the government, acting as a policeman, may use force *only* in retaliation and *only* against those who initiate its use.

This was the essential meaning and intent of America's political philosophy, implicit in the principle of individual rights. But it was not formulated explicitly, nor fully accepted nor consistently practiced.

America's inner contradiction was the altruist-collectivist ethics. Altruism is incompatible with freedom, with capitalism and with individual rights. One cannot combine the pursuit of happiness with the moral status of a sacrificial animal.

It was the concept of individual rights that had given birth to a free society. It was with the destruction of individual rights that the destruction of freedom had to begin.

A collectivist tyranny dare not enslave a country by an outright confiscation of its values, material or moral. It has to be done by a process of internal corruption. Just as in the material realm the plundering of a country's wealth is accomplished by inflating the currency—so today one may witness the process of inflation being applied to the realm of rights. The process entails such a growth of newly promulgated "rights" that people do not notice the fact that the meaning of the concept is being reversed. Just as bad money drives out good money, so these "printing-press rights" negate authentic rights.

Consider the curious fact that never has there been such a proliferation, all over the world, of two contradictory phenomena: of alleged new "rights" and of slave-labor camps.

The "gimmick" was the switch of the concept of rights from the political to the economic realm.

The Democratic Party platform of 1960 summarizes the switch boldly and explicitly. It declares that a Democratic Administration "will reaffirm the economic bill of rights which Franklin Roosevelt wrote into our national conscience sixteen years ago."

Bear clearly in mind the meaning of the concept of *"rights"* when you read the list which that platform offers:

"1. The right to a useful and remunerative job in the industries or shops or farms or mines of the nation.

"2. The right to earn enough to provide adequate food and clothing and recreation.

"3. The right of every farmer to raise and sell his products at a return which will give him and his family a decent living.

"4. The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home and abroad.

"5. The right of every family to a decent home.

"6. The right to adequate medical care and the opportunity to achieve and enjoy good health.

"7. The right to adequate protection from the economic fears of old age, sickness, accidents and unemployment.

"8. The right to a good education."

A single question added to each of the above eight clauses would make the issue clear: *At whose expense?*

Jobs, food, clothing, recreation (!), homes, medical care, education, etc., do not grow in nature. These are man-made values—goods and services produced by men. *Who* is to provide them?

If some men are entitled *by right* to the products of the work of others, it means that those others are deprived of rights and condemned to slave labor.

Any alleged "right" of one man, which necessitates the violation of the rights of another, is not and cannot be a right.

No man can have a right to impose an unchosen obligation, an unrewarded duty or an involuntary servitude on another man. There can be no such thing as *"the right to enslave."*

A right does not include the material implementation of that right by other men; it includes only the freedom to earn that implementation by one's own effort.

Observe, in this context, the intellectual precision of the Founding Fathers: they spoke of the right to *the pursuit* of happiness—*not* of the right to happiness. It means that a man has the right to take the actions he deems necessary to achieve his happiness; it does *not* mean that others must make him happy.

The right to life means that a man has the right to support his life by his own work (on any economic level, as high as his ability will carry him); it does *not* mean that others must provide him with the necessities of life.

The right to property means that a man has the right to take the economic actions necessary to earn property, to use it and to dispose of it; it does *not* mean that others must provide him with property.

The right of free speech means that a man has the right to express his ideas without danger of suppression, interference or punitive action by the government. It does *not* mean that others must provide him with a lecture hall, a radio station or a printing press through which to express his ideas.

Any undertaking that involves more than one man, requires the *voluntary* consent of every participant. Every one of them has the *right* to make his own decision, but none has the right to force his decision on the others.

There is no such thing as "a right to a job"—there is only the right to free trade, that is: a man's right to take a job if another man chooses to hire him. There is no "right to a home," only the right to free trade: the right to build a home or to buy it. There are no "rights to a 'fair' wage or a 'fair' price" if no one chooses to pay it, to hire a man or to buy his product. There are no "rights of consumers" to milk, shoes, movies or champagne if no producers choose to manufacture such items (there is only the right to manufacture them oneself). There are no "rights" of special groups, there are no "rights of farmers, of workers, of businessmen, of employees, of employers, of the old, of the young, of the unborn." There are only *the Rights of Man*—rights possessed by every individual man and by *all* men as individuals.

Property rights and the right of free trade are man's only "economic rights" (they are, in fact, *political rights*)—and there can be no such thing as "an *economic* bill of rights." But observe that the advocates of the latter have all but destroyed the former.

Remember that rights are moral principles which define and protect a man's freedom of action, but impose no obligations on other men. Private citizens are not a threat to one another's rights or freedom. A private citizen who resorts to physical force and violates the rights of others is a criminal—and men have legal protection against him.

Criminals are a small minority in any age or country. And the harm they have done to mankind is infinitesimal when compared to the horrors—the bloodshed, the wars, the persecutions, the confiscations, the famines, the enslavements, the wholesale destructions—perpetrated by mankind's governments. Potentially, a government is the most dangerous threat to man's rights: it holds a legal monopoly on the use of physical force against legally disarmed victims. When unlimited and unrestricted by individual rights, a government is man's deadliest enemy. It is not as protection against *private* actions, but against governmental actions that the Bill of Rights was written.

Now observe the process by which that protection is being destroyed.

The process consists of ascribing to private citizens the specific violations constitutionally forbidden to the government (which

private citizens have no power to commit) and thus freeing the government from all restrictions. The switch is becoming progressively more obvious in the field of free speech. For years, the collectivists have been propagating the notion that a private individual's refusal to finance an opponent is a violation of the opponent's right of free speech and an act of "censorship."

It is "censorship," they claim, if a newspaper refuses to employ or publish writers whose ideas are diametrically opposed to its *policy*.

It is "censorship," they claim, if businessmen refuse to advertise in a magazine that denounces, insults and smears them.

It is "censorship," they claim, if a TV sponsor objects to some outrage perpetrated on a program he is financing—such as the incident of Alger Hiss being invited to denounce former Vice-President Nixon.

And then there is Newton N. Minow who declares: "There is censorship by ratings, by advertisers, by networks, by affiliates which reject programming offered to their areas." It is the same Mr. Minow who threatens to revoke the license of any station that does not comply with his views on programming—and who claims that *that* is not censorship.

Consider the implications of such a trend.

"Censorship" is a term pertaining only to governmental action. No private action is censorship. No private individual or agency can silence a man or suppress a publication; only the government can do so. The freedom of speech of private individuals includes the right not to agree, not to listen and not to finance one's own antagonists.

But according to such doctrines as the "economic bill of rights," an individual has no right to dispose of his own material means by the guidance of his own convictions—and must hand over his money indiscriminately to any speakers or propagandists, who have a "right" to his property.

This means that the ability to provide the material tools for the expression of ideas deprives a man of the right to hold any ideas. It means that a publisher has to publish books he considers worthless, false or evil—that a TV sponsor has to finance commentators who choose to affront his convictions—that the owner of a newspaper must turn his editorial pages over to any young hooligan who clamors for the enslavement of the press. It means that one group of men acquires the "right" to unlimited license—while another group is reduced to helpless irresponsibility.

But since it is obviously impossible to provide every claimant with a job, a microphone or a newspaper column, *who* will determine the "distribution" of "economic rights" and select the recipients, when the owners' right to choose has been abolished? Well, Mr. Minow has indicated that quite clearly.

And if you make the mistake of thinking that this applies only to big property owners, you had better realize that the theory of "economic rights" includes the "right" of every would-be playwright, every beatnik poet, every noise-composer and every non-objective artist (who have political pull) to the financial support you did not give them when you did not attend their shows. What else is the meaning of the project to spend your tax money on subsidized art?

And while people are clamoring about "economic rights," the concept of political rights is vanishing. It is forgotten that the right of free speech means the freedom to advocate one's views and to bear the possible consequences, including disagreement with others, opposition, unpopularity and lack of support. The political function of the "right of free speech" is to protect dissenters and unpopular minorities from forcible suppression—*not* to guarantee them the support, advantages and rewards of a popularity they have not gained.

The Bill of Rights reads: "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ." It does not demand that private citizens provide a microphone for the man who advocates their destruction, or a passkey for the burglar who seeks to rob them, or a knife for the murderer who wants to cut their throats.

Such is the state of one of today's most crucial issues: *political* rights versus "*economic* rights." It's either-or. One destroys the other. But there are, in fact, no "economic rights," no "collective rights," no "public-interest rights." The term "individual rights" is a redundancy: there is no other kind of rights and no one else to possess them.

Those who advocate laissez-faire capitalism are the only advocates of man's rights.

[Reprinted from The Virtue of Selfishness]

APPENDIX: THE NATURE OF GOVERNMENT

(By Ayn Rand)

A government is an institution that holds the exclusive power to *enforce* certain rules of social conduct in a given geographical area.

Do men need such an institution—and why?

Since man's mind is his basic tool of survival, his means of gaining knowledge to guide his actions—the basic condition he requires is the freedom to think and to act according to his rational judgment. This does not mean that a man must live alone and that a desert island is the environment best suited to his needs. Men can derive enormous benefits from dealing with one another. A social environment is most conducive to their successful survival—*but only on certain conditions.*

"The two great values to be gained from social existence are: knowledge and trade. Man is the only species that can transmit and expand his store of knowledge from generation to generation; the knowledge potentially available to man is greater than any one man could begin to acquire in his own lifespan; every man gains an incalculable benefit from the knowledge discovered by others. The second great benefit is the division of labor: it enables a man to devote his effort to a particular field of work and to trade with others who specialize in other fields. This form of cooperation allows all men who take part in it to achieve a greater knowledge, skill and productive return on their effort than they could achieve if each had to produce everything he needs, on a desert island or on a self-sustaining farm.

"But these very benefits indicate, delimit and define what kind of men can be of value to one another and in what kind of society: only rational, productive, independent men in a rational productive, free society." ("The Objectivist Ethics" in *The Virtue of Selfishness.*)

A society that robs an individual of the product of his effort, or enslaves him, or attempts to limit the freedom of his mind, or compels him to act against his own rational judgment—a society that sets up a conflict between its edicts and the requirements of man's nature—is not, strictly speaking, a society, but a mob held together by institutionalized gang-rule. Such a society destroys all the values of human coexistence, has no possible justification and represents, not a source of benefits, but the deadliest threat to man's survival. Life on a desert island is safer than and incomparably preferable to existence in Soviet Russia or Nazi Germany.

If men are to live together in a peaceful, productive, rational society and deal with one another to mutual benefit, they must accept the basic social principle without which no moral or civilized society is possible: the principle of individual rights.

To recognize individual rights means to recognize and accept the conditions required by man's nature for his proper survival.

Man's rights can be violated only by the use of physical force. It is only by means of physical force that one man can deprive another of his life, or enslave him, or rob him, or prevent him from pursuing his own goals, or compel him to act against his own rational judgment.

The precondition of a civilized society is the barring of physical force from social relationships—thus establishing the principle that if men wish to deal with one another, they may do so only by means of *reason:* by discussion, persuasion and voluntary, uncoerced agreement.

The necessary consequence of man's right to life is his right to self-defense. In a civilized society, force may be used only in retaliation and only against those who initiate its use. All the reasons which make the initiation of physical force an evil, make the retaliatory use of physical force a moral imperative.

If some "pacifist" society renounced the retaliatory use of force, it would be left helplessly at the mercy of the first thug who decided to be immoral. Such a society would achieve the opposite of its intention: instead of abolishing evil, it would encourage and reward it.

If a society provided no organized protection against force, it would compel every citizen to go about armed, to turn his home into a fortress, to shoot any strangers approaching his door—or to join a protective gang of citizens who would fight other gangs, formed for the same purpose, and thus bring about the degeneration of that society into the chaos of gang-rule, *i.e.*, rule by brute force, into the perpetual tribal warfare of prehistorical savages.

The use of physical force—even its retaliatory use—cannot be left at the discretion of individual citizens. Peaceful coexistence is impossible if a man has to live under the constant threat of force to be unleashed against him by any of his neighbors at any moment. Whether his neighbors' intentions are good or bad, whether their judgment is rational or irrational, whether they are motivated by a sense of justice or by ignorance or by prejudice or by malice—the use of force against one man cannot be left to the arbitrary decision of another.

Visualize, for example, what would happen if a man missed his wallet, concluded that he had been robbed, broke into every house in the neighborhood to search it, and shot the first man who gave him a dirty look, taking the look to be a proof of guilt.

The retaliatory use of force requires *objective* rules of evidence to establish that a crime has been committed and to *prove* who committed it, as well as *objective rules* to define punishments and enforcement procedures. Men who attempt to prosecute crimes, without such rules, are a lynch mob. If a society left the retaliatory use of force in the hands of individual citizens, it would degenerate into mob rule, lynch law and an endless series of bloody private feuds or vendettas.

If physical force is to be barred from social relationships, men need an institution charged with the task of protecting their rights under an *objective* code of rules.

This is the task of a government—of a *proper* government—its basic task, its only moral justification and the reason why men do need a government.

A government is the means of placing the retaliatory use of physical force under objective control—i.e., under objectively defined laws.

The fundamental difference between private action and governmental action—a difference thoroughly ignored and evaded today—lies in the fact that a government holds a monopoly on the legal use of physical force. It has to hold such a monopoly, since it is

the agent of restraining and combating the use of force; and for that very same reason, its actions have to be rigidly defined, delimited and circumscribed; no touch of whim or caprice should be permitted in its performance; it should be an impersonal robot, with the laws as its only motive power. If a society is to be free, its government has to be controlled.

Under a proper social system, a private individual is legally free to take any action he pleases (so long as he does not violate the rights of others), while a government official is bound by law in his every official act. A private individual may do anything except that which is legally *forbidden;* a government official may do nothing except that which is legally *permitted.*

This is the means of subordinating "might" to "right." This is the American concept of "a government of laws and not of men."

The nature of the laws proper to a free society and the source of its government's authority are both to be derived from the nature and purpose of a proper government. The basic principle of both is indicated in The Declaration of Independence: "to secure these [individual] rights, governments are instituted among men, deriving their just powers from the consent of the governed . . ."

Since the protection of individual rights is the only proper purpose of a government, it is the only proper subject of legislation: all laws must be based on individual rights and aimed at their protection. All laws must be *objective* (and objectively justifiable): men must know clearly, and in advance of taking an action, what the law forbids them to do (and why), what constitutes a crime and what penalty they will incur if they commit it.

The source of the government's authority is "the consent of the governed." This means that the government is not the *ruler,* but the servant or *agent* of the citizens; it means that the government as such has no rights except the rights *delegated* to it by the citizens for a specific purpose.

There is only one basic principle to which an individual must consent if he wishes to live in a free, civilized society: the principle of renouncing the use of physical force and delegating to the government his right of physical self-defense, for the purpose of an orderly, objective, legally defined enforcement. Or, to put it another way, he must accept the *separation of force and whim* (any whim, including his own).

Now what happens in case of a disagreement between two men about an undertaking in which both are involved?

In a free society, men are not forced to deal with one another. They do so only by voluntary agreement and, when a time element is involved, by *contract.* If a contract is broken by the arbitrary decision of one man, it may cause a disastrous financial injury to the other—and the victim would have no recourse except to seize the offender's property as compensation. But here again, the use of force cannot be left to the decision of private individuals. And this leads to one of the most important and most complex functions of the government: to the function of an arbiter who settles disputes among men according to objective laws.

Criminals are a small minority in any semi-civilized society. But the protection and enforcement of contracts through courts of civil law is the most crucial need of a peaceful society; without such protection, no civilization could be developed or maintained.

Man cannot survive, as animals do, by acting on the range of the immediate moment. Man has to project his goals and achieve them across a span of time; he has to calculate his actions and plan his life long-range. The better a man's mind and the greater his knowledge, the longer the range of his planning. The higher or more complex a civilization, the longer the range of activity it requires—and, therefore, the longer the range of contractual agreements among men, and the more urgent their need of protection for the security of such agreements.

Even a primitive barter society could not function if a man agreed to trade a bushel of potatoes for a basket of eggs and, having received the eggs, refused to deliver the potatoes. Visualize what this sort of whim-directed action would mean in an industrial society where men deliver a billion dollars' worth of goods on credit, or contract to build multimillion-dollar structures, or sign ninety-nine-year leases.

A unilateral breach of contract involves an indirect use of physical force: it consists, in essence, of one man receiving the material values, goods or services of another, then refusing to pay for them and thus keeping them by force (by mere physical possession), not by right—*i.e.,* keeping them without the consent of their owner. Fraud involves a similarly indirect use of force: it consists of obtaining material values without their owner's consent, under false pretenses or false promises. Extortion is another variant of an indirect use of force: it consists of obtaining material values, not in exchange for values, but by the threat of force, violence or injury.

Some of these actions are obviously criminal. Others, such as a unilateral breach of contract, may not be criminal motivated, but may be caused by irresponsibility and irrationality. Still others may be complex issues with some claim to justice on both sides. But whatever the case may be, all such issues have to be made subject to objectively defined laws and have to be resolved by an impartial arbiter, administering the laws, *i.e.,* by a judge (and a jury, when appropriate).

Observe the basic principle governing justice in all these cases: it is the principle that no man may obtain any values from others without the owners' consent—and, as a corollary, that a man's rights may not be left at the mercy of the unilateral decision, the arbitrary choice, the irrationality, *the whim* of another man.

Such, in essence, is the proper purpose of a government: to make social existence possible to men, by protecting the benefits and combating the evils which men can cause to one another.

The proper functions of a government fall into three broad categories, all of them involving the issues of physical force and the protection of men's rights: *the police,* to protect men from criminals—*the armed services,* to protect men from foreign invaders—*the law courts,* to settle disputes among men according to objective laws.

These three categories involve many corollary and derivative issues—and their implementation in practice, in the form of specific legislation, is enormously complex. It belongs to the field of a special science: the philosophy of law. Many errors and many disagreements are possible in the field of implementation, but what is essential here is the principle to be implemented: the principle that the purpose of law and of government is the protection of individual rights.

Today, this principle is forgotten, ignored and evaded. The result is the present state of the world, with mankind's retrogression to the lawlessness of absolutist tyranny, to the primitive savagery of rule by brute force.

In unthinking protest against this trend, some people are raising the question of whether government as such is evil by nature and whether anarchy is the ideal social system. Anarchy, as a political concept, is a naive floating abstraction: for all the reasons discussed above, a society without an organized government would be at the mercy of the first criminal who came along and who would precipitate it into the chaos of gang warfare. But the possibility of human immorality is not the only objection to anarchy: even a society whose every member were fully rational and faultlessly moral, could not function in a state of anarchy; it is the need of *objective* laws and of an arbiter for honest disagreements among men that necessitates the establishment of a government.

A recent variant of anarchistic theory, which is befuddling some of the younger advocates of freedom, is a weird absurdity called "competing governments." Accepting the basic premise of the modern statists—who see no difference between the functions of government and the functions of industry, between force and production, and who advocate government ownership of business—the proponents of "competing governments" take the other side of the same coin and declare that since competition is so beneficial to business, it should also be applied to government. Instead of a single, monopolistic government they declare, there should be a number of different governments in the same geographical area, competing for the allegiance of individual citizens, with every citizen free to "shop" and to patronize whatever government he chooses.

Remember that forcible restraints of men is the only service a government has to offer. Ask yourself what a competition in forcible restraint would have to mean.

One cannot call this theory a contradiction in terms, since it is obviously devoid of any understanding of the terms "competition" and "government." Nor can one call it a floating abstraction, since it is devoid of any contact with or reference to reality and cannot be concretized at all, not even roughly or approximately. One illustration will be sufficient; suppose Mr. Smith, a customer of Government A, suspects that his next-door neighbor, Mr. Jones, a customer of Government B, has robbed him; a squad of Police A proceeds to Mr. Jones's house and is met at the door by a squad of Police B, who declare that they do not accept the validity of Mr. Smith's complaint and do not recognize the authority of Government A. What happens then? You take it from there.

The evolution of the concept of "government" has had a long, tortuous history. Some glimmer of the government's proper function seems to have existed in every organized society, manifesting itself in such phenomena as the recognition of some implicit (if often non-existent) difference between a government and a robber gang—the aura of respect and of moral authority granted to the government as the guardian of "law and order"—the fact that even the most evil types of government found it necessary to maintain some semblance of order and some pretense at justice, if only by routine and tradition, and to claim some sort of moral justification for their power, of a mystical or social nature. Just as the absolute monarchs of France had to invoke "The Divine Right of Kings," so the modern dictators of Soviet Russia have to spend fortunes on propaganda to justify their rule in the eyes of their enslaved subjects.

In mankind's history, the understanding of the government's proper function is a very recent achievement: it is only two hundred years old and it dates from the Founding Fathers of the American Revolution. Not only did they identify the nature and the needs of a free society, but they devised the means to translate it into practice. A free society—like any other human product—cannot be achieved by random means, by mere wishing or by the leaders' "good intentions." A complex legal system, based on *objectively* valid principles, is required to make a society free and *to keep it free*—a system that does not depend on the motives, the moral character or the intentions of any given official, a system that leaves no opportunity, no legal loophole for the development of tyranny.

The American system of checks and balances was just such an achievement. And although certain contradictions in the Constitution did leave a loophole for the growth of statism, the incomparable achievement was the concept of a constitution as a means of limiting and restricting the power of the government.

Today, when a concerted effort is made to obliterate this point, it cannot be repeated too often that the Constitution is a limitation on the government, not on private individuals—that it does not prescribe the conduct of private individuals, only the conduct of the government—that it is not a charter *for* government power, but a charter of the citizens' protection *against* the government.

Now consider the extent of the moral and political inversion in today's prevalent view of government. Instead of being a protector of man's rights, the government is becoming their most dangerous violator; instead of guarding freedom, the government is establishing slavery; instead of protecting men from the initiators of physical force, the government is initiating physical force and coercion in any manner and issue it pleases; instead of serving as the instrument of *objectivity* in human relationships, the government is creating a deadly, subterranean reign of uncertainty and fear, by means of non-objective laws whose interpretation is left to arbitrary decisions of random bureaucrats; instead of protecting men from injury by whim, the government is arrogating to itself the power of unlimited whim—so that we are fast approaching the stage of the ultimate inversion: the stage where the government is *free* to do anything it pleases, while the citizens may act only by *permission;* which is the stage of the darkest periods of human history, the stage of rule by brute force.

It has often been remarked that in spite of its material progress, mankind has not achieved any comparable degree of moral progress. That remark is usually followed by some pessimistic conclusion about human nature. It is true that the moral state of mankind is disgracefully low. But if one considers the monstrous moral inversions of the governments (made possible by the altruist-collectivist morality) under which mankind has had to live through most of its history, one begins to wonder how men have managed to preserve even a semblance of civilization, and what indestructible vestige of self-esteem has kept them walking upright on two feet.

One also begins to see more clearly the nature of the political principles that have to be accepted and advocated, as part of the battle for man's intellectual Renaissance.

NOW HE'S RULER OF THE QUEEN'S NAVEE

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, everyone knows the famed Gilbert and Sullivan music. Sir Joseph Porter's song in the first act of "H.M.S. *Pinafore*" strikes a particularly responsive chord these days when we observe the nonmilitary actions and statements of our powder puff brigade at the Pentagon, Robert McNamara, Roswell Gilpatric, Harold Brown, and Paul Nitze.

You will recall that Sir Joseph Porter wistfully told of his rise from the office boy in an attorney's firm to the position of junior clerk, then an articled clerk and finally to the partnership. Particularly appropriate was his telling self-indictment when he sang:

Of legal knowledge I acquired such a grip
That they took me into the partnership
And that junior partnership I ween
Was the only ship that I have ever seen.

Sir Joseph Porter then, of course, went to Parliament where he always voted at the party's call and then became ruler of the Queen's Navee.

The full song from "H.M.S. *Pinafore*" is as follows:

WHEN I WAS A LAD

When I was a lad I serv'd a term
As office boy to an Attorney's firm.
I cleaned the windows and I swept the floor,
And I polished up the handle of the big front door
I polished up the handle so carefulee
That now I am the ruler of the Queen's Navee.

CHORUS

He polished up the handle so carefulee
That now he is the ruler of the Queen's Navee.
As office boy I made such a mark
That they gave me the post of a junior clerk.
I served the writs with a smile so bland,
And I copied all the letters in a big round hand.
I copied all the letters in a hand so free
And now I am the ruler of the Queen's Navee.

CHORUS

He copied all the letters in a hand so free,
And now he is the ruler of the Queen's Navee.

In serving writs I made such a name
That an articled clerk I soon became;
I wore clean collars and a bran new suit
For the pass examination at the Institute.
And that pass examination did so well for me,
That now I am the ruler of the Queen's Navee.

CHORUS

And that pass examination, etc.

Of legal knowledge I acquired such a grip,
That they took me into the partnership,
And that junior partnership I ween
Was the only ship that I have ever seen.
But that kind of ship so suited me,
That now I am the ruler of the Queen's Navee.

CHORUS

But that kind, etc.

I grew so rich, that I was sent
By a pocket borough into Parliament;
I always voted at my party's call,
And I never thought of thinking for myself at all.
I thought so little they rewarded me,
By making me the ruler of the Queen's Navee.

CHORUS

He thought so little, etc.

Now landsmen all, whoever you may be,
If you want to rise to the top of the tree.
If your soul isn't fettered to an office stool,
Be careful to be guided by this golden rule,—
Stick close to your desks and never go to sea,
And you all may be rulers of the Queen's Navee.

CHORUS

Stick close, etc.

My good friends, Fred and Phyllis Schlafly have quite appropriately changed the words and brought Gilbert and Sullivan up to date. It is indeed a frightening thing, Mr. Speaker, to realize that jest through this may be it strikes perilously close to the truth.

With apologies to Gilbert and Sullivan, no quarters to the Defense Department wreckers and commiseration to our military and our citizenry, I present the 1967 version of "When I Was a Lad," and urge that Messers. McNamara, Gilpatric, Brown, and Nitze try light opera and let the fate of our country be returned to competent hands. If they will resign I am sure that we can resurrect either burlesque or light opera so they can really do those things for which they are equipped:

WHEN THE GRAVEDIGGERS WERE LADS

ROBERT STRANGE M'NAMARA

When Mac was a lad, he served a term
As Whiz Kid in Ford's auto firm.
He supported the left like A.C.L.U.,
And promoted the Edsel which wouldn't do.
He promoted the Edsel which wouldn't do.
He promoted the Edsel that's failed and gone,
So now he is the ruler of the Pentagon,
He promoted the Edsel that's failed and gone,
So now he is the ruler of the Pentagon.

ROSWELL LEAVITT GILPATRIC

When Gilpatric was a lad he served a term
As junior clerk in an attorney's firm.
He acquired three wives and a partnership,
But of military strategy he had no grip.
Of military strategy he had no grip.
Of military knowledge he lacked all pretense,
So they made him Deputy Secretary of Defense.
Of military knowledge he lacked all pretense,
So they made him Deputy Secretary of Defense.

HAROLD BROWN

Since Harold was a lad, he's never flown
An aeroplane, or worked on his own.
He stayed at a desk and avoided every war,
And scrapped new weapons for men fighting over thar.
He scrapped new weapons for men fighting over thar.
He cancelled the B–70 and big missiles, of course,
So now he is the ruler of our Air Force.
He cancelled the B–70 and big missiles, of course,
So now he is the ruler of our Air Force.

PAUL NITZE

When Nitze was a lad he served a term
As office boy for an investment firm.
He said the Soviets meant us no harm,
And told all the churches that we should disarm.
He told all the churches that we should disarm.
He talked disarmament so constantly,
That now he is the ruler of our whole Navy.
He talked disarmament so constantly,
That now he is the ruler of our whole Navy.

TELLING THE STORY OF KANSAS

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. MIZE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MIZE. Mr. Speaker, as one of the sponsors of the Rural Job Development Act which seeks to provide incentives to

business and industry in using the human and natural resources of our rural areas in order to provide job opportunities for those who are forced to migrate to the cities to find work, I can be excused, I am sure, for having pardonable pride in what my own State of Kansas has to offer those who want to get away from the congestion and the complex life of the cities.

What Kansas is, and what Kansas has, has been summarized in a folder published by the Kansas State Chamber of Commerce, and this folder has, in turn, been the subject of an editorial in the Topeka, Kans., Sunday Capital-Journal.

Under leave to extend my remarks, I wish to bring this editorial to the attention of my colleagues, because in telling the story of Kansas, where there is room to work, breathe, enjoy leisure time, and raise a family, I am sure I am telling the story of other States which offer an opportunity for people to participate in the good life of the rural communities. The editorial follows:

TELLING THE STORY OF KANSAS

You mingle with a crowd of people in another state and soon the inevitable question is asked:

"Where you from?"

Kansas, you reply.

The reaction can be varied. Anyone who has visited Kansas and taken time to look at some of its attractions will likely respond with some pleasant remarks. Some others who haven't had a personal contact with Kansas or Kansans may shrug their shoulders as if to say: "Well, it's your choice but why?" And usually there is the self-styled funny man, a real No. 1 jerk, who insists on the ancient gag: "Kansas? Man, that's a good place to be from!"

This, of course, can be said about any and all states, even including sancrosanct California. But no matter which of the 50 states is discussed, it is bound to have an "image" problem of one kind or another—too hot, too cold, too costly, too many high taxes, too crowded, lousy climate, etc.

Aware of the desirability of speaking up for Kansas—with facts, not propaganda—are many of our civic organizations, one of them being the Kansas State Chamber of Commerce. And one of its recent efforts is a neat little bill-fold-size folder easy to carry and easy to read.

Kansas assets listed in this folder are well known to some of us but there must be many whose knowledge of Kansas desirable and merchantable qualities is largely cursory.

Hence, we ask our readers to take a few minutes to look at the contents of this little color folder entitled 50 Interesting Facts About Kansas—the Great State, Midway U.S.A.:

Kansas is—

the world leader in private aircraft production—Kansas firms build 56 per cent of the world's private planes, constituting 67 per cent of the dollar volume.

a growing industrial center—one out of every eight of the largest U.S. corporations is headquartered or has branch plants in Kansas. Also, Kansas is 2nd in "pickup camper" production, 6th in production of mobile homes and other recreational vehicles, and one of the top 10 in auto assembly.

free of any state general obligation debt.

Kansas is—

a growing center of higher education—46 colleges and universities have enrollments of about 80,000 students; ranks 4th in keeping its students in the state for their college education.

the Wheatheart of the Nation—first in wheat production and flour milling.

the Salt of the Earth—with enough salt reserves to last the United States 375,000 years at the present rate of use.

a literate state, keeping up to date with more daily newspapers than all but eight other states.

Kansas is—

a major mineral producing state, ranking—1st in extraction of helium from natural gas. 2nd in helium production. 4th in the number of producing oil wells. 5th in natural gas production. 7th in crude oil production. 11th in overall mineral production.

ranked 4th in beef cattle production.

the nation's geodetic (map-making) center—the "primary station" for all surveys on the North American continent.

Kansas is—

a leading transportation center—third in total road and street mileage (exceeded only by Texas and California) with enough mileage to reach more than halfway to the moon, ranks 6th in total railroad mileage.

one of the top states in the field of mental health.

the leader in establishing direct primary elections.

the birthplace of the state Legislative Council—now generally in use across the nation.

Kansas is—

a state with a really sunny deposition (67 per cent of the daylight hours are sunny and 90 per cent of the weather during this time is conducive to some type of outdoor recreation)—and people to match.

a state with four invigorating seasons and an average temperature of 55 degrees.

a healthy state, ranking among the top five states in life expectancy.

a mushrooming recreational wonderland for those who enjoy hunting and fishing, camping, water sports, or the flavor of history.

Kansas has—

the nationally-known Eisenhower Center in Abilene and Boot Hill in Dodge City—to name just two outstanding attractions.

20 federal reservoirs completed or under construction with a total water surface of 138,000 acres.

35 state lakes with a total water surface of 84,000 acres.

145 city or county lakes with 10,500 acres of recreational area.

unexcelled upland game bird (quail, pheasant, duck, etc.) hunting—and a growing deer herd.

Kansas has—

some of the nation's finest bass fishing in the "strip pits" of southeast Kansas.

160 of the nation's finest safety rest areas along state and federal highways, each with fireplaces and tables. 151 have rest room facilities, 152 have drinking water, and 150 have shelters. There are picnic tables at 100 other locations.

nationally-registered historic landmarks, and numerous public or private points of historic interest.

This may be the best capsule description of Kansas yet published. Certainly it is one of them, and it wasn't prepared overnight. For nearly two years the State Chamber has been sifting Kansas information and editing it into the form above. It is now being distributed to Kansans who are proud of their state and want to see that others, too, know what is here in a state that rears no lofty mountains, knows no surf of the seashore, but has been smart enough to team with Mother Nature to make new waterways within its borders.

Landlocked Kansas? There are 27,765 pleasure boats now registered in the state.

The Kansas State Chamber of Commerce is well pleased with the demand for its new little folder about the state and hopes to get a million or more in circulation inside the state and out. They are not expensive, especially in sizable quantities, when the price becomes less than a penny each. One insurance company has bought 10,000. This is the kind of folder that may be put with paychecks by employers to better inform their employes about the state.

Sure, some employes won't give that little folder a second thought. So what, they may say. Yet the sum total of the Kansas assets listed in the "50 Facts" folder—plus many more which are not listed—contribute directly or indirectly to everyone's paycheck.

Obviously this pocket-size Kansas advertisement was drafted to help Kansas, but what of its origin, the idea behind it, that is?

It stemmed from many sources, of course, but one of these was certainly the wife of a Kansas businessman who grew tired of hearing Kansas down-graded by others. She got more than tired. She was burned up and felt helpless because, with all her desire to tell of Kansas advantages, she couldn't do it on the spur of the moment.

This new pocket folder should at least give the know-it-alls pause for reflection if they are handed one and they read it.

Too often outdated impressions of a state or a city or a community are carried through life by individuals. There was a recent CBS telecast not long ago that sought to show that transplanted Kansans in California had no desire to return to their native state. Those on the program even reached back to William Allen White's famed "What's the Matter With Kansas?" editorial first published in August, 1896, in The Emporia Gazette. Bill White the Elder wrote a brass-knucks piece about the stupidity of the Kansas Populists and was on his way to fame. He said Kansas was losing people and money for lack of progressive ways. He was right, of course.

But that was more than 70 years ago and why CBS thought it had any bearing on the situation today is as hard to explain as some of the TV commercials.

So, let's look at those "50 Interesting Facts About Kansas" in this quick-to-read, easy-to-carry little folder and hand out as many as we can. St. Francis Hospital in Wichita is mailing them to prospective interns and resident physicians. Get the idea?

THE FLOOD DISASTER IN ALASKA

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Alaska [Mr. POLLOCK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. POLLOCK. Mr. Speaker, yesterday it was my very unpleasant duty to inform this Congress that, for the second time in little more than 3 years, the young State of Alaska has suffered a major disaster. Having all but recovered from the massive coastal destruction of the disastrous earthquake of March 1964, Alaska now is undergoing the most devastating flood in this history in the interior as a result of nearly 7 days of continuous rain. It is my purpose now to give you an up-to-date synopsis of the situation.

The flood disaster has struck Alaska's second city, Fairbanks, and other smaller communities along the Tanana and Nenana Rivers and their tributaries. Water at Fairbanks is 9 feet over flood level, 3 feet higher than the previous record. This exceeds the design of flood

protection works that would have been erected under a 1958 construction authorization. Near Nenana the previous record river flow was 24,000 cubic feet per second. It has now been measured at 140,000 cubic feet per second. The town of Nenana is completely inundated, as is Fairbanks and the Indian village of Minto. In Fairbanks, the water is 6 feet deep on one main street and is running over the tops of cars on another. Water *is up to the tops of* the teller cages in the Alaska National Bank. Alaska 67, the centennial exposition, has been virtually destroyed. Five to seven feet of water exists in virtually all of the homes in Fairbanks.

All utilities in Fairbanks are out. Water is contaminated and drinking water is being boiled. Twelve thousand people have been evacuated from their homes and temporarily housed in the University of Alaska, Lathrop High School, and other schools. Another 700 refugees are still staying on the second floors of flooded buildings. This is a disaster unparalleled in Alaska's history; one not even matched by the 1964 earthquake. The earthquake, while it devastated a wide area and caused great property damage, left many buildings and homes in habitable condition. The Fairbanks flood, on the other hand, has inundated each and every home. At present there is no place to go, no place to live, and no place at which to purchase the necessities of life. A rough estimate by government officials is that if no more rain falls, it will take several days for the waters to recede in Fairbanks, and longer for Nenana. There is still additional light rain forecast for tonight, but the long-range forecast is brighter.

Vital State and local agencies have responded quickly and efficiently to this disaster. Governor Hickel immediately declared that Fairbanks and Nenana were disaster areas and mobilized the National Guard to assist the stricken towns. The Governor is in Fairbanks directing relief efforts and making a survey of the damage by boat and helicopter. Representatives of the Office of Emergency Planning are on the scene to assess and document the damage to substantiate the existence of a major disaster. The Department of Agriculture has made available surplus food stocks; the Department of Defense is using all available equipment and facilities at Eilson Air Forse Base and Fort Wainwright near Fairbanks even though, in some cases, these too are flooded. The Alaska Railroad is flooded out at Nenana but can have service restored within perhaps 36 hours after the water subsides. The Red Cross has sent personnel to provide emergency assistance also. Everything that can be done to immediately assist the people of the interior of Alaska is being done and for this I am profoundly grateful, as is every Alaskan.

There remains the task of cleaning up and rebuilding after the waters are gone. The damage is tremendous. Besides ordinary damage by the water, building foundations and walls have begun to collapse. There is speculation that the relative warm flood waters will cause some melting in the permafrost layer (permanently frozen ground) that underlies the city of Fairbanks. If this occurs, settling and shifting of buildings will cause even greater structural damage, as well as the further damage to the already hard-hit sewer and water lines.

The area hit by the flood is just south of the Arctic Circle. In the region of the interior of Alaska, winter comes early—it will be there 6 weeks from now. It will be absolutely impossible to restore the city in this time. It is obvious, however, that a crash program of reconstructing vital public services and providing some houses for the victims is absolutely essential.

We do not yet know the full extent of the damage this terrific flood has caused. We cannot know until the water leaves the streets, the homes, the schools, the hospitals, the hotels, the stores, and all the other places where the people of the interior of Alaska used to live. At that time, hopefully by the end of this week, we will know the full extent of the damage and what is required to restore the communities.

I wish to add that I am deeply touched by the courage and fortitude these distressed people of Alaska have exhibited in dealing with their tragedy.

TULSA CITIZENS FACE DAY OF DECISION

The SPEAKER pro tempore. Under a special order of the House, the gentleman from Oklahoma [Mr. EDMONDSON] is recognized for 60 minutes.

Mr. EDMONDSON. Mr. Speaker, next Tuesday is a day of decision for Oklahoma. On that day the people of Tulsa will go to the polls to vote on a $17,500,000 bond issue to build a port and industrial park at the head of navigation on the Arkansas River.

Most longtime observers of Tulsa's progress are confident that the people will approve the bond issue by an overwhelming margin, as they did a $2,500,000 bond issue in 1965 to purchase land for the port.

Tulsa knows the value of river navigation. The business, civic, and governmental leaders of that city have looked forward to navigation on the Arkansas River for decades. When the navigation comes in 1970, Tulsans want to be ready for it.

Tulsa civic leaders have done their homework. They have studied the development of navigation in some of our other great river basins. Some of the results of this study appeared in the June 8, 1967, issue of Tulsa, a magazine published weekly by the Tulsa Chamber of Commerce.

In an article, entitled "Port of Catoosa," it is pointed out that the port at the head of navigation on Arkansas is likely to be, by virtue of being ice free the year round, larger in tonnage than the ports of St. Louis, Memphis, Kansas City, St. Paul, or Pittsburgh.

The advent of navigation on the Ohio River brought industrial investment of $25 billion between 1950 and 1965. It is generally recognized that navigation brings more growth and more shipping than is anticipated—a prime example is the Intracoastal Waterway, which is carrying 13 times its predicted annual freight tonnage.

The $17,500,000 the people of Tulsa are being asked to approve on Tuesday will not be spent in the city of Tulsa, or even in Tulsa County. The port at the head of navigation will be across the county line at Catoosa in Rogers County.

This fact did not deter the Tulsa voters when they passed their first port bond issue in 1965, and it is not likely to deter them this time.

Bond issue supporters cite these reasons: The port of Catoosa is expected to bring 5,000 new industrial workers to the Tulsa area. This means $35,000,000 annually in new personal income, $11,450,000 in added bank deposits, and $16,550,000 in retail sales, according to projections made by the Tulsa Chamber of Commerce. Tulsa, Rogers County, and all of northeastern Oklahoma stand to benefit and grow tremendously from development of this port at the head of navigation on the Arkansas.

When the first barge tow comes up the river to Catoosa in 1970, the Federal Government will have invested nearly $1.3 billion in making the Arkansas both flood free and navigable.

I am confident that at that time, Tulsa will be ready for those barges with an outstanding, modern port made possible by the $17,500,000 being voted on by Tulsans Tuesday.

Mr. Speaker, I place this article, "Port of Catoosa," from the June 8 issue of Tulsa magazine, in the RECORD as a tribute to an Oklahoma community which is doing its part to keep faith with the Federal investment in its future:

PORT OF CATOOSA

(By Jo Ann Boatman)

Tulsa is a young, dynamic city, one which ranks near the top of surveys indicating the fastest growing areas in the nation.

The promise of water navigation is a hook in the lure Tulsa holds for industry. With completion of the Arkansas River project in 1970, this promise will become reality—if Tulsa's Port of Catoosa is ready to handle the barges.

Tulsa's port is scheduled to be larger in tonnages handled than those of St. Louis, Memphis, Kansas City, St. Paul or Pittsburgh.

How do we proceed from scratch to build one of the largest inland water ports in the United States in an area of the country that has not seen a steamboat in 100 years . . . and then only a few?

It's a strange business for Oklahomans, but we're learning fast. Starting big on the first is a challenge. There are both advantages and disadvantages. On the plus side is the ability to start fresh with nearly 2,000 acres of land, lay it out scientifically and develop it with a reasonable expectation of knowing what uses will be made of it.

The disadvantage is that a large amount of money is necessary in a very short period of time to build the facilities known to be needed.

In 1965, the people of Tulsa voted a $2.5 million bond issue for purchase of land at the port site and initial development. Land is now being purchased, engineering work is well along and the first phase of construction will start this year.

Total cost of the port facilities will be $25 million with $7 million being revenue bonds. Officials expect private investment of around $100 million in the industrial park. Of the total investment, 15 percent will be public money.

A $17.5 million bond issue will be placed before the people of Tulsa within a few weeks. Referring to it at groundbreaking ceremonies for Lock and Dam No. 17, the first on the Verdigris River, N. G. (Bill) Henthorne, president of the Tulsa Chamber of Commerce, said, "This is not just something that should be done. It must be done, and done now, as an impetus to a vast industrial development program and that will provide the entire basin area with thousands of new jobs."

The far reaching impact of Arkansas River navigation is just beginning to be understood.

Water navigation is present at almost all large industrial centers. The Ruhr Valley in Europe combines water navigation with natural resources. All but two of the 25 largest cities in the U.S. are served by water transportation.

The Ohio River region is a classic example of post-navigation development. Industries along the Ohio spent $25 billion on capital expenditures between 1950 and 1966. In 1965, barge traffic on the Ohio River and its tributaries was approximately 90 million tons. The biggest users of the waterway were petroleum, wheat, chemicals, and coal products, all of which are in abundance in Oklahoma.

With the completion of the Arkansas River project, we will have all of the elements to equal the Ohio River Valley, plus many more mineral resources. Also, the Arkansas will be ice free 12 months per year, permitting continuous year round barge traffic.

Oklahoma, with her abundant resources, holds the potential of becoming the energy capital of the world. Petroleum, natural gas and natural gas liquids, together with large quantities of coal and hydro-electric power, give the Arkansas Basin tremendous energy resources necessary in the development of industry.

There are 65 commercially producible minerals in this area, industrial water in large quantities and productive labor. The only missing link to full economic development has been water navigation.

This link will be in place in 1970, when Tulsa is joined to the Mississippi and thence to the oceans.

The job was to rebuild the Arkansas River 400 miles from the Mississippi below Memphis to Muskogee, and then virtually build a new river along the Verdigris River 39 miles to Catoosa, 10 miles east of Tulsa.

The system will be a chain of slack water lakes created by locks and dams and will result in overcoming the 420-foot rise in elevation from the Mississippi to Catoosa, at a cost of $1.2 billion. The project is now two-thirds complete.

Col. George Rebh, Tulsa District Army Engineer, said in April there is nothing on the horizon which indicates any difficulty in meeting the 1970 completion schedule.

"But," he said, "the construction of this waterway represents less than half the job. The completed waterway presents a challenge to insure that port facilities are completed and operating by 1970; for of what value is the waterway if there are inadequate facilities to receive the goods which the barges can carry?"

As the terminus of the system, Tulsa's port at Catoosa stands to reap the biggest rewards. Says Samuel W. Frevert, manager of the Port Authority.

The Tulsa Chamber of Commerce estimates that 5,000 to 6,000 new jobs, chiefly in manufacturing, will be created with the advent of navigation.

All in all, it is projected that in 1970 there will be 14,000 new employees and $500 million invested in new area industry.

The effects of water navigation on Eastern Oklahoma are already being felt. The significance of water transportation is that manufacturers will be able to buy their raw materials for less and ship the finished products for less, which will result in expanding their competitive markets.

A group of businessmen has purchased 4,650 acres six miles downstream from the terminus and named it Verdigris Industrial Park. This will be one of the largest private industrial parks in the Southwest.

Present industrial development is stimulated by imminent navigation. North American Aviation's Space Division was located in Tulsa in 1962 partly because of water navigation. The facility today employs 4,000 and is growing. NAA-Tulsa purchased 300 acres adjoining the waterway in 1963. Perhaps the one thing that excited the late Senator Kerr and many other Oklahomans, more than anything else, was the prospect of a major role for Oklahoma in the space industry. The waterway can make this possible. Gigantic rockets, boosters and other hardware, too large to move by rail or truck, can be made in Oklahoma and moved down the river to test centers along the Gulf Coast and then by water to Cape Kennedy.

Armco Steel, with a plant in Sand Springs, has purchased a site on the Verdigris. Savings to steel manufacturers will be significant. Flint Steel purchased about 50,000 tons of steel in 1965 that could have moved inbound by barge on our inland waterway. A savings of $10-$12 per ton would have been a savings of $500,000-$600,000 to Flint Steel, according to Charles Gannaway, executive vice president of the company.

Dewey Portland Cement's Tulsa plant will ship by river barge as will several sand and crushed rock plants.

It is anticipated that Texaco and Sunray DX may expand their Tulsa refineries as the river opens new low-cost transportation, making feasible the production of petrochemicals in this area.

What is this low-cost transportation we're talking about? Specifically, to move a ton mile by truck cost 6 5/10¢, rail 1 4/10¢, water 4/10¢. It does not, however, threaten other modes of transportation. Experience in other areas opened up by water transportation has been that other forms of transportation are stimulated rather than hurt by the new competition.

Northeastern Oklahoma, located in the heart of a great wheat center, can expect benefits from the waterway. Percentage wise, wheat producers will be the greatest beneficiaries of navigation. It has been estimated that barge transportation on the Arkansas will save 13½¢ per bushel on wheat. With 100 million bushels of wheat produced annually in Oklahoma, that's $13.5 million in savings.

Besides introducing new low-cost patterns of transportation, the waterway is expected to open up mineral resources in Oklahoma to increased exploitation.

"The waterway is the key that will open the landlocked Arkansas Basin," says Don McBride, former aide to Senator Robert S. Kerr who has worked with the project from its inception. "We are sitting on a storehouse of wealth virtually untapped. What has been tapped has usually been shipped out—natural gas, for instance. Now with low-cost transportation we can process our raw materials, providing jobs and giving benefits from the investment in plant and equipment."

The Army Corps of Engineers in past years has estimated 12.56 million tons to be handled on the Arkansas. More recent studies have uncovered even more cargo to be moved—12.5 million tons at the head of navigation (Tulsa's Port of Catoosa) alone, and this makes no allowance for the tremendous increases experienced by other inland ports.

One example of this is the Intracoastal Waterway that runs from Brownsville, Texas, over to Florida. This waterway is now carrying 64 million tons of freight a year—13 times its predicted potential.

Basic products through the Port of Catoosa will be petroleum, coal, crushed rock, fertilizer, iron and steel, wheat, grain sorghum, soybeans, cattle, sugar, coffee, salt, canned goods, soda ash, sulphur, zinc concentrates, crude rubber, newsprint, automobiles, and cement. The average will be 34,200 tons per day.

"The impact that this project will have on the entire Arkansas River Basin is almost beyond belief. The people of the basin are face to face with the greatest opportunity they have ever known," says Jacques Cunningham, chairman of the Chamber's Port Development committee, and first chairman of the City of Tulsa-Rogers County Port Authority.

"We must be big enough to face this opportunity, by not hesitating to finance the Port of Catoosa.

"The pride we have in Tulsa is built around its being a modern, progressive city on the go. Without the Port, this image will be lost. We must forge ahead soundly, as quickly as we can. The year for Tulsa's giant step forward is 1967—this bond issue is the last major obstacle between Tulsa and water transportation."

CONGRATULATIONS TO MR. RYAN

Mr. KUPFERMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, I want to commend the Acting Speaker for his ability in presiding here this evening.

The SPEAKER pro tempore. The Chair takes due note of the comments of the gentleman from New York.

HOSPITAL ASSOCIATIONS SUPPORT EMERGENCY AID

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OTTINGER. Mr. Speaker, yesterday, I was privileged to read into the RECORD a selection of letters from hospital administrators from all over the country urging this Congress to support the badly needed hospital emergency assistance program in the Partnership for Health Amendments of 1967—H.R. 6418—when this important legislation comes before the House.

I found particularly compelling these firsthand descriptions of the problems that such hospitals—hampered by obsolete and inadequate facilities and services—face in attempting to fulfill their responsibilities to the communities they serve. Equally impressive, in another way, is the growing support from the State hospital associations. If the local hospital is keenly aware of the frustration and tragedy within the community, the associations are in a position to assess the larger problem from a more dispassionate point of view. This informed support, joined to that of the hospitals themselves, must carry great weight.

Again, as I would prefer to let these organizations speak for themselves, I include in the RECORD selections from some of the communications I have received recently:

WEST VIRGINIA HOSPITAL ASSOCIATION,
Charleston, W. Va., August 15, 1967.
Hon. RICHARD L. OTTINGER,
Longworth House Office Building,
House of Representatives,
Washington, D.C.

DEAR MR. OTTINGER: Thank you very much for your letter and supporting document of August 3, 1967.

Mr. Huff is away from the office for a few days, but upon his return I will bring this matter to his attention and prompt action will be taken.

I will also assure you that the hospitals of West Virginia, united as well as individually, will express their interest in an attempt to influence the Administration's position on such a worthwhile program.

Sincerely,

VAUGHAN A. SMITH,
Administrative Assistant.

OKLAHOMA HOSPITAL ASSOCIATION, INC.,
Tulsa, Okla., August 8, 1967.
Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: It is our understanding that the House Interstate and Foreign Commerce Committee has adopted, as an amendment to the Administration's Partnership for Health bill (H.R. 6418), the Hospital Emergency Assistance Act.

The Oklahoma Hospital Association is pleased to see this legislative action that would give our hospitals the emergency aid needed to relieve the immediate pressures and allow our institutions to provide the quality of care they are capable of producing. We further understand that the proposal by Congressman Ottinger would be administered in such a manner as to be consistent with the over-all planning of the Hill-Burton program. The hospitals of Oklahoma are in need of this type of supplementary program.

We are sure this amendment still faces crucial tests on the House floor and in Senate action. Therefore, we sincerely urge your support in the passage of this program.

Thank you.

Sincerely,

CLEVELAND RODGERS,
Executive Director.

NEW MEXICO HOSPITAL ASSOCIATION,
Santa Fe, N. Mex., July 27, 1967.
Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

DEAR MR. OTTINGER: Enclosed are "The Week for Hospitals" July 21, 1967 from AHA and the NMHA newsletter for July 1967.

Because Saint Vincent Hospital gave us a copy of your July 18th letter, we were able to offer information concerning H.R. 6418 to our membership.

We certainly hope that the NMHA membership will follow through in supporting this bill. If our office can be of assistance, please do not hesitate to contact us.

Sincerely,

THOMAS I. HARNISH,
Executive Director.

[From the New Mexico Hospital Association Newsletter, July 1967]

U.S. GOVERNMENT—H.R. 6418

The Hospital Emergency Assistance Act has been adopted by the House Interstate and Foreign Commerce Committee as an amendment (Section 12) to the Administration's "Partnership for Health" bill (H.R. 6418). This hospital aid program still faces crucial tests on the House floor and then in Senate action.

Now that the program has been included as a part of the Administration's bill, its prospects are bright. When H.R. 6418 comes to the House floor, it would take a separate amendment to remove Hospital Emergency Aid from this measure.

Richard L. Ottinger (D., N.Y.), House of Representatives, asks that all interested hospitals, their board members, officials and other concerned citizens make their Congressmen aware of the urgent need for such a program.

We ask you to indicate your support by contacting your Congressman.

HOSPITAL ASSOCIATION OF
NEW YORK STATE, INC.,
Albany, N.Y., August 9, 1967.
Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSIONAL OTTINGER: Thank you for your letter of August 3 and its enclosures. You may be assured we are watching your amendment closely and were more than pleased when we learned of its adoption by the House Committee.

The Association's President will write each of you in behalf of its 320 hospital members but we are asking hospitals and their Trustees to write individually. A copy of our request letter is enclosed.

Please let me know if there is more that can be done to remove obstacles.

Sincerely,

CHARLES M. ROYLE,
Executive Vice President.

HOSPITAL ASSOCIATION OF
NEW YORK STATE, INC.,
Albany, N.Y., August 9, 1967.
To Administrators, Member Hospitals, Hospital Association of New York State.

The Interstate and Foreign Commerce Committee of the House of Representatives has adopted the Hospital Emergency Assistance Act (HR 11571) proposed by New York's Congressman Richard L. Ottinger (25th District). The adopted proposal becomes an amendment to the administration's Partnership for Health bill (H.R. 6418).

The proposal calls for emergency financing to hospitals unable to meet present urgent health service needs of the communities they serve or to participate in comprehensive health service programs or planning to meet future needs due to a critical lack of adequate facilities and services that results from existing inadequate sources of public or private financing needed to correct the critical condition.

Establishing guides for eligibility under the program, the bill appropriates for fiscal year ending June 30, 1968, $40,000,000 for direct grants of up to 66⅔ percent of a project cost and $18,000,000 for emergency loans not to exceed 90 percent of the remaining 33⅓ percent of the project cost. Such loans could run up to 50 years at 2½ percent.

Such a program, if enacted, will be most helpful in many areas of the State and our combined efforts are needed now to move it successfully on the House floor.

May I urge each of you to write to your own Congressman requesting his full support when the bill comes to the House floor. Please ask members of your Board to write also and if they know the gentlemen personally, a phone call is in order. Your help can assure enactment.

Sincerely,

CHARLES M. ROYLE,
Executive Vice President.

THE CONNECTICUT HOSPITAL ASSOCIATION,
New Haven, Conn., August 7, 1967.
Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

MY DEAR REPRESENTATIVE OTTINGER: Thank you for your August 3 letter referring to your amendment to the Administration's Partnership for Health Bill (H.R. 6418).

This association has made reference to the bill at some of our past meetings. If you have specific suggestions as to additional ways in which we may be of assistance in this matter, please do not hesitate to contact us at your convenience.

Cordially,

HERBERT A. ANDERSON,
Executive Vice President.

NEW JERSEY HOSPITAL ASSOCIATION,
Princeton, N.J., August 9, 1967.
Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN OTTINGER: Your letter to Mr. Owen arrived during his absence, and since he will be out of the office for several weeks, I am taking the liberty of acknowledging it.

We appreciate receiving the information on your proposed Hospital Emergency Assistance Act.

I am sure you can count on the support of New Jersey hospitals for this program.

Sincerely,

W. T. MIDDLEBROOK, Jr.,
Associate Director.

THE HOSPITAL ASSOCIATION
OF PENNSYLVANIA,
Harrisburg, Pa., August 11, 1967.
Hon. RICHARD L. OTTINGER,
House of Representatives,
Washington, D.C.

DEAR MR. OTTINGER: I am pleased to reply to your recent letter concerning the Hospital Emergency Assistance Bill which was adopted by the House Interstate and Foreign Commerce Committee as an amendment to the Partnership for Health Bill, H.R. 6418.

The need for additional funds for provision of critically needed hospital facilities and services is recognized, and we are most appreciative of your efforts to help assure adequate funds for these hospitals to provide these facilities and services.

We, too, are pleased to note that the proposed emergency assistance to the eligible hospitals would not conflict with or be a substitute for the existing Hill-Harris program.

Please be assured that we support your efforts to help enact legislation that will provide relief for those hospitals with obsolete and/or inadequate facilities and services, so that critical shortages in these areas may be minimized and our citizens be provided with adequate health facilities and services.

If our Association can be helpful to your efforts in other ways, we will be happy to hear from you.

Sincerely yours,

JOHN F. WORMAN,
Executive Director.

OUR POLICIES IN VIETNAM

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I have been deeply concerned by the mounting evidence that our policies in Vietnam are being increasingly dictated by short-range military considerations, rather than by long-range statesmanship. I have great admiration for military men, but I think it is too much to expect that they should give full weight to the non-

military political and psychological factors which may in the long run be decisive.

A classic case was Japan's decision, obviously dictated by the military, to attack Pearl Harbor in 1941. The attack was a spectacular military success, but it unified the United States so as to guarantee Japan's ultimate defeat, and thus in the end the attack proved to be an unmitigated disaster for Japan.

In the current Saturday Evening Post, Mr. Stewart Alsop has written an article which, in a semihumorous vein, makes some very serious points. The article, entitled "Almost All Generals Are Almost Always Wrong About All Wars," follows:

ALMOST ALL GENERALS ARE ALMOST ALWAYS WRONG ABOUT ALL WARS

(By Stewart Alsop)

WASHINGTON.—"Put not your trust in princes," the Bible warns. Presidents of the United States might do well to bear in mind a revised version of this admonition: "Put not your trust in generals." For it seems to be a sound rule that almost all generals are almost always wrong about all wars.

Every one of our Presidents since World War II has received dubious advice from the generals. President Truman's military advisers at first told him that South Korea could be defended with American air and naval power. Many bloody infantry battles later, when American divisions were advancing toward the Yalu, General MacArthur pooh-poohed the President's fears that the Chinese Communists might intervene.

A majority of the Joint Chiefs of Staff recommended to President Eisenhower the bombing of the Chinese mainland at the time of the offshore-islands crisis, and the bombing of the Viet Minh at the time of Dien Bien Phu. Eisenhower vetoed both proposals—wisely, in retrospect. But then, Eisenhower was a general himself, so he knew how wrong generals can be.

President Kennedy found out how wrong generals can be when the Joint Chiefs ruled in advance that the Bay of Pigs project was militarily sound and feasible. As for President Johnson, there is not much doubt that his military advisers have been wrong about the war in Vietnam.

President Johnson made two key decisions about Vietnam, both early in 1965. The first was to bomb North Vietnam, and the second was to intervene with American combat troops in South Vietnam. These decisions may have been the right decisions—that is for history to tell. But there cannot be any serious doubt any longer that the military assumptions on which they were based were wrong. To prove that these assumptions were wrong, it is really only necessary to ask a couple of questions.

The bombing of North Vietnam has been heavier than the bombing of Nazi Germany. Yet there has not been the slightest hint from the North of any intention to negotiate seriously, and the rate of infiltration from the North has gone sharply up since 1965. Question One: Were these the results of the bombing that the President's military advises expected and predicted to the President in 1965?

There are now more than 460,000 American troops in Vietnam, and there will soon be more than a half million. By "reasoning together" with General Westmoreland and the Joint Chiefs, President Johnson has got them to agree to this level—for public consumption. But it is no secret that Westmoreland and the Chiefs really want 600,000 U.S. troops in Vietnam, and eventually as many as 750,000. Yet despite the commitment of a very big U.S. army to Vietnam, the war is very far indeed from being won, and in some areas the Viet Cong is stronger than ever. Question Two: Were these the results of the troop commitment that the President's military advisers expected and predicted to the President in 1965?

The questions answer themselves. All military predictions are of course carefully hedged, but the plain fact is that the President's military advisers expected far quicker and more decisive results from the bombing of the North and the commitment of American troops in the South.

It is no new thing under the sun for the generals to be wrong. In 431 B.C., old King Archidamus of Sparta counseled against making war on Athens, warning that the war would be "bequeathed to the next generation." But the Spartan generals, confident of speedy victory, attacked anyway. The war lasted for 27 years.

Skip the intervening millennia, rife with examples of the wrongness of generals, and consider a few examples from our own century:

ITEM: In the First World War the generals on both sides were consistently wrong. For example, the German General Staff confidently predicted that the war would be over in four months, and with the exception of Kitchener and Joffre, the British and French generals also made their plans on the assumption that the war would be over in less than a year. The war, of course, lasted four long and blood-soaked years.

ITEM: After Hitler's blitz against France, the prevailing view of the American military, as conveyed to President Roosevelt, was that the British could not possibly hold out for more than a few months. When the Germans attacked Russia, the American intelligence estimate was that the Germany Army would go through Russia "like a knife through butter," six weeks being the estimate of the time required to complete the conquest. In late summer, 1944, General Eisenhower's intelligence staff predicted the end of "organized resistance" by the Germans by "1 December 1944 . . . and it may even end sooner." It ended many months and many thousands of casualties later.

ITEM: Before Pearl Harbor, the military estimates of what the Japanese could and would do were consistently wrong—literally dozens of bad guesses are recorded in Roberta Wohlstetter's book on Pearl Harbor.

The basic assumptions were that the Japanese wouldn't dare to attack the United States, and if they did they would be defeated in a few months. Four years later, in 1945, Gen. Douglas MacArthur was convinced that "the cost in blood in defeating Japan" would be so high that "the President should start putting pressure on the Russians" to get them into the war.

But this gloomy forecast was an exception. Generals usually think that wars can be won quickly, still another example being General MacArthur's famous "home by Christmas" statement in Korea in 1950.

Generals are sometimes right, of course—and civilians, especially journalists, can be even more spectacularly wrong about wars than generals. The trouble is that a civilian President doesn't expect his generals to be wrong about wars, any more than he would expect good lawyers to be wrong about the law. But the fog of war is even thicker than the fog that surrounds the law, and military professionalism doesn't dispel war's fog—it thickens it.

This is not because "the brass" is stupid or wrongheaded—most generals are exceptionally honorable and intelligent men. It is a matter of conditioning. A soldier is trained to be a "can-do man"—it does not come natural to him to say that he doesn't think a war can be won quickly, or that the risks of intervening in some small country are too great. He is also trained to exude a certain authority and certitude, so that when all the generals, all exuding authority and certitude, all agree on a certain course, it is difficult for a civilian President to turn them down.

This is why it may be useful for future Presidents—and all the rest of us—to bear in mind that almost all generals are almost always wrong about all wars. Generals should be listened to with skeptical respect, but never with reverent credulity.

SILVER

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. TIERNAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TIERNAN. Mr. Speaker, I am increasingly concerned by the spiraling price of silver and its effect on Rhode Island industry. Since 1958, silver consumption has far outdistanced silver production. This deficit was largely met by sales from the U.S. Treasury silver stocks at $1.29 per troy ounce. Today, those stocks have been largely depleted. A measure of the inability of the Department of the Treasury to provide stability any longer for the price of silver was its announcement on July 14 that it would no longer sell silver at the long-quoted price of $1.29. Since that time, the free market price of silver has soared to in the vicinity of $1.80 per troy ounce. At this price, the silver content of our 900 fine silver coinage exceeds in value its face worth.

Various proposals have been made to allow these coins to be melted down for their silver content. It is estimated that these coins contain from 1.5 to 2 billion ounces of silver and its release will tend to stabilize the price of silver around $1.50 per troy ounce. Without its release, some predict that silver prices could rise to $3 per troy ounce in the months ahead. As silver is largely a byproduct of lead and zinc mining, both of which have been recently subject to increasing price weakness, immediate relief from high prices through increased production is doubtful and silver users must look increasingly to our coinage if they are to avert disaster.

At present, the Treasury has banned both the export and melting of silver coins in an attempt to stop hoarding. The disappearance of half dollars is an indication of the failure of this policy.

I feel that increasing industrial necessity and the desire for a stable silver market merits the removal of silver coinage from circulation, to be melted down and the silver gradually resold at free market prices to introduce stability to the silver price situation. I do not feel that the resultant profits should go to hoarders and speculators who have repeatedly disregarded the pleas and admonitions of the Secretary of the Treasury. These same speculators and hoarders have caused shortages of our coinage reaching crisis proportions in the last few years. I have introduced this resolution to urge that the Secretary of the Treasury, in order to relieve the current acute shortage of silver and to dampen the violent fluctuations in the price of that commodity, withdraw from circulation the silver coins of the United States com-

posed of 900 fine silver, extract the silver bullion therefrom, and release the silver bullion at free market prices in such a manner as to provide stability in the domestic silver market.

It is my hope that this resolution will not only provide relief for a wide range of metal, electrical, instrument, jewelry and silver manufacturers and their employees in Rhode Island and in other States, but also will assure that the profits from the melting of our coinage should go to those to whom it rightfully belongs, the American taxpayer.

Mr. Speaker, if there is no objection, I would like to include as part of my remarks an editorial from the Providence Journal, July 31, 1967, commenting on the melting of silver coinage:

[Providence Journal, July 31, 1967]

MELTING SILVER COINS

The problem created for the nation's silver users by the drastic price increase in sterling from the former pegged price of $1.29 an ounce to the current figure of about $1.77 on the open market is imposing. It already has occasioned broad realignments of consumer product price schedules in the silverware and photographic film industries.

To help industrial users who are concentrated in the Northeast, as well as the consumer who must pay inflated prices, Sen. John O. Pastore has introduced a bill in Congress that would permit the melting down of old U.S. coins of high silver content that are still in circulation. The effect would be to free an estimated 1.8 billion ounces and, it is theorized, to stabilize the market price at about $1.50 an ounce.

From the standpoint of the user and consumer, these ends are much to be desired. From the standpoint of silver producers and investors they are not likely to be so attractive.

The position of industrial users for many years has been that the federal government should get out of the silver business, eliminate the pegged price at which the Treasury buys and sells silver, end the use of silver for coinage and free government stocks for industrial purposes. Industry has maintained consistently that supply and demand alone should determine market price.

The government in recent years has been moving in this direction. It has ended the use of silver in newly minted dimes and quarters and reduced from 90 per cent to 40 per cent the silver content of half dollars. On July 14 it ended the pegged price and as a result the market for silver soared.

The question Senator Pastore's bill raises is whether silver users should profit from the inflated value of the old silver coins by being allowed to melt them down or whether it would be fairer for the Treasury to recall the coins, melt them, offer the metal at the going price and reap the profits for all U.S. taxpayers.

The Treasury has said that with the new bimetal dimes and quarters the old coins are not required to meet currency needs. It seems clear, then, that the silver should be put to good use. How this can be done by the fairest method is the problem Congress must solve.

FOURTEEN CONGRESSMEN INTRODUCED THE LOW AND MODERATE INCOME HOUSING ACT OF 1968

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, today 13 other Members and I have introduced H.R. 12401, the Low and Moderate Income Housing Act of 1968. The bill is designed to increase by tenfold the annual addition to the Nation's supply of low and moderate income housing and to eliminate conditions that perpetuate urban ghettos.

The bill has now been introduced by 20 Congressmen. It is a companion bill to H.R. 12142, introduced by my colleagues on the Housing Subcommittee of the House Banking and Currency Committee, Mr. ASHLEY, Mr. MOORHEAD, and Mr. REUSS on August 7. And last week, similar bills were introduced by Mr. BOLAND, Mr. BYRNE of Pennsylvania and Mr. NIX.

The bill would strengthen and expand established Federal programs designed to stimulate construction of low- and moderate-income housing. It would also break down the barriers which enclose urban ghettos; thus allowing low- and moderate-income housing to be built throughout the city.

In addition, the bill seeks to improve and to expand existing urban renewal, housing rehabilitation, insurance, and tax programs in order to bring the full range of housing legislation to bear on the massive housing problems which the Nation faces.

Joining with me today are Congressmen BINGHAM, BROWN of California, COHELAN, FARBSTEIN, GIAIMO, MINK, O'NEILL of Massachusetts, REES, ROSENTHAL, ST GERMAIN, ST. ONGE, VANIK, and VIGORITO.

Mr. Speaker, I would like to include a letter in support of this legislation sent to Congressman REUSS by the National Housing Conference, a group of 200 organizations which are intimately involved in low- and moderate-income housing.

NATIONAL HOUSING CONFERENCE, INC.,
Washington, D.C., August 14, 1967.

Hon. HENRY S. REUSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REUSS: I appreciate very much your forwarding to me your remarks on the Floor of the House with regard to the Low and Moderate Income Housing Act of 1968, which you introduced in association with Representative Moorhead of Pennsylvania and Representative Ashley of Ohio.

I wish to compliment you and your associates on sponsoring this far reaching legislative proposal which embodies many of the recommendations of the National Housing Conference for effective action to overcome the critical problems confronting the nation in the housing and related fields.

While I am sure our organization will support your bill as a whole, I would like particularly to express our strong support for the following crucial provisions of your bill:

1. The statement of purpose for the development of ten million new or rehabilitated housing units for low and moderate income households over the next twenty years at an average rate of 500,000 units per year, and the related provision for an annual report by the Secretary of Housing and Urban Development as to the steps necessary to achieve this goal.

2. The extension of Section 221(d)(3) financing to the purchase of homes by families and individuals of low and moderate income.

3. The establishment of a sliding scale of interest rates on Section 221(d)(3) and Section 221(h) mortgages from three percent to zero percent if a higher rate would cause the family which occupies or purchases the housing to have a housing expense exceeding one fourth of its income.

4. The increase of $2 billion on July 1, 1968 in the Special Assistance Funds of the Federal National Mortgage Association for the above program.

5. The increase of $750 million in the Urban Renewal Authorization to become available on July 1, 1968.

I can assure you that the National Housing Conference welcomes the action by you and Mr. Moorhead and Mr. Ashley in introducing this forward looking legislation.

Sincerely yours,

NATHANIEL S. KEITH.

A description of the 12 titles of the bill follows:

I. Statement of Purpose: To build and rehabilitate 10 million units of low and moderate income housing over the next 20 years by public and private effort.

II. Annual Low and Moderate Income Housing Report: The Department of Housing and Urban Development is directed to prepare each January an action program to see that at least 500,000 low and moderate income housing units are constructed in that year.

III. Expanded Section 221(d)(3), 221(h), and 203 Low and Moderate Income Housing Programs: Existing programs which rely on private, nonprofit corporations, limited dividend corporations, and cooperatives to produce and rehabilitate housing are strengthened. The present cooperative and rental program is extended to the sale of new homes. FNMA is given additional funding to expand low and moderate income housing programs. Maximum income limits for families qualifying for the purchase of rehabilitated homes are increased from the present public housing income level. The present 3 percent below market mortgage interest rate is graduated down to 0 percent, in order to permit lower income families to own or occupy such housing without exceeding a housing or rental payment of one-fourth of their income. As they earn more income, their payments are adjusted upward; if they sell the home, they are required to repay the interest subsidy. Present conservation and rehabilitation laws are broadened to permit their use by nonprofit organizations which undertake to rehabilitate entire neighborhoods.

IV. Financial and Technical Assistance to Non-Profit Organizations and Cooperatives Sponsoring Low and Moderate Income Housing. Funds are provided for "seed money" so that churches, unions, cooperatives, and civic associations can undertake the production and rehabilitation of housing provided above.

V. Insurance Protection for Homeowners. This title provides for pooled insurance for low and moderate income families to maintain their mortgage payments when faced with personal adversity such as illness or unemployment, and for fire insurance protection at reasonable rates on property in the inner core of metropolitan areas.

VI. Social Services in Public Housing. This title will enable HUD to provide much-needed social services for the residents of public housing projects without increasing rents. Such services as job counseling, instruction in good housekeeping practices and guidance in money management will speed public housing turnover by preparing tenants for a permanent return to private housing.

VII. Expanded Urban Renewal. The present backlog of urban renewal applications is about $1.5 billion against a fiscal 1968 authorization of $750 million. This title doubles that authorization to $1.5 billion. The

maximum amount of grants to low income homeowners to rehabilitate their homes is increased from the present $1500 to $2500.

VIII. Reducing the Cost of Housing Construction. In order to prevent local building conditions from unduly raising the cost of housing construction, this title requires HUD within one year to develop a modern building code, and provides that three years thereafter any community failing to have a modernized building code will be precluded from receiving the benefits of such federal assistance as sewer and water facility grants, open space grants, community facilities grants, urban renewal programs, and FHA insurance.

IX. Assistant Secretary for Research—to organize an effective government-wide research and development program to increase innovation in the field of housing and in urban affairs generally.

X. Removing Federal Involvement with Lending Institutions Which Discriminate in Making Mortgage Loans or Which Loan to Persons Who Discriminate. President Kennedy's Executive Order of 1962 provided for fair housing in FHA and VA mortgages. Since this covers only some 17 percent of all private housing starts, it has not been effective. Title X would extend the fair housing policy by prohibiting any federally-insured bank, mutual savings bank, or savings and loan institution from discriminating thus extending fair housing to an important 70 percent of the housing market.

XI. Eliminating Federal Subsidies for Discrimination Against Low- and Moderate-Income Families. A major obstacle to the provision of decent low- and moderate-income housing in many suburban communities is the practice of zoning against such housing. This title would deprive communities with restrictive zoning ordinances of federal open space, urban renewal and other assistance.

XII. Removing Federal Income Tax Benefits for Landlords Violating Local Health, Fire, or Housing Regulations. Landlords maintaining property in violation of local health, fire, or housing regulations are penalized by denying them a federal income tax depreciation deduction.

The three Congressmen also called upon the Administration to develop promptly an Emergency Work and Reconstruction Program to provide new jobs for the unemployed as the unemployment counterpart of their housing bill—a program advocated last week by the newly formed Urban Coalition made up of 22 U.S. leaders. "A vast new program for rebuilding our slums, if coupled with a job training and employment program, would have the double benefit of producing a decent living environment for today's slum dwellers while providing them with the jobs needed to escape poverty," they said.

LET'S CONSTRUCT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, too often we begin to rebuild only after tragedy and destruction. Too late we realize that destruction might have been precipitated by constructive action. How many times must the apple fall on our heads before we take the hint?

In 1966 Congress authorized $400 million to help our cities build model neighborhoods. This program marked a new approach to the housing problems of our slum areas—not just physical renewal but also human renewal. It was designed to provide concentrated social, economic, and physical improvements within these dilapidated areas.

After authorizing the program, Congress appropriated $11 million in planning funds, and 193 cities responded with forthright and scathing analysis of their problems and suggesting innovative approaches to such problems.

As noted in the Christian Science Monitor, so many cities recognized that they were sitting on top of explosive kegs. I quote from the Newark, N.J. application:

> Among major American cities, Newark and its citizens face the highest percentage of substandard housing, the most crime per 100,000 population, the heaviest per capita tax burden, the sharpest shifts in population, and the highest rate of venereal disease, new cases of tuberculosis, and maternal mortality. (Apr. 25, 1967.)

Despite awareness on the part of the cities, the mayors, and the citizens that something must be done, Congress merrily proceeded to deny adequate funding for the model cities program. Also, they completely destroyed the rent supplement program and, most recently, the Rat Extermination Act.

Congressional rationale for crippling and destroying these programs seems trite in light of the past few weeks in this country. Complete negativism is not going to solve the cancerous problems plaguing our cities. And we might as well divorce ourselves from the idea that they are going to disappear. We must find constructive answers.

I believe that the model cities program offers such a constructive alternative—an alternative adopted in 1966. The sense of urgency in 1967 amply demonstrates the need for this program.

So that my colleagues might read this informative article appearing in the Christian Science Monitor, July 24, I include it in the RECORD at this point:

REBUILDING JOB—MODEL-CITY APPLICANTS SHOW AWARENESS OF PROBLEM AREAS

(By Robert Cahn)

WASHINGTON.—Many of the applicants for the model-cities program have admitted in stark detail conditions in ther own communities similar to those believed to underlie recent urban riots and racial flare-ups.

Of the 193 cities and county areas which submitted applications prior to the May 1 deadline, 16 have already had disorders this spring and summer. (Six cities which have not applied for the program also have had outbreaks of violence this year.)

Many other applications from cities that have not had disorders also reveal community awareness of the great disparity between the affluence of the major part of the city and conditions in slums.

"The physical condition of the model neighborhood is such that it is completely inadequate for the needs of the residents," says the application from Erie, Pa., submitted in mid-April. Riots occurred in Erie July 20.

"Among major American cities, Newark and its citizens face the highest percentage of substandard housing, the most crime per 100,000 population, the heaviest per capita tax burden, the sharpest shifts in population, and the highest rate of venereal disease, new cases of tuberculosis, and maternal mortality" (from Newark, N.J., application dated April 25).

NEGATIVE STATISTICS NOTED

"This 'other' Washington must admit to a list of negative statistics which places it among the first rank of American cities in possession of serious unsolved, social, economic, and physical problems" (application from Washington, D.C., where there have been no disturbances this year).

The self-awareness of problems as disclosed in model-cities applications, and the desire of the cities to do something about these conditions, is expected to play a part in congressional consideration of funds for the new program.

Facts and figures are ready for a Senate appropriations subcommittee which is hearing testimony on the program. Robert C. Weaver, Secretary of Housing and Urban Development (HUD), is leading the administration drive at the Senate hearings to restore cuts made by the House of Representatives.

Although $400 million to help cities conduct demonstration projects was authorized last year for fiscal 1968 (the year starting July 1, 1967), the House recently voted to appropriate only $150 million. It also cut a request for additional urban-renewal funds for the model-cities program from $250 million to $75 million.

The expected plea by administration spokesmen for urgency in appropriating the full appropriation may be tempered by questions as to why the administration has been slow to approve applications for model-cities-planning money already appropriated.

APPLICATIONS REVIEWED

Applications have been "under review" by HUD for almost three months. Secretary Weaver has said that about 70 cities will be selected to share in the $11 million planning funds (and eventually the much larger amounts of supplementary funds).

The selected cities will receive financial aid in carrying out concentrated programs of social, economic, and physical improvement in specific neighborhoods.

The following excerpts are from applications in which cities have summarized the problems of their city or model neighborhood targeted for rehabilitation:

Erie, Pa.: "Housing dates back some 50 years, and it has been estimated that 35 percent of all the housing units in the area substandard. The physical plants serving the educational, cultural, and recreational needs of the residents are as dated as the homes and, in most instances, completely inadequate. Extensive deterioration is also evident in the streets, water systems, and sewer systems. The physical condition of the model neighborhood is such that it is compeltely inadequate for the needs of the residents.

"As this area has deteriorated, it has begun to draw the most socially deprived members of the community to its boundaries. Crime and delinquency are major problems in the area; unemployment has been estimated to be five times higher than in other sections of the city; the health-problem rate is five times greater; and the over-all living conditions of site occupants are far below that of the rest of the city."

Newark: "Second [in the nation] in population density, second in infant mortality and birth rate, seventh in absolute number of drug addicts . . . high unemployment . . . yearly turnover rate 44 percent in city's schools.

"The largest major city in the nation without a standard VHF television outlet . . . without modern communication, which tends to separate citizens from events; those who seek to play a role in public affairs in the city must do so in a direct, small-town way.

"The model neighborhood includes Newark's historic staging center for successive waves of newcomers, with the current wave

consisting mainly of persons from the rural South and Puerto Rico. These men and women come unskilled and poorly educated, with the fabric of their lives and heritage shredded by generations of vicious neglect and discrimination. . . . Their impact has not caused an urban crisis, but revealed it, for if the dimensions of the problem are new, the patterns are old."

CITY OF CONTRASTS

Washington, D.C. "The contrast between the 'monumental' Washington—the impressive city of broad, tree-shaded boulevards, marble edifices, and beautifully preserved mansions and town houses—and the 'other' Washington where the great majority of the 800,000 residents live. . . .

"Unemployment rates exceeding 10 percent for Negro males in some central areas to over 20 percent for Negro male teenagers . . . a draft rejection rate which exceeds that of any state in the union . . . a housing shortage reaching crisis proportions for low-income families . . . a level of school retardation exceeded by only a couple of the most backward states."

The application also said that the crime rate "is higher than almost any other major United States city. . . . Low-income housing shortage has increased since the 1960 census. . . . There has been an upward surge in welfare assistance. . . . Overt racial conflict flared in dangerous manner in Anacostia area last summer and threatened to spread to other areas."

DETERIORATION SPREADS

Boston: "The model-neighborhood-area population comprises one-tenth of the 625,000 residents in Boston. . . . If left on its own, the marked patterns of deterioration established in recent years are likely to continue.

"Large portions of the model-neighborhood-area work force are either unemployed, underemployed, or employed in jobs requiring little education or skill. The area has 22 percent of the city's unemployed. . . .

"The public schools of the area are old and in poor condition—of the 23 elementary schools, only three are racially balanced (in the area's parochial schools, 75 percent of the students are white). . . . The school departments reports a model-neighborhood dropout rate 36 percent above Boston's one-year dropout rate. The children of the area have less chance of living through infancy than the rest of Boston's children. Adult health compares unfavorably with health in the city as a whole. . . . The residents are nearly twice as likely to suffer from alcoholism.

"Approximately 18 percent of the welfare budget for the city of Boston is spent in the model neighborhood. More than 28 percent of the unwed mothers in the city are found in the area. . . . In . . . 18 percent of the arrests for major crimes and 19 percent of juvenile arrests were in the area."

CALL THE PIED PIPER

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. HOLLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HOLLAND. Mr. Speaker, the Committee on Education and Labor has already had 26 days of hearings on the 1967 poverty bill—which has been before the Congress for over 4 months now. And some of those hearings have gone far into the night hours. But my good friend, the gentleman from Ohio, in his tender solicitude for the poverty program and, no doubt, in his anxiety that we take immediate action on it, has announced a leisurely set of informal and unauthorized "field hearings" to begin in his home State and possibly to go elsewhere.

I wish the distinguished gentleman well in his field hearings and I commend to him two aspects of the war against poverty on which I am certain he will be happy to take testimony. One is the rat problem in some cities in his State—a problem, indeed, which knows no State boundaries, but which the Ohio AFL–CIO has recently commented on. The other problem, to which I know our able colleague will turn his immediate attention is also highlighted in a recent edition of the Ohio AFL–CIO News and Views—a situation in which, according to this article, 15,000 Ohio wage earners have been cheated out of over $3 million in wages in the first 6 months of 1967. As the article points out, however, this crime did not get quite the attention that the papers focused on other crimes elsewhere, so we are very fortunate that the gentleman from Ohio is going to hold these hearings so we can get all the facts.

I include these two articles at this point in the RECORD:

CALL THE PIED PIPER

"Rats as big as cats are threatening to outstrip the people population," the Cincinnati Enquirer reported July 26.

Two days earlier, the Cleveland Press reported "rat bites send at least 80 Clevelanders, mostly children, to hospitals each year." The Press also said "rats cause $4,000,000 damage a year in this city (Cleveland) alone. Rat control is a massive problem: 99% of Cleveland's blocks have rats in at least one property."

On July 31, the Cleveland Plain Dealer carried an Associated Press story disclosing "the United States has about half as many rats as people." The AP story said rats are costing the nation $1 billion a year in damages. The story continued:

"Rats thrive in slum areas. Many poor people live in constant dread of rats. The greatest danger is rat bite, and it is little children—especially those in cribs—who are the most likely victims." AP said New York City reports 500 to 600 rat bites each year!

This is disgusting! The richest nation in the world plagued by filthy rodents.

President Johnson tried to do something about the rats. He sent Congress a bill to provide $40 million over the next two years to exterminate the rats. But the conservative-minded House of Representatives just laughed at the proposal. Members jokingly called it the "civil rats" bill and charged the funds would create a "rat corps." The proposal was defeated 207 to 176.

* * * * *

One of the "nay" Republicans, had the gall to lead the fight against the rat extermination program after complaining that not enough money was being spent by the government to control blackbirds! He cried that the blackbirds were causing farmers to lose about $58 million a year in crops.

In his book, a bird in the hand is worth ninety-nine in the bush! We guess the city folks will just have to pray for another Pied Piper.

BOSSES CHEAT WORKERS AGAIN

A vicious, savage, bestial, uncivilized, ruthless, cruel, barbaric and wicked crime wave ran rampant over Ohio again during the first half of 1967. But unfortunately, it went almost unnoticed.

However, thanks to the watchdogs of the U.S. Labor Dept., 2,350 investigations were conducted in Ohio. The results were out of this world! The federal invesigators learned:

A total of 15,737 Ohio workers have been cheated or swindled out of hard-earned wages by their bosses. That's right! Businessmen have been stealing from their employes! In fact, they've stolen (underpaid) $3,316,288 from the working people during the first six months of this year. How's that for gratitude?

We thought Ohio's enterprising newspaper editors would latch onto this scandalous crime spree and really give it a good play. After all, here was a brazen case of stealing if there ever was one!

But, as usual, we were sadly disappointed. Many of the state's newspapers skipped the story altogether. Prize for giving the story the most attention goes to the Cleveland Plain Dealer which generously gave the story seven paragraphs (measuring a staggering five and three-quarters inches in length).

The Columbus Citizen-Journal peddled the story to Business Editor Paul Swinehart who used five paragraphs of it as the lead item in his daily column. Both the Columbus Dispatch and Cleveland Press buried the story in remote sections of their big big "food ad day" issues. The Dispatch gave the scandal five tiny paragraphs, and the Press gave it four graphs.

One really wonders what motivates "the fourth estate" geniuses who sit in their ivory towers. What ever happened to the blood and guts newspaper editors who crusaded for the little man? And shouldn't Ohio newspapers have the interest of Ohioans foremost in their thoughts and actions?

Despite the fact that the Plain Dealer gave the story the best play in the state, it still wasn't good enough to earn a two-gun salute. While telling about the business crimes on Page 19, the Plain Dealer sensationalized in screaming Page 1 headlines a story about a riot among pickets and police *way down in Newport News, Virginia.* The fisticuffs involved 3,000 persons. But right in the Plain Dealer's own backyard, 15,737 workers were being swindled.

We wonder how the newspaper editors would have played the story if it involved just one Union official abusing the privileges and responsibilities of his office?

CONGRESSMAN CLAUDE PEPPER INTRODUCES LEGISLATION TO ALLOW FOR THE ORDERLY CONTROL OF OUR TEXTILE TRADE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PEPPER. Mr. Speaker, I am introducing today a bill providing for the orderly control of our textile trade. My bill is patterned after that of the gentleman from Arkansas, Mr. WILBUR D. MILLS, the chairman of our House Ways and Means Committee.

Similar bills have been introduced by many other Members, thus giving broad support to the overall idea that the time has come for a complete overhaul of all our trading agreements concerned with wool, cotton, artificial fibers, and mixed-fiber textiles and yarns. In the light of the latest concessions granted GATT members in the Kennedy round negotiations that have just been terminated at

Geneva, I foresee an even greater influx of foreign textiles than heretofore. Currently we are confronted with a flood of textile imports that are taking an ever-increasing percentage of our domestic textile market, much to the detriment of our own textile industry.

Ten years ago our cotton textile industry was swamped by imports from low-cost low-wage countries to such an extent that after voluntary controls failed, we finally negotiated a long-term cotton agreement. Even this has not helped, for foreign countries have shifted the emphasis of their exports from class to class, whichever is most profitable. Now we are also faced with the semimanufactures of cotton textiles from over 50 developing nations.

Insofar as wool is concerned, an unfair percentage of our market has been taken over by imports. It was 27 percent in 1966 and will be far higher this year, judging by imports.

Insofar as artificial fiber and mixed-fiber textiles are concerned, the totals are no less serious.

I have the honor of representing a section of the great city of Miami known for its fashion and sportswear leadership. We have some of the finest designers in the world. Our production equals that found anywhere. Our textile wages are among the highest in the world. Yet Miami and other centers in the State of Florida are being flooded with low-cost imports from Europe and particularly from the Far East. As you know, the final cost of clothing is due more to the cost of labor than to that of the materials. Yet these competing imports come from countries with such low labor-cost components that the fringe benefits alone granted to our textile workers are higher than the wages given overseas.

Mr. Speaker, many of our foremost textile producers have pointed to the unbridled growth of textile imports. They have noted the down-spiral of our domestic production, plummeting profits, lessened taxes, and increasing retrenchment of employees. Nearly 4 million of our people are involved in some way or other in our vital textile industry. The industry in its various sectors is spending over a billion dollars this year in modernizing its production. Yet this production is being jeopardized because our American market is uncontrolled.

In all fairness I must say that the only orderly solution is to apply controls that are global in scope—and industrywide in application. The limitations on imports must also be broken down by different categories of textiles and textile products. Only in this way can we avoid import concentrations which disrupt our markets and cause unemployment.

Our textile bill under discussion will enable the President to negotiate long-term agreements with those countries willing to negotiate with us on imports. Others will be given quotas based on average exports of 1961 to 1966.

Above all, I feel that our domestic industry must have access to our domestic market without giving too large a percentage to imports. However, the bill states that we will be fair to foreign exporters. All that we want is that trade be made orderly and not subject to the whims, caprices, or even greed of overseas exporters.

In her zeal for the protection of our American textile workers and bringing the problem of imports to my and your attention, I am particularly indebted to the efforts of my friend, Miss Evelyn Dubrow, the legislative representative of the International Ladies' Garment Workers' Union. All of us who have the privilege of knowing this fine lady know that she would not ask our cooperation in this matter unless it was fair to all concerned—here and abroad. I am convinced that the intent of this bill is not repressive or protectionist and will assure our own people as well as our trading partners each a fair share of our growing textile market.

A MASSACHUSETTS EDUCATOR PRAISES PRESIDENT JOHNSON'S EDUCATION PROGRAMS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MACDONALD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MACDONALD of Massachusetts. Mr. Speaker, Rev. Vincent A. McQuade, president of Merrimack College, North Andover, Mass., has commended the Johnson administration for its exploration of programs to strengthen higher education in the United States.

Pointing out that rising tuition rates at private colleges and universities are threatening an unhealthy imbalance among students, Father McQuade praised President Johnson and HEW Secretary John W. Gardner for meeting the urgent need to update higher education programs.

In a letter to President Johnson the Merrimack College president said:

Please accept my congratulations for the progressive attitude of your Administration in the exploration of programs to strengthen higher education in the United States.

During the organizational meeting of the 15 member advisory committee on higher education, established by your Secretary of Health, Education, and Welfare, John W. Gardner, it was apparent high priority is being given to the development of a master plan for education to benefit our nation.

Merrimack College has already derived much benefit from Federal programs in higher education. I feel this partnership will continue to provide for the collective security and welfare of the United States.

In addition to developing programs of mutual benefit to the nation and to institutions of higher learning, I am confident that tuition aid and scholarship programs can be developed to benefit young Americans.

As you know, rising tuition costs are creating an unhealthy imbalance among students in institutions of higher learning. One of the major implications of rising costs in education is the economic segregation developing among students. Many children of low income families who seek higher education are unable to attend the college of their choice and many are prevented from going to college altogether.

It is encouraging that your Administration, through Secretary Gardner, is meeting the urgent need to update higher education programs to provide greater opportunities for those who qualify for higher education.

Father McQuade has been spearheading a drive in Massachusetts to have the State government begin a similar investigation. He continued:

As the world leader in higher education Massachusetts should take the lead in updating academic development programs to provide maximum opportunity for young citizens.

The Federal and state governments are obliged to promote and support adequate programs of tuition and scholarship aid for the qualified, in order that individuals may select the institution and program of greatest potential benefit to him, without financial restrictions and hardship.

I share Father McQuade's sentiments, and I commend him for making his views known to President Johnson.

MONTCLAIR MEETS ITS CHALLENGE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RODINO. Mr. Speaker, the Nation has been suffering through a summer of discontent. The riots and disorders in cities and towns throughout the country have shocked and shaken the people of America. They have weakened the spirit of good will and justice underlying our efforts to bring all our Negro citizens to full participation in the benefits of modern American life.

Somehow we must restore a climate of reason and understanding, with respect for law and order. It is perhaps difficult to see how this can be done, but that it can be done is exemplified by the experience of Montclair, N.J., a neighboring community to Newark, during the recent riot. As an excellent editorial in the Montclair Times of July 27 states:

The tide of racial violence which swept into Newark eddied out to the suburbs. Astute, definitive, yet diplomatic action by law enforcement officials and key members of the Negro citizenry repulsed the threat before it could become hardly more than that. Almost at once, measures to prevent a recurrence were under way.

I would like to include at this point in the RECORD the full text of this fine editorial describing the efforts of the citizens of Montclair who kept their community peaceful and safe during a time of danger.

POTENTIAL HERE FOR SOLUTION

For two days earlier this month, the well-being of Montclair lay under siege. The tide of racial violence which swept into Newark eddied out to the suburbs. Astute, definitive, yet diplomatic action by law enforcement officials and key members of the Negro citizenry repulsed the threat before it could become hardly more than that. Almost at once, measures to prevent a recurrence were under way.

Retrospective assessment makes many points clear.

First, only a tiny fraction of the sizeable Negro population here was involved. There was no great outpouring onto the streets. Groups dispersed by police were mostly teenagers, a dozen or less of them, and on the streets principally out of curiousity.

Second, the difficulties lay almost entirely in areas where housing is poor, incomes low, and unemployment high. A remarkably large proportion of Montclair's Negroes live in well-groomed suburban homes where pride of ownership and pride of citizenship is amply demonstrated by the physical condition of the properties, themselves.

Third, responsible Negroes, of whom Montclair has a vast number, were quick to assume that responsibility. The NAACP threw open the doors of its headquarters and invited frustrated youths inside to air their grievances and, as one leader said, "let off steam." Matthew G. Carter, Montclair's first Negro Commissioner, Vincent Gill, chairman of the Civil Rights Commission, and members of the Clergy Club, a predominantly Negro organization, were quick to respond to the emergency and incredibly successful in their efforts.

Fourth, there is a genuine and increasing concern among whites over disorders, not alone as it affects the white population, but as it hinders the advances of their Negro fellow citizens. How often in homes and gatherings of white citizens was heard such comments as "I feel so sorry for the law-abiding Negroes who may suffer from this?" No one knows how often it was said. But its frequency was greater than ever before.

Finally, as the NAACP's Charles Baskerville pointed out at last week's Commission meeting, lawlessness is multi-racial. The underprivileged youth who riots in his home neighborhood differs little from the overprivileged white youth who riots in resort areas.

Significant beyond measure is the fact no responsible Negro leader raised the cry of police brutality in Montclair. Certainly, in some disorders in some cities, law enforcement officers must have used overly oppressive measures. Just as certainly, in some disorders in some cities, criminal elements have set up the "police brutality" cry as a cliche-shield against even the most sympathetic enforcement.

It is a powerful tribute to Montclair's interracial Public Safety Department that no such cry was issued here. Equally, it is a tribute to Negro leaders that they made no attempt to raise it.

Montclair's racial problems are by no means solved. Far from it. There is a long road ahead. But just as certainly as Montclair has responsible leaders, prideful homeowners, concerned citizens of both races, and dedicated law officers, so Montclair has the material from which solutions are forged. It will take work, hard work, patient work, soul-testing work. But it will be accomplished.

WHERE IT ALL BEGAN

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DANIELS. Mr. Speaker, at a time when the newspapers are full of nothing but bad news, it is a pleasure to read an editorial which points out the lighter side of the news.

In the August 14 edition of the Washington Evening Star there are three editorials. One is on the tremendous increase in crime throughout the United States and the second expresses criticism for President de Gaulle.

The third, however, deals with a more enjoyable and relaxing subject matter. And if ever there was a time when Americans need some kind of relief it is now.

The editorial, entitled "Where It All Began," came about as result of the Evening Star's ubiquitous Miss Martha Angle turning up the news that the cocktail was actually invented in Prince Georges County, in suburban Washington. I would like to commend both the talented Miss Angle and the Evening Star for this interesting editorial.

Under unanimous consent I insert at this point in the RECORD the Star's editorial.

The editorial follows:

WHERE IT ALL BEGAN

The Star's diligent reporter, Miss Martha Angle, on a news-hunting foray into wildest Prince Georges County—across the other river—has turned up the little-known fact that that cornerstone of modern business, government, diplomacy, social intercourse and cultural achievement, The Cocktail, was actually invented no place else but in that little old Maryland county.

And they say nothing good can come from Prince Georges!

It happened in the days of President Andrew Jackson. Old Hickory, as he was called by those who liked a stick o. something, used to ride out into the county to take in the cockfights, a cultur l achievement since lost to us, like medieval stained glass. Before and after the contests, Andy and his cronies used to stop at a fashionable spot called The Kitchen Cabinet, which, when opened, revealed the mixed drink, something new under the sun.

Since the potables for notables were taken after the tail end of the matches, or possibly since thereby hung many a tale, or possibly since—oh, well, for whatever reason—the libations came to be called Cocktails.

This is important as one more way of putting down the insufferable pretensions of General de Gaulle, who believes that Le Cocktail was invented by a French poster painter and bon vivant named the Count Henri de Toulouse-Lautrec. Of Lautrec's claims it is only necessary to note that (a) he mixed his own about 60 years after Jackson and (b) that his idea of a martini was equal parts gin and vermouth.

The news is also good for Prince Georgians. As fashionable folk foregather in Georgetown or Cleveland Park, by Lake Barcroft or over the Silver Spring, let them bear in mind that it all began in Prince Georges.

And let Prince Georges people remember there is something to drink besides white lightning. Why should the press relations man who started all of this get fired fo· his good work?

ROOSEVELT MEMORIAL PLANS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROSENTHAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, I am introducing a resolution today that authorizes the next steps for the construction of a permanent memorial to Franklin Delano Roosevelt. This memorial will stand as a fitting tribute to a great statesman whose foresight and integrity enabled him to skillfully guide this country through depression and war.

Marcel Breuer, noted architect whose design for this memorial has been approved by the Franklin Delano Roosevelt Memorial Commission, has said that the memorial "will express spirit and flexibility in addition to endurance, symbolic of Franklin Delano Roosevelt himself—it will reach out as the President's concepts reached out to the people for understanding, acceptance, becoming an integral part of the Nation's thinking."

No monument can fully capture the spirit of this great figure. No monument can fully depict the affection that we, who have lived through the years of his Presidency, feel toward Franklin Delano Roosevelt. Yet, this monument will rekindle for our children the dynamism of this outstanding leader. This monument will encourage us to pause and recall the inspiration and hope that he brought to our country during harsh but ennobling years.

In 1955, Congress took initial steps to provide for the erection of this monument. I urge that we approve the procedures for its construction now so that it can be completed by the 25th anniversary of President Roosevelt's death.

I would like to commend the members of the Memorial Commission who have worked so faithfully to meet their responsibilities. Some of these members have already introduced this resolution.

The time has come for us to end all delays and pay appropriate honor to President Roosevelt. In these troubled days, there can be no more inspiring symbol for the Nation.

RIOT INSURANCE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WOLFF] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WOLFF. Mr. Speaker, the Senator from Florida, Senator SMATHERS, has introduced in the other Chamber a bill to establish a Small Business Crime Protection Insurance Corporation.

This legislation has the vision and substance that we all need to cure the conditions in our urban cities; conditions that breed rioting. The Senator is to be congratulated for his depth of understanding and for the potential long-range benefits to be derived from this legislation.

I will soon introduce in the House an amended version of the Senator's bill. I would urge that my colleagues consider this bill as a step in the direction of meeting our responsibility to the cities.

ASSAULTS ON FIREMEN

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SCHEUER. Mr. Speaker, one of the most disquieting manifestations of the recent riots were the assaults on firemen doing their already hazardous duty.

The fireman is the friend of rich and poor, black and white.

At the risk of his life, he protects the life and property of all of our citizens.

I hope that every city in this country will emulate the campaign now being carried on by the Uniformed Fireman's Association of New York City, "The fireman is your friend," and that they will add to this by creating increasingly constructive relationship between the fireman and the community.

EQUALITY OF EDUCATIONAL OPPORTUNITY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SCHEUER. Mr. Speaker, equality of opportunity for all our citizens is a fundamental goal of this Nation, and in no field of endeavor is this objective more important or more essential to our national well-being than in the education of the young. Education is the key which opens the door to opportunity for all, and it is our responsibility to do what we must to see that all young Americans have an equal chance to enjoy the benefits which flow from quality education.

In the last few years, Mr. Speaker, Congress has enacted several far-reaching programs to increase the national investment in education. It was my privilege to play a small role in putting together the education record of the 89th Congress, and I look forward to working with my colleagues in building upon the solid foundation which was laid with the Elementary and Secondary Education Act of 1965 and the 1966 amendments and the Higher Education Act of 1965 and amendments. These were landmark education measures, because they signaled a clear recognition by the Congress and the administration of the great national interest in improving the quality and the quantity of education available to the young people of this Nation.

But our job as Representatives of all the people goes beyond the mere recognition of a national interest in education, beyond the need to continue the substantial and essential investment of Federal funds in the training of young Americans. It is our job too, to see that the advantages of the best possible education are open to all without regard to race, color, or national origin.

The principal instrument we have in assuring equality of educational opportunity is title VI of the Civil Rights Act of 1964 which provides, in section 601, that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The responsibility for administering title VI, so far as Federal programs to assist education are concerned, lies with the Department of Health, Education, and Welfare. But, because of the large number of HEW-administered programs covered by title VI, the Department has had to focus its major efforts to date on securing compliance with the nondiscrimination requirements of the Civil Rights Act in the thousands of local school districts and health facilities receiving Federal assistance. All that has been required of institutions of higher education has been the submission of a simple, unsubstantiated assurance that they considered themselves to be complying with title VI of the Civil Rights Act. I am informed, Mr. Speaker, that as of now, there are only four institutions of higher education which are ineligible to participate in Federal programs because of noncompliance with the provisions of title VI.

I think most of our colleagues would agree that the very limited compliance program operated by the Department of Health, Education, and Welfare, in the case of higher education, falls somewhat short of what Congress is entitled to expect. It is important that the requirements of title VI are met in the case of federally assisted higher education programs just as they are in the case of elementary and secondary education aid programs.

The Department is now preparing to improve its title VI compliance program with respect to higher education. The initial step in this effort was the recent mailing of questionnaires to the nearly 3,000 colleges and universities participating in Federal education programs. The questionnaire is designed to elicit three types of information: First, whether admissions and recruitment policies are carried out in a nondiscriminatory manner; second, the number of white and minority group students enrolled, the number living in college-owned housing and the number receiving financial aid; and, third, whether minority group students are free to participate without discrimination in college-supported services and activities.

Mr. Speaker, I am pleased to say that most of our Nation's institutions of higher education have long recognized the responsibility to open their doors to all without regard to race or color or national origin. Indeed, many have led in the effort to achieve equality of educational opportunity. But in the case of the very small minority of colleges and universities which do not recognize this responsibility, the data obtained through the questionnaire will enable the Department to follow up and work with noncomplying institutions, so that they may correct problems and come into compliance and thus continue to offer their students the benefits of Federal programs.

In these trying times, when many of our urban areas have experienced great unrest and turmoil growing largely out of strained relations between the races, I think we have a special obligation to see that the younger generation—by far our most precious resource—has the opportunity to participate fully and freely in the benefits which accompany education.

Mr. Speaker, a democracy's future depends upon an enlightened citizenry. Enlightenment and understanding are the unique products of a system of educational excellence. The doors of our institutions of education must be open to all on an equal basis—at the elementary and secondary levels, and at the higher education level as well. I commend the Department of Health, Education, and Welfare for its efforts in this regard, and I wish it well as it embarks on a more vigorous and effective title VI compliance program in higher education.

Mr. Speaker, recently the Department has mailed to the presidents of the almost 3,000 institutions of higher education participating in Federal assistance programs the questionnaires to which I have referred. Along with the report form was a covering memorandum from Peter Libassi, the Director of the Office for Civil Rights of the Department. I place the text of the memorandum at this point in the RECORD:

> The Department of Health, Education, and Welfare has responsibility for determining whether institutions of higher education receiving assistance through Federal programs are complying with Title VI of the Civil Rights Act of 1964. This responsibility has been officially delegated to the Department by all other Federal agencies which give assistance to institutions of higher education.
>
> The enclosed Compliance Report asks for data germane to this purpose, and is necessary to determine your continued eligibility to receive Federal financial assistance. Such data will be requested annually in the future. We are asking you to complete the report and to return it by November 15, 1967, trusting that this will allow enough time for institutions to prepare the enclosed forms. Institutions which are neither receiving nor applying for Federal funds need not complete the Compliance Report. If such is the case, please so advise us and return the enclosed materials.
>
> The information is required pursuant to section 80.6(b) of this Department's Regulation (45 CFR 80) and similar provisions of the Regulations of other Federal agencies. We appreciate that in the recent past some institutions discontinued the collection of racial data. While this step forward was appropriate at that time, we have found the collection of racial data essential to equal opportunity programs. You may wish to inform your students that this information on race has been requested by the Department of Health, Education, and Welfare. So far as we know, no State law and no Federal law prohibits the collection of the data requested. If your State does have such a law, we would appreciate your sending us the citation and, if possible, a copy of the text.
>
> We are mindful that large institutions with many Negro and other minority students may be unable to report precise figures on enrollment this fall. Such institutions will judge which method is best suited for their first report: estimates by officials of the institution; information volunteered by students; a count at the time of registration; etc. Estimates of the number of students of different race receiving student financial aid

will be acceptable for this report if an actual count is not possible.

The report is necessarily detailed. All questions do not apply to every institution, and we ask that you complete those applicable to your particular circumstances. The questionnaire itself has been developed with the cooperation of Federal agencies and with representatives of college and university associations in an effort to make responding as convenient as possible.

In sending you this request for information we recognize that many higher education institutions have taken leadership in promoting equal educational opportunity and in helping to remove racial discrimination. I am sure that you fully support the purpose of Title VI of the Civil Rights Act of 1964, and agree that an accurate appraisal of the current situation is an important element of such support.

Thank you for your assistance. Inquiries in regard to this matter should be addressed to: Higher Education Coordinator, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20202.

ECONOMIC DEVELOPMENT ADMINISTRATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. DE LA GARZA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, I should like to make a report—one which deals not with another crisis, but with accomplishment.

It concerns the Economic Development Administration, whose right to notice is its concrete results.

This young Federal agency in the next few days will mark its second anniversary.

And I wish to make a specific commendation of its Southwestern Area Office located in Austin, Tex.

The Economic Development Administration is doing its homework quietly—and well.

It is creating jobs;

It is training unskilled persons to be skilled and hold jobs;

It is helping business where new and expanding business actually needs help;

It is providing grants and loans for sorely needed public works and development facilities;

It is furnishing financial assistance and the planning and the coordination to reduce persistent unemployment and underemployment; and

It is giving dedication and imagination and superb service.

All these things, and more, this young Federal agency is doing under the Public Works and Economic Development Act, which this House passed in August of 1965.

The Economic Development Administration had assisted 577 severe unemployment areas of the Nation by the close of fiscal year 1967. A total of $600 million had been judiciously dispensed to more than 1,856 applicants across the country.

And I would like to remind you that in every case the application for assistance was originated by a local community which saw its own needs for planning, guidance, and expert assistance in its economic problems.

This is Federal assistance in the way it ought to be and in the way we intended it to be.

For who else knows the human deprivations of the local community better than those who suffer from them?

I speak from firsthand experience when I report that this agency is providing the results envisioned by this House 2 years ago.

Specifically, I refer to the Economic Development Administration's project No. 08–1–00542 in Rio Grande City, Starr County, Tex., within the 15th Congressional District I represent.

The initial project application was received by the southwestern area office in Austin on March 23, 1967. It asked Federal assistance in the renovation of a building to make it suitable for a vocational school. The project cost was small—only $12,000—with Economic Development Administration assistance of $9,606 requested.

The existing building had been a laundry but with the imagination of the Rio Grande City Consolidated Independent School District it was to take on new life.

Human beings, rather than clothes, were to be renewed. Their untutored skills and abilities were to be developed.

Two hundred and fifty unemployed and underemployed, many of them migrants, were to be trained to fill jobs in the aerospace sheet metal industry where skilled workers are vitally needed.

The funds for the training of these seasonally employed were to come from the Manpower Development and Training Act—a jointly administered program in which the Economic Development Administration, the Department of Labor and the Department of Health, Education, and Welfare cooperate.

Gentlemen, in an area where the median income per family is only $1,700, it is not difficult to imagine the impact on whole families.

In this experiment of bringing together jobseekers and unfilled jobs, an individual is trained to do work which has a beginning wage of $2.385 per hour.

Compare this with the plight of the individual who gets dabs of pay here and dabs of pay there—if he can find work at all.

Now, let me go back a little—for this program which would dramatically change the lives of thousands came within an instant of never happening.

It was the aerospace industry which sent out an S O S for trained sheet metal workers.

Here, then, was the job seeking the worker instead of the worker seeking the job.

The problem was taken to the Texas Employment Commission. The commission in turn gave the opportunity to Rio Grande City and two additional Rio Grande Valley cities where employees far exceeded local employment.

But, Mr. Speaker, a community may know its needs and it may see the opportunity for meeting them and still not be able to open the door when that opportunity knocks. Such was the case in Rio Grande City.

To get the training program there had to be facilities. The key to those facilities was $9,606 in additional funds—funds which simply could not be raised by the hard-pressed local school district.

At this point the Economic Development Administration entered the picture.

Within a month, the southwestern area office did wonders in the organization, overall coordination and design of this program.

It brought about a partnership of private industry, local enterprise and all levels of Federal and State Government.

By its coordination of the agencies involved, the Economic Development Administration made it possible to eliminate negative approaches and utilize the best features of every available program applicable to this pathfinder project.

The Economic Development Administration used its skilled, knowledgeable personnel to shape the job-giving project into complete fruition by April 19—just over a month from its inception.

I can now report that the building is renovated. Training classes have commenced. On-the-job training directly by industry—and with wages—begins on September 11.

I dare say that the income taxes which will have been paid by the newly productive citizens on April 15, 1968, will more than cover the cost of renovating that old laundry building—a building that is going to be providing hope for the future of many workers to come.

Mr. Speaker, this is but a personal view of the Economic Development Administration and its southwestern area office.

I am sure most of you could cite projects in your own congressional districts equally satisfying.

What had pleased me as much as anything, has been the quiet, professional manner in which the Economic Development Administration has accomplished its mission thus far.

Its cooperation with your offices and my own has gained a respect that may well be envied by older and certainly more extensive governmental operations.

There is one last point that I wish to make in this citation. In effect it is to the House itself. The heart of the Economic Development Administration is planning, training and research—and it all begins on the local level. It comes from the people who feel they need it—not from the Government who feels they should have it.

Congress planned it that way and the Economic Development Administration is carrying out its many programs that way. And, Mr. Speaker, it works.

Ask that former migrant worker in the Lower Rio Grande Valley—that man who works today because the concept of the Economic Development Administration worked for him back in March.

The Economic Development Administration, under Assistant Commerce Secretary Ross D. Davis, and its southwestern area office, under Director R. R. Morrison, deserve this recognition and commendation, and I am pleased to tender this acknowledgment to the House.

THE OTHER ED CLARK

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. DE LA GARZA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, I would like very much to share with you and my colleagues of the House, with your kind indulgence, a few words about a friend of mine—a great American—a great Texan—a man of the people, a man who knows and loves people. He has what we say in south Texas "el don de gente" which means the above, plus adding that people love him too. This man is the U.S. Ambassador to Australia, the Honorable Ed Clark—in diplomatic parlance "Ambassador Extraordinary and Plenipotentiary"—"Cousin Ed" as he is more affectionately called by some people who think a great deal of him—is all that and more. Mr. Speaker, whenever he leaves, Australia will never be the same again.

Mr. Peter Smark—a columnist for the Australian—a national daily newspaper sold in the major cities of Australia, interviewed Ambassador Clark and wrote the following article. It was published in Australia Tuesday, July 4—a fitting day to write about a great American—entitled "The Other Ed Clark."

The article follows:

"I have often been accused of being not the Ambassador of the United States, but the Ambassador of Texas. Like the man who threw the rock at the cat and hit his mother-in-law, I say 'Not so bad after all'."

To talk with, or perhaps more accurately to visit, the U.S. Ambassador, Mr. Edward Clark, is to say goodbye for a while to one's critical faculties.

Debate is washed away in a torrent of Texan words; homely, even corny, jokes seem to sparkle like Shakespearean wit; the extravagance of the man, his unashamed hyperbole, the depth and strength of his loyalties and the real sincerity behind a host of platitudes are somehow captivating.

One finds it easy to understand how the Ambassador has been able to walk away unchallenged from some highly contentious statements. He generates a glow of goodwill.

And then, finally, one realises that, as he wheels out another good-natured homily through a beaming smile, his cool, level eyes are operating independently.

One is left in no doubt at all as to how this man—referred to by those who do not understand him as "the Talking Horse"—has amassed a personal fortune said to be in the region of $10 million, built up a formidable reputation as a lawyer and banker, and has proved to be a remarkably effective ambassador for his country in Australia and a potent salesman for Australia in his homeland.

Seemingly shrewdly simple, the man who sits opposite beaming and spinning contemporary Texan plain talk is complex. The torrent of words are the only sign of a drive which compels the mind on to calm assessment, the whole man to a work schedule little short of staggering.

Because his environment was so long Texan, his trappings are Texan—like the yellow rose worn through motives of very real devotion to his home State as well as a shrewd eye for effect. But the mind, the assessments, the calibre of the man are international.

Given Jeparit as a birthplace and education at Wesley and Melbourne University, how would this man have looked and sounded, I wonder? I think I have some sort of general idea.

But this thought is too simple, too. It is easier to switch back to the surface.

The reason for the visit is to talk about Australian-U.S. trade in particular and Mr. Clark in general. In the particular, the Ambassador is politically elusive.

Question: "Mr. Ambassador, the Australian Cabinet is said to feel that the U.S. is asking too steep a price in seeking wide access to the Australian tobacco market in exchange for a reduction in the tariff on Australian wool entering the U.S. Would you agree with this?"

Answer: "We do not yet have the details of the latest U.S. proposal referred to in the Press of June 28. I do know that the Australian proposal on tobacco made during the Kennedy Round was carefully considered by the U.S. experts on this question and I understand that it was concluded that the proposal would not result in any substantially increased U.S. access to the Australian market.

"If the Australian Cabinet, after considering the U.S. counter-proposal, decided that the price was too high from Australia's point of view, I could only accept their judgment in the matter, as I am aware that Australia has political problems with tobacco the same as we do with wool. I certainly hope that an agreement can be reached which will be advantageous to both our countries."

Question: "There is a lot said and written about Australia's special relationship with America, but many Australian officials and businessmen see little sign of this in U.S. trade policy towards Australia. Mr. Holt said recently that 70 per cent of Australia's exports to the U.S. (sugar, dairy products, meat, lead and zinc) was under threat of some restrictive action or legislation. Would you agree that this does not seem to reflect a special relationship?"

Answer: "As you know, all countries, the U.S. and Australia included, have domestic political problems involving various commodities. The threats you mention do exist, but in most cases in my opinion will not eventuate. My Government is committed to liberalization of trade and would make every effort to minimise the effect of any restrictive action which might eventuate. On the subject of "special relationships," you are of course aware that the U.S. does not benefit from Commonwealth preferences which Australia extends to her partners in the Commonwealth. We are on a Most-Favored-Nation basis as a member of GATT and must extend to Australia tariff concessions granted to other countries. The quota for Australian sugar has steadily increased over past years."

Question: "Do you think that current Australian doubts over U.S. trade policy could affect Australian arms purchases from America?"

Answer: "I believe that the Australian military authorities want the best product they can buy. This would in my opinion lead them to continue to obtain a substantial part of the requirements which they need from abroad from the United States.

"We recognize that the Australians are hard bargainers, and they are entitled to the best deal they can get. They are of course procuring a good bit of their equipment in European countries as well."

Question: "How do you foresee the future of U.S. investment in Australia?"

Answer: "This question covers a lot of territory. I believe that there will be a continuing need for foreign investment in Australia for a good many years and that a very substantial portion of it will come from the U.S. Despite current voluntary restrictions, U.S. capital inflow this year will be about average for recent years, discounting the unusually high inflow in the 1966 fiscal year.

"The political stability of Australia and the favorable investment climate in other respects are surely conducive to a continuation of U.S. and other foreign investment."

Question: "What is your attitude towards Australian equity in U.S. companies operating in Australia?"

Answer: "I am in favor of partnership arrangements between Australian and American concerns. This is, of course, a matter which has to be decided by the company concerned, and I am aware that for various reasons some foreign firms prefer 100 per cent ownership. Nevertheless, it appears that an increasing number are offering stock participation to Australian citizens. We should remember that many of the U.S. and other foreign companies have lost heavily during their early operations in Australia, and this fact has not encouraged Australian capital to participate."

In the general Mr. Clark is warm and forthcoming.

At whatever level—and in talking with such a complex man one is tempted to search for levels—there is no doubting his fierce love of his State and his country, his warm affection for Australia and Australians, his genuine wish for the relations between Australia and the U.S. to grow tighter.

He is frank about how he came to become the U.S. Ambassador in Canberra.

"I would never have been appointed an Ambassador but for my friendship with President Johnson.

"Sir Robert Menzies went to President Johnson when the ambassador's post here had been vacant for about a year. He said he wanted an ambassador who was a personal friend, someone whom the President could trust, someone who knew his telephone number.

"The President called me up to Washington. I was a guest at dinner at the White House that night, and Sir Robert Menzies was there.

"We met again at breakfast with the President the next morning, and that's how it was done.

"In this job, I spend more than I earn. I also earn less because I haven't the time to concentrate so much on my business interests.

"But I am delighted to do it.

"Last year, I met and talked with more than 6000 Australians at the Embassy.

"You know viewing of the embassies helps charity organizations to raise funds, and my wife and I try to be available to meet and talk with parties of people when they come over.

"Sir Robert Menzies said to me once: 'Ed, the ambassadors' union will be censuring you for meeting and talking to so many people, the other ambassadors don't do it the way you do.'

"But I love to meet and talk with people, all sorts of people, to tell them about the United States and ask them about the things they are doing.

"I remember an old friend of mine, a district judge for many years in my home town, said to me when he heard I was coming to Australia: 'Edward, you'll find that 99 per cent of people are just people, so you just treat them like people.'

"I've often wondered what the other one per cent are.

"But in this job I just treat everyone like people, just like I always have, and it seems to work out just fine."

Mr. Clark says he is a very happy man.

"I've had a wonderful marriage, our daughter is a fine person, I even approve of my son-in-law; I've made more money than I ever thought possible when I was a young man and I've had more honors than I have deserved.

"I'd be afraid to live my life over again because I doubt if things could go so well again."

EARTHY MANAGEMENT OF SPACE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALBERT. Mr. Speaker, I have been delighted to read in the Times-Union of Rochester, N.Y., a splendid article and editorial on the Honorable James Edwin Webb, Administrator of the National Aeronautics and Space Agency. In my opinion, Mr. Webb is one of the outstanding organizers and administrators in the United States and one of the most dedicated and successful men in Government. The American space achievement since Mr. Webb took over the program as chief of NASA has been a scientific and organizational miracle.

We in Oklahoma are especially proud of him as he came to NASA from our State where he was president of the distinguished Frontiers of Science Foundation. I enthusiastically endorse the editorial commending this outstanding public servant upon his contributions to the Nation.

The material follows:

EARTHY MANAGEMENT OF SPACE

(NOTE.—Excerpts from an article in the August, 1967, Fortune magazine, reprinted by permission.)

The nation's civilian space program, the largest single technological undertaking in history, has come upon difficult times. In this tenth anniversary year of the first Soviet Sputnik, formidable critics are calling the $23-billion Apollo project to land a man on the moon before 1970 "a can of worms" and a "needless gamble."

And perhaps most basic, in view of suggestions of questionable management decisions and even gossip of scandal, Congress and the nation are asking: How well has the U.S. been served by the program's management, the National Aeronautics and Space Administration and its boss, James Edwin Webb?

Despite the rancor and doubt of the moment, the evidence is persuasive that the nation has been well served indeed.

This is, for example, the view of Dr. T. Keith Glennan, NASA's first administrator and Webb's predecessor. Glennan had favored a much slower approach to a moon landing than the crash program ordered by President Kennedy in 1961, but he regards Webb's performance in carrying out the effort as "amazingly effective." Says Glennan: "In 1961, I would not have given him a Chinaman's chance to come this close to success."

This is not to suggest that the complaints about NASA are groundless. The fire that claimed the lives of three astronauts last January during ground testing of an Apollo command module was a by-product of deplorable negligence. Webb himself concedes that this neglect was caused, in part, by inadequate management feedback on conditions in the field.

The NASA shortcomings visible to date, however, are no worse than might be expected in an undertaking of such colossal magnitude and unprecedented complexity, in the view of management specialists. Says Simon Ramo, vice chairman of TRW Inc., who himself managed the crash program to provide the U.S. Air Force with a missile system in the 1950s:

"I defy anyone to define a system of management to land a man on the moon before 1970 that does not invite charges of incompetence sooner or later. It's a science Olympics in which you're supposed to do the 100-yard dash in three seconds. If you're not beaten by the Russians, you're beaten by accident, or you find you can't make such an arbitrary deadline anyway."

To try to overcome the odds, Webb, now 60 years old, has developed a managerial doctrine as extraordinary as the space mission itself. Essentially it is a bold extension of the systems-management principle first applied in the Pentagon for weapon development. This approach means that the Pentagon tries to relate design and procurement plans to the weapon system's maximum potential, to other weapon systems, to cost effectiveness, to foreseeable strategic situations, and to other special considerations.

In NASA's case, the "system" is usually an exotic research objective, like landing a package of instruments on Mars.

To master such massively complex and expensive problems, the agency has mobilized some 20,000 individual firms, more than 400,000 workers, and 200 colleges and universities in a combine of the most advanced resources of American civilization.

In 1961, President Kennedy committed the U.S. to "the goal, before this decade is out, of landing a man on the moon and returning him safely to earth."

The Kennedy moon-landing mandate confronted Webb with a sudden, comprehensive government-agency expansion without precedent in peacetime. NASA's budget jumped from just under $1 billion in fiscal 1961 to $3.7 billion in 1963, reaching a peak of $5.2 billion in 1965. The NASA payroll shot from 17,500 to 36,000 in five years, and contractor employees from 57,500 to a peak, in 1965, of 377,000.

A bewildering profusion of enormous contracts was spread around the aerospace industry. A worldwide flight-tracking network was also set up. Concurrently, Webb's political and administrative skill was taxed by repeated crises.

On top of all this, Webb has had to live precariously for years with the explosive potential—which finally erupted in the North American affair—involved in the sheer danger of manned space flight and the unprecedented quality standards that space flight imposes on NASA and its contractors.

How Jim Webb has survived six years in this kind of atmosphere is regarded as one of the true marvels of Washington. It has, of course, been helpful that Lyndon Johnson had originally pushed for Webb's appointment. But Webb's remarkable personality has also been an asset.

There is general agreement that he runs a tight agency. The Budget Bureau and most congressmen admire the exceptional tidiness of his annual budget. Aerospace executives, even in private, have a high regard for Webb and his unusual ability not only to pick good men for his staff but also to generate a degree of loyalty and dedication that is rare in government service.

Probably the main reason why Webb has not been swamped has been his deliberate policy to be ready and quick to change his management structure, personnel, and procedures.

Webb's concept of his job, in effect, is to adjust management procedures as often as necessary to keep up with the ever changing nature of NASA activities.

While concentrating on the moon landing as its immediate objective, NASA plans to build its longer-term operations around such unmanned probes as Voyager to study conditions on other planets, the development of nuclear engines for very distant manned flights, and its Apollo Applications program.

At the same time, Webb wants to undertake extensive earth "sensing" experiments to develop the use of satellites for such observations as surveying crop conditions, locating ore deposits and schools of fish.

If Jim Webb has his way, the space program will soon enter a phase of considerable commercial utilization, in addition to the advances it already has contributed to communication and weather forecasting. Also, the program he proposes, while less exotic than putting men in space for exploration, will preserve as much as possible of the new scientific and industrial capability and, most of all, the management structure that NASA has created.

JAMES WEBB: OUR MAN IN SPACE

News stories announced these space events in recent days:

The last in a series of Lunar Orbiter spacecraft was launched to seek out possible landing sights on the moon for astronauts.

New safety features and procedures for the Apollo spacecraft were explained.

A joint Senate-House Conference Committee has agreed on a compromise space budget for next year.

Five of eleven new astronauts were named.

In one way or another, James Edwin Webb has a role in all of these events. For Webb is the highly capable director of the National Aeronautics and Space Administration, a multi-billion dollar government operation.

The extent of Webb's domain, the types of problems he faces, and the procedures he uses to solve them are examined in detail in an article from Fortune magazine on this page today. But even this material does not touch all the bases that Webb does.

"The best administrator I've got is Jim Webb," President Johnson reportedly said recently.

The darkest mark on NASA's record was the tragic Apollo ground fire that took the lives of three American astronauts. Prepared for almost anything in space, the space experts had somehow overlooked the on-ground dangers. That damaged the prestige of NASA and of Webb.

But with considerable swiftness since that tragedy, new precautions have been taken for ground "practice runs," new safety equipment has been added to the spacecraft itself, and new management procedures are being followed for the entire program in hopes of avoiding further mistakes. In short, Webb seems to have put the program back on solid footing.

The U.S. space program has led to a whole new series of advances in scientific technology—and in places as far removed from space as the kitchen. At the same time, it is reaching ever closer to the moon.

No small part of all this miracle is owed to James E. Webb—a truly remarkable man. The nation shoud be grateful for his contributions.

PRESIDENT JOHNSON'S TAX PROPOSALS—A CHOICE BETWEEN HIGHER TAXES OR INFLATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALBERT. Mr. Speaker, the Associated Press' financial writer, Joseph R. Coyne, has offered a sound analysis of the President's recent economic message.

He finds that Congress faces the choice

between inflation or higher taxes—a "variation of the old law of supply and demand."

The economic effect of a potential budget deficit of $29 billion, he finds, is "when the supply of goods is plentiful and the demand low, the price will be low. But when the supply is short and the demand high, the price will rise. The same law applies to financing a deficit."

Without this hike, the danger of inflation is also very real.

With extra money floating around in the economy, the demand for goods and services would increase and prices would rise—

He writes, adding:

The idea behind rising taxes is to keep the economy on a more balanced course, stemming some of the demand a $29 billion deficit would create.

I insert into the RECORD Mr. Coyne's informative article from the Anchorage Daily Times:

[From the Anchorage Daily Times, Aug. 9, 1967]

THE CHOICE: HIGHER TAXES OR INFLATION

(By Joseph R. Coyne)

WASHINGTON.—Inflation or higher taxes—a variation of the old law of supply and demand—is the choice President Johnson gives Congress in urging adoption of a 10 per cent income tax surcharge.

Failure to approve higher taxes, the administration contends, could only lead to spiraling inflation.

The economic effect of a potential budget deficit of $29 billion—the ultimate possible figure presented by Johnson—is governed in a free economy by a basic law of economics.

Briefly stated, when the supply of goods is plentiful and the demand low, the price will be low. But when the supply is short and demand high the price will rise.

The same law applies to financing a deficit.

The administration can cut spending to trim the potential deficit, a course urged strongly by some Republicans. Beyond that, however, it must borrow money or raise taxes, or both.

With higher taxes and spending cuts, Johnson says the deficit can be cut to between $14 billion and $18 billion. It's this amount which must be borrowed.

A $29-billion deficit covered by borrowing, government economists say, would only result in more inflation with its higher interest rates and higher prices.

One top government official said prices are expected to rise further in coming months—but not as much as last year—even if taxes are raised.

Here basically is what government economists think would happen if the deficit reached $29 billion:

The federal government would be forced to borrow the money in a market where interest rates already soared to near last year's heights because of heavy borrowing by corporations and state and local governments.

Because of the law of supply and demand this would push interest rates even higher.

Money would be diverted from the mortgage market into these more lucrative investments and the housing industry, now struggling to recover from last year's depression, would suffer a severe setback. This would mean unemployment and fewer paychecks in the construction industry.

It would also send the cost of mortgages rocketing skyward again because the supply of mortgage money would be below the demand.

The Federal Reserve Board, as an alternative already rejected by both the board and the administration, could expand the nation's money supply through its regulation of national bank and securities transactions. This would cover the increased borrowing but would have an extreme side-effort—heavy inflation.

With extra money floating around in the economy, the demand for goods and services would increase and prices would rise.

A wage-price spiral would result as labor tried to offset higher prices with demands for higher wages.

The idea behind raising taxes is to keep the economy on a more balanced course, stemming some of the demand a $29 billion deficit would create.

IS SOCIAL SECURITY TO BE A HANDOUT?

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BOGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BOGGS. Mr. Speaker, I insert in the RECORD a splendid column by Miss Sylvia Porter, a noted syndicated columnist and economics reporter, from the Evening Star of August 15, 1967.

Miss Porter's column clearly answers the erroneous charges that social security benefits will be provided on the basis of need and that the social security system funds have been raided.

Mr. Speaker, periodically, these false charges are circulated. There is no truth to them.

Social security is financially sound. The system is actuarially sound.

The social security system is well administered, and it pays benefits to more than 23 million citizens every month. It is truly a program we can be proud of.

I would like my fellow colleagues to have the benefit of Miss Porter's column of August 15 in the Evening Star. The column follows:

IS SOCIAL SECURITY TO BE A HANDOUT?

(By Sylvia Porter)

Will the amount of Social Security benefits you can expect to receive when you retire be based on the amounts you have contributed in Social Security taxes over the years—or will the benefits be handed out simply on the basis of need, the way public welfare funds are handed out?

Will our Social Security System remain a sound, self-financed insurance system—or will U.S. Treasury funds be raided to help cover the cost of Social Security benefits?

These are among the questions now being raised by the U.S. and local chambers of commerce. Local chambers are now urging us to write, call or wire our congressmen and demand rejection of proposals in the Social Security bill which, the chamber says, "would convert Social Security into a welfare-type program to help fight the 'war on poverty.'"

AN EARNED RIGHT

The charges are so serious and so fundamental that they cry out for objective analysis. To be specific:

Charge: Social Security benefits will be paid on the basis of need.

Explanation: Social Security benefits have always been a matter of earned right—through the contributions we make. A basis of the above charge is a provision in the House bill to raise the minimum benefit for retired workers from $44 to $50. The goal of this proposal is to pay a slightly more meaningful benefit to the relatively few workers who did not have the opportunity before retirement to make full contributions to the system because they were too old when the system began or because their occupations were not covered by Social Security until recently. Preferential concessions to older workers are made at the start of many private pension plans.

Charge: U.S. Treasury funds will be "raided" to pay for new benefits proposed under the Social Security bill—undermining the original principle of a self-financing system.

Explanation: Under the present version of the bill, special benefits for workers aged 72 or over who were unable to work long enough under Social Security to qualify for regular benefits would be raised from $35 to $40 a month—and Treasury general funds would be used to pay the cost of this increase. However, there is under present law a rigid time limit on eligibility for this special benefit: nobody who reaches 72 after 1967 would qualify. The purpose of the proposed raise—as was the purpose of "blanketing in" this group through previous amendments—is to fill a small gap in the system, not to set a precedent.

THREE TRUST FUNDS

Charge: The Social Security contributions we are now making actually are going into general Treasury funds.

Explanation: All Social Security taxes American workers and their employers are now paying and are scheduled to pay in the future are, by law, deposited in three huge trust funds. These funds may be spent only to pay Social Security benefits and administrative costs. Amounts not needed to meet current needs are invested in U.S. Government securities to earn the going rate of interest, and in times of high interest rates—such as now—the Social Security funds make out very well indeed.

Today an estimated 5.5 million Americans are being kept out of poverty by their Social Security benefits. Today some 3.4 million children under 18 are being kept out of orphanages—again by Social Security benefits.

These "side effects" of the Social Security system are entirely consistent with the system's original purpose of preventing dependency and destitution in old age.

PRESIDENT JOHNSON'S SCHOOL BOARD PROPOSAL FOR THE DISTRICT DESERVES THE STRONG SUPPORT OF THE 90TH CONGRESS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALBERT. Mr. Speaker, President Johnson today has submitted to Congress an important proposal to improve the education of 150,000 schoolchildren in the District of Columbia.

This proposal is a step forward from the reorganization plan now in the books—a step to modernize the structure of the District's education system by providing for the popular election of its school board.

The President has proposed the creation of an 11-member school board—eight members to be selected by their neighbors and three elected at large.

These members must be District residents for at least 4 years and reside in the school electoral districts for at least 1 year.

Washington is one of the few cities in the country which does not enjoy the right to select its own school board. I believe this proposal will not only remedy an injustice, but will also provide a voice for direct citizen participation in the operation of local schools.

This proposal is fair, just, and progressive. I believe the 90th Congress will strongly support a new plan for District progress—and one so fundamental to the public's welfare.

PRESIDENT JOHNSON'S PROPOSAL FOR DISTRICT OF COLUMBIA BOARD ELECTIONS DESPERATELY NEEDED TO INSURE SOUND EDUCATION IN WASHINGTON

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BOGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BOGGS. Mr. Speaker, the 90th Congress will be long remembered by the 800,000 residents of the District of Columbia who have supported reorganization of the city's government.

This reorganization plan is now a reality. And today, President Johnson has proposed a further step to modernize another vital aspect of our community's life—its school system.

The President has proposed the creation of an 11-member elected school board that will enable District residents to have a direct voice in the operation of their schools.

This proposal is desperately needed because, as President Johnson notes:

> No other city in the Nation conducts the fundamental school board selection in a manner which so isolates the school system from the community it serves.

This Congress is firmly on record that it believes in good and representative government for the District. I believe the majority of our members will embrace the President's school board proposal with the same spirit and dedication.

MR. HAMILTON'S STATEMENT IN SUPPORT OF AMENDMENTS TO THE INTERSTATE COMMERCE ACT, MODERNIZING REGULATIONS OF BARGE TRAFFIC

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HAMILTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HAMILTON. Mr. Speaker, today I introduce a bill which will give much-needed relief to the Nation's bargelines.

Carrying over 9 percent of the Nation's intercity freight, barges have increasingly become one of the most efficient elements in the Nation's transportation system. Today the average towboat can propel twice as much cargo as was possible only a decade ago. The result is lower costs to producers. Between 1960 and 1966 freight rates for barges dropped from $2.56 per ton to $2.31 per ton.

A key factor contributing to this record of high efficiency has been the ability of bargemen to haul different kinds of goods simultaneously—whether these items were exempt from ICC fees or not. If one cargo—for example, steel pipes—were subject to regulation, the barge operator paid those fees. He did not, however, have to pay a surcharge on items normally exempt, even though his tow might mix regulated and nonregulated materials.

Unfortunately, a recent interpretation of section 303(b) of the Interstate Commerce Act would make barge operators liable to a charge on normally exempt cargo, if any regulated items are included in the tow.

The upshot of this ruling is clear: larger carriers will be forced to segregate regulated and exempt commodities, resulting in smaller, costlier tows. In a time of great technological innovations in both our waterways and our towing capacities, such a restriction makes no sense at all.

I therefore join with my distinguished colleagues, Messrs. BOGGS, ADAMS, and CABELL, in seeking to amend the disputed section 303(b) to allow the carriers to mix regulated and nonregulated cargoes, without incurring charges for those materials normally exempt by law.

Mr. Speaker, American barge companies have staked much of their future on the improved opportunities which only the new technology can provide. To realize the benefits of increased productivity and continue the trend toward lower costs, I urge the House to act favorably on this proposal.

TRIBUTE TO CONGRESSMAN MINISH

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HELSTOSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HELSTOSKI. Mr. Speaker, I would like to take this opportunity to pay tribute to a colleague of mine, one of New Jersey's ablest Congressmen. I refer to the Honorable JOSEPH G. MINISH, who represents the 11th Congressional District of New Jersey with dignity and honor.

JOE MINISH was a prime factor in obtaining recently more modern and comfortable air transportation between Washington and Newark, N.J. He fought for this modern mode of transportation for some time.

The main passenger carrying line, Eastern Airlines, provided this profitable shuttle service to its patrons with mostly early model equipment, until JOE MINISH took upon himself to stir this airline into action to provide better facilities and plane accommodations. Several days ago we saw the culmination of his efforts when Eastern Airlines announced that certain flights between our Capital City of Washington and Newark had been replaced by jetplanes which will provide faster, safer, and more comfortable service between these two points.

Mr. Speaker, by his persistent and vigorous actions, Congressman JOSEPH MINISH not only served his own New Jersey constituents, but also aided the New York-bound traveler who uses Newark as his departure or arrival point. He should have the gratitude of all the people who use the Newark-Washington terminals, for they are now enjoying faster, quieter, and safer service.

But this is typical of Congressman MINISH, for he is a person who gets things done. He has shown this in the present instance and many times in the past in other matters. He is a valuable Member of this House and a definite asset to his congressional district. I am pleased to number him as one of the great legislators in this distinguished House and one of my most helpful colleagues.

In tackling this problem of modern, safe, and rapid plane travel between our Nation's Capital and the Newark terminal, Congressman MINISH had to convince a powerful public carrier of the necessity of a move for better plane travel. This was not an easy task, but with perseverance and constant watchfulness over progress in this respect,

Congressman MINISH finally won out. For his effort we should express our deepest thanks.

AN ELECTED DISTRICT OF COLUMBIA SCHOOL BOARD

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FRASER. Mr. Speaker, I am pleased that the President has joined in support for an elected school board for the District of Columbia. Yesterday a majority of the members of the House District Committee, lead by our chairman, introduced legislation to provide an elected 11-member board. With everybody united behind this proposal, I am hopeful it can be speedily adopted so that next year the citizens of Washington can elect their school board members.

The District of Columbia public schools are not all that we would like them to be. But there is hope that they will be significantly improved in the near future if certain steps are taken. First, the Congress must provide additional money for the schools, and provide it before the school year begins so that it can be used most effectively. Second, the present school board must be able to choose and attract a new superintendent who will change some of the outmoded practices of the District of Columbia schools. Finally, the needed capstone is an elected

school board, so that each family is given the basic right to be represented in the policymaking body that controls the direction and progress of their schools.

If these three steps are taken we can begin the journey toward the goal of the District of Columbia public schools becoming a model for the rest of the Nation.

RELIGIOUS LEADERS RUSH TO THE AID OF OEO

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROONEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ROONEY of New York, Mr. Speaker, an impressive review of the broad religious support for the President's strategy against poverty was developed by the Religious News Service and carried in the Catholic Messenger of July 20.

I shall include the entire article in the RECORD, but first I would like to give emphasis to two important points made with respect to the overall effort of the Office of Economic Opportunity.

First, the article states:

Between the revolutionary and patronizing, the war on poverty effort represents a compromise which tries to steer a realistic middle course among partially conflicting objectives.

And, second, the article points out:

The basic point of difference (with established programs) lies in OEO's self-help concept, which aims to go beyond the distribution of needed supplies and to help aid recipients to become self-sufficient. Unlike traditional programs, the OEO, attempting to attack the roots of the poverty problem, aims ultimately at eliminating itself.

I stress these points to my colleagues, Mr. Speaker, because I feel they reflect a sound philosophy this House can support in carrying the attack on poverty forward under OEO.

The article—"Religious Leaders Rush to the Aid of OEO"—follows:

RELIGIOUS LEADERS RUSH TO THE AID OF OEO

Religious leaders who support government anti-poverty programs have received an unexpected assist.

Evangelist Billy Graham became the latest ally enrolled in the War on Poverty when he announced, in Washington, D.C., that he is "a convert" to the cause. He had opposed the War on Poverty when it began, he said, but, after studying what the Bible said about poverty and investigating the programs of the Office of Economic Opportunity, "now I am for it."

His endorsement came at a time when the OEO seemed to be facing serious trouble in Congress, with proposals for drastic budget cuts reinforced by other proposals that the OEO should be dismantled and its program divided among other agencies.

Despite some philosophical or programmatic disagreements in various areas, religious approval of the OEO has been widespread since the program began. It is focused chiefly in the Interreligious Committee Against Poverty, an agency jointly sponsored by the National Council of Churches; the U.S. Catholic Conference; the Synagogue Council of America and cooperating Jewish organizations.

At a meeting in June, the ICAP endorsed the $2.06 billion budget submitted to Congress by President Johnson for OEO's programs next year. It opposed Republican proposals for the disbanding of the agency, along with the proposal that poverty areas should supply more of the funds for OEO projects and that, more money be allocated for research.

Although Billy Graham's "conversion" is symptomatic of a large and growing religious consensus on the need to combat poverty, there are still wide divergencies of approach to the problem.

At one end of the spectrum, community organizer Saul Alinsky has repeatedly told churchmen that they are "scared of the word 'revolution'" and that they must engage in a power struggle with the social structure.

Traditionally, the religious approach to the problem of poverty has emphasized voluntary giving, an attitude whose overtones some of the recipients seem to resent.

Between the revolutionary and patronizing, the War on Poverty effort represents a compromise which tries to steer a realistic middle course among partially conflicting objectives.

A survey of opinions expressed in the press indicates that a remarkably large number of religious leaders still find the American people's commitment to anti-poverty efforts inadequate.

Typical of this attitude is a recent statement by Richard Cardinal Cushing, Archbishop of Boston, who criticized "an air of self-satisfaction among Americans" on the poverty issue.

"It is very hard," he said, "to tell them that they have just scratched the surface and have not even begun to face the real problems."

A similar dissatisfication was expressed by the Anti-Poverty Task Force of the National Council of Churches, which called the War on Poverty "an urgent national priority" but added that "some programs have not been completely satisfactory."

"However," the statement added, "the effectiveness of the program has generally been limited only by the legal mandate, available funds and some local abuse."

One advantage of the War on Poverty over traditional welfare programs was pointed out recently by Archbishop James P. Davis of Santa Fe. Conventional relief and welfare programs, he said, "tend to make relief a way of life." He hailed OEO programs as "a frontal assault on the poverty problems in this country."

The basic point of difference lies in OEO's self-help concept, which aims to go beyond the distribution of needed supplies and to help aid recipients become self-sufficient. Unlike traditional programs, the OEO, attempting to attack the roots of the poverty problem, aims ultimately at eliminating itself.

Philosophical overtones of this approach, much discussed among social workers, received a semipublic airing in a statement by Bishop Edward E. Swanstrom, executive director of Catholic Relief Services. Bishop Swanstrom praised the "self-help" concept but noted that in many areas and many individual cases the providing of basic necessities of life is still a prime objective.

Bishop Swanstrom's remarks recognized that besides those who can be given training, jobs, health care and other services which will make them finally self-sufficient, there is a significant proportion of welfare recipients in the U.S. who must be permanently supported by society. The statement of Jesus, "the poor you have always with you," remains statistically accurate and shows no signs of being bypassed by history.

Besides self help, probably the most significant new element in OEO projects is the participation of the poor in the planning and management of antipoverty programs. This innovation, supported by many religious spokesmen, has been accepted by OEO as part of its basic philosophy, though its implementation still raises controversy in some areas. The concept is closely related to two parallel and interlocking social drives which seem sure to develop further in the future: the organizing of the poor into pressure groups by Saul Alinsky and others who have adopted his style and the parallel but more specialized movements which take "black power" as their slogan.

While conservative congressmen still express fear of what they consider "socialistic" overtones in the War on Poverty, the program is sometimes assailed from the other side by spokesmen for the poor. Their objections, directed either against a particular project or against the overall anti-poverty effort, criticize limitation of objective and frequently view the War on Poverty as a new way of making the poor adapt to the standards of the middle class.

The implementation of programs, through structures which already exist and have been "corrupted" by their alliance to the status quo, is also criticized.

One such objection was stated recently in Cleveland by Phillip Mason, director of community development for the Head Start program of the Cleveland Council of Churches.

"If you channel poverty money through a crooked political system," he said, "it will do no good. If funds are not controlled by the people in the ghetto then the poverty program is not working."

"Black power" advocates, still a relatively small group and widely dismissed as extremists, speak to some extent for a much larger group whose attitude on poverty shuns racial overtones. The basic point of agreement is a belief that programs which will enable the poor to function effectively in the present social structure are not the final answer to poverty.

What these groups envision is a direct assault on the social structure itself, to eliminate the conditions which have perpetuated poverty and social division in the past. Among the basic objectives of this movement is a redistribution of economic power. Related to this objective, and probably more readily attainable, is the much-discussed idea of a "negative income tax" which would guarantee a certain minimum annual income to every American.

At present, these objectives lie in the distant future, if indeed they are even possible. But they motivate a significant element at one extreme of a nationwide alliance dedicated to eliminating a major social problem.

The enrollment of Billy Graham in this effort, on terms which are still not fully defined but which certainly differ from those of Saul Alinsky, indicates how the support for a War on Poverty is growing. The full effect of this consensus on America's future will not be felt for some time—probably not until after our other war,—the one in Vietnam, has ended.

McCARTHY WARNS OF WAR WITH CHINA: URGES DEESCALATION, NEW U.S. PEACE INITIATIVES, CONCENTRATION OF ACUTE DOMESTIC ILLS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MCCARTHY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. McCARTHY. Mr. Speaker, like many of my colleagues, I am dismayed at the recent escalation of the war in Vietnam. We are now bombing within 10 miles of the border of Communist China. I seriously doubt the wisdom of these raids so close to the border. They sharply increase the possibility of a confrontation with China.

Indeed, they fit precisely into the incessant anti-American line being fed to the Chinese people by Chairman Mao Tse Tung. The effect of this drumfire propaganda on the minds of the Chinese, particularly the youth, was graphically illustrated last night in an hour-long CBS news special.

If Scripps-Howard staff writer Jim G. Lucas is correct, the latest raids are only a prelude. Mr. Lucas yesterday said the U.S. Air Force and Navy will carry the air war to other until-now untouched targets in the weeks ahead.

Mr. Speaker, it is my belief that the United States should be deescalating the conflict rather than escalating it.

I believe the time has come for the administration to resume the initiative to engage the United Nations Security Council in a Vietnam debate. The U.S. *resolution on this* matter has been before the Security Council since January 1966.

I would also like to see the United States halt strategic bombing of Vietnam and concentrate solely on tactical bombing. The latter, I believe, should be concentrated into military air actions to interdict the supply lines of the North Vietnamese on and around the 17th parallel.

I agree with the New York Times editorial of Sunday, August 13, which declared:

> We remain convinced that there is no cheap or easy way to "victory" through aerial bombardment or tightened naval blockade. . . . The wiser course, in our judgment, is to substitute a renewed search for roads to the negotiating table for the delusive notion that either side in Vietnam is going to "win" on the battlefield. Our faith in that approach is not destroyed by the lack of success that has attended past peace bids, even when accompanied by halts in the bombing.

But I also agree with the Times view that—

> To pull out of Vietnam without any workable arrangements for its future stability would be not only a disastrous humiliation for the United States but a fundamental upset to world balance.

The only tenable exit, as the Times also said, is through a negotiated accord. The setting for another peace try should be right as soon as the South Vietnamese elections are over provided the time between now and then is used to remove the clouds that befog those elections.

Last week I joined with 56 of my colleagues in the House in calling upon President Johnson to warn the South Vietnamese military junta that unless it allowed a fair presidential election the United States might "undertake a serious reappraisal of its policies in Vietnam."

Mr. Speaker, I believe that recent events in the United States accentuate the necessity for a prompt and early negotiated settlement of the Vietnam war. That war is now costing the United States $70 million a day. It is having adverse consequences on our national economy. Our domestic programs are grossly underfunded.

The time is long past due for the United States to tackle its acute domestic problems. Solutions to these long-festering problems were postponed by World War II, by the cold war, the Korean war and the Vietnam war. But we can no longer wait.

The United States today faces the gravest domestic crisis in over a hundred years. We have civil disorders in our cities, underpaid police, polluted air, polluted rivers and lakes, rat-infested slum housing, unsafe highways. The list goes on and on.

Hobart Rowen of the Washington Post this week presented figures pointing up the immense spending on the war vis-a-vis what we are spending on certain domestic programs. He estimates that of a $44 billion increase in the projected fiscal 1968 budget, $29.7 billion has gone to defense, all but $3.8 billion of which was for Vietnam. That is a $26-billion increase for Vietnam against increases in the following items,

First. For public housing—$600 million.

Second. For other low-rent housing—$600 million.

Third. For secondary and elementary education—$1.4 billion.

Fourth. For aid to the blind, elderly, dependent children, and so forth—$1.4 billion.

Fifth. For the antipoverty program—$1.6 billion.

There can be no doubt that at a moment of great national crisis the Government finds itself severely limited on what it can spend at home by the many billions of dollars it has committed the Nation to spend in Southeast Asia.

The current controversy over the President's tax proposals has brought home the message that the United States, powerful and rich as it is, cannot do everything that must be done. I believe our domestic problems should be given top priority.

As Ronald Steel declares in his book, Pax Americana:

> America's worth to the world will be measured not by the solutions she seeks to impose on others, but by the degree to which she achieves her own ideals at home.

HOW TO MAKE 50 MILLION TAXPAYERS A LOBBY FOR TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. REUSS], is recognized for 40 minutes.

Mr. REUSS. Mr. Speaker, for a long time many of us have been urging the administration to raise a substantial part of the additional revenue needed to meet fiscal 1968 expenditures by plugging tax loopholes rather than by a general across-the-board tax increase, such as the President again requested on August 7.

Raising the needed revenue by tax reform would have a double advantage.

REDUCING THE INEQUITIES

In terms of tax policy, it would reduce the inequities in our present tax system, placing the burden of high taxes on those who now escape paying their fair share.

In 1964—the latest year for which the Internal Revenue Service has figures—19 of the 482 taxpayers reporting an income of $1 million or more paid no income tax. The remaining 463 paid less than 30 percent of their income in taxes, even though the tax rate for all taxable income in excess of $100,000 is 70 percent.

MINIMIZING DEMAND—DAMPENING

In terms of fiscal policy, raising additional revenue by tax reform, rather than by a 10-percent surtax, would avoid as much as possible the slowing down of economic growth and the increase in unemployment which would ensue from the proposed surtax. The surtax, to the extent that it cuts down on the spending power of consumers, and of investors in real plant and equipment, inevitably slows down growth and jobs—at a time when our industrial capacity is utilized at only around 85 percent, and when unemployment is up to around 4 percent. A tax reform proposal, on the other hand, could raise large sums needed to repair the Treasury revenues in a manner which is at once the most equitable, and the most likely to reach presently untaxed income that goes not into consumption or into productive investment, but into speculation in the stock market, commodities, real estate, and in investment overseas. Thus, tax reform commends itself as the fiscal method of raising the most revenue while doing the least harm.

What would be a good tax reform package? A package that I offer for consideration would include treatment of nine tax loopholes. Action to stop the drain of revenue from these nine sources would provide additional revenues of at least $4 billion a year—roughly equal to the $4.3 billion of additional revenue projected from the proposed 10-percent surcharge on individuals.

A NINE-POINT PACKAGE

Here are at least nine leaks in the present tax system:

First. Untaxed capital gains: Savings $2.5 billion.

Let us start with the biggest of what Senator Douglas used to call tax "truck holes."

The Federal revenues this year will be $2.5 billion smaller because capital gains income on appreciated property when it is passed on from generation to generation legally escapes all taxation. If taxpayer sells for $15,000 stock which he bought for $5,000, his tax—at maximum 25 percent capital gains rates—will be $2,500. If he delays a day and dies owning the stock, neither he nor his heirs will pay any income tax, and Uncle Sam will be out the $2,500.

This loophole greatly favors those who have large amounts of accumulated wealth to pass on to the next generation.

Moreover, the anticipation of a tax-free transfer of appreciated property has the unfortunate effect of locking-in in-

vestment funds which would normally follow investment opportunities. Instead of selling and reinvesting, older people freeze their investment portfolios to save paying capital gains tax.

This income tax loophole can be closed, accompanied by conforming amendments. It was a part of the tax reform program President Kennedy sponsored in 1962. I am told that at one point it was approved by the Ways and Means Committee, only to be subsequently lost before the final version of the bill was reported.

Second. Unlimited charitable deduction: Savings $50 million.

A painless way to raise $50 million is to abolish the little-known unlimited charitable deduction.

The ordinary taxpayer may not deduct more than 30 percent of his income for his contributions to charity, no matter how much he gives. Not so with the millionaire looking for a tax dodge. A special dispensation in the tax law allows him to deduct gifts to charity without limit if in 8 of 10 previous years a total of 90 percent or better of his taxable income has been given to charity or paid in taxes.

This provision does not require that the millionaire give away or pay in taxes 90 percent of his actual income for nearly a decade to qualify.

For example, to qualify for the unlimited charitable deduction a high-bracket taxpayer with a taxable income of $1 million may give away and pay in State and local taxes 90 percent of his income, or $900,000. But if he manages his affairs well, his $1 million of taxable income will not include a large amount of tax-free interest which he receives on municipal bonds he owns and or one-half of his sizable capital gains income from his investments. In this way he can virtually escape paying income taxes, while giving away or paying in taxes substantially less than 90 percent of what he earns.

Third. Stock options: Savings $100 million.

As a result of the stock option loophole, top executives of large corporations are able to receive part of their pay at favorable capital gains rates.

Here is how it works. If a corporation rewards an executive with a bonus or a raise, he must pay income tax on these at ordinary tax rates. If, however, the corporation rewards him by giving him an option to purchase its stock, the profit the executive receives upon selling the stock is taxed as a capital gain, at a maximum tax rate of 25 percent.

On account of this tax break, stock options have become very popular with large corporations, such as Chrysler Corp. In 1958, Chrysler gave its top executives options to purchase shares of its stock. They exercised the options in 1963, receiving Chrysler stock on which they realized a profit of nearly $4 million. This doubled the nearly $4 million in salaries and bonuses they had received in the 6 years from 1958 through 1963.

But, instead of having to pay income tax at regular rate up to 70 percent on the $4 million profit they received from the sale of the stock, the Chrysler officials only paid income tax at the maximum 25 percent capital gains rate.

As a result of President Kennedy's 1962 request that the stock option loophole be abolished, the Revenue Act of 1964 tightened up the terms qualifying business executives for this privileged treatment. The privilege, however, still remains. It is time to ring down the curtain on it.

By so doing, the saving to the Treasury could well be $100 million.

Fourth. One hundred dollar dividend exclusion: Savings $200 million.

In 1964, one out of every seven taxpayers got a tax break which his fellow taxpayer did not. The lucky ones were generally the high-bracket taxpayers who invested in stocks. They paid no tax on the first $100 of dividends which they received. By contrast, their neighbor who put his money in a savings and loan or in Government bonds, paid income tax on all the interest paid him.

The dividends exclusion was first written into the tax law in 1954. The ostensible reason was to compensate for the "double taxation" of dividends which are taxed first to the corporation as corporate income and then again as a dividend when distributed to the taxpayer.

The logic of the double taxation argument would lead to the conclusion that all dividends should escape tax. Uncle Sam would then lose over $2.4 billion in taxes instead of the $200 million he now loses on account of the 400 exclusions. But even the strongest proponents of the 1954 dividend exclusion did not think this appropriate.

Corporations and their shareholders are separate taxable entities. Enterprises are, in fact, incorporated for the very purpose of limiting the owner's liability by separating his income and assets from those of the corporation. Thus, I see no injustice in taxing the owner's and the corporation's incomes independently.

Double taxation, moreover, is a fact of life. Excise, sales, and use taxes, for instance, are often pyramided on top of each other. The amount of the sales tax on a car, for example, is in part attributable to taxes on the parts which went into it.

Abolishing this special privilege for shareholders would increase Treasury revenues by $200 million.

Fifth. Multiple corporations: $150 million saving.

A popular way to avoid high tax rates is to divide the income from one source among a number of largely fictional taxpayers. Dividing a single business enterprise into a number of separate parts for tax purposes has long been a disorder of the corporate world. Since the first $25,000 of corporate income is taxed at a 22-percent rate and the remainder at 48 percent, it is a decided advantage, for example, to have four corporations reporting taxable income of $25,000 each rather than one corporation reporting $100,000.

In a June 20 speech, Assistant Secretary of the Treasury Stanley S. Surrey said that where a single enterprise is involved, it should be taxed as a single enterprise, regardless of how many subsidiaries it is divided into or of whether the division was made for legitimate business or for purely tax reasons.

Ignoring the multiple corporate parts of a single business enterprise would save the Treasury $150 million annually.

Sixth. Municipal industrial development bonds—savings $50 million.

Cities throughout the country are today issuing municipal bonds, bearing tax-free interest to finance industrial plants and commercial facilities for private, profitmaking corporations.

The usual method by which cities pass their tax benefits to private corporations is to issue bonds to construct a plant in accordance with the corporation's specifications and then to lease the structure to the corporation, using the rental payments to retire the bond. Because the city's bonds are tax free, their interest rate is lower than the interest rates on bonds which the corporation could issue. The corporation reaps the advantage of the low tax-exempt interest rate.

Unlike ordinary tax-exempt municipal bonds which finance at lower tax-exempt interest rates needed public facilities, such as schools, roads, sewers, hospitals, or airports, these municipal industrial development bonds have no redeeming virtue. They are simply an unintentional Federal subsidy to private industry. Plugging this loophole would save the Treasury at least $50 million a year.

Seventh. Reduce the mineral depletion allowance from 27½ to 15 percent on oil and from 23 to 15 percent on 41 other minerals: Savings $800 million.

The most celebrated of tax loopholes is the oil depletion allowance. This allowance spares the oil millionaire from paying income on the first 27½ percent of the gross income from his oil wells—so long as it does not exceed 50 percent of his net income.

In 1964, as a result of this provision, the five largest U.S. oil refiners paid the following percentages of their income in Federal income taxes: Standard Oil of New Jersey, 1.7 percent: Texaco, 0.8 percent; Gulf, 8.6 percent; Socony Mobil, 5.9 percent; Standard of California, 2.1 percent—these tax payments in a year in which corporate taxes rates were 48 percent.

The percentage depletion allowance runs as long as the oil well is producing, bears no relation to investment, and, as a consequence, permits recovery of tax-free income far in excess of actual investment. In fact, the Treasury has recently disclosed that, on an average, the cost of an oil well is recovered 19 times over by the depletion allowance.

If depletion were not computed on a percentage basis, but were, like ordinary depreciation, limited to the cost of the oil well, it would not be objectionable. The income tax is a tax on income, not on capital which is used up.

Ideally, then, percentage depletion should be replaced with cost depletion. But since I am offering a tax reform package which I believe can be enacted, I would suggest only that the percentage depletion allowance be reduced by less than one-half, from 27½ percent to 15 percent, the percentage now applicable to over 40 other minerals.

I would, at the same time, reduce to 15 percent the mineral depletion allowance on 41 minerals now enjoying a 23-

percent depletion rate. These reforms would put a ceiling on all percentage depletion of 15 percent.

In his 1950 tax message, President Truman said:

I know of no loophole in the tax laws so inequitable as the excessive depletion exemptions now enjoyed by oil and mining interests.

He then proposed in that year, and again in 1951, to limit the mineral depletion deduction to 15 percent.

The revenue gain from this modest reduction of a special privilege would be at least $800 million annually.

Eighth. Establishing the same rate for gift and estate taxes: Savings, $100 million.

Present tax law places a premium on a person giving away his property during his lifetime. Three thousand dollars can be given away annually to each of any number individuals without paying gift tax. Over and above these amounts, $30,000 can be given away by a person during his lifetime without paying gift tax. Finally, any taxable gift is taxed at only three-quarters of the estate tax rate on property which is transferred at death.

I propose here a simple 25-percent increase in gift tax rates so that property given away is taxed at the same rate without regard to whether it is given during the donor's lifetime or at his death.

On June 20, Assistant Secretary Surrey called for a major overhaul of the gift and estate taxes in order to eliminate this and other inequities. One hundred million dollars in revenues could be gained quickly by the reform which I propose.

Ninth. Payment of estate taxes by the redemption of Government bonds at par: Savings, $50 million.

If upon death you face a $100,000 probable estate tax bill and have a smart lawyer, he will advise you to buy $100,000 long-term U.S. Government bonds. Why? Because the U.S. Treasury will redeem its bonds at par in payment of estate taxes, no matter what you paid for them. If you, for example, buy Government bonds for $80,000 and turn them in at $100,000, you reduce your estate tax bill by *20 percent.*

Uncle Sam loses $50 million a year as a result of his little known generosity.

There they are—nine pluggable loopholes which add up to $4 billion in annual tax savings.

The number of individual taxpayers who would find their taxes increased by these nine reforms is a small fraction of the 53 million who annually file taxable returns. Most would have taxable incomes of $20,000 or more; in 1964, these people represented 2.4 percent of all such taxpayers, roughly 1.2 million. Hardest hit would be taxpayers making $100,000 or above—one-tenth percent, or 35,000 taxpayers.

A NATION OF LOBBYISTS FOR TAX REFORM

It will take time, and tugging and hauling, to enact these needed tax reforms. But I am convinced it can be done if the administration will propose a tax reform package of these dimensions.

We can create a lobby for tax reform of some 50 million taxpayers if we make it clear that the tax surcharge, if enacted, will be repealed as soon as, and to the extent that, the tax reform package is enacted and begins repairing our revenues. This can be done either by putting an automatic repealer on the tax surcharge or by limiting the duration of the surtax to July 1, 1968, while at the same time making it clear that if the tax reform bill is passed there will be no need to renew the surtax.

The 50 million taxpayers making less than $20,000 a year would rally to the tax reform cause, and convey the message to Congress as it never has been conveyed before.

Many Members have already voiced dissatisfaction with asking the low- or moderate-income taxpayer to pay more taxes at a time when the wealthy taxpayer escapes paying his fair share. By linking the tax surcharge and tax reform, we can repair our revenue system so that our future budgets can realize the dream of the new economics—a balanced budget at full employment without inflation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. REUSS (at the request of Mr. PRYOR), for 40 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ZION) to revise and extend their remarks and include extraneous matter:)

Mr. BROTZMAN, for 1 hour, Monday, August 21.

Mr. GOODELL, for 1 hour, Thursday, August 17.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. MATHIAS of Maryland to include extraneous matter in his remarks on the bill H.R. 2516.

(The following Members (at the request of Mr. ZION) and to include extraneous matter:)

Mr. CONTE.

Mr. LATTA.

Mr. BRAY.

Mr. KLEPPE.

(The following Members (at the request of Mr. PRYOR) and to include extraneous matter:)

Mr. KEE.

Mr. TENZER in two instances.

Mr. ZABLOCKI.

Mr. HANNA in two instances.

Mr. HOWARD.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1633. An act to amend the Act of June 12, 1960, relating to the Potomac interceptor sewer, to increase the amount of the Federal contribution to the cost of that sewer; to the Committee on the District of Columbia.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1111. An act to authorize the Secretary of the Interior to construct, operate, and maintain the San Felipe division, Central Valley project, California, and for other purposes.

ADJOURNMENT

Mr. PRYOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 59 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, August 17, 1967, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1004. A communication from the President of the United States, transmitting recommendations for legislation to permit the popular election of a school board in the District of Columbia (H. Doc. No. 158); to the Committee on the District of Columbia and ordered to be printed.

1005. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Missouri: Committee on House Administration. S. 281. An act to increase the amount of real property which may be held by the American Academy in Rome; with amendment (Rept. No. 557). Referred to the House Calendar.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10599. A bill relating to the Tiwa Indians of Texas; with amendment (Rept. No. 558). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BUCHANAN:

H.R. 12385. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 12386. A bill to amend title 38 of the United States Code to provide that certain veterans who were prisoners of war shall be deemed to have a service-connected disability of 50 percent; to the Committee on Veterans' Affairs.

H.R. 12387. A bill to amend title 38 of the United States Code to make the children of certain veterans having a service-connected disability rated at not less than 50-percent eligible for benefits under the war orphans' educational assistance program; to the Committee on Veterans' Affairs.

By Mr. DANIELS:

H.R. 12388. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 12389. A bill to amend section 212(a)(14) of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 12390. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 12391. A bill to amend the Internal Revenue Cole of 1954 to eliminate the percentage depletion method for determining the deduction for depletion of oil and gas wells; to the Committee on Ways and Means.

By Mr. KUPFERMAN:

H.R. 12392. A bill to provide Federal assistance for programs to send needy children to summer camp; to the Committee on Education and Labor.

By Mr. MONTGOMERY:

H.R. 12393. A bill to amend section 202 of the Agricultural Act of 1956; to the Committee on Agriculture.

By Mr. O'NEILL of Massachusetts:

H.R. 12394. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

By Mr. RESNICK:

H.R. 12395. A bill to amend the Elementary and Secondary Education Act of 1965 in order to provide assistance to local educational agencies in establishing bilingual educational opportunity programs, and to provide certain other assistance to promote such programs; to the Committee on Education and Labor.

By Mr. SHIPLEY:

H.R. 12396. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 12397. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. ZION:

H.R. 12398. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 12399. A bill to amend the joint resolution of October 23, 1965, relating to National Parkinson Week; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.R. 12400. A bill to amend chapter 113 of title 18, United States Code, to prohibit the transportation, use, sale, or receipt, for unlawful purposes of credit cards in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. BINGHAM, Mr. BROWN of California, Mr. COHELAN, Mr. FARBSTEIN, Mr. GIAIMO, Mrs. MINK, Mr. O'HARA of Illinois, Mr. O'NEILL of Massachusetts, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. ST. ONGE, Mr. VANIK, and Mr. VIGORITO):

H.R. 12401. A bill to accelerate the construction and rehabilitation of low- and moderate-income housing in the United States in order to fulfill the national goal declared in the Housing Act of 1949 of a decent home and a suitable living environment for every American family; to the Committee on Banking and Currency.

By Mr. HALEY (for himself, Mr. BERRY, and Mr. COHELAN):

H.R. 12402. A bill relating to certain Indian claims; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 12403. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 12404. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 12405. A bill to provide greater working opportunities for older workers, and for other purposes; to the Committee on Education and Labor.

H.R. 12406. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. SANDMAN:

H.R. 12407. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water or air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 12408. A bill to amend the Surplus Property Act of 1944 to authorize certain surplus property of the United States to be donated for park or recreational purposes; to the Committee on Government Operations.

H.R. 12409. A bill to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 12410. A bill to amend section 13a of the Interstate Commerce Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS of Maryland:

H.R. 12411. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 12412. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 12413. A bill to authorize the Secretary of Defense to make price adjustments in certain contracts for the procurement of silver military insignias for the Department of Defense; to the Committee on Armed Services.

By Mrs. GREEN of Oregon:

H.R. 12414. A bill to provide more equitable relocation payments to persons displaced by Federal-aid highway projects; to the Committee on Public Works.

By Mr. WYATT:

H.R. 12415. A bill to amend the act of June 20, 1906, and the District of Columbia election law to provide for the election of members of the Board of Education of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BROWN of Ohio:

H.R. 12416. A bill to amend the act of June 20, 1906, and the District of Columbia election law to provide for the election of members of the Board of Education of the District of Columbia; to the Committee on the District of Columbia.

By Mrs. REID of Illinois:

H.R. 12417. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.J. Res. 793. Joint resolution to authorize and direct the Franklin Delano Roosevelt Commission to raise funds for the construction of a memorial; to the Committee on House Administration.

By Mr. PEPPER:

H. Con. Res. 492. Concurrent resolution expressing the sense of the Congress with respect to the elimination of the Castro Communist regime of Cuba; to the Committee on Foreign Affairs.

By Mr. GURNEY (for himself and Mr. HALEY):

H. Con. Res. 493. Concurrent resolution expressing the sense of the Congress with respect to bringing Col. Daniel James, Jr., of the United States Air Force home from Vietnam as a representative spokesman for those American Negroes opposed to the so-called black power philosophy; to the Committee on Armed Services.

By Mr. MILLER of California:

H. Res. 906. Resolution authorizing the printing of additional copies of the report to the Committee on Science and Astronautics entitled "Applied Science and Technological Progress"; to the Committee on House Administration.

By Mr. MURPHY of Illinois:

H. Res. 907. Resolution concerning Rhodesia; to the Committee on Foreign Affairs.

By Mr. TIERNAN:

H. Res. 908. Resolution calling upon the Secretary of the Treasury to take action to relieve the current shortage of silver by withdrawing silver coins from circulation and making available for sale silver bullion extracted therefrom; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII,

276. The SPEAKER presented a memorial of the Legislature of the State of Iowa, relative to the installation of an atomic accelerator facility, which was referred to the Joint Committee on Atomic Energy.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BRASCO:

H.R. 12418. A bill for the relief of Giuseppe Vallone, his wife, Carmela Vallone, and their children, Rosaria, Maria and Salvador; to the Committee on the Judiciary.

By Mr. BROCK:

H.R. 12419. A bill for the relief of Dr. Rodrigo Victor de Valle; to the Committee on the Judiciary.

By Mr. FLYNT:

H.R. 12420. A bill for the relief of Nguyen Van Hue; to the Committee on the Judiciary.

By Br. GILBERT:

H.R. 12421. A bill for the relief of Mr. Chung Ping Yung; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 12422. A bill for the relief of Erwin Miller; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 12423. A bill for the relief of In Pyung Lee and Young Ju Lee; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 12424. A bill for the relief of Theodore Zautis; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 12425. A bill for the relief of Li An Shen Wu; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 12426. A bill for the relief of Nan Wong; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 12427. A bill for the relief of Antonino Pollio; to the Committee on the Judiciary.

H.R. 12428. A bill for the relief of Francesco Di Stefano; to the Committee on the Judiciary.