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 know 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 curiosity, 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 Helmann;
H.R. 2968. An act for the relief of Carlos Rosales Pico-Vasquez;
H.R. 2668. An act for the relief of Sebastian Dickerson;
H.R. 3485. An act for the relief of Eleonora Bianchi;
H.R. 3881. An act for the relief of Christina Hatasiavvar; and
H.R. 7510. An act for the relief of Song Sin Tahlk and Song Kyoung 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. 1883. 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.

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

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 chauvinized 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, if the President's travel does not harm the country, both parties should desist from 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. 269, 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 bemoans the President trips back to Texas or anywhere 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 anyone else's 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
Baring
Blair
Burton, Calif.
Diggory
Everett

Ashley Gallagher Roybal
Baring Hanna Shipley
Blair Williams, Miss.
Burton, Calif. Matsunaga Williams, Tex.
Diggory Murphy, N.Y. Willa
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 it 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 89 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. BOUZON 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 an amendment offered 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, I thank the chairman very much for that further explanation. I am glad to know that it is the Department of Justice and the gentleman 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 and every effort must be made to render it precise.

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 who has what 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. CAHILL. 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 with 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 born because of his race, color, religion, or national origin and because of his participation in any of the described activities. Both elements of intent must be present to support a conviction. This is a critical 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 the bill would 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 gentleman 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 and every effort must be made to render it precise.

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

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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.
some future time somebody who was really guilty might get out of the toils of the law, because of the possibility that an 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's decision in the Miners' Strike case, United States v. Miners' Strike, 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 another 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 United States. Based on my limited experience, I believe we are really 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 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, the amendment 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 an attorney 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, what would the government have to prove to have 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 at the amendment that is suggested by the Justice Department—it will make convictions more difficult.

I accept the chairman's word that it is agreed 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. Before the enactment of that 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 implicate 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 "in," "an attempt to injure," or "engage in," 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 is explained. I have read the explanation as well as listening 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 completely agree with 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 because he is or has been lawfully engaged in these acts.

Mr. CRAMER. That is correct.

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, color, religion, or national origin, and because he is or has been engaged 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 questioning. In those enumerated acts, 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 combination of the two amendments, 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 that has been offered by the distinguished gentleman from New York, Mr. MacGregor, 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
Mr. WHITENER. I am happy to yield to the gentleman from New York.

Mr. CELLER. That amendment is entirely under the 14th amendment, which protects individuals against State action only.

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 indemnify the part of the 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 provision of 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.

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

I have taken the amendment—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 it has no provision of State law unless such provision is inconsistent with any of the purposes of this act or any provision thereof.

Mr. WHITENER. That amendment is entirely acceptable on this side.

Mr. McCULLOCH. Mr. Chairman, is there a constitutional right to injure or intimidate but would eliminate the attempt to interfere.

Mr. HUNGATE. 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 the fundamental question is to what extent—"interfere with"—one man attempting to injure or intimidate, that is all right. We all recognize, in criminal law the extent.

Mr. HUNGATE. 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 10 of the bill.

Mr. HUNSLE. 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. HUNSLE. 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:

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.

Mr. HUNSLE. 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. Chair, will the gentleman yield?

Mr. HUNSLE. 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; it is true. The only way I can really register any comment of language is 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 I choose to do it and I want to support his amendment.

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

Mr. ROGERS of Colorado. Mr. Chair,

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

Mr. HAYS. The amendment which has been offered by the gentleman from Missouri [Mr. Hovarre] 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. HUNSLE. Mr. Chair, will the gentleman from Missouri?

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

Mr. HUNSLE. Mr. Chair, the only thing I seek to do here by the adoption of the gentleman's amendment is 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, it adopted, is to change the bill 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. HUNSLE. 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 Congress' express purpose in 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. HUNSLE. Mr. Chair, 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.""I leave the language of the bill as it is otherwise written.

Mr. ROGERS of Colorado. Mr. Chair, 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. HUNSLE. Mr. Chair, 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. HUNSLE. Mr. Chair, if the gentleman will yield further, I understand that the present law does not use the word "interfere."

Mr. ROGERS of Colorado. Is that the sum total and substance of my proposed amendment and that is the end of my argument thereon.

Mr. HUNSLE. Yes, Mr. Chair. I see how it is in 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. Chair, will the gentleman yield?

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

Mr. WAGGONNER. Mr. Chair, 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 duly elected 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 bill provides a prohibition 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-enforcement 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 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 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, may he do so under certain circumstances, but when you turn it around and say it would not apply to a law-enforcement officer if he intimidate a threat, 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, which was interfered with 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 that reason I hope the amendment will be voted down.

Mr. FLINT. 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 substitute a 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 purlieu of the language as now written, but it would also make it much easier for the police to carry out their duty to make an arrest for such a threat, 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 gentleman'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. FLINT. 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 they 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.

That is one example of exactly what we mean by the words here.

Mr. FLINT. I completely disagree with the gentleman from Colorado in the example that he has given, because that he has said 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. FLINT. 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. FLINT. 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, it is not a threat to attempt to interfere.

Mr. FLINT. I yield to the gentleman.

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. FLINT. I yield to the gentleman.

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

Mr. FLINT. 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 I have ever heard since I have been around here. That language is just completely ridiculous and impossible.

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

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 now before us for consideration?

Mr. FLINT. The answer is "Yes."

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

Mr. FLINT. I yield to the gentleman.

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 an act such as involved with him, would he be prosecuted?

Mr. FLINT. 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. FLINT. 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. FLINT. 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 guilty of 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 officer, "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 amendment which is 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 that 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 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 that reason, 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. FLINT. 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 ordains them to conduct themselves would be equally guilty.

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

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

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

Mr. CORMAN. I do not know what kind of a law they have or what it is, but the Congress who ordered the statute books today to protect any individual, whether he is a civil rights advocate or anything else, against what they are, 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 Civil Rights, the Justice Department, and many of the courts—that takes the side of society and the victims of criminals, instead of upholding the rights of criminals.

Mr. KORENGAY, 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 Against General Attorney 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 2 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. And 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 negotiate the States in the administering 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 upsus 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 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 get a day's work done, to go to work, and to be acknowledged and tried to be run off the street, as one of my secretaries was only this week.

There has been an unbalanced applica­tion of the law, if 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 Congress by half, and the consequences of that law of 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.

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Mr. O'HARA of Michigan. Mr. Chairman, I rise 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 ideas 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 that language closely, on page 6 it says:

whether, * * * 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, that 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. "Interfere" is not the word. "Interfere with" 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. FLINT. Mr. Chairman, will the gentleman yield?

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

Mr. FLINT. 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.

The point I would like to make in regard to 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 punishment for the attempt is 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 they punish 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 that the gentleman from Michigan 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 succeeded.

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 point and the Committee should 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 political philosophy, it punishes anyone who does himself into 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 act 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, when I yield to the gentleman for just a sentence on this subject that I was talking about—Mr. Chairman, 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 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 ready 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 the gentleman's 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 re-election 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 Honkey and seeks forcefully to intimidate or interfere with my campaign I can go to the Committee and say I am being interfered with and 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. HAYS. The bill as a whole, in the opinion 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. The protection 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 States or 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.

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

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

Mr. HAYS. In other words, then the illustration which was previously given by the gentleman from Minnesota [Mr. MacGregor] would not apply 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 it is not familiar with some of the inter­

ference episodes 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 under­

take to educate the gentleman.

Mr. Conyers. I thank the gentleman from North Carolina for his contribution, but the gentleman has not elabo­

rated upon nor enumerated other per­

sons 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 distin­

guished 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 which would not interfere in connection with the law. Practically every other criminal law includes "at­

tempt to interfere with." The protection here is "knowingly." The Government has to prove "with knowledge 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 nece­

sary, is sound, it is rational, it is logi­

cal, 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 Com­

mittee, particularly the gentleman from Colorado, as to just how far the pro­

visions 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 or­

ganized, 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 meet­

ings 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 goes 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 I should cease renting your building to the 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. Chair­

man, will the gentleman yield?

Mr. Ichord. Yes, I yield to the gentle­

man.

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 use force, then that is different. And I may point out to the gentleman from Missouri that a great deal of the misunder­

standing 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 ques­

tion.

The gentleman from Minnesota got into the picture by saying, as I under­

stood 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 the gentleman would call section 3 of the gentleman's atten­

tion to page 61 of the bill where, in cluded in the list of activities sought to be protected, the language reads:

"* * * voting or qualifying to vote, qualifying or campaigning as a candidate for elec­

tive 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, 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 be known by force or a threat of force, because of my heri­

tage and background, I being a member of...
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. CHORD. I understand the gentleman from Minnesota.

Let me further inquire of the gentleman from Minnesota. I am sure that the Judicial Committee of the Supreme Court cases that have consistently ruled against vagueness, and particularly insofar as it has been Mr. CHORD. 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. CHORD. May I ask the gentleman from Minnesota this question? By enumerating the eight specific activities, the Judicial Committee considered the long line of Supreme Court cases consistently ruling against vagueness, and particularly I would point out to the gentleman from Minnesota the Constitution of the United States is in 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.

The CHAIRMAN. Mr. Chairman, will the gentleman yield?

Mr. CHORD. I yield to the gentleman.

Mr. MACGREGOR. Mr. ICHORD. Mr. Chairman, 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. CHORD. Would the gentleman state that the term interference as used in the bill is limited to interference using force or threat of force, or 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 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 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 supremacists and the white supremacists. I voted for the antidiot 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 are held 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 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 in the performance 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 were to go outside of entering the Capitol 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 nose 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 explains 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 making 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 more time?
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 think 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 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 toFurther 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. Cassly).

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, a constituent be guilty under this, with a penalty for a strong expression of a constitutional right. Somebody, Mr. McCULLOCH. Mr. Chairman, 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 a position being inconsistent with your vote on the antitrust bill which was passed on the floor of this House just recently.

Mr. Chairman, in order to make certain that is the case, this amendment 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 there are amendments out to "the managers of the bill on both sides of the aisle.

Mr. Chairman, I am hopeful that this bill 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 proponents 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. When 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, has not realized 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 is no aid or assistance to or condone the Rap Brownians or the Stokely Carmichaelians.

Mr. Chairman, that is Insurrection.

I am utterly amazed that on this very day when we have this bill under consideration, when it is obvious that 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.

If 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 Recess.

The CHAIRMAN. "A. N. 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, furious conflict—Hate, Violence, 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 sense 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 has already been said and written about the situation. We all deplor what has happened; we agree that this lawlessness 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 first 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 includes one Negro community, community, city, or in our country.

I know these people and am proud to represent them. I live among them. They have been and are now neighbors of mine. I am proud to have as neighbors. They are decent, upright citizens and members of the community and society; raising wonderful families and devoting themselves to the welfare and education of their children.

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 nature would be.

An editorial in the Philadelphia Inquirer of Tuesday, August 8, 1967, clearly indicates the concern and attitude 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, who is said to represent the 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, issued a manifesto counseling a return to nonviolent militancy by civil rights groups.

"We will not be intimidated by the so-called Black Power concept nor the manifesto that it has put forth, "so we will not be intimidated by the so-called white backlash."

The kind of 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 Brownians and the Stokely Carmichaelians to use them as a tool, the tool of the Black Power extremists.

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 small faction 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 "the sort of thing that America must not suffer and must not endure.

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 irresponsible acts of those who preach violence.

The desire of the vast, vast majority of the Negroes, as it is of the 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.

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; to 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 understandable reasons 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 Florida?

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 rests 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 and the protest on New York, 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 the distinguished gentleman from Florida (Mr. CAMPBELL.

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 or destructive demonstrations, however peaceful their conduct or commendable their motives, which conflict with properly drawn statutes and ordinances designed to 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 by society. We reaffirm the repeated decisions of this Court that there is no place for violence in a democracy. Property values and 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 participants to obey all valid laws and regulations. There is an equally plain requirement for laws and regulations to be drawn so as to give adequate warning of what is illegal; for regulation of conduct that involves freedom of speech and assembly not to be employed to stifle First Amendment freedoms, which "need breathing space to survive."

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

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

Mr. THOMPSON. 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 today is aimed at the American Negro and that massive civil disobedience, which 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 now setting the order of the day to stifle all 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.

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

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

Mr. WRIGHT. Mr. Chairman, will the gentleman withhold his motion in order that the gentlewoman from New York, Mr. De la Garza, may make her point.

Mr. WRIGHT. In other words, there would be about 30 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. Wright. 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. DAVIS of Texas, a point of order.

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

Mr. COLMER. 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
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. Roncoroni 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 gentleman 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, Jr., or Rap Brown, or 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, in the case the gentleman has put 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 any other civil rights advocate 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 who are here.

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:

The House adopts the amendment by a vote of 76 to 112.

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 supported by the committee with the exception of the amendment which was just offered by the gentleman from Missouri. But while the chairman speaks of a 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 Rep Brown and Stokely Carmichael and, yes, Martin Luther King the right to advocate, if necessary, the immediate removal of the mugwumps 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 see those 10 amendments approved 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, at least, is going to be not more important 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 debate will be met with 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. WAGGONNER. Mr. Chairman, 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 debate will be met with 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.

The CHAIRMAN. The question is on the preferential motion. Mr. WAGGONNER. Mr. Chairman, I would like to have the amendments offered. And I would like to have an opportunity for the authors to explain them.

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

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

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

The Committee divided, and the tellers reported that there were—aye54, nays 117.

So the preferential motion was rejected.

Mr. CROWDY. 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 connection, it will be noted that the Department of Justice for some reason has been sanctioned, 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 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 reserved to the end of the march 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 the 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 the least, not be enthusiastically enforced by the Department of Justice; and there we find the basic reason for this delay. If enacted, will make State and local law enforcement officers, sheriffs, police, constables, and State police and guardsmen liable for prosecution before a Federal court, at the whole of this Administration, for any arrest they might make to prevent or stop a riot, or to prevent or stop an incitement of a riot, such arrests would not be upheld on appeal, and at the risk of being committed to a Federal penal institution for so doing.

It seems to me law enforcement officers are presently under more restraint than they could be at any other time 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 be 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 the local police 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 overseers would feel compelled to first get the approval of the Federal Attorney General for such 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 grudges 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 the past years their urgings have been borne fruit, and we have seen the violations rapidly progress.
from "sit-ins," trespassing on private property, through massive demonstration and violence to rioting and urban warfare, all Ad are conditioned 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 violation promptly nullifies the purpose of the unlawful act. In the illegal demonstrations and "marches," the Federal Department of Justice furnished advisors 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 makes this fear distressingly plausible. First, the rioter will run from the defendants, condoning and supporting their unlawful actions; in the massive "demonstrations" and "marches," the Federal Department of Justice furnished advisors 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.

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 overturn the convictions on the ground that the defendants were arrested to "utilize the processes of the law to prevent articulation of civil rights." I hope the House will not allow the arrest to prevent articulation of civil rights, but that arson and rioting are "civil rights," and the courts and Federal officials have permitted the use of a person's property against his will, and other deprivations 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 "participating" in the civil rights movement and would effectively nullify the purpose of the anti-riot bill, because, among other things, it would make a peace officer liable to criminal penalties for arresting a person who was "articulating civil rights," and certainly, as in the Cambridge case, any person who might be arrested for rioting, arson, or looting would claim that he was 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 that it compellingly is proving that 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 sudden[1] in 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, from civil war, and intestinal warfare are prima facie evidence of failure.

The people of this country do not want law enforcement officers further intimidated by the district attorneys. 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 our House of Representatives as representatives of the U.S. 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 situation by giving the police carte blanche to go forward and arrest. 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) public service employees, (2) representatives of Government or the Reconstruction, (3) the use of facilities of common carriers; financially, those who are receiving financial assistance, and (4) those rights are Federal rights. They are not their enemy. If this bill is passed by this House, I sincerely believe that our people will feel that our House of Representatives as 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 said 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 situation by giving the police carte blanche to go forward and arrest. And should be defeated, and I so urge.

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

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

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

Mr. CELLER. Mr. Chairman, I will go to the ger-

maneness of the amendment in a mo-

ment, but first I want to tell the distin-
guished author of the amendment that if the amendment is germane I shall not oppose it.

Mr. WRIGHT. Mr. Chairman, I believe the amend-
ment is not germane because it is not related to the fundamental purposes of the bill. Two subjects that may be related are a lot no matter what they are called.

The fundamental purpose of this bill is to prescribe penalties for certain acts of vio-

lence and intimidation." That is precisely what the amendment does. That is all it does. It extends the same identical penal-

ities that are prescribed in the bill.
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 ordinary state law can be included 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 prevent the common destruction and impolicy 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 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 CHAIRMAN. The Chair will hear the gentleman from Texas, Mr. Wright.

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 gerunness of the amendment and in no way can be construed to support the point of order.

The CHAIRMAN (Mr. Bolling). The CHAIRMAN. 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 Chair. However, the Chair 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 disturbance and provides for interfer 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 participation voluntarily.

Third, for any person to interfere with any public officer 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 public officials 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 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—

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 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. We do not want that. The Constitution clearly guarantees to every citizen the right to assemble peaceably and pe-
tion duly constituted authorities for a redress of grievances. But emphatically there is no right under the Constitution of the United States for a 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 those charged with safeguarding life and property, whether they be the conscientious fireman, as they faithfully guard the lives of fellow citizens and protect from intimidation, forceful interference or physical injury those whom 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 injury to any 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 the rights with which I hope it will be adopted by an overwhelming vote.

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

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.

I have dedicated my time to 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 that the vote on this amendment by an overwhelming majority.

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

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. Chairman, I want to commend the gentleman from Texas [Mr. Watson] 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, or violence.

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 fireman 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 amendment which provides penalties when an individual knowingly:

(d) injures, intimidates, interferes with or attempts to injure, intimidate or interfere with (1) any official acting or attempting to act in the performance of his duty to carry out the purpose of this act or prevention or abatement of 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 abate a riot; or (3) any arson attempt to extinguish a fire created by a civil disturbance resulting from a civil rights protest.

Mr. Chairman, I do not share the feeling of some of this House that there is no greater need or a greater need to face up to 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, 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 this 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 immersed in seeing 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.

August 16, 1967

CONGRESSIONAL RECORD - HOUSE 22759

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 sub-paragraph:

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 immersed in seeing 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.
to my amendment in order to spell it out categorically and without equivocation, that we are not attempting in this legislation to give any special privileges to 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 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 me and the amendment and said that he can now support us in this effort.

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

Mr. 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 to some group or other.

I believe it would be advisable for us to have it in here, to alert the House to the fact that we are not granting them any special privileges or special immunities. 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, Mr. CELLER. 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. But I do not believe, if the gentleman is 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. WATSON. Mr. Chairman, I rise to strike the necessary number of words.

Mr. Celler. It was indeed revealing a few minutes ago to see the gentleman from Illinois insert by the gentleman from Wisconsin to a consideration of race and color and religion. We should recognize the fact—those who would see us pass this bill—that 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—those who would see us pass this bill in 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 for or against candidates and 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.

The House is confronted with the peremptory advent of a doubt that there have been instances where people have been interfered with, they have been intimidated in the exercise of that right, be they signed a particular political affiliation.

So, I do not think anyone can argue that it is not just as important to protect the precious right by assuring against discrimination, because of your membership in a particular political
house would be entitled now be forthcoming from the majority side of the aisle. The Committee on the Judiciary on the members of the gentleman from Minnesota for his contribution and the assurance of the gentleman from Michigan [Mr. JOELSON].

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

The amendment was agreed to. It would be understood in any serious bodily injury, and not for a scratch. 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.

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 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 Committee had 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 clarification 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 $1,000 fine or imprisonment for 1 year, and if the bodily injury can be fixed 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 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 from when 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. Mr. Chairman, 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 empaneling and conducting a full and detailed 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 in the course of a job. I think I am in an interest of clarity and perfection of the record before we today that I do not agree with the statement of the distinguished Speaker that “serious bodily injury” means imminent of death, either in the hospital or out. It is much less than that. It is any type of malinger or disagreeing type injury, but never in the sense of critically meaning approach of death.
I feel certain the distinguished gentleman would want to know what is the acceptable medical usage in determining whether or not "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 there is a physical or 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), I wonder if I might ask, in 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 of 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 should be necessary to show an injury of a serious nature. But it should 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 Mr. Dowdy’s interpretation, I do not think he is disparaging 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 is in opposition to the amendment that 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 might be--by either violence or by threat of force and violence injuries, intimates, 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 the 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 head or other parts of the body. Why should we require that the injury be serious before imposing more serious penalties?

It may be that the 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 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 Mr. Dowdy 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 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 bodily injury under the 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 996:

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 "bodily harm," "great bodily injury," "grievous bodily harm," or "serious bodily injury." Under such statutes any injury which constitutes a danger to health will be deemed a serious bodily injury, and in determining whether or not injuries are serious the Court will consider the fact that the person assaulted suffered great bodily pain.

Accordingly, in order to constitute aggravated battery, it appears that the injury must be of a greater 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 am aware, with which the court would submit the case to 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 there was such an injury that great pain was suffered by the individual.

I hope that the language of the Corpus Juris Secundum will help us all to understand that there is nothing complicated about using the words "serious bodily injury."

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

Mr. WHITTING. I yield to the gentleman from Mississippi.

Mr. WHITTING. 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 believes the average 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. To me it seems the reasons we should certainly adopted so it will make the punishment prescribed in the bill somewhat commensurate with the crime which this bill establishes.

Mr. WHITTNER. Mr. Chairman 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 four years which would not be a serious bodily injury for one who was an adult?

Mr. WHITTING. Certainly.

Mr. WHITTING. So you must leave it to a jury to determine whether under the facts in a given case the injury is serious.

Mr. WHITTING. I would certainly agree with the gentleman. I would state further that the books are full of cases in which a person has argued as to what the punishment 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 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 our laws that we require serious bodily injury in cases such as this. I hope the amendment is defeated.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Dowdy).
Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The amendment reads 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." Those 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 authority to move. 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 violence, or interference, or interference 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. Chairman, I am glad to get the gentleman's view. 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, intentionally commits this offense, knowingly or not acting under color of law," does 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 thesheriff and those who have combined in the past to help deny people their constitutional rights can be indicted and punished under this provision.

Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words. The gentleman from Louisiana certainly 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 damage. It might take out the meaning of the words. This concisely 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-embracing 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. But we do not want to put 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 not really any official who is acting under color of law.

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 our citizens are sacrosanct; that you could not touch them 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 "whether or not acting under color of law" to make it clear what 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. Otherwise it might 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 remove it 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."
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 6 of the report from Colorado 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 the traditional words of art, "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 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 number of words "under color of law" from the amendment.

Mr. HUNGATE. Mr. Chairman, I have heard some rather serious statements made here during the course of this debate this afternoon concerning sheriffs of our country and their position 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 he 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 decision of this court makes that clear.

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 to 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 juries, 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. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

AMENDMENT OFFERED BY MR. HUNGATE

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

The Clerk reads 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 to 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 juries, 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, Mr. Cellers, 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 petit juries or to grand juries at the State or local level, 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 gentleman's amendment would produce a result of the kind that the gentleman or the House or the Senate or the country would wish to have produced by the bill?

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 see, that is what the Supreme Court of the United States, the Supreme Court of our State, and the 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 a petit jury in a State court 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 in their systems. And in my opinion I believe the jury system of a State, just as you inherit 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 juror 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?

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 to 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 those people either. I refer to those States 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 from New Jersey against force or the threat of force because of his race, color, creed, or individual against force or the threat of force?

Mr. RODINO. I, too, join with the members of the Judiciary Committee from California [Mr. CORMAN].

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

Mr. Chairman, it seems to me we want to protect Federal jurors 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 means that the theory 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 Missouri [Mr. HUNGATE], if he so desires, in opposition to his amendment.

As has been pointed out, the only object of this legislation is to protect an individual against force or the threat of force, regardless of the person's race, color, creed, political affiliation, or national origin.

The objection 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 intimidated by any act or person, and if they are, then there shall be punishment by the United States Government.

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

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 gentleman 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 and as 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 and who 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 this bill, to protect those who would be serving or 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:

"Provided, however, that nothing within this section shall be construed so as to deter or prohibit 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 lawfully carrying out the lawful duties of his office as being lawful' officials and such officials shall be protected by the act."
Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Georgia [Mr. Thompson] be stricken out 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 read.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Thompson of Georgia: On page 90, line 6, 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 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."

Mr. THOMPSON of Georgia. I yield to the gentleman from Colorado.

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

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 any law-enforcement officer from lawfully carrying out a lawful ordinance.

Amendment offered by Mr. Thompson of Georgia: Before the word "ordinances" strike the word "lawful."

Mr. THOMPSON of Georgia. No, sir.

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

Mr. THOMPSON of Georgia. No, sir. I yield to the gentleman from California.

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. Wurtele]?

Mr. THOMPSON of Georgia. No, I have not. If the gentleman will allow me, the amendment offered by the gentleman from Georgia is not in harmony with the amendment offered by the gentleman from Georgia [Mr. Thompson]?

Mr. THOMPSON of Georgia. Mr. Chairman, I would ask that the Clerk reread be unconstitutional, the question which is declared unconstitutional, and use that as a defense against prosecution under this 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. ROGERS of Georgia. Would the gentleman agree with me that if the constitutionality of a law or an ordinance is tested in the courts it is subsequently held to be unconstitutional, the question which is declared unconstitutional, and use that as a defense against 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 is, I believe, 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 movement that this legislation we are seeking to pass.

For that reason I certainly must oppose the amendment to the amendment.

Mr. Chairman, it seems to me that the question is on the amendment offered by the gentleman from Georgia [Mr. Fy버], 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 to make the point 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 harmed 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 the need to protect the law-enforcement officers. It is within my personal knowledge that on more than one occasion officers have conducted themselves in quite improper ways 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 give this legislation any language that would 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 occasion, or I stress 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. Cellier. Mr. Chairman, will the gentleman yield?

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

Mr. Cellier. 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. Thompson], makes it crystal clear that the only protection we afford in this bill to people seeking to exercise their eight enumerated constitutional rights is that protection which 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 offered by 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 it is not lawful, that is unlawful. That is why I support inserting "lawfully," and that is why I think the amendment of the gentleman from Georgia is not 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 officer is lawfully exercising the powers of his office.

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 is served and I would protect the 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 in 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 he was engaged enforcing a valid and lawful ordinance.

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

Mr. Chairman, it would seem to me it is very unlikely 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 and other leaders of America who support his position to manifest their position by massive civil disobedience.

Dr. King further stated that he would personally lead massive civil strikes and demonstrations in the Nation's largest cities; that all of this would take place in the period of the next few months; and it 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 purposes of this act. As the Department of Labor and those groups here on Capitol Hill and our Capitol Hill police and also in every Federal building within the District of Columbia and in every State that is 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. Lennnon. Not at this time. It does not give me and I think should give these distinguished members of this great Judiciary Committee, 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. Cullin], 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 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. Lennón. 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 seriously interferes with the operations of the United States, is a public facility belonging to the 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 buildings?

The CHAIRMAN. Mr. Thompson, the time of the gentleman has expired. (On request of Mr. MacGregor, and by unanimous consent, Mr. Lennón was allowed to proceed for 1 additional minute.)

Mr. Lennón. The point I am concerned about, my friend, is the fact that we are going to in a sense handcuff these American citizens, 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 it 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 for an honest man or woman to go about their duties 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 the wording of the language of subsection 3, where it says "participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States."

Mr. Lennón. 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 in Washington is such that there are 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".

Mr. Chairman, the section will now read, and I will read it:

Provided, however, that nothing within this section shall be construed so as to deny to any person the right to carry out lawful duties of his office and no such officer shall be considered to be in violation of this section for carrying out lawful duties of his office subject to the enforcement of 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—yes, 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 6, line 19, after (b), strike out lines 19, 20, 21, and insert:

"(b) Section 242 of title 18, United States Code, is amended to read as follows:

1) 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, or any other person within the jurisdiction 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, penalties, fines, or other sanctions or disqualifications for doing or omitting to do any act or thing than more than $10,000 or imprisoned more than ten years, or both, and if death results shall be subject to punishment 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 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 in 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. 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 business and professions. I am 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 wanting to say would we allow protecting the civil rights worker from intimidation and harassment and interference, is it not equally fair that we protect a businessman against intimidation, harassment, interference on the part of another citizen as long as he is operating his business lawfully?

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 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 amendment. The connection between business and profession and interstate commerce is not clear by the amendment itself. Therefore, I believe that the provision is unconstitutional.

MR. WATSON. The amendment I have offered 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, candlestick makers, chiropractic doctors, public relations consultants, beauty parlor operators, and opthalmics?

I do not know where it would stop. Yet the proposal is not itself a proposal 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.
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 my time.

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

Mr. CELLINI. Mr. Chairman, I oppose the amendment which has been offered by the gentleman from Louisiana [Mr. Wagggonner]. We are here because of the racial tensions and the racial prejudice. Negroes in the north who 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 out the whole guts 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 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. Wagggonner]. The amendment was rejected.

Mr. MULTER. Mr. Chairman, I yield back my time.

Mr. WAGGONNER. Mr. Chairman, I yield back my time.

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

Mr. McClosky. Mr. Chairman, I must reiterate my support for this legislation. I yield back my time.

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

Mr. Mclntire. 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 coat-tail. 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 about 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.

If law enforcement officers, who have been deprived of an opportunity for law enforcement who has fallen in their line of duty? I know, as a former law enforcement officer, that they should know the risks that they undertake when they pull the blue jacket over their shoulders. And does the citizen of the United States know? Does the man in the street understand that he is going to be without his 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 that there is a society, a modern society, which is deprived of the proper funds. We are not so naive that we cannot see the need for an appreciation of those men who are protecting our homes and property.

I have watched the dimly lit streets of western Pennsylvania in the early hours of the morning. I have seen other men who were underpaid and overworked.

I admit, Mr. Chairman, that my view of this man in blue may be tinged with my own experience. In military service, I have 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 think we must 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. I know not how many other Members in this Chamber have done so—but I have and I know of what I speak.

And I think that we can do nothing to protect the life of others and at the same time, we must be diligent in the protection of law and order.

The recognition 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 they 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 the price 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 fliers who were felled by the bullets of snipers? Will those who might feel for the man in the street do so for this man who is burdened and charged with the maintenance of law and order on our streets.

Mr. Chairman, we knock out the words "race or color" from this bill, we practically take out the whole guts of the bill, the very reason and purpose for the bill, race, religion, and national origin.

Therefore, Mr. Chairman, I urge support of this legislation.

Mr. Chairman, I thank the gentleman from New York [Mr. Cellini].
the risks they take. And if they have
only one defender in this respected
November, I am very happy to claim that
title.

The CHAIRMAN. The time of the gen-
tleman from Pennsylvania 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
out, get around, the group that was here
early this afternoon was given permis-
sion to meet in a committee room in the
other building, and read a great petition
and sit in an Assembly lobby as an As-
mendment. I think 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
were not received by the police, as much
as an Assembly lobby, and maybe there
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The CHAIRMAN. The time of the gen-
tleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I urge
a favorable vote on the bill.

The CHAIRMAN. The Chair recog-
nized the gentleman from Colorado [Mr.
ROGERS].

Mr. ROGERS of Colorado. Mr. Chair-
man, I yield back the balance of my
time.

Mr. DONOHUE. Mr. Chairman, I most
certainly hope that this House, with
traditional wisdom, will calmly and
speedily approve this measure before us,
H.R. 2516, which prescribes graduated
criminal penalties for forcible interfer-
ence with any person engaging in or attempting to
engage in the exercise of his legal and
civil rights. The bill encompasses sub-
stantial evils as existent in their exercise of these
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engage in the exercise of his legal and
civil rights. The bill encompasses sub-
stantial evils as existent in their exercise of these
title.
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 de-
bating what can only be described as a most modest civil rights proposal. H.R. 2516, the measure now before us, does little more than set aside a single sec-
tion of the more far-ranging civil rights legislation which was passed by the House last year but talked to death in the Senate.

The bill, approved in the House by a comfortable margin of 250 to 157, would have prohibited discrimination in the selection of State and Federal jurors, permitted the Attorney General to initiate school and public accommodation desegregation suits, opened some housing and—just as the bill before us now—protected civil rights workers.

These provisions presumably all were acceptable to the great 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 legislation. Nearly a month ago we supported that bill and believe that its enactment is necessary.

Instead of eliminating these injustices, we seem determined this year to avoid the issue, by whopping it up for inef-

It is clear that we now have the oppor-
tunity to avoid the mistakes of the past and to reassert specific and appropri-
ately severe criminal sanctions against interference with the lawful exercise of civil rights. Recent decisions of the Supreme Court and other Federal courts offer as-
surance that the old hampering restric-
tions on Federal criminal power will not apply and that 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 legisla-
tion.

Mr. GILBERT. Mr. Chairman, in ad-
dition 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 to our attention the House to the amend-
ments to sections 241 and 242 set out in this bill.

The amendments increase the maxi-
mum penalties for violation of these provisions. The maximum penalties un-
der these statutes as currently drawn are too lenient where a serious injury or death has occurred. Section 241 pro-
vides fine to not more than $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 imprison-
ment, 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, the penalty for 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 pen-
alties 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 punish-
ment 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 and help us deal about the inade-
quacy 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 be a great struggle by those who would defeat their exercise by means of violence or intimidation.

We have recognized and established the rights—now let us take the addi-
tional 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 citi-
zens 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 sys-
tem that even now survives in some re-
spects.

It is imperative that Congress make clear that violence is the only form of protection for those who are attempting to overthrow that very Government. We as a Congress and a Nation have asserted our condemnation by attempting to overthrow that very Government. We as a Congress and a Nation have affirmed the vitality of these two statutes. By increasing the penalties pro-
vided for in these statutes—an action long overdue—we also assert the fact of their continuing importance in the over-
all scheme of Federal civil rights en-
forcement.

Mr. ESCH. Mr. Chairman, I am de-
lighted that the House of Representa-
tives today considering this important legislation. Nearly a month ago we ap-
proved legislation to penalize those who move in interstate commerce with the purpose of inciting a riot. At that time we were certain it clearly 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 constitu-
tionally guaranteed rights. We must guarantee each individual and group the freedom of speech and assembly. Due protection of law must be afforded every individual or group to peacefully assemble, to speak and to protest.

Today before us today would help to accomplish that guarantee. Its passage in combination with the antiriot bill would clarify the difference between our efforts to legitimate civil rights ac-
tivity and our efforts to bring about such race and incitement to riot. It would protect individuals while working to ob-
tain and enjoy 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 democ-

only way to bring about change. It dedi­
cates our Nation, once again, to the equal­
proof principle of "one person, one vote".

Mr. Chairman, I have long contended
legislation of this type. Earlier this year
I urged protection of civil rights workers
through the introduction of "The In­
junctive Relief Act," the concept of
which is embodied in H.R. 2516. I wish to
associate myself with the views ex­
pressed in the report of the Judiciary
Committee on H.R. 2516. I wish to con­
gratulate 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
than it had done in the previous 80 years. We now have laws
which specifically provide for the enjoy­
ment of these freedoms. In short Con­
gress 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 subject
and victim of the outrages, the crimes, and
terror perpetrated upon individuals at­
tempting to secure rights we supposedly
are voting for.

Mr. COHAN, Mr. Chairman, I want
not to 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 involved in­
volved 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 identifying areas of civil rights to be protected, and
providing penalties for those who would ob­
struct their attainment.

Congress must stand firm in support of
the people beyond the courts by giving mean­
ing to the sentiments expressed by our
earlier legislation on civil rights. To pro­
vide 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, as­
suring additional legal safeguards within
this measure for law enforcement officers
and those who are entitled to protec­
tion 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 evi­
dence of the conviction of the Congress
to move constructively to improve law
enforcement and support law and order.

It should be equally certain that peo­
ple who employ violence and threats of
violence to deny the constitutional rights
of any American citizen should face se­
vere penalties for their unlawful acts.

I hope that the bill will be ap­
proved as amended.

Mr. SIKES. Mr. Chairman, it has been
but a short time since the House passed
a riot control measure with dispatch
coupled to an implied understanding that the new
right civils bill entitled "Penalties for
Interference With Civil Rights" is not
now before us because of afterthought and apprehen­sion that it would be sequen­tially effective. 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 pres­
ent bill both were law, it would be possible for agitators to in­
vade the locale and by a single
offense already on
facing up to violence in the
The capitol
is the equal
city of the
United States
will not wel­
denying the constitutional rights
guarantee of those rights and is free to
constitutional history.

That group comprises only a small
fraction of our total population. I am
speaking of those who feel that their
explained and broad
broad
and law-enforcement posi­
tion of the
We have laws to protect all Americans.
We have laws to protect those who want to abolish the gangbangers. But that
case, it would be
be granted to a special group.

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
too advanced
society.

This bill would provide special treatment
for those who feel that their
civil rights. It is very certain
that the passage of this
bill would deny those rights to
the American people will see
their constitutional history.

One of the worst features of H.R. 2516
is that it would do to law enforcement
throughout the country. It would trans­
fer to the Federal Government practically
all law-enforcement Jurisdiction held by the States and their subdivisions.

The Federal Government must now 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 a matter of doing an adequate
assignment, but simply an attempt to
avoid the loss of personnel. This bill
will not solve this problem.

We must further improve the ability and willingness of those authori­
ties to do their job with the help of laws which is the
them again. H.R. 2516 would provide criminal penalties for those acting
under color of law and extend this
penalties to private individuals who hold
public office or law-enforcement posi­
tion.

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 pro­
ected in the enjoyment of the rights as
guaranteed by the Constitution.

I think there is agreement that every
citizen of our country has the same
right to enjoy the rights which are
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 contraven­
tion of the tradition, spirit and intent of
universe.

That group comprises only a small
fraction of our total population. I am
speaking of those who feel that their
explained and broad
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We have laws to protect all Americans.
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them again. H.R. 2516 would provide criminal penalties for those acting
under color of law and extend this
penalties to private individuals who hold
public office or law-enforcement posi­
tion.

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 had 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, after the trial of the existing evidence, that Brown was guilty of 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 invasion of Federal power in 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 too many.

I believe the vast majority of Americans will agree that the most serious domestic problem facing our Nation today, the most urgent and the most conspicuous bill is the breakdown of law and order. This is not the occasion to scoff at 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 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, somehow, some way, an epidemic of sleeping sickness has struck our Nation. Like Sodom and Gomorrah, like Rome and the 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 in our 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. Let us 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 assumptions 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 the outward movement 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 a bill 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 of a different nature. But Mr. Roosevelt said:

“There is a mysterious cycle in human events. To some generations much is given. To others, much is taken away.

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 against black Americans who have the kind of violence which the antiriot law tried to prevent. Violence directed towards 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 terrorism, this brutality, this hatred, 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 charged in his speech, this bill will deter violence—violence directed against law-abiding Americans.

But, Mr. Chairman, just as Cato could not finish a speech without demanding that the audience listen to his words, I feel it my duty 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.
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 also stir up the other races. This goal is not only for his own good, but for the good of all the poor. Rap Brown and Stokely Carmichael have rightly drawn upon themselves the indignation of the American public— for sounding so very much like members of small-town sheriffs, and Ku Klux Klan leaders have been sounding these past 100 years.

Mr. BUCHANAN. Mr. Chairman, this bill is designed to the House with the unimpeachable 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 write 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 antiterror legislation which recently passed the House. Justice insisted that this legislation be rewritten in such a way as to be comprehensible 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. I believe 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 sided 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, then I will have against me a step forward in combating crime and quelling civil disturbance. Unless and until this is the case, no amount of legislation can encourage domestic tranquility and effective law enforcement.

Mr. FUCINSKI. 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. 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.

I have been of 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 punish those individuals who initiate riots. Mr. Chairman, this bill 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 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 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 corroding this society. It is altogether appropriate for Congress to pass a law which will give the Justice Department the tools to deal with those who incite riots and civil disobedience. 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 unneeded and is surplusage. Third, the measure is defectively written. Before further consideration of these objections, let me emphasize that I have never been a racist. I do not believe in racism. Neither should any of us believe in racism. I believe in racism. Neither should any of us believe in racism. Neither should any of us believe in racism. Neither should any of us believe in racism. Neither should any of us believe in racism.

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 opposed the extension of the Civil Rights Commission.

The objection of this bill, entitled "Interference With Civil Rights," starts out with a worthwhile purpose by providing a list of penalties involved. It is far too broad and the list is long. It is far too broad and the list is long. It is far too broad and the list is long. It is far too broad and the list is long. It is far too broad and the list is long.

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 legal and lawful civil rights 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 civil disobedience, intimidation or any other form of terrorism or overt threats or force, or any other form of terrorist action, which includes the wrecking 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;
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.

As I have planned with good intentions to protect peaceful demonstrations, this bill could become an invitation to gospel or signal to zealots and hotheads that they are henceforth protected by the act 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 civil rights protesters came from New City and when finally accorded the use of a meeting room in the Longworth Building, accused the House of "rat mannery." The leaders and others point out they had only two choices: First, to burn down America, or second, seek a political solution by electing 40 Representatives from their constituencies.

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 not seeking a 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 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. 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 Bill to become charged with intimidation or interfering with the exercise of civil rights and therefore subjected to a personal lawsuit for false arrest, such experiences will cause 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 police brutality 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 Bill to become charged with intimidation or interfering with the exercise of civil rights and therefore subjected to a personal lawsuit for false arrest, such experiences will cause good policemen to turn in their badges.

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 into law. Even the most enlightened legislatures 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 matter 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 and H.R. 2516, 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 provisions of this act, Rap 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 using those subjects 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 objectives. 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 an antiriot bill, but I do say that Brown and his ilk are free to interpose to the antiriot charges the bill 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 are 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 so-called antiriot law, H.R. 421, if it should be passed by the House, would be able to say to himself in 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, if it should be passed by the House. This officer would be 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 are entitled to under Federal law."

The third of my objections to H.R. 2156 is that a benefit without discrimination 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 "intimidating" simply means 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 "discourage" or "interferes" is not sufficiently definite because its meaning includes such small relatively minor meanings as dissent and opposition. This without any major conflict it could include debate between any member of 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 the exercise of their civil rights 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 any right for the reason the word "discourage" means to depress and deprive one of confidence. If we follow such a definition, a soul who referred to a person 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 unclarity, 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 devices 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 the bill.

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 $25,000 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 there is only a $1,000 fine or one 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 if the death results from 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 is intended? Clarify 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 anti-riot bill and the administration's proposal to aid law-enforcement agencies. As I spoke out then, I cannot in good conscience remain silent now.

Mr. Chairman, I have been following with growing alarm the events 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, and this kind of racial hatred attacks the body politic.

We have been asked to consider a measure providing stiff penalties for those who 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, for death results, an indefinite prison term or life.

The areas protected are voting and accommodations; connections 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.

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 our 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 provide for the security and safety for individuals engaging in these specific activities.

In the light of the past treatment of individuals attempting to exercise their liberties, and the private threat and a 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 guaran-

tees for the protection of the individual in the one instance and refuse to provide 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 part 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 liberties and 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 conformed 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 of the Whole.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLING, Chairman of the Committee of the Whole 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 556, be 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?

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 the question of the Union, I would like to say that aye was 327, nays 93, not voting 12, as follows:
Congressional Record — House
August 16, 1967

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 objection 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. NELESN, 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. NELESN. Mr. Speaker, I 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. MC MILLAN] and myself, the gentleman from Virginia [Mr. BRIDGMILL], the gentleman from California [Mr. STEGE], the gentleman from Michigan [Mr. BROWN], the gentleman from Arizona [Mr. STERK], the gentleman from Kansas [Mr. WINN], the gentleman from Illinois [Mr. SPEING], the gentleman from Ohio [Mr. HARRIS], the gentleman from Indiana [Mr. MYER], the gentleman from Washington [Mr. ADAMS], the gentleman from New York [Mr. MULDER], the gentleman from Georgia [Mr. HANAN], and the gentleman from Florida [Mr. FUKA] have introduced such legislation.

Mr. Speaker, I would like to point out the fact that the gentleman from Michigan [Mr. SCHU ONER] is a co-author. Actually it should be Mr. CLARK. Mr. Speaker, I would introduce the bill in the names of the co-sponsors. However, I wish to announce that a former Member of the House of Representatives of General Assembly [Mr. SPEAKER], a Senator who has been here a long time, is now the newest author, belatedly, but we welcome him aboard, and his name is Mr. BROWN of Ohio.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. NELESN. 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 participation on behalf of the various agencies involved.

Mr. NELESN. 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 in this Chamber when we adjourned to pages 21223 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 chicken or the egg, 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 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, I do not think that it would 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 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 Thursday to Friday? That is part of the ordinary work week, to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to the bill for amendment, unless under the Mr. ALBERT. There is no particular objection to working on Friday if it were necessary, but the difference between 1 hour and perhaps 24 hours is so small 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 Missouri.

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 allocated 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 truth 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 House Administration I present H. Res. 902 and ask for its immediate consideration.
the benefit computation would result in a maximum benefit of $212 in the future. The maximum benefit payable to a family on a single parent basis, which was $236.60 in 1966, would be increased to $236.60, rather than $368 as under present law. Of course to qualify for the maximum benefits, a wage earner must work at least half-time and 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 Act becomes effective. The increased benefits in December 1968 are estimated to be paid out of general revenues as benefits in December 1968.

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 15.5 percent. During the Committee meetings there was opposition to this bill with regard to title II, and the gentleman from New York (Mr. Gillett) 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. Chairman, I have 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 206, "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 Federal payments may be made. If the ceiling is set too low it will not be fair to the State. The ceiling is set as an of January 1, 1967, and may not exceed the percent of children as of the last day of December 1966. There is reason to believe that despite efforts to the contrary, there will be an increase of the number of children of families eligible for AFDC. Even the best of preventive measures designed to reduce the need for AFDC cannot be immediately effective. If the ceiling is imposed, each State will be obliged to increase its own appropriations for AFDC or fail to prevent an increase in the number of families eligible for AFDC. In many areas this trend will 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.

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 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 in millions 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 206. In like manner Dr. Schmidt gives his report on the question. The complete letter is as follows:


Dear Congressman O'NEILL: I am writing to convey your attention to certain provisions of Title II of 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. Continue this at this time, 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 Federal payments may be made. This ceiling is set as an of January 1, 1967, and may not exceed the percent of children as of the last day of December 1966. There is reason to believe that despite efforts to the contrary, there will be an increase of the number of children of families eligible for AFDC. Even the best of preventive measures designed to reduce the need for AFDC cannot be immediately effective. If the ceiling is imposed, each State will be obliged to increase its own appropriations for AFDC or fail to prevent an increase in the number of families eligible for AFDC. In many areas this trend will 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 turn-down of children with dependent children": This Section provides as one new clause (A), for the development of a program for each appropriate State, whereby a local welfa.re agency shall develop a ceiling for the purpose of protecting State and local welfare agencies from the public assistance of children or the programs for the care of children which may 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 as well, are best served if the mother remains at home in order to provide care for them.

I do not know whether amendments can be offered on the floor. If so, I would be at the possibility to go on Section 208 and modify Section 201.
the understanding that the federal government would support its part of the costs. I feel that carefull consideration is required to retain the present 150% figure.

The original concept of AFDC was to keep families together by paying for the care of the children, not the children entering the labor force. The AFDC program was established in 1935 under the Social Security Act. It was intended to provide a basic level of living for families with dependent children. The federal government would pay a portion of the costs, with the states paying the remaining costs.

The proposed increase in the AFDC benefit is intended to help keep families together. The existing AFDC program is designed to help families with dependent children. The proposed increase would provide additional funds to help families. The increase would be phased in over several years, with the federal government paying the first 10% of the increase and the states paying the remaining 90%. The proposed increase would be funded by a combination of state and federal funds. The increase would be made available to states that have approved the increase for their own use.

On the other side, the proposed increase in the AFDC benefit is intended to help keep families together. The existing AFDC program is designed to help families with dependent children. The proposed increase would provide additional funds to help families. The increase would be phased in over several years, with the federal government paying the first 10% of the increase and the states paying the remaining 90%. The proposed increase would be funded by a combination of state and federal funds. The increase would be made available to states that have approved the increase for their own use.

Yesterday I was of the belief that the AFDC program was intended to help keep families together. The existing AFDC program is designed to help families with dependent children. The proposed increase would provide additional funds to help families. The increase would be phased in over several years, with the federal government paying the first 10% of the increase and the states paying the remaining 90%. The proposed increase would be funded by a combination of state and federal funds. The increase would be made available to states that have approved the increase for their own use.

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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 a young child 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 them.

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 can only raise these issues to indicate some of the major items included in this bill. We should not be forced to cast only a year or nay vote on this legislation. We, at least, 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. Speaker, for 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 chairman of the Ways and Means Committee [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 gave the following 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 the most important and the most 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 fiscally 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 12 1/2 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 $36 to $40. 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. These 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. It is also a modification of the 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.

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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 remarkable that we are cleaing one of the most vulnerable groups of our citizens, those disabled, dependent children, and all those eligible for welfare benefits will not be neglected, rather their situation in life improved financially and otherwise.

The members of the Ways and Means Committee 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 of the household, if 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 limitations on aid to families with dependent children eligible.

Finally, I would like to point out that title XIX of the current act, the medical aid program, that would remain the problem pointed out 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 the maximum 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. CURRYS 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 Connecticut 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 without considering the bill.

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 of New York. 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 amendments it still seems to me that that would not be a 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. MILLER], 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 of the northern urban area, 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 which gentlemen 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 some of the burden of my city is being paid to 400,000 welfare recipients. Yet, under this bill, with no additional Federal support, we will be forced to take on additional burden in some of our 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 bill which we put 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 that the committee's interpretation of its new language requires in all cases of public assistance from age 16 on, in families who receive public assistance, where there are 16-year-olds or 17-year-olds, that when either the father or the 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 under 16, one of whom is an infant, 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 foster home, we have institutional care, 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 all agree that that is a 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 people 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 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 has to be done 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 stop this program. 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 consideration 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 send the next rule the next 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 and asked 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 colleague, the gentlemen from New York [Mr. CAREY and Mr. GILBERT]. I wholeheartedly support their views.

I suppose we from New York are speaking 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 the fact that I have a tremendous amount of respect for the chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MURPHY], who as a member of that committee, I think the committee adopted some very controversial provisions 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 variance that exists throughout the country into and out of cities. I think penalizing children for the failure of their parents to take work is completely wrong. A legislature entirely favor compulsive measures to require those parents to take work, which would open only title II to amendments. 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 Social Security Amendments of 1967. This will cause particular disruption in New York.

Therefore, I urge my colleagues in the House to raise questions concerning this provision 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 regarding 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 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 which has a particular 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 which has a particular deleterious effect on the State of New York, the 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 29 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 $5,300. Under the new formula, New York's eligibility level is estimated 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 allowance is estimated to be reduced by over $700 to $5,300. 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 the purposes for a closed rule on this law 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 administered. The Federal Government should bear a much larger responsibility than it does for the public assistance programs which the big cities and other areas are required to maintain because of conditions prevailing in other parts of the country over which the big cities have absolutely no control.

Mr. Speaker, for these 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. QUINNEN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. KUPPERMAN].

Mr. KUPPERMAN. Mr. Speaker, I am opposed to the closed rule. As I see it, the bill is required to maintain because of complications of making it more difficult for 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. We cannot just make changes and call that the problem is solved.

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 Boys Clubs of America 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 States of lay-areas. The 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 City.

Certainly, innovative employment programs such as the new careers amendment to the Economic Opportunity Act, which provides an across-the-board increase of 12 1/2 percent, increases the amount an individual may earn and still get full benefits, strengthens the benefit formula, 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 1/4 percent. Cash benefits had fallen 7 percent points below the Consumer Price Index. Under the circumstances, it is unfortunate that the administration delayed action on the bill for so long. The 12 1/2-percent increase in social security benefits is needed now to help many of our senior citizens cope with the situation—both from the fiscal standpoint and the policies of the Johnson-Humphrey administration.

We believe that the present earnings ceiling is inadequate. The increase that is provided in the bill, while a step in the right direction, does not reflect the financial realities of the present inflationary period. Under the provisions 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 150 days. A physician no longer would be required to certify that a patient is in need of 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 AFDC program that provides aid to families with dependent children. In the last 10 years, this program has grown from 648,000 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 provisions which are similar to work incentive provisions 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. 13060 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. Ottmann) 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 gentlwoman 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 respect of many 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 does 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 leadership.

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, Congress in 1947 provided for 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 member of the Department of Health, Education, and Welfare. She presented her with the distinguished service award.

Oh, how Miss Switzer has received are the Albert Lasker Award for distinguished service to the physically handicapped in 1960 and the President's Award of the National Rehabilitation Association, to a college and universal. She has never presented her with honorary degree. Miss Switzer is past president of the National Rehabilitation Association and twice served as president of the American Auditory 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 find their independence.

Mr. Speaker, I include in the Record the statement of Secretary John Gardner announcing this reorganization:

Statement by JOHN W. GARDEm, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. August 16, 1967.

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, Mr. Speaker. In a few minutes I just want to tell you briefly about why we did what we did. And I should add that this reorganization is based on the administration's, going back over almost a year, with numerous state and local officials and many others; many months in and out of Government.

There are three key features of this reorganization. First, in the new Social and Rehabilitation Service there will be brought together the various services of HSE which deal with special groups: the aged, the handicapped, the blind, 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 announced a single regional commission of the new Service in each of HSE's nine regions throughout the country.

When you boil it all down, HSE, 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, which are met by our programs through Medicare and Medicaid, and through cash payments for old age assistance and aid to the blind, the dependent, the 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-
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 economically, more qualitatively. 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. The Center is now operating. I feel it is one effective means through which we can address ourselves directly to the problems of national citizens; it is 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 HEO 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 many years she has run the Administration's largest program of rehabilitation of disabled people. I have worked closely with her over the years, and I have unqualified respect for her ability. She is a dynamo. She is a woman 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 to 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 during the period ended December 31, 1966. During the 6-month period ending June 30, 1967, an additional 2,637 applications were filed in these countries. During this period, 2,443 applications were approved for conditional entry, 560 were rejected or otherwise closed, and there were 2,222 applications pending 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Applications filed</th>
<th>Rejected or otherwise closed</th>
<th>Pending June 30, 1967</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>450</td>
<td>183</td>
<td>262</td>
</tr>
<tr>
<td>Belgium</td>
<td>478</td>
<td>270</td>
<td>87</td>
</tr>
<tr>
<td>France</td>
<td>729</td>
<td>277</td>
<td>452</td>
</tr>
<tr>
<td>Germany</td>
<td>511</td>
<td>129</td>
<td>382</td>
</tr>
<tr>
<td>Greece</td>
<td>503</td>
<td>277</td>
<td>226</td>
</tr>
<tr>
<td>Greece and Turkey</td>
<td>69</td>
<td>277</td>
<td>41</td>
</tr>
<tr>
<td>Italy</td>
<td>972</td>
<td>195</td>
<td>777</td>
</tr>
<tr>
<td>Lebanon</td>
<td>383</td>
<td>194</td>
<td>190</td>
</tr>
<tr>
<td>Total</td>
<td>2,382</td>
<td>2,637</td>
<td>2,222</td>
</tr>
</tbody>
</table>

Established screening procedures resulted in the following: 522 were rejected or otherwise closed. Of the 2,222 applications during the period, the following grounds:

<table>
<thead>
<tr>
<th>Grounds</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ineligible</td>
<td>33</td>
</tr>
<tr>
<td>Security Grounds</td>
<td>15</td>
</tr>
<tr>
<td>Criminal Grounds</td>
<td>32</td>
</tr>
<tr>
<td>Medical Grounds</td>
<td>14</td>
</tr>
<tr>
<td>Immorality</td>
<td>12</td>
</tr>
<tr>
<td>Undesirability</td>
<td>12</td>
</tr>
<tr>
<td>Spouses and Children</td>
<td>53</td>
</tr>
<tr>
<td>Total</td>
<td>203</td>
</tr>
</tbody>
</table>

The Department of Justice Department of Health, Education, and Welfare, the Department of Labor, the Department of Agriculture, and the Department of Housing and Urban Development. Table 2 gives the distribution of the refugees by country during the period from January 1, 1967, to June 30, 1967, 2,165 conditional entrants arrived in the United States, as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>40</td>
</tr>
<tr>
<td>Austria</td>
<td>5</td>
</tr>
<tr>
<td>Belgium</td>
<td>3</td>
</tr>
<tr>
<td>Burundi</td>
<td>3</td>
</tr>
<tr>
<td>Burma</td>
<td>120</td>
</tr>
<tr>
<td>China</td>
<td>9</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>160</td>
</tr>
<tr>
<td>France</td>
<td>17</td>
</tr>
<tr>
<td>Germany</td>
<td>2</td>
</tr>
<tr>
<td>Greece</td>
<td>4</td>
</tr>
<tr>
<td>Hungary</td>
<td>190</td>
</tr>
<tr>
<td>Italy</td>
<td>14</td>
</tr>
<tr>
<td>Lebanon</td>
<td>26</td>
</tr>
<tr>
<td>Palestine (Arab)</td>
<td>4</td>
</tr>
</tbody>
</table>

Conversely, 154 were rejected or otherwise closed. Of the 2,222 applications during the period, the following grounds:

<table>
<thead>
<tr>
<th>Grounds</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ineligible</td>
<td>33</td>
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<td>Security Grounds</td>
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<td>32</td>
</tr>
<tr>
<td>Medical Grounds</td>
<td>14</td>
</tr>
<tr>
<td>Immorality</td>
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<td>Undesirability</td>
<td>12</td>
</tr>
<tr>
<td>Spouses and Children</td>
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</tr>
<tr>
<td>Total</td>
<td>203</td>
</tr>
</tbody>
</table>
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 practices in the Army's buying of one-half the Army's buying of one-half of its standard items in the 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 the catalog price. Waste is bound to creep into any organization. Oddly enough, the Secretary of Defense does not always do the bidding for the Army.

As an interesting footnote to this sorry, serious tale of duplication and the yea and nay on the part of the contractors, is the fact that I have just recently learned that the General Accounting Office in Philadelphia, Pa., bought 128 gear clamps of the same type that the manufacturer said had been manufactured for the Army, by the Reserve Army and Navy Electrical Supply Agency. The manufacturer was not notified of the purchase as was being made by the Army and he was not consulted as to a price. On December 27 last year, the manufacturer said they were worth 65 cents, but by intelligent quantity buying the Army got 110 little knurled thumb screws less than an inch long for $82.50, committing the taxpayer to pay $1,087 when the cost to the contractor was only $1,087.

The Navy gets this week's prize. The Navy Electrical Supply Office in Great Lakes, Ill., on February 2, bought some little insulated couplings which the manufacturer said in his catalog, were worth $2.75. By buying 30 of them the Navy managed to get this $2.75 item for only $73.50. And another purchase of $1,087 was made, which should have cost $82.50 cost the American taxpayer $3,025.

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 $16.89 each. They paid $46.75 apiece for them, and the total sale at which the manufacturer was paid was $1,087 was $2,993. 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 $44.90 each. They paid 10 times that—$449.00 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 all of the Department of Defense 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 asked the Secretary of Defense to look at 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, 1965, 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 sure we can yet find and save. I have asked that the Secretary of Defense look at such catalog errors, and I am sure at this time that they will be corrected.

This is the reaction of the Department of Defense to the possibility that millions of dollars of waste may be termed waste or not even termed waste because the Department of Defense is not looking.
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 3:30 a.m.

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 our school system with good judgment, understanding and clear thinking. Under times and conditions of stress and strain he met crisis after crisis.

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 class to be graduated from 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-Spaldip 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., Marlon, and Perry; and a sister, Mrs. Robert W. Burke.

Our hearts go out to the family and friends of Mr. Patrick and to his fellow educators and community leaders.

THE OIL DEPLETION ALLOWANCE

Mr. JOELSON. Mr. Speaker, I have in 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 provide a 10-percent tax cut 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 weeding out 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.

In my judgment, the arguments for maintaining the oil depletion allowance are sometimes weak, sometimes indefensible, and frequently inadequate. It recognizes that the depletion allowance has no relation to the mine or field. It provides a tax advantage of oil and gas companies over other industries. It recognizes that the depletion allowance has no relation to the mine or field. It recognizes that the depletion allowance has no relation to the mine or field.

The oil depletion allowance would provide a windfall for oil and gas companies in a year when the American consumer was feeling the pinch of rising prices. It is vital that Congress give the American Taxpayer relief by extending the tax cut to the American consumer and by eliminating from the tax laws an allowance which is out of line with the demand for energy conservation.

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 the 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 apparent willingness on the part of the United States 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 do so from their own will and resources. I am dismayed by the precipitous rise of late in American casualties, at times even exceeding the Vietnamese losses. And I am disturbed by the reports of extremely low morale among the South Vietnamese troops, which must be attributed largely to lack of motivation. Do they really have in view anything worth fighting for? The Vietnamese 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 in quiet moments.

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 recent weeks 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 leads to the thought that in 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 will be able to choose for themselves, if they wish to, the military leaders refuse to permit a fair election as is possible under the laws of their country. But the principle between the two alternatives, a standard of conduct in the Vietnam elections that even an election in the United States could not meet.

Mr. Roscoe Drummond said the criticism of the Hanoi government is unfair. Mr. White said of the Vietnamese government that "a standard of conduct in the Vietnam elections that even an election in the United States could not meet."

Mr. Roscoe Drummond said the criticism of the Hanoi government is unfair. Mr. White said of the Vietnamese government that "a standard of conduct in the Vietnam elections that even an election in the United States could not meet."

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 people, with such little difference, made such a strenuous effort to reach an understanding."

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 Lescan, 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 candidates seem to have been "using the United States as their umbrella.""

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.

Mr. Speaker, if we respect the request of the gentleman from Illinois, I ask unanimous consent to address the House for a few moments, express little difference, 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 United States may rethink its entire Vietnam policy. Nor do I mean to say that Ambassador Bunker, who methodically knocked down some of the most distinguished American writers of one official.

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 knocked down one charge after another that the military government running South Vietnam had 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 some of the most distinguished American journalists share my view.

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 Vietnam. 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 Vietnam.

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 Vietnam.
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 cannot possibly be corrupt and thus that the United States will have to withdraw under one sort or another, as happens quickly.

Never before in so somber an issue have there been so few prejudged the vital efforts of so many. The New Isolationists have already predetermined a sort of role for all the facts and information patiently supplied by Americans on the ground in South Vietnam, including Americans with whom Bunker, makes the slightest difference.

Bunker has reported over and over that charges by civilians that 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 existed in the United States, ever.

The realities as stated by Ambassador Bunker, an honorable Republican in his 70s who has lived and observed and who conveys the mistake 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 supported Civil Military government and are being furnished transportation by that government, with free time on radio and television.

The complaints of "unfairness," from among the civilian candidates amount to the plainest junk that it is not possible to win against any ins. Indeed, the real and central complaint is that the incumbents have the inherent advantage of already holding a standard of conduct in the Vietnamese government, along with free time on radio and television.

There 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.

The charges of intimidation by the junta against the 10 civilian candidates running against Thieu and Ky. The charge: when these civilian candidates arrived by plane for a scheduled campaign appearance in Quangtri city, in northern South Vietnam, their plane was deliberately deflected to the small town of Dongha. Finding no reception committee or transportation, they angrily left and accused this by Bunker in his cable to the White House: "A strong crosswind at Quangtri convinced the pilot that landing would be impossible. He went to the nearest field, (at Dongha) nine miles away. No one was present to meet the candidates. A convoy sent from Dongha arrived 15 minutes after they left." According to Bunker, the sensational in-cursion that facts are to be respected unless "combined with impatience and suspicion" on the part of the civilian candidates.

Although Bunker did not again refer to this "aspresidential" of the civilian candidates, that aspect of the presidential race in Vietnam is now in the Johnson Administration perhaps more than anything else.

They are worried less about proof of campaign procedures than about the larger question of whether the U.S. has had enough experience to vote a clean slate against the Johnson Administration in the U.S. Senate last Friday. Two Administration officials, Averell Harriman of Michigan and Sen. John Pastore of Rhode Island—indicated their continued support of the U.S. Presidential candidates, and the true of the U.S. administration 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 election is adjudged become for the Johnson Administration was hinted at in the U.S. Senate last Friday. Two Administration officials, Averell Harriman of Michigan and Sen. John Pastore of Rhode Island—indicated their continued support of the U.S. Presidential candidates and the true of the U.S. administration would depend on whether the election was clean or fraudulent.

"To prove the election is honest now," one observer said today, "Thieu and Ky will 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 is difficult to document.

Few independent observers have doubted that Thieu and Ky will win the election. It has been taken for granted that there would be some amount of pressure on voters from the elected representatives of the government, often against the wishes of people who have seen only firsthand knowledge of the changes that have occurred in Saigon.

By concentrating their campaign speeches on attacks against Thieu and Ky, the civilians have been left with considerable room to develop a 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. congratulatory protests 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 through last week, have only in their criticism of the government. They have often been unable to agree among themselves on campaign procedures and certainly do not agree in their platforms.

For some, like lawyer Truong Dinh Dau, Democratic candidates Pham Van Dong and others, the campaign has been an opportu-
WASTR IN POVERTY PROGRAM

Mr. CARTER. Mr. Speaker, I ask unanimous consent to add an amendment to the House for 1 minute and to revise and extend my remarks.

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, which he reached in a month.

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 for a rent of $828 a month with an option to buy the building for $12,000.

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 church.

The clinic moved to the new building in the spring of 1966 and paid the high rent from the beginning of the month.

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 set of $692 a month or about $87 per day.

The Leslie County Development Corp., which operates the program, has insisted on a rate of $359 a month with an option to buy the building for $12,000.

The investigators traced a tangled series of misunderstandings and overcharges at the local agency, the Health Department and the U.S. Office of Economic Opportunity which led to the contract dispute.

Mr. ZION. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

Mr. ZION. 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 on New York Jews and the Zionists and accused Israelis of committing atrocities against Arabs.

A two-page article on "the Palestine Problem" in the current issue of SNCC's bi-monthly newsletter criticizes Jewish Americans as well as Israelis. It links SNCC's Black Nationalist policies with the Arab's plight, and both to a worldwide struggle of colored peoples against white domination.

A photograph similar to the one used by the Ku Klux Klan in its anti-Semitic attacks depicted alleged Zionist atrocities. One which shows figures stooping with guns aimed at their faces, is captioned: "Gaza massacres, U.S. citizens as well as Asians, Latin America, American Indians and all persons of African descent."

The article accused the U.S. government of working with Zionist groups "to support Israel so that America may have a foothold in that strategic Middle East area, thereby helping white America to control and exploit the rich oil deposits of the Arab nations.""}

CONGRESSIONAL RECORD — HOUSE

August 16, 1967

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 material.

Mr. ZION. 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 on New York Jews and the Zionists and accused Israelis of committing atrocities against Arabs.

A two-page article on "the Palestine Problem" in the current issue of SNCC's bi-monthly newsletter criticizes Jewish Americans as well as Israelis. It links SNCC's Black Nationalist policies with the Arab's plight, and both to a worldwide struggle of colored peoples against white domination.

A photograph similar to the one used by the Ku Klux Klan in its anti-Semitic attacks depicted alleged Zionist atrocities. One which shows figures stooping with guns aimed at their faces, is captioned: "Gaza massacres, U.S. citizens as well as Asians, Latin America, American Indians and all persons of African descent."

The article accused the U.S. government of working with Zionist groups "to support Israel so that America may have a foothold in that strategic Middle East area, thereby helping white America to control and exploit the rich oil deposits of the Arab nations."

In an article appearing in the Anti-defamation League of B'nai B'rith, said "The current issue of SNCC's bi-monthly newsletter criticizes Jewish Americans as well as Israelis. It links SNCC's Black Nationalist policies with the Arab's plight, and both to a worldwide struggle of colored peoples against white domination."
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, also expressed interest, whatever 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 the Jews." 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. Cenderasae] may extend his remarks at this point in the Racco and substitute his name.

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

There was no objection.

Mr. CEDERBERG. Mr. Speaker, starting 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 WANTED

[By David Miller, Robert Kohn and Karen Meyers]

MIDLAND—An ex-Navy pilot says he and his squadron mates dropped their bombs in the wrong places on a number of occasions "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're talking in a foggy area without the slightest idea if anything was there. We used to joke about it. We called them 'blind 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 guests at the pilots' parties 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 what the last to beat the record of the (carrier) Enterprise."

Waier says pilots responded to this pressure by expelling 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, 11 had announced their intention to resign when Waier left the Ticonderoga.

"We were supposed to go on a hop without a minimum ceiling of 5,000 feet and five-mile visibility," he continues. "Sometimes we knew there was 100 feet of cloud cover and we ever 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 roommates on the Ticonderoga were 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 bombs on what they thought might be bridges they'd put back together during the night."

"There were times pilots would bomb the same targets over and over again.

"Each time the bomb assessment was 'target destroyed.'"

Waier says crating 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 ships," 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 combat operations.

For debriefing purposes, he says, pilots would put down "suspected radar sites" when pressed to make their flights "elegant" 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 never count sorties or total bombing, but do compile records every eighth day in their eagerness to compile sortie 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 hero, but came out as a fraud."

He saw the horrors of war, particularly the atrocities committed by the Vietnamese 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 if they were the soldiers objective.

"I'm not anti-Vietnam War, but I'm against the way the war is being done. Targets are not being done at a real fine job, and I'd go right back and fly missions to protect them. But the way we were doing it, it's such a waste."

Waier, married and the father of two, is a 1963 graduate of Saginaw Arthur Hill High School and a 1968 graduate of Michigan University before entering the Navy's cadet program.
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. We should let Seattle know that this has not occurred as yet; it has not occurred because the Negro community met and developed constructive programs to present to government and to which, fortunately, local government paid tentative heed.

If Washington truly assesses communities along the criteria suggested by our visitor, Seattle Negroes should have had their riot, and Seattle Negroes should have had their march 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,

WALTERS R. HUNDELY, 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—restoring the needs of our underprivileged children using our asphalt streets as their only summer playground.

The Fresh Air Fund is a perfect example of a successful summer camp program. The Fresh Air Fund is a nondenominational 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 they lack the financial means necessary for a summer vacation. When the New York City board of education closed in 1968, the New York Times took up editorial support for the program.

In 1966, it raised $606,251.93 from 16,834 individual contributors. The fund pays for the cost of sending children from outside 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 who will attend the seven camps on the fund's 3,000-acre Sharpe Reservation this year, 12,276 free vacations will be given to boys and girls in the homes of these 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 the like.

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 more money than 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 New York and the amount of money raised annually, and the number of needy children affected. Presently, Mr. Speaker, there is no nationwide organization which provides an 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 camp sites, the amount of money raised annually, and the number of needy children affected. Presently, Mr. Speaker, there is no nationwide organization which provides this type of information-gathering function. My bill would establish a Federal clearinghouse where information could be obtained and coordinated for multiple purposes.

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 House).
Albert B. Hines, Camp (See Madison Square Boys’ Club).
All Souls Church (See Inarnation Camp).
All Saints’ Church (See Inarnation Camp).
All Souls’ Church Camp:
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.
All the Scout Camp (See Greater New York Councils, Boy Scouts of America).
American Board of Missions to the Jews, Inc.: 236 W 72 St, Man 10933 [EN 3-7201].
Capitol Athletic Club, 15-5068. For boys and girls of the Jewish faith. A new feature is the American Board of Missions to the Jews.
American Civic Union (See Encampment Citizenship).
American Youth Hostels, Inc.: 14 W Eighth St, Man 10011 [GR 5-5860]. Frank H. Driskill, exec dir.; Inexpensive, healthy, happy, self-reliant, well-informed, community-minded and world-minded citi-

August 16, 1967

Poughquag, NY

section Day).

primarily

New York and .neighboring

Robert
to boys enrolled in Big Brothers, as integral

Angus
capacity 75.

fund).

needs for camping and related services

society

Bishop McDonnell Vacation Camp

August 16, 1967

Congressional Record—House

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zwens and to further good will among people of all lands. Provides, especially for youth, the inexpensive, educational, and recrea-
tional, outdoor travel opportunities of hos-
teling—primarily by bicycle and on foot
along scenic forest trails and byways, and to
foster appreciation of national and cultural
interest in America and abroad.

Andree Clark, Camp (See Girl Scout Coun-
cil of Greater New York) .

Anita, Camp (See Herald Tribune Fresh Air
Fund).

Alpaca Circle (See Jubilee Youth).

Associated Catholic Leagues, Inc.: 1 Union
Sq W Man 10003 [WA 9-8058] Sprout
Lake Camp, Verplanck, NY 12583.

Mary

boys and girls; 8-15 years, with organic

heart disease in the J.B., I.B, and I.C. clas-
sifications. Nonses-
tation. Boys and girls through cardiac clinics and

private physicians.

Associated YM-TWHA’s of Greater New

York: 38 W 50 St Man 10022 [PL 7-0995]

Irving Hotel gen dir. Camp Poconos

Ray Hill, Poynette, Pa. 15824.

York office:

38 W 50 St Man 10023 [CO 5-6516]

Executive dir.; Boys; 8-14

years, girls; 8-13.

Three.3-week periods.

Camp Ella Fohs, New Milford, Conn 06776.

New York: 12570 [914-6:]

Camp Vetch's Landing; prim.

capacity 15.

Andrew Korothy, dir.; Adm. through main

office.

Camp Anderson, Fishers Island, NY 11943.

Frank

Brady, exec dir. Carried out by the

Krick's, inc.

Boy's Athletic League, Inc., 51 E 42 St, Man

10017 [OX 7-9647] Illidell L. Kautz, dir.

Camp Kirby, RFD, Stony Point, NY 10980.

Fred Levine, dir. Leadership camp.

Camp Melville, Aiken, Central Valley,

NY 10917 [914: WA 8-7630]

Robert G Brandt, dir. Capacity 96.

Camp Minnehaha, Lake, Central Valley,

NY 10917 [914: WA 8-7679]

George

Meyer, dir. Capacity 75.

Camp Moonbeam, Copake, NY 12516.

Boy's Camp.

12516. Children's Camp.

Mary C. Soto, dir.; Nurse, physician on call.

For members only, 14-18 years. Capacity

125, fee $400.

Boy's Athletic League, Inc., 51 E 42 St, Man

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10017 [8-7-0694] Hilliard L. Kautz, dir.
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 through the companion. Bear Mountains. Clergy and Star of Good Shepherd (See Incarna­tion Camp).

Church of the Incarnation (See Incarna­tion Camp).


Clear Pool Camp (See Madison Square Boys’ Camp).

Cliff Villa (See New York City Society of the Methodist Church).

Columbia Golf. Camp (See Herald Tribune Fresh Air Fund).

Community Church of New York, the, 40 E 25 St, Manhattan, N.Y. 10010 (OR 7-5000). Rev. Richard D. Leonard, minister of education. Family camp. June 22-July 7. Adults, $30 weekly; children 6-8, $8 weekly. Two 8-week camp periods during fall, winter, and spring. Inter­vention programs for adolescents. Fees: $150 for a 2-week period. 3018.

Community House, Inc. (See Camp).

Comstock-Wolf Center for Citizenship (See National Council of the Federal Reserve).

Co-operative Council of Jewish Welfare Or­ganizations (See WAD.

Coombs Camps (See Educational Alliance).

Coombs Village, Camp (See Educational Alliance). Eda Lia, Cummings Village, and Camp Leah.

Dineen, Camp (See Camp Dineen).

Dineen Club (See Institute of Franciscan Missionaries of Mary).

Doctor White Memorial Catholic Cottage Home Service (See Institute of the Good Shepherd).


Eldridge, Camp (See Camp Eldridge).

Elk Lake, Camp (See Girls Scout Council of Greater New York).

Emanuel Camps (See Bronx House-Emanuel Camps).


Fryman, Camp (See Camp Isabella Freed­man of Connecticut).

Fresh Air Association of St. John, Inc., the, Montauk Point, N.Y. 11954 (TE 6-0112). Boys and girls, 3-7 years. Forest Lake, Camp (See Morningside Community Center).

Free Synagogue Social Service, Inc 80 W 103 St, Main 10025 [TE 7-9266] Mrs. Sally Leg­ger, 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 Syna­gogue.

Friendly Town Homes (See Herald Tribune Fresh Air Fund).

Girl Scout Council of Greater New York, Inc. 133 E 62 St, Main 10021 [TE 8-3200] Elia Bostron, dir camp division. Maintains 4 summer season country camps, a short­term established troop camp, 5 day camps, also 7 primitive camping sites, 28 spring and fall troop camp units, and 6 year-round troop camp units.


Girls' Friendly Society, Diocese of New York (See Incarnation Camp).

Greater Community Center, 101 W 87 St, Man 10024 [TR 3-6000] Thomas G Wolfe, exec. dir.; Pioneer Youth Camp, Ridge, L.I., 11011. LODGE. Focus on small group program. Interracial and interfith. Open year round. Boys and girls ages 6-16 for 5 weeks, capacity 200, Junior citizens, 2 weeks in September; capacity 46. For boys and girls, 7-12; 3-week camp program. Capacity 100.

Grace Church (See Incarnation Camp).

Graham Boys' Camp. (See Gamrowey Boys' Club Association).

Gramercy Boys' Friendly Society, Diocese of New York, 161 W 87th St, Bklyn 11212. Capacity 200. Fee: junior camp, ages 10-15, $41; senior camp, ages 14 and up, $51. Junior counselor training in May, ages 12 and up, three days, $4 per person.

Girls' Friendly Society, Diocese of New York (See Incarnation Camp).

Green Acres Family Camp (See New York City Mission Society).

Greentree Scout Camp, 27 Barrow St, Man 10014 [CH 2-4140], Summer vacations arranged for neighborhood children through local referral. Youth camps through Camp Co­lumbe Falls, NY 10126. For neighborhood children, 7-13 years. Stay 4 weeks, Capacity 64. (See Hebrew Education Society of Brooklyn.)

Harriman, Camp (See Boys' Club of New York).

Harley House (See in this section Day.

Hatikvah, Camp (See Young Men's and Young Women's Hebrew Association of Wil­liamsburg). Summer vacations arranged for neighborhood children through local referral. Tent camp, July-Aug. Sliding scale of fees.

Hebrew Kindergarten and Infants Home.


Henry Kaufmann Girl Scout Camp (See Girl Scout Movement in America). 223 Henry Kaufmann Scout Camp (See Greater New York Councils, Boy Scouts of America).


The Fresh Air Fund, 250 W 41 St, Man 10001 [CH 7-1400]. H. Lewis, exec. dir.; Vacations provided children, 5-15 years, in Friendly Town homes. Stay 2 weeks to all will pay 25% of normal rates through established social agencies. Nonsectarian. Free. Also maintains the following camps. Stay 2 weeks. Fee.


Herrlich, Camp (See Lutheran Social Serv­ices of Metropolitan New York).

Hills View 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 Hill, Branch (See Young Men's Christian Association of Greater New York).

Homestead, the (See Community Church of New York).
Jewish Society for the Deaf, The, 171 W 86 St, Manhattan, N.Y.; T: 4-6607; F: 3-3850; E: Deafo; F: 2-4404; W: Deafo; E: Deafo; F: Deafo; M: Deafo; D: Deafo; N: Deafo; O: Deafo; P: Deafo; Q: Deafo; R: Deafo; S: Deafo; T: Deafo; U: Deafo; V: Deafo; W: Deafo; X: Deafo; Y: Deafo; Z: Deafo.

Jewish Vocational Service, Inc., 58 Hanson Pl, Bklyn 11217 [7A 2-6000].

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<th><strong>Location</strong></th>
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<th><strong>Description</strong></th>
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<td>New York City</td>
<td>National Guard Camp (See Young Women's Christian Association of Brooklyn)</td>
<td>Provides total and partial scholarships for children 5-16 years.</td>
<td>350</td>
<td>Lionel E. McMurren, exec. dir.; Girls, 8-15 years.</td>
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<td>New York City</td>
<td>New York Public Service, 12 Ave. D.M.</td>
<td>Provides recreational activities in 12 affiliated Methodist Churches. Conducts program of visual education. No restrictions of race or creed.</td>
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St. Vincent de Paul, Camp (See Society of St. Vincent de Paul in the City of New York).


Salvation Army, the, Star Lake Camps, Bloomfield, N.J. Maj James G. Henderson, dir.; Sunset Lodge, (See in section Aged: Recreation under listing Salvation Army.)

School Settlement Association (See in this section).

Sebago, Camp (See Boys' Athletic League).

Seventh-Day Adventists, corporation of; Sunset Park, Brooklyn, N.Y. Lois McMahon, dir. For boys 6-16 years, associated with Trinity Parish. Stay 3 weeks. Average rate, $10. Reduced rate for boys 13-16 years of age interested in exploring careers in one of the helping professions. Supervised field work seminars, camping program. Capacity: Sunset Park, Brooklyn, N.Y. 205.

Seth & Paul, Camp (See Boys Brotherhood Conference Corporation of.

Seventh-Day Adventists (See Child Service League).

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Viet Nam Summer Camp (See Volunteers of America, New York City Missions to Children's Society).

Vacamas, Camp (See Camp Vacamas Association).

Vaccama, Camp (See Camp Vacamas Association).

Wabenski Camp (See Boys Brotherhood Conference Corporation).

Wagon Road Camp for Handicapped Chil- dren (See Children's Aid Society).

Wakonda, Camp (See Boys' Athletic League, World's Fair).

Wallkill Camp (See Children's Aid Society).

Wapanacot, Camp (See New York Institute for the Aged; Recreation under listing Wapanacot).

Warren Street Community Center (see in section Recreation: Brooklyn).

West End Campers, the (the Metropolitan Jewish Centers Camp; W. 155th St., New York, N.Y. Office, 31 Union Sq. W., New York 10003 [914: 6-9293]. Boys 6-16, 8-13. Boys and girls 8-15 years, first-time campers. Stay 3 weeks or 6 weeks. Reduced rate for boys 14-16 years, boys 15-17, and girls 14-16 years. Trip program to Europe: 6 weeks for girls 15-17, boys 16-17. Trip program to Atlantic City and Asbury Park: 6 weeks for girls 15-17, boys 16-17. 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 16-17. Trip program to Atlantic City and Asbury Park: 6 weeks for girls 15-17, boys 16-17. 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 16-17. Trip program to Atlantic City and Asbury Park: 6 weeks for girls 15-17, boys 16-17. 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 16-17. Trip program to Atlantic City and Asbury Park: 6 weeks for girls 15-17, boys 16-17. 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 16-17. Trip program to Atlantic City and Asbury Park: 6 weeks for girls 15-17, boys 16-17. 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 and girls 8-18 years. Reduced rate for members. Capacity: 50. Men's and Women's College Camp. (See in this section Aged: Recreation under listing American Jewish Historical 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 consent of the gentleman from Indiana?

There was no objection.

Mr. Saylor. 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.

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There was no objection.
of the saline water project at Freeport, Texas, which is presently operated by Stearns-Roger Company. The Office of Saline Water, being acquired for the Island of St. Croix. Your comments at that time were rather adamantly opposed to the process involved in this particular plant.

In view of the above, I was greatly amazed and somewhat shocked to learn 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 the Virgin Islands but also to Stearns-Roger’s Company—but for the technical reliability of the long tube vertical process of distillation having developed 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 acquiring 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 reverting the previous views on the process involved in this plant, as well as to the experience which has been gained by OSW to qualify them for the endorsement for OSW.

Sincerely,

John P. Saylor
Member of Congress

U.S. Department of the Interior, Washington, D.C.

Hon. John P. Saylor
Chairman
House of Representatives
Washington, D.C.

Dear Mr. Saylor: I am pleased to provide you with additional information and comments in response to your letter of June 28. Following months of study under your able mentorship, I would like to restate my position regarding the feasibility of the Stearns-Roger plant to the Virgin Islands. As I explained previously, I 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 actual or possible commercial plant. The basic plant is obsolete by the standards of present day design; it would be cumbersome and expensive to change it to 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 capabilities to effectively design and construct a 1 MGD saline water plant, OSW had informed the Virgin Islands officials that the Stearns-Roger Company had modified and improved the long tube process design and constructed the five new effects which are now going on stream. The first three effects have met entirely satisfactory. On the basis of this demonstrated competence, OSW stated that Stearns-Roger was qualified to design and construct a 10 MGD plant.

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 in the process of further refining 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. OSW noted that the LTV process is ready for commercial application.

It seems to me that 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, consider OSW’s ability to insure proper operation and monitoring. However, OSW had no grounds or the right to deny Stearns-Roger’s ability to construct a saline water plant in 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. Bardley 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 magnitude of the older effects in spite of their vastly reduced size. In fact, this comparison is a good pictorial representation of the fact 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-Roger’s first commercial distillation venture, I suppose both events were inevitable. One will never know until the test is over whether my concern is well-founded.

Sincerely yours,

Frank C. Di Luzzo
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

Mr. Speaker, I am a tired American. I am a tired American who dislikes the belief in capitalistic America that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed. They say they hate communism, but they are at the same time 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 world the myth that India 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 the good things that our system of free enterprise brought about.

I am a tired 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 higher Lord than the God of this country for 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. Ashtbrook] 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. Spener, 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, this book 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 economic, but 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 is being destroyed by 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; The Art of Smearing; The Obliteration of Capitalism: Rand; The New Fascism: Rule by Consensus; and The Cashing-in: The New Fascism: Rule by Consensus.

Why are these chapters worth reading?

In her introduction, Miss Rand states:

No political-economic system in history has ever proved its value so eloquently as has benefited mankind so greatly as capitalism—and not only because it has given us wealth, but because it has given us freedom, 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 work was devoted to the influence and quality of these others than to his role or his function.

Political economy was, in effect, a science of organization, a kind of science of "community" or a nation's "resources." The nature of these "resources" was not defined; instead, 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" to 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 work was devoted to the influence and quality of these others than to his role or his function.

Political economy was, in effect, a science starting in midstream: it observed that men were producing something of value, that they were being paid for their work, and that they had always done so and always would—it accepted this fact as the given, the fixed area of discussion, 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 scheming among the Intellectuals of the nineteenth and twentieth centuries was another. Psychologically, the main reason was the soul-body dichotomy and the notion that production was regarded as a demeaning task of a lower order, unrelated to the concerns of man's intellect, a "machine." Slaves or serfs since the beginning of recorded history. The institution of servitude had lasted, in one form or another, till well into the twentieth century. It was abolished, politically, only by the advent of capitalism; politically, but not intellectually.

The concept of man as a rational being, 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 being paid for their work, and the only lever they had over the only value 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 slave of the tribe, as much subject to the whim of the king. It must be remembered that the institution of private property, in the full, legal sense of ownership, was not a feature of existence only by capitalism. In the pre-capitalist era, private property existed de facto, but not de jure, 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 appropriate the estates of recalcitrant nobles 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 condition of man, the rights of man, as 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 rulers as products by physical force as a badge of nobility.

Thus Europe's thinkers did not notice the fact that reducing a servile laborer into a wage laborer was the same as reducing galleys slaves had been replaced by the inventors of steamboats, and the village blacksmiths by the industrialists who were thus performing the historic task, and they went on thinking in such terms (such contradictions in terms) as "wage slavery" or "the antisocial selfishness of industrialists" when those who were performing the historic task were condemning the very social systems without reference to the fact that man's nature and man's relationship to existence only by capitalism.

That notion has not been challenged to this day; it represents the Implicit assumption of the base of contemporary political economy.

As an example of this view and its consequences, I shall cite the article on "Capitalism" in the Encyclopedia 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 capitalism are the 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 appropriate the estates of recalcitrant nobles throughout the course of Europe's history.)

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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 "social surplus," it says, is with the study of social systems—"the special virtue that enabled capitalism to cutstrip all prior economic systems" was freedom—a (issue not expressly absent from the Britannica's account), which led, not to the expropriation, but to the creation of wealth.

**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 today is a social group of men not of the loose aggregate known as a "community"—that any science of the humanities has to begin. This premise is 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—example of this is the scientific method that underlies today's political economy. That premise is shared by the enemies and the champions of capitalism alike; it provides a frame of reference to their attempts to justify capitalism on the ground of "the common good" or "service to the consumer"—or the "best allocation of resources.

If capitalism is to be understood, it is this tribal premise that has to be checked—and challenged.

**What is the Virtue of Selfishness?** Ayn Rand, "The Objectivist Ethics," 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 maintains him? Is man himself the agent of the right to exist for his own sake—or is he born in bondage, as an indentured servant who has bought 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 to obtain or maintain property. The function of the government, in such a society, is the task of protecting him from such use of 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 constitutional control.

It is the basic, metaphysical fact of man's nature—the connection between his survival and his use of reason—that capitalism recognizes and embodies.

In a capitalist society, all human relationships are voluntary. Men are free to cooperate or compete, and may form, dissolve, and transfer their own individual judgments, convictions, and interests dictate. They can deal with one another 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, socially 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 systems is metaphysics. 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 philosophical systems in history, the cornerstones 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 economics of man itself. Capitalism—hence the tribal premise inherited from prehistorical traditions.

The "collectivist" justification of capitalism does not lie in the collectivist claim that it effects "the best allocation of national resources," "the maximum satisfaction of the mutual desires of individuals," 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 rest on an "intrinsic" claim that it represents the best way to achieve the "common good." It is true that capitalism does—if used properly—reduce the "common good" to a secondary concern. The moral justification of capitalism lies in the fact that it respects the fulfillment and preservation of 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 theoretical foundation of all systems, of all forms of human organization, 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. The tribal concept of "the common good," therefore, has such vague meanings as such: "good" and "value" pertains only to a living organism—to an individual living organism, to a biologic aggregate of relationships.

"The common good" is a meaningless concept. In theory it means that the good of all the individual men involved. But in explicit form 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 all this in the literal meaning that that concept is generally used. It is accepted precisely for its elasic, undefinable, "mystic" quality, not as a moral guide, but as an escape from morality. Since the good is not applicable to the dis­embodied aggregate of relationships it is 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 sub­human animals. It is tactically assumed, in such cases, that "the common good" means "the good of the minority or the individual. Observe the significant fact that that assumption is fact: even the most collectivized mentalities seem to tacitly accept the fallacy that the good is more important than the "majority," too, is only a pretense and an illusion, since, in fact, no one can by himself be a "majority"; and the abrogation of all rights, it delivers the helpless minority into the power of any gang that procures 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 respected. 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 "factors of the common good?" The myth of "the common good!" The answer lies in philosophy—in philosophical theories on the nature of the good.

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 origin and consequences, regardless of any benefit or injury they may cause to the actors and subjects involved. It is the concept of "good" from beneficiaries, and the concept of "value" from valuer and purpose—claiming the "good" is intrinsic to itself.

The subjective theory holds that the good bears no relation to the facts of reality, that it is the product of a man's consciousness, mediated by his feelings, desires, "intentions," or whims, and that it is merely an "arbitrary postulate" or an "emotional commitment." It is the concept of "good" that resides in some sort of reality, independent of man's consciousness; the subjectivist holds the subjective or premeditated nature of man's consciousness, independent of reality.

The objective theory holds that the good is merely a component of "things themselves" or of man's emotional states, but on evaluation of the facts of reality by man's consciousness according to a rational standard.

The concept of "good and value" means: derived from the facts of reality and validated by a process of reason.) The objective theory holds that the good is only a pretense and an illusion, since, in fact, no one can by himself be a "majority." It is the question: Of value to whom and for what? An objective theory does not permit context-dropping or "concept-stealing"; it is the concept of "good and value" from "purpose," of the good from beneficiaries, and of man's actions from reason.

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 good is subjective, he will do so by his own actions. If he believes that the good is objective, he will do so by his own actions by such actions is of no significance, he will regard a sea of blood as of no significance.

If a man believes that the good is intrinsic, all his actions are irrelevant (or interchangeable), he will regard wholesale slaughter as his good.

If a man believes that the good is subjective, he will regard wholesale slaughter as his good.

If a man believes that the good is objective, he will regard wholesale slaughter as his 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 what good or evil becomes, for him, an issue of: my feelings or theirs? No bridge, understanding, or communication is possible to him. In this theory, the concept of moral action among men, and an objectively perceivable reality is their only common frame of reference, when there is no division of labor, 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 treat some sect as the enemy of man, he feels morally entitled to force men "for their own good," since he feels that he is right and that it is morally right to oppose him but their misguided feelings.

Thus, in practice, the proponents of the first theory can commit the same crime as the other two, but in a way which shows by means of special, non-rational intuitions and
The objective theory of values is the only moral theory incompatible with rule by force. Capitalism is the only system based implicitly on the objection that it is the value of a good which is a monstrosity which destroys the historic tragedy of the latter's never having been made explicit.

If one means by 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 physically on an objective theory of values—and man's capacity to recognize the good, the historic tragedy is that this has never been made explicit.

The recognition of individual rights implies that the good is not a value to anyone; the forcibly valued) outside the full context of a man's life, needs, goals, and knowledge.

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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. Physically it may extend to any point greater than the range of the moment. The man who does no more than physical labor, consumes the individual surplus of the people. The man who is expected to contribute to the process of production, and leaves no further value, neither for himself nor others. But the man who produces and controls the use of rational means-the man who discovers new knowledge—is the permanent benefactor of humanity. ... It was Lisa, by the way, who shared with unlimited numbers of men, making all sharers richer as no one's sacrifice or productive effort is lost. The productive process of today's progress of science is a threat to the people, and every advance is taken out of the people's shrinking horizons. This was not the history of capitalism.

America's abundance was not created by public sacrifices to the "common good," but rather from the personal interest of the factory worker who is in charge of his own productive capacity and his own private fortunes. They were not created by turning the American's industrialization. They gave the people better jobs, higher wages, and cheaper goods. It is the need to share, to pool or common pot, then wait hungry at its rim, while the leader of a clique of cooks takes their own risks, progress is not a matter of sacrifice but rather from the personal interest of the factory worker who is in charge of his own productive capacity and his own private fortunes. They were not created by turning the American's industrialization. They gave the people better jobs, higher wages, and cheaper goods. It is the need to share, to pool or common pot, then wait hungry at its rim, while the leader of a clique of cooks takes their own risks, progress is not a matter of sacrifice but rather from the personal interest of the factory worker who is in charge of his own productive capacity and his own private fortunes. They were not created by turning the American's industrialization. They gave the people better jobs, higher wages, and cheaper goods. It is the need to share, to pool or common pot, then wait hungry at its rim, while the leader of a clique of cooks takes their own risks, progress is not a matter of sacrifice but rather from the personal interest of the factory worker who is in charge of his own productive capacity and his own private fortunes. They were not created by turning the American's industrialization. They gave the people better jobs, higher wages, and cheaper goods. It is the need to share, to pool or common pot, then wait hungry at its rim, while the leader of a clique of cooks takes their own risks, progress is not a matter of sacrifice but rather from the personal interest of the factory worker who is in charge of his own productive capacity and his own private fortunes. They were not created by turning the American's industrialization. They gave the people better jobs, higher wages, and cheaper goods.
Europe stood about where many underdevelo ped countries stand in the 20th century. (This is about the same topic. I think the word 'sophisticated' is about the equivalent of today's Congo; or else, it means that people's intellectual development has nothing to do with economics.) [The link between the public and private sectors under capitalism and under socialist collectivism is illuminating. (It is.) In a collective economy all resources are distributed in the public and private spheres, which are available for education, defense, health, welfare, and other public needs without any transaction through taxation. Private consumption is permitted by the state, but the claim is permitted against the private sector. [This is what I mean.] In a collective economy public needs enjoy the same status as private needs, and consumption is more restricted. In the Soviet Union teachers are plentiful, but the teachers are scarce wherever the opposite condition prevails in the United States.]

Here is the conclusion of that article: "A paradox concerning the survival of capitalism are, in part, a matter of definition. One sees everywhere in capitalist count tries, example, would be increased by a realization of resources. For instance, within the public sector of a country there are more schoolrooms and fewer shopping centers, more public libraries and fewer automobiles, more hospitals and fewer bowling alleys.

This means that some men must tell all their lives without adequate transportation (automobiles), without an adequate number of places to rest, and if they need shoes, the prices are not paid. Adequate schooling, without the pleasures of re tirement (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 presidential victory—of the total obliteration of the distinction between private action and government action, between production and forced labor, 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 parts in the production—study the following: "Capitalism has a bias against the public sector in which the people may profit; within the realm of income accrue [!] initially to the private sector while resources reach the public sector through taxation. The people's needs are met only by sufferance of consumers in their role as taxpayers [what about producers?], whose political representatives are merely 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 things. That people claim a right to engage in self-sustaining and selfgenerated, compétent, and successful for the same resources. [What resources?]..."

[Reprinted from the Virtue of Selfishness] APPENDIX: MAN'S ECONOMIC ACTIVITY [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 does not uphold individual rights, one must realize that capitalism is the only system that can uphold individual rights and guarantee them. If one challenges the relationship of freedom to the goals of today's intellectuals, one may gauge it by the fact that they emphatically do not regard the individual rights as elevated, distorted, perverted and seldom discussed, most conspicuously seldom by the so called "conservatives." [The link between the public and private sectors under capitalism and under socialist collectivism is illuminating. (It is.) In a collective economy all resources are distributed in the public and private spheres, which are available for education, defense, health, welfare, and other public needs without any transaction through taxation. Private consumption is permitted by the state, but the claim is permitted against the private sector. [This is what I mean.] In a collective economy public needs enjoy the same status as private needs, and consumption is more restricted. In the Soviet Union teachers are plentiful, but the teachers are scarce wherever the opposite condition prevails in the United States.]

Here is the conclusion of that article: "A paradox concerning the survival of capitalism are, in part, a matter of definition. One sees everywhere in capitalist countries, for instance, would be increased by a realization of resources. For instance, within the public sector of a country there are more schoolrooms and fewer shopping centers, more public libraries and fewer automobiles, more hospitals and fewer bowling alleys.

This means that some men must tell all their lives without adequate transportation (automobiles), without an adequate number of places to rest, and if they need shoes, the prices are not paid. Adequate schooling, without the pleasures of retirement (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 presidential victory—of the total obliteration of the distinction between private action and government action, between production and forced labor, 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 parts in the production—study the following: "Capitalism has a bias against the public sector in which the people may profit; within the realm of income accru [!] initially to the private sector while resources reach the public sector through taxation. The people's needs are met only by sufferance of consumers in their role as taxpayers [what about producers?], whose political representatives are merely 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 things. That people claim a right to engage in self-sustaining and self-generated, successful, compete successfully for the same resources. [What resources?]..."
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 others.

Thus, for every individual, a right is the moral sanction of a positive—of his freedom to act upon his own judgment, for his own purposes, by his own voluntary, uncoerced choice. As to his neighbors, his rights impose no obligations on them except free judgments as to the manner of violating his rights.

The right to life is the source of all rights—and the right to property is their only implement. Without property rights, no other rights are possible. Since man has to sustain his life by his own effort, the man who has none has no means of earning his living or of escaping the servitude of famine. The government was set up to protect man from criminals—and the Constitution was to draw a distinction between these two—by protecting the innocent from violent or immoral conduct.

The government was written to protect man from the government and the Constitution was to draw a distinction between these two—by protecting the innocent from violent or immoral conduct.

The Bill of Rights was not directed against the crown or the state, but against the sovereign individual. The government was set up to protect man from criminals—and the Constitution was to draw a distinction between these two—by protecting the innocent from violent or immoral conduct.

Thus, the essential meaning and intent of America's political philosophy, implicit in the Declaration of Independence and the Constitution, is that man's rights impose no obligations on the government except free judgments as to the manner of violating his rights.

The right of individual rights was one of the most radical achievements of the struggle for liberty. It was the essential and central demand of the struggle, the central assertion of the Declaration of Independence. It was the essential human relationship—in which the government, acting as a policeman, may use force only in retaliation and only against those who infringe the rights of others.

This was the essential meaning and intent of America's political philosophy, implicit in the Declaration of Independence and the Constitution, is that man's rights impose no obligations on the government except free judgments as to the manner of violating his rights.

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Oath, food, clothing, recreation, 1 homes, medical care, education, etc, do not grow out of a politician's stump speech, but are the right to property—by their own uncoerced, uncontrolled action. The right to earn enough to provide himself a home and to没关系，无选择地服从于另一人。

No man can have a right to impose an unchosen obligation, an unwarranted duty or an involuntary servitude on another man. There can be no such thing as "the right to seize," a right that does not include the material implementation of that right by other men; it includes only the freedom to earn that implementation by their own choice.

Observe, in this context, the intellectual precision of the Founding Fathers: they speak of a 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 needs 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 take the actions he needs to achieve his happiness; it does not mean that others must provide him with property.

The right of free speech means that a man has the right to impose his will on himself, without that danger of suppression, interference or punitive action by the government. It does not mean that the government has to provide him with a microphone, a lecture hall, or a printing press through which to express his ideas.

A undertaking that involves more than one man necessarily involves consent of every participant. Every one of them has the right to make his own decision, but none has the right to impose his will 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 free market economy in which each man chooses to hire him. There is no "right to a home," on; the right to free trade: the right to build a home or to buy it. There are no "rights of ownership" to a farm or to a slave. 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private citizens have no power to commit) and thus freeing the government from all restrictions. The switch is becoming progressively more obvious in the de facto freedom of speech. For years, the collectivists have been propagating the notion that a private individual has no power to commit a violation of the opponent’s right of free speech and an act of “censorship.” It is similarly claimed that a newspaper refuses to employ or publish writers whose ideas are diametrically opposed to its policy.

Is “censorship,” they claim, if businessmen refuse to advertise in a magazine that denounces, insults and smears them.

It is the same Mr. Minow who claims that a TV sponsor objects to some outrage perpetrated on a program he is financing—such as the incident of All In The Family. No one is 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 government restrictions on social conduct and to private individual action. 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 you will be reminded that the definition of the “economic bill of rights,” an individual has no right to dispose of his own material means by the means of his choice. He must earn every penny he earns and must hand over his money indiscriminately to any speakers or propagandists, who have a “right” to his property.

This is 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 communists or Nazis, has to pay a fearful “right” to his property.

But since it is obviously impossible to provide every claimant with a job, a microphone or a newspaper, the government has to define 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 threat to “economic rights” includes the “right” of every would-be playwright, every beatnik poet, every abstract objective artist (who have political pull) to every would-be playwright, every beatnik poet, every abstract objective artist (who have political pull) to expend his efforts, into the perpetual tribal warfare of another group is reduced to helpless irresponsibility.

“The economic rights” of man’s right to life is his right to self-defense. In a civilized society, force may be used only in retribution of a foe against those who used it against itself. 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 denounced the retaliatory use of force, it would be left helpless to use the material means of their opposition, to impede their progress 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 discretion of another.

Visualize, for example, what would happen if a man who had been robbed, broke into every house in the neighborhood to search it, and shot the first man who came along to look, taking the look to be a proof of guilt.

The retaliatory use of force requires objective rules to define what is justifiable, so that a crime has been committed—so that he 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, lynching and an endless series of bloody private feuds or wars.

If physical force is to be barred from social conduct, men need an institution charged with the task of protecting their right to the use of objective rules.

This is the task of a government.—its basic task, its only task. This is the reason why men do need a government.

A government is the means of placing the retaliatory use of physical force under objective control, under objectively defined laws.

The fundamental difference between private and retributive use of force.

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 of his property, or prevent him from achieving his goals, or compel him to act against his own rational judgment.

The condition 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 not use physical force —but only by means of objective rules, which replace the arbitrary discretion of man’s right to life is his right to self-defense. In a civilized society, force may be used only in retaliation of a foe against those who used it against itself. All the reasons which make the initiation of physical force an evil, make the retaliatory use of physical force a moral imperative.

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HOUSE 22811' 

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A recent variant of anarchistic theory, which tries to make the younger advocates of freedom, is a weird absurdity called "competing governments." Accepting the foundation of a system of private individuals, who see no difference between the functions of government and the functions of industry, business, and production, and who ad­  

vocate government by competing governments—  

the proponents of "competing governments" take the other side of the same coin and  

decide that since competition is the badge of  

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government. Instead of a single, monopolistic government, to it from which there should be a  

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tion is to be found in every organized society, manifesting itself in such phenom­  

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government and a robber gang—the aura of respect and of moral authority granted to  

the "government," even though it be no more than a parcel of men, so long as it is  

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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 press-agendas to justify their rule in the eyes of their  

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In mankind's history, the understanding of the government's functions—this is a very  

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CONGRESSIONAL RECORD—HOUSE 22811  

August 16, 1967  

the agent of restraining and combating the  

use of force; and for that very same reason,  

its actions have to be rigidly defined, de­  

limited, and monitored; and if they are not,  

or caprice should be permitted in its per­  

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operate it. And this system can be the same  
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loophole for the development of tyranny.
The American system of checks and balances was just such an achievement, and although the Constitution did leave a loophole for the growth of statism, the incomparable achievement was that of limiting and restricting the power of the government.

Today, when a concerted effort is made to obliterate the Constitution, 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 of arbitrary decisions of random initiators of physical force, the government, but a means to limit and restrict the power of the government. And that junior partnership I ween a law clerk and a law partner, that now I am the 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 served 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 carefree
That now I am the ruler of the Queen's Navee.

CHORUS
He polished up the handle so carefree
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 articed clerk I soon became;
I wore clean collars and a brand 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 now I am the ruler of the Queen's Navee.

But that kind of ship so suited me,
That now I am the ruler of our whole Navy.

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 talked disarmament so constantly,
That now he is the ruler of our whole Navy.

Telling the Story of Kansas

When I was a lad, I served a term
As office boy for a bank in Kansas.
I grew so rich, that I was sent
By a pocket borough into Parliament;
I always voted at my party's call,
And never thought of thinking for myself.
I thought so little they rewarded me,
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
He thought so little, etc.

Now I am the ruler of the Queen's Navee,
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 am, 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, which of the Kansas has a real No. 1 jerk, who insists on the people to match.

Anyone who has visited Kansas and taken time to look at some of its attractions will likely respond with enthusiasm. Someone who hasn't had a personal contact with Kansas or Kansans may shrug their shoulders as to its "pick-up camper." And usually there is the self-styled funny man, a real No. 1 jerk, who insists on the people to match.

The story of Kansas is--the nationally-known Eisenhower Center in Abilene and Boot Hill in Dodge City--no name just two outstanding attractions.

Mr. ZION. Mr. Speaker, I ask unanimous consent that the gentleman from Alaska [Mr. POLLOCK] may extend his remarks at this time into the Recos 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 this year, there was less than 5 years, the young State of Alaska has been hit by a devastating flood in the history of 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 in Alaska has struck Alaska's southernmost region and has been called the worst flood disaster in the nation's history.

The flood waters had begun to recede, and smaller communities along the Tanana and Nenana Rivers and their tributaries. Water at Fairbanks is 9 feet over flood stage as of yesterday, and the previous record. This exceeds the design of flood
All utilities in Fairbanks are out. Rain forecast for tonight, but the long­range forecast is brighter.

Vital State and local agencies have responded quickly and efficiently to this disaster. Governor Hickel immediately declared that Fairbanks and Nin­ana were disaster areas and mobilized the National Guard to assist the stricken communities. 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 Management will be going to Nin­ana to 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 Elson Air Force Base and Fort Wainwright near Fairbanks even though, in some cases, these too are flooded. The Alaska Rail­road is flooded out at Nin­ana 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 relatively 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 housing stock. The damage is undoubtedly the most serious in Fairbanks and the Indian village of Nin­ana is completely inundated, as is Fairbanks. University of Alaska, Lathrop High School, and other schools. Another 700 residents were playing 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 parts of Anchorage and 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 water to recede and there is no place for Nin­ana. There is still additional light rain forecast for tonight, but the long-range forecast is brighter.

The SPEAKER now takes the floor. 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.

Tulsa citizens face a decision. The port of Catoosa, "a port on Catoosa," from the June 8 issue of Tulsa magazine, in the Tulsa area of the Oklahoma Chinook is being voted on by Tulsaans Tuesday.

Mr. Speaker, I place this article, "Port of Catoosa," from the June 8 issue of Tulsa magazine, in the Tulsa area, 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 most important decision Tulsa is now faced with is whether to vote for, against or abstain from a bond issue to build a port on the Arkansas River.

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 times these past 50 years?

The dis­advantage is that a large amount of money is necessary in a very short period of time to construct the port. It would take anywhere from months to years to do this.

In 1965, the people of Tulsa voted a $2.5 million bond issue to build the port. This was later changed to $7 million. In 1966, $100 million of this money was spent at the site and initial development. Land is now being purchased, engineering work is well along and the ready-made buildings at the site are in place. The first phase of construc­tion will start this year.

Total cost of the port facilities will be $2.5 million with $7 million being revenue bonds. Officials expect this figure to rise to $75 million with an additional $30 million when some of the offshoot industries are added.

The dramatic re­covery of 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—apart from the $75 million investment. This is a part of the Inland Waterway System and the Intracoastal Waterway, which is carrying 11 times its predicted annual freight tonnage.

The $17,500,000 the people of Tulsa are being asked to approve on Tuesday is to 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 in a total of $50 million new dollars to the Tulsa area. This means $50,000,000 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, in the head of navigation on the Arkansas River.

When the first barge tow comes up the river to Catoosa in 1970, the Federal Government will have invested nearly $1 million 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 a $17,500,000 being voted on by Tulsaans Tuesday.

Mr. Speaker, I place this article, "Port of Catoosa," from the June 8 issue of Tulsa magazine, in the Tulsa area, 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)

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A $17.5 million bond issue will be placed before the people of Tulsa within a few weeks. Referring to it at groundbreaking ceremonies of the $45.4 million Catoosa Dam on the Verdigris River, N. G. (Bill) Hen­ thorne, president of the Tulsa Chamber of Commerce, said the money is needed for 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 lakes. The Rhine 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 valuable natural resources in the Missouri River Basin.

The Army Corps of Engineers in past years has spent $25 billion on capital expenditures. The people of the basin area are looking to the waterway to enhance the economic development of the basin. The Corps has predicted that the waterway will provide $13.5 million in operating savings. "It does not, however, threaten other modes of transportation," says Don McBride, former aide to Senator Kerr and many other Oklahomans.

The Corps is working on the Arkansas River project, with the hope of establishing a state to state transport system from the Mississippi below Memphis to Muskogee, and then virtually build a new Mississippi navigation system. The system will be a chain of slack water navigation. The system can carry 65 million tons of freight a year—13 times the amount transported by river barge today.

As the terminus of the system, Tulsa's significance in the water transportation system cannot be understated. But," as the terminus of the system, Tulsa's significance in the water transportation system cannot be understated. The Corps estimates that 65 million tons of freight a year will be moved by river barge, 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, to St. Simons Island, Ga. This waterway is now carrying 65 million tons of freight a year—13 times its predicted potential.

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?

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. 6416—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 it, struggling 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 tragicat within the community, the associa­tions are in a position to assess the larger problem from a more dispassionate perspective. 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 Raccoon selections from some of the communications I have received recently:


DEAR Mr. Ottinger: Thank you very much for your letter and supporting document of August 3, 1967.

Mr. Bingham 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 have the Emergency Assistance Act included in the final version of the bill.

We look forward to hearing from you at your convenience.

Sincerely,

Al B. Rhinehart, Administrative Assistant.

[From the New Mexico Hospital Association, Albuquerque, N. M., July 27, 1967]

DEAR Mr. Ottinger: Enclosed are the copy of your July 18th letter, we are writing 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.
August 16, 1967

CONGRESSIONAL RECORD — HOUSE

22817

This is why it may be useful for future Presidents—and all the rest of us—to be in mind that almost all generals are almost always wrong about war. Their speeches should be listened to with skeptical respect, but never with reverent credulity.

SILVER

Mr. FRYOR, 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.

Mr. TIERNAN. 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 supplies. A large and growing portion of the silver has been 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 and 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 been subject 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 silver prices through increased production is through the sale of these coins to the public. The Treasury recently subject to increasing price weakness, immediate relief from high prices through increased production is doubtful and silver users must look in- fie to our coinage if they are to avert disaster.

At present, the Treasury has banned both the export and melting of silver coinage in an attempt to stabilize the market. 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 any practical alternative exists for boarders 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 coin circulation, a condition which has been recently subject to increasing price weakness, immediate relief from high prices through increased production is doubtful and silver users must look in- fite to our coinage if they are to avert disaster.

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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 $1.50 an ounce to the current figure of around $1.77 on the open market is imposing. It already has occasioned many disturbances of established product prices 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 limit the melting down of old U.S. coins of high silver content that are still in circulation. The effect would be to freeze an estimated 1.8 billion ounces and, it is thought, to stabilize the market price at about $1.50 an ounce.

From the standpoint of the user and consumer, the act would be desirable. 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 the demand alone should determine market price.

The government in recent years has been moving in the direction of past practice. 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 16 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 take the coins, melt them, offer the metal at the going price and rea; 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 INTRO­DUCE 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. (The extension of remarks appears in the Congressional Record, August 16, 1967.)

The SPEAKER pro tempore. Is there no objection to the request of the gentleman from Kansas?

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 production of low and moderate income housing and to eliminate conditions that perpetuate urban ghettos.

The bill has now been introduced by 21 Congressmen. It is a companion bill to H.R. 12412, introduced by my colleagues on the Housing Subcommittee of the House Banking and Currency Committee, Mr. Ashry, Mr. Moosher, 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 making 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 our Nation faces.

In conclusion with me today are Congressmen BINGHAM, BROWN of California, COLFIEL, FARSTEIN, GIALMO, MINK, O'NEILL of Massachusetts, REES, ROSENTHAL, ST. GERMAIN, ST. ONGE, VANIK and VIGNOTTO.

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.

HON. HENRY S. REUSS,
Chairman of the Budget Committee,
Washington, D.C.

DEAR CONGRESSMAN REUSS: I appreciate very much your remarks on your recent 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 dealing with 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 extension of Section 221(d)(3) to permit the development of ten million new or rehabilitated housing units for low and moderate income families and individuals of low and moderate income.

2. The extension of Section 221(d)(3) to include single-family homes.

3. The establishment of a sliding scale of interest rates on Section 221(d)(3) and Section 222 mortgages. Present government backing is at 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 $5 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 your bill, 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 required 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 209 Low and Moderate Income Housing Program: Existing programs which rely on private, nonprofit corporations, limited dividend corporations, and cooperatives to produce rehabilitated housing are strengthened. The present cooperative and rental program is extended to the sale of new homes. PRSIs are required, to encourage expansion of low and moderate income housing. 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 gradually reduced to 5 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 their mortgage payments are adjusted upward; if they sell the home, they are required to repay the interest paid.

IV. Financial and Technical Assistance to Non-Profit Organizations and Cooperatives: Authorizes 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. Legislative Services in Public Housing: This title enables HUD to provide much-needed social services for the residents of public and low and moderate income 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 bill increases that authorization to $1.5 billion.
maximum amount of grants to low income homeowners to rehabilitate their homes is increased from the present $150 to $400 million. This legislation requires HUD within one year to develop a modern building code, and provides that three years thereafter, to be extended at the discretion of the Secretary, urban renewal programs, and FHA insurance. 

8. Repealing the Cost of Housing Construction. In order to prevent local building conditions from unduly raising the cost of housing this Administration requires HUD within one year to develop a modern building code, and provides that three years thereafter, to be extended at the discretion of the Secretary, urban renewal programs, and FHA insurance.

9. Eliminating Federal Involvement in Lending Institutions Which Discriminate in Making Mortgage Loans. For Which Loan to Persons Who Discriminate. President Kennedy's Executive Order 1092 provided for fair housing in FHA and VA mortgages. Since this order covers only 17 percent of all privately held mortgage banks, and it is expected that the percentage of new housing starts, it has not been effective.

10. Removing Federal Involvement with Landlords Violating Local, Health, Fire, or Housing Regulations. Landlords maintain an alternative adopted in 1966. The sense of urgency in 1967 amply demonstrates the need for this program.

11. Removing Federal Involvement in the Affordability of Housing for lower-income families. The selected cities will receive financial assistance to develop community programs that are going to be self-sufficient, that are going to be self-sustaining, and that are going to be self-supporting.

12. Removing Federal Involvement with Landlord-Os who discriminate. Among major American cities, Newark and its citizens face the highest percentage of substandard housing, the most crime per 100,000 population, the highest per capita tax burden, the sharpest shifts in population, and the highest rates of venereal disease, new cases of tuberculosis, and maternal mortality.

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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. Moreover, the administration has been cut a request for additional urban-renewal funds for the model-cities program from $50 million to $25 million.

The expected plea by administration spokesmen for urgency in appropriating the necessary funds is met by questions as to why the administration has been slow to approve applications for model-cities planning money already appropriated.

APPLICATIONS REVIEWED

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consisting mainly of persons from the rural South and Puerto Rico. These men and women come unskilled and poorly educated, with little or no work history and no skills. Their lives and their heritage are threatened by generations of vicious neglect and discrimination... Their impact has not been felt in the form of an urban crisis, but revealed it, for low-income families... a level of school retardation exceeded by only a couple of states.
August 16, 1967

CONGRESSIONAL RECORD—HOUSE

22821

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.

The American 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 costless 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 less serious.

I have the honor of representing a section of the great city of Miami known for its fashion and sportsmanship. I have some of the finest design engineers and manufacturers of textiles 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, and domestic production, plummeting profits, and domestic production, plummeting profits. Yet this growth of textile imports has not helped our textile workers modernize their production. Yet this growth of textile imports has not helped our textile producers.

They have noted the down-spiral in the 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 for 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., last week addressed 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 H.E.W. 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 education, the tuition and scholarship aid programs can be developed to benefit young Americans.

As you know, rising tuition costs are creating anxiety among students.

Institutions of higher education are developing among students. Many children of low income families who seek higher education are prevented from obtaining 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 Educational经费 establish a similar investigation. He continued:

As the world leader in higher education Massachusetts should take the lead in updating the present education programs to provide maximum opportunity for young citizens.

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.

Mr. Pryor. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Ronco] may extend his remarks at this point in the Record and include extraneous matter.

Mr. Rodino. Mr. Speaker, the Nation has been suffering through a summer of discontent 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 riots. And particularly 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 City of Montclair which kept their community peaceful and safe during a time of potential disaster.

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 sizable 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 they were few in numbers.

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 an unusually high 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, a number 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 only among the population on the streets, as it hinders the advances of their Negro fellow citizens. How often in homes and gatherings of plain citizens, has such conversation taken place as “I feel so sorry for the law-abiding Negroes who may suffer from this?” No one knows how many there are. But its frequency is greater than ever before.

Finally, as the NAACP’s Charles Baskerville pointed out at last week’s Commission meeting, law enforcement agencies have used overly oppressive measures. Just as 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 class shield against even the most sympathetic enforcement agencies.

It is a powerful tribute to Montclair’s interracial Public Safety Department that no such disorders have yet occurred. A truly powerful tribute to Negro leaders that they made no attempt to raise it.

Montclair’s racial problems are by no means unique, but certainly we should pay tribute to Negro leaders that they made no attempt to raise it.

Montclair’s racial problems are by no means unique, but certainly we should pay tribute to Negro leaders that they made no attempt to raise it.

It happened in the days of President Andrew Jackson, Our History, as the New York Times. 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 disorders and pay appropriate honor to President Roosevelt. In these troubled days, there can be no more inspiring symbol for the Nation.

WHERE IT ALL BEGAN

The Star’s diligent reporter, Miss Martha Angle, on a news-hunting forsy to wildest Prince Georges County—across the other river—has turned up the little-known fact that that cornerstone of modern business, government, social intercourse, and cultural achievement, The Cocktail, was actually invented no place else but in that little spot called The Kitchen.

And they say nothing good can come from Prince Georges!

This is important as one more way of putting to rest the rumor of General de Gaulle, who believes that Le Cocktail was invented by a French poster painter and sign painter, named the Count Henri de Toulouse-Laurée. Of Laurée’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 George’s County.

To those lucky people remember there is something to drink beside white lightning. Why should the press relations man who started all of this get fired for 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. 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 our national life.

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,” threw out the news that the Evening Star’s ubiquitous Miss Martha Angle turned up the news that the cocktail was actually invented in Prince George’s County—across the other river.

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 forsy to wildest Prince Georges County—across the other river—has turned up the little-known fact that that cornerstone of modern business, government, social intercourse, and cultural achievement, The Cocktail, was actually invented no place else but in that little spot called The Kitchen.

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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. 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 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. Schumacher] may extend his remarks at this point in the Record and include extraneous matter.

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 embolming years.

In 1935, 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 his Presidency.

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 disorders 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.

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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.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. Speaker, one of the most disquieting manifestations of the recent riots was 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 constant and unflinching loyalty 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 carried on a major effort to increase programs to improve 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 to work 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 nation's need to improve the quality and the quantity of education available to the young people of this Nation.

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.

In the past, 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, as 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 programs administered by agencies not 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 in less than 50 percent of the cases, there are only four institutions of higher education which are ineligible to participate in Federal programs because of noncompliance with the provisions.

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 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 the effort to expand educational opportunities. But in the case of the very small minority of colleges and universities which do not recognize this responsibility, the data obtained through the Department's effort 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, it is our job as Representatives of all the people 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 higher education must be opened on an equal basis—at the elementary and secondary levels, and at the higher education levels 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 called to the attention of the Nation, 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 long 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 the requirements 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 the purposes 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 you to complete the forms. Institutions which are neither receiving nor applying for Federal funds need not complete the Compliance Report. If such is the case, please advise us and return the enclosed materials.

The information is required pursuant to section 80.6(b) of this Department's regulations (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 will have been recorded 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 you do not have a law, we would appreciate your sending us the citation and, if possible, a copy of the text.

We are mindful that institutions, with many Negro and other minority students may be unable to report precise figures on enrollment on this form. Such institutions will be asked to make a good faith effort to fill out their first report: estimates by officials of the institution; information volunteered by students; a count at the time of registration; or whatever data is available to the persons 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 questions, added to the proposal, have been developed with the cooperation of 13 Federal agencies and 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 in an effort to meet the criteria of the current situation is an important element of such support.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

The Speaker. 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 solving distribution 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 single 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 depri-
vations 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答案s envisioned by this House 2 years ago.

Specifically, I refer to the Economic Development Administration's project No. 90-1 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 $9,600 requested.

The existing building had been a laun-
dry 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 mi-
grants, 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 Ad-
ministration, the Department of Labor and the Department of Health, Educa-
tion, and Welfare cooperate.

Gentlemen, in an area where the me-
dian 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 $2.38 per hour.

Compare this with the plight of the indi-
vidual 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 job.

The problem was taken to the Texas Employment Commission. The commis-
sion 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 oppor-
tunity knocks. Such was the case in Rio Grande City.

To get the training program there had to be facilities. The key to those facil-
ities was $9,600 in additional funds—funds which simply could not be raised by the hard-pressed local school district.

At this point the Economic Develop-
ment Administration entered the picture.

A month, the southwestern area office did render in the organization, overall coordination and design of this program.

It brought about a partnership of pri-
vate industry, local government, levels of Federal and State Government.

By its coordination of the agencies in-
volved, the Economic Development Admin-
istration made it possible to elimi-
nate negative approaches and utilize the best features of every available program applicable to this pathfinder project.

The Economic Development Admin-
istration 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 com-
menced, new-the-old has been filled, the aerospace industry—and with wages—begins on September 11.

I dare say that the income taxes which will have been paid by the newly pro-
ductive 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 who seek employment.

Mr. Speaker, this is but a personal view of the Economic Development Ad-
ministration and its southwestern area office.

I am sure most of you could cite proj-
ects in your own congressional districts equally satisfying.

What had pleased me as much as any-
thing, has been the quiet, professional manner in which the Economic Develop-
ment Administration has accomplished its mission thus far.

Its cooperation with your offices and my own has gained a respect that may never be repaid, but rather will be renewed by you in any 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 Eco-

nomic 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 give 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 Admin-
istration, under Assistant Commerce Secretary Ross D. Davis, and its south-
western 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.

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, I would like very much to share with you a little bit of the household 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 may 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, a colleague, a friend 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 great 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—Dwight D. Eisenhower.

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 of the finest critical faculties.

Debate is washed away in a torrent of Texas humor. Incidentally, even corny, jokes seem to sparkle like Shakespearean wit; the extravagance of the man, his unashamed hyperbole, the humor of his loyalties and the real sincerity behind a host of platitudes are somehow captivating.

One does not 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 doubt as to how this man—referred to by those who do not understand him as the ‘Talking Horse’—has amassed a fortune estimated to be in the region of $10 million, built up a formidably reputable 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 contemplative Texan plain talk is complex. The tor- rential flow of his words is no more than a stream 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 roses worn through temporary Texan plain talk is complex. The tortoise of staggering.

Mr. Smark: "Ambassador is politically elusive.

Question: Is your attitude towards Australian equity in U.S. companies operating in Australia if the whole man to a work schedule little short of staggering.

Answer: ‘They will 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 half a million Australians. I think 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 censoring 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, sitting beside me when my son-in-law 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, I don’t like to have, and it seems to work out just fine.”

Mr. Clark says he is a very happy man.

He has had a wonderful marriage, our daughter is a great friend 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 ever thought possible when I was a young man.
"I'd be afraid to live my life over again because I doubt if things could go so well again."

EARTHINESS 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 an unexpurgated master.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PRyor. Mr. Speaker, I have been delighted to read in the Times-Unión 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, who has also achieved solid intrinsic worth since Mr. Webb took over the program as chief of NASA has been a scientific and organizational miracle.

We are particularly 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,underlining 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 United States "a needless gamble."

State historians, formidable critics are calling the "needless gamble."

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 United States "a needless gamble."

To try to undermine the odds, Webb, now 60 years old, has developed a managerial doctrine as extraordinary as the space mission he oversees. Essentially, it is a bold extension of the systems-management approach that has been applied in the Pentagon for weapon development. This approach means that the Pentagon tries to relate design and procurement plans to the weapon systems'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 200,000 individual workers, more than 400,000 workers, and 300 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 the earth."

The Kennedy moon-landing mandate confronted Webb with a sudden, comprehensive government-agency expansion without precedent in peacetime. Webb's budget jumped from just under $1 billion in fiscal 1961 to $3.7 billion in 1968, reaching a peak of $5.2 billion in 1969. During this period, NASA's work force grew 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 this, Webb has had to live precariously for years with the explosive potential—which finally erupted in the North American affair—involving the sheer danger that several million dollars of unprec­

In the year 1961, I would not have given him a Chinaman's chance to come close to success.

This is not to suggest that the complaints about NASA are groundless. The fire that claimed the life of the nation's first astronaut, Alan Shepard, Jr., in May 1963, was the latest in a series of accidents that have dogged the program from the start. A series of flights, accidents, and one 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 Webb.

But with considerable successiveness 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 order to avoid 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 nation of people of advanced space 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 should be grateful for his contributions.

PRESIDENT JOHNSON'S TAX PROPOSALS — A. S. COYNE, "THREE 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 an unexpurgated master.

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 editor, Joseph R. Coyne, has offered a sound analysis of the President's recent economic message. He finds that Congress faces the choice of nuclear engines for very distant manned flights, and its Apollo Applications program. It is also to be expected that the President will undertake extensive earth "sensing" experiments to develop the use of satellites for such objectives as surveying crop conditions, locating ore deposits and oil and gas fields.

If Jim Webb has his way, the space program will soon enter a phase of considerable commercial utilization. Its domain, the types of problems it faces, and the procedures he has agreed on a compromise space budget for fiscal 1968. The joint Senate-House Conference Committee agreed on a compromise space budget for fiscal 1968.

Five of eleven new astronauts were named. In one way or another, James Edwin Webb has been involved in all of them. 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 has agreed on a compromise space budget for fiscal 1968. The joint Senate-House Conference Committee agreed on a compromise space budget for fiscal 1968.

In short, the space program is as much a service industry as any others. The American space achievement has been a scientific and organizational miracle. The American space achievement has been a scientific and organizational miracle.
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 believes, is "that 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 be high but not as much as last year—evidence that the demand is not as high as the price will rise.

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.

I insert into the Record Mr. Coyne's informative article from the Anchorage Daily Times, Aug. 9, 1967.

[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 percent wage and price 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 by a basic economic 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, is the alternative of borrowing money or raise taxes, or both.

With higher taxes and spending cuts, Johnson contends, the economy might fall between $14 billion and $18 billion. It's this amount which must be borrowed.

A $29-billion deficit covered by borrowing, Governor's 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, harming 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, could expand the nation's money supply through its regulation of national bank and securities transactions. This would cover the increased borrowing but might fore an extreme side-effect—heavy inflation.

With extra money floating around in the economy the supply of goods and services would increase and prices would rise.

A wage-price spiral would result as labor tried to offer 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. Boos] may extend his remarks as printed in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the gentleman from Arkansas?

There was no objection.

Mr. BOOGS, Mr. Speaker, I insert in the Record a splendid column by Miss Sylvia Porter, a noted syndicated columnist and economics reporter, from the Evening Record 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 as fine as 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 to the 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. Retirees are now urging us to write, call or wire our congressmen and demand rejection of proposals in the Social Security bills which, the chamber says, would convert Social Security into a welfare-type program to help fight the 'war on poverty.'

**AN EARTh EIGHT**

The charges are so serious and so fundamental that they cry out for objective analysis. To be specific:

Social Security benefits will be paid on the basis of need.

**EXPLANATIO.N:** 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 $60. 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 contribute to the system because they were too old when the system began or because their occupations prohibited their contributions at all. Recently. Preferential concessions to older workers are made at the start of many private pension plans as a reward to 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 government, 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 Arkansas [Mr. BOGGS] may extend his remarks at this point in the Record and include extraneous matter.

Mr. Boggs. Mr. Speaker, the 90th Congress will be long remembered by the 809,600 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 and improve one 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 MAKING 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.

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 increased dramatically 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 barges to carry different kinds of goods simultaneously — whether these items were exempt from ICC fees or not. If one cargo, for example, steel pipes — were subjected to a charge for the basic barging service, the owner had to pay 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.

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 economic growth in both our waterways and our towing capacities, such a restriction makes no sense at all.

If therefore join with my distinguished colleagues, Messrs. Boggs, 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.

Mr. Helstoski. Mr. Speaker, I would like to take this opportunity to pay tribute to a colleague of mine, one of my most helpful colleagues, Mr. 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 his constituents, 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 has not only represented his constituents, but also aided the New York-bound traveler who uses Newark as his departure or arrival point. He should be acknowledged as one of 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 public service. 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 a more efficient 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.

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 unified behind this proposal, I am sure this bill can be passed. As a result, we hope 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.
RELIGIOUS LEADERS RUSH TO THE AID OF OEO

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Roonev) 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. ROONEV of New York. Mr. Speaker, I submit a 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, 1967.

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:

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 become self-sufficient. Unlike traditional programs, the OEO, attempting to attack the roots of the poverty problem, aims ultimately at eliminating itself.

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 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 its 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 to endorse the War on Poverty when he announced, in Washington, D.C., that he is "a convert" to the cause. He had supported the War on Poverty when it began, he said, but, after studying what the Bible says about poverty, he had decided to get behind the program of the Office of Economic Opportunity, "now I am for it."

His endorsement came at a time when the OEO is said to be facing serious trouble in Congress, with proposals for drastic budget cuts reinforced by other proposals that the OEO has proposed 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 in 1968. Several Republican proposals for the disbanding of the agency, along with the proposal that poverty areas should supply more of their own funds for OEO, have been viewed by the religious leaders as making the OEO a "sick baby" 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 diverse divergences 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 religious leaders have just scratched the surface of. A recent report of the War on Poverty, the program is sometimes assailed from the other side by spokesmen for the poor. Their objection is directed against a particular project or against the overall anti-poverty effort, criticize limitation of objectives and 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.

Their reference, of course, was stated recently in Cleveland by Phillip Mason, director of community development for the Head Start program of the Chicago Council of Churches.

"If you channel poverty money through a crooked political system," he said, "it will do more evil than good." He called on the faith leaders to help the poor to function effectively in the present social structure.

The implementation of programs, through structures which already exist and have been "corrupted" by their alliance to the status quo, is also criticized.

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.
Congressional Record - House

August 16, 1967

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—of the 463 taxpayers reporting an income of less than $1 million, only 44 received income tax. The remaining 453 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 what would be a potential slowdown in 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 the other 453 taxpayers, 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's budget in a manner which is at once the most equitable, and the most likely to result in consumption or investment, rather than in reduced consumption or reduced investment.

The time is long past due for the United States and, indeed, for the world, to consider the fiscal method of raising the most revenue in a manner which is at once the most equitable, and the most likely to impact upon the productive investment, but into speculation. It is 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 alone would provide a revenue package 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 Steady-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 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
for their investments 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 package which 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 you to deduct gifts to charity without limit if in 8 of 10 previous years a total of one-half or more 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 capital gains 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 less than $300,000 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 price he receives on exercising the stock is taxed as a capital gain, at a maximum tax rate of 25 percent.

On account of this tax break, stock option plans have grown so 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 $4 million profit on 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 capital gains 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 execs 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. First. Exercise in 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 1964. The ostensible reason for the “double taxation” of dividends which are first taxed to the first corporate as corporate income and then again as a dividend when distributed to the taxpayer.

The second major tax 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 $300 million he now loses on 70 percent of the 400 exclusion.

But even the strongest proponents of the 1964 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 levied 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 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 recent speech, Senator Stanley S. Surrey said that in a single enterprise, it should be taxed as a single enterprise, regardless of how many subsidiary companies there are.

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 $180 million annually.

Sixth. Municipal industrial development bonds—saving $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 special bonds 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, hospital, parks, etc., 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 27 1/2 to 15 percent on any and from 25 percent on the following percentages of their income: Standard Oil of California, 2.1 percent—these tax payments in a year in which corporate taxes 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 gain. It 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 introduce a cost depletion which will limit the depletion allowance by less than one-half, from 27 1/2 percent to 15 percent, the percentage now applicable to 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 1960 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 1961, 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 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. The present estate tax rate of $1 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 $90,000 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 50,000 taxpayers.

A NATION OF LOBBYISTS FOR TAX REFORM

It will take time, and tugging and hauling, but there is no need for tax reform. 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, 1966, 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 hereafter entered, was granted to:

Mr. RUSS (at the request of Mr. PAYOR), 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. BROTMAN, for 1 hour, Monday, August 21.

Mr. GODDELL, 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. MATHES of Maryland to include extraneous matter in his remarks on the bill H.R. 2516.

(The Following Members (at the request of Mr. PAYOR) and to include extraneous matter:)

Mr. CONTE.

Mr. LATT.

Mr. BRAY.

Mr. KLEPPER.

The following Members (at the request of Mr. PAYOR) and to include extraneous matter:

Mr. KEE.

Mr. TENNER in two instances.

Mr. ZARLOCKI.

Mr. HANNA in two instances.

Mr. HOWARD.

SENEATE 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:

B. 1633. An act to amend the Act of June 12, 1993, relating to the Powoom Intercept 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:

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. 188), to the Committee on the District of Columbia and ordered to be printed.

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. BUCHANAN of Missouri: Committee on House Administration. S. 261. An act to increase the amount of real property which may be held by the American Academy in Rome; with amendment (Rept. No. 597). 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. 598). 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. 13288. 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. 12397. A bill to amend title 38 of the United States Code to make the children of certain prisoners of war and dependents of aliens having a service-connected disability rated at not less than 50 percent eligible for benefits under the war prisoners' educational assistance loan 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. 12396. 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 Code of 1954 to eliminate the percentage depletion method for determining the deduction for production of oil and gas wells; to the Committee on Ways and Means.

By Mr. KUFFERMANN:

H.R. 12395. 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 1966; 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 as a result of 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 education 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. FASCHELL:

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 or credit cards as defined under any national law or foreign code; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. BRACCHIA, Mr. COHEN, Mr. HIRSCH, Mr. HOBAN, Mr. JACOBY, Mr. KELLY, Mr. KIEFEL, Mr. KORNETZ, Mr. LEVINE, Mr. MALOY, Mr. MURPHY of Illinois, Mr. NATHAN, Mr. NOYES, Mr. PEPPER, Mr. PORTER, Mr. PROCTOR, Mr. RABE, Mr. REES, Mr. RIZZO, Mr. ROY, Mr. SCHAEFER, Mr. STAFFORD, Mr. STANTON, Mr. STEFANO; to the Committee on Education and Labor.

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 declared in the Housing Act of 1949 of a decent home and a suitable living environment for all national; to the Committee on Banking and Currency.

By Mr. HALEY (for himself, Mr. BECHT, and Mr. COHEN):

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 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, and for other purposes; to the Committee on Banking and Currency.

H.R. 12409. A bill to amend the Federal Trade Commission Act to provide for the election of members of the Board of Education of the District of Columbia and the District of Columbia; to the Committee on Trade and Commerce.

By Mr. MATHIAS of Maryland:

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. PHILBIN:

H.R. 12410. A bill to authorize the Secretary of Defense to make price adjustments in certain contracts for the procurement of defense materials; 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 Judiciary.

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 Judiciary.

By Mr. HALEY:

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.R. 12418. A bill to authorize the amendment of title 11 of the United States Code to provide for the construction, operation, and direct the Franklin Delano Roosevelt Commission to raise funds for the construction, operation, maintenance, and registration of the United States Capitol; to the Committee on House Administration.

By Mr. PEPPER:

H. Res. 493. 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. Res. 494. 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 Rhode Island; to the Committee on Foreign Affairs.

By Mr. TIERNEY:

H. Res. 908. Resolution calling upon the Secretary of the Treasury to authorize the conversion and redemption of silver mints; to the Committee on Ways and Means.

By Mr. KUFFERMANN:

H. Res. 909. 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.

MEMORIALS

Under clause 4 of rule XXII.

276. The Speaker presented a memorial of the Legislature of the State of Iowa, relating 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, Robert, Sal and Salvatore; 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. FLINT:

H.R. 12420. A bill for the relief of Nguyen Van Hue; to the Committee on the Judiciary.

By Mr. 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. O'HARA of Illinois:

H.R. 12423. A bill for the relief of In Fuyng Lee and Young Ju Lee; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 12427. A bill for the relief of Antonino Pollo; to the Committee on the Judiciary.

H.R. 12428. A bill for the relief of Francesco Di Siclano; to the Committee on the Judiciary.