sure that adequate property insurance protection is made available for all insurable residential and business property in urban areas; to provide rehabilitation assistance for property owners whose properties do not meet reasonable standards of insurability; to provide adequate reinsurance against abnormally high property insurance losses resulting from riots and other civil commotion; and for other purposes; to the Committee on Banking and Currency.

By Mr. KYROS:

H.R. 14264. A bill to provide for the construction by the Chief of Engineers, U.S. Army, of a high-level bridge over Cowseagan Narrows to connect Wiscasset on the mainland with the northwestern end of the Island of Westport, Maine; to the Committee on Public Works.

By Mr. MURPHY of New York:

H.R. 14265. A bill to authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS:

H.J. Res. 945. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. KEITH):

H.J. Res. 946. Joint resolution to amend the Securities Exchange Act of 1934 to authorize an investigation of the effect on the securities markets of the operation of institutional investors; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.J. Res. 947. Joint resolution authorizing the President to proclaim the period February 11 through February 17, 1968, as LULAC Week; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.J. Res. 948. Joint resolution to provide for the designation of the year 1968 as the National Helium Centennial Year; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H. Con. Res. 591. Concurrent resolution expressing the sense of Congress that the President's budget presented to Congress should be in the form of a unified budget, as recommended by the President's Commission on Budget Concepts; to the Committee on Government Operations.

By Mr. FALLON:

H. Res. 997. Resolution to grant additional travel authority to the Committee on Public Works; to the Committee on Rules.

By Mr. PERKINS:

H. Res. 998. Resolution to authorize the General Subcommittee on Education of the Committee on Education and Labor to conduct an investigation of the operation in the Trust Territory of the Pacific Islands of all programs carried on which are in the jurisdiction of the committee; to the Committee on Rules.

By Mr. RESNICK (for himself, Mr. BROWN of California, Mr. CONYERS, Mr. FARBSTEIN, Mr. GRAY, Mr. HALPERN, Mr. HAWKINS, Mr. MIZE, and Mr. REES):

H. Res. 999. Resolution proposing a cease-fire in Nigeria; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 14266. A bill for the relief of Eleanor Villareal Abiera; to the Committee on the Judiciary.

By Mr. BELCHER:

H.R. 14267. A bill for the relief of A. G. Bartlett Co.; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 14268. A bill for the relief of Vito Gullo, Giuseppa Gullo, and their child, Baldassare Gullo; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 14269. A bill for the relief of Matthew Louie; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 14270. A bill for the relief of Antonio Laezza; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R. 14271. A bill for the relief of Elizabeth B. Borgnino; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 14272. A bill for the relief of Mr. Michele Trotta and Mrs. Reparata Trotta; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 14273. A bill for the relief of Itzhak Knobel; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.R. 14274. A bill for the relief of Richard H. Novak; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 14275. A bill for the relief of Luigi Curatolo; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 14276. A bill for the relief of George Tilson Weed; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 14277. A bill for the relief of Pietro Bertolino; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 14278. A bill for the relief of Guiseppe Caputo; to the Committee on the Judiciary.

H.R. 14279. A bill for the relief of Nicola Caputo; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 14280. A bill for the relief of Mr. and Mrs. Joseph A. Ponne; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 14281. A bill for the relief of Sgt. John E. Scott, USAF (retired); to the Committee on the Judiciary.

By Mr. SISK:

H.R. 14282. A bill for the relief of Jagjit Singh; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 14283. A bill for the relief of Rocco Riccio; to the Committee on the Judiciary

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

212. By the SPEAKER: Petition of Henry Stoner, Avon Park, Fla., relative to firearms control legislation; to the Committee on the Judiciary.

213. Also, petition of city of Anaheim, Calif., relative to Federal tax sharing; to the Committee on Ways and Means.

SENATE

MONDAY, DECEMBER 4, 1967

The Senate met at 9 a.m., and was called to order by the President pro tempore.

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

Our Father God, who art the hope of all the ends of the earth, help us who grope in the darkness of earth's dim ways to remember that even the shadows themselves are born of light.

Make us tall enough for these testing days. Cast out our pride—national, racial, and personal. Join us to those who labor to bring sense and system to this disordered world: and, grant that our eyes may yet look upon a world that will have found a path leading to the plains of peace, universal and righteous.

In the name of the Prince of Peace, we ask it. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 1, 1967, be dispensed with.

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

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 13094) to amend the Commodity Exchange Act, as amended, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 13094) to amend the Commodity Exchange Act, as amended, was read twice by its title and referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 5910. An act to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma (Rept. No. 831).

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 286. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable (Rept. No. 830).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1058. A bill to authorize the Secretary of the Interior to sell lands embraced in certain terminated entries, and for other purposes (Rept. No. 833).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, with amendments:

S. 1059. A bill to amend the act relating to the leasing of lands in Alaska for grazing in order to make certain improvements in such act (Rept. No. 834).

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

H.R. 3399. An act to amend section 2 of Public Law 88–240 to extend the termination date for the Corregidor-Bataan Memorial Commission (Rept. No. 832).

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

S. 1017. A bill to authorize the Secretary of the Army to pay for the cost of surfacing 1⅘ miles of a certain access road in Putnam County, Fla. (Rept. No. 835).

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

H.R. 9063. An act to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes (Rept. No. 836).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a protocol was submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations, without reservation:

Executive K, 90th Congress, first session, the protocol for the further prolongation of the International Sugar Agreement of 1958, done at London, November 14, 1966 (Ex. Rept. No. 19).

BILLS INTRODUCED

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

By Mr. HARRIS (for himself and Mr. MONRONEY):

S. 2715. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. HARRIS:

S. 2716. A bill to amend Federal laws relating to the State of Oklahoma; to the Committee on Interior and Insular Affairs.

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

By Mr. SPARKMAN (for himself, Mr. HILL, Mr. TALMADGE, Mr. HOLLINGS, and Mr. JORDAN of North Carolina):

S. 2717. A bill directing the Secretary of Agriculture to make a study and investigation of ways and means to provide a more effective crop insurance program for farmers; to the Committee on Agriculture and Forestry.

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

DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE CHICKASAW NATION OF INDIANS

Mr. HARRIS. Mr. President, for myself and the senior Senator from Oklahoma [Mr. MONRONEY], I introduce a bill which provides for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation of Indians, and for other purposes. Last year this identical legislation was introduced. However, no action was taken on it by the Senate Subcommittee on Indian Affairs. I ask that the bill be printed in the RECORD. In support of this bill I ask that a letter from the governor of the Chickasaw Nation, Overton James, be inserted in the RECORD. Further, I ask unanimous consent to have printed in the RECORD at this point a description of the bill as prepared by the Assistant Secretary of the Interior, and a document showing an updated financial statement of funds on deposit in the U.S. Treasury to the credit of the Chickasaw Nation, dated October 19, 1967.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, letter, description of the bill, and document will be printed in the RECORD.

The bill (S. 2715) to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes, introduced by Mr. HARRIS (for himself and Mr. MONRONEY), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States that were appropriated by the Act of March 31, 1961, to pay a judgment by the Indian Claims Commission in docket No. 269 and any interest thereon, less payment of attorney fees and expenses, and any other funds heretofore or hereafter deposited in the United States Treasury to the credit of the Chickasaw Nation or Tribe of Oklahoma from sources other than claims may be used, advanced, expended, deposited, invested or reinvested for any purpose that is authorized by the Governor of the Chickasaw Nation and approved by the Secretary of the Interior.

The letter, description, and document, presented by Mr. HARRIS, are as follows:

CHICKASAW NATION,
September 25, 1967.

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

DEAR SENATOR FRED: Enclosed is a prepared bill to provide for disposition of certain Chickasaw Tribal funds. We will greatly appreciate it if you will again introduce this bill in the Senate.

With kindest regards.

Sincerely yours,

OVERTON JAMES,
Governor.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 12, 1966.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation of Indians, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

Funds were appropriated by the Act of March 31, 1961 (75 Stat. 2400), to pay a judgment of $190,934.79 recovered by the Chickasaw Nation in Indian Claims Commission docket No. 269. The judgment was for inadequate consideration for one quarter interest in 266,435.13 acres of land in Oklahoma allotted to the Choctaw Freedmen by agreement of March 21, 1902 (32 Stat. 641), supplemental to the "Atoka" Agreement of April 23, 1897 (30 Stat. 495). These judgment funds are credited to the account of this group and draw interest at the rate of 4 percent per annum.

The Chickasaws were closely associated, territorially, historically, and culturally, with the Choctaws. At the time of the first European contact, the Chickasaws were living in what is now northeastern Mississippi, northwestern Alabama, and western Tennessee. They parted with these lands by treaties made in 1805, 1816, 1818, and 1832, but actual migration to their new home, in what is now Oklahoma, did not begin until 1837 and extended to 1847.

Since provision for a place of resettlement was overlooked in earlier treaties with the Chickasaws, it was necessary to enter into agreement with the Choctaws under which a portion of their land was used for the Chickasaw people. About one-fourth of the total land area set aside for the Choctaws was allocated for this purpose. As a consequence, the two tribes have been closely related and continue to share in unallotted tribal property and in money derived from the sale of tribal lands.

At the outbreak of the Civil War the Chickasaws signed a treaty with the Confederacy. As a result of this alliance, their former lands were subdivided and opened to settlement by other Indian tribes. Part of the land which they held jointly with the Choctaws was later allotted to the Choctaw Freedmen. This award arises out of a claim for inadequate compensation to the Chickasaw Indians in connection with these alloted lands.

The 1866 "reconstruction" treaty signed by the United States and the Chickasaws and Choctaws re-established the governments of both Indian nations. A new constitution was adopted by the Chickasaw Nation and tribal government under a Governor and council continued until the conclusion of the Dawes Agreements of the 1890's which were ratified by the Act of April 26, 1906. After that the Governor was allowed to continue in office during his lifetime but with the provision that the President could remove him for failure to perform his duties and would have the authority to appoint a successor in case of death or removal. The council was discontinued. The system of an appointed Governor has continued to the present time. The Dawes Agreements also provided for the allotment of the tribal lands in severalty.

The Chickasaw Tribe of Indians of Oklahoma is today located in those counties which until statehood were recognized as the territory of the "Chickasaw Nation." The Tribe should be regarded as the successor of the "Chickasaw Nation." The group has no written constitution and no formal organization, but still maintains a Governor. The Tribe maintains no business enterprises or activ-

ities. Tribal funds in the U.S. Treasury are allocated each year for expenses of the Governor.

A tribal roll, totaling 6,304, was completed and made final as of March 4, 1907.

The net amount of the judgment, plus accrued interest to September 30, 1965, is $200,802.75. The other funds of the Tribe on deposit in the U.S. Treasury (consisting almost entirely of the proceeds of lands and interest thereon) amount to $148,825.80, making a total of $349,628.55. This amount is too small to distribute per capita, considering administrative costs. It would amount to something less than $53 per share, and much less than that in the case of heirs.

The proposed bill therefore provides that the funds on deposit in the U.S. Treasury to the credit of the Chickasaw Nation as beneficiaries of this award, and all other funds, including interest, on deposit in the U.S. Treasury to the credit of the Chickasaw Nation, may be advanced or expended for any purpose authorized by the Governor of the Chickasaw Nation and approved by the Secretary of the Interior. A similar provision was contained in the Act of October 9, 1962 (76 Stat. 776), relating to the Cherokee judgment. Under that Act approximately $267,000 of the judgment reverted to the Tribe subject to expenditure for purposes authorized by the Principal Chief and approved by the Secretary. The Chickasaw Nation is considering ways to utilize a portion of these funds for tribal enterprises and other program activities.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

Award of Indian Claims Commission, Chickasaw Nation, Docket No. 269

These funds are on deposit in the U.S. Treasury and draw interest at the rate of 4 percent per annum:	
Net award (14X7495, awards of Indian Claims Commission, Chickasaw Nation)	$190,934.78
Less: Attorney fees	−19,093.47
Balance of judgment fund principal	171,841.31
Interest accrued as of June 30, 1967 (14X7995, interest and accruals on interest, awards of Indian Claims Commission, Chickasaw Nation)	42,711.72
Total judgment fund, principal plus interest (10–19–67)	214,553.03
Balances in all other accounts on deposit in U.S. Treasury to credit of the Chickasaw Nation:	
Proceeds of lands, etc., five civilized tribes (Chickasaw) (14X7149)	141,745.27
Interest (14X7649, interest on proceeds of lands, etc., five civilized tribes, chickasaw)	2,974.48
Proceeds of labor, Chickasaw Indians (unallotted lands) (14X7212)	26.00
Interest (14X7712, interest on proceeds of labor, Chickasaw Indians, unallotted lands)	
Total balances of other accounts	144,745.75
Grand total of all funds on deposit in U.S. Treasury to credit of the Chickasaw Nation	359,298.78

Mr. HARRIS. Mr. President, I hope that the Senate Subcommittee on Indian Affairs will be able to hold hearings on this bill at an early date and, thereafter, the Senate will pass this legislation which has been recommended favorably by the Department of the Interior.

AMENDMENT OF FEDERAL LAWS RELATING TO THE STATE OF OKLAHOMA

Mr. HARRIS. Mr. President, earlier this year Oklahoma voters approved a court reform amendment to our State's constitution which abolished all trial courts except district courts, effective January 13, 1969.

It has been brought to my attention by Prof. George B. Fraser, of the University of Oklahoma College of Law, that several Federal statutes relating to Indian matters make reference to Oklahoma courts which will be abolished by this amendment. At Professor Fraser's suggestion I have had drafted legislation which would correct this situation. I introduced, for appropriate reference, this bill, and ask that it be printed in the RECORD.

Mr. President, I ask that there be included at this point in the RECORD the letters from Professor Fraser which called attention to the problem which has been created by the passage of the amendment to the Oklahoma constitution.

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

The bill (S. 2716) to amend Federal laws relating to the State of Oklahoma, introduced by Mr. HARRIS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 of the Act of April 26, 1906 (34 Stat. 145), is amended by deleting "or a judge of a county court of the State of Oklahoma" and inserting in lieu thereof "or a judge of a district court of the State of Oklahoma".

SEC. 2. The Act of May 27, 1908 (35 Stat. 312), is amended by adding at the end thereof the following new section:

"SEC. 15. Wherever the term 'probate court' is used in this Act, such term shall mean the proper district court of the State of Oklahoma."

SEC. 3. (a) Section 7 of the Act of April 18, 1912 (37 Stat. 86), is amended by deleting "county court of Osage County, State of Oklahoma" and inserting in lieu thereof "district court of the State of Oklahoma having jurisdiction over the district within which is located Osage County".

(b) The Act of April 18, 1912 (37 Stat. 86), is further amended by adding at the end thereof the following new section:

"SEC. 12. Wherever the term 'county court' is used in this Act, such term shall mean the proper district court of the State of Oklahoma."

SEC. 4. (a) The first section of the Act of August 4, 1947 (61 Stat. 731), is amended (1) by deleting "county court of the county in Oklahoma in which the land is situated; (b) that petition for approval of conveyance shall be set for hearing not less than ten days from date of filing, and notice of hearing thereon, signed by the county judge" and inserting in lieu thereof "district court of the State of Oklahoma of the district in which the land is situated; (b) that petition for approval of conveyance shall be set for hearing not less than ten days from date of filing, and notice of hearing thereon, signed by the district judge"; and (2) by deleting "(e) that the probate attorney shall have the right to appeal from any order approving conveyances to the district court of the county in which the proceedings are conducted within the time and in the manner provided by the laws of the State of Oklahoma in cases of appeal in probate matters generally, except that no appeal bond shall be required;".

(b) Section 9 of the Act of August 4, 1947 is amended by deleting "county court in Oklahoma" and inserting in lieu thereof "district court of Oklahoma".

SEC. 5. (a) Subsection (b) of section 2 of the Act of August 11, 1955 (69 Stat. 666), is amended by deleting "county court" and inserting in lieu thereof "district court of the State of Oklahoma".

(b) Subsection (c) of section 2 of the Act of August 11, 1955 (69 Stat. 666), is amended by deleting "county court for the county in which he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the county court for the county in which the Indian resides for an order setting aside such order." and inserting in lieu thereof "district court of the State of Oklahoma for the district in which he, or she, resides for an order removing restrictions. If the Secretary issues an order removing restrictions without application therefor in accordance with the provisions of subsection (b) of this section, either the Indian affected or the board of county commissioners may apply to the district court for the district in which the Indian resides for an order setting aside such order."

SEC. 6. Whenever the term "county court" is used in any statute of the United States relating to the State of Oklahoma, such term, so far as it is applicable to the State of Oklahoma, shall be considered to mean a district court of the State of Oklahoma.

SEC. 7. The provisions of this Act shall take effect as of January 13, 1969.

The letters, presented by Mr. HARRIS, are as follows:

THE UNIVERSITY OF OKLAHOMA,
Norman, Okla., October 23, 1967.

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

DEAR FRED: On July 11, 1967, the Oklahoma voters approved a Constitutional amendment that abolished all trial courts except District Courts on January 13, 1969, and the District Courts are given original jurisdiction of all justiciable matters, including probate matters at that time. See § 7(a) of the enclosed article.

County courts will be abolished and actions pending therein will be transferred to the District Court. § 7(b), (c) and (d).

In some statutes that relate to Indian matters, such as the Act of 1908, reference is made to "the probate courts of the State of Oklahoma." Oklahoma did not have a court named a Probate Court. Therefore, the Supreme Court held that the reference was to the court that exercised probate jurisdiction. Harris v. Bell, 254 U.S. 103, 41 S. Ct. 49, 52 (1920).

Some later statutes, however, specifically refer to the County Court. E.g., Act of August 4, 1947, §§ 1, 9 (61 Stat. 731). Since there is a specific reference to a court which

will be abolished, many attorneys believe that these later acts should be amended.

It could be urged that Congress meant the court with probate jurisdiction when it referred to the County Courts of Oklahoma. However, it should not be necessary to litigate this issue if litigation can be avoided by legislation.

A copy of the new judicial article is enclosed.

Respectfully yours,

GEORGE B. FRASER,
Boyd Professor of Law.

THE UNIVERSITY OF OKLAHOMA,
Norman, Okla., October 5, 1967.

Hon. FRED R. HARRIS,
Washington, D.C.

DEAR SENATOR HARRIS: As you know, the Oklahoma voters have approved a Constitutional amendment that abolishes all state courts except district courts, effective January 13, 1969. Specifically, county courts are abolished.

In numerous federal statutes relating to Indians, reference is made to county courts. A brief list includes:

Act of May 27, 1908, § 8 (35 Stat. 312).

Act of April 12, 1926, § 1 (44 Stat. at L. 239).

Act of January 27, 1933, § 8 (47 Stat. 777).

Act of August 4, 1947, §§ 1, 9 (61 Stat. 731).

Act of August 11, 1955, § 2(c), Chap. 786, P.L. 348.

These provisions, and there may be others, need to be amended. I assume that the appropriate legislation should be drafted in Washington, but if necessary, I will draft a bill. I am presently drafting bills for the Legislative Council to implement the Constitutional amendments.

If you desire, I can have a more formal request for Congressional action made. Also, I assume that the whole Oklahoma delegation should jointly introduce the needed legislation. We can contact each of them if this would be appropriate.

Respectfully yours,

GEORGE B. FRASER,
Boyd Professor of Law.

THE UNIVERSITY OF OKLAHOMA,
Norman, Okla., November 20, 1967.

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

DEAR FRED: The draft bill that was prepared by the Senate Legislative Counsel is sufficient. No additions or deletions are needed.

Thank you for taking care of this matter so promptly.

Respectfully yours,

GEORGE B. FRASER,

Mr. HARRIS. Mr. President, I hope that the Senate will be able to act with the necessary speed so that references to courts soon to be abolished may be removed from Federal statutes.

PROVISION OF A MORE EFFECTIVE CROP INSURANCE PROGRAM FOR FARMERS

Mr. SPARKMAN. Mr. President, last Friday I introduced a bill to amend the Consolidated Farmers Home Administration Act of 1961. The purpose of that bill was to provide some relief to farmers generally who suffer crop losses as a result of a natural disaster. I was prompted to introduce my bill by the terrible plight of the cotton farmers in the northern half of my State, and those in other States of the Southeast, whose crops have been virtually totally destroyed by a hard freeze several weeks ago.

My bill would make available to farmers adequate long-term credit for the purpose of paying off their creditors and continuing to function as an operating farm.

Mr. President, for myself and for Senator HILL, Senator TALMADGE, Senator JORDAN of North Carolina, and Senator HOLLINGS, I introduce now for appropriate reference a bill which hopefully will result in some long-range solution to the problems faced by farmers who suffer crop losses. Mr. President, the bill I now introduce calls for a study by the Department of Agriculture which may provide a long-range solution to the problem of crop losses. My bill authorizes and directs the Secretary of Agriculture to undertake a study of the Federal crop insurance program in an effort to identify ways in which crop insurance can be provided for farmers at rates that they can afford to pay. The farmers of my State tell me that crop insurance is simply too expensive.

It is my feeling that a thorough evaluation and study of our existing program of crop insurance may very well turn up ways in which it can be improved and made more economical. I am told that in Canada the central government shares a part of the cost of crop insurance. This would, of course, be an expensive undertaking for our Government. However, the study called for in my bill may reveal that such a program would be less expensive than the existing programs that provide aid to the farmer after the loss of his crop.

In any event, I hope that my bill will receive early action, and that this much-needed study can be undertaken as soon as possible.

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

The bill (S. 2717) directing the Secretary of Agriculture to make a study and investigation of ways and means to provide a more effective crop insurance program for farmers introduced by Mr. SPARKMAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

CHANGE OF CONFEREE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Washington [Mr. MAGNUSON] be appointed a conferee on the part of the Senate on House Joint Resolution 888, making continuing appropriations for the fiscal year 1968, and for other purposes, and I also request that the name of the Senator from Louisiana [Mr. ELLENDER] be removed as a conferee on this joint resolution in view of the fact that he is out of the country on official business.

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

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967—AMENDMENTS

AMENDMENT NO. 485

Mr. DIRKSEN submitted an amendment, intended to be proposed by him, to the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 486

Mr. GRIFFIN submitted an amendment, intended to be proposed by him, to the amendment of the Senator from Illinois [Mr. DIRKSEN], amendment No. 485 to House bill 7819, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 487

Mr. HARTKE submitted amendments, intended to be proposed by him, to House bill 7819, supra, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. METCALF. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wisconsin [Mr. NELSON] be added as a cosponsor of the bill (S. 2613) to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income.

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

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Mississippi [Mr. STENNIS] be added as a cosponsor of my bill (S. 2714) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, in order to provide additional loan assistance under such act to farmers who have suffered severe production losses as the result of a national disaster.

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

NOTICE OF HEARING ON NOMINATION OF CLYDE O. MARTZ, OF COLORADO, TO BE ASSISTANT ATTORNEY GENERAL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, December 7, 1967, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Clyde O. Martz, of Colorado, to be Assistant Attorney General, vice Harold Barefoot Sanders, Jr., resigned.

At the indicated time and place persons interested in the above nomination may make such representations as may be pertinent.

The subcommittee consists of the Sen-

ator from Arkansas [Mr. McCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

RESCUE OPERATIONS IN VIETNAM

Mr. YOUNG of North Dakota. Mr. President, I rise today to speak on a matter of great interest and grave concern to the Nation—the plight of our fighting men captured in Vietnam. I realize little can be done to prevent the capture of some, but it seems we should be able to do more to save our Air Force and Navy fliers shot down by the enemy.

We have all read articles and seen pictures of these fine young men being paraded by their captors. I am sure people from the entire Nation are voicing the same concern that I hear daily from the citizens of North Dakota: "Why can't we rescue more of these valiant young men?"

Because this question has been posed to me so often recently, some of my staff and I have begun to look into the matter. We are continuing to probe in greater depth, but the subject is so compelling that I want to share our early findings with you immediately.

We find that our rescue crews do an absolutely remarkable job with the equipment they have at hand. If human, or superhuman, effort could spell the difference between rescue and capture, most of our downed airmen would be saved. But such is not the case. We find that only some one-fourth of them are rescued.

Upon learning this, we searched further. If our men fall outside regions such as Hanoi and our rescue teams can pick them up within 15 to 20 minutes, they are usually brought out safely. If it takes much longer, and it usually does, then it is a different story. The enemy will then reach our man first and capture him, or at least get close enough to the scene to drive away our rescue helicopters with heavy ground fire. So, the key to success is to get there in a hurry.

Why cannot our crews get there soon enough? Last week the Chief of the Air Force Air Rescue Service presented a briefing to some Members of the House and showed a film on the rescue operation in Vietnam. I was not present, but I understand it was very good and pointed up the high ability of our fighting men. I intend to ask for the same briefing in the near future, as part of my probe into this subject.

As I understand it, the presentation showed a masterpiece of planning, coordination, and split-second timing by our rescue teams. It also showed, I am told, an amazing array of complicated machines to do the job—not merely the rescue helicopters.

The helicopter, of course, holds center stage. It is the only thing we have in Vietnam that will go straight up and down or hover overhead to rescue our airmen. The helicopter is sent forward early in the day in case it is needed. There it waits for a rescue call while other airplanes fly above it for protection. When a call comes, the helicopter goes at top speed—from about 140 to 160 miles per hour—to the rescue scene. The protective airplanes go with it, and tankers stand by in case the helicopter needs more fuel. Other tankers also stand by to refuel the jet airplanes waiting in the area trying to protect the downed airmen until the helicopter arrives. The helicopter cannot fly fast enough, unfortunately, to refuel from the same tanker used by the jets. While this is going on, a control ship is circling the area to coordinate the operation. All is well if the rescue scene is within 25 or 30 miles. Again, unfortunately, it is usually much farther, and our rescue team cannot do their job in the necessary 15 to 20 minutes. Our downed airman is lost and all of our best efforts, risking many lives, were wasted.

The problem sounds bad enough as it is, but it would be much worse if Vietnam were not the arena and the targets were even farther away. Obviously, it seems what is needed is something that will go much faster and much farther than the helicopter. We need something that can leave with the combat airplanes and be overhead within minutes if an airman is shot down. Obviously, we need a machine with the speed of an airplane that can also land or hover at the scene.

We all know that we have voted substantial money for several years to develop aircraft such as are needed. We all know these as V/STOL airplanes. We also all know that several of our allied countries are looking seriously at the problem as well. These countries include England, Germany, France, Italy, and Canada. In fact, we are jointly working with some of our foreign friends. It seems to me it is time to look closely at what is being done both here and abroad. It seems it is time to take the best and begin to use it as soon as possible to rescue our downed airmen.

Surely, we can and must do better to rescue more of our fighting airmen. Our colleagues in the House of Representatives have also voiced their concern in this grave matter. They have urged action to improve our ability to rescue our fliers from hostile territory. Early action must be taken, lives must be saved.

I plan to ask Secretary McNamara to advise the Senate, in detail, our current rescue capability, what steps can be taken to improve the situation and what help the Senate can provide. I am sure you all share my grave concern. Something more must be done.

I hope many of you will find time to join me for the presentation by our Defense Department. We must leave no stone unturned in our efforts. I am sure the entire Nation shares our anxiety over the plight of our captured airmen and their anguished families.

HOUSE-PASSED VERSION OF S. 2171 IMPERILS SENATE COMPROMISE ON SACB LEGISLATION

Mr. PROXMIRE. Mr. President, on Tuesday, November 28, the House of Representatives passed S. 2171, which relates to the Subversive Activities Control Board, after substituting the language contained in H.R. 12601, as reported by the House Un-American Activities Committee, for the language in S. 2171 as it was passed by the Senate. This bill is intended to give the Subversive Activities Control Board, which has been almost completely idle over the past 20 months, something to do. Its proponents hope that the measure will successfully meet objections, raised and sustained in the Federal courts, to the registration provisions of the act—objections that have rendered the Board impotent.

Many of my colleagues will recall that there was long-drawn-out Senate debate on this measure. A number of us felt that the new legislation would not give the Board one iota more to do than it does now. We believed the bill would not be utilized by the Attorney General because it posed serious constitutional problems. We argued that in passing the bill we would simply be prolonging the life of the Board—with its five $26,000-a-year sinecures—without adding to its responsibilities. For these reasons, we were unwilling to fool the American public into believing that we were bolstering the authority of the Board, giving its members more to do, when in reality, nothing could be further from the truth.

The House-passed bill differs in many respects from the bill passed by the Senate. However, these differences do not seem to touch on the question as to whether or not we can expect the Board to be more effective with the passage of this measure. This is amply attested to by Representative ANDERSON's of Illinois statement on the floor of the House when the bill was taken up last Tuesday. At that time he said:

> I seriously question whether this bill is going to do very much to unmask the Communist threat to our country, whether it is gong to do very much good to have this, I think, utterly useless appendage on the body politic, this vestigial organ that has been in existence 17 years and has not accomplished anything that I can see . . .

One very important difference, however, between the House and Senate versions has to do with abolition of the Board, if the Attorney General has not instituted proceedings before the Board under the new legislation by December 31, 1968, and if hearings have not been conducted by the Board prior to this date.

On Friday, October 20, an amendment granting this right was proposed by the majority leader and cosponsored by myself and the minority leader. It was a put-up-or-shut-up amendment. It meant in effect that either the legislation would be used, and used effectively, or the Board would be abolished. In either event we would stop squandering tax dollars.

This amendment was not included in the bill as it passed the House of Representatives despite the fact that it was literally the sole reason why many Senators agreed to have a vote on the legislation and support it on final passage.

Now S. 2171 is in conference. The Senate conferees have been appointed. They have a deep and solemn obligation to uphold the Senate on this point. On the day the bill passed the Senate, our majority leader, who was instrumental in resolving a virtual deadlock situation through the introduction of his amendment, stated:

The amendment was offered in good faith. I would expect the Senate conferees to hold firm.

It is very clear, Mr. President, that without the Mansfield-Dirksen-Proxmire amendment the bill would never have passed the Senate—would not be in conference now. Consequently I want to state without equivocation that I will fight tooth and nail any bill agreed to by the conference that does not contain this amendment. Just as it would not have passed the Senate without the Mansfield amendment, so it will not be approved by the Senate in its conference version—as far as this Senator is concerned—unless it contains that amendment. I hope that I can count on the strong support of the Senate conferees in this matter and that we can dispose of a Subversive Activities Control bill containing the Mansfield-Dirksen-Proxmire amendment, an amendment that was approved by a 74-to-2 Senate vote promptly.

OREGON PRESIDENTIAL PREFERENTIAL PRIMARY

Mr. MORSE. Mr. President, the State of Oregon has a presidential preferential primary law on the statute books, and the presidential primary will be held in my State on May 28, 1968.

As the Senate is well aware, there undoubtedly will be several names of very prominent Democratic leaders which will appear on that presidential preferential ballot. Undoubtedly the President's name will be on it. The senior Senator from Minnesota [Mr. McCARTHY] has announced that his name will be on it. There may be others. In fact, it is possible that even the name of George Wallace of Alabama may be on it because under the law the secretary of state of the State of Oregon has not only the authority but the statutory duty to place on the presidential preferential primary ballot the name of any prominent leader of either party who is frequently mentioned and who is generally considered as a potential candidate for the party nomination of his respective party at the national convention.

Mr. President, our law has been changed since 1960. Up until 1960 an individual's name could be put on the Oregon presidential preferential ballot and he could not take it off. In other words, it could be put on the ballot without his consent and it would stay there, and the individual would be subjected to a campaign involving his name in the presidential preferential primary.

I am a competent witness to speak on the application of the old law because in 1960 my name was placed on the ballot by petition. The law then provided that if a thousand signatures of an individual's party appeared on a petition filed with the secretary of state requesting that an individual's name be placed on the ballot, the secretary of state had no choice but to put the name on the ballot and the person named could not get his name off.

Mr. President, many friends of mine in late 1959 announced that they were going to file a petition to put my name on that ballot. I made use of the radio, television, and the platforms of my State pleading that it not be done. I was not successful in persuading those who subsequently filed the petition not to file it.

Some of those persons were not my friends because some signed petitions to put my name on the ballot because they thought that would make it difficult for me, and it was bound to. So my name went on the ballot. That is the only presidential preferential primary in my State in which I have permitted myself to be involved. I was involved in that one as a matter of self-preservation. Once the petition was filed I had to at least present my points of view to the people of my State on the issues of the 1960 campaign.

Mr. President, I have given an account of this situation because of an insertion I wish to place in the RECORD shortly.

Subsequent to 1960, the law was changed so that if a person's name is placed on the ballot by the secretary of state, then that person can file an affidavit requesting that his name be taken off the ballot because he is not a candidate. I think, Mr. President, that even that is unfair. I believe that though a person is prominently mentioned as a potential candidate for the nomination of his party in the national convention of his party, no State, including my own, should have the right to place a person's name on the presidential preferential primary ballot without his consent. I do not think it is fair to force one to go to all the expense and all the trials and tribulations of involving himself in a presidential preferential primary when he prefers not to have his name on the ballot. Therefore, I was even opposed to the provision in our present law that provides that the person must file an affidavit that he is not a candidate. However, that is the law in my State.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the senior Senator from Oregon be permitted to proceed for an additional 5 minutes.

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

Mr. MORSE. I thank the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I believe that an individual should have the right to take his name off the ballot without filing an affidavit that he is not a candidate. However, that is not the law of my State.

Therefore, I think there will be several names of Democrats in the primary of my party, and probably also in the Republican primary, that will go on the ballot, when the individuals, if they had a free choice, would say, "Take my name off." However, they will not file an affidavit that they are not candidates or might not be candidates because the net effect of that is obvious to everyone.

I have always taken the position that I will not involve myself in presidential preferential primaries.

I remember in 1948, when I was a Republican, Tom Dewey came to me and asked if I would help him in the presidential preferential primary and I said that I would not. I said that it would be presumptuous for me to tell the voters of Oregon what they should do in the presidential preferential primary. They will make their own decisions. Within 10 days after that conference with Dewey, Harold Stassen—he had been a student of mine for 4 years at the University of Minnesota—asked me if I would endorse him and help him. I said no, that I would not, that I never involved myself in a presidential primary, that it was up to the people of my State to make their own decisions without my trying to influence their decisions. That has always been my position.

I say this, Mr. President, because some people seem to have some difficulty, particularly newsmen, in getting my record through their heads.

After Senator McCARTHY'S announcement, I was deluged, of course, with calls, telegrams, and conversations about "What is going to be your position in the Democratic presidential preferential primary?"

On Friday, December 1, 1967, I issued a press release from my office. I have yet to read one accurate account of it in a single newspaper in this country.

I am being deluged again as to exactly what I meant. So that there can be no doubt about it, I ask unanimous consent to have printed in the RECORD the press release of December 1, 1967, which I issued last Friday, announcing my nonparticipation and noninvolvement in a presidential preferential primary campaign in my State on behalf of anyone.

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

[A press release from the office of Senator WAYNE MORSE, Democrat, of Oregon, Dec. 1, 1967]

Senator Wayne Morse, Democrat, Oregon, issued the following statement today:

"Senator Eugene McCarthy's announcement that he will enter the Oregon presidential primary next May calls for the following comments on my part:

"I welcome Senator McCarthy and any other national recognized Democratic leader to submit his name to the voters of Oregon in our presidential preferential primary.

"I do not intend to involve myself in the presidential primary candidacy of any of the candidates whose names will be on the Oregon primary ballot next May. We all know that the names of several very prominent and highly qualified Democrats, such as Senator McCarthy, will probably be on that ballot if for no other reason than because of the provisions of the Oregon law regulating presidential primaries.

"Under that law, the Secretary of State is required to place on the ballot the names of individuals who are prominently mentioned as possible candidates for the presidential nomination unless the individual concerned notifies the Secretary of State that he is not a candidate for the presidency and therefore, wants his name left off the Oregon ballot. The decision to put his name on the ballot rests with the discretion of the Oregon Secretary of State.

"Therefore, I assume that in addition to Senator McCarthy's name, the names of others, including President Johnson, himself, Senator Robert Kennedy, and for that mat-

ter, probably George Wallace, may very well be on the Oregon ballot.

"Ever since I have held office in the Senate, I have made clear that I would not involve myself, either by way of endorsement or campaigning for any candidate for the presidential nomination whose name appears on the Oregon ballot. In 1960, my name appeared on the presidential primary ballot in Oregon by petition contrary to my expressed wish that it not be. I took to the television, radio and platforms in advance of the filing of those petitions, urging that my friends not place my name in nomination by signing and filing petitions. At that time, the law did not protect an individual whose name was placed on the Oregon ballot by the Secretary of State as a result of petitions filed. He could not demand that the Secretary of State not place his name on the ballot.

"Except in 1960, when my own political interests were involved, I have not taken sides in any presidential race in the Oregon primaries. I shall follow that same course of action of non-involvement in the 1968 presidential primary and for these reasons:

"First, I think it is presumptuous for a United States Senator to attempt to tell the members of his Party whom they should nominate as their Party's candidate. The voters of Oregon are perfectly capable of making their own choices in a presidential primary without a Senator or any other elected official seeking to influence their vote.

"Second, I hope to be the Democratic Party's Senatorial nominee and one of its delegates to the 1968 Democratic Convention in Chicago. Under Oregon law, each delegate to that Convention is bound to support for the presidential nomination the choice selected by the voters in the Democratic primary. In view of that statutory mandate, I feel that one holding an office of such responsibility as that of a United States Senator should keep himself in a position where he can carry out the decision of the voters. He should not handicap himself with a background of having supporting in the primary some candidate who was not selected by the voters but who may very well still be one of the principal contenders for the nomination at the Party Convention.

"Further, I wish to say I have already made clear that I hope President Johnson will have so modified his position on some issues, both foreign and domestic, but particularly his position in respect to escalating the war in Vietnam, that all Democrats who at the present time differ with him on his foreign policy can unite behind him at the National Convention. This certainly is a political goal devoutly to be wished. I do not see how anyone can deny that the Democratic Party will be in a stronger position to win the historic election of 1968 if the President, in the very near future and well in advance of the National Convention, sees fit to modify his position on foreign policy. There are only a few issues which at the present time are creating such severe rifts within the Party as to cause Senator McCarthy and possibly some other potential candidate or candidates to enter the presidential primaries.

"The entry of Senator McCarthy and any other candidates in the Oregon presidential primary will provide the people of Oregon with a highly informative discussion of the pros and cons of the issues that have already divided the Democratic Party. A better understanding of those issues I think will strengthen the Democratic Party in the historic election of November 1968."

Mr. MORSE. Mr. President, I read the following from the press release:

I welcome Senator McCarthy and any other nationally recognized Democratic leader to submit his name to the voters of Oregon in our presidential preferential primary.

I do not intend to involve myself in the presidential primary candidacy of any of the candidates whose names will be on the Oregon primary ballot next May. We all know that the names of several very prominent and highly qualified Democrats, such as Senator McCarthy, will probably be on that ballot if for no other reason than because of the provisions of the Oregon law regulating presidential primaries.

Then I discuss the provisions of the law, and say:

Therefore, I assume that in addition to Senator McCarthy's name, the names of others, including President Johnson, himself, Senator Robert Kennedy, and for that matter, probably George Wallace, may very well be on the Oregon ballot.

I then set forth, as I already have in my comments on the floor of the Senate, my position in regard to my nonparticipation in the Oregon primary election.

I said this about the President:

Further, I wish to say I have already made clear that I hope President Johnson will have so modified his position on some issues, both foreign and domestic, but particularly his position in respect to escalating the war in Vietnam, that all Democrats who at the present time differ with him on his foreign policy can unite behind him at the National Convention. This certainly is a political goal devoutly to be wished. I do not see how anyone can deny that the Democratic Party will be in a stronger postition to win the historic election of 1968 if the President, in the very near future and well in advance of the National Convention, sees fit to modify his position on foreign policy. There are only a few issues which at the present time are creating such severe rifts within the Party as to cause Senator McCarthy and possibly some other potential candidate or candidates to enter the presidential primaries.

The entry of Senator McCarthy and any other candidates in the Oregon presidential primary will provide the people of Oregon with a highly informative discussion of the pros and cons of the issues that have already divided the Democratic Party. A better understanding of those issues I think will strengthen the Democratic Party in the historic election of November 1968.

Mr. President, the press release is clear. I am very sorry that apparently the press, in its necessity to digest and abbreviate, sent some stories into Oregon which have left many people in doubt as to how I stand.

The press release leaves no doubt as to my position and I welcome having it printed in the RECORD.

A PLAN TO STOP THE GOLD DRAIN

Mr. SYMINGTON. Mr. President, I ask unanimous consent that a thought-provoking article entitled "A Plan To Stop the Gold Drain," written by Dr. N. R. Danielian, president of the International Economic Policy Association, and published in the December issue of Reader's Digest, be printed in the RECORD. I hope that it will be read by all who believe in the integrity of our currency and a sound economy.

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

A PLAN TO STOP THE GOLD DRAIN

(By N. R. Danielian, president of the International Economic Policy Association, Washington, D.C., and editor of the book, The United States Balance of Payments: An Appraisal of U.S. Economic Strategy)

Newspapers carry gloomy reports about it, financiers lose sleep over it, politicians in Washington try to dismiss it. Nevertheless, it persists—indeed it worsens every day. It? A remote-sounding threat called the balance-of-payments problem. But it is far from remote. Unless we take steps to remedy it, and *soon*, untold Americans will suffer the consequences—right in their pocketbooks. We *can* solve the balance-of-payments mess. But it won't be easy, for we are in deep trouble.

In all but one of the last 17 years the United States has been spending more dollars abroad for imports, military expenditures, foreign aid, tourism and investments than it has taken in from exports, and earnings overseas on investments, royalties and services. The result is a balance-of-payments deficit, an underlying dollar loss which this year will climb to at least $4 billion—the highest level in ten years. Result: The U.S. gold supply is perilously low.

TO PARIS BY THE TON

Many will recall the Depression-racked winter of 1933 when people lined up at banks to demand gold for their paper money. That same nightmarish run on gold has been taking place again—but with one major difference—while U.S. citizens can no longer own gold, foreign nations can. France's Charles de Gaulle was No. 1 in line at the Federal Reserve Bank of New York last year, cashing in his paper dollars for 45 tons of gold worth $50 million *every month*. Armored trucks load the heavy bars on ocean liners, and the gold winds up in the vaults of the Bank of France in Paris. Many other nations, too, have been carting off our gold with the result that since 1958 our gold reserves have shrunk from $23 billion to $13.1 billion.

But that isn't all. More than 100 nations have accumulated 30 billion in dollar claims most of which, through their central banks, they can redeem for U.S. gold. If they continue to demand as much of it as they have in recent years, our supply will soon vanish—or we will be forced to stop all gold sales. In either case, the consequence will be an economic and political debacle.

Without a plentiful supply of gold behind it, our paper currency would soon bring lower exchange rates and buy less in world markets. We'd have to pay more for our imports—copper, sugar, coffee, iron ore, oil. And for the American tourist, prices would rise on everything from hotel bills to souvenirs. Moreover, without a stable world-accepted currency to pay for troops and arms abroad our military capability would be undermined. Our enemies might then be tempted to challenge us on other fronts besides Vietnam.

What we must do, obviously, is to spend less and earn more overseas. To accomplish this, and thus solve the balance-of-payments problem, our government leaders must take five fundamental steps:

1. Tighten the foreign-aid spigot. By Treasury Secretary Henry Fowler's own calculations, the $5-billion annual foreign-assistance program increases our international deficit by about $750 million a year—more than $2 million a day. These are dollars spent by the recipients outside the United States.

Another dollar-losing proposition is the Food for Peace program, under which we sell wheat, corn, cotton, even tobacco, for local currencies—Indian rupees, Brazilian cruzeiros—which we cannot turn into dollars.

Congress intended these local currency sales to help the hungry people of the world, not to be a substitute for commercial dollar transactions. But look at Egypt, which used to buy, commercially, substantial amounts of tallow from us to make soap and oleomargarine. In 1959 we began to supply that country with tallow under foreign aid (even as Nasser became increasingly belligerent toward us.) Inevitably, our commercial sale of tallow to Egypt was quickly displaced by exchange of surplus tallow for unusable Egyptian currency. A single review by the watch-

dog U.S. General Accounting Office reveals a score of other countries in which we have kicked away $715 million worth of commercial sales, thanks to such foreign-aid substitutions.

Recently, Congress has achieved some success in restraining the State Department's overeager largess. But more reform is needed, particularly in curbing huge blank-check grants and in limiting aid to specific projects that require the purchase of U.S. equipment such as pumps, tractors and earthmovers; in selling more agricultural products for hard cash; and in concentrating on a few countries of strategic importance where *visible* resultes can be obtained through demonstrated self-help.

2. Corral loose loans. Financial institutions such as the International Development Association (IDA) must be brought under stricter discipline by the U.S. government. They are knocking gaping holes in our balance of payments by doling out hundreds of millions of dollars a year. IDA, the World Bank's "soft loan" window, lends at *no* interest with a final maturity of 50 years sums of $101 to $354 million, of which 40 percent is from the United States. Only a fraction of every U.S. dollar lent by IDA returns here to buy goods.

Because these "loans" are helpfully interest free, the U.S. government should insist that the money be spent here to finance specific aid projects. "Unless this program is cut down to size," warns Sen. Stuart Symington of Missouri, "we will have that much more difficulty in finding our way out of the quagmire of international deficits."

3. Trim military fat abroad. With billions pouring into the Vietnam war, it is imperative for our brass to pull in their belts. There are more than a million U.S. servicemen all over the world. This means a total out-of-pocket foreign-exchange cost of $3.6 billion a year—dollars which are often used to withdraw our gold. U.S. soldiers and their families are pumping $1.5 billion into the European economies alone. Can any of these Americans be safely brought home?

Former President Eisenhower declares: "I do not believe that today the common security requires an American ground strength the equivalent of the six divisions now present in Europe." He would reduce these forces to no more than two divisions with reinforcing artillery and a reconnaissance regiment. Forty-four members of the U.S. Senate, including Armed Services Committee Chairman Richard B. Russell, have echoed Eisenhower's view, introducing a resolution calling for a "substantial reduction of U.S. forces permanently stationed in Europe."

Recently Defense Secretary McNamara announced withdrawal of 35,000 U.S. troops from West Germany, but more should follow. Senator Russell makes sense when he says, "If the United States has one division of troops anywhere, we're not going to leave them there to be chopped up."

Our military presence in the Far East used to add $1.6 billion a year to our balance-of-payments deficit. Now the Vietnam war itself runs a staggering $24 billion a year, and not every nut and bolt can be shipped from home. So hundreds of millions are spent for war supplies in Japan, Taiwan, the Philippines and Australia, and the Far Eastern military expenditures now increase our balance-of-payments deficit by $2 billion a year. We should press these countries to spend the equivalent of our increased military expenditures on additional purchases in the United States of goods now bought elsewhere. That way we can reduce the impact of unfavorable balance of payments without limiting military capability.

4. Expand our exports. The time has come for tough bargaining in trade negotiations to spur commercial exports. Administration officials claim that our 1966 trade "surplus"—the difference between total exports and total imports of goods—was $3.7 billion. But nearly $3 billion of this comforting figure is a mirage. It represents exports paid for not by foreign buyers but by Washington.

For example, a jeep on the municipal pier in Toledo, Ohio, marked for Pakistan looks like good business. In truth, however, payment comes right out of the U.S. taxpayers' pockets and doesn't earn us a dime. How? Foreign aid bankrolls such sales by handing nations money to buy our goods, often displacing a potential cash sale.

The remainder of this $3.7 billion also vanishes into thin air if one is aware of what Sen. Everett Dirksen calls "seduction by statistics": our imports are made to appear smaller by omitting such charges as transportation and insurance from overseas to U.S. ports of entry.

Instead of engaging in such double-standard statistics, our government should be concentrating on reducing foreign-trade obstacles. For instance, the European common market has set up a protectionist agricultural policy. Tariffs on corn, barley, chickens and dairy products run from 40 to 75 percent. An American grain exporter can deliver wheat in Rotterdam for $1.80 a bushel, but he has to pay $1.09 duty, plus an extra surcharge of three cents a bushel, forcing his price above that of the local producer. And even if the price of U.S. wheat should be reduced by, say, 30 cents, the tariff would automatically go up the same amount.

Incredibly, U.S. trade negotiators have all too often accepted these obnoxious tariffs as non-negotiable! This "no-win" policy simply slams the door in the face of the American farmer and exporter.

5. Avoid quickie solutions. Since 1961 our policy makers in Washington have merely nabbled at the dollar-deficit problem with "quickie" solutions. For example: the government cut duty-free imports by tourists from $500 to $100 per trip while raising the valuation from wholesale to retail price. This has had insignificant effect on total tourist expenditures abroad, but it touched off bitter anti-American resentment among Europe's small tradesmen.

Other strange "remedies": a special federal tax on those who buy foreign securities. Thus, it is all right for a tourist to spend money at a nightclub in Paris, but unpatriotic to buy interest-bearing French securities!; And the Department of Commerce is continually pressuring American businessmen to curtail their foreign investments in Europe although income on private investments is one of the largest sources of earnings which help our balance of payments: since 1945 it has brought us a net income of $20 billion. Moreover, when a pharmaceutical or automobile plant is established in a foreign country, American machinery and raw materials are often sold to the plant, thus boosting our exports.

A glance at individual company reports dramatically tells how their overseas activities have helped our balance-of-payments position. From 1950 to 1965 Ford Motor Co. returned a net $3.3 billion to the United States. In ten years, Chrysler gave our balance of payments a $1-billion boost. International Telephone & Telegraph Corp. brought home $54 million in 1965 alone. Clearly, by putting roadblocks in the way of private investments which enhance our earning power abroad, the Administration is cutting off its nose to spite its face.

TO HALT THE HEMORRHAGE

What is needed above all is a change of attitude starting at the White House and extending deep into our federal bureaucracy. We must stop prescribing tranquilizers and Band-Aids to the balance-of-payments malady. The health of the dollar and its universal acceptance directly determine the projection of our power and influence all over the world. We must never forget that the declared intent and strategy of communism is the attrition of U.S. economic strength. The British Empire's decline began when it ceased to earn enough abroad from exports and investments. It can happen to us.

It is not my purpose to alarm, but to flash warning signals before we commit further economic blunders. From London to Frankfurt to Tokyo I have talked to scores of international bankers who understand the seriousness of the U.S. malady. "What you have is a severe dollar hemorrhage, and it could bleed you to death," one warned me.

Let's stop that hemorrhage now.

NEED FOR STABILITY IN FEDERAL FUNDS FOR EDUCATION

Mr. SYMINGTON. Mr. President, in Missouri, as elsewhere throughout the Nation, State and local educational officials have been concerned, and rightfully so, about the certainty and the amount of Federal funds that they will receive during the present school year.

A problem arises under title I of the Elementary and Secondary Education Act because that program to improve the educational opportunities for low-income families has not and cannot be fully funded this year under the liberalized formula established by Congress last year.

In the current fiscal year, under that formula, funds are to be distributed based on the multiplication of the average per pupil expenditure in the State or the Nation whichever is higher and the number of families with income of less than $3,000. Previously, $2,000 was the determining low-income factor when coupled with the average per pupil expenditure in the State.

Discussion of the title I formula may not be an exhilarating topic. Nevertheless it is mighty important to public school officials who need assurance of some firm level of Federal funding if these resources are to be helpful in improving the educational opportunities of young Americans.

With about $2.4 billion authorized and only $1.2 billion appropriated this year, the net effect of the liberalized formula is to shift Federal school dollars from one State to another and from one school district to another within each State.

The shifting of the limited funds from State to State has been in part ameliorated by the rider to the appropriation bill making a minimum allotment to each State in no less amount than the 1967 allocation of such grants to local educational agencies within the State.

But the problem of the intrastate transfer of funds remains. Intrastate application of the formula in many cases produces a level of funding less than that of the previous year and this means a cutback of programs already underway.

Use of the $3,000 low-income factor in the formula results in a lesser allocation to urban areas where there is the heaviest concentration of low-income families. Many will agree, I am sure, that expanded and improved educational programs are vital to the solution of the critical problems in our cities.

Because of these pressing needs and in the interest of all communities for

some measure of certainty in respect to the amount of their allocation of Federal funds, I had expressed the view to the Committee on Labor and Public Welfare that the restoration of the $2,000 low-income factor coupled with the State average per pupil expenditure would be desirable. Although the committee bill before us would continue in effect the liberalized formula, provision is made to mitigate some of the undesirable effects that result when the liberalized formula is not matched by liberalized funds.

The bill provides that when the sums appropriated are insufficient to fund fully all maximum grants, every county in each State will be allocated an amount equal to its allocation in the preceding fiscal year for grants to local educational agencies within each county.

In short, it would appear that intrastate transfer of funds would be minimized and programs of local educational agencies already underway would not be threatened by a reduction in funds.

For example, under existing law, the city of St. Louis would have received $3,912,199, about $500,000 less than last year. It is estimated that under the Senate version of the bill, St. Louis would be entitled to $4,666,355.

The estimate for Kansas City is $1,937,425 compared with $1,795,175 under the House version of H.R. 7819.

The solution provided is of a temporary nature. Let us hope that in the near future the cost of activities of the United States elsewhere in the world will permit greater use of our resources for education and for our many other domestic needs.

MILWAUKEE SENTINEL SUPPORTS TRUTH IN CREDIT: CALLS FOR STRONG BILL

Mr. PROXMIRE. Mr. President, the Milwaukee Sentinel is developing a fine reputation in Wisconsin and throughout the country for the thoughtfulness and balance of its editorials. The Sentinel is a forthrightly conservative newspaper. It supported Barry Goldwater in the 1964 presidential campaign and it generally favors candidates who emphasize the conservative viewpoint.

At the same time it is vigorously in favor of civil rights, and it is scrupulously fair in the way it discusses all officials, including those with whom it disagrees.

For this reason, I was particularly impressed by a recent editorial in the Sentinel calling for a stronger truth-in-credit bill than has passed the Senate or has emerged from the House Committee on Banking and Currency.

As the author of S. 5, the truth-in-credit bill that passed the Senate, I welcome this perceptive criticism. My original bill, as I introduced it, allowed no loophole for revolving credit. As Representative LEONOR SULLIVAN, of Missouri, introduced the bill in the House, it also did not permit this loophole, and it was stronger than the Senate version in many other respects. I am hopeful that Representative SULLIVAN can win her fight for a stronger truth-in-credit bill on the floor of the House. Support of vigorous conservative papers like the Milwaukee Sentinel can be most helpful.

I ask unanimous consent that the Sentinel editorial, entitled "Credit Loophole" be printed in the RECORD.

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

CREDIT LOOPHOLE

If the nation is to have a truth in lending law, let it be one that will be good and effective.

To be good and effective it should set a simple, standard method of stating credit costs and it should cover all types of consumer credit.

The price of money in all credit transactions ought to be stated in terms of annual interest rates. The traditional method of computation of interest is amount times rate times time.

Truth in lending legislation, passed by the senate and expected to be taken up by the house early next year, fulfills the need to set a simple, standard method of stating credit costs.

Where the legislation falls short is in providing coverage of all types of consumer credit. Both senate and house versions exempt revolving credit accounts—those in which a customer may keep adding to his purchases while paying off the balance. It is a fast growing type of credit.

Exempting revolving credit from truth in lending coverage would stimulate its growth for it would be substituted for other types of credit.

Interest charges on revolving credit generally are stated on a monthly basis. The annual rate on a revolving rate of 1½% a month, for example, would be 18%. It is obvious why a retailer would be reluctant to have to state the charges in these terms.

But the consumer is entitled to know what the charges are according to a simple, standard method of stating credit. This is the only way he can intelligently compare prices on what his money is costing him.

It is quite possible that the consumer would be prefectly willing to pay the equivalent of 18% interest a year on his purchases, figuring it is worth the shopping convenience it gives him. The point is, however, that he ought to know approximately what credit is costing him in comparison with what he might be able to get it for from other sources.

To make the truth in lending law truly effective, the House should include revolving credit in its coverage.

URBAN PROBLEMS AND SOLUTIONS

Mr. MUNDT. Mr. President, from time to time I am moved to urge upon my colleagues in Congress that we give greater encouragement to State governments to face up to their responsibilities in coping with the mounting problems in our great urban centers. From a long-range standpoint, I have repeatedly stated my belief that we must formulate in this country some more effective policies at all levels of government for achieving a better balance in future population trends and economic development between our rural and urban areas. We should not go on encouraging and subsidizing the movement of population from the farms and small towns of America to the great metropolises. I have introduced legislation to provide for a long-range study of this problem; Senate Joint Resolution 64 passed the Senate last month and is now pending in the other body.

I concede, of course, that while we search for long-range solutions we must also cope with the urban problems that confront us today. We already have great population concentrations in our metropolitan areas; we already have increasing difficulties in transportation, housing, employment, and other aspects of urban life; we already have a crisis of disorder and disaffection in our large central cities—in fact, the greatest crisis in our domestic affairs since the Civil War.

Since 1959 I have been serving as one of the representatives from the Senate on the Advisory Commission on Intergovernmental Relations, together with the senior Senator from North Carolina [Mr. ERVIN] and the junior Senator from Maine [Mr. MUSKIE]. The commission was created for the purpose of giving continuing study to the relationships among levels of government and to making recommendations as to ways to strengthen our Federal form of Government with shared powers among National, State, and local levels. Despite the wide range of political philosophy represented by its members, the commission since its inception has been unanimous in its concern that State and local government in this country be modernized and strengthened lest all governmental power drift eventually to the Central Government.

In dealing with the so-called urban problem there is a deplorable tendency on the part of many to look only to the Federal Government for the solution of these ills. We fail to recognize that the State governments have a large and growing responsibility for doing what they can to make our cities livable and safe for the law-abiding citizen. Too often in the past, however, State governments have stood aside and have declined to involve themselves with the problems of their local governments. The result has been a rapid growth in Federal programs. Now, however, I am glad to note that the tide is beginning to turn in a number of State capitals. Some States are beginning to organize for proper attention to urban problems and many are beginning to provide financial and technical assistance to their local governments.

One of the best expositions of the role of the State in urban affairs that I have seen recently was an address by Ohio Gov. James A. Rhodes to the Ohio Municipal Conference held in Columbus, Ohio, on September 20, 1967, and printed in the October issue of Ohio Cities and Villages, published by the Ohio Municipal League. For the past year Governor Rhodes has been serving as one of the Governor members of the advisory commission, and I have been impressed with his sincerity and dedication to the concept of States' responsibilities as well as States' rights. This concept underlies his excellent address to the Ohio Municipal Conference.

I ask unanimous consent to place the text of Governor Rhodes' address in the RECORD.

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

URBAN PROBLEMS AND SOLUTIONS

(By Gov. James A. Rhodes, delivered before the Ohio Municipal Conference, September 20, 1967, Columbus, Ohio)

Executives have a problem-solving function. Their role was aptly described by former President Harry S. Truman. He had a little sign in his office reading: "The buck stops here." Governors soon find that the same is true of their office.

Our urban problems are many and growing. Between now and the year 2000 urban population will double. Land occupied by the cities will double. We will need to build and replace more homes and commercial buildings than have been built since colonial days.

Improving the quality of urban life must be one of our major goals. At the core of problems to be solved are people. A good community life has long been a basic American value. We must not lose it. We must link projects and activities designed to develop human resources with those for improving physical environment. Failure to understand the need for this, and thus its realization, will result in an inadequate physical and social environment.

Delegates assembled here today represent the large majority of Ohioans. What you do in your council chambers and executive offices affects people in all walks of life. The array of problems facing you is enormous. They involve the people, and the environment in which people live. A healthy metropolitan area must have a healthy heart. What affects suburbia affects rural areas.

Latest population figures show that 80 per cent of our people live in 14 metropolitan areas. Problems facing these communities are housing, employment, industrial development, health, crime delinquency, transportation, and the overlapping of services offered by different jurisdictions.

HOUSING

The housing problem can be clearly stated. One-fourth of the housing in Ohio urban areas is substandard.

There is not enough private money available for investment in housing in declining urban areas. Financial backing is hard to obtain for new construction, or repairs, by individuals interested in their neighborhood.

The solutions appear obvious.

Building codes must be based upon performance standards, and rigidly enforced. Updated building codes would remove restraints preventing construction economies by permitting use of new structural components. The Department of Urban Affairs is studying state involvement in the housing field. Solutions for provision of more and better housing are being sought. Our urban affairs personnel have met with many housing officials throughout the nation. They seek the best possible program for Ohio. Clearly indicated is a need for a State Housing Commission. In all probability, legislation establishing a state rotary fund for planning and initiating programs for housing will be prescribed. Let there be no doubt, however, that state and local government must involve the private sector in housing finance.

EMPLOYMENT

The employment problem is rooted in lack of vocational education and training, a deficiency which we are remedying at all possible speed. The problem is the high rate of unemployment among youth, including those entering the labor market for the first time. The rate is very high in ghetto areas. Much unemployment results from technological changes. Further, there is underemployment of existing workers. Solutions are indicated.

Jobs are created by combining public and private resources. Government and private enterprise must work together. A climate for growth has been created over the past four years. It is a guiding principle of public administration that all public administrators must nurture a viable economy. We must accelerate our growth climate by increasing vocational and technical education opportunities for our labor force. We must be bold enough to realize and say that some areas in our state naturally have more growth potential than others. We also must be bold enough to designate target areas and supplement state and local capital investment programs to accelerate economic growth. We have a long-range capital investment plan for industrial growth. Its goal is to open dormant areas to increased economic activity.

Other methods of meeting the employment problems are local manpower training programs, and special training programs such as the Mahoning Valley Vocational Training School, and the Jackson Vocational School, sponsored by the Ohio Bureau of Unemployment Services.

Vocational education coupled with on-the-job training programs is also a part of the overall emphasis. An increase of 1,000 classroom units for vocational education in Ohio was provided by the last General Assembly. This is the greatest expansion of vocational education facilities ever to occur in Ohio.

We are creating branch colleges and technical schools.

We are providing retraining programs to advance skills and thus upgrade earning ability. Retraining creates a reservoir of skilled manpower which attracts new industry and expansion of existing industry.

Increased technical skills result in increased earning power. Additional income means more revenue for the community. Additional per capita income also means additional house buying and construction, and that means more income to the community.

HEALTH

Some of the nation's most air polluted cities are in Ohio. Virtually every city is in need of new and expanded water supply and sewage disposal facilities for elimination of water pollution.

Inadequate and overloaded sewer systems and septic tanks are causing severe water pollution problems. Volume increase per household and the growth in population presents our cities with an enormous refuse disposal problem. Adequate treatment of mental illness is an increasing problem. A sufficiency of open spaces for recreation is an urgent need.

Legislation enacted by the last General Assembly aims at meeting these problems. The powers of the Director of Natural Resources in areas of water management has been broadened. More power has been given to the Water Pollution Control Board to adopt water standards. Legislation enacted by our General Assembly establishes an Air Pollution Control Board in The Department of Health to prescribe air quality standards. Air and water pollution prevention is being stepped up.

Existing pollution which has developed over the past century must be eliminated. In all probability, a mode for doing this will go before Ohio voters next May. No increase in taxes is involved.

We are formulating a request to the Ohio State University Agricultural Research and Development Center for development of a rat control program for urban areas.

In mental health, the new Community Mental Health and Retardation Service Act is hailed as the most significant legislation in the field since the state accepted responsibility for treatment of the mentally ill in the year 1815. Counties will be reimbursed 75 percent of their approved operating expenditures. Forty per cent of the U.S. Department of Interior funds being allocated to Ohio for recreation are being distributed among local governments. The money is for parks improvement, recreation areas, and neighborhood playgrounds.

CRIME AND DELINQUENCY

Thirty-one per cent of all serious offenses are being committed by persons less than 21 years of age. Serious crimes by persons 18 years of age and under increased 47 percent from 1960 through 1965. The increase in numbers in that age group was only 17 percent. Again, we have prescribed a solution to the problem. The last legislature established a Crime Study Commission to recommend means of modernizing penal and judicial codes. The Division of Psychiatric Criminology therein established will prescribe special treatment for mentally ill prisoners. Ohio Youth Commission programs for rehabilitating youth in trouble and preventing delinquency in the communities also have been provided.

TRANSPORTATION

The transportation problem in our cities is enormous. We can drive between our cities at speeds of 60 miles per hour, but inside of those cities, we are held to 10 miles per hour. It is possible to travel 50 miles on an interstate highway in less time than is required to drive a dozen blocks in town. Cities need new crosstown expressways.

Mass transportation is critical for our future growth and development. A coordinated effort for this development is one of the assignments of our new Ohio Transportation Research and Development Center now under development. Eleven transportation studies are being made in urban areas. The goal is solution of problems relating to movement of goods and people. These studies must be expedited. We must crack the bottlenecks so that workers can get to work and get home in a reasonable time. And we must smash bottlenecks which delay the transportation of products of Ohio industry to the marketplaces of the world.

We need to greatly improve intergovernmental relations. It is one of the most important areas in public administration today. Ben Franklin told the colonists that, "We must hang together or we shall most surely hang separately." The words should echo in the ears of all public officials. The massive problems confronting us know no jurisdictional lines. They go beyond all corporate lines.

Communities planned without regard to neighboring communities duplicate public facilities and equipment. The result is a waste of taxpayers' money. Local governments purchase on a unit basis, and thus pay too much for equipment and services. There is a serious failure to plan such facilities as water supply, sewage disposal, and refuse disposal. There is a confusing proliferation and dismal lack of coordination in federal grant-in-aid programs. Solutions have been prescribed. Our new Department of Urban Affairs was created to do the following:

1. Provide technical assistance to local governments.

2. Serve as a clearinghouse for information and data helpful or necessary to local governments.

3. Coordinate activities of state agencies whose functions are related to solving community problems.

4. Encourage and assist local governments to develop cooperative solutions to common problems.

5. Study existing law affecting structure, operations, and financing of local government, and recommending to the legislature and the Governor any changes found to be needed.

6. Provide continuing analyses of problems facing our communities. Ohio law now enables the establishment of Councils of Governments to promote intergovernmental coordination and cooperative action in community policy making and planning.

A Council of Governments is a voluntary association of local elected officials representing municipalities, counties, townships, school districts, and other special districts.

In Ohio 11 urban regions are forming such councils. They intend to take advantage of grants for planning and development, to achieve economies by cooperative purchasing, and to confront such problems as air and water pollution, traffic congestion, and insufficient open space recreation areas on an areawide basis.

The need for communities to combine safety and service facilities along areawide lines is evident. We do not need another level of government. We need intergovernmental cooperation.

The Department of Urban Affairs is actively engaged in forming these organizations. The Department Director, or a person designated by him, may serve as a member of a Council of Governments to coordinate state and local resources. I strongly urge creation of Little Hoover Commissions at local levels, and action upon the recommendations made by them.

We must always strive to eliminate waste and extravagance. The aging process is nothing new. Systems, like people, grow old. We have many antiquated systems in our local governments. Scrutiny by management engineers is needed.

Modes of correction prescribed by them must be transformed into policy.

ADULT DELINQUENCY

On November 7th of this year the new father's responsibility law becomes effective. This measure provides for the bringing back of fathers who have walked away from their family responsibilities. Seventy to ninety per cent of the persons on our Aid to Dependent Children rolls are there because their fathers have abandoned them. This is going to stop in Ohio. The lion's share of expenditure of local and state tax money for the ADC program is due to such men. We are going to make them assume the responsibility which is both legally and morally theirs. We are going to end their practice of shifting their obligations to society.

LOCAL EMPHASIS

The determination to overcome our urban problems must be locally generated and powered. This includes private as well as public interests. The greatest sources of talent and energy resources are the cities. The state and federal governments do have responsibilities in this area. But neither the federal government nor the state alone can arouse your interest in such problems, or stimulate your desire to solve them.

There is a growing recognition that these problems must be met and solved at the local level where they have developed. When we have strong cities, we have a strong state. I am confident that our cities will meet the problems, and that by working together in a genuine spirit of intergovernmental cooperation, we can solve them.

AN INTERVIEW WITH SENATOR CHURCH

Mr. McGOVERN. Mr. President, the distinguished Senator from Idaho [Mr. CHURCH], in a recent interview with television newsman Joseph McCaffrey, made a concise, definitive analysis of the problems that face Congress both abroad and on the homefront. I commend it to Senators as a frank, intelligent discussion of the dilemma presented by the war in Vietnam and its domestic ramifications.

I ask unanimous consent that the text of the interview be printed in the RECORD.

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

JOSEPH MCCAFFREY—INTERVIEW WITH SENATOR FRANK CHURCH

Mr. MCCAFFREY. I seem to feel that this is a very frustrated and frustrating Congress. I don't know how you feel. How do you feel?

Senator CHURCH. I agree.

Mr. MCCAFFREY. And I think that probably it's due to the War.

Senator CHURCH. Undoubtedly.

Mr. MCCAFFREY. Would you sum up your position on the war in Vietnam?

Senator CHURCH. Well, that's a big question, Joe. As you know, I've been a long-time critic of the American policy in Southeast Asia. It goes back a number of years.

Mr. MCCAFFREY. There are a lot more people on your side today——

Senator CHURCH. When I first spoke up for negotiation, it was a dirty word here in Washington.

I suppose a fateful decision—one of the most fateful decisions made—dates back to February, 1965, when the Administration decided to do two things in Vietnam. It decided to commit American combat troops to the war in the South, and to commence the bombing in the North. This, in the jargon of the bureaucracy, is being called "the policy of escalation." Well, it's been nearly three years now since that policy commenced, and, if one were to make an appraisal of it, I think it is inescapable, really, to conclude that the policy has failed.

It was started, Joe, if you will recall, to accomplish three things: First, to interdict and stem the flow of men and material from the North into the South; second, to inflict such punishment on the North that Ho Chi Minh would give up the fight and come to the negotiating table and accept a settlement on our terms; and third, to bolster the morale of the fighting factions in the South which we have supported, that is to say, the Saigon forces.

Well, thirty-three months later, and after having dropped bombs on North Vietnam at the rate that we dropped them on Europe in the closing months of the Second World War, it is clear that we have not stemmed the flow of men and material from the North into the South. In fact, the flow has increased during the very period of the bombing. Secondly, it is clear, from everything we are told by correspondents and other observers who have gone into North Vietnam, that there seems to be a general agreement that the bombing has not weakened the resolve of the Hanoi government, but has rather firmed up its determination to continue the fight. And, so far as the morale of the Saigon government and its forces are concern, it is clear that our combat troops are now assuming the main burden of the fight, while the South Vietnamese, more and more, retire behind the lines to pursue the "pacification" of their own villages. So, consider the objectives and look at our situation today. I think it is almost unarguable that the policy of escalation has failed. Yet we persist with it.

Mr. MCCAFFREY. It has become our war, hasn't it? It originally was a civil war and, of course, here is the basis of the dispute in this country.

People say, well, it really isn't a civil war, it's a great invasion of Communism.

Senator CHURCH. Well, I think, Joe, in that connection, that two things have to be remembered. You know, Secretary of State Dean Rusk is fond of saying that he is pursuing the same firm policy of three American Presidents. I think that this cannot be accepted as a valid proposition. Eisenhower agreed to come to the support of the Saigon government under very limited terms and no significant number of military men were committed to South Vietnam during his presidency.

Kennedy increased the number of military men but kept them in an advisory role and just before he left—he was assassinated—two or three months before he was assassinated—he emphasized on a nationwide television broadcast that it was their war, not ours, and only they could win it.

It was not until February 1965, following the last Presidential election, that we chose to make it our war. The policy changed once escalation began, once we committed our troops to the fight, and once we commenced the bombing of North Vietnam. And now it has, indeed, become an American War. But an American war of our making.

Mr. MCCAFFREY. But this wasn't what the election of '64 was to have proved, was it?

Senator CHURCH. No, in fact, it was the opposite of what most people felt the election of '64 meant. If there was any mandate at all that came out of that election it was a mandate on the side of restraint, on the side of an energetic quest for a peaceful solution, as against the far more militant and belligerent posture that Senator Goldwater assumed.

Mr. MCCAFFREY. Senator Church, the other day one of the cameramen said "I don't remember the Korean War." He said, "I am only 22 years old. Was there all this opposition to the Korean War?"

I said, "No, not at all." Why wasn't there as much opposition to the Korean War as there is today to the war in Vietnam?

Senator CHURCH. Well, first of all, the Korean War commenced with a classical invasion of South Korea by North Korea.

Mr. MCCAFFREY. It was clean.

Senator CHURCH. It was clean, it was clear-cut. Now, we continue to insist that Vietnam consists of two parts, that there are two countries, despite the fact that the Geneva Accord in 1954 stressed that the line of demarcation was to be only a temporary boundary, and that the people of Vietnam as a whole were to vote, two years later, on whether or not the country was to be reunited or remain divided.

The elections never took place. Eisenhower said, at the time, that according to his best experts, 80% of the people favored Ho Chi Minh. Historically and traditionally, there have not been two countries at all. Indeed, the first paragraph of the new constitution adopted by the South Vietnamese stresses the unity of the country and the fact that the two halves will ultimately be rejoined In fact, I understand that this is one provision of the constitution that cannot be repealed. So, even the Vietnamese don't agree with us, when we contend that there are two separate countries here, and that Ho Chi Minh, who won independence for all of Vietnam in the war against the French, is an aggressor in his own country. I think that the Vietnamese view of this is different from our own.

Mr. MCCAFFREY. What would you, at this point, like to see done? What do you think should be done that they are not doing now?

Senator CHURCH. Joe, I think that the war has proceeded so far, and its intensity and fury has grown so great, that there is not much likelihood of a negotiated setttlement in the near future, regardless of what we do. I am not one who believes that a suspension of the bombing, for example, would lead to an early negotiated settlement of the war. But I do believe that, since it was our choice to commence this escalation, and since, as I have tried to point out, the policy has clearly failed when judged by its own standards, it is also in our choice to begin a policy of de-escalation.

Now, if we don't do that, where is this continuing policy of escalation going to lead? There aren't many targets left in the North that we haven't hit. Nobody really believes that when we hit them, Ho Chi Minh is going to crumble and come begging us for peace. There is nothing to indicate that at all. Once these targets have been hit, if we persist in

escalation, the next hue and cry will be for invading North Vietnam, actually occupying the country. Now I don't know of a case where any people have been beaten in their own land by bombing from the sky. I know of many cases where it has been necessary, in order to bring an end to a war, to occupy the target country and bring down its government. But bombing alone has never won a war. So, I would expect, if we continue to escalate, that three months from now, or six months from now, we are going to be hearing people calling for an American invasion of North Vietnam. And that will parallel our Korean experience where we turned a defense of the South, which was legitimate, into a counter-invasion of the North, and you know what happened with China.

Mr. McCAFFREY. I have been reading Nancy Ridgeway's new book, the Korean War, which is an excellent book, and it is almost as if I am getting a replay of what's happening today in Vietnam.

Senator CHURCH. But, Joe, even if the Chinese were not to come in, and even supposing that we were to subdue the Hanoi government and occupy North Vietnam with a million American troops, then what would we have on our hands? Instead of one guerrilla war in the South to suppress, we would have two guerrilla wars; one in the North, the other in the South, greatly compounding our present problem.

So, I think that the end result of this escalation makes no sense at all. Instead, we should proceed to de-escalate the war by terminating the bombing of the North, concentrating on the South where alone we can keep the commitment we made to the Saigon government, and focus our attention on the suppression of the guerrilla war there. If we begin to change our tactics in the direction of de-escalation, then, perhaps, some time in the future we can achieve a satisfactory political settlement, extricating us from this quagmire into which we have led ourselves in Southeast Asia.

Mr. McCAFFREY. Some of your colleagues, Senator, tell me off the record that they are very much afraid that we are trying to deliberately provoke Red China's entrance into the war. Now certainly, what we are doing, we're coming within the minute or less than the minute of Red China in our bombing raids at the present time. What guarantee do we have that Red China will stay out? The same people are telling us this that told us that with Korea, and they were wrong then.

Senator CHURCH. Precisely. We have no guarantee. The only previous experience was Korea, where the Chinese intervened, and transformed the whole character of the war, and prolonged it for two years. We suffered 135,000 American casualties as a result.

If we can't learn from experiences of this kind, then we are indeed in trouble, Joe, in this country.

Mr. McCAFFREY. Now, this is a war that, despite the Tonkin Resolution in 1964, Congress has never approved. This is the undeclared limited war that some theoreticians think were going to engage in for the next, probably, century. What does this mean, in terms of presidential power in relationship to congressional power, where the Constitution says that it is up to the Congress to declare war?

Senator CHURCH. Joe, this is a matter that disturbs me very greatly because I think that the responsibility assigned to Congress by the Constitution has almost entirely evaporated. One can say this is the result of Congressional abdication, and that is so. One can say that it is the result of Presidential usurpation, and that also is so.

In any case, the Constitution is clear. If you go back and read the Constitutional Convention—the debates in the Constitutional Convention—one of the principle focuses had to do with where the power of declaring war should rest. And the experience of the old Colonial period had been such that the delegates did not want to place that power in the hands of one man, the Chief Executive. They remembered the adventuresome nature of some of the English kings and wars into which the colonists had been drawn. And so the Constitution placed the power to declare war in the Congress.

The early Presidents recognized this. It was understood that if the country were attacked, the President had, as Commander-in-Chief, the right to immediately go to the defense of the country. But Jefferson drew a clear distinction when he sent our ships in against the Barbary pirates. He came to the Congress, first. And the Presidents after Jefferson recognized that they did not have the power to commit American troops to foreign wars, without first obtaining the consent of Congress. It wasn't until after the turn of the century with President Roosevelt—Theodore Roosevelt—and Woodrow Wilson that Presidents began to dispatch American troops into foreign countries without first obtaining congressional consent. This happened, in Wilson's case, with Mexico and in the Caribbean. But even Wilson came to the Congress, as did Franklin Roosevelt after him, to get a Declaration of War before commiting this country to a major international conflict.

Now, since the end of the Second World War, we have seen the President's power extended even further. Now the President asserts the right to dispatch American troops into foreign wars, to decide when and where and on what terms the United States will fight. This was done in the case of Korea, it was done again in the case of Vietnam, without any congressional declaration of war whatever. And, of course, once American troops are committed to a fight, then the Congress has no recourse but to vote the money to equip them and to give them the necessary measure of protection and support.

So, Joe, the original Constitutional arrangement has all but been reversed, and I think the time has come for the Senate in particular, and the Congress in general, to begin to reassert its responsibility under the Constitution. That's one of the lessons we must draw from this national tragedy in Southeast Asia, and I am glad that the distinguished chairman of our committee, Senator Fulbright, has introduced a resolution to make it clear that a national commitment only arises as a result of the full Constitutional process, including such participation as the Constitution requires from the Congress. This is the first step in an effort to recover lost authority which the Constitution vested in Congress.

Mr. McCAFFREY. Senator, we mentioned the election of 1964, in reference to Vietnam and the election of Johnson, apparently on at that time, it was thought generally more or less a peace platform as compared with the Goldwater candidacy on the Republican side.

Next year, you are going to be a candidate for re-election for the Senate and you will be running on the same ticket, undoubtedly, with Lyndon Johnson. How does this strain your compatibility—political compatibility?

Senator CHURCH. Well, the people of Idaho know my own stand on the Vietnam question and so does the President. I have made it as clear in public as I thought I could. I don't know that I am faced with the kind of question you are posing until the two parties choose their respective nominees.

Mr. McCAFFREY. Suppose the two parties choose Vietnam war hawks, as the Republicans seem to say.

Senator CHURCH. I rather think that this is what is going to happen. The hierarchy of both parties will choose men who will remove the war as a question—as an issue—in the election.

Mr. McCAFFREY. Where does that leave several million people who believe that this is the most important question to be voted on?

Senator CHURCH. Where does it leave the democratic process? I don't know. I suppose that if we were to treat the war as the main issue, a logical ticket would be Johnson and Dirksen on one side, and Romney and Fulbright on the other.

Mr. McCAFFREY. I don't think you are going to see that. Will the war be the leading issue in your candidacy, do you think, or will there be other matters such as—what about balancing the budget, what about taxes?

Senator CHURCH. Well, there are many issues, of course, that figure into an election. I think that the war is an important one in all likelihood. But there are many other issues that concern the people of my state. There is the question of deficit spending, increased taxes, of a great society program that doesn't relate particularly to the conditions of life in my state; so that I should think that the national administration, given all of these problems, will be hard put to win majority support in Idaho.

Mr. McCAFFREY. You mentioned deficit spending, and of course, this is brought on mainly by the war in Vietnam which is costing us—well there are all kinds of estimates—somewhere around $8 million a day, I think is one of them.

Senator CHURCH. It is 75 million a day, Joe.

Mr. McCAFFREY. How long can we go on trying to run the government as usual here at home, on domestic issues, and run the war and also have more and more people getting off the war. There are more people today who oppose the war than yesterday, and tomorrow there will be more people than today. How long can we sustain this war under these conditions?

Senator CHURCH. Well Joe, you mentioned at the beginning of the program the kind of stalemate that has developed here in Washington. I think that this is the reason. I have said to the President that, in my opinion, the American people are not buying the guns-and-butter formula and that, if you cannot silence the guns, you must slice the butter; but he must do it all along the front, the whole budget front, and I see no indication that this is going to be done; the President will pick and choose, and then the Congress will pick and choose, and no overall savings will be realized. And the general frustration will continue to grow.

But there's been something rather wrong, maybe something immoral, about the proposition that we can fight a tidy war that the theoreticians and geo-politicians say is necessary out on the opposite side of the world, involving half a million American men, and that we can do it without costing anybody anything here at home. All other programs will continue as usual, including a foreign aid program to 60 or 70 foreign governments.

No wonder the people won't buy this. No wonder the mounting resistance in the Congress. It isn't right to fight a war and have no one sacrifice for it except the men engaged in the jungle facing the enemy. That's wrong, and the people sense that it is wrong, and it can't possibly be justified in face of a $29 billion deficit and all the inflationary pressures that this brings to bear upon the economy. No agency is willing to cut back, and the Congress, I am afraid, is as representative of the bureaucracy as it is of the people. There is a kind of feeling that everything we start must continue, and that nothing can be cut back, and that this country can't change course. Imagine, for example, this frantic crash program to the moon, Joe, costing now $5¼ billion a year. How can you justify that kind of spending in face of the war in Southeast Asia and the critical human problems that remain to be solved in the major cities in this country?

Mr. McCAFFREY. How can you justify the SST, how can you justify a lot of things that apparently go through unscathed.

Senator CHURCH. Well, that's the reason for the mounting public resistance, and I think that the repercussions from all of this are going to be felt in the near future.

Mr. McCAFFREY. Let me ask you a ques-

tion—it may be rhetorical—but do the majority of the members of the Senate support the war? The majority of the members of the House support the war, at least publicly. Privately, they tell me some different things, they have a lot of doubts. Why is it, then, that they won't vote a tax increase? Because it seems to me that you have to have a tax increase to pay for this war that's costing $7 or $8 million a day.

Senator CHURCH. Of course, you do. It's—I don't want to quibble about that figure—but it's between 70 and 80 million dollars a day. I've sought to cut foreign aid, for example, Joe, and we've made the biggest cuts yet, but all these cuts—$750 million worth—will only pay for a week or ten days of the war in Vietnam. You can cut about one-half billion dollars off the space program, but it will only pay for five or six days of fighting in Vietnam, or you can take the whole war against poverty, in all of its aspects, and cut it out entirely, and it won't pay for more than a month of the war.

Mr. MCCAFFREY. I think we are ending this program, Senator, and the mood of Washington, in a general sense of frustration.

I'll be back in one minute.

(Commercial.)

Mr. MCCAFFREY. Senator Church, I want to thank you for joining me here on Close Up.

Senator CHURCH. It has been a pleasure.

Mr. MCCAFFREY. This is Joseph McCaffrey thanking you for viewing.

EAST AFRICAN COMMUNITY

Mr. PEARSON. Mr. President, it has been written that "union gives strength." Certainly this is true in the field of economic development where progress demands large-scale units of production. In the underdeveloped world, where the cry for economic growth is loudest, development has been hindered by the small markets most countries offer. In the rush for independence, economic considerations were often slighted as political freedom took precedence over economic stability.

Nowhere has this been more evident than in the awakening continent of Africa. Since this decade began, 30 African countries have gained their freedom and are now looking toward the future with hope and vision. Unfortunately, their hopes will often go unfulfilled and their visions will fade unless a serious effort at regional economic cooperation is made. For it is only in this way that they will gain the resources and infrastructure they need to insure self-sustaining growth and free them from continued dependence on foreign assistance.

It is thus with great pleasure that I call this body's attention to the formation, just 3 days ago, of an east African common market called the East African Community. Uniting the countries of Tanzania, Kenya, and Uganda, the East African Community represents a serious attempt to improve the prospects for low-cost industrialization. It will allow large-scale production and marketing and offer greater incentives to attract overseas capital and technical skills.

Mr. President, it was recently my privilege and pleasure to visit both Tanzania and Kenya, and to stop at Arusha, Tanzania, which has become the headquarters for the new cooperative venture. I was also fortunate enough to be able to meet with Tanzanian President Julius Nyerere and other east African leaders, all of whom stressed their desire to become fully self-supporting states. And all expressed a great determination to make the dream symbolized by their new joint effort a reality. East Africa is an area with great potential for balanced economic development. To fulfill this potential, however, its present inequities and economic divisions must be eliminated. At present, Kenya is the most industrialized and richest of the three states. In 1966, for example, Kenya supplied 70 percent of all manufactured goods traded among the three states.

As two recent articles from the Washington Post described it, the new East African Community is designed not only to produce greater wealth for all but also to insure Tanzania and Uganda a greater proportion of the increased trade. An East African Development Bank with an initial capital of $16.7 million will make 38.75 percent of its investments in Tanzania, 38.75 percent in Uganda, and only 22.5 percent in Kenya over a 5-year period.

A common market with a common external tariff and a ban on customs, duties, quotas, and quantitative restrictions on internal trade will also be established. A transfer tax will be the chief exception to completely free trade. A state which has a deficit in its trade in manufactured goods with its fellow market members will be allowed to impose a limited tax on similar goods produced by its partners.

These taxes will only be allowed if the deficit country is manufacturing such goods itself or expects to be within 3 months. In no event will they be permissible for longer than 8 years.

The Community will also have a special tribunal to settle disputes among the members composed of three special ministers to the organization, one each appointed by the trading partners.

While the prospects for the fledging organization's success are bright, future actions must equal present promises if the Community is not to go the way of previous attempts at east African economic integration. The recent unanimous decision of the three countries not to devalue their currencies after Britain devalued hers has been seen in some quarters as evidence of east Africa's determination to succeed.

Mr. President, 6 years ago the Central American States banded together to form a common market. And in the same year the Treaty of Montevideo went into effect creating the Latin American Free Trade Association. The new East African Community is a continuation of this worldwide trend toward regional association for economic growth. It is an effort to make political independence an economic reality, and as such it deserves our heartiest commendation.

Mr. President, I ask unanimous consent that the two articles from the Washington Post be printed in the RECORD.

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

[From the Washington Post, Dec. 2, 1967]

NEW EAST AFRICAN TRADING GROUP IS LAUNCHED

(By Anthony Astrachan)

NAIROBI, December 1.—The presidents of Kenya, Tanzania and Uganda today inaugurated the East African Community at Arusha, Tanzania, giving a new legal basis and—it is hoped—new life to the East African Common Market.

Zambia reportedly has formally applied for membership in the new Community, although it is not clear whether it is to be full or associate membership. Ethiopia also expressed its intention of applying for membership.

Supporters of the new Treaty for East African Cooperation acknowledge that it is just one step in the right direction, toward reviving the regional economic collaboration that has been deteriorating for years.

The East African Community has two purposes: to make industrialization cheaper than it would be for separate states by allowing large-scale production, marketing and related specialization, and to attract more investment of capital and skills than the members could attract individually.

The problem in East Africa, with its population of 26 million, is that efforts at regional cooperation to date have made Kenya the most industrialized and richest of the three states.

Foreign companies usually pick Kenya, and particularly Nairobi, for their headquarters and factories. It has better transport and communications than any other place in East Africa, along with more skilled labor and managerial potential, plus a large local market for manufactured goods.

The result is that Kenya supplied 65.7 per cent of the 44 million pounds sterling (more than $123 million) of East Africa's internal trade in 1966, and 70 percent of all manufactured goods traded among the three countries. Kenya had a favorable trade balance of $49.5 million with Tanzania and Uganda.

The new treaty, under which Tanzania and Uganda hope to achieve a greater share in East Africa's industrial development, established these institutions for the Community:

A Common Market with a common external tariff and a ban on customs duties, quotas or quantitative restrictions on trade between the three "partner states"—with certain exceptions. A common tariff has been in effect, but there have been many quantitative restrictions, some recently imposed, that are now cancelled.

A transfer tax system as the chief exception to free trade (other exceptions affect existing contracts for commodities like oil, and agriculture). A state which has a deficit in its total trade in manufactured goods with the other members may impose "transfer taxes"—a euphemism for duties—on such goods produced by its partners up to carefully specified limits, if it is manufacturing such goods itself or expects to within three months. No transfer tax may be imposed for longer than eight years.

A common excise tariff on goods manufactured in East Africa.

An East African Development Bank with an initial capital of $16.7 million. It will further balance industrialization by making 38.75 per cent of its investments in Tanzania, 38.75 per cent in Uganda and only 22.5 per cent in Kenya over five-year periods.

An array of institutions replacing the existing East African Common Services Organization and its subsidiaries. Officers will be decentralized to provide further balance between the members.

[From the Washington Post, Dec. 4, 1967]

EAST AFRICA VESTS HOPES IN TRIBUNAL

(By Anthony Astrachan)

NAIROBI.—One measure counted on for helping the new East African Community revive the region's flagging economic cooperation is a special tribunal to settle disputes among the three partner states.

Previous efforts at integrating the economies of Tanzania, Uganda and Kenya foun-

dered in part on inability to settle disagreements.

Mwai Kibaki, Kenya's Minister of Commerce and Industry thinks the tribunal and the appointment of three Cabinet ministers for East Africa proves the determination of the three nations to make the new Community succeed.

DIDN'T DEVALUE

The ministers, one from each member state, will make collective decisions on problems such as tariff revision, which formerly had to take long routes through each government's bureaucracy.

Kibaki said in an interview that this is important because "we will have ministers whose job it will be to speak for East Africa. National ministers used to find it difficult to become advocates for the East African cause."

Even before the Community was inaugurated in ceremonies at Arusha, Tanzania, on Saturday, the unanimous decision of the three countries not to devalue their currencies after Britain devalued the pound was seen as evidence of their determination to make economic integration function.

Kenya officials deny it, but it seems certain that Kenya wanted to devalue and allowed itself to be persuaded by Tanzania's desire to maintain the old rate, primarily because it did not want to imperil the embryonic Community.

Kenya Minister for Economic Planning and Development, Tom Mboya described the Treaty for East African Cooperation, which created the Community, as an "historic landmark," and many foreign diplomats agree that it marks an important first step toward making regional cooperation here a reality.

Though they soft-pedal any talk of an East African Federation growing out of the Community, this long range goal is in many minds. Zambia already has applied for membership in the Community, and Ethiopia has declared its intention of applying.

PROBLEMS ACKNOWLEDGED

Optimism over the East African Community's chances is far from universal, however. Some observers here, including a number of foreign businessmen, say that the very modesty of its charter—the exceptions and loopholes intended to keep the treaty realistic—indicate that it is not to be taken seriously until there is some sign that achievements will match intentions.

Tanzania's President Julius Nyerere, in his speech at the Community's inauguration, acknowledged the difficulties the Community faces. But he went on to say:

"We in East Africa believe that the institutions and the machinery which we have established will enable this Community to be quickly recognized as a great contribution to African unity and African development . . . We are confident that each East African will pledge unstinting effort to ensure the unqualified success and growth of the East African Community."

A major obstacle to economic integration of this region's 26 million inhabitants has been the tendency of foreign companies to locate in Kenya, rather than in Tanzania or Uganda. Kenya accordingly has the largest pool of skilled labor, the most developed facilities and the richest consumer market of the three countries.

Tanzania, and to a lesser extent Uganda, want the Community to insure them a larger share in the region's industrial growth. The treaty makes an effort to redress the economic imbalance, and some of this effort makes the Community fall short of what it could be.

CONTAINS LOOPHOLES

While banning customs duties, quotas or restrictions on trade between the three countries, the Community's treaty makes exceptions for existing contracts and for agricultural produce, among other items, And any state having a trade deficit in manufactured goods can impose a "transfer tax" on such goods produced by the other members if it is making such products itself or expects to manufacture them within three months.

This is expected to protect some industries in Tanzania and Uganda—probably cotton fabrics, soaps, blankets and rugs—from Kenyan competition.

In another effort to close the gap between Kenya and its neighbors, the East African Development Bank created under the treaty is pledged to make 38.75 per cent of its investments in Tanzania, a like amount in Uganda, and not more than 22.5 per cent in Kenya.

The same spirit is reflected in the decentralization of the Community's offices. While its headquarters are in Arusha, the Community's Harbors Corp. is at Dar es Salaam in Tanzania, the Railway Corp. and Airways Corp. are in Nairobi, and the bank and the Posts and Telecommunications Corp. are in Kampala, Uganda.

VICE PRESIDENT HUMPHREY SPEAKS TO YOUNG DEMOCRATS

Mr. BAYH. Mr. President, recently Vice President HUBERT H. HUMPHREY delivered a major address at the national convention of the Young Democrats held in Hollywood, Fla. On this occasion the Vice President had the opportunity to review the basic programs, both domestic and foreign, which have been sponsored by the Johnson administration, and to set forth the alternatives now facing the American people.

Pointing out that the choice on the homefront is clear—progress or retreat—the Vice President stated his convictions that the Nation is ready "to bring those now excluded into the mainstream of American society" and "to tackle the complex economic and social disabilities our legal progress in civil rights has exposed." In sum, he believes that "we are ready to complete democracy's house."

With regard to foreign policy, Mr. HUMPHREY expressed confidence in the unwillingness of the public to return to protectionism, to drastically reduce foreign aid, or to withdraw from its firm commitments in Southeast Asia. Our interest in the latter is not new; as the Vice President pointed out, more Americans lost their lives during World War II in the Pacific theater than in Europe, and in the last 20 years more casualties have been suffered and more than $25 billion in nonmilitary aid has gone to nations in Asia.

The conflict in Vietnam itself, according to the views of the Vice President, is "a test that is being closely watched by our friends and enemies alike." While the tide of battle has turned "from a seemingly inevitable victory for the Communists in 1965 to a situation where Communist victory is today impossible," the world is wondering whether "we can win the war on the American homefront." Although he defended the right of conscientious dissent, the Vice President called upon those who disagree to become fully acquainted with the facts and to realize the potential effects their comments and deeds might have on our adversaries before speaking or acting in haste and without substantial reason.

Finally, the Vice President reaffirmed his faith that the United States would continue to strive toward building a better world with freedom from poverty, ignorance, discrimination, and fear for all, and that America can remain the "center of man's peaceful revolution toward a better chance, a fuller dignity, a life of freedom."

Mr. President, because of the significance and timeliness of the Vice President's remarks, I ask unanimous consent that his address be printed in the RECORD.

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

REMARKS OF VICE PRESIDENT HUBERT HUMPHREY BEFORE THE YOUNG DEMOCRATS' NATIONAL CONVENTION, HOLLYWOOD, FLA., NOVEMBER 18, 1967

Next year will be an important year for America.

We, the people, are going to do more than elect a President and a new Congress.

We are going to have to decide some basic and fundamental issues of this last third of the twentieth century:

Does this country want a successful war on Poverty—or not?

Do we want the best in education for every American child—or not?

Do we want the 70 per cent of the American people who live in our cities to have a clean, safe, rewarding environment—or not?

Do we want to continue our path toward responsibility and peaceful development around the world—or not?

Do we have the patience and courage to use our power with restraint, and our wealth with compassion—or not?

There have been elections in the United States where issues were secondary.

Not in 1968. Not in the nuclear age.

The American people want to hear fundamental issues responsibly debated.

They want the facts.

And they want to measure one man and his policies against another, asking this basic question: Which man has the capacity, the experience, the prudence and the political philosophy best suited to leading this country through the demanding years immediately ahead?

I look forward to that kind of a campaign. I think it will be healthy for America, and healthy for the Democratic party.

I have seen the polls.

I have read a thousand pessimistic reports. And I am confident.

I am confident because I believe the hard cross-fire of 1968 will expose the doubters . . . the nay-sayers . . . the people who think this country can afford A Pause, for what they are—people unwilling to face up to the fundamental challenges of this time and place.

I believe, before November 1968, the American people will come to know that second-guessing . . . that nostalgia . . . that wishfulness . . . that a show-business smile are not substitutes for the clear, forward-looking commitments of a party and a President dedicated to freedom and human dignity—at home and in the world.

The choice before the American voter on the home front is clear-cut—progress or retreat.

It is a choice between the party and the President that gave this country the Model Cities program, and the party that voted 80 per cent against it, between the President and the party that wanted a rat control program—and the party that voted 87 per cent against it, between the President and the party that conceived rent supplements—and the party that voted 93 per cent against it, between the President and the

party that wanted a strong program of federal aid to elementary and secondary education—and the party that voted 86 per cent against it.

Most of that legislation is now on the books, along with the great Civil Rights Act of 1964 . . . the Voting Rights Act of 1965 . . . Medicare . . . a minimum wage soon to reach a dollar and sixty cents.

Some look at that record of achievement and call for A Pause. "Enough for now."

To pause is to turn back. And let me tell you that there is a Coalition of Retreat in Congress today that *is* moving us back.

They cut President Johnson's Model Cities request by half: three-fourths off the rent supplements request.

The appropriations bill for the Department of Health, Education and Welfare is three times what it was when President John F. Kennedy came into office in 1961, and twice what it was when Lyndon Johnson became President.

But here again the cold wind of retreat was blowing.

The Teachers Corps was cut from 36 million dollars to 13.5 million. President Johnson wanted to see 25 hundred young teachers serving poor children in urban and rural areas of this country next year, but the Coalition of Retreat thought three hundred and fifty would be enough.

We have all followed that hair-raising new serial—The Perils of the Poverty Program—over the last few weeks. Will the poverty authorization be cut by a third? Will your Community Action center be strangled by lack of funds?

Will 60 Job Corps camps be closed down, and 20 thousand jobless, untrained youth sent home to live on welfare?

Can American cities make it through another hot, explosive summer with no federally-funded programs for disadvantaged youngsters?

Our program has survived its passage through the Authorization Swamp, but will it make it through Appropriations Gulch?

If the War on Poverty has a chance this year, it is for one reason: People all over the country have spoken up for it—and not only the poor ones who are waiting to see how this rich country means to treat their new-found hopes.

Certainly progress costs something. But so does hard-core unemployment . . . preventable disease . . . inadequate education that prevents a young man from earning—or hoping.

I don't think the American public is "penny wise and people foolish," to use Adlai Stevenson's words.

I think this rich nation, with its liberal traditions, is ready to bring those now excluded into the mainstream of American society. I think we are ready to tackle the complex economic and social disabilities our legal progress in civil rights has exposed.

I think we are ready to complete Democracy's House.

And it is going to be the party of Franklin D. Roosevelt, Harry S. Truman, John F. Kennedy and Lyndon Baines Johnson that does it.

The Coalition of Retreat on foreign policy is non-partisan. It runs from far right to far left. And its objectives are not homogeneous.

The Retreaters will have trouble settling on one Presidential candidate who will suit all their divergent views of the world, but I think I can simplify their choice:

Those who think America is involved in the world for keeps, and who want this nation to play a role of firm and creative leadership will vote for President Lyndon Johnson.

Those who want to let the world settle the issues of war and peace, development and starvation, without American participation will find themselves another candidate.

I don't think a majority of the American people are ready to scrap liberal trade and economic growth around the world and return to the days of Smoot-Hawley protectionism.

I doubt if they will be satisfied with a foreign aid authorization, passed last week, that amounts to less than a third of one per cent of our GNP . . . which, in the words of President Johnson, "reduces the margin of hope to the danger point." So I am confident of support on these issues.

Then there is the issue of America's role in Asia . . . and I mean all of Asia, not just Vietnam.

I recently returned from a visit to three Asian nations—South Vietnam, Malaysia and Indonesia.

Each has its own character. But all share two vital common denominators: past and present resistance to Asian Communist subversion and aggression—covert or overt; urgent and priority efforts toward constructive nation-building.

These are the common denominators, in fact, among *all* the independent nations of that area.

Do we have any business there?

More American lives were lost in the Pacific than in Europe during World War II. Add to that our casualties in Korea and Vietnam.

Since 1946 we have committed more than 25 billion dollars worth of loans, grants, food and technical assistance to countries in the arc between West Pakistan and Japan.

That commitment to national security, and to national development, in Asia has been upheld by four American Presidents.

It has been upheld because they have seen it in our clear national interest that a continent at the strategic crossroads of the world . . . rich in resources . . . possessing more than half the world's people should not be nakedly exposed to Communist pressure.

It has been upheld because we as a nation have believed—or at least I though we did—that peoples of all colors, races and religions deserved their chance to grow and develop free of coercion and tyranny.

What has our support for the efforts of free Asians achieved?

Japan is a prosperous, stable democracy.

South Korea is secure and on the verge of economic self-sufficiency.

Formosa has achieved economic self-sufficiency.

India and Pakistan have stable, progressive governments. They are making substantial progress in agriculture, population control and industrial development.

Indonesia, potentially the richest nation in Southeast Asia, gained time to throw off—for and by itself—a flagrant attempt at a Communist coup, and is now embarking on the long road to economic development.

All the nations of Asia have joined together in new regional cooperation.

Looking ahead, we can predict that economic development will be painfully slow . . . but that without it there will be chaos.

We can predict that mainland China will soon emerge as a nuclear power . . . still preaching and supporting the dogma of the cynically-misnamed "wars of national liberation."

We can predict that Asian communism will continue for the foreseeable future to retain its militancy.

We can predict that free Asian nations will continue to reach out to us for help.

That is the broad context in which the American people must decide what they want to do about the immediate issue of Vietnam.

Are we going to last it out until there is a just and peaceful settlement?

Or are we going to withdraw, short of such a settlement, . . . abandon the people of South Vietnam . . . and prove to the aggressors that might, after all, does make right?

Or—at the other extreme—are we going to impetuously reach for the weapons that would settle the issue in Vietnam by burying it in World War III?

Make no mistake about it. Vietnam is a test that is being closely watched by our friends and enemies alike.

They have no doubt about what is happening in the field.

They see the best-trained, best-equipped American soldiers in our history standing firm against aggression.

They have seen five successive elections, free and fair, take place when the critics said it couldn't be done.

They have seen the South Vietnamese Army steadily improving just as the South Korean Army did 15 years ago.

They have seen the tide of battle turning from a seemingly inevitable victory for the Communists in 1965 to a situation where Communist victory is today impossible.

But they are also watching the situation here at home . . . and they are wondering: Can we win the war on the American home front?

As a long-time dissenter myself, I defend the right of any American to dissent in good conscience.

But I ask all Americans, before they dissent, to search their hearts . . . to examine the facts . . . to know the effect of what they say on our civilians and soldiers in Vietnam—and on our adversaries.

I ask them to face, before they raise their voices, the hard fact of cynical Communist-initiated aggression and terror in Vietnam.

I ask them to recognize that we face in Vietnam no peaceful reformer seeking power through parliamentary means.

We face not handbills but hand grenades.

I ask them to realize the importance of our stake in Vietnam as part of our historic commitment to a free Asia.

I ask them to understand that an honorable peace through negotiation can come only when all parties agree to talk.

I am ready to hear those issues debated responsibly by the American people.

And I am ready to predict that they will stand behind the Administration which has had the courage to take the difficult middle path—to stand fast against aggression, to insist on the development of democratic institutions even under the most adverse conditions, and to show restraint when it has the power to do otherwise.

For I believe that, under a few inches of American topsoil, there lies determination and strength of solid rock.

My friends, our President and our party can stand before the people in 1968 with a proud record of accomplishment at home, and a record of patient, untiring building for a better tomorrow in the world at large.

But we can offer them even more—a Manifesto of Freedom consistent with the strength and vision of America in the last third of the twentieth century:

Freedom from poverty, for all;

Freedom from ignorance, for all;

Freedom from discrimination, for all;

Freedom from fear, for all.

That is the Democratic Party's promise to America—and America's promise to the world.

And with that message—working for it and believing in it—we can make America stand for the best that is in it.

We can keep America strong and free—and the center of man's peaceful revolution toward a better chance, a fuller dignity, a life of freedom.

FAVORABLE COMMENT BY WICHITA, KANS., EAGLE ON ADDRESS BY UNDER SECRETARY OF AGRICULTURE SCHNITTKER

Mr. McGOVERN. Mr. President, in the CONGRESSIONAL RECORD of November 28, 1967, pages 33943–33945, I placed an address delivered by the Under Secretary of Agriculture, John A. Schnittker,

on the occasion of a Farm-City Week luncheon sponsored by the chamber of commerce in Wichita, Kans.

Under Secretary Schnittker urged cooperation between businessmen and farmers to establish town-country communities to reduce the migration of rural residents to metropolitan cities and thus allay ghetto problems.

The Wichita, Kans., Eagle commented favorably on Mr. Schnittker's proposal in an editorial published November 27, 1967. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Wichita (Kans.) Eagle Nov. 27, 1967]

TOWN-COUNTRY IDEA APPEALING

"The challenge before America is to offer people a real choice of where they want to live and to work—not just a geographical option between slums."

The speaker was John Schnittker, Kansas-born undersecretary of agriculture, who was addressing a Farm-City Week audience here under the auspices of the Wichita Area Chamber of Commerce.

Schnittker went on to say: "The unhappy fact is that in this moment in time a great many Americans have no real choice, for their dreary options are often either a decaying countryside or an exploding ghetto."

He's right. As farm employment declines, otherwise unskilled laborers are moving to the cities at the rate of half a million a year. There they wind up in slums, unable to earn a decent living and unable to get out of the degraded areas in which they live.

Schnittker has a solution. He believes America must encourage the survival of smaller cities and revive the countryside. It's the only way to save our cities, he believes.

It would have the twin advantages of stemming the flow of people from the country to the city and of making rural areas more viable.

Schnittker suggests the establishment of "town-country" communities outside of major population areas, made up of smaller cities, towns and open country. They would have factories to provide employment, farms to supply food, small towns and cities to act as shopping centers, and cooperatively financed recreation areas and other niceties to make living in these areas as stimulating as city-dwelling.

It sounds sensible. It may, in fact, be the most practical way to meet the problems of the big cities and keep them from proliferating.

DEATH OF MRS. LENA HARVEY, FORT FAIRFIELD, MAINE

Mrs. SMITH. Mr. President, one of the greatest women in the history of the State of Maine passed away Saturday, December 2, 1967. Mrs. Lena Harvey, of Fort Fairfield, Maine, the publisher of the Fort Fairfield, Maine, Review, was 87 years young at the time of her death, having been born in 1880 and being the widow of C. C. Harvey, the founder of the Fort Fairfield Review.

Mrs. Harvey was the mother of four, the grandmother of 12, and the great grandmother of 16 children, all of whom were deeply and justifiedly proud of her.

Lena Harvey had one of the keenest minds it has ever been my privilege with which to have had contact. She was truly a brilliant thinker and an outstanding intellectual.

Yet, she was equally a productive leader of women's organizations and she was one of the most warmhearted persons I have ever known.

There was absolutely not the slightest ounce of pettiness in her makeup. For she was truly a big person who always rose above pettiness and snide attack on anyone, regardless of how much she might disagree with a person.

Lena Harvey was young in heart and mind. It was my privilege to make an annual visit to her home in my annual coverage of the State of Maine after the Senate had adjourned for the year. One of my great losses stemming from the tragic failure of Congress to complete its business earlier this year was being deprived of my annual visit with Lena Harvey in her lovely little house.

For I came away from each visit with her with renewed hope and courage and with my spirits uplifted. She made me feel young. She made me feel that my efforts were not in vain and that my efforts were really appreciated. She made me forget the persistent petty detractors.

Her death is truly a great personal loss to me for there is no one to take her place in my life—no one who can cheer me and lift my spirits as she did with her letters to me as well as those precious visits with her in her home.

PASTORS DEPLORE L. B. J. PULPIT REBUFF

Mr. SMATHERS. Mr. President, much has been written about the controversial sermon of the Reverend Cotesworth P. Lewis, the Episcopal priest in Williamsburg, Va., who used his Sunday sermon to deliver a lecture on Vietnam while the President was a guest in his church. Of all the commentary on this particular episode, I have seen no better article on the subject than the one recently written by Jack Roberts for the Miami, Fla., News. Mr. Roberts went beyond merely expressing his personal reaction to the sermon by Reverend Lewis, and—as a good reporter should—talked with Episcopal clergymen in his own community. The result is an exceptionally good assessment of the situation.

I ask unanimous consent that Mr. Roberts' column be printed in the RECORD.

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

PASTORS DEPLORE L. B. J. PULPIT REBUFF

(By Jack Roberts)

I managed to loathe The Rev. Cotesworth Pinckney Lewis this week without ever having met the man.

Rev. Lewis, you probably recall, is the Episcopal minister in Williamsburg, Va., who changed his sermon to a harrangue against the war in Vietnam when he discovered President Lyndon Johnson would be a guest in his church for Sunday services.

I'm disenchanted with both the war and many of President Johnson's programs, but I felt a great welling up of sympathy for the President when I saw the wirephoto of him leaving the Williamsburg church.

There was The Rev. Lewis smirking. He seemed so pleased with himself. The President, who had gone to church for an hour of peace and comfort, was gamely forcing a smile after having had mud slung in his face.

I wondered how Episcopal priests in Miami would have reacted to a visit from the President, so I made a few inquiries.

WOULDN'T TAKE ADVANTAGE

Fr. Arthur J. Rantz, canon of St. Thomas, said he would never have treated the President or anyone else in that fashion. "I never take advantage of a captive audience," said Fr. Rantz. "I want people to answer back.

"I feel that we're here (in the pulpit) to give direction, not directives. It's our job to give advice on what's right. No one can ride to heaven on our backs. We don't really know if we're going to get there ourselves. But it's our job to help people."

Fr. Rranz said he supports the federal government in the same sense that he supports the bishops who direct the workings of the Episcopal Church. "We elect our bishops and accept their authority while they're in office," said Fr. Rantz.

Fr. Newton C. Wilbur, of St. Faith's Church, said:

"I know the President of the United States has enormous problems, so many problems it's hard for us to comprehend. I feel that he went to church seeking comfort and moral guidance and that he didn't receive that comfort.

"I know I'm criticizing my own clergy, but it seems to me that The Rev. Lewis wasn't much of an expert on the subject of the war. He was asking the President to state his views on the war. Surely, anyone who has read any of the thousands of words written about the war knows the President's position."

Fr. Wilbur said the worst part about Lewis' diatribe was that he apparently altered his sermon after learning the President would be visiting his church.

PASTORS NOT ALWAYS EXPERTS

This was the only point which bothered Fr. Dave Heil of St. Simon's Church. "I don't expect that the President will ever visit my church," said Fr. Heil, "but I like to think that I'd go on with the sermon I had prepared."

Fr. Heil, who worked as a newsman for the Miami Herald in Palm Beach before entering the Seminary in 1958, said he couldn't criticize the Williamsburg minister.

"There was an old Indian in West Palm Beach who said, 'Never judge a man until you've walked a mile in his shoes.' It isn't bad advice. But I do feel that ministers have a tendency to speak out on all subjects without really being expert on their subject."

None of the ministers said what I felt about The Rev. Cotesworth Pinckney Lewis.

I've been in the newspaper business long enough to spot a publicity seeker when I see one. I don't think that the obscure Williamsburg minister doubted for a second that his remarks could be confined to his church. The White House press corps follows President Johnson everywhere.

I think he saw a cheap shot at publicity and grabbed it. It's a black eye for all ministers. And they don't deserve it.

WEST VIRGINIA DEMOCRATS HEAR PRESIDENT JOHNSON

Mr. BYRD of West Virginia. Mr. President, on the past Saturday a regional Democratic conference was held in Charleston, W. Va.

I believe the keynote for 1968 was sounded at that meeting when President Johnson, addressing it by a telephone hookup, said:

Most Americans would rather look ahead; most Americans are more concerned about where we are going than where we have been.

It is your task and my task to make sure—

The President said—

that as men sit in the wings, plan and deliberate to divide, to conquer and to defeat the great movement that is bettering humanity in America—it is our task to make sure that the American people really realize how the road forks—and which turn and which fork they must take.

Mr. President, as we look toward 1968 the Democratic record speaks for itself. Under the President's leadership the Democratic Party has provided firm and decisive direction during years of danger and difficulty both at home and abroad.

I believe with the President that—

When the American people understand this . . . they are going to respond, as they have always responded, with both the compassion and the courage that history demands from the citizens of the richest, most powerful nation to be found on this earth.

Mr. President, I ask unanimous consent that the text of President Johnson's remarks to the regional Democratic conference in Charleston be inserted in the RECORD.

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

TELEPHONED REMARKS OF THE PRESIDENT TO A REGIONAL DEMOCRATIC CONFERENCE IN CHARLESTON, W. VA.

Thank you, Governor Hulett Smith, Chairman Bailey, Distinguished Democrats:

I want to talk to you this morning about the future of the Democratic Party.

Contrary to what you may have heard, I have much more than just a passing interest in this subject.

I hope you won't think that I'm being premature in bringing up this subject this morning. We really haven't had our primaries. We haven't had our convention. So there's really no way of guessing who the Democratic candidate is going to be.

But I do want to say this: I fully intend to support him.

I believe we already have several volunteers for next year's ticket. In general, I like to stay out of these internal party matters. But there's one aspirant—a very well-known liberal from Minnesota—a well-known liberal from Minnesota—about whom I am going to say just a few words this morning.

Despite the few differences that we have had over the years, we have both always tried to do what we believed best for our country. And I have always considered him to be a friend, to be a loyal Democrat, and to be a great statesman.

I am only sorry—I'm deeply sorry—that Hubert Humphrey could not have been with us this morning.

The Vice President has been going around the country lately keeping his finger on the political pulse. And I don't mind telling you that some of his reports make pretty grim reading.

Just the other day he showed me a letter to a newspaper editor. This particular critic had something to say about seven years of Democratic administration. He wrote that the Democratic Party "has deluded the American people, demoralized American democracy, discouraged American business, and disorganized American industry."

He said that seven years of a Democratic administration "has deluded the American people into believing that a government is . . . an inexhaustible giver-out of jobs, doles, and pensions."

Doesn't that sound familiar? I doubt if there has ever been a Democratic administration that didn't get that kind of criticism. The letter I just read you, the letter that the Vice President was showing me, in fact, was written on June 17, 1940—not about Lyndon Johnson and the Great Society, but about Franklin D. Roosevelt and the New Deal.

There are always people in this country—and they are loud and vocal people—who fear progress more than they fear anything else in the world.

They confuse decency with dole.

They confuse welfare with waste.

They confuse responsibility with radicalism.

And always, always, they try to confuse the American people.

Fortunately, there are more Democrats than Republicans in the United States. Fortunately, most Americans would rather look ahead; most Americans are more concerned about where we are going than where we have been.

As Emerson said, America has always had a party of hope, and a party of memory.

I am a Democrat because, in our time, the Democrats have been the party of hope. Many of those hopes have been realized.

Nobody knows better than you that many of those hopes are being realized now—today—for the first time. More than four years ago, the Democratic Party and a Democratic administration pledged to transform the fabric of a vast poverty-ridden area of America.

And it was more than two years ago, with the Appalachian Regional Development Act, that we joined the Appalachian States and the Federal Government together in a great program to brighten the lives of more than 18 million people.

We recognized that poverty cannot be confined by borders. Mines closed down in one community can signal distress many miles away. Farms that lie fallow because there is no market for their products can put men out of work in another country.

In two years, through this partnership for economic progress and development, changes have come to the landscape of Appalachia:

New schools and libraries, hospitals and nursing homes;

Airports and highways opened this landlocked region to commerce;

Strip mines were reclaimed to restore the land as a productive base for the future;

Plants to purify the rivers and streams.

With this physical change, new hope has come to the people of this region. For construction means jobs, and schools bring learning, and hospitals provide health care where little—or none—ever existed before.

We renewed our national commitment to help the poor who live in the towns, who reside in the hollows of America, where the promise has dimmed and where life is bleak. We reiterated and reaffirmed our pledge to harness the talents and efforts of Government at its best—cooperative government—all that government is really about, bettering humanity.

We have engaged in a pursuit of new solutions on how to better humanity, how to help people.

The agenda for defeating poverty is already crowded with unfinished work.

But we have begun. We claim no great victories. We have claimed only that the time of inaction is past and behind us.

Now I know, and you know, that there are many voices in this land which tell us that we must return to stagnation because of the war in Vietnam. But I also remember, and you remember, that most of those very same voices were crying for stagnation when there was no war of any kind in Vietnam.

The noise of cannons in Vietnam has not made them deaf to the cries of the poor or the pleas of the sick. They have always been deaf to cries like that. It is not really the war that bothers them all the time. What bothers them is the idea of social progress.

There are others who are deaf to the cries of help from people in distant lands. There are those who say that we cannot defend freedom in the world at the same time that we achieve social justice here at home.

We can—and don't you believe them when they say we can't. We can and we are going to and we must do both.

As President Kennedy wrote in a speech intended for delivery the night of his death:

"We in this country, in this generation are—by destiny rather than choice—the watchman on the walls of world freedom."

And I would add to this that by destiny and choice the Democratic Party guards our heritage of social responsibility, and is the watchman against indifference—which is isolationism in its domestic form.

To both groups—to those who would turn their backs on the problems at home, and to those who want to quit, cut and run, and abandon the fight for freedom in Southeast Asia—I would like this morning to repeat a very simple message. It is a message that has been on the record for more than 20 years. I hope it will soon be delivered to those who never seem to have heard it.

It was in his last inaugural address that Franklin Roosevelt counseled the Nation in these words that I am going to repeat:

"Today in this year of war, 1945, we have learned lessons—at a fearful cost—and we shall profit by them. We have learned that we cannot live alone, at peace; that our own well-being is dependent on the well-being of other nations far away . . ."

It has been said many times that those who cannot learn from history are condemned to repeat it. We do not intend to repeat it. The Democratic Party does not intend to repeat it.

I believe that when the American people understand this message, and it is a part of your job to get with it and to get it to them—they are going to respond, as they have always responded, with both the compassion and the courage that history demands from the citizens of the richest, most powerful nation to be found on this earth.

It is your task and my task to make sure, that as men sit in the wings, plan and deliberate to divide, to conquer and to defeat the great movement that is bettering humanity in America—it is our task to make sure that the American people really realize how the road forks—and which turn and which fork they must take.

I wish I could be there with you this morning. I envy you. I want so much to do the job that you are doing.

I will be seeing you.

JOHN DOAR, BRILLIANT FIGHTER FOR CIVIL RIGHTS

Mr. PROXMIRE. Mr. President, those who serve in the administrative branch of the Government below Cabinet rank rarely get the recognition they deserve for their service. Even those who serve the country with the most brilliant dedication and ability are rarely known to the public.

A few days ago John Doar, of Wisconsin, the Chief of the Civil Rights Division of the Justice Department, resigned. He left a record of superb service to the cause of civil rights. He worked within the law, but he worked as a remarkably effective advocate of equal rights for those whose rights have been sadly denied.

The Washington Daily News has paid tribute to Mr. Doar in an excellent and concise editorial entitled "A Stalwart Leaves." I ask unanimous consent that the editorial be printed in the RECORD.

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

A STALWART LEAVES

John Doar, chief of the Civil Rights Division of the Justice Department, is resigning to go into private practice.

For seven years, Mr. Doar has been a kingpin in this branch of the Government. He became a Government lawyer at the tag end of the Eisenhower Administration, was held on as No. 2 man on civil rights by President Kennedy and promoted to chief by President Johnson.

He has been a dedicated official, with a rare flair for accomplishment in a steady, non-blustery fashion. He believed in results, not simply noise.

He won conviction of the seven men charged with murdering three civil rights workers in Mississippi, a milestone in evenness of justice. Two Ku Kluxers went to prison in Alabama for the killing of Mrs. Viola Gregg Liuzzo as a result of his prosecution.

Mr. Doar rates top billing as a lawyer and a merit badge for sensible, effective work in the civil rights field. It is too bad he is going elsewhere.

IRRESPONSIBLE CRITICS OF VIETNAM WAR

Mr. FANNIN. Mr. President, the Governor of my State of Arizona, the Honorable Jack Williams, has brought to my attention a letter of a young Marine Corps officer in Vietnam which clearly brings into focus one of the burning issues of our time, namely the irresponsible anti-Vietnam critics in our country who are permitted international immobility for the purpose of attacking, downgrading, and demoralizing our troops as well as our total commitment in Vietnam.

Because this young officer has put his finger on this matter so clearly, I ask unanimous consent that his letter be printed in the RECORD.

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

THIRD MARINE DIVISION, FMF,
Vietnam, November 13, 1967.

DEAR GOVERNOR WILLIAMS: Since I have lived my entire life in Arizona, and graduated from the University of Arizona, I was very pleased to hear the message you had for all Arizona servicemen over the Armed Forces Network in Viet Nam. It is a real fine feeling to know our trials and ordeals so far from home do not go unnoticed by our fellow Americans.

I was deeply angered recently by something which happened over here. I'm presently with the Marines just below the DMZ at Con Thien as a tank platoon leader. We had just turned into the well known "Hanoi Hannah" to laugh at her latest absurd claims of victories over the American "imperialistic aggressors" when the unmistakable voice of Stokely Carmichael, former director of SNCC, came over the airwaves denouncing America's efforts in Viet Nam and urging all colored servicemen to throw down their arms and "refuse to fight whitey's war". He said, "Their war is in Mississippi against the white man. After he finished, the announcer thanked Stokely Carmichael for his "wise words".

Governor Williams, I realize that we are fighting to preserve the same freedoms for the Vietnamese that we enjoy in America such as freedom of speech. But, I believe strongly that Carmichael overdid himself this time, and he is guilty of treason of the highest form against the United States government. This man is as much a traitor as any spy who sells government secrets for profit because he has sold out his country.

Stokely Carmichael would be chagrined to know how his words were received by my Negro Marines. He was not only ridiculed, but he enraged several men who suggested he be hanged as a traitor. I'm proud of all Marines over here, whether white or colored, and we all agree that his actions should not go unnoticed or unpunished if he ever attempts to reenter the United States.

I'm writing this to you because I want all Arizonans and even all Americans to learn of Carmichael's action over here. But, I especially want you to know that his words only strengthened the individual resolve of every Marine hearing him to see this difficult struggle to its inevitable finish as a blow against Communism in Asia.

Thank you for taking the time to read this letter. I promised my men that I would write someone over what happened, and you were elected.

Second Lieutenant JAMES P. COAN,
U.S. Marine Corps.

U.S. SERVICEMEN IN VIETNAM DECLARE AGAINST THE CRIME OF SILENCE

Mr. GRUENING. Mr. President, millions of sincerely troubled men and women throughout the United States have already signed declarations to the Secretary General of the United Nations attesting to the fact that they are "appalled and angered by the conduct of our country in Vietnam" and stating that since they believe that the U.S. military involvement in Vietnam is "immoral" and "illegal" they must "oppose it."

The organization coordinating these mass protests—a nonprofit organization named "Individuals Against the Crime of Silence," located in Los Angeles, Calif.—has received protests also from many servicemen fighting in Vietnam or about to fight in Vietnam. As usual the bravery and competence of the U.S. fighting men is beyond compare. But while skillfully carrying out their orders and fighting with great heroism, many of them have gone on record as opposed to U.S. military involvement in Vietnam.

Many have written to "Individuals Against the Crime of Silence" sincerely protesting what they are ordered to do.

One of those writing stated:

One of my relatives signed the Declaration of Independence and the Constitution I can do no less.

I ask unanimous consent that some of the letters received by "Individuals Against the Crime of Silence" be printed in the RECORD, without the identifying names or addresses.

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

OCTOBER 1, 1967.

DEAR PEOPLE: The list of signatures I am enclosing may be impure with motives of confusion and fear. My motives are not so.

Although these aren't many signatures, it is only a 100% of two infantry platoons.

I'm destined for Vietnam to witness the crime for myself, maybe even to partake in it, but I hope that with this gesture, I'm on record for what I believe to be the right human course and not the policies of our State.

Hopefully,

———— ————.

INDIVIDUALS AGAINST THE CRIME OF SILENCE

A declaration of our fellow citizens of the United States, to the people of the World, and to future generations:

1. We are appalled by the conduct of our country in Vietnam.

2. In the name of liberty, we have unleashed the awesome arsenal of the greatest military power in the world upon a small agricultural nation, killing, burning and mutilating its people. In the name of peace, we are creating a desert. In the name of security we are inviting world conflagration.

3. We, the signers of this declaration, believe this war to be immoral. We believe it to be illegal. We must oppose it.

4. At Nuremberg, after World War II, we tried, convicted, and executed men for the crime of obeying their government, when that government demanded of them crimes against humanity. Millions more, who were not tried, were still guilty of the Crime of Silence.

5. We have a commitment to the laws and principles we carefully forged in the American Constitution, at the Nuremberg Trials, and in the United Nations Charter. And our own deep democratic traditions and our dedication to the ideal of human decency among men demand that we speak out.

We therefore wish to declare our names to the office of the Secretary General of the United Nations, both as a permanent witness to our opposition to the war in Vietnam and as a demonstration that the conscience of America is not dead.

The following is a list of our signatures.

(Over 35 signatures of privates and privates first class.)

———

INDIVIDUALS AGAINST THE CRIME OF SILENCE,
Los Angeles, Calif.

To Those Who Are Concerned:

On August 22, 1967, I informed my commanding officers of my stand and of my refusal to serve in the U.S. Army. I was informed that I could not be discharged until I had committed an illegal act. By signing this statement, I have committed the crime of wanting freedom and will probably go to jail because of it. I must shout for both freedom and humanity.

One of my relatives signed the Declaration of Independence, and the Constitution. I can do no less.

Sincerely yours,

———— ————.

———

SIRS: Unfortunately, as a draftee, I am compelled to follow my orders under penalty of imprisonment, and thus, prostitute my ideals.

I have been ordered to the Viet Namese Republic as a Military Policeman.

In spirit and in my mind, however, I firmly believe in the 5 above articles.

———

ARMED HELICOPTER COMPANY,
APO, San Francisco.

DEAR SIRS: As you can clearly see I did not send any money. In order to send a money order to your organization I would have to take my business to a military post office where, without a doubt, I would be needlessly interrogated by an inept, ingenuous officer or non-commissioned officer as to my reasons for sending the money. With only 4 months to go in Vietnam I do not wish to have that type of problem.

I suppose that by my refusal to send money I would be branded by some as a conspirator in the "Crime of Silence". I hope not. All I can offer to you is my sincere wishes of good luck to your organization. Thank you. I remain,

Sincerely,

———— ————,
Specialist 4.

VIETNAM.

DEAR SIRS: In a matter of days I will be commissioned a 2nd Lt. in the USMC and as such will have a legal obligation to carry out the orders of the Commander-in-Chief without reservation. Before coming under this restriction, I would like to register myself as an objector to the war in Vietnam.

——— ———.

DEAR SIRS: You must note by my return address, I am a paradox. Thus the reason for this note. I have, to now, allowed my government to make me an infantry soldier, a tool for its inhumanity. I hardly know whether to begin with a thank you for your efforts or a plea for help.

Of course, it goes without saying, and I'm in a better position to know than most, your resolve has the sort of dignity that may someday make all Americans realize, they have a debt to humanity and themselves, that they are a mankind of ideals and humanity first—Americans second.

I have not lost all hope for my country the place I continue to call home or I would not be here. I have a deep faith the American people are naturally more honest and thoughtful than the now prevailing but wayward thinking shows them.

I'm hoping for a graceful and lawful release from criminality. I cannot continue to obey my government while I watch men tortured and beaten, for fighting, sometimes dying for their rightful voice in government, women and children shot by gunships or grenaded in their own bunkers—their sole and last stand of simple and even undignified preservation. I need legal advice and hope you can offer some, direct me to one of those eighty, or to the ACLU. Payments would be nominal.

What is the nature of my crime if I desert, if I lay down my weapon refusing to take part in my government's crimes? What are their penalities? Do I have any help from the Nuremberg decisions for my kind of supposedly moral, not religious objections. Do you know of someone who would help GI's seek political asylum.

I am already grateful to you and will be even more if you can help.

Sincerely,

——— ———.

THANKSGIVING DAY FOR OUR BOYS IN VIETNAM

Mr. SPARKMAN. Mr. President, on November 30, 1967, the Sand Mountain Reporter, an Alabama newspaper edited and published by Jesse Culp, published a letter received by a mother from her son who is now serving in Vietnam. The letter also contained the menu and the program generally for Thanksgiving Day as it was observed by our boys in Vietnam.

Because the article is interesting reading, I ask unanimous consent that it be printed in the RECORD.

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

JESSE CULP'S CORNER

Mrs. L. J. Thompson of Albertville sent me a copy of the Thanksgiving Day menu for the boys in Vietnam which she received from her son, SFC. Myrl M. Thompson.

This paragraph from her letter prompted me to feature it in this column today:

"I am so thankful for the food, the prayer on the menu and the general's message to each of our soldiers there that I wanted to pass it on to you, with the hope that you will do a writeup in The Reporter. Other boys less fortunate than ours may not be able to mail this to their loved ones. Most of us know that at times the soldiers do not have warm food. Our son said this Thanksgiving food was excellently prepared and was truly a feast. For this I am thankful to the Almighty, and I feel that any relative who has a soldier there will help me in giving thanks."

The menu included shrimp cocktail, crackers, roast turkey, turkey gravy, cornbread dressing, cranberry sauce, mashed potatoes, glazed sweet potatoes, buttered mixed vegetables, assorted crisp relishes, hot rolls, butter, fruit cake, mincemeat pie, pumpkin pie with whipped topping, assorted nuts, assorted candy, assorted fresh fruits, and tea with lemon or milk.

Included with the menu, which was printed on a colorful four page leaflet, was this commander's message from the Commanding General in Vietnam, General W. C. Westmoreland:

"On this traditional Thanksgiving Day, as we find ourselves half way around the world from home, we should pause for a few moments to count our many blessings as Americans. We should never forget that in Vietnam, our actions are defending free men everywhere. We pray that peace will come to all the world and that all of us can return to our loved ones in the not too distant future."

And as the soldiers opened their menu to read it, they also found this prayer printed alongside the dinner menu:

"Father of mercies and giver of all good, by whose power we were created, by whose bounty we are sustained, and by whose spirit we are transformed, accept, we beseech Thee, our prayer of thanks.

"For those who love us and of whose love we would be more worthy; for those who believe in us and whose hopes we cannot disappoint; for every good gift of healing happiness and renewal, we bless Thy name, we thank Thee for our homeland, for all that is just and true, noble and right, wise and courageous in our history. We praise Thee for our place in the community of nations and we invoke Thy blessings on men of good will wherever they may be and who labor for a world of justice, freedom and fraternity.

"Most of all, Eternal Father, we thank Thee for Thyself, the nearness of Thy presence and the warmth of Thy love, whereby our minds and hearts find joy and peace. Freely we have received, O God; freely let us give ourselves to Thy gracious purposes. For Thy love's sake. Amen."

"COMMUNISM"—AN ADDRESS BY CHARLES T. MACDONALD, GRAND MASTER, MASONIC LODGE, WASHINGTON, D.C.

Mr. MUNDT. Mr. President on November 13, 1967, Mr. Charles T. Macdonald, grand master of the Masonic Lodge in Washington, D.C., delivered before the grand visitation of the Grand Lodge an address on communism which I found to be most thought provoking. I ask unanimous consent that it be printed in the RECORD.

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

My friends, the collapse in morals, the disintegration of family life and the deterioration of the standards of personal honor which we presently note with alarm in America are conditions not peculiar to our country alone, but they are characteristic of a state of existence among the lower animals.

This may well signify the beginning of the final decay of humanity. It took nature 300 million years to raise man from a mere blob of living matter to a rational thinking being and it has taken but 50 years for a small group of selfish men to enslave half the population of the world and reduce them again to the state of soulless, godless animals whose only aim in life is the satisfaction of their animal appetites.

The Russian Soviets are now celebrating the 50th anniversary of the beginning of this enslavement. This has not been accomplished without cost. Indeed not! Some 30 million of their own countrymen have paid with their lives for their disagreement with the communist philosophy; add another 50 million in Red China, and hundreds of thousands more in Yugoslavia, Checkoslovakia, Poland, Latvia, Lithuania, Estonia, Austria and East Germany. Need I name more?

The communist doctrine is to destroy a man's individuality, his freedom of thought and speech, his faith in God, take away his firearms and render him defenseless, indulge his animal instincts, satisfy his primitive appetites, and you have a slave.

This is the bill of goods which is being sold to the American people by the long haired, middle aged weed eaters, teeny boopers and other types of graduated weirdos who have been deficated by the Communist jerk factories. These together with some, perhaps well intentioned but unbelievably naive college professors and idealistic young students of our universities, represent an infinitismal portion of our total population, but they are voluable and a sympathetic press has expanded their influence beyond all reason, to the great detriment of our way of life.

If Communism is so good, so desirable, so utopian, so ideal, so sweet, why do the communists erect barbed wire barriers and stone walls to keep imprisoned those who would flee from that "best of all possible worlds"? Why do they man their frontiers with soldiers and machine guns to shoot down all who would escape from the "communist heaven"?

Can it be that the masses have become disenchanted? Can it be that the tinsel of the greatest atheistic governmental experiment involving human souls, has tarnished and the slaves imprisoned behind those fearful walls have finally learned the awful truth, that the heaven of communism is more terrible, more painful, more frustratingly hopeless than any hell of which they ever dreamed, and even to die in an attempt to escape would be sweet relief from a continued existence under the unspeakable oppression of their communist masters.

RATIFICATION OF HUMAN RIGHTS CONVENTIONS WOULD BE LOGICAL AFFIRMATION OF CONSTITUTION

Mr. PROXMIRE. Mr. President, the United States has always manifested concern for the rights of man. We, as a Nation, have constantly been the inspiration to other peoples seeking the freedoms we Americans so frequently take for granted.

The Declaration of Independence was intended by its authors for all men everywhere:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness . . .

President Abraham Lincoln, studying the Declaration, said that it gave liberty "not alone to the people of this country but the hope for all the world for all future time."

I am certain President Lincoln did not intend his words to be misconstrued into the notion that the United States would

bend other nations to its will. Indeed, not that at all.

I do believe strongly that in the handling of our foreign policy we ought to be faithful to these great traditions. I feel that our following these traditions, being an exponent of the ideals of liberty and equality on an international scale, is not an insubstantial factor in the affairs of the world.

Our ratification of the Human Rights Conventions on Forced Labor, Genocide, Freedom of Association, and the Political Rights of Women would be a logical affirmation of our Constitution and the Declaration of Independence.

These conventions deal with human life, human rights, and the fundamental question of human dignity. We must face up to our responsibility and act now. Let us get on with it for the sake of our honor and destiny.

THE FOURTH MONTH OF THE COPPER STRIKE

Mr. McGEE. Mr. President, when the Senate abruptly and unexpectedly adjourned last Friday, the Senator from Utah was precluded from delivering a speech and placing a letter in the RECORD. Since Senator Moss is absent on official business today, I ask that his prepared remarks and a letter attached be printed in the RECORD.

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

STATEMENT BY SENATOR MOSS

I commend the majority leader [Mr. MANSFIELD] and his colleague from Montana [Mr. METCALF] for dispatching to the President of the United States a letter concerning the copper strike, which is now in its fourth month, and requesting that the President appoint a special commission to look into the copper situation for the purpose of seeing what can be done to bring the companies and the unions together "on a bedrock basis." Their letter also recommends that, if the bargaining does not become effective, that the commission recommend ways and means to alleviate the threat to the economy of Montana and the other states of the Union. I would like to add my voice to that of the Majority Leader and Senator METCALF in urging immediate action. In so doing, I call attention to the fact that on the 26th day of August, when the copper strike entered its 43rd day, three Senators directed a letter to the President of the United States urging that he appoint a fact-finding committee to study the effects of the strike on the national interest and to study the character of the negotiations and to recommend what, if any, action should be taken. Joining me in this letter were the senior Senator from Nevada [Mr. BIBLE] and the junior Senator from New Mexico [Mr. MONTOYA]. That letter was acknowledged by the Administrative Assistant to the President on the 28th of August, with assurance that a further reply could be expected in the near future. To date, no further reply has come from the White House.

On the 26th day of September, 1967, I addressed the Senate, pointing out that more than 74 days had elapsed during which the employees of Kennecott Copper and other copper producers in the West, had been off the job and at that time expressed my concern that the companies and representatives of the workers were not engaging in effective bargaining. In my address, which appears in the RECORD on page 26713, I renewed my request to the President to appoint a study committee which would be able to gather together all the facts associated with the almost total work stoppage in this vital industry. At that time I placed in the RECORD copies of letters from Governor Calvin L. Rampton of Utah, addressed to Frank R. Milliken of the Kennecott Copper Corporation, and to Joseph Maloney of the United Steelworkers. In his letters, Governor Rampton called upon these men to meet with him in an attempt to get effective collective bargaining under way. It is my understanding that Mr. Maloney accepted the Governor's invitation and travelled to Utah to meet with him. But Mr. Milliken declined the Governor's invitation and did not confer wtih him about the strike. It should be pointed out, however, that some representatives of Kennecott Copper Corporation did meet with Governor Rampton following this invitation.

There is no doubt that effects of the copper strike in Utah have reached crisis proportions. It is my opinion that the strike has reached a state where the economy of the entire country is being adversely affected. Consequently, I am dispatching to the President of the United States another appeal for action to determine the extent and the impact of the copper strike, and to bring about, in any way possible, effective collective bargaining.

There have been those who urged the use of the Taft-Hartley Act to require workmen to return to their jobs for 80 days. However, I think that this remedy is not adequate to meet this situation. If the companies and unions were bargaining in good faith, perhaps within an 80 day period we could expect that there would be an agreement reached. However, when the unions and the management have not even met to talk about the contract for weeks or even months, there does not appear to be any hope that a mere resumption of work for 80 days would have any favorable outcome.

I recognize that some observers place the blame on one side, and some on the other, and I am not going to arrogate to myself the judgment as to who is more to blame in this present impasse. The refusal of President Milliken to meet with the Governor of the State of Utah appeared significant to me, and there have been some other events from which I draw certain conclusions. However, my present position is simply, that the parties to the labor dispute are not in effective bargaining, and until this can be brought about, we have no prospect of a voluntary work contract. This intolerable situation must be terminated at the earliest possible date.

DECEMBER 2, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On the 26th day of August, the senior Senator from Nevada, Mr. Bible, and the junior Senator from New Mexico, Mr. Montoya, joined with me in sending a letter to you pointing out that the nationwide copper strike had entered its 43rd day, and that no progress had been made toward reaching a settlement. We urged at that time the immediate appointment of a fact-finding committee to study the effects of the strike on the national interest and to study the character of the negotiations, and to recommend what, if any, action should be taken. That letter was acknowledged on the 28th of August, and we were told that we might expect a further reply in the near future.

On the 26th day of September, I addressed the Senate of the United States on this subject, and placed in the Record copies of letters that Governor Calvin L. Rampton had dispatched to Mr. Frank R. Milliken, President of Kennecott Copper Corporation, and Mr. Joseph Maloney, Vice President of the United Steelworkers of America. In my address to the Senate, I pointed out that no meaningful bargaining sessions have been held, and I renewed my request that the President appoint a study committee to gather all the facts associated with the almost total work stoppage in this vital industry.

The copper strike, Mr. President, is now in its fifth month, and its impact on Utah, the western states, and indeed the entire country, has become intolerable. The companies and workmen are still not engaging in collective bargaining. As a matter of fact, they have not even met for a matter of weeks or even months. Something must be done.

On November 30, Mr. Mansfield, the Majority Leader of the United States Senate, and his colleague, Senator Metcalf, addressed a letter to you on this same subject, asking that you appoint a special commission to look into the copper situation for the purpose of seeing what it can do to bring the companies and the unions together on a bedrock basis; and if unable to do so, to make recommendations to you as to the ways and means by which this threat to the economy of Montana and other states of the Union be met and overcome. I join wholeheartedly in that request. I cannot emphasize too strongly the grave economic impact that is being felt in my state and throughout the entire nation, and particularly in time of conflict such as we are experiencing in Vietnam. It is of overreaching importance that a work contract be negotiated and production of copper be resumed. Your immediate personal attention will be deeply appreciated.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

WISCONSIN STUDENT YOUTH VOLUNTEERS

Mr. NELSON. Mr. President, not too long ago, a group of students from several Wisconsin State universities visited Washington. They are members of the Student Youth Volunteers, led by Frank Boyle of Phillips, Wis. These youngsters came to Washington in support of a proposal by Dean John Haugland, of Wisconsin State University, Superior, for a project to make use of these student volunteers next summer in community action projects throughout the Nation. At a time when so much attention in the national press is given to the negative activities of many college students, it is most reassuring to come in contact with such a group of imaginative and constructive young people.

During the proposed summer program these students would receive $200 a month and would pay their own living expenses. On the campus they would receive no Federal funds except a maximum of $100 to the chapter for operating expenses. The Student Youth Volunteers has now organized chapters on six Wisconsin State university campuses.

I ask unanimous consent that the recent article, describing this innovative plan, published in the Stoughton Hub, be printed in the RECORD.

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

[From the Stoughton Hub, Nov. 20, 1967]

STUDENT GROUP GOES TO WASHINGTON THIS WEEK

Students from several Wisconsin State Universities are in Washington, D.C., this week not to protest but to try to get help in helping others. They have appointments to see several Congressmen and they are neatly

dressed. The men students are wearing suits, white shirts and neckties.

They are members of Student Youth Volunteers (SYV) and they are led by a founder of the group, Frank Boyle of Phillips, Wis., a soft-voiced graduate student at WSU-Superior.

Four carloads of the students met at midnight Friday (Nov. 17) at a restaurant at Tomah, then headed southeast on Interstate 90 toward Washington. In the cars were students from Wisconsin State Universities at Superior, Eau Claire, Menomonie (Stout), La-Crosse and Platteville, and from Minnesota colleges at St. Cloud and Bemidji.

Other volunteers planned to hitch-hike to Washington.

In Washington they are supporting a proposal of Dean John Haugland of WSU-Superior for a federal project to make use of Student Youth Volunteers next summer in community action projects in many parts of the nation.

The proposal provides for training some 60 student leaders for three weeks next June at WSU-Superior, sending them to communities to work for eight weeks in a variety of health and social service programs and returning them to Superior for a week of evaluation before they go to their campuses in September as SYV leaders.

During the summer program the students would receive $200 a month and pay their own living costs. On their own campuses they would receive no federal funds except a maximum of $100 a month to the chapter for operating expenses.

The Student Youth Volunteer movement was started in 1965 when Boyle and four other students spent the summer on the Bad River Indian Reservation in northern Wisconsin as volunteer workers.

The group recently received a $1,000 grant from the Johnson Foundation of Racine.

Boyle reports that SYV now has organized chapters on six WSU campuses in Wisconsin and three private and public colleges in Minnesota. The student volunteers work with hospitals, homes for the elderly, youth centers and similar institutions and agencies. Boyle's goal is to have chapters on 30 to 35 midwestern campuses by next June. He will try to organize a chapter at the University of Wisconsin in Madison on Dec. 4–5.

DR. HECTOR P. GARCIA, LONGTIME LEADER OF SPANISH-SPEAKING TEXANS, NOW LEADING AMERICA INTO BETTER RELATIONS WITH LATIN AMERICA IN UNITED NATIONS POST

Mr. YARBOROUGH. Mr. President, it was a great joy to me recently that my longtime good friend, Dr. Hector P. Garcia, was appointed to the position of Assistant Ambassador to the United Nations. Dr. Garcia has long led our State in its move to improve relations between the Spanish-speaking and English-speaking communities. His leadership has been characterized by an intelligence and understanding of all factions of our communities that could not but benefit his cause.

It is with great pride that I invite the attention of the Senate to the recent "first" achieved by Dr. Garcia—his addressing of the assembled nations of the U.N. in Spanish, his other tongue. As noted in the recent article entitled "World Issues Close to Garcia," published in the Corpus Christi Caller-Times—

It was the first time a U.S. paper had ever been delivered at the U.N. in a foreign tongue.

This is a high compliment to our Spanish-speaking neighbors. Furthermore, as Ambassador Goldberg wrote Dr. Garcia—

There was universal pleasure among the Latin Americans over your speaking in Spanish in the First Committee.

This is a very good step forward for the U.S. delegation. As a nation made up of all the peoples of all the nations of the world, America does well to acknowledge her very close and personal ties with these nations whose heritage has added to our own.

I commend the President on his excellent choice, in appointing Dr. Garcia to represent us in the U.N. Again, the President has moved to improve the relations between America and her Latin American neighbors. I commend Dr. Garcia, too, on his very good work for America.

These ties of language, of national heritage, and of pride are close ones, and Dr. Garcia's bridgebuilding in Spanish is a good example of the kind of progress that can and should be made by increased recognition of these ties. I am hopeful for the adoption today of my amendment, title VII, to the Elementary-Secondary Education Act, for the further improvement as these international, as well as intranational, relations.

Mr. President, I ask unanimous consent that the article, written by Edward H. Harte, be printed in the RECORD.

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

[From the Corpus Christi Caller-Times, Nov. 19, 1967]

WORLD ISSUES CLOSE TO GARCIA—DOCTOR LEFT PRACTICE TO TAKE U.N. POSITION

(By Edward H. Harte)

UNITED NATIONS.—Until recently colonialism, the cold war and the arms race were interesting—but remote—topics to which Dr. Hector P. Garcia gave only passing interest.

Today they dominate and absorb his daily life.

The reason is that since Sept. 20, Garcia has been an alternate U.S. representative to the United Nations. As such he is a member of a team which weighs nearly everything of importance that happens in the world in the light of American interests and aims.

His appointment will expire with the present session of the General Assembly, expected to close Dec. 20. At that time, Garcia will return to his family and his medical practice in Corpus Christi.

Meanwhile, in the three months of the General Assembly's 22nd session, he is gaining what he considers to be the equivalent of at least two years of post-graduate work as he observes and participates in the work of the U.S. Mission to the United Nations.

REPRESENTATIVES

The U.S. Mission consists of our permanent representative, former Justice Arthur J. Goldberg, four other representatives and five alternates. All 10 of them carry the rank of ambassador. Garcia is one of the five alternates.

Only a representative or an alternate can cast a member country's vote in the General Assembly or any of the many other deliberative bodies of the U.N.

The representatives and alternates are backed up by a permanent staff of 120 advisers and administrative personnel. During General Assembly sessions, this staff is beefed up. The entire U.S. Mission is housed in an office building directly across United Nations Plaza from the U.N.

A typical work day for Garcia begins with a walk—now the fastest means of locomotion in Manhattan—from his residence at the Roosevelt Hotel to his office.

MESSAGES

There he checks the official calendar of the day's meetings and the U.S. Mission's special journal. He reads 50 to 100 messages which have come in overnight from the State Department and from U.S. agencies throughout the world.

Two or three mornings a week the nine ambassadors meet with Goldberg, who prefers to be called "Justice" rather than "Ambassador."

Then the representatives and alternates fan out to man U.S. seats on the Security Council, in the General Assembly and on the various committees. There are six standing committees, simply known as "First Committee," "Second Committee," etc., plus boards, conferences and special committees.

AFRICAN STATES

Garcia is assigned to the Fourth Committee, which deals with independence of colonies, with trusteeships and nonself-governing territories. Last week this committee was hearing from the emerging states of Africa, which were protesting Portugal's presence in Angola and Mozambique. Whenever possible, Garcia finds, the so-called "Afro-Asian Bloc" is more than willing to implicate the United States in its problems. For instance, in protesting Portuguese rule in Angola and Mozambique, African speakers attempted to show that U.S. aid, military and otherwise, to Portugal enabled the country to keep Africans in subjection.

The United States has a position on nearly every issue which comes up before any U.N. body. This position is stated by Garcia and his fellow representatives.

These position papers are prepared by the advisers on the mission's staff. Then they are submitted to the representative who is to enunciate them. The representative, Garcia said, is given the opportunity to suggest changes, and then the paper is submitted to the State Department in Washington for final approval.

NEVER AD LIB

"After that, no changes are made." Garcia said. "We stay strictly to the printed text—we never ad lib, as do some of the delegations."

Garcia managed to import a personal touch to such a prepared address about three weeks ago when he stated the position of the United States on nuclear weapons in Latin America in a speech given in Spanish. It was the first time a U.S. paper had ever been delivered at the U.N. in a foreign tongue.

Goldberg wrote Garcia that "there was universal pleasure among the Latin Americans over your speaking in Spanish in the First Committee." Several newspapers commented favorably on the propriety of the United States addressing her Latin Neighbors in their own language.

EXPLOIT CONTACTS

Aside from official meetings, U.S. representatives are expected to exploit their many contacts with other delegates to inform them of our government's position and, if possible, gain their support.

Much of this "winning friends and influencing people" work takes place in the delegates' lounge and the delegates' dining room.

At night, Garcia and his fellow delegates are called upon to represent the United States at social functions, which kept them busy nearly every night for the first month of the session.

"Justice Goldberg never attends those parties," Garcia explained. "But they are official receptions, and protocol demands that the United States be represented by

someone with ambassadorial rank. I have attended as many as three in one night."

THREE PARTIES

If Garcia's before-dinner drinking is no heavier than his before-lunch drinking, three parties a night is not as hard on him as it might be on others. Before lunch last week he followed the seemingly universal custom in the delegates dining room of ordering a drink before lunch. He ordered Dubonnet. He gazed into the Dubonnet as he listened. He moved the Dubonnet about the table as he talked. But when the table was cleared, the Dubonnet glass was still full.

What does Garcia think of the U.N. as a force of world stability?

He is neither cynical nor naive.

"It's our only hope in the long run," he said. "But for the present, it is only a conference, a useful forum where we can keep the dialogue going."

UNJUST CRITICISM OF FEDERAL BUREAU OF INVESTIGATION

Mr. MUNDT. Mr. President, recently, some uninformed individuals have directed criticism against the Federal Bureau of Investigation for its alleged lack of cooperation with the Department of Justice "Strike Force" on crime. Anyone familiar with FBI operations would know that such charges are false. Certainly there is no agency of Government, Federal, State, or local, more dedicated to the destruction of organized crime than the FBI.

During the last fiscal year—1967—197 convictions were recorded in cases investigated by the FBI concerning violations of various Federal laws concerning racketeering activities. In the same year the FBI immediately disseminated more than 287,000 items of information to other Federal, State, and local law enforcement agencies. Some 3,600 arrests of persons involved with organized criminal activities resulted from this dissemination.

On Friday, December 1, 1967, Assistant Attorney General Fred M. Vinson made a statement which should stop forever the FBI critics who have wrongly accused this agency of a lack of cooperation. I ask unanimous consent that the United Press International article reporting Mr. Vinson's statement be printed in the RECORD.

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

CRIME

WASHINGTON.—Assistant Atty. Gen. Fred M. Vinson said today that relations are excellent between the Federal investigative agencies engaged in the war against organized crime.

Vinson, Chief of the Justice Department's criminal division, made the statement when asked about reports that some investigators felt the FBI could cooperate better with the Department's "strike force" on crime.

One source said FBI information needed to fight the underworld was provided only when "we press for it."

The FBI also was asked for reaction and a spokesman said the "Bureau has and will continue to cooperate to the full extent of our manpower and abilities."

"We are totally committed to the destruction of the organized criminal element in this country and no effort will be spared to achieve this goal," he said.

According to the FBI spokesman, the only limit on Bureau participation is the question of how FBI's 6,000 agents can best be used to fight crime and still meet other broad responsibilities.

"Detaching agents for organized crime duty alone could hamper our ability to meet our responsibilities," he said. "In addition, there is a danger of losing impartiality when investigators and prosecutors work too closely."

Vinson said the FBI and the Internal Revenue Service (IRS) have been the "principal investigative agencies in organized crime" for years. The strike force, he said, was designed to get maximum advantage from their experience and expertise along with that of other participating agencies.

Beside Justice, IRS and the FBI, the strike force also calls on Treasury and Labor Department investigators.

FBI spokesman said the intelligence it develops through a network of informants is made available to other Federal investigative units as fully and quickly as possible.

According to one Justice Department official, the FBI provides 98 per cent of the intelligence information used by the strike force.

The FBI spokesman said that in the Buffalo, N.Y., area alone, where one strike force is now operating, the agency delivered to U.S. Attorneys there between 1960 and 1967 more than 1,000 reports containing 10,000 pages of data.

COMPETITION IN THE FUNERAL INDUSTRY

Mr. HART. Mr. President, it is my feeling that funeral prices will soon drop in this country with the advent of something relatively new in that industry—price advertising.

I base my prediction on the recent Department of Justice suit which charged the National Funeral Directors Association with coercing undertakers to keep them from advertising their prices.

This is a subject with which I am most familiar. The Subcommittee on Antitrust and Monopoly of which I am honored to be the chairman, held extensive hearings on the antitrust aspects of the funeral industry.

Funeral service is big business—exceeding $1.6 billion a year.

Competition in the industry, according to testimony presented to the subcommittee, was choked off because undertakers could not advertise their prices to the public.

Why? Because strong influential associations felt that it was "unprofessional," that it somehow was not right to advertise the cost of dying. And they made this the unwritten policy of the industry.

For many people, the cost of a funeral is the fourth largest expense that they will incur during their lifetime.

Only a house, a car, and a college education will cut a bigger hole in most family budgets. The Department of Commerce estimated personal expenditures for funeral and burial services at an average $988. And that was back in 1963.

When a man buys a home or a car or selects the college he can afford to send his children to, he has the time to shop and has a good idea of what it will cost him.

But certainly a grieving family does not have the time, or even more important, the will, to shop around for the best price.

In time of sorrow, a bereaved family wants to make sure their departed has the very best service they can afford. They will not question cost because of their emotional state and out of fear of diminishing the solemnity of the occasion.

I would say that 95 percent of the people who make funeral arrangements do not realize that even the cost of the casket they purchase can determine what they will pay for the rest of the funeral expenditures.

Many funeral directors in the country do provide and are willing to provide at reasonable prices the same services for which many people are being greatly overcharged. But the problem is, How do you find them?

The Department of Justice suit noted that there are more than 25,000 funeral directors in the country. The 14,000 affiliated with the association annually conduct more than 75 percent of the Nation's funerals.

To find a funeral home that meets one's needs, he can call every funeral home in the "Yellow Pages." Or we can act now to stimulate price information by making sure that funeral directors feel free to advertise their costs.

One point I want to make is that advertising not only makes a potential shopper more aware of costs; it also greatly contributes to price competition.

In the funeral industry, where profits are often so high, I would welcome the competitive aspect.

OMBUDSMAN FOR THE DISTRICT

Mr. LONG of Missouri. Mr. President, I wish to invite an interesting development at the attention of Senators. Recently, the National Capital Area Civil Liberties Union proposed to the new District City Council the creation of an ombudsman for the District of Columbia. It is my understanding that both the City Council and the Mayor's office look favorably on the necessity of such an office.

The Washington Post, in an editorial published on November 28, 1967, wrote that "it is imperative for the District to devise a way of dealing satisfactorily and conclusively with citizen complaints of official misconduct." Ombudsman certainly is one effective way of dealing with citizen complaints, and on January 24, 1967, I introduced S. 626, to create such a District of Columbia ombudsman. The bill cosponsored by the Senator from Michigan [Mr. HART] and the Senator from New York [Mr. KENNEDY], is presently pending before the Committee on the District of Columbia.

Mr. President, the concept and office of ombudsman has wide potential for all levels of government. Early in January, my Subcommittee on Administrative Practice and Procedure will hold hearings on S. 1195, a bill I introduced to create an Administrative Ombudsman for the United States, with jurisdiction over the Internal Revenue Service, Veterans' Administration, Bureau of Prisons, and the Social Security Administration. We shall also be watching with interest the developments in the District of Columbia.

I ask unanimous consent that the Washington Post editorial of November 28, 1967, be printed in the RECORD.

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

INVESTIGATING COMPLAINTS

The proposal put forward by the National Capital Area Civil Liberties Union to establish an Ombudsman here offers a thoughtful adaptation to a crying community need. It is imperative for the District to devise a way of dealing satisfactorily and conclusively with citizen complaints of official misconduct, especially when they relate to the police.

How confused and unsatisfactory the situation is at present can be readily seen from the handling, or mishandling, of charges brought recently by Southeast Washington residents against 11th Precinct Pvt. Ralph Johnson. At first, the new City Council undertook to conduct an investigation of these charges on its own account. The effort, however well intentioned, was, we think, quite mistaken. The Council, like the Congress of the United States (which also acts as a municipal council for this community) is a legislative body. It ought not intervene in the administration of executive responsibilities. Nothing but mischief has resulted from attempts by legislative committees—the House Committee on Un-American Activities affording the most flagrant example—to intervene in executive responsibilities or, even worse, to serve as a judicial tribunal.

But how are citizen charges against the police to be sifted? Mayor Washington's decision to let Police Chief Layton investigate is likely to produce no satisfaction at all. Those who made the charges have little confidence in the detachment of the Police Department. They want disinterested investigators serving an eminent outside official or commission whose recommendations in a case would be generally recognized as absolutely impartial. An Ombudsman could fill this role. So could the existing Civilian Complaint Review Board—if it were given independent investigators and the power to subpoena witnesses. Investigation, to be quite plain about it, is a job for outsiders, not insiders. There is no other way to gain public confidence in its results.

LYNDON JOHNSON AND THE WISE USES OF ATOMIC ENERGY

Mr. ANDERSON. Mr. President, never before has a President of the United States held in his hands the instruments of such awesome nuclear power as does Lyndon Johnson, and never has a man used it with such restraint, with such foresight, and with such interest in its peaceful applications.

While the world worries about the destructive power of atomic energy, President Johnson has devoted major efforts to finding ways to control such energy.

While the world worries about the proliferation of atomic weapons, President Johnson has united this Government in the determined search for a workable nuclear nonproliferation treaty.

While the world sees dark clouds on the horizon, Lyndon Johnson sees a civilization lighted and powered and improved through the peaceful uses of atomic energy in industry, medicine, agriculture, commerce.

Last week, the President sent a special message to a group in Chicago commemorating the success of the very first sustained nuclear reaction. It was a justly deserved tribute to the men and women who gave the United States the lead in such experimentation and discovery.

Today, it is the Nation which should congratulate the President on the responsible manner in which he has sought the peaceful and useful fruits of atomic energy.

As one who has been closely associated with the Government's interest in atomic energy and atomic power, and as one who has stood strongly for the peaceful uses of atomic energy, I am pleased to ask unanimous consent that the remarks of President Johnson on the occasion of the 25th anniversary of the atomic age be printed in the RECORD.

Mr. PASTORE. Mr. President, last Saturday marked the 25th anniversary of the first controlled nuclear reaction. Dr. Enrico Fermi was the genius who directed this magnificent breakthrough which portends great blessings and potential dangers to all of mankind. In commemorating this anniversary, President Johnson paid tribute to Dr. Fermi and proposed that the new 200 billion electron volt accelerator to be built at Weston, Ill., be dedicated to him. I wholeheartedly agree with this wonderful tribute that President Johnson has given to this great man of science.

In his speech President Johnson, referring to the nonproliferation treaty currently being discussed in Geneva, said that the United States is not asking any country to accept safeguards that we are unwilling to accept ourselves. He then made a most significant pronouncement which I would like to quote here:

I am today announcing that when such safeguards are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.

It seems to me that this offer is without precedence in its scope and magnitude. Beyond question, our country is demonstrating to the world the sincerity of our stand for a realistic nonproliferation treaty with adequate safeguards. I think it is well that we call on the Soviet Union to show its good will by stating that it would make the same type of gesture. I know that it is unrealistic to ask that an equal number of facilities be open to inspection in the Soviet Union, but at least they could make a token move to show that they accept the principal of inspection on their territory.

I commend the President's speech to all Senators. I join the Senator from New Mexico [Mr. ANDERSON] in asking unanimous consent that the speech be printed in the RECORD.

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

[From the office of the White House Press Secretary, Dec. 2, 1967]

TEXT OF REMARKS BY THE PRESIDENT OF THE 25TH ANNIVERSARY OF ATOMIC ENERGY

I believe history will record that on this day 25 years ago, mankind reached the turning point of his destiny.

The book of Genesis tells us that, in the beginning, God directed man to: "Be fruitful, and multiply, and replenish the earth, and subdue it . . ."

But only in our lifetime have we acquired the ultimate power to fulfill all of that command. Throughout history, man has struggled to find enough power—enough energy—to do his work in the world. He domesticated animals, he sold his brother into slavery, and enslaved himself to the machine—all in the desperate search for energy.

Desperation ended in the experiment conducted in Chicago, 25 years ago, by Enrico Fermi and his fellow scientists. In a single stroke, they increased man's available energy more than a thousand-fold.

They placed in our hands the power of the universe itself.

Nothing could have been more appropriate than the words used by Dr. Arthur Compton to describe what happened on that day: "The Italian navigator has just landed in the New World."

This modern "Italian Navigator" was a great man of science. But he was also something more. He was one of millions who, in the long history of the world, have been compelled to leave a beloved native land to escape the forces of tyranny. Like millions before him, Enrico Fermi found here a new home, among free men, in a new world. His life and career have a special meaning to all who love freedom.

There are today millions of young Americans with an Italian heritage who feel a deep personal pride in Enrico Fermi. America was born out of the voyages of a great Italian Navigator. In a time of greatest danger, another—equally willing to pursue his dream beyond existing charts—took us into a new epoch.

Today we commemorate our debt to him. And in doing so, we also honor the historic bond between the old world and the new.

In a short time, we will be dedicating, in Illinois, a new National Accelerator Laboratory. This laboratory, with its 200 billion electron-volt accelerator, will maintain our country's position in the forefront of nuclear research.

I suggest that we dedicate this great new laboratory to the memory of the modern-day "Italian navigator".

In so honoring Enrico Fermi, we will also honor the immeasurable contributions made, over the centuries, by the people of Italy to the people of the United States.

Much has already happened in that new world which began 25 years ago.

Giant nuclear reactors, direct descendants of Fermi's first atomic pile, are producing millions of kilowatts of power for peaceful purposes. Other reactors are powering nuclear submarines under the seas of the earth—our first line of defense against tyranny, whatever its contemporary doctrine or disguise, which Enrico Fermi dedicated himself to resist.

But it is really the peaceful uses of atomic energy about which Enrico Fermi would have wished us to speak—and they are many.

When I became President, nuclear energy was generating about 1,000,000 kilowatts of electric power in the United States.

Today, the atom is giving us more than 28,000,000 kilowatts—almost three times as much. And more than 70 additional nuclear power plants are already planned or under construction.

This will equal about 20 percent of the whole electric generating capacity in the United States today. It is enough to meet the total requirements of 45 million people. All this from what was, 25 years ago—before the success of Fermi's experiment—only a scientist's dream.

The dream has been realized. By learning the secret of the atom, we can have given mankind—for the first time in history—all the energy he can possibly use.

It took the genius of countless generations of dedicated scientists to find the secret. It remains to us to use it wisely.

What began as the most terrible instrument of war man has ever seen, can become the key to a Golden Age of Mankind. But this will not happen unless we make it happen.

We cannot forget that another, darker future also opened on this day, 25 years ago.

The power to achieve the promise of Genesis is also power to fulfill the prophecy of Armageddon. We can either remake life on earth—or we can end it forever.

Let me be specific.

If Enrico Fermi's reactor had operated ten thousand years, it would not have produced enough plutonium for one atomic bomb.

Today, a single reactor, can while generating electricity, produce enough plutonium to make dozens of bombs every year. And scores of these reactors are now being built all over the world.

Their purpose is peaceful. Yet the fact remains that the secret diversion of even a small part of the plutonium they create could soon give every nation power to destroy civilization—if not life on this earth.

We cannot permit this to happen.

Nor can mankind be denied the unlimited benefits of the peaceful atom.

We must find a way to remove the threat while preserving the promise.

The American people made their own desires crystal clear when their representatives in the United States Senate voted unanimously to support an effective non-proliferation treaty for nuclear weapons.

We are now engaged in a major effort to achieve such a treaty, in a form acceptable to all nations.

We are trying to assure that the peaceful benefits of the atom will be shared by all mankind—without increasing the threat of nuclear destruction.

We do not believe that the safeguards we propose in that treaty will interfere with the peaceful activities of any country.

And I want to make it clear to the world that we in the United States are not asking any country to accept safeguards that we are unwilling to accept ourselves.

So I am, today, announcing that when such safeguards are applied under the Treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.

Under this offer the Agency will be able to inspect a broad range of U.S. nuclear activities, both governmental and private, including the fuel in nuclear power reactors owned by utilities for generating electricity, and the fabrication and chemical reprocessing of such fuel.

This pledge maintains the consistent policy of the United States since the beginning of the nuclear age.

Just 14 years ago, a President of the United States appeared before the General Assembly of the United Nations to urge the peaceful use of the atom. President Eisenhower said on that occasion: ". . . the United States pledges . . . before the world . . . its determination to help solve the fearful atomic dilemma—to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecreated to his life."

We renew that pledge today. We reaffirm our determination to dedicate the miraculous power of the atom, not to death, but to life.

We invite the world's nations to join with us.

Let us use this historic anniversary to deepen and reaffirm the search for peace.

Let us so conduct ourselves that future generations will look back upon December 2, 1942—not as the origin of sorrow and despair—but as the beginning of the brightest, most inspiring chapter in the long history of man.

PRESIDENT JOHNSON LEADS NATION IN MOURNING FOR CARDINAL SPELLMAN

Mr. LAUSCHE. Mr. President, President Johnson spoke for the entire Nation in his remarks mourning the loss of Francis Cardinal Spellman.

His death was a blow to people of all faiths. But his lasting contributions for the benefit of mankind will not die with him. As the President noted "the good that he has done remains to enrich and enlighten us all."

His influence was felt in the mightiest councils of the Catholic Church, yet he found time to bring inner tranquillity to the smallest parishioner.

This statesman for peace was heard by leaders the world over, yet always remained a humble servant of God and noble worker for mankind.

His parish was in the United States, but his frequent visits to our Armed Forces overseas brought comfort to millions of our frontline troops.

People of all faiths and from all nations mourn his death, for his ministry was mankind, his parish the universe.

Yet we can draw consolation in our mourning from President Johnson's thought that Cardinal Spellman "gave his life to God" in a full life whose "good works were testament to God's enduring and universal love of man."

I ask unanimous consent that the President's tribute to Francis Cardinal Spellman be printed in the RECORD.

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

STATEMENT BY THE PRESIDENT, DECEMBER 2, 1967

The Lord has called home a man who served Him and all His children well.

Cardinal Spellman gave his life to God. For half a century, his faith and works were testament to God's enduring and universal love of men.

The race of man mourns him now, for mankind was his ministry. The grace of his goodness touched all manner of men and nations. He brought to all who opened their heart to his spirit the miracles on which men must build their earthly hopes—truth and charity, mercy and compassion, trust in God and in the destiny of God's human family.

Cardinal Spellman was a Catholic. His lifetime was devoted to uniquely catholic purpose. His voice was heard on the smallest parish street and in the highest councils of his Church. He was both pastor and statesman, an apostle of progress whose influence was felt wherever problem or promise touched his pulpit or his world.

Americans will never forget that he was the Vicar of our Armed Forces. This will be the first Christmas for many years when thousands of our sons will not know the comfort of his presence. But this Christmas in Vietnam, men will recall the courage of his faith that peace on earth will come to men of good will.

For all the extraordinary fullness and diversity of his life, this Prince of the Church lived and died a humble priest.

That is all he wished. That is how he would wish us to remember him. "Those ministers," he once said, "who are endowed with sacred power are servants of their brethren. The higher one rises in the Church, the lower, in a sense, does he become."

This good and gallant servant of our world is gone. But the good that he has done remains to enrich and enlighten us all. In my own brief, I find comfort in that thought. Cardinal Spellman was my close and cherished friend of many years. I pray that the American family, as my own, will be consoled by this truth: As God has taken away this day, He has given us the blessings of His disciples works for all our days.

PACIFIC REPORT

Mr. THURMOND. Mr. President, one of our more able and perceptive newsmen in South Carolina, Mr. W. D. Workman, Jr., editor of the State newspaper, Columbia, S.C., recently completed an extensive tour of the Pacific Far East. During his travels he sent back to his newspaper office a number of reports and editorials based on his observations. His dispatches have been assembled into a brochure entitled, "Pacific Report." Some of these are of interest primarily to South Carolinians but others are of national concern.

Mr. Workman visited Honolulu, Guam, Manila, Taipei, Seoul, Panmunjom, and Tokyo. He talked with many prominent persons as well as the man in the street. His articles ranged from penetrating analyses of the international situation in the Pacific to a touching editorial on questions asked by a GI from Texas about the riots back home. Fourteen of Mr. Workman's reports during this Pacific journey are extremely interesting, informative and pertinent to vital affairs of the day.

Mr. President, I ask unanimous consent that the reports be printed in the RECORD.

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

[From the Columbia (S.C.) State, Aug. 31, 1967]

THE LESSON OF KOREA

PANMUNJOM, KOREA.—The futility of trying to do business with the Communists is nowhere better illustrated than in the small, shed-like building which serves as the conference room for the Military Armistice Commission administering the uneasy truce between North and South Korea.

On one side of a rectangular table covered with green felt sit the hard-core Communists who represent both the North Korean government and the Chinese "volunteers" who sought to bring all of Korea under Communist domination.

On the other side sit the representatives of the United Nations Command, backed up by the military strength of the United States and the Republic of Korea and the international approval of free nations throughout the world.

It should be remembered that 53 members of the United Nations joined in condemning North Korea's unprovoked attack on South Korea in June of 1950. Sixteen of those nations sent combat forces to help drive the aggressors back across the 38th parallel—that once synthetic but now visibly significant line dividing Korea.

Today, only the troops of the United States and of the Republic of Korea (plus a token but fully operational company from Thailand) stand guard against any further Communist effort to overrun the entire country.

But if Communist aggression has been thwarted by physical resistance, it has not diminished one whit in ideological intensity. Fourteen years have elapsed since a cease-fire terminated the large-scale fighting and ushered in what purports to be a truce.

But during those years, the Communists have violated the terms of the armistice more than 5,000 times (a tally now a year old). Only twice, and that early in the game, have the Communists so much as acknowledged the violations—despite such irrefutable evidence as weapons, documents, and even dead bodies of North Korean infiltrators slain in South Korean territory.

Today, the rate of violations and border incidents is increasing—not decreasing—as the Communists defy not only the terms of

the truce but the collective authority of the United Nations. The Communists persist in their perfidy in utter disregard of international morality and the rules of warfare.

Yet there are agitations and emotional appeals throughout the world—*including* segments of the United States—for repeating the whole shoddy performance in Southeast Asia.

The cry goes out to "bring North Vietnam to the conference table," as though *that* would end Communist aggression in that peninsula. By their practices and their own preachments, the Communists demonstrate their utter conviction that political as well as military power grows "out of the mouth of a gun."

Communists are responsive only to force. Non-Communists who yearn for a softening of Red attitudes or a genuine spirit of "peaceful coexistence" delude themselves and endanger mankind.

Fourteen years ago, the Communists of North Korea were "brought to the conference table." Today, they are as intransigent as ever, as threatening as ever, as fanatic as ever. The military might of the United States and of the Republic of Korea keeps them at bay—not any regard for world opinion or international morality.

The war in Korea should have been *won*, not compromised. The Korean experience could be truly helpful in determining American (and world) policy in Vietnam. By now, we should know, as General Douglas MacArthur knew, that "there is no substitute for victory."

[From the Columbia (S.C.) State, Aug. 30, 1967]

AT PANMUNJOM, THE FEEL OF WAR IS STILL IN THE AIR

(By W. D. Workman, Jr.)

PANMUNJOM, KOREA.—The road to Panmunjom is like a journey back into history—spanning not only the miles but the years which separate today's bustling capital city of Seoul from the bleak hills where North and South Koreans have stared at one another over gunsights for 14 years.

The state of war between the Republic of Korea (South Korea) and the puppet regime established in North Korea by the Russians after World War II has never ended officially, although a cease fire was proclaimed on July 27, 1953.

Sudden death still lurks along the line which separates the two warring parts of a nation which had been unified (although often subjugated) for a thousand years before Marx, Lenin, Stalin and Mao Tse-tung spawned their respective versions of Communism.

Today, the Communists of North Korea's Kim Il Sung show no more intention of observing the terms of the 1953 armistice than those of the original Allied agreement for free elections at the end of World War II.

The 151-mile-long demilitarized zone which divides North from South Korea reverberates frequently to the sounds of rifle fire, land mines and grenade explosions. These are punctuated occasionally by demolition charges such as those which cost the lives of several American soldiers whose billets—far south of the Military Demarcation Line (MDL)—were demolished by infiltrating North Koreans.

But Communist soldiers and agents also are dying along the line, usually while on illegal forays south of the 4,000-meter-wide buffer strip which straddles the MDL. Periodic reports of friendly and enemy forces which have been killed in action or wounded in these border incidents are released by United States sources. Harder to come by are figures which accurately reflect the casualties and linecrossings of the North and South Koreans into their opposing lines.

One thing is obvious to the visitor who makes the trip to Panmunjom, where seemingly interminable "negotiations" have dragged on since 1953: The feel of war is in the air.

Even among troops who have been stationed here for months, there is a discernible increase in tension as the DMZ is approached. Sniping and ambushing by the North Koreans has been on the increase in recent months, and the careless soldier can become a dead soldier in short order.

But there is nothing to indicate any carelessness among the troops of the U.S. Second Infantry Division who man the American sector of the demilitarized zone. As their wheeled and tracked vehicles, interspersed with tanks, slither along muddy roads (or stir dust clouds when those same roads are dry) the men cradle their weapons and wear their protective "flak vests" to deflect or absorb at least some of the impact of small arms fire or grenade fragments.

The same intense alertness is apparent among the carefully selected officers and men who shepherd visitors in and out of the Joint Security Area. This small tract, roughly a half-mile in diameter, contains a cluster of jerry-built buildings. These provide officers' billets, and meeting rooms for the continuing round of negotiations, charges, and counter-charges between the Communist and non-Communists representatives on the Military Armistice Commission.

The buildings allotted to the North Koreans are painted green; those assigned to United Nations personnel are painted blue. There is no fraternization between opposing sides. Even the pigeons which were brought by the Communists into the area under the propaganda label of "freedom birds" will not light upon the blue buildings, reflecting some sort of ingenious technique of training or breeding.

Although the military and other official representatives of the two sides deal with one another in chilling formality, the North Koreans occasionally mingle with South Korean civilians who work on construction projects below the Military Demarcation Line within the Joint Security Area.

Perhaps "mingling" is not the right word, for the Communists use such opportunities to browbeat, to denounce, or to seek to subvert the South Koreans, telling them of the attractions of the Communist way of life.

Their verbal arguments are supplemented by an artificially created but visually impressive "Freedom Village" and collective farm which lies just north of the Demilitarized Zone. From observation posts south of the line, visitors can see a wide expanse of carefully tended farmland along the river which marks the MDL at that point.

Neat, modern farm houses are spotted here and there among the cultivated fields, but—here is the joker—no farm families are in evidence. Even in the dead of winter, no smoke arises from the chimneys of the cottages, giving further evidence that these are bits of window dressing.

Old hands among the Americans who have been on extended duty along the lines say flatly that some of the farm houses do not even have four complete walls, and that they are no more than movie-type sets designed to create an impression of rural well-being upon the distant viewer.

But such "play-acting" is fully in keeping with some of the truly juvenile actions of the high-ranking officials of the North Koreans and Chinese People's Volunteers who represent the Communists at the conference table.

They have insisted, for example, that the North Korean flag which sits on the conference table be larger than the United Nations flag, and that its staff be taller (although only by about a quarter of an inch).

In recent weeks, the North Korean members of the Armistice Commission—in addition to refusing to accept documented evidence of Communist violations of the truce—tore up the documents in which the incidents were detailed and flung them to the floor. There they lie today, squarely astride the painted line which denotes the passage of the Military Demarcation Line through the conference building.

The United Nations representatives will not remove them because they are formal allegations of truce violations. And the North Koreans, ignoring the evidence and refusing even to accept the presentment, will make no move toward cleaning up the litter.

That little pile of paper is perhaps as fitting a symbol as any for the stalemate at Panmunjom. The negotiations have been going on now for 14 long years. The visitor wonders if they will still be going on at the end of 14 more years—and if those torn-up documents will still be on the floor.

[From the Columbia (S.C.) State, Aug. 25, 1967]

A SOLDIER'S QUESTION

SEOUL.—He was a clean-cut lad from Texas, twice-wounded in South Vietnam, and serving out the remaining few days of his two-year Army hitch in the relatively soft job as a driver with the U.S. forces in Korea.

His name doesn't matter, but his questions do.

"Sir," he asked with a combination of Southern and soldierly politeness, "what's going on back in the States with all these riots?"

But before an answer could be framed to that difficult question, all of the pent-up emotions of a puzzled young man came pouring forth:

"I'm from Texas, and I don't believe in some of the things people want to do about mixing everybody up. But white soldiers and colored soldiers have been fighting together over here and we don't want to go home and start fighting each other.

"There were Negroes in my fire team, and one of them was wounded the same time I was, and a Negro medic saved my life when I was hit by mortar fire while we were fixing to be evacuated by helicopter on account of my first wound.

"We talk about all the things we read about and hear about back home and we just don't understand what's going on. It's been kinda rough out here and we like to think that it will be peaceful when we get back to the States. But we just don't know."

It didn't help much for us to tell him we just didn't know either. We tried to explain that the decent, responsible Negroes of America were the real victims of the riots, that only a tiny percentage of militant—and mindless—hoodlums were responsible for most of the trouble and that the genuine civil rights leaders condemned the lawbreaking and violence just as strongly as did white citizens and officials.

"It looks to us," he broke in, "that people could get together and sit down and talk things over."

They're doing that, we told him, but it's sort of like the preacher in church—the folks who really need the message aren't there.

"What we're afraid of," the young GI said, "is that we may wind up shooting at each other because people will stick by their own kind."

We told him that things had not come to that pass, and that the riots were not so much black versus white as hoodlums, beatniks, and bums versus society.

We don't know whether we got through to him or not, but he seemed glad to know that the country appeared ready to crack down on rabble-rousers like Rap Brown and Stokely Carmichael.

He was polite as we parted, but we had the feeling that he was still shaking his head in bewilderment.

And it didn't help us to know that, down inside, we were shaking our head too.

W. D. W.

[From the Columbia (S.C.) State, Aug. 20, 1967]

PERILOUS PULL-BACK

MANILA.—Speculation over a possible withdrawal of United States forces from advanced positions in the Far East has created a Pacific reaction which is both concerned and critical.

The possibility of deliberately falling back to the Marianas from bases in Korea, Japan, Okinawa, and the Philippines was seriously discussed in the prestigious U.S. News & World Report this month. Despite official disavowals of any such pending plan, the Pacific peoples, who are joined—militarily, economically, or traditionally—with the United States, are profoundly worried, publicly as well as privately.

We share their concern, for some of their reasons and some of our own. Whether the United States wanted it or now likes it, America is today the greatest power in the Pacific. So long as we occupy that position, it is to our advantage and that of a Free Asia that the American presence be not only real but manifest.

True, Red China's accelerating development of a nuclear bombing potential injects a new dimension to the pattern of American military establishments in the Far East. If the Chinese Communists continue to ignore the schedule periodically revealed by U.S. Defense Secretary McNamara's clouded crystal ball, we can assume that the day is not far distant when they will have not only a stockpile of nuclear bombs but the means of delivering them on target.

At that time, U.S. bases in and around Japan, Okinawa, and the Philippines will be—quite literally—"under the gun." On the other hand, U.S. bases on the Marianas (Guam, Rota, Saipan, and Tinian) presumably would be out of range—2,000 miles to the east of the China Mainland. But the picture involves more than military considerations of tactics and strategy, whether defensive or offensive.

If the United States forsakes its westernmost bases, it will be opening dozens of doors through which the Chinese (or even the Russian) Communists can move eastward into the Pacific and closer to whatever line the United States must ultimately defend.

Recalling an earlier redefining (by former Secretary of State Dean Acheson) of the U.S. Far Eastern defense perimeter, Felino Neri, a former Filipino secretary of foreign affairs, has made this observation:

"Should the projected British withdrawal and the reported American 'pull-back' from the area ever come to pass, the resulting power vacuum may prove more inviting than that which attracted the Communists in 1950."

It is quite obvious that no anti-Communist nation from Japan to Australia, acting individually or in concert, can forestall a determined Communist push in the Pacific without major reliance upon the United States.

It is equally apparent that the idea of pulling back to the American-controlled Mariana Islands might be attractive to U.S. military commanders who feel frustrated and impeded by political involvements with host nations elsewhere. Perhaps the talk of withdrawal is merely a device, planned or unplanned, whereby Rota, Tinian, and Saipan might be developed into military bases comparable with Guam.

Such development should proceed, but not at the expense of the forward bases. Any such retrenchment would leave our friends—and we have many in the far Pacific—utterly at the mercy of the Communists, and there is precious little mercy in that collection of cutthroats.

W. D. W.

[From the Columbia (S.C.) State, Sept. 1, 1967]

SOUTH KOREANS KNOW THE ENEMY—ROK FORCE BEDEVILS REDS

(By W. D. Workman, Jr.)

SEOUL.—The Republic of Korea, just now entering upon its 20th year as a modern nation, today maintains the strongest anti-Communist military force in all of Asia.

South Korea's military establishment numbers about 600,000 men, most of the tough, well-trained and battle-ready ROK Army soldiers. More than 40,000 of them are in South Vietnam, fighting Communists. Additional ROK forces may be sent there in response to American requests.

The South Korean involvement in Vietnam has much more than a purely military significance. National policy, national pride, and national appreciation (of the U.S.-led fight which saved their country in the early 1950's) all contribute to the presence of South Koreans in a battle arena 2,000 miles from their homes.

With good cause, the South Koreans feel that they understand the true nature of Communism better than their Asian neighbors and certainly better than their American friends across the Pacific.

The Koreans have felt the full weight of Communist aggression and of Communist arms. They have seen and suffered the tragic separation not only of one part of a nation from the other, but of friends and families.

Other Asians have undergone similar ordeals, it is true, but only the South Koreans thus far have regained both their freedom and their lands—thanks to the United States and to the United Nations.

Now, the South Koreans are in position to demonstrate their own viability as a nation—and as a fighting force. And fight they will against Communism wherever the need exists. To them, the threat to Asia did not end with the Korean cease fire, it simply shifted to another theater (Vietnam) in a somewhat different context.

There is some political opposition to the presence of South Korean troops in Vietnam, but it seems to be more a matter of form than of substance.

In the involved and (to Western eyes) incomprehensible machinations of Korean politics, there appears a large measure of automatic opposition to the government in power—growing not so much out of any genuine difference in policy as out of the belief that the "outs" must differ with the "ins" on all matters regardless of merit.

Nevertheless, South Koreans, high and low, manifest an intense pride in the fact that their countrymen are fighting—and fighting extraordinarily well—against Communist aggression. And government officials, especially those concerned with the nation's defense, see a highly desirable by-product to the South Korean participation in the Vietnamese war.

They know that citizens of the Republic of Korea are steadfastly united in their determination to resist Communism in whatever form it might appear. This attitude is not just a matter of ideology. It stems from the bitter experience of being overrun by ruthless, brutal foes whose chief distinguishing feature was acceptance of Communism.

Having tasted terror at the hands of other—but Communist—Koreans, the South Koreans will not forget what a difference a doctrine can make.

There is the fear that younger generations, unfamiliar with the tragedies of the Korean war, may be more susceptible to Communist propaganda or less inclined to concern themselves with the problem.

But the young men who today are fighting Communist aggression in Vietnam are learning for themselves the nature of the enemy. Each returning South Korean soldier is regarded as an individual missionary who will keep alive the anti-Communist spirit of the Republic of Korea.

Furthermore, the two years of compulsory military service (now extended to 30 months on what is termed a temporary basis) provides young Koreans with invaluable training. Along with their military skills, they learn techniques and trades which make them all the more productive when they enter South Korea's burgeoning civilian economy.

Maintaining such a military establishment is dreadfully expensive, especially for such a young republic. And with the tapering off of U.S. aid, the burden increases upon the South Korean government.

Today, approximately 30 per cent of the nation's total budget goes to national defense. This percentage is higher than that of South Vietnam, is almost three times that of the Philippines and Japan, and, except for Nationalist China, is the highest in Asia.

But these expenditures sustain a powerful deterrent force for the free world in one of the most critical areas of the globe.

The South Korean navy is the weakest of the armed services, but the continuing efforts of the Communists to bring in infiltrators (and possibly guerrillas) by seas is expected to be met by increased attention to the size and suitability of the South Korean navy.

But no such inadequacy applies to the other services. More than 500,000 men, armed with modern (if perhaps not the latest) tanks, artillery, missiles, and other weapons, make up the ROK Army.

The Marine Corps is growing in size and reputation and has a brigade of its own along with two Army divisions and other troops serving in Vietnam.

The Air Force, with almost as many men as the 30,000-plus Marine Corps, could be improved with more effective aircraft, but is a potent force for fighting as well as training.

These ROK forces stand solidly in the path of any physical push of Communism toward the east. The free world owes much to the hardy people of South Korea today. Only history will tell how large that debt will loom in the future. It could be incalculable.

[From the Columbia (S.C.) State, Sept. 2, 1967]

BLOODY DOVES

SEOUL, KOREA.—The besetting sin of the "doves" who cry for peace by appeasement in Vietnam is their callous disregard for the lives of non-Communist men, women, and children.

The doves wring their hands and raise their voices in anguish over the bombing of North Vietnam and the inevitable side-effects upon civilians in that aggressor nation. But they have precious little to say about what is happening to the civilians of non-Communist South Vietnam.

Since the Viet Cong and the North Vietnamese began their massive campaigns of terror and intimidation in 1961, more than 11,000 South Vietnamese village chieftains, community leaders, and others of major or minor importance have been assassinated by the Communists. Furthermore, some like 40,000 South Vietnamese of various ages and stations have been kidnaped by the same Communists during the same period. No one knows (except the Communists) what *their* fate is, or will be.

But tragic as these figures are, they are chicken feed when compared to the blood bath which would follow if the United States and her allies were to turn South Vietnam over to the Communists. History has re-

corded in red letters the unfailing custom of Communists, whether Russian, Chinese or otherwise, to liquidate their opposition once they gain power.

Literally millions of Russians and Chinese have forfeited their lives to the likes of Josef Stalin or Mao Tse-tung by being anti-Communist, or just non-Communists, or just *suspected* of being either. Here in South Korea, memories are still fresh (and bitter) even after a lapse of 14 years from the time when Communist North Koreans overran the country. South Koreans who sought only peace and freedom were brutally butchered or abused by other Koreans who—before the advent of Communism on the peninsula—were of the same people and often of the same families.

Today, an absolute knowledge of what can be expected under Communist oppression undergirds that staunch resistance of South Koreans to Communism wherever they confront it. There are numerous recorded instances in which grieving parents or other relatives have turned in their own kin when they were found to be Communist infiltrators.

If the Communists now operating in South Vietnam have slain 11,000 of their opponents in the face of organized opposition, it beggars imagination to conceive of what they would do if their enemies were turned over to their tender mercies without any protection whatever.

Yet there are doves throughout the world, including such incredibly bemused Americans as Sen. J. William Fulbright, who seems to have no compassion whatever for the non-Communists of Vietnam. They prate of peace through negotiation, little caring that they are, in effect, drawing up a collective death warrant for untold numbers of South Vietnamese.

If the doves have their way, they—not the hawks—will go down in history as birds of prey.

W. D. W.

[From the Columbia (S.C.) State, Sept. 4, 1967]

JAPAN AND THE RED FOX

TOKYO.—The physical differences between this great Asian metropolis and the capital cities of the Philippines, Taiwan, and South Korea are many—but none are as impressive as the philosophical difference of attitude toward Communism.

In sharp contrast with the Filipinos' nagging concern over domestic Communism and the militant antagonism toward all Communism by the free Chinese and the South Koreans, the Japanese casually recognize the Communist Party and show little worry over the possibility of any armed Communist aggression.

This conclusion may be hastily drawn and overly simplified, but it nevertheless grips the traveler who seeks to measure the anti-Communist commitment in the Far East. There may be Japanese who share their neighbors' apprehension about the threat of Communism in the Pacific, but their voices lack the clarion quality of anti-Communist warnings audible elsewhere around the rim of Asia.

The voices which are heard here, in both governmental and economic circles, seldom refer to Communism in an adversary sense. In some instances, there seems almost a deliberate blindness to Red aggression in the Orient, accompanied by an obvious hope that if the matter is not discussed, it will evaporate.

Japan, like Great Britain, puts world trade ahead of all else and seems much more concerned with commercial profit than with political principle.

At this moment, the international line in Japan is one of "regional cooperation." This laudable mission has a tremendous potential, and Japan manifestly desires to play a leading role in linking the nations of Asia into some form (or forms) of Pacific cohesion.

The problem becomes sticky when all Pacific nations, from the United States on the east, Australia on the south, Burma in the west and Korea on the north, are brought together under one tent—or even a collection of tents. Japanese spokesmen think the chances are much better for regional cooperation if the subject of Communism is not broached.

Thus, there is a studied avoidance of denunciation or even of accurate assessment of Communist aggression in Asia. For example, here is a characteristic excerpt from a speech delivered fairly recently by one of Japan's chief proponents of regional cooperation, Foreign Minister Takeo Miki:

"The cause of the war (in Vietnam) can be traced to the following developments. The Diem regime failed to come up to the expectations of the people of Vietnam in tackling the problem of poverty. As a result, the people began to vent their dissatisfaction on the Diem policies, but the regime failed to cope with the problem with constructive measure.

"On the contrary, the Diem regime tried to suppress the people, thus intensifying their dissatisfaction. This dissatisfaction spread into a wide-scale anti-Government movement, which in turn was utilized by Communist elements in North Vietnam, resulting in the outbreak of the war. The people's dissatisfaction against poverty is the cause of civil war."

This old "belly" explanation of Communism sounds plausible but is not sustained by the facts. How, for example, can it relate to the invasion of South Korea by the Communists of North Korea? There was (and still is) appreciable poverty in both parts of Korea, but the South Koreans want no Communist solutions to their problems.

And the "belly" argument fails utterly to explain the presence of North Vietnamese Communists in South Vietnam.

The Japanese promotion of regional cooperation can contribute much to the development of a more prosperous and progressive Asia. But unless it includes a realistic appraisal and countering of Communism, the end result might be the grown of fatter chickens for the Communist fox.

W.D.W.

[From the Columbia (S.C.) State, Sept. 29, 1967]

UNLIKELY THREAT

The doves who seek to end the Vietnam war through appeasement rather than victory advance the idea, usually as their trump card, that further escalation on our part might bring Red China into the war.

To many Americans, that possibility may seem to be as logical as it is ominous. The prospect of becoming involved in a massive land war with hordes of Red Chinese is a chilling thought, especially in light of our obvious difficulty in coping with the Communist ground forces in South Vietnam.

But the situation takes on a different aspect when viewed from the vantage (*or disadvantage*) point of Red China.

The China mainland today seems in total ferment from border to border, except for the sacrosanct area in Sinkiang province where Chi-Com scientists are developing both a nuclear capability and a nuclear arsenal.

Domestic strife, amounting to outright internecine warfare in a number of areas, has disrupted Red China's economy as well as its government. The capacity of a nation in upheaval to wage modern war is highly questionable, even allowing for the possibility that the war itself might serve as a unifying force.

Furthermore, Red China's involvement in full-scale war with the United States (or any other major power, not excluding Russia) inevitably would increase the likelihood of positive action by the Nationalist Chinese toward regaining control of mainland China. There is some evidence, along with a great deal of hope, that the mainland Chinese would forcibly reject Communism if given the chance—a factor which must penetrate even the most addled minds in Mao Tse-tung's hierarchy.

But there is still another consideration which argues against Red China's overt entry into the Vietnam conflict. Herein lies the greatest negation of the contention that the United States cannot risk war with Red China by clobbering North Vietnam.

Communist China's hope for military (and thereby political) ascendancy in Asia is hinged upon its rapid development as a nuclear power. At present, the facilities devoted to that program lie exposed in pin-pointed areas of Sinkiang province. And though Sinkiang is in the remote reaches of central Asia, it is not immune from devastating nuclear attack.

Even the most foolhardy Chinese Communist must realize that any act of outright warfare against the United States would bring sudden destruction to the nuclear installations which have been built at terrific cost and with tremendous commitment by the Red Chinese. (There are anti-Communists in the United States and elsewhere who would welcome just such an opportunity.)

Red China *is* a threat, not only to the United States but to the world. But at *this* moment, Red China is not about to become a belligerent in the Vietnam conflict. We delude ourselves and dilute our own war effort when we base United States policy on that remote contingency.

[From the Columbia (S.C.) State, Sept. 10, 1967]

THE PRIDE OF CHINA

TAPEI, TAIWAN.—One fact, and one fact alone, emerges with undisputed clarity out of the chaos generated in Red China by Mao Tse-tung's "cultural revolution":

All factions, whether pro-Mao, anti-Mao, or otherwise, are carefully avoiding any action or agitation which might interfere with Red China's development of a nuclear warfare capability.

In the secluded reaches of far-western Sinkiang province, Chinese Communist scientists, engineers and technicians are busily (and rapidly) making false prophets of those who scoffed at their ability or who predicted a lengthy period of development. They are bringing Red China into the world's nuclear club with a rush, as witness the series of atomic blasts punctuated last June by the awesome detonation of a hydrogen device.

Such ominous progress is continuing in what seems to be complete insulation from the domestic turmoil which is tearing mainland China apart. There is an obvious, although presumably tacit, agreement among all of the rival cliques of Red China that nothing should hinder the nuclear program.

This situation, which strikes the Westerner as a phenomenon of strange tranquility amid bloody civil strife, stems from an Oriental mystique which is understood—and to some degree shared—by the Nationalist Chinese here in the Republic of China.

Bitter enemies though they be to the Communists who drove them from the mainland, they nevertheless sense the emotions, the pride, and the pragmatism which vest the Sinkiang nuclear complex with immunity from strife.

Cutting across all political, ideological, and geographic differences which separate Chinese people throughout the entire world is a strong sense of racial pride and identity. Whether they be Nationalist Chinese, Communist Chinese, overseas Chinese, or westernized Chinese who have been absorbed into free world nations, they still are Chinese in heritage.

They look back on an ancient and distin-

guished history which, in times past, made Western man look barbaric and ignorant. They also look back over a shorter span and see—with varying degrees of resentment and regret—the subjugation of the Chinese by enemies from without, from both the East and the West.

Today, they see a revival of Chinese skill and capacity in the development, albeit at the hands of Communist Chinese, of an awe-inspiring nuclear potential. Once more, the Chinese are showing themselves to be a force—and a people—to be reckoned with on the world scene. Even the deadly differences which separate the Chinese people today do not entirely suppress that new-found sense of pride in Chinese accomplishment.

Perhaps the idea can be conveyed most clearly by simply repeating the observation of one Nationalist Chinese, an able, intelligent, freedom-loving, anti-Communist Chinese, but nonetheless a Chinese:

"No longer will the Chinese be thought of as mere laundrymen."

Westerners who cling to the "no tickee—no washee" concept had best take notice of what is going on in Sinkiang province. Otherwise, their awakening to the 20th century threat from China may be fearsome—and fatal.

W. D. W.

[From the Columbia (S.C.) State, Sept. 12, 1967]

HANDCUFFED ALLY

TAIPEI, TAIWAN.—The Nationalist Chinese who throng this strategic island could well be described as a human arsenal of democracy—ready, willing, and able to combat Communism on any front.

But there are two other factors which affect the readiness of free China to do battle with the Communists: Restraints imposed by the United States, and the realization that little can be done until those restrictions are lifted, or at least modified.

This realistic appraisal of the existing situation is evident in the notable lessening of talk about an armed attack on Communist China as a means of achieving the prime goal of a "return to the mainland." Instead, there seems a concensus—attributed in part to the reported attitude of President and Generalissimo Chiang Kai-shek himself—that the return will be a combination of circumstances and actions anticipated as being "70 per cent political, 30 per cent military."

This takes into account the current upheaval provoked on the mainland by Mao Tse-tung's "cultural revolution" and the chaos wrought by the Red Guard. The Nationalist Chinese are openly hopeful that these developments will lead to a complete disintegration of Red China's governmental structure, and that they—the Nationalists—can move into the vacuum with adequate military force but with substantial popular acceptance by the mainlanders.

In the meanwhile, the impression is inescapable (even if not officially confirmed) that the Nationalists have stepped up the tempo of such anti-Communist activities as espionage, subversion, and promotion of disaffection on the mainland.

It is beyond question that recovery of continental China remains the overriding goal of the elder statesmen and soldiers who control the Kuomintang, President Chiang's all-powerful party. If there is any appreciable willingness among younger Chinese here on Taiwan to adjust to the status quo of two Chinas, it is not evident in any public statements or discussions.

What *is* evident is a blend of impatience, disappointment, and frustration over the reluctance of the United States to use Nationalist China's military and manpower assets against the Communists. The Republic of China offered to send three divisions of troops to aid in driving the Communists out of South Korea in the 1950's. Additional troops were offered, and are still on call, for service against the Communists in South Vietnam.

But Uncle Sam, presumably out of fear of triggering a war with Red China, not only blocks the Nationalist Chinese from attacking the mainland but refuses to use Nationalist troops against Communists with whom the United States is fighting.

In the meanwhile, the well-trained fighting forces of Chiang Kai-shek, more than a half-million strong, stand at the gate. Something like 80,000 Nationalist troops are literally on the threshold of the mainland, firmly holding the offshore islands of Quemoy and Matsu within a few thousand yards of the mainland itself.

The Nationalist Chinese are among America's staunchest, and certainly strongest, friends and allies. They yearn to play a larger role in the free world's fight against Communist aggression. They cannot fully comprehend why they are denied greater participation.

Neither can we.

W. D. W.

[From the Columbia (S.C.) State, Sept. 8, 1967]

HARD-WORKING JAPANESE ARE BECOMING PROSPEROUS

(By W. D. Workman, Jr.)

TOYKO.—An Indonesian statesman, visiting this bustling beehive of commerce and industry, is reported to have said:

"Japan is an economic animal."

The description is apt—and well-deserved. The Land of the Rising Sun is riding the crest of an economic upsurge which already exceeds those of many countries in Western Europe and which conceivably could rival that of the United States in the years to come.

One contributing factor to Japan's present boom is, ironically enough, the fact that Japan emerged from World War II as a loser rather than as a winner. War settlements which stripped Japan of her far-flung empire and of most of her military establishment today is turning out to be an economic boost to the country.

Prohibited from developing any vast military machine of pre-World War II proportions and sheltered by the nuclear (and non-nuclear) umbrella which the United States has raised over free Asia, the Japanese have been free to turn their ample talents, industrial know-how, and driving energy to the business of business rather than of war.

As a result Japan has become one of the industrial giants of the post-war age. Within recent months, she has forged ahead of West Germany in the production of automobiles and now ranks third in that field (behind the United States and Great Britain). A continuation of the present rate of economic growth soon will have Japan clearly established as the third largest industrial power in the free world.

A thumping increase of 16.3 per cent in Gross National Product for the fiscal year ending in March of 1967 has placed Japan ahead of Great Britain. Today, only the United States, West Germany, and France exceed Japan in GNP.

Per capita income still is relatively low (at $790 a year) and stands about 20th among the industrialized nations of the world. But this picture likewise is improving rapidly and the Japanese anticipate overtaking most of the leading nations within a matter of a few years.

Prime Minister Eisaku Sato declared only last week that Japan was well on its way toward becoming runner-up to the United States in national income. Within 10 years, he said, the Japanese people would be enjoying living standards comparable to those in Western Europe. And, he added, within 20 years the Japanese would be enjoying the standard of living now prevailing in the United States.

Even a passing glance at Japanese newspapers discloses the intense interest of the general public in economic affairs. Economic analyses and reports of business news are sprinkled liberally throughout each day's edition of newspapers.

One interesting facet of Japan's economic expansion is the degree to which the country is involved with industrial developments elsewhere in the world. Within the space of a few days, news items appeared in the Japanese press telling of Japan's participation in the construction of a steel mill in East Pakistan, a tire factory in Thailand, and a communications satellite tracking station in Mexico.

Japan's trade with South and Central American countries is flourishing to such an extent that trade missions are kept busy and special business sections of The Japan Times are printed in Spanish. And in early October, a 36-member trade mission from Scotland is scheduled to visit Japan.

Two members of the Japanese cabinet, the ministers of Labor and of International Trade and Industry, will visit a number of nations in September to solicit their participation in the Japan World Exposition to be held in Osaka in 1970. And the Japan External Trade Organization is launching a series of surveys to develop export markets in the United States, Europe, and Southeast Asia.

Mingled with Japan's far-flung trade is a degree of less-publicized commerce with Communist countries, including Red China, Soviet Russia, and North Korea. Understandably, such trade infuriates non-Communist nations such as the United States, Nationalist China, and South Korea, with the result that Japanese officials stay rather busy trying to smooth over the frictions which develop out of such trade.

A complicating factor lies in the unwillingness of some non-Communist nations, particularly the United States, to let down tariff barriers and engage in free trade with Japan. Some progress has been made in that direction through completion of the Kennedy round of tariff talks, but there still remains such opposition to free trade on the part of segments of U.S. industry, including the textile component.

But trade is the lifeblood of Japan's economy, and the Japanese will serve markets where they can find them. The road to world trade is beset with obstacles and detours, but there is no other for this industrial island to follow.

[From the Columbia (S.C.) State, Sept. 7, 1967]

PROFIT-CONSCIOUS TAIWAN FARMERS WROUGHT MIRACLE

(By W. D. Workman, Jr.)

TAIPEI, TAIWAN.—The Nationalist Chinese, under conditions which would have defeated or at least discouraged a less intelligent and resolute people, have wrought an agricultural miracle here on Taiwan.

The island, lying 100 miles off the shore of mainland China across the Taiwan Straits, was fittingly called Ilha Formosa (beautiful island) when it first was seen by Europeans (Portuguese) in the mid-16th century. But not all that is beautiful is productive, and the agricultural potential of the island is limited by geography, geology, and climate.

Taiwan is shaped somewhat like a leaf of tobacco (which is one of its crops) and is about 250 miles long and 90 to 120 miles wide, totalling less than 14,000 square miles in area. Relating its size to that of South Carolina would be like carving out of the Palmetto State's 31,000 square miles that portion which lies between the Savannah and the Saluda rivers as they course to the sea.

Mountain ranges and rugged peaks (30 of them exceeding 10,000 feet in height) dominate much of Taiwan, leaving only about 25 per cent of the land suitable for full cultivation. But what the Chinese have done with

that land, most of which lies in the western plain, has been nothing short of phenomenal. The achievement is all the more exemplary in the light of the population pressure experienced since Generalissimo Chiang Kai-shek's forces were driven to Taiwan from the Communist-held mainland in 1949.

The shift of the Nationalist government to Taiwan added 1,000,000 anti-Communist mainlanders and about 600,000 soldiers to an island which already had almost 7,000,000 inhabitants. Today, there are an estimated 13,000,000 persons on Taiwan, creating a population density of 883 per square mile, a figure exceeded by only one other nation, the Netherlands.

Three major factors made it possible for the free Chinese to surmount their inadequacies in natural resources and their abundance of people. One was the "land-to-the-tiller" legacy left by the father of the first Chinese Republic, Dr. Sun Yat-sen.

The second was the Nationalist government's awareness that the development of a strong agricultural base should precede, not follow, industrial growth.

The third factor was the research, the planning, and the application of farm programs developed by the Joint Commission on Rural Reconstruction, an agricultural agency through which the United States and Nationalist China seek to improve rural life for the Chinese. The JCRR program actually was started on the mainland in 1946, and was transferred, along with the government, to Taiwan in 1949.

The first major specific step taken by the Republic of China to implement land reform on Taiwan was a sweeping revision of land rents, begun in 1949. All cultivated lands were classified according to productivity, and rents were based at 37.5 percent of standard yield, considerably below many of the rent levels then prevailing for tenant farmers.

Next came an equally sweeping sale of public lands to individual farmers, shifting the vast governmental holdings (amounting to about 20 percent of all land under cultivation) to private owners.

Finally, beginning in 1953, came the "land-to-the-tiller" program. Large landowners were persuaded (compelled when necessary) to sell off all but a prescribed allowance of their holdings. The government paid for this land with a combination of land (crop yield) bonds and stocks in government-owned industries.

The net result of these three land reform measures was to reduce the incidence of tenant farming from 41 per cent to 16 per cent and to greatly increase agricultural yields, diversity, and general productivity.

Through the experimental and extension work fostered by the Joint Commission on Rural Reconstruction, new crops were introduced, soils were improved through fertilizer and crop rotation, and a remarkable pattern of multiple cropping was perfected.

Here, the variations in Taiwan's climate and terrain proved helpful, for supplemental crops were fitted in between the growing seasons of the traditional main crop, rice.

Two crops of rice became routine, with third, and in some areas, even fourth, crops of other produce being interspersed whenever and wherever possible.

Among such added crops are many familiar to South Carolina farmers: Sweet potatoes, watermelons, soybeans, corn, tobacco, peas, and other vegetables.

The agricultural research, farm planning, and farmer cooperation involved in all this were made most effective by one major ingredient—the incentive of private ownership.

Here's how that thought is expressed by one of the true pioneers in JCRR work, Dr. T. H. Shen, who holds a master's degree from the University of Georgia and a doctorate from Cornell University:

"Our farmers are very sensitive to profits—the best incentive to agricultural production."

That incentive, plus know-how and hard work, has brought Taiwan from a crop-deficient state to self-sufficiency in virtually every important area of food production. Furthermore, by the end of 1966, agricultural exports amounted to more than $262 million in American dollars.

Thus, during a period when Americans have witnessed a growing threat to the survival of the small family farm, the Chinese have proved that individual initiative (and ownership), coupled with a pooling of effort to meet harvesting, marketing and other problems, can make the small farm not only personal but profitable.

[From the Columbia (S.C.) State, Sept. 7, 1967]

KOREA'S EXAMPLE

South Vietnam today could well be described as the South Korea of yesterday. Pursuing the analogy one logical step further, the South Vietnam of tomorrow could be the South Korea of today.

This optimistic vindication of the American presence in Southeast Asia is not just the hopeful conclusion of *The State*, it is the openly expressed conviction of American diplomats and military men in the Far East. And, more to the point, it is a view shared and promulgated by many Asians who count on the United States as their chief bulwark—at least for the present—against a Communist tide which, if unchecked, would soon roll over all of the Orient.

The road ahead for South Vietnam is beset with obstacles, detours, and slippery places. But so was the path taken by the non-Communists of North Korea in the early 1950's.

All of the derogatory and discouraging things being said about South Vietnam today were being said of South Korea when that courageous nation began fighting for its life against Communist aggressors. Go back through the files of the Korean War days and you will find the same sort of charges which today are being leveled against the South Vietnamese.

They won't fight for themselves, so why should Americans fight for them?

There is too much corruption in the government.

They don't know anything about democracy and it won't work there.

You can't depend on their military forces.

There's no real hope of winning the war against an enemy backed by Red China.

If the United States carries the fight to the enemy, Red China would begin World War III.

The people don't have any real interest in who rules them.

So much for the allegations. Now, what of the consequences?

Today, thanks to the United States and the United Nations, Korea stands as a strong and developing nation, possessed of a large and highly competent military establishment, a surging economy, a boisterously democratic government, and an unflagging determination to thwart the spread of Communism.

In short, the free world—by its timely aid to a fledging nation in desperate straits—has fostered the growth of a viable and vigorous ally in its resistance to Communism.

The Korean experience stands both as an example and incentive to South Vietnam. Bit by bit, the South Vietnamese are overcoming the same sort of criticism which was laid, justly or unjustly, at the door of the South Koreans.

But it is not the Vietnamese who need to ponder the Korean analogy so much as the Americans who despair of their involvement in Asian affairs. Today, the free world is stronger because of the fight made in—and for—South Korea. Tomorrow, the same can be said of South Vietnam if we and our allies persevere through these difficult days.

[From the Columbia (S.C.) State, Sept. 13, 1967]

DRAGON'S EGGS

TAIPEI, TAIWAN.—The workings of the Oriental mind are reputed to be mysterious and subtle to the Western observer. But there is nothing devious or obscure about the suggestion that Red China's nuclear capability be destroyed before it becomes an even greater threat to world peace and stability.

That suggestion—amounting more to an outright proposal than a mere recommendation—is readily available to the visitor who raises the nuclear question in Nationalist Chinese circles, whether high or low.

With utter realism, many Chinese on this crowded little bastion of freedom bluntly declare that Red China's nuclear facilities in far-distant Sinkiang province should be wiped from the face of the earth. That action, they add, should have been taken years ago, before the Chinese Communists had brought their production and know-how to the present level of achievement.

Now, the task will be more difficult and less decisive, for the Chi-Coms reportedly are moving more and more of their installations underground and are dispersing both facilities and finished products. There is the uneasy feeling that as many as 30 or more atomic devices (meaning bombs in one shape or another) already have been manufactured. These are thought to be dispersed throughout Red China rather than being clustered in remote Sinkiang province.

Just what Mao Tse-tung (or his successors) intend doing with the bombs is debatable. But it is beyond dispute that his associates are philosophically and psychologically capable of placing such bombs where and when they could serve the cause of Chinese Communism.

There is here some feeling—admittedly hard to substantiate—that Mao would not use the bomb against other Asian people. But there seems no doubt whatever that the bomb can, and possibly will, be used against the United States or other non-Asian enemies of Red China.

But even the possibility that Mao would turn the awesome force of nuclear explosion against the Nationalist Chinese doesn't weaken the willingness of Chiang Kai-shek's followers to assume whatever risks may be involved. As much as they favor United States action toward obliterating Red China's nuclear potential, they would prefer even more that *they*, as the ones most concerned with the overthrow of Communism on the Chinese mainland, be given the opportunity.

"We are more afraid of Communism," they say, "than of the atom bomb."

Their fear is understandable. So, too, is their desire to stamp out the dragon's nest in Sinkiang province where deadly nuclear eggs are being hatched in increasing number and potency.

They are under no illusions about the degree of death and destruction which can, and probably will, come to Asia and the world when the Chi-Coms have reached the point of readiness—or of desperation—to turn loose their atomic dogs of war.

Even the hint of such a preventive war against Red China is cause for alarm and condemnation in official Washington, and throughout much of the United States. But there are military men and other clear-eyed Americans who sincerely believe that the ultimate cause of peace would be served by the elimination—*now*—of Communist China's capacity to make good the continuing threats to re-make the world into a Communist image, *by violence*.

The implications, on both sides of the question, are dreadful. But they should be faced in America with the same pragmatism

which they receive here in the Republic of China.

It is quite possible that the fate of the world may hinge on the determination of that single question. W. D. W.

SPECULATION ABOUT RECENT EVENTS

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD a speculative article entitled "City Still in Dark About the Sunrise," which appeared in the Sunday Washington Post under the byline of editor J. R. Wiggins. The article speaks for itself. I would only add that it makes as much sense as most of the other speculation about recent events which have appeared in the press.

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

CITY STILL IN DARK ABOUT THE SUNRISE

(By J. R. Wiggins)

WASHINGTON, December 2, 1967.—The sun rose this morning at 7:06 Eastern Standard Time, under circumstances that provoked a wave of political speculation in informed circles in Washington.

An unidentified source disclosed to reporters for *The Washington Post* that the Weather Bureau until 7:07 a.m. had not informed the Defense Department that the sun had risen. This was widely construed to mean that the Commerce Department secretly acting for the President intended a deliberate affront to the Defense Department.

At the Defense Department, it was learned that there had been no word from the Commerce Department or the Weather Bureau within the previous five hours, but that the President had discussed the matter three weeks earlier with the Acting Director of the Weather Bureau. The Director could not be reached for comment.

It is well known that there have been differences of opinion in the Commerce Department. The wife of the Undersecretary of Commerce did not attend a reception for underprivileged children given the week before by the wife of the Director of the Weather Bureau, and this slight did not go unnoticed in a great many governmental circles.

Many had felt for a long time that the sun was going to rise at 7:06 but even friends of the President acknowledged that it was not considerate of the White House to let the Department of Defense be surprised in this manner. It would have been more stylish of the Administration, it was said, if someone had forwarded to the Secretary of Defense an engraved announcement conveying the precise hour at which the first rays of the morning sun would fall across the Pentagon.

Senator Robert Kennedy (D-N.Y.) could not be reached for comment, but it is known that he rushed to the Pentagon for hurried conferences with the Secretary of Defense and emerged after several hours looking very grave and troubled. It is well known that the Senator has been for a long time annoyed at the graceless way that President Johnson allows the day to break without tactfully informing everyone in advance. His friends say that he is greatly pained to see Federal power handled in this awkward way.

Representative Gerald Ford (R-Mich.) condemned the whole episode as another case of bureaucratic fumbling and expressed the view that the whole episode disclosed fundamental differences of opinion between the Commerce Department and the Defense Department on how the day ought to start.

Vice President Humphrey declined to make any comment on the situation, but said that he was in thorough agreement with whatever the President had done, although he acknowledged that he wasn't exactly sure what had been done. Later, the Vice President's aides, as a matter of caution, withdrew this statement.

At the White House there was no comment of any kind, but it is known that the President was characteristically annoyed that anyone had seen the event before he announced it. It is understood that steps are being taken to tighten up security at the Weather Bureau.

The failure of the White House to comment promptly on the whole controversy enlarged and prolonged the confusion. An explanation for this delay was not forthcoming in any authoritative quarter but hitherto reliable sources believe the delay due to Presidential pique. They point out that daybreak always irritates the President, particularly when he has not planned or initiated it. It is felt that the delay in making any comment tended to confuse the public as to the responsibility for the whole event, leaving everyone in doubt as to whether the sun came up before or after the President ordered it to do so.

Friends of the President deny that today's spectacular event means, necessarily, that there are going to be a lot more sunrises in the immediate future. This, they say, is a matter of political timing at which the President is very expert. It may not happen, again, therefore, until after election.

The whole affair has plunged Washington into a tumultuous two days of frantic conjecture and speculation. On the surface, it looks as though the sun just went ahead and rose, but reporters who have been frustrated before in the search for truth will not be satisfied with this pat explanation. Many of them are confident that there is a lie here somewhere and the frantic effort to discover where it is goes on unabated.

QUAGMIRE FOR A SMALL BUSINESSMAN

Mr. LONG of Missouri. Mr. President, from time to time, we hear great gnashing of the teeth and breast-beating over the great increase in business concentration and the equally great decrease in the number of successful small businesses.

The squeeze is on.

The number of bankruptcies among small businesses is rising at an alarming rate.

There are many causes for this general trend but one of the most salient and poignant is harassment by the Federal Government.

There are myriad forms.

There are questionnaires.

There are investigations.

There are inquiries.

However, the champion harasser of all apparently is the Internal Revenue Service.

I have received a quantity of mail from small businessmen complaining bitterly about their time consuming experiences and general harassment at the hands of IRS.

Understandably, most of these citizens prefer to have their cases remain out of the public domain.

One exception is Mr. Edward F. Frume, a small businessman in Villa Park, Ill. He is so exasperated that he wants his case publicized in the hope that it might bring about some reform in the system that will help other small businessmen. As Mr. Frume says, the inefficiencies of IRS "rob me of my most valuable property, my time." I ask unanimous consent that Mr. Frume's letter of September 4 be printed in the RECORD; the letter speaks for itself and requires no further comment.

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

WINTER, KAHN, NIELSEN, ROSS & BUCKWALTER, INC.,

September 4, 1967.

SENATE JUDICIARY SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE,
New Senate Office Building,
Washington, D.C.

MY DEAR SENATORS: Having read, not without a great deal of concern, how other tax payers have been treated by the Internal Revenue Service, I would like to offer a concrete example of how a small business man can suffer damage without any possibility of defending himself. My example, while less dramatic, for it does not involve any spectacular abuse of administrative powers by Internal Revenue Agents, is nevertheless very alarming. Such inefficiencies as I will describe are very costly. They rob me of my most valuable property, my time. As a further cost to the national economy, these practices are very expensive to the Government, since they divert valuable manpower and computer time from useful employment to a useless and destructive activity.

I am an international marketing consultant who travels a great deal in foreign countries. I am also an inventor who patented a tuck pointing machine. For both of these occupations, I need part time office help. The law provides that such help must pay income tax through payroll deductions if their salary exceeds a certain minimum and social security through FICA deductions irrespective of how little they might earn during a given period. There are certain forms to be filled out at the beginning of the employment, others at the end of each quarter and finally, an annual report in January of each year. Due to the fact that my secretary did not do this work very often, she spent probably a day a year filling out these reports.

On October 20, 1965, just a few days before leaving on an extended South American marketing trip, I received an IRS notification that my second semester, 1965 report had not been received and that I was delinquent in not filing it. I immediately called the Internal Revenue and spoke to a woman employee whose name I failed to take, because I did not foresee the subsequent complications. She instructed me to file a duplicate report and mail another check. I consented to this procedure, pointing out however that under these circumstances, I should stop payment of the first check. This, the IRS employee agreed I should do. Consequently, I instructed my bank to stop payment on my check, filled out the substitute report form I had received and mailed both to the Internal Revenue Service. About a day later, my banker called to tell me that my check could not be stopped for it had been cashed a few days ago. I once more phoned the IRS, spoke to another woman employee and was told not to worry for apparently my first report had been found. What about my double payment then? Oh, I could stop payment on the second check, which I did and left for South America.

In my absence, my wife received a notification we were delinquent in not filing a report and stopping a Government check, consequently, the principal sum of money $27.16 was due plus a $5.00 penalty for stopping a Government check. My wife wrote to the collector of IRS pointing out our report had been filed within the limits of the law that we had made the payment required and that consequently we were not delinquent. No

reply was ever received from the IRS, but notices began arriving from Chicago, Ill., Springfield, Ill., Springfield, Mo., and Kansas City, Mo. In most of these notices, the balance due was different (the penalty was $5.00 in some, $4.07, in others; the interest varied from zero to $0.87 plus a notice assessment of $0.32). Some were undated, all of them seemed to be printed or written by a computer; none showed a person or an office to whom one might direct an inquiry or a protest. I tried to call and to write upon my return from South America in order to correct this evident error. However, the people I talked to on the phone either were not very helpful or could not help me and my letters never were acknowledged, except perhaps by a printed form stating that my communication had been received and in due time, action would be taken, but this never happened.

In the spring, 1966, I had to make another marketing trip to Europe. During my absence additional notices arrived plus a government check in the amount of $23.20 which came from Birmingham, Alabama. Immediately upon my return from Europe, I advised the IRS of that location that their remittance had been received and asked for an explanation. Another printed notice arrived referring me to Springfield, Ill. Then, instructions came from Kansas City, Mo. to refund the check, which I did.

In August, 1966, I received another notice, this time from the IRS in Chicago at 5817 W. Madison Street, telling me I owed a tax liability of $6.02, because of interest and other taxes, and if I did not pay the Internal Revenue code authorized filing a tax lien and/or seizure of my property. I once more tried to call and resolve this additional error. I found out that nobody except a Mr. Hassel was able to get this matter corrected, unfortunately, he was on vacation. Finally, in desperation I called the District Director of IRS Chicago District and asked to talk to him personally. I did not succeed, but talked to the Chief Cashier, Mr. Richard W. Witcher. I told Mr. Witcher that I would protest to the Secretary of the Treasury if this ridiculous harassment for paltry sums which I did not owe, did not cease immediately. Mr. Witcher assured me he would investigate and resolve this matter. I never heard from him again, but I did not receive and more notices and must assume the matter has been settled. Because of these difficulties, I decided to dissolve my office and to use typing services instead. This compelled us to file a report for the first quarter of 1966, attaching a check for $33.73, a final report for the second quarter of 1966, plus an annual reconciliation at the beginning of 1967. Although all this was done strictly in accordance with the requirements of the IRS, we received a notice dated April 14, 1967 requiring us to pay the tax we had already paid plus $1.69 penalty and $0.41 interest by April 24, 1967. In looking back upon the trivial amounts involved, totaling $35.83 we should simply have mailed IRS a check without more ado. I assume this is what many businessmen do, for it is less expensive to pay the IRS a few dollars, rather than engage in lengthy correspondence. However, I felt a penalty was a slur on the efficiency of my operation and I should not accept it if I did not owe it. Consequently I wrote to the District Director of Internal Revenue on April 20 and to the Director of the IRS Center in Kansas City, Mo. pointing out that these payments were not due since the original tax (FICA) had been paid on time, in full and, therefore, no interest or penalty should have been assessed.

I then left for another trip to Europe. Upon my return, I found another billet doux from IRS, 5817 W. Madison Street, Chicago, dated August 14, 1967 with a no nonsense summons to pay without further delay another interest charge plus previous interest, penalty and the base sum. I immediately called up and found that the tax inspector Mr. Terry Belgrave was not in. I spoke to his supervisor Mr. Zalas, and explained the matter fully. He told me Mr. Belgrave would get in touch with me immediately upon his return. This, Mr. Belgrave has not done, and I have no way of foretelling what will be the final outcome of this tax claim. I can only say this:

The value of my wife's and my own time spent to satisfy the IRS, plus secretarial and letter services, represents a sum of money many times in excess of the sums claimed which were not even due. The amount of time the IR must have spent on my tax matters is totally out of proportion to the money involved.

I assume eventually the second claim will also be cleared up and I will be able to close my file on it. However, I am appalled at the thought of the irreparable loss inflicted on our economy through such incompetence. Certainly, it is bad enough when large corporations who have accounting services of their own become entangled in futile tax claims. However, the sum under contest would seem to justify this Tug of War. Also, these businesses have specialized people to take care of such claims. But, when a small businessman like myself is being constantly pestered for payment of amounts anywhere from a few pennies to $35.00 which he has dutifully paid, then there must be something radically wrong in our IRS. I firmly believe the law should provide for simplified procedures to relieve small businessmen from such onerous burdens. It would be one of my suggestions that small businessmen who employ part time help averaging less than 35 hours per week should not be required to submit any reports, or, perhaps, one report only per year. The processing alone of the reports I have been submitting to the IRS, while I had my part-time employee yet, must have cost considerably in excess of the FICA payments which these reports covered.

I hope this matter will be brought to the attention of the IRS and immediate action will result.

Sincerely yours,

EDWARD F. FRUME.

VILLA PARK, ILL.

AMERICAN TAXPAYER ALREADY HIT TOO HARD AND FROM TOO MANY ANGLES

Mr. PROXMIRE. Mr. President, for many months I have argued in the Senate that a tax increase is unwise in view of the state of the economy. The economy is soft. We are producing less industrially than we were last year. Vacant plant capacity has been growing all year. Unemployment has been rising sharply in recent months.

Today I invite attention to another argument against the tax increase. Taxpayers have always complained about their burden. I suppose they always will. But their complaints now have more validity. The tax burden has become heavier than ever; and when I say the tax burden, I mean the total tax burden—not only the Federal income tax, but the social security tax, the State taxes, and the local property tax. The whole ball of wax is a bigger proportion of the country's income than ever before.

The Wall Street Journal this morning makes an excellent analysis of this immense tax burden. It is a perfectly proper and sensible argument against a Federal tax increase now, on top of everything else we pay. I ask unanimous consent that the article be printed in the RECORD.

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

THE OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

The old saw about the certainty of taxes would seem to have a corollary: Those taxes usually rise. It was as recent as the fiscal year 1956 that taxes collected by all levels of government in the U.S. first exceeded $100 billion. In fiscal 1967, receipts broke through the $200 billion level. Measured on a per capita basis, since 1956 the tax bite has declined in only two years.

Now comes the growing likelihood of higher Social Security taxes, plus the strong drive the Administration will continue to make in next year's Congressional session for a 10% boost in income taxes. The effect of these and other possible actions on the Federal tax front could lead to an increase in the total tax bill at a yearly rate of $12 billion to $14 billion or more if the economy does not go into a nose dive. Deepening the gloom for taxpayers—and that includes nearly all of us—are the increasing warnings from officials of states and cities that they must seek increased revenues.

Thus it would seem a timely exercise to look at the overall tax picture. Some light is shed on the tax load Americans bear in studies by the nonprofit Tax Foundation and New York's Chase Manhattan Bank.

Last year, Chase reports, we paid some $213 billion in taxes and fees to all governmental units. That amount is equal to almost 29% of the gross national product. The Federal share of these collections amounted to about 19% of GNP. That's below the 20% to 23% paid in the United Kingdom, France and West Germany, but much more than Canada's 15.5% and Japan's 13%.

Over the long range, our tax burden has risen sharply. In 1939, the total tax "take" was equal to only 17% of GNP, compared with last year's 29%. In 1929 the figure was a mere 11%. Two world wars, many smaller conflicts, the Depression and growing public responsibility for social welfare among a rising population have fueled the increase.

Another way to look at the tax burden is to relate all tax receipts to total population and the number of families. The following table shows total Federal, state and local government tax receipts for selected fiscal years, ending June 30, and on a per capita and per family basis. Total taxes exclude government fees but include social insurance payments and business taxes; the Tax Foundation, which compiled the figures, assumes the burden of the corporate tax is shifted to individuals as a cost of doing business.

Year	Total taxes (billions)	Per capita	Per family
1956	$100	$600	$1,897
1960	127	709	2,264
1965	166	860	2,768
1967	207	1,048	3,385

While Uncle Sam remains king of the tax collectors—over two-thirds of total receipts in fiscal 1967—the tax receipts of the other 90,000 governmental units in the U.S. are rising considerably faster. State-local tax revenue per person rose by about 79% from 1957 to 1967, compared with the 54% climb in Federal taxes.

Moreover, hard-pressed states and localities find a growing proportion of their general revenues coming from taxes Washington has levied. Federal grants in aid last year accounted for 16% of state-local governments' general revenues, making Washington the third largest source of funds for these governments, ranking right after real estate and sales taxes.

The increasing tax appetite of nonfederal

governments is shrinking the untapped sources for new revenues. Today, New Hampshire remains the only state without taxes on general sales, corporate or individual income (except from dividends and interest). Thirty-five states now tax individual income; 40, corporate income; 44, general sales. The lure of the levy on personal income has brought some 1,300 municipalities into that taxation area.

Though nearly everyone shares the tax load, the bulk of it is borne by individuals and families with yearly incomes between $5,000 and $25,000; they pay two-thirds of the huge Federal income tax alone.

If we "soaked the rich" or near-rich, couldn't we erase the expected towering Federal deficit without raising taxes generally?

Figures from the Congressional Joint Committee on Internal Revenue Taxation show that a 100% tax—complete confiscation—on all taxable income in excess of $25,000 ($50,000 for joint returns) would produce a revenue gain of only $2.1 billion. Extending the 100% tax to all taxable income over $10,000 ($20,000 for joint returns) would net $31.2 billion. Those sums compare with a budget deficit of as much as $35 billion that's envisioned by President Johnson unless he gets the 10% tax surcharge.

Americans are well aware that the biggest chunk of their Federal taxes goes to maintain the military establishment. But it may surprise some that the next biggest tax outlay goes for interest on the national debt. A married man with two children who earns $10,000 a year pays $1,114 in Federal income taxes; $623 goes for defense, $117 for interest on the national debt.

Interest costs on the mounting national debt put severe upward pressure on taxes. These interest costs are estimated at $14 billion-plus for fiscal 1968, nearly double the cost in 1957. Adding to taxpayers' woe is the high cost of refinancing the $343 billion national debt. The Treasury now must pay the highest interest rates since the post-Civil War days.

Even without the Vietnam war, the cost of which has been rising from $100 million in fiscal year 1965 to an estimated $25 billion-plus this fiscal year, the tax burden will remain heavy. Without the war, pressures for expanded domestic spending programs will be greater. The U.S. economy is a mighty machine for producing tax revenue; when healthy it generates an additional $10-$12 billion yearly, with no change in tax rates. But even if Federal revenue demands should slacken, chances are high that the public's appetite for improving the "quality" of living will keep the total tax bill moving upward in coming years.

STERLING E. SODERLIND.

MANDATORY ASSISTANCE TO FAMILIES HEADED BY UNEMPLOYED FATHERS

Mr. HARRIS. Mr. President, the Senate has every right to be quite proud of its vote, during the consideration of H.R. 12080, the social security bill, to make the presently permissive assistance to families headed by unemployed fathers mandatory in all the States. The reaction to that vote around the country from those knowledgeable about our welfare system has been highly favorable, and I certainly hope this amendment will be retained in conference. Recently, I received a letter from Mr. Joseph H. Reid, executive director of the Child and Welfare League of America, Inc., on this subject. I ask unanimous consent that the portion of that letter dealing with the amendment be printed in the RECORD.

I have also recently received two letters from Elizabeth Wickenden, technical consultant on public social policy, National Social Welfare Assembly, Inc., commending the Senate action on the amendment and attaching certain supportive material. I ask unanimous consent that these two letters and the material attached to them be printed in the RECORD.

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

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
December 1, 1967.

Senator FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: The Child Welfare League of America is grateful to you for your leadership in amending H.R. 12080 to include a mandatory AFDC program for children of unemployed fathers. We have long sought this provision, and so testified both before the House Ways and Means Committee and the Senate Finance Committee. We hope you will continue to use your influence in support of this amendment until it is, in fact, part of the Social Security Act.

Your action to improve the public welfare provisions of H.R. 12080 was of great service to the children and needy families of this nation.

Sincerely yours,

JOSEPH H. REID,
Executive Director.

NATIONAL SOCIAL WELFARE
ASSEMBLY INC.,
New York, N.Y., December 1, 1967.

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

DEAR SENATOR HARRIS: In connection with your amendment to make the inclusion of assistance to children in need because of the unemployment of the father a mandatory part of Aid to Families with Dependent Children I believe the attached article which appeared in yesterday's Wall Street Journal is particularly germane.

Perhaps you would like to bring this to the attention of the conferees on H.R. 12080 or to the Congress through its inclusion in the Congressional Record.

Sincerely yours,

ELIZABETH WICKENDEN,
Technical Consultant on Public Social Policy.

[From the Wall Street Journal, Nov. 30, 1967]

CASH PREMIUM TO BREAK UP THE FAMILY

(By Dennis Farney)

KANSAS CITY, MO.—In November 1965 Harold J., a middle-aged Negro, reluctantly turned his back on wife and children and found another home in this city's decaying Negro district. He was gone for 18 months, and in that time his family came apart.

Three step-children were charged with crimes ranging from shop-lifting to robbing a bus driver at gunpoint. One went to a juvenile home. Mr. J.'s wife took a job, leaving eight unattended children free to run wild at home. And the lonely children "were all the time asking Mama where I'm at, where I'm at," Mr. J. says.

Technically, Mr. J. deserted. Actually, he was forced from his home by the welfare program whose purposes include "helping maintain and strengthen family life." The program is the nation's largest and most conspicuous welfare plan, Aid to Families with Dependent Children.

Mr. J. is by no means an isolated case. He was a victim of Missouri's law that denies AFDC payments to children of unemployed parents if the father is able-bodied and living with his family; payments are allowed only if the father is absent. Twenty-seven other states have similar laws, all apparently predicated on the assumption that, given a choice unemployed men would simply lie around the house and live off welfare.

CRUEL CHOICE

Undoubtedly this would sometimes happen. But in a majority of states, including Missouri, AFDC is the only welfare program to which an able-bodied but unemployed man can turn. For men like Mr. J.—whose job skills are too marginal for steady employment even in the best of times—a law like Missouri's forces a cruel choice. They may either watch their children go hungry or leave, knowing that through AFDC the children will be fed. Harold J. is one who left.

In 1961, a quarter-century after the nation established AFDC, Congress amended the law. Children of unemployed fathers were made eligible for aid, and their fathers could remain at home. But since the individual states administer AFDC (Federal funds largely finance it), the amendment is meaningless until state legislatures implement it. So far, only 22 states have; prospects for quick action by the remaining 28 aren't good.

Most of those 28 states lack general assistance welfare programs to aid the unemployed, and they fear the amended Federal program would add new costs, especially if unemployment rose. More basic, says John J. Hurley, deputy director of the Federal Assistance Payments Administration, is a barrier of attitude: Many legislators associate AFDC with illegitimacy or handouts to the lazy. "It's the grant case that everybody knows about," he says.

Even among the 22 states that have adopted the amendment, restrictive eligibility requirements limit the number of beneficiary families to about 60,400. Of this total, Kansas has only about 200 unemployed families with fathers at home on its AFDC rolls; Delaware has 200. Maryland 340 and Oklahoma 570.

The problem of the deserting father has attracted some attention, but nothing like the urgency of periodic moves in Congress to "get tough" with welfare recipients and hold costs down. Recently, the House passed a bill that would freeze AFDC payments at a predetermined level and force many AFDC mothers to take jobs, a provision now being discsused by a House-Senate conference committee.

But Mr. J.'s experience typifies a different kind of problem: A self-defeating approach that pervades the entire AFDC program. Laws like Missouri's help perpetuate generation-to-generation welfare dependency, and—under the guise of holding costs down—they actually create new and costlier social problems.

"I don't know of any other time in history when tax money has been used to put a cash premium on the breakup of the family structure," declares Mayor Ilus Davis of this city.

"We should restructure our basic welfare program—turn it into a family-oriented operation instead of an individual-oriented one," Mayor Davis adds. "We should study the European system of family allowances and put something similar into effect."

Others share these views. At hearings last summer of a Senate subcommittee, Daniel Patrick Moynihan testified that ours is "the only industrial democracy in the world that does not have a family or children's allowance, and we are the only industrial democracy in the world whose streets are filled with rioters each summer." Mr. Moynihan, head of the Harvard-MIT Joint Center for Urban Studies, is author of the controversial "Moynihan report" made in 1965 when he was an assistant secretary of labor. The report concluded that the family structure of the lower-class Negro is crumbling in the urban slum.

COERCIVE ELEMENTS

In a recent welfare conference called by New York Gov. Nelson Rockefeller, 90 top executives of major industrial concerns were generally critical of the coercive elements of the House-passed bill limiting AFDC payments; some executives recommended a family allowances system.

All this is academic to Harold J., who was finally able to return home last May when enrollment in a Federal work-experience program made him self-supporting again. Balding and a little tired-looking, a quiet, unemotional man who came here from Arkansas 30 years ago, Mr. J. sits in the old frame house his family rents and talks of his time away from home.

Mr. J. is neither shiftless nor irresponsible, but his marriage hardly conforms to middle-class standards. He began living with his wife, Mary, about 15 years ago. Her first husband had deserted her and three children; she hasn't heard from him since. Mr. J. and Mary had eight children of their own; and between the fifth and the sixth, they were formally married.

When he has been able to find work as a plumber's assistant, Mr. J. has earned as much as $3.10 an hour. But steady work for a man with a third-grade education is hard to find; in the entire year before he left home Mr. J. made less than $600. Then a bad fire forced the family from a rented house into a housing project, and sent both him and his wife on a round of appeals to local welfare agencies.

"I went everywhere," Mr. J. says. "One place gave me a free grocery order."

Then Mr. J. moved out, enabling Mrs. J. to apply for AFDC. Her request was rejected. "It was found that Harold was still visiting in the home," a welfare worker explained. But three months later, in February 1966, the welfare department approved a second application, authorizing monthly welfare payments of $282.

A caseworker explained the ground rules to Mrs. J. "She said as long as he wasn't in the house I could get help," Mrs. J. recalls. "She said he was never to be caught in the house, anytime—that if we were caught together, they'd cut us off."

It wasn't an idle threat. One day a man, apparently a welfare investigator, dropped in. When Mrs. J. started down the stairs to answer his knock, he called: "That's OK—I'm coming up." He searched the upstairs bedrooms, and finding no one, left.

FURTIVE VISITS

The investigator was close to the truth: Mr. J. was living in an apartment about a half-dozen blocks away. And like other fathers caught in the contradictions of AFDC regulations, he was seeing his family—furtively, and away from his home.

For 18 months "I never once set foot in there (his home), but I'd see my kids practically every Friday or Saturday," Mr. J says. It appears he missed his children more than his wife: "Being away from my kids day and night, that was the worst," he says. Mr. J. insists he saw his wife only "four or five times" the entire year and a half. But almost every weekend the children went to his apartment, sometimes staying overnight.

Shortly before Christmas 1965 the Js went shopping. They didn't have much money, so they bought "presents" their children would need anyway—shoes and clothing, mostly, with a scattering of toys and a small Christmas tree for Mr. J's apartment.

The children spent Christmas day with their father. They opened his presents and then, after dark, he loaded them into his brother's car and drove them back to where their mother waited with dinner and a few more gifts. Mr. J. talked with his wife while their children climbed from the car. It was the only time he saw her all day.

Thus has AFDC, humane in its intent, become vindictive in its application. The reason may lie in some attitudes this nation holds about its poor.

"By and large, people in our culture think there's something wrong with a person who can't take care of himself, especially with full employment," says Mr. Hurley.

Another Federal official puts it more bluntly. "We can't let the people starve, but we don't want to make it so attractive they'll get to enjoy it either," he says bitterly. "We want to help the poor—but we want them to know they're being helped, too. We want them to suffer a little."

NATIONAL SOCIAL WELFARE ASSEMBLY, INC.,
New York, N.Y., November 28, 1967.

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

DEAR SENATOR HARRIS: I write to thank you for your contributions to a more rational, equitable, and constructive policy toward needy families with children in connection with Senate consideration of H R 12080 last week.

All of those associated with the attached statement were, of course, especially pleased by your successful efforts to incorporate a mandatory AFDC–UP provision in the bill. It is an obvious absurdity to seek to discourage desertion by fathers and yet give no assistance to families with an unemployed father in the home.

Even though I realize that you are not yourself a member of the conference committee it is our sincere hope that you will encourage your colleagues from the Senate Finance Committee to stand firm on this and other improvements made by the Senate in the welfare provisions of H R 12080.

Sincerely yours,

ELIZABETH WICKENDEN,
Technical Consultant on Public Social Policy.

NATIONAL SOCIAL WELFARE ASSEMBLY, INC., JOINT STATEMENT ON WELFARE POLICY IMPLICATIONS OF H.R. 12080—SOCIAL SECURITY AMENDMENTS OF 1967 NOVEMBER 15, 1967

All of us signing this statement have long been concerned with an effective over-all welfare policy, governmental and voluntary, that would so strengthen family life, child development and individual capacity to meet the pressures and obligations of modern life as to constitute a real bulwark for the social order and its members.

We were, therefore, greatly distressed by the provisions of H.R. 12080, the Social Security Amendments of 1967, as passed by the House, which would convert public welfare provisions for families with young children from an instrument of protection and assistance to children to one of compulsion with respect to work and behavior on their mothers. We do not believe that members of the House were aware of the self-defeating implications of this reversal of policy. We have, therefore, welcomed the opportunity to present our views to the Senate Finance Committee and other members of the Senate. We particularly welcomed the action of Senator Robert Kennedy and eleven other Senators in proposing the changes incorporated in Amendment #425 which would preserve the strengths of HR 12080 without threatening or undermining the basic effectiveness of the program.

The Senate Finance Committee has made a number of decisions which substantially improve the bill but do not overcome all of its weaknesses. In evaluating the actions taken by the Senate Finance Committee and hence the need for further floor action we believe the following statement of basic principles may be useful.

Compulsion to work. We believe that no mothers should be forced to leave their children and go out to work against their own best judgment of their children's needs. Caring for children is itself a demanding job; the latch-key children of today become the drop-outs and delinquents of tomorrow; the mother forced by her children's hunger to take a job or training is likely to be neither an effective worker or mother. The very capacity of a welfare agency to assist a mother toward employment at the time appropriate in her own best judgment is thwarted by the mistrust fostered by compulsion.

Purposes of Services. For the same reason we believe that the effectiveness of any social services and counselling offered to parents of dependent children—whether with respect to employment, day care, child support, child welfare, family planning or any other social objective—depends on the confidence of those assisted by such services that the welfare of their children is the prime consideration. To subordinate such services to the sole objectives of employment and reducing illegitimacy—however desirable these goals in a larger context destroys not only their immediate effectiveness but the confidence basic to any effective present or future welfare programs. This is even more true when provisions such as protective services, intended to safeguard the welfare of children, or the unprecedented authority for the long-discarded policy of voucher relief are used as a punishment for a mother who does not feel she can work outside the home.

Equality of treatment. We are opposed to any policies that make second-class citizens of persons dependent on public assistance, by applying discriminatory standards to their behavior or offering them lesser protections than those available to other persons. We, therefore, oppose provisions that single out assistance recipients for discriminatory treatment with respect to child neglect, day care, support and paternity actions, family planning, or standards of employment. Experience shows that such differential treatment not only undermines the family relationships which are the very heart of child welfare but deters applications for assistance in behalf of the very children for whose welfare they were designed.

Adequacy of assistance. We hope that the bill as finally enacted will reduce the need for public assistance by improvements in social insurance benefits, especially for beneficiaries at the lowest levels. However, for those who must seek assistance more adequate levels of aid are essential if children are to grow up in health and self respect. We, therefore, favor the requirement that states meet full budgetary need with special federal financing aid to facilitate the transition, a non-restrictive policy on assistance to children in need because of unemployment of the parent, a generous exemption of earned income, and a maintenance of the present requirements and eligibility levels in medical assistance for the needy. We are, of course, strongly opposed to the freeze on AFDC reimbursement to the states for payments to mothers of deserted and illegitimated children.

While we understand that the Senate Finance Committee has recommended modification of some elements of compulsion on mothers, we wish to reiterate our common concern for these additional implications for an effective welfare policy.

American Foundation for the Blind, Harold G. Roberts, Associate Director; American Parents Committee, Inc., George P. Hecht, Chairman; American Public Welfare Association, Guy R. Justis, Director; Child Study Association of America, A. D. Buchmueller, Executive Director.

Child Welfare League of America, Joseph H. Reid, Executive Director; Council of Jewish Federations and Welfare Funds, Philip Bernstein, Executive Director; Episcopal Church—Division of Community Services, Executive Coun-

cil, Rev. Reinhart B. Gutmann, Executive Secretary; Family Service Association of America, Clark W. Blackburn, General Director.

Florence Crittenton Association of America, Mary Louise Allen, Executive Director; Industrial Union Department AFL–CIO, Walter P. Reuther, President; National Association of Social Workers, Rudolph T. Danstedt, Director; National Committee for Day Care of Children, Inc., Mrs. Richard Lansburgh, President.

National Conference of Catholic Charities, Very Rev. Msgr. Lawrence J. Corcoran, Secretary; National Council of Churches, John McDowell, Director for Social Welfare; National Council on Crime and Delinquency, Milton G. Rector, Director; National Federation of Settlements and Neighborhood Centers, Margaret Berry, Executive Director.

United Presbyterian Church, USA, Office of Church and Society, The Rev. Robert D. Bulkley, Secretary; National Presbyterian Health and Welfare Association, The Rev. Arthur M. Stevenson, President; National Social Welfare Assembly, Inc., C. F. McNeil, Director; National Urban League, Whitney M. Young, Jr., Executive Director.

Planned Parenthood—World Population, Paul H. Todd, Jr., Chief Executive Officer; Salvation Army, Lt. Com. John Grace, National Chief Secretary; Travelers Aid Association of America, Paul L. Mullaney, President, Paul Guyler, General Director; United Church of Christ, Council for Christian Social Action, Huber F. Klemme, Associate Executive Director.

YWCA of the USA, Helen J. Claytor, President, Edith N. Lerrigo, Executive Director, National Council of Jewish Women, Hannah Stein, Executive Director; the Mayor's Advisory Board, New York City Department of Social Services, John Seder, Chairman; Community Council of Greater New York, James W. Fogarty, Executive Director.

Federation of Jewish Philanthropies, Milton D. Levine, Director, Committee on Social Legislation; United Neighborhood Houses of New York, Inc., Helen M. Harris, Executive Director.

Council of Social Agencies, Inc., Rochester, New York, Kenneth M. Storandt, Executive Director; Eli E. Cohen, Executive Secretary, National Committee on Employment of Youth; Lyman S. Ford, Executive Director, United Community Funds and Councils of America; Mitchell I. Ginsberg, Commissioner of Social Services, New York City Department of Welfare; Sanford Solender, Executive Vice President, National Jewish Welfare Board; Harold N. Weiner, Executive Director, National Public Relations Council; Dr. Ellen Winston, Former Commissioner of Welfare, U.S. Department of Health, Education, and Welfare; Elizabeth Wickenden, Social Welfare Consultant; John W. Ferree, M.D., Executive Director, National Society for the Prevention of Blindness; Paul R. Cherney, Staff Associate, United Community Funds and Councils of America; Isabel B. Lindsay, Social worker; Katherine B. O'Neil, Catholic services; Frank Furstenberg, M.D.

Lutheran Council in the USA, Division of Welfare Services, Rev. G. S. Thompson, Executive Secretary; John M. Warnes, Associate Executive Secretary; Dorothy Z. Mundt, Consultant; Theodore W. Barry, Jr., Assistant Director, Office of Scholarship and Recruitment; Virgil Fuchs, Director, Rev. Walter J. Baepler, Associate Secretary, Institutional Chaplaincy and Clinical Pastoral Education; Dr. Henry H. Cassler, Secretary, Institutional Chaplaincy and Clinical Pastoral Education; Dr. Henry J. Whiting, Secretary for Social Research and Planning; Mrs. Henry Steeger, Chairman, National Council on Illegitimacy; John F. Larberg, Staff Consultant, National Social Welfare Assembly; Jane M. Pearce, Director, Information Service, Council of Social Agencies of Rochester and Monroe County, N.Y.; Muriel C. Henry, Associate General Director, National League for Nursing; Virginia P. Boyce, Assistant Executive Director, National Society for Prevention of Blindness; Sal J. Prezioso, Executive Vice-president, National Recreation and Park Association; John H. Moore, Director, National Study Service; Leonard W. Mayo, Professor of Human Development, Colby College; W. O. Heinze, President, Child Welfare League of America; Elmer L. Anderson, Past President, Child Welfare League of America; Edward J. Sette, Executive Director, United Seamens Service.

U.S. GRAIN TO HELP TIDE INDIA OVER

Mr. BURDICK. Mr. President, I was pleased over the weekend to note Secretary Freeman's announcement that negotiations have been authorized with India for the sale of 3.5 million tons of foodgrains under Public Law 480 to be provided in the first half of calendar year 1968. These negotiations are taking place in New Delhi between U.S. Embassy and Indian officials.

This offer of foodgrains is of real importance to the Indian people and comes at a time when India needs the grain to keep its food pipelines full and to provide for rebuilding its food reserves.

India has experienced 2 consecutive years of extreme drought during which time its foodgrain stocks have almost been depleted. The United States has an abundant supply of wheat and is in a position to assist India in meeting its immediate requirements and provide for a buffer stock.

Fortunately, India is now experiencing excellent growing conditions resulting from an exceptionally good monsoon. This favorable weather plus the accumulative effect of agricultural policy reforms have resulted in a prospective crop this year now estimated at 95 million tons as compared with the previous record of 89 million tons in 1964–65.

However, even with a record crop India will need to import substantial quantities of foodgrains during 1968 both to provide for the needs of its increasing population and to rebuild depleted stocks.

The Indians are working hard to improve their foodgrain production to a point where they can become more nearly self-sufficient. The Government of India is giving high priority to accelerated agricultural development directed toward the time when food aid will no longer be required.

As a condition of receiving continued food aid under Public Law 480, India is undertaking a score of self-help measures to meet its food needs, such as increasing its fertilizer production, streamlining its transportation system to improve distribution, using improved varieties of rice and wheat and expanding acreage. In addition, India has stepped up its family planning program.

During this time of accelerating agricultural development, India will continue to need our help and that of other countries to meet its most urgent needs. This is being done now. I am pleased to note that Secretary Freeman's announced plan indicates that the United States will continue to encourage other countries to provide needed assistance to food deficit countries.

NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS

Mr. JAVITS. Mr. President, I wish to call to the attention of the Senate the outstanding work that has been done in the slums of Caracas, Venezuela, by the National Federation of Settlements and Neighborhood Centers, a private nonprofit organization headquartered in New York.

For the past several years, the National Federation of Settlements—NFS—has been endeavoring to improve living conditions in the slums—the barrios—of Caracas with considerable success. Under its leadership, communities have been organized in several barrios, and homes and community centers have been built with the financial support of the city of Caracas, the Venezuelan Foundation for Community Development, and the business community.

It is with regret that I note that this project was terminated on October 31 due to limitation of Alliance for Progress funds, as I believe projects such as this represent a key element in the success of our aid to Latin America's development.

I ask unanimous consent that the Washington Daily News article of July 28, 1967, be printed in the RECORD at the conclusion of my remarks.

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

SELF-HELP IN VENEZUELA—IMPROVEMENT PROJECT REACHES INTO THE BARRIOS

(By Donald F. Bibeau)

A few years ago Venezuelan officials recognized an eyesore which surrounded Caracas and other cities: the slum neighborhoods, or barrios, of migrated rural peasants.

Mass unemployment, overpopulation, hunger, squalid living conditions sat on the cities' doorstep.

PROBLEM

Venezuela secured assistance thru the Agency for International Development and invited the National Federation of Settlements (NFS) to work with them on the barrio problem.

NFS—a private agency founded in 1911—specializes in improving neighborhood conditions. "Program" is everything the agency does in partnership with its neighbors to make the community a better place to live.

A report last year covered the first two years of the "pilot project" in the barrios of Caracas.

Because of success there the Venezuelan government requested Robert F. Hafey, of Springfield, Mass., to continue the project in the Northeast region of the country.

Mr. Hafey's work began by awakening the

responsibility in the residents of the barrios, and by helping them get organized. He was then able to draw in government and private resources aimed at improving conditions.

TOGETHER

"Once a community is brought together," he says, "the people define their needs and methods of implementing solutions. My job is to stay in the background giving sympathetic, friendly, professional advice. I do not direct or take the responsibility for a program. That's the local official's job."

He worked in several barrios and on various programs. Some of the results:

Barrio Camino Nuevo—committees of men, women and youth were formed to build homes. Twenty-four houses have been built. Plumbing will be installed and the homes will be ready for occupancy by fall 1967.

Barrio Sucre—a community center has been built. The residents made the cement blocks that went into its construction. The government and the business community helped with finances and materials. There is discussion about starting a manufacturing co-operative.

HOUSES READY

Barrio Las Charas—eight houses have been completed. In March, 1967, the cornerstone was laid for a community center. When finished it will be the largest in Venezuela—about the size of a football field—and it will serve several barrios.

The center is being financed jointly by the local city government and the Venezuelan Foundation for Community Development. The barrio women have started a clothing co-operative.

"The programs have demonstrated that previously unrelated residents can work together in improving their conditions. The business community has shown interest by contributing skill and money," said Mr. Hafey.

But the NFS project now faces a crisis. The project is being phased out, AID has not renewed the contract. The NFS staff will be withdrawn this fall.

At this late date an unexpected source of help seems to be developing for the project: the amendment to the Foreign Assistance Act of 1966 known as Title IX.

The new Title IX directs that . . . "emphasis shall be placed on assuring maximum participation in the task of economic development on the part of the people of the developing countries."

POTENTIAL

The House Committee on Foreign Affairs found that, "The great potential for planning and implementation of development activities, contained in the mass of the people of the developing countries, is still largely untapped."

The NFS project has demonstrated its ability to get things done. Bob Hafey explains that time—and a lot of it—will be necessary to measure the long range success of the NFS project.

"Most experts feel it takes three years to get a project rolling, and five to 10 years to evaluate it. By this standard the project should continue for several more years," he said.

MAN FACES MACHINE

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD an interview with Mr. G. William Miller, published recently in the Washington Post, Mr. Miller, president of Textron, Inc., of Rhode Island, and an outgoing member of the National Council on the Humanities, discussed the impact of the humanities upon rapid social change in America. He is a most articulate, imaginative, and creative member of the business community, and I believe his comments merit inclusion in the RECORD.

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

NO MYTH: MAN FACES MACHINE

The story of the machine that eventually makes a servant its master is no myth to G. William Miller.

He believes that man's inventive mind has created a technology that is in danger of running berserk and molding him to its ends.

Consequently, the president of Textron Inc., a mammoth business firm in Providence, R.I., which grossed $1.4 billion last year and has 60,000 employees, thinks it is time for us all to decide where our knowledge is taking us while the direction is still reversible.

Bill Miller was in Washington last week with a distinguished group of men and women who are examining these issues and doing something about them. The National Council on the Humanities, of which he is an outgoing member, met for two days to award $1 million in grants. (The National Council on the Humanities was formed two years ago under the National Foundation on the Arts and Humanities Act, which established a similar council for the arts.)

Since that time the Humanities Council has been attempting, with little fanfare and less money, to make Americans aware of the relevance of its disciplines, and humanism, to today's issues.

Rapid social change is the direct outgrowth of rapid technological development and we are, Miller said, spending more today on research for everything from computers and weapons systems to insecticides and hybrid corn varieties ($25 billion) than we ever have before.

Much of the social change that comes about is irreversible, Miller continued. The decline of the cities as manufacturing centers is a simple outcome of big business' needs for space, natural resources and other facilities which cities could not supply.

But we should stop being so fatalistic about the inevitability of change, Miller thinks.

"What we need now is an explosion of understanding so that instead of being governed by the forces of change, we can control them."

As for the effects on man's nervous system of the noise created by supersonic jets, he said, "The designs of airplanes must adjust to man's needs, rather than the reverse . . ."

And medicine, he said, is a field in which moral judgments are imperative. "It's not inconceivable that death will be optional within our lifetime. But is biological life, life?" His particular *bete noire* is the American fondness for molding people of many different cultural and racial backgrounds to conform to a stereotype.

Instead, he thinks we should be making the most of the unique values such cultures have to offer, whether from Oriental, Latin American or African Negro sources.

A nation in which a number of cultures can flourish side by side "can create a prototype to show the world how it can resolve its own conflicts," he said.

Miller continued, "I don't believe it's inconsistent for business to be concerned with wise management of a country's resources. The exploitive days of big business ended 50 years ago . . .

"Nor is it inconsistent for business to be concerned with human and spiritual values, because it is in our long term interests.

"If American cities are to disintegrate slowly, can business afford to sit back and watch it happen?"

"Life has to have a meaning and it can't unless you relate it to culture, history, literature and the basis for all the arts, and develop an appreciation of the mind, the eye and the ear . . ."

RAISE SOCIAL SECURITY—BUT TAKE IT EASY

Mr. BENNETT. Mr. President, I wish to make it perfectly clear that I am in favor of increasing social security benefits for our Nation's aged. I believe an increase is justified and necessary, but as I indicated when the Senate passed its version of the social security bill on November 16, "this measure is highly inflationary, politically motivated and fraught with ominous implications." I do support the more reasonable and modest version of the social security bill which was earlier passed by the House of Representatives.

The Senate bill is irresponsible in that it does not provide the necessary financing to implement the increase in benefits, and it saddles the middle aged and young to pay for increases in benefits which they personally will never get. It is my hope that the conferees will accept the more moderate House bill, which is acceptable, sound, and in keeping with fiscal integrity.

The Salt Lake Tribune, in an editorial dated November 27, 1967, clearly echoes my own views on this important legislation. The editorial notes:

Prices rise, benefits rise to pay the higher benefits, wages go up to pay the increased taxes, and prices rise again setting off another cycle . . . Over ambitious programs such as those in the Senate bill will do great damage now and in the future. It is time to stop playing footsy with inflation.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Salt Lake Tribune, Nov. 27, 1967]

RAISE SOCIAL SECURITY—BUT TAKE IT EASY

Because of inflation Social Security checks now going to millions of Americans no longer buy life's necessities.

In attempting to bring benefits into line with economic reality, both the House of Representatives and the Senate have passed new Social Security legislation which now is before a conference committee.

A record $1,200,000,000 increase in benefits to 23,800,000,000 Social Security recipients would be provided by the Senate bill. This is four billion dollars more than the measure approved by the House last summer.

The Senate bill provides the largest increase in benefits and taxes in the 31 years since Social Security was started. It gives a 15 per cent across the board increase in payments compared to 12½ per cent in the House version. In addition, the Senate bill contains so many "extras" that Senator Spessard Holland (D-Fla.) said it "looks like a Thanksgiving turkey with so much stuffing it couldn't be absorbed."

President Johnson, however, called the Senate bill "a major victory for millions of American families" and Acting Secretary Wilbur J. Cohen of the Department of Health, Education and Welfare said it "marks the largest single step ever made toward lifting Americans out of poverty."

We wonder.

Assuming the resulting compromise bill offers benefits and tax rates about midway between the House bill and the more generous Senate version. American workers and

the companies that employ them can expect to pay substantially increased and constantly expanding Social Security taxes for years to come. The main burden will fall on middle income wage earners, although all consumers will ultimately bear the added costs through higher prices.

Social Security, like other segments of the economy, is caught up in the inflation spiral and pending legislation, even the relatively modest House bill, will further contribute to the very evil that has made increases in benefits and taxes necessary.

This will be accomplished by the simple (and classic) device of paying out more money than is collected in taxes. Extra benefits provided in the Senate bill for 1968, '69, and '70, for instance, are expected to exceed extra taxes levied in the same years by 1.9 billion, 3.2 billion and 3.1 billion dollars, respectively, piping a total of more than 8 billion dollars into an economy already plagued by an excess of money over goods.

Even the obvious solution—raising Social Security taxes to equal cost of new benefits right now—carries the seeds of inflation. As the minority report of the Senate Finance Committee noted, "Employes must and do think in terms of take-home pay. Added Social Security taxes and any other factor that affects take-home pay have a bearing on wage demands and wage contracts."

And so it goes. Prices rise, benefits rise to meet them, taxes rise to pay the higher benefits, wages go up to pay the increased taxes and prices rise again setting off another cycle.

We cannot deny that present Social Security payments are, in most cases, inadequate in terms of what they will buy. We offer two suggestions for ultimately working out the Social Security puzzle.

First, realistic increases in benefits and taxes to pay for them must be made now to relieve immediate inadequacy. Second, the government must take immediate steps to halt inflation before rising costs wipe out these increases.

The Tribune believes the House bill offers the greatest hope of realizing these goals. Over-ambitious programs like that of the Senate will do great damage, now and in the future. It is time to stop playing footsy with inflation.

L. B. J. PROVIDES NEW HOPE FOR THE NATION'S RETARDED

Mr. CLARK. Mr. President, Franklin Delano Roosevelt once said that the worth of a nation consists not so much in what it does for those who already have much, but in what it does for those who have little.

The greatness of a President is also shown in his compassion for those who can help themselves the least.

President Johnson's consistent and persistent efforts to help the poor, the helpless, and the handicapped are to be highly commended.

Today, the President signed the newest extension of the Mental Retardation Act.

Mental retardation, as the President noted in his remarks, was a subject which no one really wanted to talk about just a few short years ago.

But, now the Nation has been mobilized by a group of courageous men and women to act and to act sympathetically on behalf of the retarded. Government has demonstrated its full intention to play a new and more vigorous role in combating mental retardation, and providing facilities for therapy and help.

The Mental Retardation Act provides new funds for construction of facilities for the retarded, and will be a signal of hope especially for 2 million seriously retarded children.

This is a responsible act which I am happy to endorse. And I congratulate all those who have been associated with this compassionate effort throughout the years and in the future.

I ask unanimous consent that the remarks made by President Johnson at the signing of the bill at the White House on December 4 be printed in the RECORD.

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

REMARKS OF THE PRESIDENT UPON SIGNING H.R. 6430—MENTAL RETARDATION BILL

Mrs. Humphrey, Secretary Gardner, distinguished Members of the Senate and the House, Chairman Staggers and other very able Members of the Congress and members of the President's Committee on Mental Retardation, Ladies and Gentlemen:

We are very happy this morning, Mrs. Johnson and I, to welcome all of you here to the East Room of the White House. This is the poor man's wedding chapel.

That is one of the fringe benefits of the Presidency. You can have a wedding here in the house and no one in the country really thinks it is cheap. Actually, we decided to have the wedding here because of one of my most recent experiences in a church.

For the information of any who recognize this as a political year, I want it on the record in advance that we are still, Mrs. Johnson and I, personally paying for Luci's wedding. However, that is no excuse for deficit financing, after all, and there is no truth whatever in the story that George Woods resigned because I asked him for a small wedding loan for Lynda's wedding.

Of course, I do feel a little better that I have a real, warm friend over at the World Bank these days.

After spending all day yesterday babysitting and tasting the wedding cake and giving some very high fashion counsel about bridesmaids' gowns and hair-dos, I hope that all of you understand that I feel relieved to come here again this morning and to turn back to the Nation's business, particularly to sign some very vital legislation.

One of the first, and one of the most important bills that I signed as President was the Mental Retardation Act of 1963 which was passed under the leadership and guidance and strong support of President Kennedy.

Not many years ago mental retardation was a subject that no one really wanted to talk about. It was shrouded in fear and shame and ignorance. Then a very small handful of courageous women like Mrs. Joseph P. Kennedy, Mrs. Sargent Shriver and Mrs. Hubert Humphrey took up the cudgels to see if they couldn't ask the American people to help them search for the understanding of the cause of mental retardation, and what the American people could do about it.

Slowly, the idea grew that with encouragement and with training, mentally retarded children could be brought around to leading rather useful lives.

The national government was then primarily interested and started a movement to try to stir all the people of America to action in this very important field.

I think we have made considerable progress since 1963. Yet, I think we should know that there still are a million and a half retarded Americans who are without any community support whatever. There are many millions more who need care who don't get it.

Three-fourths of the retarded in this country who do receive residential care receive this residential care in old, dilapidated buildings, buildings that are more than 50 years old. That is where three-fourths of the children are taken care of.

The waiting lines for residential care are expanding year after year. They are growing longer and longer. Some children today must wait as long as five or six years to be received.

We have less than half the specialists that we really need to provide care and training.

Although we have come a long way toward dispelling the medieval mystery that surrounded retardation, we still care for thousands in facilities that are really not much better than medieval.

We have asked some of our ablest citizens, the medical men and laymen, to probe the causes of retardation, to tell us what can be done to prevent it, and guide us in caring for those who have been afflicted.

At this point, I want to pay a special tribute to the members of the President's Committee on Mental Retardation. I doubt if there has ever been a committee that has approached the subject with more dedication, and I hope to say, when their labors have been concluded, that there has never been one that was more effective.

The fact is, we are still far behind. We are tragically behind in building schools that could help. This bill that Congress has brought to me today will help build some of the facilities needed. Thousands of children will benefit from it. It will mean the difference between darkness and just a ray of light.

This bill is an achievement for the Nation. It is a signal of hope for millions of Americans and it is addressed to at least 2 million seriously retarded children. In great part, these people have not been crippled by the errors of nature; they have been stunted, rather, by the errors of man. Their minds suffer from the culture of poverty, physical or spiritual poverty, into which they were all born.

Members of the President's Committee have told me about millions of children who are born with normal capacities who emerge from impoverished homes and schools and these experts have shown me maps I wish each member of the Congress could see, each member of the Chambers of Commerce and labor organizations could see. These maps show each case of retardation and they locate it with a green pin.

In the suburbs the pins are quite scattered. You see one here, and then another one over there. Downtown the pins are in a clump. They are much closer together. In the inner city and teeming ghettos, the pins cluster to form a solid green mass.

On these maps that I have seen, the ghetto areas are where the green pins are. Those areas are completely green. They look like a good pasture in the springtime when we have had a lot of rain. These areas need attention. These clusters of green pins signify the mental inadequacy of these poor, unfortunate people who need our help.

Retardation may afflict a child not only before he is born, but afterwards. It may be a blow of nature or it may be the result of countless human blows. In either event, the Nation suffers as the child suffers and, of course, as his family bears an unbearable burden. In either event, I think it is clearly the obligation of the Nation to act to relieve this suffering. It is our obligation to do more than we are doing.

That is the point I want to make. We are not doing enough. We must do more. We are going to do more.

Today we have come here to begin an effort to care for some of those who have suffered most grievously. Our goal is a society where children born with a chance for a full life shall truly have it. This is another step in that platform that we are building.

For what all of you have done—and no one invited himself to this meeting—those who have been active in this effort and who have shown a conscience and a leadership are here this morning, and to those, my friends, who have inspired these efforts, have provided this leadership, on behalf of the 200 million people of this Nation, I say for what you have done, well done; for what you are going to do, I am extremely curious and very anxious. I will be waiting and I will be helping in any way I can.

Thank each and every one of you.

SAN FRANCISCO EXAMINER CALLS NEWS CONFERENCE PRESIDENT'S FINEST HOUR

Mr. MONRONEY. Mr. President, the San Francisco Examiner has beautifully summed up the editorial sentiment of the Nation's newspapers by stating that the President's news conference "may go down in history as his own finest hour."

As the Examiner notes, no President save Abraham Lincoln has had to shoulder the pressures to which President Johnson is subjected and no President has borne them so well.

In straight-forward terms, the President thoroughly discussed every major issue, foreign and domestic, facing the American Nation. With enormous self-possession and compelling logic, he defended his administration's admirable record over the past 4 years and in the process devasted the arguments of his bitterest critics.

President Johnson displayed all the attributes which have distinguished America's greatest leaders, courage of conviction in the face of criticism; determination to place the public interest above transient popularity; and a dynamic vision of a better tomorrow for the Nation and the world.

The Examiner sums up the emotional feeling so many Americans experienced in watching the President's performance in stating, "no fair-minded American can doubt for a moment that this was a display of leadership in our very best tradition."

This truly was the President's finest hour.

I ask unanimous consent to insert into the RECORD the excellent editorial from the San Francisco Examiner.

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

[From the San Francisco Examiner, Nov. 21, 1967]

L. B. J. IN ACTION

Lyndon Johnson's press conference on Friday may go down in history as his own finest hour. No fair-minded American who witnessed his enormous self-possession on television, or who has read the compelling words he spoke with such restrained authority, can doubt for a moment that this was a display of leadership in our very best tradition.

Probably no President with the exception of Lincoln has had to undergo the enormous pressures to which Mr. Johnson is being subjected. Yet here, in the East Room of the White House, he not only successfully faced and answered the representatives of some of his bitterest critics—he did so with wit, vigor and devastating logic.

What the President did, primarily, was to place in proper perspective the barrage of criticism being directed at him over the Vietnam war. He noted with no false modesty that every other war-time President had to endure similar violent dissent by those who would prefer compromise to the pain of battle for the right. And he made it unmistakably clear, again with no false modesty, that he thinks in the end he will emerge with the honors now accorded those once-maligned predecessors.

The words spoken extemporaneously by President Johnson were the words of an American patriot. They also were the words of a suffering but iron-willed leader who will never be swayed from doing the right as he sees it. It is not too much to say that there was a grandeur and certain majesty to them, and in the appearance of the man who spoke them.

FORMER SECRETARY OF STATE DEAN ACHESON DOUBTS UNITED STATES WILL BE ABLE TO NEGOTIATE "WAY OUT OF VIETNAM"

Mr. RANDOLPH. Mr. President, there are strong reasons to believe that Dean Acheson, former Secretary of State, is right in being dubious about the success of talks to bring an end to the conflict in Vietnam.

Yesterday in a television interview with four college students, Mr. Acheson spoke from experience on this subject. I ask unanimous consent that the coverage of this program, as carried in today's New York Times, be printed in the RECORD.

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

[From the New York Times, Dec. 4, 1967]

ACHESON DUBIOUS OF TALKS ON WAR—SAYS UNITED STATES MUST CONVINCE FOE OF FAILURE IN VIETNAM

(By John Sibley)

Dean Acheson, the former Secretary of State, asserted last night there was "no possibility of negotiating our way out of Vietnam."

The only way to end the war, he said in a television discussion, is to convince the Communists that their effort has failed.

"Too many people have a completely wrong idea of negotiation as conceived of by the Communists and as conceived of by us—a different idea," Mr. Acheson asserted.

"With us, negotiation is a David Harum business in which both parties want to reach a result and each one wants to get a slight advantage in reaching a predetermined result—sale of a horse, end of a war, whatever it may be."

REDS' AIMS DESCRIBED

"The Communists have a Clausewitz idea toward negotiation. Karl von Clausewitz was an 18th-century Prussian general and military writer. Negotiation is war carried out by other means, and what they hope to do in a negotiation is not to bring about peace, but to disadvantage somebody in the course of a war, separate you from your allies, cause you domestic trouble at home, and so forth."

The 74-year-old former Secretary, who served under President Harry S. Truman, voiced his views in a two-hour interview with four college students on the Public Broadcasting Laboratory on Channel 13.

"In all the experience I have had with the Communists," he said, "negotiation never preceded a settlement or got anywhere." He said this experience included the Communist operations against Greece, the Berlin blockade and the Korean war.

Turning to the war in Vietnam, he said: "When the Communists feel that this effort has not succeeded, they will stop the effort. But if they get to talking with us, then we get on this eternal flypaper, in which half the United States will be negotiating for them."

One of the students then asked: "If negotiation isn't a realistic possibility, how will we ever get out of Vietnam?"

"Well," replied Mr. Acheson, they just stop. This is what they did in Korea. They just stopped. After a while they got tired of it. After a while they just got tired of it in Berlin. After a while they got tired of the guerrilla warfare in Greece. After a while they got tired of the pressure in Turkey.

"They just stop. They don't negotiate a stop. There's a lot of talk connected with it, but it's not a negotiation."

Regarding the Berlin situation, he said: "The negotiation really came to nothing. It was merely a dialectical prelude to their doing what they were going to do anyway, which was stopping."

Asked how the United States could hasten this desire to stop, Mr. Acheson replied:

"Do everything that is necessary to weaken the enemy in that particular military battle. As you weaken them, and as they do want to stop, indicate that as they stop, this particular weapon will be less used or not used at all.

"You don't have to talk to them about it. You just have to do it.

A JOHNSON SUPPORTER

Mr. Acheson proclaimed himself a strong supporter of President Johnson and of Secretary of State Dean Rusk, whom he had recommended to President Kennedy for the post.

His only criticism of Mr. Johnson, he said, was that the President devoted too much energy to placating opponents of his Vietnam policy.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 710, H.R. 7819, the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

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

There being no objection, the Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding rule VIII, the junior Senator from Ohio may be allowed to proceed out of order.

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

AMERICAN BUSINESSMEN AND WORKING MEN AND WOMEN SHOULD NOT BE DENIED BENEFITS OF TRADE WITH EASTERN EUROPE

Mr. YOUNG of Ohio. Mr. President, England, West Germany, France, Italy, and other European countries have enjoyed economic prosperity largely because of trade with Communist nations in Eastern Europe. American businessmen are not permitted to engage in much of this trade. They are losing markets which soon may be of much greater value.

Commerce between Eastern Europe and the non-Communist world is growing tremendously. Total trade—exports and imports—climbed from $2.29 billion in 1953 to almost $14 billion in 1966. Between 1960 and 1966 this trade has grown at an average annual rate of 15.6 percent. Eastern Europe has become a major market for industrial products and for consumer goods. Many economists predict a business boom in Communist Europe within 5 years. The United States has deprived millions of American workers and many thousands of industrialists of the gains of this growing market by our restrictions. Why should we Americans stand on the sidelines while Canada, Great Britain, and West Germany trade on a huge scale with Communist countries?

Ohio industrialists have often called on me seeking assistance when they have lost contracts with Communist countries to our allies for nonstrategic materials because of our arbitrary policies against such trade. Washington bureaucrats also create delays and interpose redtape making it more difficult for American producers to compete effectively. Trade would be an effective means of advancing the cause of peace and the improving of living conditions for people the world over. Furthermore, increased trade between East and West will certainly accelerate the policies in Poland, Rumania, and other Communist nations toward greater independence from the Soviet Union.

Yugoslavia, for example, is not a Soviet satellite. But if American businessmen were permitted to freely engage in trade with Tito's Yugoslavia, that would be an illustration of another Communist country that would become even less dependent upon the Soviet Union than it has been during recent years.

Mr. President, Congress should liberalize present trade restrictions which discriminate against American businessmen and working men and women. This would be another step in that long journey toward peace. I am hopeful that when Congress meets in January, one of the first legislative proposals on our agenda will be the enactment of legislation to liberalize present restrictions on American businessmen and industrialists on trading with nations of Eastern Europe. The longer we delay in doing so, the greater the loss in potential income to American farmers, American businessmen and to the working men and women of our Nation, to whom we desire to accord steady employment and economic security.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia and the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

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

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. YARBOROUGH. Mr. President, the Elementary and Secondary Education Act which we have before us in this bill—H.R. 7819—is one of the most significant pieces of legislation to be considered in this session of Congress. For the more than 50 million school age children in the United States, this bill signifies the concern we have for their future and for that of the Nation. In my own State of Texas, this bill means increased opportunity for the almost 3 million children of school age who represent 27 percent of our almost 11 million population.

In monetary terms, title I of this bill alone will mean more than $83 million to Texas. I am pleased that the committee retained my amendment of last year to the title I formula, which allows a State's allotment to be based on one-half of the national average expenditure per pupil in those States which have an average per pupil expenditure of less than the national average. This improvement in the formula gives a more equitable distribution than simply matching the expenditures of a State, but I am still desirous of further improvement in the formula to give States with low per capita incomes, such as my home State, their fair share.

This subject was developed in colloquy on the floor last week between the distinguished Senator from Oregon and me, pointing out that under the old formula, in Appalachia and some other areas, the allocation per child in each district last year was a little over $100, while in some of the richest counties in the Nation the allocation for each child was over $400.

It was also developed in that colloquy that under this bill's formula, the children in the poorer States in per capita income will receive at a minimum the national average which is around $255. This would more than double the amount allocated to some children in the poorer States of the Nation. The children in the poorer States would receive twice as much per child as under the old law, and this is a vast improvement.

In my opinion, the old law, under which the allocation per child in the richer areas was in some instances four times that in the poorer areas, contained the worst formula I have ever seen in a Federal bill for the distribution of funds for the purpose of alleviating distress in poorer areas. This measure applies to families in the poverty bracket only, and to allow the larger amount of money to the richest areas is a negation of the stated purpose of the law.

I also support the provision which was added to the formula which insures that no county will receive less than its allocation last year. We all know the difficulty which our local schools have in planning on the basis of money which they have not received from the Federal Government, and I believe that this savings provision will help to avoid upsetting the budgets of local educational agencies for this year.

Mr. President, the complaint is widespread about the failure of Congress to pass these laws early enough in the year before the school year begins, in September. We are considering this measure in December, and the school year began in September. This has a very upsetting effect on the budgets of the local school districts. They do not know what plans to make. So there is a provision in this bill stating that no county will receive less than it received last year, so each county will know that there will not be a reduction in funds.

There are other provisions of this bill that are of particular interest and benefit to my home State. For instance, the adoption of the pinpoint disaster amendment, which authorizes a loan program for replacement of school facilities if they are destroyed by fire, flood, hurricane, earthquake, storm, or other catastrophe, is especially important to Texas. We have only recently suffered extensive disaster from Hurricane Beulah, which caused our State to be declared a disaster area by the President.

The early estimates of the damage done by Hurricane Beulah were $1 billion. I saw the water standing at the middle of windows of the school buildings there, and it remained there for days, until the school desks fell apart and the

walls bulged from the weight of the water. It pushed out stucco walls and wooden walls and other types of walls. These buildings must be rebuilt.

Yet, there is no comparable program for an individual school that is destroyed by an isolated tornado. This provision creates such a needed program.

This bill also includes my Chamizal amendment, to give relief to those school districts which had a sudden increase in school enrollment because of the relocation of families caused by the Chamizal Treaty.

This involves an area along the Rio Grande River, between El Paso and Juarez, which was the subject of dispute between Mexico and the United States for many years.

An agreement was reached between President John F. Kennedy, when he visited Mexico City in 1962, and President Lopez Mateos, of Mexico, to settle the controversy. The settlement thereafter was carried out by President Johnson and President Mateos. I was at El Paso with them in 1964, when President Mateos and President Johnson agreed to carry out the agreement made by President Kennedy and President Mateos.

This action finally culminated in El Paso by President Diaz Ordaz, of Mexico, and President Johnson on October 28 of this year, when they met at the great monument to the peaceful settlement of a century-old dispute between the two nations which had worsened the relations not only between Mexico and the United States but between all of Latin America and this Nation as well.

As a result, hundreds of school children from the Chamizal part of the Chamizal zone in south El Paso were dislocated. Most of them moved down the Rio Grande, southeasterly, into a small district, which experienced a sudden increase in school population, without the means to take care of it.

This amendment will give effect to a similar provision which was passed last year but was frustrated by a rider on the appropriations bill, which cut off the money. As a result of the amendment, the relocated children will be included in a school district's entitlement for federally affected area funds.

The amendment to provide technical assistance to rural areas is especially relevant to the problems of Texas. This provision would provide an additional $1½ million to my dissemination of information amendment of last year to assist rural school districts in qualifying for Federal programs which would benefit them.

After my amendment was put into the bill last year, it was thwarted by the Office of Education, which did not request funds for this year. The distinguished Senator from West Virginia [Mr. RANDOLPH], who is a member of our committee, adds a provision to the amendment this year.

The amendment provides that in the small rural districts the Office of Education will explain the provisions of the law and help the school district. Those districts do not have trained personnel or accountants to fill out applications for grants. They are sent a 150-page directive and are told to file an application.

My amendment of last year—known as the dissemination of information amendment—and the amendment of Senator RANDOLPH this year provide assistance for the smaller districts in filing their applications. First, to tell them if they are entitled to Federal funds. Some of the smaller and poorer districts do not have sufficient money to go through the complicated procedures of determining if they are qualified for the funds.

This amendment would remedy that situation. It tells the Office of Education that they must do this. In many instances these districts do not have the personnel and expertise to apply for Federal programs which would improve their schools. This is an excellent addition to provide them the assistance they need and to allow them to share in the educational revolution now occurring in this Nation.

Mr. President, within the last 4 or 5 years I spoke with the president of Encyclopaedia Britannica. He said that never in the history of the human race has there been such an explosion of learning as has taken place in the United States and which has bloomed to its height in the last 10 years—never in the history of the world. He said:

> At Encyclopaedia Britannica we have to change 10 million out of 37 or 38 million words to describe the new way of living because things change so fast.

For instance there is an entire new field of scientific terminology which is used in our daily lives. Our lives and the way we are living are changing so fast that this is the situation we face.

Mr. President, that is one of the reasons why we need the Federal money at the different levels of our educational effort.

This bill also contains money for a major bilingual education program. I addressed myself to that portion of the bill last Friday, and I shall not repeat that now. It is in the RECORD. We had two volumes of hearings on the bill introduced last January. This is the first bilingual educational bill introduced in either branch of Congress.

Our special Subcommittee on Bilingual Eduaction was set up with the foresight of the distinguished Senator from Alabama [Mr. HILL], and with the concurrence and approval of the senior Senator from Oregon [Mr. MORSE], who is the chairman of the Education Subcommittee.

Under that special subcommittee we held hearings, as I narrated last Friday, in Texas, California, New York City, and Washington, D.C. The cosponsors included the distinguished Senator from Oregon [Mr. MORSE], who is chairman of the Subcommittee on Education, both Senators from California, both Senators from Texas, and both Senators from New York, regardless of party. Those are the three States where the greatest number of Spanish-speaking people are.

(At this point, Mr. HARRIS assumed the chair.)

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

Mr. YARBOROUGH. I yield.

Mr. LAUSCHE. I am looking at page 54 of the report. Am I correct that the cost of the bilingual program will be $15 million in 1968, $30 million in 1969, and $40 million in 1970?

Mr. YARBOROUGH. The Senator is correct. As the Senator knows, this is not a sufficient amount of money to take care of this bilingual educational program. However, we did not provide money for bilingual programs everywhere they are needed. This is a pilot program to develop programs in the most needed areas. We hope that these programs can then be utilized by other schools. This is a new area for American education and there is a large need for programs.

We intend to have constant evaluation of these programs. I am glad that the Senator has brought up this point. That amount of money would not provide for bilingual education everywhere it is needed, but we want to be certain that programs are done properly, and that they achieve the desired results. We have proceeded carefully to provide money for a limited number of pilot projects so that the money is not carelessly spent.

Even though this is a modest amount of money, this will have a measure of beneficial impact on the areas of Texas and the Southwestern States where the mother language of millions of children in their homes is not English.

If these children are to have a fair chance in life, and if the child is to have a full opportunity to accomplish whatever his drive and intellect indicates they must be given the opportunity. The purpose of the measure is to make them bilingually literate in their mother tongues and the national language.

Mr. President, the total impact of this bill on my home State of Texas would be substantial. In laying down the bill and its description, the senior Senator from Oregon has described what the bill would do for the Nation. I shall not repeat that description. I shall only indicate what it means to one State.

Although this bill is being enacted under a ceiling appropriation of $1.2 billion for title I, the benefits to Texas are revealed by the following table which shows the amounts which Texas would receive under the various titles this year:

Texas allotments under Senate version of H.R. 7819 for fiscal year 1968 (based on appropriations)

Title I	$83,618,160
Administration	834,682
Local education agencies	70,812,118
State	11,971,360
Migratory programs	10,433,192
Juvenile delinquency	561,237
Handicapped	848,750
Dependent and neglected children	128,181
Title II	5,600,000
Title III	12,800,000
Title V	1,080,000
Total	103,098,160

Mr. President, I also ask unanimous consent to have printed in the Record at this point the table for 1969, 1970, and 1971, which show the authorizations under the Senate bill.

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

Tables indicating the amounts authorized for Texas for fiscal years of 1969, 1970, and 1971

FOR FISCAL YEAR 1969 (AUTHORIZATIONS)

Title I	$189,465,492
Title II	9,620,956
Title III	29,022,686
Title V:	
Part A	3,244,452
Part B	447,992
Total	231,792,578

FOR FISCAL YEAR 1970 (AUTHORIZATIONS)

Title I	198,941,342
Title II	10,995,379
Title III	30,422,389
Title V:	
Part A	3,244,452
Part B	447,992
Total	244,051,554

FOR FISCAL YEAR 1971 (AUTHORIZATIONS)

Title I	208,891,870
Title II	12,369,801
Title III	31,822,680
Title V:	
Part A	3,447,230
Part B	597,322
Total	257,128,903

Mr. YARBOROUGH. Mr. President, the tables will show the totals increasing appreciably as the cost of overseas commitments in wars declines. We will be able to put in this bill what the Nation needs. For example, in my State in fiscal year 1969, instead of the 1968 level of $103 million, the amount would be $231 million. The amount goes up correspondingly all over the Nation, to show what we envision in connection with the bill.

Mr. President, in stating the purpose of the bill, I wish to point out one item of $848,000 for handicapped children. In my opinion, the small amount for handicapped children is one of the weakest points of the bill.

Mr. President, it has been shown that this year out of 50 million schoolchildren in this Nation of school age, ages 5 through 17, 10 million were found to be from impoverished families. In other words, about 20 percent of our school-age children come from families in the poverty bracket. It is interesting how closely educational deprivation follows poverty. There are not many families in the poverty brackets who get the best schooling in elementary schools, secondary schools, or high schools. Nearly all of this money in this bill is for those children from economically deprived homes.

Out of that number of 50 million children there are 5 million handicapped children. There are 5 million children with mental retardation or physical handicaps, or one-tenth of all children of school age in America.

We have in this bill a somewhat minor amount of money for these purposes. I think that is one of the great weaknesses of the bill. If we have 10 million children from economically deprived families and 5 million children who are handicapped, we need to put more money into the handicapped program because there is required special teachers and techniques.

The average teacher can teach a child from an economically deprived home, but a teacher cannot teach the handicapped child without special education.

Mr. President, the evidence shows that it takes three or four times the money to train a handicapped child than it does to train a child from a poverty family in a poverty-stricken district, without special education. It costs more money. Yet, we are putting very little money in this bill for the handicapped children. This program needs more money.

The end product is not merely giving that child an opportunity in life and it is not merely enriching the child, but it is also enriching the Nation, because with special training these people can make a real contribution that they could not otherwise make.

In some areas we find that deaf children receiving the proper training operate more efficiently than those who can hear. This was demonstrated at the Internal Revenue Center in Austin, Tex. Under authority of the President's message to help the handicapped, they took graduates from deaf schools in Austin, Tex., and although the Internal Revenue Center was reluctant to take them, after they had had the special training to run computers, they agreed to take some. After the first year, the Internal Revenue Center was begging for more. These deaf children had a lower percentage of error than those who could hear.

They could sit at the machines and inasmuch as they could not hear they were not distracted by unwelcome sounds. They were able to concentrate on their work with no distractions to annoy them and, therefore, they were able to work much more efficiently than other workers.

This illustrates how, with proper training, those who are handicapped can be an asset to the country. With our growing technology, if we train these people properly, the whole Nation will gain. Instead of these people being charges on their families and on the public, we will be able to make them assets to their families and to the Nation.

So, that is the weakest point in the legislation. We all know what the budget problems are. We all know the drain on our resources because of the war overseas. This is a very modest amount of money for the great problem of giving the next generation an opportunity which now goes only to some of our children. Now we want to see that every child gets that opportunity in life—not 70 percent, but 100 percent.

As the present and the next generation grow up, we will find our country greatly improved as a result of opportunities for 100 percent of our people.

Mr. President, I want to voice my wholehearted support for this important legislation. As a member of the Subcommittee on Education, this is now the 10th year I have had the privilege of working on education bills, beginning with being a cosponsor of the National Defense Education Act of 1958.

Mr. President, I have taken the time to review some of these problems, which constitute only a small percentage of the major provisions in the bill, but they are indicative of the need for enactment of the pending bill at this time.

I should now like to pay tribute to the Senator from Oregon [Mr. MORSE]. He deserves great credit for the skill, ability, and knowledge which he has combined in his work to forge this worthwhile bill.

This bill is one of the great monuments to the brilliant leadership of the senior Senator from Oregon. This is a deserved tribute to him. In fact, if I took time to account for all that he has done on the Subcommittee on Education, I would use up all the time reserved for consideration of the bill.

Mr. MORSE. Mr. President, I want to thank the Senator from Texas [Mr. YARBOROUGH] very much for taking the floor this morning and making the remarks he did on the bilingual amendment, which is the Yarborough amendment. I called him and asked him if he would take that matter up first because I had to go to the Supreme Court to move the admission of a very able lawyer from Portland, Oreg., Mr. Victor C. Hefferin.

I want the Senator from Texas to know that I not only thank him for the unfailing cooperation which he always extends to me as a member of my subcommittee, but I also want to reinforce what he said in respect to the bilingual amendment.

It is a sorely needed amendment for all the reasons that the Senator from Texas brought out. I would only capsule it by saying that we need to carry out our obligations to the boys and girls from bilingual homes, or from the homes in which a language other than English predominates, that we need to make them bilingual, and that one of the best ways to make them bilingual is to see to it that we get language education to the children from those homes so that they may become effective teachers of their parents, effective teachers of their relatives—who frequently live in the same home, and effective teachers of their brothers and sisters not yet in school or on their way to growing up within the home.

I am pleased to tell the Senate that the amendment of the Senator from Texas came to the floor without objection being voiced by any Senator. I am sure that when we finally pass upon the bill it will receive the same vote of confidence in the Senate.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield

Mr. MORSE. I yield.

Mr. LAUSCHE. I am looking at page 53 of the report, and I should like to receive from the Senator from Oregon either confirmation or rejection of my understanding of what the cost of the bill will be for the years 1968, 1969, 1970, and 1971. That is, for the year 1968, the increased cost over the 1967 program will be $243,884,000, in round numbers.

Mr. MORSE. Yes, that is what the statistics on authorizations show. We are doing much more, in addition, under the promulgated program.

Mr. LAUSCHE. For 1969, the cost will be $4,384,000,000 over the 1967 program.

Mr. MORSE. That is correct in part. But since it is an extension of a continuing program—title I for example is increased from $2.6 billion of fiscal year 1968 by $100 million to make the $2.7 billion authorization for fiscal year 1969—this is not a total increase. It is

still not enough, but the amount is correct.

Mr. LAUSCHE. In 1970, it will be $4,660,000,000 over the 1967 program.

Mr. MORSE. The authorization for fiscal year 1970 would be $4.66 billion; for fiscal year 1968 it is $3.9 billion so our increase for fiscal year 1970 is $700 million more than the current fiscal year.

Mr. LAUSCHE. And for 1971—and that is the final year of the authorization contained in the bill—it will be $4,932,000,000 over the 1967 program.

Mr. MORSE. That is correct since neither the House nor the administration proposed figures for fiscal year 1971. But we want a 3-year program to be authorized for many reasons. I would point out that the $4.9 billion is $1 billion more than now authorized but new programs are included.

Mr. LAUSCHE. May I ask whether the committee took into consideration at all the fact that the President is asking for a 10-percent surtax, which will produce about $6.5 billion, while the recommendation of the committee, if the 10-percent surtax is passed, will absorb $4,384 million of that $6.5 billion?

Mr. MORSE. The Senator knows that I cannot say in behalf of the individual members of my committee that each member of the committee at any time during the hearings specifically referred to the substance of the question the Senator from Ohio has just raised, but I think I am completely correct when I say that every member of the committee is fully aware of the President's fiscal policy and voted this program in spite of the President's fiscal policy. During the course of the debate, speaking for myself, I shall set forth in some detail why I think the President is so dead wrong in his fiscal policy that I do not intend to sacrifice the educational interests of the boys and girls of the country because the President will not make the cuts where the cuts ought to be made.

Mr. LAUSCHE. In any event, the committee recommends that in this year of 1967 we obligate ourselves with an authorization that will increase the cost of Government for the fiscal year of 1969 in the sum of $4,384 million?

Mr. MORSE. Yes, but the Senator overlooks the fact that these figures are the President's figures. This is the President's bill.

Mr. LAUSCHE. Yes, but the fact also remains that if the bill is passed, we will have put an added expense upon the Government of $4,384 million for the fiscal year of 1969, at a time when there is a cry for a 10 percent surtax and a cry for a reduction of spending. Nevertheless we are going to, as I said, increase the cost of Government in this field alone by $4,384 million.

Mr. MORSE. We are going to make the increase, but I do not share what I think are the clear implications of the question of the Senator from Ohio that it would be a bad thing to do.

Mr. LAUSCHE. Why would it not be better to wait until next year and determine whether we are in a position to increase the expenditure by $4.384 billion?

Mr. MORSE. Because the best economic interests of the country could not possibly justify waiting. When I talk about investing in education, I am talking about investing in the greatest wealth-producing investment the American taxpayers could invest in. There is nothing that produces so much for the taxpayer as an investment in the brainpower of the boys and girls of America. They are the ones who will create the economic productive power of this country as we train them for the economic needs of their generation.

The cost of the investment we are talking about will be paid back to the taxpayers over and over again. This is not the place—and I speak respectfully—to proceed in a line of false economy.

Mr. LAUSCHE. Why could we not defer the bilingual education program?

Mr. MORSE. Because we would be cheating little boys and girls of the training that they ought to get in order to allow them to adjust to our society. We cannot afford not to let them do so.

Mr. LAUSCHE. We teach them English, and the Senator proposes to teach them Spanish and Portuguese in certain sections.

Mr. MORSE. Because those problems exist in certain sections of the country.

Mr. LAUSCHE. That is so in certain States, but the Senator proposes to undertake a program to teach children Spanish and Portuguese. I do not know whether it is proposed to teach other languages. I can understand a program to teach English. It may be argued that if they were taught English and Spanish they would learn their English better and their Spanish better. It is a new program. I doubt very much the advisability of introducing it at this time of fiscal strain from which the country is suffering.

Mr. MORSE. I respect the Senator's views. As he knows, I always respect his views. But let me say that his argument against the bilingual language provision is answered in this volume which I offer as exhibit A and rest my case.

Mr. LAUSCHE. In my own family, my mother came from Slovenia, and the seven children of my family spoke Slovenian at the dinner and breakfast table. We did not have a special class in Slovenian in the public schools. We had a class in English.

Mr. MORSE. That is interesting, but I do not know what that has to do with the need for carrying on this very sound declaration which will be found in this volume.

The Senator from Texas [Mr. YARBOROUGH] is on his feet. I yield to him for any comments he may wish to add to what the Senator from Oregon has said.

Mr. YARBOROUGH. Mr. President, it is not the purpose of the bilingual education provision to teach foreign languages. This Nation is spending at least a billion dollars—it is in the record, far more than is to be undertaken under the bilingual education provision of the bill—to teach people foreign languages. The purpose of the bilingual education provision, and I refer to the volumes of the hearings, is to make children literate in the English language. Many educators say the best way to do that is to make them literate in their mother tongue at the same time. So the bilingual measure would permit both languages to be used in the school at the same time, while now in some areas it is illegal to make use of any other language than English. Last year California repealed a law making it illegal to use any other language than English in the classroom.

What we authorize to be spent on bilingual education is a drop in the bucket compared to what is being spent to teach foreign languages in high schools and colleges.

Mr. LAUSCHE. That is a different issue.

Mr. YARBOROUGH. The bilingual education provision is to help make those who have a foreign language as a mother tongue literate in English. One might call it the reverse of teaching a foreign language. The best educators have testified that it aids in the teaching of English to a child who speaks some other language, who came from a home or community where some other language was spoken and who did not speak English until he got to school, if he is made literate in that other language.

And they would start when the children are young. Some of the educational psychologists say that if you wait until a man is an adult, he can never learn another language. He can learn to speak it, but he will never know all the nuances in the meanings of words.

So the basic purpose is to make literate in English these millions of children who are now dropping out of school—in my State after 4.7 years of schooling—without being literate in any language.

Mr. MORSE. I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Without regard to the merits of the legislation, may I ask the Senator some questions to attempt to get a better understanding of the costs?

As I understand it, for the current fiscal year, the authorization is $243 million, in round figures.

Mr. MORSE. The column that the Senator refers to on page 53 represents new obligational authority. That is new obligational authority above that in the present law.

Mr. BYRD of Virginia. That is the increase?

Mr. MORSE. That column is the increase. I do not know whether I made that clear to my friend from Ohio.

Mr. LAUSCHE. Yes, we were speaking of the same thing. These are increases.

Mr. BYRD of Virginia. This $243 million is the increase?

Mr. MORSE. That is right.

Mr. BYRD of Virginia. Over the amount already authorized for this year?

Mr. MORSE. That is correct.

Mr. BYRD of Virginia. Of course, that same situation would not apply to the next column.

Mr. MORSE. That is the total authorization figure above what is authorized by present law.

Mr. BYRD of Virginia. That is the total figure for the fiscal year 1969?

Mr. MORSE. The column under "1969" represents obligational authority for fiscal 1969 which is not authorized by present law.

Mr. LAUSCHE. That is the increase.

Mr. MORSE. The final figure under the column headed "1970" is the total for

1970, and the same is true for the total under 1971.

Mr. BYRD of Virginia. The Senator from Ohio says it is the increase. I am not clear on that.

Mr. LAUSCHE. For 1969, the figure is $4,384,132,699. It is an increase over what the total was for 1967; namely, $3.9 billion, approximately.

Mr. BYRD of Virginia. Are all of these increases over 1967?

Mr. LAUSCHE. That is correct.

Mr. BYRD of Virginia. That is what I did not understand.

Mr. MORSE. The figure at the bottom of the column for each year is the total budget. If the Senator will go to the top of the column for 1969 on page 53, he will note that the first figure is $2,725,959,699. That is new obligational authority, because the present authorization expires with fiscal year 1968.

Mr. BYRD of Virginia. What I am trying to get clear in my mind is——

Mr. MORSE. When you take that figure at the top and add the other increases, you end up with $4,384,132,699.

Mr. BYRD of Virginia. Is that an increase over fiscal year 1967?

Mr. MORSE. While it is an increase, since the present authorization will have expired, it is the total amount that the bill will cost for that particular year.

Let us go back to what our present authorization is for this year. That will help. I will have the figure in just a moment.

If the Senator will turn to page 55, the total authorization table, the total for fiscal year 1968 is shown at the top of that column as $2,589,932,402.

Mr. BYRD of Virginia. That is the total authorization for fiscal 1968?

Mr. MORSE. That is correct for title I of the Elementary and Secondary Education Act.

Mr. BYRD of Virginia. So, then, if we refer back——

Mr. MORSE. Referring back to page 53, this bill proposes additional expenditures of $243,844,000 during fiscal year 1968.

Mr. BYRD of Virginia. For the current fiscal year, which is already half gone?

Mr. MORSE. That is right.

Mr. BYRD of Virginia. Let us clear up the next figure, then, if we may.

Mr. LAUSCHE. That is for the year 1969. We had better get it clarified.

Mr. MORSE. I will.

Mr. BYRD of Virginia. As I recall it, in response to the Senator from Ohio, the Senator from Oregon indicated that the $4,384 million figure represented an increase over the current fiscal year.

Mr. MORSE. I am sorry if I did. That is the total authorization. The increase will be the difference between $4,384,132,699, and the figure for present obligational authority for fiscal year 1968 which is about $3.9 billion. The same goes for 1970 and 1971.

Mr. BYRD of Virginia. Then, in the year 1969, you establish an entirely new program, costing $2,725 million?

Mr. MORSE. It extends the existing program plus whatever new projects are added to it. We have the elementary-secondary school program now. That is the foundation program. Then we add some additional things to it for 1969, 1970, and 1971, and the figures at the bottom of those columns on page 53 represent the total cost of this program extended into 1969, 1970, and 1971, with the additional projects covered in the new proposals within the bill.

Mr. BYRD of Virginia. So we have the existing program, at a total cost, now, before this bill is enacted, of $2.52 billion; am I correct on that?

Mr. MORSE. Two billion five hundred eighty-nine million nine hundred thirty-two thousand four hundred and two dollars is the present authorization for title I of the Elementary and Secondary Education Act.

Mr. LAUSCHE. Where is that figure?

Mr. BYRD of Virginia. That is on page 55.

Mr. MORSE. That is authorized, not appropriated. May I say to the Senator from Virginia and the Senator from Ohio, that is the figure on page 55, under the column "Total Authorizations, Fiscal Year 1968." The top line is the total.

Mr. BYRD of Virginia. So then it is proposed, almost but not quite, in 1 fiscal year, to double the amount of money now authorized?

Mr. MORSE. This figure we are dealing with here on page 55 is for title I. The other titles are taken up in other parts of the bill. But I think the Senator from Virginia and the Senator from Ohio have asked for information which ought to be provided for them at one point; and so I, from the floor, now notify representatives of the department, who are within my hearing but not on the floor, to get me a table forthwith, by noon, that I can put into this RECORD, to meet the inquiries of the Senator from Virginia and the Senator from Ohio, as follows: First, a table that will show the total authorization of the 1968 program.

Mr. BYRD of Virginia. Will the Senator make that for 1967 also?

Mr. MORSE. Let me finish, and then the Senator may add to it if more information is desired.

Include the funds for the additional projects that are being added to the 1968 program. Second, prepare a table that shows the total authorization for all titles of the bill—not only title I, but all titles of the bill—for 1968, 1969, 1970, and 1971; and a table that will show the amount of the increase per title.

Mr. LAUSCHE. And per total.

Mr. MORSE. For that bill, and the total.

Mr. BYRD of Virginia. Will the Senator add 1967 to that?

Mr. MORSE. Yes. Add the year 1967. That table, when received, I shall have placed in the CONGRESSIONAL RECORD at this point in our discussion.

Counsel for the committee has just whispered to me another very desirable suggestion. I want the Department also to provide in that table another column, showing existing appropriations wherever appropriations have been made, and the difference between authorizations and appropriations, because that will bear on one of the major arguments that I as manager of the bill, intend to make throughout this discussion.

Although this administration does a lot of talking these days about what ought to be done on the domestic front, there nevertheless is quite a difference between what Congress has already authorized and what this administration has recommended for appropriations. And that bears upon the comments of the Senator from Ohio.

The figures I am talking about, as far as authorization is concerned, are administration figures. I am taking the administration bill to the floor of the Senate as far as most of the financial items are concerned. There is quite a difference, however, between what the administration is apparently willing to go along with on authorization and what the Bureau of the Budget is willing to sanction for appropriations. And that is where they lose me.

I cannot believe they can possibly justify the difference. It averages out 40 to 60 percent when we consider the difference between what they are willing to sanction for authorizations and what they are willing to recommend for appropriations. And the American people do not understand it. They do not understand, for example, some $150 million being authorized for handicapped children. The recommendation being made by the administration was $15 million. The $75 billion defense budget has become a sacred bull.

That is where we ought to make the cuts, of the $75 billion giveaway program under which this administration gives billions of dollars to dictators and juntas all around the world. I am not talking about the money spent in Vietnam, because only $22 billion of that $75 billion is connected with Vietnam.

Mr. LAUSCHE. Mr. President, with reference to the information the Senator is asking the officials of the Department of Education to provide, I would also like to have them provide a list showing the authorization and appropriation for each of the years that we have discussed from 1967 to 1971, both inclusive.

Mr. MORSE. The Senator means for the years in which there have been appropriations.

Mr. LAUSCHE. The Senator is correct.

Mr. MORSE. That will be included in my instructions.

Mr. LAUSCHE. I want the information in simple form, and not gobbledygook. I would like to have the amount authorized and the amount appropriated.

Mr. MORSE. Let me say to my good friend, the Senator from Ohio, that although I am not a walking computer machine, it is pretty hard to perform gobbledygook with figures. They add up. Two and two is four. I cannot perform gobbledygook with that. We are asking for the fiscal facts from the Department of Health, Education, and Welfare.

Mr. LAUSCHE. Mr. President, to illustrate the difficulty of taking the figures contained in the report, we have had a discussion for a half-hour and we have diverged completely from the actual facts.

Mr. MORSE. If counsel for the committee will proceed to make certain that the representatives of the Department

that are in the gallery get these instructions, tell them I would like to have them go forthwith and prepare the table.

(The following colloquy, which occurred later in the day, is printed at this point in the RECORD on request of Mr. MORSE and by unanimous consent.)

Mr. MORSE. Mr. President, earlier today the distinguished senior Senator from Ohio [Mr. LAUSCHE] and his able colleague, the senior Senator from Virginia [Mr. BYRD] raised certain questions with me concerning the authorizations and appropriations for fiscal years 1967 and 1968. I have received from the Department of Health, Education, and Welfare a summary for each of those years which partially answer the questions and I ask unanimous consent that the tables containing these data be printed at the point in my remarks this morning when we had the colloquy with the distinguished Senator from Ohio and the distinguished Senator from Virginia.

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

COMPARISON OF AUTHORIZATIONS AND APPROPRIATIONS, H.R. 7819 PROGRAMS

	Fiscal year 1967	
	Authorization	Appropriation
Title I—Amendments to the Elementary and Secondary Education Act of 1965, and related amendments:		
Pt. A, title I:		
Assistance for education of children of low income families	$1,430,763,947	$1,053,410,000
Special incentive grants	----------	----------
Pt. B, title II—School library resources, textbooks, and other instructional materials	128,750,000	102,000,000
Pt. C, title III—Supplementary educational centers and services	180,250,000	135,000,000
Pt. D, title V:		
Pt. A—Strengthening State departments of education	30,000,000	22,000,000
Pt. B—Comprehensive educational planning	----------	----------
Pt. E, title VI—Education of handicapped children:		
Pt. A—Grants to States	51,500,000	2,475,000
Pt. B—Regional resource centers	----------	----------
Pt. C—Centers and services for deaf-blind children	----------	----------
Title I—Amendments to the Elementary and Secondary Education Act, etc.—Continued		
Pt. E. title VI—Education of—Continued		
Pt. D—Recruitment of personnel and information	----------	----------
Pt. E—Captioned "Films for the Handicapped"	$3,000,000	$2,800,000
Pt. F:		
Dissemination of information (sec. 706)	2,000,000	----------
Dropout prevention projects (sec. 707)	----------	----------
Title II—Federally affected areas:		
Pt. A—School construction (Public Law 815)	57,380,000	52,317,000
Maintenance and operations (Public Law 874)	433,400,000	416,200,000
Title V—Adult education programs	40,000,000	29,200,000
Title VI—Demonstration projects and study for school bus safety	----------	----------
Title VII—Bilingual education	----------	----------
Total	2,357,043,947	1,815,402,000

	Present law	Fiscal year 1968 (New obligational authority)			Appropriation
		Authorization House bill	(H.R. 7819) Senate bill	Senate-House difference	
Title I—Amendments to the Elementary and Secondary Education Act of 1965, and related amendments:					
Pt. A, title I:					
Assistance for education of children of low income families	$2,563,067,584	----------	----------	----------	$1,191,000,000
Special incentive grants	----------	----------	$50,000,000	+$50,000,000	----------
Pt. B, title II—School library resources, textbooks, and other instructional materials	154,500,000	----------	----------	----------	104,457,000
Pt. C, title III—Supplementary educational centers and services	515,000,000	----------	----------	----------	208,750,000
Pt. D, title V:					
Pt. A—Strengthening State departments of education	50,000,000	$15,000,000	15,000,000	----------	29,750,000
Pt. B—Comprehensive educational planning	----------	----------	15,000,000	+15,000,000	----------
Pt. E, title VI—Education of handicapped children:					
Pt. A—Grants to States	154,000,000	----------	----------	----------	15,000,000
Pt. B—Regional resource centers	----------	7,500,000	7,500,000	----------	----------
Pt. C—Centers and services for deaf-blind children	----------	----------	1,000,000	+1,000,000	----------
Pt. D—Recruitment of personnel and information	----------	1,000,000	1,000,000	----------	----------
Pt. E—Captioned films for the handicapped	5,000,000	1,000,000	3,000,000	+2,000,000	2,800,000
Pt. F:					
Dissemination of information (sec. 706)	2,000,000	----------	1,500,000	+1,500,000	----------
Dropout prevention projects (sec. 707)	----------	----------	----------	----------	----------
Title II—Federally affected areas:					
Pt. A—School construction (Public Law 815)	----------	----------	62,000,000	62,000,000	----------
Maintenance and operations (Public Law 874)	461,500,000	----------	15,884,000	15,884,000	416,200,000
Title V—Adult education programs	60,000,000	----------	----------	----------	40,250,000
Title VI—Demonstration projects and study for schoolbus safety	----------	----------	1,000,000	+1,000,000	----------
Title VII—Bilingual education	----------	----------	15,000,000	+15,000,000	----------
Total	3,965,067,584	24,500,000	187,884,000	163,384,000	2,008,207,000

	Fiscal year 1969		
	Authorization House bill	(H.R. 7819) Senate bill	Senate-House difference
Title I—Amendments to the Elementary and Secondary Education Act of 1965, and related amendments:			
Pt. A, title I:			
Assistance for education of children of low-income families	$2,725,959,699	$2,725,959,699	----------
Special incentive grants	----------	50,000,000	+$50,000,000
Pt. B, title II—School library resources, textbooks, and other instructional materials	154,500,000	180,250,000	+25,750,000
Pt. C, title III—Supplementary educational centers and services	515,000,000	540,750,000	+25,750,000
Pt. D, title V:			
Pt. A—Strengthening State departments of education	80,000,000	80,000,000	----------
Pt. B—Comprehensive educational planning	----------	20,000,000	+20,000,000
Pt. E, title VI—Education of handicapped children:			
Pt. A—Grants to States	154,500,000	180,250,000	+25,750,000
Pt. B—Regional resource centers	7,500,000	8,000,000	+500,000
Pt. C—Centers and services for deaf-blind children	----------	1,000,000	+1,000,000
Pt. D—Recruitment of personnel and information	1,000,000	1,000,000	----------
Pt. E—Captioned "Films for the Handicapped"	6,000,000	8,000,000	+2,000,000
Pt. F:			
Dissemination of information (sec. 706)	2,000,000	3,700,000	+1,700,000
Dropout prevention projects (sec. 707)	----------	30,000,000	+30,000,000
Title II—Federally affected areas:			
Pt. A—School construction (Public Law 815)	----------	66,000,000	+66,000,000
Maintenance and operations (Public Law 874)	495,000,000	510,000,000	+15,000,000
Title V—Adult education programs	----------	70,000,000	+70,000,000
Title VI—Demonstration projects and study for schoolbus safety	----------	1,000,000	+1,000,000
Title VII—Bilingual education	----------	30,000,000	+30,000,000
Total	4,141,459,699	4,505,909,699	+364,450,000

COMPARISON OF AUTHORIZATIONS AND APPROPRIATIONS, H.R. 7819 PROGRAMS—Continued

	Only Senate bill contains authorizations for—	
	Fiscal year 1970	Fiscal year 1971
Title I—Amendments to the Elementary and Secondary Education Act of 1965, and related amendments:		
Pt. A, title I:		
Assistance for education of children of low income families	$2,862,175,945	$3,005,201,677
Special incentive grants	50,000,000	50,000,000
Pt. B, title II—School library resources, textbooks, and other instructional materials	206,000,000	231,750,000
Pt. C, title III—Supplementary educational centers and services	566,500,000	592,250,000
Pt. D, title V:		
Pt. A.—Strengthening State departments of education	8,000,000	85,000,000
Pt. B.—Comprehensive educational planning	20,000,000	20,000,000
Pt. E, title VI—Education of handicapped children:		
Pt. A—Grants to States	206,000,000	231,750,000
Pt. B—Regional resource centers	10,000,000	12,000,000
Pt. C—Centers and services for deaf-blind children	7,000,000	9,000,000
Title I—Amendments to the Elementary and Secondary Education Act, etc.—Continued		
Pt. E, title VI—Education of—Continued		
Pt. D—Recruitment of personnel and information	$1,000,000	$1,000,000
Pt. E—Captioned films for the handicapped	10,000,000	10,000,000
Pt. F:		
Dissemination of information (sec. 706)	4,000,000	4,200,000
Dropout prevention projects (sec. 707)	30,000,000	30,000,000
Title II—Federally affected areas:		
Pt. A—School construction (Public Law 815)	66,000,000	64,000,000
Maintenance and operations (Public Law 874)	545,000,000	580,000,000
Title V—Adult education programs	80,000,000	90,000,000
Title VI—Demonstration projects and study for school-bus safety	----------	----------
Title VII—Bilingual education	40,000,000	40,000,000
Total	4,711,675,945	5,056,151,677

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION

SUMMARY OF FUNDING, FISCAL YEAR 1967 TO FISCAL YEAR 1968, ALL PROGRAMS OF OFFICE OF EDUCATION

Activity	Fiscal year 1967		Fiscal year 1968 [1]					
	Authorization [2]	Appropriation	Authorization [2]	Request to Bureau of Budget	Budget estimate	House allowance	Senate allowance	Appropriation
Elementary and secondary educational activities	$1,973,313,947	$1,464,610,000	$3,376,909,876	$3,315,909,876	$1,692,000,000	[3] $1,645,707,000	[3] $1,696,707,000	[3] $1,677,907,000
School assistance in federally affected areas	491,400,000	649,137,000	488,916,000	466,200,000	439,137,000	439,137,000	472,937,000	439,137,000
Teachers Corps	64,715,000	[4] 11,323,700	33,000,000	[5] 46,000,000	33,000,000	([6])	18,100,000	13,500,000
Higher educational activities	1,243,950,000	[4] 1,179,373,775	1,766,950,000	1,593,350,000	1,173,194,000	1,158,194,000	1,158,194,000	1,158,194,000
Expansion and improvement of vocational education	297,516,000	268,016,000	288,491,000	275,591,000	259,900,000	[7] 252,900,000	[7] 252,900,000	252,900,000
Libraries and community services	234,315,000	146,950,000	281,770,000	252,020,000	165,950,000	155,500,000	156,500,000	156,500,000
Educational improvement for the handicapped	93,000,000	[4] 37,875,000	205,500,000	101,000,000	53,400,000	53,400,000	58,400,000	53,400,000
Research and training	30,000,000	91,050,000	29,900,000	199,100,000	99,900,000	90,967,000	90,967,000	90,967,000
Educational research and training (special foreign currency program)	----------	1,000,000	----------	4,600,000	4,600,000	0	0	0
Salaries and expenses	----------	[4] 32,836,000	----------	47,236,000	40,253,000	37,385,000	37,385,000	37,385,000
Colleges for agriculture and the mechanic arts (permanent)	2,550,000	2,550,000	2,550,000	2,550,000	2,550,000	2,550,000	2,550,000	2,550,000
Promotion of vocational education, act of Feb. 23, 1917 (permanent)	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund	----------	3,200,000	----------	0	0	0	0	0
Higher education facilities loan fund	200,000,000	200,659,000	400,000,000	3,200,000	2,625,000	2,625,000	[8] 1,700,000	2,625,000
Civil rights educational activities	----------	[4] 8,028,000	----------	37,867,000	30,000,000	10,000,000	10,000,000	10,000,000
Arts and humanities educational activities	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total	4,638,921,402	[4] 3,924,769,930	6,882,148,331	6,352,785,331	4,004,670,455	3,856,526,455	3,964,501,455	3,903,226,455

[1] Excludes proposed legislation.
[2] Excludes indefinite authorizations.
[3] Excludes $10,793,000 requested for Indian and overseas dependent schools pending enactment of authorizing legislation.
[4] Includes supplemental appropriation.
[5] Request based on proposed authorization.
[6] Deferred action pending enactment of authorizing legislation.
[7] Excludes $7,000,000 requested for Appalachia regional development pending enactment of authorizing legislation.
[8] An additional $100,000,000 in participation sales authorization for construction loans was disallowed. With the carryover from 1967, this would result in a $100,000,000 lending level rather than the $200,000,000 level requested, allowed by the House, and appropriated.

Note: 1967 appropriation adjusted for comparability with 1965 new appropriation structure.

ELEMENTARY AND SECONDARY EDUCATIONAL ACTIVITIES

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Educationally deprived children	$1,430,763,947	$1,053,410,000	$2,441,359,876	$2,441,359,876	$1,200,000,000	[1] $1,191,000,000	[1] $1,191,000,000	[1] $1,191,000,000
Local educational agencies	(1,345,820,593)	(1,015,152,657)	(2,340,574,732)	(2,340,574,732)	(1,148,461,733)	(1,139,461,733)	(1,139,461,733)	(1,139,461,733)
Handicapped children	(20,462,448)	(15,078,410)	(22,948,165)	(22,948,165)	(11,465,299)	(11,465,299)	(11,465,299)	(11,465,299)
Juvenile delinquents in institutions	(8,451,281)	(2,037,344)	(9,826,642)	(9,826,642)	(4,902,017)	(4,902,017)	(4,902,017)	(4,902,017)
Dependent and neglected children in institutions	(932,549)	(224,809)	(1,135,509)	(1,135,509)	(561,395)	(561,395)	(561,395)	(561,395)
Migratory children	(40,394,401)	(9,737,847)	(42,412,937)	(42,412,937)	(22,078,765)	(22,078,765)	(22,078,765)	(22,078,765)
State administration	(14,702,675)	(11,178,933)	(24,461,891)	(24,461,891)	(12,530,791)	(12,530,791)	(12,530,791)	(12,530,791)
Supplementary educational centers and services	180,250,000	135,000,000	515,000,000	487,000,000	240,000,000	[2] 208,750,000	[2] 213,750,000	[3] 208,750,000
Guidance, counseling, and testing	30,000,000	24,500,000	30,000,000	30,000,000	24,500,000	24,500,000	24,500,000	24,500,000
Strengthening State departments of education:								
Grants to States	25,500,000	18,700,000	42,500,000	42,500,000	25,287,500	25,287,500	25,287,500	25,287,500
Grants for special projects	4,500,000	3,300,000	7,500,000	7,500,000	4,462,500	4,462,500	4,462,500	4,462,500
Statistical services	2,800,000	2,250,000	2,800,000	2,800,000	----------	----------	----------	----------
NDEA supervisory services	8,000,000	5,500,000	8,000,000	6,000,000	----------	----------	----------	----------
Equipment and minor remodeling:								
Grants to States	88,000,000	79,200,000	96,800,000	88,000,000	47,000,000	47,000,000	88,000,000	79,200,000
Loans to nonprofit private schools	12,000,000	1,500,000	13,200,000	1,500,000	1,000,000	1,000,000	1,000,000	1,000,000
State administration	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	[4] 7,000,000	2,000,000
Library resources	128,750,000	102,000,000	154,500,000	150,000,000	105,000,000	[5] 104,457,000	[5] 104,457,000	[5] 104,457,000
Teacher training institutes:								
Institutes for advanced study	53,500,000	30,000,000	56,000,000	50,000,000	35,500,000	30,000,000	30,000,000	30,000,000
Institutes for counseling personnel	7,250,000	7,250,000	7,250,000	7,250,000	7,250,000	7,250,000	7,250,000	7,250,000
Total	1,973,313,947	1,464,610,000	3,376,909,876	3,315,909,876	1,692,000,000	1,645,707,000	1,696,707,000	1,677,907,000

[1] Excludes $9,000,000 requested for Indian schools pending enactment of authorizing legislation.
[2] Excludes $350,000 requested for Indian schools and $900,000 for overseas dependent schools pending enactment of authorizing legislation.
[3] $1,250,000 pending for BIA and DOD.
[4] Includes supervision.
[5] Excludes $128,000 requested for Indian schools and $415,000 for overseas dependent schools pending enactment of authorizing legislation.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION—Continued

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Maintenance and operations (Public Law 874):								
Payments to local educational agencies	$408,900,000	$391,700,000	$434,500,000	$389,200,000	$389,200,000	$389,200,000	$423,000,000	$389,200,000
Payments to other Federal agencies	24,500,000	24,500,000	27,000,000	27,000,000	27,000,000	27,000,000	27,000,000	27,000,000
Construction (Public Law 815):								
Assistance to local educational agencies	44,380,000	[1] 42,317,000	[2] 13,796,000	39,380,000	12,317,000	12,317,000	12,317,000	12,317,000
Assistance for school construction on Federal properties	13,000,000	10,000,000	[2] 13,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Technical services	620,000	620,000	620,000	620,000	620,000	620,000	620,000	620,000
Total	491,400,000	[1] 469,137,000	488,916,000	466,200,000	439,137,000	439,137,000	472,937,000	439,137,000

[1] Includes supplemental appropriation of $30,000,000.

[2] Without extension of temporary provisions.

TEACHER CORPS

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Teacher Corps	$64,715,000	[1] $11,323,700	$33,000,000	[2] $46,000,000	$33,000,000	([3])	$18,100,000	$13,500,000

[1] Includes $3,823,700 supplemental appropriation.

[2] Request based on proposed authorization.

[3] Deferred action until authorization is enacted.

HIGHER EDUCATIONAL ACTIVITIES

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Program assistance:								
Strengthening developing institutions	$30,000,000	$30,000,000	$55,000,000	$50,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000
Colleges of A. & M. arts	11,950,000	11,950,000	11,950,000	11,950,000	11,950,000	11,950,000	11,950,000	11,950,000
Undergraduate instructional equipment and other resources:								
Television equipment	10,000,000	1,500,000	10,000,000	7,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Other equipment	50,000,000	13,000,000	60,000,000	40,000,000	13,000,000	13,000,000	13,000,000	13,000,000
Construction:								
Public community colleges and technical institutes	104,500,000	99,660,000	167,440,000	107,800,000	89,700,000	100,000,000	100,000,000	100,000,000
Other undergraduate facilities	370,500,000	353,340,000	560,560,000	382,200,000	300,300,000	300,000,000	300,000,000	300,000,000
Graduate facilities	60,000,000	60,000,000	120,000,000	90,000,000	50,000,000	50,000,000	50,000,000	50,000,000
State administrative expenses	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000
Technical services	([1])	2,744,000	([1])	4,000,000	2,744,000	2,744,000	2,744,000	2,744,000
Major disaster areas	----------	[2] 2,122,775	----------	----------	----------	----------	----------	----------
Teacher education:								
Elementary and secondary teacher programs—Fellowships:								
Experienced teachers	160,000,000	12,500,000	275,000,000	41,500,000	15,000,000	15,000,000	15,000,000	15,000,000
Prospective teachers		12,500,000		41,500,000	12,500,000	12,500,000	12,500,000	12,500,000
Strengthening graduate schools		5,000,000		7,500,000	7,500,000	7,500,000	7,500,000	7,500,000
College teacher fellowships	([1])	80,842,000	([1])	107,300,000	96,600,000	86,600,000	86,600,000	86,600,000
Institutes in use of equipment and other teaching aids	5,000,000	2,500,000	5,000,000	5,000,000	2,500,000	2,500,000	2,500,000	2,500,000
Student aid: Educational opportunity grants:								
Grants to higher education institutions	([3])	112,000,000	([3])	180,000,000	155,600,000	140,600,000	140,600,000	140,600,000
Encouragement of educational talent	([1])	2,500,000	([1])	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Direct loans:								
Contributions to loan funds	190,000,000	190,000,000	225,000,000	195,000,000	190,000,000	190,000,000	190,000,000	190,000,000
Loans to institutions	([4])	2,000,000	([4])	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Teacher cancellations	([1])	1,115,000	([1])	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000
Insured loans:								
Advances for reserve funds	[5] 10,000,000	10,000,000	([6])	42,000,000	----------	----------	----------	----------
Interest payments	([1])	33,000,000	([1])	94,100,000	40,000,000	40,000,000	40,000,000	40,000,000
Work-study programs	165,000,000	134,100,000	200,000,000	171,600,000	139,900,000	139,900,000	139,900,000	139,900,000
Total	1,243,950,000	1,179,373,775	1,766,950,000	1,593,350,000	1,173,194,000	1,158,194,000	1,158,194,000	1,158,194,000

[1] Indefinite.

[2] Supplemental appropriation.

[3] Continuation costs plus $70,000,000 for new awards.

[4] Total of $25,000,000 authorized from fiscal year 1959 through duration of act.

[5] Represents balance of $17,500,000 total authorization for fiscal years 1966 through 1968; $7,500,000 appropriated in 1966.

[6] Total of $17,500,000 authorized for fiscal years 1966 through 1968; total authorization was appropriated in 1966 and 1967.

EXPENSION AND IMPROVEMENT OF VOCATIONAL EDUCATION

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Vocational Education Act of 1963: Grants to States	$202,500,000	$198,225,000	$202,500,000	$202,500,000	$199,309,000	$199,309,000	$199,309,000	$199,309,000
Grants to States under George-Barden and supplemental acts:								
George-Barden Act	49,686,000	49,686,000	49,686,000	49,686,000	49,686,000	49,686,000	49,686,000	49,686,000
Supplemental acts	305,000	305,000	305,000	305,000	305,000	305,000	305,000	305,000
Grants to States under Appalachian Regional Development Act of 1965	[1] 8,000,000	8,000,000	([2])	7,000,000	7,000,000	([3])	([3])	----------
Work-study program	35,000,000	10,000,000	35,000,000	10,000,000	----------	----------	----------	----------
Residential vocational schools		----------		----------	----------	----------	----------	----------
Vocational student loan assistance:								
Advances for reserve funds	[4] 1,025,000	1,025,000	([5])	2,000,000	----------	----------	----------	----------
Interest payments	([5])	775,000	([5])	3,600,000	3,600,000	3,600,000	3,600,000	3,600,000
Direct loans	1,000,000	----------	1,000,000	500,000	----------	----------	----------	----------
Total	297,516,000	268,016,000	288,491,000	275,591,000	259,900,000	252,900,000	252,900,000	252,900,000

[1] Represents balance of $16,000,000 total authorization for fiscal years 1965 through 1967; $8,000,000 appropriated in 1965.

[2] Authorization expires June 30, 1967. Extension to be proposed.

[3] Action deferred pending enactment of authorizing legislation.

[4] Represents balance of $1,875,000 total authorization for 1966 through 1968; $850,000 appropriated in 1966.

[5] Total of $1,875,000 authorized for fiscal years 1966–68; total authorization was appropriated in 1966 and 1967.

([6]) Indefinite.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION—Continued

LIBRARIES AND COMMUNITY SERVICES

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Library services:								
Grants for public libraries (title I, LSCA)	$35,000,000	$35,000,000	$45,000,000	$40,000,000	$35,000,000	$35,000,000	$35,000,000	$35,000,000
Interlibrary cooperation (title III, LSCA)	5,000,000	375,000	7,500,000	5,000,000	2,375,000	2,375,000	2,375,000	2,375,000
State institutional library services, title III, pt. A, LSCA	5,000,000	375,000	7,500,000	4,875,000	2,120,000	2,120,000	2,120,000	2,120,000
Library services to the physically handicapped (title IV, pt. B, LSCA)	3,000,000	250,000	4,000,000	2,625,000	1,320,000	1,320,000	1,320,000	1,320,000
Construction of public libraries (title II, LSCA)	40,000,000	40,000,000	50,000,000	45,000,000	27,185,000	127,185,000	27,185,000	27,185,000
College library resources (title II, pt. A, HEA)	50,000,000	25,000,000	50,000,000	50,000,000	25,000,000	25,000,000	25,000,000	25,000,000
Acquisition and cataloging by Library of Congress (title II, pt. C, HEA)	6,315,000	3,000,000	7,770,000	7,770,000	4,000,000	4,000,000	5,000,000	5,000,000
Librarian training (title II, pt. B, HEA)	(1)	3,750,000	(1)	8,250,000	8,250,000	8,250,000	8,250,000	8,250,000
University community services programs, title I, HEA	50,000,000	10,000,000	50,000,000	30,000,000	16,500,000	10,000,000	10,000,000	10,000,000
Adult basic education:								
Grants to States	40,000,000	26,280,000	60,000,000	43,500,000	32,200,000	32,200,000	32,200,000	32,200,000
Special projects		1,720,000		13,500,000	10,500,000	6,550,000	6,550,000	6,550,000
Teacher training		1,200,000		1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Total	234,315,000	146,950,000	281,770,000	252,020,000	165,950,000	155,500,000	156,500,000	156,500,000

[1] An amount of $15,000,000 is authorized for pt. B of title II, HEA, including library research, which is included under the appropriation "Research and training."

EDUCATIONAL IMPROVEMENT FOR THE HANDICAPPED

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Preschool and school programs (title VI, ESEA)	$51,500,000	[1] $2,475,000	$154,500,000	$50,000,000	$15,000,000	$15,000,000	$20,000,000	$15,000,000
Teacher education	29,500,000	24,500,000	34,000,000	34,000,000	24,500,000	24,500,000	24,500,000	24,500,000
Research and demonstration	9,000,000	8,100,000	12,000,000	12,000,000	11,100,000	11,100,000	11,100,000	11,100,000
Captioned films for the deaf	[2] 3,000,000	2,800,000	[2] 5,000,000	5,000,000	2,800,000	2,800,000	2,800,000	2,800,000
Total	93,000,000	[1] 37,875,000	205,500,000	101,000,000	53,400,000	53,400,000	58,400,000	53,400,000

[1] Includes $2,475,000 supplemental appropriation.

[2] Includes $200,000 for administration which is reflected under "Salaries and expenses" in appropriation and request.

RESEARCH AND TRAINING

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Educational laboratories and research and development centers (title IV, ESEA):								
Operational assistance:								
Laboratories	(1)	$19,230,000	(1)	$35,500,000	$24,300,000	$34,600,000	$34,600,000	$34,600,000
Centers	(1)	10,370,000	(1)	17,500,000	11,800,000			
Construction	( )	12,400,000	(2)	27,600,000				
Research:								
General education:								
General education	(1)	16,085,000	(1)	25,850,000	18,850,000	17,467,000	17,467,000	17,467,000
Evaluation studies	(1)	----------	(1)	----------	2,500,000	1,250,000	1,250,000	1,250,000
National achievement study	(1)	----------	(1)	----------	2,000,000	1,000,000	1,000,000	1,000,000
Demonstration and development	(1)	3,000,000	(1)	36,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Vocational education (Vocational Education Act, 1963)	$22,500,000	10,000,000	$22,500,000	22,500,000	17,100,000	13,550,000	13,550,000	13,550,000
Foreign language education	3,100,000	3,100,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Educational media	4,400,000	4,400,000	4,400,000	4,400,000	4,400,000	4,400,000	4,400,000	4,400,000
Library improvement	[3]	3,550,000	[3]	3,550,000	3,550,000	3,550,000	3,550,000	3,550,000
Training	(1)	6,500,000	(1)	20,000,000	7,000,000	6,750,000	6,750,000	6,750,000
Dissemination	(1)	2,415,000	(1)	3,200,000	2,400,000	2,400,000	2,400,000	2,400,000
Total	30,000,000	91,050,000	29,900,000	199,100,000	99,900,000	90,967,000	90,967,000	90,967,000

[1] Not specified.

[2] $100,000,000 authorized over a 5-year period.

[3] An amount of $15,000,000 is authorized for pt. B of title II, HEA, including librarian training, which is included under the appropriation "Libraries and community services."

EDUCATIONAL RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Research in foreign education	(1)	$500,000	(1)	$1,800,000	$1,800,000	0	0	0
Training, research, and study grants:								
Higher education	(1)	450,000	(1)	2,300,000	2,300,000	0	0	0
Elementary and secondary education	(1)	50,000	(1)	500,000	500,000	0	0	0
Total	----------	1,000,000	----------	4,600,000	4,600,000	0	0	0

[1] Indefinite.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION—Continued

SALARIES AND EXPENSES

Number of positions	(1)	[2] 2,450	(1)	2,830	2,735	2,580	2,580	2,580
Amount	(1)	[2] $32,836,000	(1)	$47,236,000	$40,253,000	$37,385,000	$37,385,000	$37,385,000

[1] Indefinite.

[2] In order to reflect comparability with the 1968 estimate, the amount for 1967 includes adult basic education program which has been transferred from "Elementary and Secondary Educational Activities." The amount excludes activities which have been transferred to "Higher Education for International Understanding," "Salaries and Expenses, Office of the Secretary," and "Educational Improvement for the Handicapped." Includes $740,000 supplemental for pay increase.

COLLEGES FOR AGRICULTURE AND THE MECHANIC ARTS (PERMANENT)

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Grants to States	$2,550,000	$2,550,000	$2,550,000	$2,550,000	$2,550,000	$2,550,000	$2,550,000	$2,550,000

PROMOTION OF VOCATIONAL EDUCATION—ACT OF FEB. 23, 1917 (PERMANENT)

Grants to States	$7,161,455	$7,161,455	$7,161,455	$7,161,455	$7,161,455	$7,161,455	$7,161,455	$7,161,455

STUDENT LOAN INSURANCE FUND

Higher education student loans	(1)	$3,000,000	(1)					
Vocational student loans	(1)	200,000	(1)					
Total		3,200,000						

HIGHER EDUCATION LOAN FUND

Participation sales insufficiencies:								
Appropriated funds	(1)	$659,000	(1)	$3,192,000	$2,625,000	[2] $2,625,000	$1,700,000	[2] $2,625,000
Payments from revolving fund	(1)	1,196,000	(1)	2,508,000	1,354,000	1,354,000	1,285,000	1,354,000
Total		1,855,000		5,700,000	3,979,000	3,979,000	2,985,000	3,979,000
Other expenses:								
Appropriated funds	(1)		(1)	8,000				
Payments from revolving fund	(1)	4,000	(1)		8,000	8,000	6,000	8,000
Total		4,000		8,000	8,000	8,000	6,000	8,000
Higher education construction loans:								
Appropriated funds	200,000,000	200,000,000	400,000,000					
Obligations from appropriated funds		100,000,000		100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
Participation sales	(1)	100,000,000	(1)	200,000,000	100,000,000	100,000,000		100,000,000
Total lending level		200,000,000		300,000,000	200,000,000	200,000,000	100,000,000	200,000,000
Total appropriated funds		200,659,000		3,200,000	2,625,000	[2] 2,625,000	1,700,000	[2] 2,625,000

[1] Indefinite.

[2] Includes $1,700,000 under permanent appropriation in Independent Offices Appropriation Act, 1967; and $925,000 under annual appropriation to Office of Education.

CIVIL RIGHTS EDUCATIONAL ACTIVITIES

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Institutes for school personnel	(1)	$3,385,000	(1)	$11,600,000	$5,500,000	$3,255,000	$3,255,000	$3,255,000
Grants to school boards	(1)	3,150,000	(1)	24,367,000	22,600,000	5,245,000	5,245,000	5,245,000
Administration	(1)	[2] 1,493,000	(1)	1,900,000	1,900,000	1,500,000	1,500,000	1,500,000
Total		[2] 8,028,000		37,867,000	30,000,000	10,000,000	10,000,000	10,000,000

[1] Not specified.

[2] Includes $28,000 supplemental for pay increase.

ARTS AND HUMANITIES EDUCATIONAL ACTIVITIES

Activity	Fiscal year 1967		Fiscal year 1968					
	Authorization	Appropriation	Authorization	Request to BOB	Budget estimate	House allowance	Senate allowance	Appropriation
Instructional assistance:								
Grants to States	$440,000	$440,000	$440,000	$440,000	$440,000	$440,000	$440,000	$440,000
Loans to nonprofit private schools	60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000
Teacher training institutes	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Total	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

Mr. MORSE. Mr. President, I direct counsel for the committee to notify the Senator from Ohio [Mr. LAUSCHE] and the Senator from Virginia [Mr. BYRD] that it was our understanding that whatever factual corrections were necessary in their statements and my statement this morning will be made in the RECORD in accordance with the official information which I have obtained for them and for myself.

Mr. President, at this time I only wish to say that the figures show that for the fiscal year 1967 the total authorization for elementary and secondary education programs is $4,638,921,402. The appropriation for the fiscal year 1967 is $3,924,769,903. The authorization for the fiscal year 1968 is $6,882,148,331.

The request on the part of the Department for appropriations: $6,352,785,331.

Budget estimates: $4,004,670,455.

House allowance in the House bill: $3,856,526,455.

Senate allowance: $3,964,501,455.

Appropriations: $3,903,226,455.

This will give to Senators, and to me especially, the active information we need to support the colloquy we had this morning.

Mr. HANSEN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. HANSEN. I am not certain I understood the Senator. Do the Senator's tables include the total amount authorized as well as the total amount appropriated?

Mr. MORSE. The total amount authorized and the total amount appropriated, yes.

This morning, the Senator from Wyoming was in the Chamber when we had this colloquy. Remember, we were talking about 1969, 1970, and 1971. But, of course, we cannot talk in terms of figures until the authorization bill and the appropriation bill for those years are passed.

Mr. HANSEN. What is the total amount authorized, say, for fiscal year 1969?

Mr. MORSE. Two authorizations for 1967. The authorized amount of $4,638,-921,402. The authorization for 1968 is $6,882,000,000, as compared with $6,882,-148,331.

For the amount requested in the budget estimates, $4,004,670,455. The House, $3,856,526,045. For the Senate, $3,964,-501,455.

Appropriations for 1968—and, remember, we were talking about that this morning, so that there will be that much of a continued program—$3,903,226,455.

Mr. HANSEN. I thank the Senator.

Mr. MORSE. Mr. President, while we are waiting, I should like to read into the RECORD the AP ticker story on a Supreme Court decision of today which reads as follows:

The Supreme Court affirmed today court-ordered desegregation of all Alabama public school systems.

Alabama's appeal from the ruling, issued March 22 by a three-judge Federal court in Montgomery, was rejected. Instead, the Supreme Court affirmed the ruling without a hearing, as urged by the Justice Department.

Alabama had claimed State officials do not have the authority to control local school boards in assignment and transfer of pupils and teachers.

In its blanket desegregation order, the three-judge Federal court directed Gov. Lurleen B. Wallace and other State officials to "take affirmative action to disestablish all State-enforced or encouraged public school segregation and to eliminate the effects of past . . . discrimination."

The three judges, Richard T. Rives, H. H. Grooms, and Frank M. Johnson, Jr., said Alabama officials by their "relentless opposition . . . flouted every effort to make the Fourteenth Amendment a meaningful reality to Negro school children in Alabama."

Finding a "broad spectrum" of State interference, they ordered State cooperation with desegregation. This included required desegregation of school bus routes, faculty integration and school construction and consolidation plans.

The Federal court also declared unconstitutional a State law providing tuition grants of $185 a year to students attending private schools.

Alabama Atty. Gen. MacDonald Gallion, in appealing to the Supreme Court, said the ruling destroyed the academic freedom of State and local officials.

Mr. President, the ruling, however, is very much in line with the general educational philosophy which I have expressed this morning, as I regretfully announced that I would be opposed to the amendments to the bill of which I had been apprised to date involving any so called civil rights issues.

Mr. President, I yield the floor.

(This marks the end of the colloquy which was ordered to be printed in the RECORD at this point.)

Mr. BYRD of Virginia. Mr. President, if the Senator will yield further, as I understand the proposal that the Senate will be called upon to vote on, it will amount to an authorization for over a 3-year period of $14 billion plus.

Mr. MORSE. The Senator is partially correct. The bill authorizes $243 million for fiscal 1968 and almost $14 billion in the 3 succeeding fiscal years.

Mr. BYRD of Virginia. I would certainly hope that the Senate will not rush in to pass the pending legislation. We should have a reasonable length of time to consider this measure.

We are in some doubt on the floor of the Senate today as to how much it will cost over what we are already spending. We have not even got the figures as yet. I appreciate the Senator from Oregon asking for the figures.

Mr. MORSE. Mr. President, we have not brought the figures together under a common chart. The figures are contained in the report. However, the Senator is correct. The amount will be about $14 billion in new obligational authority for fiscal years 1968, 1969, 1970, and 1971 combined.

Are there any further questions?

Mr. BYRD of Virginia. We are rushing into this as if we were spending about $1 million or so.

Mr. MORSE. The difficulty is, let me say most respectfully, that at least I am confused about what the Senator is asking for. He asks for appropriated figures in one question and authorized figures in the other. We have to keep them completely separate.

Mr. BYRD of Virginia. I am talking about authorization. Fourteen billion dollars would be the total authorization.

Mr. MORSE. The Senator is correct. Over the life of the program, $14 billion would be authorized. Is there anything further?

Mr. BYRD of Virginia. I shall have something further to say, but not at the moment.

Mr. LAUSCHE. If the Senator from Oregon is correct and the appropriations are far less than the authorizations, then I would venture to say positively that our authorizations will be 150 percent more than the actual appropriations. They will probably be 200 percent more.

Mr. MORSE. Mr. President, as the manager of the bill, I am not going to let the Bureau of the Budget tell me what the authorization should be. I am going to let the American people tell the administration what the authorization should be. And they will tell them in no uncertain terms, in my judgment. The American people are not going to sacrifice the education of the boys and girls of this country while we build schools everywhere else in the world and waste the taxpayers' money in a shocking foreign assistance program which is far above the $3.2 billion foreign aid program that the administration requests, $3.2 billion. It is a foreign assistance program of $7.8 billion, but they conceal most of it with other supplementary programs.

It is supposed to be all right for us to pour out the money for schools and teachers and aides in education all around the world, but then the argument is made that we ought to postpone it in the United States. The brainpower of this country, in my judgment, happens to be its greatest security weapon.

There will be a live quorum shortly, I understand, and the manager of the bill wants to make certain statements in regard to the committee bill as he takes the bill through the Senate. However, I am not going to do that until I have answered all of the questions first.

I think we ought to know the parliamentary situation that faces the Senate before the live quorum. We must decide what we want to do.

I intend only to present the argument on each section of the bill and answer, as best I can, the arguments against each section, and then call for a vote, if a vote can be obtained.

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

Mr. MORSE. I yield.

Mr. CARLSON. Mr. President, the distinguished Senator from Oregon has been discussing the financial aspects of the pending legislation. I do not intend to get into that field.

I have a telegram from Murle M. Hayden, assistant and acting State superintendent of public instruction, Topeka, Kans., who is concerned. And I think the easiest way to express that concern is to read the telegram.

The telegram reads:

TOPEKA, KANS.,
December 1, 1967.

HON. FRANK CARLSON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

We urge enactment of H.R. 7819 with House version of title III and omitting part B of title V. We do not consider part B (title V) to be practical and it would tend toward increased Federal control and supervision. The Senate sub-committee version would certainly not be satisfactory. While seemingly giving the states more control it imposes additional limitations such as State committees reporting to national committees, etc. We believe the States can administer title III satisfactorily if given authority to do so under a State plan and guidelines. No additional strings should be attached if the State plan is approved and followed we hope you can avoid restricting uses of title III funds for specific purposes and dividing authority until it is difficult to determine.

MURLE M. HAYDEN,
Assistant and Acting State Superintendent of Public Instruction.

Mr. President, I would appreciate any comment that the Senator from Oregon might have.

Mr. MORSE. Mr. President, the telegram raises the whole issue of title III. The committee overwhelmingly dis-

agrees with the superintendent who sent the wire to the Senator.

We have worked out what we think is a very fair compromise between those individuals, such as this superintendent, who want to turn title III over to State departments of education completely, and other powerful groups within the American education community who want 100-percent administration of the funds of title III by the Department of Health, Education, and Welfare.

I am the member of the committee who cast the vote that prevented the administration's proposal from being the recommendation of the committee. My vote created a tie; that meant that the administration proposal failed for want of a majority.

I will take a couple of minutes to explain the parliamentary situation. There were three possible solutions before the committee. One was the administration proposal that the Department of Health, Education, and Welfare continue, as now, and would have the final say with regard to title III funds. We had the other point of view, that 100 percent of the control should be turned over to State departments of education. We had the middle approach, which is the approach that the senior Senator from Oregon, as chairman of the subcommittee, has taken.

In a capsule, let me say to the Senator from Kansas that many leading educators of this country testified against the recommendation of the Kansas school superintendent who sent the Senator from Kansas the wire.

Generally speaking, the metropolitan school areas of the country are opposed to 100 percent State control. They had many arguments, but I will mention only two now. In many parts of the country, the State departments of education are not organized on a basis that makes them fully competent to administer title III. Some of them are very loosely organized State departments of education. The argument was that if you turned the money over to them, it would be a shocking waste of the taxpayers' money; and, after all, we are the trustees of the Federal tax money.

The large metropolitan school areas—New York, Philadelphia, Pittsburgh, Cleveland, Detroit, Chicago, San Francisco, Los Angeles, and most of the other large cities of the country—are very much concerned.

They also point out that in many States the State departments of education are rurally controlled. The evidence is undeniable. Legislatures dominated by the rural areas of the country have not always demonstrated an understanding of the educational crisis that exists in our major cities. Title III programs are innovative programs. The States do not have to participate. If they want to try out an experimental, innovative program, then the funds are available.

What did the Senator from Oregon propose as a compromise? I want to hasten the day when the States can take over title III. May I say in behalf of Secretary Gardner that he does, also. It is not a case of the administration wanting control in perpetuity. I proposed the compromise that was adopted: that in the first year, 33⅓ percent of the money will be turned over to the States; in the second year, 50 percent; in the third year, 66⅔ percent; and then you will have to have a new bill. The 3 years will have run out.

This should be an inducement to get the State departments of education to improve their operations.

In another part of the bill—I have seen to it; it was my recommendation—substantial funds are made available to assist State departments of education to strengthen themselves.

So here is the contest involving title III.

Now we are going to conference. The House passed the program for which the Kansas State school superintendent asks—100 percent on the part of the State. The Senator from Kansas is an expert conferee, and he knows that we will attempt to come to an equitable compromise agreement.

With respect to what happened in my committee, let me make very clear that I had two groups in my committee, as I have already explained. When neither side could win, when the one side proposed a greater percentage for the States, the Senator from Oregon voted against the proposal. I got another vote on that issue. We had a majority against that proposal and a tie on the administration's proposal. I was the only Democrat who voted against the administration's proposal. That is par for the course. That should not surprise the Senator from Kansas, because when I believe my party is wrong, I vote against it. They were wrong in this instance. But I brought the compromise to the floor of the Senate with a unanimous vote of those present.

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

Mr. MORSE. I yield.

Mr. CARLSON. Mr President, I want the distinguished Senator from Oregon to know that I know of no one who has worked harder on education bills than he has; and I believe he will agree with me that I have supported him.

Mr. MORSE. The Senator from Kansas has been a great help.

Mr. CARLSON. I want to support him now.

I merely want the RECORD to indicate the facts as to what the difference will be between the House and the Senate when the matter goes to conference—and there will be a conference, as I understand from the telegram.

I am a little concerned about the ever-increasing tendency in the Nation to transfer all educational problems to the Federal Government, when I believe that we have in Kansas a very outstanding State board of education and State school program. I do not agree with the Senator from Oregon that the Kansas school administration could not operate this program.

Mr. MORSE. I believe it is true of many States. It is true of my State. I would be willing to turn it over to the State department of education in my State. My State has a good State department of education. There are others also. I do not mean any invidious comparisons. Although I am satisfied that my State department of education could do it, I must sit here and decide this matter on the basis of what is best for the country as a whole. The Senator from Kansas knows the impossible position we would be in if we tried to include in a bill a differentiation among State departments of education and said that one group can get it and another cannot. We would never get such a bill passed.

Therefore, until we can raise the capabilities of all State departments of education to the point where they can manage the funds as Congress intends, I believe that the compromise I have proposed with the escalating time schedule provides a fair solution.

Mr. CARLSON. I appreciate the comments of the Senator from Oregon, and I agree that the escalating schedule would be helpful. But I would not want the RECORD to indicate that the Kansas State Department of Education could not handle these funds if the Senator from Oregon would be willing to send the funds there.

Mr. MORSE. And I am not so charging.

Mr. President, I have a very difficult statement to make, but it should be made at this point, before the live quorum.

My responsibility as manager of this bill is to my committee and to the administration. After all, I am taking to the Senate today, and seeking to take through the Senate, a bill which, for the most part, is the administration's bill. I was called upon by the administration to introduce it. We have modified it to some extent, but it is still the administration bill. I am in close communication with the administration, both through the Department of Health, Education, and Welfare and through the President's Special Aide on Education, Mr. Douglas Cater—and, when necessary, with the President himself.

I serve notice now that I shall do everything I can to take the administration's bill through the Senate, with whatever modifications we become satisfied, during the course of the debate, should be made.

My second obligation is to my committee. I have checked with most members of the committee. Some have not been available for the check, but I have no doubt as to what their decision would be. As I said last Friday, I have brought to the floor of the Senate a bill that has the unanimous vote of all those who voted on it. One member was absent and did not vote. The remainder voted for it. That does not mean that some members of the committee should not offer amendments which were rejected in committee. As I said on Friday, I assure them that they will have full opportunity to present amendments on the floor, and I will do everything I can to get them a rollcall vote.

However, Mr. President, there is a parliamentary situation that confronts the Senate. It is pretty well known within the Senate that some of our distinguished colleagues seek to propose some amendments to the bill that would deal

with the civil rights aspect of it. I have done the very best I could in cooperating with each one of them, as each one of them would testify. We have tried to work out with the Department of Health, Education, and Welfare some system with regard to an improvement in its procedure with respect to carrying out the civil rights law of the country which binds the Department of Health, Education, and Welfare as it does every other department. I am not through seeking to work out improvements. As I have told every Senator who will be talking about proposed amendments, I shall do everything I can to help work out a legislative history on the floor of the Senate that will make the administration of the present law and the new law, if we pass it, fair and equitable.

But, Mr. President, I now must notify my colleagues in the Senate—I have told some of them individually but I have not been able to see all who have been contacting me and trying to get me to accept certain amendments to the bill—that I, in behalf of the committee and the administration, shall oppose every one of the civil rights amendments. We feel that the Department of Health, Education, and Welfare is doing a remarkably good job in administering the law, and that Secretary Gardner can be counted upon to work out with us in individual cases, as he has a procedure that will meet any justifiable claim of any maladministration on the part of any member of the staff of the Department.

When I think of the momentous task the Department has had in the short period of time it has had to work out its procedures, I can do no less than what I now do. That is to commend Secretary Gardner highly as one of the most dedicated, able, and effective of all Federal officers of the administration, a man who believes in fairness, but a man who also does not intend to relinquish in any way his responsibilities just because there are great political demands for him to relinquish them.

Mr. President, I speak for the administration when I make this statement.

I hope we can go ahead, take up these amendments one by one, have a full and adequate debate on each one, and then vote.

There has been expressed to me a great concern on the part of some Senators who hold the view that it would be better to have no bill at all than not to have these amendments. That is a decision for them to make. As to their parliamentary procedure and it is a decision for the Senate to make if it is confronted with the situation in which it is going to be difficult to get a bill passed before adjournment.

As far as I am concerned, and I know many Senators on the committee share my view, I would rather go home at Christmas time without an education bill than walk out on what I think is the clear responsibility of the Senate of the United States to sustain the Civil Rights Act of 1964. In my opinion, the amendments that are being offered would undermine the Civil Rights Act. Therefore, I cannot be a party to it.

I think we have a great responsibility here. I also wish to make clear next that I shall insist on uniformity in the application of the Civil Rights Act, and the Department of Health, Education, and Welfare administrative policies relative thereto. It is just as important that they have the same rule in Chicago, Boston, or Portland, or any other northern school area, as in any southern school area. Therefore, I will be heard to say during the course of debate that a charge that the Department of Health, Education, and Welfare has one policy in the South and another policy in the North is not the case, for I have the assurance of the Secretary of the Department of Health, Education, and Welfare that there will be uniform application of their procedures.

Mr. President, a department cannot handle all the cases that this Department handles and not find that some staff member along the line has made a mistake or has been guilty of some arbitrary conduct. Mr. President, you do not have to worry about what superiors in the Department of Health, Education, and Welfare will do once it is called to the attention of the Secretary, which leads me to my next point.

As the Senate knows, my subcommittee is in the midst of a 2-year surveillance at the request last January of the majority leader of the Senate. It is a 2-year surveillance of the Department of Health, Education, and Welfare in the administration of our education bills that have become law.

There is not a Senator in the Chamber who can cite a single instance in which he asked the chairman of the subcommittee or the counsel for the subcommittee to look into an alleged miscarriage of administrative responsibility on the part of the Department of Health, Education, and Welfare that has not received prompt service from me or from my committee in getting the facts.

In fact, we would have had this bill before the Senate 3 weeks ago were it not for the fact that group of my colleagues in the Senate forewarned me that they were concerned about the matter of administration in some areas of the South. When I heard their complaints, I felt that if the facts they presented were borne out in an investigation, they had a strong case.

Mr. President, I call attention to one type of instance in which it was alleged that the Department of Health, Education, and Welfare in some of the Southern States had failed to lift deferral on new applications within the 90-day period provided for in the Morse conference compromise amendment that was adopted here on the floor of the Senate last year as a substitute for the Fountain amendment in the House bill.

Under that Morse administrative procedure—relating to deferral of new applications—the law now provides that the Department has 60 days, following deferral, to bring an allegedly noncomplying school district, North or South, to formal hearing. At the close of the 60 days, where the hearing has been completed, the independent examiner has an additional 30 days to render a decision. If the hearing examiner finds on the record that the school district is not complying, the deferral continues while the school district has an opportunity to make a further administrative appeal. Then the matter rests before the appropriate committees of Congress for an additional 30 days, and during that period of time the funds also are deferred.

Mr. President, some Senators cited cases in which the Department had apparently extended deferral of new applications far over the 90-day period. I looked into those cases. I have been able to relate that I had the Secretary of Health, Education, and Welfare report on each of these complaints at an informal conference that lasted several hours in our committee room some days ago.

What did we find? We found that the Senators had not been completely informed by their home State educators that in nearly every case, it was the educators who had asked for extensions of their cases beyond the 90-day period. And those requests included their agreements to extend deferral. I wish to say that when the Senators heard about that, they said to me, "We are sorry, WAYNE. We were not told that. That makes an entirely different case out of it." Of course it does. The school superintendents who had asked for the extensions had good reason to ask for it, because they were in the process of trying to work out a policy within the school districts that would permit compliance. We have had other complaints since then. During the course of debate, if they are raised, either on the floor or in conference with me, I will give the Department's position. But I want the RECORD to show that, thus far, I have not found the Secretary of Health, Education, and Welfare and his staff guilty of the "high crimes and misdemeanors" that some of the critics allege in regard to administering the education acts.

We do have a problem—and I want to mention it—which involves a reference to Southern States. I am sure that we will probably find the same cases in the North although they have not been submitted to me. Many school districts in a given Southern State are cooperating wholeheartedly in support of the policy of school desegregation but there are other school districts which obviously are not attempting to do so. Thus, the Department and the administration point out that any amendment offered to the bill which will encourage noncooperation will operate unfairly against those southern school districts which have recognized that the decision of the U.S. Supreme Court means exactly what it says. Desegregation is now a matter of legal right. There is no substitute for it. During the course of debate, we are going to find that some Senator may think that we in the Senate should substitute for the Supreme Court, assuming we could do that constitutionally. I do not think any law which Congress can pass can replace a constitutional right. It would require a constitutional amendment.

Mr. President, in order to save time, I ask unanimous consent to have printed

in the RECORD from part 7, page 2414 of the hearings of the committee, the facts and figures submitted to us which show a great discrepancy in some Southern States among the school districts within each State in respect to compliance and also a table showing the figures. The figures show that integration in the South can still be characterized as "de minimis." I cannot stand here during this debate and support amendments to the bill which, in my judgment, would reward noncooperating southern schools districts to the disadvantage of those school districts who are doing everything they can to make the law work.

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

The States showing the smallest percentage of Negro students attending predominantly white schools in the current school year are Alabama, Georgia, Louisiana, Mississippi, and South Carolina. In Alabama, 2.4 percent of Negro students go to schools where they make up less than 95 percent of the student body. The comparable percentage is 2.6 in Mississippi, 2.6 in Louisiana, 4.9 in South Carolina, 6.6 in Georgia, 12.8 in North Carolina, 14.7 in Florida, and 14.5 in Arkansas.

The southern States with the largest percentage of Negro pupils going to school with whites are Texas, Tennessee, and Virginia. Texas has 34.6 percent of its Negro students attending schools where they make up less than 95 percent of the enrollment. In Tennessee, the comparable percentage is 21.9 and in Virginia 20.

Among the border States, Kentucky has 88.5 percent of its Negro students in this category, Delaware 84.8 percent, West Virginia 83.4 percent, Maryland 40.5 percent, Oklahoma 40.5 percent, and Missouri 26.7 percent.

	Negro pupils attending schools less than 95 percent Negro		Negro pupils attending schools 95 to 99.9 percent Negro		Negro pupils attending schools 100 percent Negro	
	Percent	Number	Percent	Number	Percent	Number
Total, 17 States	17.3	589,620	7.1	239,770	75.6	2,571,540
Southern States	12.5	363,290	4.4	126,160	83.1	2,410,000
Alabama	2.4	6,570	2.3	6,300	95.3	260,900
Arkansas	14.5	17,140	2.1	2,480	83.4	98,650
Florida	14.7	41,120	6.1	17,060	79.2	221,550
Georgia	6.6	22,610	3.3	11,300	90.1	308,450
Louisiana	2.6	6,850	.9	2,370	96.5	254,050
Mississippi	2.6	6,840	.6	1,580	96.8	254,700
North Carolina	12.8	44,850	2.8	9,810	84.4	295,650
South Carolina	4.9	12,120	1.1	2,720	94.0	232,550
Tennessee	21.9	40,600	9.8	18,170	68.3	126,550
Texas	34.6	117,050	12.7	42,960	52.7	178,250
Virginia	20.0	47,540	4.8	11,410	75.2	178,700
Border States	45.1	226,330	22.7	113,610	32.2	161,540
Delaware	84.8	20,440	15.2	3,660	0	0
Kentucky	88.5	38,230	0	0	11.5	4,980
Maryland	40.5	88,980	23.5	51,630	36.0	79,150
Missouri	26.7	34,710	37.5	48,750	35.8	46,540
Oklahoma	40.5	24,950	15.2	9,360	44.3	27,290
West Virginia	83.4	19,020	.9	210	15.7	3,580

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD—because it bears on the point I am making—excerpts from the material beginning on page 2338 of the hearings, the joint statement of the NAACP legal defense fund, Division of Legal Information and Community Service; and M. Hayes Mizell, AFSC, South Carolina community relations program. It sets forth their legal position in regard to the so-called guidelines and policies of the Department of Health, Education, and Welfare.

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

JOINT PREPARED STATEMENT OF JEAN FAIRFAX, NAACP LEGAL DEFENSE FUND, DIVISION OF LEGAL INFORMATION AND COMMUNITY SERVICE; AND M. HAYES MIZELL, AFSC, SOUTH CAROLINA COMMUNITY RELATIONS PROGRAM

Mr. Chairman, my name is Jean Fairfax. I am the Director of the Division of Legal Information and Community Service of the NAACP Legal Defense and Educational Fund. Hayes Mizell, Director of the South Carolina Community Relations Program of the American Friends Service Committee and I appreciate the opportunity to present testimony based on the experiences of our two agencies in seeking to secure the right of every child to equal educational opportunity. We are accompanied by Winifred Green, Director of the Alabama Community Relations Program of the American Friends Service Committee.

Our experience represents two important aspects of private agency effort to promote equal educational opportunity and covers more than two decades of concern with the legal and community aspects of this problem. For the past two years our two agencies have cosponsored a School Desegregation Task Force in the South, from which much of the experience we will share today is drawn.

The riots of 1967 have unmasked deep anger and despair among Negroes—anger about being humiliated, rejected and denied access to the riches of America's affluent society which are spread before them and despair about the viability of legal processes for securing full membership in that society. The desperation of a growing number of citizens who have abandoned hope compels urgent assessment of the nation's ability to make good its promise of equality. We would like to make some observations about racial isolation in education which are germane to this problem as well as to the matters which are specifically before this Subcommittee.

The school is the first public institution which the minority group child encounters. At his first entry point into the larger community, he perceives how society defines him and communicates its expectations for him as a person, a citizen and a job-holder. As Judge Minor Wisdom has said:

"Denial of access to the dominant culture, lack of opportunity in any meaningful way to participate in political and other public activities, the stigma of apartheid condemned in the Thirteenth Amendment are concomitants of the dual educational system. The unmalleable fact transcending in importance the harm to individual Negro children is that the separate school system was an integral element in the Southern State's general program to restrict Negroes as a class from participation in the life of the community, the affairs of the State, and the mainstream of American life: Negroes must keep their place. (*United States* v. *Jefferson County Board of Education*, 372 F 2nd 836 (5th Cir. 1966), *aff'd with modifications on rehearing en banc*, Civ. No. 23345, 5th Cir., March 29, 1967."

Equality of educational opportunity is now the law of the land. Yet American education is still largely segregated and unequal. The public school which should be the gateway to dignity, economic opportunity and citizenship is the symbol of apartheid.

Locked into segregated schools and locked out of participation in the mainstream of economic, cultural and civic life, American Negroes have become less inhibited in their expressions of frustration, alienation and despair. Segregated public schools will increasingly become the focus of this despair. While the elimination of segregation in education is no panacea and may, indeed, have more long-run than short-run implications for a racial minority which is overcoming generations of exclusion, resistance by the white majority to equal educational opportunity now, is interpreted as "Never!" There is no single path out of the intermeshed web of segregated schools, jobs and housing, but one thing is sure: to deny equal access to opportunities for the education and training needed for entry into our advanced technological society is to exclude persons from meaningful participation in any part of it. Time is running out. Visible evidence that the nation is committed to racial inclusiveness in public education is urgently needed.

The process of school integration in the South, where we have been working, has been a cycle of great expectations and shattered hopes. The excitement following the Supreme Court's school desegregation decision of 1954 waned during the years of massive resistance. The mandate of Title VI of the Civil Rights Act of 1964 to secure nondiscrimination in all Federally-financed programs generated hope that HEW would make real in the lives of American children the rights which a decade of litigation had won but had failed to achieve in fact. However, there are now more Negro children in segregated schools in the South than in 1954. The ringing affirmation in the Fifth Circuit's monumental decision last winter that there is a clear constitutional mandate to tackle all manifestations of *de jure* segregation in education and that this means conversion to an integrated system, "lock, stock and barrel" must be tempered with the fact that new schools will be opening this fall on a completely segregated basis. Resegregation is occurring even before integration has been accomplished.

To effectuate Title VI HEW issued Guidelines for school desegregation which conform in general to standards established by Federal courts and which have been upheld by them. Progress has taken place under the Guidelines, particularly in the border states, but their implementation in the Deep South has not produced significant results in the elimination of the dual school system. Most southern school districts are desegregating under freedom of choice plans. We commend to you the recent report of the U.S. Commission on Civil Rights, *Southern School Desegregation, 1966–67*, which is a thorough documentation of the ineffectiveness of freedom of choice plans as a device to disestablish dual school structures.

HEW requires substantial progress in pupil desegregation and in moves to end the racial identifiability of schools. Yet HEW has predicted that when schools open this fall, 82% of the Negro children in the Deep South will be in schools which are at least 95% Negro.

We are distressed at the dilution of these Guidelines as they are being implemented locally. HEW's minimum expectations for

staff desegregation (the equivalent of two teachers per school) will undoubtedly not be met this year and there is evidence that Negro teachers have been fired, demoted or assigned to nonacademic positions. The regulations clearly call for the equalization of facilities and programs and for the closing of inferior schools. Yet segregated Negro schools will be in operation this year which are overcrowded, unaccredited and inferior in curriculum and facilities to white schools in the district. Some of them have no indoor plumbing. In many districts, contrary to the Guidelines, bus transportation is duplicative and discriminatory and has not been reorganized into a nonracial system. We are concerned about HEW's apparent reluctance to enforce its regulations in majority-Negro districts in the South.

The fact that HEW has been unable to provide adequate protection for families exercising their rights has been a major deterrent to desegregation. Negro families seeking equal educational opportunities have suffered intimidation, physical violence, economic reprisals, evictions and job loss. Courageous children, who have enrolled, nevertheless in desegregated schools, have met indifference, humiliation, hostility and physical abuse from teachers and fellow students. Even where there has been no overt intimidation, fear or rejection and of academic failure has been a limiting factor.

A nation which is unable to secure for its children the rights to which they are constitutionally entitled and which cannot protect them in the exercise of their rights is breeding discontent. We have observed a growing cynicism among Negroes in the South as they have experienced the gap between the law and its implementation.

On the basis of our experience in the South, we believe that the following are needed to secure equality of educational opportunity across the nation:

1. *A clear national commitment and a high priority to the goal of quality, integrated education.*

2. *A vigorous civil rights compliance program* with understanding and strong support from all branches of government.

3. *An effective technical assistance program.* Title IV of the Civil Rights Act is not before you but we hope you will find ways of encouraging greater coordination between programs funded under that title, which provides technical assistance in the solution of problems incident to desegregation, and programs under other Acts, such as ESEA's Titles III and V.

4. *Incentives* to stimulate comprehensive, long-range solutions for the toughest and most challenging problems. In many school districts genuine efforts to eliminate racial isolation will have to anticipate metropolitan plans, school district reorganizations and even interstate structures.

RECOMMENDATIONS

1. We urge you to delete Section 182 of the Elementary and Secondary Education Act as amended by the House of Representatives in HR 7819. HEW's compliance program must be strengthened. Efforts to weaken it, such as the Fountain amendment, must be resisted. The only sanction available to HEW is the termination of Federal funds. We can assure this Subcommittee that HEW has used this sanction with extreme caution. There are over 23,000 school districts in the nation. Since the beginning of the compliance program, enforcement action has been initiated only against 317 (as of July 1, 1967). As of July 31, 1967, funds had been terminated only against 103 school districts; only 74 were being deferred. Most of the school districts against which enforcement action has been initiated are districts in the South which have either refused completely to file compliance agreements or have demonstrated extremely poor performance in student desegregation (0–3%). The small number of districts which have been subject to sanctions must be compared to the overwhelming majority of southern districts which are not fulfilling their constitutional obligation to abolish their dual school systems. No northern districts have been cited in spite of the many complaints which HEW has received about segregation in the North.

The erosion of constitutional rights which is witnessed not only in the attacks against HEW's modest success but also in HEW's failure to develop a vigorous and effective compliance program must be challenged. We urge this Subcommittee in its report to express its concern for a strengthened Title VI compliance program in HEW.

2. We oppose the transfer of the administrative responsibility for Title III of ESEA from the Federal Government to the states. We have carefully studied the statements of Secretary John W. Gardner and Commissioner Harold Howe II concerning the House of Representative's amendments to Title III and share their concern that such a shift would weaken this program which was designed to foster innovation and constructive educational experimentation. The state departments of education in the South have not demonstrated a capacity for innovation, imagination and change. With the possible exception of some border states, we see no evidence that these agencies have provided leadership for school desegregation—the most urgent issue which would indeed have tested their ability to create new structures to meet changing times. Furthermore, there is considerable evidence to the contrary—that southern state educational agencies are using their power to preserve segregation. A three-judge Federal court recently ruled that Alabama officials had "flouted every effort to make the Fourteenth Amendment a meaningful reality to Negro school children" but went on to observe that "the most significant action by these defendant state officials, designed to maintain the dual public school system based on race, is found in the day-to-day performance of their duties in the general supervision and operation of the system." (Lee v. Macon County Board of Education, C.A. No. 604–E, M.D. Ala., March 22, 1967). The extremely low desegregation statistics (for 1966–67: Alabama, 2.4%; Georgia, 6.6%; Louisiana, 2.6%; South Carolina, 4.9%; Mississippi, 2.16%) would seem to indicate that state agencies are unable or unwilling to provide leadership for change.

So long as state agencies are contributing to the preservation of segregation, either through aggressive, deliberate acts or by refusing to play an affirmative role in implementing the law of the land, Federally-funded programs over which they have control are not going to promote equal educational opportunity.

3. We urge you to take whatever steps are needed to ensure that programs such as Title I of ESEA are implemented so that they will not conflict with the mandate to disestablish the dual school system. Our experience corroborates the findings of the Commission on Civil Rights in the abovementioned report that Title I funds in some districts "have been employed in such a manner as to institutionalize and strengthen the dual school structure" and frustrate the constitutional requirement to abolish segregation.

Here are four examples of the kinds of complaints which we hear many times in the South.

North Carolina.—Trailers, purchased with ESEA funds are used to reduce overcrowding at a Negro school although a formerly all-white school just a half-mile away has unused capacity which could have absorbed pupils from the Negro school.

Mississippi.—ESEA funds are apparently being used in a district to cover teachers' salaries which should have been paid out of state and local funds. A district is apparently using ESEA funds to equalize teachers' salaries.

Georgia.—During the month when freedom of choice is exercised, a Negro school begins to serve free lunches with ESEA funds to 400 out of 975 children when only 40 had received free meals previously. Very few Negro pupils have chosen to attend formerly all-white schools in this county.

Alabama.—Equipment purchased with ESEA funds for a target school which is Negro ends up at the white school. In a Georgia district equipment is turned over to a white private segregated school.

Mr. MORSE. Finally, Mr. President, I present the administration's point of view when I present the decision of the Fifth Circuit Court of Appeals in the United States of America and Lynda Stout against the Jefferson County Board of Education. It will be pointed out by some of my colleagues that there is a decision of the Fourth Circuit Court of Appeals in which that court does not share the views expressed by the Fifth Circuit; but the administration stands on the Fifth Circuit Court decision. The legal record is that the Supreme Court denied certiorari in an appeal from the Fifth Circuit case, indicating the best expression to date of the Supreme Court.

I want to read the following paragraphs from that case because they will be the foundation premises for my legal position throughout this debate in respect to certain amendments that I understand will be offered:

When the United States Supreme Court in 1954 decided *Brown* v. *Board of Education* the members of the High School Class of 1966 had not entered the first grade. *Brown I* held that separate schools for Negro children were "inherently unequal". Negro children, said the Court, have the "personal and present" right to equal educational opportunities with white children in a racially nondiscriminatory public school system. For all but a handful of Negro members of the High School Class of '66 this right has been "of such stuff as dreams are made on".

"The *Brown* case is misread and misapplied when it is construed simply to confer upon Negro pupils the right to be considered for admission to a white school". The United States Constitution, as construed in *Brown*, requires public school systems to integrate students, faculties, facilities, and activities. If *Brown I* left any doubt as to the affirmative duty of states to furnish a fully integrated education to Negroes as a class, *Brown II* resolved that doubt. A state with a dual attendance system, one for whites and one for Negroes, must "effectuate a transition to a [single] racially nondiscriminatory system." The two *Brown* decisions established equalization of educational opportunities as a high priority goal for all of the states and compelled seventeen states, which by law had segregated public schools, to take affirmative action to reorganize their schools into a unitary, nonracial system.

The only school desegregation plan that meets constitutional standards is one that works. By helping public schools to meet that test, by assisting the courts in their independent evaluation of school desegregation plans, and by accelerating the progress but simplifying the process of desegregation the HEW Guidelines offer new hope to Negro school children long denied their constitutional rights. A national effort, bringing together Congress, the executive, and the judiciary may be able to make meaningful the right of Negro children to equal educational opportunities. The courts acting alone have failed.

We hold, again, in determining whether school desegregation plans met the standards of *Brown* and other decisions of the Supreme Court, that courts in this circuit should give "great weight" to HEW Guidelines. Such deference is consistent with the exercise of traditional Judicial powers and functions. HEW Guidelines are based on decisions of this and other courts, are formulated to stay within the scope of the Civil Rights Act of 1964, are prepared in detail by experts in education and school administration, and are intended by Congress and the executive to be part of a coordinated national program. The Guidelines present the best system available for uniform application, and the best aid to the courts in evaluating the validity of a school desegregation plan and the progress made under that plan.

Mr. President, elsewhere in the decision the Court points out that the so-called freedom of choice proposal does not necessarily meet the requirements of the Constitution. The Court points out that the law requires integrated schools, not segregated schools by choice. In fact, it is the view of the senior Senator from Oregon that the argument that seeks to support freedom of choice is but another way of stating the rejected doctrine of separate but equal schools. But what the Supreme Court has held—and I shall never move from this major premise in the course of the debate—is that, as a matter of constitutional law, there shall be integrated schools, and not segregated schools, whether that segregation is by so-called free choice or by simply a refusal on the part of a community to go along with integrated schools.

It is rejected, of course, by some, but the great concern, as a matter of law, about so-called free choice is that there are mores and cultural patterns and past history that inhibit the true meaning of freedom of choice. Furthermore, it is not for a Negro parent to determine, as a matter of public policy, that his boy or girl shall be denied his constitutional rights by going along with the officials of a community or the school directors of a community with a continued separation of the schoolchildren based upon the color of their skin.

Mr. President, there is already in the subcommittee record a legal memorandum supplied me by the Department of Health, Education, and Welfare, on free choice in desegregating public schools, but I ask unanimous consent to put it in the RECORD at this point, because it bears out the general premise of which I have just spoken.

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

LEGAL MEMORANDUM SUPPLIED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON "FREE CHOICE" IN DESEGREGATING PUBLIC SCHOOLS

In 1954, the Supreme Court announced the constitutional principle that Negro children have the right to equal educational opportunities with white children in a racially non-discriminatory public school system. *Brown* v. *Board of Education*, 347 U.S. 483 (1954). The Court made clear the obligation of school officials in school districts maintaining a dual educational system based on race to take whatever steps are necessary to eliminate the dual nature of the system as well as all other distinctions based on race. In a follow-up decision in the same case a year later, the Court recognized that the change to a unitary, non-racial school system could take a period of time, and held that school districts could effect the transition with "all deliberate speed". *Brown* v. *Board of Education*, 349 U.S. 294 (1955).

In these two benchmark decisions, the Court did not discuss what particular devices might be used in disestablishing a dual school system. It made clear that during the transitional period school officials would have to deal with problems of disestablishment relating to "physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis." The development of specific plans was left, however, to local school officials, subject to review by the lower Federal Courts.

Initially, school systems upon being ordered to start desegregation instituted very selective pupil transfer systems which gave only a handful of Negro children the opportunity to transfer to white schools. Later, when a racially segregated school system was forced to take further action, it almost invariably used a "free choice" method of assignment of pupils to particular schools. Under this method, the school officials abdicated the function of assigning students, which they had theretofore exercised on a racial basis, to the students and their parents. Despite the marked departure from prior school administrative practice that was involved in the adoption of this system by school districts facing the duty to desegregate, the lower Federal Courts accepted the system as a legitimate transitional device. See, *e.g.*, *Lockett* v. *Board of Education of Muscogee County*, 342 F. 2d 225 (5th Cir. 1965); *Gaines* v. *Dougherty County Board of Education*, 334 F. 2d 983 (5th Cir. 1964); *Kemp* v. *Beasley*, 352 F. 2d 14 (8th Cir. 1965); *Bradley* v. *School Board of the City of Richmond*, 345 F. 2d 310 (4th Cir. 1965), *rev. in part*, 328 U.S. 103.

As school officials and the courts developed a body of experience in the operation of the "free choice" system, it became apparent that it was far from a "free choice" and in many instances it produced only minimal changes in the traditional dual school system based on race. See, *Report U.S. Comm. on Civil Rights, Survey of School Desegregation in the Southern and Border States—1965–6*. In this connection, the Court of Appeals for the Fifth Circuit in *U.S.* v. *Jefferson Co.*, 372 F. 2d 836, *aff'd en banc*, 380 F. 2d 385, *cert. den.*, —— U.S. —— (1967), said:

"School authorities in this Circuit, with few exceptions, have turned to the freedom of choice method for desegregating public schools. * * * When such plans leave school officials with a broad area of uncontrolled discretion, this method of desegregation is better suited than any other to preserve the essentials of the dual school system while giving paper compliance with the duty to desegregate." (p. 888)

Even where a district granted transfer privileges to Negro students, it placed the full burden of desegregation on them, and for all practical purposes dual school systems remained intact. By and large, faculties remained segregated; athletic events were scheduled on a racial basis; [1] school buses transported Negroes long distances past white schools to attend traditionally Negro schools; and the quality of education in traditionally Negro schools remained so inferior that white students could hardly be expected to enroll in them and many Negro students could hardly be expected to make the transition from them. Community attitudes exerted a substantial influence to assure that the choice of the students would be for the same schools that had been traditionally maintained for them.[2] Instead, there remained clearly a system of schools for Negroes, even though some Negroes attended the schools which previously had been reserved for whites.

The slow pace of desegregation since Brown led the Supreme Court in *Watson* v. *City of Memphis*, 373 U.S. 526, 530 (1963), to say: "*Brown* never contemplated that the concept of 'deliberate speed' would countenance indefinite delay in elimination of racial barriers in school. . . ."

See also, *Griffith* v. *County School Board of Prince Edward Co.*, 377 U.S. 218, 229 (1964); *Goss* v. *Board of Education*, 373 U.S. 683 (1963).

Not only was time running out, but it was also becoming increasingly clear that school officials were not accepting their responsibility to eliminate all aspects and vestiges of the traditional dual school system. For this reason, the lower Federal Courts found it increasingly necessary to spell out in specific terms what had always been inherent in the Supreme Court's decision in *Brown*, and to place limitations on the use of "free choice" plans.

One such limitation was announced by the Fourth Circuit in *Bowman* v. *County School Board of Charles City County*, C.A. #10793 (4th Cir. June 12, 1967). The Court held:

"Freedom of choice is acceptable only if the choice is free in the practical context of its exercise. If there are extraneous pressures which deprive the choice of its freedom, the school board may be required to adopt affirmative measures to counter them." (Opinion, p. 3.)

The majority in the Fourth Circuit has not been as positive as other circuits in requiring results in the operation of a free choice plan. It is worthy of note, however, that the Court in *Bowman* required the lower court to order effective action to end discrimination in teacher assignment; accordingly, the court held that the plan before it was not acceptable.

The views of the Court of Appeals in the *Bowman* case were soon applied by the United States District Court for the Eastern District of North Carolina in the case of *Coppedge* v. *Franklin Co. Board of Education*, C.A. #1796 (E.D. N.C. Aug. 17, 1967). The District Court of Coppedge, after reviewing the evidence of intimidation of and threats to parents of Negro children who had requested transfer to traditionally white schools, held "that community attitudes and pressures in the Franklin County school system have effectively inhibited the exercise of free choice of schools by Negro pupils, and their parents." "So-called 'freedom of choice' ", the Court continued, "under such circumstances is an illusion", and as a result is constitutionally impermissible. (Opinion p. 12). Consequently, the Court ordered a plan for the complete elimination of the dual school system upon the "basis of a unitary system of non-racial, geographic attendance zones, or a plan for the consolidation of grades, or schools, or both."

In *U.S.* v. *Jefferson Co.*, 372 F. 2d 836, *aff'd en banc*, 380 F. 2d 385 (5th Cir. 1967), *cert. den.*, — U.S. ——, the Fifth Circuit also saw limits to the use of "free choice" for desegregation. The Court said:

"As *Brown* dictates, the decree places responsibility on the school authorities to take affirmative action to bring about a unitary, non-racial system. As the Constitution dictates, the proof of the pudding is in the eating; the proof of a school board's compliance . . . is the result. Has the operation of the promised plan actually eliminated segregated and token-desegregated schools and achieved substantial integration?" (p. 984.)

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[1] See *St. Augustine High School* v. *Louisiana High School Athletic Association*, C.A. #16341 (E.D. La. July 6, 1967).

[2] See *Rep. U.S. Comm. on Civil Rights, Survey of School Desegregation in the Southern and Border States—1965–66*.

Even more cryptically, the Court added, "The only school desegregation plan that meets constitutional standards is one that works."

The Court of Appeals for the Eighth Circuit in *Kemp* v. *Beasley*, 352 F. 2d 14, 21, (8th Cir. 1965), approved of freedom of choice plans "as a permissible method at this stage", although recognizing that such a plan "is still only in the experimental stage and it has not yet been demonstrated that such method will fully implement the decision of *Brown*. . . ." When, and if, it does fully implement the Brown decision, its use will have ended. "In the long-run", the Court said in *Jefferson*, "it is hardly possible that schools will be administered on any such haphazard basis." (p. 889) See also, *Lee* v. *Macon*, 267 F. Supp. 458 (M.D. Ala. March 22, 1967) (three-judge court). Indeed, in *Moses* v. *Washington Parish School Board*, C.A. #15973 (E.D. La. October 19, 1967), the District Court said, "With all grades desegregated, there is no apparent reason for the continued use of the purely interim and temporary free-choice system." (Opinion p. 19.) The Court added, geographic zoning "is the only reasonable basis for the administration of this, and the vast majority of all school systems." (Opinion p. 20.) "We could imagine no method", the Court went on, "more inappropriate, more unreasonable, more needlessly wasteful in every respect, than the so-called 'free choice' system." (Opinion p. 20.) Free choice, the Court noted, denies all precepts of sound school administration for effective utilization of available resources and for planning for transportation, curricula and other programs. Similarly, the Court in *Corbin* v. *County School Board of Loudon County, Va.*, C.A. #-----, (E.D. Va. Aug. 29, 1967), ordered the school board to adopt a non-racial geographic zoning plan to replace the free choice plan it previously had used.

At the very least, what the courts have made clear is that if "free choice" is to be used by a school district as one means of abolishing the dual school system, it must ultimately offer a choice between schools which are identifiable neither as "white" or "Negro". In *Brown* v. *County School Board of Frederick Co.*, 245 F. Supp. 549, 560 (W.D. Va. 1965), a District Court in the Fourth Circuit said: ". . . [T]he presence of all Negro teachers in a school attended solely by Negro pupils in the past denotes that school a 'colored school' just as certainly as if the words were printed across its entrance in six-inch letters."

The same warning was expressed in *Kier* v. *County School Board of Augusta County*, 249 F. Supp. 239, 247 (W.D. Va. 1966), in even stronger terms:

"Freedom of choice, in other words, does not mean a choice between a clearly delineated Negro school (having an all-Negro faculty and staff) and a white school (with an all-white faculty and staff). School authorities who have heretofore operated dual school systems for Negroes and whites must assume the duty of eliminating the effects of dualism before a freedom of choice plan can be superimposed upon the preexisting situation and approved as a final plan of desegregation. It is not enough to open the previously all-white schools to Negro students who desire to go there while all-Negro schools continue to be maintained as such . . . . The duty rests with the school board to overcome the discrimination of the past, and the long-established image of the 'Negro school' can be overcome only by the presence of an integrated faculty."

The Court of Appeals for the Fifth Circuit, in *Jefferson*, *supra* at 890, similarly emphasized:

"Freedom of choice means the maximum amount of freedom and clearly understood choice in a bona fide unitary system where schools are not white schools or Negro schools—just schools."

If students of all races are found indiscriminantly in the schools, it is clear that a "free choice" system is working. On the other hand, if only a small number of Negroes enroll in the traditionally white schools, and only a small number of whites in the traditionally Negro schools, and there is no other apparent explanation for such a distribution of the students by race, there is reason to believe that the schools have retained their racial identity and that this identity is influencing the choices. In *Davis* v. *Board of Commissioners of Mobile County*, 364 F. 2d 896 (5th Cir. 1966), the Court of Appeals disapproved the school board's desegregation plan, largely as a result of the fact that "less than two-tenths of one percent of the Negro children in the system are attending white schools."

Drawing an inference from the fact that a small number of Negroes were enrolled in traditionally white schools, the Court of Appeals for the Fifth Circuit, in *U.S.* v. *Jefferson Co.*, *supra* at 888, said:

"Common sense suggests that a gross discrepancy between the ratio of Negroes to white children in a school and the HEW percentage guides raises an inference that the school plan is not working as it should in providing a unitary, integrated system."

The principles announced in these Federal Court cases are the same principles applied by the Department of Health, Education, and Welfare in discharging its responsibilities under Title VI of the Civil Rights Act of 1964. At this time, the Department continues to accept free choice desegregation plans, where such plans are proving their efficacy, along with other measures, in eliminating the dual school systems, including removal of the racial identifiability of the schools in the system. Where, however, it is clear that the choice of the children is not in fact free, or where the plan has failed to result in the elimination of the racial identity of the schools, the Department has asked school districts to take additional concrete steps to secure more effective progress toward the elimination of the dual school system within a definite period of time. In some cases, this requires the Department, as it has increasingly required the Courts, to turn to measures other than "free choice".

Mr. MORSE. Mr. President, I finish with this observation. I hope and plead that we can go ahead with this bill, amendment by amendment, debating the amendments and voting on them. I cannot speak for the leadership of the Senate, but the senior Senator from Oregon would much rather have no action taken on this bill in this session of the Congress than take some so-called civil rights and amendments, and let it go to the country and let the Members of Congress hear from the parents and the educators and the people of their States and assume the responsibility under those circumstances for not passing a bill. It will not be my responsibility, for I intend to keep faith with my responsibility, and that is to try to get a vote without any dilatory tactics, on each of the amendments, after reasonable time for debate.

I refuse to believe, in spite of what some of the press said to me this morning, that I do not have a chance of getting action on this bill before adjournment unless I am willing to take some of these so-called civil rights amendments. I refuse to believe that. If it ever comes to pass that I think there is such an attempt, I shall recommend to the leadership that we have an opportunity to let the Senate as a whole vote on whether or not the majority is going to prevail by the filing of a cloture motion. I trust we will not get into that kind of parliamentary hassle.

I close by saying to every Member of the Senate—and every man and woman here is my friend as far as I am concerned—I will lean over backward, as I always have, to make legislative history that will protect any Senator in his home State in respect to any administrative error or maladministration in carrying out the education bill; but we do not have to gut the bill in order to pass a bill, I hope. I say no more about it. I leave it there. The Senate is entitled to know where the chairman of the committee stands, and let me say that, as of this moment, the chairman speaks for the committee.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. BYRD of Virginia. Mr. President, first I should like to thank the distinguished Senator from Oregon for his courtesy and kindness in seeking additional information and facts and figures requested by the Senator from Ohio and the Senator from Virginia. Secondly, I should like to say that my interest in this bill is directed along the financial aspects of it, because I am greatly concerned about the fiscal condition of our Nation.

I am not now arguing the merits of the proposal, but I am concerned at a time when we are running a $20 billion deficit—some say it will be more, but I have been using the figure of $20 billion—when the President of the United States, day after day, week after week, and now month after month, has said that unless the American taxpayers are taxed an additional 10 percent, we will face dire and grave consequences in this Nation.

Having said that, I should like to ask the Senator from Oregon on what date this bill was reported to the Senate by his committee.

Mr. MORSE. November 6.

Mr. BYRD of Virginia. It was reported to the Senate on November 6. I thank the Senator from Oregon.

Now, I should like to ask him two other questions. I am frank to say that perhaps the information I have received may not be accurate. So I am asking him for that reason only.

Is there anything in this legislation which says that, in the event of a deadlock over an authorization bill, a 1-year extension of appropriations would be automatic?

Mr. MORSE. I may say to the Senator that that is part of the program in title IV. We felt we had to have provision in order to make it possible for the schools to plan ahead. If we get a deadlock at some future date, it is my understanding that we will proceed then with the same appropriations for an additional year.

Mr. BYRD of Virginia. Then, the answer to my question is in the affirmative, as I understand it.

Mr. MORSE. That is partly the administration and partly the Prouty amendment.

Mr. BYRD of Virginia. It would be automatic. In other words, the Congress is

giving the Department the right to spend money that it has not authorized?

Mr. MORSE. Well, we have already done that when we have permitted, through its appropriations process, forward funding in other programs.

Mr. BYRD of Virginia. I am asking about this particular legislation.

Mr. MORSE. The answer is "Yes," but first the money must be appropriated.

Mr. BYRD of Virginia. Another question. Is there anything in the legislation that would give the Commissioner of Education the authority to make grant agreements with the States after May 15 of any year if the appropriation for the education of children in certain areas has not been passed?

Mr. MORSE. This is the essence of the proposal of Senator PROUTY with which I am associated.

Mr. BYRD of Virginia. It appears to me, by way of comment, that what we are doing here is exactly what so many Senators have argued against during this session of Congress, including the distinguished senior Senator from Oregon and the distinguished Senator from Arkansas. We are voluntarily giving to the executive branch more of the authority that belongs to Congress. If that is what we want to do, we have the right to do it, but I think we ought to know what we are doing and be aware of what we are doing. The Senate ought to be aware of the fact that we have continued, year after year, certainly in this area, to give more and more power to the executive branch, and then we come in and complain that the executive has too much power.

Mr. MORSE. I understand that, but I think the Senator goes too far in the application of a principle that he and I agree on. I am opposed to the delegating of blanket authority, but in this instance we know what the facts and figures are that we are expending. We know what the present appropriation is. This is one way of really extending an authorization and appropriation based upon existing figures, rather than giving the executive an authorization to exercise discretion in regard to specific amounts which have not been passed on. That is quite a different thing.

Mr. BYRD of Virginia. How do we know what 535 Members of Congress are going to appropriate and how much they are going to authorize? How do we know that?

Mr. MORSE. We have not delegated anything here as long as the appropriation check remains.

Mr. BYRD of Virginia. The Senator has answered this question affirmatively. In the event of a deadlock on the authorization bill, a 1-year extension of appropriations would be automatic. Certainly, that is giving away that authority to make that 1-year appropriation and making it automatic.

Mr. MORSE. We have not given the administration anything, really. We have retained the congressional check through appropriations.

Mr. BYRD of Virginia. The Senator answered in the affirmative.

Mr. MORSE. This contrasts with giving to the administration blanket authority, where we eliminate all checks. What we really are saying is that we are letting the Appropriations Committee in this instance act as it did before. That is bad policy, but it is not delegating it to the administration without congressional checks.

Mr. BYRD of Virginia. If I understood the Senator's answer to my question correctly a few moments ago, we would not be delegating it to the Appropriations Committee; a 1-year extension of appropriations would be automatic.

Mr. MORSE. But we have already fixed that figure.

Mr. BYRD of Virginia. For the previous year, but the Congress might raise it or lower it.

Mr. MORSE. All I am saying is that if we cannot get out of a parliamentary bind in regard to next year, we are not going to close the schools, as far as Federal programs are concerned; we are just going to extend authorization of what we have already done for one further year. That is not a delegation to the administration.

Mr. BYRD of Virginia. It is a matter of policy and principle with which I do not agree.

Mr. MORSE. I think it is bad policy. That is why I want to get on with this authorization bill. I agree with the Senator that it is bad policy, but it is not delegating to the administration any discretionary policy. We are really saying, in view of the parliamentary plight in which we are finding ourselves, is that we will extend the authority to appropriations until we get the hassle settled.

We must act on that appropriation. That is a congressional act.

Mr. BYRD of Virginia. I might say the Senator from Oregon is very persuasive in his argument, but it indicates to me why this country has gotten into the mess we are in now: Because we have continued to abrogate those principles, and continued to give away more and more authority, to the point where it is now proposed that we say to the executive branch, "If we cannot agree on this, it will be automatic; you can just go ahead and take your appropriation."

Mr. MORSE. I would be against that, too, if we were to pass a bill which said that because we could not agree on an appropriation, we would let the administration spend what it wanted to, based on past appropriation acts. That would be delegating power to the administration.

But that is not what this is. It says at least they can do it in the absence of an authorization bill and subsequent appropriation bill, allowing them to spend what was spent last time.

Mr. BYRD of Virginia. As I understand it, though, the Senator from Oregon feels that it is a bad policy.

Mr. MORSE. I think it is a bad legislative policy. That is why I have taken the time I have, for the last half hour, to plead with my fellow Senators to help me out, to cooperate with me, in an endeavor to get this bill passed. After everybody has had his say, and arguments on every amendment have been made, let us vote. But the Senator knows very well that any group could prevent that if they wanted to do it.

Mr. BYRD of Virginia. Would the Senator be willing, after all the amendments have been taken care of, and just before final passage, when he knows a vote will be taken, to take this section out, and not set a precedent for another bad policy—which the Senator from Oregon says is a bad policy, and I certainly agree with him?

Mr. MORSE. The answer, for now, is "No."

Mr. BYRD of Virginia. I thank the Senator from Oregon.

Mr. HART. Mr. President, will the Senator yield briefly?

Mr. MORSE. I yield to the distinguished Senator from Michigan.

Mr. HART. I had the opportunity to hear much of the Senator's preliminary discussion this morning, and know that all of my fellow Senators, when they have an opportunity to read the RECORD, will join me in expressing appreciation for the kind of presentation the Senator has made of a very complex bill.

The Senator stated—and I support him in it—that we want to pass this bill, but we want to pass it only if we can do so with decent respect for constitutional obligations.

The Senator from Oregon went on to explain that he would be quite willing to accommodate any Senator or Senators in a colloquy that pointed up any administrative malpractice and bad judgment, but that the so-called civil rights amendments were too high a price to pay for the passage of the bill.

Let us get in focus just how much bad administration may have been involved. I ask the Senator from Oregon if I am not correct in my understanding that there have been some 200 completed compliance proceedings under the HEW procedure; and out of those 200 compliance proceedings, in only two or three cases—in fact, the record, as I have it, shows that in only three cases were the school districts found to have been in compliance with title VI of the 1964 Civil Rights Act.

Mr. MORSE. In one case the Secretary reversed the examiner. In the other two, after the examiner's report found noncompliance, and by the time the Secretary got to it, they had worked out an understanding for compliance.

Mr. HART. I see.

Mr. MORSE. So there was really only one case out of the 200 in which the Secretary found it necessary to reverse the trial examiner. Do not form the idea that that was a black and white case, either; but do not forget who the trial examiners are.

Trial examiners are appointed from a roster compiled from civil service lists, and approach the problem as independent minds. I think it is remarkable that we find only one case, really, in which it was found necessary to reverse the trial examiner.

Mr. HART. That was my feeling when I saw those figures. I raise the matter early in the debate, hopeful that it will enable the discussion to remain in focus. This is the record; and to me it is a record which establishes clearly that the Department has not acted arbitrarily or precipitately in carrying out the order of Congress as clearly expressed in title VI of the 1964 Civil Rights Act.

If anybody wishes to argue with that 1964 act of Congress, let him do it; but let us not confuse that debate with the question of passage of this much-needed school bill.

Mr. MORSE. I am so glad that the senior Senator from Michigan raised the issue. I intended to do it in connection with one of the amendments, because I felt that was where it would be most relevant from my standpoint.

Mr. HART. I agree.

Mr. MORSE. But from the standpoint of the whole debate, it is very relevant now, and again I wish to stand before the Senate as a witness, being in charge of the legislative oversight program of the Education Subcommittee, to the willingness of Secretary Gardner to work with us. Imagine the responsibilities of a Cabinet officer. The Secretary of Health, Education, and Welfare does not deal only with education. His responsibilities deal with the whole gamut of the jurisdiction of that Department.

I want to testify here that immediately when we call the attention of Secretary Gardner to a problem that has been raised before the committee concerning an alleged maladministration on the part of some member of his staff, either the Secretary or Under Secretary Wilbur Cohen makes himself available to the committee. The committee asks them for the facts, we then present the basis of our request. The Department makes its reply as rapidly as it can after an investigation of what has happened has taken place.

This is the kind of dedicated servant we are dealing with. And that is why I went into the detail I did about some of these complaints I have received from some Senators about an alleged delay beyond the 90-day deferral period.

In nearly every instance, it was found that the delay was occasioned because of the school authorities of the State. They wanted more time. The Department was ready to proceed to a decision of finality within the 90-day period.

There is another complaint, and we will deal with that later. I think it is apropos of what the Senator from Michigan has contributed to the debate.

We had the charge that these local superintendents of school boards could not get anything in writing from the fieldmen of the Department of Health, Education, and Welfare. The Senator knows the charge, as a lawyer. It was that the Department was not giving them due process.

Imagine my first reaction as a lawyer when I was told by my colleagues—and my colleagues had every reason to believe it, because they had been told—that this was the treatment they were receiving from the Department fieldmen.

We have a transcript of a conference, and I will be glad to show the transcript to any Senator who wants to examine it. It was agreed that I would call the Secretary and his staff members in for an informal conference with the Senators to tell them what HEW was doing in their home States. It was not a public or an official hearing.

Does the Senator think I do not have sympathy for these Senators? Does the Senator think I do not have sympathy for a Senator from a given Southern State, where the racial tensions and the racial feelings are today just about as they were 75 years ago? That Senator has got a very difficult job to see that justice within the law is done the school district in that kind of a community.

I was deeply moved, in fact, when one of my colleagues said to me, and I paraphrase it accurately: "You know what I have got to face here. This generation will never understand the necessity for putting Negro children into the schools in that community."

I understand that situation. HEW officers understand it.

We had better speak hypothetically now, but this hypothetical illustrates the case. A superintendent said to his school board and to his local political officials: "They never gave me anything in writing." That is what the Senator is told. He is told: "We cannot even get something in writing out of that department up there. They are a law unto themselves. We cannot even get a bill of particulars." We went into those cases.

The Senator has discussed the situation with the Secretary.

The Secretary said: "I want to find out." He said: "I do not say it does not happen. But I do not know of a case in which it has happened. You give me any case in which a school superintendent asked for a bill of particulars in writing and was denied it, and I will see that the situation is corrected forthwith."

I intend to make a legislative history later with regard to this particular part of the bill. I intend to give the Senate assurance that I have assurances from the Secretary of Health, Education, and Welfare that they will see to it that there is not any variance from the practice of putting it in writing. In view of the charges which have been made against the Department, school districts have got to request in writing that the Department put its suggestions in writing.

All I say at this point is that when we have a public official, such as Secretary Gardner, doing the magnificent job he is doing with one of the most troublesome problems that has faced the Federal Government on the domestic scene in our time, we should be most grateful.

I do not know of any problem that we have had domestically that is as serious in our time as the attempt to have our society adjust and adapt itself to the new mores involving the 14th amendment vis-a-vis the school system of the country.

The Senator from Michigan, who is our leader, has stood up here with courage and determination to see to it that the Constitution is carried out. He knows whereof I speak when I say that we have no choice as Senators.

I happen to think that the Supreme Court was right in the great 1954 decision. I said 20 years ago that that was what the Constitution meant. I taught it for years before I ever came to the Senate. But that is the law of the land, and so long as it is the law of the land, the senior Senator from Oregon is not going to go along with any scuttling compromise that will be sought to be added to the pending legislation tomorrow or next week or next year that seeks in any way to diminish the full application of constitutional rights to all people in this country and all parts of this country, irrespective of whether they are black or white.

Mr. HART. Mr. President, the Senator from Oregon did not have to add that last point. Everyone realizes that any amendments the Senator from Oregon recommends to us are being recommended by a person who is the first among us to blow the whistle when there is any intrusion on a constitutional right.

I join with the distinguished Senator from Oregon in hoping that before too many days have passed, the Senate will pass the pending bill.

We all remain in the debt of the Senator from Oregon for his great leadership.

Mr. MORSE. Mr. President, I understand that the Senator from South Carolina wishes to discuss some subject matter not germane to the bill.

If so, I am delighted to yield the floor and forego the calling of a quorum at this time.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senator from South Carolina is recognized.

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

Mr. MORSE. I yield.

Mr. THURMOND. Mr. President, I wish to inquire of the Senator whether I correctly understood him to say a few moments ago that the law requires integrated schools and that the decision of the Supreme Court in 1954, which opens all schools to all children, known as freedom of choice, is the same as the separate but equal doctrine which was handed down in 1896 in Plessy against Ferguson.

Mr. MORSE. The Senator from Oregon spoke of those who hold to the point of view—and I believe with considerable logic—that the freedom-of-choice doctrine as it is being advanced these days in effect carries out or would carry out the separate but equal policy that was rejected by the Supreme Court.

Mr. THURMOND. The separate but equal doctrine provided that the trustees could have separate schools so long as they were equal. They could send their children of different races to different schools, but the schools did have to be equal. That law as in effect, as the Senator knows, until 1954. Then, the Brown against Board of Education decision of that year provided that that no longer applied, that they could no longer have separate schools, that they had to open the schools to all children of all races, and that was done.

I am wondering how the Senator could say that the separate but equal doctrine is the same as the free choice doctrine because under the separate but equal doctrine children could be kept in different schools if they belonged to different races as long as the facilities were equal. But when you open the schools to all races, as the 1954 decision did, and they no longer can keep children of the same race in a certain school, that is an entirely different question.

In my State of South Carolina today,

all of the schools—I repeat, all of the schools—are now open to children of any race. No one can claim that there is any discrimination in my State.

The Supreme Court decision of 1954, which is the last decision of the Supreme Court on this subject, held that there could not be discrimination and that it would be discrimination if any child of one race was denied admittance to the school of another race. But that was eliminated. The 1896 decision went down.

The 1954 decision is still in force and effect, providing that you cannot deny any child the right to enter any school. That decision is being followed in my State today. Any child of any color can enter any school in South Carolina today. I am not aware of any complaint that this is not being done.

But when HEW takes the position that they are following the freedom-of-choice plan and they say to school trustees, "You do not have enough Negro children in a certain white school, and you have to transfer 25 more or 50 more or a hundred more," then are they not denying the very principle laid down in the 1954 decision, because they are denying the children and the parents who are being forced to move to another school against their wishes the right to make the choice? Are they not compelling children to go to schools they do not wish to attend, which is directly opposite from the holding of the 1954 decision?

Chief Judge Parker of the Fourth Circuit Court of Appeals interpreted that decision, when he said that the Supreme Court held that there shall be no discrimination, that any child can go to any school. But he said that they did not hold—I repeat, that the Supreme Court did not hold—that this meant forced integration. It merely meant you have to prohibit discrimination.

But HEW now is following a plan that brings about forced integration, when they say to a school, "You do not have enough people of a certain race in that school," and they demand that more children of a certain race be put in that school.

Suppose the children and the parents do not wish for the children to go to that school and you force them to go. That is right in the face of the 1954 decision. If they want to go, they have a right to go. They have a right to go, under the 14th amendment, as interpreted by the Supreme Court in the 1954 decision.

I know of no authority in the Constitution, in the 14th amendment, or in the Supreme Court decision, and I know of no statutory authority in the Civil Rights Act or any other act, that permits HEW or any other Federal agency to demand that children be forcibly transferred, against their wishes, from one school to another. That is the effect of what HEW is now doing. They will practically tell you that they are following the freedom-of-choice plan so long as it brings back more integration. Well, if they are following the freedom-of-choice plan, they should follow it, whether it brings more integration or not. That is not the question. But they seem more interested in more integration than in more education.

I was astounded when I heard the distinguished Senator from Oregon, who has a reputation of being a distinguished and outstanding lawyer in this Nation, make the statement that he felt that the freedom-of-choice plan today is similar or practically equivalent to the separate but equal facilities doctrine handed down in the Plessy against Ferguson decision of 1896. I cannot believe that the Senator meant to say that they are even similar, because they are entirely different. The freedom-of-choice plan has changed the entire complexion of this situation.

But we are objecting to the power—the power—that is being exercised by HEW in going further than any constitutional provision requires or any statutory provision requires, in bringing about a forced integration, rather than opening the schools to all children of all races.

What more can we do in South Carolina? What more can the people of Chicago or anywhere else do if they open all the schools to all the children? Does not that meet the Supreme Court decision of 1954? Does not that meet the requirements of the 14th amendment? Does that not meet the requirements of the Civil Rights Act of 1964? I know of no statutory authority and I know of no decision of the Supreme Court that go any further than that. I will concede that a circuit court of appeals handed down a decision that appeared to go further, and I believe that the distinguished Senator from Oregon said he is following that decision. Why is he following that decision instead of following the decision of the Fourth Circuit Court of Appeals? Why is he following that decision instead of following the U.S. Supreme Court decision of 1954, which is the latest decision on this subject?

The 1954 decision decided that there must be freedom of choice. No decision since then has overruled that decision. No decision since then has set that decision aside. It is still the law—some say the law of the land; some say the law of the case. But, regardless, that is the decision. It is applicable. It is recognized and is being followed throughout the Nation.

Again I say that the desire is not to create a subterfuge. There is no subterfuge. There is no subterfuge in South Carolina. Any child may enter any school he desires to enter. But when it is attempted to go further than that and to force him to go to a school he does not want to go to, or that his parents do not want him to go to, merely to bring about integration, that is going further than the Constitution requires. It goes further than the Brown decision requires.

It is going further than the statute requires.

I had hoped that the Senator from Oregon would take the position, in handling the bill, that so long as there was true freedom of choice—and it ought to be true freedom of choice—the requirements of the Constitution and the statute were met.

I feel certain that the able Senator from Oregon, for whom I have great respect, is trying to help the administration. I believe he said he was. But I do not consider that it is our duty to help the administration, regardless of the party to which we belong. Ours is a tripartite system of government. It is our purpose and our duty to act as we think is best for the country. It is our duty to fulfill the requirements placed upon us by the Constitution, as we see them, regardless of the position the President may take, regardless of the position the Department of Health, Education, and Welfare may take, or regardless of the position some other Federal agency may take. Congress has a solemn duty to fulfill the requirements that are laid upon it under the Constitution; that is, to legislate in the way we think is in accordance with the Constitution and is wise and best for the people of the Nation.

Now, there are some zealots who get into government. There are some zealots who get into these agencies, people who were not elected to office, people who never could be elected to office, and some who are more interested in social reforms than they are in education; some who are more interested in furthering their particular pet projects than furthering overall education in the Nation. Because some of these people are determined to put into practice certain of these pet projects, they have been working on and pressing them on the people.

I want to say that they are coercive people; they have brought pressure on the people; they have brought pressure on the trustees of hospitals and schools and various other places in the State. It has been unnecessary and unwise.

It seems to me that now is the time that we should begin to go back to the Constitution and go back to the statute, and not go any further than that.

If the people want to send their children to a certain school and they have a right to do it, they should be allowed to do it. If they do not want to go to a certain school, what right has the Department of Health, Education, and Welfare to try to force them to do it?

The way in which the law has been administered in many places has been entirely unreasonable. In many cases, notices have not been in writing. Trustees of schools and hospitals have been called on the telephone. I have had them tell me so. They have been coerced and threatened into following a certain course or taking steps they were not required to take under the statute or the Constitution.

I would like to know from the Senator why he is pursuing the course of the Department of Health, Education, and Welfare when the Constitution and the statute do not require going any further than freedom of choice, except this Fifth Circuit Court of Appeals decision, which has not overriden the U.S. Supreme Court decision. The Supreme Court decision for the freedom of choice is the law that is now in effect, and it has been so construed by the judges.

I thank the distinguished Senator for his attention to the remarks I have had to make and I would hope that he will reconsider some of the statements he made and reconsider trying to help the administration for the sake of helping the administration because that does not

sound like the distinguished Senator from Oregon. I know of no more independent man in this body than the senior Senator from Oregon.

Of course, if he thinks that the administration is right in trying to force children to go to a school they do not want to go to, that is a different matter, but I can hardly believe that he thinks that. I hardly believe that he feels in his heart, the good lawyer that he is, that he can go beyond what the Supreme Court said, and that is that a child cannot be denied the right to go to any school, regardless of race.

Mr. MORSE. Mr. President, the Senator from South Carolina has demonstrated again that he is a very able lawyer and a very able advocate. However, I want to reply to his major arguments because I completely disagree with him.

I wish to say good naturedly, and I want him to know that this is a jocular reply, that if I ever commit a wrong that would cause me to be in court, having a bad case on my hands, I would welcome the Senator from South Carolina coming to my assistance because he just demonstrates he is an advocate for a bad case. I do not think he has a good case.

I disagree with the Senator's interpretation of the 1954 decision. I disagree with what I think is implied in his interpretation of the 14th amendment. I disagree with the interpretation that he makes of the Civil Rights Act of 1964. I answer all of the questions he propounded to me in the negative.

I want the Senator from South Carolina to know that I am not taking the position I take on the floor of the Senate to help the administration because I want to help the administration and just to help the administration. I am glad to help the administration in this case because I think the administration is right in the position it has taken in regard to the bill and the interpretation that it makes of the authority that is being administered by the Department of Health, Education, and Welfare.

Mr. President, let the record be clear that the administrative policies of the Department of Health, Education, and Welfare in regard to all of the civil rights issues raised by the Senator from South Carolina have been cleared with the Department of Justice. As I said earlier today, it is the policy of the administration to stand on the opinion of the Fifth Circuit Court of Appeals. The Senator speaks about Supreme Court action. The fact is that appeal from the decision of the Fifth Circuit Court of Appeals was denied certiorari by the Supreme Court. The Senator and I know, as lawyers, that you cannot breathe into a certiorari denial meaning beyond the limited meaning of the denial. The denial of that writ means that the court did say in effect it did not intend to disturb that decision, and I only wish to reiterate again that the administration stands upon that decision.

I had said earlier that the Senator from South Carolina had noted the Parker decision of the fourth circuit, but the two cases are not on all fours, for that matter. Let us assume that they were, and one circuit court reached one decision and another circuit court another. The judgment which has to be made by the Department of Justice is which decision is the administration going to stand on? It stands on the decision of the fifth circuit. In that decision, the court said in part:

> The court holds that officials and administrators of public schools in this circuit have the affirmative duty under the 14th Amendment to bring about an integrated unitary school system in which there are no Negro schools and no white schools, just schools.

The court goes on to say:

> 4. Freedom of choice is not a goal in itself. It is a means to an end. A schoolchild has no inalienable right to choose his school. A freedom of choice plan is but one of the tools available to school officials *at this stage* of the process of converting the dual system of separate schools for Negroes and whites into a unitary system. The governmental objective of this conversion is—educational opportunities on equal terms to all. The criterion for determining the validity of a provision in a school desegregation plan is whether the provision is reasonably related to accomplishing this objective.
>
> 5. The percentages referred to in the Guidelines and in this Court's decree are simply a rough rule of thumb for measuring the effectiveness of freedom of choice as a useful tool. The percentages are not a method for setting quotas or striking a balance. If the plan is ineffective, longer on promises than performance, the school officials charged with initiating and administering a unitary system have not met the constitutional requirements of the Fourteenth Amendment; they should try other tools.

Let me add my respectful reply to my good friend from South Carolina that I did say, and I repeat, that when we look at the practical effect of the free choice formula in certain areas, it is not a free choice at all.

As I said earlier this morning, there are a variety of psychological pressures, intangible forces in a community, the interchange of daily relationships between Negro and white, a multitude of ways to manifest a community attitude toward the thought of sending Negro children into a white school, which have a terrific effect on conduct, on whether a parent who is Negro asks to have his children sent to a Negro school and not to a white school. I thought the court, the fifth circuit, and, for that matter, other judicial decisions very subtly—perhaps more professionally than I in the comments I am now making—made clear that freedom of choice can be just as semantic a phrase; but when the court says that, in effect, there are not to be Negro and white schools but public schools, without discrimination, I think they are making the correct interpretation of the 14th amendment.

It is within this framework that I declare that so far as the individual child is concerned, where the decision is made for him by his parents or others as to what school he shall go to, he is living under the old formula, so far as his education is concerned, of equal but separate schools.

In that sense, and only in that sense, do I say that I think the freedom-of-choice doctrine cannot be reconciled with the 14th amendment or, in my judgment, with the Civil Rights Act of 1964. I stress again what the Court said about freedom-of-choice plans, and the decision of 1954 and the Civil Rights Act of 1964, that I think the meaning of the 14th amendment means we have got to have steady progress toward complete integration. That is the objective; namely, complete integration. Any slowing up of the procedures which holds back that integration, in light of the statistics I placed in the RECORD earlier today. I speak respectfully. I am not going to take the time to repeat the background of the statements I made, to show each time that I am not involved in any odious comparisons, nor do I mean to reflect upon the jurisdiction of any State. But, we are mature men and women, and we have to talk about these things in a mature fashion.

The fact is, statistics show there has been very little integration in scores and scores of southern school districts. I am likewise critical, let me say, of de facto segregation in northern school districts as well. I have protested that, too, in carrying out my oversight duties as chairman of the subcommittee. The Secretary of HEW made perfectly clear to them that if they are going to sit by and permit de facto segregation in any northern school area, they are not carrying out the purpose of either the 1954 decision, the 14th amendment, or the 1964 Civil Rights Act. That is my judgment, too. But the statistics show that there has been, relatively speaking, little integration in the South. School districts there show one or two, or perhaps six colored children out of many hundreds in that area, so that obviously the conclusion is that integration is not being carried out.

That is what is involved, gentlemen, in part, in the debate today. That is why I am unhappy about it. If anyone thinks I am happy about taking this bill through, when I know there are sincere and honest differences of opinion among us, he could not be more wrong. I should like to accommodate my southern colleagues in their amendments. I should like to accommodate my good friend from South Carolina when he says that he wishes I would reconsider and accept his amendments, none of which has been offered as yet; but I cannot do it because I do not think that he is right.

I do not think the others are right. I am not going to support an amendment that I think is wrong.

Well, I am not going to say more. I think I have made my position clear.

I think the Senator from Mississippi [Mr. STENNIS] wants the floor.

Mr. STENNIS. Mr. President, I just want to ask a question or two.

Mr. MORSE. Before I yield to the Senator from Mississippi, may I have the attention of the Senator from Virginia [Mr. BYRD]? As soon as I yield to the Senator from Mississippi I want to yield the floor. Then the Senator can go ahead with a quorum, if he wants a quorum, and we can get on with this debate.

I only want to say this. This is December 4. We have a lot of business to do in the Senate. I do not want to limit for one moment full debate on this issue, but I think we know that, after reasonable debate, the Senate as a jury will

be ready to cast its verdict, amendment by amendment; and I certainly hope we can dispose of this bill by tomorrow night.

I do not know of any amendment except the one that I hear the Senator from Illinois may offer and these few civil rights amendments that are going to be offered. I have not heard that a single member of my committee intends to press any amendment that he offered in committee. He has a right to do it. I do not know whether the Senator from Ohio [Mr. LAUSCHE] has an amendment or not.

Mr. LAUSCHE. Mr. President, I may have an amendment.

Mr. MORSE. I only want to say I think we owe it to the schoolchildren of this country and we owe it to the school administrators of this country to get on with the business of passing a bill. If my colleagues in support of the civil rights amendments have the votes to pass them, I want the vote. If I have the votes—which I think I have—to defeat them, I want the opportunity to have the rollcall after debate. That is all I am asking for. I think that is the right of any manager of any bill, even though differences develop over what should be done.

I yield now to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding to me. I want to make it clear I have expressed to the assistant floor leader my objection to any unanimous-consent request limiting debate at this time.

Let us not try to rush this thing. The Senator from Oregon is not inclined to follow that pattern, either. I have plenty of time. I am not in a hurry about this matter. I have been here all year, and have answered at least the average number of rollcalls, and spent the average number of hours on this floor. I am not in a hurry about the matter. We have been to every other forum except the Senate, trying to obtain some relief, and we are not going to rush now. I am not.

I thank the Senator from Oregon for yielding.

Mr. MORSE. I say to the Senator from Mississippi that I appreciate the great fairness with which he always indulges in debate, with me or with any other Senator.

I had implied earlier this morning, or had said earlier this morning, that I had been in conference with a considerable number of my colleagues in the Senate who come from Southern States.

I did not use the name of the Senator, but in view of the colloquy between us, I want to say that he was one of them. And I have always had from him, in this and in every other instance, the fullest and most complete cooperation and courtesy and very frank statements as to what the issue was.

I never have any doubt as to where the Senator stands when I discuss a legislative problem with him.

The Senator has pointed out matters to me. I have taken, to the best of my knowledge, every critical comment he has made concerning the problems he has been faced with in Mississippi to the department.

I have presented them also in a quasi-formal hearing, although I referred to it as an informal conference this morning, in which a record was made.

I want the attention of the counsel for the committee for a comment. Counsel has heard the Senator from Mississippi. And the Senator from Mississippi wanted to be present at the hearing, but he had other Senate duties at the time I had the conference.

The Senator from North Carolina [Mr. ERVIN] was there and presented the point of view of the Southern Senators. And members of the staffs of the individual Southern Senators were there.

I made available to them the opportunity to ask questions and to make, either themselves or through me, the case that they wanted to make on any point. They supplied me and Mr. Forsythe, the general counsel of the committee, with certain information.

I say to my staff, you have heard Senator STENNIS and Senator THURMOND.

I want to include in this RECORD parts of the record at the conference with Secretary Gardner and his staff concerning the statements of the department dealing on the specific criticisms that were raised.

All I can say to the Senator from Mississippi is to repeat to him what they tell me, and that does not mean that we accept it. But it does mean that it places upon us the burden of going further to find out whether the explanations are based upon the facts.

I received a letter from the Secretary of Health, Education, and Welfare following that conference, and I raised in some detail the point that was made not only by the Senator from Mississippi, but also by his other colleagues, that they just could not get in writing a bill of particulars.

When the Senator sees the record, he will see my remarks in colloquy with the Secretary: I said:

If that is true, I do not think that is due process, and I do not think it is in keeping with the intent of Congress. And it certainly is not in keeping with the intent of my committee.

I read first the letter he wrote to me, and then I will read some of what the Department said in regard to it at the informal hearing.

The letter reads:

Honorable WAYNE MORSE,
Chairman Senate Education Subcommittee,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I wish to thank you and your Subcommittee for the courtesies extended to me and my colleagues at the hearing this past Tuesday. I am grateful to have had the opportunity to explain the Department's policies and procedures for implementing Title VI of the Civil Rights Act, and as I indicated to you we will always attempt to make adjustments and changes in our procedures that appear to be warranted.

With respect to the questions raised by your Committee about the staff's reluctance to put in writing recommended actions to local school districts to come into compliance with Title VI, I would reiterate my statement at the hearing that it is principally the responsibility of local school officials to adopt and implement desegregation plans to meet the local problems. The policy of the Department is to put our recommended steps to secure compliance in writing at the request of the school officials, and we will continue to operate under this policy. We shall immediately investigate any instances brought to our attention where it appears that this policy has not been followed and shall take corrective action.

Should you have additional matters you wish to discuss or have clarified, please do not hesitate to call on me.

Sincerely,

JOHN W. GARDNER,
Secretary.

We pressed the Secretary at our informal conference at some length about this point. We cited some cases that certain Senators had given us, as I reported earlier this morning, in my speech, but not in these terms of reference.

The reply of the Secretary and his assistants was that in the cases we cited the school officials themselves asked that the bill of particulars not be put in writing, that it would be more helpful to them if it were not in writing because of the conferences they had to have in the local community. I think I said earlier today that the record speaks for itself, that the point of view or argument seemed to be that having to put it in writing and then having them read it to the local school board or to the mayor or to other groups would tend to stiffen neck and back muscles and create a controversial attitude of adamacy between the local people and the Department.

He said:

That is why we have not put it in writing in some of these instances, because they haven't wanted us to. However—

He said—

let me assure you that the regulations call for putting them in writing, and if any member of my staff is refusing to put the bill of particulars in writing, I want to know about it.

Then, the Secretary, as the transcript will show—and we will put this part in the RECORD, too, may I say to counsel—read the rule, and the rule requires that it be in writing.

Their argument was that if we had any case in which they did not put it in writing, it was because they were really accommodating the local officials by not doing it.

In the course of the hearings, I called upon Mr. Forsythe, our General Counsel, to ask some questions about it, and I quote from the transcript.

Mr. FORSYTHE. The language which you have just read, I think, could be interpreted to, perhaps, give the Department's position in terms of a number of alternatives.

I am talking about a very narrow situation. Are you prepared, if a school superintendent said, "Look, we have been negotiating for a month. I am all confused. We have talked about this plan. That doesn't suit you. We have talked about that plan. That doesn't suit you. What in the world can I do?"

Are you prepared to say "this is a summary of what we have been trying to tell you will satisfy the guidelines," to put it in writing for him if he asks?

Mr. Libassi, assistant in charge of civil rights enforcement, said:

Yes, sir. We will make specific suggestions to the district of the basic ingredients of the desegregation plan which, if adopted, would meet the standard of title VI.

There are many problems in carrying out a desegregation plan where the Federal Government simply should not dictate to the local district the specific details of how they carry out their plan.

For instance, if there is a small Negro school which is providing an inadequate education, we will specifically in writing, say that the school should be closed and the children in that school should be integrated in the existing high school.

We will not tell the district what to do with that facility or how to work out the transitional steps they might want to follow, but we will clearly say that, "compliance with title VI requires you to close that school."

Also if a district is transporting children outside of the district to be educated, we will say in writing, "You must stop busing these children out of your district for an education and allow them to attend school in your own district in order to be in compliance with title VI."

So that we will make specific point-by-point recommendations and suggestions.

Now, if the district wants to come back with a modification of the suggestions or with some new ideas of its own, we welcome that, we encourage it.

We do not want to be in a position, though, in which the Federal Government is trying to spell out in every detail how 1,200 districts should desegregate their schools. But we will give them very clear and very precise information as to what they must do to meet the requirements of the law.

Mr. FORSYTHE. Well, I am not talking about a general guideline which would apply to 1,200 school districts.

Mr. LIBASSI. No.

Mr. FORSYTHE. I am talking about a specific plan for a specific school district which is arrived at after a period of negotiation, and the school superintendent is just over his head with all these plans and problems.

Secretary GARDNER. That is what Mr. Libassi is talking about.

Mr. FORSYTHE. If you have a problem of integrating faculty, are you prepared to say what amount of integration is necessary in terms of the 30 Negro schoolteachers and 150 white schoolteachers in eight different schools? What they have to do in order to comply? How do they find out how many they actually have to transfer?

Mr. LIBASSI. When we are engaged in discussions with the school district that involve closing of Negro schools, we inquire as to what will happen to the Negro teachers in the Negro school; we ask whether they will be integrated into the school with the white and the Negro students.

We also give them some suggestions as to what they might do in terms of the elimination of the dual school system, so far as faculty and students are concerned.

In other words, we want the total system to make progress in eliminating discrimination with regard both to the students and to the faculty.

But I would like to ask Mrs. Martin, if I may, Senator Morse, to give some detailed examples of the instances in which we give school districts guidance on faculty desegregation.

I would also like to introduce for the record some letters which we have sent to districts setting forth our requirements.

Senator MORSE. The letters will be included in the record following the insertion of the manual.

Then follows his assurance. My recollection is—and the record, I am sure, will support me—that after we got through with our colloquy with Mr. Libassi, Secretary Gardner again gave me assurance and gave Senator ERVIN assurance that these written instructions are a matter of right. They are guaranteed by the regulations of the Department. Secretary Gardner read them to us, and he assured me that if I would present to him any specific case in which there has been a failure on the part of the Department to carry out this written due notice, as I referred to it, he would see that it was corrected.

I am not saying to the Senator—I just do not know—that the explanation we have covers all the cases. But I am telling the Senator what they told us, and I make these statements in order to make this legislative history.

Let the Department take note at this point in the record that the chairman of the committee means exactly what he said in the informal hearing with Secretary Gardner, as I said to them outside of that informal hearing, that I believe that every school district, North and South, is entitled, as a matter of right, to have written instructions as to what they must do at that stage, to use the Fifth Circuit Court of Appeals language, in regard to the stages of getting integration—which is not done overnight, as the Senator knows—what they must do at that stage in respect to that case, in respect to that particular charge of noncompliance, what they must do to comply, and to set it out in a written notification or bill of particulars to the school district.

All I can say for the record is that Secretary Gardner has already assured me that it will be done. I assure the Senate that it will be done to the extent that the oversight activities of my committee can bring it about.

I repeat to the distinguished Senator from Mississippi, as I said this morning, that no one in the Senate, unless he is a member of the committee, has any idea of the amount of time that the staff of my committee devotes to this program. We are on top of them all the time. They will tell you, I am sure, that we sometimes smother them with requests. But that is our duty, and it is their responsibility to respond.

If the Senator from Mississippi will give me any case in which he believes the law is not being followed, he will find that I will give the instructions to my staff to make an immediate report.

I am going to give an assignment to counsel at this time. I want counsel to call the attention of the Department forthwith to the statement made in the early part of the remarks of the Senator from Mississippi, in which he discussed the colloquy between then Senator HUMPHREY and the Senator from West Virginia [Mr. BYRD].

Counsel can secure from the Official Reporter immediately the remarks of the Senator from Mississippi. I want this put into a memorandum. I want the remarks of the Senator from Mississippi quoted, and I want the Department to proceed at once to give me a memorandum, not later than tomorrow, containing their explanation of the particular set of facts about which the Senator from Mississippi has spoken, bearing upon the colloquy between then Senator HUMPHREY and the Senator from West Virginia [Mr. BYRD.].

Mr. STENNIS. If the Senator would supply that as part of his remarks, I am sure that he will call it to my attention. I thank the Senator again.

I do not wish to prolong the matter at this time. I will take this matter up later, at a time when the Senator is present, and I shall notify him when I plan to do so.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House disagreed to the amendments of the Senate to the bill (H.R. 4765) relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KING of California, Mr. BOGGS, Mr. KARSTEN, Mr. HERLONG, Mr. BYRNES of Wisconsin, Mr. CURTIS, Mr. UTT, and Mr. BETTS were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H.R. 12080) to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance system, to provide benefits for additional categories of individuals, to improve the public assistance program and programs relating to the welfare and health of children, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two House thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. KARSTEN, Mr. HERLONG, Mr. BYRNES of Wisconsin, Mr. CURTIS, Mr. UTT, and Mr. BETTS were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

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

S. 814. An act to establish the National Park Foundation;

S. 1003. An act to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics;

S. 2565. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 2644. An act to amend the Atomic Energy Community Act of 1955, as amended, the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, as amended;

H.R. 2154. An act to provide long-term leasing for the Gila River Indian Reservation;

H.R. 2275. An act for the relief of Dr. Ricardo Vallejo Samala and to provide for congressional redistricting;

H.R. 2730. An act authorizing the Administrator of Veterans' Affairs to convey certain property to Temple Junior College, Temple, Tex.;

H.R. 2828. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribes of Kansas and Nebraska and of Oklahoma in Indian Claims Commission dockets Nos. 138 and 79, and for other purposes;

H.R. 4920. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Carlos Apache Reservation in Arizona; and

H.R. 4983. An act to disclaim any right, title, or interest by the United States in certain lands in the State of Arizona.

LUNG CANCER—A DISEASE OF UNKNOWN CAUSE

Mr. ERVIN. Mr. President, today, I want to discuss an allegation which is becoming more and more frequent—that smoking is all that stands between men and immortality. This proposition is being paraded before the American people with all of the pomp and certitude of Madame Curie's discovery of radium.

When I hear these arguments, I am reminded of a prominent citizen who lived to be 96 years of age:

On his 96th birthday the newspapers sent their reporters out to interview him. One of them asked:

To what do you attribute your long life?

The old man replied:

I attribute it to the fact that I have never taken a drink of an alcoholic beverage or smoked a cigarette in all my days.

At that moment they heard a noise in an adjoining room that sounded like a combined earthquake and cyclone. One of the newspaper reporters said, "Good Lord, what is that?"

The old man said:

That is my old daddy in there on one of his periodic drunks.

Most recently, all of the assertions in support of the argument that smoking causes cancer were collected in Senator ROBERT F. KENNEDY'S address to the World Conference on Smoking and Health. When asked for my reaction to that speech, I declined on the basis that any immediate statement by me without careful study could only be superficial and unfair. Since that time, I have studied carefully the charges made by the prohibitionists.

These charges should not stand unchallenged.

In all fairness to the American people, to the tobacco industry, to hundreds of thousands of farmers and tobacco workers and their families, and to the Members of Congress who must consider proposed legislation on this subject, the record should be set straight.

This is what I propose to do today.

I have always believed in freedom of information, whether the news be good or bad.

I believe the American people have the right to know, and in this case, they have a right to know that there is no proof that smoking causes lung cancer and heart disease. By the same token, the Government has a duty to see that the people are supplied with all of the information about this vital subject.

Now, I have no pretense to expert knowledge of cancer and its causes. Indeed, I am as lacking in information as the medical profession whose knowledge of the subject is summarized in this quotation from the "Encyclopedia Britannica":

Cancer is an autonomous new growth of tissue of an unknown basic cause.

While I do not profess to have any more knowledge of this subject than is set forth in this statement, I do have considerable experience as a lawyer and a judge in weighing the probative value of medical and scientific evidence.

And I agree with the eminent chest disease specialist, Dr. Alvis Green, who told the Senate Commerce Committee:

My study of lung cancer over the past 50 years as an internist and diagnostician leads me to agree with Dr. Joseph Berkson of the Mayo Clinic that there is no proof of causal relationship between the smoking of cigarettes and lung cancer.

I would say, as he does—

Without false modesty, and quite frankly, I do not know the cause of cancer. Moreover, I am going to say without the slightest fear of contradiction, that no one else does either.

I have discussed in the past and will discuss again in the future other relevant matters including the illegality of the so-called fairness doctrine regulations of the Federal Trade Commission; the absurdity of labeling cigarettes as harmful, but not, for example, alcohol; and the poverty which cigarette prohibition would bring to thousands of farmers and workers, while at the same time tax income sufficient to pay for the war on poverty would be cut off.

After studying the arguments of the prohibitionists, I am convinced that they contain little more than old platitudes, new hyperbole, and blatant non sequiturs—all based on statistics which are either erroneous, irrelevant, or statistically meaningless. Nevertheless, these statistics are cited again and again to support the thesis that smoking causes cancer.

The truth of the matter is that these people are relying on statistics, not research. And they do not understand their own figures.

Actually it would be far easier to show statistically that smoking cigarettes prolongs life: First, Americans are living 16 years longer today than they did in 1920; second, Americans smoke more cigarettes than they did in 1920; and, third, Ergo, cigarettes prolong life.

Or to cite an example: Great Britain has a higher death rate from cancer than we do. Yet, the British smoke less.

Now, this is not to say tobacco is a health food the equivalent of yogurt. What I am saying is that, from such logic as this, no valid conclusions can be drawn.

It is correct that official statistics show a dramatic increase in lung cancer in recent years. But proponents of prohibition do not mention there has been a corresponding decline in stomach cancer. Are we to assume that tobacco has cleansed the stomach while fouling the lungs? Even more strange, incidence of cancer of the larynx has remained relatively constant over the last 30 years. Yet the smoker's larynx comes in contact with the smoke sooner and more often than the lungs.

The full weight of the prohibitionists' logic seems to rest on this one paragraph from Senator KENNEDY'S speech:

Death from lung cancer [is] increasing almost geometrically—from 2,500 in 1930, shortly after smoking started becoming a national habit, to 50,000 now.

This information is, of course, not a figment of someone's imagination. It is derived from Federal vital statistics. But they fail to take into account changes in reporting methods, improvement in diagnosis, and the aging of the population. All these have influenced the increase in numbers of deaths reported from lung cancer.

More important, there is stronger evidence from equally reputable research scientists and statisticians who reject the hypothesis that any relation between cigarette smoking and any disease has been proven. I will place in the CONGRESSIONAL RECORD expert documentation of this at the conclusion of my statement. For the moment, let me highlight the following facts:

As a national habit, cigarette smoking among the male population dates not from 1930, but from 1883 when Washington Duke & Sons began mass producing cigarettes near Durham, N.C. It is true, however, that it did not become popular for women to smoke until the 1920's; and the number of adult women who smoke has been increasing since that time.

But whether we use 1930 or some earlier date as a base year, it is still clear that a sizable but undeterminable number of cases of lung cancer used to be diagnosed as tuberculosis; and the increase in death from lung cancer parallels the decrease in deaths from respiratory tuberculosis and pneumonia. Since 1930 diagnostic techniques and the science of pathology have developed to the point where lung cancer can be easily identified.

Dr. Joseph Berkson, of the Mayo Clinic, explains the apparent rise in the lung cancer rate and fall in the tuberculosis rate in two ways. He cites the 1961 English study by Dr. Willis to the effect that—

So many cases of unrecognized lung cancer [were found] in early records as to warrant the conclusion that there was just as much lung cancer in the past, but it wasn't recognized.

Also, according to Dr. Berkson:

Persons who in former times would have died at an early age, say from tuberculosis, now live to ages at which they are exposed to death from lung cancer.

Incidentally, Dr. Berkson, who the Cancer Bulletin calls the dean of American medical statisticians, has said:

Personally, all relevant available facts considered, I think it very doubtful that smoking causes lung cancer.

But even if we were to accept the validity of the claim of low lung cancer incidence in 1930, the argument of the antismoking forces seems self-contradictory on several points.

In the first place, increase in the life expectancy of Americans has gone hand in hand with the increase in cigarette consumption. In 1930 the life expectancy of Americans was 59.7 years; by 1965, it was 70.2 years.

Secondly, some people propose economic sanctions on the industry to force a larger share of the market to lower tar and nicotine cigarettes. These cigarettes already constitute a large proportion of those being sold today; however,

back in that golden age of 1930 to which cigarette prohibitionists turn with such nostalgia, higher nicotine and tar content cigarettes composed almost 100 percent of the market, and filters were nothing more than a gleam in the eye of two of the smaller manufacturers.

In this connection, the Federal Trade Commission last week released even more statistics to confuse the public. For they have proceeded by sometimes rather dubious methods to grade cigarettes by their tar and nicotine content. Yet, there is no proof that these even affect health. Even in 1950, filter cigarettes composed only .06 percent of total production; 10 years later over half the cigarettes manufactured had filters. Further, mention is seldom made of the fact that although cigars and pipe tobacco are held blameless by the prohibitionists, both contain considerably more tar and nicotine than the average cigarette.

Other facts which go unmentioned are far more relevant than the propaganda which is disseminated.

For instance, although the lung cancer rate among women during the past 40 years has increased slightly, it by no means has kept pace with the increase in the number of women who smoke. For reasons which no one can explain, lung cancer remains largely a disease of the male. And, according to Drs. Rosenblatt and Lisa:

If cigarette smoking is a potent carcinogenic agent it should have affected lung cancer mortality by this time, resulting in an equalization of the sex ratio which in 1964 was 6.4:1.

It is interesting that the Encyclopaedia Britannica, 1966 edition, in its discussion of percentages of cancer deaths in the United States, reports that 11 percent of the male deaths were from lung cancer, while only 3.1 percent of the female cancer deaths were from lung cancer.

Also, Senator KENNEDY emphasizes that people are beginning to smoke at an earlier age and are smoking more cigarettes per capita. Yet, the average age at which lung cancer occurs has remained the same. If cigarette smoking produced lung cancer, then a lowering of the age of occurrence would be expected.

It is also passing strange that, as Dr. Rheinhard has said:

The average age at which lung cancer occurs is the same for heavy smokers, light smokers and nonsmokers.

And Drs. Rosenblatt and Lisa note:

Lung cancer occurs at approximately the same age regardless of whether smoking had been started at 6 years or at 41 years of age. Equally significant was the finding that the number of cigarettes smoked daily did not affect the age at onset; in both the light smokers and the heavy smokers the disease had developed during the same decades of life.

These same doctors, whose paper will be placed in the RECORD, carefully illustrate that lung cancer is primarily a disease of older men, and that cigarettes are therefore not the cause:

This distinctive age distribution was noted in the nineteenth century in the absence of cigarette smoking and also in recent decades in the era of widespread cigarette consumption. The relation between longevity of the population and the incidence of lung cancer is therefore very significant. . . .

It is very evident that, regardless of any hypothetical etiologic considerations, the total number of potential subjects for lung cancer has increased by many millions during the past half century. The inherent biologic characteristic of the disease to develop in older age groups will therefore result in the occurrence of more cases in future years as proportionately more of the population reaches the later decades of life.

In other words, to reverse the increase in lung cancer, we must either reduce life expectancy or we must find the cause and cure. Cigarette prohibition is no answer.

I would add here that aging is also a primary factor in emphysema, heart disease, and most of the other diseases which the prohibitionists cite as by-products of smoking. In a most important study of male, identical twins, Dr. Lundman and his colleagues concluded that "cigarette smoking is probably not associated with coronary heart disease."

A substantial number of deaths from lung cancer, especially among women, are the result of cancer spreading to the lung but originating elsewhere in the body. These deaths could not be blamed on cigarettes by the most ardent prohibitionist; yet they are counted in the statistics cited by them.

Most conspicuous of all by its absence from public speeches on this subject is any mention of air pollution or other possible factors being studied. Certainly increased pollution, both from industry and from vehicular traffic, has at least kept pace with, if not outstripped, increased cigarette consumption since 1930. In fact, it was shown that on Staten Island, in New York, lung cancer is far more likely to occur in residents where air pollution is highest. And, according to a 5-year study published in the German Journal for Cancer Research:

The frequency of lung cancer is not influenced by cigarette smoking but there is a significant correlation between the air pollution problem and the bronchial carcinoma rate.

These facts, I believe, are sufficient in themselves to effectively rebut the hypothesis that a causal relation between cigarette smoking and cancer has been proven. I do not feel I can conclude, however, without challenging certain other allegations about tobacco and the tobacco industry.

The first is from a recent speech on the Senate floor in which it was maintained:

Between 4,000 and 5,000 children start to smoke each day.

For 2 months, I have searched for statistics to validate this assertion, and I have failed utterly. My only conclusion is that this number is an exaggeration of an equally dubious statement by the Surgeon General to the effect that 4,000 children begin smoking each day. The Surgeon General's statement in turn rests on a limited survey conducted in 1961 in Newton, Mass. With a control group so small, it is a statistically absurd assertion which never even attempts to define the ages of the children to which it refers.

The Surgeon General and others maintain that their conclusions are based on over 5,000 studies. They do not mention that many of the studies are but rehashes of the others in popular magazines and even letters to the editor. Nor do they mention that many of the studies reached opposite conclusions from those of the Public Health Service. And Senator KENNEDY then says:

No responsible health organization which has examined the problem has disagreed with these important facts.

For an editorial which clearly refutes this conclusion, I suggest "Etiology by Edict" from the March 1966 edition of the Journal of Thoracic and Cardiovascular Surgery.

I take strong exception to charges that—

Cigarettes would have been banned years ago were it not for the tremendous economic power of their producers. . . . Nearly $300 million a year is spent in the United States alone . . . efforts to start young people smoking and continue others in the habit.

The cigarette industry is less powerful than the liquor interests were in 1918; and prohibition of tobacco would fail as miserably as it did with alcohol. The only effect would be a bonanza for bootleggers dealing in low quality leaf. As for the statement, explicit and implicit, that the industry spends hundreds of millions enticing children to smoke, the charge is patently false.

In the first place, the industry spends no money whatsoever on institutional advertising designed to enlarge its market, as does, for instance, the brewery industry. Yet, beer commercials are as prevalent as cigarette commercials on sports programs; and it is incontrovertible that beer in the hands of an automobile driver can be a killer of young people. Certainly, the cigarette industry has made important strides in self-regulation by voluntarily limiting its advertising during programs aimed at youngsters. In addition, they have voluntarily ended all advertising on college campuses and drafted a code to police its advertising. The truth is that all cigarette advertising is brand advertising and has as its purpose gaining a larger share of the market for the manufacturer; and increasingly this advertising leads to larger markets for the lower tar and nicotine cigarettes. It is clear that human nature being what it is, an absolute ban on advertising is not the answer. In England, television advertising of cigarettes was banned, with the idea that English youth would not be encouraged to smoke. A year after the ban went into effect, however, the percentage of boys 16 to 19 years old who smoke had increased from 51 to 57 percent. For girls the same age, the proportion of smokers increased from 39 to 47 percent.

In Italy, all cigarette advertising is banned. And since the ban, cigarette use has risen steadily.

As to a charge heard at the World Conference that "The cigarette companies have demonstrated a total inattention to public responsibility," the industry has contributed $22 million to independent scientific research on health and smoking, $10 million of which has

gone to an American Medical Association research project. It has spent even more in its own research. This is not to say that the manufacturers have completely altruistic motives. Indeed, it is in their own interest to discover the relationship, if any, between smoking and lung cancer so that they can eliminate that ingredient, if any, which is responsible for the disease.

In conclusion, I emphasize two points:

First, I make no claim that cigarettes are a wonder drug. I claim only that which K. A. Brownlee has said in his article in the American Statistical Review. That is, at this time the statistics do not show that cigarettes cause human disease. Or, in the language of the North Carolina South Mountains, "Figgers may not lie, but liars sure do figger." And honest men also "figger" when the crusading spirit burns in their hearts.

Second, it is not my position that Congress should stand idly by in the face of what appears to be mounting deaths from lung cancer. But I do object strenuously to the solutions offered by the prohibitionists. Senator KENNEDY, for instance, advocates impossibly strict self-regulation of the industry. In effect, what he asks of the manufacturers is slow suicide until such time as Congress agrees to give the Federal Government the tools to administer the final execution.

This course can only lead through a blind alley of economic tragedy; and I am not talking about the several hundred executives of a few large manufacturers. I am talking about the several hundred thousand small farmers and tobacco factory workers and their families. Where shall we send them? To the ghettos of New York where it has been estimated even by prohibitionist scientists that residents are breathing heavily polluted air?

It baffles me that some scientists have taken up the crusade for cigarette prohibition with all the religious fervor of a Carrie Nation. How much further we might be today if all of that combined intelligence, dedication, and energy had gone into research rather than propaganda.

PROPOSALS

Which brings me to my three-point proposal for resolving this controversy.

First, I believe the Federal Government should initiate, as soon as possible, a cooperative effort among industry, government, and private, nonprofit organizations to find the cause and cure for lung cancer. Dr. Salk has shown us that there is nothing which is medically impossible. If we can divert all of the financial and human resources now engaged in anticigarette propaganda into a coordinated effort, I am confident we could shorten greatly the time until we reach our goal.

Between now and the time Congress reconvenes in January, Representative GALIFIANAKIS and I will be discussing plans for a definite program with Senator JORDAN and other members of our delegation. It has occurred to me that this may be an excellent opportunity to test Vice President HUMPHREY's plan to apply computer technology to medical research in order to avoid duplication of research by scientists scattered across the country. A data bank could be set up in the Research Triangle Park in North Carolina which would act as a nationwide storehouse for all lung cancer research. As support facilities, we already have the Environmental Health Center, an IBM research facility, and the U.S. Data Processing Laboratory of the National Center for Health Statistics located in the park. There are nationally recognized medical schools at Duke University and the University of North Carolina at Chapel Hill. And the computer experiments being conducted at these two schools and at North Carolina State University—the three institutions which form the angles of the triangle—could make a great contribution to the program, as could the research affiliates of the tobacco companies located nearby. Work of this nature in its embryonic stages is already being done in the area, and expansion of it could take place more easily there than at any other place in the Nation. I am certain the State of North Carolina would cooperate in every way possible. Our legislature has already appropriated money for a biodynamics laboratory at North Carolina State University for agricultural research on tobacco. Much of this research is being devoted to producing better quality leaf with lower tar and nicotine content.

Action along this line is the type which NICK GALIFIANAKIS and I feel Congress and the Surgeon General should contemplate.

Second, I urge a renewed and larger assault on air pollution. The administration is to be congratulated for its work in this area. The landmark Air Pollution Act recently signed into law offers great hope, both in terms of research and in terms of regulation. Still, as President Johnson and Secretary Gardner have recognized, there is more Congress can do. It is true that, as with cigarette smoking, there is no proof that air pollution causes lung cancer. Yet, to the extent it may constitute a health hazard, air pollution is a more insidious threat than smoking. The latter is a voluntary risk, while the former is imposed on everyone against the wishes of everyone. Further, there are esthetic reasons as well as health reasons for an intensified war on air pollution. Until that day when all Americans can once again be assured they can look up in the morning and see the sky and look up at night and see the stars, we need to fight to lift the sick cloud of pollution which hangs so heavy across the face of America. Here again, Representative GALIFIANAKIS and I hope to offer some new ideas.

Lastly, if it is ever proven that there is a causal relation between cigarette smoking and lung cancer, then government, industry, and medicine should be prepared to begin immediately a cooperative search for a safe cigarette—not, however, through the coercive economic sanctions which have been proposed to the Senate, but rather through a program of tax incentives and joint government and industry research. Today's scientists are capable of finding better solutions to problems than by shouting them out of existence.

I conclude now with an editorial from the Raleigh, N.C., News and Observer, which contains more wisdom than all the propaganda of those who would regulate the personal habits of the American people:

HAZARDS APLENTY

In connection with the dire and continuous warnings given us about the supposed dangers of cigarette smoking, a physician passed along a little verse from the New England Journal of Medicine. It goes:

"Cholesterol is poisonous, so never, never eat it.
"Sugar, too, may murder you, there's no way to beat it.
"Some foods were filled with vitamins till processing destroyed it.
"So let your life be ordered by each documented fact
"And die of malnutrition with your arteries intact."

And warily watch every sunny sky for bolts of lightning.

Mr. President, I ask unanimous consent to have printed in the RECORD the following material:

First. A list of the major points raised by Dr. Milton B. Rosenblatt, professor of medicine at New York Medical College, and Dr. James R. Lisa, consultant pathologist, in their paper entitled "Biology, Biometry and Bronchogenic Carcinoma" from the August 1967 edition of Medical Science, followed by the text of that article.

Second. An editorial entitled "Etiology by Edict," by Dr. Hiram T. Langston from the Journal of Thoracic and Cardiovascular Surgery of March 1966.

Third. Excerpts from the study entitled "Smoking in Relation to Coronary Heart Disease and Lung Function in Twins; A Co-twin Control Study, Serum Lipids, Smoking, and Heredity," from Acta Medica Scandinavica, 1966.

Fourth. A news release by the National Research Council of October 26, 1967.

Fifth. An article entitled "Surgeon General's Report Is Inconclusive on Cigarette-Cancer Link, Statistician Says," from the December 13, 1965, edition of Advertising Age, and the article on which this news report is based.

Sixth. An article "The Influence of Cigarette Smoke on Lung Clearance," by Charles W. LaBelle, Ph. D.; Dorothea M. Bevilacqua, M.A.; and Heinrich Brieger, M.D., from the May 1966 edition of Arch. Environ Health.

Seventh. A study, "Distribution of Mortality From Lung Cancer in the County of Los Angeles," from the June 15, 1967, edition of the Bulletin, published by the Los Angeles County Medical Association.

Eighth. A news release entitled "'Tobacco Institute Replies to R. F. K. Charge of Industry 'Inattention to Responsibility,'" of September 11, 1967.

Ninth. An address to the Tobacco Growers Information Committee annual meeting of November 6, 1967, by Addison Y. Yeaman of the Brown & Williamson Tobacco Corp.

Tenth. An address to the Burley and Dark Leaf Tobacco Export Association annual convention on October 3, 1967, by Paul D. Smith of Philip Morris, Inc.

Eleventh. Two editorials from Bar-

ron's; the first entitled "The Witch Doctors—Pseudo Science Is a Menace to U.S. Health and Welfare," in the May 9, 1966, edition; and "Dangerous Lengths—The Federal Crusade Against Smoking Has Gone Too Far," in the October 2, 1967, edition.

Twelfth. A column by James J. Kilpatrick, entitled "Antismoking Figures Look Flimsy," from the Washington Evening Star of September 28, 1967.

Thirteenth. An article entitled "City Air Pollution Said To Cost $520 Million a Year in Damage," from the June 25, 1965, edition of the New York Times.

Fourteenth. An article entitled "German Physician Denies Smoking Role in Lung Cancer; Blames Air Pollution," from the August 12, 1964, edition of the Medical Tribune.

Fifteenth. An article entitled "Germans Dispute Cigarette-Cancer Link," from the March 24, 1964, edition of the Chicago American.

Sixteenth. An article entitled "Smoking and Lung Cancer: An Untelevised Telecast," by Dr. Joseph Berkson of the Mayo Clinic and professor of biometry at the University of Minnesota, from the Cancer Bulletin, May–June 1963.

Seventeenth. An article entitled "Staten Island Deaths Linked to Air Pollution," by Peter Kihas, from the January 12, 1967, edition of the New York Times.

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

MAJOR POINTS OF ROSENBLATT-LISA PAPER

1. Lung cancer afflicts more males than females, and did so before cigarette smoking became widespread. The male-female ratio for lung cancer in the U.S. has been increasing in the past 35 years.

2. The increase in cigarette smoking by U.S. women in the past four decades has not been reflected in a corresponding increase in lung cancer.

3. There is increasing evidence that many female lung cancers described as primary lesions are actually metastases.

4. Lung cancer is a disease of older age and the number of people in the older-age bracket has increased by many millions in the last half century.

5. If cigarettes were carcinogenic, the increased consumption would have resulted in a lowering of the age of occurrence of lung cancer. This has not happened. Neither age at onset of smoking nor the number of cigarettes smoked has appreciably affected the age of distribution of lung cancer.

6. The concept that cigarette smoking causes one type of lung cancer and not another contradicts basic embryologic knowledge. It is now well recognized that lung cancer originates chiefly in the distal bronchi.

[From Medical Science, August 1967]

BIOLOGY, BIOMETRY AND BRONCHOGENIC CARCINOMA

The possible relation between cigarette smoking and the development of lung cancer has been discussed by many authors. In the present work a physician with a world-wide reputation for his scholarly discussions of lung cancer raises some questions that must be answered if we are to understand the origin of lung cancer.

The rise in mortality from lung cancer during recent decades has engendered the specter of a neoteric disease produced by exposure to recently introduced carcinogenic agents. Endeavors to establish a causal relation have emphasized statistical associations and scant attention has been directed to the inherent characteristics of the disease. Current concepts have related the incidence, the sex and age distribution, and even specific histologic types to exogenous influences. The problem of etiology in lung cancer, as in all cancers, is complex and requires a circumspect consideration of many factors. The features of lung cancer attributed to carcinogenic exposure may, in reality, be manifestations of the natural behavior of the disease.

MALE PREDOMINANCE

The affinity of lung cancer for males is a biologic characteristic. Sex predilection is common to a variety of diseases and an excellent illustration is cancer of the breast which occurs preponderantly in females. There were many studies of lung cancer during an era in which cigarette smoking was virtually nonexistent and all showed a remarkable consistency in sex distribution. Hare [1] in a study of lung cancer covering the period 1830 to 1880, found 90 cases in males and 33 cases in females. Adler's [2] collected series spanned the years 1842 to 1911 and included 269 males and 93 females.

In a report of the experiences of the teaching hospitals in Great Britain between 1894 and 1918, Passey [3] found 579 cases of lung cancer in males and 182 cases in females. In 1892, Harris [4] reported on a combined study of St. Bartholomew's Hospital and the City of London Hospital for Diseases of the Chest and found that lung cancer occurred three times as often in males as in females. Similar ratios of 3:1 favoring the male were reported from Germany by Passler,[5] Riechelman,[6] Briese,[7] and Karrenstein [8] during the late nineteeth and early twentieth centuries. In the United States, King [9] found a 4:1 ratio in Boston from 1875 to 1914. Weller [10] who was among the first American pathologists to become interested in lung cancer also found a 4:1 ratio in a collected series of cases between 1878 and 1912.

Despite the variety of the sources of the material studied, there was unanimous agreement on male predilection for the disease before the era of cigarette smoking. It is also of significance that many autopsy reports in the nineteenth and early twentieth centuries revealed sex ratios as high or higher than those found in recent studies. Wolf [11] reported a 6:1 ratio from the Dresden municipal hospitals for the period 1885–1894 Eichengrun [12] found a 6.4:1 ratio in Cologne between 1902 and 1926. Rau [13] found a 6.5:1 ratio in Dresden-Friedrichstadt between 1909 and 1914. Feilchenfeld [14] reported a 10:1 ratio in Berlin between 1894 and 1900 and in Leipzig [15] found a 15:1 ratio.

Inasmuch as lung cancer is predominantly a disease of males, improvements in diagnostic accuracy resulted in proportionately more cases detected in males and a progressive rise in the sex ratio. This phenomenon was already apparent in the early decades of the twentieth century when most cases were diagnosed by autopsy and it became even more obvious when the disease began to be diagnosed clinically. At the Moabit and Urban Hospitals in Berlin, Peters [16] noted a 3:1 ratio between 1905 and 1908 and a 5:1 ratio in the same institutions between 1917 and 1922. Since 1930, lung cancer certification without autopsy has increased manifold. Early reports showed the distribution of the disease to be almost equal between the sexes but, as clinical diagnostic accuracy improved, male predominance became very evident paralleling the autopsy reports of the nineteenth and early twentieth centuries. An excellent illustration of the relation between diagnostic accuracy and the sex ratio was provided by Clemmesen and Busk [17] who observed that in Denmark, between 1936 and 1945, the overall ratio was 2.4:1 whereas in a special chest clinic in Copenhagen, the ratio was 7.2:1.

The effect of diagnostic accuracy on the sex distribution of lung cancer is also emphasized in the observations of Ibrahim [18] who found, in 1954, a sex ratio of 9:1 in noncigarette smokers at the Dacca Medical College in East Pakistan where pulmonary diagnostic facilities had been recently established. Among the lowest sex ratios within the past decade was a report by Farago,[19] from Papau and New Guinea covering the period 1958–1962. In those regions of the world, cigarette smoking is widespread but facilities for the diagnosis of lung cancer are still very limited resulting in a sex ratio of only 4:1.

During the past 35 years there has been a progressive rise in the sex ratio in the United States lung cancer mortality statistics. In 1930, there were 1,818 lung cancer deaths reported in males and 1,019 in females giving a ratio of 1.8:1. During the succeeding decade there was an upsurge of interest in the disease and facilities for diagnosis became more

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[1] Hare, H. A.: Pathology, Clinical History and Diagnosis of Affections of Mediastinum. Philadelphia, Blakiston, 1889, p. 9.

[2] Adler, I.: Primary Malignant Growths of the Lungs and Bronchi. New York, Longmans Green and Co., 1912.

[3] Passey, R. D., and Holmes J. M.: Incidence of intrathoracic neoplasia in teaching hospitals of Great Britain, *Quart. J. Med. 4:* 321, 1935.

[4] Harris, V.: Intrathoracic growths, *St. Bar. Hosp. Rep. 28:* 73, 1892.

[5] Passler, H.: Ueber das primäre Carcinom der Lunge, *Arch. path. Anat. 145:* 191, 1896.

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widely available. This was reflected in both an increase in lung cancer mortality and in the sex ratio. In 1940, there were 6,057 male deaths and 2,029 female deaths giving a ratio of 3:1. Between 1940 and 1950, advances in diagnosis were even more striking, particularly, the use of exploratory thoracic surgery as a diagnostic tool and the increasing utilization of the Papanicolaou technic for sputum and bronchial aspirate examination. In 1950, there were 14,922 male lung cancer deaths and 3,391 female lung cancer deaths, giving a sex ratio of 4.4:1. During the next decade it became even more evident that the increase in lung cancer mortality was chiefly confined to males and in 1960, there were 30,800 male deaths and 5,000 female deaths, giving a sex ratio of 6.2:1.

LUNG CANCER IN FEMALES

The prodigious increase in cigarette consumption by females for more than 4 decades has not been reflected in a corresponding increase of lung cancer. A survey [20] of smoking patterns in 1955 by the United States Bureau of the Census revealed that approximately 46,000,000 persons had been regular cigarette smokers and, of these, 15,000,000 were females over 18 years of age. The survey acknowledged that it had underestimated cigarette consumption by 15% on the basis of tax data and common observation suggests even a greater margin of error. Current estimates point to more than 70,000,000 cigarette smokers with a proportionate increase among females. If cigarette smoking is a potent carcinogenic agent it should have affected lung cancer mortality by this time, resulting in an equalization of the sex ratio which in 1964 was 6.4:1. Diagnostic facilities have been equally available to both sexes for many years.

Deaths from lung cancer in females increased from 1.5 per 100,000 in 1930 to 7.1 per 100,000 in 1964 but still remain far below the rate of 41.4 per 100,000 for males.[21] It is difficult to reconcile such a disparity in lung cancer mortality if cigarette smoking was a significant causal factor. Inasmuch as females have been smoking for more than 40 years it appears that sufficient time has elapsed for the alleged carcinogenic action of tobacco to express itself. Between 1959 and 1964, the total increase in female lung cancer deaths was only 2,400, averaging less than 500 per year for the period. The corresponding increase for male lung cancer deaths was 11,500. With so many millions of persons of both sexes smoking cigarettes regularly, parity in lung cancer mortality would have been reached a long time ago if tobacco was a main causal factor. Observations in both the pre-cigarette and cigarette smoking eras have shown that the female is resistant biologically to lung cancer although vulnerable to other types of malignancy.

There is increasing evidence [22 23] that many of the lesions diagnosed in females as primary lung cancer are, in actuality, metastatic cancers from the breast and genital organs. The affinity of the lungs for secondary growths from these organs is well established. In 1964, there were approximately 45,000 deaths reported from cancer of the breast, uterus, and ovary of which 26,000 deaths were attributed to cancer of the breast alone. With more than two-thirds of breast cancers and one-third of genital cancers metastasizing to the lung, there is created a vast potential for diagnostic error, particularly in cases of solitary pulmonary metastases with occult tumors in the primary site.[24]

TABLE 1.—LUNG CANCER MORTALITY

[Classification of cases according to 7th revision of international code]

Lung cancer	1959	1960	1961	1962	1963	1964
Code 162.1 (specified as "primary")	17,042	18,342	19,462	18,749	18,868	19,651
Code 163 (unspecified as to whether primary or secondary)	17,139	18,978	19,467	22,510	24,569	26,066

Greater histologic experience in the diagnosis of pulmonary tumors will manifest itself in subsequent years by more discriminatory diagnoses of lung cancer in females. There is already an inclination of this trend in the 1964 lung cancer mortality data. Of the 19,651 cases (Code 162.1) certified as primary lung cancer, there were 17,134 males and 2,517 females, a ratio of 6.8:1. In the 26,066 cases (Code 163) not certified as of primary or secondary origin there were 21,684 males and 4,382 females, a ratio of 5:1. It is evident from table 1 that the major portion of the rise in lung cancer mortality between 1959 and 1964 was in Code 163 which showed an increase of 8,927 cases (52.0%). The increase in Code 162.1 was only 2,609 cases (15.3%). Between 1961 and 1964 the increase in Code 162.1 was negligible whereas, in Code 163, there were 6,599 additional cases. The increase in Code 163 connotes greater awareness by the certifying physicians of the possibility of metastatic lung cancer simulating bronchogenic carcinoma. It has been stated by some officials that the failure to specify primary lung cancer on death certificates is merely an oversight. According to this interpretation the lung cancer mortality figures since 1961 imply a steady increase in laxity in the medical profession inasmuch as the apparent oversight is getting progressively larger.

AGE DISTRIBUTION

Lung cancer occurs predominantly in older age groups with the majority of cases in the fifth, sixth, and seventh decades of life. The disease is unusual below the age of 40 and rare below the age of 30. Simons,[25] in a collected series of more than 5,000 cases found that 80% occurred between 40 and 70 years of age. This distinctive age distribution was noted in the nineteenth century [26–29] in the absence of cigarette smoking and also in recent decades in the era of widespread cigarette consumption.[30–33] The relation between longevity of the population and the incidence of lung cancer is therefore very significant.

During the past 50 years there has been a spectacular increase in life span for all subdivisions of the population.[34] In the period 1900–1902, the life expectancy at birth for white males was 48.23 years; in 1959–1961, the life expectancy had increased to 67.55 years. The life expectancy for white females was 51.08 years in the period 1900–1902 and 74.19 years in the period 1959–1961. This increase in the life span was even more striking in the non-white population. Non-white males had a life expectancy of 32.54 years in 1900–1902 which increased to 61.48 years for the period 1959–1961. During the same interval the life expectancy for non-white females rose from 35.04 years in 1900–1902 to 66.47 years in 1959–1961.

Comparative studies on mortality rates present problems because of the limited number of states in the registration area in the early part of the century. Some degree of accuracy may be ascertained by comparing the life span per 100,000 persons over a period of several decades. In 1900–1902, of every group of 100,000 white males born alive, only 46,452 reached 60 years of age. Sixty years later, the statistical picture was entirely different. In 1959–1961, 75,485 white males out of every 100,000 reached 60 years. The corresponding increase among white females was from 50.752 in 1900–1902 to 86,339 in 1959–1961. Improvements in medical care, greater availability of diagnostic and therapeutic facilities, and higher economic standards of living were reflected in increased longevity of the non-white population. Whereas in 1900–1902, there were only 24,194 non-white males who attained 60 years of age, in 1959–1961, the number had increased to 61,669. The corresponding increase among non-white females was from 27,524 to 69,941.

The population of the United States is now considerably older than that in existence in the first decade of this century. Within 50 years, the average duration of life increased 19.32 years for white males, 23.11 years for white females, 28.94 years for non-white males, and 31.43 years for non-white females. Current statistical reports [35] show no indication of abatement of the trend toward longer life expectancy. For 1965, the estimated expectation of life at birth was 70.2 years for the total population. It is very evident that, regardless of any hypothetical etiologic considerations, the total number of potential subjects for lung cancer has increased by many millions during the past half century. The inherent biologic characteristic of the disease to develop in older age groups will therefore result in the occurrence of more cases in future years as proportionately more

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of the population reaches the later decades of life.

AGE AT ONSET

The predilection of lung cancer for the older age groups has a definite relevancy to etiologic considerations. If cigarette smoking produces a cumulative carcinogenic effect over a period of years then the segment of the population that began cigarette smoking in the early teens should develop lung cancer at a far younger age than those persons who began smoking at 30 to 40 years of age. The effect of heavier smoking habits must also be considered. Cigarette consumption per capita was only 50 per year at the turn of the century and by 1960 it had increased to 4,000 per year. It would seem reasonable to expect that if cigarettes were a carcinogenic hazard to health, the increased consumption would have resulted in a lowering of the age of occurrence of lung cancer. The fact is that neither the age at onset of smoking nor the number of cigarettes consumed has had any appreciable effect on the age of distribution of lung cancer which has remained a constant biologic feature since the disease was described 150 years ago.

In 1962, Passey [36] reported an investigation of 415 males with lung cancer to determine the effect of smoking on onset of the disease. The results showed that lung cancer had been acquired at approximately the same age regardless of whether smoking had been started at 6 years or at 41 years of age. Equally significant was the finding that the number of cigarettes smoked daily did not affect the age at onset; in both the light smokers and the heavy smokers the disease had developed during the same decades of life. In 1965, Pike and Doll [37] studied a group of British doctors with lung cancer equating the consumption of cigarettes with the average age at death. Among the doctors who began to smoke at 17 years of age, the average age at death was 71.8 years for the light smokers and 69.3 years for the heavy smokers. The duration of smoking was also equated with the average age at death. Among those who smoked 15–24 cigarettes daily since the age of 17 years, the average age at death was 70.5 years; among those who consumed the same amount but began to smoke at 32 years of age, the average age at death was 75.0 years; and among those who started to smoke at 42 years, the average age at death was 78.0 years. The differences in age at death between the groups may be statistically significant but have little clinical importance because of the variety of conditions that contribute to mortality in the eighth decade of life.

HISTOGENESIS

In recent years, etiologic considerations have been superimposed on cell classifications and the thesis has been advanced [38–41] that squamous and oat cell carcinomas are the result of cigarette smoking whereas adenocarcinomas are produced by endogenous factors. This concept is contradictory to basic embryologic knowledge. All respiratory epithelium has the same origin from the squamous-lined foregut [42–44] and in the process of embryonic growth, continuous differentiation occurs until ultimately the larger bronchi are lined by pseudo-stratified columnar epithelium and the smaller bronchi by cuboidal epithelium. The types of mature epithelium are derived from a common progenitor and have an equivalent potentiality for production of tumor cells.[45]

It is now well recognized that bronchogenic carcinoma originates predominantly in the segmental bronchi, or distally, and that the cell type of the tumor is related to the site of origin along the bronchial tract.[46–50] The squamous carcinomas arise from bronchi lined by columnar epithelium, not because of smoking, but because the embryonic precursor of columnar epithelium is the squamous epithelium of the foregut and primitive lung buds. The adenocarcinomas arise from the cuboidal epithelium of the bronchioles because, in embryonic differentiation, columnar epithelium precedes the formation of cuboidal epithelium. In both types of bronchogenic carcinoma there occurs metaplastic reversion to the epithelium found at these sites in embryonic life. Oat cell carcinomas originate from the basal layer of bronchial epithelium and may arise from any site down to the respiratory bronchioles where the basal cells apparently disappear.

The common embryologic derivation of all respiratory epithelium supports a monadic concept of bronchogenic carcinoma with the various histologic types and structural features predetermined by site of origin and degree of differentiation. If squamous carcinomas are caused by exposure to tobacco smoke (and adenocarcinomas by endogenous factors) it must also be assumed that the carcinogenic smoke has a preternatural affinity for certain portions of the bronchi and that this malignant effect stops abruptly at the dividing line between the segmental bronchial divisions and the terminal bronchioles. It is of considerable interest, in this regard, that certain studies [51–53] allegedly showing precancerous lesions in the respiratory epithelium of smokers found these lesions distributed in bronchi were lung cancer seldom originates.

[From the Journal of Thoracic and Cardiovascular Surgery, March 1966]

ETIOLOGY BY EDICT

(By Hiram T. Langston, M.D., Chicago, Ill.)

In January, 1964, the Surgeon General's report on Smoking and Health was released to the public in a manner that implied it to be the final word concerning the use of tobacco in general, and the smoking of cigarettes in particular.

It reviewed the statistical material that had accumulated over the years, since a rise in recorded deaths from lung cancer had appeared to parallel a rising consumption of tobacco used as cigarettes.

Whereas inference of etiologic guilt is laid at Cigarette's door, insofar as a whole host of ailments are concerned, responsibility as a causative agent is assigned in this report with increasing vehemence for chronic bronchitis and laryngeal cancer, but finally, with utmost directness, for cancer of the lung.

A review of some features concerning this report, as well as the over-all problem that it discusses, appears to be justified.

It is curious that the Office of the Surgeon General made pronouncements concerning the hazards of smoking on two previous occasions, each time with increasing wordiness and a greater sense of urgency. If the first or even the second statement was correct and unequivocal, why was the third one needed, and why did it require reinforcement by an "advisory" committee? There must have been some doubt in the Surgeon General's mind!

In essence, the 1964 report draws its conclusions of Cigarette's guilt from statistical analyses and associations based on population surveys, ignoring the clinical facets of lung cancer almost totally.

As if carried away with their own image, these statistical associations go on to point out a surprising profusion of disease entities that are influenced, if not caused, by smoking. War, bacteria, and the American highway might find competition difficult. There must be an element of exaggeration here because, if not, why has life expectancy increased so much since the discovery of America and tobacco?

But—is tobacco actually the culprit? One cannot be sure from the report. It appears that tobacco can be smoked with little if any danger to health and longevity when burned in a bowl lined by "cake" (pipe), or when wrapped in tobacco leaf (cigar); yet burning it while wrapped in paper becomes highly lethal.

Thus, the placing of a warning label on cigarette packages, as is requisite by Act of Congress, while at the same time not requiring a similar warning on pipe tobacco or cigars, seems to exonerate the "weed" from blame.

Ultimately it seems odd that a governmental agency should so assiduously undertake to hobble a business that contributes some two billion dollars in yearly taxes without better proof of its stand.

It is also impressive how much emphasis the report placed on histologic changes in the tracheobronchial tree of smokers. These changes are said to indicate various degrees of response to irritation, manifested by a high incidence of metaplasia and even of "precancerous" lesions in those who die of an established and invasive lung cancer at some other point.

If this contention is valid, then where are the cancers of the trachea? the bilateral cancers occurring simultaneously? or, if such changes are in fact "precancerous" lesions on a side opposite and "invasive" cancer, where are the successive cancers in those patients who have survived the excision of

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the full-blown tumor? If smoking had brought them to form a cancer at one site why would not the "precancerous" lesion elsewhere march on inexorably to form another invasive neoplasm?

After all is said and done, it still remains that cancer of the lung is predominantly a disease of males. It is surprisingly age-specific, with a sharply defined peak of incidence of approximately sixty years. It was increasing in incidence before cigarettes were popular, as attested to by the meticulous German pathologists. It is a curiosity in the trachea and a rarity on both sides simultaneously or, for that matter, successively. No dosage factor has been demonstrated for amount or length of exposure individually because the lung cancer victim who began smoking heavily at 15 to 20 years of age developed the neoplasm around age 60, just as the one who started 15 or 20 years later in life. Peculiarly enough, other malignant lesions such as cancer of the larynx (which is much closer to the fire) do not seem to have measured up to the increased incidence attributed, rightly or wrongly, to cancer of the lung.

Without any idea of whitewashing the guilt that may rest at the feet of tobacco habit, however practiced, and with a mind kept open for its possible incrimination, I cannot (in light of these many incongruities) consider it established as causative in cancer of the lung.

To bow to the pressure of highly organized emotionalism, or worse yet to the panic engendered by cancerophobia, and agree to close the chapter on the etiology of cancer of the lung by blaming cigarettes is to do so by edict and not by search.

[From Acta Medica Scandinavica, supplement, 955, pp. 1–75, 1966]

SMOKING IN RELATION TO CORONARY HEART DISEASE AND LUNG FUNCTION IN TWINS: A CO-TWIN CONTROL STUDY, SERUM LIPIDS, SMOKING, AND HEREDITY

Detailed clinical studies on 196 pairs of like-sexed adult twins (92 monozygous and 104 dizygous), including 119 male and 77 female pairs, 38–77 years of age who were concordant for urban/rural environment but 166 of whom were discordant with respect to smoking habits, demonstrated that "cigarette smoking is probably not associated with coronary heart disease, whether of the overt or of the silent form", "cigarette smoking most probably does not result in persistent hypertension", since "during abstinence the blood pressure is lower for smokers than nonsmokers", and "cigarette smoking seems not to produce any elevation of the serum cholesterol or triglyceride levels. On the contrary, there is some evidence that the levels are lower for smokers than for nonsmokers". The study provided "reliable evidence of a significant genetic component in coronary heart disease" as well as in the tendency to smoke, since "it proved extremely difficult to find enough monozygotes that were discordant with respect to smoking". This "provides a basis for the theory that constitutional differences between smokers and nonsmokers can give rise to excess morbidity and excess mortality from coronary heart disease in smokers". With respect to respiratory disease, however, the authors conclude that "the connection between smoking and respiratory function is most probably causal", since cigarette smoking apparently produced "a significant increase in the respiratory symptoms of chronic bronchitis, an increase in the unevenness of ventilation * * * and an increase of airway resistance" (154 references). The twins included in this study represent 79.5% of a sampling of 247 twin pairs selected from a twin register comprising 12,000 pairs on the basis of residence and smoking history; they were classed as monozygous or dizygous on the basis of photographs, questionnaires, and blood group analysis, a sociological and medical history was taken using a cardiovascular questionnaire designed by the London School of Hygiene and Tropical Medicine, and a respiratory questionnaire designed by the British Medical Research Council.

Each twin was subjected to determinations of blood pressure, anthropometric measurements, chest X ray, lung function tests (dynamic spirometry and nitrogen washout), urinalysis, electrocardiography, and determinations of serum cholesterol, triglycerides and phospholipids. With respect to the smoking history based on lifetime exposure (cigarette years), 30 twin pairs were found to be concordant (15 monozygous and 15 dizygous), while 166 pairs were discordant (177 monozygous and 89 dizygous); of these 166 discordant pairs, 99 (37 monozygous and 62 dizygous) comprised a smoker and a nonsmoker. On the average, the tobacco consumption was found to be lower in female. In both sexes there was a positive correlation between increased exposure to cigarette smoking and increased cough and phlegm, as well as decreased vital capacity and expiratory volume. These respiratory findings are interpreted as indicating that "the cigarette smoking exposure of the twin sample was on a significant level", which could have been expected to be reflected in the cardiovascular morbidity. Asthma and tuberculosis were uniformly distributed among the concordant and discordant twins, as was the incidence of abnormal chest X rays. There was a very low prevalence of cardiovascular symptoms, and the only significant difference between smokers and nonsmokers was in uncharacteristic angina pectoris among the dizygous twins, which can also be ascribed to respiratory symptoms. There was a negative correlation between smoking and impairment of working capacity, which is tentatively explained by the possibility that the smokers stopped exercising earlier (hence, at a lower pulse rate) due to more severe respiratory discomfort. There was a tendency for prolonged smoking to reduce the basal blood pressure, and the frequency of S.T. segment depression was lower among the smokers. It is concluded that the variability of systolic and diastolic blood pressure is largely genetically determined, and that "smoking is not an important factor in the pathogenesis of coronary heart disease". This "lends support to the suspicion expressed by the Surgeon General's Advisory Committee * * * that the association between smoking and coronary heart disease found by other authors might not be causal, but perhaps of constitutional origin."

The number of cases of frank heart disease was too small for analysis, but analysis of the prevalence of silent coronary heart disease among monozygous and dizygous concordant and discordant twin pairs revealed a coincidence frequency which significantly exceeded the expected levels for arcus lipoides corneae and S. T. segment depression, thus indicating a probable genetic basis. In the discussion it is pointed out that the studies by Hammond and Horn, Doll and Hill, Buechley et al., Dorn and Borhani et al., involved only overt coronary heart disease, angina pectoris and myocardial infarction, which has a low prevalence resulting in a low total number of cases; therefore, "no reliable conclusions can be drawn as regards the association between morbidity from coronary heart disease and smoking. The differences between the results of the morbidity and mortality investigations would seem to support the theory that cigarette smoking tends to give rise to acute occlusive or arrhythmic complications in persons already having coronary heart disease". The present study, however, revealed constitutional differences between smokers and nonsmokers which were great enough to account for the association between smoking and mortality due to heart disease. Thus, there was a slightly lower average body weight in smokers (due to decreased subcutaneous fat), a slightly lower serum cholesterol level in smokers and a significantly higher serum phospholipid level in dizygous smokers, leading the authors to conclude that the variability in serum cholesterol is determined by both environmental and genetic factors. There was an association between aging and serum lipid levels in women only. "Since the relationship between cholesterol and coronary heart disease is probably causal", those between smoking and coronary heart disease or smoking and cholesterol "could be a pure coincidence provided that the higher prevalence of coronary heart disease in smokers can be ascribed to constitutional differences". "From the results of the monozygous group it was evident that prolonged smoking has only an insignificant effect on the lipid levels in serum. If there is any correlation at all between the lipids and cigarette consumption it is a negative one as far as cholesterol and triglycerides are concerned". "The phospholipids were, however, elevated in smokers in the dizygotic group. Since the results for the monozygotic group do not indicate the presence of any association with smoking, this would seem to reflect a constitutional difference between smokers and nonsmokers".

NEWS FROM THE NATIONAL RESEARCH COUNCIL

OCTOBER 26, 1967.

(NOTE.—The National Research Council was organized by the National Academy of Sciences in 1916 in order to provide for a broader participation by American scientists and engineers in the work of the Academy. The Academy was chartered by Congress in 1863 as a private organization with a responsibility for advising the Federal Government in science and technology. Since this responsibility is now shared with the National Academy of Engineering, organized in 1964 under the original NAS charter, the Research Council serves, in effect, as an operating agency for both academies.)

WASHINGTON, D.C.—Throughout the United States, 8000 pairs of twins, all men between the ages of 45 and 50, are being asked to participate in a major study of the effects of environment on human health. The research seeks information on the relationship of such environmental factors as tobacco smoking and air pollution to certain cardiovascular respiratory complaints.

Questionnaires mailed in late September ask the twins for information about their general health. Questions cover such respiratory symptoms as coughing and shortness of breath; such cardiovascular symptoms as pain or discomfort in the chest; diet, smoking, and drinking habits; physical exercise and leisure activities; residential and family history.

The study, sponsored by the U.S. Public Health Service and the American Medical Association, is the first to make use of the Nation Research Council's Twin Registry. This roster of 16,000 pairs of male twins was compiled over a 12-year period from the medical and vital statistics records of World War II veterans. The registry is designed as a resource for use by authorized investigators interested in the relative influence of environment and heredity in chronic disease. All projects are carefully evaluated, however, by an NRC advisory committee to protect the twins from unwarranted invasion of privacy.

Conducting the current study are two noted Swedish scientists, visiting scholars this year at the University of Cincinnati's new Center for Study of the Human Environment. They are Dr. Lars Friberg and Dr. Rune Cederlof, colleagues at the Stockholm Karolinska Institute and at the National Institute of Public Health of Sweden. The questionnaire sent to the twins is based on research they have done with twins in their homeland.

The 8,000 pairs of twins were selected from the larger roster on the basis of success in contacting and enlisting the cooperation of both members of the pair. Their existence as twin pairs makes these 16,000 men uniquely useful in the research.

Drs. Friberg and Cederlof point out that not only are twins identical in age and, in this case, sex, but also twins are usually similar in socio-economic factors and habits. Those who are identical (or monozygotes, developed from a single fertilized egg), offer completely controlled genetic factors. Twins are, in other words, humans who come closest to the scientists' ideal research material, that of experimentally defined matched pairs. "In the present research, we shall find among the twins some pairs who have experienced different environmental exposure, but are similar in all other respects," the scientists say. "In this way, the groups will be highly comparable, perhaps to a greater extent than is usual in previous studies into the effects of tobacco smoking and air pollution."

Seven young women are working full time at the University of Cincinnati, coding the answers that arrive daily. Their task will not be completed until Christmas. The coded data will then be punched onto computer cards and put onto tape in Washington by the Medical Follow-up Agency, the group within the National Research Council that established and now maintains the twin registry.

Drs. Friberg and Cederlof, after returning to Sweden at the end of the year, will make the final analysis of the data.

Since 1960, in Sweden, the two have conducted studies of air pollution, including the personal pollution of smoking. Their material came from 7,801 pairs of twins from the more than 10,000 twin pairs born between 1886 and 1926 and listed at the Swedish Twin Registry. Their results verified earlier data that smokers suffer more from respiratory complaints than non-smokers. However, earlier findings that smokers more frequently had heart trouble in the form of angina pectoris could not be verified in the Swedish twin study.

Drs. Friberg and Cederlof believe that the different results probably stem from better comparability within the groups of smokers and non-smokers in the twin study. "Data up to now from the Swedish twin study shows that smoking is not directly connected with angina pectoris"; however, these are questions that will be studied further in the United States material."

Sweden, incidentally, is one of the few countries in the world where it is possible to keep track of individuals throughout their lives. In addition to registers of births and deaths, each parish office in the nation maintains migration registers of persons moving from place to place.

Dr. Friberg is Chief of the Department of General Hygiene in the National Institute of Public Health of Sweden and Chief of the Institute of Hygiene in the Karolinska Institute. Dr. Cederlof is an Associate Professor at the National Institute of Public Health.

[From Advertising Age, Dec. 13, 1965]

SURGEON GENERAL'S REPORT IS INCONCLUSIVE ON CIGARETTE-CANCER LINK, STATISTICIAN SAYS

CHICAGO, December 7.—A University of Chicago professor of statistics, writing in the *Journal of the American Statistical Assn.*, has done some probing into the Surgeon General's report on smoking and health—and found it wanting.

Prof. K. A. Brownlee, in a lengthy, "invited review" of the report of the advisory committee to the Surgeon General, concludes that "the committee has not established the case for causality in lung cancer."

Prof. Brownlee adds, however, that his opinion that the report has failed to offer satisfactory proof of the hypothesis of causality "does not imply that I believe that the causality hypothesis has been proved false. It implies nothing more than that I believe that it is not possible to reach definitive conclusions at this time."

Prof. Brownlee notes that the committee's report states that "recommendations for actions were not to be part of the Phase I committee's responsibility." Yet, the professor says, "the committee did conclude that 'appropriate remedial action' was warranted. I take this as an excuse to append some personal reflections."

"Passing over the question of whether any governmental action is warranted," Prof. Brownlee asserts, "each individual cigaret smoker has to decide whether to make the effort to give up cigaret smoking. To make this decision, he would need to know (a) the change in his expectation of life assuming that lung cancer alone is causally connected with cigaret smoking, and (b) the change in his expectation of life assuming that virtually causes of death are causally connected with cigaret smoking.

"The report does not appear to provide these figures (searching in the report for any particular topic is sometimes difficult as the report has no index), which is rather surprising in view of the fact that an assessment of the magnitude of the health hazard was one of the committee's prime responsibilities."

Prof. Brownlee observes that a "key factor" in whether one accepts the committee's final conclusion is the interpretation of the report's Table 26. This table shows the mortality ratios, individually by separate study and also jointly, for 25 causes of death, ordered from cancer of lung, with a total mortality ratio of 10.8, to cancer of the intestines (0.9).

"In my opinion," Prof. Brownlee declares, "Table 26 raises difficulties which the report totally fails to face up to. If one believes that the observed association between smoking and lung cancer is substantially real, and not an artifact of biased sampling, then one would seem required also to accept the observed association between smoking and almost all causes of death as substantially real.

"If one believes that the observed association between cigaret smoking and virtually all causes of death is substantially real, then one must take one of the following positions: (a) All the associations are due to causation; (b) some of the associations are due to causation and others to correlations, concealed or otherwise; (c) all of the associations are due to correlations, concealed or otherwise.

"If one adopts position (a), then one is under some obligation to provide hypotheses as to possible mechanisms, or to hold out hope that future research will provide these hypotheses. The difficulty with the smoking hypothesis," Prof. Brownlee states, "is that it has not really got to first base on even lung cancer, let alone the other 24 causes of death, even though the matter has been under intensive investigation for 10 years or more."

Prof. Brownlee notes that the fact that cigaret smoking as a cause of cancer appears to be in conformity with the data "does not rule out the possibility that there are other hypotheses also in conformity with the data."

He notes that the main alternative to the smoking-causes-cancer hypothesis is the "genetic hypothesis." "It seems to me that an enormous number of traits are transmitted genetically, from color of skin and tendency to diabetes and tendency to baldness," Prof. Brownlee states, "and it is completely plausible that the tendency to be a cigaret smoker in varying degrees, a pipe or cigar smoker and so on, can be carried by the genetic code."

Prof. Brownlee contends that the committee's conclusion that cigarets cause cancer can only be justified by proving the genetic hypothesis to be false, "and this the committee has failed to do.

"Even if there was no competing hypothesis, the case for causality is, at the present time, significantly weakened by the gross nonspecificity of the association and by the absence of hypothetical physical-chemical mechanisms."

[From Arch Environ Health, vol. 12, May 1966]

THE INFLUENCE OF CIGARETTE SMOKE ON LUNG CLEARANCE: AN EXPERIMENTAL APPROACH

(By Charles W. LaBelle, Ph. D.*; Dorothea M. Bevilacqua, M.A.; and Heinrich Brieger, M.D., Philadelphia)

(Figures referred to in text not included in RECORD)

The removal of inhaled solid particles from the lungs is contingent on the clearance of the upper respiratory tract and of the alveolar spaces. So far, the study of the effect of cigarette smoke on clearance has centered on the upper respiratory tract, specifically on ciliary activity. "Smoking and Health. Report of the Advisory Committee to the Surgeon General of the Public Health Service," [1] states:

"An important line of investigation was opened up by the report by Hilding that cigarette smoke is capable of inhibiting the transport activity of ciliated cells such as found in the respiratory tract. It has been suggested that failure of ciliary function to provide a constantly moving stream of mucus enables environmental carcinogens to reach the epithelial cells."

Hilding's [2] findings have been confirmed and augmented by many other authors, and Kensler and Battista [3] have, in the words of the Report (p. 61), "established that components of the gas phase are responsible for inhibition of ciliary transport activity." The inhibitory effect on lung clearance, however, has not been convincingly demonstrated by direct investigation of this process. The experimental findings presented in this paper were designed to *measure* the influence of cigarette smoke on pulmonary clearance rates and on the functioning of some of the mechanisms involved.

Solid radioactive particles were deposited in the lungs of rabbits and rats by intratracheal injection. Such particles are cleared either rapidly, with a half-life of hours, or slowly, with a half-life measured in weeks or months.[4, 5] Particles of both types were used; one of them (radioactive silver iodide with a mean diameter of 2μ to 3μ) is eliminated rapidly, and the

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* Dr. LaBelle died on Nov. 3, 1963.

[1] Smoking and Health, Report of the Advisory Committee to the Surgeon General of the Public Health Service. US Department of Health, Education, and Welfare, Public Health Service, Public Health Service Publication No. 1103, p. 61.

[2] Hilding, A.C.: On Cigarette Smoking, Bronchial Carcinoma, and Ciliary Action: Experimental Study on the Filtering Action of Cow's Lungs, the Deposition of Tar in the Bronchial Tree and Removal by Ciliary Action, *New Eng J Med* 254:1155–1160, 1956.

[3] Kensler, C.J., and Battista, S.P.: Components of Cigarette Smoke With Ciliary-Depressant Activity, *New Eng J Med* 269: 1161–1166, 1963.

[4] LaBelle, C.W., and Brieger, H.: Basic Physiologic Mechanisms in the Pulmonary Response to Inhaled Particulates, Proceedings 13th International Congress on Occupational Health, New York, pp 730–735, 1960.

[5] LaBelle, C.W., and Brieger, H.: Patterns and Mechanisms in the Elimination of Dust From the Lung, in Davies, C.N. (ed.): *Inhaled Particles and Vapours*, Oxford: Pergamon Press, 1961, pp 356–368.

other (radioactive colloidal gold with 80% of the particles between 4mμ and 8mμ) is removed slowly.

In this study, an improved version of a scanning device developed by Friberg and Holma [6] was used. The modified instrument differs from the original in that it is a dual unit that permits simultaneous scanning of an experimental and of a control animal (Fig. 1). As the collimator passes over successive organs, the synchronous recorder draws a series of peaks whose areas are proportional to the amount of radioactivity in the corresponding organs of the animal (Fig. 2).

The Surgeon General's Report (p. 189) states correctly that "No animal experiments have thus far been devised to duplicate precisely the act of smoking as it is practiced by man." Smoking machines have been used, however, by several experimenters [3 7-10]; Kensler and Battista [3] and Dalhamn [7] have reported inhibitions of ciliary function. The smoking machine consists of a diaphragm pump operated through link-work by a solenoid; the solenoid is operated at reduced voltage and is fitted with an oil dash-pot which further slows down its action. It is tripped automatically by a clock-driven switch which can be set for one, two, or three puffs per minute as desired. When the solenoid is tripped, the rubber diaphragm is pulled down, drawing a puff of smoke out of the burning cigarette through the intake side of a Douglass valve; when the solenoid is released, the smoke is expelled through the exhaust side of the Douglass valve. The negative pressure applied to the cigarette rises rapidly to a maximum in about 0.7 seconds, which is the time taken by the solenoid to complete its travel against the resistance of the oil dash-pot; air continues to be drawn through the cigarette at a decreasing rate during the next 2–3 seconds as the rubber diaphragm and the air in the pump, both of which are elastic, gradually expand to equilibrium, at which time the solenoid is released and expels the smoke, in about 0.7 seconds, out of the exhaust side of the valve. Operated in this way, the action on the glowing coal of the cigarette closely approximates that seen in convention smoking. This machine was installed so as to deliver the puffs directly into the air stream flowing through an enclosure around the head of the test animal or through a small exposure chamber.

The action of the machine was tested on both filter cigarettes and nonfilter cigarettes, and the particulate matter contained in the puffs ("tar") was compared with that in puffs produced by human smokers. A reservoir was connected to a conventional sequential tape sampler as used in air pollution studies so that the smoke from a puff could be introduced into the reservoir and subsequently drawn through the tape for analysis. Five cigarettes were smoked through the machine and the individual puffs collected on tape, and, in addition, five cigarettes were smoked by each of two persons in the laboratory, each puff being blown into the reservoir without being inhaled. The weight of particulate matter in each of the puff samples collected was determined from the calibrations of the sampler, and the concentration of particulate matter in the actual puff was obtained by dividing this weight by the estimate of puff volume (wet test meter for the machine and gas burette for the human beings).

Figure 3 shows the concentrations measured in successive puffs by the machine compared with those measured in the puffs generated by the two human subjects (CWL and DMB). The machine delivered puffs of smoke that were good replicates of those generated in natural smoking cycles. The only difference between the puffs generated by a smoker and the puffs generated by the machine is that the machine puffs tend to get richer as the cigarette burns shorter.

By means of the smoking machine, a composite sample of particulate matter was collected from a large number of nonfilter and filter cigarettes. After thorough blending, a portion of this sample was weighed out and dissolved in a known volume of alcohol. The spectral absorption for this solution is plotted in Fig. 4. As expected, the strongest absorption occurs at the violet end of the spectrum, and a wave length of 400 mu was therefore adopted as standard for all subsequent measurements. Dilutions of the original solution were made containing 0, 5, 10, 15, 20, and 30 mg of particulate matter per milliliter, and the optical densities of each dilution were measured in the spectrophotometer; the results are plotted in Fig 5. To calibrate the spectrophotometer in terms of cigarette smoke the smoking machine was set up to deliver smoke into the intake of the sampler. By varying the sampling time, a series of sample spots was prepared whose transmission as read on the photoelectric meter varied from 100% (clean paper) to 31%. The latter is about the largest amount of particulate matter which can be deposited without blocking the air flow.

Each of the 25 sample spots in the series was cut out of the tape and extracted with boiling alcohol, filtered, and made up to 25 ml. These extracts were then read in the spectrophotometer, and the weight of particulate matter present in each spot was determined. In Fig 6 the actual data giving the relationship between weight and percentage transmission are presented. This relationship is reasonably linear when log-log coordinates are used. Two additional calibration curves were derived: one giving the absolute weight of particulate matter in the sample as a function of the percentage transmission of the spot (Fig 7) was used to estimate the weight in individual puffs, and the other to show the concentration in the atmosphere, using a standard sampling time of 30 minutes at the fixed rate of 0.246 cu ft/minute (Fig 8).

CONCENTRATIONS DURING TEST EXPOSURES

The literature dealing with the effects of smoking cigarettes tends to specify smoking rates in terms of the average number of cigarettes smoked per day. In the present experiments, the actual mean concentration of smoke to which a heavy smoker (two to three packs per day) exposes himself in the course of the smoking cycle was estimated, and the test animals were exposed to concentrations that can be related to the human experience. This was accomplished in the following manner: The animal to be exposed to smoke was set up on the scanner in the usual manner, and, as mentioned before, a plastic enclosure similar to an oxygen tent was arranged over its head. The volume of this enclosure was made equal to the mid-volume of the human lung (2.23 liters), and the smoking machine was installed next to the enclosure so as to deliver its puff (36 ml of smoke containing 806μg of particulate matter, from Table 1) directly into the enclosure. The peak concentration produced in the enclosure would thus be 806/2.23 = 360μg/liter. Meanwhile, a continuous stream of air was allowed to flow through the enclosure at a rate equal to the human minute-volume of 7 liters per minute; this air stream lowered the peak concentration by a small amount (to about 340μg/liter instead of 360μg/liter) and then washed the smoke out of the enclosure in an exponential manner.

In the fluid and phagocyte studies, the average concentration was monitored by means of the tape sampler. Table 2 records the 30-minute average concentrations measured during the acute smoke-exposures of rabbits and rats, respectively. The concentrations corresponding to smoking rates of 3.0 and 3.9 cigarettes per hour, respectively, are in good agreement with our logged consumption of about four cigarettes per hour of operation.

TABLE 1.—CHARACTERISTICS OF CIGARETTE SMOKE WEIGHTS AND CONCENTRATIONS IN INDIVIDUAL PUFFS (FILTER CIGARETTES)

Puff No.	CWL	Machine	DMB
	WEIGHT OF TAR (MICROGRAMS)		
1	709	672	732
2	828	872	684
3	839	928	759
4	900	944	639
5	850	880	594
6	745	920	624
7	875	960	681
8	749	1,012	702
	CONCENTRATION OF TAR (MICROGRAMS PER MILLILITER) [1]		
1	19.7	16.8	24.4
2	23.0	21.8	22.8
3	23.3	23.2	25.3
4	25.0	23.6	21.3
5	23.6	22.0	19.8
6	20.7	23.0	20.8
7	24.3	24.0	22.7
8	20.8	25.3	23.4

[1] Based on the following average puff volumes; CWL, 36 ml.; machine, 40 ml.; DMB, 30 ml.

TABLE 2.—CONCENTRATIONS FROM TAPE SAMPLER DURING ACUTE CLEARANCE MEASUREMENTS

RABBITS				
12.5	10.2	15.3	17.3	14.1
12.5	11.2	33.0	15.3	15.2
10.8	18.2	30.7	11.3	12.6
10.8	22.0	25.0	24.0	15.2
7.2	17.4	22.1	17.2	10.8
8.1	18.2	25.0	19.6	15.2
7.2	17.4	26.7	15.2	22.0
Mean				16.79
Standard deviation				6.25
Corresponding cigarettes/hour				3.0
RATS				
11.8	30.6	20.7	11.8	14.4
15.2	28.4	25.0	9.4	10.3
16.3	28.4	28.4	18.3	21.6
33.0	20.7	28.4	25.0	19.7
23.3	25.0	28.4	22.1	9.2
33.0	28.4	15.2	20.7	21.6
26.3	28.4	11.3	22.1	25.0
29.9	27.2	21.1	26.4	18.7
22.2	16.3	9.4	28.4	15.2
Mean				21.13
Standard deviation				6.97
Corresponding cigarettes/hour				3.9

The subchronic exposures were carried out in a third unit in which rats and rabbits could be exposed simultaneously; in this case, control of the puff cycle was sacrificed in favor of an increase in concentration. The smoking machine was adjusted for a rate of three puffs per minute corresponding to a peak-to-average ratio in the chamber no

[6] Friberg, L., and Holma, B.: Extern mätning av lungclearance med en radioaktiv guldaerosol, *Nord Hyg T* 43:13–20, 1962.

[7] Dalhamn, T.: Studies on Tracheal Ciliary Activity: Special Reference to the Effect of Cigarette Smoke in Living Animals, *Amer Rev Resp Dis* 89–870–877, 1964.

[8] Lorenz, E., et al: The Effects of Breathing Tobacco Smoke on Strain A Mice, *Cancer Res* 3:123, 1943.

[9] Essenberg, J.M.: Cigarette Smoke and the Incidence of Primary Neoplasm of the Lung in the Albino Mouse, *Science* 116:561–562, 1952.

[10] Leuchtenberger, C., et al: A Correlated Histological, Cytochemical, and Cytological Study of the Tracheobronchial Tree and Lungs of Mice Exposed to Cigarette Smoke: I. Bronchitis With Atypical Epithelial Changes in Mice Exposed to Cigarette Smoke, *Cancer* 11:490–506, 1958.

greater than about five. Concentrations were monitored by means of the tape sampler; the results are shown in Table 3. For convenience, the animals were divided into two groups which were exposed separately; in both cases, the mean concentration approached the maximum that can be achieved (42μg/liter) by chain-smoking cigarettes. The day-to-day concentrations are shown in Fig. 9.

TABLE 3.—CONCENTRATIONS FROM TAPE SAMPLER DURING SUBCHRONIC EXPOSURES OF RATS AND RABBITS

1ST-GROUP EXPOSURE

Day of exposure	Calendar day	Number of samples	Mean concentration
1	1	9	26.4
2	2	10	52.4
3	3	10	26.8
4	4	11	48.9
5	5	10	34.7
	6	0	0
	7	0	0
6	8	10	46.6
7	9	8	21.3
8	10	8	24.1
9	11	10	26.5
10	12	10	39.4
	13	0	0
	14	0	0
11	15	10	47.3
12	16	9	42.4
13	17	10	37.2
14	18	8	22.7
15	19	9	29.4
Mean			[1] 35.0
Standard deviation			[1] 10.2
Corresponding cigarettes/hour			6.2

2D-GROUP EXPOSURE

Mean	[1] 31.7
Standard deviation	[1] 9.6
Corresponding cigarettes/hour	5.6

[1] Micrograms per liter.

RESULTS

Pulmonary Clearance.—The acute effect of cigarette smoke on the clearance of the silver iodide particles from the lung was tested by exposure of the experimental animals for an average of ten hours, starting at the time of administration of the test particles. The control animals received an identical injection of approximately 100μc of silver iodide particles but breathed laboratory air. Both filter and nonfilter cigarettes were used. Figure 10 shows the results obtained with the smoke of filter cigarettes. There was no demonstrable difference between the clearance of the particles from the lungs of rabbits exposed to the smoke of filter cigarettes and the clearance of particles from the lungs of control animals. A similar clearance pattern results from the exposure to the smoke of nonfilter cigarettes. No significant difference could be detected in the amounts of material retained in the lungs of the experimental and the control animals during 17 to 30 hours of exposure.

The same procedure was used in the experiments with 100μc of colloidal gold. Since larger amounts of particulate matter were noted in puffs drawn from nonfilter cigarettes, only smoke from nonfilter cigarettes was used. When, because of the slowness of clearance, the time of testing was extended from 30 hours to 300 hours, the clearance patterns for exposed and control animals were very similar, with a half-life of 130 to 140 hours in both instances (Fig 11).

Upon completion of the acute clearance studies, the effect of extended exposure to cigarette smoke was investigated. Pairs of female albino rabbits of approximately 2 kg in weight were housed and cared for under identical conditions. One rabbit of a pair was exposed for three weeks (five hours a day, five days a week, for a total of 75 hours) to the smoke from nonfilter cigarettes, while the corresponding control animal breathed laboratory air. The exposure took place in a special chamber designed to give the animals the same exposure on each of the 15 days as the previous group had received in one day. At the end of the three-week exposure period, exposed and control animals were injected with approximately 100μc of colloidal gold particles. A total of ten animals was tested. Figure 12 presents the results of this experiment. There are no consistent differences between the exposed animals and the controls with respect to either slope of clearance curve or half-life.

MECHANISMS OF CLEARANCE

Fluid Retention and Edema.—Under normal conditions, fluid normally generated in the lungs is continually eliminated. Abnormalities in the process of clearance, however, may cause an accumulation of this fluid; minimal pulmonary edema is supposed to result from exposure to cigarette smoke. In order to study such an effect, rats were placed in a small chamber and exposed to smoke concentrations comparable to those applied in the clearance studies.

Acute exposures to the smoke of both filter and nonfilter cigarettes and subchronic exposures to the smoke of nonfilter cigarettes yielded approximately the same lung-weight to body-weight ratios as the controls. The mean ratios were 0.61 for controls, 0.61 for filter cigarettes, and 0.63 for nonfilter cigarettes in acute exposure. In subchronic exposure, the mean ratios were 0.60 for controls and 0.61 for nonfilter cigarettes.

Phagocytosis.—LaBelle and Brieger [11] have discussed in detail the role of phagocytosis in early pulmonary clearance and have published a method of estimating the number of free phagocytic cells in the lungs of rats. It was shown that increase of the initial lung burden by inhalation of carbon particles significantly increases the number of phagocytes in the lungs, and thus clearance. In these experiments, too, all carbon-treated rats differed from control rats in a highly significant manner. Among the groups exposed to carbon, there was no significant difference between the effect of carbon alone and that of carbon and the smoke of filter cigarettes. The increase of phagocytes produced by carbon and the smoke of nonfilter cigarettes is significantly greater than that produced by carbon alone and that by carbon plus the smoke of filter cigarettes (at the 0.01 level). Thus, these experiments did not yield any indication that the phagoctic reaction stimulated by carbon is diminished by exposure to the smoke of filter cigarettes; exposure to the smoke of nonfilter cigarettes resulted in a significant increase of phagocytes (Table 4).

TABLE 4.—PHAGOCYTE COUNTS IN RATS EXPOSED TO CARBON AND CIGARETTE SMOKE [1]

Group	Geometric mean (million cells per cubic millimeter)	Number of rats
Control	1.9	20
Carbon	72.1	40
Carbon plus smoke of filter cigarettes	67.6	30
Carbon plus smoke of nonfilter cigarettes	109.2	30

[1] "Average" standard deviation within groups equals 49 percent of the geometric mean.

All comparisons were made according to Duncan's method as modified by Harter (Harter, H.L.: Critical Values for Duncan's New Multiple Range Test, Biometrics, 16: 671–685 1960).

COMMENTS AND CONCLUSIONS

Human beings smoke intermittently. Hence, animal experiments in which steady-state concentrations are used have been abandoned in favor of experiments with intermittent exposure. Dalhamn et al [12] have developed a procedure that synchronizes the action of a smoking machine with the respiratory cycle of an anesthetized rabbit whose respiratory pattern is generated in an iron lung. In the experiments reported herein, exposure of unanesthetized rabbits was preferred, although some of the accuracy of concentration control had to be sacrificed.

None of the tests reported in the preceding parts of this paper shows interference with the process of pulmonary clearance by the inhalation of cigarette smoke. These results are at variance with the current literature on the subject, but it must be kept in mind that the tendency has been to demonstrate a reduction in ciliary function and only to infer from this that a corresponding reduction in pulmonary clearance takes place. It is true that filtering in the nasal passages was not prevented in the experiments herein described. The significant increase of phagocytes following exposure to the smoke of nonfilter cigarettes indicates, however, that pulmonary imposition of particulate matter took place.

Since the acceptance for publication of this paper, the findings reported herein have been confirmed by Blair and Dilley [13] and supported by the clearance studies of Albert et al.[14]

SUMMARY

Unanesthetized rabbits were exposed intermittently to concentrations of cigarette smoke in such a way as to approximate the pattern of smoking by human beings. The effect of the smoke of filter and nonfilter cigarettes was examined on an acute and a subchronic exposure schedule. Two different radioactive test particulates were used in order to assay rapid and delayed pulmonary clearance following the imposition of insoluble particles. In none of the experiments did interference with pulmonary clearance occur.

Fluid retention and phagocytosis were studied in additional experiments on rats. The lung-weight to body-weight ratios were the same in the experimental and in the control animals. The carbon-induced stimulation of phagocytosis was not mitigated by the inhalation of cigarette smoke; it was actually increased by exposure to the smoke of nonfilter cigarettes.

(This work was supported by a grant from the Tobacco Industry Research Committee (now the Council for Tobacco Research—USA).)

[From the Bulletin, Los Angeles County Medical Association, June 15, 1967]

THE FALLACY OF "ETIOLOGIC" FACTORS—DISTRIBUTION OF MORTALITY FROM LUNG CANCER IN THE COUNTY OF LOS ANGELES

Concerning cancer, most physicians subscribe to the belief that the word is a generic designation for a highly complex, extraordinarily disparate array of disorders of growth, nearly all of which are potentially

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[11] LaBelle, C.W., and Brieger, H.: The Fate of Inhaled Particles in the Early Post-Exposure Period: II. The Role of Pulmonary Phagocytes, *Arch Environ Health* 1:423–427, 1960.

[12] Dalhamn, T., et al: A Machine for Introducing a Regulated Amount of Tobacco Smoke Into an Animal, *Int J Air Water Polut* 7:511–515, 1963.

[13] Bair, W.J., and Dilley, J.V.: Pulmonary Clearance of $^{59}Fe_2O_3$ and $^{51}Cr_2O_3$ in Rats and Dogs Exposed to Cigarette Smoke. Proceedings Second International Symposium on Inhaled Particles and Vapours, Cambridge, 1965, to be published.

[14] Albert, R.E., et al: The Clearance of Radioactive Particles From the Human Lung. Proceedings Second International Symposium on Inhaled Particles and Vapours, Cambridge, 1965, to be published.

lethal. There is a comparable consensus on the failure of research and of clinical investigation to identify definitive or proximate factors of causation for most forms of human cancer. Of associated background or "predisposing" items there is a plethora, but none is determinative; cancer arises often in their absence, more often than not is absent in their presence.

A notable exception to the rule of medical skepticism on the etiologic influence of *associated, environmental factors* has developed in the instance of lung cancer. Exposure of the bronchial tree to either, or both of 2 sources of air pollution are regarded widely as causative of carcinoma of the lung:

The self-generated products of the combustion of cigarettes (though not other forms of tobacco smoking);

Air pollution over densely populated areas, especially by emissions from the combustion of hydrocarbons.

In our view, the relationship of both of these to lung cancer is entirely *associative rather than causative,* by all of the evidence with which we are familiar. The general statement cited earlier applies: lung cancer develops in only a small minority of those exposed to either or both pollutants; cancer of the lung does appear in those unexposed to either influence.

The thesis of a tobaccogenic causation has been more fervently and persistently pursued. Those unemployed victims of the conquest of infectious diseases, the epidemiologists, have applied to the biologic enigma of cancer the same techniques which had served them well in the identification of diseases of microbial or viral causation. Many of them seem entirely innocent of any knowledge of the variability in natural history of different types of cancer, even in the same organ-site. It seems self-evident that a calculating machine fed with epidemiologic data is an unlikely tool for the discovery of cancer's cause. And in time, samples of human populations may demonstrate to its exponents the frustration of the attempt to apply Koch's postulates to neoplastic growth.

We had long been curious over the pattern of incidence of lung cancer (L.C.) in this County, with some fragmentary information as a stimulus. For example:

The incidence of L.C. in *Mexican-American women* is as great as in the rate for all males in LA. Yet available information indicates a very low rate of cigarette smoking in women of Mexican origin of the age at which L.C. has occurred;

Our Pueblo seems to have been the birthplace of the inversionary atmospheric setting producing the eye-smarting pall for which the locally coined neologism is "*smog,*" Chemical substances identified in smog are "carcinogenic"—to small animals, and pulmonary neoplasms have been produced in an atmosphere of ozonized gasoline.

As in many other communities, a steep rise in L.C. seems to have occurred since 1930, as gauged, for example, by autopsy data at the Los Angeles County Hospital. In the recent 3 or 4 years, *the number of deaths has leveled off to a plateau.*

In various areas of the County are contrasts of *socioeconomic, ethnic* and *climatic* factors. In several studies, there has been an inverse correlation between economic status and L.C.—the lower the income, the greater the incidence of L.C. (with less cigarette-smoking).

Hence our great interest in the availability, for the first time, *of mortality data for all 27 Districts of the Los Angeles County Health Department, for the year 1964,* categorized by the International Code of causes of death. Through the courtesy of Gerald A. Heidbreder, MD, Los Angeles County Health Officer, and the helpful contribution of effort by J. B. Swayne, the Department's statistician, we were provided with the mortality data for "trachea, bronchus and lung," or categories 162 and 163. Available also was the population of each District, and the deaths from L.C. in both sexes for every District.

The Health Department divides the County into 27 geographic areas, each with a population of significant size. Smallest population is 107,700 (Southeast LA), and the largest 483,100 (West Valley LA, the western porton of the Valley made famous by Crooner Crosby). The estimated population of the entire County as of July 1, 1964 was 6,743,000; total deaths from L.C. were 1,640, for an *overall Mortality Rate (M.R.) per 100,000 of 24.32.* Our first effort was to determine the M.R. for each of the 27 Districts completely tabulated on Page 36. It was apparent on a first survey of these rates that a majority of the Districts would approach the M.R. of the whole County. Equally apparent were several wide departures from this "median" area. Arbitrarily, we adopted a range of 5 points on either side of the all-County M.R. as a "median" area, or M.R. 20–30. As seen in the Figure on Page 1, 15 Districts fell within this "median range." Our immediate interest concerned the Districts *not within* the middle area of lung cancer mortality.

There were 7 Districts in which lung cancer M.R. was lower than for the dominant, "median" group; these were East LA, El Monte, Pomona, Torrance, LA West Valley, Bellflower and, lowest of all, South LA, which includes the Watts area, with an M.R. of but 14.09, more than 10 points lower than the all-County figure.

Four Districts experienced a greater M.R. from L.C. in 1964 than did the middle group of Districts. Two Districts sitting on the ocean's edge, Santa Monica and Long Beach, had M.R.'s of 31.05 and 33.60. The dubious distinction of the greatest lethality from the disease was reserved for the Hollywood-Wilshire District (M.R. 39.75), and the contiguous District on the East, Central LA with a Mortality Rate of 53.36 per 100,000, a level more than twice that of the all-County figure.

Our dominant reaction to these data is a deepening of our prior skepticism of the allegedly contributory, or even "causative" factors. A comparison of these M.R. against long-cherished notions might start with East LA, where the greatest concentration of Mexican-Americans live, often under unfavorable conditions, but their M.R. is only 15.5 and in a tie with the Bellflower (dairy country) District for the second lowest impact of L.C. An even greater denial of the claimed importance of an unfavorable socioeconomic milieu is provided by the "low score" District where L.C. is to be least feared in LA County—the South District which includes Watts. Another pair of low-score Districts are contrasts: Pomona, which is yet laden with citrus groves and the scent of orange blossoms, and is lightly industrialized; and, Torrance, the site of steel mills and an especially heavy concentration of oil wells and refining facilities.

Our confusion is still more obfuscatory when we consider the *highly variable male: female ratio.* In the USA in general the ratio has steadily grown larger as men die of L.C. in an ever greater relative frequency. Thus, in NY Upstate since 1930, the ratio has increased from about 2:1 to 7:1, M:F. An even wider range was present in LA County in 1964 than NY had observed in 3½ decades. The City of the Rose Parade comes nearest to an equality of men and women in deaths from L.C., with a ratio of 2.27, and only 2 others are close, the Pomona & San Fernando Districts, both less than 3.0. At the opposite extreme, East LA (again, the residence of many women of Mexican origin) shows one of the highest preferential rates (7.33) for men, although topped by Torrance with 9.16. This area of widest disparity in M:F rates includes 2 other Districts—Inglewood and Harbor, with 7.50 and 7.60. Again there is a dominant group clustered around the "median" area of the all-County figure; 14 Districts have a male-female ratio of L.C. between 3 and 5. It is obvious that there is little or no correlation of relative incidence by sex with Mortality Rates; the highest M.R. in LA in the Central District is concomitant with a M:F ratio close to the all-County figure, or 5.17.

We admit readily the possibility that observers more astute than we may discern in these data some refulgent lead to a better understanding of the background of lung cancer. For ourself, we are obliged to conclude that these comparative data on large samples of population provide neither support of some beliefs weakly held, or illumination of any new facets.

In this County neither mortality rates, nor the relative frequency in males and females, show any evident association with racial, socioeconomic, (probably) occupational, climatic or atmospheric factors, or exposure to the self-generated but exogenous influence of the smoking of cigarettes.

DEATHS, RESIDENTS, COUNTY OF LOS ANGELES, LUNG CANCER, CALENDAR YEAR 1964

District	Population (estimated July 1, 1964)	Ratio, male/female	Lung cancer deaths			M.R.
			Male	Female	Total	
Entire county	6,743,000	4.36	1,334	306	1,640	24.32
Alhambra	263,306	5.45	60	11	71	22.00
East Los Angeles	160,500	7.33	22	3	25	15.52
El Monte	253,900	6.33	38	6	44	17.32
Glendale	267,700	4.15	54	13	67	25.09
Inglewood	307,800	7.50	60	8	68	22.08
Monrovia	254,800	4.30	47	10	57	22.35
Pomona	271,600	2.78	39	14	53	19.48
San Antonio	320,100	4.57	78	17	95	29.68
San Fernando	114,800	2.88	20	7	27	23.47
Santa Monica	218,600	3.53	53	15	68	31.05
Torrance	339,000	9.16	55	6	61	17.98
Whittier	260,700	4.16	25	6	31	23.37
Los Angeles:						
Central	208,000	5.17	93	18	111	53.36
East Valley	389,200	3.26	62	19	81	20.84
Harbor	121,300	7.66	23	3	26	21.48
Hollywood-Wilshire	327,100	3.64	102	28	130	39.75
Northeast	249,600	4.70	47	10	57	22.80
South	149,200	4.25	17	4	21	14.09
Southeast	107,700	6.50	26	4	30	27.77
Southwest	275,700	3.62	58	16	74	26.88
West	379,300	4.50	72	16	88	23.21
West Valley	483,100	3.94	71	18	89	18.42
Long Beach	366,500	4.35	100	23	123	33.60
Pasadena	122,400	2.27	25	11	36	29.50
Bellflower	271,300	3.20	32	10	42	15.50
Compton	259,800	4.20	42	10	52	20.00
District unallocated	(?)	----------	13	----------	13	----------

[From the Tobacco Institute, Inc., Washington, D.C.]

TOBACCO INSTITUTE REPLIES TO R. F. K. CHARGE OF INDUSTRY "INATTENTION TO RESPONSIBILITY"

In response to Senator Kennedy's charge that the tobacco industry has "demonstrated a total inattention to public responsibility," the Tobacco Institute today issued the following statement:

While the industry has grave doubts about the accuracy of some of the statements and allegations made by Senator Robert F. Kennedy in a speech today, he made one charge which demands immediate answer from the industry.

It is quite surprising that such an astute person as Senator Kennedy would make a charge that the tobacco industry has shown "inattention to public responsibility."

The tobacco industry has not only been attentive to the responsibility, but has invested its time, talent and funds in an effort to meet that responsibility.

It is even more surprising for Senator Kennedy to make such a statement in view of the fact that last Thursday morning, the attached letter was delivered to his office replying to his inquiries regarding advertising.

The letter contains the following paragraphs:

"Response to inquiries posed in your letter is being prepared, and this will be available at an early date.

"Chief executives of the above-named members of The Tobacco Institute consider the matters you discuss to be of such vital importance to the tobacco industry and to the public that they request the opportunity to present this material to you in person at a mutually convenient time and place, and to discuss it in some detail."

Other actions which the industry has taken which demonstrate its good faith and deep concern with the questions which have been raised about smoking and health include:

1. The industry has pledged $10 million—without strings—to the American Medical Association's Educational and Research Fund. In a recent news release on this smoking and health project, the AMA said:

"Much of the support for the research project was furnished by the tobacco industry itself, which pledged $10 million over a five-year period. Industry interest was in settling once and for all the question of whether smoking is or is not the cause of certain diseases. Furthermore the industry wanted to know if smoking was implicated in disease, was it due to some specific agent or agents in the tobacco which could be removed from the smoke."

2. The industry has granted more than $12 million for basic research on smoking and health through the Council for Tobacco Research—USA. Since the Council was formed in 1954, grants have been made to some 300 independent scientists working at more than 150 hospitals, universities and research institutions. To date, nearly 600 scientific papers reporting the research have been published by grant recipients. All of this money, too, is made available to the scientists totally without strings.

3. The voluntary Cigarette Advertising Code has made a major contribution in meeting the industry's responsibility in the area of advertising, charges by Senator Kennedy, notwithstanding. Cigarette advertising is not directed at young people, nor is it directed at persuading anyone to smoke. A careful reading of the Code text would have shown the Senator that the Code is making a useful contribution.

As early as 1963, the industry voluntarily ended promotion and advertising of cigarettes on college campuses.

4. The industry has cooperated with the Federal Trade Commission in the setting up of its laboratory to test the tar and nicotine content of cigarettes. The industry made available to the Commission the tremendous technological know-how of its scientists in order to help make sure that figures are as accurate as possible.

5. In the industry's private laboratories, much effort and funds have gone into the development of new and better filters for cigarettes. In fact, in addition to the more than $22 million made available to independent scientists, the industry has invested much more than an equivalent amount in its own research.

Senator Kennedy's remarks were made before a body of scientists from countries all over the world. He is perhaps unaware that comparable research—both independent and within companies—is being done by tobacco companies in many other nations.

The picture presented by these efforts is scarcely that of an industry which is "inattentive" to its responsibilities.

SEPTEMBER 6, 1967.

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

DEAR SENATOR KENNEDY: I have been asked by the following tobacco companies, members of The Tobacco Institute, to respond to your letter dated August 22, 1967:

Brown & Williamson Tobacco Corporation,
Liggett & Myers Tobacco Company,
Philip Morris Incorporated,
R. J. Reynolds Tobacco Company,
Larus & Brother Company, Inc., and
United States Tobacco Company.

Response to inquiries posed in your letter is being prepared, and this will be available at an early date.

Chief executives of the above-named members of The Tobacco Institute consider the matters you discuss to be of such vital importance to the tobacco industry and to the public that they request the opportunity to present this material to you in person at a mutually convenient time and place, and to discuss it in some detail.

Very truly yours,

EARLE C. CLEMENTS.

ADDRESS BY ADDISON Y. YEAMAN, VICE PRESIDENT AND GENERAL COUNSEL, BROWN & WILLIAMSON TOBACCO CORP., TO THE TOBACCO GROWERS INFORMATION COMMITTEE, ANNUAL MEETING, NOVEMBER 6, 1967, RALEIGH, N.C.

Mr. Chairman, members of the Tobacco Growers Information Committee, guests, and friends: I can think of no better opening than to quote the following statement from the distinguished Governor of this State:

"The American tobacco industry is in a state of uncertainty today because of unwarranted harassment and unnecessary confusion created by headline seekers using biased information."

That statement was made by Governor Dan Moore on October 5 in reply to remarks by U.S. Surgeon General William Stewart at a press conference in Raleigh on September 26.

Let me refresh your memory of the occasion prompting that press conference. Surgeon General Stewart was in Raleigh to accept a deed to a 500-acre tract in the Research Triangle Park as the site for a huge new National Environmental Health Center. I am sure that none of you overlooked the significance of the fact that Dr. Stewart was here as a guest of the State and that his benefactors were the taxpayers of North Carolina. And yet the highest ranking health officer of this country chose to ignore the basic meaning of the gift—that it was a magnificent gesture of the State's commitment to assist research into the basic questions involving tobacco and health.

Incredibly, Dr. Stewart seized on the occasion to launch a vicious attack on the tobacco industry. Here is what your official guest had to say:

"The tobacco industry was unconscionable in introducing the 100 millimeter cigarette—this increases the dose and increases the risk."

It is "no longer debatable," he says whether a connection exists between smoking and health. "The debate now is what we do about it." In other words, Dr. Stewart says the issue is closed—the Government has decided that the debate is over.

Then he said the cigarette companies "are not doing nearly enough" to get to the heart of the health problem. Not a word, you understand, did he utter to indicate that he is aware of the industry's grants of more than $20 million to find the medical facts through scientific research. Not only has he closed off debate but, in addition, has apparently closed his mind!

By virtue of executive appointment, Dr. Stewart is your Surgeon General and mine, and of all the American people. But I refuse to accept him as the *complete* and *final* authority on scientific truth about smoking and health. The reason is that he has obviously either lost the quality of objectivity or is misinterpreting the information available to him. In any case, Dr. Stewart would sound the death knell of the tobacco industry by edict, without respect for conclusive scientific proof—or lack of it. And he got headlines by making his intentions clear.

Now, listen again to Governor Moore's statement in reply to his illustrious guest:

"The American tobacco industry is in a state of uncertainty today because of unwarranted harassment and unnecessary confusion created by headline seekers using biased information."

Those words contain more truth than any I have heard in a long time, and I want to add to them the following expression from the same thoughtful and gracious man:

"I am pleased," Governor Moore said, "that the National Environmental Health Sciences Center to be built by the Public Health Service in the Research Triangle will scientifically and objectively study the smoking and health question. Perhaps then the Public Health Service will be able to furnish concrete evidence on the relationship between normal smoking and lung cancer if any such relationship does exist. Perhaps then the Public Health Service can find what element, if any, in tobacco is harmful."

"I am sure," Governor Moore continued, "the tobacco industry, which is spending millions of dollars in research every year, will appreciate the work of the Public Health Service in this area. All of us, of course, are vitally interested in the health and well-being of our citizens, and we most assuredly want to see eliminated any causes of environmental health problems."

Let Surgeon General Stewart please take note of those comments, because they are what one normally would have expected but did not get from the nation's chief medical officer!

The deplorable reality is that our unseeing Surgeon General is in the vanguard of a formidable coalition of government agencies, legislators, fund-raising organizations, propagandists, and do-gooders—all engaged in a crusade against tobacco.

You know some of their names: The Interagency Council on Smoking and Health, National Clearinghouse, Federal Trade Commission, Federal Communications Commission, National Cancer Institute, American Cancer Society, American Heart Association, Roswell Park Memorial Institute; and then the individuals: Foote, Horn, Terry, Stewart, Guthrie, Moore, Bock, Endicott, Moss and Foley.

Yes, this coalition is formidable, but it is *not* infallible or invulnerable. The various groups and individuals have their own peculiar ambitions for wanting to keep the

anti-smoking crusade alive. Some have self-serving reasons for disregarding and even stifling the truth, for doing slight of hand manipulations with statistics, for brashly displaying arrogance of bureaucracy, for subjugating sound judgment to personal sentiment, and for weaving a tangled web of propaganda and deceit.

Lest I be accused of using the tactics of our opponents by making unfounded assertions, let me now substantiate what I have just said:

1. Truth. What is the truth? It is simply that no one—and I mean *no one*—knows whether cigarette smoking causes any human disease. All the statistics that can be amassed cannot prove a cause-and-effect relationship. Figures may prompt suspicion, but they are not proof. Our opponents would have the public believe just the reverse, and they have spoken loudly and written boldly with only assumptions, correlations, extrapolations, and crusading zeal in support of their position. They have chosen to cast aside opinions and data from scientific literature which does not agree with them. They are blind to all but their own position—they even disregard the testimony before the United States Congress of over 30 of this country's most eminent men of medicine and science who said they are unwilling to accept statistical evidence as scientific proof of a causal relationship between cigarette smoking and human disease.

2. Statistical Manipulations. Of all the examples of outright statistical nonsense, a recent Public Health Service report really captures the booby prize. Officially called "Cigarette Smoking and Health Characteristics," and more popularly known as the "Morbidity Study," it claims to show an association between smoking and a variety of chronic and acute illnesses. The fact is that it is based largely on self-diagnosis and second-hand information. It is devoid of ascertained medical facts and abounds with many obvious errors and misrepresentations. Purportedly containing information from 42,000 households, the report admits that 60% of the data on male smokers was obtained, not from the smokers themselves, but from other members of the family. Can you guess what wives, daughters, and mothers-in-law had to say about the old man's smoking habits and what was wrong with his health! And yet Surgeon General Stewart, in issuing the report, would have the public believe that it contained valid medical judgments in relating smoking to loss of work days.

But not all people were fooled. Syndicated columnist James J. Kilpatrick certainly was not taken in. He called the study a "fraud," and said the authors "have perpetrated a shabby piece of propaganda." He continued by pointing out that "the authors . . . in a moment of candor, confess the truth: their figures do not establish any cause-and-effect relationship between smoking and health." In conclusion, he scores the study for its "pick-and-choose technique," and cautions: "The figures are flimsy and the conclusions cannot rise above them . . . Relying upon these statistics may result in your being bamboozled."

The word "bamboozled" is a particularly apt description of what a host of studies, by means of anti-smoking propaganda, have done to the general public—and, even worse, to a large segment of the medical community. Statistics, through repetitious claims and ballyhoo, have now assumed the face of scientific fact.

For example, let me cite briefly how repetition has vastly inflated a totally unfounded claim. Emerson Foote, the advertising man who was the first Chairman of the Interagency Council, apparently originated the statement that each year 125,000 to 300,000 "excess deaths" are caused by smoking. Dr. Daniel Horn, now head of the National Clearinghouse, repeated the claim at the 1965 Congressional hearings, quoting Mr. Foote as *his* authority. Then the present head of the Interagency Council, former Surgeon General Terry, publicized the fallacious figures, and thereby caused them to be recited as fact in public speeches by Surgeon General Stewart, Senators Moss and Robert F. Kennedy, and others. In that incredible manner, repetition added another plank in the shaky statistical platform against smoking.

3. Arrogance of Bureaucracy. Using this statistical platform, the Federal anti-cigarette forces have mounted a crusade of staggering proportions. Where once reasoned action followed due deliberation, now we see evidences of an arrogance which goes far beyond reason and due process. "What began a few years ago as a seemingly well-intentioned, if disturbing, effort to brainwash the citizenry . . . has spiraled into a crusade as menacing and ugly as Prohibition." This statement was made October 2 in a front-page editorial of *Barron's*, one of the country's most respected business and financial weeklies.

The editorial is a courageous, forthright attack on the arrogance of bureaucracy. It is so pertinent to the true understanding of the Federal crusade that The Tobacco Institute has published a reprint of the full text in newspapers in the top 200 markets and in *Life, Look,* and *Saturday Evening Post*. There is indication that this effort has had a good impact.

I sincerely hope that the impact turns into a public awakening to the dangers of demagoguery and arbitrary government actions!

The editorial also says: ". . . the anti-smoking forces, putting their worst foot forward, lately have sought to escalate from persuasion to coercion." It points to the Federal Trade Commission's attempt "to foist its own uncompromising slogans on the industry" in calling for a strident health warning on cigarette packages and in advertising.

"Thus," *Barron's* continues, "Senator Robert Kennedy, who yields to no man in his hot pursuit of demagoguery, has introduced a bill that would tax cigarettes on the basis of their tar and nicotine content as measured by the FTC in a laboratory newly equipped with a federal smoking machine."

At this point, I believe it is illuminating to quote FTC Chairman Paul Rand Dixon on the tar and nicotine testing. It seems that not all the FTC Commissioners can agree on the butt length to which the machine is to smoke the test cigarettes. The majority wants a 23mm butt, but Chairman Dixon argues for a 30mm butt. He points out that "of the approximately 120 brands and types available on the market, only 49 can actually be smoked to 23mm." As a result, he says: "Obviously the majority's 23mm butt length test will give no meaningful comparative results . . ." In spite of this objection from its Chairman, the FTC went right ahead and adopted the 23mm butt length. Then came this sharp warning from Mr. Dixon: "Because the results to be reported by the Commission are going to vary in such detail, I think they will be misleading . . ."

Can you top that for inconsistent and unrealistic bureaucratic action!

Well, another Government agency—the Federal Communications Commission—struck it own blow on June 2, when it applied the Fairness Doctrine to cigarette advertising on radio and television. In response to a single complaint of a 28-year-old New York attorney to one television station about cigarette advertising, the FCC summarily ruled that a "significant time for the other viewpoint" would have to be given by all radio and television stations carrying cigarette commercials.

Strenuous objections were immediately voiced by the major networks and numerous individual stations. The news media carried editorial comments calling the ruling "unfair," a "ridculous dogmatic pronouncement," a "dangerous pecedent," "an absurdity in the extreme," etc.

But despite these outcries of protest, the FCC on September 8, 1967, unanimously denied requests from the broadcasters and the tobacco industry to reconsider the ruling of June 2. The agency went even further, by saying that stations carrying cigarette advertising are *"obligated* to provide information pointing out the hazards of cigarette smoking."

Unanimous though the denial was, it is extremely revealing to refer to the opinion of FCC Commissioner Lee Loevinger. He expressed doubts that the ruling "is procedurally and substantially consistent with controlling legal rules." In other words, he questioned the FCC's legal authority to make the ruling in the first place. "I am reluctant," he continued, "because of concern that this action may rerpesent a subjugation of judgment to sentiment." Which is to say, what the FCC wants the FCC gets, and to heck with the due process of law.

A Tangled Web. "Oh what a tangled web we weave, when first we practice to deceive." That is more than an aphorism; it is stark reality in the case of the anti-tobacco forces. The web of propaganda is becoming more dense and sticky. And who is footing the bill for this expensive crusade? In large measure, it is the American taxpayers. From tax revenues from individuals and corporations come the funds to finance agencies such as the Public Health Service, FTC, FCC, the National Clearinghouse, and the Interagency Council on Smoking and Health.

So, you can see, both power and money are against tobacco, and their uses are truly deplorable. Public Health Service officials have acknowledged that they feel a "responsibility for *shepherding* people" with regard to smoking. And Dr. Daniel Horn, who heads the National Clearinghouse, has said: "Smoking . . . give us a good opportunity to explore our ability *to influence behavior change.*" Thus, to the attitude of "We know what's best for you, even if you don't" is added the desire to change behavior through thought control.

I say this whole thing has gone far enough! *Medical science has got to be brought back into the picture through basic research.* Unwarranted attacks on tobacco have got to cease. Self-serving bureaucracy must not be tolerated. The people deserve the truth, and must be given it.

I hope in this land of ours there remains a sizable group of independent scientists who aren't obligated to conform to government policy. I fervently trust that they will continue their search for truth and sound their convictions about the smoking and health controversy. I appeal to them not to let the Surgeon General or any one else close off the debate solely on the basis of guilt by statistical association.

I believe the American people are receptive to our side of the controversy. Let me assure you that we intend to speak out more in our defense, to give the public the true facts, not crusading propaganda. We refuse to sit by any longer and be the scapegoat for any group.

We are wholeheartedly and unstintingly committed to the search for truth.

We must and we will defend the tobacco industry against the mounting crusade of unwarranted harassment. The dedicated help of The Tobacco Growers Information Committee is a tremendous asset, for we must have a consolidation of strength to meet this menacing challenge to our integrity and future as an industry.

Thank you.

ADDRESS BY PAUL D. SMITH, VICE PRESIDENT, GENERAL COUNSEL, PHILIP MORRIS INC.

(Address delivered October 3, 1967, to the 18th annual convention of the Burley and Dark Leaf Tobacco Export Assn., at Lexington, Ky.)

Mr. Chairman, distinguished foreign guests and friends in the Burley and Dark Leaf Tobacco Export Association: I appreciate this opportunity to talk with you about the tobacco and health controversy.

To give you a clear idea of how important this issue is to all of us, I invite your attention to an event that occurred last week in North Carolina. Tuesday, Surgeon General William Stewart was the guest of honor at a ceremony during which he received the deed to a new research facility. During the news conference he was asked if the Public Health Service's crusade against smoking could mean the death knell for the tobacco industry in North Carolina. His reply made it very clear that he certainly hoped it would; and I am confident he hopes to abolish tobacco growing everywhere.

The governor of North Carolina was there as Surgeon General Stewart spoke but properly felt constrained, as Dr. Stewart's host, to remain silent. Let it be understood—I am not the Surgeon General's host and I do not feel in any way constrained by his absence from us tonight.

I also do not feel constrained by Dr. Stewart's statement that questions of smoking and health are "no longer debatable". His lack of objectivity is deplorable. More important—what right does even the nation's highest ranking health officer have to close off debate? None that I know of! Scientific truths are not determined by the Surgeon General's fiats.

I do not criticize those who, without evaluating the data, echo his views and support his actions. They are merely relying on the mistaken belief that the Surgeon General has dealt properly with and correctly interpreted the scientific information about tobacco. So, I want to make it quite clear that when I criticize the attackers of our industry, I am referring only to those people whose familiarity with the facts should have led them to more cautious, more temperate and more factual conclusions.

If we had any doubts in the past that the true goal of our enemies is to eliminate tobacco from the agricultural and manufacturing economy, the Stewart statement should dispel them. I could compare their threats to Mr. Khrushchev's bluster in the 1950's: "We will bury you." As you remember, the United States did not reply in the same vein; but we were alerted by that threat and we prepared ourselves. That is exactly what we in the tobacco industry must do.

Our enemies want to cast the battle in terms of good guys and bad guys—to claim a scientific dispute does not exist and that any delay in their crusade will cost human lives. Well—we're not the bad guys and they certainly are not behaving like good guys. We are just as concerned about health as they are. The difference is that we want to talk in terms of scientific proof and they don't.

The truth of the matter is this:

No one knows whether cigarette smoking causes any human disease or in any way impairs human health.

A host of factors, including cigarette smoking, are under suspicion.

The suspicion cast on cigarette smoking is based almost entirely upon statistical studies which allegedly show an association between cigarette smoking and certain diseases. Every one of these studies is subject to criticism on a purely statistical basis as well as on the basis of the inferences drawn from the statistics.

Even valid statistical assocations can only point the finger of suspicion—they can never prove cause and effect.

Cause and effect can only be proved by demonstrating the ingredient by which—and the mechanism by which—the cause leads to the effect.

In the case of the alleged harmful effects of cigarette smoking, tremendous research efforts have never been able to demonstrate either any ingredient or any mechanism needed to show that cigarettes cause any disease.

So we accept that, among other factors, cigarettes are under suspicion. But the case against cigarettes is not proved. And I do not mean that the case is just barely not proved. I mean that the evidence is so weak that, in any court of fair opinion, the case against cigarettes would clearly be found wanting.

This does not mean that I feel we should not do research to determine whether cigarettes are in any way harmful. It means just the opposite. It means that we should do that research to the fullest extent possible. It means that we should exert our utmost energies to that research rather than wasting our energies propagandizing against cigarettes and trying to prohibit cigarette smoking.

One of the great tragedies of our time is that the propaganda machinery of our enemies is brainwashing not only the public but also many, many dedicated scientists. The result is, that instead of searching for the true cause of, for example, lung cancer, many researchers are accepting without investigation the allegation that cigarettes are the cause. They therefore conclude that they need not devote their valuable time to research in the lung cancer field.

If these are the facts, you may say, why are they not known to those of our enemies who claim to have studied the subject? I submit that they are known to them and that in many cases forces other than dedication to truth and to science motivate their actions.

What do our enemies have at stake? Well, remember that the small group who generated this health controversy and are keeping it alive have risked their careers and reputations on the speculation that cigarette smoking will eventually be demonstrated to be a cause of much premature death and disability. Not to be deterred by such a *minor* obstacle as the failure of the scientific proof to arrive, they speak and act as if it had arrived.

A large empire has been built, mainly financed with Federal funds and devoted to eliminating cigarette smoking. This empire, governed and supported principally by the Federal health establishment, has proved to be a good vehicle for ambitious public health officials to obtain funds.

The budget of the Department of Health, Education & Welfare is second only to that of Defense. It supports nearly all of the medical research in this country as well as a good deal of research abroad. The orientation and approach to scientific problems on the part of the research community is strongly influenced by the attitudes and beliefs of those who control the distribution of these funds. Is it any wonder that many doctors and scientists who do not believe the smoking-disease theory are reluctant to speak up, and thereby risk the loss of financing for their research? Is it not likely that Universities and research institutions discourage their members from taking a stand unpopular with the source of most research grants given in this country?

As to the situation in the scientific area, I believe that the anti-tobacco forces now have a strong premonition that adequate scientific facts to convict cigarettes may not be forthcoming. Indeed, one of our most powerful enemies in HEW told me a few months ago that he thought the case against cigarettes could never be proved if it could not be proved by statistics.

My belief was reinforced when I attended a Senate Sub-committee hearing in Washington in August. One purpose of those hearings was to learn from the experts what conclusions they may have reached after more than a decade of research as to what component in cigarette smoke represents a hazard to human health. The remarkable result was that the experts were in almost total disagreement on their theories and none of them could say that any component as found in smoke had been established as a health hazard on the basis of valid scientific evidence. Neither "tar" nor nicotine nor the gas phase of smoke could be incriminated on the basis of this testimony.

I am sure you would have concluded—as did I—that in view of all the disagreement and conflicting ideas, the enemy should feel frustrated. Here were the perfect hearings for them to capitalize on—the witnesses were invited by the Government, not by the industry—scientists had years of research behind them and millions upon millions of dollars had been spent to convict the cigarette in the laboratory.

And what did the witnesses have to say?

Well—Dr. George E. Moore of Roswell Park, a vocal public health official, said,

"We simply do not know just what specific agents are involved."

E. Cuyler Hammond of the American Cancer Society said, "I do not think at this time we have any conclusive evidence that the harmful effects as far as cancer in man is in the tar, or is in the nicotine." While Dr. Hammond *guessed* they might be, he said of his own statement: ". . . a guess is no evidence. Again research is required to find out."

And Surgeon General Stewart, in answer to a question on future research, replied: "I don't think there is any question that we need to pursue research on the content of the smoke and it is usually broken down into the gaseous and the solid parts.

"We have done some breakdown of the tar, we are not sure we have everything that is in the tar, we need further pursuit of these avenues. We need a better understanding of the gaseous phase, what happens in that. We are not sure we have everything in there. We need to do more research on what different components are added, when things are added to tobacco, different kinds of tobacco."

If you were a public health official who knew of such uncertainties—and if you also realized that the famous 1964 report on Smoking and Health had concluded that nicotine was probably not a health hazard—and if you also knew that not even animals have developed cancer when exposed to whole smoke—wouldn't you feel frustrated?

In their frustration our enemies are putting an ever-increasing load on their old standby, statistics, which, as I have indicated, is a mighty weak reed.

There are many kinds of statistics. An example of one is found in the United States Census. In order to know how many people there are in the United States, you count them. This is not the kind of statistics I am talking about.

The statistics I am talking about—and the statistics our enemies are relying on—are those used in arriving at statistical associations. For example, the condition of the stock market and the length of women's skirts have been shown to have a statistical association. So have the price of whiskey and salaries paid to ministers. All of these—and the mini-skirt is the latest example—are said to go up during prosperous times. They are associated with one another but, and this should never be forgotten, association does not mean that any one causes any of the others.

Those who use statistics as if they proved cause and effect ignore the statement that appeared in the 1964 Smoking and Health report: "Statistical methods cannot establish

proof of a causal relationship in an association." Also ignored by those who only give lip service to this recognized rule is the admission in the recent Public Health Service Report on diseases associated with smoking—the one used by PHS officials when they talk about millions of work days lost—that statistical associations "cannot establish any existing relationship as a causal one."

So whenever you are told that smoking is associated with—or statistically associated with—certain diseases, rest assured that this doesn't prove smoking causes any of these diseases.

Sir Josiah Stamp, a famous statistician, was quoted last week in a letter to Time magazine as having said: "The Government are very keen on amassing statistics. They collect them, raise them to the nth power, take the cube root and prepare wonderful diagrams. But you must never forget that every one of these figures comes in the first instance from the village watchman who just puts down what he damn pleases."

Well, that is a pretty good description of how the PHS uses smoking statistics. They take a group, admittedly not representative of the population as a whole, and observe what happens to the smokers and nonsmokers. Then they raise the figures to the nth power and say that smoking is causing so many "excess deaths" in the population at large.

And, speaking of getting information from the village watchman, look at the recent PHS report which is claimed to show an association between smoking and a variety of chronic and acute illnesses. The report was based on answers given by any one 19 or over to questions about the smoking habits and illnesses of everyone in the household. 60% of the male smokers were never even interviewed. Imagine asked 19 year olds and mothers-in-law about what is wrong with the head of the house. I would prefer to have a doctor diagnose my ailments.

James J. Kilpatrick had this to say in a recent column called, "Where Brainwashing is an Art": "One is inclined to award the blue ribboned bottle cap (for brainwashing) to the Public Health Service for its anti-smoking campaign. The PHS is propagating some of the shakiest statistics since the Literary Digest elected Alf Landon in 1936."

Wouldn't you be frustrated by knowing that practically all your so-called evidence didn't prove anything?

The scientific literature of the past several years includes, of course, opinions and data inconsistent with the PHS position, but this body of material doesn't aid the anti-smoking campaign and is not featured in any of the PHS documentation of the scientific picture.

This material includes, for example, a report recently published by the World Health Organization of a study of lung cancer in Israel. This report found no statistical association between lung cancer and smoking. As a matter of fact—and I hope Surgeon General Stewart will comment on this study—it appeared that the part of the population that smoked more had the lower rate of lung cancer.

I do not have time to tell you about some recent studies which indicate that smokers and former smokers may have less heart disease than non-smokers. You know, of course, that the 1964 Smoking and Health report did not conclude that the relationship between cigarette smoking and heart disease was one of cause and effect. The recent articles indicate that it probably is not—in contrast to what the PHS is now saying.

There is other material, along the same line, concerning other diseases which have been statistically associated with smoking.

So the PHS forces find themselves with an extreme shortage of evidence necessary to nail down the indictment against smoking and a slowly accumulating body of evidence which is beginning to weaken their major statistical premises. This must, I think, result in a feeling of frustration on the part of those who have devoted so much of their working lives to the attempt to establish a case against tobacco.

The fact that the public seems to have sensed the weakness in the scientific foundation for the accusations against tobacco must add greatly to this feeling of frustration. This final ignominy—being ignored—has led to pressure for stronger action to reckless claims.

Our principal opponents are diverting attention from the weakness of their position on the science by overstating their case in headline catching statements. Sometimes they get caught at this game.

Surgeon General Stewart, for example, in a speech delivered last year referred to "at least 125,000 premature deaths and maybe as many as 300,000 deaths in the United States a year *due to* cigarette smoking." When he came before Congress to justify a budget that included a substantial amount of money for research on tobacco, he was asked whether he had meant what he said. Surgeon General Stewart responded, "Did I say 'due to'?"

Well, he certainly did say "due to" and he certainly had no basis for it.

Just last month—Stewart said it "is a flat scentific fact" that smoking causes disease. If asked about this next year, will he respond, "Did I say 'scientific fact'?"

I hope that the Surgeon General's reckless statements are evidence of his emotionalism. They certainly are not indicative of his scientific abilities.

In the speech by Surgeon General Stewart, which I mentioned earlier, he referred to 1,300 studies published since January of 1964 that "further confirm" the 1964 Surgeon General's Report. The tobacco industry is very interested in claims of this sort so we reviewed these studies. Some of them were articles from popular magazines including Saturday Evening Post, Good Housekeeping and Investors Guide (which is published by a brokerage firm). A substantial number of the studies pre-dated the 1964 report and others did not "confirm" its conclusions—for example the studies on cigarette smoke inhalation by animals all reported failure to produce lung cancer. Also among the articles cited to confirm the 1964 Report was a playful piece of evidence which appeared in that recognized journal of anatomical sciences, Playboy magazine. It was called, " Where There's Smoke There's Ire: an Inflammatory Excursion into the Trials of Tobacco Fanciers Beset by Self Appointed Weed Killers."

I might add that studies inconsistent with the party line were omitted or ignored for the most part in the Surgeon General's 1967 report—which was prepared, incidentally, by the National Clearinghouse for Smoking and Health, a PHS agency expressly formed to fight smoking.

The Surgeon General and the PHS lobby have been busy spreading their propaganda in Congress. A review of current legislative proposals involving smoking and health would disclose their handiwork—and a critical review would reveal that all of the proposals are grounded on the PHS party line—and not on valid science.

Our enemies do not know the causes of cancer or heart disease—I do not claim to know—in fact no one knows. Yet their misleading and unfair statements have created an atmosphere, as far as smoking is concerned, that the end justifies the means—"Anything goes."

As the frustration of our enemies grows greater, their voices will grow louder and more shrill. They will devise new tactics to harass the industry. They will seek new allies and incite those who have already joined the battle against tobacco to make more vitriolic attacks.

I read in the paper recently that the Surgeon General said that the tobacco industry is "not doing nearly enough to get to the heart of the health problem." Unable himself to "get to the heart of the health problem" despite the tremendous resources at his command, and the millions of dollars he has spent, the Surgeon General wants to achieve two goals.

First, he wants people to believe that the tobacco industry is not interested in health, which—as Dr. Stewart well knows—is not true. Our industry has furnished financial support for research by independent grantees of the Council for Tobacco Research and the American Medical Association Education and Research Foundation. They have received financial commitments of approximately 22 million dollars from the industry over the past several years. He knows that the results of this research have been the same as the results of government-sponsored research: Nobody has yet been able to find any ingredient as found in tobacco or smoke that causes human disease.

Second, the Surgeon General wants people to believe that his continuing failure to convict cigarette smoking is the fault of the industry. The premonition that supportive scientific evidence will not be forthcoming may be stronger than I have suggested. Is the Surgeon General hedging his bet by trying to set the tobacco industry up as the scapegoat if he cannot find such supportive scientific evidence!

It is no wonder, in view of the lack of scientific evidence to support them, that our enemies must rely on the numbers game—statistical associations. They seek to divert attention from the fact that statistics do not prove that there is a hazard by referring instead to what they call "the magnitude of the problem." They compensate for their failure in science by employing ballyhoo. They take the position that there is no controversy because, when critically analyzed, their case against tobacco is full of holes.

It is not enough for me to stand here and say that their case is full of holes. I believe that we must all try to do a better job of presenting our side of the controversy. I hope that medical men and scientists will not be taken in by the PHS attempts to close off debate. I hope that legislators will review both sides of the question and not jump to conclusions based on the selected information that may be presented by anti-tobacco zealots.

I was disturbed by an unwarranted attack against the tobacco industry by the junior senator from New York, Robert Kennedy. In his speech last month to the World Conference on Smoking and Health he said many things which cannot be supported on the basis of scientific fact. Whoever advised him concerning tobacco and health did him a profound disservice. I recognize, however, that this should be taken as a warning to all of us who grow, manufacture, or otherwise deal in tobacco that we must not let our enemies become the only source of information for the uncommitted—we must present the facts whenever given an opportunity.

I direct those who would justify the actions of the enemy on the basis of good intentions to the following statement by Daniel Webster. He said, "Good intention will always be pleaded for every assumption of power . . . it is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions."

And I refer those who tend to jump to conclusions on the basis of incomplete returns to this immortal headline from the Chicago Tribune of November 3, 1948—"Dewey defeats Truman".

[From Barron's, May 9, 1966]

THE WITCH DOCTORS—PSEUDO-SCIENCE IS A MENACE TO U.S. HEALTH AND WELFARE

"But actually he thought as he readjusted the Ministry of Plenty's figures, it was not even forgery. It was merely the substitution

of one piece of nonsense for another. Most of the material that you were dealing with had no connection with anything in the real world, not even the kind of connection that is contained in a direct lie. Statistics were just as much a fantasy in their original version as in their rectified version . . . For example, the Ministry of Plenty's forecast had estimated the output of boots for the quarter at a hundred and forty-five million pairs. The actual output was given as sixty-two millions. Winston, however, in rewriting the forecast, marked the figure down to fifty-seven millions, so as to allow for the usual claim that the quota had been overfilled . . . Very likely no boots had been produced at all. Likelier still, nobody knew how many had been produced, much less cared. All one knew was that every quarter astronomical numbers of boots were produced on paper, while perhaps half the population of Oceania went barefoot. And so it was with every class of recorded fact, great or small. Everything faded away into a shadow-world in which, finally, even the date of the year had become uncertain."

In contemporary Washington the man from 1984 would feel right at home. With scant adjustment, seasonal or otherwise, he might readily qualify to handle offical projections of the federal budget deficit, the U.S. balance of payments or the gross national product. If he were truly dedicated to statistical manipulation, however, our hero would go to work for the Public Health Service. Ever since the notorious report on Smoking and Health was published over two years ago, PHS devotedly has sought to promote its biased and dubious findings (which lately have come under scholarly attack). With reckless disregard for accuracy, the agency has taken to making extravagant claims about what it's trying to sell. Even without Big Brother watching, in short, this forward-looking body has become a leading exponent of no-speak and doublethink.

Taking a fresh leaf from Orwell's book, the Public Health Service also has begun to dabble in thought control. Specifically, PHS has launched two million-dollar programs—in San Diego, Calif., and Syracuse, N.Y.—designed, through education and indoctrination, to "change adult and community attitudes toward smoking." While the sums, at least to start with, are relatively small, the issues involved loom large. Without a shred of proof—guilt by statistical association simply doesn't count—the medical powers-that-be in Washington have proclaimed, on the basis of "consensus," that cigarets are "causally related to lung cancer in men," as well as to most of the other ills to which the flesh is heir. Armed with doubtful authority, they have set forth to change the nation's way of life. Smoking probably does one no good. But bureaucratic arrogance and pseudoscience are a positive menace to the nation's health and welfare.

In the realm of tobacco, the unholy alliance sprang into being in January 1964, publication date of the Report of the Surgeon-General's Advisory Committee on Smoking and Health. In brief, the august body concluded that "cigaret smoking is a health hazard of sufficient importance in the U.S. to warrant appropriate remedial action." Since then most of the action has concentrated on headline-hunting. Last year the National Inter-Agency Council on Smoking and Health, headed by ex-huckster Emerson Foote, held a highly publicized session in the nation's capital to hail the first anniversary of the Surgeon-General's Report. Next year such non-smokers as the American Temperance Society hope to hold an International Congress on Smoking and Health, for which the taxpayer doubtless will pick up the tab. Between times the witch doctors of the Publice Health Service have made speeches which alternately denounce the filthy weed and boast about how many souls they have saved. With the limited funds which Congress reluctantly has made available, PHS also has launched such experimental ventures as neighborhood smoking clinics and community indoctrination programs.

The zeal of the Public Health Service has been matched by no other federal agency. For the benefit of unenlightened foreigners, the Department of Agriculture still makes films extolling the pleasures of American tobacco. Again, Congress last year ordered the Federal Trade Commission to cease and desist from threatening to compel cigaret manufacturers to place a strong warning against smoking in their advertising messages, settling instead for a mild legend on the package. Finally, the White House, which never formally endorsed the Surgeon-General's Report, recently compounded the official confusion. When the industry sought to raise prices by one cent a pack, the Administration made it settle for half, thereby diluting the effectiveness of a move which, according to the law of supply and demand, might have led at least a few marginal smokers to kick the habit.

Political absurdities aside, qualified observers in the sciences plainly have qualms of their own. Even to a layman's eye, the Public Health Service and its followers have been guilty of outrageous abuse of statistics. Thus, at last year's January jubilee, Emerson Foote, who once made a fortune peddling Lucky Strikes, tried a new pitch on his audience. Although the Surgeon-General's Report specifically disavowed any such estimate, Mr. Foote charged that cigarets cause 125,000–300,000 deaths per year. Despite tax payments which indicate a persistent rise in consumption, Dr. Luther L. Terry, former Surgeon-General, last week announced that "at least 18 million persons have joined the ranks of non-smokers," a figure which, if halfway correct, could only mean that everyone else is smoking appreciably more. The weightiest critique of this official extravaganza has come from Prof. K. A. Brownlee of the University of Chicago. In the Journal of the American Statistical Association, the scholar faults the Surgeon-General's Report for inadequate and possibly biased sampling methods, as well as the arbitrary dismissal of conflicting theories. "You can prove anything by statistics is a common gibe. Its contrary is more nearly true."

Such criticism—none of it inspired by tobacco men—should give the U.S. medicine men pause. Instead, they have pressed their doctrinaire crusade beyond the limits of their doubtful mandate. After a fiasco in Baltimore, where a drive among high-school students proved a failure, the PHS decided to concentrate on junior high and elementary schools. The Service also plans to push "research . . . to determine motives for smoking and reasons for resistance to an anti-smoking program," and to develop "ways to change adult and community attitudes toward smoking." With respect to one segment of the population, wounded GIs, PHS evidently has found a way. According to Alice Widener, noted columnist and editor of USA, the Pentagon, at the agency's behest, has banned the free distribution of cigarets by the Red Cross in military hospitals. The Surgeon-General might call this decree "anti-cigaret education." Mrs. Widener brands it "a measure of economic and social dictation inflicted on the helpless."

With reformers, education frequently seems to turn into coercion. Perhaps it's significant that the first attack on cigarets was launched in Nazi Germany (which grudged the foreign exchange needed to buy tobacco); that it was embraced by Sir Stafford Cripps and his fellow blue-noses of British Labour; and that it has become at least semi-official in the so-called Great Society. Smoking is not the proper concern of public policy. It is, or should be, a matter of private choice.

[From Barron's, Oct. 2, 1967]

DANGEROUS LENGTHS—THE FEDERAL CRUSADE AGAINST SMOKING HAS GONE TOO FAR

"Outdoor activity of an athletic nature, engaged in by youthful, fit and personable appearing models, serves as a positive backdrop to many cigaret advertisements. This activity also suggests that the smoking depicted in the foreground, if not conducive to rousingly good health, is certainly not incompatible with it. The most prevalent outdoor activity in current cigaret advertising is sailboating (Tareyton, Pall Mall, Parliament and Viceroy filters.) To a lesser extent, fishing (Viceroy filters and Camel menthols), tennis (Chesterfield filters), hunting (Camel filters), golf and outdoor cooking (Viceroy filters), and bowling and 'sandbathing' (Winston filters) are all 'in.' . . .

"Some cigaret advertising transcends mere image association and projects its own separate and unique world. Examples include 'Salem Country,' a land in which romantic couples romp and preen through shifting, sylvan settings; the 'Night People,' whose postevening encounters can lead to smoking Parliament filters; and 'Marlboro Country,' where there daily unfolds the simple male heroic virtues of the 'Old West.' Worry over health has been banished from these Shangri-las."

While Barron's tends to disapprove of bureaucracy and all its works, the foregoing passages, taken from a recent Federal Trade Commission Report to Congress, unmistakably smack of talent. If the authors ever decide to seek gainful employment, we urge them to try Madison Avenue. Meanwhile, however, they and their fellow officials in the Federal Communications Commission and the National Interagency Council on Smoking and Health, along with kindred souls on Capitol Hill, are still doing business at the same old doctrinaire stand. Senator Robert F. Kennedy (D., N.Y.) is pushing a bill to tax cigarets according to their tar and nicotine content. The FCC has just reaffirmed a ruling which holds that in order to compete with the blandishments cited above, television broadcasters must give the foes of smoking air time free of charge if not exactly equal. FTC, in turn, relentlessly presses a campaign to force the industry to warn its customers: "Cigaret smoking is dangerous to health and may cause death from cancer and other diseases." Someday it aims to ban all cigaret advertising.

What began a few years ago as a seemingly well-intentioned, if disturbing, effort to brainwash the citizenry into kicking the habit thus has spiraled into a crusade as menacing and ugly as Prohibition. At the time (Barron's, January 18, 1965) regarding the gross exaggerations of Emerson Foote, who headed the movement, we accused the Public Health Service of "placing the strident claims of the pitchman ahead of the unobtrusive quest for truth." Nothing that PHS has said or done since has changed our view. On the contrary, the anti-smoking forces, putting their worst foot forward, lately have sought to escalate from persuasion to coercion. As inveterate non-smokers, we freely concede that cigarets do one no good. As to the body politic, however, the unchecked arrogance of bureaucracy is invariably fatal. When the choice lies between living dangerously or toeing the party line, we (like most Americans, evidently) would rather fight than switch.

Since publication in 1964 of "Smoking and Health," which, through a kind of guilt by statistical association, condemned the use of cigarets (but not cigars or pipes), officialdom has done its best to pick a fight. Armed with such dubious "proof," the Federal Trade Commission promptly sought to foist its own uncompromising slogans on the industry, a move which led a more tolerant Congress to pass the Federal Cigaret Labeling and Advertising Act. The law, which allowed manu-

facturers to put a milder warning on each pack of cigarets, has merely goaded the anti-smoking zealots to greater lengths. Thus, Senator Robert Kennedy, who yields to no man in his hot pursuit of demagoguery, has introduced a bill that would tax cigarets on the basis of their tar and nicotine content, as measured by the FTC in a laboratory newly equipped with a federal smoking machine. The FCC has gone much further. Last June, upon a complaint by a crusading young lawyer (strange how the breed has multiplied of late), the agency abruptly decided that the so-called fairness doctrine applied not only to the public debate of controversial issues but also to advertising. Specifically, it decreed that cigaret foes were entitled to free air time to criticize Winston's grammar, burn their Lark packs and otherwise lose their Kool. Two weeks ago, the agency unanimously reaffirmed its ruling.

"Oh what a tangled web we weave, when first we practice to deceive." From the outset, as a few bold scientific spirits insisted, "Smoking and Health" failed to prove that cigarets cause lung cancer or any other of the many ills to which the flesh is heir. With the passage of time, its findings have grown increasingly suspect. Last year Barron's cited the critique of Professor K. A. Brownlee of the University of Chicago, who faulted the Surgeon-General's Report for inadequate and possibly biased sampling methods, as well as for the arbitrary dismissal of conflicting views. This year the medicine men have undercut their own dogma. For, contrary to their previous findings, which exonerated nicotine as a health hazard, the witch doctors, in a remarkable if little-noted change of mind, are now pointing the finger of suspicion at it. Meanwhile, the Johnson Administration, which never gave the anti-smoking campaign its seal of approval, quietly continues to support the price of the filthy weed with taxpayers' money, and, for the benefit of foreigners, who presumably neither know better nor care, to extol the virtues of U.S. tobacco.

From a dubious premise, the Federal Communications Commission has proceeded grandly to an absurd conclusion. Since the licensee "is presenting commercials urging the consumption of a product whose normal use has been found by the government to represent a serious potential hazard to public health," the public interest requires him "to devote a significant amount of time to informing his listeners of the other side of the matter—that however enjoyable smoking may be, it represents a habit which may cause or contribute to the death of the user." In so ruling the FCC denied that it was setting a dangerous precedent. However, Commissioner Loevinger, the only member with any qualms whatever, offered effective rebuttal. "No matter what the Commission now says about the distinction between cigaret advertising and other types, it is establishing the principle that the Fairness Doctrine applies to commercial advertising, as distinguished from paid political broadcasting. The Commission will be hard pressed to find a rational basis for holding that cigarets differ from all other hazards to life and health."

The agency also doubtless will have trouble defending its stand in the courts (to which the broadcasting industry has appealed). On this score Mr. Loevinger again gives eloquent testimony. "Because the result seems to me to be socially and morally right," he averred, he was willing—albeit with "great doubt and reluctance"—to go along with the rest. However, he added significantly, "I have doubts that the action is procedurally and substantively consistent with controlling legal rules. I am reluctant because of concern that this action may represent a subjugation of judgment to sentiment." Mr. Loevinger may have his qualms, but for him, as well as for his colleagues, the end plainly justifies the means.

This is the classic rationale of tyranny, the perennial cry of the mob. The public interest, as we have said before, covers a multitude of sins, from the venial to the deadly. Smoking may be a minor issue, but contempt for due process of law looms large. Cigaret advertising, however disagreeable, constitutes an exercise in freedom of speech. Big Brother doesn't take over all at once, he closes in step by step. Here's a chance to draw the line.

[From the Washington (D.C.) Evening Star, Sept. 28, 1967]

ANTISMOKING FIGURES LOOK FLIMSY

(By James J. Kilpatrick)

"Get the facts!" said the authoritative voice on the boob tube. "A quarter of a million extra heart conditions. A million cases of bronchitis and emphysema. Eleven million cases of long-term illness. Write for your free copy of 'Smoking and Illness.'"

This free government leaflet, if you're curious, purports to "present the highlights" of a study released in May by the Public Health Service, "Cigarette Smoking and Health Characteristics." If the really curious viewer pursues the matter, and also obtains a copy of this parent study, he may discover at first hand what is meant by a credibility gap.

In plain words, both the free leaflet and the larger study on which it is based, in terms of the impression they seek deliberately to convey, are frauds. Prevaricators, it is said, are divided among three classes—liars, damn liars, and those who misuse statistics. By picking and choosing among some figures that are shaky to begin with, by glossing over necessary qualifications, and by mixing reasoned inference with pure surmise, the authors of these publications have perpetrated a shabby piece of propaganda.

The PHS study, conducted over 52 weeks in 1964–65, was intended to discover the relationship, if any, between smoking and a variety of chronic and acute illnesses. The raw figures were derived from interviews in a random sample of 42,000 households.

So far, so good. But the key figures, on which all the conclusions are based, are the figures covering smoking habits. How many cigarettes per day? Did the respondent ever smoke? If so, how many cigarettes did he smoke? What was his heaviest rate of smoking? If these figures are not solid, the whole study begins to fall apart. And the astounding fact, glossed over in the report, is that "data on 60 percent of the males who had ever smoked were obtained from other persons." The interviewers simply accepted answers from whoever happened to be at home at the time.

This is a study of smoking and "illness." To get the figures, the interviewers presented a list of chronic and acute conditions, and asked the householder to check appropriate boxes. Bronchitis, sinusitis, upper respiratory infection, emphysema, "heart trouble," "liver trouble," "chronic nervous trouble," "hypertension without heart involvement." The typical layman may be able to answer some of these questions generally; it is unbelievable that he could answer them precisely; but in this study the diagnoses of any 19-year-old who happened to be at home are given the impressive weight, down to two decimal places, of laboratory findings.

The authors of this study kept tripping over the inadequacy of their own data. They were thus reduced to guessing: "It could well be that . . . Had data been available, it might have been found that—

This could indicate that—

This could be affected by—

This could result from . . ."

In a moment of candor, they confess the truth: Their figures do not establish any cause-and-effect relationship between smoking and illness.

Still, their job was to leave precisely that impression—that cigarette smoking does result in illness and lost time. So they carefully bear down on the horrendous figures dealing with men who smoke more than two packs a day. Such smokers are in a small minority. Here they are made to bulk large. It is the pick-and-choose technique.

Two can play that game. With the same validity, on the basis of the PHS statistics, a critic can assure you that pack-a-day smokers spend fewer days in bed than persons who have never smoked; that the pack-a-day man is likely to have less hypertension, less arthritis, and better hearing than the never-smoked man. Amazing, men who are presently smoking even have a lower incidence of upper respiratory conditions than persons who have never smoked. And believe it if you will, from Table 21 of the PHS report: Heavy-smokers over 65—the two-pack-a-day volcanoes—spend 3.5 days sick in bed each year, while their counterparts, men over 65 who never have smoked at all, are sick in bed nearly two weeks. What do you make of that?

Bosh! The figures are flimsy and the conclusions cannot rise above them. Caution, one would say to the curious TV viewer: Relying upon these statistics may result in your being bamboozled.

[From the CONGRESSIONAL RECORD, June 28, 1965]

DAMAGING EFFECTS OF AIR POLLUTION CITED

Mr. ERVIN. Mr. President, on June 16, 1965, this body passed a bill regulating the labeling of cigarette packages and requiring that words of caution regarding the use of tobacco be printed on every package and carton of cigarettes.

I voted for that bill as the best possible legislation that could be realized at this time for the tobacco industry, and because it was preferable to regulation such as that proposed earlier by the Federal Trade Commission.

It is my conviction that the harmful effects of tobacco are still open to question and that there are other factors attributable to lung cancer.

A blanket indictment on any industry such as the one imposed by the Surgeon General on the tobacco industry and 750,000 farm families should not result in legislation without absolute proof of a causal connection between lung cancer and tobacco.

If the Surgeon General and the Congress really want to know the causes of lung cancer, there are many investigations that should be conducted. For instance, it should be determined to what extent carbon monoxide and other noxious gases, which are released into the atmosphere, contribute to the incidence of lung cancer.

Mr. President, a city council committee for the city of New York has recently been studying measures for controlling air pollution. Among the witnesses at a public hearing conducted by the committee was James M. Quigley, Assistant Secretary of Health, Education, and Welfare. Mr. Quigley suggested that "evidence of the harmful effect of air pollution on health" is mounting. He said that "scientists regarded it as an important factor" in lung cancer and other respiratory illnesses.

Mr. President, I ask unanimous consent that a newspaper article from the New York Times of June 25, 1965, entitled "City Air Pollution Said To Cost $520 Million a Year in Damage," be printed in the RECORD.

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

"CITY AIR POLLUTION SAID TO COST $520 MILLION A YEAR IN DAMAGE

"(By Charles Grutzner)

"The national economic loss caused by dirty air was estimated yesterday at $11 billion or

more each year, with $520 million damage in New York City. Both estimates were exclusive of the costs of sickness and death attributable to poisons and irritants in the air.

"James M. Quigley, Assistant Secretary of Health, Education, and Welfare, gave the national estimate. The local figure was cited by Arthur J. Benline, the city's commissioner of air pollution control. Both men were among the witnesses at the opening session of 2 days of public hearings in city hall, conducted by a city council committee that is studying measures for controlling air pollution.

"Among the identified elements of damage from polluted air have been deterioration of stone building fronts, rusting of metal, increased consumer costs for cleaning of clothing, disintegration of nylon stockings, crop losses, shortened life of coatings of paint, increased taxes for repairs to public buildings, and a variety of other costs for householders and businessmen.

"Comimssioner Benline, whose yearly departmental budget is $1,337,325, said the fight against pollution was at present only 'a holding action, hoping that we can keep things from getting worse.'

"The department of air pollution control, Mr. Benline declared, made some progress last year against pollution sources within the city. But this was offset, he said, by contaminated air blown here from the New Jersey industrial areas, which have done almost nothing to curb air pollution.

"In answer to a question by Councilman Robert A. Low, the committee chairman, Commissioner Benline estimated that 'anywhere from 20 to 30 percent' of the pollution here come from sources in New Jersey.

" 'And we haven't been able to stop any of that,' he said.

"Federal studies pending

"Mr. Quigley was questioned closely by several committee members on why the Federal Government had failed so far to exercise its powers to hale Jersey pollution offenders into court. He explained that a time-consuming procedure was involved in interstate cases, before his department could turn cases over to the Department of Justice.

" 'Last August,' he said, 'State and local officials from the areas involved met with representatives of the Department of Health, Education, and Welfare to determine whether further steps would be needed in accordance with the abatement provisions of the Federal Clean Air Act. Since that time agencies in both States have furnished the Department technical information, which we have sifted and analvzed.'

"But, Mr. Quigley added, the Department felt it necessary to undertake field studies of its own, because 'knowledge about the sources, extent and effects of air pollution in this metropolitan area is far from adequate.'

"When these studies are completed, he said, the Secretary of Health, Education, and Welfare 'will be able to determine what, if any, additional action is required.' Mr. Quigley said that voluntary cooperation was being sought through conferences and that Federal grants were being made available to communities for air-pollution control.

" 'Big stick' suggested

" 'Don't you think the time has come to use the big stick instead of the carrot?' asked Councilman Robert R. Conner, Republican, of Staten Island, where garden crops have been ruined by chemical fumes reportedly wafted from New Jersey.

"Mr. Quigley replied that he favored 'a balanced approach.' He said that the big stick might be needed occasionally but that cooperation and financial assistance to communities were needed more often.

"In reporting the $11 billion estimate of the nationwide cost of air pollution, Mr. Quigley remarked that 'because the economic burden of air pollution is largely hidden in indirect expenses, which are difficult to pinpoint, it is not unrealistic to suspect that the true figure is even higher.'

"Declaring that evidence of the harmful effect of air pollution on health is mounting, Mr. Quigley said that scientists regarded it as an important factor in asthma, bronchitis, emphysema, lung cancer, 'and perhaps even the common cold.'

"Wagner urges caution

"Mayor Wagner, in a brief message read at the hearing by his executive assistant, Julius C. C. Edelstein, stressed the importance of 'a careful and judicious inquiry into the facts' to find out what more can be done locally, regionally, and on a Federal basis. At the same time he cautioned against 'incitement to fright and panic.'

" 'The figures which have been cited by medical authorities and which I myself have repeated on a number of occasions need to be viewed soberly and not sensationally,' the mayor's message said. 'Air pollution must be a field of action and should not become a political football.'

"Referring to a report made at an air-pollution conference in Toronto earlier this week, of an increase of several hundred deaths in New York City during a 15-day period of atmospheric inversion in 1963, the mayor said it should be noted 'that these deaths occurred primarily among old and severely ill patients with longstanding chronic illnesses.'

" 'The fact is,' Mr. Wagner's message said, 'that these individuals had very brief life expectancies under any circumstances. It is a fact that there was no increase in average mortality in the city during 1963.'

"City progress noted

"Asserting that the city had made progress in the control of air pollution in the last 2 years, the mayor said:

" 'Today, should another inversion episode occur similar to the one which happened in 1963, the city is prepared to take steps on an emergency basis to curtail all sources of pollution and thus prevent a recurrence of what happened in 1963.'

"Although the message did not spell out the emergency steps it was understood that they would include a temporary shutdown of incinerators and of industries and heating plants that burn coal or heavy fuel, as well as a halt to all but essential motor-vehicle operation.

"Councilman Edward L. Sadowsky of Queens drew from Commissioner Benline a statement that his department, in qualifying for a Federal grant of $188,000, had certified that it had a plan for improved control of pollution. Mr. Sadowsky asked Mr. Benline if he would give the committee his proposals for legislative and other measures. Mr. Benline said he was working out the plan but did not have the details ready.

"Legislation promised

" 'This committee hopes to make specific recommendation by the fall,' declared Mr. Sadowsky. 'You can help us by giving us your proposals.'

"Commissioner Benline said he would supply the committee with specific proposals in a month. Asserting that the problems of air pollution 'do not lend themselves to magical, overnight solutions,' Mr. Benline said:

" 'Most of the suggestions we receive would tend to reduce air pollution, but they would also have the effect of returning us to that unruly, pastoral municipality presided over by Peter Stuyvesant. Under these suggested circumstances, all sources of heat and power would be cut off, automobiles and buses banned from our streets, the incineration of refuse would be halted and manufacturing processes would be stopped. In short, we would have a paradise with little reason for existence.

" 'As alternatives,' he said, 'there are innumerable solutions pressed upon us which demand that Rube Goldberg or Buck Rogers devices be utilized forthwith to solve all problems.'

"Linked to deaths

"Dr. George James, commissioner of health, described the functions his department performed for the department of air pollution control.

" 'You never find air pollution on a death certificate?' asked Councilman Leonard Fastenberg of the Bronx.

" 'You can never be sure,' was the reply. 'What we are looking for is clues, and there are pretty strong clues to air pollution as the cause of many deaths.'

"The hearings will resume at 10:30 a.m. today, with 10 experts in fields related to air-pollution problems scheduled to testify.

"There will be another series of hearings in several weeks, with the public invited to testify. Councilman Low said that those wishing to be heard then should send requests for time to him at city hall."

[From the CONGRESSIONAL RECORD, Apr. 1, 1967]

OTHER FACTORS SEEN ATTRIBUTABLE TO LUNG CANCER

Mr. ERVIN. Mr. President, it has come to my attention that reputable German scientists have questioned the validity of the charge that there is a causal relation between smoking and lung cancer. Findings from seven pathological institutes in the Ruhr State of North Rhine Westphalia suggest that air pollution, rather than smoking, is the chief cause of lung cancer. These scientists criticize the U.S. Surgeon General's report, chiefly on the argument that the proof so far has been statistical, not experimental.

I ask unanimous consent that certain articles from the News Call-Bulletin of January 14, 1964, the Medical Tribune of August 12, 1964, and the Chicago American of March 24, 1964, be printed at this point in the RECORD.

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

"[From the News Call-Bulletin of San Francisco, Calif., Jan. 14, 1964]

"GERMAN EXPERT'S DISSENT: BLAME SMOG, NOT SMOKING—AIR POLLUTION CAUSES MOST LUNG CANCER

"DUESSELDORF.—A German scientist says a detailed study soon to be published will prove air pollution—not smoking—is the chief cause of lung cancer.

"Prof. Reinhard Poche, of the Duesseldorf Medical Academy, said the study is based on findings from seven pathological institutes in the Ruhr State of North Rhine Westphalia.

" 'On the basis of our examinations covering many years, I am obliged to state that the importance of smoking in causing lung cancer is certainly not as great as has been suggested,' he said.

" 'Of course, tobacco contains substances which cause cancer. But these tiny quantities play a subordinate role compared with the great masses of cancer-causing agents in polluted air.'

"Poche said the seven institutes examined 1,229 cases of acute lung cancer during the last 5 years and also analyzed more than 26,000 autopsy reports filed since 1908.

"He said analysis show that during the last 50 years the overall percentage of cancer among death causes has not increased, although lung cancer has replaced stomach cancer as the most frequent cancerous disease.

"He said lung cancer reaches its highest frequency between the ages of 55 and 60—both for smokers and nonsmokers.

"This, he said, has not changed since 1908.

" 'If one assumes that inhaling of tobacco is responsible for lung cancer, one should also expect that heavy smokers would suffer from bronchial carcinomas at an earlier age than light or nonsmokers,' he stated.

" 'This is not the case.'

"Poche said the highest rate of lung cancer is among people particularly exposed to car exhausts, including traveling salesmen and traffic policemen.

"Office workers and other people least exposed to polluted air had the lowest rate of lung cancer, although these are known to be among the heaviest smokers, Poche said."

"[From the Medical Tribune, Aug. 12, 1964]

"GERMAN PHYSICIAN DENIES SMOKING ROLE IN LUNG CANCER, BLAMES AIR POLLUTION

"DUSSELDORF, GERMANY.—'The frequency of lung cancer is not influenced by cigarette smoking but there is a significant correlation between the air pollution problem and the bronchial carcinoma rate,' says Professor Dr. Reinhard Poche, of the Düsseldorf Medical Academy's Pathology Institute.

"In fact, Dr. Poche asserts, statistical studies indicate the lung cancer rate is lowest among professional groups in which cigarette smoking is heaviest. These professional groups, however, were subject to the least exposure to air containing potentially cancerogenic substances.

"Dr. Poche's views—published in full in the German Journal for Cancer Research—have become the cause of much controversy.

"Although his investigation—based on the study of 1,229 bronchial carcinoma case histories from 12 cities and 26,000 autopsy reports dating back to 1908—revealed a sharp increase in the rate of bronchial carcinoma during the past 50 years, there has been no change since the turn of the century in the peak of the age distribution for lung cancer. This lay just under the 60th year of life in 1908 and is in the same place today.

"When news about Dr. Poche's investigation and observations was first disclosed, one question was raised immediately: Who sponsored the research project?

"Imputations that the tobacco industry was connected were voiced immediately. However, Dr. Poche told Medical Tribune:

" 'Our investigation was jointly sponsored by the North Rhine-Westphalian Society for Pathology and the Cultural Ministry for the State of North Rhine-Westphalia.

" 'It is entirely a statistical investigation begun 4 years ago in which the 12 pathology institutes in the state cooperated. We first reported partial results at a meeting of the society in February, 1962, and the manuscript of our report was submitted to the cancer journal in early December, a month before anything was known about the American report.'

"Dr. Poche sent questionnaires to the state-supported pathology institutes at Dusseldorf, Bonn, Bachum, Essen, Solingen, Dortmund, Wuppertal, Bethel, Duisburg, Steele, Detmold, and Cologne, asking for complete case histories on living and dead bronchial carcinoma patients and information about the patients' professional life, residences, military service, and smoking habits.

"He received 1,229 replies. Of these, 790 dealt with patients already dead and included not only histologic diagnoses but autopsy results. The other 439 cases dealt with patient records at the various institutes but no autopsy reports. The cases covered a period from 1955 to 1960.

"In addition to his observations about smoking and air pollution, Dr. Poche developed two other hypotheses.

"A hypothesis and theory

" 'We call these the equilibration hypothesis and the representation theory.

" 'We noticed that the total rate of malignant tumors is approximately the same in men and women. But if the frequency of an organ cancer, for example bronchial carcinoma, increases sharply in one sex, then the frequency of other organ cancers, for example, gastric carcinoma, decreases in this sex,' Dr. Poche said. 'This is the equilibration hypothesis.'

"This pattern repeated itself in all the statistical evaluations, and Dr. Poche noted that while there is an overall increase in bronchial carcinoma in men, there has also been a steady decline in gastric carcinoma in men.

"Dr. Poche said his study showed that as cases of bronchial carcinoma increase in frequency there is a corresponding percentage increase in the number of squamous cell carcinomas and a decrease in the number of undifferentiated carcinomas. The percentage of adenocarcinomas (which constitutes only about 4 percent of all of Dr. Poche's case histories) does not undergo any significant change. The squamous cell carcinomas, therefore, become representative of the collective group.

" 'This displacement of undifferentiated carcinomas by squamous cell carcinomas is biologically significant,' said Dr. Poche.

"Five occupational groups

"In his evaluation of the statistical material, Dr. Poche established five occupational groups: white-collar workers, tradesmen, sales personnel, and the professions made up the first; artisans employed in small shops comprised the second; people employed in traffic, such as drivers, railwaymen, messengers, and traffic policemen, made up the third; industrial workers and artisans employed in large plants made up the fourth; and outdoor workers, which included construction workers as well as farmers, though primarily the former, made up the fifth group.

"The squamous cell carcinoma rate was lowest among the first group (32 percent), second lowest in the second group (42 percent), highest in the third group (54 percent), second highest in the fifth group, (53 percent), and third highest in the fourth group (51 percent).

"The study was conducted in North Rhine-Westphalia, West Germany's most industrialized area.

"Noting that his study indicated a relationship between bronchial carcinoma and infectious respiratory diseases—to which, incidentally, outdoor workers in the damp, cold climate of North Rhine-Westphalia are especially prone—Dr. Poche commented:

" 'While I do not believe that squamous cell metaplasias of the bronchial membrane are a precancerous step, I do feel that they become significant when the individual is forced to breathe in cancerogenic air. In such a case cancerogens which have entered the peripheral bronchial areas are transported to the cell metaplasias and form deposits which can reach a cancer-causing volume quicker than in the ordinary bronchial membrane.

" 'Diseases which lead to squamous cell metaplasias, such as virus influenzas, tend toward bronchial carcinoma whenever the individual concerned must also inhale polluted air.' "

"[From the Chicago (Ill.) American of Mar. 24, 1964].

"GERMANS DISPUTE CIGARET-CANCER LINK

"(By Effie Alley)

"A 5-year study of lung cancer just published in Germany's Journal of Cancer Research presents evidence which conflicts with the conclusion of the U.S. surgeon general that cigaret smoking is a major cause of the disease.

"The German researchers indict air pollution—not smoking—as the chief cause of lung cancer.

"Their report, based on a study of 1,229 lung-cancer cases at 12 Rhine-Westphalia pathological institutes plus case records going back to 1908, lists the following additional findings:

"No significant relationship exists between cigaret smoking and the risk of lung cancer.

"No relationship between the incidence of the disease and the number of cigarets smoked could be demonstrated.

"One-sided survey

"The heaviest smokers were found in an occupational group with the least occurrence of lung cancer.

"The average age at which lung cancer occurs is the same for heavy smokers, light smokers, and nonsmokers.

"Meanwhile, an American medical journal, 'Growth,' criticizes the recent report of the Surgeon General's Committee on Smoking and Health as a 'one-sided statistical survey' which fails to take into consideration the complexities of the lung-cancer problem.

"At the same time an official of the American Medical Association hit back at Dr. Alton Ochsner, a Tulane University surgeon, who declared that the answers on tobacco and health are all in.

"Dr. Ochsner criticized the AMA's program for a long-range study of the effects of smoking on health as 'a delaying tactic' and said the organization is derelict for failing to urge that all cigaret packages carry a warning label.

"Dr. F. J. L. Blasingame, the AMA's executive vice president, answered: 'Dr. Ochsner and those who share his opinion are really advocating that an agency of the Federal Government be granted the power to destroy an $8-billion industry on the extreme theory that the American people need to be protected from themselves.'

"Find occupation link

"The German researchers, headed by Dr. Reinhard Poche, chief physician of the Dusseldorf Medical Academy, made no specific mention of the Surgeon General's report. However, they noted the arguments advanced by American and English researchers in contending that cigarettes are a causative factor in lung cancer and said serious objections have been raised to their validity.

"While they could find no link between cancer and smoking, they stated that the relationship between lung cancer and certain occupations is marked, more cancer occurring among industrial workers, chauffeurs, traffic policemen and others exposed to exhaust fumes, and outdoor workers generally, including those in agriculture, than among domestics, office workers of all kinds, and teachers.

"Declaring that this is an approach which must be followed further, the researchers state that air pollution has the greatest practical importance as a cause of lung cancer.

"Explain farm cases

"In discussing the case of agricultural workers, the researchers note that because of the high degree of industrialization in the North Rhine-Westphalia district outdoor workers there are exposed to polluted air. In addition, they say, diesel motors are being used on farms in increasing numbers and to this must be added the various insecticides and sprays to which such people are exposed.

"Outdoor workers also often suffer from respiratory infections caused by exposure to cold, they state and add:

" 'Viral influenza always predisposes to bronchial carcinoma (a form of lung cancer) when individuals who have had attacks * * * come into contact with atmospheric pollutants.'

"Seek 'trigger' agents

"However, the researchers also state that their work points up the difficulty of finding

a specific cause of lung cancer in the environment.

"The fact that the peak incidence of this type of cancer has always occurred at about age 60 indicated that all of the factors blamed for the current increase in the disease are triggering rather than causative agents.

"And none have so far proven powerful enough to shift the peak incidence toward a younger age.

"The findings underscore the objections made by the editorial in Growth to the Surgeon General's report.

"The publication, edited by Dr. Irene Corey Diller, of the Lankenau Research Institute, a noted cancer institution, also stresses the importance of the possible role of infection in lung cancer.

"Stating that this is one of the areas ignored in the Surgeon General's report, the editorial noted that such infection often precedes the appearance of lung cancer in heavy smokers.

"Also criticized is the failure to take into account the part played by certain glands, known to be overactive in many cases of lung cancer; the whole question of individual susceptibility to cancer, and the vast difference in death rates as between men and women.

"Such gaps tend to minimize the significance of the report, and may prevent some scientists from considering its conclusions as final, the editorial said."

[From the CONGRESSIONAL RECORD, June 16, 1965]

Mr. ERVIN. Mr. President, in support of the position taken by both Senators from Kentucky I should like to cite a few figures, and reasons to show the importance of tobacco to the United States, and why we should act in a reasonable manner as we consider S. 599 which is designed to reduce cigarette smoking.

There are 750,000 farm families in 21 States of this Nation, in which there are 3 or 4 children to a family, who grow tobacco—$1,300 million of their income comes from tobacco.

There are 550 factories which manufacture tobacco products. They employ 96,000 people, who have families, in which there are 3 or 4 children, who are dependent on the manufacture of tobacco for their daily bread.

There are 300,000 Americans who have stock invested to the extent of $3 billion in tobacco factories.

The Federal, State, and local governments collect annually in excise taxes on tobacco products more than $3.2 billion.

I ask unanimous consent to have printed at this point in the RECORD a statement of facts showing the critical importance of the growing of tobacco to farm families and the manufacture of tobacco to those engaged in manufacturing tobacco products, and the importance of tobacco to those who are engaged in retail trades in America.

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

"SOME FACTS ABOUT TOBACCO

"In 1963, around 70 million Americans, more than half the adult population including overseas Armed Forces, bought over 523 billion cigarettes, 14.9 billion more than in 1962 and 20.3 billion more than in 1961; more than 7.1 billion cigars, up 115 million over 1962; about 69.5 million pounds of smoking tobacco; nearly 64.8 million pounds of chewing tobacco; over 32.5 million pounds of snuff.

"Tobacco users spent $8.08 billion in 1963 for tobacco products. Of this, over $3.3 billion went directly to Federal-State, and local governments in excise taxes.

"Tobacco products pass across sales counters more frequently than anything else—except money.

"Here are some more facts about the agriculture, manufacturing, distribution, taxation, and costs and services of the tobacco industry.

"Farming

"Tobacco Growers

"Tobacco is grown in 21 of our Nation's States by some 750,000 farm families, averaging 3 to 4 workers to a family. Total tobacco acreage exceeds 1.2 million with a total yield of over 2.2 billion pounds.

"Major Crop

"Tobacco is the fifth largest cash crop in the country following cotton, wheat, corn, and soybeans, and ranks third in agricultural exports.

"Farmers' Income

"Farmers received $1.3 billion for the sales of tobacco crops, representing 8 percent of the total for all crops in the United States. The income from tobacco crops of the major States was: North Carolina, $564,015,000; Kentucky, $277,856,000; South Carolina, $116,249,000; Virginia, $100,885,000; Georgia, $86,894,000; Tennessee, $84,043,000.

"Other tobacco-producing States include: Alabama, Connecticut, Florida, Indiana, Louisiana, Maryland, Massachusetts, Missouri, Ohio, Pennsylvania, West Virginia, Wisconsin, and to a minor extent, Kansas, Minnesota, and New York.

"Manufacturing

"Factories

"About 550 tobacco products factories, large and small, operate in 30 States. Cigarette production in 1963 is estimated to exceed 550 billion cigarettes.

"North Carolina leads in cigarette production with an annual rate of about 325 billion. Virginia produces around 115 billion cigarettes annually, and Kentucky puts out over 90 billion.

"Employment and Wages

"Tobacco manufacturers directly employ more than 96,000 men and women. In 1961 employees of U.S. tobacco manufacturers received $379 million in wages.

"Assets and Stockholders

"The net assets of publicly held tobacco companies total over $3 billion and there are over 300,000 stockholders of record of tobacco stocks.

"Number of Businesses

"About 1.5 million businesses share in the tobacco trade supplying equipment, materials, transportation and distributing and merchandising services.

"Farmers' Expense

"Tobacco farmers paid about $155 million for hired labor and about half a billion dollars for other expenses such as: $45 million for fertilizer and lime; $8 million for tobacco plant bed cloth; $2.5 million for twine used in tying tobacco; $1.5 million for tobacco seed; $2.5 million for plastic covers used in plant beds.

"Other Services and Supplies

"In addition to the amounts paid for tobacco, wages, machinery, precision instruments, electronic equipment, wooden hogsheads and cases used for shipping, the tobacco industry spent: $25 million for cigarette paper; $79 million for transportation, mostly by truck, and annually uses: over 40 million pounds of moisture-proof cellophane; more than 7 million pounds of aluminum foil; nearly 27 billion printed packs and 2.7 billion cartons.

"Distribution

"Wholesalers

"Over 4,500 independent wholesalers handle the distribution of tobacco products, buying them directly from the manufacturer.

"Retailers

"Tobacco products are sold by more than 1.5 million outlets in the United States, including thousands of small retailers.

"Exports

"Over 28 percent of the tobacco leaf sold in free world markets in 1963 came from the United States—some 505 million pounds, up 36 million pounds from 1962, and valued at $405 million.

"In addition, the United States continued to be the world's leading exporter of cigarettes—23.2 billion in 1963, valued at over $105 million, compared with $68 million 6 years ago.

"Expenditure

"In 1963, the total consumer expenditure for tobacco products totaled $8.08 billion, a $326 million increase over the previous year.

"More than $7.1 billion of the total expenditure was for cigarettes, up some $312 million over 1962.

"Taxes

"Total Excises

"Federal, State, and local excise taxes on tobacco products in 1963 yielded $3.3 billion, more than three times the amount received by tobacco farmers for their crop. Over 98 percent of this came from excises on cigarettes.

"In 1962, the $3,232,183,000 collected in excises on tobacco products—chiefly cigarettes—went to:

"Federal	$2,030,304,000
State	1,129,879,000
Municipal	72,000,000
Total	3,232,183,000"

Mr. ERVIN. Mr. President, the trouble with drastic action is that there is no evidence to show causal relation between smoking tobacco and lung cancer. The Surgeon General's report and every opinion expressed by those who agree with the Surgeon General's report on this subject are based on nothing but statistics. They are not based on research. They are based upon figures.

The reliability of figures to support conclusions can be illustrated by a story. A North Carolina mountaineer, who had been buying his groceries at the neighborhood grocery store, went into the store to pay his grocery bill, and the grocery told him the amount of the bill. The mountaineer complained that the amount seemed to be larger than it should be The grocer opened his account books and said, "Here are the figures. You know that figures don't lie."

The old mountaineer said, "Figures don't lie, but liars sure do figure."

Not only do liars figure, but honest men figure when they get the crusading spirit in their hearts. One can take figures and prove anything. I can illustrate it by saying this: More people in the United States smoke cigarettes than in any other country on the face of the earth. The longevity of Americans is greater than that of any other people on the face of the earth. That proves that smoking cigarettes prolongs the lives of those who smoke.

I said there was no evidence, but only some statistics showing a causal relationship between smoking and lung cancer. I call attention to the Cancer Bulletin for May-June 1963, in which is printed an article describing the other side of the coin. I call this article to the attention of the charming Senator from Oregon and the able junior Senator from New York. I read from the cover, which is entitled "Smoking and Lung Cancer":

"The other side

"In past years, the Cancer Bulletin has reported studies which suggest that cigarette smoking is an etiological factor in lung cancer. But, most of the evidence for this hypothesis is statistical, and some important statisticians do not subscribe to it. In this article, Dr. Joseph Berkson, the acknowledged dean of American medical statisticians, expresses his doubts and gives his reasons. Dr. Berkson, who holds both an M.D. and a Sc.D., has been head, division of biometry

and medical statistics, Mayo Clinic, and professor of biometry at the University of Minnesota, since 1932. He is a member of numerous statistical societies. Dr. Berkson's opinion, therefore, is important, and we recommend that our readers look at 'the other side of the coin' by reading what he has to say."

I do not have time to read the entire article. I ask unanimous consent to have it inserted in the body of the RECORD as a part of my remarks.

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

"[From the Cancer Bulletin, May–June 1963]

"SMOKING AND LUNG CANCER: AN UNTELEVISED TELECAST

"(By Joseph Berkson, M.D., Mayo Clinic, Rochester, Minn.)

"The other side

"(NOTE.—In past years, the Cancer Bulletin has reported studies which suggest that cigarette smoking is an etiological factor in lung cancer. But, most of the evidence for this hypothesis is statistical, and some important statisticians do not subscribe to it. In this article, Dr. Joseph Berkson, the acknowledged dean of American medical statisticians, expresses his doubts and gives his reasons. Dr. Berkson, who holds both an M.D. and a Sc. D., has been head, division of biometry and medical statistics, Mayo Clinic, and professor of biometry at the University of Minnesota, since 1932. He is a member of numerous statistical societies. Dr. Berkson's opinion, therefore, is important, and we recommend that our readers look at 'the other side of the coin' by reading what he has to say.)

"Several months ago I received, by telephone, from a representative of one of the major broadcasting systems an invitation to participate in a televised discussion of the question of smoking and health. I replied immediately that I had previously received such invitations but had always refused, and explained that I did not think such complicated scientific problems were clarified by debates on television. I was assured that this particular program was to be on a high plane, that it was my duty to inform the public of my view, that eminent scientists who were named, including the Surgeon General of the U.S. Public Health Service, were to participate. I gave way, mostly because of the participation of the Surgeon General, but only on certain conditions. One was that I have the opportunity to write out some questions and my answers as a basis for the televised interview. All of my conditions were accepted. I mentioned the matter of time. I was told that I would have all the time I needed. I quickly wrote out a series of questions and answers, sent it to the representative of the broadcasting system, and received prompt assurance that it was satisfactory as the basis of the interview. A few days later I had a telepehone conversation about arranging the details of the interview. During this conversation, I again brought up the question of time. It was then that I learned what was meant by my having as much time as needed. This, it was revealed, referred to the taped interview. Then the broadcasting people would select the parts actually to be presented. I will not repeat here the terms in which I rescinded my acceptance of the invitation to appear on the program.

"That is how I came to have on my hands an unused television interview. I have to waste it. So, instead of presenting a formal paper I shall present it in much the same way as I wrote it out, except for some amplifications to make my meaning clear and to allow me to introduce some illustrations that I did not include in my planned presentation.

"Question. We have all heard it said that some statistical studies have shown fairly conclusively that smoking is the chief cause of lung cancer. You have expressed doubt about this. Can you briefly explain why?

"Answer. The way you have put the question reflects a widespread misunderstanding regarding the facts. You have heard the adage that the most misleading sort of untruth is a half-truth. If it is said that these studies showed smokers to have a higher death rate from lung cancer than nonsmokers, this is about a 15-percent truth. What these studies disclosed is that, in the populations under investigation, the smokers have a higher death rate from all causes together—lung cancer, other cancers including, for instance, cancer of the pancreas, of the bladder, and of the prostate; heart disease, and diseases other than any of these—in short, all classes of disease. Lung cancer constituted only about 10 to 15 percent of the total excess deaths. The real problem presented by these findings has been put as well as need be by E. Cuyler Hammond, the senior author of the American Cancer Society's reports (1961), from whom I quote: 'In my opinion, the most important finding in all these studies is that overall death rate increases with the amount of smoking. I want to emphasize that I said "overall death rate," not "lung cancer." The relationship between smoking and lung cancer should be viewed in the light of this broader picture.' The problem in hand is to discover the scientific explanation of these extraordinary findings. In figures 1, 2, and 3 [not printed in the RECORD] are shown statistics from the American Cancer Society study by Hammond and Horn (1958) and from the study by Dorn (1958) on U.S. veterans, illustrating the 'association' of smoking and death rate found in these studies. It is seen that the 'association' affects all classes of disease, and that the number of excess deaths from lung cancer is only 12 to 15 percent of the total; some 85 percent of the excess deaths are from causes other than lung cancer.

"Question. If these studies show the death rate among smokers to be higher from all classes of other disease, as well as from lung cancer, doesn't this indict cigarette smoking even more?

"Answer. We are not concerned with indicting or exonerating smoking—I am, myself, a noncigarette smoker—but with trying to find the scientific explanation of these statistical results. The idea that cigarette smoking causes all these many deaths from all these many causes does, indeed, seem seriously questionable. There is not any scientifically known pharmacologic or physical explanation for so widespread and multifarious an effect. If we extrapolate the results to the general population, we must believe that there are some 250,000 deaths annually from smoking-induced diseases, without any of them individually noted as such from independent clinical or pathologic evidence. Only by their numbers are they known.

"Question. What, then, do you think is the explanation?

"Answer. Of course, I don't pretend to know. The statistical woods are full of curious findings for which we have never found an explanation (Berkson, 1962; Yerushalmy, 1962).[1] But I have suggested several explanations.

"Question. Would you elaborate on this?

"Answer. You may have noted that I said the death rate from all causes was found to be greater among smokers in the population studied. These populations were not a random sample of the U.S. population or any defined segment of it. The studies were made on the men who answered the questionnaires. I showed mathematically long ago that, in such selected samples, just such statistical associations as were found in these inquiries might appear but do not exist in the populations themselves (Berkson, 1946).

"Question. You mean the results stem from a statistical fallacy in the data?

"Answer. I mean this is a distinct and real possibility. The findings, as I remarked, are curious. Surely, it is no secret that huge blunders have been made with the uncritical use of statistics. None of the prospective followup studies have been reported for a long enough period to warrant judgment on this or other critical elements of the questions involved. Experience with followup studies shows that frequently it is the late findings that clarify their correct interpretation. At the Mayo Clinic, followup studies of the mortality of cancer are continued for 25 years, and even longer. The American Cancer Society study was discontinued after a 44-month followup. As respects the study undertaken by the U.S. Public Health Service, it was stated by the then Director of the National Cancer Institute (Heller, 1957) that the investigation would be continued until all the members of the original population were dead. The reports so far issued (which seem to be of a preliminary nature) refer to a followup period of only 2½ years (Dorn, 1959).

"Question. Is this the only explanation you have?

"Answer. No, I have put forward several. One, which has been advanced also by other scientists, is that the difference in death rate from all causes reflects a constitutional difference between smokers and nonsmokers. The idea is that nonsmokers or light smokers are of a constitutional type marked by self-protective habits, and one aspect of this constitutional makeup is that they have lower death rates. Persons who have never smoked constitute only a relatively small proportion of the population. I once put it this way: 'If 85 to 95 percent of a population are smokers, then, the small minority who are nonsmokers would appear, on the face of it, to be of some special type of constitution. If they successfully resist the incessantly applied blandishments and reflex conditioning of the cigarette advertisers, they are a hardy lot, and if they can withstand these assaults, they should have little difficulty in fending off tuberculosis or even cancer.' There are many investigations by psychologists, anthropologists, and others attesting to a constitutional differentiation of smokers and nonsmokers. (Eysenck, 1960; Health, 1958; Lilienfeld, 1959; Seltzer, 1963).

"Question. To return to the question of lung cancer, haven't other later studies corroborated that smoking causes lung cancer?

"Answer. No, indeed. Quite the contrary. Statistical studies, even if they are free of obvious difficulties such as are manifest in the present studies, are not conclusive in questions like the present one. They must be confirmed by experimental studies and other different types of investigation. And this has not happened.

"Question. Would you explain this?

"Answer. The theory as originally set forth was that cigarette smoke contains such carcinogenic chemicals as benzpyrene and arsenic which, in contact with the surface tissues of the lung, initiate the development of what is called squamous cell or epidermoid cancer. This type is cancer of the superficial layers of the lung tubes, and it seemed plausible that smoking could have such an effect. I don't think pathologists would have considered seriously the suggestion that smoking can cause the more deep-seated "adeno" type of lung cancer. In support of

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[1] Experienced practicing statisticians know that data are not infrequently encountered showing impressive correlations that are statistically significant but physically incredible—so they are not published. Francis Bacon observed that we tend to register only our hits.

this theory, statistics had been published showing that the observed increased incidence of lung cancer was confined pretty much to the squamous cell or epidermoid type. Apparently with the expectation of corroborating this, recently at the Los Angeles County Hospital a study of necropsy specimens dating back to 1927 (Herman and Crittenden, 1961) was made. It was found that the relative proportion of epidermoid cancers is not increasing but is decreasing, while the proportion of "adeno" type is increasing. Finally, Willis (1961) has published a severe critique of the whole idea that lung cancer can be basically differentiated into these classes—the terms are descriptive conveniences. Actually, lung cancers are mixed in these respects and the conclusion of a different etiology for the different types is premature. Hammond and Horn (1958), in reference to this particular question, pointedly emphasized that all types of lung cancer—not just squamous cell cancer—were involved in the higher death rate among the smokers. Other cancers including cancer of the bladder and of the prostate are involved. These last organs surely are not in direct contact with cigarette smoke.

"Question. Then, the theory that lung cancer is caused by carcinogen in the cigarette smoke is not valid?

"Answer. The suspected carcinogens, like benzpyrene and arsenic, were found to be in such minute concentration in cigarette smoke as to be incapable of producing the cancers.[2] Even strong contenders of the smoking-lung cancer theory no longer believe that the cancer is produced by carcinogens contained in tobacco smoke (Passey, 1962). One hears now about cocarcinogens (Berkson, 1962; editorial, Lancet, 1962). The theory of cocarcinogens has to await future investigations for its corroboration, but the significance of the present advocacy is that the simple theory of a chemical carcinogenic origin of lung cancer has been given up. The whole fabric of the original theory has broken down and virtually been abandoned.

"Efforts which have been made for 50 years and have been intensified recently in response to the challenge of the statistical studies, have failed to produce lung cancer experimentally in animals by smoking (Stewart and Harrold, 1961).

"Question. What, then, is the cause of the increase in lung cancer?

"Answer. The very idea that the real death rate from lung cancer has been on the increase, questioned by a number of students since the start of this controversy, has been thrown into serious doubt in a recent study by Willis (1961), an eminent pathologist and authority on cancer. He reviewed old pathologic records in London, dating back to beginning of the century, and found so many cases of unrecognized lung cancer in the early records as to warrant the conclusion that there was just as much lung cancer in the past, but it wasn't recognized. You know that while the reported death rate from lung cancer has been increasing, the total death rate from all causes has not been increasing, but, instead, has been decreasing (fig. 4, not printed in the RECORD). The reported rise of death rate from lung cancer can be questioned because of the inaccuracy in the past in stating this cause of death on death certificates, but the decrease of total deaths is indubitable. Persons, who in former times would have died at an early age, say from tuberculosis, now live to ages at which they are exposed to death from lung cancer. The deaths from cancer of the stomach, for example, have decreased as much as, or more than, the deaths from lung cancer have increased (fig. 5, not printed in the RECORD). In the statistical studies, the death rate from cancer of the stomach is greater for smokers than nonsmokers. If this means that smoking causes cancer of the stomach—and this is what it is said to mean—why have the deaths from gastric cancer decreased while cigarette smoking has increased?

"I could continue for some time to recite the contradictions of the findings in these particular statistical studies which are found in subsequent studies: It is difficult to believe, in these days of stupendous amounts of research, when chemistry and biology have penetrated to the very key of life in relation to inanimate matter (Horsfall, 1962), that it would not have been established, without so much argument, that smoking causes lung cancer—if it were true.

"Question. Then, how would you summarize your opinion?

"Answer. Perhaps I can answer that question by telling about a conversation I had. In the summer of 1961 a meeting on smoking and health was held in Paris at the sessions of the International Statistical Institute. A number of European scientists gave papers, and, from this country, Dr. Harold Stewart, veteran cancer researcher and pathologist of the U.S. Public Health Service, Dr. E. Cuyler Hammond, and I participated. At the end of the meeting, perplexed by the confusion of issues, I privately asked an eminent English statistician this, "Really now, all semantics and subtleties aside, what do you think?" His answer was, "We are not within a thousand miles of understanding the explanation of these complicated findings." That is the opinion of the distinguished English statistician, and it is equally the opinion of this undistinguished American statistician.[3]

"Question. You speak of an English statistician. The Royal College of Physicians of London (1962) has issued a report vigorously condemning smoking as the chief cause of lung cancer. What do you think of it?

"Answer. I have not studied it sufficiently to present an opinion. But there is an incongruous element about this incident. You know, there is a Royal Statistical Society in England also, the most renowned statistical society in the world. It has issued no report. Another point, in advance of the 1961 Paris meeting of the International Statistical Institute to which I referred—and this was before the Royal College of Physicians' report was published, but it had been bruited about—the secretary of the committee of the Royal College of Physicians and every member of it were invited to attend the meeting and participate in the discussion. None accepted. I must emphasize that no professional statistical society has issued any report on this statistical question. Nor has any such society been consulted.

"Question. Do you mean we should do nothing about this, just throw up our hands?

"Answer. No, I do not mean that. I have repeatedly stressed that these findings call for an investigative program of wide scope and intense pursuit to search out their meaning, and I have suggested some such investigations. But compared with the dimensions of the problem, little has been done. As an example I may point to the U.S. Public Health Service. I am told that about a hundred million dollars a year are allocated directly, and perhaps even more indirectly, to investigation of cancer. Since 1954, when the statistical investigations on smoking and lung cancer were proclaimed, perhaps almost a billion dollars have been allocated for cancer research. How much has been expended for the experimental investigation of this particular problem of smoking and lung cancer? So far as I know, little or none. I really don't mean to criticize the Public Health Service. I have another point in mind. Albert Einstein has remarked that if you want to know what a scientist really believes, don't listen to what he says, but observe what he is working on. I suspect that the reason the scientists of the Public Health Institutes are not working on this problem is that they don't see any research gold in 'them thar hills.' Anyone who isolated from tobacco smoke a substance that could be shown, to the satisfaction of scientists generally, to be the cause of lung cancer, let alone all the other cancers that smoking is supposed to induce, would earn not one, but a brace of Nobel prizes. It might be the beginning of an effective attack on the problem, because when we know the real cause of disease this is the beginning of finding amelioration or cure. So maybe the reason scientists in general are not trying to find the cause of lung cancer in tobacco smoke is that they don't really believe it contains the cause. I rest this conjecture on the opinion of Einstein.

"Question. How about trying to induce people not to smoke, especially children?

"Answer. Well, you're getting out of my field as a scientist. I will remind you that I am myself a nonsmoker of cigarettes; I own no tobacco stock, and I am a Fellow of the American Public Health Association. I think it would be salutary, for general reasons, if young people did not smoke—and, for that matter, so far as health is concerned, it would not hurt adults if they did not smoke. I don't want to criticize anybody. Everybody works according to his own lights. But I will say that if a campaign is undertaken, it would be well to consult sociologists and psychologists as to how the campaign should be conducted lest it have more bad than good effects. What has happened to the per capita consumption of cigarettes since the furor of smoking causing lung cancer was launched? It is shown in figure 6. The per capita consumption was going down till 1954—when these investigations were announced. Then it turned and began rising precipitously. When I last plotted it, it had reached the highest point in our history.

"I will not insist that this is an association of cause and effect; but it is probable. The American public has been made cigarette conscious by this discussion as it has never been before, and cigarettes sales have mounted. The tobacco industry and those who own tobacco stock, of whom, unhappily, I am not one, have benefited. But has anyone else? The whole discussion has been conducted in an atmosphere of emotion and recrimination. We ought to cool it off and engage in some sober thought on all aspects of the problem, particularly the research aspects.

"SUGGESTED READING

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"[2] Roasted coffee beans also contain small amounts of benzpyrene. The natural constituents of our daily diet contain minute amounts of arsenic.

"[3] Personally, all relevant available facts considered, I think it very doubtful that smoking causes lung cancer.

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Mr. ERVIN. I wish to read a few statements by Dr. Berkson. He speaks about having attended a meeting on smoking and health at the International Statistical Institute in Paris, France, in 1961. After he had heard physicians express themselves he asked this question of a prominent English statistician: "Really, now, all semantics and subtleties aside, what do you think?"

His answer was:

"We are not within a thousand miles of understanding the explanation of these complicated findings."

Dr. Berkson goes on to say that the opinion of the distinguished English statistician is equally his own.

Dr. Berkson is the medical statistician of the Mayo Clinic. He says:

"All relevant facts considered, I think it very doubtful that smoking causes lung cancer."

Now, I wish to show some of the statistics upon which the report of the Surgeon General was founded.

According to statistics found on page 626 of the Surgeon General's report smokers "have been reported to marry oftener, change jobs more frequently, to be more often hospitalized, and to participate more actively in sports than nonsmokers."

Therefore, Mr. President, on the basis of the Surgeon General's data, if a person wishes to marry often, he must smoke. If he wishes to participate more actively than other people in sports, he must smoke.

That is what it says.

Mr. KENNEDY of New York. Mr. President, what page is the Senator reading from?

Mr. ERVIN. Page 326. This is what it says. This is the kind of stuff that this proposal is based on. This is the Surgeon General's report, not mine.

I continue to read from the report:

"Thomas—

He is one of the statisticians—

has reported that the parents of medical students who smoke have a significantly higher incidence of arteriosclerotic and hypertensive cardiovascular disease than parents of nonsmokers."

In other words, the report states that if one happens to be the parent of a medical student who smokes, the parent is more likely to have heart disease than the parent of a medical student who does not smoke. That is the kind of claptrap on which the proponents are trying to condemn the livelihood of millions of Americans.

An investigation of the question has been conducted in Germany. I invite the attention of Senators to the committee hearings, part I, starting at page 404. I inserted a statement in the RECORD when I testified before the committee which referred to the fact that a 5-year study of lung cancer recently published in Germany's Journal of Cancer Research presents evidence which conflicts with the conclusion of the U.S. Surgeon General that cigarette smoking is a major cause of disease. The German researchers have indicated air pollution, not smoking, as the chief cause of lung cancer.

I digress for a moment to ask the following question: Why does not the Surgeon General conduct investigations to ascertain the effect upon people of carbon monoxide, noxious vapors, and gases, which continually are being released into the atmosphere in the urban centers of the United States? Why does not the Surgeon General investigate the reasons more people die of lung cancer in the industrial sections and in the urban centers than in the rural sections of our country?

Why does he not address himself to such studies, instead of assembling statistics such as those about the parents of medical students who smoke and parents of medical students who do not smoke?

I refer again to the German report.

The PRESIDING OFFICER. The 10 minutes yielded the Senator from North Carolina have expired.

Mr. MORTON. Mr. President, I yield 2 additional minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. ERVIN. The German report on lung cancer and cigarette smoking stated—

"No significant relationship exists between cigarette smoking and the risk of lung cancer. No relationship between the incidence of the disease and the number of cigarettes smoked could be demonstrated. The heavy smokers were found in an occupational group with the least occurrence of lung cancer. The average age at which lung cancer occurs is the same for heavy smokers, light smokers and nonsmokers."

The article points out that the highest incidences of lung cancer in Germany are in those areas which are highly industrialized—where there are many noxious vapors and odors in the atmosphere—whereas, the least incidences of lung cancer in Germany are among the professional men who smoke the most. That is what the German records show.

If we are to permit the Government to rid us of all our bad habits, there will not be much fun left in the world. We shall have a more extended Government than we have now, when the Government already looks after almost everything. The bill before us would provide that the Government would look after our bad habits. One of the worst habits of Americans is overeating. It is said that the platter is more deadly than the sword.

Food is more deadly than the cigarette. Why do we not advocate that the Government tell us how much we shall eat and what we shall eat?

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. ERVIN. I shall yield on the Senator's time, if he wishes me to do so.

The PRESIDING OFFICER. The Senator's 2 minutes have expired. Does the Senator from Kentucky yield additional time?

Mr. MORTON. Mr. President, I yield 1 additional minute to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 1 minute.

Mr. ERVIN. I cannot yield to the Senator from New York unless he gives me some of his time on which I might yield. We are operating under a time limitation. I would enjoy a colloquy with him, but I do not have the time available.

Some time ago the Wall Street Journal published an editorial entitled, "Can Government Break All Our Bad Habits?" That article points out that more than 40,000 people are killed on the highways by automobiles every year. Do we propose to abolish motor vehicular traffic? More than 22,000 persons every year die of cirrhosis of the liver, which is said to be caused by drinking alcoholic beverages. Yet those who are so concerned about the puffing of a cigarette do not offer any objections to the drinking of alcoholic beverages.

I conclude by reading a portion of that editorial:

"What such a program would do is inject the Federal Government into matters of purely personal behavior and private decisions. Since there is no logical place to stop that sort of thing, some of us may be permitted the view that it is an extremely bad habit to start."

Mr. President, I ask unanimous consent that the entire editorial be printed at this point in the RECORD.

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

"CAN GOVERNMENT BREAK ALL OUR BAD HABITS?

"A 3-year, $10 million Government campaign against smoking is one of the lesser recommendations tucked away in the recent report of the President's Commission on Heart Disease, Cancer, and Stroke. The program would include setting up a nationwide network of smoking control clinics to help people quit and mounting a broad educational barrage on the dangers of the habit.

" 'It seems apparent,' says the Commission, 'that the reduction of cigarette smoking offers great possibilities for the prevention of illness, disability and premature death in this country.' Whether or not you agree with that conclusion, some questions immediately arise.

"If Congress approved this program, would it simultaneously agree to stop subsidizing the tobacco farmers? What would be the reaction if it did? And how would this part of the war on smoking fit in with the war on poverty?

"More seriously, the thought might be ventured that smoking is not the only habit that can contribute to shortening life. The number of illnesses, disabilities and premature deaths in the United States annually which are directly traceable to tobacco is not known with any exactness, but there are pretty firm—and grim—figures on other causes, such as the 40,000-plus highway toll every year.

"Nor should anyone be unmindful of the implications of some 22,000 deaths yearly from cirrhosis of the liver, in many cases attributable to excessive drinking, and indulgence in certain ways conspicuously worse than smoking. In truth the list of our sometimes dangerous proclivities is long, and the obstacles to overcoming all of them fairly forbidding.

"In the case of smoking, a lot of exhortation against it has been heard for a good many years and even centuries; more, of an indirect sort, will be forthcoming in the stringent new advertising code of cigarette manufacturers. Local experiments in anti-smoking clinics have also been undertaken. Yet the sales figures suggest that none of this, not to mention innumerable new year's resolutions, has made much of a dent. It is not clear that a Federal program would have better luck.

"What such a program would do is inject the Federal Government into matters of purely personal behavior and private decisions. Since there is no logical place to stop that sort of thing, some of us may be permitted the view that it is an extremely bad habit to start."

[From the New York Times, Jan. 12, 1967]

STATEN ISLAND DEATHS LINKED TO AIR POLLUTION—JERSEY IS CALLED PROBABLE SOURCE AFFECTING LUNG CANCER IN NORTH AREA

(By Peter Kihss)

Higher death rates from respiratory cancer in northern Staten Island probably result, at least in part, from air pollution produced in New Jersey, the interstate air-pollution conference was told here yesterday.

A study financed by the United States Public Health Service was reported by Dr. Leonard Greenburg to show that a death rate for white men 45 years and older was 55.4 per 100,000, as against 40.2 in central and southern Staten Island. The rate for white women was 8.2 in the north and 4.1 in other sections.

Dr. Greenburg, the city's first Air Pollution Control Commissioner from 1952 to 1960, also said that a citywide increase in deaths appeared to have occurred from the Thanksgiving weekend weather inversion, which led to a smog alert.

The city, Dr. Greenburg said, had 268 deaths from all causes on the first day of the inversion, which was Wednesday, Nov. 23, and exceeded 250 deaths a day for the following six days. This was the only month of November with seven consecutive days of 250 daily deaths or more in studies going back to 1961, he added.

The Albert Einstein College of Medicine, where he has been chairman of preventive and environmental medicine since 1960, reported deaths in the borough from all causes and from all cancer-caused deaths averaged close to rates for the rest of the city.

The study covered deaths for 1959, 1960 and 1961, based on whites as 94 per cent of the population.

Newsmen recalled to Dr. Greenburg that all Staten Island had been covered in New York State complaints about air pollution from New Jersey, while his data would imply that the southern area was better off on respiratory cancer death rates. His response was that one factor might be "different types of pollutant."

The northern section along Kill van Kull lies south of the Bayonne and Elizabeth complexes of mixed industry. New York State has also complained of pollution along Arthur Kill from the Linden, Carteret, Woodbridge and Perth Amboy areas.

New Jersey has insisted at the conference at the Statler-Hilton Hotel that each State's pollution affects the other with shifting winds.

William A. Munroe, New Jersey Health Department representative, commented to newsmen that northern Staten Island had "high-density population—more automobiles and more people keeping warm" than the south.

Dr. Greenburg suggested that cancer deaths in the north section might also be linked to lower-income status, indicated by more persons housed in each room than in the south.

INVERSION DEATHS

New York City's Health Department, queried later about the Thanksgiving inversion deaths, reported deaths from all causes in the five boroughs numbered 269 on both Nov. 23 and Nov. 24, followed by 254 on Nov. 25, 255 on Nov. 26, 263 on Nov. 27, 254 on Nov. 28 and 266 on Nov. 29.

This would indicate 80 more deaths than a seven-day average of 250 a day, not quite 5 per cent for the period. Dr. Howard J. Brown, the city's Health Resources Administrator, said:

"During the period of inversion the number of deaths was higher than was expected at this time of year, but the number was not significantly higher in a statistical sense."

Hospitals Commisioner Joseph V. Terenzio had said on Nov. 28 that "almost with certainty that there was no detectable immediate effect on morbidity [illness] and mortality because of the smog."

A spokesman said yesterday, however, that there had been delays in filing death certificates on the holiday weekend.

Dr. Greenburg told the conference that illness records from hospitals indicated a rise in bronchitis, and in one instance in asthma, during the inversion period.

In another report to the conference, Dr. William H. Becker, research director of the Continental Research Institute, told of responses by 2,052 workers on their experiences Nov. 23 through Nov. 27 in the inversion.

Of these, 38 per cent reported one or more of a series of symptoms. Eye irriation was the complaint of 17 per cent of all the respondents; increased coughing, 8.5; difficulty in breathing, 6.8; increased sputum production, 5.2, and wheezing, 3.2.

"There was an ascending positive response each day, which correlated with the ascending level of the air-pollution index and reached a peak on Friday, Nov. 25," Dr. Becker said.

In yesterday's sessions, Dr. Richard A. Prindle, the nation's assistant surgeon general, said most of the country's major sources of sulphur oxide pollution were "still uncontrolled."

He said increased illness had been shown when 24-hour concentrations of the contaminant, produced by fuel burning, exceeded 0.2 to 0.25 parts for each million parts of air. Dr. Prindle added that the Public Health Service recommended a goal that would not exceed a 24-hour average of 0.1 for for than 1 per cent of the time.

SEES "MASS SUICIDE"

Carbon monoxide, deriving mainly from motor vehicles, was growing, Dr. Prindle said, to the point where "we may find ourselves using it to commit mass suicide."

California and New York State have recommended air quality objectives with an eight-hour average of 30 parts per million for carbon monoxide. Dr. Prindle suggested these "may be too high to afford ample protection for anemic, respiratory or cardiac-impaired persons."

George A. Jutze, deputy chief of field investigations for the abatement branch of the National Center for Air Pollution Control, told of Federal steel plate and sulphur dioxide measurements that showed the following:

"The urban New York environments is slightly more corrosive than Chicago, one and a half to two times that of Philadelphia and Detroit, and at least two times that of St. Louis, Washington and Cincinnati.

"The corrosivity of the suburban Staten Island environment is quite severe, equal to or greater than that of Philadelphia and twice as bad as St. Louis."

Roger H. Gilman, director of planning and development for the Port of New York Authority, said the authority had experimented with "platooning"—sending vehicles through its tunnels a group at a time in heavy traffic to minimize stopping and starting—to hold down exhaust pollution.

ORDER OF BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that I be allowed to speak on other subjects, without the time being charged against the pending bill.

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

EDWARD HUNTER'S PROPAGANDA ANALYSIS OF THE PENTAGON DEMONSTRATIONS

Mr. THURMOND. Mr. President, much has been written about the demonstrations at the Pentagon on October 21 and 22, 1967. Unfortunately, very little of the writing on this subject has been analytical. The news media were content, at the very least, to simply present the events on those 2 days to the public. In fact, had it not been for the news media, those events would have had very little propaganda effect. No spectators came to watch the demonstrations—no spectators, that is, except the reporters and broadcasters.

It is clear that the entire movement was carefully planned and organized for months in advance and that the ultimate aim of the demonstrations was not so much to achieve a practical result as a propaganda victory. Moreover, the new coalition known as "the new left" was flexing its muscle and was testing its ability to interfere with the processes of modern civilization. They wanted to see how far they could go and to what extent they could win cooperation from the authorities whom they ultimately hope to overthrow.

The propaganda aspect of these demonstrators was extremely successful, as well as the logistical training which they hoped to achieve. There is disturbing evidence that the news media did not merely report the events in a minimal fashion, but carefully emphasized only those events which would further the purposes of the demonstrators. The distinguished minority leader of the House of Representatives has pointed out that the White House knows full well that the hard core of the demonstrators was Communist, acting at the direction of an international conspiracy. In view of this fact, the success of the conspiracy in achieving propaganda results is all the more frightening.

However, one analysis has come to my attention that was not sympathetic to the causes of those who organized the demonstration. This was an account written by a professional propaganda analyst who was present at the demonstrations and took notes of what he saw and studied them in the light of the goals of international conspiracy. I refer to the article "What I saw at the Pentagon" by Edward Hunter, the well-known authority on brainwashing in Red China and Korea and who has had a lifetime of experience in studying Communist tactics at home and abroad. This eyewitness account is one of the most signif-

icant articles which has not yet appeared concerning the demonstrations. It was published in the November 20 edition of Tactics.

I would like to point out some of the significant aspects which come out of Mr. Hunter's keen analysis:

First. The U.S. demonstrations were definitely coordinated with other demonstrations around the world, including projects organized by Hanoi. I would like to add parenthetically that whatever is organized by Hanoi is planned in Moscow and we must not let ourselves be led astray by the locale chosen for a propaganda movement. Nevertheless, Mr. Hunter points out the announcement by Hanoi of direct propaganda links with the United States. Such propaganda activities included collaboration with Tom Hayden, one of the leaders of "the new left" in the United States.

Second. Mr. Hunter points out that the entire demonstration at the Pentagon was met by the appointed officials with another example of the "no-win" policy. Just as we have a no-win policy with communism abroad, so too, we have a no-win policy with Communist activities at home.

Third. Mr. Hunter relates his amazing experience in discovering that the demonstration area was actually policed and controlled by the Reds themselves, while our own policemen and soldiers stood outside the boundary lines. Mr. Hunter says that his Pentagon press pass was not recognized by the Reds; instead, he had to get a separate pass from the demonstration leaders.

Fourth. Mr. Hunter notes that much of the incendiary speechmaking was directed at Negroes. Yet he said that except for speakers, there were practically no Negroes in the crowd.

Fifth. Mr. Hunter speakes sympathetically about the restraint shown by the young American soldiers who were required to submit to the vilest insults by these supposed peaceful demonstrators.

Sixth. Mr. Hunter was present at the moment when a small group of demonstrators actually charged into the Pentagon. He reports that there appeared to be an opening left purposedly to allow the demonstrators to achieve a token victory. I suggest that my colleagues might be interested in reading this particular part of his account.

Seventh. I would like especially to call attention to the remarkable occurrence which the news media ignored. A dramatic incident which Mr. Hunter reported would have gone far to neutralize the hostile effect of the demonstrations. A group of patriots arrived on the scene with a motorized "cherry picker." This is a truck with a crane which lifts a man up in a basket to pick cherries, prune trees, repair overhead wiring, and the like. In this case, the cherry picker basket was used as a dramatic pulpit for the Reverend Richard Wurmbrand, the courageous Scandinavian pastor who has traveled the world relating his firsthand experience with communism in the concentration camps.

The dramatic appearance of the Reverend Wurmbrand was not unexpected. The news media had been informed in advance of what would happen. Many representatives of the news media were on the scene. It seems hard to conceive that such a dramatic incident of a stanch and religious anti-Communist towering over a mass of screaming, filthy hippies, admonishing them about the true nature of the conspiracy which they were serving, would have been highly dramatic, suitable for extensive treatment and coverage in the Nation's press. To my knowledge, not one line appeared about this incident. Mr. Hunter has reported this incident in extensive detail in a second article entitled "Voluntary Censorship Imposed" from the same issue of Tactics. The magazine contains many photographs of this demonstration which were never published elsewhere. Unfortunately, the photographs cannot be printed in the CONGRESSIONAL RECORD.

Mr. President, I wish to read both of these articles so that Senators may consider them in depth. I wish to add that Edward Hunter, the author of the articles, is the same Edward Hunter who wrote the book "Brainwashing." Mr. Hunter is an expert on subjects of this nature. He is one of the best-informed men on the Communist question to be found in the United States and probably in the world.

The first article reads:

WHAT I SAW AT THE PENTAGON

(By Edward Hunter)

This editor decided to do a propaganda analysis of the demonstrations and disorders at the Lincoln Memorial and the Pentagon on the weekend of Oct. 21 and 22, 1967. He decided, too, because of the extraordinary circumstances surrounding the affair, that it would have to be based on his personal observations. So, for the occasion, he returned to the reportorial role he had occupied during many years at home and abroad. He was close to the speakers' table by the reflecting pool across the broad, circular highway from the Lincoln Memorial, where the affair began, and was caught in the squeeze at the steps when the reds symbolically invaded the Pentagon through its main entrance. This was the psychological warfare objective of the contest of wills.

What he witnessed was more than ordinary demonstrations or simple rioting, for they were coordinated with a military operation abroad and an international conspiracy, intended to defeat the United States in war and destroy our form of government and way of life. This was a fifth column operation. What I witnessed confirmed that the affair was subversive and treasonable, and that the special consideration given it inside government practically assured it a symbolic victory. It had all the earmarks of being the beneficiary of the sort of things that happened when Hiss and the Philbys were cut into our policy channels, and when policy was frustrated or manipulated by a technique of diversion and paralysis.

VIETCONG ALLIANCE WITH U.S. "PACIFISTS"

Indeed, the coordination channels with the enemy, long obvious, have been formalized publicly. This is both an overt and a covert operation. The formation as part of the Viet Cong of a so-called South Viet Nam People's Committee for Solidarity With the American People was announced by Hanoi's official news agency on Oct. 17, timed to coincide with the symbolic invasion in Washington. This was disclosed by the Baltimore Sun in a dispatch from Edward K. Wu, its Hong Kong correspondent, and was followed two days later by the N.Y. Times in a dispatch by Hedrick Smith from Washington.

One of the announced objectives of this new "psywar" front, as the Baltimore Sun revealed, is "to unite and coordinate with the American people in the struggle for peace, justice, freedom, democracy and civil rights . . . in demanding that the U.S. government put an end to its aggressive war in Viet Nam."

The N.Y. Times reported "one task of the solidarity committee would be to encourage deserters by giving assistance to American servicemen and civilian officials 'who wish to return to their country or go to another place.'"

Hanoi also broadcast a message wishing "brilliant success" to the National Mobilization Committee to End the War in Vietnam, the organization to which our government granted the permit for the Lincoln Memorial and Pentagon demonstrations. "May the Oct. 21 struggle mark a new development in the American people's movement for an end of the U.S. war in Viet Nam," the broadcast concluded.

A graphic illustration of such coordination came on Veterans Day, Nov. 11, when the Viet Cong turned over three captured U.S. sergeants—not to the American authorities—but to Tom Hayden, who took an incendiary role in the Newark riots and is editor of "Liberation," as far out a "new left" magazine as exists. Hayden, in Cambodia, explained he headed a "peace" committee in which Dave Dellinger and Dr. Benjamin Spock, two foremost figures in the Oct. 21 demonstrations, were members. More incontrovertible evidence of the treasonable coordination of the "peace" front with the military front, both aimed at the defeat of the United States, would be hard to find. What is happening is that the participants are becoming more confident of immunity under our crippled legal system, and hence bolder.

WHERE IS FBI, HCUA, AND SISS?

Congressional investigation into the circumstances and ramifications of the tumultuous Oct. 21–22 weekend in Washington, D.C. is a clear responsibility of our legislators. The dangerous extent to which the anti-anticommunist policy of the government has reached is shown by the incomprehensive failure of the House Committee on Un-American Activities and the Senate Internal Security Subcommittee to be engaged deeply in unearthing the details about this conspiracy, with public disclosures, and the obvious inability of the F.B.I. to fulfill its proper responsibilities in this situation.

Officialdom in the national capital was too involved ideologically on both sides for this affair to be written off as just a happening, to be routinely entrusted to normal channels. The Justice Department, that had overall jurisdiction at both the Lincoln Memorial and the Pentagon, to a virtually unprecedented degree, is on record as considering such conduct as I witnessed as merely "eccentric behavior," the term the present attorney general, Ramsey Clark, applied to the Berkeley, Calif. disorders, in a House hearing in mid-August, 1966 (see Tactics of Sept. 20 and Oct. 20, 1966).

What I witnessed was not just treason, even in an outright form, but modern guerrilla warfare waged on a "peace" front that is just as much of the war as the still bloodier military front in Viet Nam. What took place was combat on the domestic or "peace" front, an Orwellian term, coordinated in planning and direction with the military front abroad. This is psychological warfare on U.S. soil, a phase of what is known in red dialectical materialism as "struggle," and which is being fought against us internationally.

When this editor applied for press creden-

tials at the Pentagon, and later in contacting the Justice Department, he frankly explained: "I hope to cover the demonstrations in depth, what the participants and the authorities do, making my report a psychological warfare study, not just a recital of spot news. I intend to see all I can at firsthand, and then talk to some of those involved in the mechanism by which the affair is to be handled." I read all I could lay my hands on that related to the background and planning.

SEE OUR VIETNAM STRATEGY IN CAPSULE FORM

What became evident as the afternoon of Saturday, Oct. 21 wore on was that the control and the decision-making under which our military forces at the Pentagon operated, in their confrontation with the force opposing them, was identical—in capsule form—to the strategy and tactics under which our troops presently are operating in Viet Nam. This is as they had operated, too, during the Korean War, and unless a basic change is forced upon our civilian policymakers, it is exactly as they will have to operate once more in Korea if the fighting there resumes, as is being increasingly threatened, or anywhere the reds decide to embroil and bleed us. This was my initial conclusion.

What I observed was the no-win policy in practice, humiliating and hamstringing out men, while building up the morale and confidence of the opposition. The decision-making process was restricted and slow. The hard core, the demonstration's shock troops, was given a privileged sanctuary at the Pentagon, that it used as a base, from which to achieve its breakthrough. This was the pattern on mainland China, too, as in Korea and Viet Nam. The final push at the Pentagon, onto the mall and inside—the immediate goal set by the reds as their symbolic conquest—took advantage of a gap in our defense lines that was left there invitingly.

Whether due to obsession with negotiations, fear of offending Moscow, ignorance of communist tactics, or intent, an humiliating and impossible tactical situation was imposed upon our men, further handicapped by self-defeating channels for control and instructions. The demonstrators used their negotiated position as a base from which to make an advance. This then became the new base, and the maneuver was repeated. This goes on, under red tactics, until either a shortage or longrange objective is attained. So I saw.

EDITOR'S EYEWITNESS ACCOUNT

Let me relate what I witnessed, chronologically. Saturday mid-morning I started walking through Foggy Bottom toward the Lincoln Memorial. The streets were mostly deserted, except for those going in the same direction as I. There weren't so many of them, but they obviously were demonstrators from out of town, and they were coming out of homes where they had been put up overnight.

Accommodations were supplied generously. In one midtown apartment, as an example, a longtime aide to Hubert Humphrey made himself available as a legal consultant for the demonstrators, and his wife phoned her friends asking them to provide quarters for one or more of the visitors.

As I crossed the grass within sight of the memorial, hippies, beatniks and "new leftist" generally were hawking and distributing tabloids, leaflets and buttons, which differed only in degree of opposition and hate expressed for the United States, and in the amount of obscenity. An article in the Washington Free Press of Oct. 14, on the forthcoming demonstrations, was headlined, "F— the Army," with the foul word spelled out. Details were given of an underground with outlets in Europe to contact American soldiers and subvert them, providing facilities for desertion. This was as much an incitation as a report.

My attention was agreeably caught by a row of young women and men, on the grass beside the memorial steps, holding up patriotic signs. Some distance away, a lone picketer held up a sign with an anti-Semitic slur on it. Reporters and photographers were everywhere about. They played up the nazi line, ignoring the patriotic students, giving exactly the impression the enemy wanted, that the nazis represented the only opposition to the demonstrations.

The inspiring group that stood up for its country marched across the Memorial Bridge, too, and I learned it joined a sensational coup in which the Rev. Richard Wurmbrand, who had been tortured by the reds, went up in a "cherrypicker"—a basket raised by a hydraulic crane on a truck—and told the facts about the communists. So far as the press was concerned, all these were unpersons. Details of this fine counter-demonstration on Pentagon grounds are related in an accompanying article.

A cardboard box, about three feet high, on the pavement to the right of the memorial steps, guarded by two youths, caught my eye. I noticed demonstrators come up, knowingly stretch out a hand, and be given something without paying. So I went up and did the same, and was handed a plastic water pistol, with red dye in it. I repeated the performance to make sure, and was handed another one, this containing purple dye. The only explanation I have is that this was intended for those who would write anti-U.S. slogans and obscenities on monuments and walls. The results later were clearly visible, and could be removed only at high cost. Some of the stains could not be removed.

The police knew of this distribution, but did nothing about it. They were under orders to protect the demonstrators, and not to interfere in any of their activities within the areas alloted to them. One has to be a pro-red to enjoy such privileges, under our double standard in law enforcement.

REDS GIVEN TACIT JURISDICTION OVER RALLY AREA

My Pentagon pass was not recognized by the reds, who gave out their own passes for entry to the area of the reflecting pool, which they closed off. Their permit did not give them permission to exclude the public from a federal park, but they were allowed to do so, apparently by the same sort of tacit agreement that the Phoenix Papers recommends for the Administration as a means of circumventing the Congress on treaties.

A structure built like a belltower, but for loudspeakers, had been erected by the sponsoring group just outside this restricted area. The television networks had their crews and equipment lined up at a right-angle to the speakers' platform, between it and the loudspeakers, but inside the restricted area. They all had received passes from the reds. Reporters gathered here, too. I noticed the iron curtain countries were well represented. Part of the normal duties of communist correspondents, as has been well verified, is to double as espionage agents, which is part of their training, and to be available as channels for the transmission of intelligence and messages for contacts in the countries where they are assigned.

Except for the vast coverage given the demonstrations and disorders by the press and over the air, the affair would have been futile. Only demonstrators and the press attended any of these affairs, or the parade over the Memorial Bridge.

While the loudspeakers roared, I looked over the material I had accumulated, some from the table for cadre close to the speakers' platform. What was obvious was the minute preparation and coordination for the affair, here and abroad, that could have been done only under the direction of an experienced and powerful headquarters, with a well-established network at its disposal.

"CIVIL DISOBEDIENCE" AND "DIRECT ACTION"

One instruction sheet, produced in New York, characteristically declared the intent to be "peaceful," but then gave instructions for "civil disobedience" and "direct action." Confidently, it began: "Permits for the rallies, the march, the picketing and vigiling on the mall of the Pentagon have been assured us. Problems may raise, but serious trouble is unlikely," adding the significant proviso, "especially for those not committing civil disobedience."

Emphasis was put on reliance upon the marshals, and by this was meant the red cadre, not the U.S. marshals. Discipline was stressed, but the reference to civil disobedience and direct action plainly indicated that violence was anticipated. This patently was a communist document, and the organizers wanted the violence to be under their direction and control, for their specific objectives.

"For those planning to participate in civil disobedience," the instruction sheet declared, "direct action will begin at the Pentagon at around 4:00 p.m. following the announcement by Dave Dellinger." He is an admitted communist who was chairman of the so-called Mobilization Committee, and chairman and master of ceremonies for the talks at the reflecting pool.

He, though, took his orders from undesignated superiors, through channels, in the red way. The instruction sheet went on: "A small committee will have surveyed the situation, and depending on the nature of the police preparations, will instruct Dave to give the appropriate directions."

The intent to outmaneuver the government forces and to accomplish their objective could not have been more plainly stated. Certainly the F.B.I. knew all this, but that Ramsey Clark heeds Edgar Hoover is extremely doubtful. The orders continued, in safe doubletalk: "We do not intend to rush police lines, or attempt to enter the Pentagon by force. Nevertheless, we will persist in a determined effort to impede its operations, and to stand our ground for as long as this is feasible—at least until Monday, noon, October 23."

Only a couple of hundred remained past the weekend, and were easily removed before the workday began at the Pentagon on Monday. They had entered the Pentagon, though, what they needed for their international publicity. This writer saw a gap left open, as if for them, and saw them pour through it onto the mall and rush the gateway, putting a half dozen or so of their men through it into the Pentagon. That this would happen was obvious from the preparations minutely made at the spot. I discussed this amazing gap loudly with a friend, while we watched from the wall of the mall, and spoke to a Justice Department man standing next to us, who was communicating with his headquarters. Whether a tacit understanding or operational clumsiness left this space open, an overhaul of channels and direction is required.

The instruction sheet crisply told what to do "in case of attack," to "use the various self-protective techniques that have been developed to blunt the force of physical attack." Arrests could be impeded, it explained, "by going limp . . . its advantage is that, when done en masse, it prolongs the action for hours, sometimes days."

What the instructions could have added was that these prolongations are determined by how long the television cameramen and the reporters are present.

INCENDIARY SPEECHES AT REFLECTING POOL

The loudspeakers changed to a muffled exchange of indistinguishable words and then became silent while Clive Jenkins, who operates in the British labor movement, was declaiming on the coordinated demonstrations taking place around the world, all

against the United States. A couple of minutes elapsed before they resumed. Huskies had rushed toward the speakers' table, and formed a protective guard around it. A nazi had slipped in and overturned the rostum.

He was roughed up a bit and with a colleague, dragged outside and handed over to the police. This confirmed the tacit agreement that gave the reds police jurisdiction over the rally areas, there and later at the Pentagon. I saw no police inside any of these areas. Police were plentiful outside at the memorial and U.S. marshals and military police were around the triangular grasslands in front of the Pentagon mall, but none went into these rally areas. This was another concession to worldwide communist tactics, giving the reds another proof of their clandestine influences.

Incendiary speeches were hurled particularly at the Negroes, although the entire audience was white, except for a small group in the distance that did not participate in the Pentagon affair. A young Negro urged colored soldiers to "lay down their arms by the thousands," an appeal made to order for the Hanoi radio. Frequent references were made by speakers to a Negro "nation within the nation" and to the "black colony within the United States." The colored were simultaneously urged to overthrow all "colonialism." Incitation to guerrilla warfare inside the United States hardly could have been plainer.

MEMORIAL BRIDGE CLOSED TO PUBLIC

I decided to see what was happening at the Pentagon, and be there when the demonstrators arrived. As I approached Memorial Bridge, I saw this historic span closed to traffic, given over exclusively to the reds for their march. This is the beautiful approach to the National Cemetery, where lies the Unknown Soldiers and many of the hallowed dead of Korea and Viet Nam. That our government should allow the reds, in effect, to close this route, was a desecration of the dead that lie there.

This tribute to red prestige dislocated traffic through the center of Washington. My taxi could only crawl to the Rochambeau Bridge at 14th St., and seeing this hopelessly packed, go down as far as the Capitol in order to take the George Mason bridge. Once in Virginia, military squads posted on the road all around the Pentagon guided me, once I showed my press pass, to the assigned south parking entrance. This led by a direct, convenient corridor to the press section, but McNamara and his "whiz kids" apparently had decided this was too simple. You had to practically do a semi-circle of the vast structure to reach the mall and the alloted entrance. Extraordinary precautions were taken to keep the press confined when in the building to a small section of one outer ring. That evening, I guided a top, New York reporter to a soldier who would take one's coin and go to another portion of the enormous building where a candy bar could be bought.

My eyes and throat began to smart just noticeably as I walked past the bays on my way to the permissible entrance. This was no time to develop an allergy! The thought crossed by mind, could this be tear gas? Only soldiers were walking about, and I jocularly asked whether it was my imagination. An officer replied: "We've been distributing tear gas to the troops. A bit escaped."

This provided a laugh when I chatted with others later, saying I was the only tear gas casualty of the day. This came to my mind the next day when I heard that some of the demonstrators charged that they had been tear-gassed. Considering the disorders to which the soldiers were exposed, I would not be surprised if one or two had thrown a tear gas bomb. Or one of the eager beaver "legals" or red marshals might have detected some in the air, as I did, and jumped to conclusions. The red tacticians did not hesitate to concoct rumors to affect morale, as when the report was spread that two soldiers had defected and joined the enemy. A special issue of the treasonable, underground tabloid, Washington Free Press, was issued with a headline, "Two GIs Defect at Pentagon." Foreign correspondents frequently pick up stories from such rags, and send them abroad as exclusive dispatches. The Washington Post on Sunday ran a sob story about the rumor, glamorizing the participants, but I am not sure the reporters had their heart in this. They quoted the young people as chanting to the troops, "We love you, we love you, come join us," significantly adding, "while the TV cameras whirred."

THE THEATER ON THE MALL

My first view after I made the turn to the mall side was of U.S. marshals, military police, television crews and reporters, but hardly enough to crowd the broad, concrete walk. The hubbub and ferment were concentrated at one, central point along the outer, walled rim. As I approached it, the scene reminded my of the proscenium of a theatre.

The wide stage was directly opposite the Pentagon steps. The outdoor equivalent of box seats was provided by an enormous, flatbed truck, one on each side at right angles to the stage. The one to the left of me was crowded with television cameras and crewmen, while fewer occupied the one to the right. A pack of photographers and reporters, military officers and Justice Department liaison men constituted the audience. They stood behind lines set by the ushers—U.S. marshals equipped with clubs and a thin line of soldiers holding pointed rifles, their bayonets still sheathed. They had no bullets. As the afternoon wore on, bayonets were exposed, but the rifles constituted at best only clumsy clubs.

The show was going on. The stage was densely packed with a chorus and the cast, along with stagehands. This was vaudeville, a Pirandello phantasmagoria where the lines between actuality and fantasy are blurred and indistinguishable, and change places. One major difference marked this show, though. Every scene conveyed a message, and all the messages conformed to the red maxim that the first responsibility of all art forms is to serve as a weapon on behalf of communist party line and Marxism generally. So it was with the show at the Pentagon mall.

"COME, JOIN US," AND MARBLES TO FALL OVER

Entertainers strummed their guitars and sang folksy songs, others just sang, and the chorus sang, "We love you, we love you; come join us, come join us." Still others, especially girls, couched the most damnable treasons in tender tones, holding forth blossoms. The words, if one caught their meaning instead of being seduced by the rythmic tunes, were full of hate and treason for the U.S., and support of the enemy. This was the counterpart in the U.S. of the red "psywar" and propaganda focused on American troops by enemy loudspeakers and the Hanoi radio in Viet Nam.

This front of naive innocence and peaceful yearnings was cunningly blended into violence as well as subversion. A sudden dash would be made from some portion of the beguiling stage, testing the opposition to a rush into the Pentagon entrance from here, the closest to it. The red shock troops would advance only a short distance before they were met by U.S. marshals and then troops for melodramatic struggles in front of the cameras that could only show the defense forces as if attacking. The same hands that proffered flowers tossed marbles onto the pavement under the boots of the soldiers and marshals, to trip them up. They had been cunningly taught tactics of insurrection and seduction. This is guerrilla warfare strategy.

The reds always have a dual purpose, a shortrange and a longrange objective. Their aims here were to put on a propaganda show for worldwide sympathy as a shortrange objective and to rush the Pentagon entrance as the longrange objective. The former tactic succeeded at this point on the mall, but only with curious cooperation from inside government.

The scene from where the cameras were grinding was a sea of faces, seemingly of demonstrators massed into a great area. Banners, posters and flags made it a vibrating, living drama. I made a wide semi-circle around to where the outer wall of the mall gave a view of the large, triangular-shaped grasslands area reserved for the demonstrators. What to my astonishment, it was very sparsely occupied. The marchers had not yet arrived from the Lincoln Memorial. A preliminary show was being put on for the cameramen and reporters at the top of the steps leading from the grasslands onto the mall. The Pentagon usually has 30 to 35 accredited newsmen. Accreditation for this weekend totaled 884.

This, indeed, was a show put on exclusively for the world press, and it cooperated fully. The Washington Post ran an item boasting it had assigned 39 reporters and photographers to the demonstrations, listing them by name.

The permit to demonstrate set the limit at the grasslands as "the sidewalk . . . at the top of the steps." Why a permit would go out of its way to specify the top of the steps was curious. The only rationalization could be that a stage-like area to facilitate publicity for the demonstrators was intended. The reds got their way by the usual negotiation process. They kept extracting concessions until the cowed Administration bowed to their ultimatum that they would demonstrate without a permit. Two days before the event, a six-page permit was formally signed by the red Mobilization Committee for the one side and the General Services Administration, that normally operates and protects the Pentagon buildings, the National Park Service of the Department of the Interior, the District of Columbia's police department, and Arlington County, Virginia, for the United States.

Certainly, one would have had to be a hermit not to anticipate the series of events that transpired "at the top of the steps." The tactic I witnessed there was to press ahead a wee bit at a time, and then when and if an attempt were made to push them back, engage in a melodramatic struggle and shout the equivalent of "police brutality."

HIPPIES AS A COVER FOR THE HARD CORE

As the marchers began streaming into the grasslands, they first pressed toward the crowded steps. The bulk of them were in a gay, picnicking mood. I made the long walk to the far side of the mall and down a grassy path to this area. A thin line of soldiers was spread here, too, but let me through when they saw the press pass attached to my lapel. The crowd ranged between the 16-year-old girl who was getting a kick out of this permissive atmosphere, her scruples salved by the crusading terminology employed, to the hard-core communist activist.

As everywhere the demonstrators went, I saw men walking about with armbands marked "legal." The Mobilization Committee in a "fact sheet" for participants referred to "a team of 38 lawyers and 110 law students who have researched legal aspects of demonstration," meaning how to twist and exploit the law, taking advantage of every comma and clause in the Supreme Court decisions that they regard as their shield. They were skilled in doubletalk, ready to shout "military brutality" the moment one of the hard core took a poke at a soldier. They were always available to the many newsmen scattered among the demonstrators.

Noticeably on the grasslands, too, was the total lack of any police. This could only have

been by tacit arrangement, for civilian and military police were everywhere else. The reds were master here, by Justice Department assent. Out of the side of my face, I noticed a photographer, with a husky bodyguard, take my picture. He obviously was not taking news photos. Someone whom they said they recognized as a nazi was grabbed, and dragged out while red wardens determined how much of a beating he could be given while being removed. Obviously, this was no healthy spot for an opponent of the reds, of any type. Lack of police protection available to anti-communists enabled the reds to present an impression of conformity. Indeed, permits for a patriotic counter-demonstration were not to be obtained.

TACTICAL MANEUVERS SHOW TRAINING

The reds demonstrated highly disciplined and experienced tactical command. They operated as a vanguard of a guerrilla force in an advance. They obviously benefited from a fifth column and an intelligence system. They knew at once whether a unit had been supplied bullets or not. One supposed newsman in my sight on the mall was exposed as a phony. The theft of a press pass presented no insurmountable problem.

The performance at the top of the steps changed its character wth the arrival of the marchers. The red marshals relayed instructions. A large section at the right of the stage—I know no better term to apply to the top of the plaza steps on the mall—was opened up for a contingent that came in military precision, carrying Red Cuban flags and posters glorifying Che Guevara. The tempo of the sporadic fighting became intensified, and a new unit of troops came up on the double, bayonets bared.

The psychological strain imposed on these young soldiers was unprecedented in any demonstration in our land. This was no true demonstration; it was sophisticated, guerrilla warfare, and to deal with it as anything else was as unfair to the soldiers as it was deceitful to the American people. A soldier would be picked as a target for a propaganda attack that would be unlike anything he had been taught. While he stood his ground, a young man or more frequently a girl would be sent up against him. I watched a girl until anger made me turn away, anger and a feeling of frustration for the heroic, young man, for it took heroism to resist this sort of mind attack.

The girl would talk tenderly to him, coaxingly, edging closer and closer to the bayonet, extending perhaps a flower. Her face would assume a look of agony, and she would bring the flower to the very tip of the bayonet, then try to leap backwards leaving it rest there. Her co-demonstrators would alternately join the pleading, shout epithets—or try to unnerve the soldier by such remarks as, "Take her; she's a virgin." The flower just then would be exactly at the tip of the bayonet. The soldier had to stand rigidly.

American soldiers should not be required to stand immobile while picket signs are brought up to their faces with some such reference as an obscenity attached to the President's name. After all, he represents the Presidency as an office, our highest office and symbol of our government. They should not be asked, too, to stand immobile while the flag of the enemy that is killing their buddies is waved in their faces. No, troops need not be summoned to deal with such treasonable behavior. We have ample and ready police, but under Justice Department control, this all is brushed off as "eccentric behavior," apparently just the play of children trying to attract attention.

THE CURIOUS GAP IN OUR LINES

The grasslands were now fairly filled with demonstrators. Still, the plaza steps remained the center of activity. The hard-core contingent was moved away, replaced by other red elements. I detected a shift in emphasis, and moved over to the mall wall at the righ to watch. The Pentagon roof was a favored spot, I noticed, for top officers and high civilians. The sound arose of a detachment coming on the double. These reinforcements were brought to the far right, below the wall, where a rope barrier was quickly raised.

This was in response to a shift by the demonstrators to the right. Indeed, the instructions, "to the right," cried out by red marshals, was heard where I stood. The show continued non-stop on the plaza steps, although on a reduced scale. The main crowd began to collect to the right. I wondered how long this thin line of troops with their rope could hold out. Obviously, it could have been overrun at any moment, but bloodshed would have been unavoidable. The reds obviously were engaging in a deliberate maneuver, but what? Another detachment of soldiers, bayonets naked, came on the double, and stood behind the first line. In a test of strength, the military would dominate. Although we had allowed the situation to reach this critical point, the last thing we wanted was serious bloodshed. Did the red tacticians want a showdown in which they not only would be sure to fail in their announced objectives, but be demonstrably defeated? Did this fit their "psywar" aims?

Obviously not, but just as obviously, this was some form of their manner of negotiating, or the implementation of a concluded, tacit negotiation. But what was happening now, in the massed red ranks, right up against the ropes? Were they fighting between themselves? This is how it looked. At intervals, when the pressure against the ropes became too ominous, these fist fights broke out. Red wardens, against the ropes, took swings at any of their forces that made a dash to the ropes, as if to lead a push in this direction. The obvious orders were not to attack here. Yet the cries, "to the right," were unmistakable.

The detachment of hard-core reds carrying the Castro flags and the Guevara signs caught my eye; it was moving to the right, too, but not in front of the ropes. It was moving just beyond, where there was an open space. At once the tactics became plain. The red intent was to rush the mall at this point, where the incline was easiest to overrun, and where there were no barriers, neither U.S. marshals nor troops.

I couldn't believe it. This was just too raw. Surely, others saw the gap. The chap then with me exclaimed, "I know that tactic; I've seen it work in the House Committee on Un-American Activities, when the communists were planning to break up a meeting or convert it into a melee." The fellow at the other side of me looked up. Eagerly, I mentioned this to him. He was speaking into a radio transmitter. I inquired who he was, and he said a Justice Department man. So it had to know, and it was in charge! I learned that a military man and a Justice Department agent alternated all down the mall walls.

But how were orders transmitted? An operations room to the right of the entrance was occupied by the seconds in command to Clark and McNamara. A military officer on the mall—just one—communicated with the operations room, indirectly through a communications room interspersed between him and it. Obviously, important decision were up to Clark and McNamara, and by agreement, Clark was in authority. This was as strange a chain of command as that under which we are engaged in a no-win war in Asia. The system is the same.

Time dragged on, as the reds methodically went about disposing their forces without impediment. The hole in our lines was as obvious as the nose on one's face. Singing suddenly broke out in front of the roped line. A patriotic song, that brought a thrill to those who heard it on the mall. The singing was by the demonstrators pressing forward at this one sector. "Watch it!" my companion exclaimed. "They are doing it to lull us." "Aren't you being a bit panicky?" I asked but he was sure he was right.

Suddenly, as if worked by a pushbutton, the group that had been singing sat down on the grass. "This is it," the chap now insisted. I wasn't so sure as he, but it was obvious to me that this was a maneuver of some sort. And why was that gap alone being left open? The hard-core group had been moved to the front of it. Red wardens were quietly moving demonstrators toward that spot. This convinced me that something was planned for there. Any moment, I expected to hear men on the double, and to see a detachment move into position to plug the hole.

"GO, GO, GO!"—AND THEN IT HAPPENS

This was hard to believe; it was just too obvious. It couldn't be! Suddenly, shouts arose to the right, from the area of the fist fights to maintain control, the singing and the sitting. "Go! Go! Go!" A hubub filled the air, and actually sooner than it takes to write this paragraph, I saw a group of huskies racing up the mall, followed by hard-core revolutionaries, and just teen-age youths. I raced over, and saw the small vanguard simply shove the military guards aside at the Pentagon entrance, and rush into this symbol of America's military might. The guards leaped forward and shut the heavy doors, too late!

The reds had achieved their objective, the entry and symbolic "capture" of the Pentagon, according to schedule. Their propaganda network around the world would do the rest.

The mall was tightly packed with demonstrators. The doors opened and several of the invaders—or intruders, if you wish to belittle the significance of this incident—were shoved outside. Some apparently were being arrested. The troops elsewhere on the mall simply had been outflanked by this unsurprising surprise. A detachment of troops with bayoneted rifles came through the door, capturing the steps, step by step. The demonstrators withdrew quickly.

Would the troops continue past the bottom of the steps, to clear the mall? The demonstrators were pushing forward. The red monitors, their objectives attained, gave orders to halt the advance. I stood for protection by a bush alongside the steps, in case there would be a clash, and then realized how silly this was. What protection would a bush give? The detachment, on reaching the bottom of the stairs, came to a halt. They filled every square foot of the steps; now that the horse was stolen, the barn door was being tightly shut. Our strategy was critically, suicidally wrong somewhere. If I were searching for symbols, this is what this fantastic battle of the Pentagon would symbolize for me. Heads should roll in our highest places symbolically, of course.

HOSTILE RECEPTION AT THE JUSTICE DEPARTMENT

Several days later, after interviewing others who had been involved, I phoned the Justice Department for an appointment. Everywhere, so far, my reception had been pleasant, although formal. I was asked to call later. The next day, when I did, I was told that a rather long conference had been held on the subject, and it was decided that it would be better to wait a while, so data could be assembled and interpreted. "Please, I'd like to do my own interpreting," I said. Finally, I asked if I might go to the press section to ask some simple questions. "Yes, if you insist," I was told.

What difference does it make exactly whom it was who received me? He was only obeying orders. The only decoration on the otherwise bare, white walls of his small press

office was a page ad for the Washington Post, taken from some magazine. The ad was clever enough, and quite significant: "No rule says that USIA appointees must read this newspaper . . . . [a photo of the Washington Post] . . . . (but they all do)." Now I know what it is to feel like an enemy confronted by a government official. "We know your record; we've looked it up," I was informed. From what I had seen, I well understood their attitude.

I told him I would like some data on the mechanism by which the government handled the demonstrations. "The Pentagon is on federal property, so it fell under our jurisdiction," he answered, handing me a press statement. This gives you the law on this, he said I read the single page; all of the law it had was a recital of penalties, and the rest was the declaration that under our form of government, civilian authorities are in charge. He seemed surprised when I said I'd like to read the law, not a handout on it.

Indeed, he became quite angry. Reporters nowadays apparently are supposed to take what they get.

Mr. President, the other article to which I have referred, which was also written by Edward Hunter, is very interesting and is related to this subject. I shall now read that article, as follows:

VOLUNTARY CENSORSHIP IMPOSED

(By Edward Hunter)

A clearcut case of news suppression with clearcut ramifications that violate the principles of our free press has come out of the Lincoln Memorial and Pentagon demonstrations of Oct. 21 and 22, 1967. What makes this case unequivocal is that the news value of the incident was self-evident, yet the suppression was total—every newspaper, radio-television channel and news syndicate that covered the demonstrations failed to report on it. Yet there were no possible adverse elements involved, such as libel, slander, bad taste or obscenity.

The reasons given for the suppression were precisely those that have been recognized hitherto as contrary to the principles of a free press.

What happened was this. The sponsorship and planning for the weekend demonstrations made obvious that they were coordinated with the international communist movement.

A number of concerned citizens in the national capital decided on their own to demonstrate their faith in their nation and in our free society, and to support this with incontrovertible evidence in documentation and in deed. They contacted the Rev. Richard Wurmbrand in Norway. He carries on his body the scars left by red tortures. He testified under oath for the Senate Internal Security Subcommittee ("Communist Exploitation of Religion," May 6, 1966, U.S. Government Printing Office, Washington, D.C. 20402, 15 cents). They found out he was flying to the United States for a speaking engagement in the South. A shift in dates was arranged, so he could participate in the nation's capital as a living witness.

"CHERRYPICKER" PROVIDED FOR WURMBRAND

Something dramatically new was added to his appearance. A "cherrypicker" was hired. This is a truck with a crane that lifts up a basket in which a man can pick cherries, prune trees, repair overhead wiring, and now for the first time, serve as a pulpit.

Youths and young women got together to design picket signs and posters, to express their patriotism and to provide a voice for the overwhelming body of students and other young Americans who were being misrepresented by the highly organized and well-financed pro-red complex.

The Pentagon was contacted for photographs showing the kinds of terror inflicted by the communists upon villagers and American soldiers alike. Some samples, after long persuasion, were obtained of typical atrocities, actually war crimes, and a simple, four-page leaflet was produced. The leaflet was published by Wilson C. Lucom, as the first such activity of his U.S. Anti-Communist Congress, Inc., which he has set up at 1221 Massachusetts Ave., Washington, D.C. 20005, with himself as president and Herbert Philbrick, former F.B.I. agent in the Communist Party, as national director.

On Oct. 21, the group of young people appeared on the grassy knoll at the side of the Lincoln Memorial, holding the picket signs aloft with inspiring affirmations and slogans, proudly displaying a large American flag. This was a clean and invigorating message that everyone saw. They demonstrated by their presence, too, that the few nazis who had showed up were totally unrepresentative of the opposition to the reds. This was a most important factor in their mission. They marched with heads held high across Memorial Bridge. Wurmbrand, who had arrived the day before, came with the "cherrypicker."

CAMERAMEN, NEWSMEN, GATHER ROUND THEM

They proceeded to the Pentagon grounds where a crowd already had gathered. Immediately, they were surrounded by the so-called anti-war demonstrators who showed keen interest, especially in what Wurmbrand said. He went out among them, and then entered the truck, and was excitingly lifted above their heads. He spoke through a bullhorn, giving a prayer and then a sermon on behalf of those under communist persecution. Dick Gregory, comedian, had come to this spot, too, and had started to speak. A number of the more virulent activists among the pro-red demonstrators were preparing to talk, too. They could not stand this competion, and left, leaving the field to the courageous, young patriots.

Newspaper reporters and cameramen gathered round the group, too, taking notes and interviewing Wurmbrand, in particular.

Everyone concerned anticipated that surely some note of this would be taken by the press and over the air. So far as news values are concerned, there was no question that this was "a story." Every newspaper was eagerly gone over that afternoon and the next day, and the radio and television programs monitored. Not a line anywhere, not a word over any radio, not a moment on any television program!

But to make this censorship more scandalous, they all reported opposition to the red demonstrators, crediting it only to the nazis. The only opposition to the symbolic "invasion" of the Pentagon, as presented by the press, was nazi. This was a lie, and conformed to the impression that the communist "psywar" operators wanted to give.

A number of factors contribute to the clearcut character of this censorship issue. The press had ample advance knowledge. A press release even had been distributed. Betty Wolden, of N.B.C. news, phoned Lucom and asked if it were true that a counter-demonstration was planned, to include Wurmbrand, with Georgetown University students, and that a "cherrypicker" would be used. The word had gotten around! "Will you tell this story over N.B.C. news?" she asked. A telecast appointment was set for 4 p.m. the same day, Friday, Oct. 20, to include both Lucom and Philbrick.

About five minutes before 4 p.m., N.B.C. phoned and cancelled the interview "because our camera has broken." As if N.B.C. had only one camera!

In a conversation with William Monroe, N.B.C.'s Washington bureau chief, on Oct. 24, he was asked if, for example, he would consider it news if in the midst of the Pentagon demonstrations, a clergyman were lifted above the crowd, to pray for peace and the victims of communism everywhere, and had bared red-inflicted scars on his body. Certainly this would have been newsworthy, he replied. When told this was exactly what happened, and it was not reported, he said he could not believe it, but would investigate.

When phoned later, he said his staff knew nothing of the affair, and that anyway, it would have been impossible to get a "cherrypicker" onto the Pentagon grounds. He was informed it had happened at the north parking lot, where a rally was held under a permit given the reds. When he still expressed disbelief, he was offered photos to prove it. He refused to see them, saying it was "no longer news."

REAL REASON FOR THE CENSORSHIP

In one of the later conversations over the phone, Monroe is quoted as declaring that N.B.C. would have been criticized by the leaders of the demonstration if it allowed attention to be focused on a counter-demonstration, particularly anti-communist.

Yet these same press channels go out of their way at practically every patriotic or anti-communist parade or demonstration to give a big play to red hecklers, or to focus attention upon one or several unwelcome pro-nazis who had pushed their way into the foreground. I doubt if there is anyone who cannot confirm this double standard from his or her own observation.

N.B.C. and Monroe, who is regarded highly by his colleagues, are mentioned here only to illustrate a dangerous state of affairs into which our channels of communications have fallen. Any of the other networks and bureau chiefs could have provided the same sort of specifics, for this is a prevalent situation.

What this discloses is a sickness in the press generally, a double standard on news values, and a conditioning of staffs in an anti-anti-communist propaganda climate at a time when Moscow and Peking, operating presently through Hanoi, are heating up "psywar" pressures against the United States. The ultimate aim is to set us up for a fall before we wake up as a nation. This is what gives this censorship its crucial, life-or-death character.

News judgment is one thing, but what was equated in this case with balanced, objective selection of news was censorship. No journalist has the right to use editorial judgment to suppress a newsworthy story because it conflicts with what the sponsors of some affair desires. Here we find American news channels adopting the approach voluntarily of the controlled press of totalitarian countries.

Our communications channels, softened up in the anti-anticommunist propaganda climate, has fallen into this red trap. Actually, they did not fall into the trap; they walked into it. Failure to report the important and inspiring counter-demonstrations of Oct. 21 was a matter of omission and selectivity of the news in a form indistinguishable from censorship, all the more sinister because it was "voluntary."

Actually, the proper term is conditioned; it is voluntary only in the doublethink of Marxist dialectical materialism, as a controlled or conditioned Pavlovian reaction. This is what is most sinister about it.

Good and patriotic newspapermen are trapped this way by the pressures of "news management" and pro-red influences. This disorientation endangers national security and threatens the foundations of our free society. This being so, the press itself should set up a procedure to re-examine its basic principles, with one, primary objective. This is to return to objective reporting, so the voting public and Congress may acquire the untarnished information needed for the maintenance of a free society.

Now, Mr. President, those were the articles written by Mr. Edward Hunter, the author of his book entitled "Brainwashing," from his personal report. What I have related is not what someone told him. He was there. He was at the

Lincoln Memorial. He was at the Pentagon. He saw with his own eyes what happened. He reported it. I see nothing in the papers anywhere about it. It will be interesting now to see if any newspaper does carry an account of what Mr. Hunter saw.

Again I say that Mr. Hunter is one of the best informed men in the United States and in the world on the subject of communism. He is an expert on Communist tactics and maneuvers. Mr. Hunter lived in China for a long period of years. He knows communism first hand.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ELIZABETH OSTH'S COMMENTARIES ON THE NEW LEFT

Mr. THURMOND. Mr. President, on October 12, 1967, my distinguished colleague from Mississippi [Mr. EASTLAND], spoke at length on the origins of the so-called New Left and its recent activities. A valuable supplement to his speech has been broadcast in my own State over the facilities of WDIX, Orangeburg. This broadcast was entitled "More Bang for a Buck," and was delivered by a distinguished observer of the radical scene, Elizabeth Osth. Mrs. Osth is a formidable and devastating analyst of leftwing causes. She has been dissecting their personalities and activities for many years, and is known as a cautious researcher who studies firsthand source material to get her information. I am proud that WDIX includes her weekly program in its courageous and thought-provoking schedule.

Mrs. Osth shows that the origins of the present New Left lie in position papers prepared by the Institute for Policy Studies, a nonprofit institution maintained by tax-free foundation grants. In other words, tax exemption is being used to support revolution.

I want to repeat that, by giving a tax exemption to an organization like the Institute for Policy Studies, our Government is allowing tax exemptions to support revolution.

Mrs. Osth quotes from unpublished policy papers to show how many so-called respectable foundations are fomenting hate and revolution.

Mrs. Osth also prepared another broadcast for WDIX, which was broadcast on December 3, and it shows yet another facet of this backstage plan to undermine peaceful society. In this broadcast she quotes from a strange document entitled "A Call To Resist Illegitimate Authority," and gives background on some of the signers. Her analysis shows the tie-in of this document with the overall goals of the "New Left."

I feel that both of these broadcasts are so informative and so helpful that I should like for my fellow Senators to have the benefit of them; therefore, I wish to present them to the Senate at this time.

As I have stated, the first is entitled "More Bang for a Buck":

MORE BANG FOR A BUCK

In his outstanding October 12, 1967 Senate speech, James O. Eastland said the National Conference for New Politics grew out of a meeting of militant leftwing leaders at Santa Barbara, California in August of 1965, which was hosted and partially subsidized by the Center for the Study of Democratic Institutions. Then he traced New Politics history next to the Institute for Policy Studies in Washington, a tax-free center run by Arthur Waskow, where control of organizational activity in connection with the National Conference for New Politics was transferred. However, the Senator might also have linked the whole scheme for what purports to be New Politics to even earlier occasions. For in March of 1964 a "Working Paper for the Organizing Committee of (what was then being called) National Coalition for a New Congress" was mailed to interested activists. "A Summary Updating Statement" on "The NCNC Proposal" was issued in April 1964, the very next month. The March paper was prepared by Arthur I. Waskow, David T. Bazelon and Stanley L. Newman. The April 25-page Statement was mailed out by Waskow but was written by David T. Bazelon.

The National Conference for New Politics uses the initials NCNP which are very similar to the initials NCNC used originally in planning New Politics, then under the title of National Coalition for a New Congress.

Where Bazelon, Waskow and Newman conceived of the plan in the first place is anybody's guess, but their proposals fall directly in line with what we now know of as the National Conference for New Politics. We all witnessed its culmination of TV with horror during the Labor Day week activities—that conglomeration of gutter-types merged together at a hotel in Chicago.

As early as 1963 Arthur Waskow was a Trustee of the Washington-based Institute for Policy Studies. Therefore it stands to reason that the first proposals for what was originally called National Coalition for a New Congress, mailed out in early 1964, were prepared while Waskow was already wearing his IPS hat.

In speaking about the National Conference for New Politics and a number of affiliated individuals and groups, Senator Eastland pointed out that, "Their efforts are not uncoordinated. On the contrary, they are very well coordinated, indeed; in part openly coordinated, and to a much greater degree, secretly coordinated."

We find that statement is completely true when we look at yet another report issued by Arthur Waskow on December 20, 1965. Here, he was summarizing to those who attended, and others unable to attend, a "Conference on Strengthening The New Politics," held at the Shoreham Hotel on Washington on November 28, 1965. He discussed "Press coverage in general" at the Conference. He wrote, "Those who were at the Shoreham meeting hoped to be able to talk in reasonable privacy about the issues of American politics over the next few years: where are we, where should we liberals and 'movement' people be going? We hope that all who receive this summary will respect their wish, and will join this conversation on the assumption that no sensible conversation can be carried on in a goldfish bowl."

So even that conference could be labeled "secret," except somehow or other the papers from its revealing conversations and discussions fell into my hands shortly after the occasion took place.

Another statement made by Senator Eastland in his largely unpublicized speech was this one: "The most obvious thread which binds these forces together is the guidance and support which they receive from the world Communist conspiracy."

Eastland added, "In the whole widespread gamut of their activities, mutually helpful one to another, these organizations are operating today in furtherance of the basic Communist purpose of overthrowing the Government of the United States."

This background information is important because in order to operate, to publish plans, to hold their secret conferences and to do their research, it should be understood that Arthur Waskow and his Institute for Policy Studies must have funds. In its annual reports the Institute has stated that it "is a tax-exempt educational institution, and contributions to it are tax-deductible under Federal law." It has published the names of numerous private foundations which have supported the Institute in the past.

But now, late in 1967, after the Institute for Policy Studies has been exposed as one of the centers operating today in furtherance of the basic Communist purpose of overthrowing the Government of the United States, one would think foundations would cease to support it financially, and that its tax-exempt status would be removed by the proper agency of government. After all, Waskow's definition of an "educational institution" and the established definition of an "educational institution" are two very different cups of tea indeed.

Such, however, is not the case. The September, 1967 issue of *Foundation News* reports on page 107 that the Field Foundation has recently granted $15,000 to the Institute for Policy Studies in Washington, D.C. for what is called "general support."

Then we remember that Senator Eastland explained that the original meeting, so far as he knew, was hosted and partially subsidized by the tax-free Center for the Study of Democratic Institutions toward the creation of New Politics. So it is pertinent to see on the same page of *Foundation News* that the Cudahy Fund has recently granted that Center $10,000.

Until these free-flowing funds supporting rebellion leading to outright revolution are dried up, we will continue to see increasing tactics of disruption and new phases of insurrection among what Waskow and others involved call "movement people." One of the more recent such activities involved one Judith Coburn of the Institute for Policy Studies attending the November 11-12, 1967 Chicago Conference on the Military and the University. (1) One purpose of that Conference was "to facilitate the development of new strategies and tactics for confronting campus military and counter-insurgency research." In other words, to disrupt important military research in Universities so necessary to United States security.

The original plan put forth by Arthur Waskow and his co-workers in early 1964 called for a National Coalition for A New Congress. The idea was that if a coalition of "movement people" coordinated their activities and provided a bank by "tithing" $100 a year each or 1% of their annual incomes (which ever was smaller), the complexion of the House of Representatives could be changed in favor of men who would sanction the insurrection we now see running rampant among black power people, peaceniks and radical organizers today. It was planned to accomplish this from the grass roots level upward. Once accomplished, Waskow then planned to change the Senate, and next, the Presidency. As they quaintly put it, they could get "More Bang for a Buck."

The April 1964 updated Summary said, "In an earlier revolution, the slogans were—'Peace, bread and land,' and 'All power to the Soviets!' For our politer local revolution,

the slogans will be—'Peace, jobs and freedom,' and 'Everything for the kids!' "

If that isn't admission that the final aims of the present "revolution" may be equated with the Bolshevik Revolution, then what is it?

In April 1964 the then National Coalition for a New Congress existed as a non-profit membership corporation under the laws of the District of Columbia. It was purposely left a shell until negotiations among leaders of the sundry movement groups could be consulted. The original "stand-in directors" were the Rev. Walter Fauntroy, Pastor of the New Bethel Baptist Church and Washington Bureau Director of Martin Luther King's Southern Christian Leadership Conference, Stanley L. Newman, then a legislative assistant to one of the most radical-left Congressmen, and Arthur I. Waskow, who at that time was merely listed as an author of books and articles concerning military affairs and civil rights. The "stand-in board" directed the then officers of the corporation who were Stanley L. Newman, Executive Director, Robert N. Hausman, Secretary and General Counsel and Carolyn Nichols, Treasurer.

These people looked forward to the establishment of an organizing committee to undertake planning, organizing, word-spreading and additional solicitation of funds and other resources. They were already attempting to establish informal groups of what they called civil rights activists, labor people, peaceniks, reformers, active students as well as professionally helpful gatherings of advertising men, lawyers, psychiatrists, academics, freelance intellectuals, show business people, professional politicians and others. They were also arranging for "SNCC and CORE to go in and agitate the Negro community" in order to get people registered to bring organized Negro elements together with liberal whites and to select what they referred to as a thoughtful Negro as a candidate for office. They did not want what they called a ghetto-machine candidate or another educated white man, but a "valuable, dynamic Negro who would honor his white constituency as and while he spoke and acted for his angry, deprived brethren." "Yes," it says in this April 1964 updating summary statement, "We shall overcome."

Waskow, in his Working Paper of March 1964 was ecstatic about the "long anticipated congressional reapportionment decision of the Supreme Court" which, he said, presented movement people with the most immediate opportunity since the great days of the New Deal.

At the time the Workings Papers were written the Vietnam War was not the issue it has now become. Fewer Americans were being drafted so Waskow and company were still using the old propaganda pitches of disarmament so we won't all be killed by "the bomb," detente between East and West, guaranteed annual income and so on. The increased activity in Vietnam has played right into the hands of Waskow because it provided the issue needed to form the coalition between civil rights activists and peaceniks—a coalition most ardently desired and discussed in both Working Papers and at the Shoreham Conference in November of 1965.

Among the activists for disorder at the Shoreham Conference were people from SDS, SNCC, Mississippi Freedom Democratic Party, Massachusetts PAXSANE, N.Y. Reform Democrats, Inter-University Committee for Debate on Foreign Policy, Chicago Committee for Independent Political Action, N.X. CIPA, Stokes campaign in Cleveland, Detroit Wednesday Evening Club, Oregon teach-in movement, Brotherhood of Teamsters, Industrial Union Dept. of AFL–CIO and many others.

So it was from the original Waskow Working Papers, to the Shoreham Conference, then onward to the Center for the Study of Democratic Institutions and next to the Institute for Policy Studies that the National Conference for New Politics evolved.

Congress must act to stop the flow of tax-free funds to such planning centers operating toward the overthrow of the United States Government.

Mr. President, the other article by Elizabeth Osth, the researcher and analyst, which was broadcast over WDIX radio station, Orangeburg, S.C., December 3, 1967, is entitled "A Call To Resist Illegitimate Authority." I believe the article will be of great interest to my colleagues, and I should like to present it to them:

A CALL TO RESIST ILLEGITIMATE AUTHORITY

The October 7, 1967 issue of the *New Republic* magazine published an advertisement financed by a radical-left assemblage issuing "A Call To Resist Illegitimate Authority." Their pitch is that because Congress has not declared war in Vietnam, it is therefore unconstitutional and illegal to conduct that war and to draft men to fight it.

Stating fallacious reasons for what they call the illegality of U.S. participation in the war in Vietnam, the signers of the Call to Resist Illegitimate Authority state that it is therefore a legal right and a moral duty of every free man to exert every effort to end this war, to avoid collusion with it, *and to encourage others to do the same.* They believe that various forms of resistance on the part of men drafted to service and those eligible to be drafted are "courageous" and "justified." Such resistance includes going AWOL applying for conscientious objector status, not on religious grounds, but because of objection to what is termed "American aggression in Vietnam," and outright refusal to be inducted.

To the end that more young men may help the Communist enemy by such activity the signers of the Call stated unequivocally that they "will continue to lend (their) support to those who undertake resistance to this war. (They) will raise funds to organize draft resistance unions, to supply legal defense and bail, to support families and otherwise aid resistance to the war in whatever ways may seem appropriate."

The signers state they believe their actions will be legal and that they should not "Shrink from fulfilling (their) responsibilities to the youth whom many of (them) teach . . . (and) to the ancient traditions of religion and philosophy which (they) strive to preserve in this generation."

Since many signers are professors teaching youth today, is it any wonder their students have been mentally prepared to aid the enemy? These same signers, professors, writers, clergymen and others, say finally, "we call upon the universities to fulfill their mission of enlightenment and religious organizations to honor their heritage of brotherhood. Now is the time to resist."

There is little use in dredging up the reasons why we have come to such a pass in this country that professors, clergymen and others are led to take part in activity that falls under one definition of the word, subversion—for it is subversive of United States efforts to quell the Red tide. But it is interesting to note that as long ago as 1931 Edwin Marshall Hadley wrote this, regarding higher education, in a powerful little book called *T.N.T.* "It is better to keep young Americans home. Maybe they may miss a little science, a little smattering of this or that but, at least, we shall keep them better Americans and happier and sounder citizens." Mr. Hadley said 36 years ago that the crux of the whole educational muddle is just this—these tax supported, tax-exempt, and endowed schools are teaching things diametrically opposed to what the parents of the students stand for. He explained that America was spending hundreds of millions of dollars yearly for education and while paying for loyalty was getting disloyalty; while paying for Patriotic Nationalism, was getting a sickly Internationalism; while paying for culture was getting the manners of the gutter; while paying for respect for the institution of the home, was getting an advocacy of free love and companionate marriage; while paying for the support of our republic and its constitution, was getting a nauseous dose of Red propaganda calculated to overthrow our Republic and nullify our Constitution.

Mr. Hadley wrote in 1931 that radical minorities in our faculties were allowed to rule the roost because they were organized and vocal while the cultured majority in the faculties were unorganized and silent. The same situation obtains today. Remember too, students taught by radicals in 1931 are today the teachers and clergymen of the present generation. This has been allowed to go on for so long that we have an entire generation of radicals and neutrals who see nothing better in our form of government than in collectivist forms. They have studied comparative politics and comparative religion until clever teachers and inaccurate textbooks have led them to believe all religions and all governments are good, and the only question is which form a person or a people prefer in a given locality. Truly, the scum has risen to the top!

An Associated Press dispatch appearing nationwide on October 3, 1967, told about the Call to Resist Illegitimate Authority. Among the 320 signers were 35 clergymen. The news article plainly stated that the Selective Service law makes it illegal for anyone to abet, aid or counsel men to refuse the draft, but the Rev. William S. Coffin, Jr., chaplain at Yale University, said if the protest worked federal agents would have to enter the churches and synagogues to arrest draft resisters. He added that the clergymen would have to be arrested too. The dispatch further stated that this group of 320 was partially behind the civil disobedience in 8 cities beginning October 16th and that draft-age men in the San Francisco Bay area would try on October 17th to disrupt indefinitely the Oakland Induction Center. That is now history and we saw on television the results of the rebellious demonstration. According to the dispatch the same 320 were involved in plans for the October 20th turning over of draft cards to the attorney general in Washington. That is also now history.

Let's look at a few of the 320 signers to the Call to Resist Illegitimate Authority. Among those who are working for the tax-exempt radical left Institute for Policy Studies in Washington, D.C. are Richard J. Barnet, a trustee, Arthur Waskow, and Marcus Raskin, another trustee. Raskin, a consultant for the notorious *Liberal Papers,* had been a Kennedy appointee to the National Security Council and he even turned up at Geneva in the spring of 1962 as an adviser to the U.S. disarmament delegation in its talks with Moscow. Now he calls for hiding draft resisters, aiding and abetting them.

Then there is Inge Powell Bell, a white woman who studied in East Germany. In November of 1965, according to the authoritative Tocsin, she was teaching with her negro husband at the Irvine campus of the University of California. Inge was also a sponsor of the Spring Mobilization Committee, the forerunner of the recent October March on the Pentagon.

Next we might mention W. H. (Ping) Perry and Hallock Hoffman, both involved at the Center for the Study of Democratic Institutions, a tax-exempt leftwing propaganda set-up which held a conference in 1965 leading to the New Politics Convention in Chicago this past Labor Day week.

On any of these lists comprising individuals whose tendencies range from socialist to out and out Communist, the name of Otto Nathan is always an intriguing addition. He appears on this list. The Depart-

ment of State charged in 1955, when it denied him a passport, that he had been a member of the Communist Party in Germany before coming here in 1933. It also charged him with consistent and prolonged adherence to the Communist Party line on a variety of issues and through shifts and changes of that line during a period of many years and said that he had been closely associated with known Communists and had been in contact with officials of Iron Curtain embassies in the United States. He was fired as a member of the Board of Directors of the then planned Brandeis University on the charge that he had tried to give the university a radical, political orientation. He visited Red Poland in 1948 where he granted an interview to a magazine which was the official propaganda publication of the Polish Communist Government. His interview included high praise for the accmplishments of the Communist Polish regime. Since then he has been associated with numerous Communist front organizations, and has lectured on various phases of Marxist economics as applied to the United States, in appearances at Communist Party-endorsed institutions, sharing the platform with open Communist Party officials.[1]

The signing of the Call to Resist Illegitimate Authority is part and parcel of the Communist goal to disrupt the legitimate work of government agencies and lay the groundwork for open revolt. While many believe if the Selective Service is to draft men to fight in Vietnam, that war should be conducted toward complete victory against Communism, instead of merely restraining the enemy, at the same time no law-abiding citizen sanctions draft resistance as advocated in The Call which merely aids and abets the enemy. Congress must overrule Supreme Court decisions beneficial to Marxism so legal action can eradicate treason.

MESSAGE FROM THE HOUSE

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

S. 320. An act to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of North Carolina in order that such land may be used in connection with a proposed water supply lake, and for other purposes;

S. 343. An act to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966; and

S. 2195. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the House agreed to the amendments of the Senate to the bill (H.R. 12638) to authorize the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the territory of Guam.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocations of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. METCALF. Mr. President, H.R. 7819 includes the proposals of the distinguished senior Senator from Montana [Mr. MANSFIELD] and me to help local school districts rebuild, repair, and operate schools destroyed by fire, flood, or other disaster not sufficiently large to qualify for the aid which would come with the presidential disaster area proclamation under present law.

Our proposals took the form of two bills. They are S. 1253, introduced on March 13, 1967, and the subject of discussion beginning in volume 113, part 1, page 6384 of the CONGRESSIONAL RECORD of that date, and S. 1374, introduced on March 23, 1967, when the senior Senator from Montana spoke, beginning in volume 113, part 1, page 7882 of the RECORD.

S. 1253 would amend Public Law 815, under which taxes collected at the Federal level go directly to local districts to help build schools in areas affected by Federal activities. Public Law 815 now includes a section under which schools can be replaced in major disaster areas. We propose to extend that provision to authorize loans to help replace or repair individual schools, damaged or destroyed by natural disaster or malicious action.

S. 1374 would amend Public Law 874, under which Federal aid goes directly to local districts for the operation of schools in the so-called Federal impact areas. We would amend it to provide Federal grants to districts operating individual schools destroyed or badly damaged.

The construction loans would be repaid. The grants, diminishing over a period of 5 years following the "pinpoint disaster," would not.

At all levels of government—local, State and Federal—we share a responsibility for the education upon which democracy rests. We meet that responsibility in many ways. We have State equalization programs, which spread the costs of education among local school districts, some of which have larger tax bases than others. And we have Federal programs aimed at guaranteeing to all American youngsters an equal opportunity for educational excellence.

One of these programs—Public Law 815, 81st Congress—helps local school districts replace and rebuild schools in areas proclaimed by the President to be disaster areas at the request of the Governor of the State. Another—Public Law 874, 81st Congress—helps operate schools in presidentially proclaimed disaster areas. In this way, we meet our responsibility for education in broad areas hit by a flood, a tornado, a hurricane or other major disaster.

But there is no comparable program available for the loss of or damage to an individual school, "pinpoint disaster" to the students and the school district. That is the purpose of this section.

To a student, the loss of his school is a disaster—whether or not that loss can be so classified under existing legislation. He must go to class in makeshift classrooms, with little or no equipment, sometimes without even textbooks. This situation may go on for months, even years, while insurance is collected, plans and specifications are prepared, bids called for, contracts let, and a new school is built or the old one is repaired. During this period, students at that school are being educationally shortchanged.

With the great mobility of population in the United States, we can no longer refer to this as a local problem. Completely apart from the humanitarian reasons that we simply must do everything we can to educate our children, it must be noted that the youngster, educationally shortchanged in one area, will become a worker and citizen of another area.

The effect on the youngster is one problem. Another is that facing the district which operates the school. The insurance carried on most of the schools with which I am familiar is a percentage of the average valuation of the plant. Seldom, if ever, is it enough to replace the structure. And frequently the district is at or near statutory or constitutional bonded debt ceilings which prevent residents of the local district from bonding themselves for enough money to replace their school.

The problem was pinpointed early this spring in Wolf Point, Mont. There fire completely destroyed the high school operated by School District 45 of Roosevelt County. Some 470 youngsters were going to the school, built in 1952 at a cost of $1 million.

The most recent estimate is that is will cost $2 million to replace the structure. Bids have been called for and will be opened next month. The district collected $890,000 on its insurance. Not long before the fire, the residents of the district had voted a $530,000 bond issue to add 10 classrooms to the existing school. That money also is available for rebuilding. In addition, residents of the district recently voted to bond themselves an additional $320,000, which would bring them up to their constitutional debt ceiling. So the district has $1,740,000, or an estimated $260,000 less than it would need to replace the structure which burned—with no provision for the needed enlargement.

This is neither an isolated nor an unusual case. When my office called the Office of Education early in March to discuss the situation, we were told that this was the third such case in a week. Fire, tornadoes, and other storms, and malicious actions regularly damage or destroy school buildings across the Nation.

While working on this legislation, I asked Montana's chief State school officer, Miss Harriet Miller, for a report on the number of schools in Montana which had been seriously damaged by fire in the past 5 years. She reported that between August 1962 and April of 1967, there were seven "very serious" school fires in Montana. They destroyed facilities housing nearly 1,000 students.

I ask unanimous consent that the re-

[1] May 3, 1961 Congressional Record, documented speech by ex-Congressman Donald Bruce.

port of the Montana State Superintendent of Public Instruction be printed at this point in the RECORD.

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

STATE OF MONTANA,
SUPERINTENDENT OF PUBLIC INSTRUCTION,
Helena, April 26, 1967.

Re School fires since August 1962.
To: Senator LEE METCALF.
From: Harriet Miller.

There have been seven very serious school fires since August 1962. Of the seven fires, three have been in school districts with a federal impact.

As you are aware, the federal government does not consider the federal impact pupil who has been displaced by a disaster in determining the eligibility of the fire stricken school district. Under P.L. 815, only the federal impact pupil increase over a two year period may be considered to determine eligibility. Thus, financial assistance for reconstruction because of a disaster is not available under P.L. 815. It is only available by reason of an increase in federal impact pupils.

In addition to a pupil increase, the school district must show a financial inability to reconstruct its facilities. In determining such an inability, the insurance settlement proceeds and remaining bond capacity are considered.

One problem which always arises in a disaster, such as a fire, is the length of time necessary to arrive at a settlement with the insurance company. In the majority of fires, the school district has been required to spend a considerable amount of time and effort in this endeavor.

In addition to fire damage to schools, the flood in 1964 damaged or destroyed at least three schools—one building in Great Falls; Heart Butte, Pondera County; and Evergreen, Flathead County. All were covered by the federal disaster financing.

The fires are as follows:

A. Arlee School District No. 8J, Lake County.

An August 30, 1962, fire completely destroyed the Arlee High School and a portion of the elementary facilities. The destruction of the high school facilities displaced 88 high school pupils and caused an overcrowded condition in the elementary school.

Since the Arlee School District has a high concentration of Flathead Indians and they had received P.L. 874 funds, an application was made under P.L. 815 funds for the elementary district and for the high school district. The elementary application resulted in an entitlement of $10,184 for a construction project of $69,575 for four classrooms. The high school application was denied because there was too small an increase in federal impact pupils and financing was available at the local level (insurance settlement and bonding.)

B. Box Elder District No. 13, Hill County.

On April 23, 1964, a fire completely destroyed the high school facilities at Box Elder, displacing 54 high school pupils.

This district has a high concentration of Rocky Boy Indians and was a P.L. 874 applicant. A P.L. 815 application was made and was denied because the federal impact pupil increase requirement was not met and the building funds available from bonding capacity and insurance amounted to *too much*.

C. Sumatra School District No. 33, Rosebud County.

In December 1964, the school facilities of the Sumatra School District burned to the ground. The enrollment at that time was 8 elementary pupils and 13 high school pupils.

The school district was not an eligible district and did not apply for P.L. 815. The housing problem was solved by moving the facilities to the abandoned Ingomar high school building.

D. Florence-Carlton School District No. 15–6, Ravalli County.

During the latter part of the 1964–65 school year, the high school facilities at Florence-Carlton were destroyed by fire. The educational facilities had accommodated 64 high school pupils.

This school district was not an eligible district (P.L. 874 or 815) and funds were raised through the insurance settlement and bonding.

E. Dawson County High School District.

During the fall of 1965, the Dawson County Junior College facilities which were located in the high school building in Glendive (Dawson County High School) were destroyed. Facilities for over 100 full and part-time junior college students were affected.

The federal government did participate in the construction of replacement and additional facilities through the Higher Education Facilities Act. However, this federal participation was not due to the destruction of facilities by fire.

F. Baker School District No. 12, Fallon County.

This past fall an elementary school in Baker housing 159 pupils was destroyed by fire.

The reconstruction of this school will have to be accomplished through the insurance settlement proceeds and/or bonding since the district is not eligible for federal impact funds.

G. Wolf Point School District No. 45, Roosevelt County.

On March 4, 1967, the Wolf Point High School was completely destroyed by fire. This fire displaced 470 high school pupils.

Wolf Point School District is a federally impacted area.

This disaster pin-pointed the problem for which you are seeking a solution.

Mr. METCALF. I then turned to the U.S. Office of Education for information. While the report was less than I would consider adequate from the agency we charge with collecting educational statistics for us, it documented the fact that we are dealing with a national problem.

During the 1966–67 school year, incomplete statistics showed that fire did damage in excess of $250,000 each to 17 schools in 15 States. The total loss for these 17 buildings was more than $8 million, and it is estimated that the school facilities housed more than 8,000 students.

New Jersey and Oregon had two each of these fires. Other States with one each were Louisiana, Michigan, Montana, Iowa, Georgia, Ohio, North Dakota, Massachusetts, Hawaii, Minnesota, Florida, Washington, and Pennsylvania.

These statistics are woefully inadequate, because, as the Office of Education reported to me—

This Office does not collect data regarding damage to school facilities caused by fire or other catastrophes, and it was necessary to review outside sources. We found very little data available from any source regarding damage to school facilities by fire, flood, wind, etc., except those reported in major disaster areas.

The agency then explained that the information furnished me came from a listing maintained by the National Fire Protection Association and reported in the May issue of their magazine, Fire Journal.

The Office of Education informed me that the National Fire Protection Association has "limited their data collections" and that 1963 was the last year for which the association compiled figures for all school fires.

In the 1963 school year, school property losses to fire alone amounted to $32,800,000 in 4,500 fires. These figures averaged 12 fires per day, with daily losses amounting to $90,000. Looking at them another way, in school year 1963 an average of two classrooms, housing 50 to 60 pupils, were destroyed or damaged by fire each day.

I ask unanimous consent that my request to the Commissioner of Education and his reply be printed at this point in the RECORD.

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

MAY 1, 1967.

Mr. HAROLD HOWE II,
Commissioner, Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER HOWE: I am preparing to testify in support of these two bills, S. 1253 and S. 1374, which Senator Mansfield and I are cosponsoring to assist school districts in case of certain disasters.

It would be tremendously helpful to me if the Office of Education were to prepare pertinent summaries and tables for my use. From readily available sources, can you have compiled in a reasonable period of time figures covering the years 1965 and 1966 to reflect the following elements in each of the 50 states, using as your definition of disaster those contained in the two enclosed bills:

(1) The name and location of the school* and whether elementary or secondary;
(2) The number of pupils enrolled;
(3) The date on which the destroyed or damaged school was built;
(4) The cost of the building and equipment (including textbooks) destroyed or damaged;
(5) If available, the estimated replacement cost at the time the building and/or equipment was destroyed or damaged;
(6) Amount of insurance;
(7) Date of insurance settlement;
(8) Date of reconstruction or repair;
(9) The school district's estimate of additional cost of extra housing and transportation of pupils because of loss or damage of school building and equipment.

Other information that you deem useful would be most welcome.

Would you be good enough to have someone telephone to Mr. Englund of my staff to give me an estimate of the time that will be required to prepare these statistics?

Thank you.

Very truly yours,

LEE METCALF.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., May 25, 1967.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: This is in response to your letter of May 1, 1967, in which you requested information pertaining to disasters which occurred in individual school plants. We are sorry that the reply has taken so long, but this Office does not collect data regarding damage to school facilities caused by fire or other catastrophies, and it was necessary to review outside sources. We found very little data available from any source regarding damage to school facilities

*State-by-State.

by fire, flood, wind, etc., except those reported in major disaster areas. We did, however, find a listing maintained by the National Fire Protection Association (NFPA) and reported in summary form in the May issue of their magazine, "Fire Journal," which bears on the questions you asked. This is a list of those school plants that sustained damage due to fires in which the loss in each case was in excess of $250,000. The list for the 1966–67 school year is enclosed. The total loss for these 17 buildings is reported to be more than $8 million, and it is estimated that the school facilities housed more than eight thousand pupils. This is all the information that is currently available.

In earlier years, the NFPA collected and published data on all fire losses which occurred to educational buildings. The organization has since limited their data collection. According to the latest published figures on all school fires (Fires and Fire Losses Classified, 1963 (NFPA, Q. 57–2), Boston; National Fire Protection Association), school property losses amounted to $32,800,000 in 4,500 fires that occurred during the 1963 school year. These figures may be interpreted as an average of 12 fires per day with daily losses amounting to roughly $90,000 because of fire. From another point of view, the equivalent of approximately two classrooms, having about 50–60 pupils, were damaged or destroyed each day during 1963 by fire. We have no information to indicate the extent to which these losses were covered by insurance.

The Division of School Assistance, as you know, administers Public Law 81–815, which authorizes assistance for construction of urgently needed minimum school facilities in school districts which have had substantial increases in school membership resulting from new or increased Federal activities. This Division has over the past 15 years received numerous inquiries from the local educational agencies and members of Congress and others about the possibility of aid being given to local educational agencies where a school plant has been damaged or destroyed by fire. As no assistance was available for these types of catastrophies, the Division did not maintain a record of the inquiries. It is estimated, however, that during any one school year the volume of such requests averages more than one per week. We also believe that these inquiries are only a representative sample of school districts across the Nation in which school facilities were destroyed as a result of individual disasters.

Although the Office of Education has not in the past maintained a file of information or data concerning major losses to school facilities by fire and other disasters, I am requesting that the feasibility of collecting such information be studied by the appropriate groups within the Office. It might be feasible to collect pertinent data on periodic bases (i.e. annually or biannually).

I trust that the information contained herein will provide some assistance to you.

Sincerely yours,

NOLAN ESTES,
Associate Commissioner for Elementary and Secondary Education.

(Enclosure.)

LARGE SCHOOL FIRES, 1966

Name	Location	Date	Estimated amount	Estimated enrollment
McDonough No. 26	Gretna, La	Jan. 8	$401,000	500
Junior high school	Otsego, Mich	do	600,000	(1)
Dawson County High	Glendive, Mont	Feb. 5	700,000	800
Roosevelt	Council Bluffs, Iowa	Feb. 14	417,000	600
Cascade Union High	Turner, Oreg	Feb. 19	513,000	500
Senior High School	Warner Robins, Ga	Feb. 27	900,000	1,000
Central Junior High	Lima, Ohio	do	450,000	1,400
Junior high school	Long Branch, N.J	Mar. 8	312,000	(1)
Central High School	Fargo, N. Dak	Apr. 19	788,000	1,000
Central Linn High	Halsey, Oreg	Apr. 26	275,000	500
Pilgrim Memorial	Wareham, Mass	July 7	250,000	(1)
Benjamin Parker	Kaneoke, Hawaii	Aug. 1	308,000	(1)
School District No. 455	Granada, Minn	Sept. 19	648,000	400
Public School No. 11	Jersey City, N.J	Oct. 3	750,000	(1)
Wyomina Park	Ocala, Fla	Oct. 7	575,000	600
Geoff-Hilton	Zillah, Wash	Oct. 8	300,000	500
Alta S. Leary	Warminster, Pa	Dec. 28	450.000	(1)

1 Not available.

Mr. METCALF. Mr. President, these figures are conservative, since they do not include other natural disasters or malicious action.

I submit that any force which wipes out at least two school classrooms a day—and results in shortchanging an additional 50 to 60 youngsters every day of the week—is a national problem.

Mr. PELL. Mr. President, I should like to urge my fellow members of the Senate to fully support the pending amendments to the Elementary and Secondary Education Act of 1965. To my mind, the all-inclusive program of aid to the Nation's elementary and secondary schools, encompassed under the orginal bill, is one of the most important and far reaching legislative attainments of the past decade.

One can take any program engendered by this legislation and see its effect within all the States. My State of Rhode Island, although not large in area, has been, and will continue to be, a great beneficiary under these programs. My mail indicates support of this measure from both public and private citizens. The impacted aid provisions are of special interest to my State, due to the great naval installations clustered around Narragansett Bay. Indeed, many of our local schools would be in dire financial straits if not for the provisions covering Federal dependents.

In another vein, I believe that great credit must be given to Senator WAYNE MORSE of Oregon. In truth, he is the father and shepherd of this concept of aid to education. What greater satisfaction can one have than to know that since the establishment of these programs, approximately 8.3 million educationally deprived children have been reached. The Senator's great dedication is manifested, not only by his great attention to detail, but also his great patience exercised while bringing the legislation to fruition. As a member of the Senate Committee on Labor and Public Welfare, I can inform the Senate that no bills come before us with greater attention to detail than education legislation. And yet the larger goals are always kept in view.

Again, Mr. President, I urge support of this legislation. In these days, when we hear much talk about fiscal economy, the provisions of the Elementary and Secondary Education Act should be looked upon not as an expenditure, but as an investment. An investment in human beings and one that will pay great dividends to the Nation in future generations.

Mr. BYRD of West Virginia and Mr. MORSE suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 368 Leg.]

Aiken	Harris	Morse
Anderson	Hart	Morton
Baker	Hartke	Mundt
Bartlett	Hatfield	Murphy
Bayh	Hayden	Muskie
Bennett	Hickenlooper	Nelson
Bible	Hill	Pastore
Boggs	Holland	Pearson
Brewster	Hruska	Pell
Brooke	Jackson	Percy
Burdick	Javits	Proxmire
Byrd, Va.	Jordan, N.C.	Randolph
Byrd, W. Va.	Kennedy, Mass.	Smathers
Cannon	Kennedy, N.Y.	Smith
Carlson	Kuchel	Sparkman
Case	Lausche	Spong
Church	Long, Mo.	Stennis
Clark	Long, La.	Symington
Cotton	Magnuson	Talmadge
Curtis	Mansfield	Thurmond
Dirksen	McClellan	Tower
Dominick	McGee	Tydings
Eastland	McGovern	Williams, N.J.
Ervin	McIntyre	Williams, Del.
Fannin	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Griffin	Mondale	Young, Ohio
Gruening	Monroney	
Hansen	Montoya	

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. Moss], and the Senator from Connecticut [Mr. RIBICOFF] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Georgia [Mr. RUSSELL], and the Senator from Connecticut [Mr. DODD] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Pennsylvania [Mr. SCOTT] is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

Mr. DIRKSEN. Mr. President, I call up an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 43, between lines 7 and 8, insert the following:

PROHIBITION AGAINST USE OF FUNDS TO OVERCOME RACIAL IMBALANCE

SEC. 3. No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance.

Mr. DIRKSEN. Mr. President, I shall be rather brief.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. DIRKSEN. Mr. President, I utter the hope that if Senators can remain, perhaps at an early hour we can have a vote on this amendment.

I have offered the amendment in no narrow partisan or parochial spirit. I offer it, frankly, out of a sense of duty.

In 1964, the Civil Rights Act of 1964 was written in my office, within a stone's throw of this Chamber. For many weeks, Members from both sides of the Senate aisle, together with their staffs, the Attorney General and his staff, the present Vice President of the United States, and staff members from the Civil Rights Commission, met there to hew out an acceptable civil rights bill. I believe, then, and I believe now, that it was a very creditable piece of work.

In section 407 of that act, as amended on the Senate floor, we made it plain in the law itself that no official of the United States or court of the United States is empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another, or one school district to another, in order to achieve such racial balance.

That measure came to the Senate floor and was considered at length. Every part of it was more than adequately debated. I undertook, as best I could, to bring about its enactment. I importuned my Republican colleagues to vote for cloture, and to vote for the bill.

It was enacted into law. It is now the law; but efforts are being made to circumvent it. Only recently, a similar provision was written into the District of Columbia appropriation bill. It, however, applies only to the use of funds which are appropriated for the District. If money can be obtained from other sources—and that is not a very difficult thing to do, with so many roving funds in the Federal establishment—the busing effort continues. But it is in clear violation of the letter and the spirit of the Civil Rights Act of 1964, which we gave to this country.

Do we now sit idly by and watch that act violated with a kind of contemptuous impunity? Every Member of the Senate who supported the Civil Rights Act of 1964 should, by his vote, approve this amendment.

Going back to that act for a moment, to make clear the kind of colloquy that took place on this floor, so that there can be no doubt about what we did, I refer to this colloquy between then Senator HUMPHREY and the Senator from West Virginia [Mr. BYRD]:

Mr. BYRD of West Virginia. Can the Senator from Minnesota assure the Senator from West Virginia that under title VI school children may not be bussed from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?

Mr. HUMPHREY. I do.

Mr. BYRD of West Virginia. Will the Senator from Minnesota cite the language in title VI which would give the Senator from West Virginia such assurance?

Mr. HUMPHREY. That language is to be found in another title of the bill, in addition to the assurances to be gained from a careful reading of title VI itself.

Mr. BYRD of West Virginia. In title IV?

Mr. HUMPHREY. In title IV of the bill.

Mr. BYRD of West Virginia. But would the Senator from Minnesota also indicate whether the words (in title IV) would preclude the Office of Education, under section 602, of title VI, from establishing a requirement that school boards and school districts shall take action to relieve racial imbalance wherever it may be deemed to exist?

Mr. HUMPHREY. Yes. I do not believe in duplicity. I believe that if we include the language in title IV, it must apply throughout the act.

Mr. President, that was a colloquy that took place on the floor of the Senate in connection with that bill. And that should be adequate for all purposes, I am sure.

Many arguments can be made in behalf of the pending amendment.

First. This is a school bill, like the School Act of 1965. Busing pupils, students, and teachers from one school to another or from one school district to another to achieve a chromatic balance is not an educational function, and the pronouncement of a Federal court does not make it so.

Second. Congress dealt with this problem in 1964 in language which was clear and specific and which emphatically proclaimed a policy in this field. Do we now ignore it? Do we now permit the Federal bureaucracy to ignore or circumvent it? This issue must be settled, and it must be settled now.

Third. In the long run, seeking racial balance or, to put it another way, seeking to eliminate a racial imbalance could only end as a futile pursuit for the very simple reason that parents of school-age children, can by moving to some other area, produce an imbalance at any time, because our school system is not static. It is always dynamic. This is a mobile age. Population shift is a common experience. How could any balance be long maintained without a constant commotion among the school population?

Fourth. As a matter of reason and commonsense, what difference can it make from an educational standpoint whether an average classroom of 30 pupils or students is made up of all white or whether it be 15 and 15 or whether it be 20 and 10?

I thought that the basic objective of education was to teach the difference between the real and the counterfeit values in life, to make the body and the mind the responsive servants of the individual will, to condition the mind to think clearly and logically on all matters large and small, to teach the individual to adapt himself, to inspire him to keep his eyes on the stars, and to dare in honorable fashion to achieve those heights. And, above all, to make the individual pupil or student mindful of his duties and responsibilities in a free society.

Just how is this purpose and objective served in the slightest way by busing a pupil or student across town, maybe against his will and his desire—and that of his parents—enrolling him in a strange school, making him brave weather hazards and conditions and take a chance on safety and all that goes with it in order merely to get him into another school?

The other morning there were 12 school buses in the ditch in Fairfax County not very far from Route 7 on which I travel to get to work in the morning. That shows that this is not all kidding.

Mr. President, I trust that the Senate will be fully mindful of the policy which we so clearly and unmistakably established in the Civil Rights Act of 1964 and in the District of Columbia Appropriations Act of 1967 and will make it effective by preventing the bureaucracy from ignoring or circumventing it. This is the time to settle this rather vexing matter.

Mr. President, busing is certainly not the final answer to excellence in education which is a fundamental reason for the legislation now before this body. Recently Prof. David J. Fox, of the City University of New York, wrote the report for the Center for Urban Education, a research group which is surveying federally aided school programs for New York City's Board of Education.

Professor Fox's findings raised some new questions about the Coleman report published by the U.S. Office of Education, and he pointed out that the Coleman report found that Negro children in predominantly white classes reach higher levels of achievement than Negro children in predominantly Negro classes; but it also found that this may be due to the fact that the integrated classes attracted more of the best Negro students.

It will be of little assistance to transfer children out of a substandard school for purposes of integration if the school itself remains substandard. What we must do is raise the educational level in each of the schools no matter where located to the highest degree of excellence obtainable. Busing solely for racial balance is merely an anodyne to the basic problem which must eventually be faced and overcome by concentrating on the deficiency which may be found in any substandard school.

I thought it was perhaps not inappropriate to call to the attention of the Senate the colloquy to which I referred a moment ago between the Senator from West Virginia [Mr. BYRD] and the then Senator HUMPHREY which made it so abundantly clear that we meant business in title IV of the Civil Rights Act of 1964.

Frankly, I would feel recreant in my duty as a Senator and as the principal sponsor of the Civil Rights Act of 1964 if I did not take the Senate floor today and offer the pending amendment in the hope of keeping faith with the promises and the assurances that were made around that long table in my office when we concluded that work and came to the floor and offered our handiwork to the U.S. Senate with our blessings and asked it to approve our work.

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

Mr. DIRKSEN. I yield.

Mr. DOMINICK. Mr. President, I think the Senator's amendment is not only interesting but also raises some complex questions which I think should be aired.

Perhaps I can start out with a statement, if the Senator does not mind a few comments before the question.

I have been a supporter of every civil rights act since I have been on the political scene—in my State legislature, in the House of Representatives, and in the Senate. So, I do not think I need to worry about my record suffering from this aspect of the problem.

However, in the State of Colorado we adopted an open housing law which I strongly support. By virtue of that law, we had quite a migration of our Negro population in Denver from one area of the city to another. Subsequent to that time, some people stated that they felt the schools in that area of the city were inadequate. By that time, the Negro children comprised approximately 80 percent of the population of the schools in that area. It was argued that children in that area should be bused to other schools so that there could be a racial balance, which is exactly what the Senator from Illinois is talking about.

When the State attorney general was asked about this, in connection with both the school board and the city government, he reported that although he had not had time to do as extensive research as perhaps might be warranted, it was at least his informal opinion that this would be unconstitutional, because it would be discriminating against a neighborhood child who wanted to go to a neighborhood school and who would be sent somewhere else, solely on the ground of color. It does not make any difference whether it is a white child or a colored child. If they are not permitted to go to the neighborhood school and if they are forced into another school solely on the basis of their color, it was the informal opinion of this attorney that it was unconstitutional.

Well, our good city and county of Denver, in an effort to avoid this type of impasse, put up a new proposal under the terms of which in the elementary levels they were going to have grades 4 through 6, I believe, centralized in new schools, where everybody would have to come to them. This was presented in a bond issue proposal and was voted down by the city and county of Denver by approximately a 2½-to-1 margin, indicating that they did not want to give up their neighborhood school system.

My question to the Senator is this: Does the Senator know whether there has been any thorough research into the question of the constitutionality of busing, the question of whether this is discrimination, in violation of the Constitution, solely on the basis of color?

Mr. DIRKSEN. Of course, the logical answer is that there can be no decision as to constitutionality until it is enacted into law, and then, on action by a citizen or a city or a school district or a group, it finally goes to the court system and reaches the Highest Court. And in this day and age, with the shifting decisions that we encounter in the court experience, I have gotten right timid about venturing any opinion as to what a court will do under a given set of circumstances; because I really went through this experience with the Subversive Activities Control Board and a few others. So I venture no opinion.

One could do all the research work of which he is capable, and yet, when he got all through, not know exactly what would be the impact with regard to the thinking of the Court.

Mr. DOMINICK. The 1954 school decision, as I recall, was based upon the fact that a child had the right to go to the public school system, regardless of his color, and to be integrated into the school system as a whole, and not to be segregated. But I do not recall that it ever said that in the process there had to be racial equality in any of these schools.

It would seem to me that if we are saying that Negroes should have the full and equal right to the public school systems, it would be wrong and contradictory for us at the same time to say, "Because of your color, you are going to be deprived of a part of our public school system which is available to other people."

For that reason, I raised this point, which I believe has considerable merit. It could stand some work and perhaps some court action sooner or later.

Mr. DIRKSEN. In that field, I am sure the distinguished Senator is correct.

Mr. DOMINICK. I thank the Senator.

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

Mr. DIRKSEN. I would rather yield the floor, knowing the interest of my friend, the Senator from Nebraksa.

Mr. HRUSKA. This is a question pertaining to the colloquy between the Senator from West Virginia and the then Senator from Minnesota, which dealt with certain portions of title IV in the civil rights bill.

Mr. DIRKSEN. The Senator is correct.

Mr. HRUSKA. Title IV, if the Senator will bear with me—and this is foundational—reads as follows:

> Nothing herein shall enable any official or court of the United States to issue any order seeking to achieve racial balance in any school by requiring the transportation of pupils from one school to another or one school district to another in order to achieve such racial balance.

That is title IV.

Title VI of the Elementary and Secondary Education Act of 1965 contains this language, and I shall omit irrelevant words and phrases. It was originally section 604:

> Nothing contained in this Act shall be construed to authorize any department, agency, or officer of the United States to exercise any direction, supervision, or control over—

And then there are a number of items, but it includes—

> personnel of any educational system or over the selection of materials and resources—

And so forth. Title IV of the Civil Rights Act of 1964, Mr. President, was the basis for the colloquy between the then Senator from Minnesota and the Senator from West Virginia. That was in 1964.

In 1966, Congress acted to amend section 604, of the Elementary and Secondary Education Act of 1965 including the portion of title VI which I have just read. Among other things, it was renumbered, to be now section 704. The amendment was to change the period to a comma at the end of section 604, and to add these words "or to require the assignment or transportation of students or teachers in order to overcome racial imbalance."

Mr. DIRKSEN. That is the language of the amendment that I offer now.

Mr. HRUSKA. That is now the law insofar as title VI is concerned.

Mr. DIRKSEN. The Senator is correct.

Mr. HRUSKA. And that is the language the Senator used in order to deprive that particular practice from the benefit of any funds appropriated by Congress.

Mr. DIRKSEN. The Senator is correct.

Mr. HRUSKA. So section 704, as amended, reads:

> Nothing contained in this act shall be construed to authorize any department to exercise any direction, supervision or control—

And so forth—

> or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

Is not this the situation: The mandate of Congress—the national policy—is clear, and that these things cannot be done without violating the law?

However, they are being done, Mr. President, by the employment of and reliance upon the very famous guidelines which were first issued in 1966, reissued and reaffirmed in January of this year. That law, likewise, has been violated, in my opinion, in the District of Columbia, where there has been busing of students at a cost of approximately $400,000 for approximately 2,000 students in elementary and secondary schools.

Therefore, the rationale of the amendment of the Senator from Illinois is to put something in the law which will affirmatively grapple with the situation and make an effective law; one that actually will be enforced and applied.

Have I fairly described the situation?

Mr. DIRKSEN. Exactly so.

I want to add to what the distinguished Senator from Nebraska has said.

When we contrived the Civil Rights Act, I felt we had a responsibility to all those who participated, to carry it out to the best of our ability. And so, we brought it to the floor, labored early and late, diligently and earnestly, and by bipartisan support it was finally enacted into law.

Now, either we compel the agencies of Government to treat these things we do with respect, or otherwise apply the kind of discipline that our form of government still makes available.

It was President Monroe who said that the legislative branch of the Government is the central core of our system.

We can abolish any court, including Judge Skelly Wright and his job, if he

so desires. There is ony one court we cannot abolish and that is the Supreme Court of the United States. But we can abolish any agency if it treats our pronouncements in our legislation with the kind of contempt that has become a habit of life in some bureaucracies. The time is now to put it in one-syllable words that even a school child can understand and then undertake to see that it is enforced. If we fail to do so this is going to be a vexing problem from here on out. I think the country is entitled to a pronouncement from the Congress now on this difficult subject.

(At this point, Mr. TYDINGS assumed the chair.)

Mr. HRUSKA. Certainly the policy determined by Congress is plain and it is plainly stated. It is also plain that assault after assault has been made on that policy. It is our national policy because the legislation passed by the Congress, signed by the President, and thus enacted is the law. It is our national policy that nothing shall enable any Federal authorities to require assignment or transportation of students or teachers in order to overcome racial imbalance.

Mr. President, it seems to me that the Senator is right in proposing an amendment which will enforce and make effective this national policy.

Mr. COTTON and Mr. JAVITS addressed the Chair.

Mr. DIRKSEN. I yield to the Senator from New Hampshire.

Mr. COTTON. I assume from reading the Senator's amendment that there is obviously nothing in the amendment that would close the doors of any school in any school district, city, or local unit, to any pupil who desired to attend that school and got there himself. Is that right?

Mr. DIRKSEN. The Senator is correct.

Mr. COTTON. My second question is this: There is nothing in the Senator's amendment that would preclude any private association or organization, such as the National Association for the Advancement of Colored People, or any other association, white or colored, from encouraging children to go to a certain school and furnishing the transportation themselves or through charitable and philanthropic means voluntarily?

Mr. DIRKSEN. Precisely.

Mr. COTTON. My third question is this: If the Senator's amendment is agreed to and if a number of children or their parents in any section of a certain school district or unit desired that their children go to a school in another section, and applied to the local school authorities, would the adoption of this amendment make it impossible for the school authorities to furnish transportation to those who have applied to be transported and who wish to go voluntarily to a different school?

Mr. DIRKSEN. If they use funds that are not authorized under the instant act which is before us there is no interdiction on their action.

Mr. COTTON. In other words, they cannot use funds under this act to do that?

Mr. DIRKSEN. The Senator is correct.

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

Mr. DIRKSEN. I yield.

Mr. AIKEN. Is the purpose of the Senator's amendment to prohibit the use of the funds for transportation purposes where such transportation is solely for the purpose of providing integration? I can see where the main purpose might be something else, but integration would be incidental to the other purpose. What would be the situation in that respect?

Mr. DIRKSEN. I do not deal with that situation simply because I did not want to complicate this. I read the language of the proposal:

> No fund authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance.

It goes to an objective, namely, the question of racial imbalance.

Mr. AIKEN. It seems to me if that were the sole purpose it would be easy to vote for the amendment.

Mr. DIRKSEN. That is the language of the amendment.

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

Mr. DIRKSEN. I yield.

Mr. HRUSKA. As the Senator from Vermont may recall, this body treated with a similar situation in the appropriation bill for the District of of Columbia.

Mr. DIRKSEN. Exactly.

Mr. HRUSKA. There was the question of transportation of students within the District from the east side to the west side of Rock Creek Park. The amendment and the discussion of the amendment made clear that if the busing was for the purpose of relieving a crowded condition in one school by moving students to a second, third, or fourth school which had room, it was not objectionable; but if the purpose of the busing was overcome racial imbalance it would fall within the prohibition of the amendment.

Mr. AIKEN. Then, I would ask one more question. Was the result satisfactory?

Mr. HRUSKA. We do not know the complete results. We do know, however, that, notwithstanding the prohibition, District of Columbia authorities came to our committee and asked for funds to continue payment for busing and all expenses incident to that busing.

Mr. AIKEN. The President signed the law. Is that correct?

Mr. HRUSKA. The Senator is correct.

Mr. AIKEN. And if there is busing, the main purpose of which is to overcome the racial imbalance, that would be a violation of the law.

Mr. HRUSKA. In my judgment, it would. However, if the purpose was to relieve overcrowding in one school, it would not.

Mr. AIKEN. I thank the Senator.

Mr. DIRKSEN. I should say to the Senator from Vermont that all of this is tied into just one purpose, so that if you skeletonize this amendment, no funds are authorized in this or any other act in order to overcome racial imbalance.

Mr. AIKEN. I would not like to legislate for race, creed, and color, anyway. I would legislate for people.

Mr. DIRKSEN. I do not either.

Mr. JAVITS. Mr. President, will the Senator yield for a series of questions?

Mr. DIRKSEN. I yield.

Mr. JAVITS. Mr. President, first, would the Senator specify what is meant by "any other act"?

Mr. DIRKSEN. I do not know that I can explain "any other act" any better than any other act on the books that has the authority of a statute.

Mr. JAVITS. The difficulty I find is that it is so hard to pursue that concept because we do not know what "any other act" would be or why it would have relevance to school busing, or whether it was wise or unwise.

Mr. DIRKSEN. Let me make one observation here. I would find the same difficulty trying to excavate all of the undertakings where money might be available. There are billions of dollars roving around in this Government and who knows what funds will be taxed—HEW, HUD—and they might even farm them out to a State and then bring them back. I do not know that one finite mind can conceivably cope with that complex.

Is there anything else one can do to keep legislation reasonably simple than to say "this or any other act"? Besides, that is no uncommon concept as far as the Senate is concerned.

Mr. JAVITS. I understand that, but when an amendment is proposed and it has such broad language, I do not think the burden is on us to guess what statutes are referred to. I think the burden is on the amendment itself to have an accounting for what acts are referred to.

I am sure the Senator has in mind, for example, Public Law 874, the impacted areas law, with respect to many of these hundreds of millions of dollars the Senator referred to. This provision would, of course, deal with money under that statute as well.

Mr. DIRKSEN. Why should it not apply in impacted areas?

Mr. JAVITS. I shall tell the Senator, but first I wanted to be specific. The other question I wish to ask is this: Does the proposal refer to voluntary transportation of students who seek to move from school to school, or only to involuntary movement?

Mr. DIRKSEN. It would not apply to students. It applies to the system.

Mr. JAVITS. The amendment states "students or teachers."

Mr. DIRKSEN. Yes, in a secondary sense, but it applies to the use of Federal funds for that purpose.

Mr. JAVITS. Then am I to understand Federal funds may not be used for the transportation of students who voluntarily apply to be transported?

Mr. DIRKSEN. Oh, I think my friend forgets the last part of the amendment, "in order to overcome racial imbalance."

Mr. JAVITS. I do not forget it at all. There are still many students—and parents—who would have a perfect right to go to their school and say, "I do not like to go to this school. It is 98 percent Negro. I do not believe I am learning enough. I should like to see a little more of the world, so will you transport me to some other part of town so that I can get a better look at mankind." Do I under-

stand correctly that the Senator's amendment would prohibit that.

Mr. DIRKSEN. If the Senator can conjure up in his mind a situation like that which would actually obtain, maybe I could come up with an answer; but——

Mr. JAVITS. I conjure it up for my own city.

Mr. DIRKSEN. It is a very extreme example.

Mr. JAVITS. Not at all. All kinds of students in my city are being transported today. They are poor students who want to get the benefit of the Elementary and Secondary Education Act. They have applied and begged on bended knee to be transported precisely on the issue of racial imbalance, because they agree with the Supreme Court that segregated education, de facto or de jure, is only half an education. A segregated education is just as segregated because of housing patterns, or because it is de jure, or because the authorities want to keep them out. I think we should know, before this amendment is adopted, what we would be denying to students who voluntarily want to be transported, where the student and his parents are begging to get the use of Federal education funds to enable that to be done. I gather the answer is "Yes." Then we can argue the consequences from that point. But I ask the Senator whether there is any other answer. In my judgment, the amendment is not susceptible to any other construction.

Mr. DIRKSEN. I just cannot venture into a metaphysical legal argument on this thing where the language is so abundantly clear as to what we are trying to do.

I read it again:

No funds authorized in this or any other Act—

We stop right there. That is in the bill before us. Second, what has been enacted heretofore where funds may be available can be used for this purpose—

. . . shall be used—

Someone has to use it. Who is it? A school board, a school agency, a city official—it could be anyone—

to pay any costs of the assignment.

Assignment is an affirmative act—"or the transportation of students or teachers," also an affirmative act, "in order to overcome racial imbalance." Thus, we are dealing with money, we are dealing with an order, a decree, a ukase, or anything that can be issued by an agency or an individual where the end objective is to overcome racial imbalance. I do not know how we could simplify it, or what we could do to meet at least most situations which may develop.

Mr. JAVITS. I am compelled to assume, therefore, that the answer to my question is in the affirmative, and that the funds from Federal aid statutes could not be used for the transportation of students who voluntarily wished to be transported because they do not want their education in an atmosphere which has racial imbalance. The Senator does not choose to make his answer implicit. I think it is susceptible of no other connotation. Therefore, on my own time, if the Senator is through, I shall argue that point. I just wanted to make sure that I was not wrong.

Mr. DIRKSEN. My friend from New York is free to argue that matter, of course.

Mr. JAVITS. Of course. I shall.

Mr. DIRKSEN. Yes.

Mr. LAUSCHE. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. With respect to what the Senator from New York has just asked, my curiosity is aroused. If we have a school which is 98 percent Negro and 2 percent white, and the whites made a voluntary request that, for the purpose of improving their educational services, they would like to be bused across the county to a school 15 miles away, what would happen?

In trying to answer that question, I would say that the normal answer would be "No," stay in the neighborhood school. It is true that it is 98 percent Negro and 2 percent white, but they live in that district, and they should stay there.

Let us assume there is a school in which the Negroes say, "We want to be bused." The query would be, Why would we accord to them a greater right than would be accorded to the white pupil?

I am merely sort of thinking out loud here, wondering what would happen if children were allowed to choose the schools they wanted to go to.

Undoubtedly, if we had a situation with 2 percent white and 98 percent Negro students, the probability would be that some would say, "Well, I want to go to another school." My answer to them would be, "No. Stay in your neighborhood school."

Neighborhood schools have contributed to the building of character. They have developed a sense of responsibility among neighbors. I was reared in a neighborhood school. I knew every boy within a radius of one-half mile of my home. I also knew the parents of all those boys in my neighborhood. When there was distress in the family, the family went to the neighbor to get help. The family went to the grocer and received credit in the buying of groceries, and from the butcher to buy meat. It was all a product of neighborhood character.

In my judgment, destroy the virtue of the local neighborhoods and we will have taken a world of wealth away from the individuals of this country.

I did not ask the Senator from Illinois a question but I do think that this parallel of the white boy in a school 98 percent Negro asking to be transported elsewhere is pertinent. I do not think the school authorities would be justified in moving him.

Mr. HRUSKA. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I am happy to yield. The Senator from Nebraska has a question, I know.

Mr. HRUSKA. I have an observation to make concerning the amendment adopted to the fiscal 1968 District appropriations bill. Section 16 states:

Appropriations under this Act shall not be used for the assignment or transportation of students to public schools in the District of Columbia in order to overcome racial imbalance.

That is tantamount to the language used by the Senator from Illinois. If transportation is for some purpose other than to overcome racial imbalance, it is not tainted nor prohibited in any way.

Mr. DIRKSEN. Precisely.

Mr. LAUSCHE. Mr. President, will the Senator from Illinois yield further?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. I have read part of the testimony in the Senate hearings on the District of Columbia appropriations. There arose the issue of transporting pupils in the District of Columbia from one school to another.

I may say to the Senator from Nebraska [Mr. HRUSKA] that the issue arose with regard to whether or not they were being transported to achieve a racial balance or whether they were being transported to escape the overabundance of children in one school and the underattendance in numbers in another school.

Is the Senator familiar with that phase of it?

Mr. HRUSKA. Yes. The Senator states the situation properly.

Mr. LAUSCHE. It appears, from this testimony, that children from east of Rock Creek in the District of Columbia were being transported to schools west of Rock Creek. In the questioning, the following appears in the letter contained on page 3571 of the Senate hearings on the District of Columbia appropriations bill:

Seven hundred and thirty openings west of the park in secondary schools for which volunteering students east of the park can receive free D.C. Transit bus tickets.

I may say to the Senator that I am reading from the bottom of page 3571 of those hearings.

The letter also states:

There are also available some 1,300 spaces in secondary schools east of the park for which transfer may be requested.

There were vacancies west of the park and vacancies east of the park, but the children were being transported from east of the park past vacancies in schools east of the park over to the west.

Mr. HRUSKA. And the fact is that those schools west of the park to which these students were transported had a much smaller number of Negro students. The schools east of the park were almost 100 percent Negro. So that was a plain indication that the transportation was for the purpose of trying to overcome racial imbalance rather than to lighten the burden of a particular school.

Mr. AIKEN. Mr. President, if the Senator will yield, does the Senator mean these children were given bus tickets and sent on their own?

Mr. HRUSKA. Just the students in high school, but students in junior high school and grade school were transported in chartered or leased buses, with counselors on each bus.

Mr. LAUSCHE. Mr. President, if the Senator will yield further, am I correct in my understanding that, under the amendment of the Senator from Illinois, the busing of students from an overcongested school to an undercongested school would be allowed?

Mr. DIRKSEN. Yes.

Mr. LAUSCHE. But the busing of stu-

dents solely for the purpose of achieving racial balance would be disallowed. Is that correct?

Mr. DIRKSEN. Yes.

Mr. JAVITS. Mr. President, if the Senator will yield at that point, where does the Senator find the word "solely"?

Mr. LAUSCHE. It is not in the amendment, but the language does state the moneys shall not be expended to transport children from one school district to another to overcome racial imbalance.

Mr. JAVITS. Mr. President, if the Senator will yield further, I do not get any particular joy out of this, but under the Senator's analogy, the money the Senator from Illinois [Mr. DIRKSEN] is talking about could be used to transport 2 percent to another school. If that 2 percent sought transportation out of a 98-percent Negro school, then they would not be seeking to try to overcome racial imbalance, because the school would be more racially imbalanced than it was before, and a tautological school administrator could use this money for that purpose.

We want to understand this clearly, because I think we all understand what we are doing. The important thing is that this is a prohibition against people who want to be bused as well as against people who do not want to. We are preventing them from being bused even if they do not want to, and we are also preventing them if they want to. This is the essence of my argument. I will make my other arguments later.

Mr. HRUSKA. The student who wants to transfer can still transfer if his local school or others provide the funds. This amendment simply says that no funds authorized by this law or any other act of Congress will be used for the purpose of transportation to overcome racial imbalance. They can still be transported.

Mr. JAVITS. Mr. President——

Mr. DIRKSEN. Mr. President, does the Senator want the floor?

Mr. JAVITS. Is the Senator from Illinois through?

Mr. DIRKSEN. Yes.

Mr. JAVITS. I think the Senator from Oregon wants the floor.

Mr. DIRKSEN. Mr. President, I yield the floor.

Mr. MORSE. Mr. President, I oppose the amendment. Any amendment which would prohibit the use of Federal funds for the transportation of students, if the intent of that transportation is to overcome racial imbalance, would be contrary to a firm policy that the Committee on Labor and Public Welfare and the Senate have held to for many years; and that is that the Federal Government should not interfere with the internal policies of local school districts.

At the present time, the Commissioner has no authority to require the transportation of students in order to overcome racial imbalance.

That is why I am a little at a loss to understand what this discussion is all about.

This was thoroughly discussed last year on October 6, 1966, when we were considering the 1966 amendments. At that time, there was language in the reported bill which would have made Federal funds available to local schools in order to assist them in overcoming racial imbalance. That language was deleted by an amendment offered by the Senator from Arizona [Mr. FANNIN]. I accepted the amendment.

A comment about the colloquy that took place on the floor of the Senate that led to the adoption of the amendment:

At that time the Senator from Arizona, the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Oregon made legislative history. We were joined by the Senator from New York [Mr. JAVITS], by the other Senator from New York [Mr. KENNEDY], and by the Senator from Wisconsin [Mr. NELSON].

We made the legislative history to the effect that the Federal Government stands neutral with regard to the internal policies of local schools respecting racial imbalance insofar as the racial imbalance is not covered by title VI of the Civil Rights Act and the Constitution.

This stance on the part of the Federal Government is the only wise course of action. We do not want the Commissioner of Education telling local schools that they must transport students nor do we want the Commissioner of Education prohibiting the transportation of students to overcome racial imbalance.

If local school districts want to initiate a transportation program to alleviate racial imbalances in their schools they should be permitted to do so.

If that is what they want to do, it is none of the Commissioner's business. I am opposed to any amendment which would make it its business. I happen to think it is none of our business in the Senate.

If the amendment were adopted and the Commissioner of Education is to prohibit the use of Federal funds to transport students when the intent of that transportation is to overcome racial imbalance, each time the Commissioner receives an application which stated that some of the money would be used to transport students he would then have to ask that school district, what is the intent of transporting students?

Moreover, in the case of impacted areas funds, in order to enforce this amendment, the Commissioner would have to get a signed statement from each school district receiving impacted areas money saying that they would not use Federal funds to transport students when the intent is to overcome racial imbalance.

The net effect would be that these schools would have to have two sets of accounts for transportation if they were transporting any students to overcome racial imbalance. In one account, it would say "We are transporting students to get them to school with Federal money," and in the other account "Our intent is to overcome racial imbalance." The Commissioner would literally have to look into the minds of our local school superintendents to ascertain the intent behind every action the local people took with regard to transportation. The sole question would be, what is your intent?

I ask you, do we want the Commissioner of Education putting windows into the minds of all our local school people in order to ascertain the intent behind their actions? In my opinion this would be Federal control of the grossest kind.

I have been in the Senate for 22 years. I have fought for Federal aid ever since I have been here. I have always maintained there would be no Federal control of education accompanying Federal funds. I have never sponsored an education bill which would permit Federal control. I would not.

I served in this body a number of years with the late Senator Robert A. Taft of Ohio. Senator Taft and I had different positions on a number of issues that came before this body, but on one issue we were in complete agreement. That was that the Nation's schools had to be improved and that schools could not be improved without money.

It is for this reason that we advocated Federal aid to education. We are both concerned that, if Federal funds were given to local schools, there might be a tendency either by direction of some Federal official or misconstruction of the law that the Federal Government would get involved in making education decisions and setting local policies.

Senator Taft and I developed what we considered and what I consider right now to be a foolproof guarantee against Federal control. That is, every piece of legislation had a section which specifically prohibited Federal control.

Section 301(a) of Public Law 874, 81st Congress, and section 704 of the Elementary and Secondary Education Act of 1965 contain this guarantee:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

Last year there were concerns voiced about busing students in order to overcome racial imbalance. There was some concern that the Commissioner would make busing a prerequisite for obtaining Federal funds. It is for that reason that we adopted an amendment to the Federal control sections of both Public Law 874 and to the Elementary and Secondary Education Act, which added to the end of the Federal control section the following language: "or to require the assignment or transportation of students or teachers in order to overcome racial imbalance."

I am sure that the late Senator Taft would have been in complete agreement with us last year had he been here. If the issue had been raised while Senator Taft was with us he would probably have urged similar language himself.

I am also sure that the late Senator Taft would oppose the present amendment because it stands in direct contradiction to the policy he set up with the Federal control section. He would not want the Commissioner of Education or any other Federal official pushing into local affairs. And I am sure that he would not have wanted the Commissioner of Education inquiring of our local school

superintendents the intent they have in the use of Federal funds.

I have always maintained that the Federal Government should be neutral with regard to local education policies. That is my position and I will hold to it. I will never favor any legislation which gives the Commissioner of Education the power to interfere with local school policies. If we adopt this amendment, I think we will be giving the Commissioner just that kind of power. I urge the the defeat of the amendment.

I direct the attention of the Senate to the colloquy of last year, when we considered the Fannin amendment. The bill we brought to the floor of the Senate last year had the racial imbalance language in it. The Senator from Arizona offered an amendment, I shared his view in committee, I accepted the amendment here on the floor of the Senate, and the record will show the colloquy that took place between the manager of the bill, the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wisconsin [Mr. NELSON]. How well I remember it.

I said, "If you will just hold your objections until I get through discussing a hypothetical case, then maybe you will support me in my position."

The record will show I paraphrase, but accurately. That hypothetical case—I raise it again today—was this:

I used as an example a school in Boston. I called it a ghetto school. My friend from Massachusetts was not willing to discuss a ghetto school in Boston, but I goodnaturedly said that, "I am talking about a hypothetical case."

So we hypothetically have a ghetto school in Boston. It is an old school; it is overcrowded.

Out in a suburb in the same school district is a new school, with 18 students to the classroom, plenty of teachers, the newest equipment.

The Boston School Board decides it wants to bus students from the ghetto school to the school in the suburbs. I take the position that if that is what the Boston School Board wants to do, that is its local prerogative.

It was said that the adoption of the amendment of the Senator from Arizona would not deny the right of the Boston School Board to establish that as local educational policy. Then I called the attention of the Senate to what I wish to call to its attention today: If you take the total bill, you have various sections that provide funds for various projects and programs. Last year, before we adopted the Fannin amendment, we adopted, in another section of the bill, a special project program, amounting to $50 million. It lists a whole list of special projects that local school boards can involve themselves in, but they are not limited to the suggestions in the list.

I said: "Suppose that in this case, the Boston School Board said, 'We want to bus students from this ghetto school to the suburb school,' are we to take the position that the senate of that State, and its house of representatives, can say to that local school board, 'You cannot run your schools that way.'"

That is what the Dirksen amendment would do. What this Dirksen amendment does is say that any funds that are made available under the education bill to be spent in accordance with the policies of the local school districts cannot be spent for busing.

Who are we to say that? By what right do we say it? To those who say they are against Federal domination of education, I say that is Federal control, That is Federal direction. I remind Senators that the opposite side of that coin is true also. The Senator from Oregon will never support the Commissioner of Education nor any other Federal agency saying, "You have got to bus." That is quite a different thing.

All I wish to say to my fellow Senators is that I think there is a basic principle involved here. If we establish a precedent, which I have always fought for, in which we say that funds which we are going to make available shall be intermingled with State funds and local funds, to be spent by States and local school districts in accordance with their policies, we would put a negative earmark on it. We would say that the step we took last year when we adopted the Fannin amendment, after we authorized the $50 million for special funds, we will take back now, and say, "We are not going to permit you to use any of these moneys, in accordance with your policy and your discretion, for busing."

I think this is a basic principle. We must decide what the authorized amounts are to be and what the general programs will be. We do not spell out these programs by crossing every "t" and dotting every "i." The whole idea is to give wide discretion to local school boards to determine how they can best use these funds with the flexibility I have described.

I have great respect for the objective that the Senator from Illinois [Mr. DIRKSEN] has in mind, but I do not believe that it is an objective that Congress ought to determine. It is for every school board to determine.

There is some interesting busing at the State level. I know, because I was briefed with respect to a certain State in which, in town X, there is a white school, but the nearest Negro school is 6 miles away. What has been done in that town has been to make the Negro youngsters get up much earlier in the morning, pack their lunches, and travel by bus to a segregated school 6 miles away. I do not know of anyone whose hearts are bleeding concerning the policies which affect those Negro children.

If the Supreme Court decision of 1954 is to be carried out, if the act of 1964 is to be carried out, if the 14th amendment is to be carried out, it ought to be recognized, as I said earlier this afternoon in debate, that Negro children have a right to go to a nonsegregated school. In my judgment, we are not going to delegate or resolve this great social problem that confronts the country if we now try to adopt an amendment in which, indirectly, we would tell local school boards that they cannot bus if they use any funds that are authorized by the Federal Government under the education bill.

I hope the amendment will be rejected.

I yield to the Senator from New Jersey.

Mr. CASE. I thank the Senator from Oregon; I share his point of view completely. Speaking as one Senator, I thank him for his leadership in this manner.

Mr. President, the subject of busing raises emotional overtones immediately. We can deal with this problem in one of two ways. We can attempt to improve matters, or we can use emotions for wrong purposes.

In my opinion we will be doing the latter—and I am not charging this is anyone's intent but that will be the effect—if the Federal Government adopts as its policy that no Federal money whatever shall be used for the purpose of busing in order to alleviate racial imbalance in schools. By adopting such a policy the Federal Government would make the situation very much worse whereas all our efforts should be to improve things.

We would be limiting the discretion and impairing the ability of local school boards, the States, and the courts to experiment in different ways of accomplishing the delicate and difficult changes in attitudes that must be changed if we are to make real progress.

Instead of following the low road of the least common denominator, we should be trying to raise our sights in every action we take in the Senate. And this amendment would go directly in the opposite direction.

I had occasion a few weeks ago to speak out against making the question of school busing a political issue in the New Jersey legislature campaign. And what I said then I would like to repeat now.

I think the normal situation, and one we like to think of as the rule, is the neighborhood school. We believe this is right, but busing also has some marginal value, in some cases, in our efforts to bring us to the point where we can have integrated and neighborhood schools.

Certainly, we should never use this emotional issue for any unworthy purpose, partisan advantage or otherwise. And we certainly should not tie the hands of the States or of local school boards or the courts with whom this matter rests in pursuance of their obligation under the Constitution, let alone the 1964 act and other acts. We should not take any step which would be a retrogression, and this amendment would be a great retrogression.

I here testify, as a Member of the Senate over many years, that this matter does not involve any commitment we made when we passed the original Civil Rights Act.

The Senator from Oregon said correctly that all we said then was that that act did not, of itself, require busing.

We have not done anything since to contravene that position. We should not now take a step backward, as we would if we now say that no Federal money can be mingled with local or State funds in any effort to improve racial balance in our schools.

Mr. MORSE. Mr. President, I thank the Senator very much. I appreciate his support. Before I yield the floor, I ask unanimous consent that the debate that took place last year on October 6, 1966, to which I have already alluded in my

argument, be printed at this point in the RECORD.

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

Mr. FANNIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 34, line 6, strike out "racially imbalanced,".

Mr. FANNIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. FANNIN. Mr. President, the amendment I am offering is a simple one. It strikes from the bill a provision authorizing the Commissioner of Education to grant funds to local education agencies which have schools that are racially imbalanced. This amendment strikes out the words, "racially imbalanced." The committee authorized the sum of $50 million a year in order to bolster the provision on "racial balance."

Mr. President, this is an education bill and this unsound and unproven idea of racial balance has no place in it.

Under this section the Commissioner of Education would award grants on the basis of what he thought was or was not a proper racial mix. This brings up the interesting question of just what is meant by a proper balance. Is it 50–50, 90–10, or 60–40? There is no definition of racial imbalance in the act and the committee members themselves were not clear as to what was intended. The committee report does not supply the answer and even the supporters of this proposal differ as to what ratio might be an appropriate one. Presumably, however, the whole problem will be resolved by the Commissioner of Education who will make the determination and who has $50 million a year for each of 2 years to spend on this program.

Moreover, it is unclear how this program would operate, how the funds would be used or what measures are contemplated to offset any so-called racial imbalance. Would there, for example, be involved in addition to educational parks, busing, the altering of geographical boundaries, and the erasing of traditional neighborhood lines?

The Civil Rights Acts have not, to date, undertaken to deal with racial imbalance but have been limited to desegregation. Are we to assume that a new policy is now being inaugurated—one calling for racial balance in the schools? If so, it is submitted that such a change should be preceded by thorough study and deliberations following full hearings. There is no constitutional provision nor any Federal statute requiring a balance between the races. Nor is there even a factual showing that racial balance is necessarily a healthy state of affairs from the standpoint of either minority groups or education as a whole. There is only the fuzzy and rather vague notion on the part of some persons that a given ratio between the races is a desirable situation.

I think that the American people disapprove of this type of misguided policy and in my opinion would resent the use of an education bill as a vehicle to advance this unproven concept.

Mr. President, I hope this amendment will be adopted.

Mr. President, what are the problems caused by racial imbalance? I should like to have them answered. What steps would be taken? We have not the answer. It is not in the proposed legislation. Mr. President, is not this truly discrimination in reverse?

The Commissioner of Education, Mr. Howe, has this to say:

"Traditional school boundaries often serve education badly and may have to be changed. . . . We could, for example, alter political boundaries to bring the social, economic, and intellectual strengths of the suburbs to bear on the problems of the city schools."

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FANNIN. I yield myself 2 additional minutes.

I continue with the quotation:

"Building programs for the future could be planned so that new schools break up rather than continue, segregation of both the racial and economic sort. The Office of Education will provide Federal planning funds for such efforts right now, and, if I have my way, the office will provide construction funds before long."

This is from a statement by Mr. Howe.

Mr. President, I think we all recognize the problems that would result if this wording is retained in the proposed legislation. We should give thought to some of the problems that exist.

For instance, I can cite my State of Arizona as an example. We have an Indian school in the city of Phoenix. The proposed legislation would require that we have non-Indian students attend this Indian school. The reservation land area consists of 27.7 percent of our land area, and is greater than the privately owned land within our State. These vast areas have Indian schools upon them. Would we be required to bus students into these areas so that they could have a balance as referred to in the proposed legislation? Just what do we mean by "racial imbalance"?

Mr. President, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Who yields time?

Mr. MORSE. Mr. President, I yield to the Senator from Massachusetts such time as he needs.

Mr. KENNEDY of Massachusetts. Mr. President, I should like to describe briefly how this particular provision entered into the bill.

Earlier this session, I proposed legislation that would permit the Commissioner of Education, upon the initiative of local school districts, to make grants to school districts around the country that were honestly attempting to reach some kind of accommodation on the problem of racial concentration in the public school.

We had a series of hearings on my bill, which was cosponsored by other distinguished Members of this body. It was virtually the unanimous opinion of the principal educators of our country, of the representatives of the National Education Association, of the American Association of School Superintendents of various State commissioners of education, and the Secretary of HEW that the problems of racial imbalance did present an extraordinary burden on many young people of this country. Those groups enthusiastically supported my bill, and I think their testimony would be relevant to the language which is in this bill.

The committee agreed to report my bill favorably, but as a separate bill, rather than a part of S. 3046. But to carry through this concept, the committee accepted the language adopted by the House in section 304, which includes the words, as part of section 304 of the Elementary and Secondary Education Act, found on pages 33 and 34 of the printed S. 3046.

Mr. President, my primary concern has always been to attempt to assist various school communities that voluntarily want to make an effort to deal with the problems of racial imbalance.

Mr. President, the committee amendment to title 304 is simply intended to insure that local school agencies whose districts have unusual financial burdens and who lack the resources to meet their needs can receive help in overcoming these problems from the Federal Government, including the problem of racial imbalance.

The hearings demonstrated that many of our local communities are overburdened, and that in many of the areas where communities are facing the greatest financial problems, their schools are most overcrowded, obsolete, or racially imbalanced.

There is no problem over what we mean by the term "racial imbalance." It obviously refers to the existence of an unusually heavy concentration of minority race schoolchildren in a public school.

I would consider that a school has a problem of racial imbalance when the concentration of minority pupils is so heavy as to present a serious obstacles to providing high quality and equal educational opportunity. Some States in consideration of their own situations have defined racial imbalance in their State laws. New York and Massachusetts, for example, find racial imbalance where more than 50 percent of the pupils are of a minority race. But I think it would be a mistake to attempt to define racial imbalance in Federal law by a specific percentage. We know that de facto segregation exists in the public schools in many major cities in the North and West of this country. In my own city of Boston, for example, some 28 schools have from 80 to 100 percent nonwhite enrollment. I would consider these schools severely racially imbalanced—in fact if not in law by color.

But every local community and State has its own unique situation. I believe we should leave it to the community or the State to make the judgment about whether there exists a problem of racial concentration in its schools. It is for the local community to determine if they wish to take action to improve the quality of education in their community by reducing racial concentration. Therefore, all the term racial imbalance in this amendment to title III is meant to connote is plans by local school districts initiated by them alone which attempt to deal with the problem of racial concentration in the schools of their community and to make clear in the statute that such plans would be eligible for Federal assistance.

So there is no problem about what is meant by racial imbalance and there really can be no question that severe racial concentration in public schools is an educational problem. Hearings were held on this question before the Education Subcommittee. The printed hearings of S. 3046, pertaining to my bill, S. 2928, clearly demonstrate that segregated schooling, whether de jure or de facto, is harmful to the Negro child and denies him equal educational opportunity.

And if there remained any doubt, the recent report on equality of educational opportunity submitted in July 1966 to the Congress by HEW should lay those doubts to rest. This report is the most comprehensive of its kind ever compiled. It found that today—

"American public education remains largely unequal in most regions of the country, including all those where Negroes form any significant portion of the population."

It found that in every significant factor related to achievement the Negro was receiving inferior education. He had fewer facilities, fewer books, less access to curricula and extracurricular programs; he was taught by inferior teachers and, in many cases, he left school worse off in relation to his white counterparts than when he entered.

But perhaps the most striking observation of the entire report is that of all the factors which have a strong relation to achievement the most important factor seems to be the psychological or motivational factor and the Negro child will be more strongly motivated in a nonsegregated school than in a segregated school where he tends to have feelings of inferiority and rejection because of the racial isolation he experiences. Small

children do not make fine legal distinctions between de jure and de facto segregation, but they know what they see and if they are separated on the basis of color they suffer from it.

Therefore, local communities are certainly justified in considerng the problem of ghetto schools as an educational problem which they desire to deal with. Many communities have made that judgment independently and on their own initiative. They are working on plans to deal with the problem. In Cortez, Colo., two neighboring school districts are making educational plans to promote the integration of Indians and Spanish-American children with other peoples. In Akron, Ohio, seven elementary schools in a ring of average neighborhoods between the rich suburbs and the poor inner city were selected so that children of different environments could mingle in a creative program of outdoor summer education. Conway, Ark., is planning a center of education and training for a model curriculum for grades 10 through 12 in a fully integrated school system. Evanston, Ill., is planning to convert the city's only all-Negro school into an experimental school offering special programs to children from the entire city.

Many cities such as Syracuse and Pittsburgh and East Orange and Albuquerque and Denver and Baltimore are planning educational parks.

I could cite many more examples which have been undertaken by many communities around the country. I would like to say to my colleagues that I have been impressed by the number of communities who on their own initiative are seeking to do something about this problem and by the variety of innovative programs that are being contemplated.

I ask unanimous consent to insert at the end of my remarks a short memorandum listing a number of such projects.

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

(See exhibit I.)

Mr. KENNEDY of Massachusetts. Mr. President, consider a few examples from my own State of Massachusetts. A number of suburban communities—among them Brookline, Newton, Wellesley, and Arlington—got together and the school boards developed a program to send buses into the Roxbury area of Boston and bring students, young Negro children, into their communities to attend their schools, some of the finest schools in the State of Massachusetts, in places where they had a number of vacancies. This experiment has worked admirably well. It has been well accepted in the communities where these young Negro boys and girls have come to participate in the schools, and I have had an opportunity to talk to some of the schoolteachers involved. They talk about the remarkable rise in the educational performance of these young people. This program has also being extremely well received in the city of Boston as well.

We also have another situation in which a small group of Negroes got together voluntarily in "Operation Exodus," which, through private contributions, is attempting to send students out from the Boston ghetto schools to vacancies in other Boston schools which are integrated. They have been doing that and raising the funds themselves, at considerable expense, and they have been doing that successfully as well.

Both of these experiences have been extremely successful. What they demonstrate quite clearly, I think, is a very sincere desire, among many communities, to help these students in a voluntary manner. It has also demonstrated the desire of many of the Negro families, in places where there are vacancies, to send some of their young people into these communities; and that, too, has been well received.

Mr. President, it was hoped, in view of the success of these programs, that we could develop programs that would encourage and permit the various school districts to make direct application to the Commissioner of Education, if it was a determination of the local school board and the local school district, that they desire funds, to help in a host of ways in dealing with problems of racial imbalances, one of which might be busing. The other methods of assistance would be the providing of various curriculum materials, or the construction of educational parks, the additional training of schoolteachers, perhaps the technical assistance on the redistricting of school lines—a whole host of different ways to help and assist the various school communities that honestly want to act to deal with this problem.

I believe the Federal Government should support these initiatives. Title III is designed to provide assistance for innovation and experiment, and it is not for the Federal Government to exclude certain programs from consideration because they involve problems of race, especially when we know that these race problems are serious educational problems.

The committee has made it crystal clear in the committee report that this is not an attempt at Federal control or Federal design. This is not an attempt to achieve some arbitrary concept of racial mix in the public schools. The decision to initiate programs is a local decision. A local school board need not take any action under this title; there is no element of coercion. It can apply for title III money on a variety of grounds, only one of which is the correction of racial imbalance. But racial concentration in public schools does exist and many school districts do consider it a problem they desire to correct. Such programs deserve Federal support.

Under this section development of local control will continue to reside in the local community, not in the Office of Education. The Commissioner of Education is directed to give special consideration to such projects because in the past construction projects have been given a very low priority in the title III program and the hearings made plain that as a result of the planning done by the local communities, a need has arisen for giving greater consideration to the many worthwhile and innovative construction projects which local communities desire to initiate but lack the financial resources to undertake.

There is absolutely no power of compulsion given to the Commissioner of Education in any respect during the implementation of this program.

Mr. President, the only thing we are suggesting is that if a given school community is attempting to make some kind of adjustment, the Federal Government should be willing to assist. The language, I think, speaks clearer than attempting to paraphrase it, so addressing attention to page 33:

"(c) In approving applications under this title for grants for any fiscal year beginning after June 30, 1966, the Commissioner must give special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, racially imbalanced, or unsafe, or because of any other condition that has imposed a substantial and continuing financial burden upon the agency."

Mr. President, I wish to stress the point that there is no language in this legislation, that in any way implies any compulsion. It is solely a question of voluntary integration from school districts, and it is offering the carrot to the school districts which are really attempting to cope with what all Senators realize is one of the most difficult questions that we face as a nation—the problem of segregation in our public schools.

"EXHIBIT 1

"Two Title III projects in operation in Hartford, Connecticut, and in Newton, Massachusetts, provide for transporting pupils and there may be a few others. However several proposals are attempting to solve racial imbalance problems through other means.

"1. Monticello, Arkansas, is planning a model school for grades 9 through 12 for a fully desegregated and integrated school system of both pupils and teachers in all grades in six counties of southeastern Arkansas where about 43 per cent of the population is Negro.

"2. The school district in Guthrie, Oklahoma, where about 20 per cent of the students are Negro, is planning for the total integration of all pupils in kindergarten through grade six, through the attendance of all children in the same grade at one school and those in each of the other grades in other separate buildings for each grade.

"3. Conway, Arkansas, is planning a center of demonstration, observation, and training for a model curriculum for grades 10 through 12 of a fully integrated school system.

"4. The Junior Explorers Learning Centers in Akron, Ohio, illustrate how many Title III projects encourage integration indirectly while serving primarily other educational needs. Seven elementary schools in a ring of average neighborhoods between the richer suburbs and the poorer inner city were selected so that children from the three different environments could mingle in a creative summer program of outdoor education.

"One of the possible advantages in the educational park concept is the provision of quality education to help maintain social-economic balance in the school population. Transportation would certainly be a significant factor in most instances. Five cities are engaged in such projects with grants of Title III funds. Syracuse, New York is operating a Multiple School Site Plan, and Pittsburgh, Philadelphia, New York City, and East Orange, New Jersey, are planning educational parks. Cities considering educational parks and who may submit proposals include Albuquerque, New Mexico; Baltimore, Maryland; Berkeley, California; Denver, Colorado; Fort Lauderdale, Florida; Los Angeles, California; New Haven, Connecticut; and St. Paul, Minnesota.

"Several integrated neighborhoods in the area of San Francisco in which ghettos are beginning to develop are cooperating in the planning of educational programs to help stabilize their racial composition. In Cortez, Colorado, two neighboring school districts are making educational plans to promote the integration of Indian and Spanish-American children with other pupils. In Springfield, Massachusetts, children from predominately Negro schools are meeting in integrated groups with children from other parts of the city to read and discuss literary classics."

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. MORSE. Mr. President, I yield to the Senator from Wisconsin.

Mr. NELSON. Do I understand the Senator that it is his interpretation of this section that the school district would have to qualify as a financial hardship case and that the school district would be the applicant for the funds?

Mr. KENNEDY of Massachusetts. The Senator is exactly correct.

Mr. NELSON. And that the Commissioner could not direct any school to accept funds for this purpose?

Mr. KENNEDY of Massachusetts. The Senator is correct. I think it is important that we realize that this determination, in the absence of a State law to the contrary, must remain in the local community.

The only thing this amendment would

provide is that once there has been a local determination, then there would be Federal funds to see that the determination is carried through.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Who yields time?

Mr. MORSE. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICE. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I wish to tell the Senate, and particularly the Senator from Arizona [Mr. FANNIN], because he is a member of my committee, that I could not have had more cooperation than the Senator from Arizona [Mr. FANNIN] has always given me; and as he knows, we worked on this matter in committee.

I think that the Senator is entitled to know from me, as the manager of the bill, the history of the language that is now in the bill.

The Senator from Massachusetts [Mr. KENNEDY] had introduced a separate bill (S. 2928). That separate bill became title IV of the committee bill. The Kennedy bill raised a considerable amount of controversy in our committee and we moved to strike title IV of the bill. We moved to strike it for various reasons. Let us be frank about it. One of the reasons was that it was subject to interpretation by some members of the committee that it placed the Department of Health, Education, and Welfare in an initiative position—to initiate projects and programs to meet so-called racial imbalance.

The Senator from Arizona [Mr. FANNIN] will remember that.

I yield to no one on the committee in my opposition to the Department of Health, Education, and Welfare telling the States or local school districts how to run their schools. I have stood on the floor of the Senate and pledged to you many times over the years that I would not support legislation that placed the Federal Government in the position of controlling local education. Because I was confronted with a situation in the committee where the consensus of opinion was that that particular title would jeopardize our bill. I took the responsibility away from the others of the committee and I moved to strike title IV from the bill.

I felt I owed it to all members of the committee to do that. I did it after we had had a long discussion about it. The language that is now in the bill was taken from the House bill. That is where the section 135 language comes from. It comes from the House bill.

I do not know the reasons given for adopting it over there. I understand this section is going to be debated in the House of Representatives and that an attempt is to be made on the House side to strike it from the House.

The language that seems to be objectionable to many is the language contained in the amendment of the Senator from Arizona [Mr. FANNIN], "racially imbalanced," which creates the fear that no matter what we put in the bill the Department of Health, Education, and Welfare will be insistent upon some busing program in local school districts.

All I can say to Senators is that the Senator from Oregon has never proposed, and is not proposing now, that the Federal Government tell the local school districts what schools their youngsters are going to attend, regardless of the problems that may exist in local school districts from the standpoint of overcrowded school A and undercrowded school B, when the local school A wants to send students, irrespective of whether they be white, colored, or mixed, to school B.

I would like to have the attention of the Senator from Massachusetts [Mr. KENNEDY] carefully now when I give my feeling about this. I discussed it briefly with the Senator from Arizona. I am inclined to accept the amendment of the Senator from Arizona [Mr. FANNIN] and strike the words "racially imbalanced" from the bill. Although I want the Senator to know—and I have the House bill in front of me, but I am sure the Senator will take my word for it—Senators can come over to the desk and look at it—they will find the language in our bill taken directly from the House bill.

The committee unanimously decided that if they accepted my motion to strike title IV, which is the amendment of the Senator from Massachusetts [Mr. KENNEDY], there would be agreement to put the following language in the committee report, and I read it.

It is on page 26, beginning with the next to the last paragraph at the bottom of the page:

"It is for this reason that the committee proposes an amendment to section 304 of the Elementary and Secondary Education Act, requiring the Commissioner to give special consideration, beginning in fiscal year 1967, to applications of local educational agencies which are financially overburdened. The amendment provides that any local school district making a reasonable tax effort which is unable to meet critical educational needs because of serious overcrowding, obsolete or unsafe school buildings, racial imbalance, or any other condition imposing a continuing and financial burden shall receive special consideration in title III project approval.

"Among the projects which shall receive special consideration are problems, in both the North and the South, arising out of efforts to overcome racial segregation and related conditions. Thus, projects under this title may be used to encourage imaginative approaches, designed by local school districts, to achieve the elimination of racial segregation or the alleviation of problems resulting from racial concentrations of students. These projects could include, for example, the construction of educational parks and other experimental or demonstration facilities under plans insuring desegregated student attendance, the conduct of teacher inservice training programs in community relations, support of curriculum development projects, and the support of joint academic programs by suburban and core-city school district.

"The committee hopes that this amendment will be of significant importance in overcoming the difficulties confronting many school districts today. These difficulties have been evident in the applications already submitted for project approval. An analysis of the 991 planning projects submitted during the first 2 project periods shows that 234 of them would have culminated in the need for the construction of a center or other facility to house the program being planned. In addition, the Office of Education estimated that, of the 24,000 independent school districts, two-thirds are financially unable to afford viable programs, centralizing vitally needed services for the education program."

Let me say here to the Senator from Arizona that this refers to projects already approved and to projects already on the way to implementation.

Continuing reading from the report:

"Under the proposed amendment, it is possible that large cities, confronted with problems of obsolete core-city school buildings and de facto segregation, might attempt to utilize title III funds for the establishment of educational parks. The first two rounds of project approval resulted in the funding of planning projects for educational parks in Philadelphia, New York, Pittsburgh, and East Orange, N.J. In addition, proposals are currently before the Office of Education for the planning of educational parks in St. Paul, Chicago, Syracuse, and Cleveland. Denver, Baltimore, and Richmond have expressed interest, and are designing proposals for the development of educational parks. Moreover, it is apparent from data on school facilities in rural areas that many multigrade, one-room schools still exist simply because of a lack of local financial resources to provide consolidated facilities. The educational park concept may well offer exciting possibilities in such areas. If such ideas are to be successful, this planning activity will result in an exceedingly large request for operational and construction funds. To support these additions, the committee recommends an authorization of $250 million in fiscal year 1968."

Now let me say to the Senator from Arizona that I think the problem in this whole matter is the language in the bill. There may be members of my committee who do not agree with me; but, unless they reverse me, I want to accept the Senator's amendment. I want to strike the language from the bill. I want it made perfectly clear, however, that in accepting the amendment and striking it from the bill, it will not create Federal interference in reverse—in a negative way.

For example, in Massachusetts, they may have local boards faced with overcrowded schools. This is going back to my hypothetical school A and school B. If school A is overcrowded and school B is underused and the local authorities decide that they will transfer students from school A to school B, I think that is the right of the local authorities. I do not think there should be language in the bill, such as the language the Senator from Arizona seeks to strike, which would give anyone the feeling that the Department of HEW would have authority to direct a program, to initiate a program, or to tell the local authorities what they can or cannot do.

I think it would serve the best interests of the principle of guaranteeing non-Federal interference in the operation of local schools if the amendment of the Senator from Arizona were accepted.

I am willing to accept it.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, I should like to have a chance, at least, to explore this matter in some greater detail with the Senator from Oregon, for whom I have the greatest regard. Certainly, he has been working in the vineyard of human rights many years before I was even on the face of the earth, and I certainly respect his knowledge and his great interest in the field of education.

The problems are great when any individual goes through the experience of attending a school which is culturally deprived. I have listened for specific explanations going back over the various provisions which have come up in this Chamber this afternoon.

I should like to find out, within the general framework that the Senator has outlined in the report, if a school district makes an application under this section, which really is directing itself and concerning itself with culturally deprived children, that certainly, as an educator, the Senator from Oregon would recognize that anyone who is attending a segregated school, whether de facto or de jure, is being disadvantaged; would he not agree?

Mr. MORSE. I made very clear—I said this to the committee—in fact the Senator will recall that in committee the chairman of the subcommittee thought that the language in the report would be sufficient to protect the interests of local school control.

I was in the committee. The opinion was that the reported language was all that was needed in order to protect the local school district. The argument was that the language of the House bill should be the same language in the Senate Bill.

To answer the Senator's question, as I understand it, let us take Boston. Let us say that in Boston——

Mr. KENNEDY of Massachusetts. Could I

pose, perhaps, this hypothetical question to the distinguished Senator from Oregon, and at least try to get his reaction to it?

Mr. MORSE. The Senator may, but if he will let me finish this hypothetical point, I think it will save a great deal of time. I hope so, at least.

Mr. KENNEDY of Massachusetts. Fine.

Mr. MORSE. Let us take Boston, school A, an overcrowded school, and also school B which has a somewhat smaller population which could take on say, x number more students. The school board would say, "We will undertake to send x number of students from school A to school B." In my judgment, with this language out of the bill, the Boston School Board could still decide for itself how to distribute the children in schools A and B.

What concerns me is that if we leave the language "racially imbalanced" in the bill, the fear will be created—whether warranted or not—it will mean, somehow, that we have given some direction to the Department of Health, Education, and Welfare to initiate programs for busing students.

I do not want the Department of Health, Education, and Welfare to have any authority to direct and initiate the busing of students; but, in reverse, I do not want it—and I do not think the Senator from Arizona intends it—to have a bill passed here this afternoon that can be interpreted as saying to Boston, "You cannot, on the basis of your educational rights there, take x number of students and bus them to Boston School B." That is their right.

Mr. KENNEDY of Massachusetts. I think the Senator has really clarified to a significant extent his attitude, which I would certainly respect and support, and which reflects my attitude on this difficult question.

If the city of Boston felt that it was in the interest of schoolchildren to bus them; that not being able to bus them would be depriving children in their education, and it was a situation where they had jurisdiction, is there anything which would prohibit or proscribe it, if Boston developed such a program, from receiving assistance?

Mr. MORSE. The answer is "No."

The Senator from Arizona [Mr. FANNIN] and I are the ones on the spot on this. Does the Senator from Arizona agree with the interpretation I have given, backed up by my willingness to take his amendment?

Mr. FANNIN. Mr. President, in the committee, as he has on the floor today, the Senator from Oregon was very much in favor of taking out this language. He felt it would create a problem because it would be an encouragement, in view of the moneys involved and made available to the school districts, to carry out a busing program or whatever else might be involved. For that reason, he was concerned and was instrumental in the changes made. I think it is regrettable that the language was not taken out at that time, although I think that with the change now it will materially improve the bill. I agree with his understanding of what is intended.

Mr. KENNEDY of Massachusetts. In view of the explanation, Mr. President, I have no objection.

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

Mr. KENNEDY of Massachusetts. May I have 15 seconds?

Mr. MORSE. I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Under the explanation of the Senator from Oregon section 304(c) achieves everything that it was hoped would be accomplished.

Mr. MORSE. Mr. President, I accept the amendment.

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. FANNIN. Yes.

Mr. MORSE. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I will not endeavor to repeat the arguments made so very ably and nobly by the Senator from Oregon and the Senator from New Jersey.

I have already given a rather clear indication of my position on the question in the course of the debate with the Senator from Illinois and the Senator from Ohio.

There is one thing that I desire to mention. It is a matter that has not been mentioned in the course of the debate. That concerns the funds provided in the bill, largely for poverty-related children.

This is a very critically important matter. It so happens that a large portion of these poor children are Negro. That is very unfortunate for all of us and also for them. However, the fact is that the pending bill is in large part designed to deal with the educational problems of poor children. The best advice we can get is that the educational problems of poor children include the fact that they are in so-called ghettoized schools. Hence we have in the country some very interesting experiments which seek to deal with the problems of the poor who are inhibited and stultified in their education precisely because they are poor by seeking, if it is possible and practicable, to take them out of the neighborhoods in which they have endured endemic poverty, sometimes for generations, and bring them into a neighborhood where they can see a better world and try to get out of the cycle of poverty.

I have a report which states that such an experiment is being carried on in Hartford, Conn. It concerns the daily school attendance of children who are being bused so that they might break out of the cycle of poverty. This is being done voluntarily, pursuant to their wishes and the wishes of their parents. The school attendance of these children is 90 percent, which is much higher than the attendance in general of children in neighborhood schools.

This kind of experiment and contribution to the effort to spring children out of poverty will be very much inhibited by the pending amendment.

My colleagues have made it crystal clear that Congress is very determined that it is not going to allow racial imbalance to be identified with racial segregation. We have dealt with the matter time and again, including in the impacted areas bill.

Here we had an opening in the District of Columbia appropriations bill in which we did the same thing that this measure does. In respect of the District of Columbia, we sit as a city council, really. I thoroughly disagree with what was done, but nonetheless, we did it as a city council for the District of Columbia.

Congress thought it advisable to make that strict provision. It was regrettable, but nonetheless it did.

That is very different from inhibiting a whole country, including many school districts which have their own city councils.

In Massachusetts, as I am sure the Senator from Massachusetts will tell us, the correction of imbalance is part of the State education law. That is what they are seeking to attain as an affirmative thing. That came out in the course of the debate by the Senator from Massachusetts [Mr. KENNEDY] in respect of the amendment last year by Senator FANNIN, to which the Senator from Oregon referred. That State is being inhibited from the use of poverty education funds in a way which it believes will be best conducive to spring those children out of the cycle of poverty and depression and deprivation.

It seems to me that those who are counseling this course had better take very serious counsel in what they are doing. If they are going to talk a great deal about the fact that the hand of the Federal Government should not be used to control education, then really the Dirksen amendment is a very big opening in that regard. And the important thing that opponents of the amendment, myself and other Senators, need to emphasize is the fact that this is a radical departure from the scheme which we had incorporated in the Civil Rights Act of 1964, as well as in the impacted areas bill and other legislation, which sought to prevent us, to use the language of the impacted areas bill, from requiring assignment of pupils or their transportation in order to overcome racial imbalance.

For the first time on a countrywide basis the amendment would propose to inhibit the free use of funds by local and State educational agencies, notwithstanding the fact that what that agency is doing is completely lawful and in accord with our Federal laws as well as with State and local laws where it is thought to be desirable or necessary to relieve racial imbalance or to overcome poverty. And this is a question of poverty-impacted children.

Finally, Mr. President, even in the colloquy with the Senator from West Virginia [Mr. BYRD] in connection with the appropriation bill for the District of Columbia, it was clear that if, as a side effect of an effort to relieve crowding or other conditions in a school, there should be a correction of racial imbalance by virture of the transportation of children from one point to another, it would not be inhibited by the amendment to the District of Columbia appropriation bill.

I have tried very hard in this regard to get some concept of the use of the word "solely" in the Dirksen amendment, or its effect, and this was pointed out by Senator AIKEN as well as by Senator LAUSCHE. But it nowhere appears in this amendment.

Therefore, we must assume that if correction of racial imbalance was a side effect of the perfectly proper transportation of pupils from one place to another to relieve overcrowding, let us say, it would be prohibited by this amendment on a countrywide basis, regardless of

whether the efforts were voluntary or involuntary.

So I hope very much that we will not stultify both concepts—the concept of helping the poor children as well as the concept of local freedom in respect of education—by enacting this amendment, which, in my judgment, flies precisely in the face of both of those concepts.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HANSEN. Mr. President, I should like to compliment the distinguished senior Senator from Oregon for the great contribution he has made over the years to higher education and to elementary and secondary education. I listened most attentatively this morning when he discussed this bill, some of the facets of it, and the amount of money that would be authorized over a 3-year period.

It is my understanding that the bill contemplates the authorization of $14.2 billion for elementary and secondary education. It is my further understanding that it is the sense of Congress and of those sponsoring the bill that these funds would improve education period; that the objective of the bill is to improve education. We are not trying to accomplish any other purpose. We are trying to improve education.

Because I happen to subscribe to that philosophy, I respectfully suggest that it seems to me to make good sense to try to improve every school, wherever the school is, and not to seek to overcome poor quality education in one school by transferring students from that school to another school for the purpose of achieving a better racial mix.

I suggest that the people of my State of Wyoming would be much better pleased if the funds that are spent for education could go to improve education, period.

If we keep to that type of goal insofar as the support of the bill is concerned, we will better serve the purposes of education, than to try to justify busing children from one school to another in order to achieve, as the Dirksen amendment points out very clearly, a better racial mix. That, in effect, is what the amendment says.

I will support the amendment. I hope that it will be adopted.

I yield the floor.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DIRKSEN. Mr. President, we are ready to vote.

Mr. MORSE. Mr. President, I would like to have staff members contact the Senator from Massachusetts [Mr. KENNEDY]. He had said he wanted to speak for a minute or two. If the Senate will oblige me, I would like to have the Senator from Massachusetts [Mr. KENNEDY] called to the floor. He has stepped out to the cloakroom. Then, as far as I am concerned I am ready to vote.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAKER in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MORSE. Mr. President, the Senator from Massachusetts [Mr. KENNEDY] has arrived in the Chamber. He wishes to speak briefly.

Mr. KENNEDY of Massachusetts. I thank the Senator.

Mr. President, I understand that earlier in the afternoon the distinguished Senator from Oregon made reference to the colloquy which took place last year when this same matter was before the Senate. It was triggered, at that time, by an amendment I had introduced in connection with the education bill, to permit school districts to work their own wills, by voluntary means, to use certain funds to begin to overcome racial imbalance. Under my proposal, they would not be precluded from that use of the funds.

Mr. President, in Massachusetts the general court has passed a racial imbalance law, which was referred to earlier by the distinguished Senator from New York [Mr. JAVITS]. The communities of Massachusetts and, I think, their sister communities throughout the Northeast, are coping with what is a difficult, complicated, trying, and emotional problem. Nonetheless, they are attempting to meet these needs and they are doing so to an increasing degree.

Many of us in this body, over a period of time, have supported a variety of civil rights bills. We have worked for the great civil rights legislation which has come before this body and which has been debated during the last 6 years. I know that I have done so during the 5 years I have been in the Senate.

We are conscious that many of these bills, and I would say the overwhelming majority of them, have been directed toward trying to bring equality of opportunity to all of our citizens. All of us recognize that in many instances, it appears that this legislation has been pointed or directed to a particular part of our country—to the southern part.

Mr. President, we have in this legislation before us today, the education bill, the authority for States and local school districts to proceed toward racial balance. Many northern States, communities, and cities are anxious to begin to meet and cope with this problem.

In effect, the amendment of the distinguished Senator from Illinois [Mr. DIRKSEN] would prohibit and preclude the action of many of these school districts, as well as those of the various respective States, from going ahead and trying to meet this extraordinarily difficult problem.

In many of these communities, all that is needed are the tools with which to do the job. The distinguished Senator from Oregon earlier this afternoon pointed out that this amendment infringes upon local initiative. The same argument that he used at that time would apply just as readily to the determinations that will be made by the States as to how best to proceed, and how best to meet the educational needs of the respective States.

The amendment of the Senator from Illinois [Mr. DIRKSEN] would preclude Boston, or many other communities, from trying to meet this serious problem of educational disadvantage.

This problem has been a direct issue in my own city of Boston. As a matter of fact, this entire question of busing of students has been a hotbed of political activity in Boston. In many instances, those who have run in recent campaigns, have used it as an issue to garner votes.

But I think that all of us have been impressed by the successes of this program, as small as they have been, in a number of school districts in the northeastern part of our country.

The amendment of the Senator from Illinois, in effect, states that local school districts cannot make determinations on these matters and that States cannot speak on these matters.

Those who have supported civil rights legislation, who have been so quick to rise in the Senate Chamber, realize that, as in the past, what we are being asked to accept now would take away from other parts of the country the opportunity to make the adjustments which, though difficult, are being and will be made in most communities of our country before too long.

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

Mr. KENNEDY of Massachusetts. I yield.

Mr. CLARK. Mr. President, I wish to strongly commend the Senator from Massachusetts for what he has just said. My old and dear friend, the Senator from Oregon, is opposing with all of his great parliamentary ability this iniquitous amendment. If ever there was a case where the question of integration of school systems should be left to the determination of the local school board and, indeed, to some extent, the local governing body, this is it. To impose a restriction by Federal law, which in effect is implicitly, if not expressly, a violation of the determination of the Supreme Court in Brown against the Board of Education, is unthinkable to me.

I am concerned that there seems to be some doubt that the Senate will defeat the Dirksen amendment. I feel this is a matter of high principle. I commend the Senator from Massachusetts and the Senator from Oregon, those on the other side of the aisle and those on this side of the aisle who have spoken against the

amendment. I pledge my support and my vote against the amendment.

Mr. KENNEDY of Massachusetts. Mr. President, one final word, and I know it is a point made before this afternoon: the question of exactly what communities will be able to do about the problems which face our cities in the North, in the Midwest, in the West, and even in parts of the South.

We have only a limited number of tools to meet the problems, and with which to address ourselves to them. It appears to me that if a local school district makes a local determination how best to provide for the education of its students in that local area, we certainly should give it every opportunity and every tool to do so. Just so, if the States, with their responsibilities in meeting the challenge, feel they wish to proceed in a certain way that is understood, under the education bill, we should also provide them with the opportunity to do so.

It seems to me that we have not had many complaints about these provisions. But we have had about certain individuals. Certainly, if the local communities make a determination that busing is in the local interest, they should not be denied that opportunity. Therefore, I hope that the amendment of the Senator from Illinois [Mr. DIRKSEN] will be defeated.

Mr. KUCHEL. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. KUCHEL. I was detained outside the Senate Chamber for a moment. Would the Senator from Massachusetts kindly indicate again for the Senate what the situation is with respect to his State and to the laws in his State.

Mr. KENNEDY of Massachusetts. Massachusetts is one of the few States which has enacted a law on racial imbalance.

Mr. KUCHEL. What does it do?

Mr. KENNEDY of Massachusetts. The racial imbalance law requires that the school committee of each city, town, and district prepare a plan to eliminate racial imbalance, whenever the State board of education determines that racial imbalance exists. The plan must detail the procedures by which, over a reasonable period of time, the school committee plans to eliminate the imbalance, through pupil placement, school siting, and so forth.

The law sets a figure of 50 percent as determining racial imbalance. If the percent of nonwhite students in any school exceeds 50 percent, then the school is deemed to be imbalanced. The school committee must then draw up plans—and they must be reasonable plans. There is no definite or arbitrary timetable established to provide for the adjustment to reach that 50 percent.

Now, before the plans can receive State assistance, they are reviewed by a State board. An attempt is made to try to work out a plan between the local community and the State board, in order to achieve the purposes of State law.

This matter is one of considerable controversy in the State of Massachusetts. It has been criticized. It is under considerable attack. But we are really not talking so much about that now, as to the particular law in Massachusetts, as we are about the local school areas that wish to apply for State funds, or to use those funds in the best interests of the local community. They would be precluded from doing so, by adoption of the Dirksen amendment—obviously, by the outright preclusion which is my reading of the amendment.

The amendment would eliminate a great many of the activities now beginning to get started in a number of different communities in my State and, generally, in many other communities in other parts of the country.

As I mentioned earlier, we have seen many pieces of legislation passed by the Senate which affect certain sections of the country more dramatically than others. So we must defeat the Dirksen amendment, to keep the discretion of the local school districts, and the States unfettered as they attempt to meet the great educational needs of our country.

What we would be doing, by adopting the Dirksen amendment, would be taking away that opportunity which, in the belief of many outstanding educators, is helpful and useful in providing the educational advantages which are important to the young people of this country.

Mr. TYDINGS. Mr. President, I am extremely disturbed to see this amendment offered at a time when State governments are struggling to try to stop the drift of going to Washington for every problem.

Recently, I had the privilege of attending a national conference of State legislatures, with the majority leaders, minority leaders, the speakers, and presidents of the senate of all the State legislatures across the United States present. They are cognizant of this drift. They are determined to stop it. They realize that some of the problems lie at their doorstep. The fact that they have not moved or taken the initiative in many areas, they are also aware of; but, nevertheless, they are determined to bring the States back into balance with the federal Madisonian concept.

Here in Washington, when we in Congress are beginning to realize some of the problems, when we are discussing the theory of block grants, when we are discussing tax-sharing plans when funds become available, here is an amendment which counters everything the Jeffersonian principle of federalism stands for. The basic concept of federalism is that there are certain areas where the State and local governments are best able to move to take the initiative to meet the problems of the people. There is certainly no other area closer to the people than the area of public education; yet, here we are, in Congress, because of the benefits of the broader tax base, giving some of the tax revenue back to the States to use in the field of education. But we come along with an amendment seeking to drive down their throats how they are going to handle one of the most difficult, one of the most explosive, and one of the most politically sensitive issues facing the Nation today.

I think it goes against every grain of Jeffersonian federalism. It is a step backward. If we adopt this amendment, we might as well agree that every problem that comes before a State government must be settled in Washington. I think that is a pretty dangerous step to take.

For that reason, as well as others which have been advanced in debate today, I shall vote against the amendment.

Mr. GRIFFIN. Mr. President, I send an amendment to the desk to amend the pending amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Michigan will be stated.

The ASSISTANT LEGISLATIVE CLERK. Amendment offered by Senator GRIFFIN to the amendment by Senator DIRKSEN:

Following the word "imbalance" and before the period at the end of the amendment, insert the following: "unless such use is in accordance with a policy formally and freely made by the affected State or by the affected local educational agency without the exercise of direction, supervision, or control with respect thereto by any Department, agency or officer of the United States".

Mr. GRIFFIN. Mr. President, I think the arguments against the pending Dirksen amendment have been eloquently stated by the distinguished Senator from Oregon [Mr. MORSE], the Senator in charge of the bill, by the Senator from Massachusetts [Mr. KENNEDY], by the Senator from Maryland [Mr. TYDINGS], and others. They have expressed their concern that we should not close the door to a determination by a State or local educational agency that the busing of students might be in the public interest. I, for one, do not want to vote for an amendment that would, here and now, make Federal policy against the busing of students.

It has been stated several times in this Chamber during the course of debate that, at this point, the Federal Government should remain neutral on the question. With adoption of the Dirksen amendment, we would not remain neutral. If Congress desires to maintain a position of neutrality at this point, it would seem to me that adoption of an amendment such as the one I have offered is necessary, and I ask for support by the Senate.

Mr. KUCHEL. Mr. President, I ask for the yeas and nays.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the amendment be stated again.

The PRESIDING OFFICER. Without objection, the amendment will be restated.

The ASSISTANT LEGISLATIVE CLERK. The amendment offered by Senator GRIFFIN to the amendment by Senator DIRKSEN:

Following the word "imbalance" and before the period at the end of the amendment, insert the following: "unless such use is in accordance with a policy formally and freely made by the affected State or by the affected local educational agency without the exercise of direction, supervision or control with respect thereto by any Department, agency or officer of the United States."

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

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

Mr. GRIFFIN. I yield the floor.

Mr. JAVITS. Mr. President, I have read this amendment with some interest. It seems to me that it would, if adopted, answer the point which the Senator from Oregon [Mr. MORSE] and I have both made. That is, that where the action which is being taken with the use of poverty funds—and that is what they are—is an action which arises out of the control within the affected State or local education agency of its own volition, without representing any Federal control, as, for example, through the control on poverty funds or inhibition on their use, then it should be perfectly lawful, and it is a desirable use of the funds which are at stake.

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

Mr. JAVITS. I yield.

Mr. HRUSKA. Virtually every one—I would venture to say every one—of the poverty or education statutes provides that before a program can become effective, before it can get a nickel of money, it must be approved by the appropriate Secretary.

Would the necessity of that approval be properly construed as some control of the program by the Federal authorities to the extent that it would not fall within the amendment proposed by the Senator from Michigan?

Mr. JAVITS. I would think the Senator from Michigan is right, for the reason that we have within the same statutes that give the secretaries authority to prove or disapprove various programs, a provision against Federal control. Therefore, the criterion which the Secretary would have to apply would require a finding by him that there was no Federal control if he approved the program. As long as he made that finding, it could not be said that it was the result of Federal control; that the decision was made at the local level. So that I think we have built into the Federal aid to education statute a protection against the Secretary's being stultified in that way. He is required to find, when he approves the program, that it is not an exercise of Federal control. Having found that, it would satisfy this proviso.

Mr. HRUSKA. Would not mere approval by him constitute, in effect, control over the agency? It has been so considered by local agencies and other agencies that have tried to make progress under these many statutes. For practical purposes, it is exercising control and would vitiate the amendment.

Mr. JAVITS. I will say that I think the interpretation is aided by the requirement in the Federal aid-to-education statute, under which the Secretary of Health, Education, and Welfare gives approval, that there shall be no Federal control of the program. Therefore, ipso facto, if there is no Federal control of the program, there is no Federal control in one of the elements of the program, to wit, busing, if that is the element.

Mr. GRIFFIN. Mr. President, it should be kept in mind that the courts are going to interpret whether or not control or supervision has been exercised by a Federal officer or agency. So the courts would provide the ultimate interpretation.

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

Mr. JAVITS. I yield.

Mr. CASE. I would like to ask a question or two of the sponsor of the subamendment.

What would the Senator from Michigan feel would be the effect of the amendment in a situation in which the local authorities took their action pursuant to an order of court to desegregate a particular school situation? Would this be still, within the terms of the amendment, in the Senator's opinion, a matter of the exercise of the local will?

Mr. GRIFFIN. The phrasing of my amendment refers to a policy adopted by a State or local education agency. The amendment generally deals with the use of Federal funds. If it is unconstitutional for the Congress to enact or adopt an amendment along the lines offered by the Senator from Illinois, which would prohibit the use of Federal funds for that purpose, and a court would so hold, then, of course, the amendment offered in the language of the Senator from Illinois would not be a bar.

Now, my amendment refers to policy being made by a State or by a local education agency. They are the two entities that we consider to be the policymaking entities for educational policy, in line with the discussion on the Senate floor.

Mr. CASE. I would like to press this a little bit further. Suppose the action is taken by a local school board in regard to setting up a plan for transportation of students, or such a plan is ordered by the State school authorities, but that that action is taken under, in a sense, duress, if you will, of this sort: The matter is pending in a court. The court has given, we will say, the local school board or State school authorities a certain length of time in order to bring about some steps toward desegregation. Would that action of the school board under those circumstances still meet the terms of the Senator's amendment?

Mr. GRIFFIN. It would not have been made as a result of the exercise of the control or supervision by a department, agency, or officer of the U.S. Government. That is the only provision in that particular amendment.

Mr. CASE. So that something that is taken under judicial duress, if you will, would still meet the Senator's amendment as the action of State or local authority?

Mr. GRIFFIN. I believe it would.

Mr. JAVITS. Mr. President, there is no such thing as judicial duress. The fact is that there can only be judicial duress if a writ of prohibition lies against it on the ground that it does not have jurisdiction.

Mr. CASE. The Senator from New York left the practice of law later than the Senator from New Jersey, and the Senator from New Jersey will accept any correction along that line, but he calls attention to the fact that the word "duress" is used in common parlance as well as in legal parlance, and he used it in that sense. But I am serious. We are talking about a situation in which local or State boards move toward desegregation, themselves unwilling, because the State courts or other courts have ordered them to get going. In such circumstances, would the programs include busing?

Mr. GRIFFIN. "Desegregation" is a much broader term than we are considering here.

Mr. CASE. That is correct. This would still not be prohibited by the amendment offered by the Senator from Illinois as amended by the Senator from Michigan?

Mr. GRIFFIN. It seems to me that the Senator from New York [Mr. JAVITS] has the point very well; that, after all, if it is a court order, that is one thing. If it is compliance with the Constitution, that is different from an agency or a bureaucracy taking an action which has not been ordered by a court.

Mr. CASE. These are the words I am trying to get clear in my mind as to the intent: "Unless such use is in accordance with a policy formally and freely made by the affected State or by the local educational agency without the exercise of direction, supervision, or control with respect thereto by any department, agency, or officer of the United States."

First, let us eliminate from the last group, "department, agency, or officer of the United States," the courts.

Mr. GRIFFIN. When we say "freely," we mean——

Mr. CASE. Free of that kind of control?

Mr. GRIFFIN. Yes.

Mr. MORSE. Mr. President, will the Senator yield, so that I may ask a few questions of the Senator from Michigan?

Mr. JAVITS. I yield.

Mr. MORSE. In committee, the Senator from Michigan and I have never varied from a common belief that we must see to it that in the field of education States rights in what I consider to be true sense are not violated by Federal legislation, whereby the Federal Government would seek to tell the States what they must do in the field of education in any way other than in a strictly constitutional way.

The Senator has heard me say many times in committee that I will not support any action by the Federal Government which directs or dictates to the States what their educational policy should be, unless I can be shown in a specific case that a constitutional issue is involved and a State seeks to do something that is unconstitutional.

My first question is: Can the Senator tell me whether he agrees with my interpretation that what he seeks to do by the language of the amendment is to write into the bill, in no uncertain terms, a direction to the Department of Health, Education, and Welfare, or any other Federal agency that it is not in any way, directly or indirectly, to involve itself in seeking to have any local school district involve itself in busing? Is that one of the first intentions that the Senator from Michigan has in mind?

Mr. GRIFFIN. I believe an interpreta-

tion of the amendment offered by the Senator from Illinois [Mr. DIRKSEN] is that it indicates that funds shall not be used to pay any costs of assignment or transportation of students or teachers in order to overcome racial imbalance. As I understand the intent and mood of the Senate, it is that we do not want to force—at least, we do not want to take a position at this time—which requires—busing at the State or local level. At the same time, it seems to me that the amendment offered by the Senator from Illinois goes too far; it goes further than that.

It would prohibit the use of Federal funds in cases where a State formally decided that it wanted to adopt such a policy; or, if a local educational agency, for its own reasons, should decide to experiment and try such a policy, it would likewise be prohibited.

It seems to me that Congress wants to maintain neutrality. That is what this amendment seeks to do. I have no brief for the precise words. It may be that they are not the most artful. I have, frankly, written them out as I sat here listening to the debate. But I think the amendment spells out the policy which I understand Senators on both sides to be saying they want; and that is, that we would leave the question, at this time at least, for the decision of the State and local educational agencies.

Mr. MORSE. Will the Senator permit me to put my question in a little different way?

My interpretation of the Dirksen amendment is that it seeks to prohibit the use of any Federal funds by any school district for any busing, even though a school district feels, in determining its local educational policy, that that is the best way to resolve a special situation that confronts that school district.

The Senator from Massachusetts [Mr. KENNEDY] points out that in Massachusetts, that may very well be the need of a particular local school district. We talked about it last year, as I stated in my argument earlier this afternoon, that that is what Massachusetts or some other State might wish to do.

My position is that if a school board decides that is what it wants to do, then, in the name of States' rights, I shall not vote to deny to a school board the right to use the funds for that purpose. I believe that is the right of a State or a local school board. If the Senator from Michigan intends, by his amendment, to say, "We hereby serve notice on you, Mr. Secretary of Health, Education, and Welfare, that if a State or school district wishes to use funds to which it is entitled under the special projects authorization provision of the act, for example, to resolve a special congestion problem that it faces by busing Negro children to a white school, that is its decision to make, and not for us to make for it; and you must not seek to direct it to do it, or to influence it to do it, directly or indirectly. You keep your hands-off policy; you just provide the funds which they ask for the funds under the special projects program, because that is their right and their business, and not yours."

If that is what the Senator from Michigan is seeking to accomplish, it is in complete conformity with what I have been seeking to accomplish; and, on the basis of that interpretation as legislative history, I would accept the amendment and urge the Senate to adopt it.

Mr. GRIFFIN. I thank the Senator from Oregon. I should just like to make this additional point: The great genius of the American educational system springs from its diversity. One of the great concerns of those who have earlier opposed Federal aid to education was the possibility that we would make, more and more, Federal policy determinations on matters affecting education that would apply across the board throughout the 50 States.

I do not believe we want to do that. I have not wanted to do it. If there is a State or local educational agency that has the courage, and thinks it is wise, to launch a policy of this kind, I do not think we should stand here and discourage it. I think we ought at least to permit them to do it. Experimentation and innovation are good for our educational system. They are an important reason why our educational systems are as good as they are.

Several Senators addressed the Chair.

Mr. GRIFFIN. I yield first to the Senator from California.

Mr. MURPHY. As I understand it, what the Senator is seeking to do is revise the Dirksen amendment by protecting States from the imposition of control by the Federal bureaucracy.

In other words, the Senator would permit each State to make its own decision. Once that is made, the amendment is satisfied?

Mr. GRIFFIN. That is essentially correct, yes.

Mr. JAVITS. Mr. President, I think the Senator has added a very fine and useful way in which we can work our will—those of us who have the will to argue in support of our point of view—the Senator from Oregon [Mr. MORSE], the Senator from New Jersey [Mr. CASE], the Senator from Massachusetts [Mr. KENNEDY], myself, and others.

I would join with the Senator from Oregon—and I am the ranking minority member of this subcommittee present, as well as of the full committee—in hoping that the Senate will permit us to work the situation out this way, by agreeing with the amendment of the Senator from Michigan, and then to the amendment of the Senator from Illinois as amended.

Mr. DIRKSEN. Mr. President, the English language is a very facile instrument. Words have crept into it that are very expressive. They are not always elegant words. I am constrained to use one such word now.

What the Griffin amendment proposes to do is gut the amendment that I have offered today. What the Senator from Michigan proposes to do is to let a State determine the busing policy and let the Federal Government pay for it. What he wants to do is have Illinois, or California, or South Carolina, or Kansas pay the bill for Michigan, if Michigan decides it wants busing. They want to use our money with which to do it.

That is what the Senator's amendment says, and it ought to be repudiated and voted down.

One other thing. I listened to the distinguished Senator from Massachusetts. If they want to bus in Massachusetts, in Boston, let them do it, but not with money from Chicago and Peoria; not with money from Montpelier and Omaha. That is what they want to do with this money. That is what BOB GRIFFIN wants to do—I take that back. That is what the distinguished Senator from Michigan wants to do. But he wants to gut this amendment. He seeks to accomplish a polite evisceration of what is before the Senate. It ought to be voted down unanimously, including even the distinguished Senator from Oregon.

If Senators want to gut an amendment that is trying to accomplish something in accordance with the Civil Rights Act of 1964, and the District of Columbia appropriations bill of 1967, then the Senate will repudiate this amendment to the amendment, and vote up the amendment that I offered earlier today.

Now vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan to the amendment of the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH (when his name was called). On this vote I have a pair with the Senator from South Carolina [Mr. HOLLINGS]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. BARTLETT (after having voted in the affirmative). On this vote I have a pair with the Senator from Georgia [Mr. RUSSELL]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Arkansas [Mr. FULBRIGHT]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from New York [Mr. KENNEDY] are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator

from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Arkansas [Mr. FULBRIGHT] are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] and the Senator from New York [Mr. KENNEDY] would each vote "yea."

On this vote, the Senator from Indiana [Mr. BAYH] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Indiana would vote "yea" and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Connecticut [Mr. RIBICOFF] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Alabama would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Pennsylvania [Mr. SCOTT] is necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT] would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Idaho would vote "nay."

The result was announced—yeas 38, nays 38, as follows:

[No. 369 Leg.]

YEAS—38

Aiken	Hatfield	Murphy
Boggs	Jackson	Muskie
Brewster	Javits	Nelson
Brooke	Kennedy, Mass.	Pastore
Burdick	Kuchel	Pearson
Case	Long, Mo.	Pell
Church	McGee	Percy
Clark	McGovern	Proxmire
Fong	McIntyre	Tydings
Griffin	Metcalf	Williams, N.J.
Gruening	Mondale	Yarborough
Harris	Montoya	Young, Ohio
Hart	Morse	

NAYS—38

Anderson	Ervin	Monroney
Baker	Fannin	Morton
Bennett	Hansen	Mundt
Bible	Hayden	Smathers
Byrd, Va.	Hickenlooper	Smith
Byrd, W. Va.	Hill	Spong
Cannon	Holland	Stennis
Carlson	Hruska	Talmadge
Cotton	Jordan, N.C.	Thurmond
Curtis	Lausche	Tower
Dirksen	Long, La.	Williams, Del.
Dominick	McClellan	Young, N. Dak.
Eastland	Miller	

NOT VOTING—24

Allott	Hartke	Moss
Bartlett	Hollings	Prouty
Bayh	Inouye	Randolph
Cooper	Jordan, Idaho	Ribicoff
Dodd	Kennedy, N.Y.	Russell
Ellender	Magnuson	Scott
Fulbright	Mansfield	Sparkman
Gore	McCarthy	Symington

So Mr. GRIFFIN's amendment to Mr DIRKSEN's amendment was rejected.

Mr. CASE. Mr. President, I move to reconsider the vote.

Mr. LONG of Louisiana. Mr. President, a point of order. A Senator who did not vote with the prevailing side cannot move to reconsider.

The PRESIDING OFFICER. The Chair rules that the Senator from Louisiana is correct, that a Senator not voting on the prevailing side cannot make such a motion. He must be on the prevailing side.

Mr. CASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE. Does that mean in the circumstances nobody can move to reconsider? Does it mean that in the circumstances nobody can move to reconsider?

The PRESIDING OFFICER. The Chair rules that in this case, the prevailing side is the side which voted against the amendment. The amendment was rejected.

Mr. CASE. Is it not somewhat unusual to require that this motion be made by someone who prevails?

Mr. JAVITS. Mr. President, am I correct now in the assumption that the vote recurs upon Senator DIRKSEN's amendment?

The PRESIDING OFFICER. The Chair rules that the question now recurs to the original amendment by the Senator from Illinois.

Mr. JAVITS. And is my understanding correct that that amendment remains open to amendment?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. JAVITS. Mr. President, before we vote, perhaps we would like to say a word about it.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. Will the Senator from New York suspend? Will the Senate please be in order?

Mr. KENNEDY of New York. Mr. President——

The PRESIDING OFFICER. The senior Senator from New York has the floor. Does the Senator yield?

Mr. JAVITS. I am happy to yield.

Mr. KENNEDY of New York. I should like to offer a motion to reconsider.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. JAVITS. I ask for the yeas and nays.

Mr. HOLLAND. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. That should go to the calendar.

Mr. TYDINGS. I ask for the yeas and nays.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator withhold his inquiry momentarily?

Mr. JAVITS. Mr. President, I have the floor, and I will be happy to yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Chair rules that in this case the senior Senator from New York yielded to his colleague, the junior Senator from New York, for the purpose of making a motion to reconsider. The junior Senator from New York, not having voted on this motion, made an eligible motion to reconsider.

Mr. DIRKSEN. I move to table the motion.

Mr. MORSE. I ask for the yeas and nays.

Mr. JAVITS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. I did not yield to the Senator from Illinois. The Senator from Illinois, Mr. President, was recognized irregularly. I shall yield to him. I have the floor, and when I am ready I will yield.

The PRESIDING OFFICER. The Chair rules that the Senator from New York is correct. However, it was the impression of the Chair that a vote was immediate, imminent, and impending; and the Senator from Illinois certainly has the right to make a motion to table, under the circumstances.

Mr. JAVITS. He certainly does.

Mr. DIRKSEN. Mr. President, I made that motion in my own right, and the Senator from New York does not have to yield to me, under the rule.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Since when can a Member be taken off the floor and off his feet by an Member rising in his place and saying, "I move anything," including the tabling motion?

Mr. DIRKSEN. The Senator lost the floor by yielding to his junior colleague from New York, and the motion to table the motion to reconsider was entirely in order and came timely.

Mr. JAVITS. Mr. President, when there was no objection to my yielding, and the Senator, notwithstanding his motion to reconsider, had no objection made to it on the ground that I did or did not yield for that purpose. I regained the floor by recognition of the Chair, which I have now. I am only asserting this not to be contentious, but because this is a right which every Senator is dutybound and honorbound to protect. When you have the floor, you have it, and nobody can take it away from you.

The PRESIDING OFFICER. The Chair has ruled that the Senator has the floor.

Mr. HICKENLOOPER. Mr. President, a point of order.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. JAVITS. I yield for nothing, except to Senator DIRKSEN, to make his motion to table.

Mr. HICKENLOOPER. I thank the

Senator from New York for his courtesy. I wish to make a parliamentary inquiry.

Mr. JAVITS. I yielded for the parliamentary inquiry.

Mr. DIRKSEN. I move to table the motion.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table. On this vote the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Chair will not permit the rollcall to proceed until Senators are in their chairs. The Chamber will be cleared of all unauthorized persons. The Sergeant at Arms will carry out the order. Senators will please take their seats.

The clerk will resume the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Arkansas [Mr. FULBRIGHT]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. YOUNG of Ohio (when his name was called). On this vote I have a pair with the distinguished Senator from Georgia [Mr. RUSSELL]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. RANDOLPH (when his name was called). On this vote I have a live pair with the Senator from South Carolina [Mr. HOLLINGS]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr. RIBICOFF] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON] and the Senator from Arkansas [Mr. FULBRIGHT] are necessarily absent.

On this vote the Senator from Alabama [Mr. SPARKMAN] is paired with the Senator from Connecticut [Mr. RIBICOFF].

If present and voting, the Senator from Alabama would vote "yea" and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Hawaii [Mr. INOUYE]. If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Hawaii would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Pennsylvania [Mr. SCOTT] is necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT], would vote "yea."

On this vote, the Senator from Idaho [Mr. JORDAN] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting the Senator from Idaho would vote "yea," and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 39, nays 39, as follows:

[No. 370 Leg.]

YEAS—39

Anderson	Ervin	Monroney
Baker	Fannin	Morton
Bennett	Hansen	Mundt
Bible	Hayden	Murphy
Byrd, Va.	Hickenlooper	Smathers
Byrd, W. Va.	Hill	Smith
Cannon	Holland	Spong
Carlson	Hruska	Stennis
Cotton	Jordan, N.C.	Talmadge
Curtis	Lausche	Thurmond
Dirksen	Long, La.	Tower
Dominick	McClellan	Williams, Del.
Eastland	Miller	Young, N. Dak.

NAYS—39

Aiken	Harris	Mondale
Bartlett	Hart	Montoya
Bayh	Hatfield	Morse
Boggs	Jackson	Muskie
Brewster	Javits	Nelson
Brooke	Kennedy, Mass.	Pastore
Burdick	Kennedy, N.Y.	Pearson
Case	Kuchel	Pell
Church	Long, Mo.	Percy
Clark	McGee	Proxmire
Fong	McGovern	Tydings
Griffin	McIntyre	Williams, N.J.
Gruening	Metcalf	Yarborough

NOT VOTING—22

Allott	Inouye	Ribicoff
Cooper	Jordan, Idaho	Russell
Dodd	Magnuson	Scott
Ellender	Mansfield	Sparkman
Fulbright	McCarthy	Symington
Gore	Moss	Young, Ohio
Hartke	Prouty	
Hollings	Randolph	

So the motion of Mr. DIRKSEN to table the motion of Mr. KENNEDY of New York to reconsider the motion of Mr. DIRKSEN was rejected.

The PRESIDING OFFICER. The question now recurs on the motion of Mr. KENNEDY of New York, to reconsider.

Mr. MORSE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Arkansas [Mr. FULBRIGHT]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. RANDOLPH (when his name was called). On this vote I have a pair with the distinguished Senator from South Carolina [Mr. HOLLINGS]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. YOUNG of Ohio (when his name was called). On this vote I have a pair with the distinguished senior Senator from Georgia [Mr. RUSSELL]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. YOUNG of Ohio. Mr. President, I desire to be recorded. I vote "yea."

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Arizona [Mr. HAYDEN] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Arkansas [Mr. FULBRIGHT] are necessarily absent.

On this vote the Senator from Connecticut [Mr. RIBICOFF] is paired with the Senator from Alabama [Mr. SPARKMAN].

If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Alabama would vote "nay."

On this vote, the Senator from Hawaii [Mr. INOUYE] is paired with the Senator from Louisiana [Mr. ELLENDER].

If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Pennsylvania [Mr. SCOTT] is necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT] would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Idaho would vote "nay."

The result was announced—yeas 40, nays 38, as follows:

[No. 371 Leg.]

YEAS—40

Aiken	Brooke	Fong
Bartlett	Burdick	Griffin
Bayh	Case	Gruening
Boggs	Church	Harris
Brewster	Clark	Hart

Hatfield	McIntyre	Pell
Jackson	Metcalf	Percy
Javits	Mondale	Proxmire
Kennedy, Mass.	Montoya	Tydings
Kennedy, N.Y.	Morse	Williams, N.J.
Kuchel	Muskie	Yarborough
Long, Mo.	Nelson	Young, Ohio
McGee	Pastore	
McGovern	Pearson	

NAYS—38

Anderson	Ervin	Morton
Baker	Fannin	Murphy
Bennett	Hansen	Smathers
Bible	Hickenlooper	Smith
Byrd, Va.	Hill	Spong
Byrd, W. Va.	Holland	Stennis
Cannon	Hruska	Mundt
Carlson	Jordan, N.C.	Talmadge
Cotton	Lausche	Thurmond
Curtis	Long, La.	Tower
Dirksen	McClellan	Williams, Del.
Dominick	Miller	Young, N. Dak.
Eastland	Monroney	

NOT VOTING—22

Allott	Hollings	Randolph
Cooper	Inouye	Ribicoff
Dodd	Jordan, Idaho	Russell
Ellender	Magnuson	Scott
Fulbright	Mansfield	Sparkman
Gore	McCarthy	Symington
Hartke	Moss	
Hayden	Prouty	

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. The figures announced do not tally with the announcement made by the clerk during the recapitulation of the rollcall vote, because the tally is kept down here, at the desk and it was 39 to 38. I should like an explanation.

The PRESIDING OFFICER. Does the Senator from Montana desire a recapitulation?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. The Chair will order a recapitulation of the vote.

Mr. STENNIS. Mr. President, if any mistake has been made, perhaps Senators contributed to it, including the Senator from Mississippi. If we can have order in the Chamber and the well cleared, I think we will be able to listen better to the recapitulation.

The PRESIDING OFFICER. The clerk will recapitulate the vote.

The legislative clerk recapitulated the vote, and the vote was again announced as yeas 40, nays 38.

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now recurs on amendment of the Senator from Michigan [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. GRIFFIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MANSFIELD. Is the call for the yeas and nays automatic?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. Mr. President, the amendment is still debatable, I take it.

The PRESIDING OFFICER. The amendment is debatable.

Mr. DIRKSEN. Mr. President, I ask for recognition, and in being recognized I would like to ask the distinguished majority leader a question.

Mr. PASTORE. Mr. President, we cannot hear the Senator. I think we are interested.

Mr. President, who has the floor?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Illinois yield for that purpose?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, if it has been allowed.

The PRESIDING OFFICER. Without objection, the order for the quorum call is rescinded.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, in view of the situation which has developed, and in response to the question raised by my distinguished colleague, the Senator from Illinois——

Mr. DIRKSEN. Mr. President, can the Senator from Rhode Island hear?

Mr. PASTORE. I can hear it beautifully—beautifully.

Mr. MANSFIELD. It has been a long day, and I ask unanimous consent that when the Senate completes its business—shortly, I hope—it stand in adjournment until 10 o'clock tomorrow morning.

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

Mr. MANSFIELD. For the information of the Senate, there will be no further votes tonight.

The PRESIDING OFFICER. What is the will of the Senate?

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President——

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. Will Senators take their seats or leave the Chamber.

The Senator from Oregon.

Mr. MORSE. Mr. President, as manager of the bill, I want the record to show that the senior Senator from Oregon was ready to vote on a rollcall vote tonight.

Mr. STENNIS. Mr. President, a point of order. The Senator who is handling the bill should be able to be heard. Will the Chair maintain order so we can hear?

The PRESIDING OFFICER. Senators will either take their seats or leave the Chamber. The Senator will not proceed until they do.

The Senator from Oregon.

Mr. MORSE. Mr. President, to repeat, as manager of the bill I want to say that the senior Senator from Oregon was ready to vote by rollcall vote on the reconsideration issue tonight. I was advised that, being subject to debate, there would be debate for some duration. That fact calls upon the manager of a bill at any time to consider the parliamentary realities and to extend courtesies. When the majority leader advised me of the situation, I saw nothing that could be gained by our sitting here shadowboxing when I knew that chances of getting a vote tonight were nil. Therefore, let the record show that I agreed with the leadership, under those circumstances, to have the Senate recess tonight and to convene tomorrow morning at 10 o'clock.

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

Mr. MORSE. I yield to the Senator from New York.

Mr. JAVITS. I wanted to have two colloquies with the Senator from Oregon, and they relate to State education agencies. One is as follows:

Will the floor manager of the bill state the intent of the committee in the language proposed in title III? The State Advisory Council authority of section 305(a)(1)(F) provides that the Council can "obtain such professional, technical and clerical assistance as may be necessary to carry out its functions under this title."

Am I not correct in my understanding that these councils as proposed are purely advisory councils to the State agencies?

Mr. MORSE. I thank the Senator from New York for asking the question. I think it is very important that we make legislative history on the question at the present time. I am pleased to do so in cooperation with the Senator from New York.

The Senator is correctly advised. The Council function is to provide advice to the State educational agency. The State agency is not bound to accept the advice given. Title III requires only that the agency consider the advice given in the same manner as it must consider the advice given by the panel of experts on a particular application. With regard to the other functions performed by the Advisory Council, here, too, the advice or counsel given is not mandatory upon the State educational agency, but since the Council is composed of knowledgeable individuals who are broadly representative of all educational forces within the State, and having been appointed by the State educational agency, in my judgment, the State educational agency will find the advice given most helpful, just as the National Advisory Council will find it help-

ful and as we will find it indispensable. Because of its value to us in the exercise of our legislative oversight functions, we thought it only fair to provide for the financing of the staff services that the councils will require. I emphasize, however, that the staff serving the Advisory Council, at both the State and the National levels are in no way Federal employees of either the executive or the legislative branches; rather, they are creatures of the councils and their compensation and working conditions will conform to the patterns established by the appointees of the State educational agencies who comprise the councils. It would be perfectly proper, for example, for the staff to be hired on contracts individually negotiated, or by way of reimbursement to a State education agency if the State education agency and the Council so agreed.

Again, I want to thank the Senator from New York for helping me make this legislative history.

Mr. JAVITS. Mr. President, under present law the commissioner of education in New York and the U.S. Commissioner of Education, Harold Howe, operate title III under an agreement whereby 70 percent of the apportionment to the State of New York under title III is subject to final approval by the commissioner of education in New York. Is there anything in the amendment proposed by the committee which would make such an agreement impossible if the committee amendment were to be adopted?

Mr. MORSE. Again I thank the Senator from New York for asking this question, because we are dealing here with questions about which legislative history should be made. We are not only assisting the Senate and House by making the history, but we are assisting the Department, and, more important, we are assisting the courts, because what the Senator and I say, unless it is reversed in the course of the handling of this debate, will be binding on the court as the legislative intent.

The committee amendment is purposefully designed to encourage cooperation between State educational agencies and the U.S. Office of Education. The committee amendment is deliberately flexible on this point in order to facilitate cooperation between the Federal and State levels. The committee report contains language concerning the transition from Federal to State programs which explicitly encourages the Commissioner and the States to work out agreements for joint funding of projects. Agreements as to which projects are to be funded under the proposed amendment, such as the one the Senator from New York has brought to my attention, would be encouraged also.

I might point out that in the opinion of some who have studied the present law carefully there is some doubt as to whether the Commissioner may make an agreement to give final approval to any State. If this doubt has a basis in the present law the agreement of the Commissioner of Education and the New York State educational agency would be on a rather shaky legal foundation. I understand that such an agreement has been made as part of the policy of the Office of Education to transfer the administration of title III to the States. I am firmly in favor of such a policy. That is the reason I sponsored the revision of title III which the committee bill contains. This revision is designed to encourage this transition to the States. Further, this transition by way of legislation would remove any doubt as to the validity of the agreement brought to our attention by the Senator from New York.

Again I thank the Senator for his cooperation with the manager of the bill.

Mr. JAVITS. That relates to the validity of the agreement brought to our attention, and relates to both prospective programs and programs in progress?

Mr. MORSE. The answer is "Yes." It certainly does.

Mr. JAVITS. I thank the Senator.

Mr. MORSE. I say to the majority leader that I am ready to yield the floor for the recess of the Senate, or for whatever else he wishes to take up.

Mr. BYRD of West Virginia. I thank the Senator.

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

Mr. BYRD of West Virginia. I yield.

OMNIBUS HOUSING BILL CONTAINS NEW COLLEGE HOUSING PLAN

Mr. JAVITS. Mr. President, the omnibus housing bill, S. 2700, which was reported out by the Senate Banking and Currency Committee last week and will be considered this week, contains a proposal to meet the chronic college housing shortage which was the subject of S. 2000, which I introduced on June 23, 1967, with Senators PROXMIRE, JORDAN of Idaho, and FANNIN as cosponsors.

This plan is adaptable also for college education facilities, for hospitals, and for other similar construction, and is of great importance to build or modernize such facilities at the same time that it relieves the budget and appropriations of the impact of such capital expenditures.

Under my bill, individual colleges and universities could sell bonds to private investors at the market rate of interest. The Federal Government would then make loan differential payments which would cover the difference between the market rate of interest and 3 percent. It is estimated that the $10 million of loan differential payments which the bill authorizes will support at least $300 or $400 million of bonds sold at a market rate as high as 5½ percent or 6 percent. The plan will allow for maximum utilization of private financing in that the colleges would be dealing with private investors—many their own alumni. The use of loan differential payments will allow the existing direct loan program to be used for the many smaller colleges which may have to pay extremely high interest rates to investors in order to sell bonds in the private market. For these smaller colleges it would be less expensive to the Government to use the direct program than the loan differential payments. Thus, the $10 million in loan differential payments together with the existing direct loan program—$300 million—will make available $700 million to meet the college dormitory shortage.

Mr. President, last year an amendment which I sponsored to relieve the overwhelming load of prospective applications for college housing was passed by a rollcall vote of this body only to be dropped in conference. I am informed that now, a year later, the situation is worse. The $300 million direct-loan program has failed completely to keep up with demand.

Under existing law, $300 million in direct loans are available from the Federal Government at 3 percent interest rate to colleges across the country for building new dormitory facilities. The present amount fails to even come close to meeting current needs. In January 1966, the Department of Housing and Urban Development stopped accepting loan applications because the backlog was over $700 million—more than twice surpassing the funds available. The Department was unable to reopen its doors until this past April and then only for 30 days. As of this morning, HUD is still not accepting applications. It is almost 2 years since the January 1966 date when HUD stopped taking applications with the exception of a brief 30-day period. I think this is ample proof that the existing program is totally dead. This insufficiency may well have serious effects on our educational capabilities in the future.

Together with the distinguished senior Senator from Wisconsin [Mr. PROXMIRE], who has cosponsored S. 2000 and whose assistance in the committee has been invaluable, letters were sent to colleges across the Nation to solicit their views of the proposal and to find out their expected needs for housing. Over 150 responses have come in and with almost no exceptions, the colleges supported the enactment of S. 2000. I have also received unsolicited responses from individuals interested in education across the country and even from the distinguished Governor of the State of Delaware, Charles L. Terry, Jr. The proposal also received the endorsement of the American Council on Education and the National Association of State Universities and Land-Grant Colleges, who testified before the Housing Subcommittee of the Banking and Currency Committee.

I ask unanimous consent to insert in the RECORD at this point some responses from across the country. I hope Members of the Senate will read these letters carefully. Senator PROXMIRE placed in the RECORD last Wednesday a number of other responses. This proposal is really a new innovation in financing quasi-public and public facilities which can have enormous implications for the future of all such financing.

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

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, September 26, 1967.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Your interest in providing for an expansion of the College Housing Loan Program is appreciated. I have my-

self taken a very personal interest in the problems of higher education in the entire country, most recently as the first Chairman of the Education Commission of the States, and more especially in the State of Delaware.

The rapidly increasing costs of higher education are creating financial problems for the students, for the institutions, and for the states. We cannot allow tuition and other fees to increase so substantially that a college education is beyond the reach of many of our citizens. As you are aware, institutional resources are already strained, and the states' sources of revenue are being hard-pressed by financial demands on all fronts. I have been concerned and I am especially concerned that the present inadequate financing of the College Housing Loan Program seems to preclude the University of Delaware from getting a $3 million Federal loan at 3% to complete the financing of a dormitory complex we must have in the Fall of 1968. Your proposal to make additional funds available through a Federal subsidy of interest in excess of 3% on loans placed in the commercial market would seem to be the most desirable solution from every point of view. Please convey to the Senate Banking and Currency Committee my full support of your bill (S. 2000).

Sincerely yours,

CHARLES L. TERRY, Jr.,
Governor.

NEW YORK UNIVERSITY,
New York, N.Y., September 22, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR JACK: I was very pleased to learn of the bill that you and Senator Proxmire are sponsoring to subsidize partially the interest on college housing loans.

New York University presently has a substantial need for additional housing of students at Washington Square and will probably need to provide more housing at University Heights in the future. We have delayed construction of additional housing units at the Square because our estimates of project costs including interest would require us to charge students rents substantially above their ability to pay. As you know, as a partial solution, we have purchased neighboring hotels and are housing some students in other commercial hotel space. Passage of Senate Bill No. 2000, or House of Representatives Bill No. 8647, would be a great help in enabling us to construct student housing which could be rented at more reasonable rates.

Your sensitivity to educational needs in this, as in so many other areas, is indeed gratifying.

Sincerely yours,

JAMES M. HESTER.

THE UNIVERSITY OF NORTH DAKOTA,
Grand Forks, September 5, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I appreciate the letter I received from you and Senator Proxmire on August 29 concerning the proposed Senate legislation S. 2000 designed to ease the college shortage. This would be helpful to us in the future for we still need to look forward to building an additional dormitory to accommodate the anticipated enrollment two years from now and following.

I am sure our bill would provide us the relief we need.

Sincerely,

GEORGE W. STARCHER,
President.

SOUTH DAKOTA STATE UNIVERSITY,
Brookings, S. Dak., September 18, 1967.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATORS: I received your letter of August 29, concerning our needs for housing at South Dakota State University. We will need additional housing at this institution for use by prospective students. The only possible way that we can provide such housing is through the issuance of bonds. We have made all the use we possibly can of the current system of the government guaranteeing bond issues through HUD and its predecessor FHA.

We feel that one of the very best investments that society can make in young people is a college education. Our students are of such financial status, in many instances, that they cannot pay as much for their college education as might be true in some states. South Dakota is among the very lowest of the states in individual incomes. The difference in the cost of housing between the 3% interest charge and the going rate would make our housing considerably more expensive than we are now able to provide. Consequently, this will keep many fine young people from attending this university.

We would be interested in working under the kind of arrangement that you have suggested in your Senate Bill 2000. This kind of support would be most helpful to our prospective students.

Sincerely yours,

H. M. BRIGGS,
President.

STATE UNIVERSITY OF NEW YORK,
Albany, N.Y., August 7, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your July 13 letter bringing me up to date on your latest efforts to help ease the critical problem of financing college housing.

We in the State University of New York strongly support your bill, S. 2000, as the most promising method of obtaining an immediate increase in federal support for college housing. Last May, as a member of the Executive Committee of the National Association of State Universities and Land-Grant Colleges, I joined in strongly endorsing the solution you proposed to the college housing problem, which you have now embodied in S. 2000. One reason why we did this is because it was our clear understanding that, if your program is adopted, it would make possible an increase in the funds available for the college housing loan program without additional direct federal expenditure.

I support your efforts to expand financing available to college housing while keeping the interest rate at three percent. The Administration's action in proposing an increase in the interest rate and withholding presently available loan funds are cause for serious concern.

The State University is currently paying as much as 4.4 percent for New York State Dormitory Authority bonds, and we now have applications in for federal funds at the three percent rate. The higher interest costs will result in higher dormitory rental rates, an increase which must be passed on to students and parents. This clearly would be inimical to the best interests of the nation's future educational growth.

Although I was, unfortunately, unable to attend the hearing before the Banking and Currency Committee, July 17–25, when the Administration's bill, Sec. 207 of S. 1445, was under review, I am sending a copy of this letter to Senator John Sparkman, Chairman of the Banking and Currency Committee, with the request that it be entered into the record of the hearing and be considered by the Committee in reaching its decision on this pending legislation.

Again, let me thank you and commend you for your interest and support.

Sincerely,

SAMUEL B. GOULD.

JULY 13, 1967.

Dr. SAMUEL B. GOULD,
President, State University of New York,
Albany, N.Y.

DEAR DR. GOULD: I thought you might be interested in some recent developments since our correspondence last fall on the problems of the availability of low interest loans for college housing.

Two weeks ago I submitted a bill, S. 2000, a copy of which is enclosed, that I believe will help ameliorate this critical situation. In essence, it will enable the federal government to pay the difference between 3% and the going rate of interest on loans which colleges procure in the open market. The cost to the government will be minimal and yet would mean a very appreciable amount of low interest loans—up to $400 million to the colleges. These supplemental federally subsidized loans would be in addition to the $300 million in direct loans already allocated for this purpose.

As I know of your sincere concern, I thought you might be interested in giving the Banking and Currency Committee the benefit of your experience in this area, and perhaps lend your prestige to effectuating passage of this bill. At the same time, you may wish to address yourself to the Administration's bill (Sec. 207 of attached S. 1445) to raise the interest rate of the existing direct loan program from 3% to up to 4⅝%—a proposal which I believe to be inimical to the best interests of the nation's future educational growth.

Hearings will be held from the 17th through the 25th of July. Should you be interested, I would look forward to hearing from you.

With best wishes,

Sincerely,

JACOB K. JAVITS,
U.S. Senator.

UNIVERSITY OF CALIFORNIA,
Berkeley, Calif., September 14, 1967.

Hon. JACOB K. JAVITS,
Member of the U.S. Senate,
Washington, D.C.
Hon. WILLIAM PROXMIRE,
Member of the U.S. Senate,
Washington, D.C.

GENTLEMEN: This is in reply to your letter of August 29, 1967, concerning the University of California's position on S. 2000.

We favor the plan proposed in that legislation and are urging its adoption as a supplement to existing programs. Our advocacy of S. 2000 is being conducted through the American Council on Education, the Association of State Universities and Land Grant Colleges, and the University of California's Washington office.

As a matter of interest, you may wish to know that we estimate residential housing needs for the nine campuses of the University will total approximately $160,000,000 for the period of the next five years.

If further details concerning the University's position on S. 2000 would be helpful, we shall be pleased to have Dr. Mark Ferber of our Washington office meet with you at your convenience. His office is located at 1310 19th Street, N.W., telephone 462–8818.

Yours sincerely,

CHARLES J. HITCH.

UNIVERSITY OF WASHINGTON,
Seattle, Wash., September 14, 1967.
Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: The University of Washington welcomes the opportunity to comment on S. 2000. The shortage of college housing loan funds has been of serious concern to the University of Washington, and the passage of this proposed legislation would be most helpful to the University.

Since World War II, all of the residence halls at the University have been financed through the College Housing Loan Program. The bonds are amortized from student board and room payments. The low interest rates available under this program have helped to keep board and room rates at a reasonable level, thus holding down the total cost of a university education.

The need to provide student housing continues to grow at a rapid rate. Not only is University enrollment increasing, but the availability of private housing for students has decreased substantially in the past year. This shortage of housing in the Seattle area is mainly due to business expansion which has drawn large numbers of new workers to this city in direct competition with college students for low cost housing. At the present time waiting lists for University dormitory space contain more than a thousand names, clearly demonstrating an urgent need for University housing, a need which will continue to grow with enrollment increases.

The University of Washington is hopeful that low interest funds can continue to be made available for urgently needed new dormitories. In the face of rising construction costs, low interest rates can help the University to maintain board and room rates at a level which will help keep the cost of a university education within the means of students from low income families. S. 2000 would be of substantial assistance in accomplishing this aim, and we urge its passage.

I am sending copies of this letter to Senators Jackson and Magnuson so that they may be advised of the importance of S. 2000 to the University of Washington.

Sincerely yours,
CHARLES E. ODEGAARD,
President.

RENSSELAER POLYTECHNIC INSTITUTE,
Troy, N.Y., September 22, 1967.
Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: We are very much interested in Senate Bill S. 2000 and wish to comment on the need for the passage of this piece of legislation.

The citizen of tomorrow will be living in an America that is difficult to imagine, and it is the responsibility of educational institutions today to develop programs and an environment that will shape his education and his contributions to society. Rensselaer Polytechnic Institute has accepted this responsibility through the years in providing an education centered in science and technology yet including the humanities and social sciences.

Mindful of the need of providing the appropriate environment for a larger number of students, Rensselaer has embarked on a long-range planning and development program of the facilities that will be needed. Included are additional residence halls for undergraduate students, housing units for advanced students pursuing graduate work, and additional apartments for married students. On top of this the need for housing facilities for faculty and research staff confronts not only Rensselaer but a large majority of the institutions of higher education throughout the country.

The provisions of S. 2000, if passed, would enable colleges and universities throughout the land to tackle these immediate pressing problems more promptly as they consider any required increases necessary because of other rising costs of operations.

At the present time the Federal college housing loan program is not helping colleges and universities since no loan applications are being accepted. If the needs of college housing are to be met, action is needed to reopen applications under existing authority.

Sincerely,
R. G. FOLSOM.

UNIVERSITY OF DETROIT,
Detroit, Mich., October 10, 1967.
Hon. JACOB K. JAVITS and
Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS and SENATOR PROXMIRE: Thank you for inviting me to comment on Senate Bill 2000.

Like many institutions, the University of Detroit faces a critical need to add college housing facilities. In fact we have just embarked on a new dormitory complex that will cost approximately $3.6 million. Of this amount, a loan from the Department of Housing and Urban Development of some $1.8 million is expected. The balance of $1.8 million has been arranged from a private source and will require interest at prime rate (probably 6%). This addition will increase our student housing by 500 beds (or 50%), and a further 500-bed increase will probably be required in another three years or so.

In addition to the dormitory complex, we plan to construct a food services facility that will cost approximately $1.6 million, and at this time it appears that we must secure the funds from a private source—again at the prime rate.

Obviously, the proposed bill, which would provide an effective interest rate of 3%, would enable us to cut our borrowing costs and thereby allow us to pass the savings on to prospective students in the form of lower room rentals. Likewise, if the bill extended to food services, a similar reduction in interest rates and student food charges would be possible.

Accordingly, we heartily endorse the proposed legislation that would assist importantly by providing student housing funds at lower interest rates. This cost saving would be of great help as we develop our plans to meet the increasing housing demands of higher enrollments in the years ahead.

Sincerely yours,
MALCOLM CARRON, S.J.,
President.

LOS ANGELES, CALIF.,
September 8, 1967.
Senator JACOB K. JAVITS,
U.S. Senate,
Senate Office Building,
Washington, D.C.:

Senate bill 2000 would be of considerable aid to the private universities whose bonds are not tax exempt and therefore bid at a higher rate than tax-exempt general obligation bonds of governmental subdivisions. The University of Southern California is in need of additional student housing and would very likely make application for a bond issue of the order of $5 million. Senate bill 2000 appears to us to have many advantages over a bill which would raise the existing direct loan program to $700 million.

UNIVERSITY OF SOUTHERN CALIFORNIA,
CARL V. FRANKLIN,
Vice President.

TULANE UNIVERSITY,
New Orleans, La., September 27, 1967.
Senator JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: We have reviewed the general approach suggested by S. 2000 recommending a new method of handling the loan applications for colleges and universities. As we understand the legislation, it offers a fine potential which does not now exist for dealing systematically and regularly with an urgent need in our society. As matters stand at the present time the unavailability of funds under the present program is a serious deterrent to the further development of strength in a number of institutions. We believe the program you have proposed in S. 2000 provides much needed flexibility and long term continuity in program development.

Sincerely yours,
HERBERT E. LONGENECKER,
President.

UNIVERSITY OF CINCINNATI,
Cincinnati, Ohio, August 31, 1967.
Hon. JACOB K. JAVITS and
Hon. WILLIAM PROXMIRE,
Members of U.S. Senate,
Washington, D.C.

GENTLEMEN: The University of Cincinnati is vitally interested in legislation which will be helpful in overcoming the critical shortage of student residence halls.

Our enrollment is expanding rapidly and we anticipate an increase of approximately fifty percent in the next five or six years. It will be most difficult, if not impossible, to accept admissions for this large number of young men and women unless substantial additions can be made to our housing facilities.

One of the greatest problems we have in connection with housing is the financing of new structures because of the difficulty in charging rentals sufficient to cover operating and debt service charges, due in considerable measure to rapidly rising construction costs and high interest charges.

Your proposal to use differential payments has great appeal to us. This device plus the possible continuation of the existing direct loan program would be of inestimable value to American colleges and universities.

We urge that you press for favorable action by the Congress on your suggestion.

Very truly yours,
RALPH C. BURSIEK,
Executive Vice President.

CLARKSON COLLEGE OF TECHNOLOGY,
Potsdam, N.Y., August 31, 1967.
Hon. JACOB K. JAVITS,
Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATORS: This is in reference to the legislation (S. 2000) which you have introduced concerning the financing of college housing. I wish to go on record as being in support of the objectives of this proposed legislation.

Clarkson College of Technology now houses approximately 1500 students in college dormitories, and has just committed the construction of a 240-man dormitory unit which will be completed next year. The College must construct two additional 240-man units between 1968 and 1971 to accommodate its projected increase in student enrollment in the years immediately ahead. But, at the current market rate for interest (we will have to pay an interest rate of 4.2% on our most recent dormitory), it will be extremely difficult for us to provide new dormitory facilities which are self-supporting and self-amortizing. At the same time, we know that the current Federal program which provides

$300,000,000 in direct loans at 3% interest is completely inadequate to meet the great student housing shortage across the country.

I am hopeful that the Senate Banking and Currency Committee will report favorably to the Senate on your proposed legislation.

Sincerely yours,

JOHN W. GRAHAM, Jr.

UNIVERSITY OF LOUISVILLE,
Louisville, Ky., September 1, 1967.

Senator JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: I am delighted to endorse Senate Bill 2000 which you and Senator Proxmire have introduced. The University of Louisville has now in the planning stage four buildings requiring Federal loans. We have not completed the applications because of the fact that no funds are available. These four buildings are:

1. An International House with dormitory rooms for 100 students—approximate cost $500,000.
2. A graduate dormitory for our Southern Police Institute—approximate cost $500,000.
3. A Married Student Apartment Building containing 100 apartments—approximate cost $3,000,000.
4. A men's dormitory for 300 men—approximate cost $2,000,000.

These buildings are in immediate prospect. I shall be glad to give you any other information you may wish in the interests of the rapid passage of your legislation.

Sincerely,

PHILIP DAVIDSON,
President.

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., June 23, 1967.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for sending us a copy of your June 22 news release announcing your introduction of legislation to ease the college housing shortage. Although we have not yet had an opportunity to review the bill, I want you to know that we are tremendously enthusiastic about the approach you are taking. We believe that this could be a significant companion piece to existing college housing legislation.

I am sending you under separate cover a study of college housing needs sponsored by the American Council on Education. You will see that we estimate a need of $1 billion per year in new construction at the very minimum. Since it seems unlikely that the budget for the next few years can stand an annual appropriation level of this magnitude for direct loans, we believe we must find alternatives such as you suggest.

I am taking the liberty also of sending you testimony which we presented before the Housing Subcommittee in the House. This will give you an indication of our position.

Sincerely yours,

JOHN F. MORSE,
Director of the Commission.

SETON HALL UNIVERSITY,
South Orange, N.J., October 12, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: I reply to your letter of August 29 advising me of consideration of legislation to ease the chronic college housing shortage (S. 2000) by the Senate Banking and Currency Committee. I am pleased to advise you of the interest of Seton Hall University in this legislation.

We are very much in favor of S. 2000 and the use of loan differential payments. It would allow the direct loan program to be used by many of the smaller colleges. The bill would more than double the amount of money now available and the following advantages would accrue to colleges and universities: low interest rates per annum; long-term finance period; low annual charge of financing; Federal government standards control; design flexibility.

If the bill were not enacted, colleges and universities would be subject to the following disadvantages: high total cost of program; higher interest rate; cash-flow requirements; too long a period of "lead" or planning time; lack of Federal quality control with resultant inferior construction.

The cost of borrowing money is high, and it can add as much as 45% to the cost of a new facility. I do believe that many colleges and universities can pay considerably less interest by observing the quality rating of the bonds; the locality where the bonds are offered for sale; the quality rating of the bonds, and the skill of the persons responsible for selling the bonds.

I am opposed to any increases in interest on loans as proposed by the administration. Any proposed increase would force the universities to increase charges to students.

Sincerely yours,

JOHN DOUGHERTY,
Auxiliary Bishop of Newark, President,
Seton Hall University.

NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES,
Washington, D.C., June 27, 1967.

Hon. JACOB K. JAVITS,
U.S. Senator from New York,
Senate Office Building, Washington, D.C.

DEAR SENATOR JAVITS: This is to express appreciation for your introduction of Senate Bill 2000, designed to increase the College Housing Loan Program by $300 million by authorizing a subsidy of the difference in interest rate between the private market and the present Federal direct lending rate of 3 per cent. The Executive Committee of the National Association of State Universities and Land-Grant Colleges, meeting in Washington in May, endorsed this approach as being the most feasible in prospect, in view of current budgetary and related problems. It would, if adopted and implemented, make possible a $600 million College Housing Loan Program for the coming year, and at the same time keep the direct Federal outlay to approximately the $300 million mentioned in the President's budget message. With respect to the subsidy of interest rates involved, I would note that the College Housing Loan Program has in the past returned a net profit to the Treasury above all expenses.

Your proposal has the merit of keeping college costs down for the students and parents who must foot the bill, and at the same time providing for participation in the program by private lending agencies which have in the past played a substantial role in financing college housing.

Sincerely,

RUSSELL I. THACKREY,
Executive Director.

THE UNIVERSITY OF NEW MEXICO,
Albuquerque, October 25, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: The delay in this response to your letter of August 29, asking for reactions to S. 2000, is in no way indicative of a lack of enthusiasm for the substance of the bill. On the contrary, its provisions would be of great advantage to all institutions which, like this one, have to rely on revenue bonds for housing construction. Some of the reasons are as follows.

1. Bonds would be sold to private investors *as funds were needed.* The direct loan program operates intermittently when it has the necessary authorization. Colleges and universities need to be able to build in time to meet specific student demands. To be sure of housing capacity, an institution may be tempted to overbuild whenever funds are available, with resulting dissipation of loan funds and institutional resources.

2. A guaranteed net interest rate would enable the college to make intelligent plans for new housing, the quality of which is limited by the ability of the student to pay his rental, the availability of other resources than project revenues, and the interest rate.

3. Responsibility for review of the fiscal soundness of college housing ventures would rest with the private investor, rather than with one of the federal agencies, which might be more appropriate.

4. Hopefully, the college might be relieved of some of the elaborate and cumbersome architectural reviews which seem to be a feature of the direct loan program.

5. The availability of alternate methods of finance would no doubt have a beneficial effect on interest rates even when the college borrowed in the open market without the help of either the direct loan program or the interest supplement.

Thank you for your helpful interest in the college housing problem.

Sincerely,

TOM L. POPEJOY,
President.

UNIVERSITY OF NOTRE DAME,
Notre Dame, Ind., September 28, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: In reply to your letter of August 29, 1967, I am solidly in favor of your plan to have colleges and universities sell bonds to private industries at the market rate of interest; provided, the United States Government would then make loan differential payments which would cover the difference between the market rate of interest and three percent.

I am wondering, Senator Javits, if it would not be possible under your plan to free the Government of the tremendous amount of supervision of plans and construction that is going on at the present time under the present program. It would seem to me that if a University is going to sell bonds to a private investor, the University has to do everything possible to see that the building is soundly built and, yet, not with extravagances. In other words, private investors would want to be assured of all this. Therefore, the Government would be relieved of a tremendous amount of supervision of construction that must be employing a vast army of payroll. For example, all payrolls on housing construction must be forwarded to the District Office of the Department of Housing and Urban Development. This, it seems, is a herculean task for anyone to even look at considering the number of construction jobs that are going on. The great amount of supervision slows down construction tremendously. I would safely say that the provisions of the present Housing Agency hold up construction by at least six months. Therefore, I would urge that your Bill be such that the colleges would proceed on their own to build and to find a private investor, and that if one is successful in doing this, the Government would accept this as a fact and be willing to pick up the subsidy of the difference between three percent and the market rate of interest for such a loan. I cannot urge you too strongly to give this every consideration.

In regard to the existing direct loan program, it would seem to me that many

changes could be made to speed up the work and to put more trust and confidence in the universities and colleges. By this time most of them are extremely experienced in such building, and the building would be identical whether the Government processed every step of the way or not.

Anything you can do to help us to construct these buildings and, yet, build them faster will be greatly appreciated.

Very sincerely,

REV. JEROME J. WILSON, C.S.C.,
Vice President-Business Affairs.

UNIVERSITY OF HOUSTON,
Houston, Tex., September 19, 1967.

Senator JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: I have been requested to reply to your communication regarding S. 2000 (loan differential payments), now under consideration by the Senate Banking and Currency Committee.

The University of Houston favors this legislation, which in our judgment offers a most practicable means of supporting some $300–400,000,000 in college housing funds to be sold to private investors.

At this institution, as on so many other campuses, there is a critical and growing shortage of dormitory space. Through relatively high priorities which can be clearly established, it has been possible for us to obtain a 3% loan from the Department of Housing and Urban Development in the maximum amount of $3,000,000. Only by combining this with a private gift of $1,000,000 were we able to bridge the gap between proceeds of revenue bonds and the total estimated cost of a complex for 1,200 students. Yet almost before construction begins, we face the need for a similar facility.

Without S. 2000, the University of Houston will have to compete again with our sister institutions (many of them perhaps less able to arrange loans in the private market) for a Government loan. How much simpler and more equitable, as you point out, to provide differential payments for the larger institutions.

You can understand our dilemma still further, and our support for S. 2000, when I report the registration figures for 1967–68 which became available here only today. They indicate that the University of Houston will enroll approximately 22,000 students, or just twice the number registered eight years ago.

Sincerely,

PATRICK J. NICHOLSON,
Vice President, University Development.

THE CATHOLIC UNIVERSITY OF AMERICA,
Washington, D.C., October 4, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Our Rector, the Most Reverend William J. McDonald has referred your letter of August 29, 1967 to me for reply. I am happy to see that the Senate Banking and Currency Committee is considering legislation (S. 2000) to ease the chronic college housing shortage. We appreciate the efforts of you and Senator Proxmire in introducing and sponsoring this legislation.

The fact that the Department of Housing and Urban Development has not been able to accept applications since January, 1966, except for a brief period in April of this year, has worked a particular hardship on the Catholic University of America. We got authorization from our Board of Trustees in January, 1966 to submit an application for a new men's dormitory but have not been able to do anything because of this "freeze" on applications. We are now in a position where we also need to apply for a new women's dormitory. We understand that unless some action is taken it may be two or three years after that before a building can be built; this creates a hopeless situation.

Therefore, we would very much favor any legislation to make more funds available for college housing and related facilities and we would be particularly interested in your proposal which would keep the interest rate for the schools at 3%.

With every best wish, I am,

Very sincerely yours,

Rt. Rev. JAMES A. MAGNER,
Vice Rector for Business and Finance.

MONTANA STATE UNIVERSITY,
Bozeman, Mont., September 26, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Between now and 1970, our University will need approximately six million dollars ($6,000,000) for student housing. In 1966 we financed a dormitory and the construction of 170 apartment units for married students. The interest rate for this loan was 4.6%. In 1965 we borrowed money at 3.7%, and in 1963 at 3.4%. The mounting interest rates and increasing cost of construction are forcing us to raise our charges for room and board. If we could borrow money at 3%, we would obviously effect a considerable saving which we could pass on to the students.

We favor the action you are proposing.

Sincerely,

LEON H. JOHNSON,
President.

WAKE FOREST UNIVERSITY,
Winston-Salem, N.C., September 12, 1967.

Re: Senate Bill 2000.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: The demand that the American economy is making for college graduates has produced a nation-wide shortage in student housing. Virtually every college and university is experiencing the unfortunate situation of refusing admission to qualified applicants because of the lack of available housing.

Senate Bill 2000 seems to hold some prospect for at least partial alleviation of this problem. As a private university, Wake Forest has sought cooperation with the private sector in financing its capital needs. We propose to continue this policy as long as adequate funds are available at reasonable rates; otherwise, our only alternative is to turn to the public resources available through the Department of Housing and Urban Development. In either case, the legislation proposed in Senate Bill 2000 seems to provide for our needs and requirements.

We heartily recommend favorable action at the earliest possible time.

Faithfully yours,

JAMES R. SCALES, *President.*

LE MOYNE COLLEGE,
Le Moyne Heights, Syracuse, N.Y.,
August 16, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: After a series of conferences with my advisors, I am most aware of the effect on our college program of the current standstill in the College Housing Loan Program. We are, ourselves, at a standstill because of the lack of release of fiscal 1968 loan funds. We have filed, with the proper authorities in HUD, a letter of intent for application for a college housing loan of approximately $1,000,000 for the construction of a residence hall for two hundred women students. Our schedule calls for the beginning of construction in March 1968 with occupancy in September 1969. We cannot proceed any further until we are able to process our application. I would ask, therefore, that with your usual concern you look into the release of the funds for the college housing loan program. I make this request with full awareness of the effectiveness of your advocacy in the past.

All at Le Moyne express thanks for your help.

Sincerely yours,

WILLIAM L. REILLY, S.J.,
President.

ROCHESTER INSTITUTE OF TECHNOLOGY,
Rochester, N.Y., August 31, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: I have the letter of August 29th signed by you and The Honorable William Proxmire concerning the new proposal for loans for colleges and universities as far as housing is concerned.

It seems to me that this is a fine and an imaginative way to handle this very critical problem.

Those of us at the Institute would be enthusiastic about this as a new mechanism for solving a critical problem.

Sincerely yours,

MARK ELLINGTON,
President.

SOUTHERN METHODIST UNIVERSITY,
Dallas, Tex., September 1, 1967.

Hon. JACOB K. JAVITS,
Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATORS: I greatly appreciate your letter of August 29, 1967, inviting my comments regarding prospective legislation (S. 2000) which you have introduced that might help to ease the chronic college housing shortage. Southern Methodist University is vitally interested in your proposal and would welcome the opportunity to obtain additional government loans for dormitories which it badly needs.

This past year we considered all the avenues open to us through private funding and found that such construction was impossible short of raising room rents to a higher level than we thought warranted. Unfortunately, our application which was submitted during the thirty day open period last spring was denied.

We at this University are dedicated to the role of educating the whole student, both within and outside the classroom. We have benefited from low cost government loans for dormitories, and for other purposes, in past years and we badly need additional facilities for housing at this time. We have ready plans for two additional residential units and a food center, which would house and serve meals to approximately 700 students, at a cost of between $4 and 5 million. We therefore, would encourage the legislation which you have submitted and would hope to benefit from its passage in meeting the needs of the youth who come here for their higher education.

Sincerely yours,

WILLIS M. TATE,
President.

THE UNIVERSITY OF VERMONT,
Burlington, Vt., September 1, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: We received, with interest, your letter concerning the legislation S. 2000, which is currently before the Senate Banking and Currency Committee. Earlier this year we had noted with deep concern the lack of funds for handling the

number of loan applications before the Department of Housing and Urban Development.

The University of Vermont is now planning a residence hall facility to house 600 additional students. Our present plan envisioned financing through the Department of Housing and Urban Development. Therefore, we have a very great interest in such a plan as you have presented, which would continue the interest rate at three percent in order to make these buildings feasible and not too expensive in the matter of rental to college students. We commend your efforts to make these funds available.

Sincerely yours,

LYMAN S. ROWELL,
President.

RUTGERS—THE STATE UNIVERSITY,
New Brunswick, N.J., August 31, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of August the twenty-ninth concerning S–2000. There is no doubt whatsoever that we must have a more adequate program for college housing.

I am alarmed at the way in which the general costs of higher education to the student are going up, and if the present 3% rate will be raised, this would put an additional burden on the student.

I, therefore, support most sincerely your efforts to find a way of financing housing without increasing the interest rate.

Yours very sincerely,

MASON W. GROSS.

CLEMSON UNIVERSITY,
Clemson, S.C., September 4, 1967.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Hon. WILLIAM PROXMIRE,
New Senate Office Building,
Washington, D.C.

GENTLEMEN: We appreciate very much your letter dated August 29 advising that the Senate Banking and Currency Committee is now considering legislation (S. 2000), which you have introduced to ease the chronic college housing shortage.

It is my considered opinion that S. 2000 is one of the most important pieces of legislation currently being considered by the Congress, insofar as federal aid to higher education is concerned. We simply cannot construct the housing and academic facilities required to take care of steadily rising enrollments unless additional loan funds to cover construction costs are made available. The approach to a solution to this problem as contained in S. 2000 is both sound and, in my opinion, represents perhaps the most economical approach the Federal government can take at this time.

We commend you for introducing this legislation and would urge favorable consideration by the Banking and Currency Committee and by the Senate.

Sincerely,

ROBERT C. EDWARDS,
President.

GEORGETOWN UNIVERSITY,
Washington, D.C., September 5, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: I have received your communication of August 29th concerning legislation (S. 2000) which is being considered by the Senate Banking and Currency Committee. You have asked me to indicate our present need for this legislation and my comment on it.

First of all, I must tell you that at the present time we do not feel the need for this legislation because we have in the recent past completed the student housing facilities which are necessary for our present state of development. We are currently concentrating on building other educational facilities which are matters of great urgency. I want to point out, however, that I believe that the legislation which you are presently considering is of very great importance to the academic community in the United States. It is quite possible that in a couple of years we also will be faced with the necessity of having such loan funds available.

It is certainly very clear from talking to representatives of other colleges and universities that many of them are suffering from a critical shortage in housing for new students. The tight money market which has existed for some time has made it extremely difficult to get financing for housing even at substantial interest rates. The necessity of paying high interest rates for this housing means that the institutions and the students in them are very seriously affected by the charges that are levied against them. I think it is very important that Congress pass legislation which will permit loans which have a lower interest rate or that Congress provide for an interest subsidy for loans which are contracted on the commercial market. I think that your efforts on behalf of such legislation will be very advantageous to the cause of higher education in our country.

With gratitude and sentiments of esteem, I am,

Sincerely yours,

GERARD J. CAMPBELL, S.J.,
President.

FINDLAY COLLEGE,
Findlay, Ohio, September 6, 1967.

Senator JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I want to urge you to bring the bills which you have sponsored affecting college housing funds before the Senate and House for final approval. As you doubtlessly know, the need for more and additional college housing funds has now reached a critical point. In fact at the present time, there are no funds at all available for the construction of dormitories.

It was the plan of Findlay College to begin the construction of additional college housing this past spring in order that we may be able to occupy these buildings by September 1, 1968. Since no funds are available this construction has been delayed. If we were to begin construction immediately we would not be able to complete the construction in order to occupy the dormitories on the above mentioned date. I want to indicate that this has developed into a critical situation for the forward planning for Findlay College.

What is the case at Findlay College is undoubtedly the case elsewhere. For these reasons I urge you and your colleagues to complete the work on the college housing program and, where possible, to urge the Bureau of Budget to release funds which presently are being held.

Sincerely yours,

IVAN E. FRICK,
President.

THE UNIVERSITY OF IOWA,
Iowa City, Iowa, September 1, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I should like to express my support of Senate 2000, a bill to ease the chronic shortage of student housing in our colleges and universities. The bill is in my opinion well designed for the purpose and would meet one of the most urgent needs in higher education today. I would strongly endorse the bill and urge its passage.

Yours sincerely,

HOWARD R. BOWEN.

[From the Buffalo (N.Y.) Evening News, Sept. 27, 1967]

JAVITS' LOAN-AID PLAN SPURRED BY D'YOUVILLE'S APPEAL

(By Roland Powell)

WASHINGTON, September 27.—An innovative interest-subsidiary approach to make more college construction money available—conceived as the result of a Buffalo college president's letter—may be included in legislation to be reported out shortly by the Senate Banking & Currency Committee.

The plan is the work of Sen. Javits (R., N. Y.) and his staff, who began considering ways of increasing the amount of college building money after the senator received a letter from Sister Francis Xavier, president of D'Youville College in Buffalo.

The most obvious answer—simply increasing the $300 million a year in direct government loan funds—was eliminated when it became apparent it would not be accepted by Congress this year.

CHANCES APPEAR BETTER

Sen. Javits legislation would authorize a $10 million grant to help colleges pay the difference in interest on non-government loans when the rate is higher than the 3 per cent charged on federal loans.

Chances for success of the Javits plan appear to be increasing daily especially with reports that many colleges have been voicing their support of it to senators and representatives from their respective states.

The matter of college construction loans came to a head in January 1966 when the Department of Housing & Urban Development called a moratorium on applications, pointing out it already had applications totaling $760 million while $300 million was budgeted. Even the moratorium didn't help much because last April, it opened applications for a 30-day period and got 179 requests for $232 million more.

WRITES TO JAVITS

Not only did this discourage colleges, faced with critical housing problems, but the administration proposed boosting the interest rates on the government loans to the current market rate, 4⅜ per cent.

On May 5, 1966, Sister Francis Xavier wrote Sen. Javits expressing her "astonishment" at learning all the available loan funds had been expended and her application for $2.4 million to build a badly-needed third dormitory on campus, along with applications of 25 other colleges, were "buried in Washington for lack of resources."

Sen. Javits contacted HUD for an explanation and sent copies of its reply to the college president and Buffalo businessmen who are members of the D'Youville College Council.

CONSIDERED GUARANTEES

Then he introduced legislation to double the amount of available loans to $600 million, though providing that the additional $300 million would be loaned at the market rate. It passed the Senate, 33–31, last year but was eliminated in a Senate-House conference on the housing bill.

He and his legislative assistant, James Grossman, then considered a plan for government guarantees of loans, aimed at trying to induce more private loans, but this too appeared to face little chance of success.

So the interest-subsidy idea was developed and introduced this year. Mr. Javits said the additional $10 million to make up the interest difference could generate another $300 to $400 million in loans from banks and other

financial institutions while still holding the colleges' interest payments at 3 per cent.

HUD Secretary Weaver wrote Sen. Sparkman (D., Ala.), chairman of the Senate Committee, to express his opposition to the Javits plan.

Secretary Weaver said the purpose of the Housing Loan Program was to help colleges that were unable to borrow at reasonable terms from the private market and not to subsidize private borrowing.

Another objection raised in committee was that while the $10 million proposed by Sen. Javits constituted a comparatively small increase, it involved money that would not be repaid to the government.

GOULD PRAISES PLAN

Sens. Javits and Proxmire (D., Wis.) carried their case to the colleges and received heavy affirmative response.

For instance, Chancellor Samuel B. Gould of the State University of New York called the Javits plan "the most promising method of obtaining an immediate increase in federal support for college housing."

"The administration's action in proposing an increase in the interest rate and withholding presently available loan funds are cause for serious concern," he added. Dr. Gould said the State University was paying 4.4 per cent on dormitory authority bonds.

Higher interest costs, he pointed out, would mean higher dormitory rental rates.

D'YOUVILLE LOAN APPROVED

The Very Rev. Kenneth F. Slattery, president of Niagara University, wrote that his college had long prided itself on being able to build without government help but, with spiraling costs and increased enrollment "we need help."

Rep. Patsy Mink (D., Hawaii) introduced similar legislation and it has been referred to the House Banking & Currency Committee.

Meanwhile, D'Youville College's application in early 1966 eventually bore fruit. On June 29 of this year, HUD announced approval of a $1.935 million loan to help build a 12-story dormitory.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolution of the Senate:

S. 1136. An act to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes; and

S.J. Res. 101. A joint resolution amending title XI of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce to guarantee certain loans made to the National Maritime Historical Society for the purpose of restoring and returning to the United States the last surviving American square-rigged merchant ship, the *Kaiulani*, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 2171) to amend the Subversives Activities Control Act of 1950 so as to accord with certain decisions of the courts, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WILLIS, Mr. TUCK, Mr. ICHORD, Mr. ASHBROOK, and Mr. WATSON were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RIVERS, Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. ARENDS, Mr. O'KONSKI, and Mr. BOB WILSON were appointed managers on the part of the House at the conference.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 44 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 5, 1967, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 4, 1967:

INDIAN CLAIMS COMMISSION

The following-named persons to be Commissioners of the Indian Claims Commission.

John T. Vance, of Montana.

Richard W. Yarborough, of Texas.

Jerome K. Kuykendall, of Virginia, to be a Commissioner of the Indian Claims Commission, vice Arthur V. Watkins, resigned.

IN THE MARINE CORPS

Lt. Gen. Leonard F. Chapman, Jr., U.S. Marine Corps, to be Commandant of the Marine Corps with the rank of general for a period of 4 years from the 1st day of January 1968, in accordance with the provisions of title 10, United States Code, section 5201.

EXTENSIONS OF REMARKS

L. B. J.: A President of Patience and Peace

EXTENSION OF REMARKS

OF

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 1967

Mr. BROOKS. Mr. Speaker, in a speech on Saturday, marking the 25th anniversary of atomic energy, President Johnson once again reaffirmed the Nation's determination to "dedicate the miraculous power of the atom, not to death, but to life."

The President announced that the United States is willing to permit safeguards to all nuclear activities in the country—excluding national security—that will provide inspection of U.S. nuclear activities.

The President declared:

This pledge maintains the consistent policy of the United States since the beginning of the nuclear age.

President Johnson is a man of patience and peace. He has worked hard and long to bring to fruition a nonproliferation treaty that will curb the dangerous spread of nuclear weapons in the world. The Senate and the Nation support this proposal. And now the administration is trying to achieve worldwide acceptance of this vital treaty.

On the 25th anniversary of the birth of atomic energy, the record clearly shows that the United States is second to none in the world in the search for peaceful uses of this incredible energy.

In the words of the President, "let us use this anniversary to deepen and reaffirm the search for peace."

The text of President Johnson's remarks follows:

REMARKS OF THE PRESIDENT ON THE 25TH ANNIVERSARY OF ATOMIC ENERGY

President Saragat, Mrs. Fermi, Mayor Daley, Members of the Fermi Team, Dr. Seaborg and Distinguished Guests:

I believe history will record that on this day 25 years ago, mankind reached the turning point of his destiny.

The book of Genesis tells us that, in the beginning, God directed man to:

"Be fruitful, and multiply, and replenish the earth, and subdue it."

But only in our lifetime have we acquired the ultimate power to fulfill all of that command. Throughout history, man has struggled to find enough power—to find enough energy—to do his work in the world. He domesticated animals, he sold his brother into slavery, and enslaved himself to the machine—all in a desperate search for energy.

Desperation ended in the experiment conducted in Chicago, 25 years ago, by Enrico Fermi and his fellow scientists. In a single