

KENTUCKY

Anna L. Justice, of Mouthcard, Ky., in place of Wade Williams, deceased.

LOUISIANA

William W. Pares, Jr., of Gretna, La., in place of W. G. Rhodes, retired.

MARYLAND

Francis E. Bost, of Lanham, Md., in place of G. S. Chapman, retired.

MASSACHUSETTS

Dorothea A. Miller, of Glendale, Mass., in place of H. A. Miller, retired.

MISSOURI

Robert E. Erwin, of Greentop, Mo., in place of K. W. Alexander, transferred.

NEW YORK

Adolph C. Bassanello, of Akron, N.Y., in place of E. C. Laughlin, retired.

George R. Sloane, of Bainbridge, N.Y., in place of W. L. Hitchcock, retired.

Leo J. Moran, of Oakdale, N.Y., in place of F. G. Van Emmerik, retired.

Margaret A. Kinney, of Sylvan Beach, N.Y., in place of R. M. Yahne, declined.

OHIO

Virgil H. Fritz, of Port Clinton, Ohio, in place of V. C. Von Thron, retired.

OREGON

Leslie E. Packard, of Albany, Oreg., in place of T. O. Palmer, deceased.

TEXAS

Clarence J. Rehm, of Hallettsville, Tex., in place of S. S. Devall, retired.

WASHINGTON

Lloyd I. Larson, of Peshastin, Wash., in place of H. A. Smithson, Jr., resigned.

WISCONSIN

Reuben Vandebush, of Oconto Falls, Wis., in place of E. W. Plain, retired.

Melvin C. Paulson, of Prairie Farm, Wis., in place of P. G. Pederson, retired.

CALIFORNIA

Geraldine M. Glassgow, of Butte City, Calif., in place of A. J. Clay, resigned.

William J. Ingle, of Wilmington, Calif., in place of B. T. Murphy, retired.

ILLINOIS

Loretta M. Cassidy, of La Moille, Ill., in place of Fern Conard, retired.

Edward W. Hanlon, of Libertyville, Ill., in place of R. A. Kennedy, deceased.

Robert W. Long, of New Berlin, Ill., in place of R. J. White, retired.

MAINE

Harlan E. Dustin, of Oakland, Maine, in place of S. C. Marshall, deceased.

MASSACHUSETTS

Edward F. King, of Ashburnham, Mass., in place of J. L. Mack, retired.

Jean A. Collins, of Sagamore Beach, Mass., in place of V. E. O'Toole, retired.

MICHIGAN

Timothy M. Sheridan, of Fairgrove, Mich., in place of B. C. Wright, retired.

NEW YORK

Russell L. DeWaters, of Elbridge, N.Y., in place of E. B. Wright, retired.

OHIO

Berl R. Weimer, of Rudolph, Ohio, in place of H. M. McGuire, retired.

PENNSYLVANIA

George R. Brindle, of Chambersburg, Pa., in place of H. W. Harrison, retired.

William J. Palkovits, of Northampton, Pa., in place of R. E. Bartholomew, retired.

SOUTH CAROLINA

Daniel L. Koth, of Beaufort, S.C., in place of S. M. Hollins, retired.

SOUTH DAKOTA

Donald W. Elliott, of Columbia, S. Dak., in place of N. A. Boatman, retired.

TENNESSEE

Charles H. Kreis, of Lancing, Tenn., in place of M. E. Pemberton, retired.

TEXAS

Margrette M. Alford, of May, Tex., in place of Geneva Michael, retired.

Charles C. Franklin, of Mount Pleasant, Tex., in place of J. H. Johnson, Jr., resigned.

WEST VIRGINIA

James R. Beavers, of Pineville, W. Va., in place of B. R. Hill, deceased.

WISCONSIN

James P. Hillyer, of Necedah, Wis., in place of W. H. Taft, retired.

Boyd Brown, of Rewey, Wis., in place of L. M. Gibbon, retired.

HOUSE OF REPRESENTATIVES

FRIDAY, DECEMBER 8, 1967

H.R. 6167—CONFERENCE REPORT

Pursuant to an order of the House on Wednesday, December 6, 1967, Mr. RIVERS submitted a conference report and statement on 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.

H.R. 13510—CONFERENCE REPORT

Pursuant to an order of the House on Wednesday, December 6, 1967, Mr. RIVERS submitted a conference report and statement on the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes.

SENATE

MONDAY, DECEMBER 11, 1967

The Senate met at 10 a.m., and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

Msgr. William J. Awalt, pastor, St. Peter's Church, Washington, D.C., offered the following prayer:

O God, our Father, we thank You at the beginning of this new week for the opportunity of being of service to the people whom we represent. In so doing we are mindful that in serving them for Your sake we are serving You who through Your Son have identified yourself with even the least of the brethren.

While we ask Your blessing on our work, our petition is not so much that we ask You to bless what we decide as we ask Your guidance in our decisions. We ask You not so much to ratify what we have done as to guide us in the doing so that we can truly say "Thy will be done."

With gratitude we accept the freedom that You have given us to work out our destiny. With confidence in You we accept the responsibility that through the course of human events You have laid on our shoulders. Since You allow us to

do so much for the human condition that has eternal repercussions, be with us in Your guidance and strength today and throughout our lives. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 11, 1967.

To the Senate:

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

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 8, 1967, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar to consider Calendars Nos. 894 and 895.

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

TRANSIT DEVELOPMENT PROGRAM FOR THE DISTRICT OF COLUMBIA

The bill (H.R. 11395) to amend the National Capital Transportation Act of 1965 authorizing the prosecution of a transit development program for the National Capital region and to further the objectives of the act of July 14, 1960, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 910), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of this bill is to amend the National Capital Transportation Act of 1965 (79 Stat. 663), which authorized the National Capital Transportation Agency to provide for the establishment of the system of rail rapid transit lines and related facilities

described in the Agency's report entitled "Rail Rapid Transit for the Nation's Capital, January 1965."

The bill would modify the physical system described in the Agency's 1965 report to authorize establishment of a subway rail rapid transit line through the Federal Triangle and southwest section of the District of Columbia to serve the burgeoning public and private building complex south of Independence Avenue, and deletion of the presently authorized Columbia Heights route in the north-central section of the District of Columbia.

BACKGROUND OF THE LEGISLATION

The National Capital Transportation Agency (hereinafter referred to as "NCTA") was established by the National Capital Transportation Act of 1960 (74 Stat. 537), which requires, in section 204(a), that the Agency shall prepare and may from time to time revise a transit development program for the transportation of persons within the National Capital region. Section 204(c) of the 1960 act provides that no part of the program may be carried out until expressly authorized by the Congress.

Pursuant to recommendations contained in the NCTA report of January 1965, entitled "Rail Rapid Transit for the Nation's Capital," Congress in the National Capital Transportation Act of 1965 (79 Stat. 663), authorized the prosecution of a transit development program for the National Capital region, consisting of a basic 25-mile system of rail rapid transit lines, stations, and related facilities.

The Washington Metropolitan Area Transit Authority (hereinafter referred to as "WMATA") succeeded to the functions of the National Capital Transportation Agency on October 1, 1967, pursuant to Public Law 89-774 (80 Stat. 1324), in which Congress granted its consent for the States of Virginia and Maryland and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact to establish an organization empowered to provide transit facilities in the National Capital region. The WMATA's functions include continuing the development of the facilities authorized by the act of 1965.

After the present program was approved on September 8, 1965, NCTA moved forward with the general engineering and architectural work on the authorized system. Its activities included a continuing evaluation of the system in terms of its ability to distribute passengers where they want to go downtown, its operating efficiency, and its revenue potential.

Congress has each year appropriated funds to the NCTA for its operations, including funds to permit the start of engineering and other work preliminary to actual construction.

Contracts have been negotiated with general engineering consultants and with architects to press ahead with the work to be done before detailed design and actual construction could be undertaken. A comprehensive program of soil testing to obtain information about subsurface conditions essential to subway design has been underway for more than a year.

NCTA recently announced it had completed, in a span of only 18 months, the aerial mapping, the baseline control surveys, and the general plans—with the definitive calculated alignments and profiles—for those routes scheduled for early construction. In addition, directive drawings, design criteria, and standard construction specifications are complete.

Also it announced its soils consultant had completed the current drilling program with respect to all elements of the system not involved in the proposed changes, and that subsurface conditions in Washington are acceptable for subway construction. Four hun-

dred and forty test holes have been drilled, and a test pit deep beneath Lafayette Park was opened. The finding is that water conditions are acceptable, that generally an alluvial soil exists, and that in some parts of the city excellent rock will be of advantage during construction.

Since its assumption of responsibility for the program on October 1, 1967, WMATA has entered into two contracts for final design of sections of the authorized system not involved in the modifications recommended in the proposed legislation.

PROPOSED MODIFICATIONS REFLECT NEW TRAFFIC STUDIES

The modifications proposed by H.R. 11395 are the result of additional traffic studies and surveys covering the authorized system undertaken by NCTA. This further study resulted from concerns expressed in 1966 by the chairman and members of the House Appropriations Subcommittee on Interior and Related Agencies whether certain patronage estimates previously developed for the transit system were sufficiently current and whether adequately sophisticated techniques had been applied. The subcommittee requested further traffic studies by outside experts. As a result, under contract with NCTA, a comprehensive up-to-date traffic study of the authorized system has been conducted by a well-known firm of professional transportation engineers and planners experienced in highway, transit and city planning, and in traffic analysis and forecasting. The results of that study have been provided the committee, and are reflected in the NCTA report accompanying the present legislation entitled "Revised Transit Development Program for the Nation's Capital 1967."

THE RECOMMENDED MODIFICATIONS
Growth in Southwest Washington

The new traffic study shows that downtown traffic congestion in Washington would not be alleviated by the authorized system to the extent previously expected. The employment center in Southwest Washington proved to be a major generator of greatly increased rapid transit patronage. The study found that large numbers would ride the rail system to G Street NW, and then transfer to buses to complete their travel to the Southwest employment area. During the peak hour, at the 12th and G Street station, 70 buses would be required, and at Eighth and G Street 50 buses would be needed, to handle transfer traffic. The result would be more street traffic congestion downtown instead of less. Also, the division of transit fares between the rail system and the bus company would be greater than was anticipated by earlier studies and would reduce rail transit revenues.

Since the present basic rapid rail transit system was authorized in 1965, Southwest Washington between Capitol Hill and 12th Street SW, has been experiencing a dramatic change, and is fast becoming the major center of Federal employment in the District of Columbia.

This has been brought about by the extensive building program in Southwest Washington—a program that includes both Government buildings and private development which will include office buildings, stores, and a new hotel. In addition to the Federal departments and agencies already located there (the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of Transportation, NASA, and others), the major new Government establishments in the area are the new Forrestal Building, which is expected to amount to a downtown version of the Pentagon, and the huge new headquarters of the Department of Housing and Urban Development. An extensive employment population explosion is already evident there, brought about by the establishment of the Depart-

ment of Transportation whose employees now spill over into half dozen office buildings in Southwest occupied by NASA, HEW, and USIA. These are but a few of the Government agencies which will eventually be housed south of the Mall.

The present and projected employment figures for the Southwest Mall area illustrate the great change that is taking place there.

SOUTH MALL EMPLOYMENT

	Existing (1967)	Projected (1980)
Federal:		
Agriculture.....	9,700	11,000
Housing and Urban Development.....	5,600	5,600
Health, Education, and Welfare.....	8,500	17,000
Department of Defense.....	6,400	6,400
Department of Transportation.....	9,000	9,000
Treasury.....	4,200	3,800
Smithsonian Institute.....	900	1,000
National Aeronautics and Space Administration.....	2,400	2,400
Miscellaneous and other.....	7,800	12,300
Total.....	33,500	68,500
Private.....	1,200	18,800
Total.....	35,000	87,000

Prior to 1965, planning for the basic subway system was predicated on employment estimates of the National Capital Planning Commission that in 1980 there would be 46,000 jobs located in the Southwest area. Since then, the forecast has changed radically. By 1971 an estimated 85,000 workers will be traveling to and from their employment in Southwest. The area's downtown daytime population will exceed the downtown populations in cities such as Seattle, Pittsburgh, and Baltimore.

Street traffic congestion is already severe in Southwest Washington, especially during rush hours. Much of the parking area that was available when the present basic system was authorized has disappeared. Street congestion is expected to be such a problem that in one report by traffic consultants the General Services Administration has been advised to delay a part of its public building program in Southwest until the subway rapid transit service is in operation within the area. The Advisory Committee on Federal Buildings in the National Capital region has unanimously endorsed the recommended Southwest alignment, and urges its construction as part of the basic system at the earliest possible date.

Modification No. 1—Southwest route

To meet the mass transit requirements of the Southwest employment area, both NCTA and its successor agency the WMATA recommend that the rapid rail system approved in the 1965 act be revised to include service to the area south of the Mall between Capitol Hill and 12th Street SW., as follows: by continuing the presently authorized Benning route in subway, from Pennsylvania Avenue and D Street SE., west beneath D Street to the vicinity of 12th Street SW., thence north along 12th Street to the vicinity of I Street NW., thence west along I Street NW., to a point where the line would connect with and become part of the already authorized Pentagon route. The new alignment would include stations in the vicinity of the Capitol, Fourth and D Streets SW., Seventh and D Street SW., 12th Street and Independence Avenue SW., at the Federal Triangle along 12th Street NW., and at 15th and I Streets NW.¹

Modification No. 1 is not a new proposal. That Washington's Rail Rapid Transit System must include service to Southwest Washington has long been recognized. Such a rail rapid transit line—on a route alignment very similar to the present recommenda-

¹ For maps see NCTA report "Revised Transit Development Program for the Nation's Capital, 1967" at pages 14-15, infra.

tion—was an integral part of the regional rapid rail transit system proposed in NCTA's November 1962 report to the President "Recommendations for Transportation in the National Capital Region." The Mass Transportation Survey report and plan published in 1959 by the National Capital Planning Commission and the National Capital Regional Planning Council also recommended rail rapid transit service to 12th Street and Independence Avenue SW.

Modification No. 2—deletion of Columbia Heights route

The presently authorized Columbia Heights route is a branch line extending from a junction with the Connecticut Avenue route at Columbia Road NW. into north-central Washington to Georgia and New Hampshire Avenues NW. The recent traffic

study raises serious questions concerning the economic justification of the line. The traffic data collected show it to be the weakest route in the system—producing less than one-half the passenger volume originally forecasted. Estimates developed by the study show that the line will produce only 3,100 passengers in its peak hour, instead of the 6,700 predicted previously. This is far less than the projections for the other routes of the system. Peak-hour estimates for the Connecticut Avenue, Benning, and Silver Spring lines are 6,900, 17,000, and 19,000 respectively.

This disparity between the Columbia Heights branch and the other routes is even more marked in the 24-hour estimates as shown in the following table submitted to the committee.

TABLE 12-A.—ESTIMATED 1980 TOTAL, 24-HOUR MAXIMUM LOAD POINTS AND VOLUMES, AUTHORIZED SYSTEM

Route	Location	Peak hour volume			Total 24-hour volume ¹
		In-bound	Out-bound	Total	
Downtown subway	Between Judiciary Sq. and 8th and G	31,900	6,500	38,400	225,000
B. & O., Silver Spring	Between Union Station and Judiciary Sq.	19,000	3,200	22,200	126,300
Connecticut	Between Calvert and Florida	6,900	2,600	9,500	66,000
Columbia Heights	Between Belmont and Florida	3,100	700	3,900	25,700
Connecticut and Columbia Heights	Between Connecticut and 12th and G and K	9,100	8,700	17,800	109,800
Benning	Between Capitol and Judiciary Sq.	17,100	4,800	21,800	128,200
Pentagon	Between 18th and H and 12th and G	8,400	10,500	18,900	113,800

¹ Inbound plus outbound.

Note: Figures may not total due to rounding.

According to WMATA, this volume of 3,100 peak-hour passengers from Columbia Heights does not justify rail rapid transit in that area and does not justify the expenditure of \$56.5 million, the estimated construction cost of the line. The studies show that trains from Columbia Heights would carry very few passengers as compared with trains from Connecticut Avenue, Benning, Silver Spring, or from Virginia, and that actually many of the trains from Columbia Heights would be operating almost empty as compared with loaded trains from these other points.

In addition, the WMATA testified that there is another reason why the Columbia Heights branch line should not be built. In the Authority's view, the needs of north-central Washington, including the Shaw Urban Renewal Area, would be better and more efficiently served by the construction of an independent subway route extending into Maryland in the Seventh Street traffic corridor of the city. Such a route has been proposed as part of an expanded regional rail system. The committee was informed that to build the Columbia Heights line would be to foreclose this more desirable route.

During the hearing on the bill, held November 15, 1967, concern was voiced by residents of Columbia Heights and by representatives of a number of civic, citizen, and business organizations in that part of the city that deletion of this branch line would deny their area adequate transit service, aggravate the problems confronting low-income residents in getting to and from their work, and because the lack of a subway line might impair such citizens access to employment opportunities elsewhere, both in Washington and in Maryland and Virginia. Concern also exists because of a feeling in some quarters that the midcity route favored by the Transit Authority may not materialize.

These expressions of concern have been carefully considered. In the committee's view, however, the alignment selected for a major facility such as a subway route must be such that it will provide the most efficient possible service to the maximum number of people. Subways must be designed for trunk line service, not neighborhood service. While walk-on traffic from close by neighborhoods

can be a meaningful factor, the bulk of the patronage needed to support such facilities must be delivered to the rail lines by feeder buses coordinated with the rail transit schedules. Washington's rail transit system, like systems elsewhere, anticipates that most of its patrons will ride buses a short distance to a rail station and transfer to the subway for rapid movement throughout the region.

Testimony before the committee by the Transit Authority and by Mr. Walter J. McCarter, the former Administrator of the NCTA—a recognized expert and longtime leader in the public transportation industry—was that the Columbia Heights section of the city can and should be served efficiently and economically by bus transit. Transfer to the subway would be available at Dupont Circle and on Connecticut Avenue above Rock Creek Park.

The Transit Authority is now in the process of formulating a plan calling for additions to the basic subway system. On October 20, 1967, the Authority approved, as part of its preliminary proposal for a regional system, an independent midcity line that would be located in the corridor of Seventh Street NW., to serve north-central Washington, and extending into Maryland. Public hearings on this and other aspects of the plan are to begin early in the new year. The judgment of the Authority's representative, expressed to the committee, is that this midcity line will be part of the approved regional system. Also, the committee understands that given the necessary approvals and funding construction would be possible concurrently with other elements of the basic system.

Since the proposed midcity subway will serve the transit needs of most of north-central Washington, and because its construction would be foreclosed if the Columbia Heights branch were built—a branch route which the record shows is not economically justifiable—the judgment of the committee is that the Columbia Heights route should be deleted from the authorized system.

At the same time, the committee wants to make clear its concern that deletion of the Columbia Heights branch leaves the subway system deficient in the service it will provide for the lower income segments of

the population in the District. Action must be taken by the Transit Authority to obtain the approval and commencement of construction of an independent midcity subway route serving north-central Washington at the earliest possible time. The committee expects the Authority to take whatever steps are required to fill this need without delay, and hopes that construction of such a line will be approved and undertaken concurrently with other elements of the transit system.

FINANCING THE MODIFICATIONS

The NCTA report and the WMATA estimate that at current prices it will cost \$98 million to construct the proposed Southwest addition. The cost of the Columbia Heights branch would be an estimated \$56.5 million. Given deletion of Columbia Heights, the proposed changes will result in a net increase in the estimated cost of the basic subway amounting to \$41.5 million.

According to the evidence presented to the committee, the operating costs of the modified system will not be significantly different from those of the presently authorized system. The recent traffic studies show that compared with the present system, in 1980, the modified system will attract an estimated 12,000 more riders than the authorized system during the peak hour, about 70,000 more riders daily, and some 22,300,000 riders annually.

The WMATA estimates that in 1980 the increased patronage on the modified system would produce additional net annual revenue—after operating costs and payment for feeder buses—of approximately \$3.5 million. Applied to bond debt service expense and assuming an interest rate of 5½ percent per annum, such added annual revenue would be sufficient to fund \$55 million of added capital costs over a 40-year period.

The Authority testified that this amount of additional revenue would more than cover the increase in capital costs which would result from the recommended modifications.

The total estimated capital cost of constructing the system originally authorized by Congress in 1965 was \$431 million, exclusive of interest requirements, financed as follows:

Source of funds

[In millions]

Federal contribution	\$100.0
District of Columbia contribution	50.0
Public sale of revenue bonds	281.0
Total	431.0
Estimated additional cost of modified system	41.5
Total cost (exclusive of escalation)	472.5

No additional Federal or District of Columbia funds are authorized by the bill. The 1965 act authorized only partial funding of the approved basic system—\$100 million in Federal appropriations and \$50 million of District of Columbia funds. That act, and the legislative history of the transit development program contemplates that the new Transit Authority will develop plans and arrangements to finance the balance of the cost of both the basic transit system and regional extensions of that system. Thus, a present approval of the route alignment proposed by this bill is consistent with the Congress' prior action respecting financial arrangements for the transit development program.

ENDORSEMENT OF PROPOSED REVISIONS

Before this proposed legislation was submitted to the Congress for consideration, the revised program was studied and approved by 21 governing, regulatory, and planning bodies and other organizations in the National Capital region—practically all the agencies affected.

This action was taken as required by section 204(d) of the National Capital Transportation Act of 1960, and the National Capital Transportation Agency transmitted a draft copy of the Revised Transit Development Program, 1967, report for review and comment to the various governing bodies, regulatory bodies, regional organizations, private transit companies and unions representing their employees, and others specified in that section of the act.

Following is a list of those endorsing the modified transit system:

Local governing bodies: District of Columbia Commissioners, Montgomery County (Md.) Council, Prince Georges County (Md.) Commissioners, Arlington County (Va.) Board, Fairfax County (Va.) Board of Supervisors, Loudoun County (Va.) Board of Supervisors, City of Alexandria (Va.) Mayor, Falls Church (Va.) City Council.

Regulatory body: Washington Metropolitan Area Transit Commission.

Planning bodies: Washington Metropolitan Area Transit Authority, Washington Suburban Transit Commission, Northern Virginia Transportation Commission, National Capital Planning Commission, Council of Government, Northern Virginia Regional Planning Commission, Maryland National Capital Park and Planning Commission, Federal City Council, National Capital Regional Transportation Planning Board.

Transit companies: D.C. Transit Systems, Inc.; Washington, Virginia and Maryland Coach Co., Inc.

Union: Amalgamated Transit Union (Local 689).

Further, the proposed modification to add the line to serve Southwest Washington has the strong support of two committees within the executive branch of the Government having clear interests and responsibilities on which the modifications bear significantly.

One of these, the Southwest Area Transportation Committee, consists of the Secretary of the Department of Transportation, the Secretary of the Department of Housing and Urban Development, the Administrator of General Services, and representatives of the Department of Defense, Department of the Treasury, the National Aeronautics and Space Agency, the Smithsonian Institution, and various official organizations having cognizance of planning, traffic movement, and related matters on behalf of the District of Columbia, and the Federal Government.

The other committee, the Advisory Committee on Federal Buildings in the National Capital Region, was created at the direction of the President early in 1966 and consists of the Administrator of General Services as Chairman; the Assistant Secretary of Defense (Administration); until October 1 the Administrator of the National Capital Transportation Agency; and until November 9, the Engineer Commissioner, District of Columbia Government.

That committee, charged with responsibility for developing and maintaining current and long-range plans for the provision of Federal office space in the National Capital region, and reporting its progress to the President, has noted the developing transportation problem in the Southwest. The committee unanimously adopted a resolution urging provision of rapid rail transit service to the Southwest area such as that proposed by H.R. 11395.

CONCLUSIONS

The addition of the proposed line to serve the Southwest area of Washington is fully supported. Certainly, the needs of the Federal Government alone in this area are such that this service should be provided as part of the basic subway system and at the earliest possible time.

The Columbia Heights branch of the presently authorized transit system is not economically justifiable and would foreclose the

construction of an independent north-south midcity subway line that would more effectively serve the low income and other population of north-central Washington. The Columbia Heights branch should be deleted from the system in favor of prompt action by the Washington Metropolitan Area Transit Authority to obtain the approval and commencement of construction of such a mid-city route.

The committee believes that the proposed modifications of the transit system proposed by H.R. 11395 have been fully justified and should be approved. The bill is commended to the Senate for enactment.

DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

The bill (H.R. 8376) to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, N.Y., and Mineola, N.Y., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 911), explaining the purposes of the bill.

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

PURPOSE

H.R. 8376 amends section 112(c) of title 28, United States Code, to authorize the U.S. District Court for the Eastern District of New York to sit at Mineola, as well as at Brooklyn, N.Y.

STATEMENT

The eastern district of New York comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk, and, concurrently with the southern district, the waters within the counties of Bronx and New York. Title 28, United States Code, section 112(c) provides that court for the eastern district of New York shall be held at Brooklyn.

The counties of Queens, Nassau, and Suffolk are located on Long Island. Queens County is relatively close to Brooklyn, but Nassau and Suffolk Counties stretch eastward along Long Island, maximum distance from Brooklyn being approximately 129 miles.

Nassau and Suffolk account for approximately one-third of the 6,625,672 persons living in the eastern district (1960 census), and the population of these two counties has increased approximately 120 percent since 1950. An estimated 40,000 business establishments are located within their boundaries.

The eastern district caseload has been the eighth largest in civil matters, and the fourth largest in criminal matters, in the Nation. Studies by bar associations and the clerk of the court have indicated that a substantial number of eastern district cases involve individual and corporate litigants resident within Nassau or Suffolk Counties. For such litigants, round-trip travel to Brooklyn over heavily congested arteries to and from New York City may require as much as 4 hours.

Mineola is situated in Nassau County, is approximately 30 miles from Brooklyn, and is already the situs of State and county courts. Your committee believes that the holding of court at Mineola will ease the burdens of jurors, witnesses, parties, and attorneys involved in cases originating in Nassau and Suffolk Counties. The additional place of holding court will not require increased expenditures by the Government, since court facilities at Mineola will be made available by the Nassau County Board of Supervisors at no cost to the United States. (See resolution of Nassau County Board of Supervisors, *infra*.)

H.R. 8376 has received the endorsement of the Judicial Conference of the United States, which considered alternate proposals to authorize the eastern District to sit at Huntington, Hauppauge and Mineola, Mineola and Riverhead, and specifically voted disapproval of each (see letter of W. E. Foley, Administrative Office of the U.S. Courts, *infra*). The Department of Justice deferred to the choice of the Judicial Conference (see letter of Warren Christopher, Deputy Attorney General, *infra*). The passage of H.R. 8376 is warmly supported by local bar associations and county and local government units.

DEAD END STRATEGY OF THE STREETS

Mr. MANSFIELD. Mr. President, over the past week, as in weeks prior to that, there have been demonstrations of protest directed against the policies of this Government in relation to the war in Vietnam. Some of these protesters have gone to extremes. First of all, I would call to their attention the fact that, under the first amendment to the Constitution, every American is guaranteed the right of free speech, the right to petition and the right to free assembly. I would point out also that that most precious right of all is guaranteed—the one enabling every protester to express emphatically what his views are—the right to the secret ballot.

It also should be kept in mind that the opponents should not be so opinionated or so angelic or so sacrosanct that they would not recognize the right of others to uphold the opposite point of view. It is imperative in our form of government that constructive attitudes be assumed by both sides or by all sides. It is imperative to understand that destruction must not be allowed and that, in any event, no license is granted under the Constitution.

It is well to remember, also, that those who take part in these demonstrations and choose to go to extremes create a difficult position for those who constructively, legitimately, and honestly believe in an honorable, negotiated settlement of the situation in Vietnam. These far-out demonstrations do little good for those who believe in constructive opposition and indeed, cause much harm. Most of the country responds negatively to the spectacle of demonstrations so palpably intended to paralyze rather than to persuade.

To those who deem themselves to be on the side of the angels I would say that you should not demand a double standard, that your irresponsible actions inflame opposition rather than invite support and sympathy. It is well to keep in mind the fact that the first amendment to the Constitution is not a one-way street.

Mr. President, I ask unanimous consent that an editorial which appeared in the New York Post of December 9 be printed at this point in the RECORD.

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

[From the New York Post]

DEAD-END STRATEGY OF THE STREETS

In the newest anti-war demonstrations in this and other cities many young men and women have conscientiously risked

their futures to voice their protest against what they regard as an unconscionable war. They deserve to be taken seriously. But as the week of "resistance" draws to an end, they must confront serious questions about the nature and relevance of this form of random rebellion. Those elders who encouraged and participated in the upheaval should be engaged in even more agonizing reappraisal.

The stated purpose of the demonstrations here was to obstruct and shut down the induction center on Whitehall Street. The plan failed, as any rational dissident must have known it would. Was this failure a "success" because it received national headlines and TV attention? From the viewpoint of that fragment of the protesters whose hearts belong to Hanoi, Peking and Moscow, there was probably some reason for satisfaction. They created at least a tiny miniature of guerrilla warfare in local streets and even required the President of the United States to assign a stand-in to a "decoy" car when he came to New York for Cardinal Spellman's funeral.

But for those who took part whose genuine objective is an honorable, negotiated peace, there could be little cause for rejoicing.

Apart from the practical tactical failure (recruiting proceeded as usual), there was a larger one—the alienation of many Americans whose doubts and anxieties about the war have steadily mounted.

Whether Dr. Spock and his younger cohorts like it or not, a basic fact of American life is that most of the country responds negatively to the spectacle of demonstrations so palpably designed to paralyze rather than to persuade. To attempt to block access to an induction center is no less lawless—no matter how different the moral values of the activists—than it was to seek to bar James Meredith from the Mississippi campus. When those who deem themselves on the side of the angels demand a double-standard, they inflame opposition rather than invite support and sympathy. When the movement for peace is depicted on TV screens throughout the nation as a futile army of disruption, only the hawks gain ground in the crucial battle for American opinion. The First Amendment is not a one-way street.

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

Mr. MANSFIELD. I yield.

Mr. KUCHEL. Mr. President, I heartily applaud the comments which the leader of the majority in the Senate has just made.

No one in the Chamber is more passionately devoted to free speech than the senior Senator from California, but the constitutional right of free speech is not a license to break the law.

There are those in this country, Mr. President, who are attempting to use their constitutional right of free speech as a ploy, as a facade, as a cover under which they break Federal law and State law. They do a terrible disservice to the right of dissent in this Nation.

The able Senator from Montana is eternally correct in what he has said.

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

Mr. MANSFIELD. I yield.

Mr. HANSEN. Mr. President, I should like to add my congratulations to the distinguished majority leader for the comments he has just made.

Several weeks ago, when the march on the Pentagon was being planned, I had occasion to speak on the floor of the Sen-

ate about what I considered a clear need; and I made a clear call for the forces of the military to be employed, if necessary, in order to assure the integrity of the operations of the Pentagon. I believe the issue then—as the issue before us today seems to be—was not one of the right of free speech, but something far beyond that: the efforts of people who seek, under the guise of the license that they presume is written in the first amendment, to do things that were never at all contemplated.

I compliment the distinguished majority leader for calling attention to the difference between the right of free speech, on the one hand, and a license to commit unlawful acts, on the other.

Mr. MANSFIELD. I thank the distinguished Senator.

TRIBUTE TO THE AMERICAN PEOPLE BY THE PRESIDENT OF MEXICO

Mr. MANSFIELD. Mr. President, our closest neighbor, along with Canada, is the Republic of the United Mexican States, now under the leadership of one of this hemisphere's—if not one of the world's—outstanding chiefs of state, President Gustavo Diaz Ordaz.

Because of the extremely close relationship between Mexico and the United States, coupled with the very close personal friendship between President Lyndon B. Johnson and President Gustavo Diaz Ordaz, I was gratified, though not surprised, to note that the President of Mexico on December 1, 1967, the third anniversary of his administration, said in response to a question asked by a reporter at his press conference on that date:

Our relations, I believe, are at their best. I do not say they cannot be improved because everything that is human can be perfected: we can and should, as members of the government and peoples of both countries, make greater and lasting efforts to improve our relations. They are at present, however, exceedingly cordial and based fundamentally on an absolute reciprocity of respect and show of friendship and truth. I believe that deceit has no ethical justification even between enemies, but between friends it is unpardonable. The language of friends is the language of truth.

I have had the opportunity to speak to President Johnson on various problems, and I can tell you that I have always had magnificent results telling him the truth. While I am on the point, let me pay homage to a country which among its virtues knows how to listen to, not just to tolerate, the truth. It listens to it attentively, meditates on the truth which is presented to them and acts accordingly. You and I were witness to the way in which the Congress of the United States listened to our modest words of truth, not simply tolerating what we had to say, but giving cordial attention to what was said by outward signs of their assent. In this respect, Congress simply reflects one of the traditional virtues of the American people; that of knowing how to tell and how to listen to the truth.

This tribute to the American people, to the President of the United States, and to the U.S. Congress—which President Diaz Ordaz honored by addressing in joint session—is being brought to the attention of the Senate today as an-

other indication of the depth of understanding between our two countries, an understanding based on equality, dignity, respect, and a deep appreciation of what each country means to the other in these troubled times.

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

Mr. MANSFIELD. I yield.

Mr. KUCHEL. Mr. President, speaking for the minority, I applaud with enthusiasm the comments which have been made by the leader of the majority in this Chamber.

I wish to recall again, with respect to our relations with our good neighbor, the courageous decision which the Republic of Mexico made a few days ago in announcing to the world that all of its gold bullion reserve would be put on the line and be made available for sale at \$35 an ounce. That announcement by the Republic of Mexico was its answer of faith in the currency of its northern neighbor, and to the attack on the American dollar from one source across the seas.

Mr. President, I am proud of the excellent relations between these two good neighbors. The people of the United States have no better friends than the people of Mexico. And I agree with the distinguished chief executive of the Republic of Mexico that those relations may be made better and I want to work toward that end.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from California, the acting minority leader, who has himself had a very close relationship with the Republic of the United Mexican States, and who has been an outstanding friend of those Americans of Mexican descent who live in California; and they have made a significant contribution, as well.

Mr. KUCHEL. Indeed they have. I thank the distinguished Senator.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar under rule VIII.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Public Works be permitted to meet during the session of the Senate today, and that the Committee on Finance be authorized to meet until 11 a.m. today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 26, Executive M, 90th Congress, first session on the Executive Calendar.

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

AMENDMENT TO ARTICLE 28 OF THE CONVENTION OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive M, 90th Congress, first session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive M, 90th Congress, first session, an amendment to article 28 of the Convention of the Intergovernmental Maritime Consultative Organization, which was read the second time as follows:

AMENDMENT TO ARTICLE 28 OF THE CONVENTION OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Resolution A.70(IV) adopted on 28 September 1965

THE ASSEMBLY,

RECOGNIZING the need to increase the number of members of the Maritime Safety Committee and to modify their method of election,

CONSEQUENTLY HAVING ADOPTED, at the fourth regular session of the Assembly, an amendment, the text of which is contained in the Annex to this Resolution, to Article 28 of the Convention on the Intergovernmental Maritime Consultative Organization.

DETERMINES, in accordance with the provisions of Article 52 of the Convention, that the amendment adopted hereunder is of such a nature that any Member which hereafter declares that it does not accept such amendment and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a Party to the Convention.

REQUESTS the Secretary-General of the Organization to effect the deposit with the Secretary-General of the United Nations of the adopted amendment in conformity with Article 53 of the Convention and to receive declarations and instruments of acceptance as provided for in Article 54, and

INVITES the Member Governments to accept the adopted amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations, by communicating an instrument of acceptance to the Secretary-General for deposit with the Secretary-General of the United Nations.

ANNEX

The existing text of Article 28 of the Convention is replaced by the following:

"The Maritime Safety Committee shall consist of sixteen members elected by the Assembly from members, Governments of those States having an important interest in maritime safety of which:

"(a) Eight members shall be elected from among the ten largest shipowning States.

"(b) Four members shall be elected in such manner as to ensure that, under this subparagraph, a State in each of the following areas is represented:

"I. Africa

"II. The Americas

"III. Asia and Oceania

"IV. Europe.

"(c) The remaining four members shall be elected from among States not otherwise represented on the Committee.

"For the purpose of this Article, States having an important interest in maritime safety shall include, for example, States interested in the supply of large numbers of

crews or in the carriage of large numbers of berthed or unberthed passengers.

"Members of the Maritime Safety Committee shall be elected for a term of four years and shall be eligible for re-election."

Certified a true copy of Assembly Resolution A.70(IV) of 28 September 1965 and of its Annex.

E. C. V. GOAD,

Acting Secretary-General of the Intergovernmental Maritime Consultative Organization.

22 OCTOBER 1965.

Mr. MANSFIELD. Mr. President, the treaty now before the Senate for consideration was reported unanimously by the Committee on Foreign Relations.

Executive M of the 90th Congress, first session, contains a simple amendment to the convention of the Intergovernmental Maritime Consultative Organization known briefly as IMCO. The amendment increases the size of one of its important committees—the Maritime Safety Committee—from 14 to 16 members. At the same time, and more important to the United States, it changes the method of their election. Presently, eight of the 14 committee members are elected automatically from the eight most important maritime nations, which includes the United States, and the other six from other nations having an important interest in maritime safety. Under the amendment, of the 16 members, eight would be elected from the 10 most important maritime nations, four from geographic areas—that is one each from Africa, the Americas, Asia and Oceania, and Europe—and the last four from other nations having an important interest in maritime safety.

The significance of the amendment is that it makes possible, but highly unlikely, that the United States might someday not be elected to this important committee. For that principal reason, the United States delegation opposed the amendment at the IMCO Assembly in 1965 at which it was adopted. However, the overwhelming majority of IMCO members favored this enlargement because IMCO itself had grown and the increase was small by comparison and because they supported a certain degree of geographic representation.

IMCO amendments enter into force 12 months after two-thirds of the members have signified their acceptance of the amendment. This particular amendment will become effective on November 3, 1968.

The choice before the United States is essentially restricted to three courses: First, notification to IMCO that we do not accept the amendment, which would ultimately result in the United States ceasing to be a member, second, inaction, or third, favorable action.

The committee carefully considered these choices and agreed that favorable action should be recommended to the Senate. On the one hand, this matter is not so serious that terminating our participation in IMCO should be considered. If it should become serious, moreover, the IMCO convention contains provisions for withdrawing our membership. On the other hand, by approving what is favored by so many other IMCO members

we may be able to advance some of our objectives in IMCO—continuing improvements in ship safety standards, oil pollution measures, and other IMCO projects important to the United States.

For these reasons, the Committee on Foreign Relations recommends that the Senate give its advice and consent to acceptance of the amendment.

Mr. President, I ask unanimous consent that excerpts from the report be inserted at this point in the RECORD.

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

The excerpts from the report are as follows:

PROVISIONS

This amendment to the Convention of the Intergovernmental Maritime Consultative Organization (IMCO) applies to article 28 which concerns the size and composition of the Maritime Safety Committee, IMCO's principal and most active technical committee.

As presently constituted, this Committee is composed of 14 members elected for 4-year terms as follows: eight from the largest shipowning nations (this automatically includes the United States) and the rest from those nations having an important interest in maritime safety, which is defined as including, for example, nations interested in supplying large numbers of crews or in the carrying of large numbers of passengers.

The present amendment would increase the size of the Maritime Safety Committee to 16 members and modify the method of election as follows: eight members to be elected from among the 10 largest shipowning states, four members from each of the following geographic areas—Africa, the Americas, Asia and Oceania, and Europe—and four members from nations not otherwise represented having an important interest in maritime safety.

The amendment will come into force 12 months after its acceptance by two-thirds of the members for all members except those who, before the amendment comes into force, make a declaration that they do not accept the amendment. As of the present, 44 members had signified their acceptance of the amendment and it will become effective November 3, 1968.

BACKGROUND

IMCO is a United Nations specialized agency, dealing on a consultative and advisory basis with technical matters having to do with shipping engaged in international trade, standards of maritime safety and navigation, removal of unnecessary governmental restrictions and discriminations affecting shipping, oil pollutions, etc. The original convention was signed in 1948, approved by the Senate in 1950, and entered into force in 1958. Sixty-five nations are currently members. The U.S. calendar year 1967 contribution is estimated at \$93,185, or 11.39 percent of total contributions.

In 1966 the Senate approved an amendment to the IMCO Convention which enlarged the size of the IMCO Council from 16 to 18 members. In 1967, the Senate has approved two IMCO-negotiated instruments, a Maritime Facilitation Convention and amendments to the Safety of Life at Sea Convention. IMCO is now urgently involved in studying further oil pollution measures, as a result of the *Torrey Canyon* incident, which will be transmitted to the Senate when agreement is reached.

The present amendment was adopted by the IMCO Assembly on September 28, 1965, with the U.S. delegation at that time opposed. It was submitted to the Senate by the President on July 13, 1967, with the recommendation that the Senate give its advice and consent to its acceptance.

COMMITTEE ACTION AND RECOMMENDATION

On December 7, 1967, Mr. William K. Miller, Director of the Office of Maritime Affairs, accompanied by Mr. Knute Malmborg, Office of the Legal Adviser, both of the Department of State, testified before the committee in executive session in favor of the amendment. Mr. Miller's prepared statement is printed in the appendix. On December 8, the committee ordered the amendment favorably reported to the Senate.

It is to be noted that under the new method of selection, the United States is no longer automatically assured a seat on the Maritime Safety Committee. In the words of the witness this is "only almost sure." If the United States should not be elected as one of the eight largest shipowning nations, it would be eligible for election under either of the other two categories. Lastly, if U.S. participation in IMCO should cease to serve our national interest, the IMCO Convention contains provisions for withdrawal.

The amendment having been adopted by IMCO, the basic question for the United States is whether to reject it, whether to take no action, or whether to accept it. If the United States took negative action and (1) declared that it did not accept the amendment and (2) did not accept the amendment within a period of a year after it came into force, it would automatically cease to be a party to the IMCO Convention under the provisions of article 52. The amendment is not, in the opinion of the Department of State, of such nature as to warrant consideration of negative action, and the committee concurs.

The question therefore revolves on whether to take any action at all, since none is necessary to make the amendment binding on the United States on November 3, 1968. Here again, the committee agrees with the executive branch that positive action is desirable on the grounds of goodwill. An overwhelmingly majority of IMCO members favored this amendment and for the United States to go along now might help promote its interests in various IMCO undertakings.

The committee therefore recommends that the Senate advise and consent to the acceptance of this amendment to the IMCO Convention.

The PRESIDING OFFICER. If there is no objection, the treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of an amendment to article 28 of the Convention of the Intergovernmental Maritime Consultative Organization, which amendment was adopted by the Assembly of the Organization on September 28, 1965. (Executive M, ninetieth Congress, first session).

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending treaty take place immediately following the vote on the Thurmond amendment.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. 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. 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.

PROPOSED INDEMNIFICATION BY U.S. GOVERNMENT FOR LOSSES SUFFERED BY AMERICAN FISHERMEN IN INTERNATIONAL WATERS

Mr. LAUSCHE. Mr. President, on the calendar will soon be pending a bill which, if passed, will place the U.S. Government in a new field of subsidy. The bill about which I speak contemplates making the United States the guarantor against all losses that may be suffered by fishermen on the high seas when their ships are seized by foreign governments.

South American nations have at times seized fishing equipment operating in international waters off the Pacific coast. The ships have been seized, cargoes taken, and fines imposed.

The bill will provide that if and when such seizure is made, the taxpayers of the United States will indemnify the fishermen in an amount equal to 66 percent of their losses. The Commerce Committee recommended the adoption of the bill. The Foreign Relations Committee last Friday recommended rejection.

The amount of money involved is not significant. It is limited to an expenditure of not more than \$150,000 a year, but the principle involved is of a grave nature. If we subsidize these fishermen against losses through wrongs committed on them by foreign governments, my query is: How will we avoid, in the end, adopting a law that will provide for the indemnification of every American business that is seized by a foreign nation?

My query would be, What about the businesses in Cuba? A foreign government seized those American investments without remuneration to the victims of the seizure. We do not provide for indemnifying for the loss of such investments in foreign countries.

Mr. President, I ask unanimous consent to have 3 additional minutes.

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

Mr. LAUSCHE. If the Government is to indemnify fishermen because the Government did not send battleships down there to stop the seizure, what about the victims of riots in Detroit, Rochester, and Cleveland? Does the Government become the guarantor against losses suffered by individuals whose rights are violated as a result, allegedly, of the Government's not providing adequate protection for them?

Countless numbers of claims have been made by American nationals against for-

ign governments for expropriation of property and other wrongs committed. We do not provide that the taxpayers shall guarantee these victims against losses.

It is a new field, and it is a dangerous field Mr. President. If and when the U.S. Government says that "We will protect every citizen against loss suffered by transgressions of foreign governments," we are substituting U.S. taxpayers for the responsible foreign governments.

Finally, I repeat, if we are going to subsidize the fishermen, what about the victims of the riot? What about the victim in Washington who was raped 21 times by a group of men? Are we to indemnify her? We ought to, if we are going to indemnify the fishermen.

What is there about the fishing industry that gives it this hallowed aura which entitles it to special treatment? It should not be given that special treatment.

I do not believe the bill has yet come to the Senate from the Foreign Relations Committee, but I have made my statement here so my colleagues will understand what is happening. Another field of subsidies. Another giveaway of the taxpayers' money. Another squandering of the taxpayers' money. All this without any justification whatsoever and contrary to every concept of what is the true obligation of the U.S. taxpayers to its nationals who are wronged by foreign governments.

ONE REASON WHY CRIME IS A NATIONWIDE PLAGUE

Mr. SPARKMAN. Mr. President, recently the distinguished Senator from Arkansas [Mr. McCLELLAN] made a very fine and impressive speech here on the Senate floor growing out of some of his work as chairman of the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary. His speech had a great deal of substance in it and gave us cause to think of some of the matters he pointed out.

Following that speech, the Mobile Press Register had an editorial dealing with Senator McCLELLAN's speech and his speech before the National Council on Crime and Delinquency in New York City a few days before that.

I ask unanimous consent to have printed at this point in the RECORD as a part of my remarks the very thoughtful editorial of the Mobile Press Register.

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

ONE REASON WHY CRIME IS NATIONWIDE PLAGUE

In these days of rising crime and declining convictions of criminals, voices that warn of the dangers in this situation and emphasize the critical need for more effective law enforcement are not heard often enough.

The J. Edgar Hoovers, John L. McClellans and others who speak forthrightly on this problem are performing a public service that should be thoroughly appreciated by all Americans who recognize that the institution of law and order must be preserved if the nation is to be saved from unthinkable disaster.

Senator McClellan of Arkansas, chairman of the Senate Subcommittee on Criminal Laws and Procedures, told the National

Council on Crime and Delinquency in New York City the other day that "law enforcement is breaking down," and pointed to this evidence:

"The chances that an offender who commits a major crime will be apprehended, convicted and punished are much less today than ever before. Eighty-seven out of every 100 who commit major crimes that are reported manage to escape punishment and thus remain loose on society to repeat their nefarious deeds and depredations.

"Only about 13 per cent—about one out of eight—are tried, convicted and punished. And, for those who are punished, quite often the penalty imposed is not commensurate with the gravity of the crime committed.

"The prospect of apprehension, successful prosecution and conviction and just punishment of the lawbreaker is now so diminished and unlikely that this—the greatest deterrent to crime—has now become almost impotent and ineffective.

"The truth of the old adage that 'crime does not pay' is being refuted more and more every day. It is now an irrefutable fact that the pursuit of crime has become a profitable way of life for many professional criminals. And their marked success is attracting and seducing others."

Senator McClellan warned that this has become "a golden age for criminals who now rob, rape, murder and mug day and night with an intolerable degree of impunity." The record supports him in this warning. The conclusion is made inevitable by the "more than 3¼ million crimes committed in this country last year" and the low rate of conviction and punishment for major crimes.

Lawlessness has grown into a huge, alarming blot on the greatness of this nation. In Senator McClellan's words, "Unhappily, with all of our great affluence and greatness, crime abounds and flourishes throughout the land."

This grave misfortune has developed only recently. As Mr. McClellan put it, "This serious crime menace has not long existed. Its upsurge to such a dangerous level has occurred during the past decade or so."

Here, as pinpointed by the veteran senator from Arkansas, are some of the ugly facts in the "dangerous level" which the crime menace has reached:

- (1) "Respect for law has greatly declined."
- (2) "Disrespect and outright contempt for law enforcement officials are commonplace and are practiced not only by the confirmed criminal but also by large groups and segments of the population."
- (3) "Duly constituted authority is openly flouted."
- (4) "Rioting, burning, pillaging and plundering are occurring in many of our cities with alarming frequency."
- (5) "Massive strikes, sit-in demonstrations, civil disobedience and turbulent disorder are advocated and engaged in as a means for achieving redress for alleged grievances."
- (6) "Organized crime is spreading and becoming more subtle and entrenched."

It is possible to believe with good reason that the list of influences and factors contributing to this dangerous condition in America is long.

But which one—what single factor or influence—has done the most damage in giving rise to an atmosphere and attitude in which today's lawlessness and contempt for law thrive so menacingly?

How many thinking, serious-minded Americans, after unhurried, thorough deliberation, would answer that the most damage has come from irresponsible, reckless politics that has put nightmarishly large numbers of misfits into public office at various levels of government?

If this nation had been spared from the plague of irresponsible, reckless politics it has endured in the "past decade or so," crime

and contempt for law would not be so rampant.

Whatever else this nation may need today, it urgently needs a nationwide uprising of public sentiment against that wretched brand of politics.

WISCONSIN HAWKISH ON VIETNAM, NEGATIVE ON TAX AND SPENDING INCREASES

Mr. PROXMIRE. Mr. President, I have just received the results of a very extensive poll which I had conducted in Wisconsin. I sent out a questionnaire to many thousands of people in my State, and the responses, frankly, in many respects surprised me.

They indicate an overwhelming dissatisfaction with the present U.S. policy on Vietnam. They oppose both a personal income tax hike and increased Federal spending, but they favor a boost in corporate income taxes.

I sent the questionnaire in November to a large cross-section of constituents asking their opinions on the most debated current national issues: Vietnam, taxes and Federal spending policies. More than 5,000 responded. Replies came from every county in the State.

If there has been a larger sampling in recent years of public opinion in Wisconsin on the big issues that confront the Nation, I have not heard of it. And for that reason I believe this poll has great significance. I am sending copies of the results to the President, to all leading presidential candidates and to all members of the Wisconsin congressional delegation.

The poll results show that a 3-to-1 majority of those responding would favor stepping up the military conflict if that is what our military experts said was required to end it rather than pulling out of Vietnam forthwith.

There is a close division on how we should go about getting a peace settlement. Some 42 percent would press for a clear-cut military victory and surrender of the Vietcong and North Vietnam. But 28 percent would push harder for negotiations even if that included a temporary unilateral cessation of all military action. And another 17 percent would pull out our forces permanently and let the chips fall where they may.

On other issues, the questionnaire results show that the respondents overwhelmingly favor—by 88 percent—reduction of the oil depletion allowance, the No. 1 loophole in our tax laws.

They emphatically favor reducing spending on foreign aid, on subsidies to aviation, on the space program and on public assistance. The overall response on spending policies shows that 77 percent oppose increasing Federal spending.

Mr. President, I ask unanimous consent that a table stating the questions in detail and showing the results of responses to each of the questions be printed in the RECORD at this point.

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

VIETNAM

1. How do you favor meeting the Vietnam military situation?
Rely more on military advice, including

a sharp step-up in military action if the military experts advise it: 57 percent.

Follow the present policy, with or without limited modifications: 12 percent.

Reduce our forces, pull back into fortified positions, stop bombing and stop search-and-destroy operations: 13 percent.

Pull our forces out of Vietnam forthwith: 18 percent.

2. How do you favor meeting the Vietnam political situation?

Press for surrender from North Vietnam and the Viet Cong and a clear-cut victory: 42 percent.

Follow our present policy: 13 percent.

Press much harder for negotiations, including demanding U.N. action; reconvening the Geneva conference; unilaterally, but temporarily, stopping all military action to encourage negotiations: 28 percent.

To insure an end to our part in the war, withdraw all our forces permanently and let North and South Vietnam negotiate or fight on: 17 percent.

TAX INCREASE

3. How would you vote on each of the following increases?

Federal personal income tax: Yes, 25 percent; no, 75 percent.

Federal corporation income tax: Yes, 70 percent; no, 30 percent.

Federal taxes on phones, gasoline, autos: Yes, 31 percent; no, 69 percent.

4. One means of providing additional revenue is through stricter enforcement of the federal tax laws. Do you favor a larger enforcement staff? Yes, 51 percent; no, 49 percent.

5. Do you favor increasing the tax on oil and gas wells by reducing the depletion allowance? Yes, 88 percent; no, 12 percent.

SPENDING INCREASE OR DECREASE

[In percent]

	Increase	Decrease	Remain the same
6. National defense.....	30	23	47
7. Public assistance.....	14	50	36
8. Antipoverty.....	26	48	26
9. Federal assistance to education.....	38	25	37
10. Health.....	35	18	47
11. Farm.....	23	35	42
12. Veterans' services and benefits.....	27	18	55
13. Foreign aid.....	4	81	15
14. Aid to aviation.....	12	55	33
15. Urban renewal.....	28	37	35
16. Public works.....	16	39	45
17. Space.....	15	51	34
Overall spending response.....	23	40	37

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. What poll is that?

Mr. PROXMIRE. This is a poll I conducted myself. I sent out a questionnaire on a sample basis throughout the State. It was not sent simply to constituents whose names were on my plates, or anything like that. We sent it out on a sample basis, in an effort to get as good a cross section as possible.

Mr. LAUSCHE. Was there a question as to whether we should pull out of South Vietnam?

Mr. PROXMIRE. That question was phrased as follows:

How do you favor meeting the Vietnam military situation?

Rely more on military advice, including a sharp step-up in military action if the military experts advise it.

Fifty-seven percent said "yes" to that proposition.

Follow the present policy, with or without limited modifications.

Twelve percent said "yes" to that.

Reduce our forces, pull back into fortified positions, stop bombing and stop search-and-destroy operations.

Thirteen percent said "yes."

Pull our forces out of Vietnam forthwith.

Eighteen percent were in favor.

Mr. LAUSCHE. That next to the last proposition is the Gavin position?

Mr. PROXMIRE. That is correct.

Mr. LAUSCHE. How many voted for the Gavin position?

Mr. PROXMIRE. 13 percent.

Mr. LAUSCHE. I thank the Senator.

Mr. PROXMIRE. I thank the distinguished Senator from Ohio.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. 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. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STOKELY CARMICHAEL'S PASSPORT REVOKED

Mr. MOSS. Mr. President, this morning the wire services announced that Stokely Carmichael is on his way from Paris back to the United States, and reported on some of the activities of Mr. Carmichael in Paris.

As we all know, he has been in North Vietnam and in other parts of the world, making speeches and conducting himself in a manner which appears, to me at least, to be violative of the laws of our country. I was concerned about it to the extent that on the first day of December, I addressed a letter to the Honorable Ramsey Clark, Attorney General of the United States, raising that question with him.

I pointed out to the Attorney General that it would appear to me, under our criminal statutes, that the statements attributed to Mr. Carmichael might warrant prosecution under title 18 of the United States Code, section 2381, which involves treason; title 18 of the United States Code, section 2383, which involves rebellion and insurrection; and title 18 of the United States Code, section 2385, which involves the advocating of overthrow of Government. I also pointed out that there might be other provisions of the law concerning which Mr. Carmichael is in violation.

I asked the Attorney General for assurance that proper legal action would be taken promptly should Mr. Carmichael return to the United States.

On the 8th day of December 1967, I received a reply to my letter, signed by J. Walter Yeagley, Assistant Attorney General, saying that the Attorney General was aware of the situation, that a letter had been sent to the address of Mr. Carmichael, informing him that his

U.S. passport had been revoked, and that the Attorney General's office awaited further developments.

Needless to say, I was greatly disappointed that no assurances were given that vigorous steps would be taken to prosecute any violation of the criminal law that may have occurred. It seems to me that revoking the passport of Mr. Stokely Carmichael is probably as feeble a wand as could be waved in his direction.

Why does a man want a U.S. passport when he is calling for the overthrow and the complete dissolution of the Government that issues such a passport?

I think this is a matter of real crisis and one to which we must address ourselves.

I do not think that I have ever been one that has been a shelter for the suppression of dissidence. I have always tried to defend the right of those who wish to express their grievances and who have differences of opinion. But it seems to me that when the statute books define acts as crimes and the facts seem to indicate that those crimes have been committed by an individual, we can no longer countenance the flouting of our law.

Mr. President, I ask unanimous consent that a copy of the letter that I addressed to the Attorney General on the 1st of December and the reply that I received from his office under date of the 8th of December 1967, be printed at this point in the RECORD.

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

DECEMBER 1, 1967.

HON. RAMSEY CLARK,
Attorney General of the United States,
Washington, D.C.

MY DEAR ATTORNEY GENERAL: According to the news media, Stokely Carmichael plans to return to the United States in the near future. He describes this as a "return to hell." If and when he does return to this country the American public will demand an accounting for his actions around the world. For example, I am distressed to read that while in Hanoi, Mr. Carmichael, volunteered to prosecute, as war criminals, American pilots who have been captured by the Viet Cong.

It seems to me that this and other utterances and the conduct of Mr. Carmichael would be the subject to an extensive investigation to ascertain if action under our criminal statutes is indicated. Statements attributable to Mr. Carmichael might warrant prosecution under Title 18, United States Code, Sec. 2381—Treason; Title 18, United States Code, Sec. 2383—Rebellion and Insurrection; and Title 18, United States Code, Sec. 2385—Advocating Overthrow of Government. There may be other provisions of law which he has violated.

I would appreciate your assurance that proper legal action will be taken promptly should Mr. Carmichael return to the United States.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

DECEMBER 8, 1967.

HON. FRANK E. MOSS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: I have your letter of December 1, 1967 to the Attorney General regarding Stokely Carmichael.

We are currently investigating Carmichael's activities, including his travel abroad, to ascertain whether he has acted in

violation of any Federal statute within our jurisdiction, including those referred to in your letter. In the event sufficient evidence is developed to establish a violation of Federal law, appropriate action will be undertaken.

In addition, you may be interested to know that the Department of State has advised that a letter was sent to the United States address appearing in Carmichael's passport application informing him that his United States passport has been revoked.

The Attorney General appreciates having the benefit of your views.

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

PEANUT ACREAGE ALLOTMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 891, H.R. 11565.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11565) to amend section 358 of the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 908), explaining the purposes of the bill.

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

EXPLANATION OF THE BILL

This bill authorizes the Secretary of Agriculture during the 1968 and 1969 crop years to permit the sale, lease, or transfer of peanut acreage allotments, subject to the following conditions:

(1) Such transfer must not impair the peanut marketing quota or price support program;

(2) No transfer could be made to a farm in another county;

(3) Any transfer must be agreed to by holders of all liens on the transferring farm;

(4) No allotment could be sold from a farm which has purchased allotment during the three preceding years;

(5) Transfers must be recorded with, and determined lawful by, the county committee;

(6) The allotment must be adjusted if the normal yield to the farm to which it is transferred is more than 110 percent of that for the farm from which it is transferred;

(7) A farm which transfers its entire allotment shall not be eligible for a new farm allotment for 5 years;

(8) A lease may not exceed 5 years. Other transfers would be permanent;

(9) The Secretary may prescribe reasonable limits on resulting allotments;

(10) Not more than 50 acres shall be transferred by sale or lease to any farm;

(11) Rates of payment in any conservation reserve contract or similar agreement for the farm from which the allotment is transferred shall be subject to appropriate adjustment.

NEED FOR THE LEGISLATION

The legislation is necessary because at present first, there are many peanut acreage allotments too small to constitute an economic unit in view of rising costs of producing and harvesting peanuts. The Department

of Agriculture reports that in 1964 (the last year for which complete calculations are available) more than one-fourth of all peanut allotments were 5 acres or less and more than one-half were 10 acres or less. This year the average size of established allotments is approximately 17.9 acres.

The fact that allotments were abandoned during World War II, in order to increase production, encouraged many new producers to enter into production of peanuts. When allotments were reestablished in 1949 the many newly established small and uneconomical allotments served to reduce the size of the allotments awarded the established producers.

Second, much greater mechanization in the production of peanuts involves the use of very expensive equipment, herbicides, and improved methods of cultivation. This simply means that the cost per acre of producing peanuts is going up. Therefore, in many cases, farmers need to increase their peanut acreage allotment in order to realize a reasonable return on their tremendous investment. However, the committee intends that the authority provided by subsection (g) shall be exercised with a view to meeting the problem of small, uneconomical size peanut operations rather than to facilitate the formation of units larger than required to meet the needs of the family farm.

Peanut acreage allotments were first established in 1941 by authority of the Agricultural Adjustment Act of 1938, as amended. The size of the allotments was based on a producer's production during the previous 3-year history of production on the farm.

These allotments remained in effect only until 1942 when they were abandoned in order to permit the increase in production demanded by our war effort. Production virtually doubled during this period. The reestablishment of peanut acreage allotments in 1949 brought in many producers who had only begun growing peanuts during the time when allotments had not been in effect. The entrance into the program of these producers created many small and inefficient allotments.

If the Secretary of Agriculture determines that it will not impair the effective operation of the peanut marketing quota or price-support program, H.R. 11565 would permit (for the 1968 and 1969 crop years) the owner or operator of a farm which has a peanut acreage allotment to sell or lease all or any portion of his allotment to any other owner or operator of a farm in the same county. It would also permit the owner of a farm with a peanut acreage allotment to transfer all or any part of the allotment to any other farm owned or controlled by him in the same county.

The committee feels that the provisions of the bill will guard adequately against any speculation or overproduction which might otherwise result from this new authority.

The enactment of this bill will enable many producers to acquire ample peanut acreage to grow peanuts on a more sound economic basis. It will also enable some producers to go out of peanut production in a manner in which both they and other producers who acquire the allotment will benefit.

In essence, this legislation will put peanut production in the hands of those who want to grow peanuts while at the same time it guards against any major geographical switch in peanut production which would undoubtedly be injurious to the economy of many countries.

Mr. MANSFIELD. 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. BYRD of West Virginia. Mr. Pres-

ident, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Support of United States Prisoners," for the fiscal year 1968, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT OF OFFICE OF CIVIL DEFENSE

A letter from the Acting Director of Civil Defense, Department of the Army, Office of Civil Defense, reporting, pursuant to law, the report on property acquisitions of emergency supplies and equipment, for the quarter ended September 30, 1967; to the Committee on Armed Services.

PROPOSED AIR NATIONAL GUARD CONSTRUCTION PROJECTS

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, information with respect to certain construction projects proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

PROPOSED RESTRICTION ON FOREIGN TRAVEL IN INTEREST OF U.S. FOREIGN POLICY

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to promote the foreign policy of the United States by authorizing the Secretary of State to restrict the travel of citizens and nationals of the United States where unrestricted travel would seriously impair the conduct of foreign affairs, etc. (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF DISPOSITION OF FOREIGN EXCESS PERSONAL PROPERTY

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of Defense relative to its disposition of foreign excess personal property located in areas outside of the United States, Puerto Rico and the Virgin Islands, dated June 1967 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the PRESIDING OFFICER:

A resolution of the City Council of San Bruno, Calif., praying for the enactment of a tax-sharing program for local governments; to the Committee on Finance.

The petition of J. A. Robison, executive vice president Kahl Specialty Steel Co., Inc., of Greensboro, N.C., praying for the enactment of legislation to make public highways available for the exclusive use of bus and truck companies; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPONG, from the Committee on the District of Columbia, without amendment:

H.R. 5709. An act to amend the District of Columbia Teachers' Leave Act of 1949 to remove certain limitations, and for other purposes (Rept. No. 913); and

H.R. 8715. An act to amend the District of Columbia Alcoholic Beverage Control Act to limit the amount of wines, spirits, and beer that may be brought into the District of Columbia (Rept. No. 914).

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

H.R. 12505. An act to provide that a District of Columbia public school teacher may retire on a full annuity at age 55 after 30 years of service or at age 60 after 20 years of service, and for other purposes (Rept. No. 915).

By Mr. LONG of Louisiana from the Committee on Finance, with amendments:

H.R. 1141. An act to permit duty-free treatment of limestone, when imported to be used in the manufacture of cement, pursuant to the Trade Expansion Act of 1962 (Rept. No. 916); and

H.R. 6058. An act to amend the Internal Revenue Code of 1954 to provide for rounding the amount of State and local taxes for purposes of computing tax on cigars (Rept. No. 918).

By Mr. MUSKIE, from the Committee on Public Works, without amendment:

S. 2760. A bill to amend the Federal Water Pollution Control Act to authorize research and demonstration programs for the control of lake pollution and acid and other mine water drainage, and to prevent pollution of water by oil (Rept. No. 917).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. Res. 155. A resolution to express the sense of the Senate concerning a means toward achieving a stable and durable peace in the Middle East (Rept. No. 920).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment, reported adversely:

S. 2269. A bill to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries (Rept. No. 919).

BILLS INTRODUCED

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

By Mr. HART:

S. 2759. A bill conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King; to the Committee on the Judiciary.

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

By Mr. MUSKIE (for himself, Mr. BAKER, Mr. BAYH, Mr. BOGGS, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. FONG, Mr. GRUENING, Mr. HARTKE, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MCCARTHY, Mr. MONDALE, Mr. MONTOLA, Mr. MURPHY, Mr. NELSON, Mr. PERCY, Mr. RANDOLPH, Mr. SPONG, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio):

S. 2760. A bill to amend the Federal Water Pollution Control Act to authorize research and demonstration programs for the control of lake pollution and acid and other mine water drainage, and to prevent pollution by oil; to the Committee on Public Works.

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

By Mr. BAKER:

S. 2761. A bill to permit black and white or color reproductions of U.S. and foreign postage stamps under certain circumstances, and for other purposes; to the Committee on the Judiciary.

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

CONFERRING OF U.S. CITIZENSHIP POSTHUMOUSLY UPON S. SGT. IVAN CLAUS KING

Mr. HART. Mr. President, today I introduce a special bill to confer U.S. citizenship posthumously upon S. Sgt. Ivan Claus King, a former Michigan resident who was killed a few weeks ago in Vietnam.

Although I realize it is rare to request posthumous citizenship, Sergeant King's case is a rare one.

Born in East Germany in 1941, he fled to Czechoslovakia, Italy, and finally Formosa. He served 2 years in the Nationalist Chinese Army.

Finally, he entered the United States in 1964, 3 years after he filed a petition for U.S. citizenship.

He lived with his mother, Mrs. Ruth Markov, at Michigan's Kincheloe Air Force Base until he volunteered for duty in Vietnam in 1965.

He was killed October 2, 1967, during an enemy mortar attack. Just 2 months before his death he was awarded the Bronze Star for heroism.

Sergeant King would have been eligible for citizenship next May.

Mr. President, the least we can do for so gallant a man is confer on him the citizenship of the country for which he gave his life.

The tragedy is that he was unable to realize his dream of being an American citizen during his lifetime.

At this point in my remarks, I ask unanimous consent to have printed in the RECORD the bill conferring U.S. citizenship upon Sgt. Ivan Claus King.

In my opinion, Sergeant King deserves U.S. citizenship. He certainly has earned it. I introduce for appropriate reference the bill thus described.

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

The bill (S. 2759) conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King, introduced by Mr. HART, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of title III of the Immigration and Nationality Act—

(1) Staff Sergeant Ivan Claus King, a member of the Armed Forces of the United States who was killed as a result of hostile ground action while serving in Vietnam, shall be held and considered to have been a naturalized citizen of the United States at the time of his death on October 2, 1967; and

(2) the Attorney General shall issue a certificate of naturalization posthumously to the said Staff Sergeant Ivan Claus King,

dated October 2, 1967, and transmit a duplicate of such certificates to Mrs. Ruth Markov, the mother and closest surviving relative of the said Staff Sergeant Ivan Claus King.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT

Mr. MUSKIE. Mr. President, on behalf of myself and Senators BAKER, BAYH, BOGGS, BURDICK, CASE, CLARK, COOPER, FONG, GRUENING, HARTKE, INOUE, JACKSON, JAVITS, JORDAN of Idaho, KENNEDY of Massachusetts, LONG of Missouri, McCARTHY, MONDALE, MONTOYA, MURPHY, NELSON, PERCY, RANDOLPH, SPONG, TYDINGS, WILLIAMS of New Jersey, and YOUNG of Ohio, I introduce a bill which amends the Federal Water Pollution Control Act.

This bill includes S. 1341, to authorize comprehensive pilot programs in lake pollution prevention and control sponsored by Senators MONDALE, BURDICK, CLARK, HART, HARTKE, JACKSON, KENNEDY of Massachusetts, LONG of Missouri, McCARTHY, NELSON, PROXMIER, TYDINGS, and WILLIAMS of New Jersey; S. 1870 to provide for acid pollution control demonstration projects sponsored by Senators RANDOLPH and CLARK; S. 1591 sponsored by Senator MUSKIE and S. 1604 by Senator CLIFFORD CASE to amend the Oil Pollution Act of 1924.

The three subjects to which the new bill refers were derived from the above-mentioned bills. The committee found, after determining that oil pollution should be made a part of the Federal Water Pollution Control Act, that all three bills could be combined as an omnibus water pollution bill.

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

The bill (S. 2760) to amend the Federal Water Pollution Control Act to authorize research and demonstration programs for the control of lake pollution and acid and other mine water drainage, and to prevent pollution by oil introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. NELSON. Mr. President, I am pleased to join with my distinguished colleague, Senator MUSKIE, as a cosponsor of this bill aimed at reducing the pollution of our lakes, at eliminating pollution from mines, and at strengthening our oil pollution laws. Senator MUSKIE is a distinguished leader in our fight to clean up our waters. This bill represents a significant step forward in that battle.

Senator MUSKIE and his committee are to be commended for putting together this important piece of legislation. Over the years, we have come to rely on this committee for progressive air and water pollution control legislation.

It is critically important that we strengthen our oil pollution laws, that we include shore and terminal facilities under those laws, beef up our law enforcement procedures imposing stiff penalties to control oil pollution. The inclusion of all of these provisions in this bill is very important, but we still have a way to go. If we are looking for the

ultimate solution to this problem, we must also control the dumping of trash and sewage from ships and from the terminal facilities which service them.

Pollution by the wide variety of vessels and ships that ply our Nation's waters is one of the many serious but commonly overlooked natural resource problems. Historically, this type of pollution has been brushed off as only a small part of the problem and it has been argued that we must concern ourselves with the more pressing problems of municipal and industrial pollution.

We should have learned our lessons by now but we have not. We still assume, and it is a totally fallacious assumption, that our precious water can handle everything that we choose to dump in it. The facts are that it cannot, and this has been demonstrated many times in places such as Lake Erie, the southern tip of Lake Michigan, the Mississippi River around the Twin Cities, the Detroit River, and in countless other rivers, streams and lakes across this great land.

The rising tide of pollution forces us to act. We must attack pollution at its many sources and no source is so insignificant that we can afford to overlook it.

To get an idea of the vessel pollution problem, it is important to look at some figures. In 1966 there were an estimated 8 million recreational watercraft on all waterways in the United States. Last year 40 million people participated in recreational boating, making use of the waterways at least twice. It has been estimated that the average boater contributes about 1 pound of paper, cans and bottles and about one-half pound of garbage per day of active boating.

Of the total number of recreational watercraft, 1.3 million are equipped with toilet facilities. These boats discharge wastes into our waters equivalent to the untreated wastes from 170,000 people.

In addition to recreational watercraft, there are 152,000 commercial, fishing, foreign, and Federal watercraft operating in our waters. The combined waste discharges from these watercraft are equivalent to the untreated wastes from 330,000 people. It seems incredible to me that, for example, the U.S. Coast Guard which has the responsibility for enforcing existing ship pollution legislation operates 325 vessels wholly in U.S. waters and that of these 325 vessels only 100 are equipped with sewage treatment facilities. And further, the type of treatment facility on most of those boats is one that has some very serious disadvantages.

These are impressive figures, even though they can be made to seem small by comparing them with the fantastic quantities of pollution that are pouring into our waters from other sources. The fact is, pollution cannot be measured by national statistics alone. One cupful of disease causing bacteria dumped into a city's water supply would be a calamity, no matter how small it might be when compared with all the pollution occurring in America that day.

If oil dumped by freighters turns the sands of the Apostle Islands black; if shipboard wastes and sewage foul our Lake Michigan beaches; if wastes from

yachts spread a foul smell over a choice Door County anchorage, of what possible significance is it to the people affected that New York City or Detroit or Minneapolis dumps much more sewage into the water than all these vessels combined?

In the past our efforts to enforce laws prohibiting pollution by vessels and ships have been hampered by a terribly cumbersome process and generally toothless and inconsistent laws. In the Clean Waters Restoration Act of 1966 administration of the Oil Pollution Act was transferred to the Secretary of the Interior, and the Coast Guard, Corps of Engineers, and other persons who work on our harbors and rivers were given authority to take action against violators. The only problem is that the words "grossly negligent" were added to the bill and all our efforts went down the drain as the addition of these words made the new law unenforceable.

We must strengthen our enforcement procedures and set up governmental machinery that can move quickly and decisively against polluters. Last year I received an eyewitness report of an oil spillage in Lake Superior. A check of the harbor revealed that only one ship was in the harbor at the time; this, coupled with the eyewitness report, was called to the attention of local authorities and the Coast Guard. The ship's captain denied discharging the oil and the Coast Guard said that without catching the ship in the act of dumping the oil they were helpless to do anything. This is absolutely inexcusable and we cannot continue to tolerate this kind of despoliation of our precious fresh water resources.

It seems to me a bit ridiculous to ask the States to establish and enforce strict water quality standards for their industries and municipalities while we continue to allow vessels using our lakes, rivers, and harbors to dump their trash and sewage overboard and to pump out their oily bilge into waters used for recreation and for public drinking water supplies.

Last year I received several complaints from people in Wisconsin about dumping of trash from car ferries which cross Lake Michigan. Two of the complaints were against the Chesapeake & Ohio Railroad which in response to a letter from me admitted dumping garbage and trash overboard from their railroad car ferries. I also called this matter to the attention of the Federal Water Pollution Control Administration and they, in turn, won assurances from the railroad that it would set up a system for disposal of refuse at shore terminals.

I received in April of this year a follow-up report on this incident and was informed that the railroad had arranged with a private contractor to pick up all the garbage and trash from their car ferries in the terminals which service them. Certainly, the C. & O. is to be commended for the steps they have taken, but their car ferries are still dumping their sewage in the lake.

There are some significant technological problems that have been encountered in the development of equipment to treat

sewage on vessels. Some of the problems result from the lack of any standards or code governing the quality of the effluent discharged from various ships. There is need for legislation which would result in the establishment of standards applicable to the discharge of sewage from all classes of watercraft using our navigable waters.

There is a further problem in that most shore facilities and terminals lack the equipment necessary to remove and handle sewage, bilge, ballast, refuse and garbage from watercraft. This lack of satisfactory equipment has been used as an excuse by the boat operators. One of our tasks must be, therefore, the construction of the needed receiving facilities in our parks and harbors.

Testimony presented to the Senate Public Works Committee recently on amendments to the Oil Pollution Act of 1924 and an outstanding new book called "Wastes from Watercraft" by the Department of the Interior point up these issues and demonstrate overwhelmingly the need for new Federal legislation to modernize our antiquated ship pollution laws. This bill is a step in the right direction but by no means will it halt the pollution of our waters by the many boats which use them.

This year I introduced the Navigable Waters Pollution Control Act of 1967 which is a comprehensive attack on the whole problem of pollution of our navigable waters by ships. Under this measure, the Secretary of the Interior in consultation with the Secretary of Transportation would establish regulations for sewage treatment and equipment for vessels and ships and for the terminal facilities which serve them. These regulations would be developed in consultation with a technical committee appointed by the Secretary of the Interior and would be put into effect not later than January 1, 1971.

This bill also would extend and broaden the coverage of our oil pollution laws to include not only oil but all pollutants as well as all the sources of pollutants. I hope now that we will move ahead promptly and enact into law those additional provisions which are necessary to control pollution by watercraft.

For too many years we have allowed people to dump wastes from watercraft—something which we have not allowed them to do from their cars or house trailers. This is a problem that we have swept under the carpet for years but now it has grown to such proportions that we must face up to it. The time to act is now.

REPRODUCTIONS OF U.S. AND FOREIGN POSTAGE STAMPS

Mr. BAKER. Mr. President, I introduce, for appropriate reference, a bill to permit black and white or color reproduction of U.S. and foreign postage stamps under certain circumstances, and for other purposes.

The bill is virtually identical to H.R. 2622, introduced in the House of Representatives by the distinguished chairman of the Committee on Post Office and Civil Service of that body, Representative

DULSKI, of New York. Mr. DULSKI has not only graciously permitted me to use his language but has provided me with a slight change in that language which was recommended to him by the Post Office Department. The Department endorses the bill in its amended form.

The purposes of this bill are quite simple, Mr. President. In order to protect against the possibility of the illegal use in the mails of stamp reproductions, Federal law has always forbidden the color reproduction of domestic postage, permitting its reproduction in black and white only. This poses a very real problem for this Nation's philatelists, or stamp collectors. U.S. stamps have always come out "second best" in stamp albums, philatelic publications, and promotional material. It is also true that students of philately have a real problem in trying to differentiate between the shades of color in many early U.S. stamps.

This bill, Mr. President, would permit the color illustration of U.S. postage stamps, provided that the reproductions are either larger or smaller than actual size, thereby effectively preventing any possible abuse of this new privilege.

While this may seem a small matter to some the bill would eliminate a considerable barrier to the full enjoyment of an avocation now practiced by a great many Americans. I am pleased to join with Representative DULSKI in this effort, and I am hopeful that the Senate will be able to take swift and affirmative action in its support.

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

The bill (S. 2761) to permit black and white or color reproductions of U.S. and foreign postage stamps under certain circumstances, and for other purposes, introduced by Mr. BAKER was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF BILL

Mr. BAKER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky [Mr. COOPER] be added as a cosponsor of the bill (S. 1637) to amend the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of real property by the Tennessee Valley Authority.

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

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

George I. Cline, of Kentucky, to be U.S. attorney for the eastern district of Kentucky, for the term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all

persons interested in this nomination to file with the committee, in writing, on or before Monday, December 18, 1967, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING BY COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, I wish to announce that the Committee on Interior and Insular Affairs will hold a hearing on Thursday, December 14, on the nominations of Mr. John T. Vance, Mr. Richard W. Yarborough, and Mr. Jerome K. Kuykendall to be Commissioners of the Indian Claims Commission.

The committee will also consider at that time the nomination of Mr. Max N. Edwards to be Assistant Secretary of the Interior for Water Pollution Control.

The hearings are scheduled to begin at 9:30 a.m. in room 3110, New Senate Office Building.

A PLAN TO STOP THE GOLD DRAIN

Mr. BAKER. Mr. President, the December issue of the Reader's Digest includes an article by Dr. N. R. Danielian, president of the International Economic Policy Association, which is unusually topical. The article, entitled "A Plan To Stop the Gold Drain," did not specifically anticipate the devaluation of the pound and the frantic economic activity which has followed it. But it does speak concisely and coherently to a longstanding problem faced by the United States that has been forcefully brought into focus by the events of recent weeks, and that is, of course, the chronic deficit of international payments recorded by this country in all but one of the last 17 years.

Mr. Danielian is also editor of the respected book, "The U.S. Balance of Payments: An Appraisal of U.S. Economic Strategy." The current article was brought to my attention by Mr. Marshall Briley, senior vice president of Owens-Corning Fiberglas Corp., who is among the contributors to this book. Mr. Briley has been long acquainted with the economic intricacies of international trade, and I respect his views on this problem highly.

The author of the article expresses deep concern about recent policy of our Government in this critical area, a policy which he describes as no more than "applying Band-Aids to the balance-of-payments malady." He does not content himself with criticism; however, he goes on to identify five areas in which he feels that major policy changes could well be effected.

Mr. President, I commend this article to Senators. Whether we agree with Dr. Danielian's analysis and recommendations is not of prime importance. We are certainly agreed that this is a problem of great proportions and that it is getting worse rather than better. The article can, I think, prove stimulating and thought-provoking. I ask unanimous consent it be printed in the RECORD.

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

A PLAN TO STOP THE GOLD DRAIN

(Our balance-of-payments problem has become a financial hemorrhage that is draining our economic strength. A distinguished international economist tells what must be done to stanch the flow.)

(By N. R. Danielian)

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 cruzeros—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 watchdog 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 earth-movers; in selling more agricultural products for hard cash; and in concentrating on a few countries of strategic importance where visible results 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 nibbled 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.

THE PRAYER AMENDMENT DELAY

Mr. PASTORE. Mr. President, on January 11 of this session, some twoscore Senators joined the distinguished Senator from Illinois [Mr. DIRKSEN], in sponsoring Senate Joint Resolution 1—a prayer amendment—which was referred to the Committee on the Judiciary.

The joint resolution has so far failed to reach the floor for the consideration of the full Senate so that the pros and cons might be heard and judgment made.

The proponents of the joint resolution are much concerned over the delay, and it does appear that the democratic process would be served by such open discussion.

The Reverend Robert G. Howes, associate professor of city and regional planning of the Catholic University of America and the Washington, D.C., representative of Citizens for Public Prayer, has made a statement on this point. I ask unanimous consent that it be printed in the RECORD.

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

PRAYER AMENDMENT DELAY CONTINUES TO CHALLENGE DEMOCRATIC PROCESS

(Statement by Rev. Robert G. Howes, associate professor of city and regional planning, Catholic University of America, Washington, D.C.; Washington, D.C. representative of Citizens for Public Prayer)

Once again, as this session of Congress nears its conclusion, no action has been taken on proposals for a prayer amendment. Despite repeated evidence of massive public support for such an amendment, and despite the fact that Senate Joint Resolution #1 bearing the signatures of more than forty Senators of both parties and many religious backgrounds has been before the Senate Constitutional Amendment Subcommittee for months, there is no indication that any action will be taken prior to adjournment. The tragedy of the situation takes on an even more serious dimension when it is recalled that now more than five years after the first Supreme Court decision banning prayer from our public schools not one normal floor vote in either house of Congress has been taken on even one of the hundreds of remedial bills which have been in session after session tossed in the hoppers.

Senate Joint Resolution 1 reads:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is

supported in whole or in part through the expenditure of public funds, to participate in non-denominational prayer."

Other proposals have read in similar language. Recognizing that the incubus of the two prayer decisions went much deeper than the moment of prayer in public schools alone, legislator after legislator has proposed a clarifying amendment to the Federal Constitution which would restore the original meaning of the First Amendment and in the process stop once and for all that creeping secularism which is so dangerously at the base of the Supreme Court prayer decisions. That the nation, in overwhelming numbers, supports such an amendment is incontrovertible. In the Fall of 1963, the Gallup Poll showed a three-to-one majority for amendment. Again and again Congressional polls of home districts have indicated more Americans united for amendment than in any other cause. Majorities have run generally between 70 and 85%. In October of 1964, the Harris Poll said that 80% of the American people favored a prayer amendment. In the Spring of 1967 the "Good Housekeeping" Poll came up with a figure of 82% for such an amendment. Recorded also for prayer are the legislatures of several States, the National Governors Conference, the National Conference of Mayors, the Veterans of Foreign Wars, the American Legion and the National Council of Catholic Youth. It is abundantly evident from this that efforts by opponents of public prayer, including incredibly certain so-called "religious leaders", have not been able to defeat the instinctive awareness on the part of the American people that the prayer decisions were very seriously wrong and that they represent extremely dangerous precedents. As Abraham Lincoln said once of the Dred Scott decision—so long as it occupies the judicial terrain, there is not room for the shadow of a starved pigeon to occupy the same terrain. So, too, as long as the two prayer decisions stand the whole interpretation of the First Amendment is fundamentally warped and every subsequent decision in which that interpretation is involved must be itself warped. It is already frighteningly clear from the use to which courts have put the prayer amendment precedents that far from being minimal those decisions are of major significance and will, unless checked, be widened.

As Washington, D.C., representative of Citizens for Public Prayer I am alternately enthused by the continuing support of Americans everywhere for religion in our public life and deeply troubled by the inaction of the Congress in this critical cause. What is at stake, to sum it up, is not only an important matter in itself but also in terms of the viability of the entire democratic process. If the will of a great majority of the American people cannot even reach the floor of either house of the Congress for more than five years, something is seriously wrong.

Once again, then, it would appear that the prayer amendment fight must be prospective rather than immediate. Once again we shall have to look ahead—to the next session of the Congress—for effective action. That this session will occur in an election year may help us to dramatize and develop the need for such action. Between now and the convening of the Congress in 1968 there is a great urgency for noise everywhere and continuously on the part of all those who are convinced, as we are, that the issue of a Peoples Amendment for Public Prayer remains one of the most critical issues before the conscience of the nation. No occasion must be lost to emphasize the issue, to drive it home in every convention as a matter of insistent resolution, to demand that all our representatives in Washington declare unequivocally for amendment. We can win next time around, but we can win only if those

who believe in this reverent republic bring the same dedication and constant energy to our cause as the opponents of this resolution have brought to theirs.

MILWAUKEE JOURNAL PROPOSES RETURN TO WAGE-PRICE GUIDELINES

Mr. PROXMIRE. Mr. President, recently the Milwaukee Journal called for a return to the voluntary wage-price guidelines that served the Nation reasonably well from 1962 through 1966, and kept price rises consistently below 2 percent per year.

In a period when rising costs are rapidly pushing up prices, when inflation is largely a cost-push inflation, and wages as the prime and largest cost are principally responsible, the Journal's suggestion makes sense.

It is interesting that the Journal editorial preceded a speech by President Johnson last week in which he called on labor and industry for restraint to keep wages down to productivity increases, and prices level. This is a beginning, but what is needed is a specific figure, a definite guideline for wage increases. Without it, wages and prices are bound to continue to chase each other up. Inflation will be certain.

I ask unanimous consent that the Milwaukee Journal editorial be printed in the RECORD.

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

TIME FOR NEW GUIDELINES

Substantial price increases in the steel industry and large wage boosts in the auto industry have quickened concern about inflation, but the White House is not saying much.

Part of the reason may be that no president, vexed by low popularity ratings, is eager to offend corporate and union giants when an election is less than a year away. This does not, however, answer the basic question: How else can the government, as guardian of the national interest, effectively discourage inflationary wage and price jumps?

Many argue that a tax increase is needed to soften the inflationary impact of a huge wartime budget deficit. Yet even if evidence conclusively supported the wisdom of this remedy (which it does not), congress has slammed the door on the president's surtax proposal for at least several months. Meanwhile, pressures build as more major labor contracts near expiration, and companies, as in the case of steel hike prices to capitalize on inventory buildups that occur in anticipation of possible strikes.

One possibility, mentioned Monday by William McChesney Martin, the federal reserve board chairman, is wage and price control for the duration of the Vietnam war. Under popular government, however, such clamps are no easier to apply than a tax increase. It can take months to work out the mechanics even if the general idea wins broad acceptance, which is unlikely. Further, controls do not respond well to business fluctuations. It is possible that the controls would be off when they should be on and then finally would be on when they should be off.

Voluntary wage-price guidelines are an alternative within easier reach of the president. Guidelines were in effect between 1962 and 1966 and, though deficient in several ways, they helped to keep wages and prices roughly in line with productivity (output per man-hour). By early 1967, however,

White House defense of the guidelines had faltered badly under repeated battering, and currently no standards are apparent.

This void invites excesses. Limited as they may be, guidelines can guide. A new set and their vigorous application are needed immediately.

WITNESSES AT MILWAUKEE EXPORT HEARINGS URGE ADOPTION OF KIMBERLY REPORT, OTHER IMPROVEMENTS IN U.S. EXPORT PROGRAMS

Mr. NELSON. Mr. President, on December 1 and 2, the Select Committee on Small Business concluded the third in its series of export hearings in the St. Lawrence Seaway Port of Milwaukee, Wis.

Thirty leaders in fields of machinery, transportation, forestry, agriculture, labor, banking, and State and local government presented testimony to give the committee the benefit of their views.

I found the trade community of the seaway both knowledgeable and imaginative. There is thus an awareness of certain shortcomings in the conception and day-to-day operation of our Nation's trade programs.

As a result of the hearings, thoughtful—and it seems to me practical—suggestions were made which would improve our programs.

The United States faces serious balance of payments and gold flow problems. We cannot allow the situation to get much worse.

It was announced at the beginning of these hearings that, in view of the critical nature of these problems, committee would make the major findings and suggestions available to the executive branch without waiting for the publication of a formal report.

I have, therefore, forwarded to the Secretary of Commerce and other involved Federal departments and agencies, a number of recommendations which emerged from the Milwaukee hearings. I have requested a point-by-point critique, which will undoubtedly be helpful in the conduct of the committee's future hearings and in the formulation of its final report.

In my opinion, however, there is one matter deserving special attention; that is the report by the action committee on export promotion of the National Export Expansion Council. John R. Kimberly, president of Kimberly-Clark Corp. of Neenah, Wis., and the able chairman of the action committee, stated as a part of his submission of the document on February 10:

This report represents an intensive study conducted over a period of months by a dedicated group of senior business executives who represent a wide range of skills and involvement in the business community and the world of international trade. I cannot emphasize too strongly the amount of thoughtful consideration and planning which has gone into the development of this report.

The central recommendation of the Kimberly report was that—

It is now vital that we have a carefully coordinated highly-integrated and effective promotional campaign to give the United States of America its maximum share of world trade. . . . Adoption by Government of a long-term program, such as suggested by

the Committee (a ten-year program), would provide business with assurance of our Government's commitment to provide stable, sustained and vigorous support for the business effort required to expand exports.

The report was revised as of April 5, 1967, and presented at the White House in May of this year.

The adoption of the long-term approach by the high-caliber action committee of the National Export Expansion Council is of particular interest to the Small Business Committee. It, too, has been emphasizing the desirability of 10-year export planning during the trade inquiries it has been holding over the past few years.

The testimony received on December 1 and 2, regarding this matter was pointed up by several witnesses. The president of the Chicago Board of Trade, Henry Hull Wilson, expressed the opinion that the support and encouragement provided to American exporters was not comparable to that furnished in many other nations.

In this context, Mr. Robert S. Stevenson, president of Allis-Chalmers, added:

Planned action is essential, such as is indicated in the Kimberly Report.

A third witness, Mr. Howard Phillips of the Nordberg Manufacturing Co. and member of the action committee, also stressed the report's conclusion that a 10-year plan would go a long way toward reassuring small business of the Government's commitment to a sustained and vigorous trade expansion program.

It is my view that the Kimberly Report is an outstanding contribution to the Nation's efforts in the export field. Its status should be clarified, and its recommendations adopted and implemented.

I ask unanimous consent that several of the newspaper reports from the Milwaukee Sentinel and Milwaukee Journal, touching upon the highlights of the hearings, be printed in the RECORD.

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

[From the Milwaukee Sentinel, Dec. 2, 1967]

UNITED STATES NEGLECTS EXPORTERS, TRADE EXECUTIVE TESTIFIES

The United States government gives less "concrete encouragement" to its export industries than any "other country in the world," Henry H. Wilson, president of the Chicago Board of Trade, testified here Friday.

Wilson and many other witnesses in a two day public hearing of international trade urged the federal government to initiate a long range promotional program to acquaint small business with export opportunities.

Sen. Nelson (D.-Wis.) served as chairman of the hearing, conducted by the senate committee on small business, at the federal building.

Present government programs to stimulate exporting "are intended to be beneficial, but in many respects they seem to be geared to serve big industry . . ." said Gene F. Kiela, manager of Curt C. Joa, Inc., Sheboygan Falls.

Kiela said his firm has developed its export trade on its own. "We have more or less suspended our efforts to promote anything through established federal agencies because we found working with them too complicated, too time consuming, too bureaucratic. . . ."

In a similar vein, Howard Phillips, vice-president of the international division of the Nordberg Manufacturing Co., made three recommendations to the committee.

He said any trade expansion program should "sharply reduce the red tape here and abroad, provide a flow of up to date trade information," and develop a long range plan for promotion.

Phillips said the Kimberly report, drawn up by a committee of the National Export Expansion Council, "could well be adopted as the basis of a structure on which to build our nation's exporting future."

Headed by John R. Kimberly, chairman of the Kimberly-Clark Corp., Neenah, the report outlines a 10 year promotion plan "which would go a long way toward reassuring small business of the government's commitment to a sustained and vigorous trade expansion program," Phillips said.

Many witnesses emphasized the need to continue to work with foreign governments to lower restrictive tariffs and quotas.

"Our government can promote exports all they wish but unless export trade can be conducted without discriminatory barriers, it will not reach a significant level," said C. Ken Werth, vice-president of sales for the Fall River Canning Co., Fall River.

He represented the Wisconsin Cannery and Freezers association at the hearing.

Wisconsin agriculture has an encouraging future in export trade, testified Truman F. Graf, professor of agricultural economics at the University of Wisconsin in Madison.

"Although we will certainly experience difficulties in selling dairy products abroad, overall prospects are very promising," he said. An expected population increase in Western Europe, greater world commercial demand for non fat dry milk and other factors will widen the market for dairy products, he said.

Wisconsin agricultural exports now contribute "over \$30 million annually to a favorable (national) balance of trade and payments. Thus Wisconsin has a substantial stake in agricultural export trade," he said.

[From the Milwaukee Journal, Dec. 2, 1967]
AM OFFICIAL RAPS BARRIERS AT U.S. TRADE HEARING HERE

Charles A. Watson, director of the automotive international division for American Motors, told the senate select committee on small business here Friday that trade barriers hindered the increased export of his company's cars.

Watson was a witness at the opening session of a two day public hearing on international trade. Sen. Gaylord Nelson (D-Wis.) served as chairman of the meeting, held in the federal building.

Business leaders from many Wisconsin and midwest communities were scheduled to appear. The hearings were the third in a series being conducted on each of the nation's major seacoasts. The Milwaukee hearings were especially concerned with international trade opportunities for Great Lakes states which export their products through the St. Lawrence seaway.

PRICE VARIATIONS

Watson pointed out that a Rambler American 440 four door sedan, which carries a "sticker" price here of \$2,143, cost \$4,327 in France, \$6,535 in Japan, \$4,090 in Venezuela and \$6,430 in Finland.

"Let me hasten to add that these prices are not of our doing," Watson said. "They are the result of heavy duty imports, road taxes, horsepower taxes, use taxes, weight taxes and freight and handling charges.

"These barriers most certainly do nothing to increase our exports," he said.

Yet, Watson added, any foreign car can be landed in the United States for a total tax duty of 6.5%, and even that rate was scheduled to be reduced.

Watson said he did not advocate that the government legislate "retaliatory, punitive duties and taxes."

FAIR IS FAIR

"But the day must not be too far off when all major countries involved in for-

ign trade sit down and face the reality that fair is fair, and fair trade is fair trade . . . for all," Watson said. "It must be a two way street."

Despite high duties and tariffs, Watson told the hearing, American Motors had increased its international automobiles sales from 7,000 in 1957 to 59,000 in the 1967 fiscal year.

"The wholesale volume of our products sold outside the United States under American Motors' Rambler or Kelvinator brand names, or under license from American Motors, has risen from about \$120 million in 1960 to \$368 million in the just completed fiscal year," Watson said.

WAGES COOPERATION

He told the hearing that the United States could help increase exports by intensifying federal government programs to encourage small businesses to enter the international market place. In addition, Watson said, the government should, at the same time, work toward having other governments eliminate their artificial trade barriers.

Finally, Watson said, the government must make better known world trade possibilities to those interested in wanting to enter the export field.

John J. Benson, executive director of the Construction Industry Manufacturers Association of Milwaukee, said there were three basic considerations small business had to recognize, to find success in exporting:

First, small business must have products with market appeal in foreign countries.

Second, small business men must not use the export markets as simply a fill-in market, when their domestic efforts are lagging.

Third, the small business man must be aggressive and develop his foreign markets to their fullest potential.

Benson said small business men could not expect foreign business to be handed to them.

"They must seriously pursue it, and take the bad with the good until profitable operations are fully developed," he said.

Benson said that if the federal government were interested in attracting small businesses into foreign trade, it would have to offer some incentives. He named three:

A tax incentive in the form of a rebate, a credit or a refund.

A more liberal credit plan.

A continued improvement on the part of federal government agencies to provide aggressive and progressive activity in the foreign market.

Henry H. Wilson, president of the Chicago Board of Trade, told the hearing that the future rested with those who understood that "we live in a world market and are willing to fight effectively for a place in that market."

He added: "Many of us take the great strength of our domestic economy as a matter of course. Some imply that foreign trade—export or import—is a frill, some tasty frosting on the economic cake, which we can take or leave. This is simply not true."

Donald E. Wilkinson, assistant secretary of the Wisconsin department of agriculture, said the United States had no exclusive hold on the world markets.

SITTING ON SIDELINES

"The United States, and especially midwestern agricultural interests, as well as their respective agencies of government, must proceed with much greater aggressiveness, or the apathy that now exists in many areas will result in a well established world marketing system, with us sitting on the sidelines looking in," he said.

Among other things, he suggested that federal agencies expand their efforts to bring about a greater awareness of the opportunities available to midwestern agri-business firms.

Others who spoke were: Gilbert C. Rohde,

president of the Wisconsin Farmers' Union; Glenn M. Anderson, general manager of the Wisconsin Association of Co-operatives; William C. Eckles, general manager of the Pure Milk Products Co-operative, Fond du Lac; William Wilson, general manager of the Fruit Growers cooperative, Sister Bay; C. Ken Worth, vice-president of Fall River Canning Co., Fall River, on behalf of the Wisconsin Cannery and Freezers association; Robert J. Barr, professor of economics and chairman of the department, Marquette university; Truman F. Graf, professor of agricultural economics at the University of Wisconsin; Eric Schenker, professor of economics and associate dean of the college of letters and science at the University of Wisconsin—Milwaukee, and Leonard J. Goodsell, executive director of the Great Lakes commission.

SEAWAY ADVANTAGES

Schenker said Wisconsin could enlarge its role as an exporter by more use of the St. Lawrence seaway, which, he said, has not yet reached its full development. He said that since it was enlarged in 1959 the seaway had significantly influenced foreign trade and generally stimulated shipping at all Great Lakes ports.

"Despite their rapid growth rate, the Great Lakes ports are still shipping only a small percent of the manufactured exports of their hinterlands, and there is a vast untapped potential for expanded trade," Schenker said.

[From the Milwaukee Sentinel, Dec. 2, 1967]

NELSON CITES TRADE NEED

Wisconsin with the rest of the nation has a big stake in expanding our exports at an accelerated rate to trim the country's balance of payments deficit, Sen. Nelson (D-Wis.) told a luncheon group here Friday.

"While our exports grew by 4% in 1965 and by 10% in 1966, our imports climbed 14½% in 1965 and 20% in 1966," Nelson said. He spoke to a group of business leaders at the Pabst Blue Ribbon hall. He was the guest of James C. Windham, president of the brewing firm.

The nation's trade surplus last year fell by \$1.5 billion to about \$3.8 billion, the senator said. This was almost 50% below the peak surplus of 1964 and the lowest trade balance since 1959, he added. Authorities anticipate that the country's overall trade balance deficit will be substantially larger this year than the \$1 billion of a year ago.

Sen. Nelson was in Milwaukee in connection with trade expansion hearings Friday and Saturday conducted by the senate small business committee. Nelson was chairman of the sessions.

Wisconsin has done a good job in export trade and now ranks tenth in the nation in the value of manufactured exports, the senator said. There is added opportunity for Wisconsin business, big and small, to further build its dollar exports, he said.

"Our purpose in conducting these hearings is to discuss both the opportunities and the problems which confront our businessmen in foreign markets," Nelson continued.

"We want to bring together the best ideas on how to profit from these opportunities, and we want particularly to know how the congress and the administrative agencies of our government can help business firms to benefit from these opportunities."

An area of concern, Nelson noted, is the fact that the United States compares unfavorably with other industrialized nations in terms of gross national product sold abroad. Recent figures show that other nations sold from three to six times as much of their production abroad as we did, he said.

One of the most fertile areas for stimulating export trade, and thus attempt to bring such business into balance with imports, lies in the field of small business, yet largely untapped, he said.

[From the Milwaukee Journal, Dec. 4, 1967]
MILWAUKEE: CITY HEARS BENEFITS OF EXPORT
TRADE—HELP AT HAND

The challenge and the rewards of world trade were outlined last week for Wisconsin businessmen large, medium and small, at hearings held in Milwaukee by Sen. Nelson. Stressing the challenge was Robert S. Stevenson, chairman of Allis-Chalmers. The United States in 1966 increased export sales to \$29.4 billion for a gain of 11%, he said, but "most of the big trading nations, through equally vigorous efforts, registered better or comparable gains."

So the competition is stiffening, and devaluation of the British pound, making British exports cheaper, means that American businessmen will have to be all the more aggressive just to retain, let alone enlarge, their share of global markets.

The reward for the nimble world trader is written in Wisconsin trade figures. This is now the nation's 10th biggest state in value of manufactured exports. According to Nelson, more than 68,000 workers depend in some way on foreign trade for their jobs. About 400 Wisconsin companies, including 100 in the Milwaukee area, export everything from cheese and farm equipment to canned goods and reconditioned jukeboxes.

Too many small and medium sized Wisconsin companies still shy away from foreign trade, however, despite excellent harbor facilities at Milwaukee and direct access to the St. Lawrence seaway (six of the ten top export states border the Great Lakes). If hesitancy is due to a feared lack of corporate expertise, help is readily available. As Port Director Harry Brockel testified, a comprehensive range of 64 public and private port related services stands at the ready.

SMALL BUSINESS COMMITTEE REGIONAL HEARINGS DEVELOP EVIDENCE OF EXPORT TAX INEQUITIES

Mr. SMATHERS, Mr. President, as the Senator from Wisconsin [Mr. NELSON] has pointed out, the Select Committee on Small Business has been holding field hearings this year on building regional export industry over the next decade. The study was announced on February 1, after it appeared that the Nation's trade surplus for 1966 had declined to the lowest since 1959. As the months have gone by, the problems of trade, our balance of payments, international monetary and gold difficulties, and the related danger of domestic inflation have mounted, giving the committee's inquiry added significance.

In an effort to make a maximum and timely contribution to the solution of these problems, the committee has adopted the unusual procedure of making major suggestions available directly to the executive branch of the Government, in advance of our formal report. We hope that all in this field can thus get a headstart in working on the critical problems involved.

The second and third sessions of this study were recently concluded in Mobile, Ala., on November 10 and in Milwaukee, Wis., on December 1 and 2. The fourth and fifth sessions will be held in the Port of New York and in Miami on dates yet to be selected during 1968.

Of particular interest to me has been the testimony which the committee is receiving on the international tax problems. In Milwaukee, for instance, the Regional Export Expansion Council for Wisconsin recently sponsored a survey

on tax incentives. A representative sampling of Wisconsin firms were asked whether various tax programs presently used by foreign nations would be of assistance in expanding their exports. The fact that 90 percent responded indicated the keen interest of St. Lawrence Seaway exporters in tax matters. The survey was headed by Mr. Kenneth B. Coan, who is director of international operations for Rex Chain Belt Corp.

During the course of the hearing, several industry and banking witnesses pointed out that the tax systems of other nations place American exporters at a considerable disadvantage. Additional weight is lent to their testimony in a recent newspaper column by John Chamberlain on nontariff trade barriers. This article itemizes no less than 10 different varieties of taxes confronting potential American exporters, and it is quite likely that this list is not exhaustive.

On October 24, in introducing a proposal to liberalize certain U.S. tax provisions relating to international operations, I expressed the committee's intention to examine the question of tax incentives and disincentives relating to exports in the Miami regional hearings. With the cooperation of industry, the Treasury, and the legal profession, we plan to explore this area, thoroughly and, hopefully, to develop some balanced legislation which will have the effect of affording practical benefits to small exporters and potential exporters, and will be consistent with international obligations and our domestic revenue requirements.

On several occasions during our inquiry, I have emphasized the committee's view that Congress and others should be thinking in terms of 10-year prospects. I feel that American exporters should at least be in a position of tax equality with their foreign competitors over the long haul, and our committee will do all it can to assure fairness in this field.

At this time, I would like to commend the business community of the Seaway region on their initiative in exploring the important relationship between taxation and exports and assure them that their testimony will be given thorough consideration by the committee. I also commend the Senator from Wisconsin [Mr. NELSON] for his active participation in this investigation and his able conduct of the proceedings in Milwaukee which elicited this material, as well as many other suggestions which seem to me to have considerable merit. Senator NELSON and I have agreed that the salient points should be summarized and forwarded directly to the cognizant executive agencies. In this way the committee can have the benefit of their comments in conducting its further hearings and formulating its final report, and we will be in an even better position to be of assistance to the business community of the Seaway and the Nation.

I ask unanimous consent that the tabulations from the Wisconsin tax survey, a newspaper article highlighting the Milwaukee testimony on this subject, and the article by Mr. Chamberlain be printed in the RECORD.

There being no objection, the items

were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Dec. 3, 1967]
EXPORT TAX BENEFITS URGED FOR BUSINESS

A reduced tax on export profits and other tax benefits to encourage small businesses to develop foreign markets for their products were called for at the closing session Saturday of a two day hearing here on international trade.

John W. Heffernan, an assistant vice-president at Marshall & Ilsley bank, testifying before the senate select committee on small business, said foreign governments were giving tax benefits to their exporters.

The hearings in the federal building were the third in a series being conducted at major ports in an attempt to find ways to increase exports. The Milwaukee hearings were concerned with trade opportunities for Great Lakes states which export through the St. Lawrence seaway.

Heffernan told Sen. Nelson (D-Wis.), who chaired the hearings, that companies should receive special tax allowances for losses on foreign trade and that travel and promotional expenses involved in developing foreign markets should be given some consideration.

Heffernan also said that too much American foreign aid was on a country to country basis rather than between private industries.

LEADS TO CONTROL

This leads to greater control of the economy by the then existent government and an unwillingness on the part of private local capital to put itself at risk within that country," Heffernan said.

Foreign aid should meet long term needs, Heffernan said.

"Might it not be better to issue guarantees under which private United States interests would construct a fertilizer plant that will increase, say, wheat production, than to keep sending wheat ad infinitum?" Heffernan asked.

Robert N. Bee, vice-president of the international banking division of the First Wisconsin National bank, said the present world monetary situation required a more vigorous export promotional program.

BANKS CAN PLAY ROLE

"In facing the hard challenges of the future," Bee said, "we believe that banks, particularly inland banks of medium size like ours, can play a very large role in the new and more effective export promotion efforts which must be made."

In a statement read by an aide, Joseph H. McCann, Massena, N.Y., administrator of the St. Lawrence Seaway Development Corp., said that promotional efforts for the seaway had not been successful.

"I personally think that we have fallen down in selling the seaway," McCann said, "although there is greater activity today than there ever has been."

"There are, however, no unified promotion efforts on the lakes. There are some individual port activities, but individual lake ports do not have sufficient budgets to go it alone."

NEED COMBINED PROGRAM

McCann said that a combined promotional program was advisable, "but the specter of intralake competition makes that difficult to achieve."

Mayor Maier, in a statement read by Richard Cecil, assistant director of the city's department of economic development, asked for congressional support of research projects into ice control to lengthen the seaway shipping season.

The mayor noted that the dollar value of Wisconsin's foreign trade in 1966 was \$628 million, 10th among all the states.

NEED WORLD MARKETS

"Our whole economy, statewide and in our industrial cities, thus depends on our success in reaching and serving world markets," Maier said.

Other witnesses Saturday included James Sauter, Superior's port director; John Varda, Madison, general manager of the Wisconsin Motor Carriers association; Henry Danuser, Fulton, Mo., president of the Farm and Industrial Equipment institute, and David Howe, director of the Milwaukee office of the department of commerce.

WISCONSIN REGIONAL EXPORT EXPANSION
COUNCIL SURVEY ON TAX INCENTIVES

1. What is your annual export volume?

Under \$10,000 _____
\$10,000-\$1,000,000 _____
Over \$1,000,000 _____

2. What proportion of your business is in export?

Under 5% _____
5%-10% _____
Over 10% _____

3. To what geographical areas do you export?

Canada _____
Western Hemisphere (except Canada) _____
Europe _____
Africa _____
Australasia _____
Far East _____

4. The following are export stimuli used by foreign competitors. Please indicate which of these methods, or which combination of methods would benefit you most in expanding your exports. Brief explanation.

a. Remission of direct taxes (lower tax rate on earnings from exports).

b. Overexpensing promotion costs (credit against earnings for market expansion efforts).

c. Accelerated depreciation allowances.

d. Deductions for special reserves (to guarantee export credits, for market research, etc.) Brief explanation.

e. Exemption from indirect and excise taxes. (Do you take advantage of current U.S. provisions for such rebates?)

f. Other methods you would recommend.

Company name and address _____

VARIOUS METHODS RECOMMENDED

1. Direct subsidy or tax rebate calculated on export sales volume.

2. More liberal treatment of subsidiary earnings subject to tax.

3. Accumulate export earnings in offshore corporation taxable only when remitted.

4. Expand Western Hemisphere Corporation tax rate reduction.

5. Favorable IRS attitude toward inter-company pricing.

6. Direct long term 100% financing at competitive rates.

7. Government underwrite finance and insurance of deferred items to permit financial institutions to lower charges.

8. Repeal 1962 law taxing foreign income at source.

9. Privately operated government sponsored discount operation.

10. Simplify U.S. tax regulations on foreign subsidiary income.

SUMMARY OF SURVEY ON TAX INCENTIVES

1. Nearly 90% response ratio—very high—indicates keen interest of exporters in this subject.

2. Majority—86%—of responders export over \$1,000,000 annually (though exports constitute less than 10% of sales volume for 60% of the firms.)

3. Nearly every responding firm exports to all major world areas.

4. A large majority—75%—of the responders are in favor of some form of tax relief—such as remission of direct taxes on exported goods, or lower tax rate on earnings from exports.

5. A smaller proportion—1/3—are in favor of some form of deduction against earnings for tax purposes of expenses incurred for export market expansion and promotion.

6. Some other form of tax relief was mentioned by 16% as being desirable, half of those or 8% mentioned some form of tax deferral until foreign earnings were remitted.

[From the Washington Post, Dec. 8, 1967]
ASSORTED FOREIGN TRADE FEES AMOUNT TO
PROTECTIVE TARIFFS

(By John Chamberlain)

Columnists, like other writers, sell their product in an unprotected market, so it is hardly strange that they should be free traders. I have always tended to look upon the protectionist as a man with a hand on my wallet, for if I can't command a subsidy for my words, why should I have to pay a tariff on the stuff I buy?

Since my personal bias is plain, the steel people have taken to chiding me, sending me material that puts the case for steel tariff or quota protection on a high patriotic plane. Steel imports, so an American Iron and Steel Institute study shows, "have come to be a major deficit factor in the U.S. balance of trade." What we have been doing is "exporting jobs" to steel workers in Japan and elsewhere.

The steel people are not the only ones complaining about the pressure of imports. At least 18 separate measures demanding import quotas of one sort or another have been referred to the Senate Finance Committee, and the drive is on to stiffen the border penalties on more than \$12 billion out of our \$26 billion in annual imports. The cotton producers insist on protection against cotton imports from Gamal Abdel Nasser's Egypt, the domestic oil men look upon Venezuela oil with a cold eye, and so it goes.

The trouble with the protectionist argument is that it tries to isolate a few strands from what, in the world of commerce, is a seamless web. We send machine tools, computers, construction machinery of all sorts, automobiles and electrical equipment abroad, all of which are at least partly made of steel produced right here in the United States. Quotas on certain imported steel categories might provoke reprisals that would diminish the steel industry's own stake-at-one-remove in our foreign trade. Moreover, there might be purely domestic repercussions for the steel industry: our farmers, with reprisal quotas slapped on agricultural exports, could not afford new steel tractors and plows out of diminished incomes.

Having made what may seem to be the chronic free trader's case against reversing the trade policy that resulted in the recent Kennedy Round of tariff reductions at Geneva, it is only fair to say that our trading partners in other countries are not exactly paragons of honor.

John Morrill, who has just stepped down as head of the National Electrical Manufacturers Association to return to Kearney-National, Inc., a company with a big stake in pushing a free trade world, supplies me with a list of the "non-tariff barriers affecting United States exports of electrical products." It is enough to make your hair curl.

For example, African countries discriminate against U.S. electrical products not only by quotas but by something called a "tax on the cost of freight value." Argentina imposes "customs surcharges" and "consular fees." Australia utilizes "code problems" to cut down on electrical imports, and charges

a "primage rate." Brazil has a "consumption tax" and a "customs liquidation tax." Belgium chimes in with a "stamp tax," a "transmission tax," a "turnover tax," and a "wharfage fee." France insists on "license requirements." Japan charges a "commodity tax." Italy has an "unloading tax" and a "compensatory tax," and a co's contribution to trade restriction semantics is the "mercantile tax." Tunisia protects itself with a "national defense tax" and a "production tax." In Thailand there are "handling and landing fees."

And U.S. citizens who travel are well aware of the miscellaneous taxes added to the hotel bill.

Since none are called a tariff, each eludes consideration whenever the U.S. savants of the Kennedy Round meet to discuss their triumphs in persuading the "foreigner" to "reduce his tariff barriers." But, as Al Smith used to say, it's still baloney no matter how you slice it. Or, to paraphrase Gertrude Stein, a tax is a tax is a tax.

Our embattled business men have a right to ask an end to the hypocrisy in our reciprocal trade negotiations with other nations. In practical effect, a "wharfage fee" or a "tax on the cost of freight value" is just like an old-fashioned protective tariff.

REPORT OF PRESIDENT'S COMMISSION ON RURAL POVERTY EMPHASIZES NEED TO REEVALUATE OUR ATTACK ON POVERTY

Mr. PROXMIRE, Mr. President, the report of the President's Commission on Rural Poverty, released over the weekend, dramatically points up the need to reorient our programs to combat poverty. The Commission, which was highly critical of Federal programs directed at rural poverty, called the plight of the Nation's 14 million poor farm people a national disgrace. The Commission underscored the point that urban riots have their roots in considerable part in rural poverty, and called for a Federal commitment to rural change on a scale unprecedented as to both expenditure and intervention in local and State affairs.

The Commission's proposals are so sweeping and comprehensive that extensive discussion and study will be necessary before adoption by the Congress is likely. The present budgetary situation and our heavy military expenditures in Vietnam also preclude an increase in Federal antipoverty expenditures. At the same time, this gives the Congress an opportunity to study the Commission's proposals and to reexamine the focus and effect of current programs.

In this regard, the Commission's emphasis upon the connection between urban and rural poverty is particularly welcome. I believe this is an area which should receive considerable attention and study by the Congress. To this end, I again urge the Senate to take action on Senate Concurrent Resolution 33, which I submitted on behalf of myself and the Senator from South Dakota [Mr. MUNDT], calling upon the Joint Economic Committee to study the growth and movement of population as it affects the economic health of our Nation. Such a study would be invaluable in directing attention toward ways in which the Federal Government might effectively encourage more balanced industrial and economic growth to prevent the influx of the rural poor into our urban ghettos. To the extent that we can solve the prob-

lems of rural unemployment and poverty through private economy, we will be able to avoid the less desirable course of massive action by the Federal Government.

I invite the attention of the Senate to the editorials published in Monday's Washington Post and New York Times discussing the Commission's report. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follow:

[From the Washington (D.C.) Post, Dec. 11, 1967]

RURAL POVERTY

The President's National Advisory Commission on Rural Poverty has made findings and recommendations so sweeping and comprehensive and exhaustive in character that its report is bound to figure in the formation of national policy for a generation.

Its disclosures on the nature of rural poverty will not surprise or amaze those who have heard the reports of Secretary of Agriculture Orville Freeman and others. The poverty of 14 million rural Americans is, as the Commission says, "a national disgrace." It is not the first to say that the urban riots of 1967 "had their roots in considerable part in rural poverty." The Commission rightly makes the point that "the more vocal and better organized urban poor gain most of the benefits of current anti-poverty programs."

The disparities between urban and rural life have become a matter of common knowledge: one in every eight urban persons is poor, one of every 15 suburban, one of every four rural persons. Thirty per cent of the people live in rural America, but 40 per cent of the poor. Three out of five rural white people are poor. There are three million illiterate rural adults. One out of 13 houses are unfit. The melancholy indices of rural calamity can be continued ad infinitum.

The Commission, in spite of its gloomy findings of fact is hopeful that something can be done and it wishes the country to adopt and put into effect a policy that would give to residents of rural America equal opportunity with those of other citizens. It has a program for providing full employment, adequate shelter, rural education, medical care, family planning, rural housing, better rural government and other answers to rural inadequacies.

In total, its recommendations would involve Federal commitment to rural change on a scale unprecedented as to both expenditure and intervention in local and state affairs. Some of its proposals tend toward complicating governmental arrangements that elsewhere it finds already too involved.

The Commission's appraisal of the Federal acreage crop adjustment programs acknowledge that they are not specifically "poverty" programs, but faults them for not having more effect on the poor. The crop adjustment programs have effects that permeate the life of many parts of rural America, maintaining commodity price levels that otherwise would descend to disaster levels, distributing direct benefits and sustaining the prosperity of the vast rural business of supplying and marketing farm commodities. These commodity programs may not deal with the rural poor—but they deal with a lot of people who would be poor without them and their significance and importance in relations to rural life should not be minimized.

To close the poverty gap by cash subsidies to the poor, the Commission estimates, would cost \$12.5 billion—\$5 billion for rural poor alone. It is an alternative the utter simplicity of which, in the form of income subsidies of one kind or another, in the end may strongly recommend itself as an alternative to the

more involved social, economic and cultural programs the Commission proposes.

[From the New York Times, Dec. 11, 1967]

CROSS-COUNTRY POVERTY

The long-withheld report of President Johnson's advisory commission on rural poverty makes sickeningly clear the gulf between promise and performance in America's war on poverty. Riots in ghettos have ruled out any forgetfulness of the social cancer spawned by want in the big cities. Now the country has received a needed reminder that the problems of neglect are equally virulent in rural areas.

There is, of course, no dividing line between the two areas of need. Many of the most intractable of the evils that plague New York and other metropolitan centers stem from the uprooting of millions dispossessed by the technological revolution in farming and ill-equipped for harsh life in the slums.

It is not surprising that the chief recommendations of the report on rural poverty parallel those submitted two years ago by the President's National Commission on Technology, Automation and Economic Progress, a group much more oriented to urban problems.

Both reports call on the Federal Government to become "the employer of last resort" for workers who want jobs and cannot find them in any of the normal channels of private or public employment. Such a concept would implement the full-employment commitment the Government nominally undertook when Congress passed the Employment Act of 1946.

One effect of the summer explosions in the cities has been an alliance of industry, labor and municipal governments to overcome some of the job lag for the urban poor. Typical of such efforts in every big city is the \$125,000 grant just made by Standard Oil of New Jersey to provide on-the-job training in Police Department civilian jobs for fifty youths recruited from New York's poverty areas.

Even an enormous multiplication in such civic teamwork will not remove the urgency of vastly expanded governmental activity in employment, education and housing, but it does exemplify a degree of community involvement that has little rural counterpart.

Resources in these districts are so inadequate that failure by Washington to initiate a really large-scale reappraisal of the nature and sufficiency of present programs dooms them to deepening squalor. The report dismisses many of the programs as "relics from an earlier era," calculated to aggravate economic inequities, not reduce them.

Saddest of all is the scant interest the White House has shown in the report. It apparently never would have been made public at all if the Government Printing Office had not routinely sent copies to 400 public libraries. The national concern essential to any serious attack on the monumental waste of human resources in farm areas and cities alike will never be aroused until the White House itself realigns its priorities.

NORTH CAROLINA SYMPHONY ORCHESTRA

Mr. ERVIN. Mr. President, not long ago one of America's great artists paid the people of North Carolina a high compliment when he said that his performances in North Carolina drew the largest, most appreciative audiences he had ever seen anywhere.

While Mr. Arthur Rubenstein's statement was most flattering, it was also true. North Carolina is noted for its cultural bent. The State's cities, colleges, and universities serve as hosts to innumerable American and foreign artists

each year and take great pride in being able to attract the world's outstanding talent. However, North Carolina has a cultural undertaking that reflects not only the musical interest of North Carolinians, but their talent as well.

The North Carolina Symphony Orchestra, under the able leadership of its conductor, Dr. Benjamin Swalin, has brought credit to the State. The symphony has established a home base in Raleigh's Memorial Auditorium, and this development was the subject of a feature article in the Raleigh News and Observer on Sunday, December 3. The perceptive article, written by Bebe Moore, is worth the consideration of those who have an interest in cultural achievement.

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:

SYMPHONY FAMILY REJOICES AT HOME (By Bebe Moore)

The men sweeping floors and setting up chairs in Raleigh's Memorial Auditorium pay little attention to what is taking place on the stage. Now and then one of them drops a broom to the floor with a bang or sends up a screech dragging chairs. But the musicians on the stage don't seem to notice.

The members of the North Carolina Symphony Orchestra consider the opportunity to rehearse in Memorial Auditorium "a special privilege" says conductor Dr. Benjamin Swalin. This is the first time in Swalin's 22 years with the orchestra that it has had a home base for the season. Efforts are underway to make Raleigh the symphony's permanent home.

Mrs. Swalin, who plays harpsichord and celesta with the orchestra and has aided her husband tremendously in the development of the orchestra, says, "We've always lived in suitcases and had to move through an intensive schedule. It is good to have the players settled in and near Raleigh so we can have sufficient rehearsal time and move to concerts within driving distance and get back to our homes at night."

Most of the players agree that having a home base offers advantages. Many have brought their families to Raleigh with them. Their spouses have jobs here, and their children are enrolled in school.

"It's certainly a more normal way of life than being in a different town every night," says Lillian Stevens, a flute player who toured with the orchestra last year.

William Kirschke, assistant conductor and personnel director, says, "We hope being settled in Raleigh will cut down our turn-over." He points out that only 20 of this year's 60 players were with the orchestra last year.

"We want to develop a permanent, substantial orchestra," Kirschke says. "When the same group can stay together, the results are better. They develop an ensemble."

An ensemble is what the members of the orchestra become under Swalin's or Kirschke's baton. In rehearsal, just as in a performance, music absorbs them and they play almost as one.

But the ensemble is made up of individuals, and each has a personal history steeped in music.

Kurt Bieler, the concertmaster, sometimes has a cigarette before rehearsal begins. He holds the cigarette in his bow hand, with an ease which suggests that the bow is an extension of his body.

A native of Cali, Colombia, Bieler began his violin study when he was seven and played his first concert solo at thirteen. He studied at the Conservatory of Cali. After graduation, he came to the United States in 1950 and studied at the Eastman School of

Music in Rochester, N.Y., and several other schools.

From the U.S., he went to the Vienna Academy in Vienna, Austria, then to the Chigiana Academy at Siena, Italy, for specialized work. He returned to Call, where he became concert-master with the orchestra there and taught advanced violin.

HE'S HAPPY HERE

Bieler came to the North Carolina Symphony this season as guest musician. He says, "I am most happy with the orchestra. All the members seem to be very fine musicians. I am proud to be a member of this orchestra."

The lovely brunette second violinist sitting just behind Bieler and to his left is his wife Isabel. The Bielers are among a number of married couples who play in the orchestra. Another couple are Winifred and Vincent Simonetti, who met while touring with the group last season and were married in August.

Winifred is a North Carolina native, from Lexington, and a graduate of Duke University. A piccolo player, she has played with the Winston-Salem Symphony, and she taught at the Brooklyn Conservatory this summer.

Vincent plays the tuba. He grew up in New Jersey and received his musical training at the Manhattan School of Music. He has toured widely in the United States.

Since piccolo is not in many scores, Winifred brings her knitting to rehearsals. "A piccolo player just doesn't have much to do," she says.

Another young wife who often finds time on her hands during rehearsal is harpist Ellnor Kirschke. Ellnor came to the orchestra last season, after marrying William Kirschke at Christmas. They met the summer before; they were both playing with the Santa Fe Opera Company.

William, better known as "Bill," is in his third season with the North Carolina Symphony. A graduate of Texas Christian University, he came here from Los Angeles as a violinist.

"I did a little conducting that first year," he explains, "and I was invited to return as assistant conductor." When the group splits into two orchestras to tour the eastern and western sections of the State in the spring, Bill takes the western group. Before the separate tours begin, he conducts certain works in concerts and often relieves Dr. Swalin at rehearsals.

When he commented on Dr. Swalin's good work recently, Kurt Bieler went on to say, "Kirschke is already a fine conductor, and he is of great assistance to Dr. Swalin. I admire the way they collaborate and cooperate for the betterment of the orchestra."

When he is not wielding the baton at rehearsal, Kirschke is still very much involved in what the orchestra is doing. He listens and watches—sometimes standing on the stage at Dr. Swalin's elbow or behind the third violins, sometimes sitting far out in the auditorium.

One day last week, two charming ladies were also sitting among the instrument cases left on the auditorium's red chairs. Joel and Lidia Adam, "almost twelve" and "six and a half" years old, weren't in school because they had just moved to Raleigh from New York. They had come to rehearsal with their daddy, bassoon player Jan Adam.

Adam brought his family to the United States from Poland just a year and a half ago, and his English is still hesitant. When he "runs out of words," he smiles broadly and turns for help to his daughters or to Mrs. Mary Piotrowski, a violinist also in her first season here who played with Adam in the Virginia State Symphony Orchestra last year.

Adam studied music for 12 years at Poznan in Poland, then played with the opera there until coming to America. Mrs. Adam is a

nurse at Rex Hospital. She and the girls are pleased with Raleigh.

"I want to find a ballet school," Joel says. "I have begun to study, and I'd like to continue."

Jan Adam is part of the international flavor of the North Carolina Symphony Orchestra. Mrs. Swalin says, "Music is the international language, and our foreign musicians show this."

In addition to the Bielers from Columbia, the orchestra this season has visiting musicians from Canada, Australia, Germany, and Chile.

Miss Anita Williams, a petite cellist, has played on radio and television in her native Montreal. "I know my name sounds English," she says, "but my parents are of French descent." Her accent leaves little doubt of her origin.

Anita received her musical training in the United States and at Vincent d'Indy and the Conservatoire in Montreal. She has played with the Montreal Symphony and with the Canadian National Ballet Company.

"A musician who used to come here recommended the North Carolina orchestra to me," Anita relates. "So I wrote this summer, and here I am."

She finds the orchestra "a good group to work with. And I especially like the school concerts. It is a wonderful experience to see the children so entranced."

School concerts are an important part of the orchestra's work. They include introduction of the instruments to the students, as well as playing.

Anita says she would like to stay with the North Carolina Symphony another season. "The second year is always the best."

Tony Carolin from Melbourne, Australia, is in his second season here. He was here two years ago and returned after playing in Australia and England last year.

In addition to his duties as violinist, Tony serves the orchestra as stage manager. He is usually among the first to arrive at rehearsal and the last to leave when it's over. Having Raleigh as home base, he says, makes his job "a little easier."

He adds, "I think it's much better, anyway. You gotta have a home. But time will tell how it will work out."

Tony studied at Melbourne University, and was on the faculty there before he first came to the States.

Wolfgang Roth plans to teach when he returns home to Munich, Germany, next year. He is teaching violin groups at Josephus Daniels Junior High now, and hopes to teach private lessons while he is in Raleigh.

The handsome young German learned to play the violin in Munich, and has played with the Bach Orchestra there. He is not new to the United States, having traveled here three years ago. He says he likes Raleigh—"besides the laws that I can't drink beer on Sundays."

Though he is all business once rehearsal begins, Wolfgang sometimes shows the lighter side of his personality after he takes his place in the first chair of the second violin section, talking and laughing with the musicians near him until Bieler rises to have them tune.

On the other side of the stage, the first cellist shows the same good humor. This young man with long black hair and a well kept mustache is Rodolfo Fernandez.

Rodolfo is from Santiago, Chile, where he studied cello at the University of Chile. He has played with orchestras in Chile, Argentina, Brazil, and Uruguay. In the United States six years, he has played with the Atlanta Symphony and Philharmonic.

This is Rodolfo's first season with the North Carolina Symphony. He says, "I enjoy it very much."

Viola player Bob Hoffmann enjoys playing with the orchestra, too. He returned this

year for his second season, after a 19-year absence. But his job as librarian, he says, "has its trials and tribulations."

As librarian, he is responsible for keeping the music in repair and for distributing it to the players and collecting it when they are through playing. Sometimes it seems that he is as much out of his chair as in it during a rehearsal.

Hoffman is from Boston, and studied music privately with members of the Boston Symphony before going to the New England Conservatory. He has played with the Houston and Dallas symphony orchestras and with orchestras in Florida and Virginia.

Percussionist Wilson Moorman's job appears easier than some of the musicians' at times. Wilson is primarily a timpanist, and since many scores call for little or no timpani he sometimes has nothing to do.

"There's just one other percussionist, though," Wilson says, "so I help him out with scores that call for a lot."

Wilson returned to North Carolina this fall after playing with the orchestra the last eight weeks of last year's 12-week season. He grew up in Newark, New Jersey. A Juilliard graduate, he has played with the Symphony of the New World in New York.

Bill Kirschke is obviously proud of the orchestra he helps lead. "These people," he says, "are truly professional musicians . . . Music pulls them together."

Music and an effective conductor.

Dr. Swalin demands as much from his musicians in rehearsal as he does in a concert. Dressed in the same kind of casual clothes the musicians are wearing—slacks and sweaters which contrast strongly with the dignified black they wear for concerts—he steps onto his small platform, raises his baton, and says, "All right."

The music begins.

Dr. Swalin may sit for a minute on the stool placed on the platform for him, but he stands through most of the rehearsal. Sometimes during a concentrated practice with a particular section, he takes several steps toward them.

He tells the musicians what he wants. "You started that crescendo early," he may say. Or, "You can get much more dramatic here."

And they give him what he wants.

INCREASED RUSSIAN NAVAL ACTIVITY IN THE MEDITERRANEAN

Mr. SPONG. Mr. President, on Friday I obtained unanimous consent to have printed in the RECORD an editorial published in the Washington Star which pointed to increasing Russian naval activity in the Mediterranean.

On Sunday, Mr. John I. Brooks, the Washington correspondent of the Norfolk-Portsmouth Virginian Pilot, discussed the history of the Russian buildup in the Mediterranean in a factual and thoughtful article. Mr. Brooks also reviewed some of the implications of Russia's new interest in the Middle East.

Mr. President, I commend the article to the attention of Senators and 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:

THE RUSSIAN MIDDLE EAST NAVAL FORCE TRIPLED IN A YEAR (By John I. Brooks)

After the Israeli destroyer Ellat was sunk by a Russian-built missile, the most publicized response was the shelling of an Egyptian refinery and tank farm near Port Suez four days later. Small wonder, for the pillar

of fire and smoke from the burning oil was clearly visible at Port Said, about 90 miles away at the northern end of the Suez Canal.

Yet on the same day as the shelling there was a little-noted Egyptian counter, symbolic of new periods and tensions in the Mediterranean Sea and the nations along its coast.

The government at Cairo, in a statement disavowing any intention of "a new act of revenge," noted that three Russian men-of-war were on their way to Egypt for a "goodwill visit." When the Soviet ships showed up, there turned out to be about eight of them, mostly modern destroyer types.

Although these events took place during the October observance of the 50th anniversary of the Russian Revolution, when a goodwill visit would not have been inappropriate, the timing of the Egyptian announcement and the size of the Russian contingent suggest that "show of force" would be a more descriptive term for the appearance.

The use of a Russian missile against the Ellat, even though fired by Egyptians, and the destroyer visit a few days later are among recent developments which have seemed to indicate a Kremlin determination to maintain a significant naval presence in the sea which for two decades has been happy hunting waters for the U.S. 6th Fleet. Although Washington's Kremlin-watchers are not yet convinced that the current high level of Soviet naval force in the Mediterranean is permanent, it is undeniably there. The force is sufficiently large and varied to raise a legitimate question of appropriate American response.

Furthermore, both senior naval officers at the Pentagon and military-political affairs observers at the State Department point out that the Mediterranean is not the only area of increased Soviet naval activity. Brushes between American and Russian naval ships have occurred during U.S. Pacific Fleet maneuvers, and Soviet submarines are known to be ranging ever farther from the homeland in their patrols.

The Mediterranean, however, has been the scene of the most recent and intense Russian naval expansion. It furnishes concrete examples of the kind of fleet the Soviets are putting into the water.

On one day of November 1966, there were no more than a dozen Russian fleet units of all types in the Mediterranean. On the same day a year later, the total was 35. While the size of this force varies from week to week and from month to month, the year-apart figures are representative of the general force levels for the two periods.

During the past several years, the pattern of Russian naval activity in the Mediterranean has been seasonal, rising in the spring and falling in the autumn. This year the summer peak was at a record level, and there has been no appreciable decline in the fall. In all probability continuing Arab-Israeli tensions are responsible for this: The Soviets presumably feel that any sudden withdrawal now would embarrass their Arab friends. On the other hand, the Kremlin could become entranced with the possibilities of its new force and the publicity which has attended it. The days of the 12-ship fleet may be gone forever.

As a rule the Russians have about a half-dozen submarines under the sea and 12 to 15 sizeable combat ships on top of it, the rest of the Mediterranean fleet being made up of support ships and intelligence-gathering trawlers. By way of comparison, the United States usually has 20 to 25 major fleet units in the sea and a number of smaller ships.

Numbers do not tell the whole story. The American fleet includes two attack aircraft carriers and the Russians have no such ships. Yet conditions today obviously are much closer to balance than they were a year ago.

The U.S. Navy first ventured into the Medi-

terranean in 1801 to challenge the Tripolitan pirates but returned only occasionally during the ensuing years of British domination. It was not until after World War II that American interests, or more precisely the interests of the Western world, demanded a continuing U.S. force in the sea where naval warfare was born.

The 6th Fleet came into being in 1948, a month after proclamation of the Free State of Israel, and while Arab-Israeli tensions have remained a major reason for keeping an American force in the Mediterranean, there are others: The current flareup over Cyprus provides one example, and in addition there are the sometimes inflammatory quarrels among the Arabs themselves and the chronic instability of several North African and Near Eastern governments.

The Fleet's two really significant actions were the evacuation of civilians from Egypt and Israel during the Suez crisis of 1956 and the landing of Marines in Lebanon at the time of the threatened Nasserist coup there two years later. Basically, the fleet's functions are protection of the NATO flank and regional stabilization.

One may hope the Russians have in mind a goal of stabilization in establishing their own Mediterranean naval force, but one is also entitled to doubt it. To analyze the situation created by the presence of the new Soviet fleet, it is necessary to look at its makeup.

The two most interesting elements in Russia's Mediterranean fleet are destroyers and cruisers armed with missiles and a contingent of amphibious ships. The missiles obviously give the Soviets the capacity to fight surface and anti-air battles, and the amphibious ships just as obviously enable Russia to "land the marines" in good old American fashion.

Russian inclusion of anti-ship missiles in the batteries of several surface vessels is something of a puzzler. These missiles enable the Soviet fleet to fight surface engagements, but this is a form of warfare written off by many strategists as obsolete.

The Styx missile which sent the Ellat to the bottom was fired from a patrol boat in Port Said harbor, about 17 miles from its target. The Styx is probably the most primitive of the surface-to-surface missiles in the Russian arsenal, with a speed slower than that of jet aircraft, a warhead with an explosive force of about 1,000 pounds and a range of about 20 miles. Judging from its performance in October, its guidance system would appear to be accurate.

Retired Admiral Arleigh Burke recently drew a comparison between the Styx and the Regulus, an American missile developed during the Eisenhower administration but abandoned in 1958. The Regulus, however, was designed for a nuclear strike against short targets and was displaced by the Polaris now housed in U.S. fleet submarines on continuous patrol. The U.S. Navy never has had a missile whose primary mission was the destruction of enemy ships.

The Russians undoubtedly have more sophisticated missiles than the Styx in their inventory. Some are thought to have considerably more range and to incorporate fairly advanced guidance systems. Navy officials say, however, that all seem to be vulnerable to electronic jamming, and test shots against the old Regulus indicate that they would be downed by U.S. airborne missiles.

While the 6th Fleet has nothing comparable to Russian surface missileery, this causes no great concern in the Pentagon. Asked about the absence of surface missiles from the U.S. arsenal, Admiral Thomas H. Moorer, chief of naval operations, replied, "We have a pretty good surface-to-surface missile—it's called an airplane."

A case can indeed be made for the proposition that Russia's surface missile development is an effort to compensate for its lack of aircraft carriers. The Soviets are now completing one flattop and have another on

the way, but these seem to be primarily helicopter carriers. Experienced U.S. naval air officers say the Russians are a decade away from being able to build, equip and operate effectively anything like America's fleet of 15 attack carriers.

The surface missile has some advantages over the gun, but is immensely more expensive to fire, and opposed to the plane in surface combat it offers only a bit less vulnerability to anti-aircraft fire and less risk of life because it has no pilot. More to the point, however, is the improbability of a Soviet-American surface battle in the Mediterranean, or anywhere else for that matter. Missiles fired by Soviet warships at American warships would be an engraved invitation to all-out war, and no strategist believes such a war is likely to begin at sea.

The Russians could use their surface missiles to shoot up merchant ships trying to supply a government they sought to strangle, or the tiny naval forces of nations along the Mediterranean littoral. But even if the Russians had such intentions, it would make no sense for them to have developed so elaborate and expensive a set of weapons systems to carry out a mission which the powerful Soviet submarine force could accomplish almost effortlessly. The Russian surface missile batteries actually seem to be one of those additions that most military forces make from time to time to increase their options. In effect they amount to little more than show-pieces.

Will the United States build sophisticated missiles to attack surface shipping? Since both America and the U.S.S.R. bend every effort to avoid direct confrontation, and the things are all but useless in any other situation, in all probability such missiles would add little to national or allied security. They would seem to stand small chance of passing a "cost effectiveness" test of the kind imposed by retiring Defense Secretary Robert S. McNamara.

Yet it is entirely possible that some kind of surface missile program will be launched by the Navy. This is not a function of strategic need but of what may be called the politics of weaponry, the inevitable pressure which builds up to force U.S. duplication of so many categories of military hardware created by the Russians (and, one may reasonably suppose, vice versa). The futility of opposing such pressure is well illustrated by the trampling of McNamara's coldly logical opposition to deployment of an antiballistic missile system. Critics of any administration find it easy to hurl charges of "gaps" in the nation's defense, and incumbents find it hard to defend the gaps whether or not they're really there.

Defense and State Department officials are more concerned about the implications of the Russian amphibious ships in the Mediterranean than about the surface missiles. No one really expects Russian troops to storm the beaches of the Mediterranean on a mission of naked conquest, but there are other possible patterns of aggression less removed from reality.

These patterns are not necessarily related to current Arab-Israeli hostility. In fact, recent history suggests that even if their Arab friends were in danger of yet another humiliation in a renewal of combat with Israel, the Russians would not land troops in support of Nasser and his allies. Only within its own satellite sphere has the Soviet Union risked direct application of force since World War II.

It is possible that the Kremlin might decide that the Middle East stakes were high enough, or that its prestige could not survive another smashing of the Arabs it has done so much to encourage. The adventure of a Russian landing is not to be ruled out altogether. Nevertheless, on balance, the picture of Soviet landing forces hitting the beach to bolster sagging Arab armies fails to convince.

More persuasive "scenarios" to borrow a

term dear to the Pentagon-endowed think tanks, can be written to show other dangers inherent in the Russian amphibious force.

For one thing, the very nature of these new vessels is interventionist. Missiles like the Styx, as the Ellat incident showed, can be sold, loaned or given to another nation for spectacular demonstrations; but Soviet landing ships are useless without Soviet marines, and any use of such forces would represent an alarming reversal of the non-involvement policy which has dominated Russian actions since 1945. Thus the mere fact that the amphibious ships are in the Mediterranean indicates that the Kremlin today is less concerned at least with the appearance of non-involvement than it has been in the past.

Largely through military assistance and some economic aid, Russia has taken the offensive in the Near East and North Africa, and if this trend continues to the point where a Socialist state is proclaimed along the Mediterranean Shore, or one or more of the coastal nations are reduced to client status, the dangers of a Soviet intervention will have been multiplied.

Russia has been slow to make military commitments, but when its assistance to a developing nation creates a dependency by that nation upon Moscow, a two-way process of influence is set into motion. A dependent nation acquires a degree of leverage upon its donor because of the big investment involved and the embarrassment the major power might suffer if the smaller nation were to crumble.

Thus the Russians might one day receive a cry for help from a beleaguered government in Egypt, Syria or perhaps even Algeria.

Needless to say, these principles and dangers apply in regions other than the Mediterranean. This is especially so in the light of the recent mushrooming of the Russian merchant fleet, a valuable instrument for the Kremlin in any campaign of economic aggression.

In a recently published analysis of the Soviet merchant marine, the U.S. Maritime Administration argues with some persuasiveness that this new civilian fleet is designed mainly to meet Russia's own commercial needs and that efforts to use it to fight rate wars, with the aim of subjugating foreign economies, would be self-defeating for the Kremlin. MarAd concedes, however, that the state-owned fleet "can be used as a political instrument for economic purposes and an economic instrument for political purposes."

Certainly the newly swollen merchant marine gives Russia increased opportunity to create client states. Naval strategists point out that it also provides the capability of supporting troops in wars far from the Russian homeland.

The amphibious force, however, represents a clearer and more present danger than the merchant marine. So long as no major Russian naval force was present in the Mediterranean, the Kremlin could afford to be deaf to an appeal for help when its friends got into trouble. "What can we do?" the Soviet government could justifiably ask.

The Russians still could decline to become involved, but with landing ships cruising the sea, this becomes a more difficult position to take. Some close students of Russian policy think that in this sense, the amphibious force may prove an embarrassment to Moscow, particularly since it would be hard to use the ruse of "volunteers" to cover intervention when the alleged volunteers would be marines who had been on patrol for just such a contingency.

Experienced observers in Washington do not believe Russia really is spoiling for a fight in the Mediterranean. They think the Russian naval force probably was originally created primarily to shore up the nation's maritime flanks—the Baltic coasts of East Germany and Poland and the Black Sea coasts of Romania and Bulgaria—possibly with some thought of increased capacity to

compete more evenly with the Chinese and the West in such far places as Indonesia. They cannot deny the fact of Russian presence in the Mediterranean, but they link it chiefly with the Arab-Israeli situation.

These observers admit, however, that the side-by-side presence of numbers of Russian and American ships heightens the risk of an accidental involvement, some unforeseen incident which could trigger a chain of events with terrifying consequences.

The proper American response to the kind of threat embodied in the new Soviet landing ships must be as varied as the threat itself is ambiguous, U.S. officials believe. The purely military response consists of keeping a balanced naval force in the areas where American interests are involved, and Moorer said he thinks the far-flung possibilities of the trouble increase the advantages of nuclear power for the U.S. fleet.

Another, more basic response, lies in activities outside the Pentagon. American officials overseas must do everything possible to point out to the developing nations the dangers of dependency on the Soviet Union, or indeed on any single power. In this effort they will be helped by the spirit of neutralism, long a bete noire in Washington's ideological bestiary.

Russia's full intentions remain a mystery at this time and may not be wholly articulated in Moscow. The greatest significance of Russian naval development may be the implied acceptance of a limited war strategy, for the U.S.S.R. remained strapped to a policy of massive retaliation far longer than did the United States. In the sense that this augurs well for the continued existence of human civilization, it can only be encouraging.

But in the Mediterranean, whatever the Russians may intend, they have succeeded chiefly in making that part of the world far more dangerous than it was a few years ago.

SS "PRESIDENT VAN BUREN"—THE FASTEST FREIGHTER AFLOAT

Mr. BARTLETT. Mr. President, a new record, a record of which the entire American merchant marine and indeed all America can be proud, was set last week when the fastest freighter in the world, the SS *President Van Buren*, reached San Francisco from Yokohama in the elapsed time of 7 days, 15 hours, 6 minutes.

This bettered by more than 27 hours the best previous mark eastbound of 8 days, 18 hours, and 35 minutes, set by the Japanese merchantman *Italy Maru* on August 27 of this year.

The *President Van Buren* made a clean sweep of all existing records when she arrived at San Francisco the night of December 6.

She made the voyage of 4,678 miles at an average speed of 25.55 knots, 29.38 miles per hour. This establishes a clear fact—the *President Van Buren* is easily the fastest nonmilitary ship in the Pacific.

Her skipper, Capt. Wallace H. Holt, reported that the big 21,000-ton automated ocean greyhound has performed up to all expectations.

We had some rough seas slow us down toward the end of the voyage, but the rest of the way was pretty smooth sailing. Under ideal conditions we would have averaged over 26 knots all the way—

He said.

We had some intervals when we were doing 28 knots.

The Port of San Francisco is awarding a blue riband in recognition of the great record established by this new ship of the American President Lines. This will be the first such formal speed award in the Pacific. The riband is a large flag notched at the flying end with the words "Fastest Crossing Transpacific" emblazoned on it with the name of the ship and the seal of the Port of San Francisco.

Mr. President, I take particular pride in the SS *President Van Buren's* feat. I do so for three reasons. First, this is a demonstration that when the Merchant Marine Act of 1936 is appropriately implemented, the United States can turn out the finest merchant ships in the world.

Second, because the American President Lines had the gumption and foresight to provide for a new fleet of merchant liners, of which the SS *President Van Buren* is the first. This fine vessel now proudly bearing the Pacific speed record was built by Ingalls Shipbuilding Co., at Pascagoula, Miss.

Third, my reasons for glorying in this achievement are entirely personal, because the SS *President Van Buren* was christened by my wife, Vide, on January 7, 1967.

SENATOR NELSON'S SPLENDID FIGHT FOR LOWER MEDICINE PRICES

Mr. PROXMIER. Mr. President, my colleague from Wisconsin [Mr. NELSON] has had a stormy but highly productive year as chairman of the Select Committee on Small Business Subcommittee that is investigating the drug industry.

His brilliant investigative work has called national attention to the unnecessary expense of medicine for American citizens. The results of his work are already reflected in lower bills for municipalities throughout the country which had been buying drugs on a brand name instead of on a generic basis. The Senate adopted an amendment to the social security bill this year that was largely an outgrowth of the Nelson investigation.

But Senator NELSON has suffered serious attacks from the drug industry, attacks that have not deterred him.

Recently the West Virginia Daily News praised Senator NELSON's fine work. I ask unanimous consent that the article be printed in the RECORD.

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

A BOUQUET TO NELSON

After six months of hard work and much criticism, the Nelson Committee, headed by Sen. Gaylord Nelson (D-Wis.), has scored outstanding achievements of its investigation of the drug industry.

Though the committee has a great deal of further work to handle, its accomplishments to date should be noted, and praised.

First, George Squibb, former vice president of a top drug firm, broke industry ranks with a 30-page memo which said high drug prices "cannot be justified satisfactorily."

Second, two huge drugstore chains, with over 400 outlets, announced new policies designed to encourage doctors to use official or generic drug names in prescriptions, rather than higher priced trade names.

Third, five major drug company presidents admitted in testimony before the committee that Americans pay higher prices for their drugs than citizens of any other country—even when comparing identical drugs from a single manufacturer.

In his pointed remarks, to other members of the drug industry, Squibb said, "The Achilles heel of the pharmaceutical industry is high drug prices." He pointed out that trade-name drugs often cost six, 10, 20 times more than their generic competitors.

"It is not enough to say that trade-name drugs should be expected to cost more," Squibb said; "It is the size of this differential that seems to be inexplicable by any normal standards of accounting."

Striking down another popular drug industry claim, Squibb said, "The industry . . . cannot lay all of its higher prices to research expense. The drug industry has never refuted the late Senator Kefauver's findings that research costs of the 20 major drug companies represented only 6.4 per cent of the total sales dollar."

We commend Senator Nelson on his unstinting work in this area. The attacks that have been showered upon him have not been easy to uphold. Yet he has held steadfast and worked for what is obviously the good of the American citizen, and not of a small pressure group. And for this he is to be commended.

PRESIDENT CALLS ON BUSINESS COUNCIL TO MAKE NATION'S PROSPERITY PERSONAL CONCERN

Mr. WILLIAMS of New Jersey. Mr. President, at a speech before the Business Council this week, President Johnson called on the Nation's businessmen to refrain from avoidable price increases and to intensify their competitive efforts. He stated:

If members of an industry attempt to raise prices and profit margins—even when they clearly have excess capacity—we are bound to have rising prices.

The President pointed out that for 82 straight months covering the period of both the Kennedy administration and his own, our country has known sustained prosperity. The American economy has never shown such strength and vitality.

But he warned the council that in the days ahead we should expect challenges which threaten our prosperity. Devaluation of the British pound, the gold reserve challenge, our chronic balance-of-payments problem, all present such challenges.

As serious a challenge is presented by the present clamor for high tariff walls. As a longstanding supporter of trade expansion, I was very happy to hear the President point out to the Nation's businessmen that international trade must be a two-way street. He said that this trade must present fair and competitive rates. I am in staunch agreement with the President when he stated:

You cannot win this race confined by the quotas or high tariff walls the protectionists demand. Those walls have always been barriers to profits. You will win the race with time-tested American business methods—efficiency, better products, lower costs and prices.

Even though we know that a key to balance of payments is to export more, we also know this: If our prices rise faster than those of our overseas competitors, our exports will suffer and our imports will grow.

The President made it abundantly clear that our country's continued prosperity is our personal concern; that if we all exercise reasonable prudence maybe we can continue with 82 more months of sustained prosperity.

Mr. President, I ask unanimous consent that the text of the President's remarks to the Business Council 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 AT THE BUSINESS COUNCIL, DECEMBER 6, 1967

If we wanted to celebrate the triumphs of our economy tonight, we would have cause enough.

We are now in the 82nd month of the American economic miracle. This sustained prosperity is unparalleled in our history.

But it is not celebration which summons us.

We are here, rather, to look at the other side of the ledger—to assess some of the challenges that now threaten our prosperity.

INTERNATIONAL MONETARY PROBLEMS

America's role in world trade and finance is crucial to our prosperity and that of all free nations.

World trade has quadrupled since World War II. We have helped to create that trade—and we have shared fully in its benefits.

In the world network of trade, America's role is doubly important. Our dollar stands at its center—the medium of exchange for most international transactions.

The recent devaluation of the British pound—with the tremors of uncertainty it stirred—makes it even more imperative that we maintain confidence in the dollar.

In the wake of devaluation, we witnessed a remarkable display of international financial cooperation. A speculative attack on the system was decisively repelled.

It was repelled because we stood firmly behind our pledge—which I reaffirm today—to convert the dollar to gold at \$35 an ounce.

It was repelled because the leading governments of the western world joined with us in that successful defense, at a relatively small cost in reserves.

But we cannot rest on this victory. We must look ahead. As world trade expands, so must the liquidity required to finance it. That liquidity need not rest on the uncertainties of gold production, consumption and speculation. Nor can its supply be the responsibility of any one country.

So even as we reaffirm our pledge to keep our dollars strong—and every ounce of our gold stock stands behind that pledge—we must look beyond gold.

We will press the case for other reserves which can strengthen the international monetary system of tomorrow.

We are joined with other nations in this venture.

Already we have laid out a blueprint. The agreement reached at the International Monetary Fund meeting in Rio is a first important step. It points the way to the creation of supplementary reserves backed by the full faith and credit of the participating nations.

BALANCE OF PAYMENTS

A healthy balance of payments is essential to a sound dollar.

After a decade of deficits, our balance of payments problem still challenges the best efforts of government and business.

In recent years we have made some very real progress. But we find some of that progress offset by the cost of our defense efforts in Southeast Asia, and by events surrounding the devaluation of the pound.

This calls for special effort—by both gov-

ernment and business—to press even harder for progress.

Our investments in defense and foreign aid are vital to the security of every American. But, for our part in government, we are reducing to the barest minimum the drain of these essential activities on our balance of payments.

Business, too, has responded to the challenge.

In the voluntary balance of payments program, we have seen one of the finest examples of cooperative effort with government. Many firms have helped to reduce the deficit. They have borrowed funds overseas to finance foreign investments rather than borrow here and export our dollars abroad. Others have chosen to defer or scale down their investments.

We ask for even greater voluntary cooperation in 1968.

Before your dollars flow abroad to another industrial nation, ask yourself: Is this for an essential project? If it is, why can't you finance it overseas?

I know that borrowing overseas may cost an extra point or so in interest. But it is a necessary investment. It will strengthen the economy in which we all have a share.

EXPANDING OUR EXPORTS

The best way to strengthen our balance of payments is to expand our exports.

We used to talk of the world market in terms of billions of dollars—and more recently hundreds of billions. Now the economists tell us those measures no longer suffice.

The size of the economy outside the United States today exceeds \$1 trillion.

American business has only begun to fight for this market.

I hope you will take this message back to the board rooms of America: Get going on exports.

We in government have helped you to promote and finance your sales to other markets abroad. We hope to do even more in the future.

But I ask business to remember this: Trade must be a two-way street. Trade must be a fair and competitive race.

You cannot win this race confined by the quotas or high tariff walls the protectionists demand. Those walls have always been barriers to profits. You will win the race with time-tested American business methods—efficiency, better products, lower costs and prices.

Even though we know that a key to balance of payments is to export more, we also know this:

If our prices rise faster than those of our overseas competitors, our exports will suffer and our imports will grow.

A growing export surplus demands that we maintain a higher degree of price stability than our competitors. We have done that over the past seven years.

THE RESPONSIBILITY OF BUSINESS AND LABOR

The challenge to business and labor is no less compelling than the challenge to government.

We know that wage and price changes are inevitable—and desirable—in a free enterprise system.

But those changes must be restrained by a recognition of the fundamental national interest in maintaining a stable level of over-all prices.

If strong labor unions insist on a wage rise twice the nationwide increase in output per man-hour—even where there is no real labor shortage—we are bound to have rising prices.

If members of an industry attempt to raise prices and profit margins—even when they clearly have excess capacity—we are bound to have rising prices.

Nobody benefits from a wage-price spiral. Labor knows that it does not. You know that

business does not. And surely the American people do not.

Yet business says it is labor's responsibility to break the spiral, and labor says it is yours.

I say it is everyone's responsibility.

It is the responsibility of Government, of labor, and of business.

I intend to urge labor to restrain its demands for excessive wage increases.

I am urging business tonight to refrain from avoidable price increases, and to intensify its competitive efforts.

To both I say: It is your economy—your jobs and profits we need to protect. It is your dollar whose strength we must maintain.

For the first time, America is fighting for freedom abroad without resorting to wage and price controls at home.

Voluntary restraint has made involuntary curbs unnecessary.

This is the way it should be done.

This is the way it can be done—if business and labor meet their responsibilities.

PROJECT GASBUGGY

Mr. PASTORE. Mr. President, on Sunday, December 10, 1967, at 2:30 p.m., eastern standard time, an extraordinary event took place in New Mexico. A nuclear device of about 25 kilotons was detonated 4,000 feet below the surface of the ground in order to stimulate production and increase ultimate recovery of natural gas from deep within the earth.

The nuclear device was detonated as planned. It will, of course, take some time before the effectiveness of the shot in producing natural gas can be evaluated. Drilling must now be done to tap the underground region involved in this experiment.

This undertaking, called Project Gasbuggy, is a joint Government-industry venture to develop the peaceful atom. If it is successful it will pave the way for other nonmilitary uses of nuclear energy.

It is vital to U.S. interest—and to the whole world—that we concentrate our efforts on harnessing the atom for peace. Twenty-five years ago this month the first chain reaction was attained under the stadium at Stagg Field, Chicago, by Enrico Fermi. Since that time, as President Kennedy so eloquently put it:

Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us.

It is my hope that in the next quarter century the world will move away from the abyss of a nuclear holocaust toward reaping benefits from this great gift that God has given us.

I ask unanimous consent that an editorial published in today's New York Times, commenting on the Project Gasbuggy, be printed in the RECORD.

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

FORWARD WITH THE GASBUGGY

If the hopes of its sponsors are even partly realized, yesterday's nuclear explosion almost a mile underground in New Mexico will mark a major advance in the application of atomic energy for peaceful purposes. Theoretical considerations suggest that the explosion may have so altered the geological formation involved that large quantities of natural gas

will be freed from its rocky abode and made available for use.

If this hypothesis proves correct, estimates indicate that the nation's resources of economically recoverable gas will be more than doubled. And, if nuclear explosions can aid the gas industry, the possibility opens that they will also prove useful for increasing the supply of recoverable oil and for aiding the mining industry generally.

More broadly, Project Gasbuggy pioneers the entire area of utilizing nuclear explosions constructively for human benefit. Until yesterday the peaceful atom has been for all practical purposes the nonexplosive atom, as it has been harnessed in existing nuclear power plants and in the incredibly varied medical and other employments of radioactive substances. But even at the beginning of the nuclear age a quarter-century ago, it was apparent that vast potentialities existed for using nuclear explosions as a sort of superdynamite to help build canals, harbors and the like.

A major technical problem in the way of all such uses, however, is that posed by the resulting radioactivity. This problem may bedevil even the use of gas liberated by yesterday's blast. At a symposium preceding Project Gasbuggy, one participant warned that pollution of the gas by radioactive tritium would require dilution of the fuel by uncontaminated gas. Unless a thoroughly "clean" nuclear explosive is developed, the problem of radioactive pollution of the atmosphere and of the earth moved would attend any use for surface construction tasks.

Nevertheless, the general assumption is that technical obstacles of this nature will be surmounted and that the future will see nuclear power used to move mountains, both literally and figuratively. It is precisely this conviction that explains the strenuous opposition some nonnuclear powers have exhibited in the Geneva disarmament negotiations to any nuclear nonproliferation treaty that might block their access to atomic explosives for nonmilitary purposes.

The ease with which a nuclear explosive can turn from benefactor to annihilator makes it imperative that a workable system be devised for insuring the availability of such explosives for genuinely peaceful use anywhere in the world without a spread of membership in the nuclear club.

THE NITROGEN FERTILIZER PLANT IN TUNIS, N.C.

Mr. ERVIN. Mr. President, it has come to my attention that of 13 new major facilities in which our Nation's farmer co-ops are currently investing, only one is located in a metropolitan area.

I think it is highly meaningful when the directors and management of farmer-owned enterprises elect to locate their new operations in rural America. It is meaningful because they, perhaps more than any other business group, know rural America. They know its people. They know its services. They know what they can expect from it in terms of labor and in terms of all the services they require when they build a processing plant or other facility in a rural community.

The 90th Congress has been concerned in a number of ways with programs that encourage a proper population balance between rural and urban areas. None of us wants to see our rural towns and smaller cities dry up for lack of job opportunities for the people there. We find it depressing to watch our people from rural areas pile into the big cities to lose their personal identity and their dignity—and reduce themselves to a statis-

tic, to one of the thousands of unem-ployed.

That is why I think it significant every time a new plant goes up in a rural community. It creates jobs in the new plant and also more jobs in the new business it generates and the new transportation, utilities, and other services it requires.

These are some of the reasons why I am pleased to see that the community of Tunis in North Carolina has been selected as the site for a \$32 million co-op nitrogen fertilizer production and storage complex.

This will be a regional facility serving farmers in a number of States. It will be a joint enterprise by co-ops with headquarters in four States, including North Carolina. I desire to commend the Senators from three neighboring States for having constituents who are exercising such sound business judgment by investing their share of the \$32 million in North Carolina.

The co-op owners of the new plant will be FCX, Inc., of Raleigh, N.C.; Cotton Producers Association of Atlanta, Ga.; Tennessee Farmers Cooperative of Laverne, Tenn.; and Southern States Cooperative of Richmond, Va. It will be operated by a subsidiary of Farmers Chemical Association of Chattanooga.

I am happy to see this consolidated action take shape in North Carolina. As I have mentioned, it will generate new business and jobs. And it will do more than that. It will turn out a farm production item within the geographic area where farmers are using the product.

The consolidated investment enables farmers themselves to own a multimillion dollar production facility for nitrogen—an essential in today's farming operations. It gives farmers control over the pricing of this crop production input.

Farmers this facility will serve—in North Carolina and in neighboring States—all will benefit.

I mentioned that 12 of 13 new co-op facilities are going up in rural communities across the Nation. The total number is over 40 major facilities that co-ops are constructing this year in nonmetropolitan areas.

That is from estimates by the Department of Agriculture's Farmer Cooperative Service which has worked with some of these co-ops in determining the feasibility of new facilities and selecting construction locations.

I would like to mention that this assistance has been at the direction of Congress. It has been the intent of Congress that research, studies, and technical help from the Department of Agriculture go further than production practices on the farm. Congress has directed the Department of Agriculture to provide assistance that helps farmers market their products and acquire supplies and services to operate their farm businesses.

Use of Farmer Cooperative Service findings and recommendations by these farmer co-ops in determining new facility needs and in selecting construction locations is an excellent example of progress in the fulfillment of legislative provisions.

I think it timely, Mr. President, to recognize the work of Farmer Coopera-

tive Service in assisting our farmer associations.

ASSISTANCE OF DEPARTMENT OF AGRICULTURE PERSONNEL IN PASSAGE OF WHOLESOME MEAT ACT

Mr. MONDALE. Mr. President, in my remarks the other day before the acceptance on the conference report on the Wholesome Meat Act, I singled out some persons whom I believed to be especially important to that legislative victory.

My remarks were extemporaneous, and unfortunately I neglected to commend many persons in the Department of Agriculture who ably and fearlessly contributed to the success of this cause.

Rod Leonard, head of the Consumer Marketing Service; Mr. Charles W. Bucy, Assistant General Counsel for Marketing, Consumer Regulatory Laws, Research, and Operations; Dr. Robert K. Somers, Deputy Administrator of the Consumer and Marketing Service; and many others contributed effectively to this effort.

Without the 1962 and 1967 reports prepared by the Department of Agriculture, detailing the shocking conditions in some intrastate plants, this legislation could not have passed. Throughout this struggle, the Department was most effective, and I would not want this fact to go unnoticed.

IS GREAT BRITAIN IN NEED OF AMERICAN BEEF?

Mr. PEARSON. Mr. President, within the past few weeks the British livestock industry has been struck by dreaded hoof and mouth disease. Despite the great advances of modern veterinary medicine, this fearsomely contagious disease has no cure and the only known method of control is total quarantine and then slaughter of all cloven hoofed animals in the infected area.

At least 250,000 head of livestock in Great Britain have already been slaughtered. New outbreaks assure that this necessary slaughter will go much higher.

This is a severe blow to the British livestock industry and will likely have adverse effects throughout the consumer sector of the economy.

Mr. President, the loss here is greater than just the number of livestock slaughters, great as this may be, because one of the protective measures taken by the British Government is the imposition of an embargo on the importation of Argentine beef. In the past, Argentina supplied about 30 percent of all British beef imports.

In view of these circumstances, I wonder if the American beef industry—the producers, the packers, and the shippers—and the American Government have fully and adequately explored all the possible steps that might be taken to help supply Britain, in their time of need, with adequate quantities of American beef? It would certainly seem desirable that, given the large quantities and excellent quality of available American beef, we should make sure that all aspects of the situation are adequately and fully explored.

UNITED STATES MUST LEAD IN THE STRUGGLE FOR UNIVERSAL RIGHTS

Mr. PROXMIRE. Mr. President, etched into the base of the Statue of Liberty are the words:

I lift my lamp beside the golden door.

I feel that these eight famous words symbolize the United States as a great land of opportunity. This simple sentence carries the thought that everyone who comes to this country will have the opportunity to make more of his or her life here than anywhere else.

The history of our Nation has been a long story of the continuing battle for human rights—the chance to live in a democracy.

We can be proud of our heritage of struggle against those traditional foes of human dignity—racial, religious and economic discrimination.

But we cannot allow ourselves the luxury of self-satisfaction for what we have been able to accomplish.

Our concern for the dignity of man heightens rather than diminishes our international responsibilities in the fight for human rights. We must not merely offer cooperation, but instead give active leadership to this struggle.

I see no better way than for the Senate and the Nation to resolve to meet that responsibility by ratifying now the Human Rights Conventions on Forced Labor, Freedom of Association, Genocide, and the Political Rights of Women.

THE RECONSTRUCTED TANKER AMERICAN TRADER

Mr. BREWSTER. Mr. President, the launching of an American-flag tanker is always an event of major economic significance, both for my own State and for the country.

On December 6, 1967, the American Trading & Production Corp., launched the reconstructed tanker, SS *American Trader*. The ship has been completely reconditioned—with a brandnew mid-body and fore-body—at a cost of \$5 million.

The SS *American Trader* is 27,500 deadweight tons, is equipped with gear turbines of 8,500 shaft horsepower, capable of 15½ knots, and is fitted throughout with the latest marine equipment—a perfect example of the sort of modern, efficient tanker produced in this country better than anywhere else in the world.

On the occasion of the launching, Mr. Frank J. Murphy, general manager of the Marine Division of American Trading & Production Corp., delivered a short address that serves as an apt reminder of the vigor of the American-flag tanker fleet. I ask unanimous consent that the address be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

SPEECH BY FRANK J. MURPHY, GENERAL MANAGER OF THE MARINE DIVISION OF AMERICAN TRADING & PRODUCTION CORP., ON DECEMBER 6, 1967, IN NEWPORT NEWS, VA., WHEN THE SEA TRIALS OF THE RECONSTRUCTED SS "AMERICAN TRADER" TOOK PLACE

Along with Newport News Shipbuilding & Dry Dock Co. American Trading & Produc-

tion Corporation welcomes you to our celebration commemorating the debut, so to speak, of the New S. S. American Trader.

The event, naturally, is a major one in the history of the Marine Division of American Trading & Production Corporation. It represents the culmination of long planning and hard work. Behind a production of this nature—stand many, many, people . . . a large number of whom are here tonight . . . brokers, charterers, bankers, shipbuilders, lawyers, underwriters, merchant mariners representatives of classification societies and governmental regulatory agencies and many others. I am tempted to single out individuals by name in appreciation of their contributions, but rather than run the risk of overlooking someone, allow me to acknowledge a job well done by offering all who have participated and all who will participate in this venture. . . . our sincere thanks.

In the world of tankers today. . . . made up of outsizes from giant economy to super supers, The American Trader may appear relatively small in size. However, such super tankers—for the most part—are one grade crude oil carriers—too large for specialized trading and . . . because of size . . . not adaptable to the U.S. Flag Trades. It is our opinion (shared in by some others) that the ideal tanker size for flexibility in the American Flag Bulk Trades is between 25,000 and 30,000 Dead Weight Tons.

It is no coincidence, therefore, that The American Trader is about 27,500 Dead Weight Tons. She is equipped with gear turbine engines of 8,500 shaft horsepower, capable of 15½ knots, completely coated inside and out and can segregate and transport multiple grades of bulk products. . . . including Grade "A" petroleum products. The vessel's machinery and gear have undergone a thorough inspection and overhaul. . . . her rudder has been completely reconstructed. . . . a new stack has been fitted and she has been equipped with a new propeller and tailshaft. Crew quarters and messrooms have been refurbished and all accommodations air-conditioned. Other new equipment includes a modern radio console, new radar, new loran, new VHF and medium frequency radio telephones . . . even new crew washing machines, electric water coolers, refrigerators, a new 3-ton compressor for ship's reefer boxes and an electric galley range. Some of these items may not make the ship any safer or more seaworthy but they are essential to good morale and an efficient operation.

American Trading & Production Corporation has been at the forefront advocating an American Merchant Marine made up of ships which not only fly the flag of the United States and employ American seamen . . . and which are built in American shipyards by American labor. My principals . . . the Blaustein Family . . . are to be complimented for the support that they have given the Marine Division of the Company in the battle to retain American Flag privileges for American-built vessels operating solely under the U.S. Flag. American Trading & Production Corporation, obviously, has a great deal of faith in the future of such an American Merchant Marine.

In this respect . . . and as further evidence of this faith . . . I am pleased to announce that we are going to have Newport News Shipbuilding & Dry Dock Company deliver another 27,000 Dead Weight Ton tanker in the summer of 1969. With the Boyd Program presently laid to rest, I would hope that others would get into the same spirit and help the American Merchant Marine return to its rightful place among the fleets of the world.

NO PLACE IN PUBLIC DEBATE FOR LAWLESSNESS AND DISORDER

Mr. McGOVERN. Mr. President, I was presiding over the Senate earlier when the distinguished majority leader [Mr.

MANSFIELD] spoke. I share his concern over growing lawlessness and irresponsibility across the Nation.

Acts of lawlessness and disorder have no place in the discussion of American policy either at home or abroad. Americans have the right to disagree, but there is no legal or constitutional right to break the laws of the land.

I do not intend to surrender my freedom of conscience or my right to speak out against policies that I believe are hurting the Nation. But I have no sympathy for those who engage in irresponsible or lawless demonstrations. Such actions only make it harder for those of us who are trying to carry on a thoughtful reconsideration of public policy.

I believe in civil rights, but I detest civil disorder. It is imperative that we help the poor and the neglected, but it is equally imperative that we do whatever is necessary to end lawlessness and violence in this country.

I agree with former Vice President Nixon's recent statement that violence and lawlessness here at home are a greater threat to our security than is Vietnam.

PEACE CORPS

Mr. HATFIELD. Mr. President, the State of Oregon has always been a leading contributor to the Peace Corps, and at present more than 230 Peace Corpsmen from Oregon are serving abroad to improve the living conditions of men, women, and children in underdeveloped nations.

A significant view of what the Peace Corps has accomplished under the leadership of Peace Corps Director Jack Vaughn was summarized not long ago in the Sunday Oregonian. Because I know that Members of Congress share my interest in the Peace Corps, 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:

PEACE CORPS FIRES YOUNG AMBITIONS (By Geoffrey Gould)

WASHINGTON.—Just outside the office of Peace Corps Chief Jack Hood Vaughn is a large stuffed crow, mounted on a wall plaque.

On a brass plate beneath the crow an inscription says "It is larger than a dove and smaller than a hawk. It is noisy. It is clever. It is resourceful. Most of all perhaps, it has a great capacity to learn and therefore it is a fitting Peace Corps symbol."

That is the way Sol Chafkin, a top idea man for Vaughn until he left the government last December, summed up what the Peace Corps meant to him. The image is idealistic but not maudlin or holier-than-thou, and it emphasizes the "can do" aspect of the Peace Corps.

That apparently is what the seven-year-old Peace Corps still means to thousands of college graduates who apply every year for two-year, low-paid, hard-work overseas assignments in underdeveloped countries.

WORK EXCITING

From top to bottom it is next to impossible to find anyone in the Peace Corps who has any doubts or reservations about what the outfit is doing. And Jack Vaughn is the most gung-ho of them all.

A wiry ex-boxer with a sandy mustache, the pipe-smoking Vaughn told a visitor he

was well aware of the "swirling criticism" and the undercurrents of fear, anxiety and suspicion that seem to be abroad in the land, fed by the Vietnam war and racial disturbances.

"But we somehow are immune," he said. "There is nothing negative about us. It's pretty exciting for an old bureaucrat like me to be associated with the young swingers of our society."

The Corps passed the 30,000 mark in its past and present volunteers a month ago. There are about 15,000 abroad now and Vaughn expects 17,000 by next August.

Vaughn is convinced that the returning volunteers are bringing an important input to American society from their experience abroad, and he is sure that one day an ex-Peace Corpsman will be president of the United States.

One recent development bothers him—occasionally a volunteer will complete his training and go overseas only to be hauled back after a few months by his local draft board to go into the armed forces.

This has happened to 39 volunteers, mostly in the past year. "I think it is pretty bad," Vaughn says. "It is unrealistic and a terrible waste of taxpayers' money . . . it is downright irresponsible."

"If you believe as I do," he adds, "that nothing we do overseas is as important as the work of the Peace Corps over the long pull, building bridges to other countries, then it seems inconsistent and very bad."

But he says "I can't do a damn thing about it." He points out that after Peace Corps service a young man would still be eligible for the draft, but still local draft boards grab them now and then while they are abroad.

MAN RETURNED

Vaughn says the volunteers are encouraged to speak out on their beliefs while they are serving in foreign countries. He acknowledged that one volunteer was brought back from Chile for actively campaigning against the American involvement in Vietnam, "but that was because he decided to make a cause out of it, with speeches and press releases and so on. He was spending all his time on it."

Peace Corps training now is aimed at making useful agriculturists out of the college graduates who volunteer. Teaching comes next and then community development and health care. This is a change in emphasis that has taken place in the year and a half since Vaughn took over the top job from Sargent Shriver.

The volunteers, he said, "can be trained in a narrow skill up to a very high level. In 14 weeks we can teach them all they need to know about sugar beets, for instance. When he gets abroad he knows more than the peasants, and knows how to get help when he needs it." Sugar beets are big in Iran.

"The surprising thing is they like it," he said. "You take a Princeton psychology major and teach him about poultry and he winds up being very intrigued."

Vaughn said there is no sign of any slackening of interest in the Peace Corps among the college generation.

"What they want is participation, what they want is independence, what they want is maximum responsibility," he said. "The Peace Corps can guarantee to give them that. As long as we can offer that, we'll have adequate numbers."

Responsibility is delegated to the overseas staff and the volunteers, he said. "We don't call any of the shots from here. I feel very strongly that we can't be responsive in Washington to the subtle and changing overseas needs. We have got to count on our people overseas."

THREE SERVE

Another recent development is the naming of female ex-volunteers as Corps country di-

rectors overseas for the first time. There are three of them now, including a former Miss California.

A huge organization chart on one end of Vaughn's office shows that nine of the current country directors, are ex-volunteers.

But the Peace Corps staff is being constantly raided by universities, foundations and business, Vaughn said, and one of the raiders is Sargent Shriver, who keeps trying to snare Vaughn's bright youngsters to work in his Office of Economic Opportunity (OEO).

Vaughn says he would like to hang on to his job about as long as Shriver did—five years, which is the limit for all Peace Corps personnel. This policy is designed to keep a constant turnover and new blood coming in.

"I feel so privileged, so really blessed by this opportunity," Vaughn says, and he means it. "I guess I've got the best job there is."

KENNEDY AND JOHNSON VIETNAM POLICIES IDENTICAL IN PURPOSE

Mr. MCGEE. Mr. President, Philip Geyelin, of the Washington Post, has written a thoroughly documented and convincing article demonstrating the continuity of America's Vietnam policy during the 6 years of the Kennedy and Johnson Presidencies.

The Vietnam debate has been confused by false charges that the rationale of the war has shifted from defending Vietnam to containing China. Mr. Geyelin shows that Presidents Kennedy and Johnson continually stressed the fact that both containment of China and defense of Vietnam are logical reasons for our presence in Southeast Asia.

The preservation of South Vietnam's independence flows logically from a larger policy aimed at demonstrating to Communist China that the United States will not allow Communist wars of national liberation to undermine the security of free Asia.

President Kennedy stressed the dual nature of our policy on numerous occasions. For example, on September 9, 1963, he said emphatically that "China is so large" that "if South Vietnam went" it would "give the impression that the wave of the future in Southeast Asia was China and the Communists."

President Kennedy was as determined as President Johnson that South Vietnam's freedom be secured. In 1961, Kennedy said:

The United States is determined that the Republic of Vietnam shall not be lost to the Communists for lack of any support which the United States can render.

President Johnson has repeatedly stated that the defense of South Vietnam bolsters all of Free Asia against Peking's insurgency. The President long ago made clear that the Vietnamese war is "guided by North Vietnam and it is spurred by Communist China." To let Vietnam fall would "shake the confidence of all Asia in the value of our American commitment."

Thus, as Mr. Geyelin concludes:

The record is emphatic on one point: President Kennedy and President Johnson consistently gave the same rationale for Vietnam—that its right to self-determination must not be allowed to be foreclosed by force because of the importance such a Communist

victory would have to the larger Communist Chinese threat in Asia.

Our policy in Vietnam has been clear and consistent for 6 years. It is clear and consistent today.

I ask unanimous consent that Mr. Geyelin's excellent article be printed in the RECORD.

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

[From the Washington Post, Dec. 10, 1967]

VIETNAM RATIONALE HASN'T SWITCHED
(By Philip Geyelin)

"The United States is determined that the Republic of Vietnam shall not be lost to the Communists for lack of any support which the United States can render."

So spoke President John F. Kennedy on Aug. 3, 1961, when only a few hundred American advisers were in Vietnam and the struggle was largely a Vietnamese affair.

Two years later, with thousands of American military advisers engaged in the fighting, President Kennedy spoke of the menace of a Communist China in the 1970s with "weak countries around it, 700 million people, a Stalinist internal regime, nuclear power and a government determined on war as a means of bringing about its ultimate success." He called all this "potentially a more dangerous situation than any we faced since the Second War."

ECHOED BY JOHNSON

If that comment on China sounds strikingly like Secretary of State Dean Rusk's recent and bitterly criticized forebodings about "one billion Chinese armed with nuclear weapons," the explanation seriously put forth by one official who served them both is that Rusk first heard the phrase from President Kennedy.

If President Kennedy's statement on Vietnam sounds like a statement President Johnson might well have made, this is because Mr. Johnson, in just about all his public utterances on Vietnam, has echoed, with a remarkable fidelity, pronouncements made by his predecessor.

In the words of Casey Stengel, you can look it up.

And it is worth looking up at a time when an already complex and crucial debate over Vietnam is confused and confounded still further by charges that the Johnson rationale for our war effort has "shifted," or "changed and switched," depending on whether the critic is Sen. J. William Fulbright or Sen. Robert Kennedy.

That our involvement in the war has changed, mightily, is obvious and it is well within reason to argue whether better handling might not have prevented greater United States participation. It is legitimately debatable whether we can accomplish anything within a reasonable time, or at all. It is quite permissible to ask whether current strategy is sensible, and even whether the policy underpinnings are sound.

PLENTY TO ARGUE ABOUT

There is more than enough to argue about. But constructive debate over performance or policy cannot even begin without some acceptance of what the policy underpinnings—and the mission in pursuit of that policy—really are.

Yet that is precisely the question raised by Sens. Kennedy and Fulbright; and with it comes the suggestion, echoed by others, that not only has President Johnson changed his own purpose but that President Kennedy would have done it all quite differently.

The argument that the Kennedy approach would have been more restrained rests on the late President's persistent emphasis on the limitations of American power to save nations where there is no popular will to be

saved. By this reasoning, President Kennedy would have seen no practical purpose in allowing our effort to get so far out of proportion to the South Vietnamese effort.

But as Robert Kennedy is quick to concede, the only answer to the question of how President Kennedy would have handled Vietnam is that there never will be an answer.

When Hanoi was beginning to infiltrate main force units into the South and was moving confidently in for the kill in the decisive, not to say tragic, months of 1964, President Johnson was preoccupied by problems not of his own making which President Kennedy would not have had.

Mr. Johnson was the untested President of a nation in shock who saw an understandable necessity to consolidate his position by enacting a Great Society legislative program and getting elected in his own right before venturing any more than necessary into foreign policy.

Leaving aside what President Kennedy might have done, the point Robert Kennedy now makes is that our motives and objectives have changed, not only from what he knew them to be when he was in his brother's Administration, but from what he believed them to be when he was briefly serving President Johnson.

He contended in a recent television interview that the United States started out in South Vietnam with the sole purpose of helping the people "decide their own future" and that now we are fighting out of our own self interest "so that we don't have to fight in Thailand . . . (or) on the West Coast of the United States."

SHIFTING PURPOSES?

Senator Fulbright seems troubled by the notion that we might have more than one reason, simultaneously, for trying to save South Vietnam from Communist take-over—or that the salvation of South Vietnam might flow logically from a larger policy of containing China.

"The announced purposes," he said the other day, "it seems to me, in public statements, have been shifted. Sometimes the self-determination of South Vietnam is why we are there, to give them an opportunity for an election. At another time it is to the vital interest of this country in restraining Asian Communism. These don't seem to me to be consistent."

Perhaps the positions aren't consistent. Perhaps the emphasis has indeed shifted from time to time, as in 1964 when President Johnson was purposely playing down Vietnam, or recently when a bigger war has cried out for heavier stress on the broadest possible rationale. Perhaps also, as Secretary Rusk has conceded, our purposes are multiple and cannot "be summarized in a single phrase or catch word."

But the record is emphatic on one point: during the past six years, President Kennedy and President Johnson consistently gave the same rationale for Vietnam—that its right to self-determination must not be allowed to be foreclosed by force because of the importance such a Communist victory would have to the larger Communist Chinese threat in Asia.

President Kennedy was perhaps most explicit in a televised interview on Sept. 9, 1963. Asked if he had any reason to doubt the "domino theory"—that a defeat at the hands of the Communists in one key Asian country would cause others to topple—he replied:

"No, I believe it, I believe it. I think the struggle is close enough. China is so large, looms too high just beyond the frontiers, that if South Vietnam went, it would not only give an improved geographic position for a guerrilla assault on Malaya, but would also give the impression that the wave of the future in Southeast Asia was China and the Communists. So I believe it."

NO REASON TO REJOICE

On the general proposition of a continuing threat of Communist expansion, in the light of the developing Sino-Soviet split, he had declared earlier that year in his State of the Union message that a "dispute over how best to bury the free world is no grounds for Western rejoicing."

On another occasion, asked whether the United States should withdraw from Vietnam, he said "that would be a great mistake" and he explained: "We made this effort to defend Europe and now Europe is quite secure. We also have to participate—and may not like it—in the defense of Asia."

Toward the end of his life, Mr. Kennedy became increasingly outspoken about the weaknesses of the Diem regime in Saigon; this was at a time when the United States Government was leaning hard on the South Vietnamese for political, social and economic reforms. But he was at pains to call for "patience" and to dismiss the idea that the United States should "withdraw."

As for President Johnson, there is indeed some shift in emphasis: his first State of the Union message, in January, 1964, when political chaos threatened South Vietnam, mentioned the matter only in passing, and in the context of progress toward racial integration in our forces safeguarding our security overseas.

In his second State of the Union message, a year later, there were these phrases: "In Asia, communism wears a more aggressive face . . . our own security is tied to the peace of Asia . . . To ignore aggression now would only increase the danger of a much larger war."

In his celebrated Johns Hopkins speech in April, 1965, just after the beginning of the systematic bombing of North Vietnam, he spoke narrowly of a "promise to keep" to South Vietnam, but also advanced the broader argument "that to leave Vietnam to its fate would shake the confidence of all these people in the value of an American commitment and in the value of America's word." We have a responsibility to Asia, he said, "for the same reason that we have a responsibility for the defense of Europe."

On July 28, 1965, when a massive American troop build-up in Vietnam was announced, the President declared that the war "is guided by North Vietnam and it is spurred by Communist China." He spoke of the "grasping ambition" of Asian communism, and said "if we are driven from the field in Vietnam, then no nation can ever again have the same confidence in American promise, or in American protection."

NO NEW TALKING POINT

The record, in brief, does not encourage the argument that policy has changed or that the Johnson Administration has conjured up a Communist Chinese threat as some new talking point. The dimensions of the war have altered drastically, of course, and an argument can be had, though not to much immediate, practical profit, over who is responsible for that—Lyndon Johnson, or, just conceivably, Ho Chi Minh.

A more constructive argument can be had on questions of technique and strategy. Sen. Kennedy may well have a valid point in his contention that we have so mishandled execution of our commitments and pursuit of our policy—by vastly widening the war, by Americanizing it and by ravaging the countryside—that it is immoral, and perhaps self-defeating, to continue on our present course.

It is his opinion, apparently, that we are no longer responding to something the South Vietnamese want for themselves, though how this can be determined is difficult to see: the record does not reveal any greater public mandate for our intervention in President Kennedy's time than the mandate, such as

it was, that elected President Thieu two months ago.

Finally, the literal record does not bear out the Kennedy claim that Mr. Johnson has departed from President Kennedy's strict insistence, in September, 1963, that "in the final analysis, it is the people and the government (of South Vietnam) itself who have to win or lose this struggle. All we can do is help . . ."

Said President Johnson, in his State of the Union message this year, in commenting on the basic pacification problem: "Our South Vietnamese allies are also being tested. They must provide real security to the people living in the countryside . . . Ambassador Lodge reports that South Vietnam is turning to this task with a new sense of urgency. We can help, but only they can win this part of the war."

WORTHY OF DEBATE

This doesn't answer Sen. Kennedy's complaint that we have taken over too much of the war—whatever our intent. And that, of course, is another question worthy of debate in 1968, along with just about any other aspect of President Johnson's conduct of Vietnam policy.

This debate will get nowhere, however, if the notion persists that the basic premise for our policy—whether right or wrong—is somehow different than it used to be. That our concern with Vietnam begins with our concern over Chinese Communist expansion, and that this premise has been widely and consistently accepted across a rather broad spectrum of presidential advisers during the last six years, is perhaps best illustrated by a paragraph from a memorandum on the world situation, dated Nov. 18, 1964, and privately circulated to Vice President Humphrey and other high officials of the government.

"The principal threat to world peace and Western security in the foreseeable future will almost certainly be Communist China. It is arrogant, aggressive, resourceful and resolute. It is already stronger militarily than any other state in Asia except the Soviet Union and its military strength, including its ability to make and deliver nuclear weapons, is likely to grow much faster than has been forecast. Politically its prestige among colored peoples as the most powerful and successful colored nation will prosper, and it will use that prestige and a disproportionate share of its resources to extend its influence and create maximum disorder in Asia and Africa."

The author of this paragraph was Adlai Stevenson.

THE INITIATIVE FOR PEACE

Mr. MORSE. Mr. President, St. Joseph magazine is the American Catholic Family magazine. I am proud to say that it is published by the Mount Angel Abbey, Inc., at St. Benedict, Oreg.

Its December issue has an editorial about Vietnam that deserves to be read by all who read the CONGRESSIONAL RECORD. It was written prior to Senate approval of the Mansfield resolution on submitting the Vietnam war to the United Nations. But its message remains appropriate.

I ask unanimous consent that it be printed in the RECORD.

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

BOLD INITIATIVE FOR PEACE

(Editorial by Albert Bauman, O.S.B.)

The American people are going through a period of agonizing reappraisal of the Vietnam War. More and more of them are looking

for a way to end it. Not only is the war increasingly unpopular, the home front is less and less able to sustain the double effort: To fight a war abroad and meet growing needs at home.

Poverty and race are the burning issues back home. People are choosing up sides and opinions are hardening at a frightening pace. Unless the tension can be relieved, bitterness will continue to grow. People are getting angry. When they lose their tempers, reason is the first casualty. The angry mood must not be allowed to intensify. What to do? Who is to blame?

It is easy to blame President Johnson and his crew. Even if he is not guilty, he makes a convenient scapegoat. Whether he is guilty or not, he is about the only one on our side who can tone down the war in Vietnam and at the same time relax the growing tensions at home.

A way must be found to stop the fighting in Vietnam. Even the soldiers are beginning to ask questions. A courageous Episcopalian clergyman recently put it directly to the President sitting in front of him in a pew: Why? Please tell us in simple, straightforward language.

Despite the rising tide of doubt about the war, almost no one is proposing practical means of settling it. "Negotiation Now" signers have little to suggest beyond an armistice and a discussion about the possibilities of peace. This is great progress since it would bring the killing to a stop. But what comes after that? Will anyone show up for serious talks at the conference table? Hanoi is taking a tougher attitude this winter than a year ago.

There must be another way. As a matter of fact there are several, and we are not convinced that any of them has been realistically tried.

There is, for instance, an institution called the International Court of Justice. One hardly ever hears about this Court, even though it was set up to handle disputes between nations, but nobody puts much faith in the International Court.

The Court is the principal judicial organ of the United Nations. It consists of a bench of fifteen judges named by The Hague Tribunal. Ordinarily it sits at The Hague to render judgment on cases brought to it by nations who have a disagreement.

The judges of the Court are exceptionally well-qualified men from various nations, including the United States. Although nobody denies the judges' ability nor their honesty, the Court gets little business. While the Supreme Court of the United States processes nearly three thousand cases a year, the International Court has never had more than about four in one year. The reason is that sovereign nations are not prepared to submit their disputes to outside jurisdiction. Few nations are prepared to admit they may be on the wrong side in an argument with another nation. And they are not prepared to accept a judgment that goes against them.

There is a lot of talk about a world of law, a world government, a United Nations, but until there is a practical way for nations at loggerheads to solve their differences without resort to war, then the talk is just talk, nothing more. The machinery to solve international disputes is already in existence. Nations must begin to use it.

Occasionally the smaller nations appeal to the International Court to settle disputes: the United States has never submitted a case. The present "dispute" in Vietnam might be an excellent place to start. As far as we have noticed, no one has yet even begun to talk about such a possibility. Presenting our case to the International Court is a distinct option which should be considered.

All kinds of positive results could come from such an appeal even if the other side did not agree to go along with us and present their side of the case.

If the Court should accept the case we would have to be prepared to go along with its judgment. I believe that the people of the United States could be convinced to accept international arbitration of the war in Vietnam. Whichever way the decision is rendered we could gain. If the Court decides we are in the right, we can stay in Vietnam and do our best to carry on the war. If the Court says we should get out of Southeast Asia, we would be able to give up our commitments there with a good conscience. Even if the Court assesses damages of a few billion dollars it would be a cheap price to pay to end the drag on our finances and our manpower, and to bring the men back home.

As a propaganda weapon, an appeal to the International Court would be an immense achievement. World opinion would no longer be able to condemn the United States as a bully picking on a small country, or a colonialist nation looking for a base in Asia.

The other alternative for arriving at a peaceful settlement in Vietnam is similar to the one just outlined. The second one has the support of Senator Wayne Morse of Oregon. On September 11, Senator Morse submitted a resolution to the Senate. In substance he would ask President Johnson to request an emergency meeting of the United Nations Security Council to consider all aspects of the conflict in Vietnam and to act to end the conflict. In addition, Senator Morse wants the United States to pledge itself to carry out any decision of the Council, in accordance with article 25 of the UN charter.

This latter condition makes Washington officials wary of the Morse resolution. It has never been tried. It would set a precedent. It is against all custom. Who knows what it might lead to?

Since Americans are perhaps not ready to accept such a radical departure from accepted procedures, the Senate of the United States could be given the right to ratify any decision of the Security Council. This is a personal suggestion of this writer, not included in the Morse resolution.

These approaches to settlement of the Vietnam war are earnestly recommended to the consideration of the President. At this juncture in our history we need a bold initiative from him. The country is stalemated in a dangerous situation which is hampering normal development at home and bringing us closer and closer to a confrontation with a nation potentially one of the most powerful in the world.

RESOLUTIONS OF INTERNATIONAL WOODWORKERS OF AMERICA

Mr. MORSE. Mr. President, the International Woodworkers of America held their 25th constitutional convention in Portland, Oreg., September 11 to 15.

The resolutions adopted at the convention deserve the attention of readers of the CONGRESSIONAL RECORD, so I ask unanimous consent that they be printed in the RECORD.

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

RESOLUTION NO. 9—PRIVACY

(Convention action: Concurrence)

Whereas: The right to be let alone is a right most valued by civilized men; and

Whereas: Hidden microphones, tape recorders, personnel questionnaires, two-way mirrors, peepholes, cameras and spyglasses, private detectives, mail covers, all are added intrusions upon the privacy of each and every person; and

Whereas: Employers have used closed-circuit television to watch the production line of their employees and use lie detectors for personnel checkups; and

Whereas: Employers have used monitored telephone calls, movie cameras and electronic listening devices in union meetings, locker rooms and cafeterias; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America state our unalterable opposition to surveillance of workers, whether by electronic listening devices, wire tapping, closed circuit television, motion picture cameras, peepholes or any other of the ever-growing list of such devices; and

Be it finally resolved: That we call upon all segments of the trade-union movement to resist with their utmost vigor all of these encroachments upon human dignity and privacy.

(Submitted by the International Executive Board.)

RESOLUTION 11—ORGANIZING AND THE LAW
(Convention action: Concurrence)

Whereas: The American policy of free collective bargaining under the National Labor Relations Act has been an effective working law for over thirty years; and

Whereas: The vast majority of employers and unions has complied with the law bringing peaceful and stable collective bargaining and the highest standards of wages and working conditions to American workers; and

Whereas: Many employers continue to flout the National Labor Relations Act and ignore the rights of their workers to organize and bargain collectively; and

Whereas: A particular problem arises regularly with some employers in that present National Labor Relations Board remedies for refusing to bargain in good faith amount to little more than a "slap on the wrist" in exchange for literally years of time in which the employer engages in groundless stalling of his legal obligation to bargain; and

Whereas: The National Labor Relations Board presently is considering the possibility of new remedies to make their defiance of the law and the rights of their employees more serious for these recalcitrant employers, and one of the cases included in this vital matter is Herman Wilson Lumber Company, involving the International Woodworkers of America, AFL-CIO, in Monticello, Arkansas; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America encourage the National Labor Relations Board to take all possible steps to develop more effective remedies for violation of the National Labor Relations Act, and particularly, to take the profit out of refusing to bargain in good faith as the law requires.

(Submitted by the International Executive Board.)

RESOLUTION 2—FEDERAL SAFETY LAW FOR LUMBER INDUSTRY

(Convention action: Concurrence)

Whereas: Until a Federal Safety Law was enacted, the Coal Mining Industry was one of the most hazardous in the United States; and

Whereas: The Lumber Industry is and has been for years also one of the most hazardous in the country; and

Whereas: Very few states, if any, have safety regulations that are strong enough to protect the workers in the Lumber Industry; now

Therefore be it resolved: That the officers of the International Woodworkers of America do everything within their means to get a Federal Safety Law enacted for the Lumber Industry.

(Submitted by IWA Local 3-245.)

J. A. BRAMBLETT,
President.
R. H. KNUDSEN,
Business Agent.

SUBSTITUTE RESOLUTION 6—STRIKEBREAKERS
(Convention action: Concurrence)

Whereas: A number of provinces, states and cities in Canada and the United States have recognized the social and economic ills which accompany the use of professional strikebreakers by enacting legislation restricting their activities; and

Whereas: Professional strikebreakers interfere with the right of American workers to bargain collectively on wages and working conditions; and

Whereas: Legislation restricting the use of such strikebreakers is pending in several other states and municipalities; and

Whereas: Legal protection against these predators, who feast on industrial disputes and the jobs of others, is lacking precisely where it is most needed—in areas where unions are weakest and employers most hostile; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America call upon Congress and the Provincial Governments of Canada to enact a bill outlawing strikebreakers; and

Be it finally resolved: That copies of this resolution be sent to the AFL-CIO, CLC and Provincial Federations Convention.

(Submitted by the Legislative Committee.)

LES MILLER,
Chairman.
ROBERT PERRY,
Secretary.

RESOLUTION 7—DOMESTIC HOUSING
(Convention action: concurrence)

Whereas: More than 70% of our total population live in urban areas and by the end of this century there will be over 400 million Americans with 320 million living in urban centers; and

Whereas: Within the next decade we will need schools for 10 million more children; health facilities for 5 million more people over 65; at least 2 million more new homes a year; transportation for moving 200 million people a day, and more than 80 million automobiles; and

Whereas: The physical decay of our cities results in the minority races, the old and the poor being concentrated in humiliating, degrading and ugly city ghettos; and

Whereas: The problems are too immense for single, local governments to cope with; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record calling upon Congress to take the lead in planning with federal, state and local people a massive rebuilding program to rebuild the slums and ghettos, both urban and rural.

(Submitted by the International Executive Board.)

RESOLUTION 8—NATURAL RESOURCES
(Convention action: Concurrence as amended)

Whereas: Without water and air, man cannot exist. These are the fundamentals of his very existence, yet we pretend that fresh water and fresh air exist without any effort on our part; and

Whereas: Those of us who are here today must be responsible for those who will be here tomorrow for the air they breathe, water they drink, power they use, metals that they fabricate, oil that they burn, trees that they fell, soil that they till and the land on which they rest and play; now

Therefore be it resolved:

(a) We urge the creation of a department of natural resources to deal with soil conservation, forest conservation and air and water pollution.

(b) We urge that federal agencies be established to lead in the development of plans for a giant power system for the nation, including high voltage transmission lines; complete development of all feasible hydro-power and encourage development of electric power from efficient coal fired steam plants and a continued development of electric power from atomic energy.

(c) We support broad multi-purpose resources development policies intended to include consideration of the importance of water supply, watershed control, pollution and flood control, navigation, extensive reforestation, sustained yield of forest lands, redevelopment of range lands, protection of fish and wildlife resources and protection of the quality of the air we breathe.

(d) We strongly urge legislation to protect the interests of all the people in the energy potential of the oil and shale reserves, and that rather than these oil shale reserves being put up to the highest bidder from private industry, they be developed by the federal government and the proceeds be used to further conservation work.

(Submitted by the International Executive Board.)

RESOLUTION 9—GUARANTEED EMPLOYMENT ACT

(Convention action: Concurrence)

Whereas: Many reasons have been given for the serious riots occurring in U.S. cities; and

Whereas: The terrible living conditions in the nation's ghettos can be blamed for much of the unrest; and

Whereas: Employment for all who are able, willing and seeking work would make it possible to move to better housing; now

Therefore be it resolved: That we give full support to H.R. 12280, introduced by Rep. James G. O'Hara (D-Mich.) and Rep. Frank Thompson (D-N.J.) and 48 co-sponsors. Their resolution would provide Federal funds to train these unemployed in public service and private non-profit employment, such as hospital aides and education and recreation aides; and

Be it finally resolved: That all Representatives and Senators be requested to support this worthy legislation.

(Submitted by the International Executive Board.)

RESOLUTION 10—ANTI-RIOT BILL

(Convention action: Concurrence)

Whereas: House Resolution 421 was introduced by anti-labor congressmen; and

Whereas: This bill is supposed to be directed at professional agitators who incite slum dwellers to riot; and

Whereas: The bill would cover anyone using the telephone or radio across state lines or personally crossing such lines to incite a riot; and

Whereas: A riot, as defined in the bill, is a public disturbance, involving acts of violence by assemblages of three or more persons; and

Whereas: Labor union officials could be charged with violation of this bill anytime they crossed state lines during a strike; and

Whereas: This bill has already passed the House by a heavy majority; now

Therefore be it resolved: This Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record as being opposed to H.R. 421 as not being the answer to the causes of slum riots, and we further petition the Senate to defeat this bill when it comes before them.

(Submitted by the International Executive Board.)

RESOLUTION 11—EDUCATION

(Convention action: Concurrence)

Whereas: A basic tenet for a democratic society is that every young person be assured

the opportunity to realize his educational potential; and

Whereas: Access to our schools must not be dependent on economic status, sex or race; and

Whereas: These factors must not block any student from continuing his education or training for any occupation for which he can qualify; now

Therefore be it resolved: That Congress make available federal funds for school construction so as to enable the construction of at least 175,000 classrooms per year and also provide funds to raise teachers' salaries to at least an annual average of \$8,000 per year as recommended by the American Federation of Teachers; and

Be it finally resolved: That Congress provide the necessary funds so that at least 14 years of school on a free public-school basis be guaranteed to every qualified student.

(Submitted by the International Executive Board.)

RESOLUTION 12—35-HOUR WORKWEEK IN THE UNITED STATES

(Convention action: Concurrence)

Whereas: The number of unemployed in the United States remains at an exceedingly high level of the total labor force; and

Whereas: The war on poverty, while having made excellent progress during recent months, cannot be expected to solve the unemployment problem by itself; and

Whereas: Automation continues its advances and destroys more jobs than it creates; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record as demanding that the federal government of the United States establish by law a 35-hour work week.

(Submitted by the International Executive Board.)

RESOLUTION 14—\$2 PER HOUR MINIMUM WAGE IN THE UNITED STATES

(Convention action: Concurrence)

Whereas: The cost of living continues to advance in the United States; and

Whereas: To maintain a family with only the necessities of life; and

Whereas: Industry profits are at the highest level in the history of manufacturing; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record as demanding from the Federal Government of the United States the establishment by law of a \$2.00 per hour minimum wage.

(Submitted by the International Executive Board.)

RESOLUTION 16—SOCIAL SECURITY

(Convention action: Concurrence as amended)

Whereas: Because of automation and other reasons, workers are being laid off not temporarily, but permanently; and

Whereas: It is almost impossible today for some workers, not only over 45 years of age, but even in their 30's to find new employment elsewhere; and

Whereas: Due to the population explosion, millions of young people are working short weeks, laid off or can find no jobs whatsoever; and

Whereas: Unemployment compensation is of no value to an older worker who has exhausted his credits, and is of no benefit at all to a young person who has no opportunity to accumulate credits; now

Therefore be it resolved: That this Twenty-Fifth Constitutional Convention of the International Woodworkers of America go on record as favoring a reduction in the retirement age under Social Security to age 60 and

to increase the benefits to a minimum of \$200.00 per month, plus an additional \$100.00 for spouse, regardless of her age; and

Be it further resolved: That the Federal Income Tax Laws be revised so that anyone drawing Social Security be allowed to earn up to \$2,400.00 per year without giving up his Social Security and that any Social Security payments be tax free; and

Be it finally resolved: Copies of this resolution be sent to our Senators and Representatives in Congress.

(Submitted by the International Executive Board.)

SUBSTITUTE RESOLUTION 17—INCOME TAX EXEMPTION (COVERS RESOLUTIONS 1 AND 3)

(Convention action: Concurrence)

Whereas: Six Hundred Dollars (\$600) has been the allowable deduction for each dependent for Federal Income Tax purposes since 1948; and

Whereas: The cost of living has continued to rise until it is presently almost double what it was in 1948; and

Whereas: Most states recognize the inadequacy of the Six Hundred Dollar (\$600) figure by allowing considerable more in their child-care welfare program which is tax free; and

Whereas: A serious inequity exists due to allowances, tax credits and loopholes which allow some individuals and corporations to avoid paying their fair share of taxes; now

Therefore be it resolved: That the International Woodworkers of America, AFL-CIO, and all members thereof, use all possible influence on our congressmen and senators to have the Six Hundred Dollar (\$600) deduction raised to Twelve Hundred Dollars (\$1200); and

Be it further resolved: That Congress should close some of the glaring loopholes in the income tax structure which benefits a favored few; and

Be it finally resolved: That copies of this resolution be submitted to all state bodies, regional councils, Senators and Representatives in Congress.

(Submitted by the Legislative Committee.)

LES MILLER,
Chairman.
ROBERT PERRY,
Secretary.

THE ESCALATION OF DISSENT

Mr. MORSE, Mr. President, I ask unanimous consent to have printed in the RECORD an excellent editorial entitled "The Escalation of Dissent," published in the October 27, 1967, issue of *Commonweal*.

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

THE ESCALATION OF DISSENT

It was as inevitable as tomorrow's dawn that as the Administration pursued its escalation policies in Vietnam, with heart hardened and ears deafened to dissent at home, that dissenters, in turn, would escalate their protest. It is not a matter of dissenters' becoming vindictive, so much as it is their being pressed toward desperateness by the Administration's refusal to be touched emotionally or intellectually by arguments that its Vietnam policies are seriously mistaken, and, further, by the Administration's penchant to view dissent as an unhealthy manifestation of what happens when people think too much, read too much and insist on respect for their differing opinions. The escalation of dissent, hence, is a natural consequence both of the failure of the peace movement to achieve ends through ordinary political techniques, and of frustration that comes

from being ignored or, on occasions when notice is taken, of being sneered at.

Recent weeks have seen two significant escalations of dissent, the two similar in nature but independent one of the other in origin as well as in the timing of their respective announcements. The first was the formation of an organization of professors, clergymen, writers, artists and professional people under the name Resist; the second was the statement directed by leading Catholic intellectuals at the Administration and the general Christian community. Both strike the note that the Vietnam war is constitutionally illegal and morally and legally unjustifiable; that young men who translate repugnance toward the war into refusal to serve in the war merit full support from individuals and churches; and that it is incumbent on citizens generally to develop forms of resistance to the war. In a word, the call is for civil disobedience.

The endorsers of the Resist declaration are familiar figures of dissent: Robert McAfee Brown, William Sloane Coffin, Dr. Benjamin Spock, Carl Oglesby and scores such. Their progression to civil disobedience is more predictable than it is surprising.

The statement of the Catholic intellectuals, on the other hand, is somewhat more significant, at least from a parochial point of view. It is not that their statement is better, or that the stature of the signers is greater or lesser than the Resist people. What gives the Catholic statement particular importance is that it carries the names of individuals who hitherto have not been widely identified with the dissent movement and who, at the same time, are some of the most responsible figures of Catholic intellectual life in America: Maisie Ward, John Cogley, Wallace Fowle, Anne Fremantle, J. F. Powers, William Alfred, Sister Charles Borromeo, C.S.C., and two dozen more. When they unite behind sentiments such as the following Catholics as a body must ask themselves some hard, sobering questions:

"We believe that on its present terms the war in Vietnam is unjust. We believe that Christian young men who feel morally obliged to refuse service in it are correct. That their churches and fellow Christians must fully support this refusal. And that Christian citizens are morally obliged to actively search out ways to oppose this war, through personal action, political pressure and, if necessary, civil disobedience."

This is tough talk, but as the signers declare, "we may never have a more serious moral duty than to dissent from this war: it is much more serious than anything in our private moral lives. Christians have found ways of supporting every war that has ever come their way. If they support this one, then the Christian witness of peace means nothing at all."

The Catholic statement was drawn up by Wilfrid Sheed and Peter Steinfelds, both editors of *Commonweal*, and Alice Mayhew, an editor with a New York publishing house. Their participation in the statement like that of the signers, is as individuals, not as representatives of an organization; the qualification is specific in their literature. But whereas some organizations might be anxious to seize on this "out" to disclaim some of the signers, *Commonweal* is not; the statement of the Catholic intellectuals is a logical projection of our own editorial positions. Accordingly, the signers have our support, both with regard to objectives and means.

The appeal of the Catholic intellectuals incidentally, is not a call to anarchy or blood letting. It is an appeal to each individual to determine in his own conscience and the circumstances of time and position the resistance that he might best adopt. The resistance envisioned is a passive disobedience in the tradition of Thoreau. This might take the form of withholding of taxes, counseling, aiding or abetting young men on avoidance of

the draft (a federal offense punishable by up to five years in jail, or up to \$10,000 in fines, or both), disruption tactics of various sorts. Such conduct might sound extreme to some, but as McAfee Brown writes in a recent issue of *Look*, the war is so wrong, and ways of registering concern about it have become so limited, that civil disobedience is the only course left. McAfee Brown regards this course as "honorable." So do others, in increasingly large numbers. There should be no wonder about it, least of all in Washington.

DISAGREEMENT WITH VIETNAM WAR POLICIES

Mr. MORSE. Mr. President, a constituent of mine, Mr. David King, who is professor of history at Oregon State University, in Corvallis, Oreg., has written me and several other Government officials about the war in Vietnam and the forms of disagreement available to those who oppose the war policy.

I ask unanimous consent that the letter be printed in the RECORD.

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

NOVEMBER 14, 1967.

The PRESIDENT,
The White House,
Washington, D.C.
HON. THOMAS MCCALL,
Governor of Oregon,
Salem, Oreg.
The EDITOR,
The Barometer, O.S.U.,
Campus.
The EDITOR,
Gazette-Times,
Corvallis, Oreg.
The EDITOR,
The Oregonian,
Portland, Oreg.
The EDITOR,
Look Magazine,
New York, N.Y.

DEAR SIR: My letter concerns the war in Vietnam.

I believe that we should rapidly de-escalate, withdrawing first to coastal positions while making every effort to protect those who choose to withdraw with us. We should then negotiate, making clear not only our intention to disengage completely but also to accept a new government in which a high degree of communist influence would seem to be inevitable. Regarding the remainder of Asia, I would let our decision to become involved be dictated by local circumstances. I do not oppose giving military assistance to governments who represent their people and who are clearly being subjected to external aggression.

Thus far my protests against our Vietnam policy have been extremely moderate. I am, I believe, essentially a moderate, and it is my belief that only the arguments of moderates can have much effect in changing the course of the war. This statement, however, is not intended primarily to influence the body politic, but rather to define as precisely as possible my position at a time when I consider such a definition a moral requirement.

I am now convinced that our government has, however unwittingly, involved itself in the Far East in such a way that its actions can only be described as evil.

Civil disobedience is an issue beset with problems. I believe in the right of the representatives of the majority to make decisions binding upon the minority. This proposition must always be qualified, however, with the insistence that these decisions be reasonably just. Our own political tradition has recognized the right of disobedience to estab-

lished authority from its inception and has more recently reconfirmed this position at the trials held at Nuremberg following the Second World War.

I wish here to proclaim that personally I cannot commit myself in support of our decisions taken with regard to Vietnam. If recalled from inactive military status, unless convinced that I was being called upon to help in an imminent withdrawal, I would not serve in a military capacity in Vietnam. Further, I wish to offer my help to others in avoiding serving in a military capacity in Vietnam. I shall continue to offer such help until I am convinced that our government has made remarkable policy changes. Such assistance will be given as a private citizen and not as a representative of my university.

I am aware that this statement may be found to be in violation of federal laws and also of an oath that I took to the State of Oregon in December, 1961.

Sincerely yours,

DAVID B. KING,
First Lt., U.S. Army Artillery, Inactive
Reserve; Associate Professor, History,
Oregon State University.

(Copies: President Jensen, Oregon State University; Dr. David Nicodemus, Dean of Faculty, Oregon State University; Dr. Gordon Gilkey, Dean of Humanities and Social Science; Dr. Thomas McClintock, Acting Chairman, History Department; Senator Wayne Morse, Washington, D.C.; Senator Mark Hatfield, Washington, D.C.)

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. 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 PRESIDING OFFICER. The bill will be stated by title.

The BILL 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 dependent 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.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

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 PRESIDING OFFICER. 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 PRESIDING OFFICER. Without objection, it is so ordered. Pursuant to the previous order, the time between now and 11:10 a.m. will be equally divided between the Senator from South Carolina [Mr. THURMOND] and the Senator from Oregon [Mr. MORSE].

Mr. THURMOND. Mr. President, I yield myself 4 minutes. I understand that each side has 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. Mr. President, because of the brief time that is allotted for the debate on this amendment, I shall only hit a few highlights which I believe the Senate should consider.

First, the purpose of this amendment is to allow distribution of title III funds for supplementary educational centers and services to be disbursed by the State departments of education. As the bill now stands, the Commissioner of Education would distribute two-thirds of the funds next year, one-half of the funds in fiscal year 1970, and one-third of the funds in 1971. I believe this formula merely postpones allowing States greater control over education in their States. It also tries to hold on to an element of Federal control regarding title III funds. It is important to the future of education that the States be given the freedom and the responsibility for carrying out educational programs in their States.

Second, I should like to point out that this amendment would not give the States carte blanche authority over these funds as has been stated. The Commissioner would still have the authority to approve a State plan before the States would be allowed to receive a title III grant.

Third, I believe it is important that the Senate be aware of the position taken by the leading educational organizations regarding this amendment. Let me quote again John M. Lumley, the director of the Division of Federal Relations of the National Education Association, in his testimony before the subcommittee:

We have reviewed the arguments advanced by the distinguished Secretary of HEW for continuing federal control of Title III. But we believe that it is erroneous to presume that the employees of the Office of Education, on the advice of individuals they have selected, are more competent to decide which projects under Title III should be funded than are the specialists of state education departments.

Here is the statement of Mrs. Bernice S. Frieder, president of the National Association of State Boards of Education, who stated that—

Her organization holds the view that Federal funds for public education should be channeled through State departments of education, and has affirmed this viewpoint by formal resolution. Therefore, we would urge your consideration of a change in the law to provide that Title III funds be administered by State departments of education. They have demonstrated that they can do the job.

I should also like to quote Dr. Edgar Fuller, executive secretary of the Council of Chief State School Officers, in a letter dated November 28, 1967:

ESEA Title III will be next to impossible to administer if enacted as proposed by the

Senate Committee. Suitable state aid plans cannot be developed when two-thirds of the projects are federally selected and approved as to location and programs. Federally defined purposes can be met best through Title III supplementary services coordinated with services from state and local supplementary service centers existing or developing within regions of many states. A separate parallel system of federally financed and controlled centers would be wasteful and undesirable.

Furthermore, the steering committee of the education commission of the States on December 5, 1967, approved a resolution which would request the Federal Government to make bloc financial grants to the States instead of categorical aid.

Mr. President, for these reasons, I urge the Members of the Senate to pass this important amendment which seeks to aid, not control, education.

Mr. President, have I used 4 minutes?

The PRESIDING OFFICER. Yes. The Senator has 1 minute remaining.

Mr. MORSE. Mr. President, in reply to the Senator from South Carolina, may I say, first, that the Senator has not been talking about what is before the Senate. He has not been talking about the Morse compromise amendment which came to the Senate with the unanimous vote of my subcommittee, Republicans and Democrats alike. He has been talking about title III of the administration's bill. Title III of the administration's bill is not before the Senate. Before the Senate is the compromise under which 33½ percent will go to the State the first year, 50 percent the second year, and 66½ percent the third year.

I shall be brief in presenting this statement of my reasons as manager of the bill urging that the Senate uphold the committee and defeat the amendment proposed by the Senator from South Carolina.

My reasons for doing so are as follows:

Much of the criticism and the basis of the criticism advanced by the Senator is more properly directed to the act as it now stands rather than to the committee proposal. It is on this basis, then, that I shall contrast and compare the House language of title III versus the Senate committee language of title III.

Before pointing out the differences which, in my judgment, recommend the Senate bill language, I would like to say a word about the similarities. Both House and Senate versions of title III are cast in a State-grant-State-plan administrative framework. Both transfer effective control over the funds authorized under the title to the State agency. The way in which this is done and the timing under which it takes place differ. The House title, if enacted, could take effect in this current fiscal year. The Senate version proposes that the transfer start in the fiscal year beginning July 1 next.

In defense of my view that the starting date for the transfer of authorities in the Senate version is superior to that in the House version, I need only remind Senators that title III is an ongoing program. To change the rules of the game in the last 6 months of the fiscal year could create grave uncertainties. It would dash legitimate expectations and

could produce a chaotic administration of the program.

The corollary to this argument is that under either House or Senate version State plans would have to be prepared. It is preferable and fairer both to the Department and to the State educational agency to allow leadtime for a change of this magnitude.

Secondly, in my view the Senate version is superior to the House version in that it expresses more precisely the congressional guidelines covering the uses to which the funds may be put and the fairness of the procedures to be following in arriving at decisions concerning the funding of applications.

An illustration of this point is section 304 which governs applications under the title. It is an applications section making it clear that the present program is being continued, whereby applications are received from a local or a group of local educational agencies upon the basis of plans they submit. We continue the requirement of existing law that, in the planning of programs or projects covered by the application, there will be participation of persons broadly representative of the cultural and educational resources of the areas to be served. The House version has no applications language.

My third point for emphasis is that under the Senate version provision can be made for an orderly transition which takes into account the fact that last year and the year before, on the basis of planning grants, commitments have been made to fund operationally for a period of 1, 2, or 3 years' time the programs and projects that have been approved.

This is, in part, the strongest argument for the compromise we reached, under which, in fiscal year 1969, one-third of the appropriation could be used by the States under the new method, whereby in fiscal year 1970 50 percent of the total would be available to the States, and in fiscal year 1971, why, this total would rise to 66½ percent of the total.

In passing, let me make it clear that in future extensions of the program a greater proportion of the money could go to the States under title III. But realistically, I think we should take cognizance of the fact that we will want always to have financing available for some projects of a national significance whose content would transcend the State-line boundary.

A final argument I would present is that through the provisions of section 305(c) the so-called selective veto provisions of the Senate bill, we have a mechanism which will insure that the innovative thrust of title III will be maintained.

We do not require those States which may not wish to fund in the field of innovation to do so. We are merely stating that it is the congressional intent that at least half of the funds for title III be utilized through one mechanism or another for this purpose. I would point out also that the section 305 provisions can be viewed as a "partial approval" authority which, if enacted, would be to the benefit of those States whose State plans are in substantial agreement with

the provisions of the law but where some problems still remain. Under the Senate language, instead of having the entire allotment withheld, not more than one-half of the money could be withheld by the Commissioner, as an inducement for further change on the part of the States.

As I said during our hearings, I am disturbed that the Commissioner has under existing State-grant-State-plan programs with few exceptions, if any, the ability to prevent a program from being started in the State until every "T" is crossed and every "I" is dotted. At the same time the partial withholding does give to us in the Congress the assurance that there is substantial inducement for States to meet the criteria that we establish here in the Congress in the act we pass.

Your subcommittee, including the manager of the bill, favors having this program taken over by the States as soon as the States are ready. The testimony shows that many of them are not ready. Many are not prepared to do this at this time.

Another section of this bill would put funds into the State boards of education to build them up. They need to be built up in many States.

So I say that the compromise that we are proposing accomplishes, by the route of gradualism, the very principle that the Senator from South Carolina is talking about, but the committee is pointing out that many States are not ready.

Second, the witnesses cited by the Senator, such as Dr. Lumley, of the NEA, testified against the administration title III, not against the Morse title III.

Next, the Senator forgets to cite the testimony in the record of the superintendents of the metropolitan schools of this country from coast to coast. Let him cite one of them who wants the proposal he makes. He cannot do it. Of course, you can cite the representatives of the State boards of education. They would like to get every cent they can. But that is not the problem that confronts us, because the problem that confronts us is the great suffering, the great losses, and the great mistake that would be done with regard to the metropolitan areas and some rural areas, because there is testimony in the record of superintendents of rural schools who strongly advocate that we adopt the Morse title III, which is the committee title III.

Next, the probably most important, you have going programs all over this country, under existing law. Are you going to cut them off? Listen to what the school superintendents tell the committee would be the devastating effect upon them if you took the Thurmond amendment and brought to an end now the going educational programs under title III in State after State. The superintendent would say, "What am I going to do? I need this program for the next 2 years." They should be protected.

WAYNE MORSE assures the Senate, as the manager of this bill, that the title III before the Senate is the title III that will provide for an orderly, gradual approach for the takeover by the State boards of education when they are ready. But many of them are not now ready.

That is the testimony in the 12 volumes that are on Senator's desks.

Let me point out, in summary, that originally there were two points of view on our committee. One point of view was to go along with the present title III. That motion was offered. Present in the Chamber are two members of my subcommittee, the Senator from Wisconsin [Mr. NELSON] and the Senator from Rhode Island [Mr. PELL]. They will bear out what I now say. That vote failed for want of a majority, and the manager of the bill voted against those on my committee who wanted to continue the administration's program. I said, "It is not realistic. We ought to start a gradual approach, so that in 3 years we can get the State departments in a position to administer this program."

Then was offered the other extreme, a proposal to turn over all the money to the States, which is Senator THURMOND's proposal. I voted against it, and it was defeated.

I then offered the Morse compromise: One-third the first year goes to the States, 50 percent the second year, two-thirds the third year. Then the State departments will be built up so that they can administer the funds without any question about it. You will be protecting the metropolitan areas and the rural areas, and you will have a workable program. That proposal was carried unanimously. That is what is before the Senate at this time.

I urge the rejection of the Thurmond amendment.

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

Mr. THURMOND. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. THURMOND. Mr. President, this is a very simple amendment. The central issue is this: Shall the State departments of education in each State determine where the supplementary funds for special services and centers will go, or shall the HEW, in Washington, make that determination?

Again I would remind the Senate that the Council of Chief State School Officers favors the State departments of education distributing title III funds; the National Education Association favors the same; and the National Association of State Boards of Education also favors this method.

Mr. President, this is simply a question of whether the States are going to control this situation and distribute these funds or whether HEW in Washington will do it.

My good friend from Oregon has an amendment that provides that one portion be distributed by the States and another portion by the National Government. However, under that proposal there would be parallel systems and this would be very objectionable.

Mr. HOLLINGS. Mr. President, I wish to speak in support of the amendment offered by my colleague, the senior Senator from South Carolina [Mr. THURMOND], and myself.

I support this amendment because it steps forward positively in the direction of policymaking and planning at the State level. This is an authority the

States should have and which they are demonstrating they can adequately handle.

I am confident that educators at the local level realize the tremendous importance of the prudent use of Federal funds for education and are determined to carry out the Congress' intentions in their application of this act.

My feelings in this regard are particularly applicable to title III of the Elementary and Secondary Education Act because it is this section which provides for statewide educational development programs and innovations which can best be determined by the educators in the several States. After all, who can better understand the educational needs of the individual States than those who confront these needs every day.

Mr. President, I want to say, too, that I intend to support the bill on final passage.

The results of provisions of the Elementary and Secondary Education Act have had a tremendous impact on education in my State.

While this is certainly true, it is true also that there is a great concern for the way in which the act is administered at times.

Although many of our educators find cooperative attitudes in the U.S. Office of Education, many others, as well as school board members and those interested in education have been the victims of arrogance and intolerance on the part of the Office of Education personnel.

I believe it is the job of Congress to be absolutely sure that this law is administered in the spirit intended by the Congress when the legislation was written and that State and local school officials are given every possible courtesy and cooperation.

In this regard, I was happy the committee included in the bill provisions which would assure the uniform application and enforcement throughout the 50 States of rules, regulations, and guidelines promulgated by HEW and a requirement that these rules, regulations, and guidelines and other orders issued by HEW contain citations of the legal authority on which they are based.

This would prevent the use of Federal funds for programs such as busing which is specifically prohibited by law.

I believe that if these provisions are enacted and specifically followed that the law can become more workable and fairly administered without favoritism to any section of the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

Mr. MORSE. Mr. President, I ask unanimous consent that I be allowed to have a short quorum call before the vote.

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

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. MORSE. I withhold the request for the quorum call briefly.

ORDER FOR YEAS AND NAYS ON EXECUTIVE M, 90TH CONGRESS, FIRST SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to

order the yeas and nays on the treaty at this point.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the treaty.

The yeas and nays were ordered.

ORDER FOR YEAS AND NAYS ON AMENDMENT NO. 492

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending Thurmond amendment.

The yeas and nays were ordered.

Mr. MORSE. 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. 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.

The question is on agreeing to the amendment of the Senator from South Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Indiana [Mr. HARTKE], the Senator from Hawaii [Mr. INOUE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Maryland [Mr. TYDINGS], and the Senator from New Jersey [Mr. WILLIAMS], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Oklahoma [Mr. HARRIS], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Florida [Mr. SMATHERS], are necessarily absent.

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Louisiana would vote "yea."

On this vote, the Senator from North Carolina [Mr. ERVIN] is paired with the Senator from Oklahoma [Mr. HARRIS]. If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Oklahoma would vote "nay."

On this vote, the Senator from Hawaii [Mr. INOUE] is paired with the Senator from Illinois [Mr. PERCY]. If present and voting, the Senator from Hawaii would vote "nay" and the Senator from Illinois would vote "yea."

On this vote, the Senator from Washington [Mr. MAGNUSON] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from Washington would vote "nay" and the Senator from Colorado would vote "yea."

On this vote, the Senator from Connecticut [Mr. RIBICOFF] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator

from Connecticut would vote "nay" and the Senator from Florida would vote "yea."

On this vote, the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from Maryland would vote "nay" and the Senator from Colorado would vote "yea."

On this vote, the Senator from New Jersey [Mr. WILLIAMS] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Pennsylvania would vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER], are necessarily absent.

The Senator from Colorado [Mr. ALLOTT] is absent on official business.

The Senator from Vermont [Mr. PRUTY] is absent because of illness.

The Senator from Illinois [Mr. DIRKSEN] and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Texas [Mr. TOWER] would vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Utah would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Maryland would vote "nay."

On this vote, the Senator from Illinois [Mr. PERCY] is paired with the Senator from Hawaii [Mr. INOUE]. If present and voting, the Senator from Illinois would vote "yea" and the Senator from Hawaii would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from New Jersey [Mr. WILLIAMS]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 35, nays 38, as follows:

[No. 381 Leg.]
YEAS—35

Baker	Curtis	Hickenlooper
Bible	Eastland	Hill
Boggs	Fannin	Holland
Byrd, Va.	Fong	Hollings
Carlson	Fulbright	Hruska
Cooper	Hansen	Jordan, N.C.

Jordan, Idaho	Mundt	Spong
Lausche	Murphy	Stennis
Long, La.	Pearson	Talmadge
McClellan	Russell	Thurmond
Miller	Smith	Williams, Del.
Morton	Sparkman	

NAYS—38

Anderson	Hatfield	Montoya
Bartlett	Hayden	Morse
Bayh	Jackson	Moss
Brewster	Kennedy, Mass.	Muskie
Brooke	Kennedy, N.Y.	Nelson
Burdick	Kuchel	Pastore
Byrd, W. Va.	Mansfield	Pell
Cannon	McGee	Proxmire
Case	McGovern	Randolph
Church	McIntyre	Symington
Gore	Metcalf	Yarborough
Gruening	Mondale	Young, Ohio
Hart	Monroney	

NOT VOTING—27

Aiken	Ervin	Percy
Allott	Griffin	Prouty
Bennett	Harris	Ribicoff
Clark	Hartke	Scott
Cotton	Inouye	Smathers
Dirksen	Javits	Tower
Dodd	Long, Mo.	Tydings
Dominick	Magnuson	Williams, N.J.
Ellender	McCarthy	Young, N. Dak.

So Mr. THURMOND's amendment was rejected.

Mr. MORSE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. PASTORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I regret Senators were not in the Chamber to hear the entire debate on the foregoing amendment. For those who were not here, I want to make this statement because I am not sure all of them understood the issue.

The amendment would merely have allowed the State departments of education to distribute the funds. The funds would still have to be approved by the Department of Health, Education, and Welfare but would allow each State to make that determination instead of HEW, in the first instance.

Mr. President, this amendment will come up again in the future, because this problem is creating a great deal of irritation throughout the country—that is, that the Federal Government is exercising so much control over funds that the people back home across the Nation—not just in southern States—feel that they should have more control over their own educational processes.

The amendment would allow State departments of education in each State to make the distribution of the funds. The reason I am mentioning this now is that this question will recur and I should like Senators to acquaint themselves thoroughly with the situation, because I believe it is in accordance with good government and will promote education throughout the Nation.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

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

AMENDMENT TO ARTICLE 28 OF THE CONVENTION OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered, the Senate will now proceed to vote on Executive M, 90th Congress, first session.

The question is on agreeing to the resolution of ratification of Executive M, 90th Congress, first session.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from Hawaii [Mr. INOUE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Maryland [Mr. TYDINGS], and the Senator from New Jersey [Mr. WILLIAMS], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Oklahoma [Mr. HARRIS], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Florida [Mr. SMATHERS], are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Oklahoma [Mr. HARRIS], the Senator from Hawaii [Mr. INOUE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Maryland [Mr. TYDINGS], and the Senator from New Jersey [Mr. WILLIAMS], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER], are necessarily absent.

The Senator from Colorado [Mr. ALLOTT], is absent on official business.

The Senator from Vermont [Mr. PRUTY], is absent because of illness.

The Senator from Illinois [Mr. DIRKSEN], is detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[No. 382 Ex.]

YEAS—75

Anderson	Hart	Montoya
Baker	Hatfield	Morse
Bartlett	Hayden	Morton
Bayh	Hickenlooper	Moss
Bible	Hill	Mundt
Boggs	Holland	Murphy
Brewster	Hollings	Muskie
Brooke	Hruska	Nelson
Burdick	Jackson	Pastore
Byrd, Va.	Jordan, N.C.	Pearson
Byrd, W. Va.	Jordan, Idaho	Pell
Cannon	Kennedy, Mass.	Proxmire
Carlson	Kennedy, N.Y.	Randolph
Case	Kuchel	Russell
Church	Lausche	Smith
Cooper	Long, La.	Sparkman
Curtis	Mansfield	Spong
Eastland	McClellan	Tennis
Ervin	McGee	Symington
Fannin	McGovern	Talmadge
Fong	McIntyre	Thurmond
Fulbright	Metcalf	Williams, Del.
Gore	Miller	Yarborough
Gruening	Mondale	Young, N. Dak.
Hansen	Monroney	Young, Ohio

NAYS—0

NOT VOTING—25

Aiken	Griffin	Prouty
Allott	Harris	Ribicoff
Bennett	Hartke	Scott
Clark	Inouye	Smathers
Cotton	Javits	Tower
Dirksen	Long, Mo.	Tydings
Dodd	Magnuson	Williams, N.J.
Dominick	McCarthy	
Ellender	Percy	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

CIVIL RIGHTS PROTECTION AND CRIME CONTROL

Mr. CASE. Mr. President, 1967 is almost gone. In little more than 6 months summer 1968 will be upon us.

Will 1968 see a recurrence of the disorders and violence of 1967?

Of course all of us hope not. But hopes alone will not prevent a repetition. Not only understanding but action—some forward motion—is required in the interests of all our people, white and non-white.

There is, as the Civil Rights Commission pointed out, a time to listen and a time to act. The President's Commission on Civil Disorders, our own Senate Government Operations Committee, and in my own State of New Jersey, a committee appointed by the Governor, are all at work seeking a better understanding of the underlying causes of the turbulence of last summer and of better ways to handle riotous situations. But the fact that their conclusions and recommendations are not yet available does not foreclose action in matters where the facts are already well established and where the need is indisputable, I believe.

I refer to two bills, first, H.R. 2516, to provide more adequate protection to persons seeking to exercise lawfully rights guaranteed by the Constitution, and, second, the law assistance and crime control bill, otherwise known as the Safe Streets and Crime Control Act.

Action on these bills would be small but solid steps in the direction of providing more effective protection for the exercise of individual rights and, at the same time, more effective protection

against lawlessness and violence, including the kind that last summer wracked our cities.

Obviously time is running out for this session. But it is also running out in terms of action to prepare against another outbreak of violence and destruction that can only harm our communities and make deeper a tragic rift in American life.

There have been threats of filibuster if the civil rights protection bill is taken up by the Senate, threats which evoked no apparent opposition from the leadership. It has made no move to take the bill from the calendar. The crime control bill has yet to be reported from committee, and each passing day makes prospects for action on it at this session more remote. Apparently, passage of the bill extending the Civil Rights Commission until 1973 will remain the Senate's sole contribution to resolution of the most pressing domestic problem of our time. But even as the life of the Commission is extended, the Commission warns in its most recent report:

The response of Government to deprivation and discrimination has raised expectations, but has too often been characterized by an inadequate commitment of resources and by acquiescence in, or failure to deal effectively with, practices of segregation and confinement. In addition, the goals of social and economic legislation often have been thwarted by self-defeating rules and regulations.

The failure of State, local and Federal governments to respond to the efforts of moderate Negro leaders is causing increasing numbers of Negroes to despair of moderate methods and of moderate leadership and to favor a separatist course.

The problems of our cities and the people who live in them will not be resolved by a search for culprits or conspirators, or for solutions which do not cost money or effort. Nor can it justly be argued that remedies for the discrimination suffered by the millions of Americans who live in slum ghettos should be deferred on the ground that to do otherwise would be to reward violence. Violators of the law must be punished. But it would be a cruel paradox if after years of failing to reward patience or redress injustice, we were to use such violations by a few as an excuse for continued inaction on the problems which affect so many, and involve us all.

The problems of race and poverty which we face today cannot be resolved unless their solutions are made the Nation's first priority. The Nation may continue to struggle with the problems which inevitably arise when we are divided into separate, unequal and alien groups—either torn by violence or co-existing in an uneasy peace purchased at the cost of repressive action. Or we can all together make the commitment which will redeem our promises and ideals by opening the doors of the ghetto so that Negroes and other minority groups can become full participants in American society, with a truly equal opportunity for all.

The situation will not stand still while the Senate does. The problems will not solve themselves. Nor do I suggest the bills that I have mentioned earlier will solve them. But action on them would at least provide an earnest of our concern, and evidence of the commitment, that I believe cannot be avoided, to make in the Commission's words solutions to the problems of race and poverty "the Nation's first priority."

EXTENSION OF CERTAIN NAVAL VESSEL LOANS—CONFERENCE REPORT

Mr. RUSSELL. Mr. President, on Friday there was submitted to the Senate the report of the committee of conference on the disagreeing votes of the two Houses on 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.

Consideration of the matter was delayed until today, and I now ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 1016)

The committee of conference on the disagreeing votes of the two Houses on 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That, notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Argentina, three destroyers (Act of July 18, 1958 (72 Stat. 376)); (2) Brazil, two destroyers and two submarines (Act of July 18, 1958 (72 Stat. 376)); (3) Chile, two submarines and two destroyers (Act of July 18, 1958 (72 Stat. 376)); (4) Colombia, one destroyer (Act of July 18, 1958 (72 Stat. 376)); (5) Federal Republic of Germany, one destroyer (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (6) Greece, one submarine (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (7) Korea, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363) as amended), one destroyer and one destroyer escort (Act of October 4, 1961 (75 Stat. 815)); (8) Portugal, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (9) Spain, two destroyers (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (10) Peru, one destroyer (Act of July 18, 1958 (72 Stat. 376)).

"Sec. 2. Notwithstanding section 7307 of title 10, United States Code, or any other provisions of law, the President may lend two destroyers to the Government of Korea and one destroyer to the Republic of China, in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistics support) of ships transferred under this section shall be charged to funds programed for the recipient government as grant military assistance, or as reimbursable, under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1969.

"SEC. 3. All new loans and loan extensions executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Any agreement for a new loan or for the extension of a loan executed pursuant to this Act shall be subject to the condition that the agreement will be immediately terminated upon a finding made by the President that the country with which such agreement was made has seized any United States fishing vessel on account of its fishing activities in international waters, except that such condition shall not be applicable in any case governed by international agreement to which the United States is a party. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

"SEC. 4. No loan may be made or extended under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

"SEC. 5. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act."

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes."

And the Senate agree to the same.

RICHARD B. RUSSELL,
JOHN C. STENNIS,
STUART SYMINGTON,
HENRY JACKSON,

MARGARET CHASE SMITH,
STROM THURMOND,

Managers on the Part of the Senate.

L. MENDEL RIVERS,
F. EDWARD HEBERT,
MELVIN PRICE,
O. C. FISHER,
LESLIE ARENDS,
ALVIN E. O'KONSKI,
BOB WILSON,

Managers on the Part of the House.

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

There being no objection, the Senate proceeded to consider the report.

Mr. YOUNG of Ohio. Mr. President, since I had stated that I desired to make a few observations in connection with this bill, I am very grateful that the distinguished senior Senator from Georgia, the chairman of the Committee on Armed Services, agreed to hold this matter in abeyance until today, when I could be present.

When the bill was considered by the Committee on Armed Services, I took a dim view of it in the form it was in at that time. Frankly, the bill was carefully considered in the Committee on

Armed Services, and mine was the lone voice raised in opposition to it. I cast a negative vote when the matter was voted upon in committee.

Today, however, the bill providing for extension of naval vessel loans to various countries, has passed the Senate, and as it comes back to us from the conference, it is a different bill in several respects. I considered it a bad bill when it was in the Committee on Armed Services and the action of the conferees has not improved it.

The conferees added two additional destroyers for loan to Korea. I do not make any strong objection to that. Korea is a satellite nation of ours. However, the report adds a new destroyer for Nationalist China. I do object to that.

Regarding Nationalist China, so-called, or Chiang Kai-shek's government of what we called Formosa years ago and what is termed Taiwan today, U.S. taxpayers have paid out to Chiang's regime more than \$6 billion since World War II. In addition we have had on loan to Chiang's government some destroyers. This measure would add another. I am objecting to that.

Incidentally, Chiang Kai-shek's regime, in common with a number of other Asiatic countries, has done nothing whatever to assist us in our Vietnam involvement. As a matter of fact, the Foreign Minister of Chiang Kai-shek's government in Taiwan—which could not exist at all, except for our air power and the might of our 7th Fleet—stated in October of 1966 that "if the war situation requires it, and if Nationalist China is asked," his Government would then consider sending troops to South Vietnam to aid us.

Personally and frankly, I do not think his troops would help us one bit in Vietnam. We probably would not want them. Chiang's overage army of 600,000 parades beautifully, almost as well as Shriners do, and probably would fight about as well. The fact is, however, that the Chiang regime has given us no aid whatever.

I realize, Mr. President, that following World War II we had a surplus of warships and many of them were put in mothballs, as, I assume, probably many of these destroyers now on loan would be if we did not renew the loans. But I strongly object to lending destroyers to Central and South American Republics. If they use those destroyers at all, Mr. President, they will more than likely use them against each other, and not for the defense of the Western Hemisphere.

Mr. LAUSCHE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. YOUNG of Ohio. It seems to me it would be better policy for our Government to urge Latin American governments to spend their money to relieve the abject poverty of millions of their citizens and to provide schools and sanitation facilities for the impoverished masses of those nations. In every country in Latin America, without exception, there is tremendous poverty and high rates of illiteracy. Instead, we loan them destroyers and submarines which will cost them millions of dollars to maintain.

For example, we now include in this conference report, the loan of a destroyer to Peru. Many of us have been in Peru. I have been there. It is a poverty-stricken little country. Many of the people there live in almost unimaginable poverty.

In addition, Peru seriously lacks public schools. Its illiteracy rate is high. This one destroyer, with the destroyer escort and submarines which they already have, will cost the Peruvian Government nearly \$2 million per year in operating costs. The cost of maintaining these vessels could be very helpful indeed toward raising the standard of living of Peruvian citizens, and toward educating their children.

Then we have the loan of naval vessels to the Government of the Argentine Republic. It will be remembered that generals overthrew the duly elected Government of the Argentine Republic, the officials of which are now maintained as prisoners on an island. It will also be remembered that generals, by a midnight coup, overturned the duly elected Government of Brazil, which also receives ships under this bill.

Although I realize that the report will be adopted, I wish to be recorded as voting against acceptance of the conference report.

There is another reason for not adopting the conference report. That concerns the fact that the conferees accepted the House provision that the President may, in his discretion, extend such loans for an additional period of not more than 5 years. So, we are really in a way approving the renewal of these loans of our warships for possibly 10 years, and not for only 5 years.

When we continue to add to the number of warships that are loaned to Latin American countries we stimulate an arms rivalry in Latin America. It seems to me that we are misguiding these nations when we permit them to add equipment to their navies and engage in an armament race against each other.

In the bill there is also a provision for the loan of six destroyers to West Germany. West Germany is prospering now as never before. Instead of continuing the loan for 5 years with discretion vested in the President to renew it for another 5 years, it seems to me that our balance of payments would receive some help and our taxpayers would be given some relief if we would say to the West German Government: "Now is the time to make a purchase of these destroyers which you have on loan. We do not need them, but instead of loaning them to you, let us get an agreement from you to purchase them."

We also have some new loans involved in this measure, that, it seems to me, are somewhat questionable. We are, for example, loaning additional vessels to Greece. This action is being taken at a time when the colonels in the Greek Army have overturned the constitutional Government and imprisoned 6,000 political prisoners. Oh, yes, they have reduced that number to 3,000 at this time, but they continue to rule by decree. A Fascist government exists in Greece. Yet we are giving additional naval vessels to help that government.

Mr. President, suppose that a rag-tag

group, including some Communists, had overturned the constitutional Government of Greece, as these colonels have done, and were governing Greece today in the same manner as the colonels are governing it. In that event, officials of the State Department and the Defense Department would immediately take measures to oust the usurpers or at least threaten the new government. However, when the Fascists take over, we loan them additional warships.

It seems to me that in Greece, and also in South America, when militarists overturn a duly elected regime, we always immediately recognize and work with those Fascists.

In this loan matter, we are loaning ships to Spain, which is a dictatorship. We are loaning ships to Portugal, a dictatorship, at a time when Portugal is oppressing Angola and its other colonial possessions in Africa. Mr. President, those are some additional reasons why I think this is a bad bill.

It will be stated no doubt, and it is true, that we do not need any of these obsolete destroyers and submarines for our own Navy. If they were returned to us, we would not use them. They have been on loan for years. They have been changed so that we would not want them. However, by renewing some of these loans, we are supporting dictatorships and encouraging a Latin American arms race, which is costing those little Latin American countries millions of dollars which we should encourage them to spend on education.

I know that my voice of dissent will not defeat the conference report. But I feel better for having my vote recorded against it.

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

Mr. YOUNG of Ohio. I yield.

Mr. MORSE. Mr. President, I do not agree with the last statement of the Senator from Ohio, that his voice of dissent will not defeat the conference report. However, I agree with his general thesis.

I associate myself with his opposition to the continuation of this loan policy. I think we need to completely reappraise our whole program of military aid.

This is a form of program that has existed for some time past. That is true. However, it is the continuation of a military loan program that, in my judgment, will continue to work to our disadvantage in Latin America because of the growing strains and stresses in Latin America by way of the disapproval of the people in that part of the hemisphere of the American military aid program.

I opposed the loan program in the Foreign Relations Committee. As chairman of the Subcommittee on Latin American Affairs, I have been seeking to get us to revise completely the military aid program in Latin America.

I am for military aid, but not for this kind. What in the world a destroyer or a submarine or any other fighting naval boat will do of value to help any Latin American country maintain internal order I have never been able to understand.

We all know that there is no danger of a war between two Latin American

countries for several reasons. I mention two. We would not allow it, and the OAS would not allow it.

The difficulty is that this kind of military aid is really building up military classes in the various countries of Latin America that do not support freedom. They join in helping to keep freedom down. We need a different type of military aid—the type that we envision in connection with the determination on our part to assist Latin American countries to maintain internal order—machineguns, rifles, pistols, and helicopters, and help to them for those things that are necessary to maintain internal police forces. They can be military police forces.

What disturbs me is what I consider to be an overemphasis in our relationships with Latin America by way of military aid. The Senator from Ohio knows that I have opposed, for example, the sale—the word should be in quotation marks—of supersonic bombers to Peru, only to be followed with the sale of supersonic bombers to Brazil and Argentina and country after country. If anybody can tell me what a supersonic bomber flying over Peru can do to maintain internal order in Peru, I should like to hear the argument.

What it does is maintain, again, a military group that does not have a record in Peru—or in other countries, for that matter—of seeking to develop constitutionalism as we know it, of seeking to develop democratic political procedures as we know them.

Therefore, my quarrel, I say to the chairman of the conference committee, the chairman of the Senate Committee on Armed Services, is not a quarrel with the work of his committee. I just believe that we are moving along on the wrong major premise.

However, I say to the distinguished Senator from Georgia [Mr. RUSSELL] that, as a member of the Committee on Foreign Relations, I appreciate his complete cooperation, not only in this matter but also in many other instances. He agreed to have this matter go to the Committee on Foreign Relations for consideration after the Committee on Armed Services had heard it. In addition, the Senator from Georgia accepted some suggestions from the Foreign Relations Committee. The Senator from Georgia has been completely cooperative with the Foreign Relations Committee.

Our differences—those of us who have differences within the committee—are not differences with the Senator from Georgia. The differences simply represent a point of view that we hold—that we should change the major format of our military aid to Latin America. I have been heard to say that I will support the other kind of military aid and then I will support \$3 for economic assistance and literacy assistance for every dollar that we save in a cutback on military aid.

I believe the Senator from Ohio has made a contribution to this debate for future reference. I am proud to associate myself with him.

Mr. YOUNG of Ohio. I thank the distinguished Senator from Oregon.

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

Mr. MORSE. I yield.

Mr. ERVIN. Mr. President, I should like to express dissent to a portion of the comments of my good friend, the Senator from Ohio—and let me confess that I may have a conflict of interest in so doing.

I happen to be a member of the Shriners. The Senator from Ohio said that the troops of Chiang Kai-shek paraded and possibly would fight like the Shriners. I know nothing of how the men of Chiang Kai-shek parade or fight. But I do know that the Shriners are exceedingly handsome men, and when they parade, they parade in a most magnificent fashion. [Laughter.]

Furthermore, I know that, while Shriners are most benevolent men and are devoted to the cause of peace, when they do fight, they fight with great valor.

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

Mr. ERVIN. I yield.

Mr. MORSE. As a fellow Shriner, I wish to say that I have always enjoyed the needling of the Senator from Ohio; and when the Senator from Ohio had that bit of fun with us, let me say that it is not related, after all, to the basic thesis that the Senator rose to defend. It is that thesis in which I join him, and we Shriners will have to take care of ourselves.

Mr. RUSSELL. Mr. President, in view of the comments that have been made, I deem it appropriate to make a brief statement on the policy that now applies to any new loans of naval vessels to nations throughout the world. Some 79, I believe, have been loaned, and five or six were transferred outright in years gone by.

Some 6 or 7 years ago, a bill came to the Senate Armed Services Committee, from the House committee, that proposed a loan of eight or 10 new vessels to Latin American countries. I have forgotten exactly what year that was, but Admiral Burke was Chief of Naval Operations at the time. I served notice at that time on the Department of Defense that the Senate Armed Services Committee would not approve of any new loans to the Latin American countries inasmuch as they were having great difficulty in supplying their share of the common effort that was then being generated to promote the economic well being of those states. Since that date, no new loans have been made to those nations.

The only new loans that are involved in this measure came to us from the House of Representatives, were eliminated by the Senate committee, but were restored in conference on the insistence of the House conferees. Two of those loans were to the Republic of Korea, and I must confess that I was hard put to vigorously oppose a loan of naval vessels to the Government of South Korea, in view of the cooperation that we have received from that state and its people in our present tragic difficulties in Vietnam. The Senate, therefore, finally receded in conference on those two ships and one to the Republic of China.

It is true that there was a time when Taiwan, or the Republic of China, was quite a heavy financial burden to the United States. But be it said to their eternal credit that several years ago they

reached a stage where they informed this Government that they no longer needed any economic aid, and it has been many years since we have extended any economic aid to the Republic of China. That is one of the miracles I have observed in government in my time—that the Republic of China has been able to develop so rapidly, from an industrial and agricultural standpoint, that it has a favorable trade balance in that part of the world and is able to stand on its own feet.

No new ship loans will be made in the immediate future, until at least there is a change in policy of the committee over which I am honored to preside. But these other nations are receiving extensions of loans that have already been made.

We hear a great deal of complaint about the government of some of these countries—Spain, Greece, and others. Mr. President, we may not approve of the form of government that a number of countries around the world may have, but it is not our privilege or our prerogative to change their systems. We have declared in favor of self-determination throughout the world. For that reason we are in enough trouble now, without endeavoring to go all over the world and establish governments everywhere that are in accord with our views. Greece, whatever form of government it may have, is a rather important ally in NATO. That is particularly true at this time. Russia is making an undisguised and unabashed effort to take over naval supremacy in the Mediterranean. They have already secured domination of the southern shores of the Mediterranean. They have the use of very valuable bases at Alexandria and other ports of what we euphemistically call the United Arab Republic, which, of course, as we know, is a dictatorship, presided over by Nasser.

The Russians are making great progress in establishing a large fleet in the Mediterranean. Along the southern shores they have a relationship with Algeria, which has some fine seaports, that results in their having available to them now the former French naval bases at Philippeville, and others that I do not now recall.

I visited those ports in the Mediterranean during the fighting in World War II, just as we were preparing to go into Sicily.

The fact that Russia has the use of those ports and they can be denied to us makes our whole position tenuous, indeed. This is not the time to be kicking in the teeth even the military dictatorship in Greece by withdrawing ships which they have had for 5 to 10 years and which would be of little value to us.

The position of our fleet and our prestige in the Mediterranean is in great jeopardy now without taking steps to alienate the friends and allies we have left.

I would that we could persuade our friends in Latin America to accept our views and our protection militarily, either under the Monroe Doctrine or the Organization of American States, which appears to be much less offensive to the

Latin American States. It is true that some of these nations, such as Peru, have economic difficulties, but the Peruvians have been negotiating with the Government of France for the purchase of a number of very expensive and high-performance jetplanes, such as the Mirage, one model of which the Israelis used with such telling effects in their recent struggle with the Arab world. I do not know of anything we can do about it.

We have tried to dissuade them from purchasing these planes. However, I do not favor sending a military mission there or anywhere else to prevent people from foolishly spending their money on armaments I think they do not need. I am in favor of trying to use reason, but further I am not willing to go. I do not think Congress should take punitive action, as is suggested here, to undertake to enforce its views on these states. I think it is wholly appropriate that we withhold economic aid or adopt different policies with respect to those countries on matters that might arise in the future. But to go back into the past and take away ships they have had for 10 years I think is going far in an effort to impose our will on other states.

Only three new ship loans are involved, two for Korea and one for the Republic of China. They would be rehabilitated out of the military assistance fund. All of the other vessels are a continuation of loans that have been made heretofore.

(At this point, Mr. MONDALE assumed the chair.)

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

Mr. RUSSELL. I yield; but first I might say that the amendment which the Senator from Ohio proposed relative to the use of any of these ships which interfere with the fishing operations of American fishermen at sea was approved by the House and is in the pending bill.

Mr. LAUSCHE. I am grateful for the inclusion in the bill of the amendment which I submitted to the Senate. That is the amendment in which it was provided that if any of these ships are used by the lendee country in the seizure of American fishing vessels while the vessels are operating in international waters, it shall constitute grounds for the immediate recall of the loaned ship.

Mr. RUSSELL. That, in essence, I understand was the purpose of the amendment.

Mr. LAUSCHE. It is my recollection of the testimony in the Committee on Foreign Relations that the lending of these World War II ships began in about the year 1953.

Mr. RUSSELL. I do not recall the year. If I had been asked, I would have said 1950, but I do not remember the specific year.

Mr. LAUSCHE. The conference report shows that many of them were loaned under acts passed in 1953 and some were loaned under acts passed at a later date.

Mr. RUSSELL. Some loans had been made before 1953, but after 1952 new legislative authority was required before ships of these classes could be loaned.

Mr. LAUSCHE. The testimony in the Committee on Foreign Relations indi-

cated the period of the loan had expired, and the status reached was that the U.S. Government would have to demand the return of the ships or pass legislation authorizing their continued use by these foreign governments.

Mr. RUSSELL. Some of these loans have expired and the recipient countries were uncertain about the status. About one-half had expired, as I recall.

Mr. LAUSCHE. That would have meant that the country that received the loan of a destroyer in 1953 and used it for 14 years, unless we passed the legislation, would have been required to return the destroyer to the United States.

Mr. RUSSELL. I think that would have been the assumption. However, some of these ships have been left with these countries for a period of months, since the expiration of some of these agreements.

Mr. LAUSCHE. Am I correct that these are all World War II destroyers?

Mr. RUSSELL. Yes, they are World War II destroyers. They have a certain value. There are a number of World War II destroyers in operation all over the world. As a matter of fact, the Israel destroyer sunk by the deadly accurate short-range missile used by Egypt was a World War II destroyer. It was a British destroyer.

Mr. LAUSCHE. If we demand the return of these destroyers what use would we make of them?

Mr. RUSSELL. We have no immediate need. We have a number of these ships now in mothballs; some 120 destroyers are tied up and in mothballs; and it would really cost more to mothball these ships than they are worth at the present time. They have some value, but they are not the most modern ships on the seas.

For example, the Russians have an entirely new Navy. In fact, every ship in it has been built since World War II and since 1952.

Mr. LAUSCHE. Did the Senator from Georgia several years ago promote a policy on the cessation of the lending of the ships?

Mr. RUSSELL. Yes, indeed. I have forgotten the year, but late in the 1950's I served notice on the Department of Defense that the Armed Services Committee did not intend to approve any additional legislation providing for new loans of these ships.

There were a number of reasons. Some of them were suggested by the Senator from Ohio in his comment that the countries were simply not able to operate the destroyers. They would use for the operation of these ships money that was sorely needed for the advancement of the economy of their people and for the alleviation of their suffering. Since that date, the Department of Defense has been aware of the committee's position, and they are not suggesting additional loans.

Mr. LAUSCHE. There are two new loans.

Mr. RUSSELL. Yes; the Department of Defense did not suggest them.

Mr. LAUSCHE. Korea is helping us in South Vietnam.

Mr. RUSSELL. Korea is helping us

substantially. She has more than 45,000 men in South Vietnam. They have shown themselves to be tenacious, rugged fighters. Korean men have been killed. They are fighting alongside our men and are rendering substantial assistance in that very difficult campaign in South Vietnam. I do not think the American Armed Forces have ever been exposed to as difficult military action and military movements as they are in South Vietnam. In many cases, it is like an elephant chasing a flea.

Mr. LAUSCHE. I do not believe that the ship loaned to Taiwan was discussed in the Committee on Foreign Relations. Would the Senator from Georgia give his explanation of that loan?

Mr. RUSSELL. The Republic of China occupies a highly strategic position. In the event of an outbreak of hostilities, any destroyers in their hands could come into combat before ours of the 7th Fleet could possibly become engaged.

Mr. LAUSCHE. I thank the Senator from Georgia very much.

Mr. RUSSELL. Not at all.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 830. An act to prohibit age discrimination in employment;

S. 1785. An act to improve certain benefits for employees who serve in high-risk situations, and for other purposes;

S. 2126. An act to amend the Food and Agriculture Act of 1965;

S. 2247. An act to amend the Merchant Marine Act, 1936, to increase the Federal ship mortgage insurance available in the case of certain oceangoing tugs and barges;

H.R. 6111. An act to provide for the establishment of a Federal Judicial Center, and for other purposes; and

H.R. 12121. An act to amend the act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

FOOTBALL AND LEADERSHIP

Mr. KUCHEL. Mr. President, a recent Associated Press dispatch from New York City quoted the president of one of the Nation's largest universities, Dr. Frederick Lawson Hovde, of Purdue, as stating that college football breeds discipline and leadership. Indeed, he said that much of the credit for the courage of Americans must be given to team sports. Dr. Hovde added:

I find no convincing evidence that leadership can be taught. It is something that can only be learned by facing successfully its demand on the individual's total capability.

Dr. Hovde, himself a football leader-player in 1927 and 1928, president of a university which very nearly won the leadership of its league in football this year, and winner of the National Football Foundation's 1967 Gold Medal, is absolutely right.

Mr. President, this year, as in several of the recent past, the link between football and leadership has particular relevance to my own State of California. Late last week, the Associated Press again emphasized what has been apparent this entire fall, when it named four Californians to its first All America team. Other All America and best player honors have gone to these same California college players, the most outstanding award being the Heisman Trophy for the best college football player of 1967. Mr. President, this is unusual wealth of human resource, even in a State noted as California is for its natural resources, and deserves, I think, the honor of brief exposure in this Chamber.

First, All America and Heisman Trophy winner Gary Beban of the University of California at Los Angeles has not only broken numerous records in a school which has boasted many good men in the past to set them, but he also set many of these records before this, his senior year. He was a star at the position where the burden falls heaviest in modern football, the quarterback slot, and he played that position as a runner as well as a passer and signal caller.

His specialty over his sophomore, junior, and senior years was the dramatic play, well calculated to break the heart and backbone of the opposition. It was nearly a foregone conclusion that he would win the Heisman Trophy this year, but that expectation detracts nothing from the high donor that it finally brought Gary Beban, UCLA, and Coach Tommy Prothro, when he did receive the trophy. It only proved that he was so clearly superior that its award to him seemed altogether natural. His playing and signal-calling demonstrated leadership qualities we hope for in a football player, and gave many hours of enjoyment to American football fans, especially those in my home State, and we are grateful. It is a further mark of the man that he has kept a sense of balance and has remembered more than one reason why he is in college: Gary Beban was one of 13 "scholar-athletes" honored by awards at a recent College Football Hall of Fame banquet and once was quoted as complaining that "professors ignore me because I am an athlete," a rare complaint to come from football players of a bygone era, but a sign of the times now.

If it is with State and regional pride that I single out Gary Beban for his Heisman Trophy award, it is with the very special added feeling reserved by an alumnus for his alma mater and her best men that I praise O. J. Simpson, who was named All America halfback and United Press International player of the year in his first season of play for the University of Southern California.

As we followed Coach John McKay's fine USC team to its No. 1 ranking this year, we watched many a would-be tackler try to follow Mr. Simpson in vain, as he used his phenomenal speed, his agility and his second and third efforts to gain yards against very strong opponents. A sprinter for the track team, O. J. Simpson was known as possibly the best and fastest runner in college football this year. But he has also been known to throw touchdown passes when

the occasion demanded. He is a leader on a team that is leading the country right now.

It might be said of O. J. Simpson that he exhibits a rare facility for observing and threading the interstices of the opponents' defensive line, employing every artifice and demonstrating superlative equilibrium at the approach, rendering himself compact and thoroughly elusive at the moment of passage into the secondary, and then accelerating in his chosen direction with such a burst of velocity and seeming abandon at the faintest indication of an unobstructed field, that the antagonist is left, as it were, without recourse.

The added ingredient at USC is team balance, and such balance that Southern California offensive tackle Ron Yary won All America honors last year and this, as well as the 1967 Outland Trophy as the best interior lineman in the country. He was so dedicated to good performance that he was reported to have shed 20 pounds this year just to improve his speed, and losing weight is a sacrifice no lineman enjoys.

Rounding out the California All America contribution this year was Adrian Young, Irish-born linebacker who upset the American Irish of Notre Dame this year by intercepting four passes. Both Ron Yary and Adrian Young are business majors, which ought to say something for Southern California's economic climate in future years, if the same energy is applied outside the stadium as in it.

Football breeds leadership, and California this year is breeding leading football players. It augurs well for my State, and ultimately for the Nation.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the germaneness rule be waived for 7 minutes.

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

STOKELY CARMICHAEL SHOULD BE PROSECUTED

Mr. TALMADGE. Mr. President, for far too long now the American people have been shocked and sickened by rabble-rousing radicals who have gone about the country leaving a wake of racial hatred, civil disorders, and even bloody rioting.

We have seen abuse heaped upon the United States of America and all the authority of its Government. The enemy in Vietnam and Communists everywhere have been given aid and comfort. American citizens have been urged to revolt and take to the streets in guerrilla warfare. Large sections of some of our biggest cities have been put to the torch and laid to ruin.

And for just as long, we have been led to believe that all this was being perpetrated in the name of free speech.

And the American people have dutifully turned the other cheek.

I say no longer.

I submit that we do not have to helplessly stand by and witness the breakdown of law and order in America. We are in no way bound by the first amendment to countenance the creation of anarchy.

To the contrary, there are laws against

inciting to riot and urging people to take up arms against their Government. There are likewise penal restrictions against obstructing the war effort of the United States.

These laws should be enforced.

I believe the American people are tired of excuses and apologies. They want action and not just words.

From the time of his leadership of the Student Nonviolent Coordinating Committee—which is neither student nor nonviolent—Stokely Carmichael has been virtually the undisputed leader of the hate campaign being conducted all across this country. Rioting and bloodshed have followed his steps.

Judging from Carmichael's despicable diatribe, his sole purpose is to breed violence. In Alabama, he said, "To hell with the laws of the United States." In Washington, he called upon people to shoot policemen. In Atlanta, he urged people to join a "revolution" against white citizens, and to be out "beating heads." In New York, he harangued a crowd in this fashion:

In Cleveland, they're building stores with no windows—all brick. I don't know what they think they'll accomplish. It just means we'll have to move from Molotov cocktails to dynamite.

In Louisville, he said:

It's not a question of law and order. We have to build a revolution.

In Boston, he suggested bombing stores owned by white merchants and called for "armed resistance" to policemen.

One could go on and on with Carmichael's long and sorry spectacle.

If the Department of Justice has not been monitoring Carmichael's inflammatory speeches and considering them in the context of prevalent lawlessness and rioting, then it has been derelict in its duty.

If the Department of Justice can find no area for prosecution, then justice is, indeed, blind and I fear for the future safety and security of America.

Early last summer, Carmichael took it upon himself to become an emissary abroad of hate and destruction.

In Havana, where he consorted with Fidel Castro, Carmichael urged American Negroes to wage a Vietnam-style guerrilla war in this country. Just last week in Paris, Carmichael said he wanted to see U.S. defeat in Vietnam, and again he urged American Negroes to "develop a resistance movement that will disrupt the entire United States."

It is my understanding that Carmichael is on route back to the United States today, and that he is scheduled to arrive in New York City at approximately 3:40 this afternoon. If this news report is true, we must not settle for a mere lifting of his passport. The minute he sets foot on American soil, Carmichael should be served with a Federal warrant for his arrest and thereupon clapped into jail.

As I have stated, the law is more than adequate for dealing with Carmichael. He should be prosecuted for sedition, for advocating the violent overthrow of the U.S. Government, and for interfering with the war effort in Vietnam.

I would refer the Department of Justice to title 18 of the Criminal Code, section 2383, which outlaws rebellion or in-

surrection. It provides for the imprisonment of:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto.

Section 2385 of title 18 makes it a Federal crime to advocate, abet, or advise overthrowing or destroying the U.S. Government or any political subdivision thereof by force or violence.

Moreover, section 2388 of title 18 makes it unlawful for anyone "to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States."

Carmichael should be brought before a bar of justice, tried by a jury of his peers, and made to answer for his criminal conduct.

He should be prosecuted under the same law that is laid down for the protection of all our citizens, white and Negro alike, and for the punishment of those who would destroy our lawful society.

I hope that the President will so direct the Department of Justice.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. BYRD of Virginia. First, Mr. President, I want to concur in the statements just made by the Senator from Georgia. It seems to me it would be an outrage if the Department of Justice did not bring Stokely Carmichael before a jury for prosecution as the Senator has recommended, in view of his actions and incitements against this country.

PROPOSED COMMUTER TAX

Mr. BYRD of Virginia. Mr. President, the proposal to tax Virginia and Maryland residents for the privilege of working in Washington has been raised by the Washington City Council. It has been suggested that a 1-percent withholding tax be levied on the gross earnings of all who work in the city. Such a tax, in my judgment, would be unjust and unfair.

The residents of Virginia and Maryland already pay part of the cost of operating the District of Columbia government. The Federal payment to the District of Columbia General Fund amounted to \$64 million for fiscal year 1968—money which comes from general revenues collected from the taxpayers of Virginia and Maryland and all other States.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Yes; I am glad to yield.

Mr. BYRD of West Virginia. What was the amount of Federal grants-in-aid to Washington for this fiscal year?

Mr. BYRD of Virginia. That figure was not supplied to me.

Mr. BYRD of West Virginia. Would the Senator care to have that figure?

Mr. BYRD of Virginia. I would be pleased to.

Mr. BYRD of West Virginia. The estimated Federal grant in aid to Washington during fiscal 1968 is \$173 million.

Mr. BYRD of Virginia. I am very pleased to have that information from the distinguished Senator from West Virginia, who has made such a detailed study of Washington's budget and who has done such an outstanding job in handling the District of Columbia Subcommittee over a long period of time. I again thank the Senator from West Virginia for informing us that in addition to the \$64 million payment the amount of Federal grants to Washington for fiscal 1968 will amount to \$173 million. There again, it is money which comes from the general taxpayers, including the residents of Virginia and of Maryland.

In addition to the money they pay through general taxes, residents of Virginia and Maryland who work in the District of Columbia also are liable to the general sales tax and other special District of Columbia taxes when they make any purchase in the city.

Under the proposal made by Mr. Hechinger, President of the City Council, only nonresidents of the District—principally those residing in Virginia and Maryland—would be forced to pay the new tax. Residents of the District would, in effect, be exempt from the tax by being able to deduct the proposed new charge from their District of Columbia income tax.

It is argued that District of Columbia residents already pay a city income tax and sales tax and should not be burdened by a further increase.

But they are the residents of the city and they receive the primary benefit from the city's government. Why should they not pay for those services, just as the people in my State pay for the services they receive from their State and local communities? Virginia also has both an income tax and a sales tax.

I would like to say a word about Mr. Hechinger. From all I can learn of him from mutual friends and from the press, he is a very able individual. I think the President made an excellent choice in appointing Mr. Hechinger to his present position. I think he is the type of man who is needed on the City Council in Washington.

As a matter of fact, by and large, I think all the President's appointments to the District of Columbia Government have been good.

I am well impressed with Mayor Washington and the way he has handled himself.

But despite my general attitude toward the Washington City Council, I feel that the suggestion—it has not been done in the form of a formal proposal yet, but a suggestion—that a tax be put on those, principally from Virginia and Maryland, who work in the city of Washington is an unjust and an unfair one. I would like to say at this time that I intend to fight this proposal with every resource at my command.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS 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 ex-

tending 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 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, before I suggest the absence of a quorum—for only a brief period of time—I should like to ask the staff to notify the following Senators that we are about to take up discussion of Secretary Gardner's letter to the chairman of the subcommittee dealing with commitments on the part of the Department with respect to procedures which would be followed by the Department in the future in respect to alleged noncompliance cases.

I ask the staff to notify Mr. THURMOND, Mr. JAVITS, Mr. PROUTY, Mr. MURPHY, Mr. FANNIN, and Mr. GRIFFIN.

In addition, I should like to have Mr. YARBOROUGH, Mr. RANDOLPH, Mr. PELL, Mr. WILLIAMS of New Jersey, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, and Mr. NELSON notified, because they are members of the committee who are very much interested in the subject matter. I see that the Senator from Pennsylvania [Mr. CLARK] is already here.

I want those Senators to have an opportunity to be present so that they may take note of certain commitments by the manager of the bill. They know that I shall make these commitments, because they are commitments I have already made in committee; but if they have any points of view to express on them, or any proposals for modification—and I do not think there will be any—I want them to have this notice in advance of our taking up the subject matter, so that they may have a chance to do so. I shall have more to say on the subject after the quorum call.

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. 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, I wish now to proceed to make legislative history on an issue that all Senators know has arisen in the Senate, but it really arose first long before the pending bill was brought to the floor of the Senate. That issue involves the procedures which have been used in the past by the Department of Health, Education, and Welfare in connection with its handling of noncompliance cases in those school districts which the Department has found to be out of compliance with title III of the Civil Rights Act of 1964.

Mr. President, this matter was discussed at the committee level; and as chairman of the subcommittee and manager of the bill, I informed the com-

mittee that I intended to make clear legislative history on this problem. I notified the Department of Health, Education, and Welfare at the time that I would seek to do so, and that I wanted to be advised as to their position in regard to their procedures.

In fact, Mr. President, before the informal conference, to which I have already alluded several times in the debate on this bill, with Secretary Gardner, the Senator from North Carolina [Mr. ERVIN], the manager of the bill, and representatives of other Senators' offices, I discussed this situation with representatives of the Department and with other Senators. I have already referred, for example, to an earlier conference in the office of the Senator from Montana [Mr. MANSFIELD], where we were ably assisted by the Senator from West Virginia [Mr. BYRD] and staff members.

What I am about to present to the Senate today is the result of exceedingly careful work on the part of all concerned. I would be less than appreciative if I did not express my deep thanks to the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], the Senator from South Carolina [Mr. THURMOND], the Senator from West Virginia [Mr. BYRD], the Senator from North Carolina [Mr. ERVIN], the Senator from Alabama [Mr. HILL], and others for their presentation of their views on this subject, their understanding of my problems as manager of the bill, and their cooperation with me, without at any time, Mr. President, agreeing to anything which would in any way jeopardize, diminish, or injure the principles which those Senators have been supporting.

The last thing I wish to do would be to leave the impression in this Record that those Senators who have pointed out problems concerning them by way of criticism of the Department of Health, Education, and Welfare enforcement policies have compromised with me on anything where it could be said a compromise of principle was involved. They have not; and I want their constituents to know it.

I have simply gone to work, on behalf of my committee, to clarify some misunderstandings, and also to make perfectly clear to the Department of Health, Education, and Welfare that its title II compliance procedures would have to be fair to have my approval and my committee's approval, and that the procedures would have to be a matter of certainty.

One of the complaints has been that, in some instances, the school boards involved simply could not find out what they had to do in order to comply.

As I have said in several discussions with the Senator from North Carolina [Mr. ERVIN], no one would support more than would the senior Senator from Oregon the point of view expressed over and over again concerning the need for procedural due process.

I have always stood for that. I have always fought for it. I have in this case, I always will.

All I want to say for the evaluation of my colleagues is that I think I am bringing to the floor of the Senate today pro-

cedural understandings with the Department of Health, Education, and Welfare which guarantee procedural due process, for every school district in this country—North, South, East, and West. That is what we are entitled to.

I have made it perfectly clear to the Department that we are going to continue to press, under the surveillance program authorized by the Senate, to see to it that we are kept constantly informed with regard to procedural practices including the practices the Department commits itself to in a letter from the Secretary of Health, Education, and Welfare, which I am about to read.

The committee's surveillance program is in keeping with instructions of the majority leader last January which went to all Senate committees instructing them to oversee, the practices of departments, which have received appropriated funds from Congress, in order to make certain that they continue to carry out the intent of the legislation.

The majority leader was kind enough to say—and I paraphrase him—on the floor of the Senate some months ago that the letter my committee worked out could serve very well as a model for other committees to serve the same kind of notice on other departments of the Government in carrying out the surveillance program sought by the majority leader.

I wrote the letter, but I submitted it to my committee and got complete approval. Some suggestions were offered that made it even stronger and better. However, the letter was 99 percent the letter I had drafted in the first instance.

Also, I would be less than appreciative if I did not express, as I have in the debate heretofore, my thanks to Secretary Gardner for his cooperation with me and my committee as we have taken up with the Department the criticisms and the complaints of alleged mistakes or the adoption of undesirable policies or variances from legislative intent as spelled out in the legislative history of our past education bills.

In my judgment, Secretary Gardner is one of the most dedicated public servants in this administration. He is a man who is completely honest—intellectually honest throughout. He is a man who will not compromise principle in carrying out his trust.

Understandings can be reached in regard to this area of controversy without anyone being intellectually dishonest. I want the record to show, however, that Secretary Gardner has been most helpful to me and likewise to some of my associates, I am sure, that have worked with him in recent days as we have tried to iron out some differences with the Department. Mr. Peter Libassi, who is in charge of the civil rights compliance program of the Department of Health, Education, and Welfare, has likewise been exceedingly cooperative and helpful.

With that as general background, and calling attention for the record to the fact that a serious problem has existed, I now want to discuss what the Department has agreed to.

As has been said in the past—and it is

true, too—the making of legislative history which is satisfactory at the time it is made, does not always result in that legislative history being carried out. No one knows that better than I do. I have been called upon on various occasions during my years of handling education legislation to take a complaint, either from a colleague in the Senate or presented to me directly by school officials, in which it is alleged that by way of an administrative order or a regulation or a letter of instruction from the Department of Health, Education, and Welfare to a school district or to a college that there has been a variance with legislative intent.

I am proud to say on behalf of my committee that we have processed each and every such complaint. Perhaps it would be also proper to use the word "prosecute." We have prosecuted the complaints, too. However, here again we have had a record of complete cooperation when we have found the Department in error, and on occasion, we have found the Department in error and varying from legislative intent.

Therefore, when a Senator says on the floor of the Senate to the Senator from Oregon: "Well, we appreciate your trying to work out legislative intent, but we have learned from proceedings in the past that sometimes that is not carried out," I must say that that is true. However, that is part of the legislative process, too.

We make a legislative history, and if it is not carried out, then the responsibility of the committee is to see to it that any miscarriage in respect to legislative intent is rectified. That my committee has done. That we will continue to do.

However, in this instance, I want to say that I do not know of a single time in the handling of past education bills in which there has been the detailed discussion with the department on the presentation of bills of particulars setting forth specific complaints to the degree that has been involved in the particular matter which I am discussing now.

Mr. President, the legislative history we are going to make, in my judgment, will give to a Senator—and this is my view—every guarantee and every assurance he would have if the matter were written into the language of the law rather than into the legislative history. We can write it into the language of the law, but some of our problems with the Department have been over differences of opinion with respect to variances of opinion with respect to variances of which we thought the Department has been guilty in carrying out legislative intent which has been written into the law.

I want to say that the record we are going to make today in regard to legislative intent, I hope by way of legislative history, rather than by amendment to the bill—and I am going to say later in the discussion why I think it would be the best procedure to follow—will be a legislative history in such detail that no Secretary of the Department of Health, Education, and Welfare in the future can ever ignore the commitments of the Department to the Congress of the United States today.

Some have said that Secretary Gard-

ner may not be there next year. That does not change the legislative history. That does not change the obligation of the Department of Health, Education, and Welfare to carry out the commitments which I will consider as binding upon the Department as anything that could be written into the bill.

With that preface, Mr. President, I wish to call attention to the fact, as we have done in preceding debates during the course of the handling of this bill, that we called upon the Secretary of Health, Education, and Welfare to submit to the chairman of the subcommittee a letter spelling out the procedures the Department will follow henceforth in the handling of compliance cases.

I outlined these procedures last Thursday night, as the RECORD will show, in a speech on the floor of the Senate, which resulted in a colloquy between the Senator from Oregon and the Senator from North Carolina [Mr. ERVIN], in which I served notice on the Department that any letter they sent me, so far as I was concerned, as manager of the bill, would have to be within the framework of that speech.

In fact, I read then a rough draft of a series of paragraphs that I felt would have to be in any letter Secretary Gardner sent to me. I did that, Mr. President, because I wanted to put the responsibility on my own shoulders rather than upon the shoulders of any of those who have been raising cases in which they feel the Department has been following a procedure which cannot be reconciled with the criteria of procedural due process, as Senator ERVIN has used the phrase—and I have agreed with him—throughout our discussion.

I am proud to say that the letter from the Secretary of Health, Education, and Welfare, which I am about to read, meets the requirements I laid down in the speech last Thursday night. I made that speech after many conferences with my colleagues in the Senate, because I believed that what I laid down in that speech were the minimal requirements the Secretary would have to meet. His letter meets all those criteria.

In addition, we met with the Under Secretary of Health, Education, and Welfare last Friday morning, and with Mr. Libassi, and with some of my colleagues in the Senate and their assistants. We discussed further some of the suggested language which we thought would be the minimal we would have to require from the Department. We reached tentative understandings—no commitments, but tentative understandings—in that conference.

All those understandings are in the letter I am about to read. In my judgment, this letter, setting forth the procedure the Department pledges to follow in handling noncompliance cases uniformly—in all areas of the country henceforth—does meet the criteria of procedural due process; and I believe it represents an understanding which will result in great help to the Department. This type of procedure will remove a basis for justifiable criticism of the Department's procedure.

So I would be less than appreciative if

I did not say to the Department that I believe it has been exceedingly fair with the manager of the bill and with the Senate. The Department has outlined a procedure I now strongly recommend to the Senate, and I hope it will be approved by the Senate.

After I complete this discussion, I will be glad to accept any questions Senators may wish to ask me, or I will yield the floor so that they may make whatever statements they wish and subsequently ask me questions.

The letter, dated December 8, 1967, addressed to me, is as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, December 8, 1967.

DEAR MR. CHAIRMAN: In response to questions raised during recent Senate debate regarding compliance procedures under Title VI of the Civil Rights Act, I wish to restate that we in the Department of Health, Education, and Welfare are concerned that these procedures operate with a minimum of difficulty for the orderly planning and operation of educational programs. As I recently testified before your Subcommittee, "We will try any new technique or procedure which will assist school districts genuinely attempting to develop school desegregation plans."

The Department scrupulously follows the hearing and review procedures required by the law and our Title VI Regulation, which afford the school district every opportunity to present its case. Where a hearing examiner or the reviewing authority has ordered the termination of funds and after all of the procedural safeguards have been observed, the order terminating funds takes effect thirty days after the filing of a report with the appropriate Committees of Congress.

The termination of Federal funds comes as a result of a process of negotiation and enforcement which now usually requires well over twelve months to complete. Nevertheless, to reduce uncertainty to the fullest extent possible, consistent with the objectives of the Civil Rights Act of 1964, we will adopt new general administrative procedures for the coming school year. Under these procedures, termination orders will not become effective between September 1 and June 1 of the school year unless both of the following conditions have been met:

1. A written communication was mailed to the school district prior to March 1 of its preceding school year informing it that our information indicates probable noncompliance with requirements under Title VI and of the imminence of compliance proceedings if adequate corrective action is not taken, and

2. A notice of opportunity for a hearing regarding alleged noncompliance was mailed to the school district by certified or registered mail no later than September 1 of the school year in which the order is sought to be made effective.

These procedures would not apply to an order of a hearing examiner or the reviewing authority which contains a specific determination that any one of the following issues was a substantial and material factor in the compliance proceeding: interference with or denial of the exercise of choice in a manner inconsistent with such agency's free choice desegregation plan, denial to any student on the ground of race, color, or national origin, of full participation in the program and facilities of the school he attends, failure to carry out one or more commitments which the local educational agency made in writing in response to a notification by the Department of Health, Education, and Welfare of failure to comply with requirements under

Title VI of the Civil Rights Act of 1964, or refusal to provide material information or the provision of inaccurate information which has a substantial bearing on the compliance of the school system.

Under these procedures 94 to 95 percent of the 4,600 school districts in the Southern and Border states, assuming their good faith, would have an absolute assurance by March 1, six months prior to the beginning of the next school year, that they would not lose Federal funds during that year. The remaining districts will have been advised at least six months in advance of the next school year of the alleged noncompliance and will have ample opportunity to correct that noncompliance prior to the opening of school.

In addition, under these procedures, the Department will come to a final enforcement decision prior to September 1 as to each school district which might be subject to a termination order during that school year by offering it an opportunity for a hearing.

Our experience has been that half of the school districts with whom we enter into negotiation to secure compliance do develop acceptable school desegregation plans and that half of the districts which are offered an opportunity for a hearing likewise come into compliance prior to the termination of Federal funds.

The Department makes every effort to secure voluntary compliance through negotiations before enforcement proceedings are initiated. The process of reaching agreement is not prescribed by a rigid set of rules but there are certain basic principles and mutual responsibilities which can and should be stated.

In the first instance it is the Department's responsibility based on the school district's reports and on-site field surveys to identify in writing the particular areas in which the current desegregation plan has proven ineffective or inadequate to accomplish the purpose of the Civil Rights Act. The Department will advise the school district of its responsibility to prepare and submit a modified desegregation plan which will prove effective in accomplishing the purposes of the Act. It is further the responsibility of the Department to offer the school district assistance and guidance which would be helpful in enabling the district to comply with the requirements of the law. In addition, the Department will inform any school district of our willingness to put recommended steps in writing at the request of school officials.

It is then the responsibility of the local school district, to prepare an effective desegregation plan which will carry out the clear mandate of the Civil Rights Act throughout the Nation. Once the school district has submitted its proposal, it is the responsibility of the Department to comment in writing and in detail setting forth any areas in which the plan is not satisfactory and any additional steps which must be taken if it is to meet the requirements under the law. If further negotiations are necessary, it is essential that such negotiations continue in good faith toward the development of an effective desegregation plan. At the conclusion of negotiations resulting in an effective plan, the Department will, if the school district wishes, advise the school district in writing that adoption of the plan is necessary to enable the school district to meet the requirements of the Civil Rights Act.

We are deeply aware of the importance of achieving school desegregation and the complexity of the problem. We are making every effort to administer the law equitably and in a fair-minded orderly way.

Sincerely,

JOHN W. GARDNER,
Secretary.

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

Mr. MORSE. I yield.

Mr. CLARK. Mr. President, the Senator from Oregon has given me an opportunity to read Secretary Gardner's letter. I have also heard the explanation which the able Senator from Oregon has made with respect to the background involved in this highly intricate and controversial matter.

I congratulate the Senator from Oregon for the hard work he has put into an earnest effort to solve the controversial problem which has confronted us because of the claim of some of our colleagues that arbitrary action by the Secretary has resulted in cutting off Federal funds without adequate attention to the requirement of the due process law.

I would hope very much that the initiative that the Senator has taken in connection with the letter which he induced the Secretary of Health, Education, and Welfare to write would put well on the way to solution the vexing problem raised not only by the Russell amendment but also by the Fannin amendment.

As a member of the subcommittee, I offer the Senator from Oregon my support for his effort to work out what I believe to be a fair compromise and I wish him success in his efforts.

Mr. MORSE. I thank the Senator for his comment. The distinguished Senator from Pennsylvania has been a great bulwark of strength to the manager of the bill throughout the committee hearings and time and time again on the floor of the Senate. The country owes him much for his leadership in helping us pass, since the first year of the Kennedy administration, the great body of legislation that has gone through the Senate.

Mr. CLARK. I thank the Senator.

Mr. MORSE. Mr. President, I dislike taking so much time, but I am sure the Senators will understand that I speak for my committee.

I have a further statement to make which I wish to make before I yield. It is a statement that I think will be helpful to all Members of the Senate with respect to the intention of the manager of the bill in respect to the Gardner letter.

Mr. President, the Senate of the United States is widely recognized as the world's greatest deliberative body. But it is more than merely a deliberative body; it is a body where reasonable men meet to represent the needs of their constituents, to seek what is best in the national interest, and to resolve their differences and enact legislation.

From the time I first learned, Mr. President, that serious complaints were being made with regard to HEW's title VI compliance program, I have assured my colleagues I was deeply disturbed about these charges; that I would seek and obtain a full explanation of the circumstances surrounding them; and, finally, that I would offer my colleagues a workable and fair solution to these problems.

Mr. President, under the terms of the new procedure which Secretary Gardner has ordered implemented, no school district may have its Federal funds cut off during a given school year unless two

conditions have been met by the Department. These conditions are, first, a written notice is mailed prior to March 1, informing the district that it is probably not in compliance with title VI of the Civil Rights Act and that it faces the likelihood—unless corrective steps are taken—of the loss of Federal funds during the following school year; and, second, a notice of opportunity for a hearing is mailed to the district not later than September 1 of the school year in which termination will take effect if the Department's noncompliance allegations are upheld.

The only circumstances in which these two dates would not have to be observed would be situations in which a school board showed "bad faith" in meeting of obligations it had undertaken following negotiations with HEW:

First. Failure of the school district to live up to the promises of its free-choice plan for desegregation.

Second. Denial to students, because of race or national origin, of the right to participate in programs or activities of the school which they attend.

Third. Failure to meet commitments made to the Department in response to a notification of noncompliance with title VI.

Fourth. Refusal to provide information, or provision to the Department of inaccurate information which has a substantial bearing on the compliance of the school system.

I fully believe that these guarantees will provide the certainty upon which sound fiscal planning must be based. My colleagues have also stated that HEW compliance personnel have been unwilling on occasion, to state in writing exactly what it is that a school district must do in order to remain in compliance with title VI. At the informal hearing last month, to which I called Secretary Gardner, Mr. Libassi, the Director of the Office for Civil Rights at HEW, and several of Mr. Libassi's top aides, I was assured that HEW's procedural manual calls for the supplying of such information, explicitly indicating what is required, when such a letter is requested by the school district. Such letters have been sent to school districts, as I can tell my colleagues from personal knowledge.

I now call the attention of my colleagues to that part of Secretary Gardner's letter to me in which he once again assures me that this is and will continue to be the policy of the Department, and that departmental personnel will follow that policy. Secretary Gardner writes to me:

Once the school district has submitted its proposal, it is the responsibility of the Department to comment in writing and in detail setting forth any areas in which the plan is not satisfactory and any additional steps which must be taken if it is to meet the requirements under the law. If further negotiations are necessary, it is essential that such negotiations continue in good faith toward the development of an effective desegregation plan. At the conclusion of negotiations resulting in an effective plan, the Department will, if the school district wishes, advise the school district in writing that adoption of the plan is necessary to enable the school district to meet the requirements of the Civil Rights Act.

Another question which has arisen in the deliberations of the last week, Mr. President, relates to whether compliance hearings may be held ahead of schedule upon request of the school district. Secretary Gardner has assured me that the Department will make every effort to accommodate such requests. Early scheduling of hearings would, of course, depend upon the availability of staff and examiners and adequate advance notice to all parties to permit necessary preparation for the hearing.

Finally, I have insisted that HEW move its cases promptly to hearings where negotiations have proven unproductive. Protracted periods of negotiation which hold no promise for success should be avoided. I have been assured that HEW will improve its procedures so as to avoid all unnecessary delays in implementing the requirements of the Civil Rights Act of 1964. In addition, I have asked, and been assured, that when school districts request early compliance hearings, the department will move to schedule such hearings expeditiously and on a priority basis.

Mr. President, let me say that any school district is entitled to that procedure, because there are cases in which the school district and HEW develop positions which are poles apart. Therefore, that school district is entitled to a hearing, because it has a juridical remedy to which it can resort after hearings, if there is a finding of noncompliance and a deferral of funds.

Mr. President, this is all I propose to say at this time by way of presenting, as lawyers say, my case in chief in support of the Gardner procedure.

I am going to yield the floor now so that any Senators who may wish to make statements can do so; or, if it develops they prefer merely to ask me some questions, I shall be glad to take the floor and answer them.

Mr. RUSSELL. Mr. President, the distinguished Senator from Oregon has made a fair and comprehensive statement with relation to the culmination of negotiations with the supporters of the amendment which I proposed, to prevent chaos and confusion in the middle of the school year, and with the officials of the Department of Health, Education, and Welfare.

For the past 3 or 4 days, I was unavoidably detained from the Senate while this matter was under discussion. I wish to express to the distinguished Senator from Mississippi [Mr. STENNIS] my profound appreciation, and my admiration, for the manner in which he handled this question. I think that the issue gained greatly because of the way that he handled it here on the floor of the Senate.

I was amazed to see the reception accorded my simple amendment, which was perhaps the fairest and easiest to understand provision of the entire complex bill, at the hands of the press.

Even the Washington Post printed a spoon-fed editorial and called it a wrecking device, when it was really proposed as a provision to promote education and avoid confusion and chaos in the administration of the bill.

I am aware of the fact that the Washington Post considers itself to be the

mouthpiece—and properly so—for all the civil rights forces in this country. Someone sold them on the idea that this was a civil rights issue. However, nothing could be further from the truth. It was merely a procedural amendment in an effort to preserve the status of education in many of the smaller school systems throughout this land which already are underprivileged, until the conclusion at least of the school year.

Mr. President, I shall not go into any details of the discussion. I do wish to express my profound appreciation to the Senator from Oregon [Mr. MORSE] for the patience and understanding he has shown in dealing with the problem.

The Senator from Oregon and I stand poles apart on many questions, but I do wish to say that when it comes to the question of fairness of procedure and allowing every person and every unit in this Nation to have their day in court, the Senator from Oregon is a champion without parallel.

Without his understanding and assistance, no agreement could have possibly been arrived at on this question. He has a vast understanding—indeed, one which has amazed me at times—of the administration of the act in the areas where it has been applied.

It has not been applied in Oregon. As a matter of fact, it has not been applied in the 3 years that the law has been in existence anywhere other than in the South and a few counties in some of the border States.

But the Senator from Oregon, who has complete knowledge and understanding of the application of the act and, more than that, a deep and keen appreciation of the struggles which the local school trustees and the local county school superintendents have had to undergo to keep afloat, in this period of change, for the systems which have existed for a century in the Southern States.

I have already expressed my appreciation to the Senator from Mississippi [Mr. STENNIS]. I also wish to thank all members of the staff, including Mr. Charles Campbell of my staff, who showed a profound understanding of this question, which I really did not know he possessed.

Mr. President, in view of the fact that this letter has been secured and has been placed in the RECORD with the statement made by the Senator from Oregon, I do not intend to offer the amendment which I had printed and which lies at the desk.

There are several reasons for that. I always try to be frank. In the first place, I have no assurance whatever that the amendment will be agreed to. With the versatility which the Senator from Oregon has shown in handling this legislation, and in dealing with all the amendments which have been brought forward, it very likely would have fallen by the wayside, as have all the others which have been proposed and which did not meet with his approval.

In the second place, if the amendment had been approved by the Senate, it might well have been lost in conference.

In the third place, and more important, as long as it was purely a legisla-

tive matter, it was not completely binding upon the Department of Health, Education, and Welfare. I have seen other instances where this Department, as well as other agencies of the Government, have exhibited callous disregard for legislation, the provisions of which they did not approve, even if it had successfully traversed the whole parliamentary process, misconstruction by a department head of congressional intent would find some little individual or some little school board confronted with the vast power of the United States, and with a court already dedicated to supporting any finding, however bizarre it may be, which may come from the Department of Health, Education, and Welfare.

Now, Mr. President, having made that statement with respect to this situation, I want to make just a few observations on the general situation.

In some years gone by, I have supported Federal aid to education in the Senate.

I think it was in 1935 or 1936 when the Senate passed a bill that would provide what was in the nature of a Federal equalization fund to equalize educational opportunities throughout the country; to give the weaker, the poorer, the more downtrodden areas of this country some Federal assistance in order that the children who lived there might not be too greatly disadvantaged in the effort to prepare themselves for life in our very complex society.

I would like very much to support Federal aid to education now, if that legislation were to be applied upon a fair basis throughout this land, in every school district of the Nation.

There are some 23,000 school districts in this country. Heretofore, although the law has been on the books for 3 years, it has been applied in less than 4,600 of those 23,000 districts.

When the Civil Rights Act was pending here in the Senate, I fought it with every ounce of my strength, with every resource at my command. That legislation was pending here for some 93 days, until finally it had been made a great moral issue and all the ministers of the country were brought in and they told many Senators they would be compelled to denounce them from the pulpit and otherwise unless they voted for cloture. The bill was passed. Cloture was imposed. I was bound, gagged, and conquered. Tired as I was at the conclusion of that debate, I went home to my State and made a speech telling my people that I did not like that act; that I knew they did not like it; that it was going to cause a great deal of difficulties; but that now that it was upon our lawbooks, we would, as a law-abiding people, observe that act as long as it was the law and appeared on the lawbooks.

I am very proud indeed of the record that has been made in my State in meeting such a revolutionary change in conditions as was forced upon us by the passage of the Civil Rights Act of 1964. But, Mr. President, I say that 3 years is entirely too long for almost one-fourth of this country to have to accept second-class citizenship in the administration of a law; and that is what we have had to do. We have had representatives of the

Department of Health, Education, and Welfare, in the offices of our school boards, our county school superintendents, our State school superintendents, reviewing all of the resolutions, all of the reports—not only that, but going out and finding complainants—almost generating complaints—that would increase the burdens and difficulties of the local school boards that were confronted with this demand for a very revolutionary change in their methods.

There was one very timid movement outside the South. Someone in the Department, who was possessed, perhaps, of more conscience than good judgment, moved into the city of Chicago and looked into a situation there where there was almost 100 percent segregation in many schools, and he threatened to cut off the funds in those schools. That is the last thing that has been heard of that threat. Just as soon as a few phone calls could be made, the threat was vacated and Chicago, in common with the other great cities of this Nation today, is carrying on a form of segregation in her schools that would be denounced all over the country if it were done in the Southern States and would result in the denial of any form of Federal aid for our schools.

Mr. President, I do not intend to make a lengthy speech, and I shall not belabor this question now; but I will say that the Civil Rights Commission which, needless to say, has never been partial to the South, has shown extraordinary fairness in going into this question outside the South. In the report "Racial Isolation in the Public Schools," they bring forward illustration after illustration of segregated schools in the great cities of this land equal to any segregation in our part of the country—Chicago, Cincinnati, Syracuse, Cleveland. All of our friends here in the Congress sit back and sanctimoniously say, "Go into the South and eradicate this evil." Not yet have I heard one of them from one of these States where this condition exists have the courage or sense of fairness to say that the same treatment be accorded the schools in his own State.

I quote just one sentence from the Commission's report:

Racial isolation in the schools is intense whether the cities are large or small, whether the proportion of Negro enrollment is large or small, whether they are located North or South.

That has been the condition here for 3 years, and we have seen, in our States, swarms of these inspectors and adjudicators and hearing examiners and evidence gatherers, but not one of them has set his foot in other States that we mentioned.

Mr. President, I am tired of it. I learned long ago not to expect fair treatment in this body when anyone cried "civil rights," because I knew when the act was published and applied, the effort made to apply it and enforce it would be made only in the Southern States. I never thought that was American policy. I have always thought it was contemptible and cowardly policy. And nothing has transpired that changes my opinion.

I will say that, in the conferences we

had, the Senator from Oregon insisted that the Department undertake to apply this law in some sections other than in the Southern States; and I wish to commend him for his fairness. The Department said it intended to do just that. I shall await with interest to see what progress they make with this program outside the Southern States, and whether that alleged effort to enforce is inaugurated and prosecuted before November 1968.

As I said, Mr. President, I do not intend to make any long speech here today. I do resent—and resent it as deeply as it is possible for any human being to feel—the gross discrimination against my people and my section in the enforcement of this act. It has been political. It has been callously unfair. We have raised the question time and time again.

I remember about a year and a half ago when we had a long conference with the Secretary of Health, Education, and Welfare on some orders that had been issued with respect to hospitals that were receiving some Federal assistance. I raised the issue then. I said, "Mr. Secretary, do you ever propose to enforce this act anywhere other than in the Southern States?"

"Oh, yes," he said, "we are going to move right in there right away, and enforce it throughout the United States."

I think that has been at least 18 months ago, and not one finger has been lifted. That was after the Chicago incident, when that poor stray who thought the law ought to be enforced all over the Nation got out there and threatened to cut off the funds for doing exactly what we were doing in Southern States, and was forced to beat a hasty retreat and apologize for making any such suggestion to a school district in the city of Chicago. And nothing has been done about it outside the Southern States. It will be something in the nature of a miracle in the operation of government if anything happens after this debate.

The law has not only been abused in its administration as to sectionalism, but in my opinion, it has been abused in the method of enforcement; and there is no promise whatever that that will ever be rectified.

We were told, when title VI of the Civil Rights Act was passed, that all it was supposed to do was open the door of every school to every child in this country, without regard to his race, creed, or color—that is, it was to establish a freedom of choice.

But that has been abandoned now; and when hearings were held just recently, when the Senator from Oregon reopened this matter, the present Administrator testified that they do not really mean freedom of choice, unless it is the freedom of choice of Health, Education, and Welfare to apply the law as it sees fit.

Here is the evidence of that, brought out by Senator ERVIN's questions:

Senator ERVIN. In other words, although the free-choice plan is satisfactory to the people, and although people of both races desire to go to separate schools, the policy is to compel them against their wishes to go to schools together?

This is the answer from the adminis-

trator of the program, Mr. F. Peter Libassi:

Yes. The policy and the law in this area, I think, are very clear, and that is correct, Senator.

Further on Senator ERVIN said:

Suppose it is not against their wishes. In other words, if there is freedom of choice, even in a genuine case, the department will not recognize a genuine freedom of choice unless it produces integration?

Mr. Libassi answered:

That is right.

Mr. President, I think that is stretching the Civil Rights Act; and I think that is planting a seed of totalitarianism in this country. Where are the rights of free Americans, when we say, "Here is the right of freedom of choice," and a Government bureau comes in and says, "You can choose if you please, but we will overturn that choice and we will compel you to do our will, not yours"?

That, in a free country.

I say, Mr. President, that in the zeal that is being displayed in this matter, we are creating some very dangerous precedents in a free country, when we say a Government bureau can override the choice of both races as to what they shall do, and compel both to follow a policy which is contrary to their wishes.

It may sound all right to say, "Well, we are just doing that as to schools." But if we start there, where will it end? If the American people look on sanctimoniously and say, "Well, that is all right; it is just in the South they are doing that, it doesn't make much difference if they disregard the rights of those people down there," they can be sure that it will not be too long before there will be another situation, further down the road, that will threaten their rights; and in the end, it will topple this temple of freedom that has enabled this country to become the greatest this world has ever known.

Mr. STENNIS obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Mississippi yield very briefly, for a couple of minutes, so that I may respond to the Senator from Georgia?

Mr. STENNIS. I yield.

Mr. MORSE. Mr. President, I feel the RECORD should show this response. I believe it is owed to the RECORD, as well as to the Senator from Georgia.

I wish to say for the RECORD and to the Senator from Georgia that he has once again, as in connection with the conferences that we have held, in the speech we have just heard, demonstrated his statesmanship.

The Senator says that he and I differ on some issues. That is true. That is bound to be true in any parliamentary body. You agree with a man today and disagree with him tomorrow, on some issues on which you have honest differences of opinion which are irreconcilable.

I want the RECORD to show today that in my many years here, I have worked with no Senator who has excelled the Senator from Georgia in carrying out his responsibilities of statesmanship as the issues have dictated to him the courses of action that he should follow.

The Senator from Georgia and the Senator from Oregon have worked shoulder to shoulder time and time again in fighting for and seeking to guarantee due process in connection with legislation that has come before us. Even though we were on opposite sides on the final vote with regard to the legislative substance of that legislation, we were of one mind with regard to the procedural rights of the American people in respect to the administration of the legislation, once passed.

That is exactly where we stand today, shoulder to shoulder again, in trying to see to it that procedural injustices which have developed in connection with the administration of title VI of the education program are brought to an end; and I seek to do it by way of the legislative history that I so carefully set forth earlier this morning.

If my friend the Senator from Mississippi will permit me, I wish to make a two-page statement in support of a position the Senator from Georgia took in connection with the great need for uniformity of application of enforcement in connection with alleged noncompliance cases throughout the country.

I think that there is no answer to the argument of the Senator from Georgia that the enforcement policies in regard to noncompliance cases have been very much centered on the South. I am not saying that there has been no attempt on the part of the Department to require compliance in other areas of the country, because I am satisfied there has. But I am also satisfied, on the record that I have studied in connection with my trying to work out the procedure that is now before us, that certainly the Senator from Georgia has a basis for complaint when he points out that the enforcement seems to have been weighted against the South, to the advantage of noncompliers in other parts of the country.

As I say, Mr. President, criticism has been aimed at the Department of Health, Education, and Welfare for bias in enforcing the Civil Rights Act only against southern school districts. Whatever the history has been in the past—and I think there has been merit in the criticism that it has been overweighted toward enforcement in the South—I am happy to say that the Department assures me that in the future it will be enforcing title VI of the Civil Rights Act in an evenhanded fashion throughout the 50 States.

As the Senator from Georgia pointed out, in some of our conferences I have raised this point. I have made it perfectly clear to the Department that that will be part of the surveillance or watchdog procedure of my committee.

We shall be watching it very carefully. I have complete confidence that the Department has negotiated in good faith with the Senate committee, just as the Department has the right to expect school districts in any part of the country to negotiate with it in good faith in connection with compliance cases.

I say first that the bill which the Senate is now debating contains the so-called Green amendment as it passed the House of Representatives. And I pay my

high commendation to Representative GREEN for the position she took in regard to this compliance issue requiring uniformity of application of compliance through the country. That was not easy to do. She was subject, as I expect to be, to some criticisms. For her insistence upon the uniform application of enforcement policies under any law in this country, and in this instance under the education law, to me, is the foundation of justice in this country. If there is not equal justice, then there is no justice. And Representative GREEN has been fighting for equal justice with respect to this issue. And I am proud to join her. And my colleagues on my committee know that it was the chairman of the subcommittee from the very first who insisted that the Green amendment be written into the bill that we were to bring to the floor of the Senate.

This matter will not be in conference, therefore, and will become the law of the land as soon as the bill is signed by the President.

Mr. President, I quote from section 2 on page 43, line 4, of H.R. 7819, which is now pending before the Senate:

All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

That is our intent as expressed to the Department. That is our mandate, too; and that mandate raises the obligation of equality of enforcement under the law to be carried out by the Department.

I say again that I do not have the slightest doubt that our great dedicated Secretary of Health, Education, and Welfare, Mr. Gardner, will see that that is done.

Second, Senators may ask me how long it will take to implement this requirement for an evenhanded application of title VI. My answer is that within the last month—I happen to believe, due in part at least to the interest of my committee and the interest my colleagues have taken in our conference with the Department of Health, Education, and Welfare has been casual to a substantial degree in producing this effect—every school district in the North containing more than 3,000 students received a questionnaire from the Department of Health, Education, and Welfare, requesting information on which a preliminary determination can be based concerning compliance with title VI of the Civil Rights Act. These reports are about complete.

During January 1968, field representatives from HEW will begin making visits to school districts where the reports indicate compliance problems. In addition to that, Mr. President, I have been assured that the Department will not wait until all the reports are in, but will proceed to examine them as they are received and will move promptly, even before January 1, 1968, to investigate situations when the reports indicate the need to do so.

Third, I have also been told, Mr. President, that in the future compliance forms required from southern school superintendents will be identical with those required from northern school superin-

tendents. In other words, the exact information will be requested from all school superintendents in all 50 States in order to carry out this mandate of the Congress that there shall be uniform enforcement of title VI of the Civil Rights Act of 1964 in all of the 50 States and all of the school districts therein.

CHICAGO SITUATION

Mr. President, I have heard a number of Senators talk about the "Chicago situation" and point out "what happened in Chicago."

Statements have been made to the effect that the Civil Rights Act is not enforced by HEW when politics is involved, and that HEW buckled under pressure when the Civil Rights Act was being enforced in Chicago.

These statements and their implications disturb me a great deal. The Civil Rights Act is the law of the land. It is the law of our Nation in all 50 States. It is a law that is to be enforced uniformly throughout the country.

I might point out that the bill reported by the committee contains a section which specifically required the uniform application of guidelines and directives regarding all education laws.

My concern about Chicago led me to do a bit of investigating on this point and I have requested from the Department information on just what happened in Chicago. I have been able to find out most, if not all, of the facts.

There were a number of complaints lodged with the Commissioner of Education which alleged that there were segregation and discrimination in the public schools in Chicago.

In August of 1965, HEW announced it would investigate those complaints. The Department requested that the State superintendent of schools in Illinois defer approval of applications for new Federal funds from the city of Chicago during the investigation. This was done in order to maintain the status quo until formal enforcement proceedings could be initiated if they made a finding of noncompliance with the Civil Rights Act. The procedures which the Department followed in deferring action on applications from Chicago are no longer being used. They have been revised in line with the policies established by the Justice Department.

These are the same procedures which are used in the South. The same procedures are followed for deferral in both the North and South.

There was a great deal of controversy which followed the public announcement in Chicago. HEW was told to get the facts fast and come to some kind of agreement on compliance. As a result, the Chicago school system promised to come up with all the information required, and an agreement was reached upon the basis of information. The agreement was that the Chicago school board would be given a period of time in which it had to deal with certain specified problem areas.

When the agreement was reached, and not before that agreement was reached—and let me say the Chicago school board agreed to deal with its problem areas—the deferral action of HEW re-

garding the approval of Chicago applications was lifted.

After this agreement and during that specified time period, information was supplied by the city of Chicago and the Department staff completed its investigation. Based upon the information gathered by the Department and upon that provided by the city of Chicago, a factual report on the city of Chicago was issued in January 1967.

I ask unanimous consent that that report and covering letter be printed in the RECORD at the end of this statement on the Chicago problem.

That report identified practices in the city of Chicago which raised serious questions about compliance with the Civil Rights Act. In response to the Department's report and findings, the Chicago school system, which by this time was under the leadership of a new superintendent of schools, adopted a broad comprehensive desegregation program involving immediate steps to be taken and further steps to be taken in the future.

This type of program is the same type which the Department seeks from school districts in the South. It is no different. In other words, the Civil Rights Act, as it is being enforced by HEW as it is required to do by that act, is today requiring all school districts—North and South—to desegregate. The approach adopted in Chicago is being followed in many southern school districts and is the type which meets the requirements of the law. That is a program involving comprehensive plans with both immediate short-range and long-range steps for the elimination of segregation and is the type which meets the standards of the Civil Rights Act as enforced by HEW.

HEW is asking no more of southern school districts than it asked of and has received from the city of Chicago. I would like to point out that the procedures followed by the Department in 1965 to defer actions on Chicago applications for new funds have long since been abandoned by the Department both in the North and the South. In January 1966, the Attorney General directed all Federal departments and agencies to defer funds under rigid procedures and only when clear and substantial evidence of noncompliance had been gathered. HEW has followed the policy set forth by the Attorney General. Those policies were later modified by section 182 of the Elementary and Secondary Education Amendments of 1967 which embodies the compromise the conferees agreed to last October. And the Department is following those modified policies in detail.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

Washington, D.C., January 6, 1967.

Mr. JAMES F. REDMOND,
General Superintendent of Schools, Board of Education, Chicago, Ill.

DEAR MR. REDMOND: The enclosed document is a report of the findings of the United States Office of Education in regard to complaints received in the Office concerning practices related to the education of minority group children in the Chicago Public Schools.

In this report we identify a number of problems which the Chicago Board of Education should face, and we make a series of recommendations for action by the Board. For your convenience, we have enclosed at the end of the report a summary of these recommendations. I want to make it clear that these recommendations constitute our judgment of the solutions the Board should seek. Perhaps the Board will find alternative approaches which will result in solving the problems we have identified. It should feel free to do so.

Our report outlines serious conditions in the Chicago schools which, in our view, may involve violations of Title VI of the Civil Rights Act. We believe that the constructive way to proceed is to seek your cooperation in moving rapidly to correct the conditions outlined in the report. If that can be done, we will bring about by voluntary means the changes which enforcement procedures under Title VI might take much longer to produce.

Let me add that some of the data on which this report is based were collected by us or reported to us some months ago. Consequently, some of the information may be out of date. In addition, I am aware that you have been moving toward solutions to some of the issues raised in this report. To the extent that problems we have raised have already been solved, we want to recognize the progress Chicago has made, and we would be glad to receive reports from you on this progress at any time.

We ask that the Board provide a progress report on the resolution of these problems by April 1, 1967. If the Board wishes to adopt alternative measures rather than those recommended in our report, we would like to be informed as soon as such a decision is made.

Please advise me of any assistance I can provide in connection with this letter and its enclosure.

Sincerely yours,

HAROLD HOWE II,
U.S. Commissioner of Education.

REPORT ON OFFICE OF EDUCATION ANALYSIS OF CERTAIN ASPECTS OF CHICAGO PUBLIC SCHOOLS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

This is a statement of findings and recommendations by the U.S. Office of Education in its analysis of certain aspects of the Chicago Public Schools under Title VI of the Civil Rights Act of 1964. The report also contains recommendations for dealing with a number of other educational problems which have been identified during the investigation.

The Chicago Board of Education sent a report to the Office of Education on December 13, 1965, detailing the action taken in carrying out the assurances given in its agreement of October 5, 1965. Secretary Gardner replied in a letter of December 29 that the report, although it gave evidence of some progress, left other problems unresolved, and he requested that the Board direct the General Superintendent to cooperate with a staff from this Office which he had assigned to travel to Chicago. This team and Assistant Commissioner David Seeley arrived in Chicago January 3, 1966. Mr. Seeley met with the Board and the General Superintendent, and members of the team stayed in Chicago several weeks and met with the General Superintendent and his staff on two occasions, in January and February. Finally, the team, augmented by several specialists, returned to Chicago at the end of June 1966, meeting with the General Superintendent and members of his staff over a three-day period.

Since January 1966, the staff has been studying official reports and other materials supplied by the General Superintendent. They have analyzed these data, including maps showing school attendance boundaries. This report contains our findings and con-

clusions reached as a result of this analysis and of the several points outlined above. In large part this report responds to complaints transmitted to the Office of Education from the Coordinating Council of Community Organizations on July 4, 1965, and supplemented on December 9, 1965. Its recommendations seek to alleviate some of the conditions mentioned in those complaints and judged to be of legitimate concern as the result of investigation.

This report concerns the three areas covered by assurances in the October 5, 1965, agreement; apprenticeship training programs, open enrollment for vocational and trade schools, and boundaries and student assignment policies. We have also included a section stating our findings regarding some aspects of the teacher assignment question. Other elements of the complaint are not here reported on.

I. APPRENTICESHIP TRAINING PROGRAMS

In his letter to the President of the Chicago Board of Education, dated December 29, 1965, Secretary Gardner stated that he considered Mayor Daley's city-wide program to increase apprenticeship training opportunities for minority youth in the building and construction trades to be an acceptable start in improving the access of all pupils to union apprenticeship programs at Washburne Trade School. These programs were covered by the October 5, 1965 agreement between President Whiston and Under Secretary Cohen. The result of this program based on very recent information indicates that it is beginning to produce some positive results in the manner intended. There can be further strengthening in the manner of operation so that it can become a more effective means for opening opportunity in the apprentice training programs operated by the Chicago public schools.

We have been informed that from December 1965 through December 1966 about 100 Negroes have been indentured in building and construction trades represented at Washburne Trade School. This is a considerable increase from the number of Negroes indentured in previous years.

According to the latest report, all trades represented at Washburne have indentured Negro apprentices. There has been a breakthrough in several unions that had not previously indentured any Negro apprentices, and the number of Negroes attending Washburne has increased during the past year. Clearly, there has been progress, but it should be considered only a start.

We are aware that there are many factors which make it difficult to increase the pace at which qualified minority youth can be indentured and enrolled in apprenticeship programs. Nevertheless, there is wide agreement among Federal and local officials acquainted with the Mayor's program that union, employer, and the public school participants can exert the kinds of efforts required to make it fully succeed.

We wish to call the Board's attention to an area which is specifically relevant to these problems and which our investigation has shown to be a source of considerable discontent among officials and citizens concerned with apprentice and training programs. This is the broad area of apprentice recruitment including the examination and selection procedures. For example, it is alleged that the dates of up-coming examinations are not announced in an open and timely fashion; that for some trades the examinations themselves are designed to impose unreasonable and artificial barriers to some potential candidates; that the availability of applications for examinations is restricted to preferred candidates; and that final selection from the list of eligible candidates is not in order of merit. No effective solution will be found unless some procedures can be developed for Negro and other disadvantaged youth which will substitute for the informal

and traditional processes by which many are now apprenticed.

Whether or not these charges are valid, the frequency of their occurrence and the qualifications of those who make them in themselves constitute a serious problem. People believe that there is no use trying to get into certain unions. Under these circumstances the School Board should take special pains to make sure that the procedures for recruitment, examination and selection are above suspicion.

We are aware that members of the school system staff already attend some joint apprenticeship council meetings where final selection of apprentices is made. It would appear that the business of at least some of these meetings may be simply to formalize nomination of candidates already selected. One of our proposals, which follows, is aimed at developing a systematic method for observation of all stages in the indenturing process so that any preferential or subjective practices can be identified more readily.

In view of the mutual interest and responsibility of the Board and the U.S. Office of Education for dealing with the above problems, we propose:

1. A statement by the Board to the joint apprenticeship councils with trades represented in the Chicago public schools that the present number of Negroes admitted to apprenticeship programs is no more than a first step in creating opportunity in these programs.

2. A thorough review to determine within the shortest possible time how to carry out the Mayor's program more effectively. The review should include the following: (a) an analysis of the strengths and weaknesses in the implementation of the program so far, and (b) recommendations for improvements. We recommend that such a review explore not only the implementation of the Mayor's program, but also the various ways by which young men usually become apprenticed in various trades. The report should be submitted to the Board, the U.S. Office of Education and shared with the Mayor's office, so that we may determine whether the program can continue to furnish the basis for satisfaction by the Board of its commitment to resolve the problem of limited opportunities at the Washburne Trade School. These facts have been communicated to the Department of Labor which shares our concerns. The Department of Labor has agreed to undertake immediately a thorough review of this program.

3. Agreement by the Board, this Office and U.S. Department of Labor representatives, after the review, on the specific steps to carry out the program more effectively. This would include a timetable, made flexible to apply to the different circumstances of the respective trades, for increasing minority representation. The councils should be informed of their specific responsibilities and the Board should periodically review performance. If it finds that inadequate performance by any council is attainable to a failure to carry out its obligations under the program, including lack of cooperation with other parties to the program, the Board should invoke its resolution of July 14, 1965, and declare that trade ineligible to enter new apprenticeship classes in schools operated by the Chicago Board of Education.

4. So long as it is believed that preferential recruitment, examination and selection procedures operate, allegations of discrimination will continue which in themselves will dissuade Negro youth from making applications. In order to establish public confidence in the fairness of the admission procedures, a qualified and objective observer should attend all council activities which are relevant to the indenturing process.

5. The Board instruct its staff to develop a long-term program to help minority youth (a) know about apprenticeship opportunities, and (b) qualify for them. Such a program

is needed to serve as a substitute for the family orientation, encouragement, coaching and help which, in effect, give preferred access to apprenticeship training to certain youth. We are aware that the school administration has already taken certain steps along the lines proposed here.

II. OPEN ENROLLMENT FOR VOCATIONAL AND TRADE SCHOOLS

In its report to the U.S. Office of Education submitted on December 13, 1965, the Board stated that (a) its staff was preparing a report regarding open enrollment in vocational schools and (b) the Board had reiterated its August 12, 1964 policy concerning city-wide, open enrollment in these schools. This is the extent of the action taken by the Board with regard to Paragraph two of the October 5, 1965 agreement.

We propose that specialists from this Office meet with the Board or its representatives to discuss procedures already in effect and such additional ones as may be jointly agreed upon for making the city-wide, open enrollment policy effective. The information already received from the General Superintendent, and any additional data which might be found necessary, could serve as the starting point for our discussions.

III. BOUNDARIES AND STUDENT ASSIGNMENT POLICIES

As is well known in Chicago, the facts concerning student assignment in the Chicago public schools are that, by and large, Negro and white students go to separate schools. Data supplied by the Board of Education ("Teacher Observation Head Count" for October 8, 1965), show that during the 1965-66 school year 85.3 per cent of white elementary and secondary students attended white-segregated schools; that 87.8 per cent of Negro elementary and secondary students attended Negro-segregated schools; and that only 12.8 per cent of Chicago's elementary and secondary students in public schools attended intergraded schools.¹ The degree of separation in elementary schools alone is even more striking. According to our analysis, 87.9 per cent of white and 90.3 per cent of Negro elementary students were assigned to segregated schools during the past school year. The vast preponderance of the separation is related to separation in housing patterns.

This is not the first time that the extreme separation of children by race in the Chicago public schools has been reported, and there is every indication that the situation may get worse. Such separation impairs education and Board policies need to be responsive to that fact. A fruitful response to this question has always been a major problem.

In studying the data presently available to us we have been impressed with the complexity involved in sorting out the factors underlying the establishment of a particular boundary or group of boundaries, the choice

¹For the purpose of its analysis of the Chicago school system, the Office of Education adopted the definition of an "integrated" school used by the Chicago Board's Advisory Panel on Integration of the Public Schools, viz., only those schools with at least 10 per cent Negro and 10 per cent white students. Schools with over 90 per cent Negro students are considered Negro-segregated; those with white, or combined white and "other," enrollment of more than 90 per cent are considered white-segregated.

Only (1) regular elementary schools and their branches and (2) general high schools and their branches have been included in our statistical analyses of student assignment and of teacher assignment in section IV. The only exception to this rule is our exclusion from the general high school category of Lane Technical High School, Lindblom General and Technical High School, Tilden Technical and General High School, and Holden Branch of Tilden.

of new school sites or the location of school branches. Based on the present stage of our study in this area, we do not say that the determination of the present school attendance boundaries was designed to promote racial segregation. However, it is our conclusion that it probably would not be possible to explain fully the selection and establishment of certain of the sites and boundaries which we have studied to date by factors which do not include race. Furthermore, it may be said without reservation that at the very least the effect of the way Chicago has implemented its neighborhood school policy has sometimes been to preserve segregation unnecessarily or to fail to reduce segregation when feasible.

On the basis of our analysis thus far, we share the conclusion reached by the Board's Advisory Panel on Integration of the Public Schools and other observers that by far the greater part of the segregation in Chicago's public schools results from residential segregation combined with the Board's neighborhood school policy.

We recommend that the Board engage competent specialists to assist them in preparing a plan appropriate to Chicago, drawing on the wide range of administrative remedies which have been adopted by other school districts to lessen segregated education and, indeed, to reverse trends of increasing segregation where possible. As the Board is aware, a number of different steps are being proposed to deal with this problem. But no particular action is alone sufficient for a metropolitan center. A combination of actions over time is needed; commitment in fact by school authorities to the goal of reducing segregation in education is fundamental.

The U.S. Office of Education will provide all possible assistance and support in this matter, but we reiterate our recommendation that specialist services are necessary to work on this problem.

IV. FACULTY ASSIGNMENT PATTERNS

In addition to the foregoing on questions covered by the October 5, 1965 agreement, some findings regarding teacher assignment by race and by type of certificate can also be presented at this time. Our analysis is based on interviews with school administrative officials, observation of the assignment process, and a head count of teachers by race conducted at our request.

Clear-cut patterns emerge from our analysis, showing that (1) Negro teachers are very heavily concentrated in the "Negro-segregated" schools, and (2) the proportion of temporarily certificated teachers assigned to Negro-segregated schools is significantly higher than at "white-segregated" schools. Our findings are substantially the same as reported in other studies.

According to our calculation, 89.8 per cent of Negro teachers are assigned to Negro-segregated schools. Negro faculty segregation is greater at the elementary level, 92.2 per cent, than in high schools where the figure is 79.7 per cent. We found that of the 259 white-segregated, regular elementary schools and branches, 222 had no Negro teachers; and of the 188 Negro-segregated, regular elementary schools and branches, 14 had no white teachers. All of the 15 Negro-segregated, general high schools and branches had some white teachers, but 23 of the 43 white-segregated, general high schools and branches had no Negro teachers. According to our analysis of information dated February 15, 1966, and received from the school administration, 20 of the 23 Negro principals of Chicago elementary and high schools were assigned to Negro-segregated schools. The same report showed that four Negroes were serving as superintendents of administrative districts; three of these four districts are predominantly Negro, while one is integrated.

We found that while 37.6 per cent of the teachers at Negro-segregated schools had temporary certificates, only 11.5 per cent of

those at white-segregated schools held temporary certificates.

Summarizing, we note the following principal differences between the two types of certificates: (1) entry requirements for regularly certificated status are more rigorous, demanding written and oral examinations not required for temporary certification; (2) at the elementary level, fewer total professional course hours and fewer prescribed professional courses are required for temporary certification; (3) at the high school level, fewer courses in the teacher's field of specialization are required for temporary certification; (4) at both levels, supervised teaching experience is required for regular certification, but no similar requirement is specified for temporary certification. Finally, we note the school system's own policy of granting annual salary increases to regularly certificated teachers but not to those with temporary certificates.

We recognize that some extremely able teachers may hold temporary certificates. Nevertheless the policies of the Board itself indicate that, for the city as a whole, certification through examination, superior professional preparation, and greater experience are aimed to produce the quality of teachers it desires to attract and promote. All policies and procedures concerning teaching personnel indicate that regularly certified teachers are viewed as more qualified.

The above-reported finding on the uneven distribution of temporarily certificated teachers as between white and Negro-segregated schools is based on an official Board report. We have attempted to obtain from school officials data on other aspects of teacher qualifications and faculty assignment patterns, including years of experience and academic degrees held, the extent of teacher misassignment and teacher turnover, and the prevalence of classes without a teacher, regular or substitute. This data was recently received and is in the process of analysis. The complaints we have received and a number of Chicago citizens who have volunteered information to our investigating team have alleged that Negro students are being deprived of equal opportunity as a result of school practices in these areas. It can be noted that the findings of the Board's Advisory Panel on Integration of the Public Schools substantiate, for an earlier period, the allegation that less qualified teachers are being assigned to Negro schools. In its March 31, 1964 report, the Panel states (p. 18) that, based on sample data, it found that in comparisons of Negro with white schools, the former have smaller proportions both of teachers with at least five years of experience and teachers with Master's degrees. The report also states (p. 74) that the faculty turnover in Negro schools is "much higher." On the question of classes "uncovered" by either regularly assigned or substitute teachers, complaints we have received cite a survey conducted by the Chicago Teachers' Union in April 1965 which shows that the incidence of uncovered classes is much higher in Negro than in white schools. We note the same thing based on preliminary data and observation of records.

Certain comments must also be made on the cause and effect relationship between Chicago's teacher assignment policies on one hand, and the existing teacher assignment patterns on the other. On this critical issue the current assignment and transfer policies in combination with other factors have played a major role, if not the chief role, in bringing about and maintaining these patterns. The concentration of Negro teachers and the placement of teachers with inferior qualifications in Negro-segregated schools is the natural consequence that must be expected from the policies and practices now in effect.

A detailed discussion of the teacher assignment process is not possible here. We do not have complete data, and according to

school officials, no complete description exists. Nevertheless, some comments on the process are in order.

The basic fact emerges from our analysis is that the school administration has exercised little authority in assigning staff at its own discretion, to spread the range of talents, age, experience, training, and specialization among its different schools. It appears that the Personnel Office, for example, has little responsibility to effectively staff a newly opened school, or to prevent or remedy the deterioration of a faculty in another. In Chicago, the more qualified teachers in rank order have first choice when assigned initially to fill most vacancies, by virtue of that rule that regularly certificated teachers have preference over substitute teachers in selecting positions from the list of schools with vacancies.

As regards the transfer policy, a similar commentary can be made, i.e. only the better qualified teachers (those with regular certification) are eligible to transfer under the policy. The less qualified teachers (temporarily certificated, or substitute teachers) do not have similar transfer rights. Moreover, the school administration exercised no control over the transfer process other than in requiring that transferees be qualified to teach the appropriate grade level and subject. Teachers choose the schools to which they transfer. This means that in processing a transfer of staff a range with respect to experience, training, age, etc. will normally not be taken into account in either the transferees' new or old school. According to the "Teacher's Handbooks," the one exception to this rule is the freeze on transfers to schools whose staffs consist 95 per cent or more of teachers with four or more years of experience.

To understand the practical effect of these policies, they must be viewed against the existence in Chicago of "desirable" and "less desirable" schools as seen by those considering assignment. This is especially relevant in a context where individual preference plays such an important part in determining teachers' assignments. In summary, we find that in Chicago, while the School Board controls the mechanics of the assignment process, it appears to have accepted little responsibility for the results of the process.

We wish to cite one of the conclusions from a report entitled "Equality of Educational Opportunity" released July 2, 1966 by this Office. The report, which summarizes the findings of a national survey conducted by this Office, underlines our concern and, we are sure, that of the Board for achieving equal opportunity in this vital area. The following is excerpted from p. 22 of the report: "The quality of teachers shows a stronger relationship to pupil achievement" than do variations in facilities or curriculums. "Furthermore, it is progressively greater at higher grades, indicating a cumulative impact of the qualities of teachers in a school on the pupils' achievement. Again, teacher quality is more important for minority pupil achievement than for that of the majority."

Four principal actions are needed to modify the faculty assignment patterns discussed above. The Board should:

(1) Assume much greater responsibility regarding teacher assignment.

(2) Increase the proportion of experienced teachers in disadvantaged schools. This could include limiting, more than is done under current Board policy, the transfer of experienced teachers to those schools already having a high proportion of experienced teachers.

(3) Define what are the characteristics as seen by teachers which distinguish "desirable" from "less desirable" schools. Once these factors have been identified, work toward equalizing those conditions susceptible of change. A broad program of special incentives, as recommended by the Board's Ad-

visory Panel on Integration, for attracting teachers to the so-called problem schools should be considered.

(4) Emphasize to school staff and citizens alike that the Board is genuinely committed to solving any problems of inequality in staffing patterns which may be found in the city's schools. This is admittedly a difficult concept to define and administer, but nonetheless crucial. It would certainly include affirmative action along the lines of the three preceding recommendations. In the end, the Board's commitment to this goal could only be judged by the thoroughness with which it faced the problem, and its performance in taking effective action as called for by its findings.

In recognition of the complexity of the task and the need to take special local conditions into account we will not at this time attempt to define specific steps or procedures for eliminating the observed inequities between Negro-segregated and white-segregated schools. We do propose that the Board draw up its own plans, including timetables for implementation, for (1) achieving a reasonable spread in faculty qualifications among schools, and the elimination of other disparities found to exist with respect to faculty as between schools attended wholly or predominantly by white and Negro students, and (2) lessening concentrations of teachers and other professional staff members of one race at schools where all or a majority of students are of the same race. The Office of Education would be happy to furnish whatever assistance it can in drawing up these plans. The Board can also secure outside experts to help with drawing up the plans. We strongly urge that representatives of teacher groups in the system be included in the planning. Many teachers in the system have expressed their concern about the unequal educational opportunities in Chicago, and they must play an important role in solving the problem.

RECOMMENDATIONS ON CHICAGO (TAKEN FROM TEXT OF THE REPORT), JANUARY 1967

I. APPRENTICESHIP TRAINING PROGRAMS

1. A statement by the Board to the joint apprenticeship councils with trades represented in the Chicago public schools that the present number of Negroes admitted to apprenticeship programs is no more than a first step in creating opportunity in these programs.

2. A thorough review to determine within the shortest possible time how to carry out the Mayor's program more effectively. The review should include the following: (a) an analysis of the strengths and weaknesses in the implementation of the program so far, and (b) recommendations for improvements. We recommend that such a review explore not only the implementation of the Mayor's program, but also the various ways by which young men usually become apprenticed in various trades. The report should be submitted to the Board, U.S. Office of Education and shared with the Mayor's office, so that we may determine whether the program can continue to furnish the basis for satisfaction by the Board of its commitment to resolve the problem of limited opportunities at the Washburne Trade School. These facts have been communicated to the Department of Labor which shares our concerns. The Department of Labor has agreed to undertake immediately a thorough review of this program.

3. Agreement by the Board, this Office and U.S. Department of Labor representatives, after the review, on the specific steps to carry out the program more effectively. This would include a timetable, made flexible to apply to the different circumstances of the respective trades, for increasing minority representation. The councils should be informed of their specific responsibilities and the Board should periodically review performance. If it finds that inadequate performance by

any council is attributable to a failure to carry out its obligations under the program, including lack of cooperation with other parties to the program, the Board should invoke its resolution of July 14, 1965, and declare that trade ineligible to enter new apprenticeship classes in schools operated by the Chicago Board of Education.

4. So long as it is believed that preferential recruitment, examination and selection procedures operate, allegations of discrimination will continue which in themselves will dissuade Negro youth from making applications. In order to establish public confidence in the fairness of the admission procedures, a qualified and objective observer should attend all council activities which are relevant to the indenturing process.

5. The Board instruct its staff to develop a long-term program to help minority youth (a) know about apprenticeship opportunities, and (b) qualify for them. Such a program is needed to serve as a substitute for the family orientation, encouragement, coaching and help which, in effect, give preferred access to apprenticeship training to certain youth. We are aware that the school administration has already taken certain steps along the lines proposed here.

II. OPEN ENROLLMENT FOR VOCATIONAL AND TRADE SCHOOLS

We propose that specialists from this office meet with the Board or its representatives to discuss procedures already in effect and such additional ones as may be jointly agreed upon for making the city-wide, open enrollment policy effective. The information already received from the General Superintendent, and any additional data which might be found necessary, could serve as the starting point for our discussions.

III. BOUNDARIES AND STUDENT ASSIGNMENT POLICIES

We recommend that the Board engage competent specialists to assist them in preparing a plan appropriate to Chicago, drawing on the wide range of administrative remedies which have been adopted by other school districts to lessen segregated education and, indeed, to reverse trends of increasing segregation where possible. As the Board is aware, a number of different steps are being proposed to deal with this problem. But no particular action is alone sufficient for a metropolitan center. A combination of actions over time is needed; commitment in fact by school authorities to the goal of reducing segregation in education is fundamental.

IV. FACULTY ASSIGNMENT PATTERNS

1. Assume much greater responsibility regarding teacher assignment.

2. Increase the proportion of experienced teachers in disadvantaged schools. This could include limiting, more than is done under current Board policy, the transfer of experienced teachers to those schools already having a high proportion of experienced teachers.

3. Define what are the characteristics as seen by teachers which distinguish "desirable" from "less desirable" schools. Once these factors have been identified, work toward equalizing those conditions susceptible of change. A broad program of special incentives, as recommended by the Board's Advisory Panel on Integration, for attracting teachers to the so-called problem schools should be considered.

4. Emphasize to school staff and citizens alike that the Board is genuinely committed to solving any problems of inequality in staffing patterns which may be found in the city's schools.

Mr. MORSE. Mr. President, in further support of the need for this program of justice and uniform procedural enforcement, I ask unanimous consent that there be printed at this point in the

RECORD an article entitled "Desegregation Drive—Schools in North, South Face U.S. Aid Cutoffs if Integration Lags," written by Jonathan Spivak, and published in this morning's Wall Street Journal.

The article deals with this problem, and I am very glad to have this article that bolsters the need for the very point that the Senator from Georgia [Mr. RUSSELL] and the Senator from Oregon are raising with regard to the uniformity of enforcement.

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

DESEGREGATION DRIVE: SCHOOLS IN NORTH, SOUTH FACE U.S. AID CUTOFFS IF INTEGRATION LAGS—HEW AGENCY TO SHIFT FOCUS FROM RURAL DIXIE TO CITIES; POLITICAL FIREWORKS SEEN—MEMORIES OF PAST BACK-DOWN

(By Jonathan Spivak)

WASHINGTON.—The Johnson Administration is expanding its controversial campaign to compel desegregation of Southern schools into a nationwide effort that is sure to stir even more political fireworks.

Instead of attacking school segregation mostly in small rural, Southern districts, John Gardner's Health, Education and Welfare Department now seeks to force action North as well as South, in big-city schools as well as small.

Next year this turn of the screw could bring the first major tests of Washington's willingness to shut off Federal financial aid to recalcitrant school districts in the North; up to now, there has been just one brief shutoff outside Dixie—in Chicago in 1965—and that ended quickly after a complaint to the White House by Mayor Richard Daley.

The underlying aim will be to achieve maximum mixing of white and Negro pupils through reorganization of entire school districts. So far, the HEW Department's desegregation efforts in the South have concentrated on the more limited objective of slowly swelling the numbers of Negro students attending integrated schools, through pupil transfers. But officials now contend this approach has become bogged down in meaningless quibbling over percentages and in protracted school-district stalling. Only about 18% of the South's Negro pupils now attend integrated schools.

AID CUTOFFS

Touching off the broadened campaign will be the announcement early next year of new national school desegregation policies. They will spell out the circumstances that would justify cutoff of Federal aid to schools in the North as well as the South.

Already a questionnaire has been dispatched to more than 2,000 major Northern and Western school districts to determine the extent of pupil and faculty segregation. Early next year HEW aides will pick about 100 districts in which the figures suggest discrimination; on-the-spot investigations will follow.

So far, under authority granted by the 1964 civil rights act, the HEW Department has limited its cutoffs to an estimated \$25 million in annual aid going to 64 small Southern school districts, including Vidalia, Ga., Talladega, Ala., and Plaquemines Parish, La. But the trend could spread northward just as the 1968 elections approach. Political squalls would surely follow.

"I foresee a rather significant confrontation," says one HEW man. "You find Democratic mayors in most of the Northern cities, and they are going to be very hostile to civil rights compliance people. They'll complain right to the White House."

Even if further cut-offs do not come, the move northward could plunge HEW en-

forcers into a thicket of thorny education issues. Not the least is how to determine "deliberate discrimination" that would warrant aid cutoffs in the North. And where the HEW Department does detect such discrimination, it will demand remedies sure to be controversial; these could include busing pupils to overcome racial imbalance, building educational "parks" or "plazas" that would draw students from both white and Negro neighborhoods and redrawing school-district lines to promote integration.

A RISKY COURSE

With Congressional sentiment turning sour on aid to the Negro, many think the HEW Department would be far safer steering clear of such local involvement. Hostile reaction from otherwise liberal Northerners on the Hill could thwart the department's entire desegregation effort.

Even now, the Senate is wrestling over integration issues as it strives to clear a big school-aid bill. Not only have Southerners offered amendments designed to slow or block cutoff of the Federal aid to segregated schools, but Northern resistance to integration measures has become evident. While Senate Republican Leader Everett Dirksen of Illinois has dropped his school-bill amendment to bar use of Federal funds to pay for busing pupils to promote integration, he has hinted he may try tying it to another measure.

"The Northern problem is much more difficult, sophisticated and subtle, growing out of years of de facto (neighborhood) segregation," says a specialist at the Potomac Institute, a race-relations organization here. "I'm not sure they (HEW) or anyone else is ready to tackle it with the kinds of resources which will make a difference."

Nonetheless, HEW Secretary Gardner and his civil rights chief, F. Peter Libassi, seem convinced they can make substantial progress. Says Mr. Libassi: "We need intensive field work, we need to send staff in. We need in a very orderly and systematic way to put the elements (of a desegregation program) together that in the long run will make a significant difference in the lives of people."

HEW STRATEGY

Ironically enough, Congress itself originally called for uniform national application of the aid-cutoff provision; some members probably wanted to dissipate the department's endeavors and embroil it in enervating argument. This may indeed be the outcome. But HEW officials hope to avoid these dangers by careful planning.

Much of the department's expanding civil rights enforcement staff of 343 people will be thrown into the school fray; this concentration will postpone pursuit of racial discrimination problems in nursing homes and welfare agencies.

Rather than spread their attention over thousands of small, scattered school districts, each enrolling less than 3,000 students, HEW officials will focus on a few hundred large ones, both North and South; they note that 70% of the nation's students are enrolled in only 10% of the school districts. In the South, Fulton County (Atlanta), Ga., Raleigh, N.C., and Jackson, Miss., among others, are likely to get increased attention; Northern targets have not yet been selected.

Along with evidence of failure to desegregate, officials will apply a new basis for cutoff of Federal aid: A principle of "equal educational opportunity." Where practical obstacles limit desegregation possibilities, as in big Northern cities with large Negro concentrations, local school officials will be expected to allot similar shares of financial resources to predominately Negro schools and to predominately white schools. Some of the signs of inequality that HEW officials will watch for: Large class size, double sessions, serious overcrowding, high student-teacher ratios, less qualified teachers, fewer course

offerings or smaller per-capita pupil expenditures.

No one of these factors will be conclusive; HEW aides expect exhaustive on-the-spot investigation will be essential to determine whether there's cause for cutting off aid.

As for any evidence of deliberate, planned segregation in Northern schools, HEW officials expect to shut off aid only if they find Attendance lines drawn to prevent school integration; pupil feeder patterns between elementary and junior high or between junior high and senior high schools adjusted to hinder integration; teacher assignments arranged to preserve white faculties in predominately white schools and Negro faculties in predominately Negro schools.

THE WHITE HOUSE ROLE

In the past, HEW officials have checked several dozen alleged school desegregation violations in the North, but no enforcement action has resulted, except for the brief cutoff of aid to Chicago schools. Thus, a key question is whether the department will back down should potent political pressures arise again. The White House's role will be crucial.

What seems clear is that the HEW Department has attempted more vigorously than any other agency to carry out the 1964 law's mandate to assure Negroes equal treatment under Federally aided programs. The department won desegregation of many Southern hospitals with the start of Medicare last year. But it has since largely ignored nursing homes, which also receive Medicare funds, and has failed to move against backsliding hospitals. Should the enforcers' school resolve now weaken, the aid cutoff provision might lose much of its power as a desegregation weapon.

Certainly the department's tougher tactics will encounter Southern resistance as well as Northern. Until recently, Federal officials allowed school districts to meet desegregation requirements by offering pupils the opportunity to transfer from predominately Negro to predominately white schools. But in many districts such "freedom of choice" arrangements produced little desegregation.

Last summer HEW civil rights specialists investigated 250 Southern districts where free choice had been found lagging. "We told them you should be in the business of eliminating the dual school system," declares Mrs. Ruby Martin, an HEW civil rights official. "We've stopped arguing about numbers and percentages."

REORGANIZATION PLANS

Dozens of these districts agreed to dispense with free choice and develop broad reorganization plans, eliminating the dual school system by the fall of 1969. In some instances, an extra year's delay was allowed. As one result, white pupils are being assigned to formerly all-Negro schools for the first time.

HEW officials are also beginning to push for faster desegregation in more than 300 Southern school districts that are under court orders to act and thus have been thought legally immune from aid cutoff. These districts, mostly in the larger cities, enroll half the students in the South. Among them are Charlotte, N.C.; Charleston, S.C.; Mobile, Birmingham and Montgomery, Ala., and Atlanta, Brunswick and Savannah, Ga. In most, the proportion of Negro students attending integrated schools is probably less than 5%.

Now HEW emissaries will begin double-checking the diligence of these school districts in applying court orders. If they find evidence of stalling, HEW officials will call on the Justice Department to reopen the court cases and seek tougher judicial standards. Or they might attempt to cut off Federal aid if they could find legal authority for doing so.

Mr. MORSE. Mr. President, I thank the Senator from Mississippi, and I shall not interrupt further.

Mr. STENNIS. Mr. President, I do not propose to detain the Senate long. I have expressed myself on some of these points during the debate on the Russell amendment and the Dirksen amendment.

I do think that we ought to make some comment specifically now on some of the points included in the letter that has been referred to.

Mr. President, I first most generously and sincerely thank my colleague, the Senator from Oregon [Mr. MORSE], for his long, hard, painstaking, and sincere work in connection with this problem and for the very vigorous position he has taken throughout these conferences on matters that I think will be helpful not only to the children of our area but also to the children of other areas and all school districts as a whole.

I take at full value every representation the Senator from Oregon made both on the floor and in the course of those conferences. I believe that he will back it up and that his surveillance will be helpful and effective.

I am not relying, though, Mr. President, on the legislative history statements made, so far as their being binding on the Department of Health, Education, and Welfare, because of the experiences which we have had on this and other subjects whereby the courts, the administration, and other bodies have swept legislative histories aside, it seems to me, even in close cases and ignored the statements made by the managers of bills on the floor. I do not charge bad faith. HEW, I think, has been overruled in the past and is likely to be overruled in future efforts by them.

I appreciate what the Senator from Oregon has done and for the position he has taken. I know that he will follow it up.

I indorse, too, everything that the distinguished Senator from Georgia [Mr. RUSSELL] has said in his fine analysis of the problem and the situation that exists. I think that perhaps the Russell amendment, by a close vote, would pass the Senate because the mere statement of facts evoked a response in the hearts and minds of a great many Senators who were not cognizant of what the real facts are. However, at the same time, its fate in conference would be highly uncertain. I think that a letter written directly by the Secretary of Health, Education, and Welfare containing a promise by the Department in its own words can be understood fully. And there is no room for any legal department or court to interpret it otherwise, and there is no room for much dictation.

Certainly, if the Department cannot keep its word—the language that it used and conceived in its own mind—there is no hope from any source.

Although I do not approve of the things the letter failed to do, and regret greatly that it did not go further, I believe it is some value. I believe, also, that much depends upon those who administer the program, as has been true in the past.

Some of the so-called subordinates who have dealt with my State have been outstanding and have possessed human compassion. They were professional educators. Others have been willful and arbitrary, even abusive; and those with high

authority have overruled and conceived rules that have worked great hardship upon us.

I wish to thank Mr. Libassi for his frankness and his honest opinion about matters in the conferences we have held. I believe he is a man of fine purpose.

I want the Senate to know a little more about what I believe is a very great wrong that has been done to the children—I am thinking now of the children, white and colored—of the little school districts that have had their funds abruptly cut off in the middle of a session.

We have 11 of those districts in Mississippi, 10 in Georgia. I believe a total of 24 districts are involved whose funds were cut off effective Saturday of last week. In one of the districts in Mississippi, the examiner had passed on the matter back in May, and it lay on the desk of the Commissioner of Education for approximately 90 days. Then he upheld the examiner, and the matter lay on Mr. Gardner's desk approximately 90 days more, and he passed on it. Then the 30 days required by law elapsed, and the money was cut off last Saturday, as I have said.

Certainly, the school district thought there must be some reason why it was held up. The examiner had ruled against them. But 6 months had elapsed, and they had reason to believe that there must be some hope that the funds would be restored.

In one instance I wish to mention, through an error that was made by the examiner as to dates, the funds were temporarily restored. They should be restored to all districts under the policies agreed on during consideration of this bill. To restore these funds would show good faith and try to make up for error. As time goes on, there will be less chance to make shifts in the faculties or to make any changes. All the obligations remain outstanding. Permitting the hatchet to fall now on these little people is unfair, unjust, and unconscionable.

There has been talk about what the record shows, but consider all the other cases throughout the East and the North. I am not raising the sectional issue. I am just taking the word of the report of the U.S. Commission on Civil Rights. They say in their report for 1967—I do not know the date, but it is a very recent report—on page 7:

The extent of racial isolation in Northern school systems does not differ markedly from that in the South. Racial isolation in the schools is intense, whether the cities are large or small, whether the proportion of Negro children is large or small, or whether they are located North or South.

All the districts in all those areas are continuing to receive their money. They have not been touched. They have not even been called upon to make an accounting. However, the little districts to which I have referred have had the hearing, and so forth; but time went on, and now, in the middle of the session, there is a demand that the law be followed to the letter, and the Secretary thinks he has to cut off their little funds in the middle of the session. I do not believe that the Senate or anyone else who is fair and impartial about the matter approves of such a practice.

It was rather tragic, Mr. President, to attend a serious conference with a Cabinet member, as I did 16 months ago, with the Senator from Georgia, who has already alluded to the same conference, and in the presence of the Senator from Alabama. The subject matter was hospital guidelines. The Senator from Georgia raised the question about the school guidelines, and Mr. Gardner promptly responded by saying:

We're going to do something about that right away. We're going to move into it.

A very strong statement was made to him by the Senator from Georgia. The Secretary assured us that he was going to move into that matter right away.

Sixteen months later I attended a conference with HEW at which the same question was raised. Mr. Gardner was not present, but a gentleman representing HEW said:

For 2 years, all of our effort has been directed against the South.

I have a pencil memorandum in my hand as to just what he said. The Federal programs have been directed against the South exclusively for the last 2 years. He said they did not make any effort to do anything else. But in the last 30 days, as the Senator from Oregon has said, they are going to require the schools elsewhere to make a report. They have sent out inquiries—not to all of them, but only to 2,000 of them out of many more thousands, and only to those with 3,000 or more pupils. They made a preliminary inquiry of "What are you doing about carrying out the Civil Rights Act of 1964 so far as schools are concerned?" and "What are you doing about the statements made in the Civil Rights Commission Report of 1967?"

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

Mr. STENNIS. I yield.

Mr. RUSSELL. They are sending out letters for a written response in order to get some inkling of what they can do to afford them a basis for an investigation; but, at the same time, in a little county in my State, Stewart County—an agricultural county—on Saturday they withdrew the Federal aid from the schools and affected over 40 teachers. They have done this while they are just getting ready to start to look around elsewhere. They should go right back and give those people their money to let them finish the session.

Mr. STENNIS. I thank the Senator for his contribution to this debate, and we are of the same mind on this matter. Nothing about restoring funds was said in the letter; but now, after they say, in their own words, "We are adopting a new program and new procedures, even in the South," I believe the least they could do would be to restore the funds to the little districts to which they put the meat ax last Saturday.

I mean every word of this. I appreciate the attitude of some of these officials, but I know that this is partly a political program. It is directed toward the Deep South, and it is being carried out that way, and it is even reflected in the courts.

They have gotten decisions from circuit courts of appeal—which I shall re-

fer to later—where other areas have refused to comply, and the Supreme Court has refused to grant certiorari. Lawyers know that certiorari is the method to decide conflicts between different circuit courts of appeal.

Mr. President, this matter is full of political dynamite. It does not make any difference how hard the Senator from Oregon tries, or how much Mr. Gardner may try to invade other areas of the country, I would bet the last cent I have that nothing is done before the November elections of 1968. I predict that not \$1 will be cut off outside of our area of the country.

This letter refers to the fact that all of this is directed toward the southeastern section, or what they call border States. They do not attempt to put in the letter any firm commitment with respect to areas outside of the southeast, because that letter would have been an official notice to those areas that "after all, something might happen to you." They do not want to stir them up. That is my opinion.

Mr. President, I have lived with this matter for a long, long time, month after month after month. There are some people in different departments of the Government who think they can get by with anything in my State. Maybe they can, but they are going to have to go through some legislative blood to keep doing it. That is the pattern, and that is what we have to contend with. That is why I appreciate so much the words and the assurances of the Senator from Oregon. I know he means every word of it. I think that he will try hard, but he has a big hill to climb if they move to interfere in a large way with any of these highly populated cities and highly populated States between now and the next election.

All of the money we have appropriated here for personnel and everything else just to carry out the so-called guidelines has been used in one little area of the country. I do not wish to bring trouble to any area of the country but until they do enforce these guidelines outside the South, we are not going to be able to get votes to correct these wrongs.

The busing matter has reached into other areas of the country. Senators saw a close vote here on that issue the other day. More Senators know more about it. They are feeling it and their people are feeling it. We will have more political strength on this subject if they cut the bone and the muscle in trying to apply this in other areas of the country. That is the reason I continue pushing the matter: I do not raise sectionalism, and I do not try to raise the civil rights question. This is supposed to be an educational bill.

Think of the power that is involved. There is \$14 billion in this one bill alone to be placed in the hands of a small group of men without guidelines. Mr. President, ask yourself what chance a little school district has in contending with those who have \$14 billion to spend, with the Department of Justice to back them up with its legal department, and the FBI to investigate for them. The Department of Health, Education, and Welfare is able to bring its strength and

far-reaching power, backed up by the White House. Senators need not doubt it—backed up by the White House where we have not been able to get anything else.

This will not end the matter. I do not want to be listed as having accepted the letter as the substitute for the Russell amendment, or the substitute for anything else.

The Russell amendment, I wish to state, had not a thing in the world to do with the substance of civil rights; it did not touch, topside or bottom, on anything except a mere procedural matter.

Go under your own guidelines and have everything you want, but do not cut that money off once the school term started.

That is what it said and that is all it said.

Mr. President, I do not wish to detain the Senate, but there is another matter and this is quite serious, indeed. I have alluded to it and it needs to be said before the debate closes.

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

Mr. STENNIS. I yield.

Mr. MORSE. I wish to comment on what the Senator said.

I assure the Senator of my support. The Senator, in effect, said he is not through with this matter, that he intends to continue to press for what he considers to be fair handling of disputed cases. I gave the Senator my assurance that I am not through with it either. I shall be working with him and other Senators on any specific case in which he feels there is a new variance with what a fair handling of the case would be.

I want him to know that I will be with him pressing the department for consideration. I will not be alone. My entire committee will be with me. We intend to do that very thing in carrying out our surveillance program.

Mr. STENNIS. That is going to be effective and of some help, but the Senator has a hard hill to climb, because it is in the heads of many people that it is only to apply to these areas of Alabama, Mississippi, Georgia, and a few other States in a small area of the country. After all, it will not help much, and there is not much that they can do about it. I welcome the Senator as a valuable and effective ally.

Mr. President, there is another phase I wish to discuss, and this is quite serious.

These guidelines have been before three circuit courts of appeals of this Nation. One of the decisions involved what I shall call the New Orleans Circuit Court. I am going to read a brief statement here covering those three circuit courts of appeals but, for the benefit of those who may have to leave the Chamber shortly, I will say that two of the three circuit courts of appeals decisions refused to follow the guidelines as set up with reference to schools. The New Orleans Circuit Court of Appeals did uphold those guidelines, lock, stock, and barrel. It is the one which says, in effect, that the affirmative duty of the trustees is to go out and bring about the integration, which is far beyond anything the Supreme Court ever said.

When those matters came before the Supreme Court of the United States, on what we call a writ of certiorari, the Court—and I say this with deference—should have intervened and adopted one rule, I thought, but they rejected it and refused to pass on it, so that you have not only schools in the southeastern part of the United States operating on different standards sent down by the Department of Health, Education, and Welfare, but you also have them operating under a different court rule as handed down by the Circuit Court of Appeals of New Orleans, and the Supreme Court of the United States will not do anything about it.

Therefore, we have two strikes against us on that front. I am going to review those cases.

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

Mr. STENNIS. I yield.

Mr. ERVIN. As I understood it, there was a decision of the U.S. Circuit Court for my circuit, the fourth circuit, which upheld the freedom of choice doctrine.

Mr. STENNIS. Yes.

Mr. ERVIN. If I understood the commentator on the radio a moment ago, the Supreme Court today granted certiorari to review that decision and determine whether there was any place left in our law for the freedom of choice doctrine.

Mr. STENNIS. I am certainly glad to be informed of that by the Senator from North Carolina. I did not know that that ruling had come down today. Well, that is a step—that is one step. The Senator from Oregon [Mr. MORSE] might have filed a brief on that. I welcome it. I hope that he contributed on other fronts.

Mr. MORSE. If the Senator from Mississippi will yield, I am speaking facetiously now when I say that I was not party to it but I would be very glad at any time to support having that case tried. It should have been tried. I think it should be settled once and for all.

Mr. STENNIS. I know that was the position of the Senator from Oregon. Well, until that matter is passed on—

Mr. RUSSELL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. RUSSELL. Let me say that I do not share the enthusiasm of the Senator from Mississippi and the Senator from North Carolina in regard to Supreme Court decisions on this matter. He has much more confidence in that court than I have. On the basis of recent decisions, they have followed to the letter the briefs sent down there by the Department of Justice. They have taken their decisions right out of those briefs, apparently without doing any collateral work on the side and without regard to precedent, law, the Constitution or simple justice.

For my part, I am perfectly willing to avoid seeing any of these cases go up to the Supreme Court because I have no confidence whatever in the biased leanings of the court in matters of that kind.

Mr. ERVIN. During the 13 years I have been privileged to serve in this body with my good friend from Georgia, this is the first time I ever caught him in an error. He is in error when he infers that I have

any enthusiasm about the Supreme Court's having anything to do with decisions on any question arising under the Constitution.

The Supreme Court was intended by our Founding Fathers to be independent of all political influences and to be subject to the Constitution alone. But the Supreme Court, as now constituted, has made itself independent of the Constitution.

Mr. RUSSELL. I thank the Senator from North Carolina for setting me right. From the decisions I have read emanating from that body, he has correctly described the Supreme Court at the present time.

Mr. STENNIS. Let me respond in a sentence or two. My complaint here was about one rule for those of us in the southeastern part of the country under that court ruling, and at least another ruling for the other parts of the country. I have slight doubt only as to how the Supreme Court is going to rule. I think that entertaining a case, and having this court decision from the New Orleans circuit, which I think was lobbied for to a degree—I could not prove that—it was lobbied for to a degree, in order to back up the Civil Rights Act of 1964. To have that as the final word, I do not approve.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. Mr. President, there will be ample time in the future for us to talk about the Supreme Court and other judges in various regions in this country as to their different attitudes toward the Civil Rights Act. Some of us have talked in the past and, I am sure, will have our say in the future, on this subject. I am one of those.

I rise at this time simply to say that it is most refreshing to me that a great Senator from another part of the country, other than the South, is doing a fearless thing in this particular matter, in recognizing the fact that much less than fair treatment has been given the southern school districts to which the Senator from Mississippi and the Senator from Georgia have addressed themselves, and has gone to the trouble, through a period of days of negotiations, to work out what appears to me, as now presented in the form of the letter from the Secretary of Health, Education, and Welfare, to offer much fairer treatment in the future for school districts in that part of the Nation which, in part, I represent.

I want to pay tribute to the Senator from Oregon [Mr. MORSE] for his sense of fairness, his sense of fearlessness, and his willingness to deal with the matter which others, more timid than he, have been unwilling to touch. It seems to me that is the outstanding thing about this particular matter. It is only fair that the school districts, if they are doing something wrong, should be notified a little ahead of time, to be given an opportunity to correct it. Then if they have not corrected it, by September 1, to be shown, through initiation of proceedings, then they must answer formally. It is only fair, that unless those proceedings have been gone through with, the school districts not be disturbed during the con-

duct of the regular term, because the welfare of the children who go to those schools, and the communities affected, is concerned in the very greatest degree.

I want to say that I am very grateful to my good friend from Oregon for his sense of fairness, for his fearlessness in this delicate and difficult matter which shows, in my opinion, that he is a very great Senator of the United States.

I thank the Senator from Mississippi for yielding to me.

Mr. MORSE. I want to thank the Senator from Florida. I want him to know that I appreciate very, very much his statement. I want the record to show that the Senator from Florida and the Senator from Oregon have discussed the procedural problems. As I said earlier today, the Senator from Florida has never yielded one bit in regard to the legislative substance of the problem ahead of us, so far as the compliance cases are concerned. But he and I have been of one mind, and he has been very helpful to me, as have other Senators whom I mentioned earlier, in trying to impress upon the Department of Health, Education, and Welfare that we are going to insist upon procedural due process. That is what is basic here. That is why I think the resolution of this matter, along the lines of the guarantees we have obtained from the Department, is going to be helpful to every school district in every part of the country. I want the record to show that the Senator from Florida played a very important part in helping us get those guarantees.

Mr. STENNIS. I appreciate the Senator's remarks, because I think the Senator from Oregon knows that he is not trying to do us any favors. He is acting through a sense of right, justice, and fairness.

Mr. HOLLAND. I thank the Senator from Mississippi once more for yielding to me. He has been most gracious.

Mr. STENNIS. I thank the Senator. Now, Mr. President, I shall be brief.

SCHOOL DISCRIMINATION IN REVERSE

Mr. President, during the debate which preceded the passage of the Civil Rights Act of 1964, a number of us expressed the fear and apprehension that the bill, if passed, would result in administrative and judicial interpretations and applications imposing onerous, harsh and heavyhanded principles of desegregation on the school systems of the Deep South and lighter and less onerous principles on school systems elsewhere. In other words, we foresaw the very clear probability that from the bill there would arise a double standard of application which would result in school discrimination in reverse.

Because of diverse opinions by different circuit courts of appeals, this unhappy and unconceivable situation has now become a grim reality. In the fifth circuit, which includes the States of Louisiana, Mississippi, Alabama, Georgia, and Florida, the harsh and mailed fist decision in *United States v. Jefferson County Board of Education*, 372 Fed. Id 836, decided December 29, 1966, has resulted in extreme standards of desegregation which do not exist in other parts of the country. Indeed, as I shall point

out, this decision is in conflict with the school desegregation holdings in at least two other circuits.

These are not the circuits mentioned by the Senator from North Carolina, because I have not included them in my work.

In the Jefferson County Board of Education decision to which I have referred, the court, in an opinion by Circuit Judge John Minor Wisdom, issued a broad and sweeping decree upholding the HEW guidelines in their entirety and directing that the school authorities take affirmative action to forcibly integrate and mix the schools, faculties, and facilities "lock, stock, and barrel."

That is their language, not mine. I have never heard language exactly like that in an opinion of a high court. A great deal of the rest of the opinion reads more like an argument. It is an argument rather than an opinion of the court, in my opinion.

The court said that the decree which it directed contemplated "continuing judicial evaluation of compliance by measuring the performance—not merely the promised performance—of school boards in carrying out their constitutional obligation to disestablish dual, racially segregated school systems and to achieve substantial integration within such systems."

The opinion further stated:

The decree places responsibility on school authorities to take affirmative action to bring about a unitary, nonracial school system. * * * The Constitution requires public school systems to integrate students, faculties, facilities and activities.

The court even turned its back on the voluntary or permissive freedom of choice plans and said:

In place of permissive freedom of choice there must be a mandatory annual free choice of schools by all students, both white and Negro.

A motion for a stay of execution and enforcement of the judgment in this case was denied by the Supreme Court on April 17, 1967—386 U.S., 1001—and certiorari was denied by the Court on October 9, 1967—36 U.S. Law Week, page 314.

Before discussing the cases from other circuits which make it clear that the school desegregation law in the fifth circuit is far more demanding and rigorous than in the rest of the Nation, I would say this: It is too late to argue the soundness of the decision in Brown against Board of Education. However, that case merely declared the constitutional right of Negro children to attend public schools of their own free choice without restraint by State action. In other words, it proscribed enforced segregation. The Jefferson County School Board case was the first to say that it was necessary that school authorities take direct and affirmative action to bring about actual integration of the races by forcibly mixing and integrating the schools without regard to other considerations or the will or wish of either race.

In conflict with the fifth circuit decision is *Dean v. Cincinnati Board of Education*, 369 Fed. Id. 55, decided December 6, 1966. This was a decision from the sixth circuit, which embraces the States

of Michigan, Ohio, Kentucky, and Tennessee. A suit was brought in the district court to impair operation of allegedly de facto racially segregated public schools and for other relief. The sixth circuit court affirmed the order of the district court granting the defendant's motion for judgment at the close of plaintiff's case. It said:

Appellants, however, argue that the state must take affirmative steps to balance the schools to counteract the variety of private pressures that now operate to restrict the range of choices presented to each school child. Such a theory of constitutional duty would destroy the well-settled principle that the Fourteenth Amendment governs only state action. Under such a theory, all action would be state action, either because the state itself had moved directly, or because some private person had acted and thereby created the supposed duty of the state to counteract any consequences.

The court then upheld the neighborhood school plan even though "a particular child may be attending a school composed of exclusively Negro pupils," saying:

We read Brown as prohibiting only enforced segregation.

Certiorari was denied by the Supreme Court at the same time certiorari was denied in the Jefferson County case previously mentioned.

In *Clark v. Board of Education of Little Rock School District*, 374 Fed. Id. 569, decided March 31, 1967, the Eighth Circuit Court of Appeals, which embraces the States of North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Missouri, and Arkansas specifically declined to follow the HEW guideline and the fifth circuit's opinion in the Jefferson County case that all freedom of choice plans must include mandatory annual choice. The court said:

Appellants have made no showing that this non-mandatory freedom of choice plan to laterally transfer schools has infringed their constitutional rights.

I recognize that many arguments on legal niceties could be made with respect to the cases I have mentioned. Nevertheless, it is clear that the practical effect and realistic impact of these decisions is that a much harsher and demanding law with reference to school desegregation exists in the fifth circuit—the Deep South—than in the sixth and eighth circuits. This is intolerable and unbearable and is not what the Congress intended in passing the Civil Rights Act of 1964. In this delicate matter involving constitutional rights there should be one rule of law equally applicable throughout the land.

Since the Supreme Court has not settled the law and eliminated the conflict, the Department of Health, Education, and Welfare should take prompt action to enforce its guidelines equally and uniformly throughout the Nation so that the rules applicable to one section will be equally applicable to all. I call upon them to do this without delay. School discrimination in reverse must be ended as soon as possible.

Just one word further and I have finished. I do not believe there is a sounder American institution than that of the community school. It is a source of learning, training, pride, and activity of all

the people of the community from the time they reach 4 or 5 years of age up to grandmotherhood and grandfatherhood. I believe that more good has come from the community schools than from any other institution we have, by all means.

This plan, which one court has upheld and the other two have condemned, is a plan proposed by HEW to abolish the community school, the neighborhood school. Call it by whatever name you wish, they have the bit in their teeth and they are running, regardless of consequences, to abolish the community schools in order to carry out their guidelines.

When the community schools go—if they go—down the drain will go a great deal of that which has made America great. It is there that we get our early ideas, not only ideas of learning, but our early ideas of patriotism, our early ideas of things that have cemented us together as a great people who thus far have been strong in power. I do not believe we could take a more backward step concerning the soundness and security of our Nation than to effectively abolish the community schools.

I feel that I know something about what was in the minds of those mothers of New York City who, just last week, had their picture on the front page of the New York Times, marching, begging, and pleading that their little neighborhood school not be taken away from them and their children sent to other parts of the city, and children from other parts of the city brought in their place. Thank the Lord—it seems like a miracle, but within 2 days some kind of government order was issued that at least suspended the order against which those mothers were protesting.

Frankly, I think the sentiment for this kind of thing must come from the grassroots. I believe it will come. This is one instance where they have overshot the mark when they try to liquidate or destroy the neighborhood school. It is the beginning of a setback for them.

Again I thank the Senator from Oregon, and I want to pay a special tribute to Mr. Charles Cambell of Senator Russell's staff who has assisted me during this debate, especially while Senator Russell was away. Mr. Cambell was most helpful in the conferences, making arrangements for other meetings and in compiling information of a highly important nature. He is very able, and his long hours of work have made a special contribution to the entire effort here.

Mr. MORSE. Mr. President, I want the RECORD to show that I join Senator Russell in thanking Senator STENNIS for his leadership last week, in the absence of Senator RUSSELL, in a whole series of conferences we had with the Department, with the Under Secretary of Health, Education, and Welfare, but who brought these messages from the Secretary himself, who was out of the city at the time of the conferences, addressing the AFL-CIO Convention.

What I want this RECORD to show is that if the Senator from Mississippi had not given me the help that he gave, and if I had not given the help to him to which he was entitled, we might not have

established the point of urgency upon the Department; for the Senator from Mississippi and I made perfectly clear that this bill would be in jeopardy if we did not receive a clarification of procedure, so that we would have no doubt that we could rely upon procedural due process in the carrying out of compliance policies of the Department. That was the important thing, and we established it.

I want to say—now that it is all over—as far as our negotiations in those conferences are concerned, that the Senator from Mississippi helped me immeasurably by making clear, toward the end of each conference, that he was reserving judgment until he had the final letter. I wish to say I think that was very helpful in leaving no room for doubt in the minds of the Secretary and his associates that he and I and all those we spoke for—including the Senator from Georgia, the Senator from North Carolina, the Senator from South Carolina, the Senator from Florida, the Senator from Alabama, and all the rest who have been working with us on this problem—considered that the chips were down, and that we had to have a recognition that realized the urgency of this problem.

Having said that by way of thanks to the Senator from Mississippi, I also wish to say that the Department officials are to be equally highly commended for stepping up to the issue and being of the help they have been to us in bringing about what I think is a legislative history that will remove much of the problem we have had with them.

Mr. STENNIS. I thank the Senator from Oregon most sincerely. We could not have reached this end without his very strong support.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, one of North Carolina's ablest Representatives in Congress, Representative LAWRENCE H. FOUNTAIN, of the Second North Carolina District, persuaded the House to adopt an amendment which undertook to deal with this problem. That amendment was eliminated by the Senate committee; and, while I frankly favored the Fountain amendment, I found that the votes were not in sight to restore the Fountain amendment to the bill.

I commend the Senator from Georgia and the Senator from Mississippi on what they have said. I am compelled to say, however that they ignored Mark Twain's advice.

Mark Twain is reputed to have said:

Truth is very precious; use it sparingly.

They did not use truth sparingly. They stated some facts which needed to be stated on the Senate floor, and needed to be heard by the Nation.

I spent most of my energy during the year 1964 opposing the Civil Rights Act of 1964. I was especially opposed to title VI. To me, title VI was and is exceedingly unwise in that, by vesting in the same Department the power to write regulations which have the force of law, the power to investigate alleged violations of title VI, the power to prefer charges of violations of title VI and, to

a large extent, the power to make a judicial determination of the truth or falsity of those charges, title VI served to combine legislative power, executive power, and judicial power in one agency of the Government and, in so doing was, in my judgment, creating the very essence of tyranny.

I also opposed title VI on the ground that it represented perhaps the greatest concentration of power—and in many cases naked power—in the hands of the Federal Government in Washington. As I stated while title VI was under consideration, it provided that uncounted billions of dollars of Federal funds should be used to either bribe or browbeat local governments into an acceptance of what I declared at that time to be the undefined notions of Federal bureaucrats in respect to racial matters.

However, Congress approved title VI; and at the time title VI was before the Senate, the floor manager of the bill, now the distinguished Vice President of the United States, declared that the purpose of title VI and the purpose of the title which referred to the bringing of suits in school matters were to prevent discrimination, and not to compel integration.

The Department of Health, Education, and Welfare has taken a different view of the purpose of title VI and of the school title; and we are likely to have, in the days ahead, some further problems which will require a very high degree of statesmanship for their solution.

Unfortunately, after title VI became law, in all too many cases, the Department of Health, Education, and Welfare employed people who had the blind minds of crusaders—and who were without experience in the educational field and in the operation of hospitals for the treatment of the sick and injured—to enforce title VI according to the personal notions of the officials of the Department of Health, Education, and Welfare in the Southern States.

Those men, many of whom, as I have said, were blind crusaders for a cause, undertook to take charge of the operation of the schools and the operation of the hospitals in the Southern States. They caused a great deal of consternation, a great deal of confusion, and a great deal of chaos.

The Senator from Georgia is due the thanks of at least the Southern States, if not of the entire Nation, for proposing an amendment in an effort to deal with the problem of the chaos that is created where school funds were cut off after the beginning of the term. That always seemed to me a strange thing to do, because the deprivation that was caused by so doing fell upon the innocent children, who had nothing to do with the making of the policies of the schools involved.

So I commend the Senator from Georgia and the Senator from Mississippi for their great service in this matter, I also especially commend the Senator from Oregon. I have had a great deal of experience in legislative bodies, at the North Carolina level and, at the Federal level, in both the House of Representatives and the Senate, and I have never seen exhibited to a higher degree an understanding of the problem in-

involved and a patience and willingness to go to any lengths to find a solution which would ameliorate the tragic situation caused where school funds are cut off after the beginning of a term.

I have frequently taken occasion to say that the distinguished senior Senator from Oregon is one of the great lawyers of this Nation. I think that I am perhaps a qualified judge in this field because I have spent the major portion of my life associating and contesting with lawyers.

I think that the present solution of the problems—which may not be a perfect solution—is a solution which in a great many of the cases will put an end to what has been causing most of the chaos under title VI in the field of public education in the Southern States.

The Senator from Oregon has found this solution not only because he is, in my book, the greatest advocate of public education in the Congress of the United States, but also because he is a great lawyer and, to him as a great lawyer, any administration of the law in an unequal manner is repugnant to the very essence of justice.

The Senator from Oregon recognizes that if any law is to be an instrument of justice, it must be a law which applies to all men or institutions in like manner under all circumstances, regardless of the geographical location of those men or institutions.

Furthermore, he recognizes the necessity in any system of justice of having what we call due process law and what Daniel Webster so well called the law of the land.

The Senator from Oregon recognizes that no justice can be done unless a person or an institution whose rights are to be affected has notice and an opportunity to be heard. As a result of the very patient and understanding work of the Senator in respect to this problem raised by the Fountain amendment and by the Russell amendment, we have here a pledge of the Secretary of Health, Education, and Welfare which operates as a guarantee that hereafter in these cases chaos is to be averted by settling these problems in virtually all cases before the beginning of the school term.

In the fine work which he has done in enabling the Senate to find a solution for a great, difficult, and trying problem, the distinguished Senator from Oregon has rendered a service for schoolchildren which it is impossible to overmagnify.

I express my appreciation to him for all that he has done in this connection.

Mr. MORSE. Mr. President, the Senator from North Carolina makes it very difficult for me to reply to his kind remarks, because I do not have to tell anyone in the Senate that when the Senator from North Carolina makes remarks they come out of a sincerity of heart and an honesty of mind that leaves no room for doubt concerning their motivation.

As one who taught constitutional doctrines in every course I taught when I was teaching in a law school, and, as one who, by a vote of the faculty of my law school, was assigned to teach an advanced course in constitutional law that we added to our curriculum under the label of legislation—but legislation

taught from the standpoint of constitutional law—I say to the Senator from North Carolina that despite my long professional interest in the subject, the Senator from North Carolina has been one of the best teachers of constitutional law under whom I have ever sat. The brilliant record that the Senator from North Carolina has made in the Senate in the field of constitutional law causes us not only to admire his record but also to stand in awe of it time and time again.

As the Senator knows, I have worked with him on a series of proposals of his in the field of constitutional law and have learned much from him in connection with it. Earlier this year, I testified before his subcommittee on this whole subject matter of the obligation of the Congress to exercise to a greater degree its checking power under the Constitution in respect to the separation of powers doctrine.

I have worked with him in connection with our judicial review bill, which incidentally we have as an amendment to the pending legislation in the field of education.

Here we have a great Senator who, before he came here, was a supreme court justice in his State and who is one who has demonstrated by example the meaning of the principle that we are fighting for here today—the uniform application of constitutional guarantees and the insistence that there be uniformity of procedural due process in the administration of laws passed by Congress. Otherwise, there just would not be due process. We either do it for all, or we, in effect, break down the principle so that it cannot be relied upon in its application to any individual or group.

I wanted to say this, because I think the statement should be made for the RECORD as to this expert among us when it comes to this matter of insisting that when we come to evaluating legislation, as we are doing today, we ask ourselves as Senators the question: "Is this legislation, legislation that we can go back home and say to our constituents that we saw to it that, within the framework of constitutional guarantees on which they are entitled to protection in connection with each and every bill we act upon, they were protected."

I thank the Senator very much.

Mr. President, may I say very quickly, if the Senator from South Carolina will bear with me for a moment, that the Senator from Arizona has a brief statement he wishes to make. However, if the Senator from Arizona will bear with me for a moment, the senior Senator from Massachusetts has an amendment that my committee will accept and take to conference. As far as I know, it is the only other amendment that will be considered.

I should like to get it out of the way and have the Senator from Massachusetts explain it, and I will then read the very brief statement of acceptance of the amendment that was prepared in behalf of the committee.

Mr. President, if that is agreeable to the Senator from South Carolina and the Senator from Arizona, I yield to the Senator from Massachusetts.

Mr. ERVIN. Mr. President, before the

Senator does that, I express my heartfelt thanks to the Senator from Oregon for his most gracious and kind remarks.

Mr. MORSE. The Senator is most kind. But what I have said is unanswerable.

Mr. KENNEDY of Massachusetts. Mr. President, I send to the desk an amendment and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 54, after line 11, add the following new section:

"Sec. 114. Section 212 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) In its annual report to the President and the Congress to be made on January 31, 1969, the Council shall report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children."

Mr. KENNEDY of Massachusetts. Mr. President, this amendment to the pending bill is very simple. It would require the National Advisory Council on the Education of Disadvantaged Children to report to the President and to the Congress on which of the various types of compensatory education programs for disadvantaged children hold the highest promise for raising the educational attainment of these children.

I think that the National Advisory Council on the Education of Disadvantaged Children is a suitable group to undertake this effort. The Council was set up by title I of the Elementary and Secondary Education Act. It is charged with evaluating both title I's program of aid for education of low-income families and other Government and private programs aimed at the same result. Its 12 members are educators, attorneys, and public officials.

They are: C. Meredith Wilson, chairman, former president of the University of Minnesota, now director of the Center for Advanced Study in the Behavioral Sciences at Stanford University; Lewis Bruno, superintendent of public instruction, State of Washington; Dr. John F. Fischer, president, Teachers College, Columbia University; Edward B. Hanify, attorney, Ropes and Gray, Boston, Mass.; Frank E. Karelson, attorney, Karelson, Karelson, Lawrence & Nathan, New York; Mrs. Elizabeth D. Koontz, teacher, Salisbury, N.C.; Hon. Mildred Lillis, District Court of Appeals, Los Angeles; Dr. Sidney P. Marland, Jr., superintendent, Pittsburgh Public Schools; Victor Reuther, United Auto Workers; Joseph Rosen, division of education, University of Illinois; Hon. Terry Sanford, former Governor of North Carolina; Dr. Ralph W. Tyler, former director, Center for Advanced Study in the Behavioral Sciences, Stanford University.

These distinguished and experienced individuals, while appointed by the President are not full-time employees of the

Government. They are objective. They do not have any particular institutional bias towards any specific program or agency. They represent varying disciplines. They are independent.

In short, I think they would be well-qualified to undertake the task set for them by my amendment. In actually doing the work, they would be able to draw upon the resources of the Department of Health, Education, and Welfare, should the President or the Secretary so direct.

More than 22,000 separate projects have been designed and approved under title I of the Elementary and Secondary Education Act, reaching 8.3 million educationally disadvantaged children in the 50 States and the territories. The annual cost of title I exceeds \$1 billion. Untold numbers of significant projects also aimed at the disadvantaged have been undertaken with other public or private funds—as in OEO's tutorial programs, State and locally funded programs, or programs developed through community chest or united fund drives.

The examples of compensatory education programs are legion, because the need is great and it is recognized. And, because many people are anxious to help these children who start the long process of educating themselves with two strikes against them.

But we simply do not know which types of programs are doing a better job than others. Title I supports after-hours classes, voluntary open enrollment programs, communications skills projects, concentrated services classes, and community involvement efforts. All these bring marked improvements in the opportunities available to people from culturally deprived backgrounds.

But we must have some better way of measuring the impact of these programs upon students than we do now. As one example, standardized tests, now in common use, reflect certain assumptions about the cultural and educational backgrounds of those being tested. These assumptions are drawn upon the experiences of children from upper and middle-income families.

But poor children do not have books read to them. They do not go away in the summer. They do not eat three good meals a day. They do not wear shoes that fit. They are not visited by a doctor when they are sick. They do not have their own bedrooms—or their own beds.

These are the educationally disadvantaged children. These are the children compensatory education programs are designed for.

The concept of compensatory education is simple. A little education works a little good, the theory goes—but more education would work more good. Children who start school with two strikes against them must somehow compensate for their heritage of cultural depravity. More education—compensating for this heritage—can bring these children up to levels of their peers.

This principle is widely accepted. Programs of compensatory education are in wide, though limited, use. The use is limited because compensatory education is expensive—witness the \$1 billion annual cost of title I. I have previously

stated my intention to introduce, next session, a bill to authorize new forms of Federal assistance for programs of compensatory education. These new forms will raise the ability of school administrators to initiate compensatory education programs.

The amendment I offer today can provide State and local education officials with a measure of the successes of various types of compensatory education programs. The achievement of the more effective schools—MES—program in New York City, for example, is open to varying interpretations, depending upon the standards and measures used. The Coleman report has been criticized for its failure to measure achievement within school districts, as opposed to between different schools.

In short, we cannot know, by other than instinct, whether we are doing well or poorly in educating disadvantaged children, without accurate yardsticks. My amendment would provide educators with a yardstick, by requiring the council to assess the successes of various types of programs.

To preclude any misunderstanding of my own position on this matter of compensatory education, I want to quote briefly from a recent article by the author of the Coleman report, Prof. James S. Coleman:

There are two separable goals involved in current discussions for reorganizing schools. *The aim of racial integration of our schools should be recognized as distinct from the aim of providing equal opportunity for educational performance.* To confound these two aims impedes the achievement of either.

This states it very well, I think. We must move ahead to meet the terms of the Civil Rights Act and to comply with the Supreme Court's decisions. But we must move ahead as well with programs to equalize opportunity. I believe compensatory education is our best hope to achieve this latter goal.

I hope the Senate will accept this amendment.

Mr. MORSE. Mr. President, the proposal of the distinguished Senator from Massachusetts, a member of the full committee, is one which I am sure will have the approval of the majority of the members of our committee. I know all of us believe that it is imperative that Congress receive accurate information upon the effectiveness of compensatory education programs as an aid to us in our own future deliberations on the thrust of the legislation.

That is the only thing to which the amendment pertains. It calls upon the agency to give us certain reports—really, part of the surveillance program in administering the laws we pass, which should be carried out, anyway.

It is for this reason that I am willing to take the matter to conference, in the hope that we can prove persuasive with our colleagues in the House as to the merits, for it is just as much in their interest as in ours to have the factual data upon which to base sound legislative policy concerning education.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

CRIME AND CRIMINAL PROCEDURE IN THE DISTRICT OF COLUMBIA

Mr. KENNEDY of Massachusetts. Mr. President, I again thank the Senator from Oregon for his assistance and cooperation. While I am here on the floor, I would like to take this opportunity to make available, through the RECORD, to the many Senators and others who have asked for it, the text of what has been called the "clean" version of the safe streets and crime control bill, as well as the individual views of Senator HART and myself on the version reported out by the Criminal Laws Subcommittee.

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

A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Safe Streets and Crime Control Act of 1967.

DECLARATIONS AND PURPOSE

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this Act to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of general local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

TITLE I—PLANTING GRANTS

Sec. 101. It is the purpose of this title to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement.

Sec. 102. Subject to the provisions of section 414 of this Act, the Attorney General is authorized to make grants under this title to States, units of general local government, or combinations of such States or units for preparing, developing or revising law enforcement plans to carry out the purposes set forth in section 202 of this Act: *Provided, however,* That no unit of general local government or combination of such units shall be eligible for a grant under this title unless such unit or combination has a population of not less than fifty thousand persons.

Sec. 103. A Federal grant authorized under section 102 may be up to 90 per centum of the total cost of preparing, developing, or revising a law enforcement plan.

Sec. 104. The Attorney General may make grants authorized under section 102 upon ap-

plication for the purposes described. Such application shall:

(a) Set forth programs and activities designed to carry out the purposes of section 202 of this Act; and

(b) Contain such information as the Attorney General may prescribe in accordance with section 402 of this Act.

TITLE II—GRANTS FOR LAW ENFORCEMENT PURPOSES

Sec. 201. It is the purpose of this title to authorize grants to States and units of general local government to improve and strengthen law enforcement.

Sec. 202. (a) Subject to the provisions of section 414 of this Act, the Attorney General is authorized to make grants under this title to States, units of general local government, or combinations of such States or units: *Provided, however,* That no unit of general local government or combination of such units shall be eligible for a grant under this title unless such unit or combination has a population of not less than fifty thousand persons.

(b) The Attorney General may make grants under subsection (a), pursuant to an application which is approved under section 204, for—

(1) public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, systems, equipment, facilities, and devices designed to improve and strengthen law enforcement and reduce crime in public and private places;

(2) the recruiting of law enforcement personnel and the training of personnel in law enforcement;

(3) the organization, education, and training of special law enforcement units to combat organized crime, including the recruiting and training of special investigative and prosecuting personnel and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

(4) the organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment;

(5) community relations, including public understanding of and cooperation with law enforcement agencies;

(6) public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and community agencies; and

(7) construction of buildings or other physical facilities which will fulfill or implement the purposes of this section.

(c) The amount of any Federal grant made under this title may be up to 60 per centum of the cost of the program or project specified in the application for such grant. No Federal grant made under this title for the purpose of construction of buildings or other physical facilities shall exceed 50 per centum of the cost of construction of such buildings or other physical facilities: *Provided, however,* That the amount of a Federal grant made under paragraph (4) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant.

(d) Not more than one-third of any grant made under this title may be expended for the compensation of personnel. The amount of any such grant expended for the compensation of personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs.

Sec. 203. In making grants under this title,

the Attorney General shall give high priority, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

Sec. 204. (a) The Attorney General is authorized to approve an application for a grant under this title only if the applicant has on file with the Attorney General a current law enforcement plan which conforms with the purposes and requirements of this title. Each such plan shall—

(1) unless it is not practicable to do so, encompass a State, unit of general local government, or combination of such States or units;

(2) incorporate innovations, advanced techniques and improved uses of proven techniques, and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) purposes for which Federal funds are sought (with specific reference to their sequence, timing, and costs); (E) organizational systems and administrative machinery for implementing the plan; (F) the direction, scope, and general types of improvements to be made in the future; and (G) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

(3) provide for effective utilization of existing facilities and resources;

(4) provide for research and development;

(5) demonstrate the willingness of the applicant to assume the costs of improvements funded under this title after a reasonable period of Federal assistance;

(6) set forth policies and procedures designed to assure that Federal funds made available under this Act will be so used as to supplement and, to the extent practicable, increase the amount of funds that would in the absence of such Federal funds be made available for law enforcement;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds received under this title; and

(8) provide for the submission of such reports in such form and containing such information as the Attorney General may require.

(b) In implementing this section, the Attorney General shall—

(1) encourage State and local initiative in developing comprehensive law enforcement plans;

(2) encourage plans which encompass entire metropolitan areas;

(3) encourage plans which are related to and coordinate with other relevant State or local law enforcement plans and systems;

(4) encourage plans which deal with the problems and provide for the improvement of all law enforcement agencies in the area encompassed by the plans;

(5) encourage plans which provide for an appropriate balance between fund allocations for the several parts of the law enforcement systems covered by the plans; and

(6) encourage plans which explore the costs and benefits of alternative courses of action and promote efficiency and economy in management and operations.

Sec. 205. Notwithstanding the provisions of section 204 of this title, during the fiscal year ending June 30, 1968, the Attorney General is authorized to make grants for programs and projects dealing with the prevention, detection and control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of

the programs and projects to the applicant's general program for the improvement of law enforcement.

TITLE III—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

Sec. 301. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this title as "Institute"). It shall be the purpose of the Institute to encourage training, education, research, and development to improve and strengthen law enforcement.

(b) The Institute shall be under the supervision of the Attorney General, and the Director of the Institute shall be the Associate Administrator of Law Enforcement Assistance.

Sec. 302. The Institute is authorized—

(a) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private nonprofit organizations to establish local and regional programs of training, education and other activities for the purpose of improving State and local law enforcement personnel or persons preparing for employment in law enforcement;

(b) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this Act, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement;

(c) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement, including, but not limited to, the effectiveness of projects or programs carried out under this title;

(d) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the relationship between correctional procedures and the successful rehabilitation of convicted offenders into society;

(e) to make recommendations for action which can be taken by Federal, State, and local governments, and by private persons and organizations to improve and strengthen law enforcement;

(f) to carry out, subject to such terms as the Institute may prescribe, programs of instructional assistance consisting of—

(1) research and education fellowships for the programs provided under this section; and

(2) special workshops for the presentation and dissemination of information resulting from research authorized by this title;

(g) to make, subject to such terms as the Institute may prescribe, payments to institutions of higher education for—

(1) loans, not exceeding \$1,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Institute and leading to degrees or certificates in areas related to law enforcement or areas suitable for persons preparing for employment in law enforcement, with special consideration to law enforcement officers of States or units of local government on academic leave to earn such degrees or certificates: *Provided, however*, That subject to such terms as the Institute may prescribe, any such loan may be canceled in whole or in part for service as a full-time officer of any publicly funded law enforcement agency;

(2) fellowships, not exceeding \$2,300 per academic year for any person, plus a reasonable allowance for dependents, for persons enrolled on a full-time basis in undergrad-

uate or graduate programs approved by the Institute and leading to degrees or certificates in areas related to law enforcement or areas suitable for persons preparing for employment in law enforcement; and

(3) tuition and fees, not exceeding \$200 per academic quarter or \$300 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Institute and which leads to a degree or certificate in an area related to law enforcement or an area suitable for persons employed in law enforcement; and

(h) to carry out a program of collection and dissemination of information obtained by the Institute, other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement.

Sec. 303. The Institute is authorized to establish such laboratories and research or other facilities as may be necessary to carry out the programs described in section 302.

Sec. 304. The Institute shall make available, for the benefit of State and local law enforcement agencies and the public, information and publications concerning the results of programs conducted under this title and new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement.

Sec. 305. (a) The Director of the Federal Bureau of Investigation is authorized to—

(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia to provide training for State and local law enforcement personnel;

(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

(3) assist in conducting, at the request of a State or unit of general local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of general local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the supervision of the Attorney General.

Sec. 306. A Federal grant authorized under this title may be up to 100 per centum of the total cost of each program or project for which such grant is made. The Attorney General shall require, wherever feasible, as a condition of approval of a grant under this title, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is made.

Sec. 307. (a) The Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided, however*, That—

(1) the Attorney General is authorized to award grants, enter into contracts, or obligate funds for the continuation of projects, in accordance with the provisions of the Law Enforcement Assistance Act of 1965, based upon applications received under that Act prior to the effective date of this Act;

(2) the Attorney General is authorized to obligate funds for the continuation of the remainder of the fiscal year 1968 of projects approved under the Law Enforcement Assistance Act of 1965 prior to the effective date of this Act to the extent that such approval provided for continuation.

(3) any grants awarded, contracts entered into, or funds obligated under this section with respect to projects approved in accordance with the provisions of the Law Enforcement Assistance Act of 1965, and all activities necessary or appropriate under subsection (b) of this section, may be carried out with funds previously appropriated and funds appropriated pursuant to this Act.

(b) The Attorney General shall study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. (a) There shall be in the Department of Justice an Administrator of Law Enforcement Assistance and an Associate Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate, whose function shall be to assist the Attorney General in the performance of his duties under this Act.

(b) Section 5315 of title 5, United States Code is amended by the addition of the following at the end thereof:

"(84) Administrator of Law Enforcement Assistance."

(c) Section 5316 of title 5, United States Code is amended by the addition of the following at the end thereof:

"(119) Associate Administrator of Law Enforcement Assistance."

Sec. 402. The Attorney General, after consultation with representatives of States and units of general local government, is authorized to prescribe such regulations as may be necessary or appropriate to carry out the purposes of this Act, including regulations which—

(a) provide that a grantee will from time to time, but not less often than annually, submit a report evaluating accomplishments and cost-effectiveness of activities funded under this Act; and

(b) establish criteria to achieve an equitable distribution of assistance under this Act among States and units of general local government.

Regulations under this Act shall be prescribed in accordance with the requirements for notice and hearing in subsections (b) and (c) of section 553 of title 5, United States Code.

Sec. 403. In carrying out his functions under this Act, the Attorney General, or, upon authorization of the Attorney General, any person employed by the Department of Justice, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States.

Sec. 404. (a) Whenever the Attorney General, after reasonable notice and opportunity for hearing to a grantee under this Act, finds that, with respect to any payments made under this Act, there is a substantial failure to comply with—

(1) the provisions of this Act;

(2) regulations promulgated by the Attorney General under this Act; or

(3) any plan or application required as a prerequisite to the receipt of a grant under this Act,

the Attorney General shall notify such grantee that further payments shall not be made (or in his discretion that further payments shall not be made for activities in which there is such failure) until there is no longer such failure. The findings and determinations of the Attorney General with respect thereto shall be final and conclusive, except as hereafter provided.

(b) If an applicant or grantee is dissatisfied with the Attorney General's final action under subsection (a) of this section, the applicant or grantee may, within sixty days after notice of the action, file with the United States court of appeals for the circuit in which the applicant or grantee is located a

petition for review of the action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Attorney General. The Attorney General shall thereupon file in the court the record of the proceedings on which his action was based, as provided in section 2212 of title 28, United States Code. Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Attorney General or to set it aside, in whole or in part, temporarily or permanently.

(c) The findings and determinations of the Attorney General, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Attorney General to take further evidence. The Attorney General may thereupon make new or modified findings and determinations and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings and determinations shall likewise be conclusive if supported by substantial evidence.

(d) The judgment of the court affirming or setting aside in whole or in part any action of the Attorney General shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the action of the Attorney General.

Sec. 405. Unless otherwise specified in this Act, the Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1968, and the four succeeding fiscal years.

Sec. 406. (a) To insure that all Federal assistance to State and local programs for law enforcement is carried out in a coordinated manner, the Attorney General is authorized—

(1) to cooperate with and use the available services, equipment, personnel, and facilities of any Federal department, agency, or instrumentality;

(2) to request such department, agency or instrumentality to supply data, statistics, program reports, and other materials; and

(3) to cooperate with such department, agency, or instrumentality in the establishment and use of services, equipment, personnel, and facilities of the Department of Justice.

(b) Each Federal department, agency, or instrumentality is authorized to cooperate with the Attorney General and, to the extent permitted by law, to furnish services, equipment, personnel, facilities, data, and other materials to the Attorney General.

(c) Each Federal department, agency, or instrumentality engaged in administering programs related to law enforcement shall, to the maximum extent practicable, consult with and seek advice from the Attorney General to insure fully coordinated efforts, and the Attorney General shall undertake to coordinate such efforts.

Sec. 407. The Attorney General may arrange with and reimburse the head of any other Federal department, agency, or instrumentality for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act and authorize the redelegation of such powers.

Sec. 408. The Attorney General is authorized—

(a) to conduct evaluation studies of programs and activities assisted under this Act;

(b) to confer with and avail himself of the cooperation, services, records, and facilities of any public agency;

(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies,

organizations or institutions in matters relating to law enforcement; and

(d) to collect, evaluate, publish and disseminate statistics and other information on the condition and progress of law enforcement in the several States.

Sec. 409. (a) Payments under this Act may be made in installments and in advance or by way of reimbursement as may be determined by the Attorney General.

(b) Not more than 15 per centum of the sums appropriated or allocated for any fiscal year to carry out the provisions of this Act may be used within any one State, except that this limitation shall not apply to grants made pursuant to title III of this Act.

Sec. 410. The Attorney General is authorized to appoint technical or other advisory committees to advise him with respect to the administration of this Act. A member of such committee not otherwise in the employ of the United States, while attending meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding \$100 per diem, and while away from home or regular place of business he may be allowed travel expenses, including a per diem allowance, as authorized by subsection (b) of section 5703 of title 5, United States Code for an individual employed intermittently in the Government service as an expert or consultant.

Sec. 411. Nothing contained in this Act or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or unit of general local government.

Sec. 412. On or before August 31, 1968, and each year thereafter, the Attorney General shall report to the President and to the Congress on activities pursuant to the provisions of this Act during the preceding fiscal year.

Sec. 413. (a) For the purposes of carrying out this Act, there is hereby authorized to be appropriated the sum of \$70,111,000 for the fiscal year ending June 30, 1968, and for each succeeding fiscal year such sums as the Congress may hereafter appropriate: *Provided, however,* That of the amount authorized for the fiscal year ending June 30, 1968, the sum of \$20,000,000 shall be for the purposes of title I; the sum of \$30,000,000 shall be for the purpose of title II, of which \$15,000,000 shall be for the purposes of section 202(b)(4); and the sum of \$20,111,000 shall be for the purposes of title III, of which \$5,111,000 shall be for the purposes of section 305.

(b) Funds appropriated under this title for a fiscal year shall remain available for obligation in accordance with the provisions of this title until expended. The amount of any allocation which the Attorney General determines will not be required during the period for which it is available shall be available for reallocation by the Attorney General.

Sec. 414. (a) The Attorney General is authorized to make grants under title I or II of this Act to a unit of general local government or combination of such units only if the applicant certifies that it has submitted a copy of its application to the chief executive and, where appropriate, the State law enforcement agency of the State in which the unit or combination is located. The chief executive of the State and, where appropriate, the State law enforcement agency shall be given not more than sixty days from the date of receipt of the application to submit to the Attorney General in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and

improvements in law enforcement. If an application is submitted by a combination of units of general local government located in more than one State, the application shall be submitted to the chief executive and, where appropriate, the State law enforcement agency of each State in which the combination is located.

(b) Section 3334 of title 42, United States Code is amended by inserting "law enforcement facilities," immediately after "transportation facilities."

Sec. 415. Each recipient of assistance under this Act shall keep such records as the Attorney General shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Attorney General and the Comptroller General of the United States, or their duly authorized representatives, shall have access for purposes of audit and examination to any books, documents, papers, records, and other material of such recipient that are pertinent to assistance received under this Act.

TITLE V—DEFINITIONS

SEC. 501. As used in this Act—

(a) "Law enforcement" means all activities pertaining to the prevention and reduction of crime, the increase of respect for law and order, or the enforcement and administration of the criminal law, including, but not limited, to activities involving police, prosecution or defense of criminal cases, courts, probation, corrections, or parole.

(b) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any Territory or Possession of the United States.

(c) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

(d) "Combination" as applied to States or units of general local government means any grouping or joining together of such States or units, including a grouping or joining together for the purpose only of preparing, developing, revising or implementing a law enforcement plan.

(e) "Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

(f) "Public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

(g) "Construction" means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

(h) "State law enforcement agency" means an agency established pursuant to State law, or established by the chief executive of the State for the purpose of this Act or an existing agency so designated, which agency shall be broadly representative of law enforcement officials within the State.

(i) "Institution of higher education" means any institution of higher education as defined in section 103(b) of the National Defense Education Act of 1958, as amended (79 Stat. 1251; 20 U.S.C. 403(b)), subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

Amend the title so as to read: "A bill to assist State and local governments in reduc-

ing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement at all levels of government, and for other purposes."

INDIVIDUAL COMMENTS OF SENATORS HART AND KENNEDY ON SUBCOMMITTEE DRAFT OF PROPOSED COMMITTEE REPORT

Passage of the Safe Streets and Crime Control Act is one of the priority goals for the first session of the Ninetieth Congress. The proposed Act grows from the firm foundation of the two years of experience under the Law Enforcement Assistance Act of 1965 and from the extensive work of the President's Commission on Law Enforcement and Administration of Justice. It was designed to meet what is universally agreed to be the first need of the law enforcement and criminal justice system in the United States—an infusion of new financial resources to improve the manpower, equipment, methods, management and coordination of our police, courts, and corrections agencies, and to discover, design, and demonstrate new techniques for the prevention and control of crime. That is the way the bill was presented by the President; that is the way it was developed and passed by the House and sent to the Senate.

Now we are presented with something quite different, a so-called "omnibus" bill which raises a myriad of new issues and new problems in a measure which already contained enough sensitive issues to make its passage a matter of considerable difficulty. We now have new questions of civil rights, constitutional law, civil liberties, right to privacy, habeas corpus, right to counsel, novel administrative theories, and others. Many of them were raised only at the last minute and have had no consideration by anyone inside or outside the Subcommittee except their sponsors. Others raise very subtle and complex issues which need much more careful study and thought than they have received, or can receive in the context of a bill which concerns financing of new resources for law enforcement and criminal justice, and not the development of new rules of evidence and criminal procedure and new criminal statutes.

The simple fact is that the bill in its present form does not deserve passage. If we are serious about rapid passage of a bill to enhance the capabilities of the law enforcement and criminal justice system, then our responsibility is to return to a clean bill along the general lines of the President's proposal and the House-passed bill. One or another of us might like to see different kinds of "anti-crime" measures passed in addition to the Safe Streets Bill. Every extra hour and day we spend on the bill in committee, on the floor, and in conference debating, deciding, and voting on issues which are really unnecessary to and independent of the bill itself, constitutes an unjustifiable delay of the kind of assistance the nation's law enforcement and criminal justice agencies urgently need, and the nation's people now deserve.

PHILIP A. HART.
EDWARD M. KENNEDY.

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. 13893) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1968, and for other purposes; agreed to the conference asked by the

Senate on the disagreeing votes of the two Houses thereon, and that Mr. PASSMAN, Mr. ROONEY of New York, Mrs. HANSEN of Washington, Mr. COHELAN, Mr. LONG of Maryland, Mr. McFALL, Mr. MAHON, Mr. SHRIVER, Mr. CONTE, Mrs. REID of Illinois, Mr. RIEGLE, and Mr. Bow were appointed managers on the part of the House at the conference.

U.S. CONTESTS STATE GASOLINE TAX FOR FEDERAL VEHICLES

Mr. EASTLAND. Mr. President, the Department of Justice has recently filed a test suit in Mississippi contesting the constitutionality of our statutes which impose a 7-cent gasoline tax for the construction and maintenance of highways.

This tax has been levied against the distributors of gasoline, and gasoline sold for use in Federal vehicles, with the exception of those operated by the armed services and certain vehicles that operate exclusively within a Federal enclave.

This suit against Mississippi is a direct challenge to the right of the States to impose gasoline taxes on gasoline used by Federal vehicles.

Since this applies to all States in the Union, I believe it would be advisable to insert into the RECORD for the information of all Senators, Congressmen, Governors, and other interested parties the bill of complaint and the stipulation of facts agreed to by both parties; and I ask unanimous consent that this be done.

There being no objection, the bill of complaint and stipulation of facts were ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the Southern District of Mississippi, Jackson Division—Civil Action No. 3922]

UNITED STATES OF AMERICA, PLAINTIFF V. WALTER M. HESTER, MOTOR VEHICLE COMPTROLLER OF THE STATE OF MISSISSIPPI, DEFENDANT

COMPLAINT

Plaintiff United States of America, by its attorney, Robert E. Hauberg, United States Attorney for the Southern District of Mississippi alleges:

1. Jurisdiction of this action is founded on (a) Title 28 U.S.C. Section 1345, this being a civil suit commenced by the United States and (b) Title 28 U.S.C. Section 1331, the amount in controversy exceeding ten thousand dollars (\$10,000), exclusive of interest and costs and the suit arising under the Constitution and laws of the United States.

2. Defendant Walter M. Hester is and at all times here pertinent was the Motor Vehicle Comptroller charged by law with the administration of Title 40, Chapter 1, Mississippi Code Annotated (the Act) under which he imposed and collected and threatens to impose and collect the taxes herein sought to be refunded and enjoined.

3. Pursuant to Title 40, Chapter 1, Mississippi Code Annotated, defendant is presently collecting and has, in past years, collected taxes at the rate of seven (7¢) cents per gallon, with respect to gasoline sold to plaintiff United States of America.

4. The Act provided, prior to February 23, 1966, for a refund to municipalities of one (1¢) cent per gallon less than the tax actually paid on gasoline purchased by municipalities and used solely for municipal purposes. The tax imposed on gasoline purchase by municipalities and used solely for municipal purposes is seven (7¢) cents per gallon.

5. The Act has never provided for any refunds to the United States with respect to gasoline purchased by the Government and used solely for governmental purposes.

6. The Act, insofar as it provided for the refund of taxes to municipalities with respect to gasoline purchased by municipalities and used solely for municipal purposes, without providing for a similar refund to the United States with respect to gasoline purchased by the United States and used solely for governmental purposes, invidiously discriminated against the United States with the consequence that the Act, as applied to sales of gasoline to the United States, infringed the immunity from discriminatory taxation enjoyed by the United States under the Federal Constitution.

7. Upon information and belief, defendant made, prior to February 23, 1966, refunds to municipalities of one (1¢) cent per gallon less than the tax actually paid with respect to gasoline purchased by the municipalities and used solely for municipal purposes.

8. Defendant has not made and does not intend to make refunds to the United States with respect to gasoline purchased by the United States prior to February 23, 1966, which was used solely for governmental purposes.

9. In making refunds to municipalities but not to the United States, defendant has administered the Act in a manner which unconstitutionally discriminated against the United States and infringed the immunity from discriminatory taxation which it enjoys under the Federal Constitution.

10. By reason of said discriminatory administration of the Act, said taxes imposed thereunder prior to February 23, 1966, with respect to gasoline sold to the United States and used solely for governmental purposes have been imposed in violation of the Constitutions of the United States and the State of Mississippi.

11. Said taxes imposed and threatened to be imposed with respect to gasoline sold to the United States infringes the immunity from state and local taxation enjoyed by the United States under the Constitutions of the United States and the State of Mississippi, in that the legal incidence of said taxes has been and is upon the United States.

12. Plaintiff (a) has no adequate remedy at law in that, among other things, no interest on refunds of taxes, illegally collected under the Act is provided for by Mississippi law and (b) will suffer irreparable harm unless defendant is restrained, during pendency of this action and permanently thereafter, from levying, assessing and collecting taxes under the Act with respect to gasoline sold to the Government in that plaintiff will be put to the expense of multiple suits.

13. The relief prayed for herein requires this case to be heard by a court of three judges.

Wherefore, plaintiff prays judgment

1. Decreeing and adjudging that imposition of taxes under Title 40, Chapter 1, Mississippi Code Annotated, with respect to gasoline sold to the United States is prohibited by the Constitutions of the United States and the State of Mississippi; and

2. Restraining and enjoining defendant, and all persons acting under his authority, during the pendency of this action and permanently thereafter, from assessing or collecting any taxes under the Act with respect to gasoline sold to the United States; and

3. Directing defendant to pay to plaintiff an amount equal to all taxes paid up to the time of entry of judgment with respect to gasoline sold to the United States together with appropriate interest; and

4. Granting plaintiff such other and further relief as may be just and proper, including costs.

ROBERT E. HAUBERG,
U.S. Attorney.

[In the U.S. District Court for the Southern District of Mississippi, Jackson Division—Civil Action No. 3922]

UNITED STATES OF AMERICA, PLAINTIFF v.
WALTER M. HESTER, MOTOR VEHICLE COMPTROLLER OF THE STATE OF MISSISSIPPI, DEFENDANT

STIPULATION OF FACTS

It is hereby stipulated and agreed by and between the parties hereto, by their respective attorneys, that the following shall be deemed true and correct statements of fact for the purposes of plaintiff's Motion for Partial Summary Judgment and any other motion, hearing, or trial herein, provided, however, that either party may introduce other admissible evidence not inconsistent with any facts stated herein.

(1) Defendant is the State of Mississippi acting by and through the Motor Vehicle Comptroller of the State of Mississippi who as such administers the provisions of Title 40, Chapter 1 of the Mississippi Code of 1942, as amended, hereinafter referred to as the Gasoline Excise Tax Act.

(2) Where appropriate, the word "defendant" as used herein includes the predecessors in office as Motor Vehicle Comptroller of the State of Mississippi.

(3) Excise taxes paid to defendant by distributors of gasoline, on deliveries made to agencies of the United States, agencies of the State of Mississippi and all other persons, firms and corporations and used for propelling motor vehicles on the public roads and highways, have been paid by distributors to defendant periodically since March, 1944. From the enactment of Chapter 226, Laws of Mississippi of 1944, effective February 23, 1944, until the enactment of Chapter 529, Laws of Mississippi of 1964 (Regular Session), effective July 1, 1964, all purchases of gasoline for use by the Armed Forces of the United States were exempt from Mississippi gasoline excise taxes.

(4) Where appropriate, references to sections of the Mississippi Code shall be construed as also embracing predecessor sections as qualified by all previous legislative amendments and enactments which have taken place practically at each session of the Mississippi Legislature.

(5) The Gasoline Excise Tax Act referred to herein and the subject of the injunction sought in this proceeding is Chapter 645 of the Laws of the State of Mississippi of 1966 adopted on the 23rd day of February, 1966, referenced as Code Sections 10013-01 to 10013-85, both inclusive, of the Mississippi Code of 1942, as amended. Under Section 10013-06, Mississippi Code of 1942, as amended, the State of Mississippi levies and collects 7¢ per gallon, as an excise tax.

(6) Plaintiff's claim for refunds includes taxes allegedly paid under the present Gasoline Excise Tax Act as well as under prior acts of the Mississippi Legislature. For the convenience of the Court a legislative history of the Gasoline Excise Tax Act is outlined in Exhibit "A" prepared by a clerk in the Motor Vehicle Comptroller's office and attached hereto. Conclusions or characterizations stated in Exhibit "A" do not necessarily reflect the opinions of both parties and are not intended to be binding on the Court or the parties and either party may refer to and rely on any of the provisions of any relevant Mississippi Laws whether or not mentioned in Exhibit "A" and may make any argument predicated thereon whether or not consistent with any conclusions or characterizations set forth in Exhibit "A".

(7) The following language is and has been consistently used in the Gasoline Excise Tax Act and its earlier versions:

"... any person engaged in the business of distributor of gasoline, shall pay for the privilege of engaging in the business as an excise tax . . ."

(8) The Gasoline Excise Tax Act and its predecessors have been construed in or

through various opinions of the Attorney General of the State of Mississippi, copies of which are attached hereto as Exhibit "B". Also included as part of Exhibit "B" is a copy of an opinion rendered by the Comptroller General of the United States dated March 6, 1942.

(9) The excise tax is calculated and determined on the basis of the number of gallons of gasoline received by the distributor less 2% allowance for spillage and evaporation, times the amount of the excise tax, which presently is 7¢ per gallon.

(10) The Mississippi Code does not and never has contained any provision authorizing refund to the United States, the State of Mississippi, or any County thereof, of any excise taxes paid by distributors with respect to gasoline purchased in Mississippi by any of the aforesaid governmental entities and used for propelling motor vehicles on the public roads and highways, even if such gasoline is or was used exclusively for governmental purposes. However, under the refund provisions of Sections 10013-11 and 10013-12 of the Gasoline Excise Tax Act refunds with respect to non-highway use on gasoline have been liberally allowed to all governmental agencies on the same basis, including all branches of the State Government and the Government of the United States. The Mississippi Code made provision for refund of gasoline excise taxes to municipalities during the period April 1, 1946 to February 23, 1966, as appears from paragraphs "14" and "17" *infra*, but made no provision for a tax exemption to municipalities during that time and does not now provide for a tax exemption for municipalities.

(11) In addition, all said agencies were permitted to use refund gasoline in their motor vehicles when unavoidably using the roads and highways of the State of Mississippi for the purpose of getting from private property to other private property or from federal enclaves to other federal enclaves. The amount of refund gasoline used on the roads and highways of the State of Mississippi on such occasions was de minimis.

(12) Funds realized from the excise tax on gasoline are now and have at all times here in question been used exclusively for the construction, reconstruction, maintenance and operation of public roads and highways of the State of Mississippi.

(13) The exemption granted to the Federal Government on gasoline purchases for use by its Armed Forces amounts to seven (7¢) cents per gallon. Refunds under Section 10013-11 of the Mississippi Code of 1942, as amended, amount to six (6¢) cents per gallon, or one cent (1¢) less than the amount of tax paid by the distributor.

(14) The Mississippi Legislature under the provisions of Senate Bill 92, Chapter 339 of the Laws of the State of Mississippi of 1946 and later enactments (former Section 10014-01, Mississippi Code of 1942, as amended) levied and imposed a tax of six cents (6¢) per gallon (later seven cents (7¢)) on municipalities for the privilege of importing, receiving, storing and distributing gasoline. Said act provided for a refund of five cents (5¢) (later six cents (6¢)) per gallon to municipalities on gasoline used exclusively for municipal purposes (first within the boundaries of said municipality and later within ten miles of the boundaries) upon claims duly and timely made. In the administration of said act and prior to making refunds to a municipality under the terms of said act, it was necessary for a municipality to file an information blank, claim for refund, and certificate for refund; copies of said forms are attached hereto marked Exhibit "C" and made a part hereof as though fully set out herein. Defendant policed, reviewed and frequently disallowed claims of municipalities when it determined that the gasoline was not used as require by Section

10014-01 or that there was failure to comply with the rules and regulations governing the administration of said act.

(15) Refunds have not been paid to any foreign government operating in the State of Mississippi, as reflected in the opinion of the Attorney General of the State of Mississippi, dated March 16, 1937.

(16) Municipalities failing to qualify under Section 10014-01, Mississippi Code of 1942, as amended, by obtaining a permit, certificate for refund and application, were not granted refunds on gasoline. Defendant has refunded to Mississippi municipalities, fully complying with the provisions of Section 10014-01, Mississippi Code of 1942, as amended, all but one cent (1¢) per gallon of excise taxes remitted by their distributors with respect to gasoline purchased by the municipalities and used in accordance with Section 10014-01 requirements between April 1, 1946, and February 23, 1966.

(17) Section 10014-01, Mississippi Code of 1942, as amended, was repealed effective February 23, 1966, and defendant has not and does not intend to make any refunds to Mississippi municipalities with respect to gasoline deliveries on or after February 23, 1966, for municipal use on the roads and highways of the State of Mississippi, or streets and alleys of the municipality.

(18) Defendant, in administering Section 10013-04, Mississippi Code of 1942, as amended, upon finding that a distributor is delinquent in reporting the gasoline excise tax on any gasoline received, regardless of how or to whom said gasoline may be ultimately distributed, calls on the distributor's bonding company for the amount of excise tax due the State. Should the distributor's bonding company be required to pay such tax it, in all probability, would cancel the distributor's bond, and thereupon, it would become the duty of the defendant to cancel distributor's permit.

(19) Refunds of gasoline excise taxes on gasoline used for non-highway purposes, including gasoline used for maritime, industrial, agricultural, and domestic purposes, have been made to State agencies and the United States Government on the same basis, at all times questioned herein.

(20) The refund laws (now Section 10013-16 and 10013-19) presently provide, and at all times here in question, provided certain periods of time within which claims are to be filed with the Comptroller.

(21) The United States Government has never filed a timely claim with the Comptroller certifying that the gasoline was used to propel motor vehicles in places other than on the highways of the State of Mississippi, which has not been processed and ultimately paid. There were no unpaid claims for gasoline purchased by the United States Government pending with the defendant until the institution of these proceedings.

(22) Section 10013-39, Mississippi Code of 1942, as amended, provides for an exemption to the United States Government on gasoline purchased for use by its Armed Forces in quantities of four thousand (4,000) gallons or more, upon claims duly and timely filed and certified to by the distributor and purchasing agent (copy of said certificate is attached hereto marked Exhibit "D" and made a part hereof). Said section also provides for an exemption to the Mississippi National Guard on any quantity of gasoline purchased. On September 20, 1966, the Attorney General of Mississippi in construing Section 10013-39, Mississippi Code of 1942, as amended, held that since sales to the Mississippi National Guard are completely exempt, the same exemption must be extended to the Armed Forces of the United States and the Comptroller is presently abiding by that opinion.

(23) Defendant now looks and at all times in question has looked to the distributor to

remit to it gasoline excise taxes on all gasoline received by him. At no time does defendant look to the ultimate vendor or vendee of gasoline purchased in this State for a remission of the State excise taxes on gasoline.

(24) Defendant still collects and intends to collect excise taxes as heretofore from distributors on all their receipts of gasoline for delivery and use on the public highways of Mississippi.

(25) The amount here in controversy exceeds the sum of Ten Thousand Dollars (\$10,000.00).

Dated: _____
ROBERT E. HAUBERG,
U.S. Attorney.

By: _____
JOE T. PATTERSON,
Attorney General of Mississippi.
By: _____

Mr. EASTLAND. I also ask unanimous consent to have printed in the RECORD a copy of a letter which Mr. Walter Hester, vehicle comptroller of Mississippi, has directed to the gasoline tax authorities of the 20 States named in the letter, advising them of the pendency of this test suit which so vitally affects them as well as the State of Mississippi.

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

STATE OF MISSISSIPPI,
MOTOR VEHICLE COMPTROLLER,
Jackson, November 27, 1967.
In re United States of America v. Walter M. Hester, Motor Vehicle Comptroller, State of Mississippi, etc.

C.H. LAMB,
Commissioner, Division of Motor Vehicles,
Richmond, Va.

DEAR SIR: The above styled law suit is presently pending in a three Judge Federal Court here in Jackson. The purpose of the United States Department of Justice legal action is to declare unconstitutional Mississippi's statute and the practice of collecting gasoline excise taxes by wholesale distributors for sales of gasoline to Agencies of the United States Government. Of course, our tax of seven cents per gallon is placed upon wholesale receipts of distributors and not on upon sales thereof, but the Department of Justice hopes to place the legal incidence upon the ultimate purchaser in order to render our statute unconstitutional. The law suit also asks the Court for a refund of such taxes collected from distributors in past years, if found unconstitutional.

Realizing that this is a very far reaching suit which potentially involves millions of dollars of gasoline taxes and knowing that your State has gasoline tax laws very similar to Mississippi, I am enclosing copies of pertinent legal documents concerning this matter.

United States Senator from Mississippi, James O. Eastland, has arranged for a conference for our attorneys and tax officials with Justice Department officials in order to possibly negotiate this serious matter. This conference is planned for 10:30 A.M., Tuesday, December 5, 1967, at the Justice Department with Mr. Welsl, Assistant Attorney General of the Civil Division of the Justice Department.

It was my thought that you might want to closely review the enclosed documents with your fiscal and legal staffs as an affirmative holding by this Federal Court might seriously effect tax collections in your own State. Further, your congressional delegation might be interested in learning of this law suit and its possible far reaching effects. Senator Eastland is very much interested in this matter and the detrimental effect on our highway program.

If you desire or need additional informa-

tion in this regard, please advise and you will have our complete cooperation.

With kindest regards and best wishes, I am

Sincerely yours,

WALTER M. HESTER,
Motor Vehicle Comptroller.
ADLIA MORGAN,
Director of Petroleum Taxes.

Mr. EASTLAND. Mr. President, this is a very far-reaching question and, of course, is going to have its ramifications in Congress. The Federal Government by right should pay a gasoline tax on gasoline purchases used by Federal vehicles within the State in order to support the highway systems upon which they travel. For that reason, I believe all Senators should be advised of the situation which now confronts all States of the Union.

A news story in the Memphis Commercial Appeal, December 7, written by its Washington correspondent, Mr. Morris Cunningham, reveals the magnitude of the problem as well as some quotes from a spokesman from the Department of Justice, indicating the broad purposes of the suit:

A Justice Department spokesman confirmed the broad, unprecedented scope of the suit.

"We are alleging that the levying of any State gasoline tax against a Federal vehicle used in Federal business amounts to taxing the United States and that this is unlawful," the spokesman said.

Since no State completely exempts the Federal Government from State gasoline taxes, the suit would affect all States.

A further quote from the same news item is as follows:

A California man said it would cost California 200 million dollars a year. . . . The State of Washington has sent a tax man here. He says it would cost his State 200 million dollars a year.

A further quote is as follows:

Since all 50 States follow the same practices, why was the suit filed in Mississippi? A Justice Department spokesman said he did not know.

Mr. President, the foregoing items are submitted for publication in the RECORD because of the importance of this issue which confronts the States.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS 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 Teachers 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. FANNIN. Mr. President, I wish to commend the distinguished senior Senator from Oregon for his masterly handling of the elementary and secondary education bill. As floor manager of this measure, he has been cooperative, fair, and considerate of all his colleagues, whether they supported or opposed his position on the bill or the many amend-

ments that were offered. His knowledge of the statutes in connection with educational programs served to speed this measure to a final conclusion.

Many provisions of the bill represent new approaches to educational attainments. The Bilingual Education Act is one example. The purpose of this new title is to provide a solution for the problems of those children who are educationally disadvantaged because of their inability to speak English. The distinguished floor manager of the bill helped materially in providing an opportunity for this action to be taken. These children, who number approximately 3 million of school age, are deprived of equal educational opportunity because of their limited communication skills.

This is evidenced by the fact that in the five Southwestern States which contain approximately 1½ million Spanish-speaking children of school age, the average years of school completed is 7.1 for Spanish surnamed, nine for nonwhite, and 12.1 for whites. There is a similar correlation between low-family incomes and the inability to speak English. For example, in the same five Southwestern States, 34.8 percent of the Spanish surnamed population are from families with incomes below \$3,000, compared with 21 percent of the general population.

The solution to this problem lies in the ability of our local educational agencies with high concentrations of children of limited English-speaking ability to develop and operate bilingual programs of instruction. The proposed legislation should benefit greatly in accomplishing this objective.

Another benefit—and in this respect I wish to pay special thanks to the distinguished senior Senator from Oregon for his assistance in getting a program started to determine what can be done to assist our Indian children—is the amendment extending ESEA funding, under titles I, II, and III, for Indian children in BIA schools for another 2 years. This will do much to reach the most disadvantaged children in this country. The establishment of a special Subcommittee on Indian Education should bring to the attention of Congress, as well as the general public, the desperate plight of the Indian child. Their extreme educational deficiencies are not only caused by their economic poverty, which is more tragic than that found even in the city slums, but also results as much from their unique language and cultural alienation.

ESEA funding has made startling advances toward solving the complex problems of Indian education, and it will only be through further funding that these children can begin to get a fair shake.

Again, I pay tribute to the distinguished senior Senator from Oregon for his untiring work over the years on educational programs. His leadership and guidance in committee activities have been outstanding. His vision of innovative projects which he has assisted in formulating will benefit our schools and children now and in the years ahead.

Mr. MORSE. Mr. President, I wish to express my heartfelt thanks to the dis-

tinguished Senator from Arizona, who is a member of the Senate committee which has brought this bill to the Senate, for his complete cooperation with the manager of the bill as we have worked on the bill in committee and on the floor of the Senate.

Mr. President, I want the RECORD to show that this bill contains an entire series of contributions by the Senator from Arizona in its terms. Not only was the Senator from Arizona one of the sponsors, but he was also one of the ardent supporters of the bilingual education amendment that is in the bill.

It was the Senator from Arizona who first proposed to the Senator from Oregon the creation of a Subcommittee on Indian Education. I took that recommendation to the distinguished Senator from Alabama [Mr. HILL], who was the chairman of the full committee.

We went over the list to see who on the majority side was in line for the chairmanship of such committee and it was felt that it was the Senator from New York [Mr. KENNEDY], as the Senator knows.

The Senator has been very helpful in getting that subcommittee appointed, and it has already brought forth results that are written into the bill, due in no small measure to the efforts of the Senator from Arizona.

In this bill we have tried to recognize the very problem about which the Senator has just spoken in connection with the improvement of education for the Indian children of this country.

The Senator is very kind to seek to give me the credit he did in his remarks, but the credit is not mine; it is to be shared by all Senators as members of the committee. I thank the Senator for his generosity.

Mr. FANNIN. Mr. President, without the cooperation of the distinguished senior Senator from Oregon I doubt that we would have a special Subcommittee on Indian Education. I express thanks because I feel that we can go forward with this work and that he will continue with his inspiration.

I thank the Senator.

Mr. MORSE. I thank the Senator from Arizona.

ABSENCE OF U.N. HEADQUARTERS SITE AGREEMENT

Mr. THURMOND. Mr. President, for the past week we have been hearing many reports about the desire of the Vietcong to come to the United Nations in New York to plead its case. Even though such a move is obviously not welcomed by the South Vietnamese Government, and even though such a move would be contrary to U.S. interests in Vietnam, the administration has seen fit to encourage the Vietcong desire, and has all but invited the Vietcong to come on American soil.

I doubt that the time has yet come when the cause for which we are fighting can be best served by negotiations. If such negotiations do come, then they ought to be conducted more properly with the overt aggressors, the Government of North Vietnam. The Vietcong

have no standing whatsoever in South Vietnam. They are not recognized as a government by any nation, Communist or free. There are no tests whatsoever which would indicate that the Vietcong represent anybody except Hanoi. In short, the wisest position is that of the South Vietnamese Government; namely, that Vietcong defectors will be accepted as individual citizens, but that the puppet Vietcong apparatus will not be recognized as a legitimate political entity in any form.

When we begin to speak of negotiations with the Vietcong, we give credence and support to the myth that the Vietcong are conducting a "civil war" motivated by nationalism. It should be our national policy to undercut the status which propaganda has conferred upon the Vietcong. We should seek to block the Vietcong from exploiting the forums of public opinion, and the mechanisms that belong to legitimate government.

Therefore, I find our Government's policy shocking when it aids and assists the Vietcong to attain a place in world opinion. U.N. Ambassador Goldberg testified before the Senate Foreign Relations Committee on November 2 that the United States would "not stand in the way" of allowing the Vietcong to come to the U.N. Security Council under rule 39. In fact, he indicated that the United States would affirmatively vote to inscribe the matter on the calendar if necessary to get the required nine votes. In other words, we would actually join in the invitation to the Vietcong.

On December 5, Robert McCloskey, State Department press officer, clarified our policy even further. I quote from the verbatim transcript of the press briefing:

In making clear that we, the United States, would not stand in the way of an invitation to the National Liberation Front under Rule 39, we of course took into account the questions of visas on this point. Our visa policy in this connection is governed by the Headquarters Agreement—that is, the United Nations Headquarters Agreement—under which, as the host nation, the United States does admit to the United Nations individuals who may be officially invited to take part in UN proceeding."

Q. Does admit officials?

A. This would apply to an invitation under Rule 39.

Q. But if the Secretary-General wants to invite anybody to the Security Council meeting, does this Headquarters Agreement apply to such cases?

A. If the Secretary-General wishes to—

Q. Wishes to invite anybody, not for the Security Council meeting, can they obtain visas or not, because this is the kind of official invitation?

A. Well, I had the language in part of the Headquarters Agreement, which I regret I didn't bring out with me; but under that I think the language is broad enough to include an official invitation to any part of the United Nations.

That is from the official transcript.

It makes the position of the U.S. Government quite clear. We would do nothing to stand in the way of the Vietcong appearing on American soil. In fact, the State Department position is that we are obliged by law to allow the Vietcong to come.

There is one serious weakness in the State Department position.

We are not obliged by law to issue visas to the Vietcong.

We are not obliged to do so by the headquarters site agreement.

The State Department position is based upon a misconception.

The headquarters site agreement does not exist.

For 20 years, the State Department and the United Nations have diligently promulgated the myth that an agreement exists between the United States and the United Nations, pursuant to law, governing the relationships arising out of the U.N.'s headquarters being located within the United States.

That agreement was never consummated.

The agreement never came to pass because the U.N. and the U.S. Congress were never able to agree on terms that

would protect American immigration laws, particularly with regard to the issuance of visas to nondiplomatic U.N. visitors. In other words, the agreement was never consummated precisely because the parties to the cause were never able to agree on how to handle situations such as an invitation to the Vietcong to come upon American soil.

Ambassador Goldberg has now said that the Vietcong asked for a 1-year visa, with the possibility of an extension to two. For 2 years, representatives of the Vietcong would be upon American soil, creating propaganda, supplying fuel to demonstrations such as those which kept New York in turmoil all last week.

Such a situation is a threat to the internal security of the United States. For this reason, the Senate Internal Security Subcommittee has been conducting an

intensive investigation into the status of the so-called U.N. headquarters site agreement. Today, the subcommittee is publishing its hearings, with extensive documentation offering conclusive evidence that the agreement was never consummated.

The situation is extremely complicated, and I have drawn up a chart, based upon the hearings, which shows the progress of the negotiations, and the actions taken under the law. Those who wish to read the actual documents may consult the Subcommittee hearings, but I ask unanimous consent that the chart of actions relating to the U.N. headquarters site agreement be printed in the RECORD at this point in my remarks.

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

CHRONOLOGY OF ACTIONS RELATING TO UNITED NATIONS HEADQUARTERS SITE AGREEMENT RESOLUTIONS (PUBLIC LAW 357, 80TH CONGRESS) PREPARED BY SENATOR STROM THURMOND (REPUBLICAN, SOUTH CAROLINA)

Date	Action	Documentation	Comment
Feb. 13, 1946	Draft site agreement adopted by General Assembly (Document A/67).	Resolution 22 (I) of General Assembly	New York site not yet selected.
Dec. 4	General Assembly authorizes negotiations to adapt A/67 to New York site.	Resolutions 99 (I); 100 (I)	A/67 assumed a rural site.
June 26, 1967	Draft agreement signed by George Marshall and Trygve Lie.		A "draft," not an agreement.
July 2	President Truman transmits June 26 draft to Congress, requesting a joint resolution.	See S. Rept. 522, 80th Cong., 1st sess.	
July 3	Senators Ives and Wagner submit S.J. Res. 144, 80th Cong., which is referred to Committee on Foreign Relations.	Daily Congressional Record, p. 8400	S.J. Res. 144 contains text of June 26 draft.
July 14	S.J. Res. 144 reported favorably, with amendment.	Congressional Record, p. 8992, also S. Rept. 522, 80th Cong., 1st sess.	Added secs. 2, 3, 4, 5, 6 to S.J. Res. 144; sec. 6 reserves right to protect U.S. immigration laws.
July 17	S.J. Res. 144 approved by Senate, as amended.	Congressional Record, p. 9299	Congressional Record prints text as approved (includes sec. 6).
July 18	S.J. Res. 144 referred to House Committee on Foreign Affairs.	Congressional Record, p. 9506	
July 25	S.J. Res. 144 reported favorably, with additional amendments.	Congressional Record, p. 10356	Further strengthens immigration reservation.
July 26, 1947	S.J. Res. 144 passed House under suspension of rules.	Congressional Record, pp. 10593-10597	Text in Congressional Record includes sec. 6 with expanded provisions.
Do	Senate agrees to House amendments.	Congressional Record, pp. 10639-10642	Amendments reported by phrase, referring to slip copy of bill but complete text of preamble and secs. 2, 3, 4, 5, 6 omitted. Only draft of June 26 printed.
July 30	S.J. Res. 144 enrolled and presented to President for signing.		
August 4	State Department Legal Adviser sends copy of S.J. Res. 144 to U.N. Assistant Secretary General for Legal Department.	Appendix III of U.N. Document A/371 (Secretary General Report to 6th Committee Sept. 3).	B'll not yet law; no mention of amendments.
Do	Enrolled bill signed as Public Law 357 of 80th Cong. by Truman.	National Archives, Public Law 357. (Note: This is conclusive evidence of contents of Public Law 357).	Enrolled copy in Archives includes sec. 6 and other amendments. Printed slip copy of act also includes sec. 6.
Aug. 4 to Sept. 3	State Department presumably transmitted notice of Public Law 357 to U.N.	No record of action.	
Aug. 27	U.N. Assistant Secretary General for Legal Department replies to State Department Legal Adviser.	App. III of U.N. Doc. A/371	Contains oblique reference to sec. 6.
Sept. 4	U.N. Secretary General reports Public Law 357 to 6th Committee of General Assembly; calls Committee's attention to sec. 6.	Doc. A/371; Summary Records of 6th Committee, Sept. 16 to Nov. 26, 2d sess., U.N. General Assembly, pp. 326-340.	Reported text includes all amendments, including sec. 6.
Oct. 17	Subcommittee on Privileges and Immunities reports to 6th Committee on Legal Questions of General Assembly.	Annex 11a of U.N. Document A/371.	Approves "this agreement" of June 26; no reference to Public Law 357 or amendments.
Oct. 29	6th Committee reports to U.N. General Assembly.	Document A/427; vol. II, Official Records of Second session of General Assembly Plenary Meeting, Verbatim Record, Sept. 16 to Nov. 29, 1947, pp. 1519-1924.	Refers only to "the agreement" of June 26 draft; ignores report of Secretary General and references to Public Law 357.
Oct. 31	Resolution of General Assembly "approves the agreement signed on June 26 1947."	Resolution 169(II) in "Resolutions Adopted On the Reports of the Sixth Committee." For "Agreement" see vol. II Official Records, etc., pp. 91-102.	Agreement annexed did not include amendments provided by Public Law 357.
Nov. 21	Exchange of notes: U.S. Ambassador Warren Austin accepts agreement "subject to Public Law 357." Secretary General Lie replies, authorizing "that agreement" * * * "signed * * * on 26 June."	Photostats of notes in State Department files.	United States and U.N. each refer to different documents; therefore no agreement by 2 parties.

Note: Further confusion was perpetuated by (1) "1947 Yearbook of the United Nations," which referred to the agreement without mentioning the amendments of Public Law 357; (2) S. Doc. A-7, 83d Cong., 2d sess., "Review of the United Nations Charter," which reproduced the agreement of June 26 without the amendments; (3) S. Doc. 16, 87th Cong., 1st sess., "Legislation on Foreign

Relations with Explanatory Notes," which reproduced the text of the agreement of June 26, the amendments (secs. 2-6), but omitted the preamble. These documents, of course, have no legal effect.

Mr. THURMOND. Mr. President, briefly, the situation is this.

On June 26, 1947, Secretary of State George Marshall and U.N. Secretary General Trygve Lie signed a draft agreement on the headquarters site. The emphasis at this point is on draft. It could be no agreement until authorized under U.S. law, and accepted by the U.N. General Assembly.

President Truman sent the June 26 draft to Congress on July 2, and requested a joint resolution, which was introduced into the Senate the next day.

The Senate Committee on Foreign Relations amended the resolution, subjecting the draft text to a strong reservation designed to protect U.S. immigration laws. The Senate accepted the resolution, as amended.

The House further amended the resolution, making the language of the Senate reservation even stronger. The strengthened amendments were accepted by the Senate.

President Truman signed the resolution, consisting of the June 26 draft and five additional sections, into law on August 4, as Public Law 357. I have with me a photostat of the enrolled copy of Pub-

lic Law 357 as it reposes in the National Archives, with President Truman's signature on the last page.

I hold it in my hand here.

As it happens, this is also the page which contains the internal security amendments. There can be no doubt that the only agreement authorized by Congress was one consisting of the June 26 draft text and five additional sections.

I think I should point out here that the situation is not the same as a unilateral reservation appended to an international treaty. This an actual change in the kind of agreement to be authorized, a change concurred in by both Houses of Congress before the agreement was authorized.

When the U.N. Secretary General reported the U.S. action to the appropriate committee of the General Assembly, he made specific mention of the congressional amendments.

Yet when this committee, the Committee on Legal Questions, reported the matter to the General Assembly, it completely ignored the congressional amendments. Its version of the text omitted both the text of the amendments, and any reference to their existence.

The agreement authorized by the General Assembly was the June 26 draft only. In other words, the agreement authorized by the General Assembly was not the agreement authorized by Congress. Legally speaking, there was no meeting of minds. They did not agree. The agreement did not even come into existence.

Nevertheless, there has been a concerted effort to imply that such an agreement did exist. The lack of agreement has been completely obscured. For example, I quote from the exchange of notes which supposedly brought the agreement into effect:

U.S. Representative to the U.N. Warren Austin, wrote the following:

Excellency: Pursuant to instructions from my Government, I have the honor to inform you that the Government of the United States of America is prepared to apply the above-mentioned Headquarters Agreement subject to the provisions of Public Law 357.

In other words, the congressional precautions for internal security must apply.

The U.N. Secretary General, Trygve Lie, replied in this fashion:

SIR: I have honour to refer to the Resolution adopted by the General Assembly on 31 October 1947, . . . relative to the Agreement between the United States of America and the United Nations regarding the Headquarters of the United Nations, signed at Lake Success on 26 June 1947.

By this resolution, the General Assembly . . . has approved the above-mentioned Agreement—The Resolution, consequently, has authorized me to bring that Agreement into force . . .

Thus the Secretary General referred only to the draft agreement of June 26, and no other. It was "that agreement" and no other. In short, the U.N. has completely ignored the basic legal requirement for coming to agreement; namely, that there be unanimous acceptance of all conditions imposed by both sides.

Without such mutual acceptance, no agreement can be legally binding. There is no Headquarters Site Agreement in force today. There is no legal require-

ment that we grant visas to the Vietcong, or to any other subversive elements which we wish to exclude from our soil.

In this new light, therefore, the U.S. policy of inviting the Vietcong to come to America is revealed as an entirely gratuitous action. We certainly have no moral requirement to invite our enemies within our gates, and we have no legal requirement.

At this point, therefore, it is up to the State Department to secure from the United Nations a specific acceptance of the conditions which were imposed by the Congress of the United States. The issue ought to be brought to a head, precisely upon the case of the Vietcong, hypothetical or not. It is intolerable for the United Nations to be occupying its present site within U.S. territory without the proper legal arrangements. If the State Department cannot make the United Nations submit to our conditions, then the United Nations itself should seek a site in another part of the world.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS 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 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. THURMOND. Mr. President, I rise in opposition to the education bill now before the Senate. I wish, first, to express my appreciation to the distinguished Senator from Oregon [Mr. MORSE] for all that he has done to try to make the bill acceptable.

There are two points of irritation, and they are severe points of irritation. There are, of course, always points of irritation wherever the Department of Health, Education, and Welfare has exercised power to control local educational processes.

The first serious point is the cutting off of Federal funds after schools have opened and contracts have been made with teachers for the school year.

Second, cutting off Federal funds for illegal and arbitrary reasons.

The distinguished Senator from Oregon has worked unceasingly to obtain some commitment from the Department of Health, Education, and Welfare, as I understand it, that it would abide by the civil rights law in this matter and not arbitrarily cut off funds simply for the purpose of bringing about forced integration.

As to the first point, I refer to the Wall Street Journal for today, Monday, December 11, 1967, which has a paragraph on page 1 reading:

The Johnson Administration is expanding its controversial campaign to compel desegregation of Southern schools into a nationwide effort that is sure to stir even more political fireworks.

Instead of attacking school segregation mostly in small rural, Southern districts, John Gardner's Health, Education, and Welfare Department now seeks to force action North as well as South, in big-city schools as well as small.

Next year this turn of the screw could bring the first major tests of Washington's willingness to shut off Federal financial aid to recalcitrant school districts in the North; up to now, there has been just one brief shutoff outside Dixie—in Chicago in 1965—and that ended quickly after a complaint to the White House by Mayor Richard Daley.

Now on page 14 of the Wall Street Journal, in the same article, I read the following excerpt—and I want the Senate to hear this:

In the past, HEW officials have checked several dozen alleged school desegregation violations in the North, but no enforcement action has resulted, except for the brief cut-off of aid to Chicago schools.

We know what happened to that, as I read just a moment ago from the article on page 1.

It is very difficult to understand why our Central Government would cut off aid to schools in the South when those who advocated and proposed Federal aid to education when the bill was under consideration stated that aid was needed worse in the South. If aid was needed worse in the South, why then is the Central Government cutting off aid to those schools and not cutting off aid to other parts of the country, even though, according to these proponents of Federal aid, there is discrimination in other parts of the country?

I am wondering whether the distinguished Senator from Oregon would have any particular comment to make at this point. I am sure he would feel there should be no distinction made between cutting off funds in one part of the country and cutting off funds in another.

Mr. MORSE. Replying to the Senator from South Carolina, earlier in the discussion today, when the Senator from South Carolina was not in the Chamber because he had already told me about the official business he had to transact, this matter came up during that time.

I inserted the full Wall Street Journal article in the RECORD this morning. I discussed the Wall Street Journal article. The Senator will find in the RECORD that I also discussed the point the Senator has now raised, pointing out that Senator STENNIS, Senator ERVIN, and I had raised this question with the Department of Health, Education, and Welfare; that

letters had already gone out to northern school districts with a population of more than 3,000 students. These are questionnaire letters. We have the assurance that there is going to be no delay in enforcement of the Civil Rights Act in the northern schools.

I do not want to take longer, because, as the Senator knows, we are under pressure to get votes on this matter so our colleagues can leave shortly. I have covered this matter thoroughly. No one in the Senate, not even the Senator from South Carolina, is more determined than I am, in my surveillance capacity as chairman of the subcommittee, to hold the Department to enforcement equality under title VI, as far as violations of civil rights are concerned, with regard to all schools, North and South, East and West.

Mr. THURMOND. Mr. President, at this point, I ask unanimous consent that a statement prepared by me on the subject of the Fountain amendment be inserted in the RECORD.

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

STATEMENT BY SENATOR THURMOND

Mr. President, the Fountain amendment which was deleted from H.R. 7819 as passed by the House read as follows:

"The Secretary of Health, Education, and Welfare, or his delegate, shall not defer action or order action deferred on any application by local educational agencies for funds authorized to be appropriated by this Act or by any Act amended by this Act on the basis of alleged noncompliance with the provisions of title VI of the Civil Rights Act of 1964 unless and until, as provided by section 602 of title VI, there has been an express finding on the record, after opportunity for a hearing, that such local educational agency has failed to comply with the provisions of title VI.

"When title VI of the Civil Rights Act of 1964 was being considered by Congress, many Members were sincerely and deeply concerned that administration officials might misuse it to arbitrarily and unjustifiably deny Federal funds to local governmental units which were not engaging in discriminatory practices. Congress recognized this concern by including specific provisions in title VI which were intended to prevent denial of Federal funds without due process of law."

Section 602 of title VI of the Civil Rights Act of 1964 reads as follows:

"Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the

particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report."

Congressman Fountain explained the need for his amendment on the floor of the House during the debate on H.R. 7819 on May 23, 1967. Congressman Fountain said that the procedural safeguards provided in section 602 of title VI have been disregarded by the Office of Education. Mr. President, at this time I wish to quote some of his discussion of this subject. Congressman Fountain said:

"At the time I offered my amendment last year, some school districts had been denied Federal funds for new programs for more than a year without any finding that they had engaged in discriminatory conduct and without any opportunity for a hearing. The Office of Education plausibly contended that it was not refusing to grant applications for funds submitted by the school districts involved, since that would admittedly violate the law, but was merely deferring action on their applications. An indefinite deferral of action on application, of course, had exactly the same effect as a refusal to grant the application. By using this transparent device to evade the procedural safeguards of title VI, the Office of Education set itself up as prosecutor, judge and jury and handed down a verdict of guilty without even giving the accused an opportunity to be heard.

"The amendment I offered last year was intended to make it unmistakably clear that Federal officials—as well as local school officials—must obey the law and that the Office of Education could not terminate or refuse to grant Federal financial assistance without following the procedures specified in section 602 of title VI.

"My amendment was adopted by the House by a vote of 221 to 116, with the strong support of Members from all sections of the country."

Congressman Fountain went on to say, "Unfortunately, the amendment was weakened in conference. Instead of clearly outlawing any 'deferral' without a hearing, the revised amendment merely limited deferral action to not more than 60 days without a hearing, leaving the question of its legality to the courts. Because of parliamentary maneuvering, the House did not have an opportunity to vote to insist on the original form of the amendment.

"Because of the recent reassignment of responsibilities at the Department of Health, Education, and Welfare, the amendment I am offering today applies to the Secretary of Health, Education, and Welfare or his delegate rather than the Commissioner of Education. Except for this technical change, the language and the purpose of the amendment are exactly the same as the amendment which the House approved by an overwhelming vote last fall.

"This amendment is badly needed.

"Congress has made it very plain that it does not want Federal funds for educational programs denied to children anywhere in this country without due process of law. In fact, Congress has emphasized its concern in this respect by specifically providing that

such funds may not be refused or denied until 30 days after a full written report of the circumstances and grounds for such action has been filed with the appropriate committees of Congress.

"Congress never enacted any law authorizing Federal officials to withhold funds for education through 'deferral' action. This is a device invented and used by officials of the executive branch of Government—without any sanction from Congress—to circumvent and evade the procedural safeguards of the law."

Congressman Fountain went on to say, "Through its action last year Congress attempted to impose some limitations of the arbitrary conduct of the Commissioner of Education. But serious and indefensible abuses have continued.

"Last year, while leaving the courts free to declare any deferral whatsoever illegal, Congress made it plain that it did not want any school district denied funds through deferral action to a maximum of 60 days was specifically declared to be effective for fiscal years beginning after June 30, 1966. Despite the clear intention of Congress, the Office of Education took the position that it could continue school districts in deferral status for 60 days after the enactment of the Elementary and Secondary Education Act Amendments, no matter how long they had previously been 'deferred' without a hearing. As a result, a large number of school districts which had already been kept in deferral status for as much as 18 months without a hearing were continued in that status for an additional 60 days without opportunity for a hearing.

"In addition to arbitrarily retaining all school districts in deferral status for 60 days after the enactment of last year's amendment, the Office of Education has clearly violated the law by failing to remove schools and institutions from its 'deferred' list even though they had been on that list for more than 60 days after the enactment of the amendment without opportunity for a hearing.

"To my own knowledge," Congressman Fountain continued, "at least 46 school districts were illegally kept in deferral status after the law required their removal. In many—perhaps most—instances, they were reinstated only after congressional inquiries disclosed what was happening.

"For example, \$74,000 in funds needed for braille books and equipment for blind children at a State school in North Carolina were not released until late March—nearly 5 months after enactment of last year's amendment—although the school has been kept in deferral status for almost 2 years without a hearing. Repeated congressional inquiries were necessary before the Office of Education finally admitted that continued withholding of these funds was illegal.

"Whether because of disregard for the law or administrative incompetence—or both—the Office of Education has repeatedly violated the mandatory 60-day limitation on deferral without a hearing. In addition, the names of school districts arbitrarily placed on its 'deferral' list by the Office of Education are circulated to other Federal agencies have used the list to withhold funds without any regard whatsoever to the 60-day limitation on deferral action without a hearing."

Congressman Fountain continued by saying, "The Labor Department, for example, not only withheld new programs from school districts 'deferred' by the Office of Education, but immediately terminated guidance and testing programs which had been carried on for as long as 15 years. This action by the Department of Labor was clearly illegal, of course, but it was rescinded only because of congressional intervention.

"When Congress authorized denial of Federal funds under certain circumstances as a

means of eliminating discrimination, it made it clear that it regarded this as a drastic procedure and one which should be carried out only under rigid procedural safeguards. In addition to specifying procedures to be used, Congress specifically declared that no refusal or termination of funds could become effective until 30 days after a full report concerning the situation had been made to Congress.

"Despite the clear intention of Congress, the Office of Education has been—and will continue, unless stopped—withholding funds without due process of law and without reporting to Congress."

In conclusion Congressman Fountain said, "It is essential that the House act to prevent any further damage because of the unwise, unfair and illegal 'deferral' policy of the Department of Health, Education, and Welfare. It is essential that we insist upon due process of law and clearly outlaw the arbitrary and unauthorized 'deferral' policy which is being used to circumvent the law."

Mr. President, as we well know, this amendment was adopted by the House and was deleted by the Senate Committee on Labor and Public Welfare.

Mr. THURMOND. Mr. President, many school officials and many schoolboard members, many hospital officials and many hospital board members, have been harassed—and I use that word "harassed" with extreme caution—by the coercion and compulsion exerted and attempted to be exerted by HEW.

It is my thinking that if those who favor Federal aid to education do not see that this law is fairly and justly administered, the American people are going to rise up and demand that it be repealed. And if it is not fairly and justly administered, it should be repealed.

Mr. President, it just does not make sense, if a school opens its doors to all students, without any compulsion, without any coercion, for the HEW to come in and demand that the school trustees and school officials order, direct, and compel a certain number of pupils of one race to go to another school, simply for the sole, social purpose of bringing about mixing of the races.

I do not believe that was the intent of the law when it was passed. The distinguished Senator from Oregon [Mr. MORSE] probably has done more work than any other Senator in the education field, and I believe he will agree that the purpose was to improve education, not to bring about enforced integration; to prevent discrimination in education, not to bring about enforced integration.

Is that the Senator's interpretation?

Mr. MORSE. Mr. President, without getting into a legal argument, because it is now a juridical matter, it has already been announced today on the floor of the Senate that the Supreme Court today granted certiorari in the New Orleans case, and that brings up for determination by the Court the very point the Senator from South Carolina was pressing upon me, even before the debate on this matter. Therefore, I am perfectly willing to wait for the Supreme Court's decision.

Mr. THURMOND. I would like to quote from the Civil Rights Act of 1964 on the question of desegregation of public school education. This is section 401:

As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

It seems to me that wording is just as clear as it can be that students cannot be assigned to public schools in order to overcome racial imbalance. That is what the law says. I know of no authority for HEW's pursuing the course which it has been, simply to bring about forced mixing.

Further, in the 1964 Civil Rights Act, section 407, headed "Suits by the Attorney General," we find this language:

Provided, That nothing herein shall empower any official or court of the United States 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, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

I am sure that any able lawyer—as the Senator from Oregon is—could interpret that but one way. I do not believe the Supreme Court could interpret it in any other way than just what the plain, simple words mean—that they cannot assign students simply to overcome racial imbalance and they cannot transport students simply to achieve a racial "balance."

That being clear, the HEW should stop, pause, and consider the actions which they have been pursuing and the course they have been following when they have attempted to cut off aid to a school because a school would not transfer or transport a certain number of students from one school to another in order to bring about racial balance.

Mr. President, I notice in the same Wall Street Journal article, on page 1, the following:

And where the HEW Department does detect such discrimination, it will demand remedies sure to be controversial. These could include busing pupils to overcome racial imbalance . . .

That is in the article in today's Wall Street Journal. If they follow that course, they will run directly in the face of the 1964 Civil Rights Act. I believe the distinguished Senator from Oregon would agree with that.

Turning to page 14 of the article, reference to attempts that the HEW will use to proceed along some other lines causes me to be very concerned. I want to quote that part of the article again:

Along with evidence of failure to desegregate, officials will apply a new basis for cut-off of Federal aid: A principle of "Equal Educational Opportunity."

Then the article continues:

Some of the signs of inequality that HEW officials will watch for: Large class size . . .

What authority has the HEW to cut off funds because, in their judgment, the class is too big? Is the HEW going to control the size of classes in all the schools of the Nation?

It mentions another: Double sessions. Is HEW going to deny funds to a school because it has double sessions?

Why, there may be a need for double sessions in some schools. In some schools, for instance, they obtain the greatest utilization from the buildings and facilities by holding double sessions, because it is more convenient to some students who, perhaps, are working part time. I am sure the Senator from Oregon can understand that a double session might be advisable in some cases, where some students work in the morning and wish to go to school in the afternoon, or vice versa.

Serious overcrowding. Well, now, of course serious overcrowding is objectionable. As a former school teacher and former school superintendent, I know the evils of it.

But is HEW to dictate just how many students constitute overcrowding, or is that to be left to the local school officials, who are more familiar with the situation and more competent to handle it?

High student-teacher ratios. Again, who is to determine the number of students per teacher? Is HEW to make that decision, or is that to be left to local school officials?

Highest qualified teachers. Is HEW to determine whether the teachers are qualified, or the board in each State that issues the teachers licenses to teach?

Just how far is HEW going in these matters? If they proceed along the lines that they are attempting to proceed now, and along the lines that I have mentioned here, they will have complete control of the schools. Mr. President. The school will be operated out of Washington.

I do not believe that is what the Senator from Oregon had in mind when he supported the first school bill several years ago. I think the Senator from Oregon felt that some school districts in the Nation needed help; he wanted to further education, and therefore he wanted to help those districts, but not to bring in Federal coercion.

Mr. President, I should be happy to hear from the Senator from Oregon in regard to some of these points.

Mr. MORSE. Mr. President, I shall be glad to repeat what I have previously stated. I have covered them several times.

I say to the Senator from South Carolina that the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], the Senator from North Carolina [Mr. ERVIN], the Senator from West Virginia [Mr. BYRD], and I have worked out a procedure here today which I think will be very helpful in solving the very problems the Senator raises.

In my capacity as manager of the bill, I shall hold the Department to the procedure that is agreed upon in the memorandum of understanding contained in the letter of the Secretary that has been submitted to the Senate today, and that the Senator from Georgia [Mr. RUSSELL], our leader in this matter, has determined to go along with.

Mr. THURMOND. Mr. President, I am glad to hear the Senator from Oregon again state—I have heard the discussion today except for a very brief period when I was called out of the Senate Chamber—that he intends to hold the Department of Health, Education, and

Welfare to the terms of the understanding.

We are relying on the Senator from Oregon, because he has done more than anyone else for HEW. We are relying on the Senator from Oregon to help to keep HEW in line. As I understand it, the Senator from Oregon will help to do that.

Mr. MORSE. I not only will help, I have pledged to do so.

Mr. THURMOND. I thank the Senator very much.

Mr. President, I repeat that the Civil Rights Act of 1964 prevents assignment of students to public schools in order to overcome racial imbalance, and it also prevents the transporting of students for the purpose of overcoming racial imbalance.

Those are the two sensitive points today that are causing irritation, not only in the South, but elsewhere. They are bound to cause irritation in the North or at any other point; and they should.

I believe that the local people ought to determine the assignment of students, and whether or not the children should be bused. I say this realizing that there can be no discrimination.

There is no discrimination in South Carolina. Any child can go to any school he wants to. I repeat, there is no discrimination; but we do feel that the heavy hand of the Federal Government has gone entirely too far in this matter, and we feel that HEW not only ought to, but must, change its policies; otherwise there will be a revolt in this country against the aid to education program.

Mr. President, I could talk at some length on this matter, but I wanted to emphasize those points because I feel they are most important.

I realize that this bill will pass the Senate. As I have stated, I cannot vote for it; but I wanted to raise these points, and I wanted the Senator from Oregon to hear them raised by more than one Senator. I want him to know it is done in all good faith, and not for the purpose of allowing discrimination, but for the purpose of benefiting the HEW operations, and for promoting education, since we have a Federal law on education.

Again I thank the distinguished Senator from Oregon for what he has done to work out this agreement. I feel that it will help on the first point, cutting off Federal funds after schools have opened and contracts are made with teachers for a school year, because it provides that termination orders will not become effective between September 1 and June 1 of the school year, unless certain conditions are met.

As to the second point, we are hoping that the Senator from Oregon and others interested in maintaining the Federal school law will also be active, and that is as to cutting off Federal funds for illegal and arbitrary reasons.

Mr. SPARKMAN. Mr. President, I merely wish to say that I am glad that the Senator from South Carolina has brought to the attention of the Senate this lead article in today's Wall Street Journal. I believe it will open the eyes of a great many people.

Mr. MORSE. I called attention to it this morning, and put it in the Record.

Mr. SPARKMAN. Good. I am glad the Senator did. I hope every Senator will read it, because I hope it will open the eyes of people to what may be expected—such matters, for instance, as forcing school districts to change their lines and remake their districts, which is certainly a matter for determination by the districts themselves.

Mr. MORSE. Mr. President, I suggest third reading.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BARTLETT. I will not detain the Senate long, but I think it is important that a legislative record be made relating to two matters.

There is in the bill an amendment, as I understand sponsored by the distinguished senior Senator from Texas [Mr. YARBOROUGH], providing for bilingual education programs. It is my understanding that this was offered and accepted principally in respect to the Spanish-speaking areas of the country. What I should like to learn from the manager of the bill, the Senator from Oregon, is whether that amendment is general in its application—whether, for example, monies for that purpose could be used for bilingual education programs for native Alaskan children, that is, Eskimos, Indians, and Aleuts.

Mr. MORSE. I shall be happy to respond to the Senator's question, but before I respond, I want the Record to show that the Senator from Alaska [Mr. BARTLETT], in my opinion as chairman of the Subcommittee on Education, has never failed to give support to the committee on education legislation. He has been one of the great strengths of our committee as we have brought these education bills to the floor of the Senate; and I want to be sure that this inquiry he has made is answered to his satisfaction as far as legislative history is concerned, insofar as the facts will answer it.

This is my answer:

In response to the inquiry of the Senator from Alaska [Mr. BARTLETT] as to whether the program of bilingual education in the Senate-passed bill, title VII, would be available to support programs for Alaskan natives whose first language is a native dialect, let me state unequivocally that this program is available wherever there are substantial numbers of non-English speaking children.

The Senator from Texas [Mr. YARBOROUGH], presiding over an ad hoc subcommittee on bilingual education, did an excellent job of showing the great needs of children who learn one language at home and then are expected to function in an English-speaking society and economy.

The focus of those hearings was quite

appropriately the Spanish-speaking area. I think we would agree that in the United States the greatest problem of language adjustment is related to the large Spanish-speaking population in the Southwest—arising out of a Mexican-American culture—and in some of our large cities where there are many Puerto Ricans. But of equal concern to the committee is the problem of Indian children in many places throughout the United States as well as Eskimos, Aleuts, and other Alaskan natives.

Good programs to assist these children would be eligible under title VII of our bill and I would like to support the Senator from Alaska in making legislative history to that effect.

Mr. BARTLETT. Mr. President, first, I thank the Senator from Oregon for his gracious words about me.

I shall say that my task has been simple on these education bills. I have always followed the lead and the guidance of the senior Senator from Oregon.

I am happy at the response he has made concerning this bilingual language program.

I have one further question to put to the distinguished manager of the bill.

Section 302 of title III provides for appropriations of not more than 3 percent of the total money appropriated for use in Puerto Rico, Guam, American Samoa, and other like areas, including Indian reservations. The language in reference to this provision is as follows:

In addition, for each fiscal year ending prior to July 1, he (Commissioner of Education) shall allot from such amount to (a) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior.

As the Senator so well knows, we do not have Indian reservations in Alaska in the same sense as Indian reservations exist in the earlier States.

Does the language which I have quoted have equal application to the Indians, the Aleuts, and the Eskimos in Alaska?

Mr. MORSE. Mr. President, I am very glad to answer the inquiry for legislative history. However, first I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, the Senator from Alaska [Mr. BARTLETT] has raised a question regarding the set-aside for BIA schools which I would like to clarify for purposes of legislative history.

Under the Senate title III version, 3 percent of the sums appropriated would be available for the outlying areas as well as programs and projects "for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior."

This language is similar to that which is already contained in title I of the Elementary and Secondary Education Act, so I think it clear that the same answer would apply in both cases.

The question which the Senator from Alaska has asked is whether the reference to Department of Interior Schools serve Alaskan villages which are not

actually in reservations at the present time. Let me make clear our intent that these Bureau of Indian Affairs schools are to be covered by this language. The situation in Alaska is somewhat unusual. While it is true that many of these areas are no longer Indian reservations in the sense in which we generally use that term, these areas are considered Indian lands for other purposes—for example, in the impacted-aid program.

It is also true that these schools do receive benefits under title I of the ESEA, which as I previously indicated, has very similar language to the language we are using in title III. I am assured that both the Office of Education and the BIA would interpret the word "reservations," in this context, to include these areas where Indian children live as Indian lands or reservations for the purposes of title III, as it does for the purposes of title I.

Mr. BARTLETT. Mr. President, the Senator has resolved all my doubts.

Mr. MORSE. Mr. President, it is appropriate at this time to draw to the attention of the Senate certain matters concerning the administration of the programs covered by the act and the basic statutes to which H.R. 7819 refers.

In my judgment, the actions this body is taking today with respect to title VI covering special education of the handicapped children taken in conjunction with our actions on other titles and in previous legislation, underline unmistakably the interest and concern of the committee that there be an expansion of services to this one group of children.

These are the children who are "educationally deprived" by virtue of a basically physiological fact over which neither they nor their parents have any control.

We are acting, we believe, in the highest traditions of the morality which underlies our system of government and in accordance with the ethical precepts of all the great religions of the world when we devote special care to these young citizens who have this claim to our attention.

Our goal is educational equality of opportunity for all children to the end that they may be enabled to develop their own potentials. So this is an area where dollar cost effectiveness alone ought not to be the final controlling criterion in the allocation of educational funds.

Within the group such concepts may have some validity. But I think I speak for my committee when I say we shall continue in our legislation and in our legislative oversight functions to assure ourselves that the needs of these children will not be overlooked.

My subcommittee has learned, for example, with respect to the Regional Educational Laboratories under title IV of ESEA under the authorities administered through the Michigan-Ohio Regional Educational Laboratory in Detroit that as of January 13, 1966, there were no specific programs for the handicapped nor were they specifically excluded from programs operated by that laboratory.

With respect to the Central Midwestern Regional Educational Laboratory, Inc., of St. Ann, Mo., as of January 30,

1967, that installation did not have a specific component in the area of handicapped children and youth and it does not have specific personnel on the staff assigned to one or more of the areas of exceptionality.

An inquiry of the Northwestern Regional Educational Research Laboratory revealed that as of December 1966 that laboratory in my own State, had no special program component in the area of handicapped children and youth.

A similar report was received from the Eastern Regional Institute for Education in Syracuse, N.Y., from which it was learned that as of December 1966 the program of that installation is not focusing on handicapped children.

I mention this because of the statement in the letter which reads:

If it becomes paramount that the handicapped child is of high priority, this laboratory will devote its design and development activities to this priority.

The Rocky Mountain Educational Laboratory which serves Colorado, Utah, Idaho, Montana, Arizona, Kansas, and Wyoming and which is located in Salt Lake City, Utah, again as of December 1966 advised:

We are enclosing a small brochure that outlines the current work of this laboratory. None of it is labeled or specifically designed exclusively for exceptional children, however, the Individualized Instruction and the New Media work both have components that could be construed as dealing with the areas you specifically inquired about.

The Upper Midwest Regional Educational Laboratory of St. Paul, Minn., as of that date said:

At this time there is not a specific component or operation devoted to handicapped children and youth and there are no personnel on our staff assigned to specific areas of exceptionality.

The Central Atlantic Regional Educational Laboratory again as of December 1966 advised:

At present we do not have a specific component devoted to handicapped children.

The pattern was repeated in comments from the Far West Laboratory for Educational Research and Development of Berkeley, Calif:

There is no specific component of our operation devoted exclusively to the area of handicapped children and youth, nor is there any specific person on our staff assigned to one or more areas.

The letter goes on to say:

A major concern of this program is to identify the various groups in our region who may be considered underprivileged with respect to educational advantages. However, in most cases we have viewed these groups in terms of minority groups rather than in terms of exceptional children.

I am glad to report that in New York City the Center for Urban Education did indicate that it has a very specific interest in special education and that it had research in eight areas of exceptionality in educational research. However, that was done in the period 1965-66. In September 1966 six of the eight research programs were discontinued to concentrate chiefly on general education issues in the urban region. Only two programs were being continued. One a preschool educa-

tional program for severely emotionally disturbed children and the other an evaluation of the occupational training center for older mentally retarded children.

Projects such as teacher preparation needs in the urban region—special education programs—were discontinued.

Research for Better Schools, Inc., of Philadelphia, Pa., advised that—

At the present time we do not have a specific component of our operation devoted to handicapped children and youth nor do we have specific personnel on our staff assigned to one or more of the areas of exceptionality.

The Institute for Educational Innovation of Newton, Mass., followed the pattern. None of the staff of eight was assigned to any of the areas of exceptionality.

The same could be said of the Southeastern Education Laboratory at Atlanta, Ga., and the Midcontinent Regional Educational Laboratory at Kansas City, Mo.

This sorry catalog is concluded by the South Central Region Educational Laboratory at Little Rock, Ark., which indicated that it, too, had no specific component program in this area.

Regarding all this, Mr. President, I want to make it perfectly clear that what I have said and what I shall say is not in the slightest to be regarded as a reflection upon Dr. James Gallagher who heads the title VI bureau in the Office of Education. He is a dedicated educator in the area of special education. And I know that he and his staff are working very hard to realize the congressional intent of the provisions of legislation which have been enacted.

But I do think this is a matter which should be of concern to the Commissioner of Education in his operation of title IV ESEA authorities. I do not think as one Senator who helped to write the statutes that the record I have cited meets the intent that has been repeatedly expressed.

I therefore serve notice on the Office of Education that prior to the expiration of the second session of this Congress I hope to be in receipt of a report which will indicate that through steps now being taken or which have been taken subsequent to January 1 of this year the situation reflected in the material I have incorporated into the RECORD is being rectified. It is my hope that the report will contain indications of the degree to which the bureau administering title VI is being consulted by bureaus responsible for the operation of the regional laboratories and of the title III programs to assure that the educational needs of handicapped children are receiving a fair proportion of the funds available for educational research.

I would have the Commissioner take note that the 15-percent reservation in title III for innovative projects devoted to handicapped children is not an idle gesture nor an accidental gesture but reflected the very firmly held positions of the Senator from Vermont [Mr. PROUTY] and the Senator from Oregon, and it is a concern which is shared to an equal degree by each of our colleagues on both sides of the aisle. What I am saying is that this is a matter which in my judgment deserves careful attention at the

highest policy levels of the Office of Education and the Department of Health, Education, and Welfare.

I am aware that through other legislative authorities some funds can be made available for the purposes of educational research in the various areas of handicapping. However, it is my view and one which is shared, I believe, that the magnitude of the problem demands a greater application of financial effort. This can only be achieved if the major research program in the field of education under the Office of Education can devote a proportion of its resources to this task.

Mr. President, I would like to have the cooperation of the Senate. We have had third reading. I would like to have the rollcall vote now because a great many of our colleagues are trying to catch a 4:30 plane to attend a very important meeting.

If anyone else has anything to say on the bill, I plead with him to do it after the rollcall vote, and what we have to say after the rollcall vote may be printed in the RECORD before the rollcall by unanimous consent.

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

(The following proceedings occurred subsequently, and are printed at this point in RECORD under the above unanimous-consent agreement:)

Mr. MORSE. Mr. President, we had an understanding before the rollcall that those Senators who were so cooperative as to agree to withhold their remarks on the bill following third reading of the bill, would make their remarks after the vote and those remarks would be printed in the RECORD before the rollcall. I got unanimous consent for that. I am obligated to seek to have that done now. Our understanding is that the first person to whom I would yield would be the Senator from Ohio [Mr. LAUSCHE], but I understand that he suggests that I yield to the Senator from Florida.

The VICE PRESIDENT. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, I have just voted for the education bill which the Senate has passed. I have done so for two reasons. The first reason is that there was appended to the bill the amendment offered by the distinguished Senator from North Carolina [Mr. ERVIN] and others, unanimously adopted by the Senate, which assures a speedy court decision on the question of conflict between church and state that will be presented by this legislation.

I want to make clear that if that amendment is taken off of the bill in conference I shall vote against the bill when it comes back from conference.

Second, I am exceedingly grateful, as I have stated, to the Senator from Oregon and others for clearing up the matter which has been cleared up, in my judgment, by the letter from the Secretary of Health, Education, and Welfare which was placed in the RECORD today. This letter should prevent the preemptory withdrawal of funds from schools, particularly small, country schools, in the course of the school term, for infractions charged as having occurred well

before the time of the beginning of the term. I think that makes the bill a great deal better.

I still have some reservations about the size of the bill and I am hoping that in conference our distinguished friend from Oregon and others may feel an economic urge to come down a little in the size of the authorization for 1969 and subsequent years. When we know that the appropriation level has been only about one-half of the authorization it seems inappropriate to jump the authorization in the substantial amount proposed in this bill.

Mr. President, for the reasons I have stated I have voted for the bill.

Mr. President, I make the following announcement for myself and at the request of the distinguished Senator from Arizona [Mr. HAYDEN], the chairman of the Committee on Appropriations, while all Senators are present.

It is expected, at the request of the Senator from Arizona, that I shall call up tomorrow or as soon as permitted by the action of the leadership, the conference report on House Joint Resolution 888, which is now being debated in the other body under a rule which should mean it will be disposed of there this afternoon without fail.

Mr. President, this is the measure under which there is a continuation of the date in the existing continuing resolution so as to take care of payrolls and other legitimate expenses through the end of the current session, and it includes provisions which call for large reductions in the fiscal 1968 obligations and expenditures. It is a very important bill which should give Congress an opportunity to show whether it means business in the matter of reduction of the expenses of Government.

I do hope that the leadership will clear this matter for consideration tomorrow, at which time the distinguished Senator from Arizona desires that it be called up.

I yield the floor.

Mr. LAUSCHE. Mr. President, I voted for the education bill with the amounts involved because I hoped that when it goes to conference, or when the appropriations are finally decided on, under the authorizations, that the amounts will be substantially cut down for the 3 years involved in the bill; namely, 1969, 1970, and 1971. For those years an expenditure of \$16 billion has been authorized—in other words, \$5,333,000,000 a year.

The authorization of \$16 billion for 3 years is, in my opinion, extraordinarily large, having in mind that for fiscal year 1968, under which we are now operating, \$2 billion was appropriated.

If we take the \$2 billion appropriation for 1968 and translate it into 1969, 1970, and 1971, a period of 3 years, if there are no increases, the total amount appropriated would be \$6 billion. In other words, we have authorized \$16 billion when, if the appropriations for the year 1968 were carried over into 1969, 1970, and 1971, the appropriations would be \$6 billion. That is \$10 billion more authorized than the base from which I have given my calculation covering the year 1968.

To show further the great expenditure involved in the bill, in 1967, the fiscal year which ended last June 30, there was authorized \$1.815 billion.

Why did I vote for the bill, in view of the statement I have just made?

I did so in the conviction that when the bill goes to conference, the conferees will reach some sort of adjustment so that it will be in a reasonable relationship to what we should spend.

Moreover, having in mind the judgment of the Appropriations Committee which, for 1968, appropriated only \$2 billion, when it was authorized to appropriate \$4 billion, I have faith that the Appropriations Committee will provide some relief. I know that the Senator from Oregon will urge appropriations up to the sum of \$4.5 billion involved in the bill, but I have doubt as to whether he will be able to persuade the committee to follow his judgment.

Let me thank the Senator from Oregon very much for the courtesies which he has extended to me. I think the issues were very thoroughly presented on the problems which confronted us. Now I shall wait and see what will happen in the Appropriations Committee, and in the conference committee, with respect to the final amounts which will be allocated.

Mr. YARBOROUGH. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I have previously made a statement on this legislation, as to its bilingual features. But I want to pay tribute right now to the legislative ability of the Senator from Oregon.

The education bill is landmark legislation. There are eight volumes of hearings on the bill itself, and two additional volumes covering the bilingual provision. This is the first bilingual education bill in the history of the United States. The legislative knowledge and know-how of the Senator from Oregon has been combined in the bill to make it landmark legislation. It is a great tribute to one of the greatest legislators, I think, ever to sit in this body.

I have served with the Senator from Oregon on the Education Committee for 6 out of 8 years and have watched his leadership in the field of education.

Not many Senators remain in the Chamber at this moment, but I want to say to the Senator from Oregon that all of us express our great appreciation to the Senator for his great legislative ability and his diligence in working out the details of the bill. The record of the hearings bear witness to the fact that he was in attendance every day during those hearings. He attended every one of the hearings in the subcommittee, as well as all the executive sessions on the full Labor and Welfare Committee. Of course, we all know that he has stayed on the floor of this Chamber every day during the long debates on the bill. He has worked hard on every provision of it to make it a bill which would be acceptable to the Senate. The seven votes against it on final passage is proof of his ability.

This is a fine tribute to any man's legislative leadership. It is a well-deserved

tribute to the Senator from Oregon to have brought forth a bill which has passed the Senate by a 10-to-1 margin—a bill which started out to be one of the most controversial pieces of legislation in the Senate. It is a bill which has been improved under his leadership and his power of conciliation and reconciliation in bringing together divergent points of view which have made for strong support of the bill. It will mean so much to future generations of Americans.

Once more, I want to thank the Senator from Oregon. As chairman of the Special Subcommittee on Bilingual Education, which was set up by his recommendation, and that of the Senator from Alabama [Mr. HULL], the chairman of the full Committee on Labor and Public Welfare, it has enabled us to pass this legislation in the Senate this year. Without his leadership and cooperation, the bilingual portion of the bill could not have been adopted. This is truly landmark legislation, along with many other titles in the measure.

Again I compliment the Senator from Oregon for his accomplishments on behalf of the American people in all the 50 States.

Mr. MORSE. Mr. President, I want to thank the Senator from Texas for his generous remarks which, really, should be distributed among all the members of the committee. This bill has been the hallmark, time and time again, of the legislative leadership rendered by the Senator from Texas as to the bilingual portion of the education bill. He has made a major contribution of leadership to the proceedings which brought forth the education bill. Let me say that when we deal with the handicapped section of it and start to enumerate the various sections of the bill, we recognize the legislative hallmarks of the Senator from Texas which are stamped on one section after another. He has been a great source of strength to me in the handling not only of this bill, but also of previous education bills.

One of the monuments to his legislative accomplishments during his brilliant service in the Senate will be in the field of education legislation.

I thank him very much for his cooperation.

Mr. MURPHY. Mr. President, I would like to join in the thoughts expressed so eloquently and ably by my colleague from Texas.

I have been asked by my colleagues on the Republican side of the aisle, who, unfortunately, cannot be present at this time, to express their complete appreciation and their thanks to the chairman of the subcommittee for his thoughtfulness, his consideration, and his fairness in the entire hearings conducted under this bill. They wanted me to assure the chairman of the subcommittee that in the conference they will do everything possible to see that the bill as passed by the Senate will come out of the conference. The Senator from Oregon has their assurance.

In my opinion, this is a most difficult bill. It could have turned into one of the most controversial and difficult subjects taken up by this body in this session.

Thanks to the leadership's foresight and the legislative ability and tremendous endurance and patience of the chairman of the subcommittee, we have been able to obtain a comprehensive and forward looking bill that will make a great contribution to the educational needs of our children.

I compliment the chairman for his wonderful capacities.

Mr. MORSE. I thank the Senator from California. What I have said about other members of the committee applies equally to the Senator from California. The Senator knows of the amendments offered in committee that were accepted. The Senator was particularly farseeing in connection with other amendments relating to dropouts. It was his amendment that we adopted and that was sorely needed. If we had not had his support and the support of his colleagues on the minority side, with which I was glad to associate myself, because the amendment spoke for itself, we never would have had that amendment. It is also true of the Dominick amendment, which Senator MURPHY joined in helping get adopted in the committee.

But the important service the Senator from California has rendered as a member of the committee is the support he always gave to me when I pleaded in the committee for the passage of a bipartisan bill. That is the only kind of education bill we should bring to the floor of the Senate. The Senator from California not only agreed but demonstrated time and time again his willingness to help me get out a bipartisan bill.

Let me state for the RECORD that does not mean that the Senator from California did not present and fight for amendments that were not accepted by the committee, but once they were defeated, the Senator from California joined with the chairman in working out a compromise. The best example I can cite is the assistance he was to me with regard to the title III section of the bill. When the committee was pretty well divided on two amendments that were offered and defeated, the Senator from California then joined the chairman in helping get through a compromise title III, which is the one that is now in the bill.

The offer the Senator made on behalf of the minority to be of assistance to me in conference was not needed at all, for I knew I would have that assistance; but, of course, it is gratifying to have the minority think well enough of the problems that lie ahead for the chairman to offer and advance their pledge that they are going into conference united as conferees to do the best they can to bring a good bill from conference.

Mr. COOPER. Mr. President, I support H.R. 7819, a bill to strengthen and improve programs of assistance for elementary and secondary education. Since I first came to the Senate, I have supported legislation to provide Federal aid in the field of education. In 1948, I was invited by Senator Taft to be one of the cosponsors of his bill providing Federal aid to elementary education which was the first bill in the field to pass either House of the Congress. I later served as

chairman of the Subcommittee on Education and in that capacity, I helped develop and reported bills to the Senate providing for Federal assistance to education. I have continued to support these programs in subsequent years for, in my view, programs to improve educational opportunities of our young citizens will bring the greatest future benefits to our country.

The Senate has unanimously agreed to an amendment to H.R. 7819 proposed by Senator ERVIN to provide procedures for the judicial interpretation of the establishment of the free exercise clause of the first amendment to the Constitution. I am pleased to be a cosponsor of this amendment, as I was when the Senate passed it as a separate bill, S. 3, on April 11 of this year. At that time I made the following statement on the floor setting forth my reasons for its adoption. I hope that the amendment will be accepted in conference:

Mr. COOPER. Mr. President, I rise in support of S. 3, a bill to provide procedures for the establishment and free exercise clauses of the first amendment to the Constitution. I am glad to be a cosponsor of this bill and urge its passage by the Senate.

The bill would establish a procedure where none exists today. It would enable the Supreme Court to review and determine the constitutionality of grants or loans made under certain acts of the Congress.

In our consideration of this bill it may be helpful if I review briefly its legislative history.

An amendment similar to the provisions of the bill before us today was proposed by the distinguished senior Senator from North Carolina [Mr. ERVIN] and myself in 1963 to the Higher Education Facilities Act and was approved by the Senate. However, in conference with the House the amendment was deleted.

When the Elementary and Secondary Education Act of 1965 was being debated on the floor of the Senate the senior Senator from North Carolina [Mr. ERVIN] and I again offered an amendment to provide for judicial review to determine whether the grant and loan programs contemplated by the proposed legislation would be consistent with the first amendment to the Constitution. The floor manager of the bill, the distinguished Senator from Oregon [Mr. MORSE], opposed the amendment on the grounds that its adoption at that time might jeopardize the passage of the bill and, further, that the purpose of the amendment would be better served through the enactment of general purpose legislation affecting all such acts. He stated his willingness to assist in obtaining such legislation.

On June 7, 1965, the distinguished Senator from Oregon [Mr. MORSE] introduced the bill S. 2097 to provide for the judicial review of the constitutionality of these grants and loans, and I was a cosponsor of this bill. On July 9, 1966, the Senate approved S. 2097 as amended by the committee, but no action was taken by the House before the Congress adjourned. The bill, S. 3, before us today is identical with the bill, S. 2097, which the Senate passed last year.

This subject is a difficult one. I have supported, during my service in the Senate, many educational bills. In my first term in the Senate, I joined Senator Taft in the introduction of the bill to provide aid to public elementary and secondary schools—which the Senate passed in 1948. In 1954 I introduced a bill, which was reported by the Committee on Labor and Public Welfare, to provide funds for the construction of elementary and secondary schools; it was the

only such bill reported in the years between the Taft bill and the bill passed by the Senate in 1960. In 1958, I joined as a cosponsor of the National Defense Education Act. I believe that with one exception, I have supported every measure to strengthen the public school and higher education systems, including the Health Professions Educational Assistance Act in 1964, the landmark Elementary and Secondary Education Act and the Higher Education Act in 1965 and last year's amendments.

In discussing this question on the floor of the Senate on October 15, 1963, I stated: "The issue of Federal aid to church schools is controversial. It stirs emotions and even bias and prejudice. I think it very important that the subject be discussed rationally and dispassionately, and that Congress undertake its responsibility to determine if the provision in the bill providing loan funds for the construction of academic facilities for sectarian schools is prohibited by the first amendment to the Constitution. Congress has this responsibility and duty. Because of a peculiar legal situation, it is difficult for the issue to reach the Supreme Court and so have its constitutionality determined."

The need for the bill before us today arises from the fact that few cases interpreting the first amendment have been decided by the Supreme Court with respect to the power of the Congress or the States to provide aid or support to church schools. In my view there are three reasons for this situation.

In the first place, we should remember that it was not until some 24 years ago that the Supreme Court held that the 14th amendment made the first amendment to the Constitution applicable to the States and that under the first amendment the States had no more authority to enact legislation supporting a religious institution than does the Federal Government.

In the second place, few cases have been decided upon this important question as a result of the 1923 Supreme Court decision in the case of *Frothingham against Mellon* which held that a taxpayer could not question an appropriation made by Congress unless he was able to show a substantial interest, separate from that in his capacity as a taxpayer.

The principles underlying the need for this bill are well stated by the committee in its report at page 2:

"The bill is not intended to deal directly with the problem of the principle of separation of church and state nor with the constitutionality of any of the enumerated acts. It is designed, however, to remove any of the existing doubt as to the power of taxpayers, citizens, and institutions to obtain judicial review of the validity of Federal grants or loans under the provisions relating to religion in the first amendment."

Mr. President, I believe it both appropriate and fitting at this time to take the opportunity to commend the senior Senator from North Carolina [Mr. ERVIN], chairman of the Subcommittee on Constitutional Rights, and the senior Senator from Oregon [Mr. MORSE] for their tireless efforts, hard work and scholarly consideration over the years on this important and most difficult constitutional subject, which have produced the bill before us today.

Mr. HATFIELD. Mr. President, during consideration of the ESEA bill, I wish to draw the Senate's attention to the work of one of our colleagues who sits on the committee which reported out this measure.

As an extension of Senator PAUL FANNIN's responsibilities on the Senate Labor Committee which has handled all the education legislation of the past 3 years, he has produced, with encouragement

and assistance of other Senators, a 15-minute, 16-millimeter color film on the subject of encouraging high school students to complete their education.

The film was produced by Hamilton Wright Associates and graciously underwritten by the American Telephone & Telegraph Co. There is, however, no visual credit given on the film itself to either the producer or the underwriter.

In planning for a high school assembly speaking tour on the subject of the dropout problem, after consultation with high school authorities, Senator FANNIN concluded that the most effective way of strongly influencing teen student audiences would be through the use of a film.

This film is a dramatic, highly theatrical piece, set to modern teenage music, with a single message—that education is the key that opens every door. It was produced specifically for use by Members of Congress before high school assemblies. The 15-minute length was purposely arrived at to permit the speaker, say, 5 minutes of introductory comments and similar closing remarks within a 25-minute format, again, developed with the assistance of high school people.

In this regard, Senator FANNIN also developed a speaker's kit containing recommended comments for use in conjunction with the film when showing it to high school audiences. To quote these comments:

More than other generations, your generation will witness profound changes in the kind and quality of life, brought about in part by explosions in technology, in information and in communications. For the most part, the change will be a clear sign of progress—a tribute to an educational system that educates rather than indoctrinates. Many human and social problems will be overcome, major diseases will be conquered, and hopefully, men will learn to live together as brothers, the way the good Lord intended us to do.

But for each problem that is overcome, a new and not necessarily related one will be created. That is the story of history. Each generation of mankind faces challenges that just a very few years before were undreamed of and certainly unknown. Each generation takes its place in a world not of its making, but which—because it is better educated than former generations—it has the power to change, to improve. And each generation must begin anew the search for the Utopian world that seems always to lie beyond its reach.

Being intelligent young men and women, you recognized that education is the key to every door. Your teachers, from kindergarten through your senior year here, have done an excellent job of preparing you for the real world—the world that lies just beyond these doors. As a group, you are better educated than any students before you. And not only will that knowledge be helpful to you in the career of your choosing, but it will help you better to understand the nature of life—and to change it for the betterment of man.

I wonder, however, whether you're aware of these dramatic changes going on all around you?

And are you aware that whatever your ambitions or goals, you must have greater knowledge of more subjects than ever before?

The opportunities in the decade ahead for businessmen, teachers, professional people, for artists, pilots, farmers, and technical workers are boundless.

But, again, your success in life and in these careers is going to be the self-satisfaction that comes from innovation, implement-

ation, communication, and understanding—all of which require education!

The emphasis in the film is the material satisfaction you can expect from persevering in your education.

But these material achievements, the car, the house, the boat, need not be ends in themselves. They can become the means, the steppingstones, for every type of personal satisfaction—freedom to travel, social work, whatever you want out of life.

That diploma means tomorrow is today for all of you. And America is yours.

America can be a generous parent. For America is natural resources, America is industry, America is rights and privileges, America is all of these. But it is also just one thing: People—people who can do what they wish if they have the ability and understanding and education.

If you want a good job, a stimulating career, and understanding of what's happening around you, contentment and tranquility, to be involved, to express yourself—what's the answer?

Education.

And the purpose of education is you.

Mr. President, because the need to motivate our high school students is so great today, I wanted to bring this practical work of one of our colleagues to the attention of this body.

Mr. SPONG. Mr. President, I have long felt that education is the single most important factor in enabling a person to share in the affluence of our Nation and to make rational choices for his life. The Elementary and Secondary Education Act, which first became law only 2 short years ago, has contributed greatly to expanded educational opportunities, and it has allowed us to focus on specific educational problems.

Title I, which is the heart of the Elementary Education Act, was designed to aid areas with large concentrations of low-income families. Aid for these areas has become more and more important because these are the areas which suffer most from the disparities among school districts. Especially because of the mobility of our population—between 1955 and 1960, 50.1 percent of Americans over 5 years of age moved—it is necessary to eliminate these disparities so that our schoolchildren of today may be able to compete no matter where they may choose to live and work tomorrow.

Aside from the aid for areas with concentrations of low-income families, all areas of the States have shared the special services and projects grants, aid for school library resources and funds to strengthen State departments of education.

In addition, the authorization for operation and construction of schools in impacted areas has been combined with the Elementary Education Act.

In my State of Virginia, these programs provided more than \$55 million in school aid during fiscal 1967. More than 125 of the 137 Virginia school districts benefited from title I funds and about 50 received impacted areas aid.

The allotted funds represent a substantial amount. They do not, however, come close to approximating the bill authorization or formula entitlement, and there are indications that future appropriations will not approach the full authorization either. Originally, authorizations were designed to indicate the extent

of need for a program to be carried out in its entirety. The appropriations measure then represented the amount which could be allotted within the budget limitations. Need in the field of education is certainly great. The differences between the authorization and appropriation for these programs had, however, become unrealistic as a guide to members of the Appropriations Committee. It had also become unrealistic in view of the tremendous debt projected for this fiscal year and the proposal for a surtax on incomes. In addition, these differences were somewhat misleading to school administrators in determining the amount of funds to be available. For these reasons, I supported an amendment to reduce authorizations for upcoming fiscal years to the fiscal 1967 authorization level. There were indications that such reductions would have little, if any, effect on the actual appropriations to be made in these years.

Certainly one of the virtues of the bill is that it seeks to expand local educational involvement in the determination of policy and that it permits localities to plan more readily and effectively. Under the Senate bill, the States, beginning in fiscal 1969, will be permitted to administer one-third of title III and in the succeeding years States will gain more control over this aspect of the program. An amendment, similar to the title III House provision, was offered to permit States to administer all of title III, according to approved State plans, beginning in fiscal 1968. I supported this amendment, which failed on a 35 to 38 rollcall vote.

The merits of the legislation are many. But there are also the problems, particularly in administration of the program. The workload and scope of responsibilities of the Office of Education has expanded rapidly in recent years. But this expansion is no excuse for the attitude and approach exhibited by so many staff members. All too often Office of Education personnel have been unappreciative of and ill-advised concerning local problems, as well as inconsiderate and tactless in their handling of situations. Too many times, they have been indefinite, indirect, and uncooperative with local officials, who often have not been specifically informed of the steps they could take to conform to Federal law and policy. In a field where there is so much to be done, where the long-range results of experiments and policy are still open to question and where the futures of our children are so involved, I think these attitudes and approaches are regrettable. I approve of the sections of the bill requiring the Office of Education to cite statutory authority for issuing guidelines and regulations and the section requiring the guidelines to be applied uniformly throughout the 50 States. I intend to watch closely the administration of these sections in the upcoming months to ensure that congressional intent is followed.

The problems we face in providing adequate education for our Nation are great. The challenge of constructive administration of the elementary and sec-

ondary education program is also great. But we will never overcome our problems unless we constantly work to develop the best educational methods and seek to provide the needed resources and services. I, therefore, support the elementary and secondary education and impacted areas program.

I would like to commend the able Senator from Oregon for his leadership in guiding this bill through the long debate on the Senate floor and for his sympathetic consideration of the many views expressed during Senate discussion of the Elementary and Secondary Education Amendments of 1967.

Mr. BYRD of Virginia. Although public education is primarily a State and local responsibility, I am willing to support reasonable appropriations for supplemental Federal programs.

After much thought, however, I reached the conclusion I could not support the pending authorization for two reasons:

One, I feel a 3-year authorization is unwise as it tends to make Federal administrators too independent of the wishes of our people; second, the spending authorization for each of the next 3 years is more than double; yes, more than double the amount being spent this year.

This huge authorization totaling \$14 billion over 3 years, seems to me to be unreasonable, particularly since our Nation is facing a \$20 billion deficit, our taxpayers a heavy tax increase, and all of our citizens severe inflation resulting from deficit financing.

The money to finance these vast spending programs can come from only one source, the pockets of our wage earners.

Mr. KENNEDY of Massachusetts. Mr. President, included among the committee amendments to the pending measure is the Bilingual Education Act, which I wish to single out for a brief comment. The amendment was introduced early this year as a separate bill, S. 428, by the distinguished senior Senator from Texas with several cosponsors, including myself.

Senator YARBOROUGH deserves high tribute for his initiative and leadership in a significant area of public concern.

For the Bilingual Education Act will make a long overdue contribution toward the development of learning in our country.

The purpose of the amendment is to provide needed financial assistance to local educational agencies to initiate and carry out elementary and secondary school programs to meet the special needs of the more than 3 million schoolchildren, who are educationally disadvantaged because of their limited knowledge of the English language, or their total inability to speak it at all.

The amendment is geared specifically to assist schools having a high concentration of non-English-speaking children from families with incomes below \$3,000 per year or receiving payments under a program of aid to families with dependent children.

As noted in the Senate Labor and Public Welfare Committee report on H.R. 7819, the Bilingual Education Act does not intend to prescribe the specific types of programs or projects that are needed

to carry out its purposes. Such matters are left to the discretion and judgment of the local school districts in order to encourage flexible approaches to the special needs of non-English-speaking children, and to stimulate creative solutions for the particular problems of a given school.

Mr. President, the compelling urgency for greater emphasis in meeting the special educational needs of non-English-speaking schoolchildren is clearly demonstrated in the hearing record of the Special Subcommittee on Bilingual Education.

Of primary importance, however, is the simple fact of the close relationship between conditions of poverty, low educational achievements, and non-English-speaking ability. Employment opportunities, income levels, economic advancement—in fact, nearly all the aspects of personal and family well-being, and the health and progress of the Nation as a whole—are closely linked to education achievement and the ability of each citizen to communicate effectively with others. But our citizens who are severely disadvantaged because of language barriers are denied the opportunity to achieve their full potential through education and to participate fully and share in an affluent America.

In no segment of our society, perhaps, is this better illustrated than among our Spanish-speaking population. Of the more than 3 million non-English-speaking students scattered across the country, some 60 percent are Spanish speaking. Their educational disparity and underachievement, especially among the young people in the Mexican-American communities of the Southwest and Puerto Rican community of New York City, is a tragic commentary in the status of education in our Nation. It is one of the greater failures in our systems of learning. Morally and educationally, I do not believe we can afford to leave untapped this great reservoir of dormant talent.

Mr. President, as originally introduced, the Bilingual Education Act would have applied exclusively to Spanish-speaking students. Although I fully recognize that the major problems resulting from language barriers lay in the Spanish-speaking communities, I proposed broadening the bill to include all non-English-speaking students.

Because of my deep personal interest in general immigration matters—and the fact that some 40 percent of the population of the Commonwealth of Massachusetts is of foreign stock, largely from non-Spanish-speaking backgrounds—I am keenly aware of the difficulties confronting other language groups as well. Serious problems confront schools and non-English-speaking students in Massachusetts and elsewhere with a heavy concentration of recent Portuguese, French, Italian, Greek, Chinese and other immigrants. The growing number of immigrants from these various backgrounds, especially the striking increase in the number under 20 years of age, is compounding the problems.

A good example of this is the influx of foreign-born children into the schools of New Bedford, Mass. During the last school year, the influx averaged nine to 10 children weekly, and apparently continues at this pace. The day school for immigrants in Boston, which has very limited facilities for only a few hundred non-English speaking students, reports an enrollment increase of 100 for each of the last 2 years. Many others were turned away. These local examples are repeated throughout Massachusetts and across the country.

So I am extremely gratified that the Bilingual Education Act was amended in committee to include all non-English speaking children.

Mr. President, the act is a pioneering effort at the national level to attack an old problem. It is a forthright effort to break down the cultural ghettos within our society, but in so doing to strengthen, as well, the heritage and enrichment which the presence of many racial and ethnic groups bring to the life of our Nation as a whole. It is a creative effort to bring non-English speaking communities into the mainstream of our society, by helping to bridge the gap of their bicultural world.

And finally, the act broadens a central theme in American history—equally of opportunity. It stands with other legislation in educational development—and with legislation in civil rights, poverty, and health—to reaffirm once again our Nation's continuing pursuit of justice, equality, and freedom.

(This marks the end of the proceedings which occurred following the vote and which were ordered to be printed in the RECORD at this point prior to the vote.)

Mr. MORSE. Mr. President, I have already in the course of the debate indicated how indebted I am to the members of my committee both majority and minority who have worked with me in bringing this bill through the Senate.

I have emphasized that the committee bill carries in it the results of careful deliberation not only by my colleagues on the subcommittee but of our colleagues in other subcommittees of the Senate Committee on Labor and Public Welfare, particularly the Bilingual Education Subcommittee and, as I indicated earlier, the Subcommittee on Indian Education, and the Subcommittee on Migratory Labor.

But behind each of my colleagues who stood shoulder to shoulder with me are dedicated staff who provided an indispensable assistance to our Senate operations.

I therefore feel it only fitting to pay public tribute to the clerk of the committee, Mr. Stewart E. McClure, who in this very busy session of the Congress, enabled us to process our hearings and our executive sessions expeditiously.

Working with him was our committee editor, Mr. Steve Coffey and his very able associates from the Government Printing Office Mr. William Otley and Mr. Jack Sapp. Senators who have looked at our hearing record to which I have alluded many times in this debate can well appreciate the magnitude of the work of

these craftsmen and so to them, and to our own Senate Printing Clerk, Tom Gay, I want to pay a very special tribute of thanks. They deserve it as do the Official Reporters of Debate and as does Dino Zagami who this time had a greater volume of statistical material to reproduce accurately than on any of our other education bills of recent memory.

I am greatly indebted to the council of the committee, Mr. John S. Forsythe and his associate on the minority side, Mr. Eugene Mittleman, for their work at all stages of the bill and particularly for their help to me here in these last few days on the floor. They are both highly competent professional associates.

In this category also are the professional staff members of both minority and majority who worked directly with the Education Subcommittee, Mr. Charles Lee, and Mr. Roy Millenson.

I particularly wish to commend Senator PROUTY for making available to us in working out our problems the helpful counsel of Mr. Art Dufresne. And I thank Senators DOMINICK and MURPHY for the help given by Mr. Clayton Johnson and Mr. Joseph Carter, their legislative assistants.

To the counsel of the other subcommittees, Messrs. Bob Harris, Gene Godley, Fred Blackwell, and Bill Smith, I express to them my appreciation for their understanding and for the cooperative way in which our mutual problems in scheduling were accommodated and for their contributions to the bill in full committee and on the floor. Their work and the work of their legislative assistant counterparts in the senatorial offices like John Black, Ezra Ziff, and Phil McGance is vital to our operations.

I should, however, place almost in the first rank the assistance provided by the floor staff of the Senate itself, as typified by Charles Ferris, general counsel of the Democratic policy committee, and by the associates of the legislative counsel of the Senate, Mr. Peter LeRoux and Mr. Blair Crownover. All there are lawyers' lawyers.

Work on a major bill, however, is not solely done by our own staff. We constantly need the work of and obtain information from the Department. Therefore, it is quite appropriate in congratulating Secretary Gardner and Under Secretary Wilbur Cohen on the basis they laid in our hearings for this bill, I commend to him the work of the Department staff, including Mr. F. Peter Libassi, of the Office of Civil Rights, and his associates, Mr. Warden, Mr. Yourman, and Mr. Berla. Further, the legal and legislative liaison at the departmental level under Dr. Ralph Huit and his associate, Dr. Samuel Halperin, and under Mr. Theodore Ellenbogen of the Counsel's office, as could be expected, on the basis of their past performance, was smooth and efficient and helpful.

The detail and burden of the departmental assistance was carried on primarily by the Office of Education. I congratulate Commissioner Howe on the fine job done by the Office of Legislation under Dr. Alford, and in particular the services, beyond what would normally be expected, given by Mr. Richard Johnson,

Mr. Richard Smith, and Miss Jan Pittman, as well as those who worked with them. Many times the lights burned beyond midnight in their offices.

The Office of Legislation did a superb job in obtaining from the operating divisions and bureaus of the Office of Education the factual material which underlies this bill. I particularly am indebted to the work of Dr. Ken Simon and Miss Frances Ryan, of the Statistical Division, whose county-by-county tables, I can affirm, were reviewed with appreciative care.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Indiana [Mr. HARTKE], the Senator from Hawaii [Mr. INOUE], the Senator from Washington [Mr. MAGNUSON], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], and the Senator from Minnesota [Mr. MCCARTHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Hawaii [Mr. INOUE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Colorado [Mr. ALLOTT] is absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Iowa [Mr. HICKENLOOPER] is detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Utah [Mr. BENNETT], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 71, nays 7, as follows:

[No. 388 Leg.]

YEAS—71

Anderson	Hart	Montoya
Baker	Hatfield	Morse
Bartlett	Hayden	Morton
Bayh	Holland	Moss
Bible	Hollings	Mundt
Boggs	Hruska	Murphy
Brewster	Jackson	Muskie
Brooke	Jordan, N.C.	Nelson
Burdick	Jordan, Idaho	Pastore
Byrd, W. Va.	Kennedy, Mass.	Pearson
Cannon	Kennedy, N.Y.	Pell
Carlson	Kuchel	Proxmire
Case	Lausche	Randolph
Church	Long, Mo.	Smathers
Clark	Long, La.	Smith
Cooper	Mansfield	Spong
Curtis	McClellan	Symington
Dirksen	McGee	Talmadge
Ervin	McGovern	Williams, N.J.
Fannin	McIntyre	Williams, Del.
Fong	Metcalf	Yarborough
Gore	Miller	Young, N. Dak.
Gruening	Mondale	Young, Ohio
Hansen	Monroney	

NAYS—7

Byrd, Va.	Russell	Stennis
Eastland	Sparkman	Thurmond
Hill		

NOT VOTING—22

Aiken	Griffin	Percy
Allott	Harris	Prouty
Bennett	Hartke	Ribicoff
Cotton	Hickenlooper	Scott
Dodd	Inouye	Tower
Dominick	Javits	Tydings
Ellender	Magnuson	
Fulbright	McCarthy	

So the bill (H.R. 7819) was passed.

The title was amended, so as to read: "An act to strengthen, improve, and extend programs of assistance for elementary and secondary education, and for other purposes."

Mr. MORSE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I ask unanimous consent that the bill be printed as passed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I rise to pay tribute to a man whose service to the Nation as a U.S. Senator has been unexcelled—as a teacher, as a lawyer, as a leader in the improvement of education at all levels throughout the Nation. The magnificent manner in which he directed the passage of this latest education bill tells only a small part of the story of the senior Senator from Oregon [Mr. MORSE]. In this body he is referred to as "Mr. Education," an appellation that he earned many years ago with his efforts to improve the educational standards of this Nation; the intervening years have only strengthened the validity and appropriateness of that honored reference.

WAYNE MORSE was first elected to the U.S. Senate on November 7, 1944. Since that time he has worked tirelessly to achieve for all Americans the opportunity for an education—an opportunity now unmatched by that afforded in any other nation on earth. The Nation can thank WAYNE MORSE for realizing such an achievement. The standard of excellence in education of which this country can be so proud, shall stand in history as a monument to WAYNE MORSE.

In February of 1961 Senator MORSE

was elevated to the chairmanship of the Education Subcommittee of the Senate Committee on Labor and Public Welfare. As the head of that subcommittee he has not only led but has shaped, molded, and strengthened every major education bill which has since been enacted by the Congress. But going back further, Senator MORSE has either sponsored, co-sponsored, or supported in committee and on the floor every substantial education bill that has come before the Senate during his 24 years of service in this body. His advocacy of the tidelands oil for education measure in the 1950's, the breakthrough in 1958 which opened the way for the enactment of the National Defense Education Act, both bear witness to his consistent position of Federal support for all levels of education. In the Nation's priorities, education has no peer.

I want the RECORD to show the results of his work as chairman of the Education Subcommittee and I ask unanimous consent that a list of the major public laws enacted because of his strong support be incorporated in the RECORD at this point.

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

Public Law 88-204: The Higher Education Facilities Act of 1963.

Public Law 88-210: The Vocational Education Act of 1963. (NDEA extension and amendments carried as Part B of the Act. P.L. 815 and 874 included as Part C).

Public Law 88-269: The Library Services and Construction Act of 1964.

Public Law 88-665: The National Defense Education Act Amendments and Extension (1964) increased NDEA fellowships from 1500 to 7500).

Public Law 89-10: The Elementary and Secondary Education Act of 1965 (Title IV expanded Cooperative Research Act of 1954).

Public Law 89-287: The National Vocational Student Loan Assistance.

Public Law 89-313: The School Disaster Act.

Public Law 89-329: The Higher Education Act of 1965.

Public Law 89-698: The International Educational Act of 1966.

Public Law 90-35: The Educational Professions Development Act of 1967.

Public Law 90-82: Amending the College Work-Study Program (1967).

Mr. MANSFIELD. Mr. President, this list is only partly complete. Senator MORSE strongly advocated the enactment of many other measures affecting education; the cold war GI bill, arts and humanities legislation, the educational benefits granted in the Economic Opportunity Act, the manpower and training programs, and health and migratory labor matters.

The record is truly outstanding; but it is easy to understand how the Senator from Oregon has compiled such an exemplary list of achievements. One need only observe just how ably he advocates a measure that gains his endorsement.

The passage today of the Elementary and Secondary Education Act amendments is a case in point. It amply demonstrates the effectiveness of his advocacy. I know as a personal matter the immense sacrifice Senator MORSE has made in as-

suming the task of managing this bill at this particular time. He had many commitments, some of great importance. But every Senator who has served in the U.S. Senate with WAYNE MORSE will readily agree that WAYNE MORSE always puts his duty to his country—like his answer to his conscience—above all else.

In placing everything aside, he took the floor and steered the bill through the Senate obtaining overwhelming approval. As on all measures that he handles, his broad understanding of the provisions of the proposal, his clear and articulate presentation, assured its adoption.

I personally am deeply grateful to Senator MORSE for this effort. The Senate is deeply grateful and I want him to know that he is and I am confident will continue to be "Mr. Education" in this body and throughout the land for many years.

Mr. MORSE. Mr. President, Senator MANSFIELD is more than my majority leader, he is that rarest of treasures, a biased friend. So I thank him for what he has just said, but in all honesty, I must again assure him that our efforts on this bill and its predecessors were, and are, a common effort of all of us who work together on the committee, and it is the product of the wise counsel on the Senate floor that the majority leader has given whenever he could be helpful to the legislation.

He has always justified the confidence we have placed in him. We are never disappointed in his understanding of our problems and his willingness to seek honorable solutions, often at a great inconvenience to his own schedules.

So it is only on the understanding that his tributes are for the work of all of us, including his own sterling contributions, that I accept what he has said.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished majority leader about the program for the balance of the day and tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader I make the following request:

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon it stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER (Mr. Spong in the chair). Without objection, it is so ordered. (This order was later modified to provide for the Senate to convene at 11 a.m. tomorrow.)

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is not anticipated there will be any further votes this afternoon. We will try to clear up the calendar.

ORDER FOR RECOGNITION OF MR. YOUNG OF OHIO TOMORROW

Mr. President, I ask unanimous consent that the distinguished Senator from

Ohio [Mr. Young] be permitted to speak for 20 minutes tomorrow after approval of the Journal.

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

Mr. MANSFIELD. Mr. President, as far as the schedule for tomorrow is concerned, it is hoped to take up the conference report on postal pay rates. We wish to assure the distinguished Senator from Florida that we would like to take up the continuing resolution as well.

In addition, we hope to go forward with the conference report on the Bank Holding Company Act and perhaps to bring up the conference report on the San Rafael Wilderness tomorrow.

I might say that the distinguished Senator from Iowa [Mr. MILLER] has indicated he intends to ask for the yeas and nays on the conference report on postal pay rates.

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

Mr. MANSFIELD. I yield.

Mr. MILLER. Do I understand that the Senator is hopeful that the calendar to be cleared this afternoon would include the District of Columbia crime bill?

Mr. MANSFIELD. I hope so.

Mr. MILLER. I am not sure, but there is some possibility I might have an amendment in connection with that bill, and I might want a vote on it. I did not realize until a few moments ago that we might be taking that measure up. It may be that there will be no amendment offered, but I heard the Senator say there will be no further votes today.

Mr. MANSFIELD. The Senator is correct.

Mr. MILLER. If that happens, would there be an opportunity to have that bill taken up tomorrow?

Mr. MANSFIELD. I would hope that it would not discommodate some Senators who will be here today but not tomorrow. That is a matter, of course, which each Senator must face up to. Some Senators will be missing. It is clear to both sides that this is one of those things where it will be taken up.

That is about it, let me say to the distinguished minority leader.

REFUSAL OF SECRETARY RUSK TO TESTIFY IN PUBLIC SESSION ON U.S. POLICIES IN SOUTHEAST ASIA

Mr. GORE. Mr. President, our distinguished Secretary of State, the Honorable Dean Rusk, has now communicated to the distinguished junior Senator from Arkansas [Mr. Fulbright], chairman of the Senate Foreign Relations Committee, his unwillingness to testify in public session on U.S. policies in Southeast Asia.

A few days ago I caused to be printed in the CONGRESSIONAL RECORD an exchange of several letters between the chairman of the committee and Secretary Rusk on this subject. I now ask that there be printed at this point in the RECORD a further communication by Senator Fulbright and the reply of Secretary Rusk.

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

NOVEMBER 30, 1967.

HON. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The Committee on Foreign Relations today discussed its invitation to you to testify in public on United States policies in Southeast Asia.

While Members were not unanimous in believing that such an appearance by you at this time would be desirable, it is fair to note that most of those present felt that a public exchange of views would be most helpful sometime before adjournment. There was a strong feeling that it was proper to discuss these policies in the legislative environment, inasmuch as they are unavoidably a part of public consideration.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE SECRETARY OF STATE,
Washington, December 8, 1967.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: I am replying to your letter of November 30, concerning the desirability of a public hearing with the Committee on Viet-Nam.

I wish to make it clear, Mr. Chairman, that I am always ready to consult with any appropriate committee of the Congress on Viet-Nam, or on other matters involving the foreign policy of the United States.

The question in this case is whether the hearing should be in open or in executive session.

Any thorough hearing on our involvement in Viet-Nam would necessarily deal with questions of military operations and war planning, as well as the most delicate relations with other governments. The Committee is entitled to know my views on these questions. But because of the extreme sensitivity of these matters, I am convinced that they should be fully discussed only in executive sessions of the Committee.

I would be glad to agree—as I have with all other Congressional committees where I have appeared to discuss matters of critical national importance and sensitivity—to the prompt release of all portions of my testimony that our security interests will permit.

As you know, Mr. Chairman, it has been the consistent policy of all previous Administrations to discuss matters of this kind in executive session, while an armed conflict is in progress. The single exception to this policy, which occurred early last year, does not in any way suggest that the consistent practice of the past should be abandoned.

To recapitulate, I am ready to come before the Committee in executive session whenever the Committee desires to discuss our policy in Viet-Nam with me. I am ready to respond fully to the Committee's questions. I am ready to agree to the release of those questions and answers that may be released without endangering our men in Viet-Nam, our security interests, or our diplomatic efforts to end this conflict—recognizing that our foes, as well as our friends, will carefully examine the record.

I hope that all the Members of the Committee will feel that my reply is sufficiently responsive. But as you point out, there are substantial differences of view on this matter among the Members of your committee, and I believe I would encounter significant disagreement whatever my reply.

I do hope that the Committee will understand the reasons for my view, even though not all of them may find it possible to agree with it.

Sincerely,

DEAN RUSK.

Mr. GORE. Mr. President, though the Secretary did not specifically say so, I

must conclude under all the circumstances, that in finally deciding upon this breakdown in public communication between the Senate Foreign Relations Committee, agency of the Senate in foreign policy matters, and himself, the agent of the President in such matters, the Secretary has acted upon orders of President Johnson.

This I must deplore because the issues involved could be more meaningfully examined in public testimony than in arm-waving, political speeches. I hope President Johnson will yet change his view because the road to unity lies in the direction of public understanding which can only come through public discussion and public examination of the issues. The President will find neither more unity in the country nor more trust of his leadership by either shunning public examination of his policies or by giving one-sided interpretations of both fact and history in the political arena. Public understanding of and unity on these vexatious issues simply cannot be had in the context of a bully stomping a little girl. The issues are simply not that simple.

The Secretary has suggested in his letter that a hearing on our involvement in Vietnam would deal with "questions of military operations and war planning." I would point out, Mr. President, that the committee asked Mr. Rusk, and I quote: "to testify in public on United States policies in Southeast Asia." Regrettably, too, the Secretary has chosen to make the request appear to apply directly to Vietnam and has chosen also to treat the committee's request as though it were an effort on the part of a congressional committee publicly to examine "military operations and war planning." This, as I have pointed out, is not the case, even though I would venture to recall that General Westmoreland has already given a speech on military strategy for the next 2 years to the National Press Club and there responded publicly to questions of reporters on this subject.

I believe that the Senate has a right to know and that the American people have a right to know whether administration policies are to take steps which further risk war with China, whether the administration is willing to accept a status of neutrality of Vietnam, whether this Nation is to destroy itself internally, and further to erode its position in world leadership in pursuit of policies upon which the members of the President's Cabinet have been unwilling to testify publicly for nearly 2 years.

Two years ago, Secretary Rusk appeared before the Senate Foreign Relations Committee in public testimony on our policies then prevailing in Southeast Asia. There was an overwhelmingly favorable response both because of the educational value of hearings and their contribution to the fruition of the democratic processes, but also because of the incisive nature of the examination of issues involved. Whether the policies today are different from those of 2 years ago, I do not know. At least we do know that they are stated quite differently.

Are our objectives the same now as then?

Are these goals realistic?
 Are they attainable?
 Is our national security truly involved?
 Are we in fact in mortal peril, as Secretary Rusk has told us, in the happenings in Vietnam?

Is self-determination for the Vietnamese our goal, or is our own national security our goal?

Are our objectives consistent with the Geneva accords?

Is the security of all of Southeast Asia involved?

How do our policies affect relations between ourselves and the Soviet Union? With China? Those nations with each other?

These are questions on which the American people as well as their elected representatives are entitled to have definite answers.

It seems to me that the democratic process is dealt a serious blow by this breakdown in public communication between the executive and the legislative. It seriously affects the constitutional equation between the two coordinate branches of Government. As I have said, I hope that the President will alter his view before the Congress reconvenes in January.

In any event, I shall have more to say on the subject at that time.

FALSE REPRESENTATIONS IN THE MAILS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 871, H.R. 1411.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1411) to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, on page 3, after the quotation following line 9, insert a new section, as follows:

SEC. 3. Section 5108(a) of title 5, United States Code, is amended by striking out the figure "2,577" and inserting in lieu thereof the figure "2,706".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and to amend title 5, United States Code, to increase the total number of positions in GS-16, GS-17, and GS-18 to meet certain emergency needs within the executive branch."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 885), explaining the purposes of the bill.

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

PURPOSE

The purpose of this legislation is to protect the public from false and misleading advertisements which purport to sell goods or property of substantial value, particularly in the fields of medical science and real estate, which in fact are worthless or grossly misrepresented.

The Subcommittee on Postal Affairs held hearings on a similar bill, S. 274, introduced by Senator Harrison A. Williams, Jr., after earlier hearings before the Special Committee on Aging indicated the substantial need for public protection from such schemes throughout the United States.

JUSTIFICATION

The civil postal fraud statute (39 U.S.C. 4005) protects a consumer from being victimized by false representations sent through the U.S. mail. It protects the consumer by authorizing the return of his mail containing remittances, generally in the form of checks or money orders, addressed to the unscrupulous promoter.

In order to establish a basis to issue a mail-stop order under the civil postal fraud statute, the Post Office Department is required to prove that—

(1) Advertising is being used by a promoter who seeks money or property through the mail;

(2) The advertising contains representations which are material and false as a matter of fact; and

(3) The false representations were made with intent to deceive.

Before issuing a mail-stop order, the Post Office Department gives an advertiser alleged to be violating the statute an opportunity to discontinue the objectionable representations and to return the mail he receives as a result of such representation. If he does not and a violation is established, the Postmaster General issues a mail-stop order requiring the postmaster at the promoter's post office of delivery to return to the sender any mail addressed to the promoter which contains remittances or relates to the objectionable representations.

The Post Office Department is not usually troubled with proving the use of the advertising or that the advertising contains representations which are material and false as a matter of fact. It is seriously hampered by the necessity of meeting the burden of proof as to intent. The courts consistently have held that the word "fraudulent" as used in the statute, requires a proof of intent (*Reilly v. Pinkus*, 338 U.S.C. 269).

The bill will eliminate the necessity for establishing the intent to deceive, which is wholly incompatible with the underlying purpose of the civil fraud statute—the protection of the public—the consumer—against the use of the mail to distribute false representations as a basis for obtaining money or property.

The Postmaster General's mail-stop order merely deprives an unscrupulous operator of the right to receive remittances through the mail which he has sought on the basis of false representations. His legal rights are fully protected. He receives the protection of the Administrative Procedure Act (5 U.S.C. 551) during the proceedings at the departmental level, and he is afforded an opportunity to discontinue the advertising which is alleged to contain false representations before the mail-stop order is issued. After the order is issued, he can go into the U.S. district court for relief from the order (28 U.S.C. 1339) and he can appeal all the way to the Supreme Court if he so desires.

Post Office Department files contain many examples of the need for this legislation so

that some action can be taken when evidence of the intent to deceive is not available. In 1962, an investigation of the Lake Mead Land and Water Co. was started as the result of evidence that false advertising was being used by the promoters. A "favorite swimming hole" pictured in the advertising brochure was, in truth a cattle watering pond not even located on the promoters' property, also various springs and wells depicted in the literature were not located on the property. By the time a conviction was obtained in June 1965, 3,000 persons lost an estimated \$1 million before the enterprise was stopped through conviction. The promoters continued to receive payments by mail up to the time of conviction.

Another example of false representation occurred in 1964, and involved the sale of 300 machines for \$197.50 each. The investigation and trial showed that the machines were worthless and were not, as advertised, a cure for varicose veins, prostate difficulty, arthritis, ulcers, diabetes, failing heart, and bleeding piles. It was not possible to prove that the elderly promoter of the device knew that the device was worthless when he advertised it as a cure for the above-mentioned medical problems.

During the fiscal year 1967, postal inspectors completed 9,836 investigations on the basis of complaints or other indications of possible fraudulent activity. Evidence obtained in 737 cases indicated fraudulent intent so as to warrant referral to U.S. attorneys for consideration of prosecution under the criminal statutes. In 341, or 46 percent, of these cases, prosecution was not undertaken—scarcity of proof of actual and conscious intent representing the basic determining factor in many instances.

These cases involved false, but not necessarily fraudulent, claims based on the intent to deceive. They should have been dealt with under the civil statute which, if amended, could prevent the loss of vast sums of the consumer public's money.

Since 1962, 49 land fraud promotions have been stopped by successful criminal prosecutions, where the public loss is estimated as exceeding \$50 million. What amounts of money are involved in false representation cases can only be estimated, but it is probable that it far exceeds the \$50 million figure involving land frauds.

There is no question that if proof of falsity of advertising claims was a sufficient basis for a civil action under the United States Code, vast amounts of public money could be saved. If the situation continues as it is now no action of any kind can be taken in the vast majority of cases involving false advertising promotions through the U.S. mail which have, and will continue to victimize, the American public.

There are administrative statutes of the regulatory agencies operative against false advertising where intent is not an element of required proof, as well as criminal statutes. For example, the Food, Drug, and Cosmetic Act imposes criminal penalties for misbranding through deceptive packaging (21 U.S.C. 333). Neither intent to defraud nor awareness of violation need be proved for the imposition of criminal penalty under the deceptive packaging section of that act.

The Food and Drug Administration has authority to undertake seizure action where false labeling of a product is involved and the establishment of intent is not required.

The Securities Exchange Commission is also authorized to proceed against the use of a false stock prospectus without the burden of establishing intent (15 U.S.C. 77a and following), and the Air Pollution Act of 1924 (33 U.S.C. 431-437) provides for criminal action without establishing intent.

H.R. 1411 will rewrite the provisions of section 4005 of title 39, United States Code, relating to fraudulent and lottery matter, reenacting, with technical adjustments, most

of the provisions of the existing law. There is only one major substantive change.

Subsection (a) of section 4005 now provides for the issuance of mail-stop orders when the Postmaster General finds that a person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of "false or fraudulent pretenses, representations, or promises."

This bill eliminates from the present statute the words "false or fraudulent pretenses, representations, or promises" and substitutes the words "false representations."

The bill also eliminates the requirement that the letters which are to be returned to the sender be marked "fraudulent" or, in the case of lotteries, as "lottery mail," and substitutes in lieu thereof a provision authorizing the Postmaster General to return the mail appropriately marked as in violation of these provisions. The bill does not make any other material changes in the existing law.

H.R. 1411 is intended to overcome one of the existing legal loopholes consistently used by unscrupulous promoters to defraud innocent victims through the U.S. mails. It will eliminate the present burden of proving that an unscrupulous promoter who used the U.S. mails to obtain money or property by means of false representations actually had the intent to deceive when he sent the false representation through the mail.

H.R. 1411 does not change and has no effect on the provisions of 39 U.S.C. 4005 relating to lotteries.

COST

There is no additional cost to the Post Office Department involved in this bill.

ADDITIONAL SUPERGRADE POSITIONS

The committee has amended the bill as referred to add a new section 3 and provide 129 additional positions at grade GS-16, GS-17, and GS-18 of the General Schedule to meet certain emergency needs of several executive branch agencies.

Public hearings were held on this subject before the full committee on December 5, 1967, at which time Civil Service Commission Chairman John W. Macy, Jr., testified as to the immediate needs of the executive branch for additional positions at the highest level of the career civil service.

In 1965, the Committee on Post Office and Civil Service favorably reported a bill increasing from 2,400 to 2,500 the number of supergrades under the jurisdiction of the Civil Service Commission. This was done in order to meet immediate needs of the executive branch, principally the Social Security Administration after the enactment of the medicare program.

In 1966, the House of Representatives, after extensive consideration of overall Government needs, passed the Senate-passed bill (S. 2393), increasing the total number allocated to the Commission from 2,400 to 2,700 and increasing by 156 positions the number of supergrades specifically allocated to agencies which under existing law have a supergrade quota. After conference, Congress approved Public Law 89-632, approving 177 positions for Civil Service Commission allocation and 123 positions outside of Civil Service Commission jurisdiction and control. The total number of supergrade positions now allocated by the Commission is 2,577. The committee had intended to undertake a thorough review of supergrade needs early in the first session of the 90th Congress, but did not do so because of the consideration of other important legislation.

Section 3 of H.R. 1411 increases this to a new total of 2,706 positions at the supergrade level.

The committee has considered the effect of certain new programs created by law in recent months and recommends that the Com-

missioners, in determining the distribution of these additional positions, should take into account the following:

The primary needs of the Department of Transportation are that of developing integrated transportation systems and conducting indepth studies of the overall transportation needs of the Nation. Secretary Boyd must be able to recruit and retain a staff capable of providing innovative leadership to the Department of approximately 100,000 civilian employees.

The major components of the Department, such as the Office of the Secretary, National Transportation Safety Board, Federal Railroad Administration, Federal Highway Administration, Federal Aviation Administration, U.S. Coast Guard, and the St. Lawrence Seaway, represent the activities of approximately 100,000 employees and a budget of \$6 billion in programs requiring standards development as well as operational and enforcement endeavors. The bulk of the supergrade positions needed will fall in administration, policy development, standards development, and research.

There is a continuing need for additional supergrade allocation for the Department of Health, Education, and Welfare.

Growth of HEW programs can be measured in terms of administrative budget which has increased from \$3.4 billion in 1960 to more than \$12 billion in 1967. In terms of percentage of the President's administrative budget, the increase has been from 2.7 percent to more than 10 percent. In terms of legislation, there have been more than 70 major new pieces of legislation since 1961. One example is the medicare program which covers more than 19 million older people. Another example is the Office of Education appropriations which have grown from \$600 million in 1962 to nearly \$4 billion in 1967. Trust fund expenditures administered by HEW are up from \$14.5 billion in 1962 to \$29.7 billion in 1967; an increase of 105 percent. HEW has had six major pieces of new legislation enacted from October 1966 to the present time and six amendments to previous pieces of legislation which had significant impact on HEW programs. Examples are the following public laws:

Public Law	Description	Enacted
89-675	Clean Air Act Amendments of 1966	Oct. 15, 1966
89-709	Veterinary Medical Education Act of 1966	Nov. 2, 1966
89-749	Comprehensive Health Planning and Public Health Services Amendments of 1966	Nov. 3, 1966
89-751	Allied Health Professions Personnel Training Act of 1966	Do.
89-754	Narcotic Addict Rehabilitation Act of 1966	Nov. 8, 1966
90-31	Mental Health Amendments of 1967	June 24, 1967
90-42	Older Americans Act Amendments of 1967	July 1, 1967
90-59	Vocational Rehabilitation Amendments of 1967	Oct. 3, 1967
90-170	Mental retardation	Dec. 4, 1967

The committee also recommends careful consideration for the administrative needs of the Department of Housing and Urban Development.

Typical of the program growth which requires additional positions in GS-16, 17, and 18 for HUD are as follows: In the model cities programs, the supplemental grants have increased to over \$200 million from their 1967 level of \$11 million; the renewal assistance program has increased by over \$100 million in 1968 over 1967 (\$797 million to \$905 million); the HUD program in technology and research has increased from less than a million to \$10 million from 1967 to 1968; projected for fiscal year 1968 is an increase of 60,000 low- and moderate-income housing units over the fiscal year 1967 level; and an innovative "new-town, in-town" program has recently been initiated.

The increasing workload of the Bureau of Customs in the Treasury Department, made even more complex by such technological advances as larger passenger jets and the trend toward containerization, prompted a sweeping reorganization. The Bureau of Customs requires additional executive positions to provide more responsive and innovative leadership to this vital program.

The continuing growth of activities in the Bureau of Customs is demonstrated by the following: The volume of imports has increased from \$16 billion in 1962 to \$26 billion in 1967; customs collected \$1.6 billion in revenues, duties, and other taxes in 1962 and \$2.8 billion in 1967. To handle this large volume of imports, the Bureau of Customs processed 1.5 million formal entries in 1962, and 2.2 million in 1967.

A need exists for top-level personnel in the new Office of Law Enforcement and Criminal Justice, Department of Justice, to devise and apply new and more effective approaches in combating the criminal elements in our society. The concern of the Congress and the President for quick action on this front makes it imperative that imaginative leadership be brought to bear on these problems. Applying technological and scientific advances to the problems of crime and developing new techniques and programs in

corrections, police programs and the courts all demand the best in executive ability.

The committee believes that the Commissioners should give very careful consideration to the needs of all other executive agencies, particularly those with new or substantially expanded programs, and with particular reference to the Department of Agriculture, the Post Office Department, the Veterans' Administration, and the Bureau of the Budget.

The committee had decided against approving a special authority for the government of the District of Columbia. Under existing allocation by the Civil Service Commission, the District has 30 positions in GS-16, GS-17, and GS-18. Chairman Macy requested an additional 20 positions and the establishment of a separate authority not subject to Commission allocation for the District government.

Because there were no hearings held on the needs of the District government and because the committee continues to be unanimously in favor of Commission allocation of all positions except those presently otherwise authorized by law, this provision has not been included. The total number of positions recommended by the committee includes 20 which the Commission may allocate to the District government if the District needs meets Commission standards.

Further consideration of supergrade needs of the executive branch and agencies now under special authority will be considered as early as possible in the next session of Congress.

LAND CONVEYANCE IN SALINE COUNTY, ARK.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 893, H.R. 10864.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10864) to authorize the Secretary of Agriculture to convey certain lands in

Saline County, Ark., to the Dierks Forests, Inc., and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 2, after line 21, insert a new section, as follows:

Sec. 4. Section 347(b) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(b) (1) The Secretary shall, not later than October 15 of each calendar year, proclaim the amount of the national marketing quota for the crop of cotton described in subsection (a) produced in the next succeeding calendar year in terms of the quantity of such cotton equal to the estimated domestic consumption plus exports for the marketing year which begins in such succeeding calendar year, less the estimated imports, plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks: *Provided*, That the Secretary may reduce the national marketing quota so determined for any crop for the purpose of reducing surplus stocks, but not below the minimum quota prescribed under paragraph (2) of this subsection.

"(2) The national marketing quota for any crop shall not be less than the amount of the import quota in effect on August 1, 1967, for the year beginning on such date for extra long staple cotton (one and three-eighths inches or more) in pounds converted to standard bales of five hundred pounds gross weight, established pursuant to section 22 of the Agricultural Adjustment Act (of 1933), as amended.

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, the national marketing quota shall be the minimum quota under paragraph (2) of this subsection for each crop of such cotton for which the Secretary estimates that the carryover of American grown extra long staple cotton at the beginning of the marketing year for the crop for which the quota is proclaimed (excluding any such cotton in the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) will be more than 50 per centum of the estimated domestic consumption and exports of American grown extra long staple cotton for such marketing year: *Provided*, That the foregoing provisions of this sentence shall not apply for any crop for which the carryover so estimated is an amount equal to 50 per centum or less of the estimated domestic consumption and exports of American grown extra long staple cotton for the marketing year for such crop, and such provisions shall not apply to any crop following the first crop for which this proviso comes into operation.

"(4) The provisions of paragraph (1), (2), and (3) of this subsection shall apply to the 1969 and each succeeding crop of cotton described in subsection (a) of this section.

"(5) The Secretary shall adjust the national marketing quota for the 1968 crop of cotton described in subsection (a) so that such quota shall be not less than the number of bales required to provide a national acreage allotment for such crop of seventy-seven thousand three hundred acres. The Secretary shall allocate the additional acreage under this paragraph to States, counties and farms on a pro rata basis."

On page 5, after line 2, insert a new section, as follows:

Sec. 5. Section 101(f) of the Agricultural Act of 1949, as amended, is amended by striking out all of the first sentence following the words "except that", and substituting in lieu thereof the following: "notwithstanding any other provision of this Act, price support shall be made available to cooperators for the 1968 and each subsequent crop of extra long staple cotton, if producers have not disapproved marketing quotas therefor, through loans at a level which is not less than 50 per centum or more than 100 per centum in excess of the loan level established for Middling one-inch upland cotton of such crop at average location in the United States (except that such loan level for extra long staple cotton shall in no event be less than 35 cents per pound) and, in addition, through price-support payments at a rate which, together with the loan level established for such crop, shall be not less than 65 per centum or more than 90 per centum of the parity price for extra long staple cotton as of the month in which the payment rate provided for by this subsection is announced. Such payment with respect to any farm shall be made on the quantity of extra long staple cotton, determined in accordance with regulations prescribed by the Secretary, equal to either (1) for a farm on which the acreage planted to such cotton does not exceed an acreage determined by multiplying the farm acreage allotment by the price-support payment factor established by the Secretary for each crop, the actual production of such cotton on the farm, or (2) for a farm on which the acreage planted to such cotton exceeds an acreage determined by multiplying the farm acreage allotment by the price-support payment factor but does not exceed the farm acreage allotment, the actual production of such cotton on the farm attributable to the number of acres determined by multiplying the farm acreage allotment by such price-support payment factor. The Secretary shall establish the price-support payment factor for each such crop of extra long staple cotton by dividing the 1966 national acreage allotment for such cotton by the national acreage allotment proclaimed for such crop, except that such factor shall not be more than one. The Secretary shall provide for the sharing of price-support payments under this subsection among producers on a farm on the basis of their respective shares in the crop of extra long staple cotton produced on the farm, or the proceeds therefrom. The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall also apply to payments under this subsection. The Commodity Credit Corporation is authorized to utilize its capital funds and other assets for the purpose of making the payments authorized in this subsection and to pay administrative expenses necessary in carrying out this subsection."

On page 7, after line 2, insert a new section, as follows:

Sec. 6. Section 347 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding the following new subsections at the end thereof to read as follows:

"(f) Notwithstanding any other provision of law, beginning with the 1968 crop of extra long staple cotton, the Secretary, if he determines that it will not impair the effective operation of the program involved, (1) may permit the owner and operator of any farm for which an extra long staple cotton acreage allotment is established to sell or lease all or any part or the right to all or any part of such allotment to any other owner or operator of a farm for transfer to such farm; (2) may permit the owner of a farm to transfer all or any part of such allotment to any

other farm owned or controlled by him. No allotment shall be transferred under this subsection to a farm in another State or to a person for use in another State. The Secretary shall prescribe regulations for the administration of this subsection and may prescribe such terms and conditions as he deems necessary.

"(g) Notwithstanding any other provision of law, if the extra long staple cotton acreage allotment established for any farm for the 1968 and subsequent crops is greater than such allotment for the preceding crop, because of transfers under subsection (f) of this section or for any other reason, the soil conserving base established for the farm shall be reduced by the same number of acres that the allotment is increased for that year."

On page 8, after line 3, insert a new section, as follows:

Sec. 7. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision of this section, effective August 1, 1968, the Commodity Credit Corporation shall make available during each marketing year for sale for unrestricted use at market prices at the time of sale, a quantity of American grown extra long staple cotton equal to the amount by which the production of such cotton in the calendar year in which such marketing year begins is less than the estimated requirements of American grown extra long staple cotton for domestic use and for export for such marketing year: *Provided*, That no sales shall be made at less than 115 per centum of the loan rate for extra long staple cotton under section 101(f) of this Act beginning with the marketing year for the first crop for which the national marketing quota for extra long staple cotton is not established under paragraph (3) of section 347(b) of the Agricultural Adjustment Act of 1938, as amended. The Secretary may make such estimates and adjustments therein at such times as he determines will best effectuate the provisions of the foregoing sentence and such quantities of cotton as are required to be sold under such sentence shall be offered for sale in an orderly manner and so as not to affect market prices unduly."

And on page 9, after line 2, insert a new section, as follows:

Sec. 8. Section 3 of Public Law 88-638 (78 Stat. 1038) is hereby repealed effective August 1, 1968.

Mr. JORDAN of North Carolina. Mr. President, the Food and Agriculture Act of 1965 provided for a one-price program for upland cotton. Under that act a maximum loan level for upland cotton was established at 90 percent of the estimated average world market price. That law, however, did not affect the support loan level for extra-long-staple cotton which remained at 60 to 75 percent of parity. As a result, the support loan for extra-long-staple cotton is out of line with that for upland cotton. The extra-long-staple cotton is moving into Commodity Credit Corporation stocks instead of to market and the acreage allotment for extra-long-staple cotton has been reduced from 112,500 acres in 1964 to 70,500 acres in 1968.

The committee amendments would correct this situation by bringing the price-support loan for extra-long-staple cotton down to a level commensurate with that for upland cotton. The committee amendment would first, provide a price-support loan for extra-long-staple cotton at 1½ to 2 times the support loan

level for upland cotton, but in no event less than 35 cents per pound. As in the case of upland cotton, payments would be made to producers to bring the total support from 65 to 90 percent of parity. Price support payments for extra-long-staple cotton, however, would be limited to an acreage not in excess of the 1966 acreage allotment; second, increase the minimum national marketing quota to an amount equal to the current import quota, approximately 82,470 bales. Since the 1968 national acreage allotment has already been proclaimed, the bill would increase the 1968 allotment from 70,500 acres to 77,300 acres, the equivalent of 82,480 bales; third, permit Commodity Credit Corporation to sell at market prices a quantity of extra-long-staple cotton equal to the amount by which estimated production falls short of estimated requirements. This is comparable to a similar provision for upland cotton and should permit each type of cotton to move in the market at a proper price relationship to the other type of cotton; and, fourth, permit transfers of extra-long-staple cotton acreage allotments within a State.

The amendments were agreed to. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 909), explaining the purposes of the bill.

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

EXPLANATION OF SECTIONS 1 THROUGH 3 OF THE BILL

Sections 1 through 3 of this bill authorize the Secretary of Agriculture to convey 5.28 acres of national forest land to Dierks Forests, Inc., upon condition that Dierks Forests, Inc. reconvey 40 acres to the United States. The 40-acre tract, which was conveyed to Dierks Forests as part of a 1959 land exchange, is subject to adverse claims by third parties and would not have been conveyed to Dierks Forests if it had been known to be subject to such claims. The Department of Agriculture has advised the committee informally that while precise appraisals of the two tracts have not been made, it has been determined that the value of the 40 acres to be conveyed to the Government is not less than the value of the 5.28 acres to be conveyed to Dierks Forests. The facts creating the need for this bill are set out in further detail in the attached favorable report of the Department of Agriculture.

EXPLANATION OF THE COMMITTEE AMENDMENT

The committee amendment, which would add sections 4 through 8 to the bill, deals with price support and acreage allotments for extra-long-staple cotton and is designed to restore the price of extra-long-staple cotton to a normal relationship with that for upland cotton.

The committee amendment would establish a compensatory payment program beginning with the 1968 crop of extra-long-staple cotton and would require mandatory national marketing quotas beginning with the 1969 crop of such cotton with a minimum quota not less than the amount of import quota in effect on August 1, 1967, for extra-long-staple cotton having a length of 1 3/8 inches or more under section 22 of the Agricultural

Adjustment Act (of 1933), as amended. The import quota in effect on August 1, 1967, for the 1967-68 marketing year is 39,590,773 pounds which converts to approximately 82,480 standard bales (500 pounds gross weight). The 1968 national marketing quota would be adjusted so as to provide a 1963 national acreage allotment of 77,300 acres. The increased acreage would be allocated to States, counties, and farms on a pro rata basis.

Price support would consist of loans and payments. The bill would provide a loan level at from 150 to 200 percent of the loan level for upland cotton, as set by the Secretary (but in no event less than 35 cents per pound). Based on a 1968 upland rate at 20.25 cents, the 1968 extra-long-staple cotton loan rate could range between 35 and 40.5 cents. A payment would be made to producers at a rate which, when added to the loan rate, would provide a total price support at not less than 65 percent of the parity price for extra-long-staple cotton. If, for example, the loan rate for 1968 crop extra-long-staple cotton were 40 cents, the payment rate would be 8.7 cents (based on an assumed parity price of 74.9 cents). Price-support payments would be made to producers on the quantity of extra-long-staple cotton actually produced on an acreage planted on the farm within the farm allotment. However, for any crop for which the national acreage allotment is larger than the 1963 national allotment of 81,400 acres, a national factor would be obtained by dividing such national allotment by the 1968 national allotment. This factor would be applied to each farm allotment and the production from the acreage thus obtained would be the maximum quantity on which payment could be made. For example, if the 1970 national allotment were 100,000 acres, the factor would be 0.814. A producer with a farm allotment of 100 acres could plant 81.4 acres and receive the price-support payment on the entire production of extra-long-staple cotton on the farm. If he elected to plant 90 acres instead of 81.4 acres, he would receive the price-support payment on a quantity of extra-long-staple cotton produced on the farm determined by multiplying the actual average production per acre for the farm by the factored farm allotment (farm allotment times the national factor). This method of determining the amount of payment would apply to any planted acreage above 81.4 acres and within the 100-acre farm allotment.

Transfers of extra-long-staple cotton farm allotments within the State could be authorized by the Secretary beginning with the 1968 crop. Such transfers could be by sale, lease, or by owner subject to terms and conditions prescribed by regulations of the Secretary.

A quantity of American-grown extra-long-staple cotton equal to the shortfall of such cotton (quantity by which domestic consumption and exports exceed production) would be available for purchase from CCC at current market prices until the carryover of American grown extra-long-staple cotton is reduced to the point that the national marketing quota exceeds the statutory minimum. Thereafter, no sales of CCC stocks could be made at less than 115 percent of the loan rate for extra-long-staple cotton. These re-

spective price levels for CCC sales of extra-long-staple cotton would be applicable to sales of stockpile extra-long-staple cotton under the act of July 25, 1962 (76 Stat. 218).

Effective August 1, 1968, the provisions of section 3 of Public Law 88-638 relating to CCC export sales of extra-long-staple cotton would be repealed. Such repeal would include the repeal of the provision thereof which requires exclusion of Public Law 480 exports in determining extra-long-staple cotton national marketing quotas. In other words, such exports would be counted beginning with the 1969 quota determination.

BACKGROUND

Extra-long-staple cotton, which in the United States is grown mainly in west Texas (El Paso area), New Mexico, and Arizona, has had acreage allotment and price support programs in effect continuously since 1954. These programs are carried out independently of the upland cotton programs. With few exceptions farms which have extra-long-staple allotments also have upland allotments.

During the Korean and past wars extra-long-staple cotton was a strategic fiber needed for parachutes, sewing thread, etc. In recent years manmade fibers have largely supplanted extra-long-staple cotton insofar as military needs for such items are concerned. However, extra-long-staple cotton is now used in blends with manmade fibers for certain military apparel such as jackets and raincoats.

Over the years USDA and the Congress have dealt sympathetically with the extra-long-staple cotton producers for various reasons, some of which are (1) the Supima Association has carried out an aggressive promotional campaign with assessments of \$3 per bale paid in by producer members and (2) the association several years ago requested and obtained legislation reducing the price support percentage of parity level substantially below that for upland cotton in order to price their cotton more competitively.

Extra-long-staple cotton produced in the United States competes directly with similar cotton imported from Peru, Egypt, and the Sudan. An import quota under section 22 limits imports to about 82,480 bales each marketing year. In 1965 extra-long-staple production in the United States was exactly equal to the volume of imports; in 1966 production was somewhat lower than the import quota; and for 1967 production is expected to be about 15 percent lower than the import quota.

Under a law passed in 1964 CCC has been selling some extra-long-staple cotton for export at about 10 cents per pound less than U.S. market prices. Most exports have been financed under title I of Public Law 480.

The loan rate for the 1966 crop (49.25 cents) and the 1967 crop (47 cents) causes unrealistically high market prices for the qualities of extra-long-staple cotton which compete with the longer staple lengths of upland cotton. In other words, the low loan levels authorized by the 1965 act for upland cotton have removed the desirable price relationship which previously existed in the United States between upland and extra-long-staple cotton.

It is the purpose of these amendments to correct the existing imbalance in price as between upland and extra-long-staple cotton.

EXTRA-LONG-STAPLE COTTON: ACREAGE ALLOTMENTS, 1958-68

State	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968
Arizona	35,050	29,908	27,326	26,831	42,433	63,739	48,342	33,595	35,315	30,591	30,610
California	603	425	424	420	670	1,005	746	509	546	472	474
Florida	1,020	635	554	491	705	950	535	297	264	198	181
Georgia	124	116	132	112	157	217	159	113	117	98	97
New Mexico	16,194	14,003	12,478	12,455	19,681	29,725	22,405	15,627	16,402	14,249	14,264
Texas	27,829	24,196	22,243	21,893	34,455	51,600	39,133	27,304	23,679	24,846	24,851
Puerto Rico	2,466	1,539	1,619	1,538	2,192	2,644	1,179	313	77	46	23
Total	83,286	70,822	64,776	63,740	100,293	149,880	112,500	77,758	81,400	70,500	70,500

LONG-STAPLE (OTHER THAN UPLAND) COTTON: SUPPLY AND DISTRIBUTION, UNITED STATES, 1950 TO DATE¹[In thousands of bales]²

Year beginning Aug. 1	Supply			Distribution			
	Carryover beginning of season	Production	Imports	Total	Consumption	Exports	Total
1950	65.0	62.2	121.2	248.4	³ 152.4	(⁴)	152.4
1951	82.4	46.0	46.1	174.5	³ 79.5	(⁴)	79.5
1952	48.3	93.5	132.5	274.3	³ 103.1	(⁴)	103.1
1953	93.7	64.5	92.1	250.3	100.7	(⁴)	100.7
1954	158.4	40.9	98.4	297.7	111.6	0.4	112.0
1955	176.9	41.5	85.9	304.3	³ 124.9	20.3	145.2
1956	129.8	49.1	93.1	272.0	³ 112.2	57.9	170.1
1957	53.3	79.7	44.6	177.6	³ 99.4	9.7	109.1
1958	121.7	81.9	85.5	289.1	³ 109.1	23.5	132.6
1959	152.3	69.1	83.2	304.6	137.3	4.2	141.5
1960	154.4	66.0	85.7	306.1	³ 148.1	7.4	155.4
1961	138.3	61.0	84.2	283.6	³ 170.6	7.1	177.7
1962	⁵ 90.4	109.8	82.1	282.3	³ 160.6	2.7	163.3
1963	⁵ 199.6	161.2	80.4	441.2	³ 140.7	1.6	142.3
1964	⁵ 253.2	116.7	82.7	452.6	152.3	21.2	173.5
1965	⁵ 259.3	85.6	87.6	432.5	140.9	5.7	146.6
1966	⁵ 288.5	71.2	76.7	436.4	134.9	12.9	147.8
1966 ⁶	⁵ 253.8	67.0	⁷ 85.6	406.4			

¹ Includes American-Egyptian, Sea Island, and foreign-grown cotton. In some years prior to 1963, small amounts of foreign long-staple upland cotton are included.

² American-Egyptian and Sea Island in running bales, foreign in bales of 500 pounds.

³ Adjusted to a cotton marketing year basis Aug. 1-July 31.

⁴ Less than 50 bales.

⁵ Foreign stockpile cotton included by the Bureau of the Census as of Aug. 1 was 7,168 bales in 1962, 61,168 bales in 1963, 24,474 bales in 1964, 18,307 bales in 1965, 12,500 bales in 1966, and 834 bales in 1967. In bond cotton is not included; 116,609 bales as of Aug. 1 in 1963, 60,297 in 1964, 38,022 in 1965, and 33,284 in 1966.

⁶ Preliminary and estimated.

⁷ Import quota.

SUMMARY OF COMMITTEE AMENDMENT

To dispose of surplus stocks accumulated in recent years and to increase domestic consumption of extra-long-staple cotton, the committee amendment would change existing law as follows:

(1) Reduce the loan level to about 35 to 40 cents per pound and make payments to producers (about 9 to 14 cents per pound) on cotton produced. The total price support thus provided for any crop would be not less than 65 percent of parity. Based on November 1967 parity of 74.9 cents, 65 percent of parity would be 48.7 cents per pound. With a market price at about the loan level a one-price system would be in effect for extra-long-staple cotton; that is, cotton would be available for domestic consumption or export at the same price. CCC sales for export at reduced prices would be discontinued.

(2) The national marketing quota for any year would be no smaller than the import quota now in effect for extra-long-staple cotton stapling 1½ inches and longer (about 82,480 standard bales). In order to dispose of surplus stocks the national marketing quota would not be established above the minimum level unless (a) carryover stocks of U.S. grown extra-long-staple cotton were reduced to 50 percent or less of estimated domestic consumption and exports of such cotton and (b) the formula under section 347(b) of the act resulted in a marketing quota above the minimum level.

(3) At lower market prices consumption of extra-long-staple cotton would probably increase and eventually the marketing quota would be established at a level higher than the import quota. However, this development would not increase the outlay for payments described in item 1 since the bill limits size of the acreage on which payments will be made to the 1966 national allotment (81,400 acres).

(4) The national allotment for 1968 is 70,500 acres. The minimum allotment provision described in item 2 would cause the 1968 allotment to be increased to 77,300 acres on the basis of the current national yield.

(5) A quantity of American grown extra-long-staple equal to the shortfall of such

cotton (excess of domestic consumption and exports over production) would be made available for sale by CCC at current market prices.

(6) Farm allotments could be transferred from farm to farm within the State under regulations prescribed by the Secretary.

CONSTRUCTION OF NEW SCHOOL BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, on December 4, I wrote to Mayor-Commissioner Walter E. Washington urging that consideration be given to accelerating the updating of obsolete school buildings in the District of Columbia.

Since I became chairman of the Senate Appropriations Subcommittee on the District of Columbia in the first calendar quarter of 1961, a total of 66 elementary school projects have been initiated, 17 junior high school projects have been initiated, and 6 senior high school projects have been initiated. These capital outlay projects provide for an aggregate of 2,307 rooms, for which funds amounting to \$126,777,692 have been appropriated.

In my letter to Mayor Washington, I stated that there are 48 obsolete buildings in use during fiscal year 1968 which are scheduled to be replaced and that 13 of these have been fully funded and 11 have been initially funded.

The estimated cost, above the fiscal year 1968 funding, to replace the obsolete facilities would be \$52,190,000. The cost of modernizing elementary and junior high schools is estimated to be \$23,905,000. The cost of providing facilities for increased membership over the next few years is estimated to be \$31,756,000, and the cost of implementing the new board pupil-teacher ratios at all levels is estimated to be \$99,814,000. The

total funding needed to carry out this capital outlay program would be \$207,665,000.

At the present time, the public school plant consists of a grand total of 245 buildings, of which one senior high school was erected before 1900, 33 elementary schools antedate 1900, and 37 classroom buildings were erected during the period 1900-1920. Some of these buildings, especially those erected in the 1900-1920 period, are capable of being modernized and would not necessarily need to be replaced. In any event, although we have gone a long way toward replacing obsolete buildings and modernizing our school plant, much remains to be done.

On December 8, I wrote again to Mr. Washington, after having had an opportunity to review his fiscal year 1969 budget proposals, and renewed my reference to the Board of Education's 6-year construction program which "requires completion of 97 projects at an estimated cost of about \$207,665,000." I noted that the fiscal year 1969 portion of this construction program, which was requested by the District of Columbia Board of Education, was for 50 projects totaling \$57,727,000, but that "only 28 projects and \$38,659,000 were approved in the District's proposed fiscal year 1969 budget." I urged the Mayor that the deleted school requests be reconsidered, stating that I realized that the District is faced with many requests from all Departments. As I pointed out in my December 8 letter, the proposed fiscal year 1969 budget "delays the completion" of the projects in the Board of Education's 6-year public works program.

Mr. President, as I emphasized in my correspondence to Mr. Washington, I do not consider myself competent to make specific proposals for accelerating completion of the 6-year school construction program. Nonetheless, I strongly believe that all budget priorities should be reviewed most carefully to determine to what extent the school construction program can be completed even within less time than that which is contemplated in the Board of Education's 6-year program. Perhaps the school construction program could be completed in 4 years. How this can be done, of course, is a matter for the appropriate District government and school officials to determine, but I believe, Mr. President, that education should receive the highest possible priority, and I have said this many times publicly.

Nobody knows better than I the many demands that are made upon the limited revenues, but I believe that, with the proper study and emphasis, the way can be found to replace obsolete school facilities and modernize the school plant in the shortest possible time. In my opinion, this simply must be done, and I shall do everything within my power to assist in achieving that objective.

It is my firm belief that one of the basic causes of such problems as crime, burgeoning welfare caseloads, illegitimacy, and hard core unemployment is that too many of our citizens suffer from

a serious lack of education. To the extent that we are able to expedite the achievement of a model school plant in the District of Columbia, we will be acting to reduce the incidence of other serious problems in this city a quarter of a century away.

In all candor I must say that I am disappointed with the proposed fiscal year 1969 budget, particularly insofar as it deals with the school construction program. I trust that action will be taken to rectify this disturbing shortcoming. It is not enough to say that there are other problems. It is only enough to say that schools are of the highest priority and the budget requests will be made to reflect this. It is not enough to say that the way is difficult; we must find the way.

I do not presume to speak for the Senate or for the other body. I do say, however, that only those school capital outlay projects which are included in the President's budget request stand any chance of being funded. Those projects that are omitted from the budget stand little, if any, prospects of being restored or included at the congressional committee level. Looking forward to the time when the President's budget will be formulated, I wish to emphasize the importance of emphasizing a strong school capital outlay program at the present stage of budgetary development.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point my letter of December 4, 1967, addressed to the Hon. Walter E. Washington, Mayor-Commissioner of the District of Columbia; my letter of December 8, 1967, to Mayor-Commissioner Washington; a table showing the 6-year public works schedule, fiscal year 1969-74 projects remaining to be accomplished by program; a table showing a comparison of the fiscal year 1969 Board of Education's request and the Mayor's budget with the total capital outlay program of the public schools; a table of the estimated cost above fiscal year 1968 funding to complete the public school's capital outlay programs; a table showing classroom buildings erected before 1900 by levels; a table showing classroom buildings erected between 1900 and 1920, by levels; a table listing the buildings in the District of Columbia public school plant; a table of 48 obsolete buildings in use during fiscal year 1968 which are scheduled to be replaced; and a table showing the capital outlay for projects initiated since March 31, 1961.

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

DECEMBER 4, 1967.

HON. WALTER E. WASHINGTON,
Mayor-Commissioner, District of Columbia,
Washington, D.C.

DEAR MAYOR WASHINGTON: I became Chairman of the Senate Appropriations Subcommittee on the District of Columbia in the first calendar quarter of 1961. Since that time, a total of 66 elementary school projects have been initiated, 17 junior high school projects have been initiated, and 6 senior high school projects have been initiated. These capital outlay projects involve 1,414 rooms in the elementary schools, 687 rooms

in the junior high schools, and 206 rooms in the senior high schools, making a total of 2,307 rooms, for which funds amounting to \$126,777,692 have been appropriated.

There are 48 obsolete buildings in use during FY 1968 which are scheduled to be replaced. Of these, 13 have been fully funded, 11 have been initially funded in FY 1968, and 24 are programmed for replacement during the period FY 1969-FY 1974.

The estimated cost above the FY 1968 funding to replace the obsolete facilities would be \$44,532,000 for the elementary schools and \$7,658,000 for the junior high schools, making a total of \$52,190,000.

My purpose in writing this letter is to urge that serious consideration be given to updating the schedule of replacement of these obsolete facilities. Considering the multiplicity of demands upon available funds, together with the many other problems involved in such a building program, I realize that any program for replacement of the remaining 24 buildings and the completion of the 11 initially funded buildings will require a period of some years. Nevertheless, I believe that every consideration should be given to reducing the FY 1969-FY 1974 period for such replacement to, at most, a three-year period. Perhaps it could be reduced to an even shorter period; on the other hand, all things considered, a three-year period may be in the realm of wishful thinking.

I have no doubt that careful study has been given to the program of replacement of obsolete buildings and that in the judgment of those who have planned the FY 1969-FY 1974 replacement schedule this was probably the best that could be hoped for in the light of the revenue picture, site selection problems, construction time, etc. Nonetheless, I would like to suggest that it may be worthwhile to at least review the schedule of replacement with a view to expediting that schedule. It is my belief, and I know you share that belief, that the Nation's Capital should have a model public school system, and it is my desire that the obsolete buildings within that school system be replaced at the earliest date. At the present time, the public school plant consists of a grand total of 245 buildings, of which one senior high school was erected before 1900, 33 elementary schools antedate 1900, and 37 classroom buildings were erected during the period 1900-1920. Some of these buildings, especially those erected in the 1900-1920 period, are capable of being modernized and would not necessarily need to be replaced. In any event, although we have gone a long way toward replacing obsolete buildings and modernizing our school plant, much remains to be done.

The cost of modernizing elementary and junior high facilities is estimated to be \$23,905,000. The cost of providing facilities for increased membership over the next few years is estimated to be \$31,756,000. The cost of implementing the new board pupil-teacher ratios at all levels is estimated to be \$99,814,000. Thus, the estimated cost above FY 1968 funding to complete the public school capital outlay programs amounts to a grand total, including the funding needed to replace obsolete facilities mentioned above, of \$207,665,000.

There is no question but that the money to meet all of the real and imagined needs of the District of Columbia will never be forthcoming, but I have consistently maintained that money spent in education returns the highest dividends. Appropriations for education today will help to diminish the cost of crime, welfare, unemployment, etc., a quarter of a century from now, to say the least. I, for one, want to continue to do everything in my power to see that every dollar, which can feasibly be expended for the education of our people, is provided.

Whether or not the public school capital outlay programs can be expedited beyond what is presently planned, I, of course, am not competent to say. I do, however, assure you of my utmost support in any effort to speed up the program if, in the judgment of your school and budget officials, it is possible and feasible to do so.

I commend you on your work, thus far, in your new and challenging and important assignment as Mayor-Commissioner of the District of Columbia.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

DECEMBER 8, 1967.

HON. WALTER E. WASHINGTON,
Mayor-Commissioner, District of Columbia,
Washington, D.C.

DEAR MAYOR WASHINGTON: On December 4, 1967, I wrote to you urging a review of the six-year public works program of the District Schools in order to expedite the replacement of obsolete school buildings. In my letter, I stated that, with regard to obsolete buildings, "24 are programmed for replacement during the period FY 1969-FY 1974," but I have since found that Lenox and Lenox Annex were on the list of 24 obsolete buildings in error, and should be deleted.

Since writing to you on December 4, I have had an opportunity to review your FY 1969 Budget proposals, and I have had some further thoughts on this matter which I wish to share with you.

The District Schools' Six-Year Construction Program requires completion of 97 projects at an estimated cost of about \$207,665,000. The FY 1969 portion of this program, which was requested by the D.C. Board of Education, was for \$57,727,000 for 50 projects. I note that only 28 projects and \$38,659,000 were approved in the District's proposed FY 1969 Budget. I would strongly urge you to reconsider these school requests, and, after serving many years on the District's subcommittee, I fully realize that you face many requests from all departments. However, it is my firm belief that one of the basic causes of such problems as crime, welfare, and unemployment is that too many of our citizens suffer from a serious lack of education; therefore, the most effective remedy for many of these problems will come from improving educational opportunities.

For these reasons, I feel that every effort should be made to accelerate the completion of the projects in the Board of Education's Six-Year Public Works Program. The proposed FY 1969 Budget delays the completion of this program. Should not the emphasis be reversed? I wish this could be done.

I do not consider myself competent to make specific proposals for accelerating completion of this six-year school construction program. However, I would urge that you review all budget priorities most carefully to determine to what extent you can complete the school construction program within less time, in perhaps four years. How this can be done is a matter for the appropriate District Government and school officials to determine. Simply stated, my concern is that education receive the highest possible priority, consistent with your other urgent requests. I am convinced that, to the extent you can expedite achievement of a model public school system in the Nation's Capital, you will be reducing the incidence of these other serious problems of this city. I am sure you agree with me concerning this objective.

I will appreciate your careful consideration of this request. Again, may I commend you on your work, to date, in your new appointment.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

6-YEAR PUBLIC WORKS SCHEDULE FISCAL YEAR 1969-74 PROJECTS REMAINING TO BE ACCOMPLISHED BY PROGRAM
REQUESTED FISCAL YEAR IN PUBLIC WORKS PROGRAM OF BOARD OF EDUCATION

Program and project	Initial funding	Final funding	Estimated completion date	Program and project	Initial funding	Final funding	Estimated completion date
To replace obsolete facilities:				To provide facilities for increased membership—Con.			
A. Previous funded and in Mayor's budget:				A. Approved in Mayor's budget—Continued			
Morgan replacement.....	1968	1970	1971	New junior high, Oxon Run Parkway SE....	1968	1970	1971
Bruce-Monroe replacement.....	1968	1970	1971	Anacostia Senior addition.....	1968	1969	1970
Brookland replacement.....	1968	1970	1971	B. Disallowed in Mayor's budget:			
Benning replacement.....	1968	1969	1970	Jefferson alterations.....	1969	1969	1970
Orr replacement.....	1968	1969	1970	Roosevelt Senior addition.....	1969	1970	1971
Gage-Eckington replacement.....	1968	1969	1970	New senior high, Camp Simms.....	1971	1972	1974
B. Disallowed in Mayor's budget:				To implement new board ratios:			
Webb addition (Crummell replacement)....	1969	1970	1971	A. Approved in Mayor's budget:			
Peabody-Madison-Hayes replacement.....	1969	1970	1971	West addition.....	1968	1969	1970
Lovejoy-Edmonds replacement.....	1969	1970	1971	Morgan replacement addition.....	1969	1970	1971
Merritt replacement.....	1969	1970	1971	Bruce-Monroe replacement addition.....	1969	1970	1971
Perry replacement.....	1970	1971	1972	Langdon addition.....	1968	1969	1970
Cleveland-Grimke replacement.....	1971	1972	1973	New elementary school, 40th and Lane Pl. NE.....	1968	1969	1970
Slater-Langston-Morse replacement.....	1971	1972	1973	Carver addition.....	1968	1969	1970
Simmons replacement.....	1971	1972	1973	New elementary school, 44th and Foote Sts. NE.....	1968	1969	1970
Grant-Stevens replacement.....	1971	1972	1973	Burrville addition.....	1968	1969	1970
Hyde-Filmore-Jackson replacement.....	1971	1972	1973	New Elementary school, Alabama Ave. and Congress St. SE.....	1968	1970	1971
Buchanan addition.....	1971	1972	1973	New elementary school, 32d and Bangor Sts. SE.....	1968	1970	1971
Shaw replacement.....	1967	1970	1971	Montgomery addition.....	1968	1969	1970
To modernize facilities:				B. Disallowed in Mayor's budget:			
A. Approved in Mayor's budget: Harrison				Lenox addition.....	1968	1969	1970
B. Disallowed in Mayor's budget:				New elementary school, 54th and C Sts. SE.....	1969	1970	1971
Petworth.....	1969	1970	1971	Ross conversion.....	1969	1969	1970
Adams.....	1969	1969	1970	To provide facilities for increased membership:			
Kingsman.....	1969	1969	1970	A. Approved in Mayor's budget:			
Smothers.....	1969	1970	1971	New elementary school, Fort Stanton Park SE.....	1968	1969	1970
Bundy.....	1969	1970	1971	Moten addition No. 2.....	1969	1969	1970
Syphax.....	1969	1970	1971	New elementary school, Oxon Run Parkway SE.....	1969	1970	1971
Bowen.....	1969	1969	1970	New junior high, 53d and D Sts. SE.....	1968	1970	1971
To modernize facilities:				To provide facilities for increased membership—Con.			
Keane.....	1970	1971	1972	A. Approved in Mayor's budget:			
Park View.....	1970	1971	1972	New elementary school, 56th and Eads Sts. NE.....	1971	1973	1974
Bancroft.....	1970	1970	1971	River terrace addition.....	1971	1971	1972
Burroughs.....	1971	1971	1972	Giddings addition.....	1970	1971	1972
Woodridge.....	1971	1972	1973	Takoma addition.....	1971	1971	1972
Logan.....	1970	1970	1971	Garnet-Patterson Junior addition.....	1969	1970	1971
Cook.....	1970	1971	1972	Gordon Junior addition.....	1970	1972	1973
Mott.....	1970	1970	1971	New Junior high, 13th and Van Buren Sts. NW.....	1970	1971	1973
Mann.....	1971	1971	1972	Banneker Junior addition.....	1970	1971	1972
Key.....	1971	1971	1972	Stuart Junior addition.....	1970	1971	1972
Stoddert.....	1971	1971	1972	Evans Junior addition.....	1971	1972	1973
Hardy.....	1971	1971	1972	Woodson Junior addition.....	1970	1970	1971
Hearst.....	1971	1971	1972	New junior high, Camp Simms SE.....	1971	1972	1974
Eaton.....	1971	1971	1972	Woodson Senior addition.....	1969	1970	1971
Oyster.....	1971	1971	1972	Western Senior addition.....	1973	1974	1975
Janney.....	1971	1972	1973	Coolidge High addition.....	1973	1974	1975
Lafayette.....	1971	1972	1973	New senior high, Fort Lincoln site.....	1970	1972	1974
Murch.....	1971	1972	1973				
Macfarland Junior.....	1970	1971	1972				
Kramer Junior.....	1972	1973	1974				

Source: Office of Buildings and Grounds, District of Columbia Public Schools.

COMPARISON OF THE FISCAL YEAR 1969 BOARD OF EDUCATION'S REQUEST AND THE MAYOR'S BUDGET WITH THE TOTAL CAPITAL OUTLAY PROGRAM OF THE PUBLIC SCHOOLS

	Total fiscal years 1969-74 program ¹		Board of Education's request		Mayor's budget	
	Number of projects	Estimated cost	Number of projects	Estimated cost	Number of projects	Estimated cost
To replace obsolete facilities:						
Elementary.....	17	\$44,532,000	10	\$14,552,000	6	\$9,830,000
Junior high.....	1	7,658,000	1	7,658,000	1	7,658,000
Subtotal.....	18	52,190,000	11	22,210,000	7	17,488,000
To modernize facilities:						
Elementary.....	26	22,144,000	8	5,625,000	1	96,000
Junior high.....	2	1,761,000				
Subtotal.....	28	23,905,000	8	5,625,000	1	96,000
To provide facilities for increased membership:						
Elementary.....	3	\$6,204,000	3	\$3,044,000	3	\$3,044,000
Junior high.....	3	12,909,000	3	2,129,000	2	800,000
Senior high.....	3	12,643,000	2	1,625,000	1	1,225,000
Subtotal.....	9	31,756,000	8	6,798,000	6	5,069,000
To implement new Board ratios:						
Elementary.....	30	51,123,000	21	21,286,000	14	16,006,000
Junior high.....	8	34,071,000	1	1,624,000		
Senior high.....	4	14,620,000	1	184,000		
Subtotal.....	42	99,814,000	23	23,094,000	14	16,006,000
Total.....	97	207,665,000	50	57,727,000	* 28	38,659,000

¹ Does not include projects for which construction was funded prior to fiscal year 1969.

² The projects in this program are distributed as follows: 6 projects received initial funding in fiscal year 1968, initial funding was requested in fiscal year 1969 for 4 projects, 2 are for underutilized buildings in areas 15 and 16, 4 are to replace buildings in the Shaw urban renewal area for which plans are indefinite, and 1 project part of an addition that is completely for the purpose of implementing Board ratios.

* 6 projects receive initial funding in the Mayor's budget. They include the Moten addition No. 2 and the new elementary at Oxon Run Parkway SE for increased membership and the Ross conversion, the new elementary at 54th and C Sts. SE, and the additions to the Morgan and Bruce-Monroe replacements for implementing Board ratios.

Estimated cost above fiscal year 1968 funding to complete the public school's capital outlay programs

To replace obsolete facilities:	
Elementary	\$44,532,000
Junior high	7,658,000
Total	52,190,000
To modernize facilities:	
Elementary	22,144,000
Junior high	1,761,000
Total	23,905,000
To provide facilities for increased membership:	
Elementary	6,204,000
Junior high	12,909,000
Senior high	12,643,000
Total	31,756,000
To implement new board ratios:	
Elementary	51,123,000
Junior high	34,071,000
Senior high	14,620,000
Total	99,814,000
Grand total	207,665,000

Classroom buildings erected before 1900, by levels

Senior high schools and erection date:	
² Western	1898
Junior high schools, none.	
Vocational high schools, none.	
Elementary schools:	
¹ Stevens	1868
¹ Seaton	1871
¹ Sumner	1871
¹ Peabody	1880
¹ Grant	1882
¹ Benning	1883
¹ Brent	1883
¹ Morse	1883
¹ Blair	1884
² Maury	1886
² Giddings	1887
¹ Grimke	1887
¹ Jackson	1889
¹ Lenox	1889
¹ Madison	1889
¹ Monroe	1889
² Harrison	1890
¹ Perry	1890
¹ Slater	1890
¹ Brookland	1891
¹ Taylor	1891
¹ Morgan Annex	1891
¹ Fillmore	1892
¹ Pierce	1894
¹ Buchanan	1895
¹ Payne	1896
¹ Simmons	1896
¹ Hayes	1897
¹ Bruce	1898
¹ Congress Heights	1898
¹ Eckington	1898
¹ Takoma	1899
Total buildings	33
Classroom buildings erected 1900-1920 by levels	
Senior high schools and erection date:	
Cardozo	1916
² Dunbar	1916
Junior high schools:	
¹ Shaw	1902
² Randall	1907
Vocational high schools:	
Bell	1910
Washington	1912

Classroom buildings erected 1900-1920 by levels—Continued

Elementary schools:	
¹ Orr	1900
¹ Miner	1900
¹ Nichols Avenue	1901
¹ Lovejoy	1901
¹ Morgan	1901
¹ Syphax	1901
¹ Emery	1902
¹ Gage	1902
¹ Langston	1902
² Petworth	1902
¹ Edmonds	1903
² Wheatley	1903
¹ Ludlow	1904
¹ Blow	1906
¹ Hyde	1907
² Ketcham	1907
¹ Lenox Annex	1908
² Bryan	1909
¹ Carver	1909
² H. D. Cooke	1909
² Mott	1909
² Garfield	1910
¹ Thomson	1910
² Eaton	1911
² Burrville	1912
¹ Cleveland	1912
¹ Crummell	1912
¹ Military Road	1912
² Randle Highlands	1912
² West	1912
² Park View	1916
Total buildings	37
Grand total buildings	69

- ¹ To be replaced.
- ² To be modernized.

Buildings—District of Columbia Public Schools

	<i>Name of building</i>	<i>Number of buildings</i>
	Administration building (Franklin) annexes to Franklin; 1411 K Street NW., 3242-A Pennsylvania Avenue SE.	1
	Administration annexes (No. 1 (Ross) No. 4 (Webster)—girls junior-senior high school; No. 5 (Magruder); No. 6 (Malcolm Scates)—rented space; No. 7 (Phillips); No. 8 (Twining))	6
	Storage and maintenance; warehouse center; harbor garage; warehouse (Carbery); maintenance shop (Dent)	4
	District of Columbia Teachers College: Miner building; Wilson building	2
	Senior high schools	11
	Junior high schools	28
	Vocational high schools	5
	Phelps Annex (Greenhouse)	1
	Elementary schools (main buildings)	132
	Elementary school annexes: Benning, Birney, Crummell, Davis, Ketcham—not on same site, Lenox—not on same site, Morgan—not on same site, Powell—not on same site, Stanton	9
	Elementary school demountables: Keene, Logan, Payne, Richardson, Shadd, Young	6
	Elementary school relocatable:	
	One-classroom buildings in the Anacostia area:	
	Garfield	1
	Green	2
	Turner	2
	McGogney	3
	Moten	5
	Stanton	5
	Anacostia Naval Air Station (Congress Heights Annex)	8
	Patterson	2
	Draper	2
	Congress Heights	2
	Hendley	2
	Randle Highlands	2
	Total	36

Buildings—District of Columbia Public Schools—Continued

		<i>Number of buildings</i>
	Total number of elementary school structures	183
	Special schools: Americanization School (Wormley); Armstrong Adult Education Center; Military Road; Sharpe Health	4
	Grand total	245
	<i>Forty-eight obsolete buildings in use during fiscal year 1968 which are scheduled to be replaced</i>	
	Fully funded buildings, 13	
School:		Age
Brent		84
Blair		83
Ludlow		63
Taylor		76
Blow		61
Pierce		73
Congress Heights		69
Emery		65
Nichols Avenue		66
Payne (original 8 rooms)		71
Seaton		96
Shaw Junior High School		65
Takoma		68
	Initially funded buildings fiscal year 1968, 11	
School:		Age
Benning		24
Benning annex		84
Brookland		76
Bruce		69
Monroe		78
Gage		63
Eckington		69
Harrison (original 8 rooms)		77
Morgan		66
Morgan annex (Henry Wilson)		76
Orr		67
	Programmed for replacement fiscal year 1969 to fiscal year 1974, 24	
School:		Age
Peabody		87
Madison		78
Hayes		70
Buchanan (original 8 rooms)		72
Cleveland		55
Crummell		55
Crummell annex		19
Fillmore		75
Hyde		60
Morse		84
Jackson		78
Grant		85
Stevens		99
Grimke (original 14 rooms)		80
Langston		65
Slater		77
Lenox (original 8 rooms)		78
Lenox Annex		59
Lovejoy		66
Edmonds		64
Merritt		23
Perry		77
Simmons		71
Sumner		296
	¹ Temporary—War-time construction.	
	² Sumner is to be sold as part of the central administration rental agreement.	
	CAPITAL OUTLAY PROJECTS INITIATED SINCE MAR. 31, 1961	
	ELEMENTARY SCHOOLS	
	<i>Name</i>	<i>Number of rooms</i> <i>Appropriation</i>
Completed:		
Woodridge addition	4	\$228,000
Davis addition	17	711,000
Bancroft addition	9	421,154

CAPITAL OUTLAY PROJECTS INITIATED SINCE MAR. 31, 1961
ELEMENTARY SCHOOLS—Continued

Name	Number of rooms	Appropriation
Completed—Continued		
Meyer.....	34	\$1,118,726
Garrison replacement.....	34	2,151,000
Harris.....	31	1,351,000
Bunker Hill addition.....	14	403,500
Green.....	26	1,028,000
Rudolph addition (2d).....	6	212,312
Hendley addition.....	7	299,000
Green addition.....	8	210,000
Kimball addition.....	14	654,000
Raymond addition.....	17	820,000
Gibbs.....	34	1,866,000
McGogney.....	34	1,650,000
Webb addition.....	8	237,000
Stowe addition.....	16	945,100
Truesdell addition.....	16	1,329,600
Watkins addition.....	11	383,000
Wheatley addition.....	14	954,000
Thomas addition.....	15	815,400
Tyler addition.....	13	1,405,500
Subtotal for 22 projects.....	382	19,193,292
Under construction:		
Clark.....	26	2,758,000
Emery replacement.....	34	1,350,300
Savoy.....	34	2,118,000
Blair-Ludlow-Taylor replacement.....	34	2,530,500
Blow-Pierce replacement.....	34	2,537,000
Brent replacement.....	16	934,200
Subtotal for 6 projects.....	178	12,228,000
Not under construction:		
Nalle addition.....	13	700,000
Shadd addition.....	10	488,000
Seaton replacement.....	34	2,586,100
Sharpe health addition.....	7	829,000
Tubman.....	34	2,651,600
Weatherless.....	32	2,587,800
Beers addition.....	13	1,089,000
Congress Heights replacement.....	34	1,741,000
Ketcham addition.....	16	1,573,900
Shaed, Lincoln Rd., and Douglass NE.....	36	2,114,000
Leckie, Nichols Ave., and Chesapeake SE.....	36	1,968,000
Payne addition.....	14	1,369,400
Randle Highlands addition.....	10	905,000
Lee (school for severely mentally retarded).....	20	1,696,000
Shepherd addition.....	7	594,500
Takoma replacement.....	27	1,743,000
West addition.....	14	721,000
Morgan replacement.....	35	1,410,000
Bruce-Monroe replacement.....	36	1,139,000
Harrison addition.....	4	625,000
Brookland replacement.....	34	245,000
Langdon addition.....	16	199,000
New school, 40th and Lane NE.....	20	141,000
Carver addition.....	13	403,000
Benning replacement.....	12	417,000
New school, 44th and Foote NE.....	29	704,000
Burrville addition.....	11	372,000
Birney addition.....	14	756,000
Turner addition.....	17	769,000
New school, Fort Stanton Park SE.....	37	160,000
Moten addition.....	12	761,000
New school, Alabama and Congress SE.....	51	401,000
New school, 32d and Bangor SE.....	51	501,000
Lenox addition.....	19	459,000
Orr replacement.....	33	1,411,000
Montgomery addition.....	19	828,000
Gage Eckington replacement.....	34	1,353,000
75 relocatable prekindergarten classrooms.....	(75)	2,212,500
Subtotal for 38 projects.....	854	40,623,800
Total for 66 elementary school projects.....	1,414	72,045,092

JUNIOR HIGH SCHOOLS

Completed:		
Eliot addition.....	23	\$1,430,000
Evans.....	37	3,255,000
Hart addition.....	17	1,160,000
Hine replacement.....	34	2,918,000
Rabat.....	62	4,167,000
Roper.....	63	4,187,000
Lincoln.....	63	5,170,500
Subtotal for 7 projects.....	299	22,287,500
Under construction:		
Hamilton.....	63	4,120,000
Johnson.....	63	4,451,800
Subtotal for 2 projects.....	126	8,571,800

CAPITAL OUTLAY PROJECTS INITIATED SINCE MAR. 31, 1961
JUNIOR HIGH SCHOOLS—Continued

Name	Number of rooms	Appropriation
Not under construction:		
Randall addition.....	(1)	\$461,000
Browne addition.....	16	1,575,000
Deal addition.....	6	613,000
Shaw replacement.....	63	368,000
Taft addition.....	23	1,309,000
Garnet-Patterson addition.....	(2)	31,500
New school, 53d and D SE.....	68	1,074,000
New school, Oxon Run Parkway SE.....	86	421,000
Subtotal for 8 projects.....	262	5,852,600
Total for 17 junior high school projects.....	687	36,711,800
SENIOR HIGH SCHOOLS:		
Not under construction:		
Woodson.....	76	\$6,900,000
Ballou.....	53	2,895,000
Dunbar addition.....	46	6,548,800
Spingarn-Phelps Stadium.....	(3)	40,000
Woodrow Wilson addition.....	6	1,539,000
Anacostia addition.....	25	98,000
Total for 6 projects.....	206	18,020,800
Grand total for the 89 projects initiated since Mar. 31, 1961.....	2,307	126,777,692

¹ Double gym.
² Health suite and library.
³ There are no senior high school projects under construction.
⁴ Seating 5,000.
Source: Office of Buildings and Grounds, District of Columbia Public Schools.

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial entitled "The City Budget," published in the Washington Post of Thursday, December 7, 1967.

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

THE CITY BUDGET

The budget which Mayor Washington has asked the City Council to approve does not provide the funds needed to meet a broad spectrum of human needs in this city and it ought to be substantially increased. No one would pretend—least of all the Mayor who is working basically with figures he inherited—that this budget makes any significant response to the longtime deficit in human needs accumulated over the past generation.

Of course, these needs involve more than money alone and that essential ingredient needs to be increased along with the capacity to spend it wisely and intelligently on the complex problems of this urban community. There is only \$17 million for new programs in this budget. And even with inspired management, that is not enough to make a dent in an assortment of social and economic needs that have been accumulating for a hundred years. The financial deficit that would be produced by an attempt to meet all these needs might be alarming; but the human deficit that will be generated by not meeting some of them will be even more alarming.

The absolute figures of the budget are too conservative but that is not the most serious reproach. A more serious reproach is that the figures themselves reflect more of the same philosophy that has governed the administration of this city for decades. And it is that philosophy that the citizens of this community hoped would be changed by a new and different kind of city administration.

It is comforting to think that the new government will present next year a budget reflecting its own thinking and planning. And it is good to hope that that budget will

be a fairer test of the imagination, ingenuity and daring of the new regime. Many will be willing to wait until then. The social problems of this city will not wait.

The City Council must weigh this matter very seriously and soberly. Does this budget reflect the crisis in this community? Does it respond to that crisis? Would any casual observer know that this is the budget of a city which has a school system that is in a state of collapse? Would they discover that this is the budget of a city whose police department is depressed and defeated by a rising tide of urban crime? Could anyone learn from this budget that it has been prepared for a city that has yet to begin to deal effectively with a veritable transformation of the economic level of its citizenry in the last 25 years?

The answer is certainly "no." And the City Council ought to change that answer by appropriate and courageous revision upward of all those items that have to do with the crisis in this city's economic, social and cultural affairs. And this, of course, will involve more tax revenue, too. There are just two kinds of municipal government, broadly speaking—the kind that when confronted with a community problem puts up the money to solve it and the kind that puts off the problem. The time is at hand to put up instead of put off.

CRIMINAL PROCEDURE IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask that the Senate turn to the consideration of Calendar No. 896, H.R. 10783. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (H.R. 10783) relating to crime and criminal procedure in the District of Columbia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia, with an amendment, strike out all after the enacting clause and insert:

TITLE I

Sec. 101. Section 397 of the Revised Statutes of the United States, relating to the District of Columbia (D.C. Code, sec. 4-140), is amended to read as follows:

"Sec. 397. (a) An officer or member of the Metropolitan Police force may arrest without a warrant and take into custody any person who commits, or threatens or attempts to commit, in the presence of, or within the view of, such officer or member any breach of the peace or offense directly prohibited by an Act of Congress or by any other law in force in the District.

"(b) An officer or member of the Metropolitan Police force may arrest a person without a warrant if he has probable cause to believe that such person (1) has committed any offense listed in subsection (c) of this section, and (2) unless immediately arrested, may not be apprehended, may cause injury to others or damage to property, or may tamper with, dispose of, or destroy evidence.

"(c) The offenses referred to in subsection (b) of this section are—

"(1) those offenses specified in the following sections of the Act of March 3, 1901: Section 806 (relating to assault) (D.C. Code, sec. 22-504), section 824 (relating to unlawful entry) (D.C. Code, sec. 22-3102), and

section 829 (relating to receiving stolen goods) (D.C. Code, sec. 22-2205); and

"(2) attempts to commit the offenses specified in the following sections of the Act of March 3, 1901: Section 823 (relating to house-breaking) (D.C. Code, sec. 22-1801), section 826 (relating to grand larceny) (D.C. Code, sec. 22-2201), and section 826b (relating to unauthorized use of vehicles) (D.C. Code, sec. 22-2204)."

TITLE II

SEC. 201. Section 927 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 24-301), is amended by adding at the end thereof the following new subsections:

"(i) When a person has been ordered confined in a hospital for the mentally ill pursuant to this section and has escaped from such hospital, the court which ordered confinement shall, upon request of the Government, order the return of the escaped person to such hospital. The return order shall be effective throughout the United States. Any Federal judicial officer within whose jurisdiction the escaped person shall be found shall, upon receipt of the return order issued by the committing court, cause such person to be apprehended and delivered up for return to such hospital.

"(j) Insanity shall not be a defense in any criminal proceeding in the United States District Court for the District of Columbia or in the District of Columbia court of general sessions, unless the accused or his attorney in such proceeding, at the time the accused enters his plea of not guilty or within fifteen days thereafter or at such later time as the court may for good cause permit, files with the court and serves upon the prosecuting attorney written notice of his intention to rely on such defense."

TITLE III

SEC. 301. (a) Any person arrested in the District of Columbia may be questioned with respect to any matter for a period not to exceed three hours immediately following his arrest. Such person shall be advised of and accorded his rights under applicable law respecting any such interrogation. In the case of any such arrested person who is released without being charged with a crime, his detention shall not be recorded as an arrest in any official record.

(b) Any statement, admission, or confession made by an arrested person within three hours immediately following his arrest shall not be excluded from evidence in the courts of the District of Columbia solely because of delay in presentation.

TITLE IV

SEC. 401. Section 862 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-703), is amended to read as follows:

"SEC. 862. (a) Whoever corruptly, by threats or force, endeavors to influence, intimidate, or impede any juror, witness, or officer in any court in the District in the discharge of his duties, or, by threats or force, in any other way obstructs or impedes or endeavors to obstruct or impede the due administration of justice therein, or whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats of force, to obstruct, delay, or prevent the communication to an investigator of the District of Columbia government by any person of information relating to a violation of any criminal statute in effect in the District of Columbia, or injures any person or his property on account of the giving by such person or by any other person of such information to any such investigator in the course of the conduct of any criminal investigation, shall be fined not more than \$1,000 or be imprisoned not more than three years, or both.

"(b) As used in this section, the term 'criminal investigation' means an investigation relating to a violation of any criminal statute in effect in the District of Columbia, and the term 'investigator' means an individual duly authorized by the Commissioner or his designated agent to conduct or engage in such an investigation."

TITLE V

SEC. 501. The definition of "crime of violence" contained in section 1 of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (D.C. Code, sec. 22-3201), is amended by inserting immediately after "burglary," the following: "robbery."

TITLE VI

SEC. 601. Section 803 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-501), is amended by inserting immediately after "for not" the following: "less than two years or".

SEC. 602. Section 823 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-1801), is amended to read as follows:

"SEC. 823. BURGLARY.—(a) Whoever shall, either in the nighttime or in the daytime, break and enter, or enter without breaking, any dwelling, or room used as a sleeping apartment in any building, with intent to break and carry away any part thereof, or any fixture or other thing attached to or connected thereto or to commit any criminal offense, shall, if any person is in any part of such dwelling or sleeping apartment at the time of such breaking and entering, or entering without breaking, be guilty of burglary in the first degree. Burglary in the first degree shall be punished by imprisonment for not less than five years nor more than thirty years.

"(b) Except as provided in subsection (a) of this section, whoever shall, either in the night or in the daytime, break and enter, or enter without breaking, any dwelling, bank, store, warehouse, shop, stable, or other building or any apartment or room, whether at the time occupied or not, or any steamboat, canalboat, vessel, or other watercraft, or railroad car or any yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of trade, with intent to break and carry away any part thereof or any fixture or other thing attached to or connected with the same, or to commit any criminal offense, shall be guilty of burglary in the second degree. Burglary in the second degree shall be punished by imprisonment for not less than two years nor more than fifteen years."

SEC. 603. Section 810 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-2901), is amended by striking out "six months" and inserting in lieu thereof "two years".

SEC. 604. Section 869e of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-1513), is amended by adding the following new subsection at the end thereof:

"(f) Nothing in this section shall be construed to prohibit the giving or offering of any bonus or extra compensation to any manager, coach, or professional player, or to any league, association, or conference for the purpose of encouraging such manager, coach, or player to a higher degree of skill, ability, or diligence in the performance of his duties."

SEC. 605. Section 2 of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide

penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (D.C. Code, sec. 22-3202), is amended to read as follows:

"SEC. 2. If any person shall commit a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, or other dangerous or deadly weapon, including but not limited to, sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, metallic or other false knuckles, he may in addition to the punishment provided for the crime be punished by imprisonment for an indeterminate number of years up to life as determined by the court. If a person is convicted more than once of having committed a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, or other dangerous or deadly weapon, including but not limited to, sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, metallic or other false knuckles, then, notwithstanding any other provision of law, the court shall not suspend his sentence or give him a probationary sentence."

SEC. 606. Section 872 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-2001), is amended to read as follows:

"SEC. 872. OBSCENITY.—(a) (1) It shall be unlawful in the District of Columbia for a person knowingly—

"(A) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute, or provide any obscene, indecent, or filthy writing, picture, sound recording, or other article or representation;

"(B) to present, direct, act in, or otherwise participate in the preparation or presentation of, any obscene, indecent, or filthy play, dance, motion picture, or other performance;

"(C) to pose for, model for, print, record, compose, edit, write, publish, or otherwise participate in preparing for publication, exhibition, or sale, any obscene, indecent, or filthy writing, picture, sound recording, or other article or representation;

"(D) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute, or provide any article, thing, or device which is intended for or represented as being for indecent or immoral use;

"(E) to create, buy, procure, or possess any matter described in the preceding subparagraphs of this paragraph with intent to disseminate such matter in violation of this subsection;

"(F) to advertise or otherwise promote the sale of any matter described in the preceding subparagraphs of this paragraph; or

"(G) to advertise or otherwise promote the sale of material represented or held out by such person to be obscene.

"(2) (A) For purposes of subparagraph (E) of paragraph (1) of this subsection, the creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of obscenity specially adapted for reproducing multiple copies or the possession of more than three copies, of obscene, indecent, or filthy material shall be prima facie evidence of an intent to disseminate such material in violation of this subsection.

"(B) For purposes of paragraph (1) of this subsection, the term 'knowingly' means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of, the character and content of any article, thing, device, performance, or representation described in paragraph (1) of this subsection which is reasonably susceptible of examination.

"(3) When any person is convicted of a violation of this subsection, the court in its judgment of conviction may, in addition to

the penalty prescribed, order the confiscation and disposal of any materials described in paragraph (1), which were named in the charge against such person and which were found in the possession or under the control of such person at the time of his arrest.

"(b) (1) It shall be unlawful in the District of Columbia for any person knowingly—

"(A) to sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute, or provide, to a minor—

"(1) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body, which depicts nudity, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors; or

"(1) any book, magazine, or other printed matter however reproduced or sound recording, which depicts nudity, sexual conduct, or sado-masochistic abuse or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors; or

"(B) to exhibit to a minor, or to sell or provide to a minor an admission ticket to, or pass to, or to admit a minor to, premises whereon there is exhibited, a motion picture, show, or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

"(2) For purposes of paragraph (1) of this subsection:

(A) The term 'minor' means any person under the age of seventeen years.

"(B) The term 'nudity' includes the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(C) The term 'sexual conduct' includes acts of sodomy, masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

"(D) The term 'sexual excitement' includes the condition of human male or female genitals when in a state of sexual stimulation or arousal.

"(E) The term 'sado-masochistic abuse' includes flagellation or torture by or upon a person clad in undergarments or a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

"(F) The term 'knowingly' means having a general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both of—

"(1) the character and content of any material described in paragraph (1) of this subsection which is reasonably susceptible of examination by the defendant; and

"(ii) the age of the minor.

"(c) It shall be an affirmative defense to a charge of violating subsection (a) or (b) of this section that the dissemination was to institutions or individuals having scientific, educational, or other special justification for possession of such material.

"(d) Nothing in this section shall apply to a license under the Communications Act of 1934 while engaged in activities regulated pursuant to such Act.

"(e) A person convicted of violating subsection (a) or (b) of this section shall for the first offense be fined not more than \$3,000 or imprisoned not more than one year, or both. A person convicted of a second or subsequent offense under subsection (a) or (b) of this section shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned not less than six months or more than three years, or both."

Sec. 607. Section 825a of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-3105), is amended by striking out "or by imprisonment not exceeding ten years," and inserting in lieu thereof the following: "and by imprisonment for not less than two years or more than ten years."

Sec. 608. Whoever shall make or cause to be made to the Metropolitan Police force of the District of Columbia, or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within the District of Columbia, or a false or fictitious report of any other matter or occurrence of which such Metropolitan Police force is required to receive reports, or in connection with which such Metropolitan Police force is required to conduct an investigation, knowing such report to be false or fictitious; or who shall communicate or cause to be communicated to such Metropolitan Police force, or any officer or member thereof, any false information concerning the commission of any criminal offense within the District of Columbia or concerning any other matter or occurrence of which such Metropolitan Police force is required to receive reports, or in connection with which such Metropolitan Police force is required to conduct an investigation, knowing such information to be false, shall be punished by a fine of not exceeding \$300 or by imprisonment not exceeding thirty days.

TITLE VII

Sec. 701. Section 10 of the Act of March 3, 1933 (D.C. Code, sec. 23-610), is amended by inserting "(a)" immediately after "Sec. 10," and by adding the following new subsections:

"(b) An officer or member of the Metropolitan Police force who, in accordance with section 397 of the Revised Statutes of the United States relating to the District of Columbia, arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring such person to appear before an official of the Metropolitan Police force designated under subsection (a) of this section to act as a clerk of the District of Columbia Court of General Sessions.

"(c) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the Metropolitan Police force designated under subsection (a) of this section to act as a clerk of the District of Columbia Court of General Sessions may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

"(d) No citation may be issued under subsection (b) or (c) of this section unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

"(e) Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than one year, or both. Prosecution under this subsection shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued."

Sec. 702. (a) Section 2 of the Act entitled "An Act to establish the District of Columbia Ball Agency, and for other purposes"

approval July 26, 1966 (80 Stat. 327) is amended to read as follows:

"Sec. 2. There is hereby created for the District of Columbia the District of Columbia Ball Agency (hereinafter referred to as the 'agency') which shall secure pertinent data and provide for any judicial officer in the District of Columbia or any officer or member of the Metropolitan Police force issuing citations, reports containing verified information concerning any individual with respect to whom a ball or citation determination is to be made."

(b) (1) Section 4 of such Act is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting the following new subsection after subsection (c):

"(d) The agency, when requested by a member or officer of the Metropolitan Police force acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer a report as provided in subsection (a)."

(2) The second sentence of subsection (f) of such section 4 (as so redesignated by paragraph (1) of this subsection) is amended by inserting ", including requiring the execution of a ball bond with sufficient solvent sureties," immediately after "such conditions".

TITLE VIII

Sec. 801. (a) Section 5024 of title 18, United States Code, is amended by striking out "and to youth offenders convicted in the District of Columbia of offenses under any law of the United States not applicable exclusively to such District and to other youth offenders convicted in the District to the extent authorized under section 5025," and inserting in lieu thereof the following: "and in the District of Columbia."

(b) Section 5025 of such title is amended to read as follows:

"§ 5025. Applicability to the District of Columbia

"(a) The Commissioner of the District of Columbia is authorized to provide facilities and personnel for the treatment and rehabilitation of youth offenders convicted of violations of any law of the United States applicable exclusively to the District of Columbia or to contract with the Director of the Bureau of Prisons for their treatment and rehabilitation, the cost of which may be paid from the appropriation for the District of Columbia.

"(b) When facilities of the District of Columbia are utilized by the Attorney General for the treatment and rehabilitation of youth offenders convicted of violations of laws of the United States not applicable exclusively to the District of Columbia, the cost shall be paid from the 'Appropriation for Support of United States Prisoners'.

"(c) All youth offenders committed to institutions of the District of Columbia shall be under the supervision of the Commissioner of the District of Columbia, and he shall provide for their maintenance, treatment, rehabilitation, supervision, conditional release, and discharge in conformity with the objectives of this chapter."

(c) The table of sections of chapter 402 of such title is amended by striking out the item relating to section 5025 and inserting in lieu thereof the following:

"5025. Applicability to the District of Columbia."

Sec. 802. Section 4122 of title 18, United States Code, is amended—

(1) by inserting in subsection (d) "(1)" immediately after "(d)",

(2) by amending subsection (e) by striking out "(e)" and inserting in lieu thereof "(2)", and by striking out "subsection (d) of this section" and inserting in lieu thereof "paragraph (1) of this subsection", and

(3) by adding at the end the following new subsection:

"(e) (1) The provisions of this chapter shall apply to the industrial employment and training of prisoners confined in any penal or correctional institution under the direction of the Commissioner of the District of Columbia to the extent and under terms and conditions agreed upon by the Commissioner, the Attorney General, and the Board of Directors of Federal Prison Industries.

"(2) The Commissioner of the District of Columbia may, without exchange of funds, transfer to the Federal Prison Industries any property or equipment suitable for use in performing the functions and duties covered by an agreement entered into under subsection (e) (1) of this section.

"(3) Nothing in this chapter shall be construed to affect the provisions of the Act approved October 3, 1964 (D.C. Code, sections 24-451 et seq.), entitled 'An Act to establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes.'"

SEC. 803. (a) Section 15-714(a) of the District of Columbia Code is amended to read as follows:

"(a) The fees and travel allowances to be paid any witness attending in a criminal case in the District of Columbia Court of General Sessions shall be the same as those paid to witnesses who attend before the United States District Court for the District of Columbia."

(b) Section 15-716 of the District of Columbia Code is amended by striking "not exceeding \$500 at any one time."

TITLE IX

SEC. 901. (a) A riot in the District of Columbia is a public disturbance involving an assemblage of five or more persons which by tumultuous and violent conduct or the threat thereof creates grave danger of damage or injury to property or persons.

(b) Whoever willfully engages in a riot in the District of Columbia shall be punished by imprisonment for not more than one year or a fine of not more than \$1,000, or both.

(c) Whoever willfully incites or urges other persons to engage in a riot shall be punished by imprisonment for not more than one year or a fine of not more than \$1,000, or both.

(d) If in the course and as a result of a riot a person suffers serious bodily harm or there is property damage in excess of \$5,000, every person who willfully incited or urged others to engage in the riot shall be punished by imprisonment for not more than ten years or a fine of not more than \$10,000, or both.

TITLE X

SEC. 1001. CREATION OF COMMISSION.—The Commission on Revision of the Criminal Laws of the District of Columbia is hereby established.

SEC. 1002. MEMBERSHIP OF COMMISSION.—The Commission shall be composed of eleven members, as follows:

(1) Two Members of the Senate appointed by the President of the Senate;

(2) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives;

(3) Four members appointed by the Commissioner of the District of Columbia one of whom the Commissioners shall designate as Chairman;

(4) (a) One circuit judge appointed by the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit;

(b) One district judge appointed by the Chief Judge of the United States District Court for the District of Columbia; and

(c) One general sessions judge appointed by the Chief Judge of the District of Columbia Court of General Sessions.

SEC. 1003. FUNCTIONS OF THE COMMISSION.—The Commission shall make a full and complete review and study of the statutory and case law applicable in the District

of Columbia for the purpose of formulating and recommending to the Congress a revised code of criminal law and procedure for the District of Columbia. The Commission shall include in its recommendations proposals for the repeal of unnecessary or undesirable statutes and such changes in the penalty structure as the Commission may feel will better serve the ends of justice.

SEC. 1004. COMPENSATION OF MEMBERS OF THE COMMISSION.—(a) Members of Congress and members of the executive and judicial branches of the Federal or District of Columbia governments who are members of the Commission shall serve without compensation in addition to that received for their services in such other branch of government; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(b) Members from private life shall each receive \$100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SEC. 1005. ADVISORY COMMITTEE.—(a) The Commission shall have the power to appoint an advisory committee, the functions of which shall include advising, counseling, proffering to the Commission appropriate recommendations, and the performance of such other functions, not inconsistent with the purposes of this title, as may be assigned to it by the Commission.

(b) Members of the advisory committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them by virtue of such service to the Commission.

SEC. 1006. STAFF OF THE COMMISSION.—The Chairman of the Commission is authorized to appoint and fix the compensation of such personnel as he deems necessary to carry out the Commission's functions. He is also authorized to procure services to the same extent as is authorized for the executive departments by section 3109 of title 5, United States Code, at rates not to exceed \$100 per diem for individuals.

SEC. 1007. COOPERATION BY DEPARTMENT AND AGENCIES.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this title; and each such department, agency, or instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

SEC. 1008. REPORT OF THE COMMISSION; TERMINATION.—The Commission shall submit interim reports to the Commissioner of the District of Columbia and the Congress at such times as the Commission may deem appropriate, and in any event within two years after the date of this enactment, and shall submit its final report within three years after the date of enactment. The Commission shall cease to exist sixty days after the date of the submission of its final report.

SEC. 1009. AUTHORIZED APPROPRIATION.—There is hereby authorized to be appropriated to the District of Columbia out of any money in the Treasury not otherwise appropriated such sum, not to exceed \$150,000, as may be necessary to carry out the purposes of this title.

TITLE XI

SEC. 1101. Whoever, prior to the date of enactment of this Act, commits any act or engages in any conduct which constitutes an offense under provision of law amended by this

Act, shall be sentenced in accordance with the law in effect on the date he commits such acts or engages in such conduct.

SEC. 1102. If any provision of or any amendment made by this Act or the application thereof to any person or circumstance is held invalid, the other provisions of or other amendments made by this Act and the application of such provisions and amendments to other persons or circumstances shall not be affected thereby.

Mr. BIBLE. Mr. President, the pending bill is the so-called omnibus crime bill for the District of Columbia. It is a bill that is not new to the Senate. The bill has been before us in various forms over the years. It was very thoroughly and exhaustively discussed on the floor of the Senate at the last session of Congress.

It is for that reason that I am not going to labor the argument this evening, but will simply highlight the main points of the bill.

Mr. METCALF. Mr. President, the Senator from Oregon [Mr. MORSE] had a minority report, and he wants to speak in opposition to the legislation.

Mr. BIBLE. I know of the views of the Senator from Oregon, and I am not going to be very long in my presentation. Certainly the Senator from Oregon can speak for himself.

Mr. MORSE. Mr. President, I know exactly the position of the chairman of my committee. I have great respect for him. He and I merely have a difference with regard to one section of the bill.

I have taken this position for years. I have to make a statement in the interest of my record and also in the interest of a good many people that have called me since the bill was reported.

The Senator from New York [Mr. KENNEDY] also signed the minority report. I do not see him present in the Chamber.

It would take me 20 minutes to make my statement.

Mr. BIBLE. In view of the present parliamentary situation, I could get the floor in my own right.

Mr. MANSFIELD. Either today or tomorrow.

Mr. BIBLE. Either today or tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a unanimous-consent request and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the request.

The assistant legislative clerk read as follows:

Ordered. That at 11:20 a.m. on Tuesday, December 12, 1967, the Senate continue with the consideration of H.R. 10783, the so-called District of Columbia crime bill, and that the vote on final passage occur thereon not later than 12:20 p.m.: *Provided*, That if any amendment, motion, or appeal is pending at that time, the vote occur immediately thereon, to be followed immediately by third reading and the vote on final passage.

The PRESIDING OFFICER. Does the Senator from Montana also ask that rule XII be waived?

Mr. MANSFIELD. Yes, indeed, Mr. President. I make that request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SOCIAL SECURITY AMENDMENTS
OF 1967

Mr. METCALF. Mr. President, it is no accident that I rise to talk today on the subject of the social security bill immediately after the passage of one of the most important educational bills that has ever been passed by the Senate.

The Senator from Oregon, who has furnished leadership in education, has brought to us a bill that is truly landmark legislation. But the education bill that we passed today will be of little avail if we adopt the philosophy incorporated in the social security conference report.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD an editorial which appeared in the New York Times on December 9.

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

SOCIAL INSECURITY BILL

The conference version of the Social Security bill is a harsh assault on the welfare of tens of thousands of the country's poorest families. It also represents a callous retreat by the Federal Government from its responsibility for taking over from the hard-pressed cities and states a fuller share of the relief burden.

The excellent measure passed by the Senate has been hacked into a regressive carbon copy of the worst of the bill as dictated by Chairman Wilbur Mills of the House Ways and Means Committee and steamrolled through the House without change. Its only really forward-looking provisions are its expanded authorizations for child health, family planning and day care, and even these have been scaled down.

Typical of the bill's niggardly spirit is the floor of \$55 fixed for monthly Social Security benefits, as against the \$70 minimum recommended by the Senate. How any American is expected to live on \$55 a month in this inflationary period, the conference report did not explain. The 15 per cent general increase in benefits the Senate had voted was chopped back to 13 per cent.

The public welfare provisions are calculated to strip those on the relief rolls of what dignity has been left to them by existing red-tape and investigatory procedures. The House won in its demand for a freeze on the ratio of children from fatherless homes who could qualify for welfare—a provision that faces the states with the option of sterilizing mothers or letting children starve. A dozen other provisions embody similarly degrading rules.

Even the sections intended to encourage relief recipients to find jobs are made so barren as to be self-defeating. Thus, a Senate provision permitting those on welfare to keep the first \$50 a month of outside earnings and half of everything over that has been cut to \$30 and 30 per cent, a ratio so low it provides almost no incentive. A job-training allowance is cut from \$20 a week to \$30 a month.

On Medicaid the new reimbursement standards will vastly complicate the problems of states that are already finding it almost impossible to keep up with the cost of health services to the medically indigent. Everything about the bill moves away from a recognition that welfare is a national problem in which the primary financial responsibility must rest with Washington.

The only hope now left for anything remotely approaching an adequate measure lies in the announcement yesterday by a half-dozen Senators that they would fight the conference report. They deserve Administration support in opposing a bill that Senator Robert F. Kennedy rightly called "a disgrace to all Americans."

Mr. METCALF. I have been in Congress for 15 years. As a Member of the House of Representatives, I introduced legislation for education. If some of that legislation had passed in those days, some of the social security problems we have today would not be before us. However, if we adopt the philosophy that is inherent in the social security conference report that will be before us on Wednesday or Thursday of this week, it will make no difference what kind of education bills we pass, and it will make no difference what we do in various aspects of our domestic legislation, because we will have taken a step backward into another century.

Mr. President, as the present Presiding Officer knows, and as my colleagues know who have served in the House of Representatives and here, there are two areas in which the Senate occupies a different position than in most areas.

One is the area in which the Constitution provides that revenue bills must originate in the House of Representatives.

The other is the area of appropriations where, by long tradition and custom, we have said that the principal hearings will be held in the House of Representatives.

In those two areas, the Senate has a duty of appeal. I am told that downtown and over in the House Appropriations Committee the word is *reclama*, a word used to distinguish the duties we have in the Senate in the carrying on and discussing of general legislation which can be introduced either in the Senate or House, and the special type of appeal procedures. So, we do not go into all the basic propositions of legislation on appropriation bills or on revenue bills because of the special situation in which the Constitution says that revenue bills have to originate over in the House of Representatives.

So, the social security bill which originated in the House of Representatives came over to us, and our function here was to look at the bill and discuss the bill and hold hearings on it as an appeal procedure. *Reclama* is the word they use.

Everybody recognizes that a very bad bill came over from the House of Representatives, a bill that was bad in concept, a bill that destroyed our whole philosophy of welfare, a bill that the appeal procedure of the Senate should operate upon.

So, we held hearings. We had about 2,000 pages of hearings. We held hearings day after day, and the distinguished chairman of the committee did exactly the job that the Senate is supposed to do. He called people in to testify about the House bill, and they did testify about most of the provisions of the bill.

Largely, the amendments that were offered were offered as a result of those hearings on the special bill that originated in the House of Representatives.

We met for many days in executive session in the committee, and amendments were offered. Some of those amendments were adopted unanimously. Other amendments were voted upon on a party basis. Dozens of committee amendments, however, were adopted.

We then came to the floor of the Senate and discussed the social security legislation and the bill that the Senate

had reported. Other amendments were adopted.

In a couple of days of conference, those hearing sessions, those thousands of pages of transcript, those debates in the committee, and the debates on the Senate floor, and the rollcall votes where we had adopted amendments by 2 to 1 and 3 to 1 were appealed. And the Senate abdicated and we went right back to the House bill, the bad bill that came over. We went right back to the bill that the appeal procedure had operated on.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, a telegram which I received today from Walter P. Reuther, president of the Industrial Union Department of the AFL-CIO.

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

INDUSTRIAL UNION DEPARTMENT,
AFL-CIO,

December 11, 1967.

The conference report on the Social Security Bill is repugnant to human needs and dignity. Social security benefit levels are totally inadequate, and the work-training requirements imposed on mothers by the conference report are unconscionable.

The welfare benefit freeze will impose heavy tax burdens on local communities and adjustments in old age assistance and welfare standards may deprive the poorest of our retired citizens of any income increases at all.

On behalf of more than six million members of the Industrial Union Department, AFL-CIO, I urge you to vote against the social security conference report and subsequently to instruct conferees to insist on the provisions of the Senate bill.

WALTER P. REUTHER,
President.

Mr. METCALF. Mr. President, I wonder whether the Senate is going to be a coequal legislative body or whether we are going to relegate ourselves to the position of the House of Lords, so that we register our objections and we tell the House of Representatives that we do not agree with the measures they send to the Senate, but when we go to conference, we go back to the same measures.

After weeks of hearings, weeks of debate, weeks of discussion, we are asked to adopt this bad, evil House bill.

When the President of the United States sent up the bill, the Secretary of Health, Education, and Welfare said:

What really matters is what happens to the families. A mother might appear to be a good candidate for work and training on several grounds. Yet, special circumstances might make it desirable for her to delay entrance into the program. If determinations are made according to rigid formulas inflexibly applied, if lack of imagination and foresight characterize action at the decision level, then the result can only be grief for the individuals and families involved, and defeat of the purposes of the program, which are to strengthen the family and move it toward independence.

Mr. President, as an example of what has happened, I wish to discuss one part of the bill, in the light of that declaration by the Secretary of Health, Education, and Welfare. Today, after I had been recognized, I had an opportunity to look over a statement that has been filed by the committee chairman on the

conference report. The conference report is not yet before the Senate, and I have only had an opportunity to glance through the statement that will be presented to the Senate—a summary of the Social Security Amendments of 1967. Tomorrow or the day after tomorrow, I hope to discuss the various amendments in detail. But I wish to discuss a couple of the amendments today, to indicate what happened in conference.

One of the amendments relates to the so-called freeze on welfare. The House bill provided that the proportion of all children under age 21 who were receiving aid to families with dependent children in each State in January, 1967, on the basis of a parent being absent from the home, would not be exceeded for Federal participation after 1967. So that regardless of inflow and outflow of population, Federal participation for dependent children was limited to the Federal payment in 1967.

During the course of the debate on the education bill, I asked some questions about the migration of population. According to the President's manpower report of 1965, people who earn from \$2,000 to \$3,000 a year migrate from State to State at the percentage of 28 percent. People who earn \$6,000 and more have a migration average, from one State to another, of approximately 13 percent. So it can be seen that the poorer people move from one State to another.

The amendment which freezes the amount of money to be paid to take care of dependent children on the basis of 1967 payments would operate against the poorer people, who have the lesser income. But it would operate against all who migrate from one State to another.

When the Committee on Finance held its hearings on this provision of the bill, overwhelming evidence was submitted against it.

Mr. President, I ask unanimous consent that a list of those persons who gave testimony on the freeze before the Finance Committee be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

The list is as follows:

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Mr. METCALF. Mr. President, the record shows that two witnesses testified in support of this freeze and approximately 150 witnesses either appeared personally or submitted testimony against it. Governors from every State

in the Union—the Governor of the State represented by the present occupant of the chair—formally opposed this freeze. In the record is a report from the Governors' Conference objecting to it unanimously. In addition, individual Governors from 13 States opposed it. Senators, Representatives, members of the administration, and individuals representing organizations—all were convinced that this was bad legislation, that it was wrong. The only persons who testified in favor of the freeze were the Council of the State Chambers of Commerce and the Puerto Rico Medical Association.

As a result of that evidence and as a result of those hearings, the Senate eliminated that provision. We wrote into the law a provision that payment of welfare benefits would be continued in accordance with existing law. Now we are told, on this appeal procedure, that the testimony of the Governors, the Senators, the Representatives, and other interested individuals is to be taken for nothing. We are told that we will have to go back to the House bill.

What was the point of having all these people appear? What was the point of the debate on the floor and the discussion in the committee, if we are going to abdicate our responsibility to correct bad legislation?

I offered an amendment on the floor of the Senate with respect to disability. I use this as another example. So far as disability is concerned, we did not improve the law. We took a long step backward by adopting the House provision. So in committee, I offered an amendment that coincided with the accepted provisions of the law as it applies to disability in workmen's compensation law, veterans' disabilities, and so forth. I was told by members of the administration that the application of that amendment would cost a considerable amount of money. When we considered the bill on the floor of the Senate, I said:

Let us just go back to existing law. Let us just continue the disability program as it exists at the present time.

On the floor of the Senate that amendment was adopted, on a yea-and-nay vote, by a margin of 2 to 1. It merely went back to existing law.

But in a couple of afternoons the conferees decided that that amendment and scores of others would not be considered or would not be agreed to.

A work-training incentive program is set up by the proposed legislation. All of us felt that some incentives should be provided for people to take training to learn other skills, especially persons whose skills have become outmoded by technological changes. So the Senate decided that in order to provide such an incentive in the bill such persons would be paid \$20 a week over and above their welfare payments, in order to induce them to ride the buses to go to school and spend their time on the learning opportunities they were afforded. In the House, that amount was cut to \$30 a month. Mr. President, that \$30 a month is just a subsidy for O. Roy Chalk. That is about how much it will cost the people to ride the buses to and from their work-training programs and work-training classes.

Mr. President, how much incentive is a person going to have to get off of welfare and take a training course involving 6 hours, 7 hours, or 8 hours a day when all he gets now over and above his welfare is only bus fare back and forth?

I bring up these situations as examples. In the next day or so I will be more specific and analyze the bill in greater detail.

The bill does increase social security payments by 13 percent. The House figure was 12.5 percent. The Senate suggested that social security payments be increased by 15 percent. The so-called compromise, which was no compromise at all, but an abdication, was 13 percent. The bill increases the minimums from \$44 to \$55. That is a substantial increase for people who are getting minimum payments. The administration suggested that it be a minimum of \$70, and that figure was in the Senate bill.

Many of us in the committee thought there should be a minimum of at least \$100. There was a vote, and a substantial vote, in committee on the figure of \$100.

However, Mr. President, in scores of pages in the bill the only benefits that are being held over our heads like a club are these two benefits of an increase of 13 percent for social security and an increase of minimums from \$44 to \$55.

Mr. President, tomorrow I am going to offer an amendment to one of the bills that was passed by the Committee on Finance today increasing social security in accordance with what is agreed to in the conference report: 13 percent and \$55.

According to the Washington Star, in an Associated Press article, one of our conferees, who asked that his name not be used, said:

We were told by the House to accept their provisions or there would be no bill.

Then he said during discussions of what would happen if the bill did not survive:

We were told we could announce to the old people we had killed the bill which would raise their benefits 13 percent.

After this conference report was announced and the decision of the Senate to abdicate on every major proposition was announced, the Under Secretary of Health, Education, and Welfare said he did not like the bill very much but, as he told the American Public Welfare Association:

New Congresses may always reconsider what past Congresses have done.

Mr. President, there are men in this Congress and there are men sitting in this Chamber who voted for the first social security legislation. I was a member of the Montana House of Representatives in 1937. I helped to enact the first social security legislation so that the Montana House of Representatives could comply and conform to the national legislation.

In all the years, Congress after Congress, and year after year since then, we have adopted a philosophy that there should be some dignity, even if people are poverty stricken; and we have adopted a philosophy that people should have an opportunity to eat and have a home; and that they should have a mini-

mum of benefits. We have especially adopted a philosophy that children should grow up and have the care of their mother if it is at all possible.

This bill, after all these years—more than 30—and after all the Congresses which have voted upon social security legislation, has said that we will not permit the children to have the care of their mothers and that we can force the mother to go out and work in the streets. We can force her to take any job that is offered to her. We can make her take training and put her children in daytime nurseries.

The Senator from New York on the floor of the Senate offered an amendment which was overwhelmingly adopted that would have taken care of mothers and would have provided that mothers who are taking care of children in their homes would not have to abide by the work provisions of the bill. That measure was eliminated in conference.

Mr. President, this is a bill that goes back to the pre-Revolutionary idea that if you do not work you do not eat. I can remember back in the days of the depression when you did not have jobs, you did not have training, and you did not have the background necessary to get even the kinds of jobs that were offered.

We said that people should have the opportunity to continue to live on a dignified basis. All through the years since then we have adopted that philosophy. To my mind it was a good philosophy then, it is a good basic tenet today, and this is no time for the Assistant Secretary to say, "Well, new Congresses may reconsider what we do on this bill."

Mr. President, this bill does give some increased benefits to people who are receiving social security. However, what it does to families, what it does to mothers, and what it does to the boys and girls of America is so bad, and the basic legislation is so bad, that we can wait a month or so, and we do not have to wait that long if we adopt my suggestion. We can wait a little time to increase the payments to these other people and take care of our basic responsibilities.

I say to the people who think they will get the benefits of 13 percent, or a minimum of \$55, that many of them are not going to get that, because there is a provision in the bill that the additional money obtained as social security payments, if one is on welfare, can be taken away from him.

Mr. President, just to point that up, I ask unanimous consent to have printed in the RECORD, which explains more eloquently than I can, two letters with attachments from my constituents, who present exactly the problems I am talking about.

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

NOVEMBER 22, 1967.

HON. LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: I am enclosing herewith a copy of a letter I have previously written to the State of Montana Department of Public Welfare together with a copy of the letter I received in reply, both of which are self-explanatory.

I am not the only person who is being hurt by these policies and I wonder if you

are aware of the situation that exists. I know you will help us if there is anything possible that you can do.

I would appreciate it very much if you will see what can be done and let me know why the federal government requires this in face of the increased cost of living. I hope that you can see that the matter is corrected.

With best regards, I am,

Sincerely yours,

STATE OF MONTANA,
DEPARTMENT OF PUBLIC WELFARE,
Helena, Mont., November 14, 1967.

DEAR MR. ———: I have your letter of November 10 which concerns your income from Social Security Benefits. I certainly have a sympathetic understanding of your problem. At this time, however, there is nothing that this Department can do to help you keep both an increase in Benefits with no reduction in your old age assistance. This is a Federal regulation over which we have no authority.

It may be possible, with the anticipated 15% increase in Social Security, there will be no reduction in old age assistance grants, but, as before stated, this is completely within the jurisdiction of the Federal Government.

I am sorry that I cannot be of some help to you.

Sincerely yours,

W. J. FOUSE,
Administrator.

NOVEMBER 10, 1967.

STATE WELFARE COMMISSION,
State Capitol,
Helena, Mont.

Attention: Mr. Fouse, State Administrator.

DEAR MR. FOUSE: I am eighty-four years old and have been retired for a number of years. I draw Social Security benefits in the amount of \$62.00 per month and welfare benefits in the amount of \$48.00 per month, making a total of \$110.00.

I live by myself and have an apartment which costs me \$50.00 per month. It is furnished and this price includes all utilities. It is the cheapest apartment that I can find which is decent. It has a private bathroom and other apartments that are cheaper are not fit for a person to live in, as you can well imagine.

In the past, each time Social Security payments have been increased, my welfare check has been decreased in the same amount. I do not have enough to properly take care of myself at the present time. I am looking forward to the increase in Social Security benefits which apparently will soon come to pass and will apparently be about a 15% increase.

Would you please see that my welfare check is not reduced by the same amount as my Social Security check is increased? I don't think it is fair because the reason the Social Security benefits are increased is that the government recognizes that the cost of living has increased to the point where Social Security recipients just have to have more money in order to live. This increase would give me about \$9.00 per month more and it is what I need in order to properly take care of myself.

I have talked to my welfare case worker here, Mrs. Wallin, and she has suggested that I write to you directly. I would appreciate very much hearing from you and will look forward to your being able to help me in the matter.

Sincerely yours,

AUGUST 18, 1967.

Re: House Bill 12080.
HON. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: I have been disturbed about a number of sections of House

Bill 12080, particularly that section which attempts to limit the number of children who would be eligible to receive ADC by establishing a quota of children for whom the Department of Public Welfare could receive Federal matching funds. This attempt to predetermine the need for this type of assistance does not take into account economic conditions, automation, and employment conditions which we have no reason to doubt will continue to be fluid and changing at least in the foreseeable future. As one of the many consequences of such a harsh action it is easy to foresee that families will be forced to separate for economic reasons only. Family breakdown is one of the greatest contributors to poverty in our Nation and such action seems to be deliberately placing our society in jeopardy.

This burden will not rest solely upon the poor. Migration pattern of the disadvantaged from the rural areas, particularly in the South, to the metropolitan areas is a well established trend. The awesome burden this has placed on the inner city has been recently demonstrated in Watts in 1965 and in the Detroit and Newark of 1967. This burden and resulting problem can only be increased. A quota system for ADC will have the effect of providing the city with an ever-increasing number of families needing assistance and ever-diminishing resources in which to provide this assistance. Decreasing the amount of Federal support for a metropolitan area cannot be the answer to urban problems.

That section of House Bill 12080 which would require a plan of self-support for all unmarried and divorced, separated and deserted mothers fails to take into consideration that mothers on ADC are not necessarily poor mothers and that enforced separation from a single parent might be more damaging than separation from two adequate parents. What will become of the children of this new group of working mothers? The present scarcity of adequate day care facilities and other facilities for substitute child care will not be easily remedied. The majority of unmarried mothers who are currently recipients of ADC will without question require considerable training and perhaps much basic education before they will be employable in today's job market. One can not help but wonder where these training facilities will come from.

We are all concerned about the ever-increasing cycle of poverty and dependency in our nation. We are concerned about the deterioration of our cities but we must face the fact that we are in the midst of a great social revolution. Forcing that minority of the poor who are recipients of public welfare to bear the burden of our confusion and anger will not halt the changes going on in society in general. Children are important to us. If we lose sight of this fact we face the prospect of yet another generation who will disassociate themselves from responsible society. Depriving already deprived people will not produce the kind of self-sufficiency which is our desire for everyone.

Again we recognize that changes are needed, however, it would appear that a few sections in House Bill 12080 provides more problems than solutions.

Sincerely yours,

Mr. METCALF. Mr. President, tomorrow, and the next day, I shall speak in greater detail about the bill. This is a bad bill. It was recognized to be a bad bill when it came over from the House of Representatives. During the course of the hearings—2,000 pages of it—witness after witness came in and testified in opposition to the legislation. This is essentially the bill that passed the House. The bill should be voted down. We should have another opportunity to

take care of the old, the poverty stricken, and the unfortunate of the people of America and give them the cost of living increase to which they are entitled, to give them the benefits of an affluent society which the majority of Americans now enjoy.

We must not take the first step backwards in 33 years of welfare and social security legislation.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order calling for the Senate to convene at 12 o'clock tomorrow be vacated.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 11 o'clock tomorrow morning.

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

RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio [Mr. YOUNG] be recognized tomorrow morning, at the conclusion of the reading of the Journal, for not to exceed 20 minutes.

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

ADJOURNMENT UNTIL 11 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 order previously entered, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 24 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 12, 1967, at 11 a.m.

HOUSE OF REPRESENTATIVES

MONDAY, DECEMBER 11, 1967

The House met at 12 o'clock noon.

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

Let the peace of God rule in your hearts.—Colossians 3: 15.

O God, our Father, who art above us and yet within us, afar off yet very near, we pause in silence before Thee knowing that with Thee all of life glows with meaning and grows with purpose. Quiet the turmoil in our spirits: soothe the irritations in our hearts and in quietness and confidence may we open the inner doors of our being to Thee.

Speak to us through our consciences and help us to be more honest with ourselves and more friendly with others.

Speak to us through our wills and help us to choose the right way that the decisions made this day may make the days to come useful and joyful for all.