Komninos; to the Committee on the Judiciary.

H.R. 5828. A bill for the relief of Calogero Mannino; to the Committee on the Judiciary.

H.R. 5829. A bill for the relief of Antonino La Spesa; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 5830. A bill for the relief of Giovanni Martino; to the Committee on the Judiciary.

H.R. 5831. A bill for the relief of Yvonne Catherine Walters; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 5832. A bill for the relief of Yaghob and Achraf Foroutanzed; to the Committee on the Judiciary.

By Mr. KARSTEN:

H.R. 5833. A bill for the relief of Capt. Ernest G. Allen, Jr., U.S. Air Force; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 5834. A bill for the relief of Anthony Chang; to the Committee on the Judiciary.

By Mr. KUPFERMAN (by request):

H.R. 5835. A bill for the relief of Epifania Mercado; to the Committee on the Judiciary.

H.R. 5836. A bill for the relief of Gladys Maud Scott; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 5837. A bill for the relief of Mid-States Steel & Wire Co.; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 5838. A bill for the relief of August B. Mundzak; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 5839. A bill for the relief of Padmanabh Harihar; to the Committee on the Judiciary.

H.R. 5840. A bill for the relief of Chang Choone Yi; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 5841. A bill to provide for the enrollment of Leona Miranda Begay as an Indian of California; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of Illinois:

H.R. 5842. A bill for the relief of George, Danae, and Maria Kerassoglou; to the Committee on the Judiciary.

By Mr. OHARA of Illinois:

H.R. 5843. A bill for the relief of Athanasios Angelopoulos; to the Committee on the Judiciary.

H.R. 5844. A bill for the relief of George Ioannis Demos; to the Committee on the Judiciary.

H.R. 5845. A bill for the relief of Constantine Demos; to the Committee on the Judiciary.

H.R. 5846. A bill for the relief of James (Demetrios) Baciliss Dovas (Ntovas); to the Committee on the Judiciary.

H.R. 5847. A bill for the relief of Jose Santos Garcia; to the Committee on the Judiciary.

H.R. 5848. A bill for the relief of Nicholas Grammatopoulos; to the Committee on the Judiciary.

H.R. 5849. A bill for the relief of Vasilios Melanis; to the Committee on the Judiciary.

H.R. 5850. A bill for the relief of Athonasioas Papogiannis; to the Committee on the Judiciary.

H.R. 5851. A bill for the relief of Paraskevas Shinas; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 5852. A bill for the relief of Mercedes B. Yumang; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 5853. bill for the relief of Raymond E. Grail; to the Committee on the Judiciary

H.R. 5854. A bill for the relief of Mrs. E. Juanita Collinson; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 5855. A bill for the relief of Dr. Lolita L. Rana; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 5856. bill for the relief of Tadeusz Bielecki, his wife, Daniela, and children, Ewa and Marlena; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 5857. A bill for the relief of Jorge Antonio Cabrera; to the Committee on the Judiciary.

H.R. 5858. A bill for the relief of Norma Veroncia Chang; to the Committee on the Judiciary.

H.R. 5859. A bill for the relief of Mrs. Ivy Rosalia Ferdinand de Richards; to the Committee on the Judiciary.

H.R. 5860. A bill for the relief of John Alexander Staine and his wife, Georgiana Melba Staine; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

H.R. 5861. A bill for the relief of Hee Joon Park; to the Committee on the Judiciary.

By Mr. TUCK:

H.R. 5862. A bill for the relief of Dr. Juan F. Chaves; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 5863. A bill for the relief of Mrs. Alejandrina Medina de Ibanez and her minor children, Norah Silva Ibanez and Juan Lewis Ibanez; to the Committee on the Judiciary.

By Mr. PICKLE:

H. Con. Res. 223. Concurrent resolution extending greetings and commendation to the Texas Water Safari Association; to the Committee on the Judiciary.

PETITIONS, ETC.

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

33. The SPEAKER presented a petition of Henry Stoner, Portland, Oreg., relative to a giant telescope to aid scientists, which was referred to the Committee on Science and Astronautics.

SENATE

MONDAY, FEBRUARY 20, 1967

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

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

Our Father, who art in heaven, and in the earth, and in the heart of men, hallowed be Thy name. Without Thee our striving would be losing—our strength is unequal to our tasks. We are beset by perplexities. Our needs are many but our greatest need is of Thee. Unless we find Thee and are found of Thee, we begin at no beginning and come to no ending.

In a shaken world we seek stability. In an anguished world we need inner strength. In a fearful world we want confidence and courage. In a world of rising and falling systems we crave a vision of Thine eternal kingdom which has no frontiers.

To us in Thy providence has been given a place of awesome responsibility. In this supreme hour of the centuries we would express that stewardship of power with anxious care and deep humility.

Even while we are stirred to fight with all our might against a present evil, may we also be lured by the vision splendid of a coming good as life for all men becomes full and free.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, February 17, 1967, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, under rule VIII, beginning with Calendar No. 47, Senate Resolution 57, one of the resolutions providing money for committees, and to consider the remaining resolutions in sequence; that, at the conclusion of the consideration of these resolutions, there be a brief period for the transaction of routine morning business, with a time limitation on statements of 3 minutes.

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

Mr. MANSFIELD. Mr. President, I make that request because the distinguished chairman of the Committee on Agriculture, the Senator from Louisiana [Mr. ELLENDER] must attend a very important meeting at 1 o'clock, and he will be on the floor only until a quarter to 1. Then we shall have the transaction of routine morning business and other matters; and, when the Senator from Louisiana returns to the floor, we shall finish, if we can, consideration of the remaining money resolutions on the calendar.

AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO STUDY FOREIGN ASSISTANCE OPERATIONS BY THE FEDERAL GOVERNMENT

The Senate proceeded to consider the resolution (S. Res. 57) authorizing the Committee on Government Operations to examine, investigate, and make a complete study of all matters pertaining to foreign assistance operations by the Federal Government, which was reported from the Committee on Rules and Administration with an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 20, after the word "exceed," to strike

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out "$115,000" and insert in lieu thereof "$105,000".

Mr. GRUENING. Mr. President, the Subcommittee on Foreign Aid Expenditures, which has been conducting a number of studies which I consider of considerable importance, has already saved the Government a very substantial sum of money. I shall presently read—or, if the Senator from Louisiana, who is always concerned about needless expenditures, and quite properly so, wishes, I will put them into the RECORD—a list of the investigations that we are conducting. I should like to cite one case in particular.

Among the studies we have conducted are studies in the use of foreign aid, and I have made a study in depth of our foreign aid program in Chile. It was published as a Senate document, a 229-page printed report, and I believe it represents the first and an almost unique study of that kind.

In this report, which was highly critical of the program loans under which the Agency for International Development released large amounts of funds annually and are not tied to specific development projects, we found that this money was largely misspent and wasted. As a result of the issuance of this report, AID announced that there would be no more program loan assistance; and inasmuch as these loans had been made at the rate of $80 million a year for the past 2 years, I believe that we can confidently say that we have now saved, by this one investigation alone, $80 million a year for the Federal Government. I believe that AID will be glad to admit that.

We have conducted many other studies, and I should like to indicate what they are.

We have a continuing study of the operations of Federal agencies overseas and their interrelationships to determine whether any failure of these agencies is due to structural and organizational defects, overloaded work programs, imprudent administrative policies, wasteful administrative, budgetary, and fiscal practices, and lack of coordination.

We have continued a study of the Federal Government's surplus property donation programs and continued efforts to secure passage of needed legislation.

One of the great wastes is the disposal of our surplus property; $5 or $6 billion worth of surplus property is generated every year, largely by the military services, and much of that is virtually given away. It is disposed of in ways that are, to say the least, inconsiderate of the taxpayer. Much of it is added to the AID program, which is adequately funded, in accord with the annual requests made to Congress by the President. I believe that much of that surplus should come back to the United States and should go back to the States whose taxpayers are responsible for this expenditure. In this field alone, we are planning to save hundreds of millions of dollars annually to the Federal Government.

We are also making additional reviews of the property disposal programs of the Department of Defense and other agencies, which amounts to $5 billion yearly. We are making a continuing study of population control problems, through additional hearings, to determine whether the organization and structure of the executive agencies involved in population control are adequate to deal with the pressing urgency of the problem.

It has been apparent that much of our foreign aid—and much of the efforts of the recipient countries—are going down the drain because of their great increase in population. That situation is evident all over the world. There is increasing concern for it. We pour our money into the countries. They never can have enough money for the additional schools and the additional projects that are needed as the population growth outruns every effort. I know of no program which will be more useful in saving money, if we can get some action along those lines. The President has declared that $5 spent in population control will be worth $100 spent in economic aid, and I believe that is an objective we are properly pursuing.

The PRESIDING OFFICER (Mr. BURDICK) in the chair). The time of the Senator has expired.

Mr. ELLENDER. Mr. President, a parliamentary inquiry. I was under the impression that these resolutions would be called in the regular order, and that more than 5 minutes would be allowed. I was so informed this morning.

Mr. MANSFIELD. Mr. President, I appreciate the statement just made by the distinguished Senator from Louisiana, and I make a request that the 5-minute rule be waived.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

Mr. GRUENING. We have a further review of the food-for-peace program, with special emphasis on the effectiveness of interagency coordinating procedures in carrying out the provisions of the new legislation. The 1966 Food for Peace Act provides for a shift from foreign currency sales to dollar sales and establishes new restrictions on aid to countries trading with Cuba and North Vietnam.

We have a study of the international training programs of the Agency for International Development and other agencies. From 1961 through 1965, over 30,000 foreigners were brought to the United States, at a cost of over $50 million, to be trained in American schools. We think that this matter deserves watching.

Finally, we have continued a review of the utilization of U.S.-owned foreign currencies, especially as related to their use to pay travel expenses of Government officials. Data available to the subcommittee indicate that appropriated dollars are being used to pay for official travel instead of available excess currencies.

Mr. President, I could continue at some length, but I think that I have said enough to indicate that these activities of our subcommittee have saved the Government many, many times the cost of our subcommittee, and that they will continue to do so.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that members of the pertinent subcommittees be allowed to have the privilege of the floor during the consideration of money resolutions on the calendar.

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

Mr. ELLENDER. Mr. President, the pending resolution asks for $105,000, a decrease of $10,000 from the original request.

I heard the distinguished chairman of this subcommittee speak of the huge sums that he saved. I suppose that there were many Senators who did the same thing simply by calling to the attention of the AID program certain losses that were being sustained.

During the course of my tenure in the Senate—and ever since the foreign aid program has been on the statute books—I could claim the savings of much money but I did not claim those savings through hearings or investigations.

Mr. President, looking over the work that has been done by this subcommittee I do not notice any reports having been made to indicate what the savings were, or how the savings were brought about.

Mr. President, this is another one of those temporary committees that has become permanent. It would seem to me that the Committee on Foreign Relations has made studies in connection with foreign aid, as have many others. As the Senator indicated he is desirous of expanding on his studies.

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

Mr. ELLENDER. I yield.

Mr. GRUENING. I am not desirous of expanding.

Mr. ELLENDER. The distinguished Senator indicated he is going into other fields.

Mr. GRUENING. No; I shall repeat what I said before. Actually $10,000 were cut from the amount of money we had last year, so that far from expanding, we are reducing.

Mr. ELLENDER. The decrease is because the Committee on Rules and Administration indicated that amount. The distinguished Senator asked for $115,000 and the Committee on Rules and Administration reduced it by $10,000.

Mr. GRUENING. I am sorry that the Senator is unaware of the fact that we published a report on Chile, which is a Senate document. I would be glad to supply a copy to the Senator. The report was detailed. As a result of our activities, we saved $80 million a year. AID canceled that amount. This was not the result of trips around South America, which the distinguished Senator has properly taken. This was the direct result of this report. That savings would many times justify the minor expenditure that our committee is asking for and received in the past. If the Senator will measure $105,000 a year against $80 million, that is a striking figure. That savings was the direct result of this particular investigation in depth. I am sorry that the Senator has not read the Chilean report. I will see to it that a copy of the report is sent to him.

Mr. ELLENDER. The Senator, is of course, correct regarding the report. I was in error. I know that his committee has issued two reports in 1966, including

the one on Chile to which he referred. With 39 resolutions and 39 committee reports under consideration I inadvertently referred to the wrong report. I have received a copy of the report on Chile although I regret I have not as yet had the opportunity to read it.

Mr. LAUSCHE. I wish to ask the Senator from Alaska [Mr. GRUENING] when this ad hoc or special committee was created.

Mr. GRUENING. It is not an ad hoc committee. It is a subcommittee that was a division of a committee formerly headed by Senator HUMPHREY, now the Vice President, one-half assigned to dealing with domestic expenditures, headed by the distinguished Senator from Connecticut [Mr. RIBICOFF] and the other half headed by me, dealing with foreign expenditures.

Mr. LAUSCHE. When did the half which is headed by the distinguished Senator from Alaska begin?

Mr. GRUENING. Beginning with the 89th Congress.

Mr. LAUSCHE. That would be what year?

Mr. GRUENING. That would be 2 years ago.

Mr. LAUSCHE. How much money has been allocated to it thus far for the work it is performing?

Mr. GRUENING. One hundred and fifteen thousand dollars.

Mr. LAUSCHE. And there was spent $99,811 of that amount last year.

Mr. GRUENING. I believe that is the correct figure.

Mr. LAUSCHE. One hundred and fifteen thousand dollars was requested for this year and $105,000 was recommended by the Committee on Rules and Administration.

Mr. GRUENING. The Senator is correct.

Mr. LAUSCHE. The record here shows that the Committee on Foreign Relations, for all of its work, including foreign aid, is asking for $225,000. How does the Senator justify asking for $115,000 for this special committee, when, with all the work that is done by the Committee on Foreign Relations, it is asking for $225,000?

Mr. GRUENING. The distinguished Senator from Ohio, since he is a member of the Committee on Foreign Relations, must know that that committee does not investigate foreign aid expenditures in depth. It merely hears the request of AID and the Department of State, makes suggestions, passes on questions of general policy but does not go to these countries to learn at firsthand how our funds are expended. Since no one goes to these foreign countries to make a real study of how this money is used, that has been done by our subcommittee. It was done 3 years ago before I was the chairman. I made an investigation of our foreign aid in 10 Middle East countries.

That was published as a 472-page printed report to the Senate and, as a result, some modifications were made in AID procedures in those countries and money was saved. I should like to say, in all fairness to the excellent Foreign Relations Committee, it has never made a report of its committee such as our subcommittee of the Government Operations Committee made, which resulted in a direct saving of $80 million a year. I think that would more than justify these relatively small amounts—about $100,000 a year these studies cost, that being only one of the things the subcommittee is investigating—we are asking for, and which we received last year.

Mr. LAUSCHE. I merely want to state to the Senator from Louisiana, with all respect to the arguments which he has made about foreign aid—and I include myself in that—that we are not justified in any statement ascribing to ourselves that by our personal efforts alone we have saved specific sums of money. What has been saved is through combined efforts. Does the Senator from Alaska want his subcommittee to be in the nature of an oversight or supervisory subcommittee of the Foreign Relations Committee? The Senate Foreign Relations Committee under the Senate rules is in charge of foreign aid. By implication it is being said that the Foreign Relations Committee is not doing its job, that the subcommittee headed by the Senator from Alaska [Mr. GRUENING] should supervise, investigate, and check what the Foreign Relations Committee is doing. I do not think that the Senator from Alaska's subcommittee should exercise that right because it is wholly unnecessary.

Mr. ERVIN. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. The Senator's subcommittee is a subcommittee of the Government Operations Committee, is it not?

Mr. GRUENING. The Senator is correct.

Mr. ERVIN. And the Government Operations Committee has power under the Reorganization Act and is charged with the duty, under the Reorganization Act, of investigating the efficiency and the economy of Government at all levels, is it not?

Mr. GRUENING. That is precisely the case.

Mr. ERVIN. Thus, the subcommittee is doing a specific job which has been done for many years by a Government Operations subcommittee, the permanent Investigations Subcommittee—that is, to investigate economy in the operation of the foreign aid program and to investigate its efficiency; is it not?

Mr. GRUENING. That is the fact.

Mr. ERVIN. The subcommittee is doing actual field investigations as to the efficiency and the economy of the operations abroad of the foreign aid program, is it not?

Mr. GRUENING. That is precisely the case.

I should like to thank the Senator from North Carolina because he has made exactly the answer that I was preparing to make to the distinguished senior Senator from Ohio. If the implication of what the Senator from Ohio has said were true, then there would be no reason whatever to have a Government Operations Committee.

The Government Operations Committee, as the Senator from North Carolina has pointed out, is supposed to watch over the expenditures of other departments of the Government and other committees, and to supplement them. This is precisely what the Government Operations Committee has done, and has done most effectively, in many fields. This is no implication of the committee's shortcomings, or criticism of the Foreign Relations Committee. This goes on for all branches of the Government.

Mr. LAUSCHE. I merely want to say that $92,500 has already been spent on this subject. Do I correctly understand the Senator from Alaska to say that this is to be a permanent subcommittee which will annually do the investigating? There were some complaints that expenditures on foreign aid were excessive and therefore it was necessary to investigate.

Mr. GRUENING. No.

Mr. LAUSCHE. I want to repeat what the Senator from Louisiana has said, that nothing is so permanent as a temporary subcommittee of the Senate.

When will the work of the subcommittee be finished?

Mr. GRUENING. That is up to the future to determine, and for future Congresses to decide.

Mr. ELLENDER. Will the Senator from Alaska explain to the Senate the reasons for separating the two committees? As I recall, the Senator from Connecticut [Mr. RIBICOFF] was chairman of one of these subcommittees of the subcommittee, and the Senator from Alaska was the chairman of the other subcommittee of the subcommittee.

Mr. GRUENING. That is correct.

Mr. ELLENDER. How did that come about? How did it proliferate? I raised the question the other day with the Senator from Arkansas [Mr. MCCLELLAN]. I wish he were here in the Chamber now to participate in this discussion, because it is my belief that there has been too much proliferation of Subcommittees on Government Operations. I do not believe it was ever intended to go into foreign fields.

Mr. GRUENING. I believe this is not any proliferation. I think it was a division of labor because of the enlarged amount of work involved in taking care of vigilance over domestic and foreign programs. I do not consider it a proliferation. It is merely an increase in efficiency to divide the work by allowing each subcommittee to work in its particular field. These are both pretty large fields, and one committee could not have adequately surveyed both.

Mr. ELLENDER. Does the Senator expect to make investigations of any domestic matters?

Mr. GRUENING. That is not the intention.

Mr. ELLENDER. But certainly in the sale of surplus property, most of the property would be sold in this country, would it not?

Mr. GRUENING. Unfortunately, that should be the case, but it is not the case. That is precisely the point which I am glad the Senator has brought up.

Many billions of dollars worth of surplus property, paid for by our taxpayers, is going into foreign aid. It is another concealed spigot in our foreign aid program which Congress should know about. This is one of the things we hope to bring to the attention of Congress and also to the people back home.

Our citizens are being deprived of the opportunity to acquire this surplus property, because it goes to foreign countries, and is in addition to the foreign aid appropriations, and the lending of billions of dollars at negligible interest rates, most of which loans will never be repaid.

Mr. ELLENDER. Where is it moving from?

Mr. GRUENING. From the places where it is generated, such as Germany, France, Italy, Spain, Japan, the Philippines, wherever we have bases.

Mr. ELLENDER. Has any of that surplus property come back to the United States?

Mr. GRUENING. Very, very little of it has come back. It is being grabbed by the AID program before it can properly be sought by State agencies or by the folks at home.

Mr. ELLENDER. Is that not in violation of existing law that that is done?

Mr. GRUENING. No; it is not a violation under existing law. It is a violation of good practice, however, so that we should regulate it. That is precisely what our subcommittee aims to do.

Mr. ELLENDER. As I understand it, then, no surplus property can be sold except that which is offered to certain departments of government?

Mr. GRUENING. It is not sold; it is being given away to the AID program, which is a department of government. It all goes to foreign countries, and we lose control of it.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Alaska yield for a question?

Mr. GRUENING. I yield.

Mr. WILLIAMS of Delaware. It seems to me that these various subcommittees are coming along in such profusion that I am wondering, if we have any more subcommittees whether we will not be getting to the point that everyone will have a subcommittee of his own?

Mr. GRUENING. I am sorry; I could not hear the question of the Senator from Delaware.

Mr. WILLIAMS of Delaware. My question was, it seems to me the practice has been established that everyone wants to be chairman of a subcommittee, and I am wondering how many more subcommittees we will have to have before we all get to be chairmen? It is a rather expensive way to get a chairmanship for duties which seem to me to be overlapping.

Mr. GRUENING. Let me say to the Senator from Delaware that I know of no such motivation. I think this just came about by the natural process of seniority, and the expanding responsibilities of our Government.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. LAUSCHE. Mr. President, I call for a division.

The PRESIDING OFFICER. This is on the committee amendment, which reduces the amount in the resolution to $10,000.

Mr. BYRD of West Virginia. Mr. President, the amendment provides for a reduction from $115,000 to $105,000.

Mr. GRUENING. I would say that it has already been reduced.

Mr. LAUSCHE. Mr. President, I withdraw my request for a division.

The PRESIDING OFFICER. The request for a division is withdrawn. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

Mr. LAUSCHE. Mr. President, is the question now on agreeing to the resolution as amended?

The PRESIDING OFFICER. That is correct.

Mr. LAUSCHE. Mr. President, I call for a division.

The PRESIDING OFFICER. A division is called for.

On a division the resolution (S. Res. 57), as amended, was agreed to, as follows:

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction, specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the operation of foreign assistance activities by the Federal Government, with a view to determining the economy and efficiency of such activities.

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

SEC. 3. The committee shall report its findings upon the study and investigation authorized by this resolution, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1968.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $105,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. LAUSCHE. Mr. President, let the RECORD show that I voted against the adoption of the resolution.

STUDY OF ORIGIN OF RESEARCH AND DEVELOPMENT PROGRAMS FINANCED BY FEDERAL GOVERNMENT

The Senate proceeded to consider the resolution (S. Res. 58) authorizing the Committee on Government Operations to study the origin of research and development programs financed by the departments and agencies of the Federal Government, which was reported from the Committee on Rules and Administration, with an amendment, on page 3, line 14, after the word "exceed", to strike out "$85,000" and insert "$75,000"; so as to make the resolution read:

S. RES. 58

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized, from February 1, 1967, through January 31, 1968, to make studies as to the efficiency and economy of operations of all branches and functions of the Government with particular reference to:

(1) the operations of research and development programs financed by departments and agencies of the Federal Government, including research in such fields as economics and social science, as well as basic science, biomedicine, research, and technology;

(2) review those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals to determine the need for the establishment of national research, development, and manpower policies and programs, in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities; and

(3) examine existing research information operations, the impact of Federal research and development programs on the economy and on institutions of higher learning, and to recommend the establishment of programs to insure a more equitable distribution of research and development contracts among such institutions and among the States.

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

(1) to make such expenditures as it deems advisable;

(2) to employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants: *Provided*, That the minority of the committee is authorized at its discretion to select one employee for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest gross rate paid to any other employee; and

(3) with the prior consent of the head of the department or agency concerned, and the Committee on Rules and Administration, to utilize on a reimbursable basis the services, information, facilities, and personnel of any department or agency of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $75,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on adoption of the resolution as amended.

The resolution as amended was agreed to.

CERTAIN STUDIES BY COMMITTEE ON FOREIGN RELATIONS

The resolution (S. Res. 67) to provide additional funds for the Committee on Foreign Relations for making certain studies was announced as next in order.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2,

line 20, after the word "exceed" strike out "$250,000" and insert "$225,000".

Mr. BYRD of Virginia. Mr. President, it is not my intention to object to the resolution. I shall support the resolution, but I want to note objection to it at the present time, because I may have an amendment to present.

Mr. MANSFIELD. Mr. President, I ask that the resolution be temporarily passed over.

The PRESIDING OFFICER. The resolution will be passed over.

CERTAIN STUDIES BY COMMITTEE ON COMMERCE

The Senate proceeded to consider the resolution (S. Res. 72) to authorize the Committee on Commerce to make certain studies, which was reported from the Committee on Rules and Administration with an amendment on page 3, line 8, after the word "exceed", to strike out "$500,000" and insert "$475,000"; so as to make the resolution read:

S. RES. 72

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

(1) interstate commerce generally;
(2) foreign commerce generally;
(3) transportation generally;
(4) maritime matters;
(5) interoceanic canals;
(6) domestic surface transportation, including pipelines and highway safety;
(7) communications, including a complete review of national and international telecommunications and the use of communications satellites;
(8) Federal power matters;
(9) civil aeronautics;
(10) fisheries and wildlife;
(11) marine sciences; and
(12) weather services and modification, including the use of weather satellites.

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

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

SEC. 4. Expenses of the committee, under this resolution, shall not exceed $475,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. LAUSCHE. Mr. President, what is the issue before the Senate?

The PRESIDING OFFICER. Senate Resolution 72, to authorize the Committee on Commerce to make certain studies.

Mr. LAUSCHE. Is this a resolution asking for an appropriation to the Commerce Committee?

The PRESIDING OFFICER. Yes.

Mr. LAUSCHE. I would like to ask some questions on it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. LAUSCHE. Mr. President, I am a member of the Commerce Committee, and I have here a tabulation of the moneys expended by this committee in its operations since 1949.

Before I proceed with a discussion of the tabulation, I ask unanimous consent to have the whole tabulation put in the RECORD.

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

Committee on Commerce [1]—Expenditures under special resolutions for studies and investigations, 1953–66 [2]

	Authorized	Expended	Unexpended
81st and 82d Cong., 1949–52: [3]			
Continuation of study of trade policies (pricing practices) under S. Res. 241, 80th Cong.	$50,000	$37,000	$13,000
S. Res. 50 and S. Res. 308, general studies of transportation and communications	234,000	228,000	6,000
S. Res. 365 (81st Cong.) and S. Res. 56 (82d Cong.), study of export policies and control regulations	25,000	24,000	1,000
S. Res. 332, 82d Cong., authorizing employment of private consulting firm to make study of the Interstate Commerce Commission	50,000	33,000	17,000
General Appropriation Act of 1951 (Public Law 759, 81st Cong.), approved Sept. 6, 1950, authorized surveys of domestic and foreign air carrier operations; contracts let to private firms	200,000	166,500	33,500
Total, 81st and 82d Cong.	559,000	488,500	70,500
83d Cong., 1st sess., 1953: S. Res. 41 and S. Res. 135, general studies	115,000	87,000	28,000
83d Cong., 2d sess., 1954: S. Res. 173, general studies	115,000	64,000	[4] 51,000
84th Cong., 1st sess., 1955:			
S. Res. 13, general studies	200,000	160,000	40,000
S. Res. 35, study of merchant marine training and education	30,000	14,000	16,000
Total	230,000	174,000	56,000
84th Cong., 2d sess., 1956: S. Res. 163 and S. Res. 209, general studies	250,000	217,000	33,000
85th Cong., 1st sess., 1957:			
S. Res. 26, general studies	225,000	180,000	45,000
S. Res. 62, investigation of matters relating to petroleum and petroleum products	50,000		50,000
Total	275,000	180,000	95,000
85th Cong., 2d sess., 1958:			
S. Res. 224, general studies	225,000	193,000	32,000
S. Res. 287, study of textile industry	25,000	8,000	17,000
S. Res. 303, study of transportation policies	100,000	5,000	95,000
Total	350,000	206,000	144,000
86th Cong., 1st sess., 1959:			
S. Res. 27 and S. Res. 243 (sec. 5), general studies	228,000	227,000	1,000
S. Res. 29, study of transportation policies	290,000	125,000	165,000
S. Res. 50, study of textile industry	2,500		2,500
Total	520,500	352,000	168,500
86th Cong., 2d sess., 1960:			
S. Res. 243 and S. Res. 354, general studies	303,000	292,000	11,000
S. Res. 244, S. Res. 328, and S. Res. 355, study of transportation policies	282,000	230,000	52,000
S. Res. 305, study of freedom of communications	35,000	25,000	10,000
Total	620,000	547,000	73,000
87th Cong., 1st sess., 1961: S. Res. 74, general studies	315,000	246,000	69,000
87th Cong., 2d sess., 1962: S. Res. 251, general studies	315,000	245,000	70,000
88th Cong., 1st sess., 1963: S. Res. 29, general studies	330,000	247,000	83,000
88th Cong., 2d sess., 1964: S. Res. 283, general studies	360,000	344,500	15,500
89th Cong., 1st sess., 1965: S. Res. 76, general studies	442,700	401,000	41,700
89th Cong., 2d sess., 1966: S. Res. 213, general studies	450,000	432,500	17,500

[1] Committee on Interstate and Foreign Commerce prior to 87th Cong.
[2] Amounts are shown in round figures.
[3] The committee carried on several studies during this period, including a transportation study inaugurated by Senator Johnson of Colorado (then committee chairman) which ran from 1949 to 1952.
[4] Senator Bricker became chairman of committee in July 1953, upon the death of Senator Tobey and terminated the studies then underway, which accounts for the large unexpended balance.

Mr. LAUSCHE. Mr. President, this tabulation was submitted to me by the Secretary of the Commerce Committee, and shows that in the period since 1949 there has been a constant and large rise in the expenditures of that committee.

In 1953, in the first session of that Congress, there was appropriated to the committee $115,000 for all operations. It spent $87,000, leaving an unspent balance of $28,000.

In 1954 there was appropriated to the committee for all operations again $115,000. There was spent $64,000, leaving unspent a balance of $51,000.

In 1955 $200,000 was given to the committee, and another $30,000 for a special study on the merchant marine, making a total of $230,000. Of that $230,000, $174,000 was spent.

I am now down to the year 1955 and going into the year 1956.

A total of $250,000 was granted to the committee in 1956; $217,000 was expended.

In 1957, there was allocated to the committee $275,000; $180,000 was expended.

In 1958 two special studies were ordered, one of the textile industry, and one of transportation. The total amount given was $350,000; $206,000 was expended; $144,000 was turned back to the Treasury.

We now come to the year when the big change occurred. In 1959 $228,000 was asked for general operating expenses and $29,000 for a special study of transportation, and $2,500 for a special textile study. So in the year of 1959 the total amount allocated was $520,500, $290,000 of which went for the special lengthy transportation study that was asked for.

In 1960 $303,000 was asked for the general operations of the committee, and, again, $282,000 for the special study on transportation.

I now get down to the 87th Congress, 1st session. The committee asked for $315,000 for all purposes, and $246,000 was expended.

The approximate expenditure that had been made throughout the years had been from $225,000 to $250,000 for general administration expenses of the committee. Of course, when special studies were included, the amount was increased.

But now we get down to the year of 1966. It was then when the jump began. Assignments of money for special studies were continued as assignments of money for general operations. While this committee was spending from $225,000 to $250,000 a year, the application for this year is $500,000.

The jump is entirely too high. There is no justification for it. Examination of the increases that have gone on throughout the years, points out that when workers are once hired to do a special job, and that special job is completed, the workers stay on the payroll. Each year the amount is going up.

Mr. MAGNUSON. Mr. President, of course, the figures the Senator from Ohio has cited are absolutely correct, but I think this would be true of any major committee of the U.S. Senate in the pas 7 or 8 years.

The Commerce Committee, of which I have been privileged to be a member for some 21 years, is a great deal different now than it was in 1949 or 1950, not only with respect to the jurisdiction of the committee but the pieces of legislation which have come before it and the work which it has had to do. I think Senators will find that is true of all major committees, particularly some of the ones that have been assigned a great amount of work.

The Commerce Committee has always turned back a great deal of money which it did not use. Many, many pieces of legislation have come to the Commerce Committee in the past three Congresses. The amount of legislation has almost doubled.

Mr. President, there were 362 resolutions referred to the committee. There were 106 bills reported out of the committee, 98 of which were passed by the Senate. Some of them could probably be categorized as of minor importance. However, many dealt with the great, complex field of transportation, which has probably quadrupled since the figures quoted by the Senator from Ohio.

I repeat, 98 bills; and the number of bills reported by the House committee, which were joined in, was 21. There were 2,747 nominations submitted to the committee.

The Senator from Ohio did object when we discussed our budget. I wish to report, however, that his was the only dissenting vote. He wanted to cut the total $50,000; the Rules Committee cut it $25,000. In defense of the increase suggested now—which is $25,000 over last year's budget—I think we will have more work this year than we had last year, but there are two specific basic reasons. First, close to $15,000 of that figure is for the salary increases which the Senate voted, which took effect last August, as was true for almost every committee in the Senate; and second, we have had a long-time rule in the committee that on the major subcommittees, the minority should be provided one clerk or one expert; and this we have done. Many committees do not do it, but we feel it is vital, so that the responsibility of the minority can be taken care of and properly handled by the committee.

We have had four subcommittees throughout the years that I have been chairman—which is a long, long time. As I say, I have been a member of the committee for 21 years. We have a Merchant Marine and Fisheries Subcommittee. We have a Surface Transportation Subcommittee, of which the Senator from Ohio is chairman. We have not had as much work in that subcommittee this past session as I think we will have this session—particularly now that we have established a Department of Transportation, which is expected to come before our committee with many, many problems. Its work involves railroads, trucklines, inland waterways, and the great complex system of inland surface transportation.

We also have an Aviation Subcommittee, handled very ably by the distinguished Senator from Oklahoma [Mr. MONRONEY]. Of course, the work in the field of aviation, I need not tell the Senate, has increased tremendously over the past 15, 10, 5 years—even noticeably over 1 year. They have been involved in hearings almost constantly; and the range of the subject matter touches every phase of the economy.

Then we have a Subcommittee on Communications. The Senator from Ohio quoted some figures for 1949 and 1950. There was very little going on in that area at that time; radio was a new field. But the growth of the work of the Subcommittee on Communications, handled by the distinguished Senator from Rhode Island, I think has not only quadrupled, but is probably 10 times as much as it was then. The communications industry is indeed an integral part of the fabric of our national life.

Then, because of greatly increased activity in the consumer field—all of which comes to the Committee on Commerce—consumer legislation has increased, and we expect to have still more in this session. We ask additional funds to give the minority one extra clerk in this broad field of consumer legislation.

We passed last year in the Senate—almost all which had been unanimously reported—a list of Commerce Committee bills three pages long. Back when I first went on the committee, such a list would not have been half a page. Some Senators may not like these bills, but at least they were legislation that a majority of the Senate and House agreed with, and they have now become law. I need not read them.

Another area to which the committee has devoted a great deal of time, which is growing by leaps and bounds, is the field of oceanography. We passed a sort of pilot bill last year, and took a great deal of testimony; but in this area even in the budget, as tight as the budget is, that item has been increased by almost 45 percent. This is an important field in which we have been lagging.

Mr. President, that is the story of the Committee on Commerce. Now, as compared with 1949, we handle over $3 billion of budget figures of Government activities. That includes the Department of Commerce activities, the Interior Department, the Fish and Wildlife Service—in which interest has grown—the Federal Trade Commission, the Federal Power Commission, the Federal Aviation Agency, the Federal Communications Commission, and the Interstate Commerce Commission, whose work has trebled since 1952. Not doubled, but trebled.

In addition, we have the Civil Aeronautics Board—I need not tell the Senate about the tremendous activity in that field—and now, on top of it all, a new Department of Transportation.

Mr. President, I think we are the busiest committee in the Senate. It seems to me that we are.

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

Mr. MAGNUSON. At least in the number of bills we have reported. They are all in the RECORD. I believe the Senator from New Hampshire and I submitted a long, detailed report on this subject for the benefit of the members of the Committee on Rules.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, in commenting on what has just been stated by the distinguished chairman of our committee, I wish to say first that I think the distinguished Senator from Ohio [Mr. LAUSCHE] deserves great credit. He has, through the years, exercised a very substantial restraining and corrective influence on the committee's expenditures. I very much respect his position.

But I wish to say, Mr. President, that I corroborate and sustain everything that the chairman of my committee has just said. I think the Senate should realize that through the years, the Senator from Washington, as chairman of the committee, has returned religiously any unused balances and has exercised very careful restraint upon the expenditures of the committee.

I think that a committee chairman who has a consistent record of saving from the appropriations granted the committee should not be penalized for it, but that the Senate can with confidence entrust him with what he, the chairmen of the various subcommittees and other members of the committee, feel is necessary to do the work.

I would especially emphasize, as the distinguished Senator from Washington has emphasized, this fact: The jurisdiction of the Committee on Commerce ranges over a diversity of subjects and fields, all of them extremely important, and all of them reaching into the households of this Nation. That is a tremendous responsibility. It involves the setting of important national policies. For example, the matter of the development of a supersonic jet plane by this country, in order to keep us abreast of other countries competing with us in the field of air transportation, is in itself a very costly and important project, which must be handled most carefully, but also aggressively.

All of these things cause me to state, as the ranking minority member of the committee, that my side of the committee has unanimously endorsed the position of our chairman.

Mr. MAGNUSON. That has been a rule of the committee for years, ever since I can remember.

Mr. COTTON. The Senator is correct. Our support is not motivated solely by the need of the minority for additional staff, although we do need assistance in this new field of consumer legislation which has become of paramount importance. I am most appreciative of the chairman's consideration of the needs of the minority members of the committee.

I am impressed by the fact that to deal effectively with these ever-growing departments and agencies our committee, like other committees of the Congress, should have more staff assistants than we are asking for. It is in the public interest. The aggregate appropriations for committee staffs in the Senate is positively picayune compared with the sums proposed to be spent by the executive departments. Finally, when we see the number of experts, advisers, budget officers, and other staff members of the many agencies downtown who come up and confront our committee, I am convinced that the chairman's request is extremely modest.

Mr. MAGNUSON. Mr. President, our committee held 251 days of hearings. That is a hearing every day. We had 31 conferences with the House on major legislation. Thirty-eight major pieces of legislation were passed last year and they are now the law of the land.

Mr. President, I ask unanimous consent to have printed in the RECORD the statistical summary to which I referred and other material pertaining thereto.

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

Statistical summary

	Total
Number of bills (Senate and House) and resolutions referred to committee	362
Number of bills reported and reports submitted by committee	106
Number of bills passed by Senate	98
Number of Senate bills pending House committees	21
Number of bills reported by House committees	20
Number of Senate bills passed by House	38
Number of conference reports	15
Number of meetings of conference committees	23
Number of bills signed by President	72
Number of bills vetoed by President	0
Number of routine nominations referred to committee and confirmed	2,747
Number of major nominations referred to committee	51
Number of major nominations confirmed	51
Number of executive meetings of full committee	40
Number of days of open hearings conducted by full committee	159
Number of days of open hearings conducted by subcommittee	92
Total number of full and subcommittee hearings	251
Number of House bills passed in lieu of Senate bills	2
Number of bills left on Senate Calendar	2
Number of Senate bills on Speaker's table in House	0

SENATE COMMITTEE ON COMMERCE, HIGHLIGHTS OF THE 89TH CONGRESS, 1965–66

MAJOR LEGISLATION APPROVED BY THE COMMITTEE

Public Law 89–92, the Cigarette Labeling Act, a forthright and historic step toward the responsible protection of the health of the Nation's citizens, and a concrete implementation of the report of the Surgeon General's Advisory Committee on Smoking and Health, and its solemn verdict that "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action".

Public Law 89–182, the so-called Technical Services Act authorizes a program of Federal matching grants to the States in a co-operative program to spread the findings of science and technology throughout the American business community and industry (characterized by President Johnson when he signed the bill as possibly the "sleeper" on the 89th Congress).

Public Law 89–170, to strengthen the national transportation system. Seeks to eliminate the "gray area" of illegal trucking and thus strengthen our regulated trucking industry upon which so many of our shippers depend.

Public Law 89–454, Oceanography. Establishes a comprehensive co-ordinated program on oceanography, marine resources and marine engineering.

Public Law 89–430, to ease the freight car shortage. The inadequacy of a national freight car supply has plagued the country and Congress for more than a quarter of a century. It is hoped that the solution worked out by the Committee will alleviate the problem.

Public Law 89–387, the Time Uniformity Act. After decades of controversy, the Committee was successful in working out legislation that will eliminate some of the confusion that has grown over the years because of the diversity of daylight time standards in the several States.

Public Law 89–220, the High Speed Ground Transportation Act, to authorize research and development with respect to different forms of high-speed ground transportation, the ultimate object being the establishment of high-speed ground transportation networks across the Nation.

Public Law 89–669, the Endangered Species Act. Sets up a broad program to provide natural sanctuaries for native birds, fish and mammals that are threatened with extinction—some 30 to 40 species of native birds, and 35 kinds of mammals.

Public Law 89–563, the Traffic Safety Act of 1966. (The Tire Safety Act, to provide tire safety standards and to eliminate false and confusing labeling of tires was merged into this Act).

Public Law 89–95, the Pipeline Safety Act. Arms the Interstate Commerce Commission with authority to establish safety standards for interstate pipelines under its jurisdiction.

Public Law 89–544, to prevent dog and cat theft and to prevent cruel and inhumane treatment of animals intended for use in research facilities.

Public Law 89–304, authorizing a program for the conservation and development of the Nation's anadromous fish, (those fish such as the Atlantic and Pacific Salmon, striped bass and sturgeon which spawn in fresh water). A badly needed program as fish stocks have become depleted through pollution, construction of man-made obstacles in spawning streams, broad industrial and other urban developments, while at the same time interest in sport and commercial fishing has tremendously accelerated.

S. 985, Public Law 89–755, the Fair Packaging and Labeling Act, to protect the consumer against confusing, false and misleading labeling and packaging.

S. 2218, Public Law 89–658, to establish a 12-mile fishery zone in order to protect our coastal fishery resources for American fishermen.

S. 2720, Public Law 89–701, to authorize experimental plants for the production by the commercial fishing industry of fish protein concentrate.

S. 3298, Public Law 89–756, the so-called Child Protection Act, would amend the Hazardous Substances Act of 1960 to cover hazardous substances intended for household use or for use by children, whether or not in a household package.

H.R. 10327, Public Law 89–777, Cruise Ship Safety. To protect American citizens from embarking at U.S. ports on dangerous or obsolete ships, such as the ill-fated *Yarmouth Castle* and to require financial responsibility adequate to protect passengers who are stranded or abandoned by cancellation of a cruise, or who suffer injury or death in a disaster at sea.

S. 2825, providing criminal penalties for anyone making obscene, harrassing or threatening telephone calls in interstate or foreign commerce. Passed Senate but did not receive final House action.

S. 2916, the Weather Modification Act of 1966, would authorize an expanded, centrally coordinated weather modification program by the Federal Government. Passed Senate but did not receive final House action.

S. 3197 and S. 3198, bills to amend the Federal Aviation Act, to safeguard United States airlines against discriminatory acts by foreign governments or foreign air carriers. Passed Senate but did not receive final House action.

S. 3446, to consolidate and re-enact the shipping laws of the United States. Final implementation of a program to combine into a single statute all of the maritime shipping statutes of the United States. Passed Senate but did not receive final House action.

S. Res. 147, providing for the settlement of disputes involving amateur athletics. Following lengthy hearings the Committee evolved a plan to create an Arbitration Panel to settle the unfortunate controversies that have arisen in the field of amateur athletics.

OTHER NON-LEGISLATIVE ITEMS

The Committee conducted a study of the Northeast Power Failure of 1965, and is maintaining continuing surveillance of this problem.

The Committee has conducted a study of the safety of natural gas pipelines, and has initiated public hearings on legislation requested by the Federal Power Commission to give them authority to set up standards. The hearings will be completed on this legislation early in the next session of Congress.

Recognizing the ever-growing number of problems affecting the consumer, the Committee has established a Standing Consumer Subcommittee to cope with these matters.

Fiscal 1967 budget figures for Government activities within the Legislative jurisdiction of the Senate Committee on Commerce

Activity:	*Amount*
Department of Commerce	$1,261,990,000
Panama Canal	46,000,000
Interior Department-Fish and Wildlife Service	89,558,000
U.S. Coast Guard	492,681,000
Federal Trade Commission	14,000,000
Federal Power Commission	14,000,000
Federal Aviation Agency	903,831,500
Federal Communications Commission	17,338,500
Interstate Commerce Commission	27,759,000
Civil Aeronautics Board	75,500,000
Total	2,942,548,000

NOTE.—Not included in this grouping are the Military Air Transport Service (MATS) and the Military Sea Transportation Service (MSTS), whose total appropriation probably would add another *billion dollars* to the total shown above. Nor is there included the new Department of Transportation for which funds are provided in the fiscal 1968 budget.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senator from Ohio.

Mr. LAUSCHE. Mr. President, efforts were made to point out the weakness of my argument. It was said that I have gone back to 1949.

I point to the jump in expenditures of this committee from 1963 to 1967.

The committee spent $247,000 in 1963 and wants $500,000 for 1967. That is an increase of more than 100 percent in 4 years.

It is a simple matter to argue concerning the huge volume of work that is being done and citing subcommittee after subcommittee.

It is true that we have the committees enumerated by the chairmen, committees such as the Marine Subcommittee, the Transportation Subcommittee, the Aviation Subcommittee, and other subcommittees.

Mr. President, I am chairman of the Transportation Subcommittee. It is an important subcommittee. We have held many hearings and have reported or had hearings on all of the pressing legislation. I positively state that on the basis of the need I have for clerical help in the Transportation Subcommittee, we cannot justify the $500,000 allocation for 1967 when we got along with $247,000 in 1963.

My expert, Mr. Sender, helps me materially. I point out that I have not appointed a man to be my assistant as chairman of the Transportation Subcommittee. I suppose I had that right, but I was afraid that if I were to appoint another man to represent me, another employee would be added to the committee.

The proposed increase is entirely too much.

That is all that I have to say on the matter. I am ready to have a vote on a division basis on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment. On this question a division has been called for.

On a division, the committee amendment was agreed to.

Mr. LAUSCHE. Mr. President, let the RECORD show that I voted against the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 72), as amended, was agreed to.

CERTAIN STUDIES BY COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 50, Senate Resolution 67, which was temporarily passed over at the request of the distinguished majority leader.

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

The LEGISLATIVE CLERK. A resolution (S. Res. 67) to provide additional funds for the Committee on Foreign Relations for making certain studies, reported with an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 20, after the word "exceed", to strike "$250,000" and insert "$225,000".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 67) was agreed to, as follows:

S. RES. 67

Resolved, That the Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1967, to January 31, 1968, inclusive, is authorized (1) to make such expenditures; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings to take such testimony, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate, and may enter into contracts for this purpose.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $225,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, at the conclusion of the debate on and the disposal of the next resolution, it is the intention of the leadership to ask for a brief morning hour and then proceed to the unfinished business.

FUNDS TO INVESTIGATE MATTERS PERTAINING TO PUBLIC AND PRIVATE HOUSING AND URBAN AFFAIRS, INCLUDING URBAN MASS TRANSPORTATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 44, Senate Resolution 46.

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

The LEGISLATIVE CLERK. A resolution (S. Res. 46) authorizing the Committee on Banking and Currency to investigate matters pertaining to public and private housing and urban affairs, including urban mass transportation, reported with an amendment.

The PRESIDING OFFICER. The committee amendment will be stated.

The legislative clerk read as follows:

On page 2, line 18, after the word "exceed", to strike out "$150,000" and insert "$138,000".

Mr. WILLIAMS of Delaware. Mr. President, I wish to make some remarks with reference to this resolution, and to point out some loopholes in the FHA's procedures that the committee should examine.

The Federal Housing Administration, according to the most recent available report, had an inventory of repossessed mortgages totaling $1,233,570,225.

These are mortgages upon which foreclosures have been taking place and where the Government has taken control of the property. That is a little more

than $1¼ billion. Of that amount $730,532,000 represents foreclosures on multifamily projects that have been taken over by the Government.

Our loss ratio on these multifamily projects when resold averages around 45 percent. This means that we are losing approximately 45 percent on every multifamily mortgage that is defaulted.

I think that the time is long past due when the Congress and the Housing Administration should reexamine its policy as to the loose manner in which it is approving these loans.

The Committee on Banking and Currency should give special attention to this situation with a view to corrections in policy in order to reduce this loss.

I point out one particular weakness in our FHA program, which I have discussed before. It concerns the mathematical consequences of this point system.

This system results in the homeowner—speaking of the individual homeowner—who is financing his mortgage for $15,000 having to discount that mortgage in order to get his home financed. This means higher interest.

The result is that the mortgage lenders who are handling these mortgages make more money on the mortgages upon which they foreclose than they do on the borrower who pays his bills.

That is contrary to all sound business principles.

It works out in this manner—suppose that the mortgage bears 6 percent interest and is a 30-year mortgage.

Under the point system, assuming that the morgage is issued at 6 points, that means a receipt by the borrower of $940 per thousand borrowed.

The mortgage lender or banker gets 6 percent for his money plus the extra $60 per thousand allowed by the discount, which amount is amortized over a period of 30 years, bringing the interest rates close to 6½ percent. If, however, this home buyer defaults on his mortgage—we will say within 6 years—they collect all of the 6 points in 6 years, which would raise his rate immediately to a full 7 percent.

On the other hand, if the lender is "fortunate" enough to finance this mortgage to an individual who will default within 1 year, he collects his 6 percent interest on that 1 year, plus his 6 points. This gives him a 12 percent profit solely because the man defaulted in 1 year.

It is dangerous to have a built-in provision under which the lenders can make more money on bad credit risks than they can on good credit risks. This actually creates the situation where they do not care how poor a credit risk may be, just so they can get it by the FHA.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. In Cleveland, I contacted a trustee in bankruptcy who had before him the holdings of lending agencies. I was told that he had in his portfolio many cases where the Federal Government guaranteed mortgage loans in the amount of $20,000 and $25,000. He showed me the documents: $20,000 loaned, mortgage and note; 10-percent bonus—that is a charge of $2,000 to make the loan; 6 percent actual interest. When the money was distributed by this lending agency, it had a note and mortgage for $20,000 but only loaned $18,000; $2,000 was kept as a bonus and premium for making the loan.

The Senator from Alabama [Mr. SPARKMAN] knows of my bill, and that is why I am mentioning this. The facts showed that they had made the loan in the hope that the borrower would default. And he normally defaulted within 1 year, 18 months, 2 years. He was gone.

Now, what was the net result? The lender got his $20,000 back—the Federal Government having guaranteed not only the payment of the $18,000 that was actually delivered, but also the payment of the bonus.

It is simply unbelievable that the Government of the United States is participating in this situation, as a guarantor, saying to the lender, "You make the loan. We will guarantee the payment of the principal as set forth on paper, $20,000, although you only paid out $18,000. We will guarantee your interest."

Those mortgage loans were defaulted in 1 year, 2 years. Mostly poor people were involved. The U.S. Government, in my judgment, was a participant in a fraud. Any man who is willing to pay a $2,000 bonus on a $20,000 loan is up against it. And he will not be able to extricate himself.

May I say to the Senator from Delaware that I have a bill pending which would cure that situation, and I hope that some Senators will begin subscribing to the thought that this condition should be remedied.

I commend the Senator for raising this question, because it is of great importance.

Mr. WILLIAMS of Delaware. The example that the Senator from Ohio has just given illustrates the problem about which I am speaking.

Suppose a 6-percent interest-bearing mortgage for $20,000 is discounted at 10 percent. If the borrower defaults in 2 years, the lender gets an extra 5 percent for each year, or 11 percent on his money. If the borrower defaults in 1 year the lender collects 16 percent, the 10 percentage points plus his 6 percent interest. If the borrower defaults in 6 months the amount multiplies beyond that.

If a man is a good risk and makes his payments he amortizes the mortgage over 30 or 40 years. The result is that the sooner the borrower goes broke, the better it is for the lender. That is a ridiculous situation, yet for the past several years we have not been able to get any correction.

I am glad that the Senator from Ohio has offered a bill to correct this evil, and I shall certainly support it.

Last year I offered an amendment which would have corrected this situation. My amendment provided that the Federal Government under no circumstance would insure or pay to a mortgage holder an amount greater than that which he had actually advanced to the borrower. Only by the adoption of such legislation can we correct this problem, because so long as this umbrella is held open we will have these lenders making loans and hoping that the borrowers are bad credit risks. Under this Government program the commoner the credit risk, the more money the lender will make.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SPARKMAN. Mr. President, I commend the Senator from Delaware and the Senator from Ohio for their interest in this very serious matter.

No one in the Senate has fought harder than I have fought, over the years, to do away with discounts. As a matter of fact, several years ago, I believe it was in 1950, we passed a law to prohibit discounts. Later on, we passed a law to control discounts.

However, we come up against this very practical problem, a problem that the FHA came up against in trying to administer the law: The interest rate ceiling is set at 6 percent.

If the cost of money rises and it pushes up against that 6-percent ceiling, something has to happen, if mortgage loans are going to be made.

It may be that the way to solve this problem is to do away with the fixed ceiling of 6 percent and make the interest rate variable. It seems to me that that may be the only practical way of doing it. I do not know.

I have not studied the bill that has been presented by the Senator from Ohio, but if he has a solution in his bill, I shall certainly be glad to support it, as I supported the amendment offered last year by the Senator from Delaware, and I fought for it when the matter went to the conference with the House. However, I was not able to sway the entire conference. As a result, the only way we could get a conference report was to make the changes that were made.

I wish to say for the record, in order to avoid any confusion, that the FHA has in effect a regulation which provides that insurance will be agreed to only if the total cost to the borrower for all fees and charges, including discounts, do not exceed 1 percent. I believe that if this question is studied, it will be found that that is the maximum amount that can be paid by a mortgagor under an FHA-insured mortgage.

Incidentally, the Department of Housing and Urban Development has just completed a study on discount points.

This matter is not new. We have been fighting this issue for many, many years.

The practice of discounting permeates even the Housing Department about 3 months ago, the Federal National Mortgage Association announced that it would charge 2 points on the mortgages under special assistance programs. Special assistance programs are those requiring special Government help because they are either new or highly risky and therefore not attractive to the regular mortgage market. In the past FNMA has generally bought these mortgages without discount.

I immediately wrote a letter of protest and pointed out the traditional objections of Congress to this practice and the strong language in the conference report against charging points, and FNMA

backed off on its special assistance programs.

Mr. President, I wish I could make that same challenge with reference to the ordinary FHA mortgages, but it is not possible because there is this fixed interest rate of 6 percent, above which they cannot go unless the law is changed. If we can work out a good program to do away with discounts, I hope that we shall do so.

The Department of Housing and Urban Development has just completed a study, as I said a moment ago, on discounts, and our Banking and Currency Committee is publishing this report as a committee print. The report will be available from our committee, in the next few days. I look forward to studying this report and any recommendations to do away with this discount practice, which I consider to be a vicious practice.

Mr. WILLIAMS of Delaware. I thank the Senator. The reason I am pointing out this problem is that this is one of the areas to protect the home buyer. We also need to protect the taxpayer. I am familiar with the regulation, and a regulation alone will not solve the problem. We must amend the law. The regulation states that the FHA will not guarantee any mortgage which bears interest over the normal mortgage price. That sounds good, but in practice it means nothing.

Mr. President, using the same example which the Senator from Ohio mentioned, the $20,000 mortgage which was sold at a 10-percent discount, suppose it were a 6-percent mortgage amortized over 40 years; that 10-point discount would result in increasing the interest one-fourth of 1 percent per year, or to a yield of 6¼ percent a year. It actually figures out, when we consider the declining payments on a mortgage, as between 6¼ percent and 6½ percent. FHA would accept that formula on the basis that it is not unrealistic in comparison with the existing interest rates.

However, if the FHA recognizes the propriety of 6¼- to 6½-percent mortgages, then why could there not be an amendment changing the law? Why perpetuate the situation whereby if it is a bad credit risk and there is a failure in 2 years they get 11 percent, and with a 6 months' failure they can go up to 20 percent in interest?

Mr. President, in my judgment, the only way to correct this situation is to insist that these mortgages be financed at par. Let us provide for interest rates where they must be, and if there is to be allowed 6¼ and 6½ percent, as this regulation would, let us put it on the mortgage. We should stop issuing a 6-percent mortgage when the charge really runs as high as 15 or 20 percent. Let the borrower know what the cost really is.

Mr. President, this administration has said much about truth in lending. Here is a place where they can start by telling the home buyers the truth. Congress should start at home and clean up our backyard. Then we will be in a better position to tell the private money lenders how to run their business.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. There has been a misunderstanding of my description of the situation in Cleveland. In Cleveland there was not one case that was involved but an entire portfolio of cases.

Mr. WILLIAMS of Delaware. Yes.

Mr. LAUSCHE. The investors or lenders were loaning on a 6-percent rate but were charging a 10-percent bonus. I understand that in Chicago they are charging 15 percent.

I wish to add one matter. Any time that a borrower is willing to pay 6 percent and, in addition, a 10- or 15-percent bonus, he is in trouble. The lender has him by the neck. The poor man says, "Loan me this money and I will pay you a bonus of 10 or 20 percent." It would be far better for the Federal Government to say, "When you agree to pay this exorbitant bonus, you are never going to get out of debt."

Why do I say that? I was on the bench in Cleveland when, in the depression, there was a 3-percent-a-month rate. That is, the lender loaned $300, and he got $9 a month interest, or $108 a year. Any person who ties himself into that type loan has a chain around his neck from which he cannot extricate himself.

Any persons agreeing to pay 10 percent were in the slum area. They were poor people and, of course, they defaulted. The Government paid the 6-percent interest and the 10-percent bonus to the lender.

Mr. WILLIAMS of Delaware. I thank the Senator from Ohio. He is correct. This is a widespread practice.

Mr. President, this is not an isolated case because more than 90 percent or practically all, of the FHA mortgages in the last few years have been selling at discounts. That is the only way that they were able to place a 5- or 6-percent mortgage. It is general. I might add that if this were a private individual loaning money at 6 percent, taking a note for $1,000, and then only giving the man $900, in the State of Delaware such an individual would go to the penitentiary; yet the Federal Government is doing just that and getting away with it.

Mr. SPARKMAN. Mr. President, I am in agreement in principle with what is being said. But I wish to emphasize this because the statement has been made that it is the home buyer who pays this. If it is an FHA mortgage, the homebuyer is not charged for any more except the rate of interest, and the maximum is 6 percent, plus fees and other charges not to exceed 1 percent. If there is more than that, it is the seller of the home or the homebuilder who pays. I am not saying it is not just as bad. It is, but I think we should have this for the record.

Mr. LAUSCHE. The Senator from Alabama cannot and should not attempt to support that indefensible argument.

Mr. SPARKMAN. We should have the record show that it is the seller of the home who pays the excess over 1 percent.

Mr. WILLIAMS of Delaware. Technically the Senator may be correct. Which came first the chicken or the egg? A homebuilder who has 100 homes in his development and can afford to sell these at $18,000 apiece knows that he is going to have to discount the mortgage by 10 percent, so he gets FHA appraisal for $20,000; then he can discount at 10 percent and still have his sales price. Certainly it ends up that the homebuyer pays for these discounts.

The builder has to take into consideration what he is going to get for that mortgage, but it ends up that the man taking that mortgage makes more money on it if it is a bad credit risk. I repeat, the worse the credit risk the more the lender makes. That is a ridiculous situation when we find that the Federal Government encourages such a practice.

I had one situation to which I called the attention of the Senate last year. That situation involved a veteran who was serving in Vietnam. While he was in the process of leaving from a base in this country his wife left the home in Texas to be with him. She became delinquent in three payments on the home. The mortgage company foreclosed. This family had already paid about 35 percent of the cost of their home. She became delinquent on three payments, and they foreclosed because under the point system they made more money. There would be no other reason.

This person offered a certified check covering all back payments and the current payments, which would have brought the mortgage up to date, yet the lender refused to accept it and said, "We want the full amount." They could then cash in on the extra points.

The Federal Government went along with this foreclosure and caused them to lose their home. The FHA then said that they would rent it back to the wife while her husband was in Vietnam. They had already paid one-third of their mortgage, yet they lost their home.

Practices such as that, which are condoned by the Federal Government, would be denounced if done by a private individual. They would be termed "Shylocks" for trying to take advantage of an individual homeowner while her husband was in the service.

Is this the program that this Great Society advances as a solution to poverty?

A private lender who followed such a practice would be denounced by the same administration that condones this formula.

I think that the time for correction is long past due. I am supporting the proposal of the Senator from Alabama to study this program and come up with a solution. We have the same objectives.

There is one other area which needs to be corrected; and that is, the question of multifamily projects. They are now being built by sponsors with no financial responsibility imposed upon them. The promoters go to a nonprofit organization such as a church or a lodge and get them to accept sponsorship. With sponsorship of a nonprofit organization they get 100 percent financing rather than 90 percent. They build the project and get the profit for the construction. They are operating as builders, more interested in the profit in the building than in the project itself. The result is that a large number of these projects go broke before the doors are ever opened. I have cited examples of scores of multimillion-dollar projects

going broke before the doors were ever opened, yet the men promoting them walk out with no financial responsibility whatever. They walk out with a nice fat profit from builder's fees and architect's fees plus an inflated value on the land.

The Comptroller General issued several reports showing that many mortgages were running at 110 percent of the actual expenditures by the promoters and that project after project was going broke as soon as constructed.

We need a special law to make the sponsors of a project—that is, those originating the project and taking the profit—have some degree of financial responsibility to pay the loan. It is an outrage to find that these same groups of promoters going broke and then starting a series of new corporations to build other projects under a different name, still being financed by the same agency.

Some time ago, I pointed out a case in Cincinnati, Ohio, where the Hamilton Co., composed of Mr. Harry J. Krieger and Mr. Lewis I. Leader, of that city, had four projects.

The first project was finished with an FHA mortgage of $4,177,500. The General Accounting Office audited this project and said that the total cost, including all expenditures, was $3,942,795, which gave them a windfall profit of $186,155.

It was supposed to be a 90-percent-financed project, but it was financed at nearly 105 percent. Yet it went broke before they ever got it operating.

These same individuals had another project in Cincinnati. The mortgage was for $2,254,500, and the mortgage was again inflated above the actual cost, this time for $86,659. They took their profits and let the taxpayer hold the bag.

The same individual had a third project in the same area, a mortgage for $3,206,900, and the General Accounting Office audited the books and said that he had a $98,661 profit thereon. Altogether, they walked out with a profit of around $371,475 plus their regular builders' fees on these three projects. A fourth project netted them $98,055 above actual cost. Then the projects went broke.

But that is not all. That is just the beginning. It came to my attention that these same individuals had a long record of similarly inflated mortgages. This was just a small part of their operations.

Over the years their windfall profits ran into the millions of dollars.

For example, when the Capehart committee was examining windfall profits in 1954 we find that Mr. Leader and a Mr. Kapelow were operating at that time as the Shelby Construction Co.

I will insert this report in the RECORD, but I should like to quote just one paragraph from the FHA hearings in 1954 wherein the committee refers, to projects by this same outfit, whose operations were in Cincinnati and have just been described.

I quote from that report:

Shelby claims the windfall was $1.7 million; FHA says it was $3.4 million; and our staff believes it to be about $2½ million.

This report refers to windfall profits that were taken by the same group as outlined in the 1954 investigation by the Capehart committee.

Mr. President, I ask unanimous consent that excerpts from the hearings of the Capehart committee of the 84th Congress, first session, be printed in the RECORD.

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

REPORT OF FHA INVESTIGATION

SHELBY CONSTRUCTION CO. AND WARNER-KANTER COS.

The second tax pattern followed by section 608 builders was designed to avoid the payment of all taxes. Shelby Construction Co., the Warner-Kanter Cos., and Saul Silberman are illustrations of this technique.

Paul Kapelow and Louis Leader incorporated Shelby Construction Co. in 1948 with a capital of $100,000. (Emile Bluestein originally owned 10 percent of the stock but they later bought him out for $315,000.) Kapelow and Leader created 11 corporations, known as the Parkchester group, which were wholly owned subsidiaries of Shelby. These corporations had no assets (perhaps a few hundred dollars each) other than the land on which the project was subsequently built. Those 11 "paper" corporations obtained mortgage commitments from FHA in the amount of $10.8 million for the construction of a section of 608 projects in New Orleans.

The Parkchester group corporations then entered into contracts with Shelby for the construction of the project for amounts which resulted in Shelby obtaining the entire mortgage proceeds. The cost of the project was substantially less than the mortgage proceeds. Shelby claims the windfall was $1.7 million; FHA says it was $3.4 million; and our staff believes it to be about $2.5 million. The difference in these figures results wholly from different views as to the propriety of including as costs of construction such items as payments to the sponsors themselves, entertainment, and travel expenses.

On completion of the buildings only the Parkchester group corporations were liable for the repayment of the mortgage debt. But the excess mortgage proceeds were in the hands of Shelby which was not liable for the mortgage debt. The 11 companies and Shelby then filed a consolidated income tax return which avoided the payment of any income tax on the "windfall profits" by treating the transactions as intracompany dealings. Thus the windfall profits were transferred to Shelby, not liable for the debt, without the payment of income taxes. The property soon got into difficulties and was virtually abandoned by the Kapelow interests. Shelby sold its stock in those 11 companies to a group of New Yorkers for $5,000 cash and an additional $110,000 to be paid over a period of time (presumably out of rental income). The property has since defaulted and is now in the process of foreclosure by the Government.

Kapelow and Leader have had full use of these funds without paying taxes on that income. Shelby has never paid any dividends, and salaries to Kapelow and Leader have been modest, but very substantial sums have been loaned by the parties. At the inception of this project, Kapelow and Leader presented financial statements showing each was worth $300,000. They used these "windfall" funds to finance other projects and 4 years later their financial statement showed each to be worth $3½ million. Had normal income taxes been paid by these businessmen on the earnings of their labors it would not have been possible for them, after the payment of their taxes, to have accumulated that wealth in so short a period of time.

Sponsors: Paul Kapelow and Louis Leader.

Associate: Alex Kornman.

Project	Corporate capital stock	Project mortgage proceeds (including premium)	Total project cost	Windfall
Claiborne Towers, New Orleans, La	[1] $700,000	[1] $9,230,600	[1] $9,133,484	[1] $97,116
Parkchester Group, New Orleans, La	[2] 656,100	[2] 10,845,600	[2] 9,099,412	[2] 1,746,188
Audubon Park Group, St. Louis, Mo	[3] 328,700	[3] 11,328,351	[3] 11,770,351	[3] −442,000
Roselawn Apartments, Natchez, Miss	[4] 121,600	[4] 1,741,600	[4] 1,529,289	[4] 212,311
Total	1,806,400	33,156,151	32,532,536	1,613,615

[1] Combined figures for 2 project corporations.
[2] Combined figures for 11 project corporations.
[3] Combined figures for 4 project corporations.
[4] Combined figures for 8 project corporations.

Mr. WILLIAMS of Delaware. After this report was made public in 1955, this outfit then decided it wanted to go to Puerto Rico and get an FHA housing project approved down there.

The underwriter's report on that project was most critical of their plans. The underwriter's report calls the attention of the agency to the fact that the applicant for the $26 million Puerto Rican project in 1959 had a very bad credit rating with the U.S. Government and recommended strongly against their application being approved for any further financing by the FHA.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts of this report by the underwriting adviser of the FHA itself.

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

During my inquiry several matters were noted that I deem advisable to bring to your attention for such action as may appear appropriate to you. These I will first relate, following which are additional data that may be useful to you in subsequent appeal by these influential sponsors, in event the 800 unit allocation should not subsequently be approved.

UNUSUAL ASPECTS OF THE PROPOSAL

1. Office has allocated 800 units to these sponsors, *exceeding* the present San Juan *allocation* by H&HFA *by 60 units*. Prior allocations have used up 260 units, leaving a remainder of only 740 units. (See Exhibit "1"—Memo from Assistant Chief Underwriter McCormick to Director Edwards, dated 8-26-59, calling attention to this over-allocation.

2. Attached as Exhibit "2" is thermofax copy of letter from H. J. Krieger, President, Hamilton Company of Cincinnati, requesting allocation of 1650 units under Section 221 for construction of 1, 2 and 3 BR apartments at shelter rents of $70–$80–$90.

a. Attached as Exhibit "3" is thermofax copy of letter from Director Edwards, San Juan Office, to Mr. H. J. Krieger, Hamilton Company, Cincinnati, Ohio, advising that the office has 800 Section 221 units available for allocation and agreeing to assign to Mr. Kreiger for a 6 months period.

b. This appeared to me to be a trifle un-

usual inasmuch as the office had only 740 unallocated units for San Juan, thus this 800 allocation constituting an over-allocation of 60 units, as pointed out by Assistant Chief Underwriter McCormick. (See Exhibit "1")

c. The alacrity displayed by the office in making this allocation was indeed surprising to me. Mr. Krieger's letter mailed from Cincinnati on *August 13th;* date stamped as Received San Juan Office *August 13th;* request received, considered and approved by San Juan Office on *August 13th.*

3. Attached as Exhibit "4" is memorandum from Director Edwards to Mr. Frank Daniels, Special Assistant for Urban Renewal, Washington Headquarters, advising him of the 800 unit allocation as the "first major breakthrough", and further advising that Mr. Krieger has requested 1650 units and *we have taken steps through H&HFA* and Puerto Rican Urban Renewal & Housing Authority to secure an additional allocation. Mr. Krieger going to Ponce next week to secure land there *to take up the allocation in that area.* (Land was obtained) This is, of course, the Director's prerogative.

COMMENT

I assume that the additional 1650 units for San Juan are likewise to be allocated to Messrs. Lewis Leader and Harry Krieger, et al, of Hamilton Company, when the San Juan H&HFA make the additional allocation.

As Mr. Edwards states, these sponsors are acquiring land in Ponce "to take up the allocation in that area." Arithmetically, this adds up to a potential total of 800+1,650 +495 or 2,945 units. At $8,000 per unit (100% loans) this could approximate over $26,000,000 in Section 221 Rental Unit Mortgages for Messrs. Lewis Leader and Harry Krieger.

Mr. Krieger informed Assistant Director Floyd Hicks and myself that he was eager to acquire other unallocated Section 221 units in Puerto Rico where substantial numbers were involved. For example, there are unallocated units of 495 for Ponce, 350 for Caguas, 660 for Mayaguez.

Before engaging in such an extensive rental program in Puerto Rico, I suggest that you check with Mr. Lemuel Showell, Director, Property Management Division, for his opinion and experience with the L. D. Long rental properties in San Juan, Mayaguez and Ponce. This unfortunate experience extends over the past 7 or 8 years and still remains unsettled. I refer to:

Villa Grillasca Duplexes—Ponce—720 units.

Mayaguez Terrace Duplexes—Mayaguez—500 units.

Ponce Darlington Elevator Apts. (14 story)—121 units.

Mayaguez Darlington Elevator Apts. (14 story)—121 units.

Rio Piedras Darlington Elevator Apts. (14 story)—121 units.

By analogy it appears to me that we should give some consideration to the unfortunate experience we have had with entrepreneur L. D. Long in the allocation of a large number of rental unit commitments to one man without due consideration of the rental market. Mr. Long's projects totaled $7,850,000. We are now dealing with a potential $26,000,000 plus. Mr. Long is an intelligent man; by comparison with the Leader-Kapelow-Bluestein-Krieger group he is an amateur.

4. I question the propriety of allocating 800 units to one sponsor rather than dividing among other builders. It would appear mort politic to me to hold initial allocations to a maximum of 200 units, or less, until the office can ascertain *market acceptance,* the latter being a matter of underwriting determination.

a. The H&HFA allocation for San Juan dated 9-30-57 was for 1,000 units. On 11-13-58 Frank Ramirez was allocated 260 units. On 8-13-59 the Hamilton Company (Leader & Krieger) were allocated 800 units.

5. Sponsors Lewis Leader and Harry Krieger were involved in the 1954 FHA investigation, operating as Shelby Construction Company in New Orleans. Commissioner Mason, in a press release 10-28-54, stated: "he has taken action to recover a windfall of nearly 3½ million dollars, one of the most shocking of the pre-1950 windfall scandals uncovered." See more detailed explanation under "Mortgage Credit Observations," later herein.

6. In addition to the 800 Section 221 unit project, the office is seriously considering an 800 unit elevator Section 207 project on Roosevelt Road in Rio Piedras, more distant than the Rio Piedras Darlington Apartments (L. D. Long) that FHA recently sold at a loss after much litigation.

MORTGAGE CREDIT OBSERVATIONS

The Hamilton Company—Lewis Leader-Harry J. Krieger, et al—were participants in Shelby Construction Company's Section 608 projects in New Orleans in which FHA Commissioner Norman Mason alleged "windfall profits of over 3½ million dollars were obtained. Shelby Construction Company admitted $1,700,000.

Knowing the background of these principals, it would be naive to believe that they are proposing to build 800 plus rental units under Section 221 in San Juan through the medium of "non-profit" organizations without the strong possibility of immoderate profits. Headquarters General Counsel files are replete with factual analyses of the machinations of these operators. I am not, however, suggesting that they be denied FHA participation in any of our programs. I do suggest that we exercise all possible caution to prevent a recurrence of such incidents as those employed by these sponsors in their New Orleans operations. The current proposal presents profit avenues that could and, I believe, would result in subsequent loss to FHA and, per se, warranted criticism.

On July 20, 1955, Headquarters Legal Division advised Director Ralph Agate of the New Orleans Office in substantive detail concerning the Parkchester Apartments (1356 units) in New Orleans, for presentation to the U.S. District Attorney (copy available upon request). Highlights include:

1. Write-up on land, approximately $1,000,000—with concrete evidence of identity of interest and short period of time involved.

2. Internal Revenue estimated construction costs of $7,367,709 as opposed to Construction Contract of $9,995,921 and Mortgage Loan of $10,845,600. This constituted a "mortgaging out" of $3,477,891 (according to BIRS).

3. The Parkchester buildings were completed in the Spring of 1950 and due to *high rentals,* poor management and unforeseen *problems of accessibility* to the project, *occupancy* of apartments was low and defaults on the mortgages were imminent even at that time.

4. Operating costs, commissions, salaries and other overhead expenses were excessive and further drained on the 11 mortgagor corporations. FHA granted Forbearance of amortization and contributions to Reserves for Replacement for 17 months.

5. On June 10, 1952 the 11 corporations were sold by Lewis Leader, et al, for $5,000 cash and $100,000 in notes to a New York City group consisting of Sidney Orsich, Irving Ornstein and Anita Brooks, as Danreger Realty Corp. There was no longer any identity of interest. By February 1953 all 11 projects were in default.

6. On April 28, 1953 Institutional Securities Corporation of New York City assigned 8 of these Parkchester corporations to FHA for debentures at a cost to FHA of $7,345,345. Teachers Retirement Association of Illinois, holder of the other three mortgages, continued to tolerate the default without assignment in the face of obvious mismanagement and systematic milking of Parkchester corporations. FHA finally acquired these 3 corporations on 10-18-54 through foreclosure.

7. The great variances between the mortgage insurance commitment and actual construction costs indicated sponsor's deliberate inflation of costs in fraud of FHA and with intent to mortgage out. This was alleged to have been accomplished by the suborning of FHA employees through gratuities, etc. Chief Underwriter Salvant admitted the acceptance of expensive "gifts". This is an indication of the modus operandi of these operators.

8. At the inception of the Parkchester project, Lewis Leader and his brother-in-law Paul Kapelow of Shelby Construction Company, presented financial statements showing each was worth about $300,000. Four years later their financial statements showed each to be worth 3¼ million.

9. Criminal action for conspiracy was suggested based upon these people:

a. Selling land to themselves as mortgagor principals through wash sales at an inflated figure.

b. Padding construction estimates in applications for mortgage insurance.

Letting the contract to themselves at patently inflated figures.

Milking the 11 corporations for several million dollars in mortgage money and operating profits.

e. Unloading after taking the maximum of profits and windfalls at a time when financial default was imminent.

10. Shelby Construction Company offered to pay back $1,000,000 into the foreclosed corporations and buy them back in a foreclosure sale. I do not recall FHA's final settlement with Mr. Leader, et al, but, of course, the New Orleans Office would have this information as no doubt would Headquarters Legal Division. It is, in my opinion, unfortunate that FHA must continue to do business with people of this character. I think we could profit by an old Spanish adage "Quien te engaño, te engañara; y si repite, bien te estara". "If a man deceives you once, shame on him; if twice, shame on you".

Mr. WILLIAMS of Delaware. Mr. President, this report refers to the fact that these people were involved in the 1954 FHA investigation and quotes Mr. Mason in a press release in 1954 as stating that he had taken action to recover a windfall of nearly $3.5 million. Mr. Mason had referred to this case as one of the most shocking of the pre-1950 windfall scandals uncovered.

Yet in 1959, just 5 years later, notwithstanding their bad record they were approved for $26 million financing for a housing project in Puerto Rico. This approval was over the objection of the underwriter, who strongly recommended against it.

These were the same people who had defrauded the Government before. I might say that this project likewise failed. But then, moving down, we find that the same individuals last year were the promoters in a Summit House Apartments project in Arkansas. This was a $3,100,800 project and it too failed. The same Mr. Kapelow was involved in that financing.

The Comptroller General wrote a scorching report criticizing the land values which had been written up to provide a large windfall profit.

Thus we find a series of operations in which the same group of individuals defrauded the Government. There was a windfall profit in all of their dealings. Every project went broke, yet the FHA had those people on its good credit risk list.

Federal Housing Administration Commissioner Brownstein has issued a direc-

tive to establish a central clearinghouse of bad credit risks. I urged this action 2 years ago. Following my comments, the FHA issued an order requiring the keeping of a record of previous bad credit risks.

There is, however, a weakness in this regulation, which was called to my attention a couple of weeks ago when I was in Florida. I was examining some of the projects in that area, and I found that while the FHA has established a list of bad credit risks these individuals have found a manner by which they can bypass that list. They merely resign as president or officers in the corporation and appoint three respectacle dummies to head the organization as president, vice president, and treasurer, and so forth. Then they proceed to have their applications approved, when in reality they continue to own stock. They are still obtaining Government financing.

What is necessary is to establish a central clearinghouse of such persons, not only by names of the corporations but also by their individual names. Let us make certain that no Government financing will be approved for Joe Doakes until he has paid the Government what he owes the Government on prior projects. Whether the person making the application is an officer or a director is immaterial. So long as he is affiliated with the organization in any capacity—whether as a stockholder or an officer—the loan should be rejected.

These people could pay if necessary. Many of them have tremendous assets on the side. I cited the case of three building projects in Florida built by Mr. McCloskey, of Philadelphia. Certainly he is able to pay his bills. All three of these went broke before the projects ever were opened, and Mr. McCloskey was not held responsible.

In fact, he is still a most favored contractor of this administration.

Practically no payments were made on the $9 million loaned to Mr. McCloskey.

I should like to review those. The first mortgage was for $2.7 million, one was for $2,903,400, and the third project was for $3,449,400, or a total of $9,052,800, loaned toward the three projects. The only payment that Mr. McCloskey made was for $6,572.31. Each went broke just as soon as finished. One was sold the other day, and the Government expects to take a loss of $1 million.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Just as a matter of information, those companies were primarily owned by McCloskey, of Philadelphia. Is that correct?

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. He was the builder?

Mr. WILLIAMS of Delaware. Yes; or the mortgagor.

Mr. LAUSCHE. Did he construct the buildings himself? What I am trying to learn is how they siphon off the money and dump the property into the hands of the Federal Government. Do they do it by the salaries which are paid, by exorbitant contracts which are let on the buildings, or how? The Senator says there was only one payment, of $6,000.

Mr. WILLIAMS of Delaware. $6,532.31 was the only payment that was made on the three loans.

Mr. LAUSCHE. How do they get these windfalls?

Mr. WILLIAMS of Delaware. They can get the windfalls in different ways.

These companies can make their money on the building contracts, on subcontracts to subcontractors which they own or control, or on inflated land appraisals. There is no law that provides they have to operate at arm's length on subcontracts.

These companies can get large allowances as fees to architects. They can get the architect to supply plans on only one building and then use the same plans on other projects. Each company is a separate corporate entity.

Assuming that the corporation goes broke, it would naturally as it were going broke file its income tax return and report a loss. Under the accelerated depreciation the building would have a loss in its earlier years. Then by filing a consolidated tax return with their other profitable operations they can get credit for that loss. Everybody is protected and makes money except Uncle Sam and the taxpayer.

If a company is to be allowed to take as a tax credit a loss sustained in a company which is 100 percent financed by the Government, why is not that same man required to put up his own endorsement on the mortgage? Let him guarantee the loan on his own project.

If a veteran of World War I or II buys a home and the home is financed by the Federal Housing Administration or the Veterans' Administration, both the veteran and his wife must pledge all of their assets—and almost their children—as a pledge toward the payment of that loan. Their furniture and their car is pledged toward payment of the mortgage. But the people operating these multiproject contracts have as many as 25 separate corporations operating at the same time, and not one of them is financially responsible for the operations of the other one. That is the weakness in the law. It needs to be corrected.

Mr. LAUSCHE. Mr. President, may I ask a question? What is the Senator suggesting? That the Banking and Currency Committee begin looking into these matters?

Mr. WILLIAMS of Delaware. Yes; it should look into these matters, to show how the taxpayers are losing money, and how the homebuyers are being defrauded.

Mr. LAUSCHE. If that is what the Senator is suggesting, let me point out that about 2 months ago a letter was published in a newspaper in Washington to the effect that a nonprofit corporation contemplated building a low-rental project at a cost of $3.6 million. It decided to make an application to the poverty agency for a $600,000 grant to do preliminary work. The application set forth how the money would be spent. It stated that $60,000 was to be earmarked for use in paying the interest while the building was being constructed, and $250,000 was to be used for miscellaneous expenses, and $290,000 for management while the preliminary work was going on. Listen to this: The $290,000, when broken down, showed that there was to be a $25,000 salary for the president, $22,500 salaries for three vice presidents, and $17,000 salaries for nine assistants to the three vice presidents.

I wrote a letter to the Office of Economic Opportunity about it, and that Office pointed out to me that there is a limitation on the amount that is allowed to be paid for salaries. But the very belief that this group could get by with a thing like that is astounding and shocking.

Since that time I have read in the newspapers that there has been a $400,000 grant made, $300,000 by the Office of Economic Opportunity and $100,000 by the housing agency for preliminary work.

It is a matter that should be looked into. All these questions should be looked into. I commend the Senator from Delaware for his discussion of this subject today.

Mr. President, I ask unanimous consent to have printed in the RECORD, in connection with our discussion of this subject an article published in the Washington Post of November 24, 1966, entitled "OEO Funds Expected for Nonprofit Housing Here"; a letter to the editor written by John R. Immer, president of the Federation of Citizens Association of Washington and a letter to the editor written by Harry A. Barbour, former executive director of the Housing Authority of Richmond, Calif.; a letter which I wrote to Mr. Shriver, Director of the Office of Economic Opportunity under date of December 5, 1966; a letter which I received from George D. McCarthy, Acting Assistant Director for Congressional Relations of the Office of Economic Opportunity; an article entitled "Housing Grant: Tenth of a Loaf," written by Carol Honsa and published in the Washington Post; and an article entitled "$400,000 Goes to Housing Unit," written by Betty James and published in the Washington Star of February 3, 1967.

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

[From the Washington (D.C.) Post, Nov. 24, 1966]

OEO FUNDS EXPECTED FOR NONPROFIT HOUSING HERE

The Housing Development Corporation expects to receive Federal funds for its proposed construction, rehabilitation and leasing program around Dec. 1 from the U.S. Office of Economic Opportunity.

The non-profit corporation which asked for $3.5 million in Federal antipoverty funds in January has scaled down its request to $600,000 for the first phase of its operations.

The Rev. Channing Phillips, HDC chairman, said the $600,000 request, revised with OEO assistance, includes $60,000 to pay loan interest charges, $250,000 for nonrecoverable revolving fund costs, and the balance for administrative costs.

The $60,000 for interest costs would underwrite a $1 million loan from local banks or foundations to HDC.

The original $3.5 million request had included a revolving fund to provide working capital for HDC operation. This was stricken from the request when Federal officials said they could not provide money for the fund. The $1 million loan and local contributions would now be used for this purpose.

Mr. Phillips said the $600,000 grant would enable HDC to make a start in all parts of its proposed low-cost housing program. The corporation's three part program includes

construction of new homes and apartments, rehabilitation of existing structures, and a management program under which HDC would lease buildings and apartments to tenants and guarantee the owners a fixed income.

FOR HOUSES OR SALARIES?

The editorial "Housing Delayed," May 4, raises more questions than it answers. You call the Housing Development Corp. "this city's most promising new housing venture." Is this really the case? Such praise can be properly applied to the Shaw School Project led by the Rev. Walter J. Fauntroy.

Such praise can also properly be applied to the concentrated code enforcement project planned by the District Commissioners for the Ivy-City-Trinidad area soon to be announced. This code enforcement project, authorized by the Housing Act of 1965, shows dramatically that, as Mayor John Lindsay's Housing Commissioner Charles G. Moedler said recently, "The importance of code enforcement as an essential tool in the maintenance of decent housing conditions is, at long last, receiving wide acceptance." It is my hope that with this start, other concentrated code enforcement projects can be immediately launched in such blighted, or partly blighted, areas as the Cardozo Area and the Adams-Morgan Area where the old style bulldozing urban renewal was wisely and properly fought by its citizens, including its Negro citizens.

The questions raised by the Housing Development $3.5 million application to OEO with the backing of UPO, which you should explain to your readers, is the probable impact the large number of high salaries it proposes to pay will have on the dedicated public services of Mr. Fauntroy and his colleagues in the Shaw School Project, and similar church-related nonprofit housing ventures throughout the Nation. What justifies a gravy train which will spend $600,000 the first year alone on salaries for insiders such as: $27,000 a year for its president, $22,000 a year for three vice presidents, $18,000 a year for nine assistant vice presidents, $18,000 a year for a general counsel, etc., etc.

JOHN R. IMMER,
President, Federation of Citizens Association.

WASHINGTON.

FAMILIAR HOUSING PLAN

The Housing Development Corporation's application should start out like this: "Dear Uncle Samuel: We have no money, neither have we any credit, but if you will turn over to us $3.5 million of taxpayers dollars we will build some moderate income housing."

There are ten thousand other organizations who are ready and willing to build under such conditions. If it is done in Washington, it must be done in every other city in the country. Such a program could easily exceed $1 billion. Nonprofit companies can get 100 per cent financing under Sec. 221D3 and that includes all preliminary expenses down to a postage stamp, so why should the Government put up taxpayers' dollars to start such groups in business?

I quote you a parallel instance. In 1942 I was approached by a persuasive individual who offered to sell me 1500 prefabricated houses at a cost of $2990 each. Needing an additional 20,000 houses to take care of workers at the Kaiser shipyards, I was naturally interested. I suggested the man take me to his yard so I could see his layout and judge for myself his ability to make deliveries. Imagine my astonishment when he said he had no yard. I asked him what would be the source of his lumber supply as priorities were necessary. He informed me that he had no source of supply, but if I would give him a firm order he would go to a bank and hypothecate the order and obtain the necessary funds to get a yard, then apply for priorities

All he had was himself, a fancy prospectu and a lead pencil. We were to guarantee him $4½ million of Federal funds, then he would start up in business, just as would the Housing Development Corporation. Needless to add, he didn't get it.

That was 24 years ago, during another war. Now here it comes again: Same book—new cover. Maybe that is HDC's idea of private enterprise.

HARRY A. BARBOUR.

(The author is a former Executive Director, Housing Authority of Richmond, Calif.)

WASHINGTON.

DECEMBER 5, 1966.

Hon. SARGENT SHRIVER,
Director, Office of Economic Opportunity, Executive Office of the President, Washington, D.C.

DEAR MR. SHRIVER: On October 17th I wrote to you about the Housing Development Corporation in Washington expressing my doubts about the wisdom of the Office of Economic Opportunity promoting the organizational set-up of this agency as distinguished from its purposes of providing on a low-rental basis housing accommodations for the impoverished.

The Thursday, November 24th, issue of The Washington Post carries the article that OEO will make a grant of $600,000 to the Housing Development Corporation for the financing of the preliminary work that must be done to eventually proceed with the financing by the Federal Government of the low-cost housing accommodations for the poor.

The article states that the Housing Development Corporation will use the $600,000 for the following purposes:

1. $60,000 to pay loan interest charges;
2. $250,000 for non-recoverable revolving fund costs;
3. The balance of $290,000 for the cost of administering the preliminary work of the program.

It seems to me that the grant of $600,000 by the OEO to finance preliminary work on this $3½ million low-cost housing program is extravagant and inordinate. I am fortified in this statement by the observation made by John R. Immer, President of the Federal of Citizens Associations of Washington, D.C., who in a letter to The Washington Post stated:

"What justifies a gravy train which will spend $600,000 the first year alone on salaries for outsiders such as: $27,000 a year for its president, $22,000 a year for three vice presidents, $18,000 a year for nine assistant vice presidents, $18,000 a year for a general counsel, etc., etc.".

Mr. Immer states that the application submitted to you points out that there will be a $27,000 a year salary for the president of the Housing Development Corporation; $22,000 a year for three vice-presidents, $18,000 a year for nine assistant vice-presidents; and $18,000 a year for general counsel.

I wish that you would answer for me the following questions:

1. Are any elected public officials to serve on the Board of Executives or Trustees, whatever they might be, of the Housing Development Corporation?

2. What is the identity and background of the persons who, according to Mr. John R. Immer, are to serve as president, vice-presidents, and nine assistant vice-presidents, and the general counsel?

3. What is the justification for OEO making a grant of $600,000 to a non-profit corporation for the execution of the preliminary work incident to the development of a $3½ million housing facility for low income citizens?

4. What if any moneys are to be expended by the Housing Development Corporation or by its executives in doing the preliminary work that will be used as the basis for making an application for a $3½ million grant at a later date?

5. Is it a fact that all of the money needed to finance the preliminary work at a cost of $600,000 and the $3½ million that will be granted by the Federal Government for the construction of the low rental cost housing project will all be provided by the Federal Government?

6. If you are approving a program with the high salaries above mentioned provided for a president, three vice-presidents, nine assistant vice-presidents, and a general counsel, aren't you sort of confidentially telling other areas of the country to likewise promote programs of this type under which professional humanitarians will be drawing high salaries to be financed by the taxpayers and similarly prosecute them in other areas of the nation?

Sincerely yours,

FRANK J. LAUSCHE,
U.S. Senator.

OFFICE OF ECONOMIC OPPORTUNITY,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., December 20, 1966.

Hon. FRANK J. LAUSCHE,
U. S. Senate,
Washington, D.C.

DEAR SENATOR LAUSCHE: Sargent Shriver asked me to thank you for your letter of December 5 requesting information on the status and the salary levels of a proposed demonstration grant to the Housing Development Corporation of Washington, D. C.

I am enclosing a letter signed by Mr. Berry, Director, Community Action Program, which indicates that this program is still being reviewed by our staff members and that no commitment has been made. Although no decision has yet been made by this Agency, you should be aware of the following facts:

(1) No proposed salary of any executive to be employed by the Housing Development Corporation exceeds $15,000 per annum.

(2) The Commissioners of the District of Columbia will appoint three representatives to the Board of Directors. In addition, the heads of the National Capital Housing Authority, the D. C. Redevelopment Agency, the National Capital Planning Commission, and the Division of Licenses and Inspections, District of Columbia, have specifically endorsed the program in writing.

(3) The applicant is not the Housing Development Corporation, but the United Planning Organization. If the program should be funded, the chief executives would be chosen by the Board of Directors of the Housing Development Corporation in cooperation with the Board of Directors of the United Planning Organization. As you know, the selection of personnel to administer community action programs is primarily a local decision.

(4) The amended application is not a request for "$600,000 to finance preliminary work on a $3.5 million low-cost housing program." The original application requested the larger amount but this figure has been reduced to $600,000 in the process of restructuring the program. The revised application requests funds from both the Office of Economic Opportunity and the Department of Housing and Urban Development only for administrative costs. It is planned that the remaining funds, up to three million dollars, will be raised from other sources such as foundations and the local community. Of course, our staff has not finished reviewing the amended HDC application and the reasonableness of the $600,000 request is still being evaluated.

(5) The applicant has requested funds for an experimental demonstration program under Section 207 of the Economic Opportunity Act. The purpose of the program would be to demonstrate a new mechanism at the local level for coordinating and mobilizing housing resources for low-income groups while facilitating the participation of private enterprise in the low-cost housing field. It is not likely that this program will be reproduced in other communities until this approach is validated.

Please do not hesitate to write if we can be of further help. Thank you for your interest in our program.

Sincerely,

GEORGE D. MCCARTHY,
Acting Assistant Director for Congressional Relations.

FOUR-HUNDRED THOUSAND DOLLARS HELD INADEQUATE—HOUSING GRANT; TENTH OF A LOAF

(By Carol Honsa)

The non-profit Housing Development Corp. received grants of nearly $400,000 yesterday from two Federal agencies to supply about 1000 new homes for low-income citizens in the Washington area.

The grants amounted to slightly more than one-tenth of the $3.5 million that the corporation originally sought a year ago for a massive attack on Washington's housing problems.

Antipoverty leaders here termed the grants a pittance, Federal face-saving and another indication of complacency about the city's low-income housing needs.

The grants were $294,294 from the U.S. Office of Economic Opportunity, the Federal antipoverty agency, and approximately $100,000 from the U.S. Department of Housing and Urban Development through its low-income housing demonstration program.

They will provide administrative and operating money for the corporation, which will have to tap community resources for an operating fund to acquire land, build homes and apartments, and rehabilitate old structures.

The Rev. Channing E. Phillips, corporation chairman, said he assumed the grants included funds to pay interest charges on borrowed operating money. An operating fund of $1 million is needed for the first year of the program, he said. Further Federal funds will be sought when the two grants expire, he said.

James Banks, United Planning Organization director, said the two grants were "nowhere nearly sufficient to make a sizable impact on the housing needs of Washington.

"When we use a pittance to grapple with major problems, it is another indication of the complacency with which the housing crisis is considered," he asserted.

The grants "will simply provide a mechanism to hopefully show that the problem can be solved, but it certainly won't solve it," Banks said.

Thomas Payne, head of the Metropolitan Citizens Advisory Council, said the size of the grants amounted to a "face-saving action" by the Federal agencies.

"The Federal Government has sold out the citizens of Washington," Payne said. "No realistic assault can really begin with $400,000."

Payne said he would call an emergency meeting of housing committees from the ten UPO neighborhood antipoverty centers to plan a response next week. He said that citizen groups must apply pressure to OEO, HUD and the District government for more funds for low- and middle-income housing.

The grants were made to UPO, the city's antipoverty agency, which will channel the funds to the housing corporation.

Grant conditions require the corporation to submit a plan within three months for the development of a community-wide trust or other methods of obtaining its working capital.

The corporation's original $3.5 million request had included about $3 million in operating funds which could eventually be recovered through rents and mortgages on its housing projects. OEO, caught in a financial squeeze, had contended it could not provide the money for land and construction. The corporation then scaled down its request to $600,000.

The housing organization has been empowered to operate anywhere in the metropolitan area and to buy, sell, manage and lease properties and guarantee loans.

FOUR HUNDRED THOUSAND DOLLARS GOES TO HOUSING UNIT—NONPROFIT FIRM GETS GRANT TO AID NEEDY

(By Betty James)

Grants totaling nearly $400,000 from two Federal agencies to finance the Housing Development Corporation's effort to increase decent low-cost housing in the Washington area were announced today.

The Office of Economic Opportunity announced a $294,294 12-month grant to the nonprofit corporation, to be used in developing 1,000 housing units.

The federal antipoverty agency announced at the same time that the Department of Housing and Urban Development would provide about $100,000 through its low-income housing demonstration program.

The private group will be the principal nongovernmental and noncommercial agency for planning, building, operating and maintaining decent housing for the poor in the Washington area.

The main grant was made to the United Planning Organization, Washington's antipoverty agency, which will delegate the program to the Housing Development Corp., which is headed by Rev. Channing H. Phillips.

UPO originally sought $3.5 million to launch the corporation, which would have included capital to buy and build.

But OEO contended it could not provide enough money for buying land and construction, and the action announced today is the result of a year of negotiation among the various agencies involved.

The grants announced today will provide for administrative costs and other nonrecoverable operating expenses.

James G. Banks, executive director of UPO, said today of the funding, "It's a pittance in terms of the city's needs, but it's a beginning. After these many, many months of negotiations it's some satisfaction to know we can start."

Additional money may be available from federal and local sources as the project demonstrates its merit, Banks said.

One way in which more money could be obtained would be for the District government to provide tax advantages to builders of low-income housing, he said.

The Housing Development Corp. must develop a plan and submit it within three months for creation of a communitywide trust or other methods of obtaining sufficient recoverable working capital to initiate a metropolitan area program, OEO said.

A group headed by Washington attorney Reuben Clark has been considering such a development fund for some time.

Although the amount funded is far below the amount its planners envisioned when the idea was conceived, the terms of the grant give it the kind of mandate its founders had in mind.

BROAD POWERS

The corporation is empowered to plan, operate and assist in the creation of low-income housing anywhere in the metropolitan area. It can buy, sell, manage, lease, and guarantee loans, all with an eye toward increasing low-cost housing.

The 1,000 units that are expected to be made available through the program would provide homes for 4,000 persons at an estimated cost of $8 million according to OEO.

Through the use of innovative administrative techniques, it is expected that a significant amount of the work will be done by residents of the areas served, the federal agency said.

Theodore M. Berry, director of OEO's community action programs, said in announcing the grant that the project is one in a series of demonstration programs testing different methods of increasing the supply of housing for low-income families and groups.

The Washington program is unique in that at least one-third of the members on the board of the corporation will represent residents of the area and groups to be served, Berry said.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the record of the three projects in Florida referred to by me and a newspaper article which appeared in the Daytona Beach Sunday News-Journal of May 1, 1966, be printed at the appropriate place in the RECORD.

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

PURCHASE OFFERS INVITED—PENDLETON GOES ON AUCTION BLOCK; FHA SEEKS $2,150,000 MINIMUM

Want to buy the Pendleton Apartments? It's for sale—for $2,150,000 or more.

The Federal Housing Administration last week invited sealed purchase offers on the riverfront development. They will be received and publicly opened May 26 at 11 a.m. in the office of the FHA's property disposition division, 1001 Vermont Avenue NW., Washington.

The FHA took over the Pendleton last June after the developer, McCloskey & Co. of Philadelphia, defaulted on its FHA-insured mortgage. The agency has been operating and maintaining the property since then.

The six story building, containing 130 luxury apartment units, is at 1224 S. Peninsula Drive.

In asking for purchase offers, the FHA said it would accept no less than $2,150,000 for the property. The maximum mortgage obtainable is $2 million. A $75,000 deposit will be required with each bid. Prospectuses may be obtained from the property disposition division.

The Pendleton was built three years ago at an announced cost of $3 million and mortgaged for $2.7 million. When the FHA took over, only about 60 percent of the apartments were rented. As of April 1, 66 percent of the 130 apartments were occupied.

Two other McCloskey properties, the 157 Lucerne Towers in Orlando and the 192 unit Twin Towers in Cocoa, defaulted at the same time.

A McCloskey spokesman said at the time that the demand for high-rise luxury apartments was less than anticipated in all three cities. In addition, taxes and operating costs were higher than anticipated, he said.

The Pendleton is just one of scores of FHA-backed projects in many sections of the country that have flopped in recent years.

An FHA spokesman in Tampa, Joseph Azelino, said the defaulted mortgage was for about $2,700,000, so that the FHA would take a loss if the property is sold for $2,150,000.

The agency has done some renovating and improving of the building since it took over. This included redecorating of several apartments and some repainting, plus new pumps for a sewage lift station. Azelino said he didn't know offhand how much was spent for the work and the information wasn't readily available.

FEBRUARY 1, 1965.

DAYTONA BEACH, FLA.

The Pendleton (126 units).

Project No. 067–30083.

Mortgagor: The Pendleton, Inc.; T. D. McCloskey, President: William I. McCloskey, Vice President & Treasurer; William K. Stewart, Vice President & Secretary.

Stockholder: Federal Projects Corporation, Philadelphia, Pennsylvania.

FHA estimate of replacement cost of property: $3,171,315.

Certified actual cost of improvements, including land valuation: $3,069,362.

Amount of mortgage: $2,700,000.

Date of first payment to principal: Novem-

ber 1, 1963 (deferred by agreement to May 1, 1964).

Amortization plan: Monthly payments to principal over a period of 480 months according to the Level Annuity Monthly Plan.

Interest rate: 5¼%.

Remarks: Mortgage went into default last June and has been assigned to the Federal Housing Commissioner. After a detailed study, mortgagor corporation seeks to continue to operate property under Work-Out Arrangements calling for monthly payments sufficient to cover service charge and accruals for real estate taxes and hazard insurance, with such income as might otherwise be available for application to interest delinquency being used to defray the cost of converting a number of larger dwelling units into smaller units for which there is a stronger demand. This proposal is not without merit, but decision as to its acceptance or rejection will hinge upon the prospect of the owners being able to liquidate a delinquency of some $115,636 in orderly fashion.

FEBRUARY 1, 1965.

CAPE KENNEDY, FLA. (COCOA BEACH)

Twin Towers Apartments, Inc. (192 units).

Project No. 067-00023.

Mortgagor: Twin Towers Apartments, Inc., T. D. McCloskey, President; William K. Stewart, Vice President; Bernard M. Creamer, Vice President-Sales; T. E. Whitehead, Vice President.

Stockholder: Federal Projects Corporation, Philadelphia, Pennsylvania.

FHA estimate of replacement cost of property: $3,272,825.

Certified actual cost of improvements, including land valuation: $3,226,101.

Original amount of mortgage: $2,903,400.

Date of first payment to principal: July 1, 1964.

Amortization plan: Monthly payments to principal over a period of 468 months according to the Combination Declining Annuity Plan.

Interest rate: 5¼%

Remarks: Notice of Default filed by the mortgagee last month shows loan to be in default in the amount of some $41,852. Provided this delinquency is fully paid, the FHA is prepared to approve pending request for deferment of payments to principal for 12-month period commencing January 1, 1965.

FEBRUARY 1, 1965.

ORLANDO, FLA.

Lucerne Towers (157 units).

Project No. 067-30076.

Mortgagor: Lucerne Towers, Inc., J. Y. Arnold, Jr., President; C. M. Branch, Secretary; William K. Stewart, Treasurer*; Robert C. Pelham, Vice President; Hugo R. Broleman, Jr., Assistant Secretary.

FHA estimate of replacement cost of property: $3,832,692.

Certified actual cost of improvements, including land valuation: $3,885,383.

Amount of mortgage: $3,449,400.

Date of first payment to principal: July 1, 1963 (deferred by agreement to January 1, 1964).

Amortization plan: Monthly payments to principal over a period of 480 months according to the Level Annuity Monthly Plan.

Interest rate: 5¼ percent.

Remarks: Mortgage went into default last May, following which the mortgagee elected to foreclose and a receiver was appointed.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Ohio asked how these people make profits on bankrupt projects. Let me refer to a Comptroller General's report which I discussed on August 12, 1966. This appears in the RECORD of that date. The Comptroller General issued a scorching report of windfall profits which are being made today under the FHA law as it is being administered. The Comptroller General's report showed that 87 of the 89 projects it reviewed were overappraised. On 43 land deals the FHA gave an appraisal of $6,335,087 against a cost of only $4,258,000, or a difference of $2,077,063. That is a 50-percent markup on the land valuation of these 43 projects, and the Government financed the mortgages on that basis.

For 24 of the projects a markup on the land of around 100 percent was allowed on these projects, $6,240,000 was allowed, against costs of $3,364,000, which gave them an immediate profit of around 100 percent.

Four of the projects examined showed they allowed almost 10 times the cost of the land, or a markup of about 1,000 percent. This inflated appraisal was financed with Government mortgages. On one such project the operators had bought the land about 60 days before they closed the mortgage with the Government. They had an option to buy it from the city in which the project was being built for a total of $30,000. They were given an appraisal of $300,000 on that land and were given a mortgage for $300,000 with the land they were buying from the city for $30,000 as collateral. In their application they only asked for $250,000; they were given $50,000 more than they even asked for.

These windfall profits for the builders are approved under the cloak of wanting to do something for the individual homeowner. I shall cite in a moment some cases to show how the interest of the homeowner has been neglected.

Mr. President, I ask unanimous consent that following my comments on this subject the various reports in connection with these six projects in the Los Angeles area be entered in the RECORD.

The PRESIDING OFFICER. Without objection, it so ordered.

(See exhibit 1.)

Mr. WILLIAMS of Delaware. Cases in San Diego, Calif., were called to my attention. Four projects were built by one group, and all four of them went broke. Two other projects were built by another company, and they likewise went broke.

The Hollywood, Calif., project was a cooperative, and as a cooperative they had sold some of the units to individual home buyers.

The FHA has ruled that under the provisions of the loan mortgage as it was approved the sponsors of the project are not responsible for the payment of the mortgage. Since they had set up a cooperative arrangement whereby units were sold to home buyers the FHA has ruled, I repeat, that the sponsors of the project are not responsible for this $5,750,000 loan to which I refer, but that "a cooperative consisting of individuals whose ownership of stock in the corporation entitles them to occupancy of living units in the project, became liable on the mortgage."

Thus, by that reasoning, the Government is letting the ones who built the project off the hook. They get the profit, and now the individual home buyers who have bought units in the cooperative project are to be held responsible.

Mr. President, I think it is an outrage that any loan would be approved on such a basis. I say again that if the loans being approved by this agency were approved in the State of Delaware by a private individual the Attorney General would be after him before tomorrow morning. An individual would go to the penitentiary for doing what the U.S. Government is doing through the FHA in charging these shylock rates and at the same time not protecting the individual homeowners.

This program has been referred to far too often as in the interests of the homebuilding industry. I respect the homebuilding industry, but I submit it is time we forget about the industry, time we forget about the bankers, and remember that this program is supposed to be designed to protect the home buyer. Thus far, at least, the home buyer is the forgotten man. He has been the man who has received the least protection from this administration.

For that reason I support an investigation of this agency. I hope that the chairman of the committee will give these problems his special attention and that he will not just sit back—as I am sure he will not—and permit the hearings to become a mere mechanical process whereby the heads of these agencies can come down and, in a 15- or 20-page statement, laud the noble objectives of what they are trying to achieve. Let us make sure they do not gloss over the actual facts of the case.

Because the facts are that the home buyer is not being protected. Nearly all the home buyers who have purchased their homes in the last 12 months have paid far in excess of the legal rate of interest, and the Commissioner will have to admit it. Let the individual home buyer know what interest rate he is paying when the discount is counted.

Mr. President, I shall not delay the Senate further, but I ask unanimous consent that a series of insertions in connection with other projects be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1, 2, and 3.)

Mr. WILLIAMS of Delaware. Mr. President, I conclude with this appeal: That we remember that our primary duty is to protect the individual home buyer. The Banking and Currency Committee has before it an administration bill that would seek to provide truth in lending. I most respectfully suggest that when that committee opens hearings on that bill, its chairman ask the various lending agencies of the U.S. Government to come down and explain how they plan to clean up their own operations, because the most untruthful lender in the United States today is the U.S. Government.

The first exhibit concerns a project in Hollywood, Calif., the Hollywood Ardmore Cooperative, Inc. The second exhibit concerns six projects in the San Diego, Calif., area, and the third exhibit

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*Also identified as the Vice President of Federal Projects Corporation, Philadelphia, Pennsylvania.

concerns the Mount Royal Plaza urban renewal area in Baltimore, Md.

EXHIBIT 1

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION,
Washington, D.C., November 8, 1966.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am replying further to your inquiry of October 13, 1966, concerning Hollywood Ardmore Cooperative, Inc., in Hollywood, California.

The information which you requested is attached.

Sincerely yours,
PHILIP N. BROWNSTEIN,
Assistant Secretary-Commissioner.

Attachment.

HOLLYWOOD ARDMORE COOPERATIVE, INC., HOLLYWOOD, CALIF.—PROJECT NO. 122-30128

1. Background of Mortgage Transaction:

a. Date of first contact between sponsor and FHA: May 18, 1959.

b. Application date and amount: July 18, 1960—$5,300,000—revised November 1, 1960—$5,750,000; increase requested to cover cost of 139 additional rooms in the project.

c. Commitment date and amount: January 31, 1961—$5,750,000.

d. Initial endorsement date: April 5, 1961.

e. Final endorsement date: April 17, 1963.

f. General Contractor: M. J. Brock & Sons, Inc., 2894 Rowena Avenue, Los Angeles, California.

2. Mortgage:

a. Date: April 3, 1961.

b. Amount: $5,815,000—increase of $65,000 over original commitment amount was requested by the cooperative mortgagor and was approved by FHA on October 10, 1962. The increase was the cumulative effect of changes in the original project plans and specifications representing betterments to the commercial areas of the project.

c. Status: Deferments of principal and reserve for replacement payments for the period October 1, 1964, to April 1, 1965, and from October 1, 1965, to April 1, 1966, were approved by the mortgagee, The Lincoln Savings Bank in New York, and FHA. The mortgagee has advised FHA that the mortgage is in default for failure to make the payment due July 1, 1966. Because of the monetary default, the mortgagee elected on November 3, 1966, to assign the mortgage to the Secretary of Housing and Urban Development and to make a claim for debentures under its mortgage insurance contract.

d. Payments to principal and interest: This information is not available at the present time. FHA does not receive the mortgagee's payment ledger card for the mortgagor until the mortgagee makes a claim under its mortgage insurance contract. Although the mortgagee has elected to assign the mortgage and to file a claim for debentures, this information has not been submitted by the mortgages.

3. Sponsorship:

a. Sponsor: Ardmore Development Company, 4074 Vineland Avenue, North Hollywood, Los Angeles, California. President—Mr. Leonard B. Schneider.

b. Financial difficulties of project and effect of foreclosure proceedings on the cooperators:

The sponsor of the project, Ardmore Development Company, formed the cooperative mortgagor and sold memberships therein. At closing of the mortgage loan, the mortgagor corporation, a cooperative consisting of individuals whose ownership of stock in the corporation entitles them to occupancy of living units in the project, became liable on the mortgage. The sponsor of the cooperative, the Ardmore Development Company, has no personal liability on the mortgage nor do the members of the cooperative corporation, as individuals, have any liability for mortgage payments.

We have had meetings with representatives of the cooperative to see if a solution to the problem is possible. When FHA obtains an assignment of the mortgage every effort will be made toward a work-out arrangement which will protect the members as well as the government's interest.

EXHIBIT 2

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION,
Washington, D.C., August 23, 1966.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am replying further to your letter of July 27, 1966, concerning several projects in San Diego, California.

According to our records, Borrego Springs Park is not an FHA project. However, Emerald Garden Apartments, although not on your list, is an FHA project, so I have substituted it for Borrego Springs Park.

The information you requested in connection with the listed projects is enclosed. Loma Palisades consists of five parts and a separate report has been prepared on each part.

With reference to land valuation, it has been reported that the Loma Palisades land involved rezoning, off-site improvements of streets and utilities, and the trade of an equity in an option on approximately 5,000 acres of land being developed by other parties. Also that in the Pennant Village and University City Leisure Life Village land was a small portion of approximately 2,500 acres of land having neither access nor utilities; the access road cost over a million dollars and the cost of bringing in utilities also was very substantial. On the subject of multifamily project land values I am enclosing a copy of a directive issued to our field offices on January 9, 1964.

Our information indicates that Mr. Carlos Tavares and Mr. C. W. Carlstrom have been interested only in the projects reported on herein, but that Mr. Louis Lesser has also been interested in Sunset Manor Apartments, Project No. 122-00079; Barrington Plaza, Project No. 122-32020; West Covina Apartments, Project No. 122-00080; Lesser Towers, Inc., Project No. 122-00091; Centerline Gardens, Project No. 044-80002; and Military Homes, Inc., Project No. 122-00091.

With reference to the construction cost certified to FHA, I would like to say again, to confirm the statement in my letter of May 10, 1966, that information of this type has not been released publicly because it may fall within the criminal and other proscriptions of 18 U.S.C. 1905.

Sincerely yours,
P. N. BROWNSTEIN,
Assistant Secretary-Commissioner.

Enclosures.

LOMA PALISADES "A," INC., WEST POINT LOMA AND MIDWAY DRIVE, SAN DIEGO, CALIF.—PROJECT NO. 129-00009

1. Date of initial contact: Prior to May 16, 1957.

2. Mortgage amount at final endorsement: $1,285,800.

3. Date of final endorsement: September 12, 1958.

4. Present status of mortgage: Following default, mortgagee assigned the mortgage to FHA on October 11, 1960. Case referred to the Department of Justice for foreclosure on June 6, 1966. A receiver in foreclosure has been appointed.

5. Names and addresses of sponsors: George M. Holstein & Sons, 166 East 17th Street, Costa Mesa, California; Sam Berger, 166 East 17th Street, Costa Mesa, California.

6. Names of stockholders shown on rental schedule dated May 16, 1958: Holstein Palm Springs Properties, Inc., George M. Holstein III, George M. Holstein, Sam Berger, FHA (preferred stock).

7. Name and address of prime contractor: Holstein Palm Springs Properties, Inc. and George M. Holstein & Sons, 166 East 17th Street, Costa Mesa, California.

8. Construction cost as certified to FHA on mortgagor's certificate of actual cost: $1,364,901.52.

9. FHA market value of land: $147,000.

10. Sponsor's purchase price of land shown on application: $196,124.

LOMA PALISADES NO. "C", INC., SAN DIEGO, CALIF., PROJECT NO. 129-00011

1. Date of initial contact: Prior to November 1, 1957.

2. Mortgage amount at final endorsement: $1,163,000.

3. Date of final endorsement: December 19, 1958.

4. Present status of mortgage: Following default, mortgagee assigned mortgage to FHA on January 18, 1961. Case referred to the Department of Justice on June 6, 1966 for foreclosure. A receiver in foreclosure has been appointed.

5. Names and addresses of sponsors: George M. Holstein & Sons, 166 East 17th Street, Costa Mesa, California; Sam Berger, 166 East 17th Street, Costa Mesa, California.

6. Names of stockholders shown on rental schedule dated December 10, 1958: Holstein Palm Springs Properties, Inc., George Holstein III, George M. Holstein, Sam Berger.

7. Name and address of prime contractor: B & H Properties, Inc. and George M. Holstein & Sons, 166 East 17th Street, Costa Mesa, California.

8. Construction cost as certified to FHA on mortgagor's certificate of actual cost: $1,171,294.95.

9. FHA market value of land: $142,000.

10. Sponsor's purchase price of land shown on application: $55,000.

LOMA PALISADES NO. "E," INC., MIDWAY DRIVE AND WEST POINT LOMA BOULEVARD, SAN DIEGO, CALIF.—PROJECT NO. 129-00013

1. Date of initial contact: Prior to January 13, 1958.

2. Mortgage amount at final endorsement: $1,369,700.

3. Date of final endorsement: January 8, 1960.

4. Present status of mortgage: Following default, mortgagee assigned the mortgage to FHA on October 11, 1960. Case referred to the Department of Justice for foreclosure on June 6, 1966. A receiver in foreclosure has been appointed.

5. Names and addresses of sponsors: George M. Holstein & Sons, 166 East 17th Street, Costa Mesa, California; Sam Berger, 166 East 17th Street, Costa Mesa, California.

6. Names of stockholders shown on rental schedule dated July 30, 1959: B & H Properties, Inc. (principal stockholders of which are: Estate of Sam Berger; George M. Holstein III; Irwin M. Fulop).

7. Name and address of prime contractor: B & H Properties, Inc. and George M. Holstein & Sons, 166 East 17th Street, Costa Mesa, California.

8. Construction cost as certified to FHA on mortgagor's certificate of actual cost: $1,399,850.50.

9. FHA market value of land: $124,000.

10. Sponsor's purchase price of land shown on application: Approximately $55,000.

LOMA PALISADES NO. "D," INC., 2801-2996 WOREN STREET, SAN DIEGO, CALIF.—PROJECT NO. 129-00012

1. Date of initial contact: Prior to December 19, 1957.

2. Mortgage amount at final endorsement: $842,000.

3. Date of final endorsement: December 8, 1959.

4. Present status of mortgage: Following default, mortgagee assigned the mortgage to

FHA on September 26, 1960. Case referred to the Department of Justice for foreclosure on June 6, 1966. A receiver in foreclosure has been appointed.

5. Names and addresses of sponsors: George M. Holstein and Sons, 166 East 17th Street, Costa Mesa, California; Sam Berger, 166 East 17th Street, Costa Mesa, California.

6. Names of stockholders shown on rental schedule dated April 10, 1959: B & H Properties, Inc. (principal stockholders of which are: Sam Berger and Geo. M. Holstein III), FHA (preferred stock).

7. Name and address of prime contractor: Holstein Palm Springs Properties, Inc. and George M. Holstein and Sons, 166 East 17th Street, Costa Mesa, California.

8. Construction cost as certified to FHA on mortgagor's certificate of actual cost: $965,591.38.

9. FHA market value of land: $78,495.

10. Sponsor's purchase price of land shown on application: Approximately $50,000.

PENNANT VILLAGE, SAN DIEGO, CALIF.—PROJECT NO. 129-35002

1. Date of initial contact: Prior to June 12, 1961.

2. Mortgage amount at final endorsement: $2,000,000.

3. Date of final endorsement: November 24, 1964.

4. Present status of mortgage: Assigned to FHA on June 28, 1966.

5. Name and address of sponsor and mortgagor: Pennant Village, San Diego, Calif.

6. Names of stockholders shown on rental scheduled dated November 11, 1964: University City, Inc., whose stockholders are: Irvin J. Kahn, Carlos Tavares, C. W. Carlstrom, Jessie W. Stacey, Louis Lesser, Robert W. Fontana, Norman R. Smith, C. A. Long.

7. Name and address of prime contractor: University City, Inc., 3010 Cowley Way, San Diego, Calif.

8. Construction cost as certified to FHA on mortgagor's certificate of actual cost: $3,231,769.

9. FHA "as is" value of land: $820,000.

10. Sponsor's purchase price of land shown on application: $400,000.

UNIVERSITY CITY LEISURE LIFE VILLAGE, SAN DIEGO, CALIF., PROJECT NO. 129-35001

1. Date of initial contact: May 25, 1962.

2. Mortgage amount at initial endorsement: $6,287,000.

3. Date of initial endorsement: February 26, 1964.

4. Present status of mortgage: This mortgage was never finaled out. Default occurred in August, 1965, and the mortgagee foreclosed the mortgage and deeded the property to FHA on June 10, 1966.

5. Name and address of mortgagor: University City Leisure Life Village, Inc., San Diego, California. Name of sponsor: University City, Inc., 3010 Cowley Way, San Diego, California.

6. Names of stockholders shown on rental schedule dated March 18, 1965: University City, Inc., whose stockholders are: Irvin J. Kahn, Carlos Tavares, C. W. Carlstrom, Jessie W. Stacy, Louis Lesser, Robert W. Fontana, Norman R. Smith, C. A. Long.

7. Name and address of prime contractor: University City, Inc., 3010 Cowley Way, San Diego, California.

8. Construction cost as certified to FHA on mortgagor's certificate of actual cost: $7,132,919.

9. FHA "as is" value of land: $850,000.

10. Sponsor's purchase price of land shown on application: $1,405,600.

LOMA PALISADES NO. "B," INC., WEST POINT LOMA BOULEVARD, SAN DIEGO, CALIF.—PROJECT NO. 129-00010

1. Date of initial contact: Prior to September 12, 1957.

2. Mortgage amount at final endorsement: $1,631,600.

3. Date of final endorsement: December 2, 1958.

4. Present status of mortgage: Following default, mortgagee assigned mortgage to FHA on September 26, 1960. Case referred to the Department of Justice on June 6, 1966 for foreclosure. A receiver in the foreclosure has been appointed.

5. Names and addresses of sponsors: George M. Holstein & Sons, 166 East 17th Street, Costa Mesa, California; Sam Berger, 166 East 17th Street, Costa Mesa, California.

6. Names of stockholders shown on rental schedule dated November 12, 1960: Norman R. Smith, Irvin J. Kahn, University City, Carlos Tavares, FHA (preferred stock).

7. Names and address of prime contractor: Holstein Palm Springs Properties, Inc. and George M. Holstein and Sons, 166 East 17th Street, Costa Mesa, California.

8. Construction cost as certified to FHA on mortgagor's certificate of actual cost: $1,677,635.87.

9. FHA market value of land: $160,000.

10. Sponsor's purchase price of land shown on application: Approx. $50,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION,
Washington, D.C., January 5, 1967.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am replying further to your inquiry of December 16, 1966, concerning the Mount Royal Plaza urban renewal area in Baltimore, Maryland.

The information which you requested is attached.

Sincerely yours,
PHILIP N. BROWNSTEIN,
Assistant Secretary-Commissioner.

Attachment.

SUTTON PLACE APARTMENTS, BALTIMORE, MD.—PROJECT NO. 052-32003-R

Date of Initial Contact: February 8, 1960.

Application Received: May 19, 1961.

Commitment Date: July 31, 1961.

Commitment Amount: $5,952,200.00.

Initial Endorsement: March 16, 1962.

Final Endorsement: October 14, 1963.

Mortgage Amount at Final Endorsement: $5,952,200.00.

Mortgage Terms: 40 years at 5.25%.

Sponsor's Purchase Price for Land from City of Baltimore: $451,150.00.

FHA "as is" Appraised Value of Land: $451,150.00.

Sponsors and Mortgagors: Marvin S. Gilman, 701 Brandywine Boulevard, Bellefonte, Wilmington, Delaware; Abraham A. Rosen, 244 Madison Avenue, New York, New York. In March of 1965, Mr. Gilman sold his one-half interest in the project to Mr. Rosen who became the sole owner.

Total Construction Cost Allowed by FHA: $6,619,785.55.

Type of Project: Section 220 Urban Renewal.

Present Status of the Mortgage: The first payment to principal due on November 1, 1963, was not made. Shortly thereafter the mortgagee, Metropolitan Life Insurance Company, agreed to a Forbearance and Modification Agreement covering the period from October 1, 1963 to October 1, 1965. The agreement deferred mortgage payments during this period and required that the mortgagor account monthly for all net income. The project did not make sufficient progress to achieve sustaining occupancy during the forbearance period and upon its expiration, the mortgagee elected to assign the mortgage to FHA. The assignment was filed for record on November 16, 1965.

The following payments were made by the mortgagor:

	Amount paid
Nov. 7, 1963	$61,566.35
Feb. 3, 1964	1,766.65
Mar. 13, 1964	7,321.56
Mar. 6, 1964	4,547.37
Apr. 21, 1964	2,861.89
May 15, 1964	8,861.89
June 16, 1964	8,861.89
July 7, 1964	772.71
July 9, 1964	2,861.89
Aug. 10, 1964	2,861.89
Sept. 16, 1964	2,861.89
Oct. 23, 1964	2,861.89
Nov. 9, 1964	2,861.89
Dec. 18, 1964	8,565.33
Jan. 13, 1965	2,861.89
Feb. 5, 1965	2,861.89
Mar. 15, 1965	8,861.89
Apr. 5, 1965	25,000.00
Apr. 15, 1965	2,861.89
May 17, 1965	13,361.89
June 15, 1965	8,361.89
June 22, 1965	2,861.89
July 15, 1965	1,200.00
July 27, 1965	48,835.54
Aug. 28, 1965	2,861.89
Sept. 16, 1965	15,861.89
Oct. 6, 1965	2,861.89
Oct. 11, 1965	18,000.00
Nov. 4, 1965	2,861.89
Nov. 17, 1965	1,000.00
Nov. 30, 1965	1,000.00
Dec. 8, 1965	2,861.89
Jan. 14, 1966	2,413.38
Feb. 10, 1966	13,861.89
Mar. 7, 1966	2,861.89

The remittances were sufficient to cover taxes, property insurance, FHA mortgage insurance premiums and service charge. There has been no reduction of principal. $1,448 has been applied to interest. At time of foreclosure, accrued unpaid interest was $748,076.29. Suit was commenced on April 8, 1966 and a receiver was appointed on April 22, 1966.

Public sale was held on August 2, 1966. FHA bid the property in for $4,857,750.00 and took possession and ownership on October 1.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. BYRD of West Virginia. Mr. President, in the absence of the distinguished chairman of the Committee on Rules and Administration, may I say that the Subcommittee on Housing and Urban Affairs requested $150,000. The Committee on Rules and Administration took into consideration the fact that the subcommittee had spent about $115,000 during the first 11 months of the 12-month period, and estimated that the total expenditure for the 12-month period would be approximately $125,000.

The committee, however, proceeded to approve $138,000, which was the same amount that was approved last year. This would be an increase over the actual amount expended of between $10,000 and $13,000. So the committee did, indeed, reduce the request from $150,000 to $138,000, but in so doing, I wish to emphasize that it was allowing between $10,000 and $13,000 more than the amount expended last year.

The committee would not wish to imply that the subcommittee is not conducting important investigations or performing a very important work. The committee was only attempting to exercise some economies; and it was for that reason that it made the reduction. If the Senate wishes, in its good judgment, to reject the amendment being offered by the committee, the committee is will-

ing, of course, to stand on the judgment of the Senate. But in the absence of the chairman, I think he would want me to state that the Committee on Rules and Administration, in attempting to make this reduction, did not gainsay the fact that the Housing and Urban Affairs subcommittee is conducting a very important work. The committee on Rules and Administration does not feel strongly about this proposed amendment, I am sure. Again I wish to say that it was an attempt by the committee to exercise some economies, and it felt that in recommending $138,000, it was recommending the same amount that was allowed last year, and more money than was spent last year.

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

Mr. BYRD of West Virginia. I yield.

Mr. TOWER. Mr. President, I appreciate the comments of my distinguished friend from West Virginia. The reason that we asked for the increased figure is because, as the Senator is probably aware, the designation of our subcommittee was changed from the Subcommittee on Housing to the Subcommittee on Housing and Urban Affairs. It was anticipated that the scope of the operation of the subcommittee will be much broader, and that its legislative responsibility will be much heavier.

Already, of course, this subcommittee has handled much of the major Great Society legislation, and this will, of course, include not only housing, but all urban development programs such as the demonstration cities program. It will include mass transportation. It is anticipated that we will need some additional staff; and that is why we made this request—because of the increase in the scope of the committee's operation. If my distinguished friend, the Senator from West Virginia, will indulge this request, of course we shall be very grateful.

Mr. BYRD of West Virginia. Mr. President, I do not intend to object to the position taken by the Senator from Texas in urging that the Senate reject the amendment offered by the Committee on Rules and Administration.

It is my understanding, in talking with the Senator from Texas that the distinguished senior Senator from Louisiana [Mr. ELLENDER] would not object to the rejection of the amendment offered.

Mr. TOWER. That is my understanding. Is that the understanding of the distinguished Senator from Alabama?

Mr. SPARKMAN. Mr. President, I cannot say that I talked with the Senator from Louisina [Mr. ELLENDER] about the amendment particularly, but I can say that I think the Senator knew what the situation was. As I understand, when he left the Chamber, he said he had no objection.

I will not go further than that.

Mr. WILLIAMS of Delaware. Mr. President, I support the full amount requested by the committee in this instance.

An investigation of the Federal Housing Administration is long overdue.

As I pointed out earlier, we have, according to the last available report, over $1.25 billion tied up in homes and multifamily projects that have been repossessed. That does not take into account the hundreds of millions of dollars involved in those projects upon which the principal or interest has been deferred.

We are losing about 45 percent of our investment on the multifamily projects when we repossess them. Approximately $750 million is tied up in bankrupt projects.

It would be well for Congress to stop before it pours more money into this program and to examine how the money is being spent, how much of it is actually going to provide home for individuals and how much is going down the ratholes for a bunch of unscrupulous speculators and promoters who are operating under a different name every 24 hours.

Mr. SPARKMAN. Mr. President, I think it might be well for the RECORD to show that the total contingent liability of the U.S. Government in the field of housing and urban development is approximately $110 billion.

It is our job to oversee this matter. We operate with one of the smallest staffs, I believe, of any committee or subcommittee. We have seven members. The $12,000 change which the Senator from Texas is asking for would simply allow us to absorb the additional pay that was paid last year and allow for one additional employee, as requested by the minority.

I think that it is fair and I think that the amendment ought to be rejected.

Mr. BYRD of West Virginia. Mr. President, the committee, as I have indicated, does not have any strong feelings about the amount of $138,000 as opposed to the amount requested, that being $150,000.

Certainly the Senator from West Virginia recognizes, and I am sure the distinguished chairman of the committee, the Senator from North Carolina [Mr. JORDAN], for whom I am attempting to speak today, recognizes the efficient and valuable work that has been done by the subcommittee under the chairmanship of the distinguished Senator from Alabama [Mr. SPARKMAN].

I merely want to make the RECORD clear as to the reasons why the committee took the position that it did in offering the amendment to reduce the amount by $12,000.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Mr. President, when the question is put to the Senate, a "no" vote would be a vote to sustain the position of the Senator from Alabama and myself, to retain the original request of the committee for $150,000.

The PRESIDING OFFICER. A "no" vote would reject the committee amendment.

The question is on agreeing to the committee amendment.

The committee amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 46) was agreed to as follows:

S. RES. 46

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

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

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE BUSINESS

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

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

RECOGNITION OF SENATOR STENNIS FOR 30 MINUTES AT THE CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the morning business is completed the Senator from Mississippi [Mr. STENNIS] be recognized for 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CIVIL RIGHTS ACT OF 1967

The PRESIDING OFFICER laid before the Senate a letter from the Acting Attorney General, transmitting a draft of proposed legislation to assure nondiscrimination in Federal and State jury selection and service, to provide relief against discriminatory employment and housing practices, to prescribe penalties for certain acts of violence or intimidation, to extend the life of the U.S. Commission on Civil Rights, and for other purposes, which with the accompanying paper was referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. HOLLAND:

S. 1017. A bill to authorize the Secretary of the Army to pay for the cost of surfacing 1.8 miles of a certain access road in Putnam County, Fla.; to the Committee on Armed Services.

By Mr. HILL:

S. 1018. A bill for the relief of Harold Donald Koza; to the Committee on the Judiciary.

By Mr. GRUENING (for himself and Mr. BARTLETT):

S. 1019. A bill to amend title 32, United States Code, to clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

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

By Mr. JAVITS:

S. 1020. A bill for the relief of Mary F. Thomas; and

S. 1021. A bill for the relief of Antonio Luis Navarro; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 1022. A bill for the relief of Grace E. Hillier; to the Committee on the Judiciary.

S. 1023. A bill to amend the Davis-Bacon Act to require compliance with the provisions thereof in the performance of certain contracts contemplating the manufacture of personal property; to the Committee on Labor and Public Welfare.

By Mr. YARBOROUGH:

S. 1024. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Labor and Public Welfare.

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

By Mr. NELSON:

S. 1025. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture and Forestry.

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

By Mr. HART (for himself, Mr. BREWSTER, Mr. BROOKE, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. FONG, Mr. GRUENING, Mr. HARTKE, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. LONG of Missouri, Mr. MCCARTHY, Mr. MONDALE, Mr. MORSE, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio):

S. 1026. A bill to assure nondiscrimination in Federal and State jury selection and service, to provide relief against discriminatory employment and housing practices, to prescribe penalties for certain acts of violence or intimidation, to extend the life of the United States Commission on Civil Rights, and for other purposes; which was read the first time by its title.

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

By Mr. JAVITS:

S. 1027. A bill to amend the Internal Revenue Code of 1954 so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations Children's Fund (UNICEF) to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Finance.

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

By Mr. MONRONEY:

S. 1028. A bill to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act, to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes; to the Committee on Post Office and Civil Service.

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

By Mr. FULBRIGHT (by request):

S. 1029. A bill to improve certain benefits for employees who serve in high-risk situations, and for other purposes;

S. 1030. A bill to amend further section 1011 of the U.S. Information and Educational Exchange Act of 1948, as amended; and

S. 1031. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bills, which appear under separate headings.)

By Mr. MORSE:

S. 1032. A bill to provide for the disregarding, for purposes of determining need under programs established pursuant to the public assistance titles of the Social Security Act, of certain income of aged persons employed under programs receiving assistance under the Older Americans Act of 1965; to the Committee on Finance.

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

By Mr. TYDINGS (for himself, Mr. HART, and Mr. MCCARTHY):

S. 1033. A bill to encourage improvements in the machinery of judicial administration by establishing within the Department of Justice the Office for Judicial Assistance, and for other purposes; to the Committee on the Judiciary.

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

By Mr. TOWER:

S.J. Res. 45. Joint resolution designating February 24 of each year as Admiral Nimitz Day; to the Committee on the Judiciary.

(See the remarks of Mr. TOWER when he introduced the above joint resolution, which appear under a separate heading.)

FOR CIVIL SERVICE STATUS FOR FEDERALLY PAID NATIONAL GUARD TECHNICIANS

Mr. GRUENING. Mr. President, I introduce, for appropriate reference on behalf of myself and my colleague [Mr. BARTLETT], a bill which, if enacted, will confer Federal civil service status upon all full-time federally paid technicians of the National Guard. At present, for example, these technicians do not qualify for either Federal or State retirement or health benefits. This deplorable situation should be corrected.

The Alaska National Guard was established prior to World War II when I was Governor of the Territory of Alaska. As commander in chief of the Guard, I became keenly aware of the invaluable services performed by the technicians employed at the various Guard stations and hence, have long lamented their present predicament, which is as follows:

They are employed to care for material, armament, and equipment of the National Guard. They must have the qualifications prescribed by the Secretaries of the Army and of the Air Force. Their compensation is fixed by these Secretaries, who designate the persons to employ them. They are paid directly by Army and Air Force finance officers from funds appropriated by Congress. Accordingly, the majority of States do not consider them to be State employees and have not covered them under retirement laws or other State laws providing benefits for their public employees. At the same time, the Federal courts have determined that they are not Federal employees for purpose of laws relating to the Federal civil service.

The legislation I am proposing today would give belated recognition of the invaluable service performed by these key employees of the National Guard will provide them with the same retirement, group life and health insurance, and other fringe benefits provided all other Federal employees. Prior service credit will be granted to the same extent and subject to the same conditions as it has to all others brought into civil service status.

The bill contemplates the continuation, under statute, of the administration of the program by the Adjutants General of the several States and Puerto Rico under joint regulations of the Secretaries of the Army and Air Force.

Its enactment will assure, for the same 40,000 technicians throughout the United States, their wives and families, a sense of security which they have never had before.

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

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

The bill (S. 1019) to amend title 32, United States Code, to clarify the status of National Guard technicians, and for other purposes, introduced by Mr. GRUENING, for himself and Mr. BARTLETT, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 709 of title 32, United States Code, is amended to read as follows:

"§ 709. *Technicians: employment, use, status*

"(a) Under regulations prescribed by the Secretary of the Army or the Secretary of Air Force, as the case may be, persons may be employed in—

"(1) the administration and training of the National Guard;

"(2) the maintenance and repair of supplies issued to the National Guard or the armed forces; and

"(3) the performance of such other duties as the Secretary concerned may prescribe.

"(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed, be a member of the National Guard and hold the military grade specified by the Secretary concerned for that position.

"(c) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title, or other appropriate persons, to employ the technicians authorized by this section.

"(d) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee

of the United States. However, a position authorized by this section is outside the competitive service if the technician employed therein is required under subsection (b) to be a member of the National Guard.

"(e) Notwithstanding sections 5544(a) and 6102 of title 5 or any other provision of law, the Secretary concerned may, in the case of technicians assigned to perform operational duties at air defense sites—

"(1) prescribe the hours of duties;

"(2) fix the rates of basic compensation; and

"(3) fix the rates of additional compensation;

to reflect unusual tours of duty, irregular additional duty, and work on days that are ordinarily nonworkdays. Additional compensation under this subsection may be fixed on an annual basis, but no rate of additional compensation on an annual basis may exceed 25 per centum of the rate of basic compensation."

"(f) The limitation on the number of permanent employees prescribed by section 1310 of the Supplemental Appropriation Act, 1952, chapter 664, as amended, (79 Stat. 448), is not applicable to technicians employed under this section."

(b) The analysis of chapter 7 of title 32, United States Code, is amended by striking out the following item:

"709. Caretakers and clerks."

and inserting in place thereof the following item:

"709. Technicians: employment, use, status."

(c)(1) Section 715(a) of title 32, United States Code, is amended by striking out "caused by a person employed under section 709 of this title acting within the scope of his employment;".

(2) However, a claim accrued under section 715 of title 32 before the effective date of this Act by reason for the act or omission of a person employed under section 709 of that title may if otherwise allowable, be settled and paid under section 715.

(d) Notwithstanding any law, rule, regulation, or decision to the contrary, the positions of persons employed under section 709 of title 32, United States Code, existing on the day immediately preceding the effective date of this Act, and the persons holding such positions on that day, shall, on and after that effective date, be held and considered to be positions in and employees of the Department of the Army or the Department of the Air Force, as the case may be, to the same extent as other positions in and employees of the Department of the Army or the Department of the Air Force. Such positions shall be outside the competitive service if, as a condition of employment, the persons employed therein were, on the day before the effective date of this Act, required to be members of the Army National Guard or the Air National Guard.

(e) All service under section 709 of title 32, United States Code, or prior corresponding provision of law before the effective date of this Act, shall be included and credited in the determination of length of service for the purposes of leave, veteran's preference, group life and health insurance, tenure, training, status, and other rights and benefits of employees of the United States. The Secretary of the Army and the Secretary of the Air Force, as the case may be, or their designees, shall certify to the Government authority concerned the service history of the individual.

(f) Annual leave and sick leave to which a technician was entitled on the day immediately preceding the conversion of his position, as provided in section 4 of this Act, shall be credited to him in his new position.

SEC. 2. (a) Section 8332(b) of title 5, United States Code, is amended:

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

(2) by striking out the period at the end of clause (5) and inserting in place thereof "; and"; and

(3) by adding the following new clause:

"(6) employment under section 709 of title 32, or any prior corresponding provision of law."

(b) Notwithstanding section 709(d) of title 32, United States Code, a person who, on the date of enactment of this Act, is employed under section 709 of title 32, United States Code, and is covered by an employee retirement system of, or plan sponsored by, a State or Puerto Rico, may elect, not later than the effective date of this Act, not to be covered by the civil service retirement provisions of sections 8331–8348 of title 5, United States Code, and, with the consent of the State concerned or Puerto Rico, to remain covered by the employee retirement system of, or plan sponsored by, that State or Puerto Rico. Unless such an election, together with a statement of approval by the State concerned or Puerto Rico, is filed with the United States Civil Service Commission on or before the effective date of this Act, the person concerned is covered by the civil service retirement provisions of sections 8331–8348 of title 5, United States Code, as of that date. In the case of any person who files a valid election under this subsection to remain covered by an employee retirement system of, or plan sponsored by, a State or Puerto Rico, the United States may pay the amount of the employer's contributions to that system or plan that become due for periods beginning on or after the effective date of this Act. However, the payment by the United States, including any contribution that may be made by the United States toward the employer's tax imposed by section 3111(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 3111(a)), may not exceed the amount which the employing agency would otherwise contribute on behalf of the person to the Civil Service Retirement and Disability Fund under section 8334 (a) of title 5, United States Code. The service under section 709 of title 32, United States Code, or prior corresponding provision of law, of a person who has made an election to remain covered by the employee retirement system of, or plan sponsored by, a State or Puerto Rico, shall not be creditable toward eligibility for or amount of annuity under the civil service retirement provisions of sections 8331–8348 of title 5, United States Code.

SEC. 3. The fourth sentence of section 218(b)(5) of the Social Security Act, as amended (42 U.S.C. 418(b)(5)), is amended to read as follows: "Persons employed under section 709 of title 32, United States Code, who elected under section 2(b) of the Act enacting this amended sentence to remain covered by an employee retirement system of, or plan sponsored by, a State, shall for the purposes of this Act, be employees of the State and (notwithstanding the preceding provisions of this paragraph), shall be deemed to be a separate coverage group."

SEC. 4. (a) Except as provided in section 709(e) of title 32, United States Code, the Secretary concerned shall fix the rate of basic compensation of positions existing on the date of enactment of this Act in accordance with the General Schedule set forth in section 5332 of title 5, United States Code, or under the appropriate prevailing rate schedule in accordance with section 5341 of title 5, United States Code, as applicable. In fixing that rate:

(1) If the technician is receiving a rate of basic compensation which is less than the minimum rate of the appropriate grade of the General Schedule, or which is less than the minimum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, his basic compensation shall be increased to that minimum rate.

(2) If the technician is receiving a rate of basic compensation which is equal to a rate of the appropriate grade of the General Schedule, or which is equal to a rate of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at that rate of the General Schedule, or at that rate under the prevailing rate schedule, as applicable.

(3) If the technician is receiving a rate of basic compensation which is between two rates of the appropriate grade of the General Schedule, or which is between two rates of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at the higher of those two rates under the General Schedule or appropriate prevailing rate schedule, as applicable.

(4) If the technician is receiving a rate of basic compensation which is in excess of the maximum rate of the appropriate grade of the General Schedule, or which is in excess of the maximum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall continue to receive basic compensation without change in rate until—

(A) he leaves that position, or

(B) he is entitled to receive basic compensation at a higher rate,

but, when any such position becomes vacant, the rate of basic compensation of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulations.

(b) The conversion of positions and employees to appropriate grades of the General Schedule set forth in section 5332 of title 5, United States Code, and the initial adjustment of rates of basic compensation of those positions and technicians, provided for by this Act, shall not be held or considered to be transfers or promotions within the meaning of section 5334(b) of title 5, United States Code, and the regulations issued thereunder.

(c) Each technician on the effective date of this Act whose position is converted to the General Schedule set forth in section 5332 of title 5, United States Code, or to the appropriate prevailing rate schedule, as applicable, who, prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section, has earned, but has not been credited with, an increase in that rate, shall be granted credit for such increase before his rate of basic compensation is initially adjusted under that subsection.

(d) Each technician on the effective date of this Act whose position is converted to the General Schedule set forth in section 5332 of title 5, United States Code, shall be granted credit, for purposes of his first step increase under the General Schedule or prevailing rate schedule, for all satisfactory service performed by him since his last increase in compensation prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section.

(e) An increase in rate of basic compensation by reason of the enactment of subsection (a) of this section shall not be held or considered to be an equivalent increase with respect to step increases for technicians whose positions are converted to the General Schedule set forth in section 5332 of title 5, United States Code, or the appropriate prevailing rate schedule under authority of this section.

SEC. 5. This Act becomes effective July 1, 1967, except that no deductions or withholdings from salary which result therefrom shall commence before the first day of the first pay period that begins on or after July 1, 1967. This Act shall be administered under uniform regulations jointly prescribed by the Secretary of the Army and the Secretary of the Air Force and approved by the Secretary of Defense.

WELFARE AND PENSION PLAN PROTECTION ACT OF 1967

Mr. YARBOROUGH. Mr. President, private retirement plans represent a major element in the economic security of millions of workers and their dependents. The contributions to these plans by workers and employers have built up huge tax-free funds which are a source of great economic power and of significance to the public at large.

While the public interest in sound private pension plans justifies special tax concessions, unless the funds ultimately are used for the workers, this purpose is not met. The management of the funds is therefore of direct concern to the Federal Government.

Although the vast majority of such funds are soundly managed there have been trustees who, for personal profit, have engaged in conduct which endangered the interests of the actual or potential beneficiaries.

The President has recommended legislation to protect workers and their dependents from mishandling of pension and welfare funds.

The legislation I am introducing today will impose a minimum and uniform fiduciary responsibility on persons handling welfare and pension funds, and impose civil liability on those who breach this standard.

In order to assure ordinary care and prudence in handling the welfare and pension funds, persons managing the funds must be responsible as fiduciaries to the funds and the participants and their beneficiaries. While the tax-exempt status of a fund may presently be lost by the trustees making prohibited transactions, no penalty either criminal or civil is imposed on the trustees.

The extremely rapid growth of welfare and pension plans, coupled with uncertainty about the rights of the employees participating in them, have afforded opportunities for abuse. Legal protection against such abuse has been dependent on State laws. However, under many of these laws the extent to which persons handling such funds are bound by the responsibilities and standards of "trustees" is uncertain.

The terms of the agreement or plan may relieve such persons of the responsibility of meeting the usual standards of prudence. Furthermore, in some cases employees attempting to bring suit to enforce their rights to potential benefits have been denied relief on the grounds that the plans are gratuities and therefore the prospective donees have no legal rights. In the instances courts have failed to explicitly recognize a fiduciary obligation extending from plant administrators to employees.

Even in States where employees are permitted to sue, most potential plaintiffs would lack the necessary information or the financial means to pursue this course of action.

The proposed bill will remedy the situation by prescribing the duties and responsibilities of "fiduciaries" and preventing the terms of a plan or agreement from immunizing them from penalties for negligence. The rights of potential beneficiaries to sue are clearly spelled out and in addition the Secretary of Labor is authorized to bring legal action. To make this authority more meaningful the Secretary is given additional investigatory and enforcement powers. In addition the disclosure provisions are strengthened so that a sound basis for evaluating fiduciary conduct is established.

One other major change is made by the bill. Investments by retirement funds in the securities of the employer company are limited to 10 percent of the fund. This serves to minimize the investment risk in the absence of arms-length bargaining. It also protects the fund in the event the employer goes out of business for any reason. A fund which ceases to receive employer contributions will suffer in any event and if the accumulated funds are also tied to the business of the employer, the result is catastrophic.

Finally the bill would provide added protection by authorizing the removal of any fiduciary who has participated in a breach of trust and by barring a person who has been convicted of certain crimes from serving in any fiduciary capacity for 5 years after conviction or after termination of his prison sentence.

The need for a bill on this subject was made clear by the hearings conducted by the McClellan committee in the summer of 1965 and by the report of the President's Committee on Corporate Pension Funds and Other Private Retirement and Welfare Funds. While other problems in connection with such funds have not yet been solved, the urgent need for protection from mismanagement cannot be set aside.

I urge that early and favorable consideration be given to the enactment of this legislation which will protect the future of millions of American workers and their families.

I ask unanimous consent to have printed in the RECORD at this point an analysis of the changes proposed by the bill.

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

The bill (S. 1024) to amend the Welfare and Pension Plans Disclosure Act, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The analysis presented by Mr. YARBOROUGH is as follows:

ANALYSIS OF MAJOR OBJECTIVES OF AMENDMENTS TO WELFARE AND PENSION PLANS DISCLOSURE ACT

The changes contemplated by the proposed amendments to the Welfare and Pension Plans Disclosure Act fall in three categories:

1. The prescription of fiduciary responsibilities and duties upon persons handling welfare and pension funds; the imposition of civil liability for a breach of such duties and responsibilities; provision for the remedy of such breaches by civil action, including the right to recover funds lost by reason of the breach; and disqualification of persons convicted of certain crimes from serving in a fiduciary capacity with respect to welfare and pension funds.

2. Collateral changes in the existing law necessary to enforce and implement the new provisions relating to fiduciary responsibility. These changes expand the investigatory and enforcement powers of the Secretary of Labor and expand the financial reporting requirements to aid in implementing the provisions concerning fiduciary responsibility.

3. Minor technical modifications of the law.

The provisions of this bill pertaining to fiduciary responsibility are similar to the general principles and rules evolved by courts of equity for the governing of the conduct of trustees, with certain modifications deemed to be appropriate and desirable in the operation of the particular types of funds covered under the bill.

The imposition of a fiduciary responsibility on persons handling welfare and pension funds is necessary to protect the funds and the interests of the participants and their beneficiaries from losses arising from lack of ordinary care and prudence in the management and investment of the funds. Existing Federal law makes theft, embezzlement, bribery and kickbacks in connection with welfare and pension plans Federal crimes; but it does not deal with breaches of fiduciary responsibility except to the limited extent that the Internal Revenue Code provides that the tax exempt status of a pension fund may be lost if the investments made by the trustees constitute so-called prohibited transactions within the meaning of the Code. These provisions of the Code have not proved adequate to the task of maintaining fiduciary responsibility particularly since use of this sanction in effect penalizes the participants and beneficiaries perhaps more severely than the persons responsible for the prohibited transactions.

Legal protection against breaches of trust has generally been left to State law. However, the mere labeling of employee benefit funds as "trust funds" does not by itself impose on the persons handling such funds the law regulating the duties of a trustee. The terms of the plan, trust agreement, or other agreement under which the fund is established and operated may relieve such persons of duties which otherwise the law would regulate and define. Moreover, there is considerable uncertainty under existing law as to whether, and to what extent, participants of the plan have enforceable rights against the plan or the administrators.

The proposed bill, therefore, by its terms prescribes the duties and responsibilities of the persons defined therein as "fiduciaries" so that the terms of the plan, trust, or other agreement under which the fund is established and operated cannot immunize such persons or relieve them from liability for the breach of their fiduciary duties and responsibilities.

In order to establish effective sanctions, the bill expands the investigatory and enforcement powers of the Secretary of Labor. While the bill also creates civil remedies for participants and beneficiaries with respect to breaches of trust, self-policing of benefit funds on their part is not a sufficient nor adequate method of insuring that such funds are not misused. In addition, it is necessary to insure that criminal elements do not infiltrate the management and operation of these funds. Accordingly, there is a specific prohibition against certain convicted criminals serving in a fiduciary capacity.

Further and more detailed disclosure as to the financial operations of these funds is a necessary complement to the imposition of fiduciary responsibility. It is well-established that fiduciaries are required to give a detailed accounting of their stewardship. Present disclosure provisions limit the amount and type of financial information regarding these funds. It is essential that further disclosure be obtained so as to provide participants and beneficiaries with an adequate basis for evaluating the fiduciary's performance of his obligations.

Finally, experience in administering the

present law has demonstrated that minor technical amendments are needed to resolve certain details of procedure and to otherwise make the law more workable.

THE NEED FOR A MORE COMPREHENSIVE APPROACH TO PENSION PLAN LEGISLATION

Mr. JAVITS. Mr. President, there was introduced today by the distinguished Senator from Texas [Mr. YARBOROUGH] the administration's pension bill, to regulate the pension and welfare funds, which follows the President's message on this subject.

Let me state that, in my judgment, the administration bill omits the solution of some very serious problems, specifically with relation to vesting, funding, portability of pension credits, reinsurance of pensions. In addition, there are various procedural aspects of the bill which could be materially improved.

I wish to announce that I am preparing a comprehensive bill which will deal with all of these questions as well as those dealt with in the President's bill as introduced by the Senator from Texas [Mr. YARBOROUGH]. I will offer it, I expect, sometime within the next week or 10 days.

I state this merely for the information of Senators who may be reading the Yarborough bill and the statement with relation to it.

PROHIBITION OF THE SALE OR SHIPMENT FOR USE IN THE UNITED STATES OF THE CHEMICAL COMPOUND KNOWN AS DDT

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill to prohibit the sale or shipment for use of DDT in this country.

I am appalled by the widespread, unregulated use of highly toxic pesticides such as DDT. DDT is spreading all over the globe. It is in our soil, in our water, in reindeer in Alaska and penguins in the Antarctic.

DDT is one of the most persistent—remaining toxic for 10 years or more after application—of more than 60,000 chemical preparations now registered by the Federal Government.

A second, and perhaps more dangerous characteristic of DDT, is that it is accumulated by certain animals in their bodies in amounts far greater than those of the flora and fauna on which they feed. The effects of this concentration of DDT—including lowered reproduction, reduced numbers of normal offspring, and sudden death of the organism under stress—mark DDT as a most serious environmental threat.

DDT was first used in the 1940's to control mosquitos, flies, and other disease carriers. Strains resistant to this pesticide soon developed and its effectiveness was thus reduced. DDT also was used on farm and forest land insects but some of these also developed resistance.

Because of the hazards involved, the Wisconsin Conservation Department and the Forest Service have stopped spraying their forests with DDT. Many communities have begun using substitutes for DDT in their battle against pests, particularly the Dutch Elm beetle. But some communities are still fogging DDT all over the landscape. This ought to stop immediately.

DDT is used in large quantities in this country because it is cheap and easy to apply. But the point is also that good substitutes are available. We can drop DDT right now and use other pesticides to do the same job. Many of the substitutes available are more expensive than DDT, but when our health and well-being are at stake, money should be no object.

This proposal to ban the use of DDT is based on innumerable scientific studies which have been carried on over the years and which have demonstrated the hazards of its use. Studies in Wisconsin have shown concentrations of DDT in muskies, bass, walleyes, and other game fish from inland waters as well as in various kinds of fish in Lake Michigan.

A recent study in California concluded that DDT is now widely distributed throughout the Pacific Basin and that comparatively high residue levels are present in marine birds. The oceans are assuming increased importance as a source of human food and we are filling them with residues of persistent pesticides like DDT.

It is not necessary to report all the studies that have shown the harmful effects of DDT. The facts are clear—we have succeeded in the 20-odd years since DDT has been on the market in polluting our environment with it. We have seriously polluted in 20 years an environment which was unpolluted for billions of years.

Banning DDT alone is not the answer to the pesticide problem. Pesticides are obviously of great value to a lot of people. On the other hand, the continuing, unregulated use of pesticides will inevitably be harmful to a lot of people.

This bill would have no effect on thousands of widely used and less persistent pesticides. In order to avoid further problems with pesticides, a national commission should be set to study all pesticides and to establish strict regulations governing their use.

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

The bill (S. 1025) to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT, introduced by Mr. NELSON was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

EXTENSION OF CERTAIN BENEFITS OF THE ANNUAL AND SICK LEAVE ACT TO CERTAIN EMPLOYEES

Mr. MONRONEY. Mr. President, I send to the desk, for appropriate reference, a bill to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act.

This bill would recognize periods of employment service in the county offices of the Agricultural Stabilization and Conservation Service for the purposes of salary adjustment, annual and sick leave, and reductions in force for county office employees who are appointed to positions as Federal employees in the Department of Agriculture.

Employees in the county offices of the ASCS are not technically Federal employees. They share an extremely close relationship to the Federal Government, however. Their salaries are paid entirely out of Federal funds, and in recent years Congress has extended to these employees the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act, the Federal Employees Health Benefits Act and, the Severance Pay Act.

Under present law, when an employee of a county committee is appointed to a position in the Department of Agriculture, he begins his Federal service at the minimum rate of the appropriate grade of the general schedule, regardless of the number of years he may have served in a county office or the degree of experience he has attained. He accumulates annual leave on the basis of a beginning employee and for the purposes of determining seniority for a reduction in force, his ASCS service is not considered. There is, therefore, little incentive at the present time for this employee to accept a position in the Department of Agriculture when he knows that the only difference insofar as employee benefits are concerned is that his salary may be reduced and his seniority abolished.

I believe that enactment of this legislation would be of great assistance to the Department of Agriculture in its recruitment of experienced, qualified persons now serving in the ASCS county offices.

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

The bill (S. 1028) to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes, introduced by Mr. MONRONEY, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

CHANGES IN STATUTES RELATING TO CIVILIAN PERSONNEL SERVING ABROAD

Mr. FULBRIGHT. Mr. President, I introduce, by request, a bill to make several changes in statutes relating to civilian personnel serving abroad. These provisions are identical to those in S. 3247, which passed the Senate on October 5, 1966, but which failed to pass the House of Representatives before adjournment.

These personnel provisions, commonly referred to as the Vietnam amendments, are designed to provide certain benefits to personnel serving in hazardous areas, such as Vietnam. I hope that it will be possible for the Committee on Foreign Relations to take early action on the legislation.

I ask unanimous consent to have printed at this point in the RECORD the text of the bill, an explanation of it, and a tabulation of the estimated cost for the first year's operation of the bill's provisions.

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

The bill (S. 1029) to improve certain benefits for employees who serve in high-risk situations, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 1029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 911 of the Foreign Service Act of 1946, as amended, (22 U.S.C. 1136), is amended by striking out the period at the end of the paragraph (10) and inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraph:

"(11) travel and related expenses, without regard to the provisions of this or any other law, whenever he determines that extraordinary conditions, or circumstances involving personal hardship, warrant the payment of such expenses incident to appointment, service, or separation of officers or employees of the Service, including any such expenses of the members of their families."

SEC. 2. Immediately after section 943 of such Act add the following new section:

"SEC. 944. Under such regulations as he may prescribe, the Secretary is authorized to provide medical services under part E of this title beyond the date of death or separation of an officer or employee."

SEC. 3. (a) Subchapter II of chapter 63 of title 5, United States Code (which relates to leave), is amended by adding at the end thereof the following new section:

"6325. Absence resulting from hostile activity

"No leave shall be charged to the account of any officer or employee for absence, not to exceed one year, due to any injury or illness incurred while serving abroad and resulting from hostile activity or clearly caused by the fact that the officer or employee was located abroad."

(b) The analysis at the beginning of such subchapter is amended by adding the following item at the end thereof:

"6325. Absence resulting from hostile activity."

(c) The amendment made by subsection (a) of this section shall take effect as of the first day of the first pay period which began on or after January 1, 1965.

SEC. 4. Section 5925 of title 5, United States Code (which relates to post differentials) is amended by inserting immediately before the period at the end thereof the following: ", except that in a foreign area where there is unusual danger of injury due to hostile activity such additional compensation shall not exceed 50 per centum".

The explanation and tabulation presented by Mr. FULBRIGHT are as follows:

FOREIGN SERVICE ACT OF 1946, AS AMENDED

TITLE IX—ALLOWANCES AND BENEFITS

Part B—Travel and related expenses

General Provisions

Existing legislation	Proposed legislation
SEC. 911. (10) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty [.]	SEC. 911. (10) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty; (11) *travel and related expenses, without regard to the provisions of this or any other law, whenever he determines that extraordinary conditions, or circumstances involving personal hardship, warrant the payment of such expenses incident to appointment, service, or separation of officers or employees of the Service, including any such expenses of the members of their families.*

It is proposed to amend section 911 relating to transportation and travel by adding a new paragraph (11) at the end of this section. Since the enactment of the Foreign Service Act in 1946, section 911 has been amended on several occasions to meet changing conditions and circumstances. In the interests of the Service the Secretary needs broader authority to authorize the travel of personnel and their dependents for purposes of training, representation, rest and recuperation, and personal emergencies. Present authority is also inadequate in cases where it is necessary to bring members of an officer's family to the United States en route to a new post of assignment for purposes of training and orientation or to remove dependents from the country of an officer's assignment for reasons of state. The new language is sufficiently broad to permit the payment of the cost of preparing and transporting to an appropriate place of interment the remains of an officer or employee or of members of his family who may die in the Service either in the United States or abroad. In addition the provision will clearly provide authority for the Secretary to permit travel for visits between the employee and members of his family in situations where the family is proscribed from accompanying the employee to his post because of danger from hostile activity.

The phrase "without regard to the provisions of this or any other law" has been included to eliminate certain confusion which has existed with respect to the Secretary's authority under this section to prescribe Foreign Service travel regulations as such authority relates to the Administrative Expenses Act of 1946 and to the Travel Expense Act of 1949. It is not included to permit the circumvention of provisions of law regarding the use of American-flag ships or of American-flag aircraft.

Part E—Medical services

Existing legislation	Proposed legislation
No existing legislation.	*Sec. 944. Under such regulations as he may prescribe, the Secretary is authorized to provide medical services under part E of this title beyond the date of death or separation of an officer or employee.*

It is proposed that there be added to Part E of Tile IX a new section to be designated section 944.

The new section would authorize the Secretary to continue medical benefits under part E of title IX (medical services) for officers and employees beyond the date of separation and for dependents beyond the date of the death or separation of an officer of employee whenever it is considered in the public interest to do so. Under existing authority medical benefits for officers and employees cannot be continued beyond the date of separation from the Service and dependent benefits cease automatically at the time the employee dies or is separated from the Service. There have been a few instances in which a dependent who has been in a hospital at the time the sponsoring employee died or was separated has had to assume responsibility for all care rendered after the date of death or separation. Employees and dependents on the verge of receiving treatment have been denied it because of the mandatory separation or death of the employee. The law presently accords to eligible dependents the identical medical benefits granted to employees except for (1) the first $35 of the cost of hospitalization or similar treatment, and (2) a 120-day limit on the period of treatment at U.S. Government expense for a single illness or injury. It is proposed to continue these limitations under the authority granted by the new section 944.

Subchapter II of Chapter 63 of Title 5, U.S. Code.

Existing legislation	Proposed legislation
No existing legislation.	(a) Subchapter II of chapter 63 of title 5, United States Code (which relates to leave), is amended by adding at the end thereof the following new section: "6325. Absence resulting from hostile activity "No leave shall be charged to the account of any officer or employee for absence, not to exceed one year, due to any injury or illness incurred while serving abroad and resulting from hostile activity or clearly caused by the fact that the officer or employee was located abroad." (b) The analysis at the beginning of such subchapter is amended by adding the following item at the end thereof: "6325 Absence resulting from hostile activity." (c) The amendment made by subsection (a) of this section shall take effect as of the first day of the first pay period which began on or after January 1, 1965.

It is proposed that part of title 5 of the U.S. Code relating to leave be amended by adding new section 6325.

The new language provides that, for a period not to exceed one year, no charge against leave shall be made for any absence due to injury or illness sustained abroad by an officer or employee as a result of hostile activity or clearly caused by the fact that he was located abroad. The provision will permit an absence without charge to leave in those extraordinary situations in which officers and employees sustain serious illnesses or crippling injuries from physical violence and unavoidable involvement in wars, guerrilla and militant insurgent situations, or localized hostile mob actions. Similarly, it will protect the employee's earning power in those situations where prolonged disability results from illness which can be attributed solely to the fact that he was serving abroad and which would not have occurred had he remained in the United States. Personnel serving abroad particularly in the tropics are exposed to a wide range of disabling and disfiguring diseases. The authority granted by this section will make it possible to retain them in pay status while rendering them all necessary hospitalization and related care.

Provision is made for the retroactive application of this amendment to January 1965. Since that date a number of employees have been seriously injured due to a step-up in hostile acts against U.S. installations and employees abroad, including the 1965 terrorist-type attack against the chancery in Saigon. Providing for the retroactive application of this amendment will enable such employees to receive the full benefits of this provision.

Subchapter III of Chapter 59 of Title 5 of U.S. Code.

OVERSEAS DIFFERENTIAL AND ALLOWANCES

Existing legislation	Proposed legislation
SEC. 5925. A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. Such differential also may be granted to any employee who is officially stationed in the United States who is on extended detail in a foreign area. Additional compensation paid as a post differential shall not in any instance exceed 25 per centum of the rate of basic compensation.	SEC. 5925. A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. Such differential also may be granted to any employee who is officially stationed in the United States who is on extended detail in a foreign area. Additional compensation paid as a post differential shall not in any instance exceed 25 per centum of the rate of basic compensation, *except that in a foreign area where there is unusual danger of injury due to hostile activity such additional compensation shall not exceed 50 per centum.*

This section amends section 5925 of title 5 U.S. Code (which relates to post differentials) to authorize the payment of up to 50 percent of basic compensation to officers and employees serving in a foreign area where there is unusual danger from hostile activity. The current situation in Viet-Nam exemplifies the need and the justification for an additional allowance for personnel in strife-torn areas. In addition to the dangers of violence attendant upon assignment in Saigon employees are required to travel over many parts of the country, much of which is under Vietcong attack.

Estimated cost for 1st year's operation—Under authority of a bill to improve certain benefits for employees who serve in high-risk situations, and for other purposes

Section of bill	Estimated 1st year direct appropriations cost			
	State	AID	USIA	Total
Sec. 1. Travel (sec. 911(11), Foreign Service Act)	$106,200	$26,525	$105,275	$238,000
The additional costs of this amendment for the 1st year are estimated as follows:				
(a) 150 dependents a year with unusual medical problems will be brought to Washington from their home leave address for diagnosis and/or treatment at an average travel cost of $200 each	18,000	9,000	3,000	30,000
(b) 50 persons will be authorized to make round trip economy flights from foreign posts to their homes in connection with emergencies in their family at an average cost of $975 each	29,250	14,625	4,875	48,750
(c) Preparation and transportation to their former homes of the remains of 25 persons who die in the United States at an average of $350 each	5,950	1,400	1,400	8,750
(d) Travel of 10 wives of officers or employees for training in special cases at an average of $150 each	0	1,500	0	1,500
(e) Travel of 160 employees to make an average of 1.3 trips each to visit dependents evacuated from post. AID now has this authority	53,000	0	96,000	149,000
Sec. 2. Continued hospitalization after separation (sec. 944, Foreign Service Act)	10,850	4,550	2,100	17,500
Medical treatment of an estimated 25 employees and 25 dependents a year would be continued after separation at an average cost of $350 each.				
Sec. 3. Absence resulting from hostile activity (subch. II, of ch. 63 of 5 U.S.C. 6325, Annual and Sick Leave Act of 1951)	3,000	9,000	3,000	15,000
It is estimated that 10 employees a year will be absent from work, because of acts of hostile forces or due to their location abroad, for an average of 3 months each without charge to leave at an average cost of $3,000 each. However, it is estimated that 5 of these employees would remain on full salary under current authority. Therefore, the actual 1-year direct costs would be $15,000.				
Sec. 4. Hazardous duty differential beyond 25 percent (5 U.S.C. 5925, Overseas Differentials and Allowances Act)	275,000	4,860,000	450,000	5,585,000
It is estimated that during the 1st year 1,900 employees will be eligible for the additional 25 percent hazardous duty differential for service in Vietnam. (An average differential payment of $2,939.)				
Total direct appropriations costs, 1st year	395,050	4,900,975	560,375	5,855,500

INFORMATIONAL MEDIA GUARANTY PROGRAM

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend further section 1011 of the United States Information and Educational Exchange Act of 1948, as amended.

The proposed legislation has been requested by the Director of the U.S. Information Agency, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter to the Vice President from the Director of the U.S. Information Agency in regard to it dated January 27, 1967, and the section-by-section analysis and the explanation of the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, section-by-section analysis, and explanation will be printed in the RECORD.

The bill (S. 1030) to amend further section 1011 of the U.S. Information and Educational Exchange Act of 1948, as amended, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 1030

A bill to amend further section 1011 of the United States Information and Educational Exchange Act of 1948, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1011 of the United States Information and Educational Exchange Act of 1948, as amended, is amended as follows:

(1) In subsection (a) by striking out ", in accordance with the provisions of subsection (b) of section 413 of the Mutual Security Act of 1954, of investments in enterprises producing or distributing informational media" and inserting in lieu thereof "of convertibility to dollars of foreign currencies resulting from the sale or licensing abroad of American informational and educational materials which he determines to be".

(2) By changing the first comma of the proviso in subsection (a) to a period and striking out everything thereafter.

(3) By striking out subsection (b) and inserting in lieu thereof: "There is hereby established an Informational Media Guaranty Fund which shall be available without fiscal year limitation for payments under informational media guaranties. The Fund shall consist of all dollar amounts available

for guaranties hereunder and other assets on hand and hereafter derived from the program, and shall assume the liabilities and other obligations pertaining thereto.

(4) By striking out subsection (c) and inserting in lieu thereof "Obligations for guaranty contracts under this section shall be recorded against the funds heretofore or hereafter available for such guaranty contracts in an amount not less than 50 per centum of the contractual liability therefor."

(5) In subsection (d) by adding the words "heretofore or hereafter" after the words "Foreign currencies", by striking out "after June 30, 1955,", and by substituting the word "Fund" for "special account".

(6) By striking out subsection (e) and inserting in lieu thereof:

"The Director shall establish a schedule of fees for the issuance of guaranty contracts, or amendments thereto, and all fees collected shall be deposited in the Fund and shall be available for payments under informational media guaranties."

(7) By striking out subsection (g) in its entirety and by redesignating subsection (h) as subsection (g).

(8) By striking out the newly designated subsection (g)(1) and inserting in lieu thereof:

"There is hereby authorized to be appropriated without fiscal year limitation such amounts as may be necessary to bring the U.S. dollar balance of the Fund to $10,000,000 and to restore any impairment to the authorized capital of the Fund."

(9) In the newly designated subsection (g)(2) by striking out the words "and interest accrued on notes" and substituting the word "Fund" for "special account."

(10) By striking out the first sentence of the newly designated subsection (g)(3) and inserting in lieu thereof:

"The Secretary of the Treasury shall cancel all notes issued or assumed by the Director for purposes of payments under informational media guaranties, and sums owing and unpaid thereon, including interest to the time of cancellation."

The letter, section-by-section analysis, and explanation presented by Mr. FULBRIGHT, are as follows:

U.S. INFORMATION AGENCY,
Washington, D.C., January 27, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate.

DEAR MR. VICE PRESIDENT: I have the honor to transmit to the Senate for its consideration a draft of a proposed bill to amend the United States Information and Educational Exchange Act of 1948, as amended, and an explanation thereof. The draft bill and explanation have also been submitted to the House of Representatives.

The proposed bill, which would revise the basic authority of the Informational Media Guaranty Program (IMG), is identical to S. 2256 which was submitted by the Agency to the last Congress. No action had been taken on that bill when the 89th Congress adjourned sine die. Proposals to revise IMG were also submitted to the 88th Congress (S. 2589) but were not acted upon.

Failure of the Congress to consider proposed amendments to IMG in the last two Congresses has been a matter of concern to the Senate Appropriations Committee. This year the Committee instructed in its report on H.R. 18119, which included the Agency's appropriation for FY 1967, that the IMG program be phased out. In view of this instruction, the IMG program will be phased out unless early and favorable action is taken by the Congress on legislation such as that transmitted herewith.

In his message to the Congress, February 2, 1966, proposing the International Educational and Health Acts of 1966, the President urged the Congress to enact legislation to permit improvements in the IMG program.

In view of the importance of this program and its present status the Agency urges early and favorable consideration of the proposals by the Senate.

The Bureau of the Budget advises that enactment of the draft bill would be consistent with the Administration's objectives.

Sincerely yours,

LEONARD H. MARKS,
Director.

SECTION BY SECTION ANALYSIS

SECTION I (1)

This subsection amends section 1011(a) of the U.S. Information and Educational Exchange Act of 1948, as amended, by making a technical change in the language and by deleting a reference to section 413 of the Mutual Security Act of 1954. That section has been superseded by sections 221 and 222 of the Foreign Assistance Act of 1961, as amended. Both the original section 413, now repealed, and the current sections 221 and 222 are concerned primarily with guaranties of capital investments abroad against confiscation or expropriation, or by reason of war, and guaranties of convertibility of earnings from such foreign investments. They have little relevance to guaranties of foreign currency sales proceeds from the export of U.S. informational materials. Accordingly, the reference to section 413 of the Mutual Security Act of 1954 is deleted from the proposed legislation as being unnecessary and, for the most part, inapplicable. Similar references in other sections of the IMG legislation are also deleted by the proposed legislation in order to bring the IMG legislation up to date and to make it all-inclusive.

SECTION I(2)

This subsection restates in subsection 1011(a) that the purpose of making informational media guaranties shall be the achievement of the foreign policy objectives of the United States. The proposed language does not include, however, the language of the present section 1011(a) which states that the purpose of making informational media guaranties shall also include the objectives of sections 413(b)(4)(A) and 413(b)(4)(G) of the Mutual Security Act of 1954, as amended. Such subsections have been repealed and their substance is now included in sections 221 and 222 of the Foreign Assistance Act of 1961, as amended. These sections specifically include economic development of underdeveloped areas as an objective of investment guaranties.

In view of the subsequent repeal and recodification of the referenced sections, and since economic development of underdeveloped areas is not a primary purpose of IMG, such references are no longer necessary in IMG legislation and have been deleted. Moreover, the purpose as stated in the proposed amendment is broad enough to encompass *all* foreign policy objectives.

SECTION I(3)

This subsection revises the current legislation by creating an Informational Media Guaranty Fund to replace both the existing borrowing authority and the "Special Account." It is expected that immediately prior to the effective date of this bill the Agency will draw down from the Treasury the balance available against notes authorized by the present statute and deposit such draw-down to the Special Account. Upon enactment of this subsection the Special Account balance and the market value of foreign currencies on hand will become the initial capital of the Fund.

The dollar value of foreign currencies held by the Agency at the time of enactment of the legislation and foreign currencies received thereafter under contracts of guaranty will be included as assets of the Fund. These currencies will be sold as rapidly as possible and the dollar proceeds will become available for liquidation of obligations. The present $28,000,000 borrowing authority will be repealed and public debt financing will be discontinued. The proposed language will make section 1011 of the U.S. Information and Educational Exchange Act of 1948 the sole and all-inclusive statutory basis for making informational media guaranties.

SECTION I(4)

This subsection repeals the formula for computing the maximum in guaranties which may be outstanding at any one time and provides a new formula. The new formula permits guaranty contracts to be obligated against the Fund in an amount ranging from 50% to 100% of the face amount of such contracts. The amount of guaranty outstanding at any one time may not, of course, exceed twice the amount in the Fund. This authority will permit the extension of more convertibility coverage with smaller appropriations. Greater operational flexibility will be possible than under the old formula.

Experience shows that due to the revolving fund feature which permits sales proceeds of foreign currencies acquired under the program to be reused, a substantial portion of the payments under each guaranty contract are financed by proceeds from the sale of currencies purchased under that contract.

SECTION I(5)

This subsection deletes a reference to June 30, 1955 which is no longer necessary. This date was included in the legislation in the course of prior amendments to establish the date when assets of the Informational Media Guaranty program were segregated from assets of the Investment Guaranty Program.

The words "heretofore or hereafter" are added to make certain that the dollar proceeds received from the sale of foreign currencies held in the IMG inventory at the time of enactment or acquired through operation of the program under the revised authority will be deposited into the Informational Media Guaranty Fund, where they will be continuously available for payment of guaranties. It also substitutes the word "Fund" for the words "Special Account" to maintain consistency of terminology.

SECTION I(6)

This subsection deletes the reference to the Mutual Security Act of 1954, as amended, and the authority of the Director to charge a minimum fee of not more than $50.00 for the issuance of an IMG contract. The latter authority was necessary when IMG fees were set by law at 1% of the face amount of the contract. Since the proposed legislation authorizes the Director to establish a schedule of fees the authority for a minimum fee is unnecessary.

SECTION I(7)

This subsection repeals in its entirety the present section 1011(g) which was a transitional provision covering the segregation of borrowing authority and assets of IMG from the borrowing authority and assets of the Investment Guaranty Program which took place in 1956. The subsection is, therefore, no longer necessary.

SECTION I(8)

This subsection redesignates the present section 1011(h)(1) as section 1011(g)(1) and authorizes no-year appropriations to bring the U.S. dollar balance of the newly created fund up to the authorized maximum of $10,000,000 and thereafter to restore impairment to the fund.

SECTION I(9)

This subsection revises section 1011(h)(2) by redesignating it as 1011(g)(2) and by deleting the reference therein to "interest accrued on notes". With the cancellation of indebtedness and repeal of the borrowing authority there will be no further interest accrual.

SECTION I(10)

This subsection modifies section 1011(h)(3) by redesignating it as 1011(g)(3) and by directing the Secretary of the Treasury

to cancel all indebtedness on the effective date of the Act, including interest upon notes issued or assumed by the Director for purposes of payments under IMG. Cancellation of indebtedness to the Treasury arising from public debt financing of certain other government programs has been authorized by the Congress in the past. Obviously there is no way for such internal "debt" to be liquidated other than by action of the Congress.

EXPLANATION OF PROPOSED LEGISLATION

GENERAL

The purposes of the proposed legislation to amend section 1011 of the U.S. Information and Educational Exchange Act of 1948, as amended, informational media guaranties (22 U.S.C. 1442) are as follows:

1. Establish a fund to finance the IMG program, which will include: (a) the dollar balance in the existing Special Account, (b) the amount remaining for borrowing from the Treasury under the present $28,000,000 limit, and (c) other assets derived from the program;

2. Repeal the present borrowing authority and direct the Secretary of the Treasury to cancel all indebtedness, including interest accrued to the time of cancellation;

3. Fix the ceiling on outstanding guaranties at twice the amount in the fund, i.e. require the Agency to maintain at all times a reserve of not less than 50% of the outstanding guaranties;

4. Authorize appropriations sufficient to bring the U.S. dollar balance of the fund up to $10,000,000 and to replace losses to the fund;

5. Authorize the Director of the Agency to establish a schedule of fees for the issuance of guaranties; and

6. Eliminate references in the basic IMG legislation (22 U.S.C. 1442) to other provisions of law which have been repealed or which are no longer applicable.

These legislative proposals are necessary to revitalize and provide for continued capitalization of the IMG program which has operated against $28,000,000 in public debt financing since 1948.

At the beginning of fiscal year 1959 when appropriations were first authorized to restore impairment to the fund the indebtedness to the Treasury was $16,800,000. From that date through June 30, 1966, the Congress appropriated $12,191,680. Expenditures (including interest payments of $4,700,000) during that period, however, exceeded revenues and appropriations by nearly $5,300,000. Consequently, by June 30, 1966, the indebtedness to the Treasury on notes outstanding increased to $22,056,141.

The existing IMG revolving fund has no source of income to offset losses or pay interest except the small amount of interest earned on foreign currency deposits and fees collected. The liquidation of the indebtedness which has accumulated since 1949 must, therefore, depend upon action by the Congress. The proposed legislation directs the Secretary of the Treasury to cancel all outstanding indebtedness under the notes, including principal and interest, thus permitting a new beginning for the IMG program under the revised authority.

PEACE CORPS ACT AMENDMENT

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend further the Peace Corps Act (75 Stat. 612), as amended.

The proposed legislation has been requested by the Director of the Peace Corps, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter to the Vice President from the Director of the Peace Corps, dated February 3, 1967, in regard to it, and a section-by-section analysis of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and section-by-section analysis will be printed in the RECORD.

The bill (S. 1031) to amend further the Peace Corps Act (75 Stat. 612), as amended, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 1031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1967" and "$110,000,000" and substituting "1968" and "$124,400,000", respectively.

The letter and section-by-section analysis presented by Mr. FULBRIGHT are as follows:

PEACE CORPS,
Washington, February 3, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate.

DEAR MR. PRESIDENT: Enclosed for your consideration is draft legislation which will enable the Peace Corps to continue to strengthen its work on behalf of world peace and understanding.

This legislation will authorize the appropriation of $124.4 million for the Peace Corps in fiscal 1968. This authorization is $14.4 million more than the amount authorized for 1967.

It will enable the Peace Corps to train an estimated 11,550 Volunteer applicants in the coming year, 1050 more than this year. It will also enable the total number of Volunteers serving abroad on August 31, 1968 to grow to about 900 from the estimated number to be overseas on August 31, 1967.

During the past year, the Peace Corps has increased the number of countries with which it has programs from 46 to 52. The legislation being transmitted will allow Peace Corps Volunteers to be assigned to several more countries.

As the Peace Corps moves forward, it seeks newer, more effective and more economical ways to recruit, select, train, program and support its Volunteers. Current improvements are included in our program for 1968 and reflect the interests of the Congress as expressed in prior years' hearings.

The Bureau of the Budget has advised that enactment of this legislation would be in accord with the program of the President.

Sincerely,

JACK VAUGHN.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED ACT TO AMEND FURTHER THE PEACE CORPS ACT

The proposed act (the "bill") to amend further the Peace Corps Act, as amended ("the act"), authorizes appropriations for fiscal year 1968 under the general authority in the act for appropriations to carry out the purposes of the act. The bill would accomplish this by striking out the amount and the reference to the fiscal year in that general authorization and substituting the new amount and the new fiscal year. Deletion of the amount and year in the general authorization, of course, has no effect on funds heretofore made available to carry out the purposes or provisions of the act.

Section 1.—Amends section 3(b) of the act, which relates to authorizations, to authorize the appropriations of $124,400,000 for fiscal year 1968. In 1966, the appropriation of $110,000,000 for fiscal year 1967 was authorized by amendment of this general authority, and that amount was appropriated, under the general authorization, to carry out the provisions of the act in fiscal year 1967.

AMENDMENT TO THE OLDER AMERICANS ACT OF 1965

Mr. MORSE. Mr. President, Mr. John G. Kenyon, director of school services program for the elderly at Lewis and Clark College, recently apprised me of the pilot program being undertaken by that institution in connection with 11 elementary schools of Portland Public School District No. 1.

In his letter, Mr. Kenyon said:

Lewis and Clark College was given an Older Americans Act grant last year to establish a pilot work program for low-income elderly people. The program is the only one of its kind in the nation. Within Portland Public School District #1 eleven elementary schools now have a total of forty noontime assistants who replace the teachers in the cafeterias and on the playgrounds. Each elderly person is within walking distance of his assigned school, works about two hours each day, is being paid $1.50 per hour, and is aged fifty-five or older (the oldest is eighty-two). School personnel and the elderly workers are enthusiastic about the program. The school Board and administrators are seriously planning extension and expansion of the program.

There is one fly in the ointment. Those of our workers who are on Old Age Assistance lose, in effect, about $45 out of their $60 monthly income because of Titles I, IV, X, XIV, and XVL of the Social Security Act.

The Economic Opportunity Act has a specific title—title VII—which exempts old-age assistance recipients from penalties when receiving additional income under that act.

We believe the School Services Program has great potentials. It relieves teachers from a tension-producing duty thus contributing to better teaching. It puts elderly persons back in society—ending their isolation and loneliness, and improving their incomes at the same time. It re-establishes grandparents in American society, builds rapport between generations and makes available the wisdom of the elderly.

Would it be possible to amend the Older Americans Act by giving it the same title the Economic Opportunity Act has—Title VII? Our program, as well as future programs involving low-income elderly persons will benefit from such an amendment.

Mr. President, in my judgment there is much merit in the proposal and it conforms to the action of the Congress with respect to other areas relating to the same principle.

I, therefore, send to the desk for appropriate reference a bill to accomplish the purpose and I ask unanimous consent that the text of the bill be printed at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately re-

ferred; and, without objection, the bill will be printed in the RECORD.

The bill (S.1032) to provide for the disregarding, for purposes of determining need under programs established pursuant to the public assistance titles of the Social Security Act, of certain income of aged persons employed under programs receiving assistance under the Older Americans Act of 1965, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Older Americans Act of 1965 is amended by adding at the end thereof the following:

"TITLE VII—TREATMENT OF CERTAIN INCOME FOR CERTAIN PUBLIC ASSISTANCE PURPOSES

"SEC. 701. (a) Notwithstanding the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act, a State plan approved under such title shall provide that the first $85 plus one-half of the excess over $85 of payments made to any person for or with respect to any month shall not be regarded as income or resources of such person in determining his need under such approved State plan, or as income or resources of any other individual in determining the need of such other individual under such approved plan, if—

"(1) such person has attained age 65 prior to such month,

"(2) such payment is for services performed by such person in a program assisted by a grant under this Act, and

"(3) one of the purposes of such program is to provide part-time employment for low-income elderly persons.

"(b) Notwithstanding the provisions of subsection (a), no funds to which a State is otherwise untitled under title I, IV, X, XIV, XVI, or XIX of the Social Security Act for any period before the first month beginning after the adjournment of a State's first regular legislative session which adjourns more than 90 days after the date of enactment of this section shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of subsection (a)."

THE NATIONAL COURT ASSISTANCE ACT

Mr. TYDINGS. Mr. President, during the last session of the 89th Congress I introduced a bill entitled the National Court Assistance Act, S. 3725. The proposal had two main features: First, authorization of a grant-in-aid program of $5 million a year for 3 years to encourage improved judicial administration in State and local courts; and second, establishment of an Office of Judicial Assistance as a national clearinghouse for up-to-date information on court management.

When I introduced the bill, I cited statistics to show that the problem of lagging justice is plaguing the courts of our Nation. I pointed out that in Stork and Ford Counties, Ill., the time between filing and trial of civil cases is more than 5 years. In New Haven County, Conn., a civil litigant must wait 3½ years, after filing, for the trial of his case. Litigants in San Francisco, Calif., and in Baltimore, Md., are waiting almost 2 years for a jury trial from the time a civil case is placed on the trial calendar to the date it is actually tried.

Things have not improved. Indeed, conditions have even degenerated in some of the courts I discussed. And it is painfully easy to document other representative instances of judicial delay. In Louisiana in 1964, 77,000 suits were filed while only 59,000 were terminated, adding more than 18,000 cases to an already staggering backlog. In the Circuit Court of Cook County, Ill., the average litigant in a civil jury case faces a delay of more than 5 years from filing to trial. In Texas in 1961, the backlog was 120,000 cases and approximately 20 percent of all cases had been pending for over 5 years. Texas authorities no longer compile figures indicating how long cases have been pending; however, we do know that the backlog is currently in excess of 212,000 cases.

Of the seven county courts in Massachusetts that sit continuously, three courts averaged a timelag of about 3 years from filing to trial for civil cases. In the remaining four counties the time lag was more than 2 years. In Wayne County, Mich., the average delay from filing to trial in automobile negligence jury cases is more than 34 months, and in nonjury cases it is more than 30 months. In Maricopa County, Ariz., the delay from filing to trial of civil jury cases is more than 30 months. In Essex County, N.J., the total cases pending on the civil calendar at the close of fiscal 1965 increased 15 percent over the previous year, while the number of cases which had been pending for more than 2 years increased by more than 100 percent over that period. In San Mateo, Calif., after all pretrial procedures are completed and a case is set for trial, the median delay until the trial is 13 months. This delay span is 10 months in San Diego, Calif.

A full catalog of the depressing details of lagging justice would merely clutter the record. Suffice it to say that the need for positive action is immediate.

The National Court Assistance is designated to help State and local courts meet that need. First, these courts, under the grant-in-aid program, obtain financial aid to facilitate a process of comprehensive self-evaluation, the end of which would be to determine what organizational and administration changes are necessary to achieve a maximum utilization of available manpower with a minimum expenditure of time and money. Part of this process of self-evaluation can be a utilization of management consultants and other experts who can bring their knowledge to bear upon the problems of court administration. Although judges and other court personnel rarely have administrative training, our courts have been hesitant to make use of expertise in meeting problems of judicial administration. Federal assistance would encourage judges to overcome that hesitancy. The grants in aid could also be used to develop programs for judges designed to educate them in modern techniques of judicial administration. Thus, the bill I introduce today can be of direct aid to our State and local judiciaries in the fulfillment of their administrative responsibilities.

The bill would also establish a much-needed central clearinghouse of information. Today, only the Institute of Judicial Administration has any appreciable facilities for the collection, analysis, and dissemination of information on court business. As a fellow of the Institute I am familiar with its work, and I know that it does a praiseworthy job of fostering and conducting judicial study. But I also know that the Institute, as a private organization of limited resources, is not equipped to function as a comprehensive repository to collect data and service the informational needs of all the courts across the Nation. A national Office of Judicial Assistance, however, could serve as a center for the nationwide exchange of information about new methods that have been tested in individual courts. What has been successfully accomplished in Pittsburgh, for example, and the techniques employed to achieve it, could be made available to other court systems with similar problems. And, in particular, the Office of Judicial Assistance could provide advice on the most suitable statistical and data collection systems for a particular court. There is no such service today. It also may be desirable to have the Office of Judicial Assistance serve as a computer center. Many courts are not large enough to have their own computers to process statistics and records, but the Office could perform this service for them at a nominal cost.

Mr. President, I trust that Congress is fully aware of the manifest Federal interest in the effectiveness of State and local courts. Federalism is a viable system only where the States are effective partners of the Federal Government. Moreover, specific rights and remedies, created by Congress, often depend for their enforcement on the courts of the States. And when State courts consider Federal questions, it is in the whole Nation's interest that they be able to do so with dispatch and efficiency. Likewise, when questions arise as to the distribution of jurisdiction between State and Federal courts, we ought to be able to consider them on their merits, free of considerations as to which system of courts has superior administrative capacities. Nor should individual litigants themselves have to ponder such factors when they are trying to decide upon a forum in which to bring their actions.

As I pointed out last year when I introduced S. 3725, Mr. President, in many respects the National Court Assistance Act would parallel the Law Enforcement Assistance Act of 1965. The Law Enforcement Assistance Act collects and disseminates information relating to law enforcement, and makes grants to State and local police agencies and correctional institutions. However, these functions of the Law Enforcement Assistance Act, though parallel to those of the proposed National Court Assistance Act, do not overlap with them. Where law enforcement does touch the judicial process, it does so primarily in the criminal courts. But the problems

of judicial administration are perhaps most critical with respect to civil matters, in which many more of our citizens are involved.

Subsequent to the introduction of S. 3725 last session, Mr. President, I sent letters to State judges, State court administrators, State and local government officials, and leaders of bar organizations, asking for their views on the bill. The response was predominantly favorable, but as may be expected in the case of a legislative proposal, opposition was expressed in some quarters.

A few respondents merely refused to admit any need for the improvement of judicial administration. A judge of a small court in a Western State replied:

I cannot speak with authority for any other state . . . but I can assure you that no flood of litigation is engulfing this state.

Similarly, a judge of a small court in a Midwestern State observed:

In my opinion the State courts . . . are functioning well.

And a southern State judge concluded:

I would oppose the National Court Assistance Act because I feel that the states are making good headway in clearing up congested dockets.

The statistics I mentioned earlier, and a flood of others that could be cited, comprise an eloquent rebuttal to this source of opposition. Although some States have made notable advances, there has been no comprehensive mobilization of effort to attack lagging justice in our Nation's courts. The National Court Assistance Act is a step in that direction.

Opposition to the act has also been framed on another basis. A judge of a populous northern State responded:

It would be less expensive and more efficient for State legislators to create more judgeships.

An attorney who is an officer of the bar association of a southern State wrote:

The simple problem of court congestion is the lack of sufficient judges to do the work assigned.

Certainly, Mr. President, the experience of the Federal courts indicates that at times more judges can be no solution at all. During fiscal 1959, more than 62,000 civil cases were terminated in the Federal district courts. Two years later, in 1961, 63 additional district judgeships were created. Yet, in fiscal 1964, after virtually all those judgeships had been filled, the district courts handled only 64,000 cases. This means that despite a 25-percent increase in judicial manpower the courts were able to increase their productivity by only 3 percent. Furthermore, it seems foolish and expensive merely to add more judges when we have not first made an effort to make the most effective use of that judicial manpower we already have, and when we have not first carefully identified basic problems in the administration of justice and attempted to eliminate them.

A third source of opposition admitted the need for judicial reform, but argued that the National Court Assistance Act was not the appropriate vehicle. One judge commented:

We don't need law school professors hired by the Director of the Office for Judicial Assistance to tell us what is wrong and how to correct it. We know. We need money and the power to decide how to use it at the local level.

The officer of a county bar association observed that—

Though the court reform matter is of great importance to all of us, the local organizations should be given the opportunity to correct the situation.

And another judge suggested:

The National College of State Trial Judges, under the sponsorship of the American Bar Association, is doing considerable work in this field at the present time. It is my opinion that you could more economically attack the problems you are facing through a grant to the National College of State Trial Judges than you can through the means outlined in Senate Bill 3725.

Although these individuals apparently oppose S. 3725, Mr. President, the act would foster the activities they advocate. Problems of court congestion are truly local problems that must be solved locally. It is the aim of the National Court Assistance Act, however, to provide the resources to help local courts and local bars solve those problems. And I contemplate that the act would supplement the activities of organizations currently at work for the improvement of judicial administration. There is thus no real inconsistency between the National Court Assistance Act and the viewpoints in opposition to it taken in the letters just mentioned.

The main argument in opposition to the bill, however, is that it invites encroachment by the Federal Government upon the autonomy of State and local courts. The president of a county bar association in an eastern State observed:

I cannot help feeling, however, that the proposed bill, while it might alleviate . . . [court congestion] somewhat, would inevitably hamper the independence and effectiveness of state courts. It seems to me that, while delay in the administration of justice poses a serious threat to our system of government, the constant interposition of the federal hand into the affairs of the states poses an equally serious threat.

The judge of a Southern State court, in paying a compliment to my father, made this political observation:

You gentlemen in Congress could also follow more in the footsteps of such great men as Senator Millard Tydings and return our government to a true democracy instead of a socialist state governed by bureaucrats and which is fast becoming an anarchy.

And another State judge suggested that—

This bill would be a usurpation of power and, more specifically, would tend to destroy the present safeguards for the independence of the judiciary.

The judge of a Northern State borrowed a southern metaphor when he concluded tartly:

Congress should keep its "cotton picking" fingers out of the state judiciary system.

Mr. President, I too am deeply concerned with preserving the antonomy and vigor of State and local courts, and I deplore the intrusion of the Federal Government into areas that are more properly the domain of State governments. It has long been my opinion that the primary reason the Federal Government has moved into many areas that heretofore have been exclusively within the province of the States is that the latter, generally speaking, have not been sensitive to the demands of today's society, and have failed to meet modern needs with modern government. If we are to stem the entrance of the Federal Government into areas where it cannot operate as efficiently as State and municipal governments can operate, it is essential to revitalize local government and make it equal to the task that must be performed. The National Court Assistance Act is a means to stimulate judicial reform at the local level and to encourage local courts to reevaluate the adequacy with which they deal with judicial problems of today. The act is intended to help State and municipal courts help themselves, thereby obviating any pressure for Federal involvement in matters of local justice, either through an expansion of Federal court jurisdiction, or whatever. It would strengthen, not weaken, our system of creative federalism. Thus, with the same considerations in mind that those who deplore Federal intrusion into State matters have in mind, I reach the opposite conclusion about the desirability of the National Court Assistance Act.

Because I share the concern of those who oppose unnecessary Federal intervention in local affairs, the act contains specific provisions to protect the independence and autonomy of State and local courts. Section 5 provides that the resources of the act could be used only with the approval of the court involved. And section 8 specifically prohibits the Office of Judicial Assistance from exerting any control or influence over State or local court. These provisions, taken together, are meant to assure that the initiative for implementing reforms remains with the judges of the local courts.

Mr. President, I should also stress that the matter is one of judicial administration—of developing more adequate methods of handling large caseloads—in order to make clear that there is no intention to affect the substantive law of the States or to alter their traditional judicial decisionmaking processes.

I would like to give "equal time," Mr. President, to statements made by those who support enactment of this legislation. I am gratified that enthusiastic support for the measure, from the bench, bar, and officials of State and local government, is such as to require at least equal time. And some of the suggestions I have received indicate ways in which the National Court Assistance Act could be of benefit to the courts of our States.

The essential nature of the problem was put well by the mayor of a large western city:

The ever-greater complexities of urban life continue to throw greater burdens on judicial machinery. Thus, we face not only increased costs at the very time when cities are in financial difficulties, but also increased backlogs and congestion at the very time in our history when law and order demands that disputes be heard quickly and efficiently. . . . The assistance you propose is needed.

As further commentary upon the need for reform, the judge of a small court in a southeastern city observed:

There is a very great tendency to ignore or overlook the needs of courts until the neglect reaches the proportions of a scandal.

Mr. President, I gree with that sentiment, and we cannot wait longer for action.

Regarding some of the specific provisions of the bill, I found widespread support for both the grant-in-aid program and the establishment of an Office of Judicial Assistance. One midwestern State judge said:

I think the bill could be of great assistance to the State courts because my experience here has been that it is virtually impossible to obtain funds for such purposes. You are quite right that the State courts must handle the bulk of litigation in this country, and of course it couldn't be more important that they handle it in the best manner possible.

A judge from a Northern State court agreed:

To accomplish any practical results will take considerable expenditure of time, personnel and money, which are not readily available for this purpose.

The executive director of a State bar association commented:

I think there is a tremendous need for funds for studying Judicial Administration. The Bar cannot, on a voluntary basis, make the in-depth type of study that is necessary. At the same time, such studies will frequently require the expertise of other fields.

The court administrator for a large city court suggested one good way to use grants-in-aid:

The bill presents a new and useful approach to the problem of improving the administration of justice in this country. I am particularly interested in the proposal to have seminars and other educational programs for judges and personnel of the courts. As you undoubtedly know, there already exists a seminar for new trial court judges. But to my knowledge, there is no training program whatsoever for administrative personnel. I believe the need for such a program is acute.

The utility of an Office for Judicial Assistance was underscored by a great number of those who responded. One judge wrote:

Being a judge in a local Circuit which has a very heavy case load, improvements in administration are absolutely imperative. We have pioneered on our own, but would certainly be most appreciative of having a source of information of what other local courts have done to meet this problem.

Another judge whose court is working for judicial reform, candidly admitted:

Most of our problems are judge-created. I'd like to see them judge-resolved.

He went on to point out:

The experience of other courts as furnished to us by a federal office of Judicial Administration will be all the help we really need.

And a lawyer who was a judge in a Midwestern State said:

S. 3725 will fulfill a definite need for a coordinating agency and clearing house available to all courts. . . . This feature alone would make the bill well worthwhile.

The judge of still another court busily engaged in an overhaul of its operations said:

Our court . . . is presently considering some reform in our administrative procedures . . . Your bill would be of great help in providing a central agency . . . for advice and assistance in streamlining administration.

Supporters of the National Court Assistance Act also touched upon the Federal role in court administration. One southern judge said:

The State Court system has been a poor relation of the Federal Court system for far too long a time.

A U.S. district judge wrote:

I feel that you have provided adequate safeguards to assure the States that the Federal Government is not attempting to dictate to them in their internal affairs or to infringe upon the autonomy of their courts, but merely endeavoring to assist them.

This sentiment was echoed by the chief justice of a State supreme court:

While I would be reluctant to support anything that involves any further takeover of the state courts by the federal government, I think this act as drawn has sufficient safeguards so that it would do a great deal of good and no harm.

And the judge of a large western State court responded by emphasizing one of the statements that accompanied the introduction of this bill last year:

I note particularly the language, "The grants are not for new courthouses or more judges, but rather for innovation in techniques of judicial administration." I think that language should quiet any fears of federal control over State courts if they exist.

Mr. President, one judge wrote to me:

I would think that federalism is a viable system only when the federal government is an effective partner *with* the States.

And that, precisely, Mr. President, is the role of the Federal Government as envisaged in the National Court Assistance Act.

All of these statements in support of the National Court Assistance Act are highlighted by recent events. Just 2 days ago, following a year and a half of careful study, the President's Commission on Law Enforcement and Administration of Justice made public its findings and recommendations. The Commission observed that—

In an age when new management techniques and business machines have revolutionized many business and government operations, the courts' business procedures have remained in most places very much like those of a former age. . . . Increasing urbanization has placed great new pressures upon these courts . . . and has highlighted the inadequacy and obsolescence of the business methods used. . . .

The Commission urges courts and court administrators to seek the advice and assistance of experts in business management and business machines systems in an effort to develop plans and forms for more efficient court business systems.

The Commission also recommended that computer techniques should be developed in pilot studies with Federal support. These recommendations, Mr. President, could be implemented through the National Court Assistance Act.

Therefore, I once again introduce that bill, for appropriate reference. I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

Without boastful intentions, Mr. President, I conclude by citing the response of a judge who said in a letter to me:

No other legislation presently proposed or now enacted that has been brought to my attention hits so directly at the problems of the courts.

I believe that legislative hearings on this proposal will further dramatize the urgent need for assistance to our State and local courts, and will demonstrate that the National Court Assistance Act is an appropriate device to encourage the search for modern methods of judicial administration.

Perhaps I should add, Mr. President, that a bill was recently introduced in the Senate that would create a Federal Judicial Center in connection with the Administrative Office of the U.S. Courts. That bill, S. 915, would, in effect, establish the Federal counterpart to the Office of Judicial Assistance envisaged by the bill I introduce today. Although the bill I introduce would place the proposed Office of Judicial Assistance in the Department of Justice, hearings on the National Court Assistance Act and on S. 915 may demonstrate the advisability of placing these related agencies within the same department or agency. In any event, it is clear that the two measures together present us with an opportunity, Mr. President, to make an all-out effort for the improvement of both the Federal and State judicial systems.

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. 1033) to encourage improvements in the machinery of judicial administration by establishing within the Department of Justice the Office for Judicial Assistance, and for other purposes, introduced by Mr. TYDINGS (for himself and other Senators), 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. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established within the Department of Justice the Office for Judicial Assistance, to be headed by a Director appointed by the President of the United States, by and with the advice and consent of the Senate. The Director shall be compensated in the amount of $26,000 per annum. The function of the Office for Judicial Assistance shall be to encourage and assist improvement in the organization, procedure, and administration of local and State courts.

(b) The Director shall have the power to appoint and fix the compensation of such personnel as he deems advisable, in accordance with the provisions of the civil service laws and the Classification Act of 1949, as amended. The Director may also procure, without regard to the civil service laws and the Classification Act of 1949, as amended, temporary and intermittent services to the

same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

SEC. 2. In carrying out the functions of the Office for Judicial Assistance, the Director is authorized—

(1) To conduct or cause to be conducted studies and evaluations of local and State court systems, to make recommendations for organizational, procedural, and administrative improvements of such systems, and to contract with public or private agencies for the purpose of having such agencies assist him in the exercise of his authority under this paragraph;

(2) To conduct or cause to be conducted seminars and other educational programs for judges and personnel of local and State courts;

(3) To collect, evaluate, publish, and disseminate information, materials, and other data relating to studies, programs, and projects conducted or carried out under this Act;

(4) To cooperate with and render technical assistance to Federal, State, local, or other public or private agencies; and

(5) To accept, in his discretion, gifts and other donations to be used by him in carrying out the function of his office.

SEC. 3. To assist him in carrying out the function of his office the Director of the Office for Judicial Assistance is authorized to make grants to local or State courts or to public or private nonprofit organizations to be used by such courts and organizations for the following purposes:

(1) To study and evaluate local and State court systems, and to prepare recommendations for organizational, procedural, and administrative improvement of such systems;

(2) To present seminars and other educational programs for judges and personnel of local and State courts;

(3) To implement organizational, procedural, and administrative improvements of local and State court systems recommended as a result of studies conducted under this Act; but in no event shall any such grant or part thereof be used for the construction, improvement, or alteration of buildings, or for the payment of salaries of judges or court personnel on a continuing basis; and

(4) For such other purposes, consistent with the purposes of this Act, as the Director shall determine necessary or desirable in carrying out the functions of his office.

SEC. 4. Within six months after the enactment of this Act, the Director shall, by regulations, establish general standards for obtaining grants under this Act. The regulations shall provide for regular reports by any recipient of a grant under this Act to the Director who shall, from time to time, on the basis of the reports and other information available to him, review and, if necessary, revise the standards established pursuant to this section.

SEC. 5. After the regulations referred to in section 4 of this Act have been issued, any local or State court or any public or private agency desiring to secure a grant under this Act may submit an application therefor to the Director. The application shall be in such form and contain such information as may be prescribed by the Director. No application submitted by any local or State court for a grant under this Act shall be approved by the Director unless such application has been first approved by the chief or presiding judge of the court submitting such application. No application submitted by any public or nonprofit organization for a grant under this Act in connection with any local or State court shall be approved by the Director unless such application has been first approved by the chief or presiding judge of that court.

SEC. 6. The Director may approve any application which complies with the provisions of this Act. The payment of moneys to any applicant under this Act may follow the approval of his application by the Director. Payment of any such grant may be made in advance or by way of reimbursement, and in such installments as may be determined by the Director, and shall be made on such conditions as the Director finds necessary to carry out the purposes of this Act.

SEC. 7. The Director shall not approve any application for a grant under this Act received by him after January 31, 1970.

SEC. 8. Nothing in this Act shall be construed as authorizing the Office for Judicial Assistance or the Director thereof to supervise or control in any manner or to any extent the administration or organization of any local or State court, or to conduct or cause to be conducted any study or evaluation of any local or State court without the prior approval of the chief or presiding judge of the court with respect to which such study or evaluation is to be conducted.

SEC. 9. For the purpose of making grants under this Act, there is hereby authorized to be appropriated for the fiscal year beginning July 1, 1967, and for each of the two succeeding fiscal years, the sum of $5,000,000.

SEC. 10. On or before April 1 of each calendar year, the Director shall report in writing to the President and to the Congress on his activities pursuant to the provisions of this Act during the preceding calendar year.

DESIGNATION OF FEBRUARY 24 OF EACH YEAR AS ADMIRAL NIMITZ DAY

Mr. TOWER. Mr. President, today marks the first anniversary of the death of Fleet Adm. Chester William Nimitz, one of our Nation's military heroes of the first order of greatness.

The end of this week, on February 24, he would have celebrated his 82d year. As it was, he died just 4 days short of his 81st birthday.

Admiral Nimitz assumed command of the U.S. Pacific Fleet during one of this Nation's darkest hours, immediately following the 1941 attack on Pearl Harbor.

Admiral Nimitz' service to his country spanned two of our most agonized and violent periods. He assumed command of an ex-Spanish gunboat, the *Panay* in 1906: his first command. The career that followed is, of course, history.

In order that my colleagues may have the opportunity to review some of this history I shall ask that a short biography of Admiral Nimitz be printed in the RECORD immediately following my remarks.

First, however, I send to the desk a joint resolution designating February 24 of each year as Admiral Nimitz Day in memory of the courage and ability of this great man who engineered victory from discouragement and chaos. So great was his contribution to the Allies, his feats will be remembered as long as representative government is revered, and in whatever lands it is practiced.

I ask that the text of the joint resolution be printed, followed by Mr. E. B. Potter's short biography from the July 1966 issue of the Proceedings of the U.S. Naval Institute.

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

The joint resolution (S.J. Res. 45) designating February 24 of each year as Admiral Nimitz Day, introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be posted in the RECORD, as follows:

S.J. RES. 45

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of Fleet Admiral Chester William Nimitz, who was born on February 24, 1885, February 24 of each year is hereby designated as Admiral Nimitz Day. The President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe Admiral Nimitz Day with appropriate ceremonies and activities.

The biography presented by Mr. TOWER, is as follows:

CHESTER WILLIAM NIMITZ: 1885–1966

(By E. B. Potter)

Christmas morning, 1941. A steady rain pelted down from clouds hanging low over Pearl Harbor. To the northeast, a four-engine flying boat appeared bringing the newly appointed Commander-in-Chief of the U.S. Pacific Fleet, Admiral Chester W. Nimitz.

Through the haze, Nimitz could make out alongside Ford Island the sides, hulls, and crazily jutting tops of American battleships and other vessels sunk by Japanese carrier aircraft less than three weeks before. Hardly had his plane touched down in East Loch and come to a stop when an admiral's barge drew up alongside. Nimitz, in civilian clothes, stepped down into the barge and shook hands with Captains William W. Smith and Harold C. Train, chiefs of staff respectively to Admiral Husband E. Kimmel, who had been commander-in-chief at the time of the Pearl Harbor attack, and to Vice Admiral William S. Pye, Kimmel's temporary relief.

Admiral Nimitz, who had been out of touch with events since leaving Washington, at once inquired about the relief force that had been sent out to rescue the Marines under attack on Wake Island. When Smith told him that the force had been recalled, Nimitz remained silent for some time.

"When you get back to your office," he said at length to Smith, "call Washington and report my arrival." After a few moments he spoke again: "This is a terrible sight, seeing all these ships down."

At the submarine base wharf, which the barge presently came alongside, Captain Train escorted Nimitz to the official car in which Admiral Pye was waiting to conduct him to his quarters on Makalapa Hill.

In conferences during the next few days, Nimitz was relieved to find no defeatism among the officers at Pearl Harbor. Their mood was rather one of chagrin, defiance, and cold anger.

Since the attack on the Fleet, Guam had fallen, and Thailand had been overrun. In Malaya, the Japanese were threatening Singapore. In the Gulf of Siam, Japanese aircraft had sunk HM battleship *Prince of Wales* and HM battle cruiser *Repulse*. On Luzon, enemy planes had wiped out American air power and smashed the Cavite Naval Base. Even now Japanese invading forces were advancing on Manila. From the Marshalls the Japanese had penetrated into the Gilberts, Whence they menaced the Ellices and Samoa.

At Wake Island, the Marines had held out for two weeks, thrusting a Japanese assault back into the sea. On 14 December, in one of his last acts as commander in chief, Admiral Kimmel had sent out the Wake relief force, including the carrier *Saratoga* (CV-3). Heavy seas had so delayed refueling of the force that it was still 600 miles from Wake when the Japenese resumed the assault, this time supported by planes from carriers returning to Japan from the Pearl Harbor

strike. Admiral Pye, commander-in-chief *pro tem*, had thereupon recalled the relief force rather than risk further losses. After a gallant but hopeless defense, Wake had surrendered two days before Nimitz' arrival at Pearl.

Still, though the Japanese had sunk or damaged all the battleships at Pearl Harbor and killed 2,400 men, they had hit no carriers, for none had been in the harbor at the time of the attack. They had not, moreover, hit the tank farms, which contained fuel that could not have been replaced for months, nor had they severly damaged the repair facilities—facilities that would have most of the battered ships back in operation when they were most needed.

In some respects no less important, the attack had settled for the U.S. Navy the question of whether the carrier was a capital ship or a mere auxiliary. With the sinking of the battleships at Pearl Harbor, the big carriers—*Saratoga* (CV-3), *Lexington*, (C-2), *Enterprise* (CV-6), *Yorktown* (CV-5), *Wasp* (CV-7), and *Hornet* (CV-8)—perforce became the queens of the Fleet. They were too swift in any event to have operated efficiently with the old, slow battleships that the Japanese had sunk. When the new fast battleships, *North Carolina* (BB-55), *Washington* (BB-56), *South Dakota* (BB-57) and the rest, arrived in the Pacific, they would at once be integrated into the carrier screens.

The sinking of the old battleships, though costly in lives, had freed many trained men as cadres around which new fighting teams could be formed for service in carrier and amphibious forces.

On the last day of 1941, Nimitz assumed command of the Pacific Fleet. Standing on the wharf at the submarine base, he spoke a few preliminary words. Then, as he opened his orders, he stepped across the wharf and read them from the deck of the submarine *Grayling* (ss-209), partly, no doubt, because the new commander-in-chief was an old submariner but also because few other decks were then available at Pearl Harbor.

Shortly afterward, Admiral Nimitz called together the officers of Admiral Kimmel's staff. As they filed into the room, they found the Admiral seated at a desk. His shoulders, they noted, were broad, his grey eyes penetrating; his light blond hair was just turning white. Except for his air of authority, there was nothing unusual about him. He had no salient features, no peculiarity of manner.

The Admiral's speech was quiet and courteous. He was apparently a man not easily ruffled. He had about him an air of serenity. Obviously confident, he inspired increased confidence in the men before him. He needed the benefit of their experience, he told them. "There will be no changes," he said. "I have complete confidence in you men. We've taken a terrific wallop, but I have no doubts as to the ultimate outcome."

The officers who left that meeting had a renewed spring in their step. Under the new leadership, they were ready and eager to tackle the job, to take the first steps on the long road back.

In the 13th century, the Germans expanded into the Duchy of Prussia on the Baltic Sea. Here in the valley of the River Niemen they encountered Slavs, who called the Germans *Niemiez*—their name for the river. Germanicized into *Nimitz*, the name was adopted by a fighting clan descended from the Teutonic knights.

A noble Nimitz served under the Swedish monarch Gustavus Adolphus and fell with him in the Battle of Lutzen, 1632. His son and grandson, both Ernst Freiherr von Nimitz, also served in the Swedish army, the former attaining the rank of major general. Karl Gustav, eldest son of the younger Ernst, was a tax collector in Hanover. Unable to meet the social demands of his inherited rank, he dropped the title *freiherr* and with it the *von* before his family name. Karl Gustav's grandson, Karl Heinrich Nimitz, by profession a supercargo in the German merchant marine, in 1843 emigrated to South Carolina to escape the harsh economic and political situation in Germany.

Karl Heinrich's youngest son and namesake, who anglicized his name to Charles Henry, was an adventuresome young man who had served in a merchantman at 14 and never lost his love of the sea. Desiring to strike out on his own, Charles Henry left South Carolina at the age of 20, joining a German group planning to establish a colony in Texas, which had recently been annexed to the United States. Here on the Pedernales River they founded the town of Fredericksburg, named in honor of Prince Frederick of Prussia.

After being employed in several capacities, including service with the Texas Rangers, Charles Henry, known generally as "Captain Nimitz," built the steamboat-shaped Nimitz Hotel, which became a Texas landmark. One of his 12 children, Chester Bernard, in March 1884 married Anna Henke, a local beauty; he died five months later. The following February, Anna gave birth to Chester Bernard's son, Chester William, the future fleet admiral.

For six years Anna and her little son lived at the Nimitz Hotel. Chester then and later was close to Captain Nimitz. The boy listened wide-eyed while the old gentleman recounted stories of his youthful experiences in the merchant marine. "The sea—like life itself—is a stern taskmaster," Captain Nimitz once said. "The best way to get along with either is to learn all you can, then do your best and don't worry—especially about things over which you have no control."

In 1890, Anna married William Nimitz, younger brother of her first husband. To Chester, William was truly his father, and he always thought of the offspring of his mother's second marriage, Otto and Dora, as his own brother and sister.

Chester's stepfather was assistant manager of the small St. Charles Hotel in Kerrville, not far from Fredericksburg. Here Anna took charge of the kitchen, and Chester and his half-brother did odd jobs. At school, where because of his extreme blondness he was nicknamed "Cottonhead," Chester received good grades. But, in view of his family's poverty, he had no prospect of pursuing his studies past high school. In 1900, when he was 15 years old, he made vague plans to seek employment as a surveyor's helper as a means of learning a trade.

That summer, however, occurred an event that changed the whole direction of Chester's life. Battery K, Third Field Artillery, from Fort Sam Houston, came to camp in the brown hills close to Kerrville for training and gunnery practice. On their way to join Battery K, Second Lieutenants William M. Cruikshank and William I. Westervelt, both West Point graduates, stopped at the St. Charles Hotel. Chester was fascinated by their military bearing and their dashing new Army uniforms.

Fired with a sudden ambition to become an army officer, Chester applied to Congressman James L. Slayden to take the West Point examination. He was informed that all the congressman's appointments for the Military Academy were filled. "But," said Slayden, "I have an opening for the U.S. Naval Academy. Are you interested?"

Chester had never heard of the Naval Academy, but he swallowed his disappointment and determined to seize this opportunity to get an education. With the help of his mother, his stepfather, his high school principal, and a devoted teacher, Miss Susan Moore, he applied himself to algebra, geometry, history, geography, and grammar.

This was a rough period for Chester. He regularly arose at 3:00 a.m. and studied until 5:30. Then began his first stint as janitor and general handyman for the hotel—lighting fires, attending stoves, and calling early risers. After breakfast he went to school and remained until 4:00 p.m., when he resumed his janitorial duties, attending the lawn, raking leaves, splitting kindling, filling wood boxes, and tending a dozen stoves and fireplaces. After supper, he took his turn as desk clerk until 10:00 p.m., when he retired to his lodging, a cot set up in the ladies' parlor of the St. Charles Hotel.

At the local Naval Academy examination, held in April 1901, Chester won out over all competitors. Congressman Slayden accompanied him to Annapolis in July. Here Chester entered the Werntz Preparatory School for two months of further preparations for the late August national examinations, which he easily passed. On 7 September 1901, he was sworn in at the Naval Academy as a Naval Cadet, as the young student-officers were then called.

The years Chester Nimitz spent at the Naval Academy were happy and successful. He participated in crew and became a stroke. In his first class year he wore three stripes as Commander, 8th Company. In late 1904, the *Holland*, then the Navy's only commissioned submarine, based at the Naval Academy, and Nimitz was among the midshipmen who made their first submergence in it.

Cadet Nimitz was a fun-loving, gregarious young man who relished nothing so much as a roughhouse or a party with lots of good talk. In his first class year he moved into the first completed wing of Bancroft Hall, and he and his roommate had the happiness to discover that they could reach the roof of the unfinished building. Here, concealed from below, they and their friends held some fine beer parties, taking particular delight in heaving empty bottles over the side onto a heap of building stones and then watching the guards dash madly about endeavoring to discover the source of the falling glass.

The cadet who wrote up Cadet Nimitz for the *Lucky Bag*, the Naval Academy yearbook, was perceptive beyond his years in selecting a line from Wordsworth to characterize him: "A man he seems of cheerful yesterdays and confident tomorrows," and adding further: "Possesses that calm and steady-going Dutch way that gets to the bottom of things."

That Cadet Nimitz was not all fun and laughter is demonstrated by his embarrassed reaction to the notorious Sampson-Schley controversy, in which two leading naval officers of the Spanish-American War publicly questioned each other's military records, each claiming to be the victor in the naval Battle of Santiago. "I decided then," Nimitz said long afterward, "that if ever I reached a position of high command, I would do my best to stifle any such family controversies before they reached the attention of the public." This resolve may be the root of Nimitz' later almost obsessive discretion. It doubtless played a significant part in his refusal to write his biography or to permit it to be written during his lifetime.

Because of the pressing need of junior officers in an expanding Fleet, Nimitz' class at the Naval Academy was graduated ahead of schedule, on 30 January 1905, with Nimitz standing seventh from the top in a class of 114. After graduation, Midshipman Nimitz headed for San Francisco for a cruise to the Orient in the USS *Ohio*, designated to serve as flagship on joining the Asiatic Fleet.

The following summer, when the *Ohio* was in Japanese waters (Nimitz was one of six midshipmen detailed to attend a garden party given by the Emperor to honor the Japanese Army and Navy for their victory in the recently concluded Russo-Japanese War. Toward the end of the party, the midshipmen, seated at a table near the exit, observed Admiral Heihachiro Togo, nemesis of the Russian Fleet, about to depart. They hurriedly elected Nimitz to intercept the Admiral and invite him to their table. Togo smilingly accepted, came over and shook

hands all around, sipped the captured Russian champagne being served, and chatted briefly in English. The victorious old sea dog made a deep impression on Nimitz. In 1934, while again serving in the Far East, Nimitz would attend Togo's public and also his family funeral.

In 1906, Nimitz, having completed the two years at sea then required, was commissioned ensign. He also received his first command, an ex-Spanish gunboat, the *Panay*—not to be confused with the gunboat of the same name later sunk by the Japanese. He simultaneously served as commander of a tiny naval base at Polloc, Mindanao, in the Philippines, to which the *Panay* was attached. There were 31 men on board the gunboat and 22 Marines at the base. An isolated command, it provided Ensign Nimitz with a feeling of high adventure. There was no radio or mail, and no supplies reached them. The Marines and sailors maintained themselves by hunting and fishing. One seaman at length remarked that he "couldn't look a duck in the beak again."

This idyl came to a sudden end when President Theodore Roosevelt called the Japanese ambassador to the White House and said, "If your country wants war, we'll give it to you." The war scare shook the Asiatic Fleet into frantic activity that reached all the way to Polloc. The *Panay* was summoned to the big naval base at Cavite, where the commandant ordered Ensign Nimitz immediately, without time to change his white uniform or pick up his gear, to assume command of the USS *Decatur* (DD-5), an old rustbucket of a destroyer, long out of commission. He was to get her into drydock at Olongapo, 60 miles away, in 48 hours.

Nimitz, still superb in whites and sword, arrived aboard the *Decatur*, which was swinging at a buoy, to be greeted by a couple of Filipino watchmen. There were no provisions aboard and no water or fuel. The engines and boilers were cluttered with junk.

A crew began to arrive, but no means for fitting out the ship. In his extremity, Nimitz cannily turned to some warrant officers at Cavite with whom he had played poker when the *Panay* was being readied for service. They promised to do what they could. Soon, barge-loads of equipment, coal, and water began to arrive at the *Decatur*. By laboring night and day, Nimitz and his scratch crew finally got steam in one boiler but had no time to test the engines.

Nimitz had planned to back away from the buoy, but when he rang up quarter speed astern, the destroyer moved forward. When he ordered full speed astern, she darted forward like a frightened jackrabbit. The engine telegraphs had been hooked up in reverse.

In due course, Nimitz got the *Decatur* safely to Olongapo, but his troubles with the old destroyer were not over. One dark night some time later in poorly chartered Batangas harbor, while she was proceeding at dead slow, the leadsman suddenly shouted: "We're not moving, sir!" It was soon apparent that the *Decatur* was aground on a mudbank. Attempts to back her down were fruitless. Here was a situation that could easily wreck a young officer's career.

Nimitz now displayed that quality of imperturbability for which he later became noted. "On that black night somewhere in the Philippines," he later said, "the advice of my grandfather, returned to me: 'Don't worry about things over which you have no control.' So I set up a cot on deck and went to sleep."

Not long after daylight a small steamer appeared, heaved a line to the *Decatur*, and pulled her off. There followed an investigation and Nimitz stood court-martial and was convicted, but he got off with a letter of reprimand for "hazarding a ship of the U.S. Navy."

Returning to the United States, Nimitz requested battleship duty, then considered the glamour assignment of the Fleet. Instead, he was ordered to submarines, which were in those days, as he said, "a cross between a Jules Verne fantasy and a hump-backed whale." Nimitz was disappointed, but characteristically he threw himself wholeheartedly into his new assignment, commanding successively the USS *Plunger*, *Snapper*, *Narwhal*, and *Skipjack*, and making himself an expert in undersea warfare and diesel engines. In 1912, while commanding the *Skipjack*, Nimitz leapt overboard to rescue a seaman who had fallen in and could not swim. For this, he was awarded a Red Cross Life Saving Medal, which he thereafter always wore when in uniform.

"I also had the good sense and good fortune about this time," he afterward wrote, "to marry Catherine Vance Freeman, daughter of Mr. and Mrs. Richard R. Freeman of Wollaston, Massachusetts." It proved a thoroughly congenial union. Catherine, besides beauty and charm, possessed the stamina and the intellect to keep up with her fast-moving husband, and shared with him also his love of sports and classical music; whenever his duties permitted, they were to be seen at baseball and football games or at concerts.

Over the years she bore him four children: Catherine Vance, who married James T. Lay of the Naval Academy class of 1931; Chester, Jr., who graduated from the Academy in 1936 and during World War II made his name in submarines, particularly as skipper of the *Haddo* (SS-255); Anne Elizabeth (Nancy), a Russian expert with the RAND Corporation; and Mary Manson, who, sent to a convent school during the busy days of World War II, adopted the Catholic faith and became Sister M. Aquinas, who is now teaching biology at the Dominican Convent at San Rafael, California.

In the summer of 1913, the Navy sent Nimitz to Europe to complete his education in diesels. He visited plants in Germany and Belgium, storing quantities of data in his capacious memory. On his return, he supervised the building of the diesel engines for the Navy tanker *Maumee* (AO-2), later serving as her executive officer and engineer.

With the entry of the United States into World War I, Nimitz was ordered to the staff —and later became chief of staff—of Admiral Samuel S. Robison, Commander Submarine Force U.S. Atlantic Fleet. In his new capacity he found relations between British and American officers breaking down under the stiff weight of protocol. This, he decided, was an outdated way of doing things. He believed that the British would respond to simple friendliness and good performance and drilled this point of view into his junior officers and men. The idea worked, and Nimitz quickly established amicable teamwork between the allied commands in his area of operations.

Following World War I, Nimitz served a tour of duty in the Navy Department, with additional duty as Senior Member, Board of Submarine Design, then went to sea as executive officer of the USS *South Carolina*. He next commanded the USS *Chicago*, after which he received a year of instruction at the Naval War College, then returned to the staff of Admiral Robison, now Commander Battle Fleet and later Commander-in-Chief, United States Fleet. For Nimitz, Robison, was an ideal commander, whose performance he consciously imitated.

Commander Nimitz seems to have been a bit startled in 1926 to be ordered to the University of California as that school's first Professor of Naval Science. Here he was to test a new idea: making naval officers out of college students. Some of Nimitz' friends predicted that this "school-teaching duty" would be the end of the line for his career, but Nimitz cheerfully accepted the assignment and gave it all his energy. In his three years at Berkeley, he implemented the Naval Reserve Officers' Training Corps program that was to provide many outstanding officers for the Navy, a program that has been duplicated in 52 colleges and universities across the nation. Nimitz also developed in himself a deep interest in education and an abiding loyalty for the University of California.

In 1930, when Nimitz was commanding Submarine Division 20, he wrote in his Naval Academy class book:

"In looking backward at various phases of my life, I find it difficult to pick out any one activity as having been more attractive to me than any other. I have enjoyed every one of my assignments and believe that it has been so because of my making it a point to become as deeply immersed and as interested in each activity as it was possible for me to become. My life in the Navy has been very happy and I know of no profession for which I would forsake my present one. . . . My wife, my children, my profession as a naval officer, and good health combine to make me a happy man."

Nimitz next commanded the USS *Augusta* (CA-31), flagship of the Asiatic Fleet, and then served three years as Assistant Chief of the Bureau of Navigation—as the Bureau of Naval Personnel was then called. The latter duty suited Nimitz well, for his acquaintance was wide and discriminating. Ever alert to the needs of the Navy, he had filed away in his memory the special competences of each officer he had come to know.

It was during these years that Nimitz improved his skill at judging character and his ability to communicate clearly, simply, and directly to every sort of person with whom he had business or social intercourse. He further developed the decisiveness and the poise and serenity for which he was already noted. His manner was ever courteous except in the case of a sloppy performance. Then he could fix the culprit with steely grey eyes and make even the strongest of men wince with his measured words.

By no means all business, Nimitz was a genuinely friendly man, capable of deep affection. Except where official requirements or press of duties forbade, he liked to write letters in longhand in his clear, flowing script, never forgetting to add a message to his correspondent's family and, where applicable, including a warm greeting from Mrs. Nimitz.

Following his duty in the Bureau of Navigation, Captain Nimitz served as Commander Cruiser Division Two and then as Commander Battleship Division One, Battle Force. As always, he gave his duties everything he had, developing a reputation for efficiency that marked him for the highest levels of naval command.

In June 1939, Nimitz, now rear admiral, was appointed Chief of the Bureau of Navigation. He chafed a little at the confinement of desk and office, but worked off his excess energy by frequently walking home several miles after work with his good friend Captain Willis A. Lee. Each was alert for amusing stories with which to top the other during their long walks.

On the afternoon of Sunday, 7 December 1941, Nimitz was at home settling down to listen to a radio concert by Arthur Rodzinski and the New York Philharmonic Orchestra, when the program was interrupted by an announcement that the Japanese had bombed Pearl Harbor. He leaped from his chair and telephoned his assistant, Captain John F. Shafroth, who soon arrived, and the two officers immediately proceeded to the Navy Building.

At the Bureau, Nimitz found that the War Plans he needed to consult were in a safe with a time lock that would not open until Monday morning. He therefore went to the office of the Chief of Naval Operations to consult the War Plans there. From here he was called into the first of a series of conferences

with Navy Secretary Frank Knox, Undersecretary James Forrestal, Assistant Secretary Ralph Bard, Chief of Naval Operations Harold Stark, and others. Among these men, Nimitz was a rather junior admiral, but his knowledge of the Navy's officers and their capabilities proved invaluable at the conferences. Moreover, from the first meeting, the members had come to respect Nimitz' suggestions and to trust his judgment.

Shortly after the attack, Knox made a quick trip out to Pearl Harbor to size up the situation for himself. On his return, he reassembled the council and stated his conviction that a new commander must be sent there. Then, turning to Nimitz, he asked, "How soon can you get ready to travel? You're going to take command of the Pacific Fleet."

Nimitz was startled. Nothing of the sort had occurred to him. After all, there were 28 flag officers senior to him. He did not relish relieving his old friend Admiral Kimmel. Besides, he had been hoping for a seagoing command.

Nimitz requested that, if Kimmel must be relieved, the Pacific Fleet be turned over to Admiral Pye instead of him. When that request was refused he asked for his orders. In line with the habits of a lifetime, he prepared to accept his new assignment and give it his best.

There were several more days of discussions and arrangements, with Admiral Ernest J. King of the Atlantic Fleet participating. Nimitz attended these conferences and also carried on the burgeoning duties of his own Bureau. He was sleeping little and eating almost nothing.

As a safety measure, Admiral Nimitz was sent to San Francisco by train and, to avoid speculation, he wore civilian clothes and traveled as "Mr. Wainwright." He was to be accompanied only by Lieutenant La Marr, whose assignment was to look after the Admiral, seeing that he got enough sleep and plenty to eat and, if possible, diverting his mind briefly from the stern duties ahead.

As it turned out, it was the Admiral who diverted the Lieutenant, for as soon as Nimitz boarded the train, he shucked his responsibilities, bounced back, enjoyed himself, told jokes, made bad puns, and tried unsuccessfully to teach La Marr cribbage. But La Marr could not forget that he had in his briefcase the first full report of the Pearl Harbor damage, which he had been instructed to keep from the Admiral for a couple of days.

Once the train had left Chicago, La Marr finally turned the report over to Nimitz, who at once became grave and devoted a large part of his time to studying and analyzing it. "It could have happened to anyone," he muttered once or twice. At San Francisco, he shook hands with La Marr, who returned to his duties at the Bureau of Navigation, while the Admiral set out by plane for Pearl Harbor and the greatest challenge of his career.

On assuming command of the Pacific Fleet, Admiral Nimitz had four immediate objectives: to restore morale; to divert Japanese strength away from the East Indies; to safeguard U.S. communications to Hawaii, Midway, and Australia; and to hold the line against further Japanese expansion in the Pacific. As Nimitz saw it, all these objectives might be obtained through offensive operations. In the circumstances, that could only mean carrier raids on Japanese bases.

When, in early January 1942, Nimitz put the matter before his force commanders and other officers at Pearl Harbor, several of whom until recently had been his seniors, many opposed the raids as too risky, a sure way to lose what was left of the Pacific Fleet. However, Vice Admiral William F. Halsey not only endorsed the idea but volunteered to carry out a strike against the Marshall Islands, the Japanese stronghold in the Central Pacific—a courageous reaction that permanently endeared him to his commander-in-chief.

On 1 February, Halsey's *Enterprise* force bombed the Marshalls while Rear Admiral Frank Jack Fletcher's *Yorktown* force raided the nearby Gilberts. Halsey next struck Wake and then Marcus, the latter only a thousand miles from Japan, while Fletcher's *Yorktown* force joined the *Lexington* force, under Vice Admiral Wilson Brown, for an air attack on Japan's newly seized bases at Lae and Salamaua on the north coast of New Guinea. In mid-April, the *Hornet*, with 16 long-range Army B-25's lashed to her flight deck, joined the *Enterprise* under Halsey's command and, approaching Japan, launched the bombers for attacks on Tokyo and other Japanese cities.

The raids, though not extremely destructive, electrified the American public and armed forces, superbly achieving Nimitz' aim of raising morale. His seniors in Washington now awarded him an additional title, Commander in Chief Pacific Ocean Areas (CinCPOA), which gave him authority over all U.S. and allied military and naval forces in the Pacific theater, except those in General Douglas MacArthur's Southwest Pacific Area.

The Japanese, undeterred, proceeded with their conquests—the East Indies, Singapore, Burma, the north coast of New Guinea, the Bismarcks, the upper Solomons. Bataan had fallen, followed by the infamous Death March to prison camp of the Filipino and American defenders. Corregidor must soon surrender and, with it, the rest of the Philippines. Japan had thus attained access to ample East Indian oil for its war machine and set up a defense perimeter of air bases around its newly won empire.

These rapid, relatively cheap conquests emboldened the Japanese to plan further advances—into the Aleutians and Midway to complete their perimeter, and southeastward into New Caledonia, Fiji, and Samoa to establish bases for interception of shipping from the United States to Australia. To clear their flank for the southeastward advance, they prepared to make a seaborne assault on Port Moresby, the Australian base on the New Guinea south coast whence Allied bombers could reach the key Japanese base at Rabaul in the Bismarcks.

Now for the first time Nimitz was able to make use of his ultra-secret weapon, American possession through cryptanalysis of the main Japanese code. Decrypted radio intercepts having made him aware of the impending assault on Port Moresby, he alerted Fletcher's *Yorktown* force in the South Pacific and sent the *Lexington* force, now under Rear Admiral Aubrey Fitch, to join it in the Coral Sea. As soon as the *Enterprise* and *Hornet* forces returned from their raid on Japan, he dispatched these southward also, but they were not to arrive in time to see action.

In the Battle of the Coral Sea (4–8 May 1942), aircraft from the *Yorktown* and the *Lexington* searched out the Port Moresby occupation group in the Solomon Sea and sank the light carrier *Shoho*, obliging the rest of the group to turn back for lack of air cover. Meanwhile, two Japanese fleet carriers, the *Shokaku* and *Zuikaku*, detached from the force that had raided Pearl Harbor, had swung around eastward of the Solomons to entrap the American carriers. On the morning of the 8th, the opposing carrier forces located each other and launched simultaneous attacks in which the *Shokaku*, the *Yorktown*, and the *Lexington* were heavily damaged and many planes were shot down. On board the *Lexington*, ruptured fuel lines released gasoline vapors which at length exploded, setting off such uncontrollable fires that the carrier had to be abandoned and then sunk by her accompanying destroyers.

The Japanese could proclaim themselves the tactical victors, for their losses were somewhat lighter than the American. But the Americans were clearly the strategic victors. For the first time the Japanese advance had been stopped and turned back. More important, damage to the *Shokaku* and heavy loss of aviators from the *Zuikaku* would keep these big carriers out of action for some time. Thus, at a critical moment, the six-carrier Japanese striking force lost a third of its air power.

Nimitz had little time to congratulate himself on the results of the Coral Sea battle, for evidence was piling up that the whole Japanese fleet was about to attack Midway and the Aleutians. This was an appalling situation, for the Japanese navy was immensely more powerful than American naval forces in the Pacific.

Nimitz could find no use for six slow old battleships at San Francisco, two of which had been at Pearl Harbor. He would have to depend on carrier forces, submarines, and land-based air. The *Wasp* was still in the Atlantic. The *Saratoga*, torpedoed in January, was now repaired but a screen had not yet been assembled for her. That left only the *Enterprise*, the *Hornet*, and the damaged *Yorktown*. These Nimitz ordered up from the South Pacific at top speed.

Decrypted intercepts of Japanese radio communications revealed a strange deconcentration of Japanese naval power. In fact, Admiral Isoroku Yamamoto, Commander-in-Chief, Japanese Combined Fleet, had his forces divided all over the western Pacific. His main objective in assaulting Midway was to draw out the U. S. Pacific Fleet for destruction, completing the job of his carrier raid on Pearl Harbor six months earlier. Knowing that the available American carriers were all in the South Pacific, he counted on surprise to enable him to mass his forces before these or any other American ships could reach the Midway area. Nimitz, with the advantage of information based on the broken Japanese code, was determined to turn the Japanese deconcentration to American advantage.

Halsey's *Enterprise-Hornet* force arrived at Pear Harbor from the south on 26 May, but Halsey himself was ill with a nervous rash from months of tension and had to be hospitalized. Now Nimitz' knowledge of American naval officers and their capabilities stood him in good stead. Without hesitation he turned the command over to Rear Admiral Raymond A. Spruance, Halsey's cruiser commander. Spruance had had no experience in commanding carriers, but Nimitz relied on his reputation for intelligence, decisiveness, and good judgment. He carefully briefed Spruance and his staff and set the *Enterprise-Hornet* force to cruise northeast of Midway, on the flank of the approach he expected the Japanese carrier striking force would make through a region of murky weather.

The battered *Yorktown* had arrived at Pearl Harbor on the 27th. In a round-the-clock effort, she was sufficiently repaired to sortie on the 30th. The following day, Japanese submarines took station west of Pearl Harbor to report and attack the forces that had already passed through those waters.

In the afternoon of 2 June, the *Yorktown* force made rendezvous with the *Enterprise-Hornet* force 350 miles northeast of Midway, and Admiral Fletcher, as senior officer present, assumed the tactical fleet command. Since the impending battle would also involve sub-surface forces and Midway-based aircraft, Admiral Nimitz retained the over-all tactical command in his own hands.

Though the American carrier forces were under radio silence, Nimitz and his staff were kept well informed of all operations and fleet movements by aircraft, especially scout planes from Midway, and by submarine contacts. Nevertheless, the following days were among the most trying of the war for Nimitz.

He knew that he had sent a David out to do battle with a Goliath, and that defeat of his carrier forces would leave Pearl Harbor and all other Allied bases in the Pacific open to attack by the Japanese fleet.

On the morning of 3 June, reports came in to Pearl Harbor that carrier aircraft had raided Dutch Harbor in the Aleutians, and that scout planes had sighted a large enemy force approaching Midway from the southwest. Nimitz, concluding that the first was a diversion and that the second was merely an occupation force, was gratified that the American carriers, adhering to his instructions, had not been drawn out of position by either of the reports.

Early on the 4th, Nimitz had his judgment confirmed by scouting PBYs. The Japanese carrier force was coming from under the cloud cover northwest of Midway and had launched an air attack against the island. The Japanese battleship force had not been seen and indeed was not at any time to be sighted by the Americans because, as Nimitz had reason to believe, it was several hundred miles away to the west.

For the next few hours only bad news came into Pearl Harbor. The air attack on Midway caused widespread damage and destroyed most of the fighter planes based there. Counterattacking bombers and torpedo planes from Midway were mostly shot down without achieving any apparent damage to the Japanese carrier force. Torpedo planes from the American carriers attacked with similar results.

Then at 1020 came the attack that changed the whole course of the war.

Dive bombers from the *Hornet* and the *Enterprise* had missed the Japanese carrier force, which had turned northeast to attack the American carriers. The *Hornet* bombers turned toward Midway and so missed the battle, while the *Enterprise* bombers flew a square and approached the Japanese force from the southwest. At the same time the *Yorktown* bombers, launched later, had headed directly for the Japanese carriers and were approaching from the opposite direction. By an amazing coincidence, the two American air groups dived simultaneously without either being aware of the other's presence.

The American dive bombers caught the Japanese carriers in the most vulnerable condition possible. Their planes were being refueled for an attack on the American carriers, sighted shortly before. The planes had discarded bombs for torpedoes, and the bombs had not yet been returned to the magazines. The disastrous American torpedo-plane attack, just concluded, had drawn Zeke fighters and the attention of Japanese anti-aircraft gunners down to the surface. Nobody was looking up when the American bombers went into their dive.

Bombs ripped the decks of the carriers *Kaga, Akagi,* and *Soryu,* starting lethal fires and explosions in all three. The fourth Japanese carrier, the *Hiryu,* made a temporary escape to the north, but that afternoon bombers from the *Enterprise* found her also and with four direct hits set her fatally ablaze.

During the *Hiryu's* brief reprieve, her bombers and torpedo planes had followed the American planes back to their carriers, and the torpedo planes so damaged Fletcher's flagship, the *Yorktown,* that she took a dangerous list and was abandoned, whereupon Fletcher, shifting to a cruiser, turned the tactical command of the carriers over to Spruance in the *Enterprise.*

That night Spruance pulled back to the east, a move sharply criticized by some of Nimitz' staff. But, by his move, Spruance had frustrated an attempt by Yamamoto to retrieve the situation by a night attack with surface forces. At 0255, these forces having made no contact, Yamamoto with a heavy heart ordered a general retreat.

Through 5 June, Spruance unsuccessfully pursued the fleeing Japanese. On the 6th, his aviators succeeded in overtaking two collision-damaged Japanese cruisers, sinking one and heavily damaging the other. Then Spruance turned back east, again barely avoiding a night battle.

Once more Spruance had left himself open to criticism as being overcautious, but Nimitz, noting how precisely he had carried out his specific instructions regarding calculated risk, marked him for future important responsibilities. He would call Spruance to Pearl Harbor to serve as his chief of staff and to prepare him to assume command of a greater Pacific fleet, not yet off the ways in American shipyards.

The Japanese got in the last blow in the Battle of Midway. On 6 June, while the heavily listing *Yorktown* was under tow, a submarine fired a spread of torpedoes that sank a destroyer alongside and so further damaged the carrier that she sank the next morning.

To Chester Nimitz the victory of Midway was the high point of his career. Though its full significance would not be apparent for months, it was obvious that the tide had turned. The Japanese preponderance of power had been cut down; something like equality had been attained. No longer would the United States and its allies in the Pacific theater be forced into continuous retreat. For them a shift to the offensive had now become possible.

Outside his office, Admiral Nimitz had a pistol range set up, and adjacent to his living quarters a half mile away he laid out a horseshoe court. These he frequently visited to work off tension, especially at critical periods of the war. But the range and the horseshoe court also had a psychological purpose. He often invited journalists and other officers to join him at both places. "If the Old Man can give his attention to this sort of thing," they would say, "matters can't be too bad."

Most mornings Nimitz met with his staff, often opening the meeting or relaxing a tense discussion with a humorous story, of which he had a great store.

Over his desk he had three questions tacked up which he expected his subordinates to be prepared to answer about any problem:

1. Is the proposed operation likely to succeed?

2. What might be the consequences of failure?

3. Is it in the realm of practicability of material and supplies?

When major operations were being planned, the senior officers involved sat with Nimitz and his staff, together with any other officers in the area whose opinions Nimitz wanted to hear. In all such meetings he acted like a chairman of the board, guiding and being guided by others in reaching a meeting of minds. This does not mean that the war was being run like a town meeting. At his conferences Nimitz made the final decisions, sometimes despite plenty of contrary advice, but first he heard the advice and weighed it carefully. He knew that World War II was far too complex for any one man in any theater to do all the high-level thinking, keeping his council to himself and at last handing down Napoleonic decisions.

Plans made at Pearl Harbor were submitted to the Joint Chiefs of Staff at Washington, who would subject them to scrutiny and, if in agreement, issue a general directive which left Nimitz and his subordinates ample leeway for carrying out details. As the war wore on, the Joint Chiefs tended less and less to intervene in decisions made in the Pacific theater.

From time to time Admiral Nimitz met with Admiral King, now Commander-in-Chief, U.S. Fleet, and Chief of Naval Operations. Both chiefs and members of their staffs flew to these Cominch-CinCPac meetings, usually held on the West Coast. They were often exhausting experiences for Nimitz. Flying, which he disliked, tired him, and the conferences were long and wearing, with King demanding more and still more facts and figures. Yet, the meetings were vital for maintaining co-ordination between Washington and Pearl Harbor, and at them originated some of the most pregnant ideas of the war in the Pacific.

Nimitz was in fact the link and buffer between the imperious, often caustic King and his own strong-minded subordinates in the Pacific theater. These were men of firm convictions which they seldom hesitated to express in emphatic terms. Not for nothing did the press rechristen three of them "Bull" Halsey, "Terrible" Turner, and "Howling Mad" Smith. Nimitz molded these men into one of the finest fighting teams in history, all the while remaining patient and unruffled, like the calm at the eye of the storm.

Eleven o'clock most mornings was visiting hour at Nimitz' headquarters. Commanders of ships or forces reaching Pearl Harbor were expected to make a call. "Glad to have you with us," Nimitz would say, then motion the visitor a a chair and begin asking penetrating questions. In fact, almost anyone with something to say could gain admittance to the Admiral. "Some of the best help and advice I've had," said he, "comes from junior officers and enlisted men."

Many evenings Nimitz had guests in for dinner at his living quarters, which he shared with Spruance, once he had joined his staff, and the fleet medical officer, Captain Elphege Alfred M. Gendreau. Included frequently were officers newly arrived from the United States or from forward operations, or civilians at Pearl Harbor on official business.

At the table, serious talk, with Nimitz contributing and also listening carefully, was mingled with laughter. After dinner Captain Gendreau usually suggested a walk. When the party returned to Nimitz' quarters, there were handshakes and good nights at the door, and the visitors departed.

Before going to bed, Nimitz relaxed by reading or listening to his fine collection of records. A rapid reader, he usually finished a book at one sitting. He read everything that could help him better understand the Japanese character. Among other books he particularly valued Douglas Southall Freeman's biography of Robert E. Lee. Like Lee, Nimitz picked good men and sent them to do a job with as little interference as possible. Nimitz was never present at a battle or an amphibious assault. His presence, he knew, would have an inhibiting effect upon his subordinates. They would feel that he was looking over their shoulders and might hesitate to act without first receiving assent.

As a result of their victory at Midway, the Americans prepared, with the help of New Zealand and Australian forces, to seize the initiative. Their objective was the Japanese base at Rabaul, which was within bombing range of the Australian base at Port Moresby. Forces under General MacArthur would advance on Rabaul via New Guinea and New Britain; those under Admiral Nimitz, via the Solomon Islands. To facilitate conduct of the Solomons campaign, Admiral King established in the South Pacific Area a separate command subordinate to Nimitz' Pacific Ocean Areas. As Commander South Pacific Area and South Pacific Forces, he named Vice Admiral Robert L. Ghormley, an officer of respected intellect and solid achievements.

The Solomons campaign began at dawn, 7 August 1942, when an expeditionary force commanded by Vice Admiral Fletcher landed the 1st Marine Division on Guadalcanal and nearby islets. The Japanese, taken by surprise, counterattacked with planes out of Rabaul but achieved little destruction. They then pulled a surprise of their own in the

Battle of Savo Island. An hour after midnight on 9 August, a Japanese force of seven cruisers from Rabaul entered the sound north of Guadalcanal undetected and ran through the Allied amphibious support forces, firing guns and torpedoes. Suffering only minor damage, the Japanese retired, leaving behind one Australian and three American heavy cruisers in a sinking condition.

The Navy was stunned. The loss of three scarce heavy cruisers, with another damaged, and a thousand men boded ill for the campaign. Admiral Nimitz was shocked at the bad news, but he is reported only to have said, "Well, that's not so good. Now we must get busy and revise our plans." There was some talk of a court-martial for Rear Admiral Richmond Kelly Turner, commander of the amphibious forces, and possibly others, but Nimitz concurred with an investigating commission appointed by the Secretary of the Navy that the blame for the Allied defeat was too evenly distributed for any particular officers to be held responsible.

Toward the end of August, in the carrier Battle of the Eastern Solomons, the *Enterprise* was heavily damaged, but the Americans forced the Japanese fleet to retire by sinking a light carrier and shooting down 90 planes. In the next few weeks in the southern approaches to Guadalcanal, submarines damaged the *Wasp*, the *Saratoga*, and the battleship *North Carolina*. The *Wasp*, afire, had to be sunk by a destroyer. The other two ships were out of action for months.

By October, there were nearly as many Japanese troops on Guadalcanal as there were American soldiers and Marines. Japanese aerial bombs and battleship and cruiser fire had destroyed most of the planes on the island and were making the airfield unusable. Capture of the field appeared imminent. Allied morale in the area plunged, and confidence was further undermanned by inter-command bickering that Ghormley seemed unable to check. There was even talk of abandoning Guadalcanal to the Japanese.

By this time Admiral Halsey, cured of his dermatitis, had returned to Pearl Harbor. Alerted by Nimitz to be ready to assume command of the carrier forces in the South Pacific, he left by seaplane to look over his new area of operations and meet the men he would work with. In his absence, Nimitz held a staff meeting to discuss what to do about the worsening situation in the South Pacific. As Halsey's plane came to a stop in Noumea Harbor, a whaleboat came alongside, and Admiral Ghormley's flag lieutenant handed Halsey a dispatch from Nimitz: "You will take command of the South Pacific area and South Pacific forces immediately."

Ghormley, understandably distressed at what amounted to public humiliation, on arrival at Pearl Harbor called on Admiral Nimitz for an explanation.

"Bob," said Nimitz, "I had to pick from the whole Navy the man best fitted to handle that situation. Were you that man?"

"No," said Ghormley. "If you put it that way, I guess I wasn't."

Not long afterward Nimitz secured Ghormley's appointment as Commandant 14th Naval District, in part at least to have him close at hand for consultation.

Halsey, exuding confidence and aggressiveness, tough as the situation required, quickly succeeded in restoring morale and good command relations in the South Pacific Area, although perhaps he was a little too daring in sending his two carrier groups north of the Solomon chain to tackle the most powerful battleship-carrier force the Japanese had assembled since the Battle of Midway. In the ensuing Battle of the Santa Cruz Islands, the *Hornet* was sunk and the *Enterprise* was again seriously damaged, leaving not a single serviceable American carrier in the whole Pacific.

The struggle for Guadalcanal reached a climax in November with a series of air and sea actions, including night surface slugging matches, which together are known as the Battle of Guadalcanal. When it was over, the Americans had lost two cruisers and five destroyers; the Japanese, two battleships, a cruiser, a destroyer, and nearly a dozen transports. The Japanese now wrote off Guadalcanal, merely holding on until they had built airfields in the Central Solomons. In January 1943, they evacuated the remnant of their half-starved Guadalcanal garrison.

When Halsey's South Pacific forces began advancing up the Solomons chain, they entered General MacArthur's Southwest Pacific Area and so came under the General's strategic control, though Nimitz continued to provide Halsey with ships, aircraft, and men. During the advance on Rabaul, the Americans, in several hot night battles involving cruisers and destroyers, with the aid of their newly developed CIC, gradually gained the ascendancy. By early 1944, Halsey and MacArthur had surrounded Rabaul and, with the help of carrier groups loaned by Nimitz, bombed the base into impotence. The Japanese, in their desperate defense, had expended their land-based aircraft and even stripped their Truk-based carriers of planes. Thus at another critical moment in the war the Japanese Combined Fleet was paralyzed for want of air power.

While by means of limited offensives, American, New Zealand, and Australian forces were clearing the Japanese out of the Solomons-eastern New Guinea area, and American and Canadian forces were ousting them from footholds in the Aleutians, Admiral Nimitz was assembling forces for an all-out offensive in the Central Pacific. His objective was to punch a hole straight across the center through Japan's island empire. MacArthur would continue his advance via New Guinea and the Philippines, but this roundabout route would be too long to bring the war against Japan itself. Over such a distance not enough shipping would be available to keep the attacking forces supplied.

In the spring of 1943, new fast carriers had begun arriving at Pearl Harbor together with newly completed support vessels of every type. These Nimitz organized into task forces and sent them out to raid enemy bases—Marcus, Tarawa, Wake, Rabaul. The carriers would spearhead a great new Fifth Fleet, which Nimitz appointed Spruance to command. "The Admiral thinks it's all right to send Raymond out now," remarked an officer at Cincpac headquarters. "He's got him to the point where they think and talk just alike." Rear Admiral Charles H. McMorris now became Nimitz' chief of staff.

The Central Pacific drive was originally to open with an invasion of the Marshalls, but Nimitz convinced the Joint Chiefs that the Gilberts should first be seized. Once the Gilberts were captured with support from aircraft based on the Ellices and other nearby islands, land-based air from the Gilberts could support the invasion of the Marshalls. Nimitz was not yet sure that the carriers alone could provide adequate air support for amphibious assault on a major enemy base.

In the Gilberts assault, which began 20 November 1943, speed was deemed essential, for the Americans, unaware that the Japanese fleet had been rendered helpless by the loss of carrier planes and pilots, expected it to sortie and give battle. The four days it took the 2nd Marine Division to conquer Tarawa, Japanese headquarters and strong point in the Gilberts, cost 3,000 casualties, including more than a thousand killed. The armed services and the American public were shocked at such heavy losses in so brief a period, but Nimitz and his commanders knew that the conquest of the Gilberts provided as valuable a jumping off place as the conquest of Guadalcanal, which had taken six months and cost far more American lives.

Original plans for the invasion of the Marshalls called for simultaneous landings on Maloelap and Wotje, the atolls nearest Pearl Harbor, and Kwajalein, the Japanese headquarters at the center of the archipelago. After the shock of Tarawa, Marine Major General Holland M. Smith, expeditionary troop commander, urged that the Marshalls be captured in two steps, Wotje and Maloelap to be captured first and developed into bases to support a later assault on Kwajalein. Spruance and Turner, commander of the amphibious force, were in hearty agreement with this suggestion. Nimitz startled them all by proposing instead that they bypass the outer islands altogether and attack Kwajalein alone. Spruance, supported by Smith and Turner, protested that this would leave strong enemy positions athwart their line of communications and that the Japanese could launch air attacks from the outer islands against the Americans on Kwajalein.

Plans were still unsettled when in the second week of December Admiral Nimitz called a conference of all the major commanders of the forthcoming expedition. They once more threshed over the question of whether they should go directly to Kwajalein or first seize the outer islands. At length Nimitz asked each commander his opinion.

To Spruance: "Raymond, what do you think now?"

"Outer islands."

"Kelly?"

"Outer islands."

"Holland?"

"Outer islands."

And so on around the room. The commanders unanimously recommended an initial assault on the outer islands. When the poll was completed, there were a few moments of silence. Then Admiral Nimitz said quietly, "Well, gentlemen, our next target will be Kwajalein."

As it turned out, the Japanese commander in the Marshalls had estimated that the Americans would do what Nimitz' subordinates wanted to do. Hence, he had strengthened the outer islands at the expense of Kwajalein. When the American assault came, Kwajalein was no pushover, but because Spruance was not obliged to commit his reserves, he pushed on with them and promptly captured Eniwetok also. The outer islands proved no menace after all, for American air power, at first from the carriers and then from the Gilberts and Kwajalein, easily kept them pounded down.

Convinced now that the carriers could support major assaults without the assistance of land-based air, Admiral Nimitz next planned a 1,000-mile leap to Saipan in the Marianas. The Saipan operation, which would see soldiers fighting shoulder-to-shoulder with Marines, required many meetings with Army and Navy commanders in close and sometimes heated conference. At one such meeting, in which agreement seemed impossible to achieve, Nimitz cleared the atmosphere with a little story.

"This all reminds me," said he, "of the first amphibious operation—conducted by Noah. When they were unloading from the Ark, he saw a pair of cats come out followed by six kittens. 'What's this?' he asked. 'Ha, ha,' said the tabby cat, 'and all the time you thought we are fighting.' "

The invasion of Saipan in June, 1944, at last brought out the Japanese carrier fleet, with new planes but inadequately trained pilots. On 19–20 June, it fought the Battle of the Philippine Sea with Spruance's carrier force, Task Force 58, which was covering the Saipan beachhead. Spruance refused to permit TF 58 to leave its covering position until the enemy was put to flight, for which he was again widely criticized as being too cautious. Nimitz, however, gave Spruance his complete support, and most military analysts have since agreed with them.

Had TF 58 advanced and attacked, a segment of the enemy fleet, at least theoretically, might have maneuvered between it and the

beachhead. The American planes, moreover, would have had to pass through the heavy anti-aircraft fire of an advance Japanese force and then fly a hundred miles farther before reaching the enemy fleet carriers. As it was, the Japanese planes attacked TF 58 and were mostly shot down in the "Marianas Turkey Shoot." Meanwhile American submarines sank two of the big enemy carriers, after penetrating their screen, which had been weakened to provide the advance force. The next day, TF 58 planes overtook the Japanese fleet, which had taken to flight, and sank a third aircraft carrier.

Two innovations of the war in the Pacific proved vital to maintaining the strategic momentum of the Central Pacific drive. One was the mobile service squadrons that moved with the Fleet—ammunitions ships, tenders, repair ships, floating dry docks. These could enter the relatively calm lagoon of any atoll and convert it into a naval base. The other was the system of alternating fleet commands. After Saipan and nearby Tinian and Guam had been taken by the Americans, Spruance, Turner, and Smith returned to Pearl Harbor to rest and plan further operations, while Admiral Halsey and his subordinate commanders replaced them in the Fifth Fleet, which thereupon changed its name to Third Fleet.

Shortly after assuming the fleet command, Halsey raided the central Philippines with carrier planes and discovered the defenses there to be so weak that he advocated invading at Leyte instead of at Mindanao to the south. When Nimitz and MacArthur concurred, the Joint Chiefs ordered the change of plan. As soon as feasible, Nimitz turned over his available invasion troops to MacArthur and loaned his amphibious and support forces to the small Seventh Fleet, "MacArthur's Navy," thereby stripping the Third Fleet virtually down to Task Force 38, the new title for Task Force 58.

On 20 October 1944, the much enlarged Seventh Fleet, under Vice Admiral Thomas C. Kinkaid, MacArthur's admiral, began putting troops ashore in Leyte Gulf, while Halsey's Third Fleet maneuvered to the east in distant support. Here for the first time the two fleets, with no over-all commander closer than the Joint Chiefs in Washington, operated in close co-operation against a major objective. Halsey had seen to it that a release clause was inserted into his own orders: "In case opportunity for destruction of major portion of the enemy fleet offer or can be created, such destruction becomes the primary task."

The Leyte invasion started the Japanese fleet in motion, thereby setting the stage for the great Battle for Leyte Gulf. By 24 October, two Japanese surface forces were threading their way through the Philippines—a Southern Force heading for Surigao Strait south of Leyte Gulf, and a more powerful Center Force heading for San Bernardino Strait, north of the Gulf. Through the day Halsey's carrier planes hammered at the Center Force, temporarily forcing it into retreat.

In mid-afternoon, Halsey radioed to his fleet a battle plan whereby four battleships and other surface vessels would withdraw from TF 38 "when directed by me" and form TF 34 to cover San Bernardino Strait. Later Halsey learned from scout planes that to the north was a third Japanese force, the Northern Force, including carriers. There were in the Northern Force altogether only 17 vessels, but of this fact Halsey was unaware. On learning that there were enemy carriers nearby, he cancelled all other objectives and headed his entire available fleet, 65 ships, north in hot pursuit.

Kinkaid, having intercepted Halsey's battle plan, thought that TF 34 had been formed and was off San Bernardino Strait. He therefore felt free to send all his gunnery vessels down into Surigao Strait, where that night they repulsed the Japanese Southern Force, inflicting heavy losses. To Halsey he reported the battle by radio, adding: "Is TF 34 guarding San Bernardino Strait?" At dawn he was dumbfounded to receive in reply: "Negative. TF 34 is with carrier groups now engaging enemy carrier force."

Halsey was in fact in TF 34 himself, far to the north, forging out ahead of his carrier groups to finish off ships crippled by his carrier planes. He was thus doing exactly what the Japanese wanted him to do. The enemy carriers he was chasing were harmless. They had been stripped of planes in the Battle of the Philippine Sea and had not yet trained aviators to replace those lost. They had in fact been sent down from Japan as decoys to lure Halsey away so that the Southern and Center forces could converge without impediment on Leyte Gulf and smash the amphibious shipping there. The decoy force was not expected to survive.

During the night the Center Force had passed unchallenged through San Bernardino Strait. A little after sunrise, northeast of the entrance to Leyte Gulf it encountered and attacked a tiny Seventh Fleet escort carrier unit. There now flashed a whole series of radio messages between Kinkaid and Halsey, the former demanding help, once in plain English, explaining that his gunnery vessels after their night battle were too low in ammunition to take on the Center Force. Halsey's Third Fleet, TF 34 and all, forged on to the north.

At Pearl Harbor all the Halsey-Kinkaid messages were being intercepted. Admiral Nimitz, watching the progress of the battle on the operations chart, was, as he later said, "on pins and needles." It was not clear to him whether Halsey had sent TF 34 back south or was retaining it with the carriers. CinCPac Assistant Chief of Staff Commodore B. L. Austin suggested that he inquire of Halsey by radio. At first Nimitz declined, not wishing to interfere with the commander on the scene. At length he authorized a message merely asking the location of TF 34, whereupon Austin dictated to a yeoman: "Where is (*repeat* where is) Task Force Thirty-four?", addressing the message to Admiral Halsey for action and, routinely, to Admiral King and Kinkaid for information. At the communications center an ensign communicator added padding phrases at both ends of the message, from which it was separated by double letters—a precaution to increase the difficulty of cryptanalysis.

The message was received on board the *New Jersey*, Halsey's flagship, at about 1000. When it had been deciphered on the electric ciphering machine, a communicator examined the strip. He easily recognized the opening padding, "Turkey trots to water," for what it was and tore it off, but the closing padding, "The world wonders," looked so much like part of the message that he left it on and sent the strip by pneumatic tube to flag country. The message placed in Halsey's hands read as follows: "From Cincpac [Nimitz] action com third fleet [Halsey] info cominch [King] CTF seventy seven [Kinkaid] x where is rpt is task force thirty four RR the world wonders."

Halsey was enraged. To him the message, with its seemingly taunting ending, appeared to be an insult—which King and Kinkaid were called on to witness. At 1115 he ordered TF 34 to change course from due north to due south, attaching a carrier group from TF 38 as he passed it on the opposite course. When he arrived off San Bernardino Strait a little after midnight, the Center Force had already passed back through it. Almost miraculously, from the American point of view, it had broken off action with the little escort carrier unit that morning and had presently retired the way it had come.

Despite Halsey's 300-mile run to the north and then back to the south at the height of the Battle for Leyte Gulf, the battle was a great American victory. The Japanese fleet had been reduced to impotence. There would be no more stand-up naval battles in World War II.

Captain Ralph Parker, head of Nimitz' Analytical Section, in writing up the CinCPac report of the battle for submission to the Commander in Chief U.S. Fleet, criticized Halsey's maneuvers. Before signing the report, Nimitz sent it back with a note written on it. "What are you trying to do, Parker, start another Sampson-Schley controversy? Tone this down. I'll leave it to you."

The Third Fleet continued to support MacArthur's operations in the Philippines—the conquest of Leyte, the capture of Mindoro, the invasion of Luzon. During these operations, the Pacific Fleet amphibious forces came under increasingly heavy attack by kamikazes, which inflicted severe damage with heavy loss of life.

After the invasion of Luzon, Admiral Nimitz requested the return of his Pacific Fleet units for use in forthcoming operations against Iwo Jima, Okinawa, and Japan. Admiral Kinkaid was understandably loath, in view of his commitments to see his Seventh Fleet reduced to its former starveling proportions. The situation might have led to acrimony, but in an exchange of restrained and courteous dispatches, Admiral Nimitz and General MacArthur reached an agreement that was workable, if not entirely satisfactory for either.

On 25 January 1945, the Third Fleet steamed into Ulithi lagoon, where Admiral Halsey was relieved by Admiral Spruance, and Third Fleet again became Fifth Fleet. For the Iwo Jima operation, Nimitiz, recently promoted to fleet admiral, shifted from Pearl Harbor to new headquarters on Guam.

Preceding the assault on Iwo Jima in mid-February, Spruance led TF 58 to the shores of Japan and gave the Tokyo area the first naval bombing since the miniature raid from Halsey's carriers in early 1942. The Iwo assault, carried out by three Marine Corps divisions, proved far more costly in casualties than Admiral Nimitz and his subordinates had anticipated. No amount of aerial photography could have revealed all the concealed gun positions or the intricate tunneling by means of which the defenders were prepared to sell their island dearly. The conquest of Iwo, however, was worth almost any cost, for it provided airfields where Marianas-based B-29s could refuel and whence fighters could take off to accompany the long-range bombers over Japan.

When Winston Churchill proposed sending the British carrier fleet to the Pacific to participate in the final defeat of Japan, Nimitz was dismayed. With American ships reaching the Pacific from European waters, where they were no longer needed, and new construction coming off the ways, the CinCPac command had its hands full supplying and servicing its own ships. Nimitz, nevertheless, found a way to handle the problem, and integrated the British fleet into the Okinawa operation.

The landing on Okinawa on 1 April proved unexpectedly swift and easy. The Americans did not know that this was because the Japanese had decided that defending the beaches under naval gunfire was futile and prohibitively costly. On Okinawa the defenders holed up in the hills and let the invaders come to them. Meanwhile, Japan-based kamikazes struck viciously and in large numbers, doing fearful damage to TF 58, which was obliged to remain nearby in order to protect communications to the island, and among the small vessels maneuvering on early-warning picket stations around the island.

When military operations on Okinawa appeared bogging down, Nimitz arrived for a personal inspection. Lieutenant General Simon Bolivar Buckner, U.S. Army, received Nimitz politely but pointed out that this was ground, implying that military operations on Okinawa were strictly Army business. "Yes,"

said Nimitz, "but ground though it may be, I'm losing a ship and a half a day. So if this line isn't moving within five days, we'll get someone here to move it so we can all get out from under these stupid air attacks."

The line got moving, and on 21 June, Okinawa was declared secured. By that time, B-29s from the Marianas were burning out the hearts of Japanese cities. Not long afterward, Halsey, leading the combined British and American fleets, began parading up and down Japan's east coast, bombing almost at will. In the first days of August 1945, the Soviet Union declared war on Japan and invaded Korea, and B-29s dropped atomic bombs on Hiroshima and Nagasaki. Nimitz had been informed of the plan to use atomic bombs, but otherwise had no connection with it, for the Marianas-based B-29s comprised the one command in the Pacific Ocean Areas over which he had no authority. On 14 August, the Japanese Cabinet accepted the Potsdam Proclamation. The next day Nimitz ordered Halsey to "cease fire."

On 2 September 1945, in Tokyo Bay, a few minutes after 0800, Fleet Admiral Nimitz came aboard the battleship *Missouri* (BB-63), and his personal flag was broken at the mainmast. Half an hour later, General of the Army MacArthur came aboard, whereupon his personal flag was broken alongside that of Nimitz. In the presence of military and naval leaders of all the Allied powers, the Japanese Foreign Minister and the Chief of Staff of the Japanese Army signed the instrument of surrender. General MacArthur then signed for the Allied powers. At 0912, Admiral Nimitz signed for the United States.

Shortly afterward, Admiral Nimitz visited the United States. In Washington, D. C., 5 October 1945 was officially designated "Nimitz Day." Admiral and Mrs. Nimitz rode in parade, and President Truman presented Nimitz with a gold star in lieu of the third Distinguished Service Medal. Such ceremonies the Admiral found rather trying. He made it plain that he accepted the honors only as the representative of the men and women who had served with him in the Pacific.

While in Washington, Nimitz called on Secretary of the Navy James V. Forrestal to pay his respects. The conversation came around to Nimitz' future. Forrestal offered to put the Admiral at the head of the General Board or release him into an "advisory," semi-retired status. Nimitz startled the Secretary by refusing both offers, saying that he preferred a tour as Chief of Naval Operations.

"But," protested Forrestal, "you should now step out of the limelight, while your fame is great. As CNO you risk your laurels."

Secretary Forrestal was in fact reluctant to have Nimitz as CNO because they had disagreed concerning the merits of certain officers. Moreover, Nimitz, while wholeheartedly supporting the idea of civilian control of the military, had stated his opinion that Forrestal had given authority to civilians, "his Wall Street friends," that should be wielded only by officers. When Nimitz insisted on a tour as CNO, however, Forrestal could not very well refuse him.

"All right," said the Secretary grudgingly, "but it can only be for two years, no more."

"That suits me exactly," replied Nimitz. "I think the CNO's terms should be limited to two years."

On 24 November 1945 at Pearl Harbor on the deck of the submarine *Menhaden* (SS-377), Fleet Admiral Nimitz relinquished his duties as CinCPac and CinCPOA to Admiral Spruance. Of Admiral Nimitz, Admiral Spruance long afterward wrote: "Nimitz is a very great man, and I consider myself most fortunate to have had the privilege to know him as well as I do, and to have served under his command. His personality, character, and ability are those that any young man could emulate and make no mistake."

Nimitz' success in war and in dealing with men was the product of his extraordinary balance. He wielded authority with a sure hand but without austerity or arrogance. His perfect integrity was untinged with harshness. He demanded the best from those who served under him but never failed to give credit where credit was due. He was courteous and considerate without leaving any doubt who was running the show. He was serene and unruffled and at the same time vigorous and hardworking. He took his responsibilities with deadly seriousness, yet never lost his sense of humor. He grew with his responsibilities, but even when he commanded 2,500,000 men, he retained his simplicity and common touch.

He surrounded himself with the ablest men he could find and sought their advice, but he made his own decisions. He was a keen strategist who never forgot that he was dealing with human beings, on both sides of the conflict. He was aggressive in war without hate, audacious while never failing to weigh the risks.

On 15 December 1945, Fleet Admiral Nimitz relieved Fleet Admiral King as Chief of Naval Operations. As it turned out, Nimitz and Forrestal proved a most effective team in solving the problems of swift demobilization and of keeping the unification of the services within bounds. Nimitz did not oppose the concept of a single Department of Defense. After all, he had seen the advantages, indeed the necessity, of unified command in his own Pacific Ocean areas. What he did oppose was the appointment of a single chief of staff for all the services, with the Air Force controlling all aircraft, the Army controlling all troops, and the Navy controlling nothing but ships and sailors. In the end what was achieved was separate services under a National Military Establishment with each service so balanced in capability as to coordinate effectively with the others. Under this concept, the Department of the Navy retained its carrier aviation, its shore-based reconnaissance wing, and a Marine Corps of limited size.

During Nimitz' tenure as CNO occurred the court-martial of Captain Charles B. McVay, the commanding officer of the USS *Indianapolis*, (CA-35), sunk by a Japanese submarine in the last days of World War II with the loss of 880 men. McVay was found guilty, but in recognition of his good record, his sentence was remitted.

Concerned over the conviction, Secretary Forrestal called Nimitz to his office and asked what it would do to the captain's career? "Has there ever been a court-martialed officer in the history of the U.S. Navy who was later promoted to flag rank?"

Nimitz chuckled. "You're looking at one right here," he replied.

On being relieved as CNO in December 1947, Nimitz might have retired and gone into business. His name, his reputation, his demonstrated capacity for large-scale administration would have made him welcome on the board of almost any corporation in the United States. He eschewed the opportunity to earn a fortune, however, choosing instead to exercise his fleet admiral's privilege of remaining in the Navy for life. He took up residence in San Francisco, near the Pacific Ocean where he had spent much of his career, serving in an advisory capacity as Special Assistant to the Secretary of the Navy in the Western Sea Frontier.

In 1948, the inter-service debate, which had been quiescent since the conclusion of the unification battle, broke out again. Air Force leaders charged that the Navy, in requesting appropriations for new, larger carriers and for carrier planes big enough to carry atomic bombs, was attempting to move into their own field of strategic bombing. Navy leaders countered with charges that the Air Forces' B-36 bomber was incapable of pressing home an attack. Louis Johnson, who had succeeded Forrestal as Secretary of Defense, sided with the Air Force and cancelled the 60,000-ton carrier *United States* (CVA-58), then under construction. Tempers flared, even within the Navy Department, where officers considered that the new Secretary of the Navy, Francis P. Matthews, was not acting in their interests. To Admiral Nimitz the controversy and the resulting publicity were deeply distressing. But when Congress launched an investigation into the matter and his opinion was asked, he submitted a paper, specifying that it first be shown to Secretary Matthews.

In 1949, India and Pakistan agreed to a plebiscite in Kashmir. In March, the Secretary General of the United Nations, Trygve Lie, nominated Fleet Admiral Nimitz to administer it. When it appeared that the plebiscite would be postponed indefinitely, Nimitz asked to be relieved, stating that if India and Pakistan would come to terms, he would resume his duties. As alternative duty he accepted an assignment as roving "good-will ambassador" for the United Nations, explaining from scores of speakers' platforms the main issues with which the world organization was confronted.

The additional salary Admiral Nimitz received while serving the United Nations enabled him to buy a home in Berkeley, California. By no means a mansion, it was comfortable, with plenty of room for his books and a small study where he surrounded himself with mementos of the Pacific War. The house was on a high hill, and from picture windows in the living and dining rooms one could look out across San Francisco Bay and through the Golden Gate. Outside his breakfast room window Nimitz rigged a feeding tray for birds so that during breakfast there was much cheerful fluttering on the far side of the sill.

Not far away was the Berkeley campus of the University of California, which Nimitz served for eight years as regent. Frequently the Admiral and Mrs. Nimitz would stroll over and have a meal with the students in the cafeteria.

The Nimitzes enjoyed walking in a park in the hills back of Berkeley. Along one favorite path, they sometimes scattered seeds of their favorite flowers. Eventually the city authorities marked the trail with a small arch bearing the words: THE NIMITZ WAY. Admiral and Mrs. Nimitz involved themselves in community affairs, among other projects helping raise funds for the San Francisco Symphony Orchestra.

The Nimitz home became a mecca for Navy men and friends of the Navy. The Admiral had so many visitors, official and unofficial, that he was obliged to schedule his time. But he enjoyed the visits. Nothing gave him more pleasure than to talk Navy and reminisce about his career. He occasionally wrote an article or made a speech, but generally avoided public utterances on the subject of World War II lest he inadvertently stir up controversy.

In 1956, Admiral Nimitz found a means of expressing some of his opinions about naval warfare and even about the conduct of World War II without specifically writing a memoir. Some of the U.S. Naval Academy faculty, this writer included, were preparing to write *Sea Power: A Naval History*, to be used as a textbook at the Academy and in the NROTC. At the suggestion of Rear Admiral E. M. Eller, Director of Naval History, Admiral Nimitz was asked to supervise our project. To our surprise, he readily consented. In our first conference, in California, the Admiral laid down certain guidelines.

"Officers understandably resent having their operations publicly critized by civilians," said Nimitz. "My suggestion to you is this: give all the facts, as accurately, objectively, and fairly as you can, but don't draw

conclusions. Let the reader do that. Let the facts speak for themselves." Never once during the writing of the book did Admiral Nimitz suggest suppressing a single fact.

Sea Power: A Naval History appeared in the summer of 1960, in time for use in classes that fall. It has since been translated as a whole or in part, into six languages.

To Admiral Nimitz' astonishment, the Pacific War section appeared in Japanese with the tile of *Nimitz' Great Sea War*. When the Japanese version was about to be published, the publisher asked Nimitz to write a special foreword for it. Nimitz did so, specifying that any pay due him for the work be donated to the fund for restoring the "Togo Shrine," Admiral Togo's war-damaged home in Tokyo.

Nimitz' Great Sea War received highly favorable reviews, which tended mostly to be eulogies of Nimitz. One in the *Asahi Shinbun* of 7 January 1963 contains these rather astonishing words:

"It appears that [Nimitz'] excellent ability of command and leadership played an even more important role in the issue of the war than the ever-widening gap in the numerical and material strength between Japan and the United States. . . . The Japanese Navy had two major weak points from the very beginning. One of them was lack of efficient command. . . . [The other] was the easy-to-decipher code used by the Japanese Navy. . . ."

At length, with passing years, the upkeep of their home in Berkeley became something of a burden for Admiral and Mrs. Nimitz, for they had only part-time help. Accordingly, when cancellation of the Western Sea Frontier command left Quarters One vacant at the naval station on Treasure Island in San Francisco Bay, it was offered to them for a residence, and they gladly accepted. Here, with the comfort of an elevator and servants, the Admiral continued to have visitors, to give official council when called upon, and to take a stand on all issues. He steadfastly refused, however, to write his memoirs or to have his biography written.

In October 1963, Admiral Nimitz had a bad fall and spent five weeks in the hospital. Though he regained his good spirits, he never fully recovered, and he aged rapidly.

In January 1966, the Admiral suffered a stroke and was taken to the hospital on Treasure Island. Complications, including pneumonia, followed, and he died on 20 February 1966, a few days before his 81st birthday. At his request he was buried without the pomp of a state funeral at Golden Gate National Cemetery beside the Pacific, among thousands of men who had served with him.

(NOTE.—A graduate of the University of Richmond, Professor Potter attained the rank of Commander, U.S. Naval Reserve, during World War II. Coauthor of *American Sea Power Since 1775*, he is co-author and editor of *The United States and World Sea Power* and (with Fleet Admiral Nimitz) *Sea Power: A Naval History*. He also edited *The Great Sea War* and *Triumph in the Pacific*. He is now Chairman of Naval History, U.S. Naval Academy.)

AMENDMENT OF APPALACHIAN REGIONAL ECONOMIC DEVELOPMENT ACT OF 1965

AMENDMENT NO. 96

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, for myself, Senators MCCLELLAN, MONRONEY, MONTOYA, MOSS, HART, LONG of Missouri, NELSON, and FULBRIGHT, an amendment to S. 602 to revise and extend the Appalachian Regional Economic Development Act of 1965. I ask unanimous consent that the text of the amendment and an explanation thereof may be printed at this point in the RECORD.

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

AMENDMENT NO. 96

On page 1, between lines 2 and 3, insert the following:

"TITLE I"

On page 1, line 3, stike out "Act" and insert in lieu thereof "title".

On page 1, line 6, after "hereinafter" insert "in this title".

At the end of the bill insert a new title as follows:

"TITLE II

"SEC. 201. This title may be cited as the 'Public Works and Economic Development Act Amendments of 1967'.

"SEC. 202. Section 301(b) of the Public Works and Economic Development Act of 1965 is amended by inserting after the first sentence, the following: 'The Secretary is further authorized to make such grants to any nonprofit incorporated body, or any agency or instrumentality of a State or local government (or any association or combination of such bodies, agencies or instrumentalities) located (wholly) within an economic development region designated under Title V of this Act and certified to a regional commission established for the region under this Act either by the Governor of the State or States in which such agency or instrumentality is located, or by the State officer designated by the appropriate State law to make such certification, as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region: *Provided*, That no grants shall be made under this section to any such organization, body, agency, or instrumentality located (wholly) within an economic development region for which a regional commission has been established, including the Appalachian Region as defined in the Appalachian Regional Development Act of 1965, except pursuant to specific recommendations of such regional commission.'

"SEC. 203. Section 502 of the Public Works and Economic Development Act of 1965 is amended by striking out the first word of subsection (c) and inserting in lieu thereof the phrase 'Except as provided in section 505, decisions'.

"SEC. 204. Section 503 of the Public Works and Economic Development Act of 1965 is amended—

"(1) by striking out the word 'and' at the end of clause (10) of subsection (a), by striking out the period at the end of clause (11) and inserting in lieu thereof a semicolon, and by adding the following new clauses:

"'(12) recommended to the Secretary of Commerce grants for the administrative expenses of economic development districts and agencies under section 301, and supplementary grants for Federal grant-in-aid programs under section 509; and

"'(13) serve as a focal point and coordinating unit for regional programs.';

"(2) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"'(b) The President shall provide effective and continuing liaison between the Federal Government and each regional commission and a coordinated review within the Federal Government of the plans and recommendations submitted by each Commission pursuant to subsections (a) and (d)';

"(3) by striking out the phrase 'additional recommendations to the Secretary and recommendations' in subsection (e) and inserting in lieu thereof the phrase 'recommendations to the President and'; and

"(4) by redesignating subsections (d) and (e) as (c) and (d), respectively.

"SEC. 205. Section 504 of the Public Works and Economic Development Act of 1965 is amended by striking out the phrase 'the Secretary shall encourage each regional commission to' and inserting in lieu thereof the phrase 'each regional commission shall'.

"SEC. 206. (a) Title V of the Public Works and Economic Development Act of 1965 is amended by adding at the end of the introductory phrase which precedes section 505 the following: 'AND ADMINISTRATIVE EXPENSES OF REGIONAL COMMISSIONS'.

"(b) Section 505(a) of the Public Works and Economic Development Act of 1965 is amended to read as follows:

"'(a) The Secretary, either directly or through arrangements with appropriate public or private organizations (including the commissions), (1) is authorized to undertake studies and investigations which would aid him in carrying out his functions under this Act, and (2) shall provide funds, pursuant to specific recommendations of a regional commission, for investigations, research, studies, technical assistance, training programs, and demonstration projects, but not for construction purposes, which will further the purposes of this Act, including studies and plans evaluating the needs of, and developing potentialities for, economic growth of such region, and research on improving the conservation and utilization of the human and natural resources of the region.'

"(c) Section 505(b) of the Public Works and Economic Development Act of 1965 is amended to read as follows:

"'(b) For the period ending on June 30 of the second full Federal fiscal year following the date of establishment of a commission, the administrative expenses of each commission, including the expenses of the Federal Co-chairman, his alternate, and his staff, shall be paid by the Federal Government. Thereafter, 50 per centum of such expenses shall be paid by the Federal Government and 50 per centum shall be paid by the Member States, except that the expenses of the Federal Co-chairman, his alternate, and his staff shall be paid solely by the Federal Government. The share to be paid by each State shall be determined by the Commission. The Federal Co-chairman shall not participate or vote in such determination. No assistance authorized by this title shall be furnished to any State or to any political subdivision or any resident of any State, nor shall the State Member of the Commission participate or vote in any determination by the Commission while such State is delinquent in payment of its share of such expenses.'

"(d) Section 505(c) of the Public Works and Economic Development Act of 1965 is amended to read as follows:

"'(c)(1) There is hereby authorized to be appropriated, to carry out subsection (A–1), $2,500,000 for the fiscal year ending June 30, 1968, and $2,500,000 for each fiscal year thereafter through the fiscal year ending June 30, 1970.

"'(2) There is hereby authorized to be appropriated, to carry out subsection (A–2), $12,500,000 for the fiscal year ending June 30, 1968, and $12,500,000 for each fiscal year thereafter through the fiscal year ending June 30, 1970.

"'(3) There is hereby authorized to be appropriated to regional commissions heretofore and hereafter established under this title or to the President, to carry out subsection (b), the sum of $10,000,000 for the period ending June 30, 1968, and the sum of $10,000,000 for the fiscal year ending June 30, 1969.

"'(4) Any unexpended balance of such funds appropriated under this title in the Department of Commerce Appropriation Act, 1967, shall be available until June 30 1967, for the purposes of subsections (a) and (b).'

"SEC. 207. Section 509 of the Public Works

and Economic Development Act of 1965 is amended—

"(1) by inserting immediately preceding the word 'Congress' in the first sentence, the following: 'Governor of each State in the region and to the President, for transmittal to the'; and

"(2) by redesignating such section as section 510.

"SEC. 208. Title V of the Public Works and Economic Development Act of 1965 is amended by inserting after section 508, the following new section 509.

Supplements to Federal grant-in-aid programs

"SEC. 509(a) In order to enable the States and other entities within economic development regions established under this Act to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, each regional commission is authorized to approve programs and projects and to advance funds appropriated to carry out this section to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of such Federal grant-in-aid programs. Funds so advanced shall be used for the sole purpose of increasing the Federal contribution to projects under such programs above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. Funds shall be so advanced for Federal grant-in-aid programs for which funds are available under the Act authorizing such programs. Such advanced funds shall be available without regard to any appropriation authorization ceilings in such Act. Supplementary grants made in accordance with the applicable provisions of Sec. 101 of the Public Works and Economic Development Act of 1965 shall be made without regard to the last sentence of subsection (c) or to subsection (d) thereof, or to any provisions therein limiting supplementary grants to States and other entities within redevelopment areas.

"(b) The Federal portion of such costs shall not be increased in excess of the percentages established by each commission, and shall in no event exceed 80 per centum thereof.

"(c) The term 'Federal grant-in-aid programs' as used in this section means all existing or future Federal grant-in-aid programs that a commission may designate as furthering the purposes of this Act, authorized by Acts other than this Act for the acquisition of land and the construction or equipment of facilities, including but not limited to grant-in-aid programs authorized by the following Acts: Federal Water Pollution Control Act; Watershed Protection and Flood Prevention Act; Title VI of the Public Health Service Act; Vocational Education Act of 1963; Library Services Act; Federal Airport Act; Part IV of Title III of the Communications Act of 1934; Higher Education Facilities Act of 1963; Land and Water Conservation Fund Act of 1965; National Defense Education Act of 1958; Farmers Home Administration Act of 1946 as amended, and Education and Training programs administered by the Bureau of Indian Affairs. The term shall not include (A) any grant-in-aid program relating to highway or road construction, or (B) any other program for which loans or other Federal financial assistance, except a grant-in-aid program, is authorized by this or any other Act. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this section, and shall not be taken into account in the computation of allocations among the States made pursuant to any other provision of law.

"(d) There is hereby authorized to be appropriated to each regional commission heretofore or hereafter established under Title V of the Public Works and Economic Development Act of 1965, (as amended), or to the President, the sum of $5,000,000 for the period ending June 30, 1968, and the sum of $10,000,000 for the fiscal year ending June 30, 1969, to be available until expended, to carry out this section."

"SEC. 209. Section 601(a) of the Public Works and Economic Development Act of 1965 is amended by striking out everything in the first sentence between the word 'herein' and the period at the end."

Amend the title to read as follows: "A bill to revise and extend the Appalachian Regional Development Act of 1965, and to amend the Public Works and Economic Development Act of 1965."

BRIEF EXPLANATION OF PROPOSED AMENDMENTS TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The proposed amendments to the Public Works and Economic Development Act of 1965 (P.L. 89–136) are being accomplished by adding a new Title II to the proposed Appalachian Regional Development Amendments of 1967, and the following are short explanations of those sections which affect P.L. 89–136. Section 201. This title may be cited as the Public Works and Economic Development Act Amendments of 1967.

1. (Sec. 202.—page 1) Section 301 (b), which authorizes the Secretary of Commerce to make grants for administrative expenses for economic development districts under the present Act, is expanded by providing that the Secretary can make these grants to other agencies of State or local governments which are located in a commission's region, and further provides that neither these grants nor other grants authorized in Section 301(a) to redevelopment areas or other areas which he finds have specific need for such assistance can be made *except upon the specific recommendation of the regional commission, including Appalachia.*

2. (Sec. 203—page 2) Section 502 of the Public Works and Economic Development Act is changed in order to recognize that a State may not vote on commission matters if it is in arrears on its payment of its share of the regional commission administrative expenses.

3. (Sec. 204(1)—page 2) Section 503 of the Public Works and Economic Development Act which describes the functions of the commission is enlarged to add two new subsections, numbers 12 and 13. (*12*) sets out as a function of the commission recommendations to the Secretary of Commerce for grants for administrative expenses to EDD's under Section 301 and supplemental grants-in-aid under the new Section 509. (*13*) copies one of the functions of Appalachia stating that the commission shall serve as a focal point and coordinating unit for regional programs.

4. (Sec. 204(2)—pages 2 and 3). Deletes subsections (b) and (3) of the Public Works and Economic Development Act which presently state that the Secretary of Commerce presents the plans and proposals of the commission first to other Federal agencies for their recommendations and then to the President, and that the Secretary of Commerce will provide the liaison between the Federal Government and the commissions, *and inserts a new subsection (b). This new subsection is the same as the Appalachian Section 104 and states that the President (rather than the Secretary) will provide the liaison and the President will provide the coordinating function.*

5. (Sec. 204 (3)—page 3) Subsection (e) of Section 503 which now provides that the commissions may make additional recommendations to the Secretary and to the State Governors is amended to provide that, as in Appalachia Section 103, these recommendations shall go to the President and to the State Governors.

6. (Sec. 205—page 3) Section 504 which now states that the Secretary should encourage each regional commission to follow procedures which will insure consideration of certain factors is amended by eliminating the Secretary of Commerce and merely providing that each commission will follow procedures with respect to consideration of program development criteria. This Section, as amended, is identical with Section 107 of the Appalachia Act.

7. (Sec. 206 (a)—page 3) This provision amends the heading which precedes Section 505 and which now reads "REGIONAL TECHNICAL AND PLANNING ASSISTANCE" to read "REGIONAL TECHNICAL AND PLANNING ASSISTANCE AND ADMINISTRATIVE EXPENSES OF REGIONAL COMMISSIONS."

8. (Sec. 206 (b)—page 3) This is a rewrite of Section 505 (a) and clarifies the responsibilities of the Secretary with regard to technical assistance. Where now all of the technical assistance is under his jurisdiction to be spent as he desires, it breaks this technical assistance into two kinds of expenditures. One authorizes the Secretary to undertake studies and investigations which would aid *him* in carrying out his functions under the Act (such as the investigation of the establishment of new regional commissions or the expansion of present regions upon recommendation of the regional commission, or such other over-view responsibilities he may have). The other provision clearly spells out that he *shall* provide funds for all other investigations, research, etc., which will further the purposes of the Act but only pursuant to specific recommendations of a regional commission. In the present act, he is given the authority to provide technical assistance through his own staff, through payment to other departments or agencies of the Federal government, through contracts and through grant-in-aid to the commissions. The grants to commissions, it will be recalled, was eliminated in the recent Regulations promulgated by the Assistant Secretary of Commerce. The new section clearly indicates that the commission will have control of some of these technical assistance funds, and the money amounts remain the same, $15,000,000 for this purpose.

9. (Sec. 206(c)—page 4) This rewrites Section 505(b) of Title V. It was necessary to change the present 505(b) because the administrative expenses of the Commission are now subject to the approval of the Secretary of Commerce and it presently provides that after two years not to exceed 50 per cent of the expenses of the Commission shall be paid by the Federal Government and the determination of the amount of the non-Federal share is left to the Secretary of Commerce. As amended, the Section will substantially follow the present Section 105 of the Appalachian Act. There have also been included the slight changes they hope to get passed which spell out clearly that the Federal Government shall pay the expenses of the Federal Co-chairman and his staff after the second year. It also clarifies that the expenses of the Federal Co-chairman for budget purposes are included in the administrative expenses of the Commission.

10. (Sec. 206 (d)—page 4) This amends Sec. 505 (c) of Title V by breaking down the authorization for appropriation into four separate categories. The first category authorizes the appropriation of $2.5 million for FY 68 and $2,500,000 for FY 1969 for the purpose of the Secretary of Commerce undertaking the studies and investigations to aid him in carrying out his functions and to provide research and technical assistance to the Commissions, as set forth in the new Sec. 505 (a). The second category authorizes the appropriation of $12,500,000 for FY 1968, and $12,500,000 for FY 69 to carry out the pur-

poses of the new section 505 (a)(2), which states that the Secretary *shall* pursuant to specific recommendations of a regional commission, provide funds for investigations, research, studies, technical assistance, training programs, and demonstration projects, but not for construction purposes, to the commission.

The third subsection authorizes the appropriation to the Regional Commissions for the purpose of administrative expenses of the Commissions and the expenses of the Federal Co-chairmen and his staff the sum of $10 million a year for the next two years. These amounts are authorized to be appropriated to the Commissions or to the President. The authorization for appropriation to the President is necessary to take care of those Commissions which are not yet funded or which may be designated during this period without direct appropriation from Congress. This permits the President to fund them until they have an opportunity to obtain their own appropriation from Congress.

The fourth subparagraph attempts to provide that any monies Commerce has not spent under its current appropriation shall be available for both technical assistance by the Secretary and the Commissions and administrative expenses of the Commissions. The effect of this subsection is to try to show that the funds Commerce now has must be held in trust for those Commissions which are not presently funded and for those which may come into existence between now and June 30, 1967.

11. (Sec. 207—page 5) This makes a change in Sec. 509 with respect to annual reports by conforming it to Appalachian's Sec. 304 in respect to having the annual report go to the Governor of each State in the Region and to the President for transmittal to Congress rather than directly to Congress as presently provided. A minor distinction, however, with respect to these annual reports is that Appalachia's annual report must be submitted not later than six months after the close of each fiscal year (December 31), while the other Regional Commissions' annual reports shall be submitted to Congress not later than January 31. This is a one month difference, but not thought to be important enough to require an extensive change in 509.

12. (Sec. 208—page 6) This inserts one new section in Title V which will be numbered 509.

The new section 509 provides for supplements for Federal grant-in-aid programs for the Regional Commissions similar in some respects to the Sec. 214 funds in the Appalachian Act. The money would be appropriated directly to the Commissions. It is tied to those supplementary grants-in-aid which the Secretary of Commerce under Sec. 101 of the Act designates except that it substitutes criteria in order to make these funds available for a different emphasis than under EDA criteria. It does this by directing that they shall not be limited to projects in redevelopment areas as presently provided in Sec. 101(c); without regard to the limitations of the last sentence of 101(c) which provides that the Secretary shall take into consideration the relative needs of the area, the nature of the project to be assisted, and the amount of such fair user charges, etc.; and without regard to Sec. 101(d) which provides that the rules, regulations and procedures of the Secretary shall assure adequate consideration is given to the relative factors as rates of unemployment, income levels, and extent of underemployment. Other sentences of this section conform to Appalachia's restrictions on the prohibition that none of the supplementary grants may be used for highway or road construction, and that grants shall not penalize any State in computing allocations they may get under other provisions of law.

In addition to the foregoing criteria, the Commissions are also charged with following procedures to insure consideration of five additional factors under Sec. 504. The Commissions will control the expenditure of these funds within their Region for these programs.

Subsection (d) of 509 authorizes the appropriation of $5,000,000 for each Commission for the period ending June 30, 1968, and $10,000,000 for each Commission for the following year.

13. (Sec. 209—page 7) This amends Sec. 601 of the Act by eliminating the following words without mentioning the words in the amendment: "The Secretary (of Commerce) shall . . . *coordinate the Federal Co-chairmen appointed heretofore or subsequent to this Act.*"

14. No changes have been made in Sections 501, 506, 507, and 508 of Title V.

Mr. HARRIS. Mr. President, the purpose of the explanation is to give similar legislative status to all regional commissions. Currently, the Appalachian Regional Commission enjoys a degree of independence under law not shared by other commissions created pursuant to title V of the Public Works and Economic Development Act of 1965.

Certainly all States are entitled to the same treatment under the commission format. The unequal treatment will be highlighted with the establishment of the Coastal Plains Regional Commission. The three States of Georgia, North Carolina, and South Carolina, which are in a title V region will have a distinctly different status and relationship to the Federal Government than they presently have through the Appalachian Regional Commission.

The amendment I submit today creates a new title II in the Appalachian Regional Economic Development Amendments of 1967 and deals primarily with the status of regional commissions established pursuant to title V of the Public Works and Economic Development Act of 1965.

The purpose of this amendment is to give similar legislative and legal status to all regional commissions. Under current conditions the Appalachian Regional Economic Development Commission enjoys a degree of independence under law not shared by the other five commissions created pursuant to the title V of the Public Works and Economic Development Act of 1965.

Certainly all States are entitled to the same treatment under the commission format. The amendment I propose today will authorize appropriations for technical assistance, administrative expenses of the commissions and supplemental grant-in-aid programs, patterned after the Appalachian Region Economic Development Commission. I feel that this is essential in order to enable the five commissions created pursuant to the title V of the Public Works and Economic Development Act to carry out the programs envisioned for them when the enabling legislation was enacted.

The key political science problem of today is how to dovetail the similar programs and efforts of various levels of government—local, State, and Federal—and better coordinate the myriad Federal programs of similar purpose. It is my judgment that the regional economic development commissions can serve as an ideal vehicle to help solve this problem.

The distinguished Senator from West Virginia [Mr. RANDOLPH], chairman of the Senate Public Works Committee, stated recently on the floor of the Senate:

> When one speaks of creative Federalism, one looks to the Appalachian Development Program as a prototype.

I agree wholeheartedly with him, in that the Appalachian development program is and should be a prototype for other regional economic development commissions, and it is for that reason I am introducing the amendment here today which will place regional economic development commissions heretofore and hereafter established on equal footing with the Appalachian Regional Economic Development Commission.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRIS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. HARRIS. Senator RANDOLPH has further stated during the hearings on confirmation of Mr. John Linnehan as Federal Cochairman for the New England Regional Development Commission:

> We thought of the Appalachian Development Commission as a partnership of the States involved in the Appalachia section of the country with the Federal Government, *and it was designed, and we feel that this region or any other region is designed,* "to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth and attacking its common problems and meeting its common needs on a coordinated and concerted regional basis."

Mr. President, the amendment I propose today will enable all regions heretofore or hereafter established to provide the same kind of economic stimulant to depressed areas of our country as has the Appalachian Regional Economic Development Commission in the Appalachia region. I certainly support the regional approach to economic development of depressed areas, and, therefore, feel that it is imperative that this amendment be enacted to enable all regions to have common status for the attainment of common goals, though very modest sums are asked for now for the other commissions.

Mr. President, I have discussed this matter and this amendment with the distinguished Senator from West Virginia [Mr. RANDOLPH], chairman of the Senate Public Works Committee. He has assured me that his committee will consider this amendment in connection with the Appalachian Regional Economic Development Act of 1965, which it seeks to amend. No special hearings will be required, I believe, because extensive hearings were held last session by the Senate Public Works Committee on these various regional commissions during the consideration of the Public Works and Economic Development Act of 1965.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 96) was received, ordered to be printed, and referred to the Committee on Labor and Public Welfare.

LEGISLATIVE REORGANIZATION ACT OF 1967—AMENDMENT

AMENDMENT NO. 97

Mr. ALLOTT submitted an amendment, intended to be proposed by him, to the bill (S. 355) to improve the operation of the legislative branch of the Federal Government, and for other purposes, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors of the following bills and joint resolutions:

Authority of February 2, 1967:

S. 799. A bill to provide more economic, efficient, and effective implementation of the various Federal loan and grant-in-aid programs to improve the quality of urban and rural life through improved comprehensive development planning, programing, and coordination among and between Federal agencies, States, regions, metropolitan areas, and local governments, and to encourage greater coordination between States and their political subdivisions in the planning and programing of Federal loan and grant-in-aid programs, and for other purposes: Mr. HATFIELD, Mr. JAVITS, and Mr. MILLER.

Authority of February 7, 1967:

S.J. Res. 30. Joint resolution to establish a commission to formulate plans for a memorial to astronauts who lose their lives in line of duty in the U.S. space program: Mr. ALLOTT, Mr. BAYH, Mr. BIBLE, Mr. CARLSON, Mr. COOPER, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. HARTKE, Mr. HILL, Mr. JACKSON, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Louisiana, Mr. MURPHY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCOTT, Mr. SYMINGTON, and Mr. YOUNG of North Dakota.

Authority of February 8, 1967:

S. 913. A bill to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes: Mr. MONRONEY, Mr. MORTON, and Mr. YARBOROUGH.

S. 915. A bill to provide for the establishment of a Federal Judicial Center: Mr. METCALF, and Mr. TYDINGS.

S. 917. 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: Mr. MUNDT, Mr. TYDINGS, and Mr. YARBOROUGH.

S.J. Res. 32. Joint resolution to establish a Joint Committee on Urban Affairs: Mr. JAVITS.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Paul F. Markham, of Massachusetts, to be U.S. attorney, district of Massachusetts, for the term of 4 years, vice W. Arthur Garrity, Jr.

William F. Malchow, of Minnesota, to be U.S. marshal, district of Minnesota, term of 4 years, vice Ray H. Hemenway, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, February 27, 1967, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

NOTICE OF RECEIPT OF NOMINATIONS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nominations:

Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

Maurine B. Neuberger, of Oregon, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

THE CIA AND THE NATIONAL STUDENT ASSOCIATION

Mr. YOUNG of North Dakota. Mr. President, I have noted with considerable concern the continuing controversy over the CIA's financial assistance to the National Student Association and other organizations that participate in international conferences.

It would be preferable if private sources would provide the funds for students and others to attend international conferences, or if some Government agency other than the CIA would do so. When this assistance by the CIA was first given to the National Student Association, no other source of assistance was available. Thus, if the CIA had not provided the funds, the Communist students would have completely dominated the international conferences.

I am not one who believes it is all wrong for students and others to receive some guidance and information from the CIA as to how international conferences are manipulated by the Communists. Not many people realize that no student can enroll in the Moscow University or other universities in Russia unless he has been thoroughly indoctrinated in the Communist philosophy and is a dedicated Communist.

Russia and other Communist nations have a one-party system and only one viewpoint. Thus, their students and others attending international conferences present one united viewpoint, and they are financed by their governments.

Our system of government and our philosophy are entirely different. We have a two-party system and many factions within these parties. Thus, we do not always present a united front at international conferences. The National Student Association, as well as others, does not always support the official position of our country.

The CIA has made some mistakes, but the good it does far outweighs any errors. If we are to survive in this troubled world and counter the operations of the Russian KGB, we need the CIA—and badly. It should be remembered that the CIA operations are directed and controlled by the President of the United States and the National Security Council. It also receives guidance, direction, and supervision from a committee of private citizens appointed by the President, as well as by the Bureau of the Budget and committees of Congress.

Mr. President, one of the best editorials I have read with reference to this recent controversy over the CIA appeared in the Sunday Star of February 19, 1967, and was entitled "What Are We Trying To Do to the CIA?" I ask unanimous consent that the editorial be printed in the RECORD as a part of my remarks.

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

WHAT ARE WE TRYING TO DO TO THE CIA?

It is just possible, if we all manage to work ourselves into a wild enough lather, that the current flap over the CIA can be escalated to the point where it will destroy the nation's intelligence organization. It almost seems that this is what some of the breast-beaters would like to do.

One day we have a disclosure that a student organization has been receiving covert funds so that young Americans can compete with young Communists at world student meetings. Then, suddenly, nothing will do but that every traceable operation of the CIA must be laid bare to public view, commented upon in tones of pious horror, investigated, sermonized, deplored and punished, until the terrible guilt of it all has been established for all time, for all the world to see.

And what, precisely, are we guilty of? Why, of using our wits and available means to compete in a battle just as real, dirty and deadly serious as any shooting war in which we could engage.

Confronted by adversaries who threw the full power and wealth of the state into the effort to mold and control world opinion, we did not abandon the field to them. Instead, we devoted some public funds to seeing to it that Americans could confront the totalitarians in the intellectual lists abroad, speaking their minds in representing the views of a relatively free society.

It worked, incidentally. A wide variety of Americans, most of whom never knew the source of the funds backing them, proved more than able over the years to hold their own in confrontation with disciplined, professional Communist agents. They prevented the takeover of numerous international organizations and established others which have contributed substantially to the global cause of freedom.

Consider, for example, the experience of Gloria Steinem, as interestingly reported in yesterday's Washington Post. A New York writer, Miss Steinem was director of something called "The Independent Research Service," which took CIA money to send several hundred young Americans to World Youth festivals in Vienna and Helsinki in 1959 and 1962.

Miss Steinem said she worked closely with

CIA agents on the program, but that few of the students who took those trips knew that the CIA was picking up the tab.

"I never felt I was being dictated to at all," she said. "I found them (the CIA men with whom she worked) liberal and far-sighted and open to an exchange of ideas. . . . They wanted to do what we wanted to do—present a healthy, diverse view of the United States."

She was backed up by Dennis Shaul, another spokesman for the organization, who said: "We had Minnesota schoolteachers who were further right than Bill Buckley as well as members of Students for a Democratic Society. Nobody told them what to do."

Bear in mind, except for such American participation financed by CIA funds, these festivals were completely dominated by Communists, all financed and controlled by their governments. Yet, says Shaul, "The Helsinki festival was a disaster from their point of view, and I think we can take a good deal of credit for that."

Well now, why not? Is this really something that has to be apologized for? Who is corrupted by such an operation? Who would have paid the Americans' expenses, if the CIA hadn't?

"The CIA," says Miss Steinem, "was the only (organization) with enough guts and foresight to see that youth and student affairs were important." And here, the lady puts her finger on an important point.

Of course, it would have been better if this sort of thing could have been done without subterfuge. It is too bad that private funds were not available for these purposes. It would have been healthier, lacking such private sources, for our government to have appropriated openly the necessary monies, through the State Department, U.S. Information Agency or some other "respectable" organization. Even though no such alternative may have been available when these programs were initiated in the early 1950s, it would have been advisable to switch them away from CIA support as soon as that became possible.

No one, moreover, can possibly defend all the details of any one of these operations. No doubt there have been messy procedures which, when exposed, prove embarrassing. There is, one inevitably recalls, a saying about making omelettes and breaking eggs.

What is beyond comprehension in all this, however, is the monumental naivete involved in the apparent shock reaction, to these disclosures on the part of otherwise knowledgeable people. After all, what have the outraged gentlemen supposed was going on all this time on the sprawling acres out at Langley? Of all the endeavors of the CIA, the effort to create outlets abroad for the expression of American opinion must surely rank as one of the milder. This is not, be it noted, a tea party that we have been engaged in. This is a viciously contested undercover war against shrewd, dedicated enemies who happen to be quite unhampered by nice-Nellie scruples. The need to press this fight has all along been recognized by the top leadership of the country. The procedures that suddenly evoke such outraged reactions were not dreamed up privately by the CIA. They were directed from the top, and properly so.

The idea that an organization like the CIA can conduct its operations while restrained by a sort of daisy-chain of clergymen, den mothers and liberal politicians—such a notion is simply absurd. For our part, we hope that the present hysteria will be calmed with a rational inquiry conducted by responsible and realistic men who have some knowledge of the very serious problems involved. We are inclined to suspect that they, and the public, will end up concluding that the world has not, after all, ended—and that, in doing a job which had to be done, our intelligence organization has not done too badly.

Mr. STENNIS subsequently said: Mr. President, I have before me an editorial which appeared in the Washington Evening Star of February 19, 1967, entitled "What Are We Trying To Do to the CIA?"

The Senator from North Dakota [Mr. YOUNG] has received unanimous consent that this editorial be printed in the RECORD, and I join with him in my very strong endorsement of this editorial, and I recommend that every Member of this body read it.

I shall try to answer at this time, very briefly, "What Are We Trying To Do to the CIA?" I believe that some groups are consciously trying to destroy the CIA. That is exactly what will result because of their activities. I believe, too, that others, not consciously but because they do not know the facts, can well contribute to rendering the CIA incapable of meeting the very important and necessary mission that it has.

I do not object, of course, and would never object, to some examination of its activities in a proper way. But to attempt to treat that department as other departments of the Government are treated is to totally miss the goal of what its mission is and to destroy it.

Mr. President, the CIA has made a great contribution during its lifetime. I know of outstanding illustrations, which I cannot divulge in an open session. The CIA has contributed in a very substantial way, both in saving money and in gaining information that was valuable, far beyond any figure in terms of money itself.

I think we are treading on very dangerous ground. If we continue in this manner and do not channel this matter into a proper examination of whatever Congress wishes to develop as to the facts—if we do not channel the matter ino a proper pattern—we will have demonstrated beyond all doubt our incapacity to carry on what has become an essential function of government. In other words, if you are going into the business of collecting information, you have to go where the information is, and you have to resort to methods that are effective, whether you approve of those methods or not.

I hope that the American people will exercise care and caution and restraint before they jump to conclusions, and that they will judge this matter finally upon the real facts.

Mr. President, I have an article written by the columnist William S. White, which appeared in the February 18 issue of the Washington Post, entitled "Delay Verdict Till Evidence Is In," and I ask unanimous consent that this article be printed in the RECORD at this point.

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

UNFAIR TO CIA—DELAY VERDICT TILL EVIDENCE IS IN

(By William S. White)

This country's many articulate victims of the great ultraliberal syndrome of our time—that is, a quivering fever of conviction that this Government is inevitably wrong in any conceivable attempt to set off any really tough backfire to the fires of Communist subversion—have again automatically convicted the poor old Central Intelligence Agency.

CIA's crime this time is the disclosure, first made by a violently left-wing and bitterly anti-Vietnam war little magazine called Ramparts, that for some 14 years the Agency has been giving financial assistance to anti-Communist or non-Communist student groups who seek to resist the incomparably more heavily financed Communist program to indoctrinate the universities everywhere and to dominate any and all student conferences on Cold War issues.

Not all of the facts are yet at hand, but the liberal-syndrome verdict of guilty as charged is, of course, already in before the jury has even entered the box. The jury is a group of three officials headed by Under Secretary of State Nicholas Katzenbach which has been charged by the President to look into this business—into all the facts, and not simply into such facts or alleged facts as the lefties have seen fit to produce.

The President's instructions are for a review of any governmental activity that might endanger the independence of the educational community. But the President's instructions do not stop there. For he recalls as well "the great need of American private organizations to participate in the world community." "Other countries," he observes, "provide substantial subsistence for such activity."

What this means is that for decades the Communists have provided a "substantial subsidy" to every kind of world student convocation so that they could pack these supposedly open discussions with their own people. On the evidence now available, what CIA has mainly been doing is providing the means to non-Communist students to attend these student conferences and offer a point of view different from that of the Communists.

If this turns out to be the truth of the business, and if it turns out that CIA has not mortally corrupted American youth by helping it to participate in student convocations that would otherwise have been totally controlled by Communist stooges, it will be difficult for some people to believe that a capital offense has been committed here.

For the long-observable truth is that Communist money for the indoctrination of students both here and abroad has been most lavishly expended. Any rational man can see as much when he looks at some of the so-called "student demonstrations" which have been occurring on some American campuses under the undoubted leadership of pro-Chinese Communist forces.

But if we want to look at the whole matter of "subsidy" with any honesty we also want to look well beyond what the CIA alone has done. Some of the largest and most prestige-laden of American foundations have for years undeniably offered much shelter to writers and others whose opposition to any strong stand anywhere to Communist expansionism is perfectly clear on the record.

Now, in this columnist's opinion, this is no crime; for there is nothing in the law or in American tradition to forbid multibillion-dollar foundations to give the better of it to the left if they so choose. But it is a little silly to suppose that this form of Foundation money is absolutely chaste or even absolutely private. The simple fact is that it, too, is very near to being public money—that is to say Government money—for had it not all been poured into precisely these foundations a very great part of it would have been quite rightfully seized by Government tax collectors.

The central point of this piece, however, is simply this: There is a spreading American characteristic of self-indictment, alike of the Government under any President and of our national motives at any time, that amounts to a national neurosis.

So let us not for a moment exculpate the CIA; but let us on the other hand be willing to wait for all the evidence before consigning it to the outer darkness.

PROPOSED CONSULAR CONVENTION

Mr. HRUSKA. Mr. President, in common with all Members of this body, this Senator has been giving a great deal of attention to the developments relating to the proposed Consular Convention between the United States and the Soviet Union. This measure is not, as some administration spokesmen allege, a "small matter" designed solely for the protection of U.S. citizens traveling in the Soviet Union. On the contrary, after careful study of the arguments presented thus far, and after consultation with some of my colleagues, I have come to the conclusion that for the Senate to consider the consular convention as an isolated agreement would be extremely unwise. It has become abundantly clear that the administration has taken a dual and contradictory approach in the presentation of the arguments on behalf of the convention.

Depending on the circumstances, it agrees that the convention is both important aud unimportant. In reality, the administration considers this measure to be linked with other "bridge building" proposals which are to be submitted to the Senate and the House on a piecemeal basis.

When taken together, the measures which the administration will submit to Congress will add up to a package which will have a tremendous impact on our overall foreign policy. The Consular Convention represents only the first small step which appears, on the surface, to be of small importance. But the next steps—which include the proposed treaty banning the military uses of outer space and, most important, the East-West trade bill, as well as others—when combined with the Consular Convention, are measures which are going to affect the basic philosophy of our relations with the Communist countries.

Because the administration realizes that the Congress would want to have a long, hard look at this series of proposals, it apparently does not wish them to be considered together. And for that reason, Mr. President, I urge my colleagues to consider what I suggest is a sound and constructive proposal designed to allow the Senate to give its most careful consideration—which we owe to the people of the United States—to this proposed fundamental shift in the basis of our foreign policy. In short, I shall propose in a formal speech later this week that the Senate withhold its approval of any of the administration's "bridge building" proposals until we have had an opportunity to look into their overall effect. Most of all, Mr. President, the Senate and the House should not be stampeded into approving individual measures which add up to a final result which will constitute a radical departure from our present foreign policy.

In due time it is my intention to present this view and approach to the Senate in formal fashion. This will by motion, resolution, or other proper method which will provide that the Senate defer final action on this consular treaty until hearings have been completed and opportunity afforded to debate the entire package which the administration proposes.

CIVIL RIGHTS ACT OF 1967

Mr. HART. Mr. President, on behalf of myself and Senators BREWSTER, BROOKE, CASE, CLARK, DODD, FONG, GRUENING, HARTKE, INOUYE, JAVITS, KENNEDY of Massachusetts, KENNEDY of New York, LONG of Missouri, MCCARTHY, MONDALE, MORSE, MUSKIE, PASTORE, PELL, PROXMIRE, RANDOLPH, RIBICOFF, SCOTT, TYDINGS, WILLIAMS of New Jersey, and YOUNG of Ohio, I send to the desk a bill to carry out the recommendations contained in the President's civil rights message.

Inasmuch as the minority leader has stated his objection to a request that any bill lie on the table for cosponsorship, I will not ask that this be done, although I had intended to do so.

Mr. JAVITS. Mr. President, has the Senator yet introduced the bill?

Mr. HART. I have not. I will do so now.

Mr. President, I introduce the bill and ask that it be appropriately referred.

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

The LEGISLATIVE CLERK. A bill (S. 1026) to assure nondiscrimination in Federal and State jury selection and service, to provide relief against discriminatory employment and housing practices, to prescribe penalties for certain acts of violence or intimidation, to extend the life of the U.S. Commission on Civil Rights, and for other purposes.

Mr. HART. Mr. President, I ask unanimous consent that the text of the bill and the explanation of the bill contained in the letter of the Acting Attorney General to the Vice President be printed at this point in my remarks.

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

S. 1026

A bill to assure nondiscrimination in Federal and State jury selection and service, to provide relief against discriminatory employment and housing practices, to prescribe penalties for certain acts of violence or intimidation, to extend the life of the United States Commission on Civil Rights, 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 "Civil Rights Act of 1967."

TITLE I

SEC. 101. The analysis and sections 1861 and 1863 through 1869 of chapter 121 of title 28, United States Code, are amended to read as follows:

"CHAPTER 121—JURIES; TRIAL BY JURY

"Sec.
"1861. Declaration of policy.
"1862. Discrimination prohibited.
"1863. Jury commission.
"1864. Master jury wheel.
"1865. Drawing of names from the master jury wheel.
"1866. Qualifications for jury service.
"1867. Challenging compliance with selection procedures.
"1868. Maintenance and inspection of records.
"1869. Excuse or exclusion from jury service.
"1870. Definitions.
"1871. Fees.
"1872. Exemptions.
"1873. Challenges.
"1874. Issues of fact in Supreme Court.
"1875. Admiralty and maritime cases.
"1876. Actions on bonds and specialties.

"§ 1861. Declaration of policy

"It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to a jury selected from a cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all qualified citizens shall have the opportunity to serve on grand and petit juries in the district courts of the United States and shall have an obligation to serve as jurors when summoned for that purpose.

"§ 1862. Discrimination prohibited

"No citizen shall be excluded from service as a grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.

"§ 1863. Jury commission

"(a) There shall be a jury commission for each district court of the United States composed of the clerk of the court and a citizen appointed by the court as a jury commissioner: *Provided,* That the court may establish a separate jury commission for any division of the judicial district by appointing an additional citizen as a jury commissioner to serve with the clerk for such division. The jury commissioner shall during his tenure in office reside in the judicial district or division for which appointed, shall not belong to the same political party as the clerk serving with him, and shall receive compensation to be fixed by the chief judge of the district at a rate not to exceed $50 per day for each day necessarily employed in the performance of his duties, plus reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties.

"(b) In the performance of its duties, the jury commission shall act under the supervision of the chief judge of the district.

"§ 1864. Master jury wheel

"(a) Each jury commission shall maintain a master jury wheel and shall place in the master wheel names selected at random from the voter registration lists of persons residing in the judicial district or division it serves: *Provided,* That the judicial council of the circuit, with such advice as the chief judge of the district may offer, shall prescribe some other source or sources of names for the master wheel in addition to the voter registration lists where necessary, in the judgment of the council, to protect the rights secured by section 1862 of this title: *Provided, further,* That in the district courts for the Districts of Puerto Rico and the Canal Zone, the chief judges of such courts shall prescribe some other source or sources of names of potential jurors in lieu of voter registration lists the use of which shall be consistent with the policies declared and rights secured by sections 1861 and 1862 of this title.

"(b) The jury commission shall place in the master wheel the names of at least one-half of one per centum of the total number of persons listed on the voter registration lists for the district or division (or, if sources in addition to voter registration lists have been prescribed pursuant to subsection (a), at least one-half of one per centum of the total number of persons of voting age residing in the district or division according to the most recent decennial census): *Provided,* That in no event shall the jury commission place in the master wheel the names of fewer than one thousand persons.

"(c) The master jury wheel shall contain names of persons residing in each of the counties, parishes, or similar political sub-

divisions within the judicial district or division.

"(d) The chief judge of the district shall prescribe, by rule, definite and certain procedures to be followed by the jury commission in (1) making the random selection of names required by subsections (a), (b), and (c) of this section, and (2) assigning persons to grand and petit jury panels pursuant to section 1866(c) of this title.

"(e) State, local and Federal officials having custody, possession, or control of voter registration lists or other appropriate records shall make such lists and records available to the jury commission for inspection, reproduction, and copying at all reasonable times as the commission may deem necessary and proper for the performance of its duties under this title. The district courts shall have jurisdiction upon application by the Attorney General to compel compliance with this subsection by appropriate process.

"(f) The jury commission shall in accordance with this section (1) from time to time, as necessary, place additional names in the master wheel and (2) not later than July 1 of each odd-numbered year empty and refill the master wheel.

"§ 1865. Drawing of names from the master jury wheel

"(a) From time to time as necessary the jury commission shall publicly draw at random from the master jury wheel the names of as many persons as may be required for jury service, prepare an alphabetical list of the names drawn, which list shall not be disclosed to any person except pursuant to sections 1867 and 1868 of this title, and summon by certified mail the persons whose names are drawn. Each person whose name is drawn, unless he claims exemption from jury service pursuant to section 1872 of this title and subsection (b) of this section, shall appear before the clerk and fill out a juror qualification form to be prescribed by the Administrative Office of the United States Courts. The form shall elicit his name, address, age, sex, education, race, occupation, length of residence within the judicial district, prior jury service, and citizenship and whether he has any physical or mental infirmity impairing his capacity to serve as a juror, is able to read, write, speak, and understand the English language, and has been convicted in any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his civil rights restored by pardon or amnesty. The clerk shall examine the form to determine whether it is filled out completely and responsively and shall call any omissions or apparent errors to the attention of such person who shall make such corrections or additions as may be necessary. If any person summoned is unable to fill out the form, the clerk shall do it for him and indicate on the form the fact that he has done so and the reason therefor: *Provided*, That in any district or division where the chief judge of the district with the concurrence of the judicial council of the circuit determines that the requirement of a personal appearance before the clerk to fill out a juror qualification form would entail undue hardship or undue inconvenience for persons whose names are drawn from the master wheel, the clerk shall mail to every person whose name is drawn from the master jury wheel a juror qualification form with instructions to fill out and return the form duly signed to the Clerk by mail within ten days. Any person who fails to return a juror qualification form as instructed shall be summoned by the clerk forthwith to appear before the clerk to fill out a juror qualification form: *Provided, further*, That any person who returns an executed juror qualification form to the clerk by mail and who is subsequently summoned for jury service may be required by the clerk or the court to fill out another juror qualification form.

"(b) Any person summoned pursuant to subsection (a) of this section who fails to appear as directed shall be ordered by the court forthwith to appear and show cause for his failure to comply with the summons: *Provided*, That any person summoned (or to whom a juror qualification form has been mailed by the clerk for execution) who is exempt from jury service pursuant to section 1872 of this title may state the basis for his exemption in the space provided on the summons (or juror qualification form) and return the summons (or juror qualification form) duly signed to the clerk by mail.

"(c) Any person who fails to appear pursuant to an order entered under subsection (b) of this section, or who fails to show good cause for noncompliance with a summons issued pursuant to subsection (a) of this section, or who willfully misrepresents a material fact concerning his exemption from jury service or concerning his qualifications for jury service on a summons or juror qualification form for the purpose of avoiding service as a juror shall be fined not more than $100 or imprisoned not more than three days, or both.

§ 1866. Qualifications for jury service

"(a) The jury commission shall determine solely on the basis of information provided on the juror qualification form or the returned summons whether a person is qualified for or exempt from jury service: *Provided*, That such determination shall be made by the court if other objective evidence obtained by the jury commission indicates that a person is not qualified pursuant to subparagraphs (1), (3), or (4) of subsection (b) hereof. The jury commission shall enter such determination in the space provided on the juror qualification form and the alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list. Whenever a person is determined to be not qualified for jury service, the jury commission shall note on the space provided on the juror qualification form the specific ground of disqualification.

"(b) In making such determination the jury commission or the court shall deem any person qualified to serve on grand and petit juries in the district court unless he—

"(1) is not a citizen of the United States, twenty-one years old who has resided for a period of one year within the judicial district;

"(2) is unable to read, write, speak, and understand the English language;

"(3) is incapable, by reason of mental or physical infirmity, to render efficient jury service; or

"(4) has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"(c) The jury commission shall maintain a qualified juror wheel and shall place in such wheel names of persons determined to be qualified as jurors. From time to time, when ordered by the court, the jury commission shall publicly draw from the qualified juror wheel such number of names of persons as may be required for assignment to grand and petit jury panels. The jury commission or the clerk shall assign persons to grand or petit jury panels in accordance with the procedures prescribed pursuant to section 1864(d) of this title and prepare a separate list of names of persons assigned to each grand and petit jury panel.

"(d) When the jury commission has drawn the names of persons from the qualified juror wheel pursuant to subsection (c), the clerk shall issue summons for the required number of jurors and deliver them to the marshal for service. Each person drawn for jury service may be served personally or by registered or certified mail addressed to such person at his usual residence or business address. Such service shall be made by the marshal who shall attach to his return the addressee's receipt for the registered or certified summons, where service is made by mail.

"§ 1867. Challenging compliance with selection procedures

"(a) In criminal cases, before the petit jury is empanelled and sworn, the defendant may move to dismiss the indictment against him on the ground of substantial failure to comply with section 1864, 1865, or 1866 of this title in selecting the grand jury. If the court determines that there has been a substantial failure so to comply, the court shall dismiss the indictment.

"(b) In criminal cases, before the petit jury is empanelled and sworn, the defendant or the Attorney General may move to stay the proceedings on the ground of substantial failure to comply with sections 1864, 1865, or 1866 of this title in selecting the petit jury. If the court determines that there has been a substantial failure so to comply, the court shall stay the proceedings pending the selection of a petit jury in conformity with this title.

"(c) In civil cases, before the jury is empanelled and sworn, any party may move to stay the proceedings on the ground of substantial failure to comply with sections 1864, 1865, or 1866 of this title in selecting the petit jury. If the court determines that there has been a substantial failure so to comply, the court shall stay the proceedings pending the selection of a jury in conformity with this title.

"(d) Upon motions filed under subsections (a), (b), or (c) of this section, the moving party shall be entitled to present in support of such motion the testimony of the jury commission together with other evidence and where there is evidence that there has been a failure to comply with sections 1864, 1865, or 1866, any relevant records and papers used by the jury commission in the performance of its duties which are not public or otherwise available.

"(e) The procedures prescribed by this section shall be the exclusive means by which a person accused of a Federal crime, the Attorney General, or a party in a civil case may challenge any jury in his case on the ground that such jury was not selected in conformity with sections 1864, 1865, or 1886 of this title. Nothing in this section shall preclude any person or the United States from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, or economic status in the selection of persons for service on grand or petit juries.

"(e) The contents of any records or papers produced pursuant to subsection (a), (b), or (c) of this section shall not be disclosed, except as may be necessary in the preparation or presentation of the motion, until after the master jury wheel has been emptied and refilled pursuant to section 1864(f) of this title and all persons selected to serve as jurors before the master wheel was emptied have completed such service: *Provided*, That the parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the pendency of the motion.

"§ 1868. Maintenance and inspection of records

"After the master jury wheel is emptied and refilled pursuant to section 1864(f) of this title, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all of the records and papers complied and maintained by the jury commission before the master wheel was emptied shall be preserved by the commission in the custody of the clerk for four years or for such longer period as may be ordered by a court and shall be available for public inspection. Prior to the ex-

piration of the four-year period, the jury commission shall not disclose the contents of such records or papers to any person except (1) as provided in section 1867 of this title and in section 3432 of title 18, United States Code, (2) the court, or (3) the Administrative Office of the United States courts.

"§ 1869. Excuse or exclusion from jury service

"(a) Except as provided in section 1872 of this title, no person or class of persons shall be excluded, excused, or exempt from service as jurors: *Provided*, That any person summoned for jury service may be (1) excused by the court for not more than six months at a time upon a showing of undue hardship or extreme inconvenience, or (2) excluded by the court upon a finding that such person may be unable to render impartial jury service or that his service as a juror would disrupt the proceedings, or (3) excluded upon peremptory challenge as provided by law, or (4) excluded upon a challenge by any party or sua sponte and a subsequent determination by the court that such person is unable to fill out the juror qualification form or is otherwise not qualified for jury service pursuant to section 1866(b) (1), (3), or (4). Whenever a person is excused or excluded from jury service, the clerk shall note in the space provided on his juror qualification form the specific ground of excuse or exclusion.

"(b) In any two-year period, no person shall be required to (1) serve or attend court for prospective service as a petit juror for more than thirty calendar days, except when necessary to complete service in a particular case, or (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror.

"§ 1870. Definitions

"For purposes of this chapter—

"(a) 'clerk' and 'clerk of the court' shall mean the clerk of the United States district court or any deputy clerk.

"(b) 'voter registration lists' shall mean the official records maintained by State or local election officials of persons registered to vote in the most recent general election for candidates for Federal office or, in the case of a State or political subdivision thereof which does not require registration as a prerequisite to voting, such other official lists of persons qualified to vote in such election. With respect to the district courts for the districts of Guam and the Virgin Islands, 'voter registration lists' shall mean the official records maintained by territorial election officials of persons registered to vote in the most recent territorial general election. The term shall also include the list of eligible voters maintained by any Federal examiner pursuant to the Voting Rights Act of 1965 where the names on such list have not been included on the lists maintained by the appropriate State or local officials.

"(c) 'division' shall mean one or more divisions of a judicial district established by statute, and, in judicial districts where no divisions are established by statute, shall mean such counties, parishes, or similar political subdivisions surrounding the places where court is held as the chief judge of the district shall determine: *Provided*, That each county, parish, or similar political subdivision in such districts shall be included in one division.

"(d) 'district court of the United States', 'district court,' and 'court' shall mean courts constituted under chapter 5 of title 28 United States Code, section 22 of the Organic Act of Guam, as amended (64 Stat. 389; 48 U.S.C. 1424), section 21 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1611), and section 1 of title 3, Canal Zone Code: *Provided*, That for purposes of sections 1861, 1862, 1867, and 1869 of this chapter, these terms shall include the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia."

Fees

SEC. 102. (a) Section 1871 of title 28, United States Code, is amended by substituting "$20" for "$10" and "$25" for "$14" in the second paragraph, "$16" for "$10" in the third paragraph and "$20" for "$10" in the fourth paragraph, and by substituting in the third paragraph "10 cents per mile, plus the amount expended for toll roads and toll bridges" for "10 cents per mile", in the two instances such language occurs, and by adding two new paragraph as follows:

"Grand and petit jurors in the district courts for the Districts of Guam and the Canal Zone shall receive the same fees and allowances provided in this section for grand and petit jurors in other district courts of the United States.

"Persons summoned to appear before the clerk to fill out a juror qualification form pursuant to section 1865(a) of this title shall receive the same fees and travel allowances provided in this section for jury service."

(b) Section 1821 of title 28, United States Code, is amended by substituting "$20" for "$4", "10 cents" for "8 cents" and "$16" for "$8", and by adding a new paragraph as follows:

"Witnesses in the district courts for the districts of the Canal Zone, Guam and the Virgin Islands shall receive the same fees and allowances provided in this section for witnesses in other district courts of the United States.

Amendment and repeal

SEC. 103. (a) Sections 1862, 1870, 1872, 1873, and 1874 of title 28, United States Code, are renumbered as sections 1872, 1873, 1874, 1875, and 1876, respectively, of that title.

(b) Sections 13–701, 11–2301 through 2305 (except the last paragraph of section 11–2302), 11–2307 through 2312 and 7–213a of the District of Columbia Code are repealed.

(c) Except for the last paragraph of subsection (a), section 11–2306 of the District of Columbia Code is repealed and a new subsection (b) is added to the section as follows: "(b) The jury commission for the district court for the District of Columbia shall draw from the qualified jury wheel from time to time as may be required the names of persons to serve as jurors in the District of Columbia court of general sessions and the juvenile court of the District of Columbia and such persons shall be assigned to jury panels in the general sessions and juvenile courts as those courts shall direct."

(d) Section 16–1312 of the District of Columbia Code is amended by substituting "section 1866 of title 28, United States Code" for "section 11–2301, and who, in addition, are owners of real property in the District" in subsection (a)(1) and by substituting "chapter 121 of title 28, United States Code," for "chapter 23 of title II" in subsection (c).

(e) Section 16–1357 of the District of Columbia Code is amended by striking out the phrase "are real property holders in the District and."

(f) Section 7–318 of the District of Columbia Code is amended by striking out the words "and five dollars per day for each juror for the services of each when actually employed".

(g) Section 22–1414 of the District of Columbia Code is amended by inserting the words "or wheel" immediately following the word "box" each time it appears therein.

(h) Section 44 of the Act of March 2, 1917, to provide a civil government for Puerto Rico (39 Stat. 966; 48 U.S.C. 867) and sections 471 and 472(b) of title 3, sections 452, 453, and 2526(a) of title 5, and sections 4093 through 4106 and 4108 through 4117 of title 6, Canal Zone Code, are repealed. Subsections (b), (c), and (d) of section 2562 of title 5, Canal Zone Code, are redesignated as subsections (a), (b), and (c) thereof.

Effective date

SEC. 104. Sections 101 and 103 of this title shall become effective one hundred and eighty days after the date of enactment: *Provided*, That such sections shall not apply in any case in which an indictment has been returned or petit jury empanelled prior to such effective date.

TITLE II

Discrimination prohibited

SEC. 201. It shall be unlawful to make any distinction on account of race, color, religion, sex, national origin or economic status in the qualifications for service, and in the selection, of any person to serve on grand or petit juries in any State court.

Suits by the Attorney General

SEC. 202. (a) Whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any right secured by section 201 of this title, the Attorney General is authorized, after giving notice of such denial or abridgment to the appropriate State officials, and after certifying that he is satisfied that such authorities have had reasonable time to adjust the conditions alleged in such notice, to institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for an injunction, restraining order, or other order against a State, any political subdivision thereof, or any official of such State or political subdivision. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether any aggrieved person shall have exhausted any administrative or other remedies that may be provided by law. Any action pursuant to this section shall be in every way expedited.

Appropriate relief

SEC. 203. If in any proceeding instituted pursuant to this title or any other law authorizing proceedings for injunctive relief, the district court finds that any right secured by section 201 has been denied or abridged, it may, in addition to any other relief, enter an order, effective for such period of time as may be appropriate—

(a) Prohibiting or suspending the use of any qualification for jury service or any basis for excuse, exemption, or exclusion from jury service which—

(1) violates or has been applied in violation of section 201 of this title, or

(2) is so subjective as to vest in jury officials undue discretion to determine whether any person has satisfied such qualification or whether a basis exists for excusing, exempting, or excluding any person from jury service;

(b) Requiring the use of objective criteria to determine whether any person has satisfied any qualification for jury service or whether a basis exists for excusing, exempting, or excluding any person from jury service;

(c) Requiring maintenance of such records or additional records as may be necessary to permit a determination thereafter whether any right secured by section 201 has been denied or abridged; or

(d) Appointing a master to perform such duties of the jury officials as may be necessary to assure that the rights secured by section 201 of this title are not denied or abridged.

Discovery of evidence

SEC. 204. In any proceeding instituted pursuant to section 202 of this title or section 1983 of title 42 of the United States Code, or in any civil or criminal proceeding in any State court prior to the introduction of any evidence at trial, or in any habeas corpus, coram nobis, or other collateral proceeding in any court with respect to a judgment of conviction entered after the effective date of this title, wherein it is asserted that any right secured by section 201 of this title has been denied or abridged—

(a) The appropriate State or local officials shall furnish a written statement of jury selection information subscribed to under oath which shall contain a detailed description of the following:

(1) the nature and location of the sources from which names were obtained for inclusion in the wheel, box, or similar device;

(2) the methods used and the procedures followed in selecting names from the sources referred to in subdivision (1) of this subsection for inclusion in the wheel, box, or similar device;

(3) the methods used for selecting names of prospective jurors from the wheel, box, or similar device for testing or otherwise demonstrating their qualifications for jury service;

(4) the qualifications, tests, standards, criteria, and procedures used in determining whether prospective jurors are qualified to serve as jurors;

(5) the methods used for summoning or otherwise calling persons for jury service and assigning such persons to grand and petit jury panels;

(6) with respect to State courts to which subsection 205(b) of this title applies, the number and race of persons who, during the preceding two-year period or, if the claim hereunder is filed within two years following the effective date of this title, during the period since the effective date of this title, (A) (i) have appeared for the purpose of testing their qualifications to serve as jurors, (ii) have appeared in response to a summons to serve as a juror, (iii) have been determined to be qualified to serve as jurors, (iv) have been assigned to a grand or petit jury panel, and (v) have served on a grand or petit jury, and (B) have been peremptorily challenged in criminal cases and whether the challenge was made by the prosecution or the defense.

(b) The statement of jury selection information shall be filed with the clerk of the court in which the proceeding is pending, and a copy thereof shall be served upon the attorney for the complaining party. The statement of jury selection information shall constitute evidence on the question whether any right secured by section 201 of this title has been denied or abridged: *Provided,* That the complaining party shall be entitled to cross-examine any person having knowledge of relevant facts concerning the information to be contained in such statement and to present in addition the testimony of the jury officials, together with any other evidence, and, where there is evidence of a denial or abridgment of a right secured by section 201 of this title, any relevant records and papers used by jury officials in the performance of their duties which are not public or otherwise available.

(c) If the court determines (1) that there is probable cause to believe that any right secured by section 201 of this title has been denied or abridged and (2) that the records and papers maintained by the State are not sufficient to permit a determination whether such denial or abridgment has occurred, it shall be the responsibility of the appropriate State or local officials to produce additional evidence demonstrating that such denial or abridgment did not occur. When such evidence is not otherwise available, the State shall use such process of the court as may be necessary in order to produce the evidence, including the right to subpoena witnesses.

(d) The court may direct that the contents of any records or papers produced pursuant to subsection (b) of this section shall not be disclosed (except as may be necessary in the preparation and presentation of the case) during such period of time as such records and papers are not available for public inspection under State law: *Provided,* That parties to the proceeding shall be allowed to inspect, reproduce, and copy such records and papers at all reasonable times during the pendency of the cases, and that disclosure of the contents of such records and papers by the Attorney General and his representatives shall be governed by subsection (b) of section 205 of this title.

Preservation and inspection of records

SEC. 205. (a) The jury officials in all State courts shall preserve the records and papers prepared or obtained in the performance of their duties for four years after the completion of service by all persons whose consideration for service as jurors was the subject of such records and papers. Any person, whether or not a jury official, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by this subsection to be preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) The jury officials in State courts having over a political subdivision or subdivisions in which 10 per centum or more of the population is non-white according to the most recent decennial census shall (1) record on an appropriate record or paper the race of each person who (A) appears for the purpose of testing his qualifications to serve as a juror, (B) appears in response to a summons to serve as a juror, (C) is determined to be qualified to serve as a juror, (D) is assigned to a grand or petit jury panel, or (E) serves on a grand or petit jury, and (2) maintain a record of every person who is peremptorily challenged in any criminal case and of whether the challenge was made by the prosecution or the defense.

(c) Any record or paper required by this section to be preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative. During such period of time as such records and papers are not available for public inspection under State law, unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose the contents of any record or paper produced pursuant to this title except to Congress and any committee thereof, governmental agencies, and in the preparation and presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

Definitions

SEC. 206. For purposes of this title—

(a) "State court" shall mean any court of any State, county, parish, city, town, municipality or other political subdivision of any State;

(b) "jury official" shall mean any person or group of persons, including judicial officers, who select, summon, or impanel persons to serve as grand or petit jurors in any State court;

(c) "wheel, box, or similar device" shall include a file, list, or other compilation of names of persons prepared by a jury official;

(d) "political subdivision' shall mean any county, parish, city, town, municipality, or other territorial subdivision of a State.

Effect of existing laws

SEC. 207. The remedies provided in this title shall not preclude any person, the United States, or any State or local agency from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, or economic status in the selection of persons for service on grand or petit juries in any State court.

Effective date

SEC. 208. This title shall become effective one hundred and eighty days after the date of its enactment; *Provided,* That the provisions of this title shall not apply in any case in which an indictment has been returned or a petit jury empanelled prior to such effective date.

TITLE III

SEC. 301. Section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5) is amended to read as follows:

"(a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in sections 703 or 704 of this title.

"(b) Whenever it is charged by a person claiming to be aggrieved, or a charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred, that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall notify such employer, employment agency, or labor organization (hereinafter referred to as the 'respondent') of such charge and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more one year.

"(c) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (b) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of

this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(e) A charge under subsection (b) shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (c), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that further efforts are unwarranted, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof. Related proceedings may be consolidated for hearing.

"(g) A respondent may file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents shall be parties and may appear at any stage of the proceedings, with or without counsel. Persons aggrieved may submit briefs or other written submissions on each occasion when such are permitted or directed, may be present to observe at any stage of the proceedings, with or without counsel, and may appeal or petition for review to the same extent as a party, but without the permission of the Commission persons aggrieved may not otherwise participate in the proceedings. The Commission may grant such other persons a right to intervene as respondents or persons aggrieved or to file briefs or make oral arguments as amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a complaint has been issued and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the respondent for the elimination of the alleged unlawful employment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it.

"(j) Findings of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record.

"(k) The Commission may petition any United States court of appeals wherein the unlawful employment practice occurred, or wherein the respondent resides or transacts business, for enforcement of its order. The Commission shall, within 30 days after filing such petition, file in the court of appeals certified copies of the record in the proceedings before the Commission and the findings and order of the Commission. Upon timely application, the court may permit any interested person to intervene in the proceeding. Upon such filing, the court shall conduct further proceedings in conformity with sections 701–706 of title 5, United States Code, and shall cause notice thereof to be served upon the respondent and thereupon shall have jurisdiction of the proceeding and shall have power to grant such temporary relief, restraining order, or other order as it deems just and proper and to make and enter upon the record a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact if supported by substantial evidence shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken, and it shall file with the reviewing court such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in title 28, United States Code, section 1254. Petitions filed under this subsection shall be heard expeditiously.

"(l) Any respondent or person aggrieved by a final order of the Commission granting or denying, in whole or in part, the relief sought may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice was alleged to have been engaged in or wherein such person resides or transacts business or the Court of Appeals for the District of Columbia, by filing in such court a petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the Commission shall file in the court certified copies of the record of the proceedings before the Commission and the findings and order of the Commission. Upon timely application the court may permit any interested person to intervene in the proceeding. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (k), the findings of the Commission with respect to questions of fact if supported by substantial evidence shall be conclusive, and the court shall have the same jurisdiction to grant to the petitioners or to the Commission such temporary relief, restraining order, or other order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

"(m) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115), shall not apply with respect to (1) proceedings under subsections (k) or (l) of this section, (2) proceedings under section 707 of this title, or (3) any other proceedings brought by the United States or any agency thereof to prevent discrimination in employment on account of race, color, religion, or national origin.

"(n) The Attorney General shall conduct all litigation to which the Commission is a party pursuant to this title.

"(o) (1) An aggrieved person may institute a civil action against the respondent named in the charge in the appropriate United States district court, without regard to the amount in controversy, or in any State or local court of competent jurisdiction if—

"(A) One hundred and eighty days after filing a charge the Commission has, for any reason whatsoever, failed or declined to issue a complaint or has terminated proceedings (including charges with respect to which the Commission has secured voluntary compliance satisfactory to it), within sixty days thereafter, or within sixty days following receipt of notice from the Commission that it declines to issue a complaint, whichever is earlier, and provided such a complaint is not issued in the interim; or

"(B) The Commission ends the proceeding by agreement pursuant to subsection (i) of this section and the aggrieved person has not consented in writing to such agreement, within sixty days following receipt of notice of such agreement.

Upon timely application, the Commission shall have the right to intervene in actions brought pursuant to this subsection.

"(2) In civil actions brought pursuant to this subsection, the court shall give no effect to the fact that the Commission has (A) terminated proceedings with respect to the charge without issuing a complaint, of (B) failed or declined to issue a complaint for any other reason, or (C) ended the proceeding by agreement pursuant to subsection (i) of this section. If the court finds that the respondent has engaged in an unlawful employment practice, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, re-

sponsible for the unlawful employment practice), as will effectuate the policies of this title. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable."

SEC. 302. Section 707 of the Civil Rights Act of 1964 (78 Stat. 261; 42 U.S.C. 2000e-6) is amended by adding a new section (c) as follows:

"(c) Any record or paper required by section 709(c) of this title to be preserved or maintained shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a demand is made or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper."

SEC. 303. Section 708 of the Civil Rights Act of 1964 (78 Stat. 262; 42 U.S.C. 2000e-7) is amended by designating all of present section 708 as subsection "(a)" thereof and adding new subsections "(b)" and "(c)" as follows:

"(b) Neither the Commission nor any court acting pursuant to this title shall dismiss or stay proceedings on the ground that a charge has been filed with the National Labor Relations Board arising from the same matters.

"(c) Nothing in this title shall preclude any person from pursuing any other available remedy for the enforcement of any law prohibiting discrimination in employment on account of race, color, religion, sex, or national origin."

SEC. 304. Sections 709(b)-(d) of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e-8(b)(d) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may pay by advance or reimbursements such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulation of orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applicants were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested state and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any state or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under state or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

"SEC. 305. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e-9) is amended to read as follows:

"(a) In conducting an investigation the Commission shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The Commission may issue subpoenas to compel access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Commission may administer oaths.

"(b) Upon written application to the Commission, a respondent shall be entitled to the issuance of a reasonable number of subpeonas by and in the name of the Commission to the same extent and subject to the same limitations as subpeonas issued by the Commission. Subpeonas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

"(c) Witnesses summoned by subpoena of the Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

"(d) Within five days after service of a subpoena upon any person, such person may petition the Commission to revoke or modify the subpoena. The Commission shall grant the petition if it finds that the subpeona requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

"(e) In case of contumacy or refusal to obey a subpoena, the Commission or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

"(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Commission, shall be fined not more than $5,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the Commission pursuant to its subpoena or other order, or who shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents, or shall willfully remove out of the jurisdiction of the United States or willfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

SEC. 306. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is further amended as follows:

(a) Add the phrase "or applicants for employment" after the phrase "his employees" in section 703(a)(2) (78 Stat. 255; 42 U.S.C. 2000e-2(a)(2)).

(b) Add the phrase "or applicants for membership" after the word "membership" in section 703(c)(2) (78 Stat. 255; 42 U.S.C. 2000e-2(c)(2)).

(c) The fourth sentence of section 705(a) shall read as follows: "The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended: *Provided*, That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362 and 7521 of title 5, United States Code.

(d) Add the phrase "and to accept voluntary and uncompensated services, notwithstanding the provisions of Section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))" to section 705(g)(1) between the word "individuals" and the semicolon.

(e) Strike out the phrase "intervention in a civil action brought by an aggrieved party

under section 706, or for" in section 705 (g)(6).

(f) Add the following subparagraph "(7)" to section 705(g):

"(7) to accept and employ or dispose of in furtherance of the purposes of this title any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise."

(g) Add a new subsection "(c)" to section 713 as follows:

"(c) The Commission may delegate any of its functions, duties, and powers to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter."

(h) Strike out the phrase "section 111" and substitute therefor the phrase "sections 111 and 1114" in section 714.

(i) Repeal section 715."

TITLE IV

Policy

SEC. 401. It is the policy of the United States to prevent discrimination on account of race, color, religion or national origin in the purchase, rental, financing, and occupancy of housing throughout the United States.

Definitions

SEC. 402. As used in this Title—

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

(c) "Family" includes a single individual.

(d) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(e) "Discriminatory housing practice" means an act that is unlawful under section 404, 405, 406 or 407.

(f) "State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

Effective dates of certain prohibitions

SEC. 403. Except as exempted by section 408, the prohibitions against discrimination in the sale or rental of housing set forth in section 404 shall apply—

(a) Upon enactment of this Title, to—

(1) Dwellings owned or operated by the Federal Government;

(2) Dwellings provided in whole or in part with the aid of loans, advances, grants or contributions made by the Federal Government, under agreements entered into after November 20, 1962;

(3) Dwellings provided in whole or in part by loans insured, guaranteed or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962; and

(4) Dwellings provided by the development or the redevelopment of real property purchased, rented or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(b) After December 31, 1967, to—

(1) Dwellings included within subsection (a);

(2) Dwellings no parts of which are occupied by their owners as residences prior to the particular sales or rentals involved; and

(3) Dwellings designed or intended for occupancy by, or occupied by, five or more families.

(c) After December 31, 1968, to all dwellings.

Discrimination in the sale or rental of housing

SEC. 404. As made applicable by section 403 and except as exempted by section 408, it shall be unlawful—

(a) To refuse to sell or rent, to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion or national origin.

(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion or national origin.

(c) To make, print or publish, or cause to be made, printed or published any oral or written notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion or national origin, or an intention to make any such preference, limitation or discrimination.

(d) To represent to any person because of race, color, religion or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion or national origin.

Discrimination in the financing of housing

SEC. 405. After December 31, 1967, it shall be unlawful to deny a loan to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such a loan, because of the race, color, religion or national origin of such person or of any person associated with him in connection with such a loan or the purposes of such a loan or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such a loan is to be made.

Discrimination in the provision of brokerage services

SEC. 406. After December 31, 1967, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion, or national origin.

Interference, coercion, or intimidation

SEC. 407. It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protetced by section 404, 405 or 406.

Exemption

SEC. 408. Nothing in this Title shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.

Administration

SEC. 409. (a) The authority and responsibility for administering this Title shall be in the Secretary of Housing and Urban Development.

(b) The Department of Housing and Urban Development shall be provided an additional assistant secretary. The Department of Housing and Urban Development Act, Public Law 89–174, 79 Stat. 667, is hereby amended by—

(1) Striking the word, "four," in section 4(a) of said act, 79 Stat. 668, (5 U.S.C. 624b (a)) and substituting therefor, "five," and

(2) Striking the word, "six," in section 7 of said act, 79 Stat. 669 (5 U.S.C. 624d(c)) and substituting therefor, "seven."

(c) The Secretary may delegate any of his functions, duties and powers to employees of the Department of Housing and Urban Development or to boards of such employees including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this Title. The persons to whom such delegations are made with respect to hearing functions, duties and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5362 and 7521 of title 5 of the United States Code. Insofar as possible, initial hearings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Title and shall cooperate with the Secretary to further such purposes.

(e) The Secretary shall conduct such investigations, make such surveys and studies, issue such reports, establish such policies, standards, criteria and procedures and prescribe such rules, regulations and forms as in his judgment are necessary or appropriate to further the purposes of this Title.

Education and conciliation

SEC. 410. (a) Immediately after the enactment of this Title the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this Title. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this Title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay *per diem*, travel and transportation expenses for persons attending such conferences as provided in section 5703 of title 5 of the United States Code. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with, or in place of, the Secretary's enforcement of this Title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

(b) In any case in which he holds hearings and issues orders, or in which he contemplates doing so, the Secretary shall first endeavor to eliminate the alleged discriminatory housing practices by informal methods of conference, conciliation and persuasion. Nothing said or done in the course of such

informal endeavors may be made public or used as evidence in a subsequent proceeding under this Title, without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1000 or imprisoned not more than one year.

Enforcement

SEC. 411. (a) The Secretary is empowered, as hereinafter provided, to prevent any person from engaging in any discriminatory housing practice. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter, "person aggrieved") may file a charge with the Secretary. Charges shall be in writing and shall contain such information and be in such form as the Secretary requires. Within thirty days after receiving a charge the Secretary shall investigate it and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the charge, he shall proceed to try to eliminate or correct the alleged unfair housing practice by informal methods of conference, conciliation and persuasion If the Secretary declines to resolve a charge, or if he fails to give notice of whether he intends to resolve it within thirty days as prescribed, or if he is able to settle a charge by informal methods of conference, conciliation and persuasion but the person aggrieved does not consent in writing to the terms of such settlement, the person aggrieved may commence an action in any United States district court or state or local court of competent jurisdiction to enforce the rights granted or protected by this Title, insofar as such rights relate to the subject of the charge. Such actions may be brought in United States district courts without regard to the amount in controversy. Courts shall decide such actions without regard to the fact that the Secretary may have declined to resolve the charges to which they relate or failed to give timely notice of his intent to resolve them, or that he may have settled a charge with the respondent but failed to obtain the written consent of the person aggrieved.

(b) If the Secretary determines after trying to settle a charge by informal methods of conference, conciliation and persuasion that further efforts are unwarranted, which determination shall not be reviewable in any court, he shall issue a complaint and promptly serve a copy of the complaint on the person or persons who allegedly committed or are about to commit the discriminatory housing practices concerned (hereafter, "the respondents") and shall also furnish a copy to the person or persons aggrieved. The Secretary may also issue complaints without a charge having been filed, if from his own investigation he has reason to believe that a discriminatory housing practice has occurred or is about to occur. No alleged discriminatory housing practice shall be made the subject of a complaint or of a civil action issued or commenced under this subsection more than 180 days after the alleged practice has occurred, except that a civil action may be commenced with respect to the subject of an informally settled charge to which the person aggrieved did not consent in writing within 60 days of such person having received notice of the terms of such settlement.

(c) Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice or practices are based and when and where a hearing on such allegations is scheduled to take place. Related proceedings may be consolidated for hearing. Complaints may be reasonably and fairly amended at any time. After the respondents have been given reasonable notice and an opportunity to be heard, the Secretary shall state his findings of fact and, if he finds that no discriminatory housing practices have occurred, shall issue an order dismissing the complaint, or if he finds that discriminatory housing practices have occurred or are about to occur, shall issue an order requiring the respondent to cease and desist such practices and to take such affirmative action as will effectuate the policies of this title. Such orders may require a respondent to make reports from time to time showing the extent to which he has complied with an order. Findings of fact and orders made or issued under this subsection shall be determined on the record.

(d) At any time after a complaint is issued the Secretary may issue a temporary order restraining the respondent from doing any act that would tend to render ineffectual a final order that the Secretary might issue. Temporary orders may extend beyond ten days only if the respondent is first given reasonable notice and an opportunity to be heard. The Secretary may condition the issuance of a temporary order upon the posting of a bond by the person or persons seeking protection from discrimination, with such sureties, if any, as the Secretary considers necessary.

(e) A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Respondents shall be parties and may appear at any stage of the proceedings, with or without counsel. Persons aggrieved may submit briefs or other written submissions on each occasion when such are permitted or directed, may be present to observe at any stage of the proceedings, with or without counsel, and may appeal or petition for review to the same extent as a party, but without the permission of the Secretary persons aggrieved may not otherwise participate in the proceedings. The Secretary may grant such other persons a right to intervene as respondents or persons aggrieved or to file briefs or make oral arguments as amicus curiae or for other purposes, as he considers appropriate.

(f) Hearings shall be on the record. All testimony shall be taken under oath. Hearings shall be open to the public unless the respondent and the Secretary agree that they be private.

Investigations; subpoenas; giving of evidence

SEC. 412. (a) In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The Secretary may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

(b) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpoenas issued by the Secretary himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by subpoena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(d) Within 5 days after service of a subpoena upon any person, such person may petition the Secretary to revoke or modify the subpoena. The Secretary shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpoena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

(f) Any person who wilfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Secretary, shall be fined not more than $5,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the Secretary pursuant to his subpoena or other order, or shall wilfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents, or shall wilfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

Pattern or practice actions

SEC. 413. Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted or protected by this title he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts pertaining to such pattern or practice and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights granted or protected by this title.

Disobedience of orders; judicial review

SEC. 414. (a) It shall be unlawful to fail to comply with an order that has not been stayed or set aside by the Secretary or by a court as provided in subsection (b) of this section. After having first given the respondent or other person allegedly in disobedience of an order reasonable notice and an opportunity to be heard, the Secretary, if he determines that it has been disobeyed, may issue such supplemental orders as he considers appropriate to encourage compliance with such order. Supplemental orders may include an order to forfeit not more than $50 for each day during which the person found to have disobeyed an order continues to disobey it. Moneys so forfeited shall be paid into the Treasury of the United States.

(b) At any time after he has issued an order the Secretary may petition a court for its enforcement. Within 30 days after the Secretary has given notice to all respondents and persons aggrieved of his decision on the last appeal to him which is available

with respect to a final order issued under subsection (c) of section 411, or within 5 days after he has given such notice with respect to a temporary order issued under subsection (d) of section 411 or a supplemental order issued under subsection (a) of this section, a respondent or person aggrieved may petition a court for review of any such order. The filing of a petition for enforcement or review shall not in itself operate to stay an order. Petitions for enforcement or review of final orders, other than final orders based on voluntary settlements, shall be to the United States court of appeals for the circuit in which the discriminatory housing practice occurred or in which the respondent resides or transacts business. Petitions for enforcement or review of voluntary settlements, of temporary orders issued under subsection (d) of section 411 or of supplemental orders issued under subsection (a) of this section shall be to the United States district court for the district in which the discriminatory housing practice occurred or in which the respodent resides or transacts business; except that when enforcement or review is sought concurrently both for orders that should be brought before a district court and for orders that should be brought before a court of appeals, the petition with respect to all such orders shall be to the appropriate court of appeals.

(c) Promptly after he petitions for enforcement or after he receives notice that a petition for review has been filed, the Secretary shall file in the court a copy or the original of the portions of the record which are material to the petition for enforcement or review. Upon the filing of a petition the court shall conduct further proceedings in conformity with sections 701 to 706 of title 5 of the United States Code, shall cause notice of the filing to be served upon all parties and persons aggrieved and shall thereupon have exclusive jurisdiction of the proceedings. It shall have power to grant such stays, temporary relief or restraining orders as it deems proper, to affirm, modify or set aside the findings or orders of the Secretary in whole or in part, or to remand the case to the Secretary for further proceedings. The findings of fact of the Secretary shall be conclusive if supported by substantial evidence. Enforcement or review shall be upon the record upon which the order was based, except that the court may, in its discretion, take additional evidence upon a showing that it was offered to and improperly excluded by the Secretary or could not reasonably have been produced before him or was not available.

(d) The Attorney General shall conduct all litigation to which the Secretary is a party pursuant to this title.

Effect on State laws

SEC. 415. Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this title shall be effective, that grants, guarantees or protects the same rights as are granted by this title; but any law of a State, a political subdivision or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this Title shall to that extent be invalid.

Cooperation with State and local agencies administering fair housing laws

SEC. 416. The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this title. In furtherance of such cooperative efforts, the Secretary may enter into written agreements, with such State or local agencies, and such agreements may include provisions under which the Secretary shall refrain from issuing complaints in any class of cases specified in such agreements. The Secretary shall terminate any such agreement whenever he determines that it no longer serves the interest of effective enforcement of this title. All agreements and terminations thereof shall be published in the Federal Register.

TITLE V

Interference with rights

SEC. 501. Whoever, whether or not acting under color of law, by force or threat of force, injures or interferes with or attempts to injure or interfere with any person—

(a) because he is of a particular race, color, religion, or national origin and because of his present or past participation in or attempt to participate in—

(1) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, in any primary, special, or general election;

(2) enrolling in or attending any public school or public college;

(3) enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States or by any State or subdivision thereof;

(4) applying for or enjoying employment, or any perquisites thereof, by any private employer or agency of the United States or any State or subdivision thereof, or of joining or using the services or advantages of any labor organization or using the services of any employment agency;

(5) selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling;

(6) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States or of any State;

(7) using any vehicle, terminal, or facility of any common carrier by motor, rail, water or air;

(8) enjoying the benefits of any program or activity receiving Federal financial assistance; or

(9) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments; or

(b) in order to discourage, deter, hinder or prevent (1) him because of his race, color, religion, or national origin from participating in any such activity, or (2) any other person or class of persons of a particular race, color, religion, or national origin from participating in any such activity; or

(c) because he is or has been (1) urging or aiding others of any particular race, color, religion, or national origin to participate in any such activity or (2) engaging in speech or peaceful assembly opposing any denial of the opportunity for persons of any particular race, color, religion or national origin to participate in any such activity, or (3) affording another person of any particular race, color, religion, or national origin or any class of such persons equal participation in any such activity; or

(d) in order to discourage, deter, hinder or prevent him or any other person or class of persons from (1) urging or aiding others of any particular race, color, religion, or national origin to participate in any such activity or (2) engaging in speech or peaceful assembly opposing any denial of the opportunity for persons of any particular race, color, religion or national origin to participate in any such activity, or (3) affording another person of any particular race, color, religion, or national origin or any class of such persons equal participation in any such activity—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

SEC. 502. (a) Section 241 of title 18, United States Code, is amended by striking out the final paragraph thereof and substituting the following:

"They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life."

(b) Section 242 of title 18, United States Code, is amended by striking out the period at the end thereof and adding the following: "; and if death results shall be subject to imprisonment for any term of years or for life."

(c) Subsections (a) and (c) of section 12 of the Voting Rights Act of 1965 (79 Stat. 443, 444) are amended by striking out the words "or (b)" following the words "11(a)."

SEC. 503. (a) Whenever any person has engaged or is about to engage in any act or practice prohibited by section 501 of this title, the person aggrieved or his survivors may institute, as appropriate, a civil action for damages or for preventive relief (including an application for a permanent or temporary injunction, restraining order, or other order), or both. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

TITLE VI

Extension of Commission on Civil Rights

SEC. 601. Section 504(b) of the Civil Rights Act of 1964 (78 Stat. 251; 42 U.S.C. 1975c(b)) is amended by deleting the words "January 31, 1968" and substituting therefor the words "January 31, 1973."

TITLE VII—MISCELLANEOUS

SEC. 701. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 702. If any provision of this Act is held invalid, the remainder of the Act shall not be affected thereby.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 17, 1967.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a proposed "Civil Rights Act of 1967." This bill contains six titles reflecting the areas of concern discussed in the President's Civil Rights Message. The titles deal with reform of the federal jury system, elimination of discrimination in State juries, improvement of the machinery for dealing with employment discrimination, remedies to provide relief from discrimination in housing, provisions for penalties for certain acts of violence or intimidation, and extension of the life of the Commission on Civil Rights.

TITLE I—FEDERAL JURIES

Congress long ago made the judgment that federal juries should be drawn from a cross-

section of the community, and statutes already on the books embody that congressional policy. But experience has shown that these laws do not provide sufficient guidance to jury commissions across the nation as to how they shall put the cross-section principle into effect. The result has been the use of varying sources of names of prospective jurors, differing systems of selection and diverse tests of qualification, with a consequent lack of uniformity throughout the federal judicial system.

While this uncertain system appears not to have operated unconstitutionally, in some districts Negro representation on juries has been substantially less than the proportion of Negroes in the community, and other classes have sometimes been inadequately represented on juries. Where such disparities occur they create an impression of unfairness in the judicial system of the United States—an impression which should be scrupulously avoided if we are to foster respect for the rule of law.

Title I of the "Civil Rights Act of 1967" is intended to eliminate the existing uncertainty and make clear beyond dispute that each judicial district is fulfilling its constitutional and statutory obligations in the selection and assignment of jurors. It sets forth the sources from which potential jurors are to be drawn and the procedures to be followed in selecting jurors and testing their qualifications.

Title I declares it to be the policy of the United States that all litigants in federal courts shall have the right to trial by a jury selected from a cross-section of the community, and that all qualified citizens shall have the opportunity to serve on federal grand and petit juries and shall be obliged to serve when summoned. It prohibits the exclusion of any citizen from service as a federal grand or petit juror on account of race, color, religion, sex, national origin, or economic status.

The bill requires that the names of prospective jurors be taken at random from the voter registration rolls, which are defined to include lists of eligible voters prepared by federal examiners under the Voting Rights Act of 1965. Where, however, the judicial council of the circuit determines that use of the voter rolls as the exclusive source of names would not be consistent with the prohibition of discriminatory selection, the council would be required to prescribe other sources of names to supplement the voter rolls.

Title I retains the qualifications for jury service prescribed by existing law, but provides that all persons found in accordance with objective criteria to possess such qualifications shall be accepted as qualified. Under the present law, the statutory qualifications have not infrequently been regarded as establishing the minimum to be required, leaving the courts and jury commissions free to impose more stringent qualifications. The bill makes clear that the stated qualifications set a ceiling, and that requirements beyond those listed may not be imposed.

TITLE II—STATE JURIES

Since adoption of the Fourteenth Amendment in 1868 it has been unconstitutional to practice racial discrimination in the selection of jurors for state and local courts. Yet, in the intervening century the Supreme Court alone has written decisions in approximately three dozen cases involving alleged jury discrimination, and in most instances has found the claim of discrimination to be true. The most recent instance was a decision early this year reversing a conviction because of jury discrimination in a second trial, after the first conviction had earlier been set aside by another federal court for the same reason.

To permit these practices to continue would be an intolerable affront to the rule of law. Title II would provide an effective response to this pressing need.

This Title provides that it shall be unlawful to make any distinction on account of race, color, religion, sex, national origin or economic status in the qualifications for service, and in the selection of any person to serve, on grand or petit juries in any state courts. In areas in which such distictions are not made, existing jury selection procedures would not be upset. Where discrimination still exists, this title provides the means to eliminate it.

Title II has two principal features. First, it authorizes the Attorney General to bring civil actions in the federal courts for injunctive relief against the prohibited discriminatory practices in State court jury selection. Present statutes do not authorize the Attorney General to initiate jury discrimination suits, but only to intervene in private suits.

The bill would expressly authorize the court, after a finding of a violation of the law, to grant specified kinds of relief which should ensure that illegal practices are halted once and for all.

The second principal feature of this title meets the need for the development and disclosure of information necessary to determine whether discrimination results from the system for selecting jurors. Upon the filing of an allegation of discrimination, the State jury officials are required to furnish a "written statement of jury selection information." This statement is to describe in detail the procedures followed by the jury officials in selecting jurors.

In governmental subdivisions having a non-white population of 10% or more, the statement just referred to must also contain statistical information for the preceding two years showing: (1) the percentage of Negroes who have served or been considered for service on juries, and (2) the percentage of Negroes who have been preemptorily challenged by the prosecution in criminal cases. The availability of this statistical information should materially facilitate proof of discrimination where it has occurred.

TITLE III—EMPLOYMENT

It can hardly be easy for a man who is unemployed solely because of his color, to maintain his faith in this Nation's institutions. He cannot support his family, he cannot afford a suitable place to live, he cannot enjoy the material benefits of his society. Worst of all, he cannot hope to improve his condition—and in that respect he is denied the most valuable opportunity America has in the past held out to the deprived and dispossessed.

There is no doubt that Negro Americans as a group are disadvantaged in the job market. Their unemployment rate is twice that of whites. The problem is particularly acute among Negro teenagers entering the labor market for the first time. The consequences of this latter fact are enormous—we stand to lose another generation to despair unless we act now to ensure equality of employment opportunity.

In 1964 the Congress took the first steps toward eliminating racial discrimination in employment. Under Title VII of the Civil Rights Act of 1964 the Equal Employment Opportunity Commission is charged with passing upon claims of employment discrimination. However, the Commission is authorized to obtain compliance with Title VII only by conciliation. It has no enforcement authority. While the Commission has had considerable success in obtaining voluntary compliance, it has not been effective in cases where those charged with violating the law simply reject the Commission's efforts at persuasion.

To remedy this defect in the present law, Title III of the bill confers on the Commission enforcement authority similar to that now possessed by other federal agencies. Before resorting to enforcement, however, the Commission is required to attempt conciliation. Only if conciliation fails, is the Commission authorized to issue a complaint against the employer, labor organization, or employment agency charging it with discrimination. If the complaint is issued and the Commission determines, after a hearing, that the law has been violated, it would issue an order directing the respondent to cease and desist its discriminatory practices, and to take such affirmative action, including hiring or reinstatement with or without back pay, as the Commission deems necessary to effect the purpose of the law.

If its order is not obeyed, the Commission may seek enforcement in the appropriate United States Court of Appeals. The respondent or any person aggrieved by the Commission's order may also obtain judicial review of that order in the court of appeals. The court of appeals is authorized to grant such temporary relief as may be appropriate and to issue a decree either enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the Commission.

The authority of the Attorney General to institute civil proceedings for injunctive relief against a "pattern or practice" of employment discrimination would be retained.

Title III of the bill also deals with another problem in the 1964 Act. Under present law the investigative authority of the Commission is not absolutely clear and may create some enforcement difficulties. Title III therefore conforms the Commission's investigative authority to that of other federal agencies. And the Attorney General's authority is too limited to permit the kind of effective review of employment practices that has been of considerable assistance in the enforcement of the voting laws. The bill therefore permits him to inspect employment records in a manner patterned after his authority in the voting field under the Civil Rights Act of 1960.

These amendments to the 1964 Act improve the machinery for eliminating employment discrimination. They are not a panacea for all the employment problems afflicting Negro Americans, but they are essential to further progress.

TITLE IV—HOUSING

As the President said of the ghetto problem in his equal justice message of last Wednesday, "A child growing up in such an environment must overcome tremendous man-made obstacles to become a useful citizen. The misery we tolerate today multiplies the misery of tomorrow." It is, of course, undesirable that any person must live in a ghetto. But the very least we must do is to ensure that those with the means to live in a better environment shall have the opportunity to do so. To achieve that much requires the enactment of legislation banning discrimination on account of race, color, religion, or national origin in the sale, lease, and financing of housing. This is what Title IV of the bill would do.

Title IV would gradually prohibit discrimination in the sale or rental of housing. Discrimination with respect to housing already subject to the President's order on housing would be immediately covered.

Discrimination with respect to housing held for sale or rent by someone other than its occupant and housing for five or more families would be prohibited from and after January 1, 1968.

Discrimination with respect to all other housing, except exempted housing of religious institutions, would be prohibited from and after January 1, 1969.

The bill would also prohibit "block busting," discrimination in the financing of housing, discrimination in the provision of real estate services, discrimination in admission to membership in real estate organizations, and interference with or threats against persons enjoying or attempting to

enjoy any of the rights which it grants or protects.

Responsibility for administration and enforcement would rest with the Secretary of Housing and Urban Development. He would use the time during which the enforcement provisions gradually go into effect to consult with housing industry leaders and state and local officials and otherwise carry on educational and consultation efforts designed to further the policies of the Title. He would be required in every case to make an effort to achieve a voluntary settlement before invoking his enforcement authority.

If the Secretary concludes that further efforts to achieve a voluntary settlement are unwarranted, he is to issue a complaint against the person charged with discrimination and, after a hearing, he would enter an order requiring that the discrimination cease and granting other appropriate relief. Judicial review would be available in a manner similar to that prescribed in Title III of the bill, dealing with employment.

If the Secretary declines to proceed with a charge filed with him by an individual claiming discrimination, the individual could himself bring an action in any court of competent jurisdiction.

The Attorney General would be empowered, in appropriate cases to initiate a suit in United States district court to eliminate a pattern or practice of resistance to the Title.

A fair housing law will complement the revised equal employment law, which is also a part of this bill. The two strike at the same problem—the disabling restrictions based on race and color which, taken together, prevent many Negro Americans from full participation in our society. It does little good to find a man a job if he cannot escape the ghetto; or to grant him the abstract right to find a better place to live, if he cannot afford to move there because he has no job.

TITLE V.—INTERFERENCE WITH RIGHTS

Title V is a criminal statute designed to deter and punish interference by force, or threat of force, with activities protected by federal law or the Constitution. As in other problem areas with which this bill is concerned, the enactment of Title V would reaffirm our faith in the rule of law and foster respect for law and order.

While law enforcement is basically a State and local responsibility, the federal government has a special obligation to provide protection to its citizens when the exercise of distinctly federal rights is what prompts attacks upon them. Further, in some unfortunate instances State and local law enforcement officials have failed to carry out their responsibilities, thereby increasing the need for effective federal action.

A century ago Congress recognized the federal responsibility by enacting criminal laws to punish persons who resort to violence to prevent others from exercising their federal rights. But those laws have proven inadequate in a number of respects, and additional criminal legislation is clearly required.

Title V would protect Negroes and members of other minority groups from racially-motivated violence directed at them because of their present or past participation in certain federally protected activities, and from such violence which is intended to discourage the victims from engaging in such activities. The title would also punish violence directed against a person who has not been involved in any civil rights activity but who is selected as a victim in order to intimidate others.

The activities protected relate to voting, public accommodations, public education, housing, jury service, use of common carriers and participation in federally assisted programs.

Title V would also protect civil rights workers and others who urge or aid participation in these activities, as well as those who engage in any form of speech or peaceful assembly opposing denial of the opportunity to participate in such activities. Persons who have duties to perform with respect to the protected activities—such as public school officials, restaurant owners, and employers—would also be protected.

The title would prohibit forcible interference with any of the specified activities by private individuals acting alone as well as by public officers or other persons acting under color of law. The existing laws do not reach interference by private persons with the exercise of rights in some of the areas of activity covered by this title.

The prescribed penalties are graduated according to the aggravation of the offense, ranging from misdemeanor penalties to life imprisonment. The existing statutes do not prescribe sufficient penalties for crimes involving serious physical injury or death. Those laws, too, would be amended by this Title to provide a similarly graduated penalty structure.

Finally, the Title authorizes victims of acts prohibited by the Title to bring civil actions in federal district courts for damages and injunctive relief against the perpetrators.

TITLE VI—CIVIL RIGHTS COMMISSION

The life of the Civil Rights Commission is now scheduled to expire on January 31, 1968. In the past this agency has made valuable contributions to our understanding of racial problems in diverse areas. It is important that it continue to perform this function. Title VI would extend the life of the Commission for an additional five years.

TITLE VII—MISCELLANEOUS

Title VII authorizes the necessary appropriations and contains the customary separability provision.

I urge the early and favorable consideration of this important legislation.

The Bureau of the Budget has advised that enactment of this legislation would be in accord with the program of the President.

Sincerely,

———,
Acting Attorney General.

Mr. JAVITS. Mr. President, I object to further proceedings on the bill today, pursuant to the rules of the Senate.

The PRESIDING OFFICER. The bill goes over until the next legislative day.

Mr. JAVITS. I thank the Chair.

Mr. WILLIAMS of New Jersey. Mr. President, I am proud to say that I have been a cosponsor of every civil rights bill enacted into law since I became a Member of this body. This includes the acts of 1960, 1964, and 1965. With the enactment of the 1964 act, and the Voting Rights Act of 1965, I had hoped the overall policy of this country was clear enough so that no further legislation would be necessary. We have since found that this is not the case.

As the President pointed out in his message of this week, we are still struggling to carry out the injunctions set forth in the Declaration of Independence almost two centuries ago when we declared certain truths to be self-evident—"that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." However, there are still areas where all men are not being treated equally. It was the discrimination in these areas that the bill known as the Civil Rights Act of 1966 was directed toward when it was introduced in the Congress last year. I was a cosponsor of that bill.

The bill being introduced today is basically the same bill. It was successfully passed by the House of Representatives, and even though a majority of the Senate indicated they were favorably inclined toward its passage by this body, the ugly head of the filibuster was again raised and the will of the Senate was thwarted by a small but effective minority. In order to alleviate that situation I cosponsored a resolution at the beginning of this session to change the rules of the Senate to prevent such a debacle from taking place. But even here the filibuster technique served to block any meaningful change in the rules which would have made it easier to secure consideration of this type of legislation. I am hopeful that the Senate can consider this present legislation in spite of rule XXII.

The bill seeks to deal with several very troublesome areas, the most major of which is discrimination in housing. It would set forth a national policy against discrimination in housing on account of race, color, religion, or national origin, and progressive steps to carry out this policy. So long as we have discrimination in this area, we will have ghettos and ghetto conditions such as inferior public facilities and services, inferior housing, and tremendously overcrowded conditions.

So long as we have ghettos we will have tinderbox conditions which, with the ignition of a small spark, can create a situation such as we saw in Watts in 1965. Another area dealt with concerns the clarification and strengthening of existing Federal criminal laws against interference with Federal rights. The laws we have now are largely remnants of the Reconstruction days and have been interpreted by some of our courts in so narrow a fashion as to be almo meaningless. The provisions of the bill today specify activities which are protected such as voting, home purchasing, job holding, attending school, or obtaining service in places of public accommodation. It prohibits acts or threats of violence by private individuals or public officials directed against members of minority groups because they have been seeking to exercise their rights. Probably the most important provision in this area is the authorization given to victims of violence to bring civil action for damages or injunctive relief against those individuals engaged in the violent harassment of them merely because they are seeking to secure and hold the rights and privileges to which they are entitled.

There is a section in the bill dealing with Federal and State juries. The foundation of our judicial system is the right of trial by a jury of one's peers. This right is clearly subverted and becomes a hollow shell when, through discriminatory practices, one's peers are eliminated from jury service. Therefore, this legislation would seek to eliminate discrimination in the selection of juries in Federal courts and insure that juries in these courts are drawn from a broad cross section of the community uniformly. These discriminatory practices are much more flagrant in State courts. Provisions are therefore included to correct this situation.

The Civil Rights Act of 1964 estab-

lished the Equal Employment Opportunity Commission to assist in elimination of discrimination in employment. Unfortunately, at that time we were not able to write in strong enough teeth to make this Commission effective. The bill, therefore, would provide the Commission with the muscle to deal in this area effectively by giving it the authority to issue orders after a hearing to require the termination of discriminatory practices. These orders would then be enforceable in the Federal Courts of Appeal in the same manner as other Federal agencies such as the National Labor Relations Board are entitled to do.

Since 1959 I have supported every extension of the life of the Civil Rights Commission. This year's bill includes a 5-year extension which I think is probably modest, but is at least the minimum we should do. The bill would also increase the authorization for funds for the Community Relations Service by 90 percent. This service is invaluable in attempting to secure these rights through mediation and conciliation without the necessity of going into more formal action such as judicial relief.

Mr. President, I have said before that the words "American citizen" will become only a worthless term, if any one of us is denied the rights which belong to all citizens. We cannot stand aside and watch while one man's rights are denied, for what he loses today, we all may lose tomorrow. President Johnson stated early in his administration:

> Let me make one principle of this Administration abundantly clear: All of these increased opportunities—in employment, in education, in housing, and in every field—must be open to Americans of every color. As far as the writ of Federal law will run, we must abolish not some but all racial discrimination.

I am convinced that this bill goes one step further toward this goal. I urge its speedy consideration by the Committee leading to its successful passage by the Senate.

CONTRIBUTIONS TO UNICEF

Mr. JAVITS. Mr. President, the United Nations Children's Fund—UNICEF—has long been an organization identified with the improvement of the lives of children in the world's developing countries through assistance to governments to help eliminate hunger, disease, and ignorance. The accomplishments of this organization were recognized when in 1965 it received the Nobel Peace Prize. The programs of the organization are dependent for financial support upon the voluntary contributions of governments and private citizens.

Under the existing laws of this Nation, contributions to UNICEF do not qualify as a charitable deduction for tax purposes. I introduce today, for appropriate reference, legislation which would allow such charitable contributions to receive income, estate, or gift tax deductions. Under my proposal, for example, an individual would be allowed to give up to 30 percent of his adjusted gross income to UNICEF as a donation which would qualify as a charitable tax deduction.

Mr. President, this is a long-overdue measure for one of the most desirable activities carried on in international affairs.

I ask unanimous consent that the bill may lie at the desk for a week for cosponsors.

The PRESIDING OFFICER. Is there objection to the bill lying at the desk for 1 week?

Mr. DIRKSEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JAVITS. For cosponsors?

Mr. DIRKSEN. I object.

Mr. JAVITS. Mr. President, I withdraw that request. I did not realize that the minority leader was objecting. I send the bill to the desk for appropriate reference.

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

The bill (S. 1027) to amend the Internal Revenue Code of 1954 so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations Children's Fund (UNICEF) to be deductible for income tax, estate tax, and gift tax purposes introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Finance.

COEXISTENCE VERSUS COANNIHILATION; LET US END PROLIFERATION OF NUCLEAR WEAPONS

Mr. YOUNG of Ohio. Mr. President, an opportunity is given to us to leave a peaceful world to those who come after us. The legacy of our actions will largely determine whether future generations will enjoy a peaceful world or continue to live as we have lived throughout most of the past 5 years in a grim era of international anarchy marked by periodic wars in which young Americans lost their lives.

Today, the United States and the Soviet Union are the only two nations in the world with the power of mutual destruction. Unless we act to place a curb on the proliferation of nuclear weapons of death—and there is the utmost urgency that we do this—some years hence France, Communist China, Japan, and some other nations are likely also to be capable of hurling nuclear warheads thousands of miles from their shores into the crowded cities and missile installations of other nations.

The cruel facts of today are that we have powerful nuclear weapons in our submarines and missile bases. Though their weapons are fewer in number the Russians too have a vast nuclear arsenal. Some of these weapons are on the surface; others in hard sites where neither the first mass attack with nuclear missiles from the Soviet mainland or from the United States could possibly destroy all of the missile bases and nuclear weapons of the other giant nation. Within minutes of the first attack a savage retaliatory attack by nuclear warheads would be speeding toward the aggressor. At present and for the foreseeable future neither nation has developed a technology to prevent nuclear warheads from penetrating its defenses and killing tens of million of men, women, and children.

It is well understood that the immediate capacity of offense is the best defense. It is a fact that both the Soviet Union and the United States have nuclear powered submarines capable of firing nuclear missiles from under the sea or on the surface to make direct hits on targets in the other nation. Therefore what we do during the next few years may determine whether or not there will come a time of mutual annihilation or mutual coexistence. It is of the utmost importance that we not use these weapons irresponsibly and that we strive to prevent the spread of nuclear weapons.

For many months a treaty for the nonproliferation of nuclear weapons has been under consideration. This treaty would be an important step toward nuclear disarmament and peaceful coexistence. It is crucial that this treaty be concluded with the ratification of every nation which could conceivably become a nuclear power.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, every effort must be made to stop the growth of atomic arsenals among nations. Although the likelihood of war between the United States and the Soviet Union is rapidly receding, the danger now and for years to come is not only that Red China will acquire an atomic arsenal but that many small nations will commence to do likewise. At least eight nations, and perhaps more could build and explode nuclear weapons within a decade if they tried. Today, any industrial society can develop a 20-kiloton bomb, the size of the one dropped on Hiroshima, within 5 to 7 years. With each passing year more nations will be able to do so unless an ironclad treaty is signed soon to ban the further spread of nuclear weapons.

Unless immediate steps are taken to stop the spread of nuclear arms, there will certainly be 10 or more nations with nuclear bombs within a few years, possibly by 1970, and missiles with nuclear warheads within that time. By spending about $200 million, any mature industrial country can readily produce one or two atomic bombs. India, Italy, Israel, Japan, Egypt, Indonesia, Australia, Canada, Brazil, Argentina, Mexico, Sweden, Switzerland, Belgium, the Netherlands, South Africa, and West Germany all have the potential know-how, resources and wealth, or soon will have that capacity with which to produce nuclear weapons.

Therefore, it is of vital importance that our President be supported to the utmost in his efforts to negotiate international agreements limiting the spread of nuclear weapons.

Mr. President, in conjunction with a nuclear proliferation treaty, we must also take other steps toward peace. We must seek the cooperation of the only other powerful nuclear power, the Soviet Union, to help bring about a cease-fire and armistice in Vietnam with the neutralization, if possible, of the whole of

Indochina, including Vietnam, Cambodia, and Laos.

Very definitely things have gone from bad to worse in North Vietnam since we turned our air power loose in the vicinity of Hanoi. Instead of forcing the North Vietnamese to the conference table, our bombing has strengthened their will to fight. During World War II the British determination to resist German aggression was stiffened, rather than broken, by the Luftwaffe's daily bombing of London. Should we be surprised that our bombing of Hanoi has had the similar effect of strengthening the North Vietnamese will to resist, and making them appear heroic to a large segment of world opinion? Should we be surprised that more and more of our allies are referring to us as aggressors? One result from bombing North Vietnam has been ill will toward the United States in many parts of the world.

It is a sorrowful matter that despite the pending efforts of Pope Paul VI and Secretary General U Thant in pleas to President Johnson and Secretary of State Dean Rusk and to the heads of state of nations supposedly our allies and friends and to officials behind the Iron Curtain, our President ordered a resumption of bombing of North Vietnam. The climate for serious peace talks has never been more propitious. Yet not withstanding that, Prime Minister Kosygin of the Soviet Union conferred with the Prime Minister of England at 10 Downing Street into the early hours of the morning with a cease-fire and peace in Vietnam as the sole subject of the conversation. Then while he was taking off from the London airport at noon, just a few hours later, we announced the resumption of bombing, not waiting until he had reached his homeland. It was bombs away and the destruction of North Vietnam and the killing and burning of civilians—men, women, and children—began.

Rather than resuming the bombing of North Vietnam, we should withhold all bombing of North Vietnam for 30 or 60 days to try to determine whether the attitude of the North Vietnamese and the National Liberation Front toward a conference has softened. Instead of fearing what will happen to the Ky government of Saigon, we should go all out to seek a conference with representatives of the National Liberation Front seated as independent delegates along with representatives of the Saigon and Hanoi governments. The heads of state of all Asiatic nations should be invited to send representatives to such a conference. The aim should be to neutralize all of Vietnam, Cambodia, and Laos. One thing should have become clear: we cannot bomb our way to peace.

When the war in Vietnam has been ended, and the extravagant, cutthroat, futile race between our Nation and the Soviet Union to pile up nuclear warheads and missiles and even antimissile missiles has been curtailed, all of those billions of dollars and billions of rubles now being expended unnecessarily may readily be spent to raise the standard of living and improve the lives of people the world over.

Mr. President, one of the greatest obstacles to achievement of these aims is pressure from those American fellow travelers of fascism, the extremists of the lunatic rightwing fringe—as the Birchsaps, Young Americans for Freedom, the Liberty Lobby, so called, some of the kingmakers of the American Legion, and other groups of the same stripe. Members of these extremist groups collaborate together. They are the witch hunters of the 20th century. Their undemocratic propaganda is used to poison the minds of Americans and to hoodwink them with their false and malicious accusations and innuendos. They practice the ways of fascism.

One of their primary missions today is to sabotage the efforts of the Johnson administration to "build bridges" to Eastern Europe and to establish a Consular Treaty with the Soviet Union.

Unfortunately, in 1965 the Young Americans for Freedom, the junior auxiliary of the extreme right composed of fledging fanatics, threatened to picket the Firestone Tire & Rubber Co. of Akron, Ohio, because that firm had signed an agreement with Rumania to build a synthetic rubber plant there. In a panic, the directors of Firestone Tire & Rubber Co. halted almost completed negotiations which would have brought $50 million to that corporation and would have benefited many thousands of working men and women in Ohio. A tire plant would have been built and placed in Rumania by American labor and American management instead of by the West Germans. West Germany profited from the obscurantism of the so-called Young Americans for Freedom. Meanwhile, the reactionary, thoughtless leaders of this group rejoiced. The only losers were rank and file Americans.

In recent months this un-American group of self-appointed vigilantes and super-duper patriots, as they consider themselves, rejoiced further when their statements and actions prevented the American Motor Co. from selling American automobiles, manufactured by that financially hard-pressed company, to countries behind the Iron Curtain. It is said that these un-American pipsqueaks frightened the directors of American Motors Co. to such an extent that they shied away from selling Ramblers in Eastern Europe at a huge profit. Civilians there would have had the comfort and enjoyed the luxury of driving small American manufactured automobiles and American Motors with slumping sales within the United States might have been saved from bankruptcy. Instead, a small extremist rightwing outfit rejoices because it has now bloodied two American corporations instead of only one.

ASSASSINATION OF PRESIDENT KENNEDY

Mr. DODD. Mr. President, according to press dispatches of the past few days, the office of District Attorney Jim Garrison in New Orleans has been conducting an independent investigation into the Kennedy assassination and his staff has apparently come up with information pointing to the conclusion that the assassination was the work of a conspiracy. Mr. Garrison is quoted as saying that other people beside Lee Harvey Oswald were involved; that his office already has the names of the people who participated in the initial planning in New Orleans; and that arrests will be made.

Mr. Garrison has an enviable reputation as a district attorney and I am impressed by the fact that he feels confident enough to speak in such positive terms about his findings.

The Warren report has frequently been cited as finding that Oswald acted alone and that there was no conspiracy. What the Commission actually said was that it had been unable to find evidence of a conspiracy.

The Commission, of course, made its findings on the evidence available at the time its hearings were held. Certainly the members of the Commission would be prepared to review any new evidence bearing on the assassination.

In any estimate of Oswald's motivations, it is important to determine the strength of his pro-Castro sympathies and the extent of his associations with Castro Cuba and pro-Castro Cubans in this country. It is also important to learn whether he was simply a Marxist sympathizer or a hardened Communist acting in concert with others.

In this connection I want to call the attention of the Senate to a remarkable record captioned "Oswald: Self-Portrait in Red," which is a debate with certain commentaries between Lee Harvey Oswald and Edward Scannell Butler, which took place over a New Orleans radio station on August 21, 1963, just about 3 months before the assassination of the President.

Mr. Butler, who was known to me prior to the assassination, called my office immediately after it to inform me of his debate with Oswald. At my request he came to Washington to testify before the Internal Security Subcommittee, and he did so on Sunday, November 24, 1963.

I ask unanimous consent, Mr. President, to insert into the RECORD at this point a transcript with comments of Mr. Butler's debate with Lee Harvey Oswald in New Orleans.

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

OSWALD SELF-PORTRAIT IN RED

SIDE I

MARSHALL PEARCE. The next voice you hear is that of the accused assassin of President John F. Kennedy, 24 year old Lee Harvey Oswald.

LEE HARVEY OSWALD. Yes, I am a Marxist.

MARSHALL PEARCE. These words are typical of the dramatic debate which follows. Now to introduce the uncut, unedited transcription, is the Honorable Hale Boggs, Congressman from New Orleans, House Majority Whip and a close legislative associate of President John Fitzgerald Kennedy. Congressman Boggs . . .

Congressman BOGGS. You are about to hear an historic recording. This recording was made in New Orleans last year. It is far more significant today in the light of subsequent events.

It is to the credit of the private citizens of New Orleans that it was they who first recognized the bizarre and incredible activities of Lee Harvey Oswald and brought him and his activities to the attention of the public. Credit is due to Radio Station WDSU and to newsman Bill Slatter who moderated this program so alertly; to Latin American af-

fairs reporter, Bill Stuckey, who sought out Oswald and arranged the interview, and to Cuban refugee leader, Carlos Bringuier who refuted his blatant pro-Castro propaganda.

And last, but certainly not least, to Ed. Butler, Executive Vice-President of INCA, the Information Council of the Americas, who developed much new material on Oswald's movements and activities, not only in New Orleans but elsewhere.

Let me say a word about the purposes of INCA the organization which Mr. Butler directs.

I have taken a very personal interest in INCA, as I said, a private organization which originated in my own Congressional District. On September 17, 1962, I said to my colleagues in the Congress that INCA is actively engaged in the defeat of the Communist movement through its TRUTH TAPE program—a program which provides scores of refugees from Communist tyranny the opportunity and the forum to relate their experiences on tape recordings for broadcast by radio stations throughout the Americas.

In this worthy counterattack, Mr. Butler has been joined by many highly respected private citizens, led by Dr. Alton Ochsner, president of The Information Council of the Americas, and an internationally famous surgeon from New Orleans.

I concluded my remarks with the statement that such a program as INCA's is a solid, forceful way to counteract Red propaganda, infiltration, and subversion.

Now the full, unedited transcription of the panel discussion which took place on the evening of August 21, 1963, in the city of New Orleans . . .

(Drum roll and music introduction.)

ANNOUNCER. WDSU Radio presents Conversation Carte Blanche next on cavalcade.

It's time now for Conversation Carte Blanche. Here is Bill Slatter . . .

BILL SLATTER. Good evening, for the next few minutes Bill Stuckey and I, Bill whose program you've probably heard on Saturday night, "Latin Listening Post", Bill and I are going to be talking with three gentlemen, the subject mainly revolving around Cuba. Our guests tonight are Lee Harvey Oswald, who is Secretary of the New Orleans Chapter of The Fair Play for Cuba Committee, a New York headquartered organization which is generally recognized as the principal voice of the Castro government in this country. Our second guest is Ed Butler who is Executive Director of the Information Council of the Americas (INCA) which is headquartered in New Orleans and specializes in distributing anti-communist educational materials throughout Latin America, and our third guest is Carlos Bringuier, Cuban refugee and New Orleans Delegate of the Revolutionary Student Directorate, one of the more active of the anti-Castro refugee organizations. Bill, if at this time you will briefly background the situation as you know it . . .

BILL STUCKEY. Thank you Bill. First, for those who don't know too much about the background of The Fair Play for Cuba Committee, this is an organization that specializes primarily in distributing literature, based in New York. For the several years in which it has been in existence it has operated principally out of the East and out of the West Coast and a few college campuses, recently, however, attempts have been made to organize a chapter here in New Orleans. The only member of the group who has revealed himself publicly so far is 23 year old Lee Harvey Oswald who is the Secretary of the local chapter of The Fair Play for Cuba Committee. He first came to public notice several days ago when he was arrested and convicted for disturbing the peace. The ruckus in which he was involved started when several local Cuban refugees including Carlos Bringuier, who is with us tonight, discovered him distributing pro-Castro literature on a downtown street. Now, Mr. Oswald and Bringuier are with us tonight to give us opposing view on The Fair Play for Cuba Committee and its objectives. I believe that I was probably the first New Orleans reporter to interview Mr. Oswald on his activities here since he first came into public view. Last Saturday in addition to having him on my show we had a very long and rambling question and answer session over various points of dogma and line of The Fair Play for Cuba Committee and now I'll give you a very brief digest of some of the principal propaganda lines I use the world propaganda, as rather I should say informational lines, of The Fair Play for Cuba Committee.

Number One—the principal thing is that they insist that Castro's government today is completely free and independent, and that it is in no way controlled by the Soviet Union. Another cardinal point of The Fair Play for Cuba Committee's propaganda is that Premier Castro is forced to seek aid from the Russians only because the United States government refused to offer him financial aid.

Following another line I asked Mr. Oswald if he had ever, or was, a member of the American Communist Party, and he said that the only organization to which he belonged was The Fair Play for Cuba Committee. Mr. Oswald also gave me this run down on his personal background: He said that he was a native of New Orleans, had attended Beauregard Junior High School and Warren Eastern High School. Had entered the U.S. Marine Corps in 1956 and was honorably discharged in 1959. He said during our previous interview that he had lived in Ft. Worth, Texas before coming here to establish a Fair Play for Cuba chapter several weeks ago. However, there were a few items apparently that I suspect that Mr. Oswald left out in this original interview which was principally where he lived after, between 1959 and 1962. We, er, Mr. Butler brought some newspaper clippings to my attention and I also found some too through an independent source, Washington newspaper clippings to the effect that Mr. Oswald had attempted to renounce his American citizenship in 1959 and become a Soviet citizen. There was another clipping dated 1962 saying that Mr. Oswald had returned from the Soviet Union with his wife and child after having lived there for three years. Mr. Oswald are these correct?

LEE HARVEY OSWALD. That is correct. Correct, yes.

BILL STUCKEY. You did live in Russia for three years?

LEE H. OSWALD. That is correct, and I think those, the fact that I did live for a time in the Soviet Union gives me excellent qualifications to repudiate charges that Cuba and The Fair Play for Cuba Committee is communist controlled.

BILL SLATTER. Mr. Bringuier perhaps you would like to dispute that point.

CARLOS BRINGUIER. I'd like to know exactly the name of the organization that you represent here in the city, because I have some confusion, is Fair Play for Cuba Committee or Fair Play for Russia Committee?

LEE H. OSWALD. Well, that is a very provocative request and I don't think requires an answer.

CARLOS BRINGUIER. Well, I will tell you why because, before the communists take over Cuba, Cuba was at the head of the Latin American countries and I can show you that in Cuba in 1958 every 37 persons had an automobile and in Russia was 200 persons for 1 auto; in Cuba was 6 persons for 1 radio and in Russia was 20 persons for 1 radio; in Cuba was 1 television set for 18 persons and in Russia was 85 persons for 1 television set; and in Cuba was 1 telephone for every 38 persons and in Russia was 1 telephone for every 580 persons. Cuba was selling the sugar in the American market and was receiving from the U.S. more than one hundred million dollars a year over the price of the world market and the U.S. was paying to Cuba that price in dollars. Right now, Cuba is selling sugar to Russia. Russia is paying to Cuba 80% in junks, machinery, and 20% in dollars. I think that Cuba right now is a colony of Russia and the people of Cuba who is living in Cuba every day, who is escaping from Cuba every day, they disagree with you that you are representing the people of Cuba. Maybe you will represent the er, the colony of Russia here in this moment, but not the people of Cuba. You cannot take that responsibility.

LEE H. OSWALD. Well . . . in order to give a clear and concise and short answer to each of those, well, let's see, questions. I would say that the facts and figures from a ——— country like Pakistan or Burma would even reflect more light upon Cuba in relation to how many TV sets and how many radios and all that, er, this, I don't think that is a subject to be discussed tonight, er, the Fair Play for Cuba Committee as the name implies is concerned primarily with Cuban-American relations.

BILL SLATTER. How many people do you have in your Committee? here in New Orleans?

LEE H. OSWALD. Er, I cannot reveal that as Secretary for the Fair Play for Cuba Committee.

EDWARD S. BUTLER. Is it a secret society?

LEE H. OSWALD. Er, no, Mr. Butler, it is not. However, it is standard operating procedure, er, for a political organization consisting of a er, political minority, er, to safeguard the names and number of its members.

EDWARD S. BUTLER. Well, the Republicans are in the minority, I don't see them hiding their membership.

LEE H. OSWALD. The Republicans are not a, well, er, the Republicans are an established political party, representing a great many people. They represent no radical point of view, they do not have a very violent and sometimes emotional opposition, as we do.

EDWARD S. BUTLER. Oh, I see. Well, would you say then that The Fair Play for Cuba Committee is not a communist front organization?

LEE H. OSWALD. The Senate Subcommittees who have occupied themselves with investigating the Fair Play for Cuba Committee, er, have found that there is nothing to connect the two committees. We have been investigated from several points of view, that is points of view of er, taxes, allegiance, subversion, and so forth. The findings er, have been as I say er, absolutely zero.

EDWARD S. BUTLER. Well, I have a, the Senate Hearings before me and I think what I have in front of me refutes precisely every statement that you have just made. For instance, who is the Honorary Chairman of The Fair Play for Cuba Committee?

LEE H. OSWALD. Er, the Honorary Chairman of this Committee, er, the name of that person, er, I certainly don't know.

EDWARD S. BUTLER. Well, let me tell you, in case you don't know about your own organization . . .

LEE H. OSWALD. No, I know about it.

EDWARD S. BUTLER. His name is Waldo Frank and I'm quoting from the "New Masses" of September, 1932 in that, the title of his article, "How I Came to Communism—A Symposium" by Waldo Frank—"Where I Stand and How I got There" er, now let me ask you a second question, who is the Secretary of the Fair Play for Cuba Committee? the National Secretary?

LEE H. OSWALD. Well, we have a National Director who is Mr. V. T. Lee who is recently returned from Cuba and because of the fact that the U.S. government has imposed restrictions on travel to Cuba he is now under indictment for his traveling to Cuba, er, this however, it is very convenient for rightist organizations to drag out this or that literature purporting to show a fact which has not been established in law. I have said that

The Fair Play for Cuba Committee has definitely been investigated, that is very true, but I will also say that the total result of that, er, investigation was zero. That is, the Fair Play for Cuba Committee is not now on the Attorney General's Subversive List, any other material you may have is superfluitous (sic)

EDWARD S. BUTLER. Oh, it is?

BILL SLATER. Mr. Oswald, if I may break in now a moment, I believe it was mentioned that you at one time asked to renounce your American citizenship and become a Soviet citizen, is that correct?

LEE H. OSWALD. Well, I don't think that has particular import to this discussion. We are discussing er, er, Cuban-American relations . . .

BILL SLATER. Well, I think it has a bearing to this extent Mr. Oswald, you say apparently that Cuba is not dominated by Russia and yet you apparently by your own past actions have shown that you have an affinity for Russia and perhaps communism, although I don't know that you admit that you either are a communist or have been, could you straighten out that point, are you, or have you been a communist?

LEE H. OSWALD. Well, I had answered that, er, prior to this program on another radio program . . .

BILL STUCKEY. Are you a Marxist?

LEE H. OSWALD. Yes, I am a Marxist.

EDWARD S. BUTLER. What's the difference?

LEE H. OSWALD. The difference is primarily the difference between a country like Ghana (sic) Guiana, Jugoslavia, China or Russia. A very, very great difference. Differences which we, er, appreciate by giving aid let's say to Jugoslavia in the sum of a hundred million or so dollars a year.

EDWARD S. BUTLER. That's extraneous, what's the difference?

LEE H. OSWALD. The, er, er, difference is as I said a very great difference, er, many parties, many countries are based on Marxism, er, many country such as Great Britain display very socialistic er, aspects and characteristics I might point to the socialized medicine of Britain.

BILL SLATTER. Gentlemen, I'll have to interrupt, we'll be back in a moment to continue this kind of lively discussion after this message.

MARSHALL PEARCE: During the next two minutes the public heard a commercial message and the panelists saying little—shuffled their papers, preparing for the final round of the debate.

MARSHALL PEARCE. The only man in the listening audience who knew the full story of Oswald's defection beforehand was Dr. Alton Ochsner, the world famous New Orleans surgeon who is President of INCA. Dr. Ochsner, on a world tour as expert consultant to the Surgeon General of the Air Force, has himself confronted delegates from communist China. He has also seen and heard Red agitators and propagandists at work in Latin America. Here are his firsthand impressions of Lee Harvey Oswald. Dr. Ochsner . . .

Dr. ALTON OCHSNER. Thank you. Since I was familiar with Oswald's background, when I heard him smoothly admit his three year defection to Russia I was not overly surprised. But when he tried to use his admission as a proof that The Fair Play for Cuba Committee was not communist controlled, I knew that Ed Butler was facing the same kind of propaganda "doublethink" that I had heard so many communists and their sympathizers use in my travels all over the world.

However, as the interview went on and the hardhitting questions and factual evidence piled up, I relaxed. Oswald had obviously met his match.

It is important to remember that at that time, Oswald had technically committed no crime. Therefore, no official could prevent him from spreading poison on the airwaves.

Nor would any of us, who believe in the freedom of speech, want a Thought Control Agency to assume such powers. Private citizens must meet the distortion with truth. On the other hand, a professional approach, with indisputable facts and a planned strategy, is needed if private citizens are to provide the antidote for propaganda poison.

Because the full facilities of INCA were available—for a change the propaganda battle was fought evenly.

The results speak for themselves. Oswald dropped out of sight immediately after the debate, and left New Orleans shortly thereafter. According to published reports he went to Mexico where he visited the Communist embassies of Russia and Cuba. Then he took up residence in an apartment in a Dallas suburb under the alias O. H. Lee, where several letters from the same man written on the stationery of both the Communist Party U.S.A. and The Fair Play for Cuba Committee, were reportedly found.

Many who have heard this record have expressed the belief that if an INCA branch office had existed in Dallas, Oswald would again have been exposed, and the President might be alive today. No one can say for certain. But as you listen to the second part of this record, think about it, and decide for yourself.

SIDE 2

MARSHALL PEARCE. This is the second segment of the "Conversation Carte Blanche" interview, with Lee Harvey Oswald on radio station WDSU, in New Orleans, exactly as it was broadcast a few weeks before President Kennedy's assassination. . . .

BOOTH ANNOUNCER. And now back to Conservation Carte Blanche. Here again Bill Slatter.

BILL SLATTER. Tonight Bill Stuckey and I are talking with three guests, Lee Harvey Oswald, who is local secretary of a group called Fair Play for Cuba, and with Ed Butler, the Executive Vice President of the Information Council of the Americas (INCA), and Carlos Bringuier, a Cuban refugee and obviously anti-Castro. Mr. Oswald as you might have imagined is on the hot seat tonight and I believe you, Bill Stuckey, have a question.

BILL STUCKEY. Mr. Oswald I believe you said in reply to a question from Mr. Butler that any questions about your background were extraneous to discussion tonight. I disagree because of the fact that you refuse to reveal any of the other members of your organization so you are the face of The Fair Play for Cuba Committee in New Orleans. Therefore, anybody who might be interested in this organization ought to know more about you. For this reason I'm curious to know just how you supported yourself during the three years that you lived in the Soviet Union. Did you have a government subsidy?

LEE H. OSWALD. Er, well, as I er, well, I will answer that question directly then, since you will not rest until you get your answer, er. I worked in Russia, er, I was, er under the protection er, that is to say, I was not under the protection of the American government, but that I was at all times, er, considered an American citizen. I did not lose my American citizenship.

BILL SLATTER. Did you say that you wanted at one point though? What happened?

LEE H. OSWALD. Well, it's a long drawn out situation, er, with permission to live in the Soviet Union granted to a foreign resident is rarely given, er, this calls for a certain amount of technicality, technical papers and so forth, er, at no time as I say was I er, did I renounce my citizenship or at no time was I out of contact with the American Embassy.

EDWARD S. BUTLER. Excuse me, may I interrupt just one second. Either one of these two statements is wrong. The Washington Evening Star of Oct. 31, 1959 page 1, reported that Lee Harvey Oswald, a former Marine, of 4936 Collingwood St., Ft. Worth, Texas, had turned in his passport at the American Embassy in Moscow on that same date and it said that he had applied for Soviet citizenship. Now, it seems to me that you've renounced your American citizenship if you've turned in your passport.

LEE H. OSWALD. Well, the very obvious answer to that is that I am back in the United States. A person who renounces his citizenship becomes disqualified for returning to the U.S.

EDWARD S. BUTLER. Right, and Soviet authorities—this is from the Washington Post & Times Herald of November 16, 1959—Soviet authorities have refused to grant it although they had informed him he could live in Russia as a Resident Alien. What did you do in the 2 weeks from Oct. 31st to Nov. 16th, 1959?

LEE H. OSWALD. As I have already stated, of course this whole conversation and we don't have too much time left, is getting away from the Cuban-American problem, however, I am quite willing to discuss myself for the remainder of this program, as I stated it is very difficult for a resident, for a foreigner to get permission to reside in the Soviet Union. During those two weeks and during the dates you mentioned I was, of course, er er, with the knowledge of the American Embassy getting this permission.

EDWARD S. BUTLER. Were you ever at a building at 11 Kuznyetskaya Street in Moscow?

LEE H. OSWALD. Kuznyetskoya? Kuznyetskoya is the er, well that would be, well, that would probably be the Foreign Ministry, I presume, er, no, I was never in that, place, although I know Moscow having lived there.

BILL SLATTER. Excuse me. Let me interrupt here. I think Mr. Oswald is right to this extent, we should get around to the organization which he is the head of in New Orleans, the Fair Play for Cuba.

LEE H. OSWALD. The Fair Play for Cuba *Committee.*

BILL SLATTER. As a practical matter Mr. Oswald, knowing as I'm sure you do the sentiment in America against Cuba, we, of course, severed diplomatic relations sometime ago, I would say that Castro is as about as unpopular as any body in the world in this country. As a practical matter, what do you hope to gain for your work? How do you hope to bring about what you call "Fair Play for Cuba"? Knowing that sentiment?

LEE H. OSWALD. The principals of The Fair Play for Cuba consist of restoration of diplomatic trade and tourist relations with Cuba, that is one of our main points, er, we are for that, I disagree that this situation regarding American-Cuban relations is very unpopular, we are in a minority surely, er, we are not particularly interested in what Cuban exiles or rightists er, er, members of rightist organizations have to say, we are primarily interested in the attitude of the U.S. government toward Cuba. And in that way we are striving to get the United States to adopt measures which would be more friendly toward the Cuban people and the new Cuban regime in that country. We are not at all communist controlled, regardless of the fact that I have the experience of living in Russia, regardless of the fact that we have been investigated, er, regardless of any of those facts, er, The Fair Play for Cuba Committee is an independent organization not affiliated with any other organization, our aims and our ideals are very clear, and in the best keeping with American traditions of democracy.

CARLOS BRINGUIER. Do you agree with Fidel Castro when in his last speech of July 26th of this year he qualify President John Fitzgerald Kennedy of the United States as a ruffian and a thief? Do you agree with Mr. Castro?

LEE H. OSWALD. I would not agree with that, er particular wording. However, I and the er, Fair Play for Cuba Committee does think that the United States government through certain agencies, mainly the State

Department and the C.I.A. have made monumental mistakes in its relations with Cuba. Mistakes which are pushing Cuba into the spheres of activities of let's say a very dogmatic country such as China is.

BILL SLATTER. Mr. Oswald, would you agree that when Castro first took power, er, would you agree that the United States was very friendly with Castro, that the people of this country had nothing but admiration for him, that, er, that they were very glad to see Batista thrown out?

LEE H. OSWALD. I would say that the activities of the United States government in regards to Batista were a manifestation of, not so much support for Fidel Castro, but rather a withdrawal of support from Batista, in other words, we stopped arms to Batista, what we should have done was to take those armaments and drop them into the Sierra Maestra where Fidel Castro could have used them, as for public sentiment at that time, I think even at that even before the revolution there were rumblings of official comment and so forth from government officials, er, against Fidel Castro.

EDWARD S. BUTLER. You've never been to Cuba, of course, but why are the people in Cuba starving today?

LEE H. OSWALD. Well, in any country, er, emerging from a semi-colonial state and embarking upon reforms which require a diversification of agriculture, er, you are going to have shortages, after all 80% of imports into the United States, er, from Cuba were two products, er, tobacco and sugar. Nowadays, er, while the er, Cuba is er, reducing its product as far as sugar cane goes it is striving to grow unlimited and unheard of for Cuba, quantities of certain vegetables; sweet potatoes, lima beans, cotton and so forth, so that they can become agriculturally independent . . .

BILL SLATTER. Gentlemen, I'm going to have to interrupt, our time is almost up. We've had three guests tonight on Conversation Carte Blanche: Bill Stuckey and I have been talking to Lee Harvey Oswald, Secretary of the New Orleans Chapter of The Fair Play for Cuba Committee, Ed Butler, Executive Director of The Information Council of the Americas (INCA), and Carlos Bringuier, Cuban refugee. Thank you very much and good evening.

(Drums.)

MARSHALL PEARCE. The end of the interview foreshadowed a tragic series of events climaxed by the assassination of President Kennedy on November 22, 1963, and the subsequent murder of Lee Harvey Oswald before a television audience of millions.

Now for an impression in depth of Oswald we turn to one of the panelists on that fateful evening—Edward Butler, Executive Vice-President of INCA. Mr. Butler a specialist in communist propaganda activities and how to overcome them, has interviewed scores of refugees from communist takeovers during the past several years. In 1960 he conceived, and now manages INCA, and its TRUTH TAPES program. TRUTH TAPES are half-hour and fifteen minute tape recordings featuring eyewitness refugee testimony about communist takeover tactics, sent to a network of over 120 local radio stations in 16 nations of Latin America.

The author of several articles on this vital subject, Mr. Butler has appeared as a witness before the House Foreign Affairs Subcommittee on International Organizations and Movements to outline ways to win the war of words and avoid nuclear conflict. He was the only known propaganda specialist ever to confront Oswald. Mr. Butler . . .

EDWARD S. BUTLER. While sketching the portrait of Oswald for the jacket of this record, I sorted through a mental inventory of scores of memories of Oswald, his expressions, statements, reactions, and gestures.

Although our only confrontation was the evening of the debate, I knew a good deal about Oswald before the encounter. I had listened for hours to a long, tape-recorded interview with Oswald by Bill Stuckey; I had questioned Bringuier and other refugees who knew him; I had read the anti-American, pro-Castro propaganda Oswald was distributing on behalf of The Fair Play for Cuba Committee and of course, I had data about his defection to Russia.

We finally met in the reception room at the WDSU studio; Bringuier introduced us. Oswald seemed outwardly self-confident, but his hand was clammy when I shook it.

I sat down opposite him, about three feet away.

Stuckey came in, and after a somewhat stiff "hello" all around, he and I began to chat, while Oswald and Bringuier began to argue.

When Oswald spoke, he sounded like a man with a piano roll in his head, grinding out the same tired Red propaganda tunes that I have heard so often in my work.

It was then that I happened to mention to Stuckey that a certain local businessman was "progressive" in his advertising policies.

On the first syllable of the word "progressive", Oswald abruptly broke off his discussion with Bringuier and looked at me, slightly startled. But by the time I had finished the sentence, Oswald realized that I was applying the term "progressive" to capitalism, and his glance changed into a smirk of utter disgust.

To those of us who have to delve into the murky jargon of Marxism-Leninism, Oswald's reaction was no surprise. In the Red catechism, the term "progressive" always indicated the "proletarian" forces led by the Party; to apply it to capitalism is blasphemy.

I will never forget Oswald's look of loathing. I was to see it several times more during the evening, since everyone noticed that he was particularly antagonistic towards me. I tried to capture that black look on the jacket sketch. It had to be a look of *impersonal* hatred, since Oswald knew nothing about me, or the organization which I represented. But more about that in a moment.

I listened closely as Oswald and Bringuier resumed their dispute, and was impressed by Oswald's technical competence as a propagandist. Let me illustrate with a few examples from the debate you've just heard.

Subject paralleling is a standard propaganda technique. On defense, the propagandist uses it to turn an attack backward upon his opponent.

Oswald's attempt to use his visit to Russia as a proof that the Fair Play for Cuba Committee is not communist controlled, is an example of defense paralleling.

On defense, paralleling is used to link and smear by implication. Oswald did this three times when he labeled me a "rightest" and INCA a "rightist organization". As a matter of fact he didn't even know the name of my organization when he pulled the parallels, because he asked for that information and wrote it down in a notebook, when the debate was over.

For the record, INCA's membership and Board includes Liberals and Conservatives, Democrats and Republicans, scattered all over the nation, all bound in their opposition to communist tyranny by a single common ideal—Liberty Under Law.

Oswald knew many other tricks of the trade target narrowing and subject expansion, slogan building, theme repetition and so on.

Here are some examples from the debate:

You heard Oswald twice try to narrow his target—a propaganda technique used defensively to avoid dangerous or embarrassing side-issues, offensively to sharpen the point of an attack—when he said:

" . . . This, . . . I don't think this is a subject to be discussed tonight . . . The Fair Play for Cuba Committee, as the name implies, is concerned primarily with Cuban-American relations!"

And again when he said . . .

"I don't think that has particular import to this discussion. We are discussing Cuban-American relations."

EDWARD S. BUTLER. And, finally when he dismissed the investigative resources of the Congress of the United States with the statement:

LEE H. OSWALD. . . . The Fair Play for Cuba Committee is not *now* on the Attorney General's Subversive List. Any other material you may have is superflus. (sic)

EDWARD S. BUTLER. Thus Oswald was trying to narrow my range to courtroom evidence, while presumably reserving the broad field of opinion unto himself.

Which brings up another interesting point:

Oswald also knew how to *expand* his subject a method used, defensively, to blur and confuse the issues so that there is nothing but haze to attack. On offense, expansion is used to make blanket comparisons or charges covering many individuals, groups or nations.

You heard Oswald defensively expanding in answer to my embarrassing question about the difference between Marxism and Communism. In just a few sentences he spanned the globe from Africa to Europe, then tried to bring in American Foreign Aid and alliance policies to prove his point.

LEE H. OSWALD. The difference is primarily the difference between a country like Ghana, Guiana (sic), Jugoslavia, China or Russia. A very, very great differences. Differences which we, er, appreciate by giving aid let's say to Jugoslavia in the sum of a hundred million or so dollars a year.

EDWARD S. BUTLER. I was narrowing on the attack when I refused to be confused and interrupted him with "That's extraneous, what's the difference?"

LEE H. OSWALD. The, er, difference is as I said a very great difference, er, many parties, many countries are based on Marxism, er, many countries such as Great Britain display very socialistic, er, aspects and characteristics. I might point to the socialized medicine of Britain.

EDWARD S. BUTLER. Oswald also used the familiar Big Lie technique, made famous by Goebbels, but originated by Lenin and perfected by his successors when he said:

LEE H. OSWALD. The Senate subcommittees who have occupied themselves with investigating the Fair Play for Cuba Committee, have found that there is nothing to connect the two committees.

EDWARD S. BUTLER. To anyone who has read the detailed Congressional Hearings on The Fair Play for Cuba Committee, Oswald's distortion is obvious, and I urge every American to get these revealing documents and decide for yourself.

I suppose many mature Americans find it hard to take seriously the Marxist theory of a world split into two warring classes, never changing except by revolution, never progressing except by hatred and conflict—but Oswald took it religiously.

Similarly, many Americans can't conceive of anyone idolizing a brutal dictator like Castro, who has left a trail of blood, falsehood, and misery ever since he participated in *his* first political assassination, in Bogota, in 1948—but Oswald certainly idolized him.

What mystifies Americans most is how an American boy could come to accept such a philosophy, and to worship such a man. Oswald himself gave us a vital clue when he said he was introduced to communism by a pamphlet sympathetic to the Rosenberg Atom Spies. Later, reading Marx's "Das Capital" he said he felt, ". . . like a religious man opening the Bible for the first time." The answer, of course, is that communist propaganda, in gradual doses, conditions the immature mind to glorify violence.

It teaches impersonal hatred of whole classes of humanity. Many communist books, pamphlets, broadcasts or films are an open invitation to revolutionary terrorism.

President Kennedy's death has proved that *words*—which can be shot around the world faster than any missile—words are the ultimate weapon. What makes these new word weapons so powerful is that they can reach into the midst of any country, manipulate its own people, and invisibly motivate the minds of men who have the power to press buttons and pull triggers. As a professional who handles word weapons every day, in my opinion the most frightening statement known to man is the bland phrase, "It's just propaganda!"

Propaganda made Oswald the man he was. Communist propaganda inflamed the mind of the man, who—evidence indicates—pulled the trigger, to fire the bullet, that killed the President of the United States.

For instance, I have in my hand a cartoon from an official Cuban publication called "Verde Olivo" showing President Kennedy wearing a Nazi Swastika armband, and giving directions to a Cuban Refugee leader pictured as a worm.

We know, because Oswald admitted it openly, because he recited communist doctrine like scripture, and because people saw him in the act, that he had been steadily absorbing this mental poison for years.

Until we counteract the vast bulk of hate propaganda which pours forth both from official communist publications and their echoes here at home like The Fair Play for Cuba Committee, no elected official, no free institution, no private citizen's life, liberty or property will be safe.

But the situation is far from hopeless.

Communism can attract only the thinnest minority anywhere. For every embittered Oswald in America, or Castro in Cuba, there are thousands of young men all over the world who can be trained to meet, compete with, and defeat them on the mass media battleground.

What is needed are professionals—or more accurately a practical means of *subsidizing* the efforts of private propaganda professionals for freedom. I emphasize the word "private" because every Red revolutionary from Lenin, to Castro, to Oswald, has worked as a private citizen until *after* a successful revolution. Here at the private level, using words as weapons, is where most major battles will be won or lost.

And here is where nearly every American can help. Only a few will have the inclination, opportunity, and training to wage and win the war of words now going on. But all can, and must—back the attack.

In buying this "Oswald: Self-Portrait in Red" you have taken the first step, because revenue from this record is helping INCA to combat communism at the private level, professionally, throughout the Americas.

I for one, will never forget these living words, which no assassin's bullet can ever silence:

President JOHN F. KENNEDY. And so my fellow Americans, ask not what your country can do for you; ask what you can do for your country.

Mr. DODD. Mr. President, I intend to speak at some length on this general subject soon, and I hope to make public the testimony of Mr. Butler before the Internal Security Subcommittee on November 24, 1963.

PLANE PLANT PLUMS

Mr. WILLIAMS of Delaware. Mr. President, the Washington Post of February 18, 1967, contains an interesting article entitled "Three Hill Chairmen Get Plane Plant Plums." In this article it is pointed out that large defense contracts have been awarded to the districts of three chairmen. I read excerpts from the article, and thereafter I shall ask to have printed in the RECORD the entire article. This refers to a $1.3 billion overall contract.

In the spring of 1965, Lockheed was locked in intense competition for the C-5A award with two other plane makers, Boeing and Douglas.

To show it cares about the problem of depressed areas, Lockheed's Washington representatve, Johnson, and aides visited the White House, the Pentagon, the Labor and Commerce Departments and the Appalachia Regional Commission. They said that if Lockheed got the award, it intended to establish "several" subassembly plants in depressed areas.

Lockheed President Pulver says he knows only that the suggestions came from Vernon Johnson, his Washington representative.

Continuing:

Johnson will not be precise about what part the White House played, but insists the final decision was Lockheed's alone.

Rep. Evins, however, reports that he was told in Marietta by Lockheed officials that the White House had furnished the company a list of five favored congressional districts—including his.

Evins says he understood that the White House asked that "consideration be given to those areas" if new plants were to be built.

Evins recalled that he was vacationing in Florida when a White House aide telephoned to suggest that "you want to drop by Lockheed, up in Marietta, Ga., to talk about a plant.

He hastily prepared an elaborate presentation of the area's advantages, but discovered on arrival there that "we didn't have to do much work" to land it.

Asked why he thinks this happened, Evins replied:

"The South returns its men to Congress instead of turning them out every two years."

Earlier, he had told Science magazine that his "friendship with the President" and the fact that he managed President Johnson's 1964 campaign in Tennessee probably had "something to do with it."

What has managing the President's campaign in Tennessee got to do with a Government contract?

Mr. President, several weeks ago Secretary McNamara issued a statement boasting about the tremendous savings he had achieved in the Defense Department by virtue of the fact that he was now awarding about 20 percent more of the defense contracts on competitive bids.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. WILLIAMS of Delaware. That savings was claimed on the basis that he was awarding a higher percentage of contracts on competitive bids than had been done heretofore. The Secretary pointed out that his savings on competitive bids and incentive bids ran from 10 to 25 percent over and above what it would have cost had the contracts been awarded on a politically negotiated basis.

This particular contract of $1.3 billion obviously was negotiated on what could be called a most politically motivated basis. Areas were already designated before the contract was awarded. Therefore at the very minimum the taxpayer's loss or the extra price paid on this $1.3 billion contract, based upon the formula of the "whiz kid from Detroit," will be a minimum of $130 million more that it would have cost had it been awarded on a competitive bid basis. In other words, it will cost $130 million for the White House to satisfy a series of political commitments. I say that that is a very high price for the American taxpayers to pay. I think that the administration when asking for a tax increase should be reminded that the taxpayers are willing to pay for the war, but they are getting tired of buying votes for the Great Society.

There is on the calendar now S. 665, a bill to authorize appropriations during fiscal year 1967 for the procurement of aircraft, missiles, and other equipment in the Defense Department.

An amendment will be offered on that bill which will require the Secretary of Defense in the future to award the contracts on a competitive bid basis rather than continuing this politically negotiated formula, as outlined in the article.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

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

WHITE HOUSE ASSIST FOR DISTRICTS REPORTED: THREE HILL CHAIRMEN GET PLANE PLANT PLUMS

(By Don Oberdorfer)

With a reported assist from the White House, the Lockheed-Georgia Co. has established subassembly plants for the world's largest military airplane in the home districts of three powerful House committee chairmen.

The lucky lawmakers are:

Joe L. Evins (D-Tenn.), who heads the Small Business Committee and the Appropriations Subcommittee on Independent Offices and Housing.

Thomas E. Morgan (D-Pa.), Chairman of the Foreign Affairs Committee.

Harley O. Staggers (D-W. Va.), Chairman of the Interstate and Foreign Commerce Committee.

A fourth Democrat, Walter H. Moeller of Ohio, also was blessed with a subassembly plant for the giant C-5A transport plane. But it didn't save Moeller from defeat last November at the hands of a Republican.

The C-5A contract, at $1.3 billion, is believed to be the largest single industrial contract in history.

To land the new plants, each Representative made a journey to Lockheed-Georgia's headquarters in Marietta, Ga., in November, 1965. Lockheed officials and at least one of the lawmakers say the invitations for these unusual industry-hunting trips were extended through the White House.

When they arrived at Marietta, the Congressmen found they had no need to be supersalesmen for their districts. The subassembly plants had already been arranged; all they needed to do was announce the happy news to the folks back home.

Rep. Evins said he was told that the White House gave Lockheed a "list" of where its subassembly plants should go. Lockheed said it did receive White House suggestions, but that "the final decisions were made by Lockheed and nobody else."

Lockheed-Georgia's president, W. A. Pulver, and its Washington representative, Vernon Johnson, say the subassembly plants, each of which will employ fewer than 200 persons,

can do their work as cheaply as it could be done at Marietta.

Several years ago, Lockheed had established two other subassembly plants in connection with an earlier defense contract. One landed in Charleston, S.C., the home of Chairman L. Mendel Rivers (D) of the House Armed Services Committee. The other is in the district of Rep. Arch A. Moore, Jr., a West Virginia Republican.

Lockheed's main plant at Marietta, Ga., just outside Atlanta, is in the home State of Sen. Richard B. Russell, chairman of the Senate Armed Services Committee. The Lockheed-Georgia Co. is a division of the Lockheed Aircraft Corp.

It was Russell who received the first "leak" that Lockheed would win the intense competition for the C-5A transport contract.

First hints of the subassembly saga appeared this week in Science magazine in an article about Evins. As pieced together from that account and from interviews, this is what occurred:

In the spring of 1965, Lockheed was locked in intense competition for the C-5A award with two other plane makers, Boeing and Douglas.

To show it cares about the problem of depressed areas, Lockheed's Washington representative, Johnson, and aides visited the White House, the Pentagon, the Labor and Commerce Departments and the Appalachia Regional Commission. They said that if Lockheed got the award, it intended to establish "several" subassembly plants in depressed areas.

Moreover, according to Johnson, the firm asked for suggestions from the Government about needy locations. The White House and other agencies obliged, he said. After it won the contract on Sept. 30, 1965, Lockheed's Washington office began to narrow down "20 or 25" proposed locations.

As a result of that winnowing and secret site visits, four locations were picked: Shelbyville, Tenn. (Evins's district); Uniontown, Pa. (Morgan's); Martinsburg, W. Va. (Staggers' district); and Logan, Ohio (Moeller's).

Lockheed President Pulver says he knows only that the suggestions came from Vernon Johnson, his Washington representative. Johnson will not be precise about what part the White House played, but insists the final decision was Lockheed's alone.

Rep. Evins, however, reports that he was told in Marietta by Lockheed officials that the White House had furnished the company a list of five favored congressional districts—including his.

Evins says he understood that the White House asked that "consideration be given to those areas" if new plants were to be built.

Evins recalled that he was vacationing in Florida when a White House aide telephoned to suggest that "you want to drop by Lockheed, up in Marietta, Ga.," to talk about a plant.

He hastily prepared an elaborate presentation of the area's advantages, but discovered on arrival there that "we didn't have to do much work" to land it.

Asked why he thinks this happened, Evins replied:

"The South returns its men to Congress instead of turning them out every two years."

Earlier, he had told Science magazine that his "friendship with the President" and the fact that he managed President Johnson's 1964 campaign in Tennessee probably had "something to do with it."

Of the White House contact with the Congressmen, the Lockheed Washington representative said: "After we selected the areas, we cut them (the White House) in on the act. That's normal courtesy."

He would not say which White House official was involved in the various contacts, nor did Evins recall exactly who made contact with him. White House news secretary George Christian said he had "no knowledge" of the affair.

At his home in Keyser, W. Va., Rep. Staggers could not recall who notified him to travel to Marietta about the subassembly plant, but said he did not think it was the White House.

"I didn't do a thing," Staggers said. "When I went to Marietta, they told me the plant was coming to Martinsburg."

Efforts to reach Rep. Morgan were unavailing. Former Rep. Moeller could not be reached.

CORRECTION OF A LIBEL

Mr. DODD. Mr. President, Senators will be familiar with the case of Bogdan Stashynsky, the former member of the Soviet terror apparatus who in 1962 surrendered to the West German authorities and confessed to having murdered two Ukrainian nationalists leaders in West Germany on the direct orders of Moscow.

The distinguished German jurist who served as President of the Senate of the Federal Supreme Court at the trial of Stashynsky in the German High Court at Karlsruh, was Dr. Heinrich Jagusch. I was able to discuss the Stashynsky case at length with Dr. Jagusch when I was in Germany in April 1964 in connection with an investigation into the operations of the Soviet murder apparatus.

In last November's edition of the German monthly magazine Magnum, Dr. Jagusch was grossly slandered in an article which said that he "had actively been engaged in the bloodthirsty judiciary of the SS state". In an age when a growing minority of writers in every country are disposed to regard the right to libel as a privilege of their profession, I found it encouraging to note that Magnum magazine, when the facts were brought to its attention, published a full and forthright apology to Dr. Jagusch.

I ask unanimous consent to have printed in the RECORD a translation of the "rectification" issued by Magnum magazine relating to its attack on Dr. Jagusch, together with a translation of the letter which the editors of Magnum sent me personally on December 20, 1966. Both translations were prepared by the Library of Congress.

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

PUBLISHING HOUSE,
KOLIN, *December 20, 1966.*

Senator THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: With reference to the statements made on the retired President of the Senate *Dr. Heinrich Jagusch* in our November edition "The Germans' Lost Paradises" we recently published the enclosed rectification in several newspapers and magazines.

Unfortunately, not all who had read our first publication will know of this rectification or of its contents inasmuch as our next Magnum issue will be published at a later date. Dr. Jagusch, for this reason, wishes to personally bring to your knowledge the enclosed rectification.

Yours very truly,
M. DU MONT SCHAUBERG,
Magnum Editor's Office.

RECTIFICATION

In our article "The Germans' Lost Paradises" published in Magnum, Number 59 of November 1966, we stated:

Dr. Heinrich Jagusch, before being appointed President of the Senate at the Federal Supreme Court, "had actively been engaged in the bloodthirsty judiciary of the SS-State." This is false.

Retired President of the Senate Dr. Heinrich Jagusch entered the judicial administration only after his second judicial state examination in 1946 at a time when our judicial system was being rebuilt. Prior to that he had been serving with the fighting units of the Army in Africa, Italy and France. During this time he had not been active as a criminal judge, public prosecutor or in any other related capacity with any law courts.

We retract our statements and request the public to take due notice of this rectification.

In connection with our publication we showed a photograph of retired President of the Senate, Dr. Heinrich Jagusch, on page 44 in which he appears in the official attire of a judge and which also reveals that he had been wounded by war action. We especially regret that we had used on the following pages the term "Type" [character] and rendered such a derogatory service to Dr. Jagusch's reputation.

We apologized to him. He accepted our apologies. We wish to inform the public of our regrets.

Dr. ULRICH SONNEMANN,
Chief Editor for the Issue "The Germans' Lost Paradises".
COLOGNE, *December 7, 1966.*

DEATH OF DR. J. ROBERT OPPENHEIMER

Mr. FULBRIGHT. Mr. President, the death this weekend of J. Robert Oppenheimer has taken from us a man who blended scientific genius with a profound sensitivity to the awful burden he gave to mankind. After the first atomic bomb was a reality, Dr. Oppenheimer said that "men of our time will never have a sense of security." Troubled by an environment which seemed to foster a nuclear arms race, Dr. Oppenheimer began to doubt and to question. But in the atmosphere of the early 1950's doubt was taken to be a sign of personal instability, criticism to be the first blush of treason. Disagreement with Dr. Oppenheimer soon became public persecution, inquiry became inquisition.

J. Robert Oppenheimer is dead. Let us remember not only what his special genius did for us; let us also remember what we did to him. In many ways, his memory will be best served if we recognize that we, as a people, have the capacity to persecute dissenters, and to smother those who doubt.

Mr. President, I ask unanimous consent that an impressive and thought-provoking obituary of Dr. Oppenheimer, written by Alfred Friendly, of the Washington Post, be printed in the RECORD.

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

OPPENHEIMER: SCIENTIST BESET BY POLITICAL ILLS

(By Alfred Friendly)

If the radiance of a thousand suns were to burst into the sky, that would be like the splendor of the Mighty One . . . I am become Death, the destroyer of worlds."

The words are from the Hindu holy book, the Bhagavad-Gita, and are the ones that Robert Oppenheimer said wrote themselves on his mind when the first atom bomb turned night into day over the New Mexican desert.

He was the creator of the bomb, and in a way it was to destroy his world.

When the story of Los Alamos could be told at the end of the war, the light of Oppenheimer's fame was as bright as his bomb. He was showered with gratitude and acclaim, honored and even revered. He was propelled to positions of vast influence. His status in the world of science was close to oracular.

DEGRADED . . . HONORED

Nine years later he was demolished by official order of his government, acting through the Atomic Energy Commission.

Nine years after that, the Atomic Energy Commission awarded him its highest honor and $50,000, as a gesture of reparation or maybe contrition. He might have been more pleased with an official validation of a position he took in March, 1954, when his world came down around his ears:

"I cannot . . . accept the suggestion that I am unfit for public service . . . I have recalled instances where I acted unwisely. What I have hoped for was, not that I could wholly avoid error, but that I might learn from it. What I have learned has, I think, made me more fit to serve my country."

But when he died Saturday night, no formal action had been taken to expunge the official mark of "security risk." It is a legitimate question—although it has no answer—to ask how many people ever sincerely believed that he would betray his country's secrets. It is inconceivable that more than a corporal's guard believe that now.

His tragedy was close to classical: the towering figure dazzling in triumph, prideful, and thereupon shattered. But his destruction was only in part his own doing, and the rest was accomplished less by the gods than by men.

TRAGEDY OF THE AGE

His tragedy was also an epitome of the tradegy of the age. It was the product of the Cold War and changed circumstances. Faced for the first time since 1814 with the fact that America could be attacked on its own soil, too many of its people found an answer to their anxiety in branding others as less loyal and patriotic, and an explanation of their dilemma in attributing it to someone's treason.

Rejection of simplistic answers to problems of national security, failure to subscribe to an ordained level of bloody-mindedness, and too often, mere dissent and non-conformity, could mark a man as a Communist or servant of communism.

In this period, Oppenheimer was the most important figure to be attacked, and one of the last. His case, one can see in hindsight, same as the climax.

His career had two climaxes. One was on July 16, 1945, at Alamagordo, N.M., with the explosion of the world's first fission bomb, the creation of which he directed. The other was on June 1, 1954, when a special security board found him "loyal" but unfit to serve his government or know its future secrets.

Oppenheimer was to go on for another dozen years of distinguished work, in books and speeches, in scientific reports and most of all, in his direction of the Institute for Advanced Study, at Princeton. He was to get the Enrico Fermi Award. But that was anticlimax.

He accepted the award, on Dec. 2, 1963, with his customary quiet urbanity. On learning of his selection, he said: "Most of us look to the good opinion of our colleagues and to the good will and confidence of our government. I am no exception."

But the earlier ruling against him, which would have crushed any man, hit Oppenheimer harder than his friends, had expected. He grew gray and withdrawn, and the preternatural youthfulness of his looks and manner gave way quickly to the years.

A CHILD PRODIGY

Julius Robert Oppenheimer—"Oppie" to his friends—was born April 22, 1904, the son of a well-to-do Jewish family in New York City. He was a child prodigy, at 11 the youngest member of the New York Mineralogical Society. He remembered himself as "an unctuous, repulsively good little boy."

He graduated in three years from Harvard, summa cum laude and Phi Beta Kappa. Postgraduate work in Cambridge and Goettengen followed; then back to Harvard and the California Institute of Technology, and again Europe. He returned to the United States in 1929 and for the next 12 years studied and taught at the California Institute of Technology and the University of California, at Berkeley.

In those days, theoretical physics was almost a European monopoly. Oppenheimer became if not the founder of the American school, then at least the center. His own contributions in elementary particles and cosmic rays were brilliant, vastly important and—as is usual with theoretical physicists—they were made before he became 40.

He was also—as he was one day forced to confess, ashen-faced and hands twisting at his security hearing—"an idiot."

SHUNNED CURRENTS EVENTS

He read happily in seven languages and then took up an eighth, Sanskrit, in order to study books like the Bhagavad-Gita. But he read no newspapers or magazines on current affairs. He had no knowledge of or interest in the news of the day. He had no telephone or radio. He learned of the stock market crash long after the event. He never voted until 1936.

"I had no understanding of the relations of man to his society," he was to plead when his troubles came upon him.

When awareness dawned—through "smoldering fury about the treatment of the Jews in Germany" and exposure to what the depression was doing to his students—he was a sheep for the shearing.

COMMUNIST FRIENDS

His associates, even his loves, were Communists. He was never persuaded to become a Party member and his infatuation was short lived. But he "liked the new sense of companionship, and at the time felt that I was coming to be part of the life of my time and country."

He contributed left and right—or rather, mainly left—to all manner of "united front," which is to say Communist, causes. He made friends and, as a decent man will, kept them and tried to protect them and help them. It was his undoing.

His brilliant scientific reputation led to his appointment as head of the laboratory that was to make the atom bomb, located at his recommendation at Los Alamos, N.M., which he had known as a vacationer.

COLLEAGUE OF "GREATS"

The greats of nuclear physics and those who were to become great in the years to follow were his colleagues. Most were unstinting in their adoration of the man; all, even those who became his enemies, gave him full credit for a stupendous administrative, organizational, scientific—and inspired—accomplishment.

In the early stages, he underwent repeated security investigations. His left-wing associations had been abundant and obvious. He came clean before his interrogators about most of them, and his security file grew thicker and thicker.

But for a period, he played a fool's game in one episode. A friend named Haakon Chevalier, professor of French at Berkeley, came to Oppenheimer early in the war to say that he knew a Soviet agent or sympathizer who wanted to transmit to Russia scientific secrets of the sort Oppenheimer was working on.

Chevalier's role in the matter is subject to dispute. Oppenheimer maintained that Chevalier came as a friend to alert him to a danger. Security agents, to whom Oppenheimer later told the story, professed to see Chevalier as an intermediary.

WARNED OF DANGER

Oppenheimer had rejected the proposal out of hand, as "terribly wrong." But it was not until some time later, when he was less naive and more troubled, that he volunteered the story to Army security people, trying to call their attention to the existence of the would-be spy and the danger he represented.

But he invented a childish cock-and-bull story to escape revealing the involvement of Chevalier.

In later interrogations, Oppenheimer was obliged to tell the truth, but the episode remained in his files, ugly enough as it was and, when the McCarthy era dawned, devastating.

There was more. Even after the move to Los Alamos, Oppenheimer spent a night with an old love, a Communist. His own wife, Katherine, had been the widow of a Communist killed fighting for the loyalists in Spain. She, too, had been a Party member briefly, before her disillusionment. His brother, his sister-in-law, a host of earlier associates, were in the thick of far left associations and causes. He continued seeing some of them.

No one who became personally mired in the slough of the Communist environment ever emerged completely, gracefully, Oppenheimer told a reporter-friend in later years. His own exit, he concluded sadly, was not without awkwardness.

THE SWORD OF DAMOCLES

After the first A-bomb was exploded, Oppenheimer had said, "Men of our time will never have a sense of security." In a sense quite different from the context of his remark, the statement was terribly true for him, personally. For all that he was lionized and given positions of power after the war, he knew that he lived under a sword of Damocles.

He received a host of important scientific and governmental assignments. With Dean Acheson and David E. Lilienthal, later to become first chairman of the AEC, he drafted the so-called Baruch plan for international nuclear control. Almost as a matter of course, he became the first chairman of the new AEC's General Advisory Committee, the key scientific council of the agency.

In the light of two decades of hindsight, it is now clear that the policy positions he took in that job were the cause of the attack that brought him down.

When news that the Russians had exploded their first atomic bomb came on Sept. 23, 1949, the almost automatic reaction of a large group of atomic scientists and military figures was to urge the immediate development of the hydrogen bomb. The theoretical possibility of making "the Super" was widely understood.

DISPUTE WITH TELLER

Among the proponents of this counter to the Russian achievement was Edward Teller, another atomic scientist of towering reputation. He had, in fact, worked on the project at Los Alamos during the war years and was angry and frustrated that the idea had been dropped. Initially, he and "Oppie" had been friends, members of a mutual admiration society, but bitterness, envy and much animosity had developed.

To the horror of Teller and some others, particularly in the Air Force, it was learned that Oppenheimer and the entire General Advisory Committee were recommending against developing the H-bomb. Their reasons were diverse.

Some felt that the manufacture of the fusion weapon, under methods then conceived, would divert so much facilities and material from the manufacture of atomic bombs that the United States would end up with less rather than more nuclear power.

There would be a lesser, rather than a bigger bang for a buck.

CONTROVERSY DEVELOPS

Others were for making a unilateral announcement that the United States would forgo any attempt to make an H-bomb, and demand that the Soviet Union follow suit.

Others espoused a political view about which history has not yet given—may never give—its verdict.

Their contention was that if ever the H-bomb could be built, Russia could build it too. Then both nations would end up by having created a weapon more dangerous to their survival than either nation was to the other without the bomb.

Accordingly, they argued, this was the moment to go to the Russians with this forecast in the hope that a new try for negotiations could be begun, born out of common terror of the greater enemy.

The AEC backed the recommendation, 3 to 2, but President Truman decided otherwise.

In security hearings five years later, Oppenheimer was accused of thwarting progress on the H-bomb project. On examination, the charge boiled down to the assertion that his lack of enthusiasm deterred other scientists from putting their heart and talents into the program. No shred of evidence for the complaint was ever adduced.

FOUGHT BY AIR FORCE

As was later to appear, the most powerful, though covert, enemy of Oppenheimer was the Air Force. Its strategy then was the H-bomb, first and last.

Oppenheimer was in a position of power, with vast influence because of his enormous reputation. Once having lost the battle over the H-bomb, he went on to argue against total reliance on it. He urged additional means of defense—radar nets and tactical atomic weapons—which the Air Force was later to embrace but which then seemed like devices that would drain money from their one-and-only.

The attack on Oppenheimer did not come until 1953, by which time McCarthyism was at its apogee. The Wisconsin Senator never took aim at Oppenheimer, but he was a victim of the epidemic nonetheless. Stupidities and pieces of naivete, even unwise friendships that once could have been forgiven, now appeared as proof of subversive conspiracy, and military opinions that fell short of orthodox gung ho-ism became treason per se. In such an atmosphere Oppenheimer was a sitting duck for those out to destroy his influence.

In November, 1953, William L. Borden, former executive secretary of the Joint Atomic Energy Committee, who had studied Oppenheimer's security file, wrote to FBI director J. Edgar Hoover proclaiming that "more probably than not J. Robert Oppenheimer is an agent of the Soviet Union." Hoover, in turn, sent the letter and Oppenheimer's file to the AEC.

Its then chairman, Lewis L. Strauss, had reviewed it years before and had voted for Oppenheimer's clearance. Earlier, before he had seen the file, Strauss had been responsible for Oppenheimer's 1947 appointment as head of the Institute for Advanced Study at Princeton.

But the times, if not the file, had changed. Strauss referred the matter to President Eisenhower, who ordered an investigation and, in the interim, a "blank wall" erected between the scientist and all classified information. The former President's description of the episode in his book, "The White House Years," is an artless admission that he acted in fear of McCarthy.

OUTCOME FORESEEN

The hearings were held throughout May, 1954. Oppenheimer knew what the outcome would be before it started. "They just couldn't let me win," he said.

From the first day, it was clear that the process was an inquisition, a trial without the legal safeguards a court guarantees a defendant. Why Oppenheimer and his counsel tolerated it is an unanswered question.

Forty witnesses testified. The transcript ran to 993 fine-print pages. The Chevalier incident and Oppenheimer's attitude toward the H-bomb were the cardinal points.

Most of the witnesses, including some of the greatest names in science and government, were ardent in their defense of Oppenheimer. Nobel Prize winner I. I. Rabi, put the matter in a nutshell:

"We had an A-bomb and a whole series of it . . . and what more do you want, mermaids?"

The adverse witness who counted heaviest was Teller. "I would feel personally more secure if public matters would rest in other hands," he said.

The security board found that America owed Oppenheimer "a great debt for loyal and magnificent service" and voted, 2 to 1, that his future employment was not in its best interest. The AEC confirmed the decision, 4 to 1.

Furious rage at the decision, particularly among scientists and liberals, here and abroad, ensued. The scars have not entirely healed yet.

Oppenheimer continued his post at Princeton and when his term expired, Strauss, by then president of the Institute, saw to Oppenheimer's reappointment. Somehow the two men accommodated to a relationship that to an outsider, seemed like something that only Franz Kafka could have invented.

In the years that followed, Oppenheimer's normally quiet and reserved demeanor, and a mannerism of patient saintliness, tended to increase. He seemed much older and more remote. The gaiety and the flashes of intellectual arrogance and impatience almost disappeared.

LEAVES INSTITUTE

He resigned formally from the directorship of the Institute in June, 1966, but ill health had reduced his activities there some time before.

After the detonation of the first A-bombs, Oppenheimer wrote words now become famous:

"In some sort of crude sense which no vulgarity, no humor, no overstatement can quite extinguish, the physicists have known sin; and this is a knowledge which they cannot lose."

If the bomb was sin, Oppenheimer, as its chief creator, was presumably chief sinner. But in the end, he was more sinned against than sinning.

THE REPORT OF THE PRESIDENT'S CRIME COMMISSION

Mr. SCOTT. Mr. President, I commend the President's Commission on Law Enforcement and Administration of Justice for a report that focuses attention on the extent of crime that pervades American society today and methods that can be employed to reduce it.

In any such consideration, we must be concerned not only with preventing crime and eliminating it when it appears, but equally with the protection of individual rights.

I agree with the report's recommendation that the Federal Government should greatly expand its support of criminal justice agencies in the States and cities. I most prefer the approach used in the Safe Streets and Crime Control Act of 1967, which I cosponsored last week. Although it creates an incentive through Federal grants, this legislation leaves the initiative for specific action with the State and local governments.

I do not agree with the report's recommendation that calls for the abolition of the office of U.S. Commissioner. That is the Federal officer who issues arrests and search warrants, fixes bail, and holds preliminary hearings in felony cases. I most prefer the alternative recommendation that the office be overhauled by improving the quality and increasing the responsibility of these officers, placing them on a salary basis, training them for the job, and requiring that they be attorneys. I have cosponsored legislation which would substantially accomplish this overhaul. The U.S. Commissioners can perform many vital functions as an adjunct to the Federal court system and leave the Federal judiciary with more time to devote itself to dealing with trials and other more complex courtroom procedures.

I agree emphatically that we must deal more vigorously with organized crime and that we should grant immunity to witnesses under certain specified circumstances. I am a cosponsor of legislation dealing with this problem.

There needs also to be, in the fight against organized crime, legislation making it a crime to obstruct a criminal investigation. While it is presently a crime to obstruct an actual proceeding, there is a serious loophole in the lack of legislation dealing with the criminal investigation stage of an inquiry. I have joined with other Senators in proposing such legislation.

I concur most wholeheartedly in the Commission's conclusion that:

> The quality of the judiciary in large measure determines the quality of justice.

The quality of the judiciary also determines whether equity is done. The Commission points out that there are presently ineffective screening procedures in the States for potential candidates for the judiciary. I endorse this approach and would further like to see such a screening procedure in the Federal system. To this end, I have introduced legislation, proposing a Judicial Service Commission, that would recommend to the President the most qualified men to sit on the Federal bench.

I commend the Commission for its careful and thoughtful study of an exceptionally important area of American life today.

LANGUAGE STUDY AT THE FOREIGN SERVICE INSTITUTE

Mr. FULBRIGHT. Mr. President, the Foreign Service of the United States has become highly proficient in foreign languages. This proficiency has contributed greatly to the professional competence of the Foreign Service officers who execute American foreign policy all over the world. It is an achievement in which the Foreign Service, Congress, and the American people can take justifiable pride, and one for which the Foreign Service Institute's School of Language Studies is to be highly commended.

The measure of the great progress of recent years in Foreign Service language proficiency is the striking increase in the

number of Foreign Service officers who have achieved an S-3 rating—the level of competence at which an individual is judged to be able to make effective use of a language—in at least one foreign language. In 1956, only 1,501 Foreign Service officers out of 3,033 then in the Foreign Service claimed an S-3 level of proficiency in any foreign language. Since then the language program of the Foreign Service Institute has been greatly expanded, with the result that the 3,470 Foreign Service officers on duty in August 1966 possessed a total of 3,206 tested proficiencies at the level of S-3 or above.

The meaning of this in operational terms is that almost all Foreign Service personnel assigned to American embassies and consulates now speak the language of the country to which they are assigned, and many of them speak it very well indeed. Obviously, this linguistic competence has increased the ability of our Foreign Service officers both to represent the United States and to acquire and report information about the countries to which they are assigned.

The success of the Foreign Service Institute School of Language Studies is attributable to two principal factors. The first is the development and use by the school of imaginative learning techniques—techniques which are being widely imitated in schools and colleges around the country as well as in training programs for Peace Corps volunteers.

The second and decisive reason for the success of the Foreign Service Institute language program is the high quality of its administrators, linguists, and instructors. In 1951 the Foreign Service Institute had 14 language instructors; in 1966 it had 116, teaching 30 languages. More important than their numbers, however, are the high qualifications of the instructors: all are well educated native speakers of the language they teach; many have contributed to the language textbooks which are published by the Foreign Service Institute; and, in addition, they are highly regarded by their students both for their teaching skills and their patience and good humor. Equally highly regarded are the professional linguists, who supervise teaching and testing and make frequent visits to the language classrooms to answer students' questions on syntax and usage.

I commend Dean James R. Frith and his colleagues in the School of Language Studies on the high level of the school's achievements. I am also personally appreciative of the generosity of Dean Frith and his colleagues in permitting members of the staff of the Committee on Foreign Relations to improve their professional competence by participating in language classes at the Foreign Service Institute. Several members of our staff are now alumni of the School of Language Studies, and two of our staff members have each studied two languages at the school.

Mr. President, I ask unanimous consent that an article by Dr. James R. Frith, Dean of the School of Language Studies, be printed at this point in the RECORD. Dr. Frith's article, entitled "School of Language Studies Meets Demands of Expanding Diplomacy," was published in the November 1966, issue of the Department of State News Letter.

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

SCHOOL OF LANGUAGE STUDIES MEETS DEMANDS OF EXPANDING DIPLOMACY

(By James R. Frith)

(NOTE.—Dr. Frith, Dean of the School of Languages, took his Ph.D. at Cornell, and in 1957 was appointed Director of the FSI Language School at Nice, France. In 1959 he was brought back to FSI, shortly was appointed Associate Dean of the School, and was appointed Dean in 1966.)

When Henry Lee Smith, Jr., became Director of Language Studies in the Division of Personnel Services on June 1, 1946, Congress was still considering the Foreign Service Act of 1946 and no one knew for sure whether there would be an FSI. But it was fairly sure that the Department wanted a good language program and with Dr. Smith's help would almost certainly have one.

Haxie Smith, as he is known to senior FSO's and to two generations of linguists, had first come to public attention with his 1939–41 radio program in which he named the home territory of participants by identifying their dialects in the style of Henry Higgins in Shaw's "Pygmalion." During World War II he had played a prominent part in developing the techniques of language instruction which came to be known as the Army Method—intensive and systematic speaking practice with a native-speaking instructor under the guidance of a scientific linguist.

Dr. Smith brought these techniques to the Department and began attracting to the new FSI a staff of scientific linguists which most universities would be proud of.

The assembling of this staff, like the founding of FSI, was timely. The dynamic new post-war diplomacy of the U.S. was to be carried out in a vastly variegated linguistic setting. As recently as 1940 it had been possible to transact virtually all of the official business abroad in English or at worst in one of about 12 foreign languages: Arabic, Chinese, French, German, Italian, Japanese, Persian, Portuguese, Russian, Spanish, Turkish, and possibly Thai. In actual fact, French alone would usually serve if English failed.

The compact linguistic world of diplomacy began to break up at the end of World War II. By the time Haxie Smith left FSI in 1955 to head the new department of linguistics and anthropology at the University of Buffalo, FSI was providing instruction, in Washington or at posts abroad, in some 35 languages—and the "break-up" was only well started.

In this period when Indonesian, Greek, Serbo-Croatian and a host of other languages were taking on new importance in U.S. foreign affairs, the English language was likewise taking on new importance among emerging peoples around the world. The demand for instruction in English was growing at an astonishing rate and the learning materials needed to satisfy the demand were sorely inadequate.

It would be a serious omission to fail to note that FSI linguists became deeply interested in the problem. Among the significant scholarly contributions of the period was *An Outline of English Structure* by George L. Trager and Henry Lee Smith, Jr., published in 1951. The textbooks used by hundreds of thousands of foreign nationals studying English in binational centers and other U.S.-encouraged programs bear the FSI mark imposed by the revolutionary Trager-Smith monograph.

The School of Languages which Haxie Smith handed over to Howard E. Sollenberger in 1955 was firmly established and ready for a period of rapid development. The population of the U.S. foreign affairs community had exploded with the establishment of a foreign aid organization and a USIA, and the FSO corps itself was undergoing a sharp expansion. The increasing numbers of people who needed to speak increasing numbers of foreign languages to conduct official business abroad created a situation which began to be called—somewhat vaguely—the language problem.

A long step toward solving any problem is stating it in clear terms. In 1955 the School of Languages proposed the now familiar S- and R- scales. A self-appraisal survey completed the next year revealed that, in the expanded Foreign Service system, only 1501 FSOs out of the 3033 in the service claimed S-3 proficiency in any foreign language.

Sharply increased language enrollments at FSI in Washington were accompanied by an augmentation of FSI-sponsored language study abroad. FSI had maintained branch schools in Peking (1947–49) and Taichung (from 1955 on) for the advanced study of Chinese, in Tokyo since 1952 for Japanese, and in Beirut since 1954 for Arabic. To these were added temporary branch schools in Nice, Frankfurt and Mexico City for French, German and Spanish in 1957.

A regional language supervisor system was added in 1958 to insure worthwhile instruction in post language programs, where enrollment was in the process of soaring from 800 in 1955 to 9000 in 1962. The FSI Testing Unit was established in 1958 to give further definition to the growing language proficiency of the foreign affairs community.

In 1960 Congress added its own statement to a growing body of policy on language learning:

"It is the policy of the Congress that chiefs of mission and Foreign Service officers appointed or assigned to serve the United States in foreign countries shall have, to the maximum practicable extent, among their qualifications, a useful knowledge of the principal language or dialect of the country in which they are to serve."

Textbook problems were demanding attention. When the School of Languages was a small, somewhat self-contained organization on the top three floors of the old 2115 C Street building, the linguists could operate their courses with hand-out material or obsolescent World War II Spoken Language Manuals, adjusting and supplementing as necessary in their classroom visits. The new worldwide program in which half of all FSI-sponsored language instruction took place at posts abroad called for self-sustaining textbooks.

Support from the U.S. Office of Education helped to make it possible for FSI linguists to undertake the writing of the up-to-date textbooks required to meet the needs of the 1960s. In the intervening years they have produced new learning materials for some 40 languages, refining them with each new class in the language (they taught classes in 33 of these languages at FSI in Washington in FY 1966 alone). As the materials have reached a suitable stage of refinement, they have been submitted to the Government Printing Office for publication.

GPO, which started marketing FSI language textbooks to the public in 1960, reported recently that total sales for the 22 languages now available had passed 139,000 volumes. FSI Basic Courses are widely used in colleges, in high school teacher training and in commercial language schools. Training programs for thousands of Peace Corps Volunteers have been implemented with the FSI textbooks for French, Spanish and 13 African languages. And one Yoruba bride is reported to have bought the Igbo Basic Course to learn her husband's language.

In the years of growth and refinement since 1955, there have been time and resources for innovation. The Early Morning Language Program, started in January of 1956, has provided opportunity for off-duty

language instruction for 150 to 200 employees a year.

Under authority granted by Congress in 1960, special three-hour-a-day language courses are offered for wives about to proceed with their husbands to overseas assignments.

A summer intern program for graduate students in linguistics, started in 1965, exposes five or six budding linguists a year to the practical concerns of intensive language training and at the same time reinforces the ties between FSI and the university world.

A Volunteer English Teachers program established last year gives interested outbound wives an introduction to the teaching of English as a foreign language.

There has been cautious innovation also in the field of methodology. Two examples are worthy of note.

Dr. C. Cleland Harris has completed the first 20 units of a new Spanish course incorporating techniques from the field of "programmed instruction." Part of a projected 100 unit course, the material so far completed has proved to be self-sustaining to a considerable extent. For optimum results, however, students meet occasionally with native-speaking instructors for "display sessions." Trial of the semi-programmed materials indicates that they yield a better pronunciation and thus a better start in the study of Spanish than a similar amount of time spent in conventional intensive instruction.

Another line of innovation is being followed in Swahili. Two manuals of "microwave" materials have been developed by Dr. Earl W. Stevick and have been used at Columbia University Teachers College, Syracuse University and the University of Wisconsin as well as at FSI.

"Microwave" materials are designed for use in classes taught by native-speaking instructors. They have two characteristics distinguishing them from conventional materials for spoken language courses.

First, the interval is brief between the introduction of new materials and their actual use in real and meaningful conversation; second, they contain an abundance of information pertaining to the countries in which the language is spoken and depend entirely on fact and truth, assiduously avoiding the fictitious situations and conversations which frequently occur in conventional spoken language courses. The factual and truthful nature of "microwave" materials has lead to the comment that "students earn while they learn."

But lest anyone think that FSI linguists lead a sedentary ivory-tower life, servicing the language needs of the new foreign affairs community involves more than teaching, testing, counseling and textbook writing in the handsome new FSI in Rosslyn. It also involves a lot of travel. In FY 1966, 29 linguists including Regional Language Supervisors stationed in the field made 253 stops at embassies, consulates, AID, Peace Corps and USIA outposts, and at universities and other institutions with Peace Corps training programs.

Howard Sollenberger, who moved up to the job of Associate Director last May, has often remarked that major news breaks on the international scene usually have an immediate effect in the School of Language Studies. Presidential announcements of new appointments alert department heads to sudden and high priority training requirements. The opening or closing of posts presages changes in the student body. Growing or lessening tensions change priorities on textbook projects.

No other tension has matched the effect of Viet-Nam in the history of the FSI language program. Among the languages of the world, Vietnamese ranks somewhere around 25th in number of native speakers. Since 1962, it has risen at FSI from an enrollment of 2 to a recent enrollment of 175 and has become the Number One teaching effort. To prepare for this student body, FSI waged a nation-wide recruitment campaign for supervisory linguists, imported 20 native-speaking instructors from Viet-Nam when U.S. resources had been exhausted, and undertook an intensive program of materials development.

A new twist was stress on the southern dialect—historically, the Hanoi dialect had enjoyed a prestige position and was the focus of most of the extant linguistic research on Vietnamese. The native speaker of either dialect could cope with the differences with a little adjustment—somewhat as the Hoosier and the South Carolinian cope with each other's brand of English. But the American with S-2 Vietnamese had to have the right kind of Vietnamese if he was to understand and be understood. In the new context the right kind was Southern.

New lesson materials were written, reproduced in hand-out form, modified and then, as research and experience showed the way, replaced with new hand-out lessons which began to meet with general approval. A team comprising principally Dr. Eleanor H. Jorden, Charles R. Sheehan and Nguyen-Hy-Quang honed these to the publication stage and brought out three fascicles which provide the base for much of the Vietnamese language instruction going on in the U.S. and abroad today. With adaptation to military needs they have been reprinted in quantity by the U.S. Armed Forces Institute. At this writing the fourth fascicle is almost complete and a combined single volume entitled *FSI Vietnamese Basic Course* is expected to be published by the Government Printing Office before the end of 1966.

The role of the FSI linguists is to set up a framework in which the real task of the language program can be carried out: language learning. Their success depends entirely on the efforts of two other groups of people, the native-speaking language instructors and the student body.

Veteran members of the staff remember a time 15 years ago when the FSI language instructors held a Christmas party in a small language classroom—and there was room for all 14 of them. Today, the full-time instructor staff numbers 116, representing 30 languages.

The language instructors are the real stalwarts of the language teaching process. In class six hours a day, they are the most visible members of the FSI staff as far as students are concerned. Students probably remark more frequently about their patience than about any other single characteristic.

All are well educated speakers of a prestige dialect of their language. They have been selected for poise and personality. Many have contributed to the language textbooks published by FSI. Fourteen are listed as coauthors.

In the last analysis, though, it is the students who perform the most significant function: they learn to speak the languages. And by their efforts the Foreign Service has distinguished itself as a language-proficient group.

By August 1962, 55.6 percent of the FSO corps had been tested at least once at the S-3 level or better in at least one language. A recent survey shows that the figure has risen to 63.8 percent in the last four years; that the 3470 FSOs on duty August 31, 1966 possess a total of 3206 tested proficiencies at or above S-3. Note that some officers have more than one language at or above S-3. In fact more than a fifth of all FSOs have achieved tested S-3 proficiency in two or more languages.

The high level of language competence in the Foreign Service represents an achievement—rather 3206 individual achievements—in which FSOs may justly take pride.

LANGUAGE ARCHIVES: AFRIKAANS TO ZULU

Hidden away in the School of Language Studies is one of the world's largest collections of textbooks for teaching people to speak "hard" languages. Housed in an 8' x 12' inside room jammed with book shelves and pretentiously called The Archives, the collection is a highly specialized reference library for FSI linguists and a handful of other interested scholars. Its varied array of bound, clasped or ribbon-tied editions covers about 130 languages ranging from Afrikaans to Zulu-Xhosa.

CIA INVOLVEMENT IN STUDENT ORGANIZATIONS

Mr. McGEE. Mr. President, many persons have delighted in the recent revelations concerning the Central Intelligence Agency's involvement with student organizations. Some see this, I firmly believe, as an opportunity to burden more criticism on the CIA.

As Mr. William S. White has written in his column, which I have taken from the Washington Post, the facts are not at hand yet and the verdict should be delayed.

Mr. White has observed that in this instance, as in many others, critics have been quick to jump on our Government, perfectly willing to assume that it is inevitably wrong. Mr. President, this is a trait, I think, shared by Americans of various persuasions—but most noticeable among those whose orientation is furthest from the political center, whether they occupy the right or the left wings of our political spectrum. We should give our Government and its agencies more credit. And we should be willing to hear all the evidence before judging their actions in such incidents as the CIA-NSA case. I ask unanimous consent that William S. White's column entitled, "Unfair to CIA," be printed in the RECORD.

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

UNFAIR TO CIA: DELAY VERDICT TILL EVIDENCE IS IN

(By William S. White)

This country's many articulate victims of the great ultraliberal syndrome of our time—that is, a quivering fever of conviction that this Government is inevitably wrong in any conceivable attempt to set off any really tough backfire to the fires of Communist subversion—have again automatically convicted the poor old Central Intelligence Agency.

CIA's crime this time is the disclosure, first made by a violently left-wing and bitterly anti-Vietnam war little magazine called Ramparts, that for some 14 years the Agency has been giving financial assistance to anti-Communist or non-Communist student groups who seek to resist the incomparably more heavily financed Communist program to indoctrinate the universities everywhere and to dominate any and all student conferences on Cold War issues.

Not all of the facts are yet at hand, but the liberal-syndrome verdict of guilty as charged is, of course, already in before the jury has even entered the box. The jury is a group of three officials headed by Under Secretary of State Nicholas Katzenbach which has been charged by the President to look into this business—into all the facts, and not simply into such facts or alleged facts as the lefties have seen fit to produce.

The President's instructions are for a review of any governmental activity that might endanger the independence of the educational community. But the President's instructions do not stop there. For he recalls as well "the great need of American private organizations to participate in the

world community." "Other countries," he observes, "provide substantial subsistence for such activity."

What this means is that for decades the Communists have provided a "substantial subsidy" to every kind of world student convocation so that they could pack these supposedly open discussions with their own people. On the evidence now available, what CIA has mainly been doing is providing the means to non-Communist students to attend these student conferences and offer a point of view different from that of the Communists.

If this turns out to be the truth of the business, and if it turns out that CIA has not mortally corrupted American youth by helping it to participate in student convocations that would otherwise have been totally controlled by Communist stooges, it will be difficult for some people to believe that a capital offense has been committed here.

For the long-observable truth is that Communist money for the indoctrination of students both here and abroad has been most lavishly expended. Any rational man can see as much when he looks at some of the so-called "student demonstrations" which have been occurring on some American campuses under the undoubted leadership of pro-Chinese Communist forces.

But if we want to look at the whole matter of "subsidy" with any honesty we also want to look well beyond what the CIA alone has done. Some of the largest and most prestige-laden of American foundations have for years undeniably offered much shelter to writers and others whose opposition to any strong stand anywhere to Communist expansionism is perfectly clear on the record.

Now, in this columnist's opinion, this is no crime; for there is nothing in the law or in American tradition to forbid multibillion-dollar foundations to give the better of it to the left if they so choose. But it is a little silly to suppose that this form of Foundation money is absolutely chaste or even absolutely private. The simple fact is that it, too, is very near to being public money—that is to say Government money—for had it not all been poured into precisely these foundations a very great part of it would have been quite rightfully seized by Government tax collectors.

The central point of this piece, however, is simply this: There is a spreading American characteristic of self-indictment, alike of the Government under any President and of our national motives at any time, that amounts to a national neurosis.

So let us not for a moment exculpate the CIA; but let us on the other hand be willing to wait for all the evidence before consigning it to the outer darkness.

DISPOSAL OF U.S. MILITARY INSTALLATIONS AND SUPPLIES IN FRANCE

Mr. NELSON. Mr. President, I commend the distinguished Senator from Alaska [Mr. GRUENING] for his fine report on the disposal of U.S. military installations and supplies in France. As chairman of the Subcommittee on Foreign Aid Expenditures of the Committee on Government Operations, he points out the serious deficiencies in property disposal practices by the Department of Defense. He shows the necessity for the Committee on Government Operations to review these practices continually in order to avoid the pitfalls which have befallen this country in its disposal of surplus properties as the result of our pullout from France before April 1 of this year.

The slowness with which both the State Department and the Defense Department acted has caused substantial financial losses to our Government which we might have been able to recoup had these departments been quicker to react.

However, this is only a part of the problem. The Senator from Alaska points out that in the past 17 years since NATO was formed, this country has expended close to $1 billion in France for the construction of facilities which it must now turn over to that country in less than 2 months. We will undoubtedly lose all of this so-called investment.

The report shows that the deployment of U.S. forces for the defense of Europe has cost the United States a huge amount in balance of payments. During the years between 1953 and 1965, our total balance-of-payments deficit was about $28 billion; $16 billion of this was caused by spending on behalf of NATO.

France was a major recipient of this money. U.S. defense expenditures in France during this period accounted for $5 billion of the $16 billion deficit. By the end of 1965, we had spent over $80 million in net U.S. defense expenditures in France. Against receipts of $121 million from the French expenditures, the United States expended over $203 million in 1965. Expenditures were $97 million for the pay of French employees, $35 million for procuring supplies in France, and $66 million for soldiers and airmen in the U.S. military service in France.

In other words, the United States spent 25 percent of NATO defense cost in France, and received only 7.7 percent of the total U.S. NATO receipts from France.

I wish to thank the distinguished Senator from Alaska for bringing these illuminating figures to the Senate's attention in his fine report.

I believe we will be able to help our balance-of-payments problem considerably by the removal of our forces from France and by the eventual reduction of these same troops in Europe by two-thirds.

LARGE NUMBER OF AMERICAN PEOPLE DO CARE ABOUT SENATE RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, one of the most personally heartening reactions to my continuing daily efforts to win Senate ratification of the Human Rights Conventions on forced labor, genocide, political rights of women, and slavery has been the unusually large number of people who have taken the time to write expressing their strong support for ratification.

This should help to put at rest one of the chief criticisms of U.S. ratification; namely, that the American people do not care. Many people do care and care strongly about human rights and about this Nation's commitment to human rights.

These letters are not a part of any organized campaign. They are not form letters. The prose is not identical. They are unsolicited endorsements of U.S. ratification.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from a few of the representative letters which I have received.

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

WASHINGTON, D.C.,
February 3, 1967.

Senator WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: We have read with great interest your recent speeches in the Senate concerning the Human Rights Convention. On behalf of B'nai B'rith, I should like to extend to you our warmest commendations and urge that you continue your efforts to press the conscience of the Senate, so that, through ratification, the United States may resume its rightful role as a champion of International Human Rights and the Return to Law.

Sincerely,

Rabbi JAY KAUFMAN.

SETON HALL UNIVERSITY SCHOOL,
Newark, N.J., February 13, 1967.

Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I have been reading in the CONGRESSIONAL RECORD your speeches and comments on the ratification of the treaties. You have my prayers and best wishes for your success.

Regards,

FRANK MCQUADE,
Catholic Association for International Peace.

NEW YORK CITY, N.Y.,
February 8, 1967.

Hon. WILLIAM PROXMIRE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: Personally and on behalf of the American Roumanian National Committee, I would like to assure you of our continuous support of your action toward winning the ratification of these conventions.

Sincerely,

PAMFIL A. RIPOSANU,

NEW YORK CITY, N.Y.,
February 11, 1967.

Hon. WILLIAM PROXMIRE,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: The American Civil Liberties Union strongly endorses the efforts you are making to achieve Senate ratification of the Human Rights Conventions.

Sincerely,

JOHN SALZBERG,
Alternate Representative of A.C.L.U. to the United Nations.

NEW YORK, N.Y.,
February 9, 1967.

Hon. WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: Your consistent and energetic advocacy of the Human Rights Conventions is very well known, and you have earned the admiration of all of us who share your belief that their ratification by the United States Senate is long overdue.

Very sincerely,

JOHN A. MORSELL,
Executive Director, National Association for Advancement of Colored People.

NEW YORK CITY,
February 10, 1967.

Hon. WILLIAM PROXMIRE,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: We much appreciate your stalwart work in behalf of the Human Rights Conventions, ratification of which is one of the cardinal aims of our pub-

lic affairs program here at the Young Women's Christian Association. Please be assured of our very best wishes.

Sincerely,

BARBARA FISCHER-WILLIAMS,
Consultant on International Relations—YWCA.

CHERRY HILL, N.J.,
February 8, 1967.

Hon. WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your consistent efforts to urge your fellow Senators to ratify the Human Rights Conventions. I have followed your daily speeches in the CONGRESSIONAL RECORD with interest and approbation. Hopefully the United States can soon be listed among the supporters of these important statements.

Sincerely,

ELISABETH FARR.

Mr. PROXMIRE. Mr. President, the people are interested in U.S. ratification of the Human Rights Conventions. These are merely a few of the literally scores of letters I have received articulating that interest.

Let the Senate procrastinate no more. Let the Senate respond to the challenge which history has laid down. Let the Senate ratify the Human Rights Conventions on forced labor, genocide, political rights of women, and slavery.

TRIBUTE TO MRS. FRANK W. BOYD, OF MANKATO, KANS.

Mr. PEARSON. Mr. President, last Friday, February 17, Mrs. Frank W. Boyd, of Mankato, Kans., known as Mamie Boyd to the thousands of her friends in Kansas, celebrated her 90th birthday, and on that same day, at the University of Kansas, she received the William Allen White Award for journalistic merit.

A well-deserved and beautifully written tribute to Mrs. Boyd was delivered by Clyde M. Reed, publisher of the Parsons Sun.

Mr. President, I ask unanimous consent that that tribute, published in the Junction City Daily Union, be printed at this point in the RECORD.

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

CLYDE REED PAYS TRIBUTE TO MRS. FRANK BOYD

This is the day and this is the occasion when we gather to honor a Kansas editor in the name of William Allen White, the most famous Kansas editor of all and a legendary figure for eternity in journalism here at home and around the world.

This is a special day and a special occasion in this series of annual events—coming just one year short of the 100th anniversary of Mr. White's birth.

On this day we will honor a newspaper personage who was a contemporary of Mr. White, who is only nine years younger and is the first of her sex to receive the William Allen White Foundation's Award for Journalistic Merit.

HONOR MRS. BOYD

This would have to be Mrs. Frank W. Boyd of Mankato and northwest Kansas. Mamie Boyd, that's who. No one else.

Your humble speaker approaches this task gingerly with the gnawing knowledge that whatever he says about this remarkable woman, two or three times as much must be omitted because of the schedule imposed upon us by the day's events.

For what other Kansas journalist's life spans the lengthening years from Jim Lane to Jim Ryun, from Carry Nation to Debbie Bryant?

For what other Kansan has led such a satisfying life for so long and still, at the age of 90, is as busy as ever and writing wistfully of the days when she will grow older?

And surely no other practicing journalist in this state has functioned from the days of the Washington hand press and handset type through other methods of production to the offset process that is coming into vogue today.

None but Mamie Boyd, and here we are gathered to pay tribute to her, inadequate though that tribute may be.

ONLY ONE LIKE HER

There is only one Mamie Boyd in all of the broad sweep of our beloved state. Only one, with her unfailing kindness, her unflagging energy, her devotion to high principle, her deep philosophy that has guided her and her brood safely through trial and tribulation, her sparkle that delights friends and those who are strangers but briefly in her presence.

All of this, and still a working newspaperwoman at the age of 90 contributing two columns a week to a Boyd paper, the Jewell County Record in Mankato.

To begin at the beginning in this study of perpetual motion, accelerated rather than slowed by passing years, time flashes back to Friday, December 13—of all days—1876. On a farm near Humboldt, on the fringes of the Kansas Balkans, Mamie Alexander was born and she has been making light ever since of the ill omens associated with Friday the 13th.

She was one of a family of 12 children. There were 10 daughters and two sons. Her father, Joseph McDill Alexander, moved his family to Welda, in Anderson County, a few years later. He was to serve two terms in the Kansas House of Representatives, incidentally, as a Populist in the tumultuous political days of the 1890's.

ENROLLED IN COLLEGE

After working her way through Garnett High School, her thirst for knowledge was only heightened. Family finances did not match her dream and other measures were necessary. Whereupon Mamie Alexander sold her two-year-old heifer for the then munificent sum of $17.50 and was off to Manhattan and Kansas State College, set for a year's schooling in an era when inflation and Ronald Reagan had not yet left their marks upon higher education.

Her wardrobe consisted of what she called one good dress, and two calico numbers for work. Calico she needed for work, too, since one of her jobs in college was with a haying outfit that paid her 25 cents a day.

Through her father's influence—he being the associate editor of a county seat newspaper—Mamie Alexander got a job in the college printing office for the next school year. This work brought her 10 cents an hour and more importantly, led to a romance with Frank W. Boyd, also working as a student printer for the same princely wage.

Mamie and Frank were engaged to be married by the time of graduation from Kansas State in 1902. He went to Phillipsburg as editor of the Phillips County Post for $5 a week. She remained in Manhattan as a teaching assistant to do postgraduate work.

Misfortune then overtook her. Consumption struck, and doctors directed a change of climate. Colorado was the place, they said, and off to Colorado went Mamie Alexander. Life was lonely in strange surroundings for the stricken Kansas girl, and was made bearable only because Frank Boyd had a railroad pass, as did all newspaper editors in that day, and was able to visit her on weekends after an overnight ride on the Rock Island from Phillipsburg.

Ten months in Colorado brought no improvement. Rather her condition worsened.

PROMISED A CURE

"Western Kansas is better for T.B. than Colorado," her betrothed kept telling her. "You come home, we will get married and I will cure you in western Kansas."

Marriage followed on August 15, 1905, and the Boyd newspaper legend began to take root in northwest Kansas. She gathered the news and Frank picked up the ads and put out the paper.

Eighteen months later, the pure, bracing air of this unspoiled commonwealth had indeed cured her illness. Her lungs were healed, and the Boyds looked forward to raising a family.

"I left the office at 6 p.m. one evening," she has written, "and at 6 a.m. the next morning our eldest son McDill was born." He was to learn the business early. His mother bundled him into a baby buggy and pushed it along on her news-gathering rounds. "I locked the buggy and let the wind rock McDill while I went in and got the news."

McDill Boyd soon had a type case of his own, and with a stick in his lap learned the ways of Gutenberg. Six years later the second son, Frank W. Boyd, Jr., came along and "the Boyd Family of Newspaper Folks was complete."

HAD FOUR PAPERS

The pattern of newspaper life in Phillipsburg was the familiar story of county seat journalism in the early days. Phillipsburg could boast of four newspapers. The Boyds purchased the Post for $5,000 soon after McDill Boyd's arrival, through negotiation of a note at the bank. Cash and credit transactions were supplemented by trading subscriptions and advertising for butter, eggs, smoked ham, buttermilk and what Mamie Boyd labels as "garden sass." Stomaches were kept full even if the bank account was anemic. Mamie Boyd remembers them as glorious days—because we were "so happy and so poor."

Death took Frank Boyd, Sr., in 1947, but the Boyd family newspaper enterprises, well grounded by his thorough training, continued to prosper. The two sons, McDill and Frank, Jr.—better known as Huck and Bus—carried on the business with their mother, and indeed have expanded it.

OPERATE SIX WEEKLIES

While not acquiring newspapers at quite the rate of Lord Thomson, the Boyds today own and operate six northwest Kansas weekly newspapers—all of them flourishing as sturdy products of this state's journalism.

The Boyd empire consists of Phillips County Review at Phillipsburg, the Jewell County Record at Mankato, the Hill City Times, the Burr Oak Herald, the Jewell Republican and the Ellsworth Reporter.

Three third generation Boyds are now active in the business—two sons and a daughter of Bus Boyd—and the Boyd tradition is destined to continue many years.

Meanwhile, for 65 years, Mamie Boyd has had a hand in practically everything that has gone on in Kansas—a helpful and useful hand. She is, in the truest sense, a Citizen of Kansas—and Citizen is spelled with a capital C.

She has been as busy in Kansas as in Mankato and is known on Kansas Avenue in Topeka or Douglas Avenue in Wichita as on Main Street in Mankato.

WON MANY HONORS

Honors have poured in on her with the gentle yet continuing force of a spring breeze. She has been cited in Kansas and from one end of this country to the other. She has one of three gold medallions for 50 years of service in journalism awarded by Theta Sigma Phi, national journalistic sorority. She holds the McKinney Award, the only one of its kind, given by the National Newspaper Association in 1966, to "a newspaper editor

and publisher who long has served her community and state with distinction." She was the first to receive the distinguished service award in journalism at Kansas State University where, incidentally, she was the first woman to be president of its alumni association and a dormitory was dedicated in her name on January 14, 1961. Only two weeks ago the Native Sons and Daughters of Kansas gave her an engraved silver tray for 50 years of service to an organization of which she is a founder.

Mamie Boyd was an organizer and is now honorary president for life of the Kansas Press Women and in 1966 was elected honorary president of the Kansas Press Association, perhaps the first such officer it ever had and possibly its last.

Her activities are like those items in a sale bill—far too numerous to list in full here. Suffice to say, they cover the whole broad spectrum of community, state and national interests.

NAMED TO STATE BOARDS

Not the least of Mamie Boyd's distinctions is that she has received appointments from five different Kansas governors. Governor Landon named her to the Kansas State Park Board, Ratner to the State Textbook Commission, Carlson to the State Advisory Commission on Institutional Management, Arn reappointed her to that commission and Avery selected her as a member of the Committee on Status of Women.

Possibly no other Kansan ever has served under five different governors, but then as was said before, there has never been another Kansan like Mamie Boyd.

For years, even when time would have sidelined many others, Mamie Boyd continued to log thousands of miles annually in driving herself about the state. Only when she had reached 87 were members of the family successful in persuading her to give up solo cross-country trips, convincing her that no person of her age should risk getting mired in a Kansas snowdrift. But she still drives her own car in Mankato.

No accounting of Mamie Boyd's life would be complete without reference to her knitting, because seldom is she seen without needles and a ball of yarn in her hands.

She organized a Phillips County Red Cross knitting class in World War I and conservative reckoning is that if all the yarn she has knitted since then were tied end to end it would reach to the moon and back with enough left over to tie into single wraps all of the Boyd papers that have ever been printed.

Out at Manhattan, where she sits on the front row at Kansas State basketball games, they say she never misses a purl even when errant warriors of the court happen to fall into her lap.

For the mere youngsters in this assemblage, those anywhere from 70 years of age on down, the recipe of Mamie Boyd's blooming longevity happily is no secret. It is available to all with her blessing.

HAS SIMPLE FORMULA

That formula is simply stated in these words: "When I work, I work hard: when I sit down to relax, I sit down easy, and when I worry, I go to sleep."

Few have said it better.

"It is magnificent to grow old if we keep young in spirit," Mamie Boyd wrote recently in the Jewell County Record. (As an aside, she maintains three annual scholarships for young women studying journalism at Kansas State, K.U. and Wichita State, one important means of attaining that end.)

"Time has stolen roses from my cheeks, turned my hair to silver, taken some of the sparkle from my eyes," she said in a touching column written on her 90th birthday.

"But time," she went on, "is my ally.

"I am in perfect health, no aches or pains. I extract my vitamins from Kansas sunshine and wholesome food . . .

"I awake each morning after eight hours of dreamless sleep and find myself in possession of a new day—new worlds to conquer, new adventures.

"God willing, I will continue to read, exchange my thoughts with my friends; watch the mental and emotional antics of my fellow men: see the beauty of the clouds, the leaf, the landscape and the crops; marvel at the stars on a clear night; continue to work as my strength will permit and thank God, who made and loves us all, for the privilege."

Here, dear friends, is a human being of great depth, for how many could have written as did she, on that same 90th birthday, these poignant paragraphs:

"I have had the love and understanding of my sons and their families, and many good friends. They have cushioned my loneliness. They have eased my heart-hurt and lightened my sorrow . . . I have strength to face life alone.

"For a time I wanted to go with my family everywhere they went—perhaps hoping to suck the vigor of youth from their vitality. It can't be done.

LIKE TO BE NEEDED

"Gradually it dawned on me that my sons and their families had to lead their own lives, that their families were complete without me. Yes, I know I was always wanted but not needed. There is such a difference . . . Women like to be needed. I have accepted the fact that my children's lives, like an everwidening stream, have left the narrow cove of mine behind . . .

"I have overcome the feeling of not being needed, having shaken it off like a discarded garment. I have lost myself in my work and my memories. It has been said: 'God gave us memory so we could have roses in December.' I have great arm loads of roses, and I clutch them tight when loneliness threatens . . ."

Who could have said that but Mamie Boyd, a most extraordinary woman of Kansas who at the age of 90 and still going strong receives the 1966 Award for Journalistic Merit from the William Allen White Foundation, the highest honor this organization can bestow upon a journalist of its state.

THE CONSULAR CONVENTION WITH THE SOVIET UNION

Mr. FULBRIGHT. Mr. President, I have received a letter from Mr. Walter Reuther, dated February 2, enclosing a resolution by the International Executive Board of the United Auto Workers Union urging Senate approval of the consular convention with the Soviet Union.

In his letter, Mr. Reuther says that the convention "can be of immediate advantage to Americans in the Soviet Union, and it will serve the long-term purpose of relaxing world tensions and moving toward the mutual understanding which must be the foundation of a just and enduring peace."

The United Auto Workers resolution sets the consular convention in the broader context of East-West relations and does so most eloquently. The full text of the resolution was placed in the RECORD on February 8 by the Senator from Pennsylvania [Mr. CLARK].

I ask unanimous consent that the text of Mr. Reuther's letter be printed at this point in the RECORD.

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

OFFICE OF THE PRESIDENT,
February 2, 1967.

Senator J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR FULBRIGHT: Herewith please find a copy of the resolution voted today by the International Executive Board of the UAW, urging Senate approval of the Consular Convention with the Soviet Union. We strongly support the view of President Johnson that this Convention merits your vote. It can be of immediate advantage to Americans in the Soviet Union, and it will serve the long-storm purpose of relaxing world tensions and moving toward the mutual understanding which must be the foundation of a just and enduring peace.

Respectively yours,

WALTER P. REUTHER.

FREEZE ON FUNDS FOR FEDERAL HIGHWAY PROGRAMS

Mr. JORDAN of Idaho. Mr. President, the cutback or freeze on funds for Federal highway programs by the President of the United States has caused grave concern to Members of Congress and many citizens of my State of Idaho. The Idaho Legislature recently adopted House Joint Memorial 2 calling attention to the need for continuation of our present Federal-aid highway program with no disruption. The Governor of Idaho has written to President Johnson asking that a release of these trust funds be given prompt consideration.

I asked the Administrator of the Bureau of Public Roads in the Department of Transportation to explain the need for such curtailment of this important program. In his reply he stated:

> The current limitation on the Federal Aid Highway program is being applied in recognition of the need for reducing Federal expenditures as a contribution to the Vietnam effort and the resultant effort to reduce inflationary pressures. It is effective nationwide and distributed among States on the same basis as the apportionment of funds.

In my opinion the order was unfortunate and unnecessary and will not bring about the objectives the administration expects.

This is a trust fund collected from highway users for highway development programs. It is not in the same category as most funds placed in the Treasury. This money is not available for use in connection with the Vietnam war or for any use except for highway purposes.

The cutback will directly affect not only highway users who have placed the money in the trust fund but also breaks a commitment of Congress to highway administrators, who must plan far in advance, and to engineers, contractors, roadbuilders, suppliers, unions, and other public and private sectors of our economy. To me it does not conform with the intent of Congress.

If this deferment in the full use of trust funds is not terminated, many skilled and highly trained personnel may leave the highway construction program, payments on specialized heavy highway building equipment may not be met, some such equipment may be directed to other jobs, some equipment may depreciate or be made unusable through nonuse, with the end result being delays which may

increase and accelerate inflation rather than deter further inflation. In other words, under the President's stretchout plan, we are certain to get fewer miles of highway construction with our trust fund dollars than if we continue the program under present planned levels.

The saving of human lives must be considered. The fatality rate on the Interstate System, which has already been slowed down through inflation, is roughly only half of that on other highways. It is expected that when the Interstate System is completed it will save 8,000 lives a year.

I fully endorse the principle that we should reduce expenditures for low priority Federal programs in an attempt to balance our expenditures with our income to hold inflation in check and to keep our economy strong and healthy. I do not believe the proposed freeze, or stretchout, as it is called, will assist in this effort.

Mr. President, I ask unanimous consent that the letter of the Honorable Don Samuelson, Governor of the State of Idaho, and the Idaho Legislature's House Joint Memorial 2 be printed at this point in the RECORD.

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

STATE OF IDAHO,
OFFICE OF THE GOVERNOR,
Boise, February 11, 1967.

Hon. LYNDON B. JOHNSON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is my considered opinion that highways and highway improvements in the United States today cannot be considered expendable under any conditions. They are too vital to the total security, safety, economy, and general well being of this State and our country.

The express purpose of this letter, therefore, is to cite my views concerning the position of the Federal Government with respect to the use of Federal-Aid Highway *"Trust Funds."*

I share your concern about the potential of inflation in the United States today. I can also understand at least some of the problems associated with the foreign commitments of our country, especially in Vietnam.

As a patriotic citizen, I recognize the need for sacrifice when the security and economy of our country is involved. But, I am also greatly concerned about the constantly rising accident toll on the highways of our nation.

Thus, it seems incredible to me that, within a very few months after passage of national highway safety legislation, your administration has taken an action which has effectively torpedoed a prime means for saving lives on the highways and streets of the entire United States.

I am, of course, referring to the November Administrative Order freezing the obligation of Federal-Aid Highway Trust Funds at a 3.3 billion dollar level for fiscal year 1967. Now, I am advised, you are considering a further 400 million dollar deferment of highway fund obligations for this same period.

I am convinced that actions, such as that taken in November, and now again proposed in greater depth, are truly not in the public interest. Such deferrals, and subsequent restarts in the highway program, will create chaotic problems for highway administrators, engineers, contractors, materials suppliers and numerous other elements of both public and private sectors of the economy.

In Idaho, your November action has reduced the scheduled award of highway contracts during fiscal year 1967 by more than 30 per cent over that anticipated from normal "Trust Fund" revenues. This will have an extremely serious impact on the total economy of this State.

I find this especially critical at this time since I am advised that several major Idaho highway projects, representing some $9.5 million of work scheduled for contracting late in 1966, are ready to contract. Under your holdback order, these projects must now be indefinitely deferred.

The highway construction program represents about 25 per cent of Idaho's heavy construction work and about 30 per cent of heavy construction employment.

Any reduction in the highway program reflects proportionately upon the supporting heavy equipment and material industries. Bond, insurance and financing institutions will incur a commensurate loss of business. Marginal operations, business failures and serious unemployment will result from any prolonged delay in the release of full "Trust Fund" authorizations.

I would emphasize the connotation "Trust Funds" because I believe this is exactly what the Congress intended this fund to be. Monies deposited to this fund have come into being through taxes which the highway user pays on tires, gasoline, oil and other accessories.

These monies have been deposited in the Treasury for trust keeping. They are the funds of the people and are committed to the orderly development of highways. I firmly believe that we have a moral contract with the highway users of our country to make improvements and additions to our highway systems as rapidly as the funds which the user pays become available for such use.

I cannot concur that it is in any way consistent for the Federal Government to stress highway safety and to specify penalties for not developing a safety program and, at the same time, cut back highway development which would provide safer facilities and substantially reduce the highway toll.

It is my strong position that there is no valid reason for considering any further deferment of "Trust Fund" apportionments to the several States. Additionally, I would respectfully request that those "Trust Fund" monies currently being withheld from the States, and which have been authorized by the Congress of the United States be released to the States at the earliest possible time. This should be no later than July 1, 1967.

In the future, I respectfully submit that appropriations, in the full amount authorized by the Congress, should be made to the several States, as the dates for such appropriations are reached. For the sake of all states, there should be no further deferments in amounts authorized to the States from the Federal-Aid Highway "Trust Fund" as long as there is an operating balance in this fund.

Your careful consideration to the statements contained in this letter and affirmative action on the release of "Trust Funds" now being withheld from State use will be greatly appreciated. The security, safety and economy of our country calls for such action.

Respectfully yours,
DON SAMUELSON, *Governor.*

HOUSE JOINT MEMORIAL 2

A joint memorial to the Honorable President of the United States, and the Senate and House of Representatives of the United States in Congress assembled

We, your Memorialists, the Senate and House of Representatives of the State of Idaho, respectfully request that:

"Whereas the Federal Aid Highway Act of 1956 and other federal statutes, created and established a program for the construction of a system of interstate and defense highways, and federal-aid primary and secondary highways with urban extensions in the state of Idaho and the several states of the nation; and

"Whereas the federal statutes have defined the sources of revenue and have dedicated the funds exclusively for the timely and orderly development of the highway system; and

"Whereas for the past decade the federal government has urged the state of Idaho and this state's highway industry to step up construction, and Idaho has been most cooperative in this regard as is evidenced not only by the accelerated highway program but also by the training and establishment of a skilled work force, and by the large, long-term capital investments undertaken by contractors, subcontractors and material suppliers to meet this commitment; and

"Whereas the construction team of working men and equipment, of professional engineers and contractors, once developed and operating efficiently, cannot be sustained if the financing becomes spasmodic and unreliable; and

"Whereas it has been definitely demonstrated in Idaho that better highways save the time, lives and money of our citizens, and that the consequences of a reduction in highway improvements would adversely affect the well-being of our citizens and cause further suffering and tragic loss of lives; and

"Whereas the orderly development of these modern highway systems is essential to preserve the national defense by providing the means of moving expeditiously the critical weapons, materials and personnel, and of coping with the aftermath of natural disasters or nuclear attack; and

"Whereas the rapid and convenient transportation of field crops, dairy and food products, livestock, lumber and minerals from the farms, ranches, mines and mills to distant consumer markets is essential to preserve these basic industries in the state of Idaho, and to expedite the flow of commerce between states: Now, therefore, be it

"Resolved, by the Thirty-ninth Session of the Legislature of the State of Idaho, now in session, the Senate and House of Representatives concurring, That we respectfully petition the President of the United States, although justifiably concerned with the inflationary trends developing throughout the nation, to reconsider his decision to cut back on this most vital and necessary federal-aid highway program which, if not continued in an orderly fashion, will have lasting adverse effects upon the national defense and the economic stability of the state of Idaho and the several states. Be it further,

"Resolved, That the Chief Clerk of the House of Representatives of the State of Idaho, be, and he is hereby authorized and directed to forward certified copies of this Memorial to the President of the United States, to each member of the Idaho congressional delegation and to the leadership of the Senate and House of Representatives of the United States."

COMMENT ON TESTIMONY OF AMBASSADOR EDWIN O. REISCHAUER BEFORE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a letter published in the New York Times on February 8, written by Reinhold Niebuhr, and commenting on Ambassador Reischauer's testimony before the Committee on Foreign Relations on January 31, 1967.

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

REISCHAUER'S WAR STAND

NEW YORK, N.Y.,
February 2, 1967.

To the EDITOR:

I am among those who believe that Ambassador Edwin O. Reischauer's testimony before the Foreign Relations Committee of the Senate is the wisest and most remarkable comment on our situation in Vietnam that has come to the attention of the American people. His illustrious role as Ambassador to Japan and his knowledgeability as a specialist on Asia means that the points he makes must be heeded by all thoughtful citizens, and one hopes they may be heeded by the Administration.

Mr. Reischauer's frank admission that it was a mistake to be involved in a civil war in Vietnam; and that it is now difficult to withdraw, not because of the loss of face, but because of the loss of trust among those who had been our allies in the fateful struggle, gives new light in a dreary era in which constant escalation is justified by our political leaders with only various ambiguous justifications.

Fortunately, The Times gave generous excerpts from Ambassador Reischauer's testimony in the edition of Feb. 1, and the educational network (why not the commercial networks also?) allowed us to see him in action as he tussled with members of the Senate Foreign Relations Committee on various viewpoints. Some believe that this may have been a turning-point in our fateful Vietnam involvement.

Mr. Reischauer's testimony, in modern parlance, was that of a "dove" rather than a "hawk." But his realization of the realities of Asian politics and the importance of saving not our face but our honor may make his testimony unacceptable to both hawks and doves. One can only hope it will be acceptable to both the people and our political leaders.

REINHOLD NIEBUHR.

ARCHBISHOP LUCEY SUPPORTS FEDERAL GRANT FOR FAMILY PLANNING

Mr. GRUENING. Mr. President, when I returned from the Mexican Interparliamentary Conference this week, it was my privilege to read the full text of the statement concerning responsible parenthood by the Most Reverend Robert E. Lucey, the archbishop of the archdiocese of San Antonio. The statement of this ranking prelate of a great State on an issue of worldwide concern seems to me important because it succinctly defines why public policy and private morality can properly coexist. Man has the civil right and the duty to follow his own conscience.

My attention was first drawn to Archbishop Lucey's statement on the morning of January 20, as I read the New York Times. According to the United Press International news story, the archbishop was quoted as saying:

> Human beings should be judiciously informed of scientific advances and exploration of methods by which spouses can be helped in arranging the number of their children.

His statement was made at the time the San Antonio community submitted an application for $2 million for economic opportunity development programs which included $209,888 for the funding of 12 family planning clinics in San Antonio and Bexar County.

The archbishop said, and again I quote from press reports:

> The Planned Parenthood Association shares with us a desire to inform married parents of their responsibility to society in bearing children. Our agreement as to how this may best be done is only partial, but we have an assurance from the officers of the Association that they welcome our collaboration in their expenditure of public funds in this field of delicate human relations, and that the religious convictions of their clients will be scrupulously respected.

This helpful commentary by a distinguished American archbishop brings to bear religious principles as applied to social and civil problems. In fact, in his statement of January 16 Archbishop Lucey related his remarks to the teaching of his church in the Vatican Council in quoting special excerpts from the "Decree of the Church in the Modern World."

On January 23 the distinguished senior Senator from Texas [Mr. YARBOROUGH], who has spoken many times about the population problem, placed the news accounts of the statement in the CONGRESSIONAL RECORD so that readers of the RECORD could share the thinking of his distinguished Texas constituent.

On January 26, 1967, I wrote to Archbishop Lucey requesting the complete text of his thoughtful statement. I felt that it should be shared with all Members of Congress, especially the members of the Subcommittee on Foreign Aid Expenditures of the Committee on Government Operations, which has been looking into the problems that are causing and that have created the population crisis both at home and abroad.

Archbishop Lucey has expressed his hope to me that his memorandum will be helpful to the Subcommittee on Foreign Aid Expenditures. Indeed, it is, but, more important, it offers a valuable insight into approaches to the solution of the population explosion.

As Archbishop Lucey says in his concluding paragraph:

> Realizing that it is the duty of the Church not only to instruct its members on what is sinful but also on what is good and decent, we acknowledge our obligation to give necessary instruction to our people and to offer cooperation to men of good will for the well-being of our community and for the peace of conscience of our people.

Mr. President, I ask unanimous consent that the full text of the archbishop's statement be printed in the RECORD.

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

STATEMENT BY MOST REVEREND ROBERT E. LUCEY, ARCHBISHOP OF SAN ANTONIO, JANUARY 16, 1967

Some of our fellow citizens sincerely believe that the Catholic Church advocates irresponsible parenthood. They imagine that our motto is: "The larger the family, the better for everybody." This is not true as the following excerpts from Vatican II will reveal:

"Parents should regard at their proper mission the task of transmitting human life and educating those to whom it has been transmitted. They will fulfill their task with human and Christian responsibility."

The Church also teaches that parents have the freedom and the responsibility ultimately to pass judgment in the sight of God as to the size of their family. Here is what the Council declared:

"Marriage was not instituted solely for procreation. In view of the inalienable human right to marry and beget children the question of how many children should be born belongs to the honest judgment of the parents. Since the judgment of parents supposes a rightly formed conscience it is highly important that everyone be given the opportunity to practice upright and truly human responsibility. This responsibility respects the Divine law and takes account of circumstances and the times."

The Council also condemns unnatural methods of family regulation and states:

"Sons of the Church may not undertake methods of regulating procreation which are found blameworthy by the teaching authority of the Church. Human beings should be judiciously informed of scientific advances in the exploration of methods by which spouses can be helped in arranging the number of their children. The reliability of these methods should be adequately proven and their harmony with the moral order should be clear."

These quotations taken from the Decree on The Church in the Modern World reveal the attitude of the Church regarding the problem of family planning.

The Planned Parenthood Association shares with us a desire to inform married parents of their responsibility to society in bearing children. Our agreement as to how this may best be done is only partial but we have an assurance from the officers of the Association that they welcome our collaboration in their expenditure of public funds in this field of delicate human relations and that the religious convictions of their clients will be scrupulously respected. A Divine mandate has not been bestowed on Catholic citizens to prevent non-Catholics from receiving certain privileges approved by civil law. If these privileges are contrary to Divine Law we may not compel our fellow Americans to renounce them.

Realizing that it is the duty of the Church not only to instruct its members on what is sinful but also on what is good and decent, we acknowledge our obligation to give necessary instruction to our people and to offer cooperation to men of good will for the well being of our community and for the peace of conscience of our people. Therefore, I approve of a grant of Federal funds to this Association as described above.

NUCLEAR SHIP "SAVANNAH" SHOULD BE KEPT IN COMMISSION

Mr. PELL. Mr. President, so much of this country's reputation for developing new ocean technology rides in the nuclear ship *Savannah* that I believe all efforts should be made to keep her in commission. Also involved is our expensive program to demonstrate the desire of the United States to harness nuclear power for peaceful purposes.

The Newport Daily News has published an excellent editorial on this important topic which forcefully expresses my views and, I am sure, those of many thoughtful Americans.

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

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

PEACE SHIP "SAVANNAH"

The experimental nuclear-powered ship Savannah was built after President Dwight D. Eisenhower proposed in 1955 that the United States construct a nuclear-powered peace ship to demonstrate the peaceful uses of atomic energy. The 587-foot 21,800-ton vessel was completed in 1961 at a cost of about $40 million. To the Maritime Admin-

istration, it was to be the first of a great nuclear powered merchant fleet.

The announcement that the Savannah is to be taken out of service and laid up when the subsidy contract for its current operation expires Aug. 20 has, understandably, brought cries of anguish from the labor unions and regret from the Maritime Administration.

The Savannah will have had only two years of actual commercial service. It has been plagued by high operating costs for liability coverage, and the cost and technical difficulties of staffing the highly trained crew. Also, there was the difficulty of reaching agreements with unions wary of highly automated vessels.

The operating line insists the Savannah is safe, but insurance firms expressed concern over the possible damage from radiation in a collision or other mishap. The experience with the Savannah would seem to refute that fear, for it has been safe from mishap. The unions immediately urged its continuance.

Perhaps the mere announcement of stoppage will bring all elements together to smooth out the difficulties. Nuclear-powered vessels should not be abandoned on a slim two-year trial. The United States has pioneered in this field, where it has fallen far behind in conventional merchant ships. It should build on its advantage, not scrap it.

VICE PRESIDENT ADDRESSES GREAT LAKES GATHERING

Mr. PROXMIRE. Mr. President, Vice President HUMPHREY recently addressed a meeting in Washington of the Council of Lake Erie Ports, and he had some mighty interesting and encouraging things to say. As chairman of the Great Lakes Conference of Senators, I am all too aware of the difficulties faced by the lakes in the months and years ahead. We are threatened with a toll increase that could be disastrous to commerce on the St. Lawrence Seaway. We have to fight, and fight hard, for our fair share of military cargo shipments. We are not getting dependable American-flag service into the lakes in any kind of volume at all.

But we are working, both through the Great Lakes Conference of Senators and through the Great Lakes task force, composed of a number of Great Lakes organizations, to meet these problems. As the Vice President so cogently said:

> We have to learn how to work together, and how to give a little, and how to adjust ourselves to the needs of other groups. I am pleased, therefore, to see that the public and private groups in the Great Lakes States are awakening to the full potential of cooperative action in areas of common concern.

Vice President HUMPHREY brought more than his wise advice to the meeting, however. He brought good news. He told the group that, as Chairman of the Council on Marine Resources, Engineering, and Development, he has directed the council to "start to concentrate our attention also on the Great Lakes." The Vice President also said that the new Secretary of Transportation, Hon. Alan Boyd, "is a strong supporter of the Seaway. I know that because I spoke with him about it last night." This is very, very good news to all of us who represent the lakes.

I, for one, am very hopeful that this spirit of support will manifest itself through an alternative to a Seaway toll increase.

Mr. President, so that Senators may read the Vice President's excellent statement I ask unanimous consent that it be printed at this point in the RECORD.

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

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY TO THE COUNCIL OF LAKE ERIE PORTS, STATLER-HILTON HOTEL, WASHINGTON, D.C.

As I look over this audience rather quickly, I see a number of good friends, from organizations representing the ports in all the Great Lakes states.

I wanted to come to this meeting because I think it is long overdue. I know that many of you have given years of your private and public lives to the development of those great water resources known as the Great Lakes.

This body of water is possibly the most valuable earthly possession that this country has. No nation on the face of the earth is blessed with such a mass of fresh water, as are we in the United States and our sister nation to the north, Canada.

The Great Lakes have been a bond of friendship between our two great nations, rather than a source of rivalry or antagonism or tension. This friendship represents what we are trying to get other people in the world to think about: a great region, where you can have mutual cooperation and mutual development for the benefit of all. Every place that our diplomats visit, or wherever our President travels, or wherever any of our people go, we always remind our friends in other parts of the world that they should find ways to join together with their neighbors.

The Mekong River project is one example. Or consider the Jordan River development. We go from one end of the world to the other and suggest: "Now, if you could just get your hands close to a bit of water, whether it is a river, or a lake, or a watershed, you can find something that will hold you together and, in a sense, almost compel you to work together for the common good.

That's what the Great Lakes have been, a stream of friendship for eternity between two great Nations, and two great peoples.

Now Divine Providence blessed us with this great and valuable resource of the Great Lakes, and, speaking frankly, we haven't taken very good care of it. It is like a man who has been blessed with good health all his life and seems to think that somehow or another it will always be that way. Only when he finds that the blessing of good health is fast leaving him does he remember the warnings he should have heeded and the precautions he should have taken.

Well, that is what is happening with us and the Great Lakes. This incredible resource of fresh water is something that never can be replaced, and yet for many purposes, it can be destroyed in the decades ahead. And I mean in just a few decades, unless we take mighty good care of it.

I must say in front of my hosts, the Council of Lake Erie Ports, that one of the real tragedies of America is the pollution of that beautiful lake, and of others. We can't let that happen, and we don't need to let it happen. Now we must begin to reverse the destruction of our lakes and rivers, even though it will take many, many years to see any success or any real accomplishment. And cleaning up polluted waters will take the talents and perseverance and cooperation of everyone—industry, local, state and federal governments and dedicated individuals like yourselves.

The Vice President has been chosen, by Act of Congress, to be the Chairman of the Council on Marine Resources, Engineering and Development, the field commonly known as oceanography. Now most oceanographic work previously has been directed toward the open seas, towards the vast oceans.

But as the Chairman of the Council, I directed, this past week, that we start to concentrate our attention also on the Great Lakes. Now, all our activities in oceanography—including pollution abatement, increasing our fish resources and improving transportation—will be directed towards the Great Lakes as well as towards the oceans.

Now a few words about transportation. As all of you well know, transportation has become one of the primary considerations of this Government, and it is surely a primary consideration in the cost of industrial and consumer products. I think it is for this reason, because of this great concern over distribution and transportation in the modern economy, that we have elevated transportation from just an ordinary word to one with a capital T and Cabinet status.

This within itself tells its own story. Transportation is so fundamental that it stands right alongside of Defense and of Treasury and of the other great departments of government, as a matter of vital concern to the people of this Republic.

As this new Department of Transportation develops, both in structure and purpose, the Great Lakes are going to be an integral part of its thinking. For example, the St. Lawrence Seaway is high on the list of priority concerns of the Department of Transportation.

Secretary Boyd is a strong supporter of the Seaway. I know that because I spoke with him about it last night. He understands the importance of the development of this Seaway not only for today, but for the years ahead.

This is the commitment of the President of the United States, who voted for that Seaway. This is the commitment of the Vice President of the United States. I am not going to forget my heritage, and I am not going to forget the immense value of these great bodies of water known as the Great Lakes, this great St. Lawrence Seaway, and that great heartland of America which I think represents the future of this Nation.

But I must speak quite candidly. The fact is that over a long period of time, those of you, and all of us in the Great Lakes area, have not joined together enough to foster our common goals. It is no secret that other areas of our country long ago combined their energies and their collective public and private interests, to enhance the welfare of their particular area, and thus indirectly the welfare of the entire country. But while they did so, we enjoyed such great Teutonic-Nordic independence that we almost killed each other off.

I remember what my father told me once, as a boy. He said, "You are not nearly as smart as you think you are, son, so I advise you to work a little bit harder than anybody else so that you can stay even." I've tried to do that and, anyway, when you are "number two" you always have to try harder.

So it is very gratifying to me to see you trying harder, too; to see that at long last there is an effort being made to organize the shipping groups, the ports, the terminals and the other public and private interests of the Great Lakes to take effective action in support of transportation and other policies relating to the Lakes.

We are taking a very important step here, in this meeting this morning, and I know that you are going to continue.

Additionally, as you know, there has been a lack of effective liaison with Congress. Now I just give you this word of advice: don't make a single move that you do not bring to the attention of your Representa-

tives in the Congress. The Congress of the United States is a mighty potent body, and it ultimately formulates United States policies on transportation, water resources, recreation and the St. Lawrence Seaway. The President can lead, the Executive branch can administer, but ultimately the Congress will have its way. I spent 16 years there and I haven't forgotten that great privilege. I am one who is very proud of the Congress.

The Great Lakes area Representatives and Senators are men who should be brought into your councils. They want to know more. They want to work with you. And what we need to do for the good of this Nation today, is to get this group of men working together on the same wavelength, making the adjustments that are necessary to achieve a common policy.

Compromises will be required. You know you can't just do everything for the Port of Duluth and forget all about all the other ports. Or you can't do everything for Lake Superior and forget the other Lakes. (I speak of the area that was closest to my constituency at one time.) We have to learn how to work together, and how to give a little, and how to adjust ourselves to the needs of other groups. I am pleased, therefore, to see that the public and private groups in the Great Lakes States are awakening to the full potential of cooperative action in areas of common concern.

Now you are here to think ahead. Let me then, for the remaining three or four moments, challenge you to look ahead in transportation and in other fields concerning the Great Lakes.

Last week I heard Thomas J. Watson of International Business Machines speak about the future. He pointed out that because of automation and increased productivity in most industries, the work week by 1980 may be down to 27 hours. In the year 2000 it will be 22 hours. He projected figures for the elderly, or those who used to be called elderly. They will be retiring, no longer at age 65, but at a much earlier age.

Then, he asked, what will we do with that extra time? I never heard a man give a more profound speech, as he pointed out the importance of looking ahead for productive and constructive living in the year 2000.

Most of the people in the audiences that I talk to today, gentlemen, are going to be alive in the year 2000. And if we are worth our salt, as individuals and as a Nation, we will be thinking about the year 2000.

Well, what is it going to be like on the Great Lakes in the year 2000? What kind of Lakes are we going to have? What is going to be on those shorelines? Do you know that the greatest population and industrial growth in the last third of the 20th Century is projected for the Great Lakes region?

How much recreational area are we going to have for all those people with all that leisure time? What is going to be done about transportation? What about the fish life? What about the need to keep the Great Lakes water level where it needs to be?

What about our relations with our neighbors to the North, our Canadian friends? And what about the Seaway? How can we best jointly plan for the day when waterborne traffic exceeds the capacity of the Welland Ship Canal or the Sault Sainte Marie Locks?

I wonder if we are thinking far enough ahead. I wonder if we are really planning the kind of economic and social development, the kind of infrastructure, the kind of public and private organizations that we will require.

I hope you will consider these questions, think about them and write down some of your thoughts. I hope that you will combine your efforts, and send to me, as your Vice President, a memorandum, or a series of them, on the long range problems of the Great Lakes, particularly those of an international nature.

I will see to it that those recommendations get into the channels of this government when it counts, so that your observations and recommendations are given first-class, top-level consideration.

There can be no truly representative responsible government unless it is also a listening government. We want to listen to you. My door is always open, and I try to keep my mind open, too, so that I can learn and be of help to you.

I want to thank you for inviting me, and I hope your work and your efforts today bear fruit. Building the Great Lakes region means building the United States and it means building cooperation with our Canadian neighbors.

I can think of few things more important today.

Thank you very much.

OUR FOREIGN AID PROGRAM IN POLAND

Mr. MUNDT. Mr. President, recently Mr. S. Hirsch, Jr., editor and publisher of the Fort Lauderdale, Fla., newspaper, wrote a column concerning the work of the Subcommittee on Foreign Aid Expenditures of the Committee on Government Operations. The column explains the framework used by our subcommittee chairman, the distinguished Senator from Alaska [Mr. ERNEST GRUENING], in preventing the giveaway of U.S. funds to Poland.

I ask unanimous consent that the column be printed at this point in the RECORD.

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

OUR 2 CENTS WORTH

NOW JUST WHO IS THE DOPE

During the past few years there has been a popular series of jokes called, "The Polish Jokes". They are repeated in jest and all make the point that the people from Poland are not very bright. A typical Polish joke runs like this: Why does it take 5 Poles to make popcorn? Answer—One to hold the pot and four to shake the stove. There are hundreds of jokes in this vein and they are all based on the fact that the folks from Poland are dumb. The true facts of life prove that the Polish government is real sharp . . . and our U.S. State Department is real stupid.

Just how really stupid our State Department really is can be shown in the following shocking facts . . . facts that have been confirmed by the Senate Subcommittee on Foreign Aid Expenditures. This Subcommittee is headed by the very able Senator Ernest Gruening of Alaska, a dedicated public servant who deserves the support and help of every American. What he has found out should turn the stomachs of every American. For example:

The State Department is about to give Poland a $65 million handout. This is the money due in the next five years for food that we sold to Poland. Since 1957, Poland has conned us out of $538.23 million in aid. They have broken every promise to pay us back and as of October they are in default $32 million. Not only is the State Department planning to wash that debt off the books but they are also thinking of knocking out an additional $32 million due in the next five years.

Poland is a dedicated communist country who is providing tremendous military support to North Viet Nam. Their guns are killing our boys right this minute. They also never miss a chance to tear us apart in the world arena of public opinion. Our economic aid to Poland supports the Polish economy . . . an economy geared to kill Americans. We cannot think of anything more stupid or disgusting . . . and that is just part of the story.

Did you know that Poland has never paid a cent towards their pre-World War II debt of $337 million, and the chances are that they never will make a payment.

Did you know that John Cabot, former ambassador to Poland, reported to the State Department that we have been grossly overcharged for leasing land for our embassy in Warsaw. He terms the costs, "preposterously expensive and a hold-up".

Did you know that in our agreements with Poland they were to pay us back on the basis of 24 zlotys to one dollar and yet in other transactions on the market the Polish government allows 80 zlotys to one dollar.

Did you know that in all our agreements with Poland we do not require payments to begin for 30 years and in one case they need not begin paying for forty years. And, please note, no interest is charged on the loans! We wonder how many Americans can borrow money from our government on such terms.

Mr. Cabot reports that our aid has helped the Polish government tighten their stranglehold on the people. It has been a great help supporting the war economy of Poland. We supply the food which allows them the time to devote to more important things . . . such as making guns and bullets to kill Americans.

We believe this is just one more example of the stupid policies that have made our country the fools of the world. This is the work of the professional stripe pants brigade in our State Department . . . a sad collection of misfits who have entrenched themselves in Washington.

Senator Gruening has called for explanations from this crew . . . and will even call Secretary Rusk before his committee. Can you fight city hall? Can the voice of one American citizen be raised in protest to such policies? We believe it can by telling Senator Gruening and the members of Congress who represent Florida that this stupidity must come to an end . . . Now! Don't wait until the other fellow raises his voice because it may come a day too late. The next bullet from Poland may find its objective in the body of someone you know or love.

The popular jokes that say that Poland is stupid are way off base. The Polish government is real smart. The stupid fools are having a party in the U.S. State Department . . . and it provides a disgusting display that makes all Americans ashamed and angry.

S. HIRSCH, Jr.,
Editor and Publisher.

FORMER MARINE COMMANDANT QUESTIONS VIETNAM

Mr. HARTKE. Mr. President, Gen. David M. Shoup, retired Commandant of the U.S. Marine Corps, has provided me with a copy of a vital speech which he made last year to the 10th Annual Junior College World Affairs Day, held in Los Angeles on May 14, 1966.

General Shoup, whom I quoted in last week's colloquy on Vietnam, questions whether our escalation of the war in Vietnam is in the best interest of the United States. As I quoted from his speech at that time, he has said:

> I don't think the whole of Southeast Asia, as related to the present and future safety and freedom of the people of this country, is worth the life or limb of a single American.

There is more, much more; and what General Shoup has to say takes on added significance from the fact that he has had experience in Asia and has served his country with great distinction. He

is a much decorated combat leader who wears the Medal of Honor for his heroism at Tarawa in World War II. His views on the question of Vietnam are vigorously expressed in his speech.

Mr. President, I am sure that this great voice should be added to the debate on the side of sanity; one which I hope will be heard and appreciated by all Americans. I ask unanimous consent that General Shoup's speech be printed in the RECORD.

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

REMARKS BY GEN. DAVID M. SHOUP, U.S. MARINE CORP (RETIRED), AT THE 10TH ANNUAL JUNIOR COLLEGE WORLD AFFAIRS DAY, PIERCE COLLEGE, LOS ANGELES, CALIF.

To this fine cross-section of America's future, the students, their friends; and their teachers, good afternoon!

Thank you General Coursey for such a generous introduction. Somehow it makes me feel as if I should sit down now and let the facts catch up with the legend. One thing was correct though. I did major in math. And I learned a lot about figures. It is rather distressing to note that young men today seem to use figures only to help get on the moon. But I am gladdened when I can see so plainly that the young ladies still are using figures to get on the honeymoon.

It was an honor to be invited to make a few remarks here today. But it is not an enviable position to be the last speaker, and have to follow such a fine program in which you have been privileged to participate. I do hope listening to just one more talk will not drive you into the Valley of the Dolls.

Soon after accepting this assignment, I realized that perhaps I'd made a gross error. Faced with this predicament, I talked with many of my friends, searching for help. Their reactions were varied. Some said, "You were stupid to accept. You don't have anything in common with these young people."

I didn't agree that we have nothing in common. I think we do. How about this? We were all brought into this world at birth without any solicitation on our part. And at that very moment we were sentenced to death by the same great Creator that gave us life. Between these two events there is a relatively tiny speck of time that is ours. Albeit, of this, we are doomed to sleep away at least one third. This, we have in common.

Soon we realize that "created equal" means equal at birth and death. But what about that tiny speck of time in between? Man will use most of this time doing things to show his differences, prove his superiority to his fellow men. This, we have in common.

Already you have come to know, as have I, that the foot of man has not always made the same track, nor his hands fashioned the same tools; but essentially his problems remain the same. Basically, they are the satisfaction of his physical and mental gnawings, and his fellow man. This, we have in common.

By this discourse, it is not intended to bring on distress or hasten despair. I just want to point out to you that all generations do have some important things in common. I want to make an observation; and I want to leave you with a question to ponder.

You've heard a few things I think we have in common. My observation is, that in your life time your greatest problems will be people. Aren't most of our rules and laws and even a great part of our Constitution designed to protect people from people? Yes, your real enemy in war or peace will be people. So, study them. Read, read, read. Try to find out why they do do like they do do.

Now the question: What are you going to do with this tiny speck of time that is yours? It's shorter than it was when I first mentioned it, and for most of you, one fourth of your total allotment is already gone.

Are you just going to reproduce excessively and multiply the already painfully perplexing people problems? Or will you also sincerely and actively participate in what I believe to be man's most noble efforts on earth—first, his struggle to free mankind from the affluent who gorge on delicacies, while children starve for the lack of milk and bread; and, second, his striving for peace on earth?

I suppose there are loads of things to talk about. And this reminds me of a story that may prove timely. This risk I take full well knowing that there's probably no story I could tell, well here anyway, that won't be old-hat to you.

I don't propose to dump the whole load here either. I do plan to throw off a few forkfuls as a kind of fertilizer for your thinking.

I will try to deliver this buu—I mean Vigoro, in four packages: (1) Confusion and Compassion; (2) Communism and Confrontation; (3) Combat and Conscription; and (4) Conclusion.

CONFUSION AND COMPASSION

Now a little about this confusion which a lot of writers and most of your elders specify as being the universal state of mind of the student today. You are just a generation of confused, superficially animated asci, so they say. I'm certain your confusion is doubly justified and I'm pretty sure that at least, you're not asexual. Let me cue you in on a little secret. These same people that place students in the category of the confused are just as confused, always have been, and always will be. They've simply suffered more years of it and have accepted it as the normal state of man. And thus they are mistakenly surprised that young students are confused.

There should be no wonderment about it. First, you're taught there is a Santa Claus. Lovely thing at the right time. But a lot of people want you to keep believing this for your whole life. In fact, they want you to be about as vibrant and thoughtful as the inhabitants of a second-hand wax museum.

You are taught that Columbus was the first to discover America which is as false as my grandmother's teeth.

You are taught that our people can get what the majority wants, by the ballot. Well, we got President Wilson that way because his campaign slogan was, "He kept us out of war." A few days after his inauguration we were in the First World War.

I don't have to tell you what we have now, how we got it, nor what's happened since. You've seen it happen.

You learn that when military forces are fighting and killing and maiming each other with rifles, cannon, napalm, and bombs, that that's war. There's something of that kind going on now but confusingly enough this isn't war.

Everyone talks peace, peace, World peace, while for years our government has sold or approved the sale of hundreds of millions of dollars worth of war material to other countries. Confusing?

You're taught how in August 1619 the Dutch man-of-war came to the Jamestown plantation and offered by auction twenty Africans, so starting the slave trade and slavery in America. But of course we started slave trade ourselves by capturing Indians and selling them into slavery in the West Indies.

You learn how later we emancipated all the descendants of these Africans. We gave the slaves their freedom, made them subject to the provisions of our Constitution. For a hundred years our great democracy has been at work on this. All of you know the facts of the last few years. Oh, of course we did, in places, modernize the treatment of Negroes; instead of the club and the blacksnake whip, the white man substituted the ultra-modern device of the electric cattle prod.

We spend millions to build churches in which people profess their love for their fellow man, while right in the same community they are soliciting a few dollars to help the poor.

We elect officials to represent all the people and they take an oath to do it. Then we read that some take money from the few for their political and personal uses. Surely confusing.

You read the glowing ads for autos only to learn of their defects.

You're sold drugs, and there are armless babies.

You read, you're televised to, you're radioed to, you're preached to, that it is necessary that we have our armed forces fight, get killed and maimed, and kill and maim other human beings including women and children because now is the time we must stop some kind of unwanted ideology from creeping up on this nation. The place we chose to do this is 8000 miles away with water in between. I believe there's a record of but two men walking on water and one of them failed. Yes, we must fight out there 'cause even this great democracy, so fearful of its world image, just must not stand by in complacency while village chiefs, mayors, farmers, and others are being murdered by day and night by the believers in this terrible ideology. We're told it is creeping dangerously closer and closer to our shores. This must be confusing.

Surely a decision to get this nation into the predicament we're in, trying to stop these creeps, must have been based on an all inclusive study by those with the greatest of clairvoyance. And there must have been a time-table depicting the untenable position, and irreparable effects upon this nation at the end of 5, 10, 15, 50 years, else our government could not have chosen the present course of action. If such an estimate of the situation was not made, our leaders have been derelict in their duties and responsibilities. If it was done, the public should be informed. I ask you, have you read or been instructed about any time-table of disaster for this nation and her world position if we hadn't done and weren't doing what we are in South East Asia today? I haven't.

The reasons fed to us are too shallow and narrow for students, as well as other citizens. Especially so, when you realize that what is happening, no matter how carefully and slowly the military escalation has progressed, may be projecting us toward world catastrophe. Surely, it is confusing.

Particularly is this true when we know that a great deal closer there are essentially the same situations which our leaders say made it impossible for us *not* to fight and *not* to escalate the fighting in Vietnam. See if this doesn't sound about the same:

(1) Since last July, Peru's national army has been battling red guerrillas in more than half its states.

(2) Red guerrillas run areas in several states of Colombia.

(3) Many businessmen are leaving Guatemala following ransom kidnappings by communists bands.

(4) At least a dozen combat guerrilla brigades are operating in some areas in over half of Venezuela's 20 states, while terrorists blows take place in Venezuelan cities, like the Viet Cong in Saigon.

We should remember, too, that it's over water and 8000 miles to Vietnam, but there is an isthmus between this country and South America and it's much, much closer.

It must be a bit confusing, too, to read and hear about fighting for freedom. Supposedly, we have it, and I don't think anyone is going to take it away from us by playing cops and robbers in South East Asia. Even so, we urge others to fight for freedom. There may be a little confusion here. We

insist they should sacrifice arms and legs and their lives for freedom. The people we urge this upon in South East Asia, South America and many other places have no idea of our meaning of freedom. In the history of their ancestors they've never experienced what we expect them to understand and fight for. The word or even the idea is not in the mores of their people. Freedom will remain a foreign word and idea to these people until scores of them are brought here for six months or a year and then returned to their native lands to sing to their fellowmen the song of freedom with notes of music they can understand.

These masses of people and their ancestors have always lived where the few have everything. Everything that is produced by the burdensome labor of the many. And the many have nothing except for the barest subsistence and not always that. Even as little as $150 a year. In many cases much, much less. In fact, in their memory they've never had as much as a pot to—well, they've not even had a pot.

I want to tell you, I don't think the whole of South East Asia, as related to the present and future safety and freedom of the people of this country, is worth the life or limb of a single American. But maybe the people are and maybe the people of South America are, too. And maybe that's confusing.

I believe that if we had and would keep our dirty, bloody, dollar-crooked fingers out of the business of these nations so full of depressed, exploited people, they will arrive at a solution of their own. That they design and want. That they fight and work for. And if unfortunately their revolution must be of the violent type because the "haves" refuse to share with the "have-nots" by any peaceful method, at least what they get will be their own, and not the American style, which they don't want and above all don't want crammed down their throats by Americans.

Time and history has proved how wrong our leadership was about Mexico in the second decade of this century. More recently, perhaps there's a lesson or two to be heeded in the Indonesian situation, also.

Until you're 21 you can't vote. Can't participate in this great democratic process, where some are still kept from the polls by threat, where a vote can still be bought for two dollars or a half-pint of whiskey, where many don't vote because they feel it's useless.

But you can make your voice heard. You don't have to be a vegetable 'til you're 21. You can demonstrate. Historically, demonstrations intended to bring unrealistic regimes to heel, have on balance produced good for the exploited masses. Brought to mind are magna carta, Joan of Arc, India, South American countries, China, the Buddhists in South Vietnam, and where would the negro be today without the demonstrations of the recent past which awakened many sleepy American whites? It may be well that this technique has finally come in an exploding fashion to America and American students. It shows that you are thinking. That you're interested and want to do something to be heard. That you're going to grow up as participants in America and her future. That you don't intend to sit ignorantly and idly by and watch this world panorama of confusion trot by under camouflage and not express yourselves about how you want the future to be. The future that will soon be your responsibility.

For this confused state ascribed to students by those senior citizens I mentioned earlier, they give you compassion. They say youth was always that way, at least in their elders' day.

Now:

COMMUNISM AND CONFRONTATION

(This is only the second time I have ever used the word communism in over 100 talks, the first was a few minutes ago.)

Peculiar? Yes, But it can be said that we seem, forever to be menaced by something red. 190 years ago it was the bodies of men wrapped in red-coats. Today, it is the minds of men that are warped into belief in a theory of visionary and impractical nature, communism. Those that espouse it, we call reds. This ism that holds forth the promise that finally man shall have share and share alike of all things is not readily cast aside by the masses who for generations upon generations have shared not at all.

And likely as not when they tried to share they got the pike. But it is the goal of this theory and it's supposed to happen right here on earth where man can experience it with his physical senses. It is not a goal like the Happy Hunting Grounds, Heaven or Valhalla which must be imagined. Not any great salesmanship is needed to sell this ideology to the longing, eager, wanting masses of deprived, depressed, distressed people.

I say, that today there is no such thing on the face of the earth as a communistic state. I believe the nearest thing to it was right here in America, in Iowa and New England some years ago. I feel certain there never will be such a thing as a communist state. Sure there are some where the idea has been sold to or forced upon the people, and there are several countries where the selling is pretty well along.

Yes, Marx and Engels contrived an idea for a goal that was easy to sell to the right people. But the attainment of the goal is strictly dependent upon a complete metamorphosis of human nature, which I contend will never come to pass. Do you think that the presidents, the managers of business, will ever permit a situation to come to pass where they and their family will be allotted two hours on Thursday on the state yachts, and the floor sweepers in their plants get exactly the same thing? Don't believe it.

The leaders of these nations with the goal of communism know full well it won't come to pass, either.

The same leaders who sold the idea to the masses also described to them the long arduous, treacherous pathway of self-sacrifice and deprivation which must be followed to get to this great goal of their eventual salvation. Further, they empasized that there must be competent leaders during this trek to help navigate these perilous ways. And who are these leaders to be? Why the same people who sold the idea of the great goal. Of course, they know there'll be no arrival at the promised destination. They just mean to keep on leading those they have duped. They never intend to divide up their lion's share.

In fact, the U.S.A. unwittingly or at least on an unplanned, unforeseen, basis, has helped to steer Russia further and further away from the goal of communism.

Russia had no nuclear weapons. We encircled her with nuclear bombs and missile bases. With missiles, I might add. By so doing, we gave her the greatest psychological booster possible. One they could not conjure up themselves. The bombs and missiles were there. Whose were they? Uncle Sugar's. And who does Uncle intend to use them on? Who does he threaten? The great homeland of the Russian people. From here it was easy to get these people to forego butter for guns. To sacrifice and toil cheerfully so they could have some weapons to protect their homeland from the threat of destruction or at least be able to wreak heavy damage on the nation who sighted-in these missiles on Russia. They did it. They have the weapons. Weapons enough to shove everything above ground in Western Europe, including the British Isles, right out into the Atlantic Ocean. And enough of the transcontinental weapons to clobber America from coast to coast and produce unacceptable destruction. That's what they confront us with. We confront them with a like predicament. Perhaps we should thank God for this balance of confrontation. Thank God that hopefully America and Russia have finally realized that there are things an H-bomb cannot do.

An H-bomb cannot project national policy ashore.

An H-bomb cannot restore law and order.

An H-bomb can only destroy.

Of course, while Russia was building this weaponry we spoke of, she also put up the Sputnik, several space vehicles, moon shots, etc., etc. Yet, believe it or not there are some people in America so unrealistic they still think the Sputnik was a fake.

But what now for Russia? Under the umbrella of protection which they so dearly paid for there is time and security for having a little more butter, a few more bicycles, more auomobiles, radios, televisions, and more of other things and things and things. And more and more people are being paid in accordance with their personal ability to manage or produce. The goal of communism becomes less and less desirable to more and more people. A kind of capitalism emerges. The idea of communism is fading, except to the minds of those where an acceptable participation in the having of material things has not yet come to pass.

Who will gainsay that most of the Russian people are not better off today than they've ever been before? And to what must the credit be given? The system they've been working for, of course.

We provided China with the same booster. She has reacted the same. From my experiences over parts of five years in China and what I know of conditions there today, I'm sure that more Chinese know where tomorrow's food is coming from, than ever in the history of living man. And to what must go the credit? The system they're serving under.

The alienation of the friendship of the great and wonderful Chinese people will surely vie for decades to come as the greatest blunder this country ever made in her relations with other nations, unless the final results from our Vietnam commitment overshadows it.

You say, what about the Republic of China vis a vis Red China? I reply, time is on the side of the one with the bigger hunk of earth. And that's not Taiwan.

COMBAT WITH CONSCRIPTION

About conscription first. I think it is only fair to conclude that whenever a nation embarks on a line of action in which a prerequisite for success is sufficient manpower, and there are insufficient volunteers for the task, the only recourse is conscription or the draft. This doesn't, of course, answer all the pros and cons regarding the right or wrong of drafting men to fight for their country. But we did have a war, the winning of which, I have always thought turned out to be a pretty good thing. The Revolutionary War. Without conscription we would surely have lost that war.

In the administration of the draft it is impossible to insure happiness to all. At best, it is an undesirable, complicated matter. But I have always thought it should be on a strictly lottery basis. To exempt this one and that one for this and that makes no sense to me. If his number drops out of the barrel he should serve. After all, I don't think this nation would completely disintegrate if a few "A" students, pre-medics, and budding scientists served in uniform for a year or two.

What about the draft card burners? I'm sure that sooner or later they'll regret they did it. It does intrigue me though that we've yet to hear of anyone who has done this burning without an audience. If they don't want to pay even a tiny bit of the premium on the long range insurance policy for their country that so many have paid so much for, why don't they just refuse to report when called, and let due process of law take its course?

About combat. Those that have experi-

enced it soon learn that there is no common language with which to communicate with those lacking such experience.

Robert E. Lee once said, "It is well that war is so terrible, otherwise we might grow too fond of it." Maybe it hasn't been terrible enough. One would be led to believe that man is too fond of war when we realize that in the past 20 years he has resorted to fighting some 40 or more times. Meaning, of course, that nations and peoples have failed to succeed with their established policies by any means other than murder.

Yes, man's oldest plague is war! And I believe, it is a sad, sad commentary on centuries of so-called enlightenment when the mentality of man has been unable to prevent killing and maiming of men, women and children in war!

But so it has been, and so it is today.

Many over the years have thought and written about this plight of mankind. May I quote in part:

"The bells will peal, long haired men will dress in golden sacks to pray for successful slaughter. And the old story will begin again, the awful customary acts. The editors of the daily press will begin virulently to stir men up to hatred and manslaughter, manslaughter in the name of patriotism. Manufacturers, merchants, contractors for military stores—will hurry joyously about their business, in the hope of double receipts.

"* * * Idle ladies and gentlemen will make a great fuss, entering their names in advance for the Red Cross Society, and they will imagine that in so doing they are performing a most christian work.

"And smothering despair within their souls, men will trail along, torn from peaceful labor, from their wives, mothers and children; hundreds of thousands and simple-minded, good-natured men with murderous weapons in their hands—anywhere they may be driven. They will march, freeze, hunger, suffer sickness and die from it, or finally come to some place where they will be slain by thousands or kill thousands themselves.

"And when the number of sick, wounded and killed becomes so great that the air is so infected with the putrifying scent of the 'food for powder' that even the authorities find it disagreeable, a truce will be made."

Who wrote these words? It was a Russian. These were the words of a soldier and great writer named Tolstoy, born some 140 years ago.

Another interesting observation on the same subject goes something like this:

"*** I can see a million years ahead and this rule will never change in so many as half a dozen instances. The loud little handful—as usual—will shout for the war. The pulpit will—warily and cautiously—object—at first; the great, big dull bulk of the nation will rub its sleepy eyes and try to make out why there should be a war and will say, earnestly and indignantly, 'It is unjust and dishonorable and there is no necessity for it.' Then the handful will shout louder. A few fair men on the other side will argue and reason against the war with speech and pen, and at first will have a hearing and be applauded, but it will not last long; those others will outshout them, and presently the anti-war audiences will thin out and lose popularity. Before long you will see these curious things; speakers stoned from the platform, and free speech strangled by hordes of furious men who in their secret hearts are still at one with those stoned speakers—as earlier—but do not dare to say so. And now the whole nation—pulpit and all—will take up the war-cry and shout itself hoarse, and mob any honest man who ventures to open his mouth, and presently such mouths will cease to open. Next the statemen will invent cheap lies, putting the blame upon the nation that is attacked, and every man will be glad of those conscience-soothing falsities and will diligently study them, and refuse to examine any refutations of them, and thus he will by and by convince himself that the war is just and will thank God for the better sleep he enjoys after this process of grotesque self-deception." Our own Mark Twain recorded these thoughts. (Mark Twain, The Mysterious Stranger, 1898.)

These have been the words of a Russian and an American, years apart in time, but thinking the same thoughts. Today millions of Russians and Americans don't want war. Russia and America could prevent war on this earth. Why don't they team-up and do it?

Now, maybe we should reflect a bit on the fact that even last night while we enjoyed the Los Angeles way of life, American men were giving their lives to help ensure that we can continue to have such happy times in this country.

Who are these American men? They are members of the greatest military team on earth. Members of the U.S. Army, Navy, Air Force, Marine Corps and Coast Guard. They are the real minutemen of 1966.

Now what can you do on a day-to-day basis to support this great American Armed Forces team which is fighting because they are legally ordered to do so?

First you could help increase the stature of the soldier in the eyes of those not in the armed services. The relegation of the soldier to a position of inferior status (except when the actual shooting is going on) has, unfortunately, been a pastime of those not in the service for lo these many centuries. An old, old stone sentry box in Gibraltar carries this inscription:

"God and the soldier we adore,
in time of danger, not before;
The danger passed, and all things righted
God is forgotten and the soldier slighted."

So you see this lack of concern for the soldier *is* an aged thing.

Perhaps you could be a bit more understanding of his plight.

Our press might be somewhat more considerate, too. All too often the headlines today read "ex-soldier, ex-sailor, ex-Marine, ex-airman, rapes, murders, robs, etc." But I never see "ex-General Motors" or "ex-U.S. Steel" employees referred to this way.

The best example—some time ago headlines flared "Ex-Marine carves up school teacher." A check revealed he had been discharged 20 years before!

Also, you can help in the development of the determination of our people to resist, at all costs, any encroachment on the freedom we enjoy here in America. Just how much destruction are we willing to accept? How many casualties—men, women and children? Who can say what it will take to destroy the will of our people?

And remember!! Under our form of government, civilians always have, and always will—and they should—tell the military when to begin and when to stop war.

But, also remember, that most of our people haven't seen flying arms and legs, and guts and blood, and piles of dead from a bomb blast. They view this war business in much the same perspective as the man who was asked whether he had ever seen Halley's Comet. He said, "Yes, I have, but only from a distance!"

Further, you can help in the prevention of forgetfulness by the living, that men have died for the cause of peace and freedom. (I repeat, man's striving to free mankind and have a peaceful world, I believe, constitutes his most noble effort on this earth.)

It seems clear that if we are ever to reach the goal of peace, we must orient our thinking and our actions more toward this end. It is essential that we, in our time, make a measurable contribution toward this ultimate goal—peace.

Still we wonder, how many more blood-smeared battlefields and contentious centuries shall separate us from a permanent peace? This we cannot know. We do know that during the time we wait for this constant hope of mankind to come to pass, we must at all times be prepared—prepared for any eventuality!

I conceive it a fundamental duty that you and our schools and churches emphasize that this nation stands as it is today—not because of the easy life of our predecessors, but instead because thousands sacrificed their time, their efforts and their lives with an unselfish devotion to the idea that under the Kingdom of God there were things greater than their own individual gain and comfort.

Let me conclude with a brief summation:

a. Don't worry about being confused.

b. Keep on being curious.

c. Be constructive in your thoughts and actions.

d. Be assured that our system of government and production is the best ever devised to satisfy the instinctive yearnings of human beings. Participate in it and learn to protect yourself from it. At least, know the meaning of caveat emptor.

e. Don't let yourself get too shook-up by the over-advertised encroachment of communism. Help people to get things and the idea of communism will strangle by its own umbilical cord.

f. Remember that the armed forces don't start wars; that the soldier's plight is unsolicited; that when he becomes a soldier he gives up much of the very freedom he's fighting for. And that if he serves to retirement, he never in his lifetime gets back his freedom.

Now one final word about those who have given their lives for America in war:

I believe that gathered here above us right now, watching intently and listening carefully, are the invisible spirits of those same gallant men, who over the years—even unto today—have given their full measure of devotion. Their presence may be unseen, but they shall not be unheard.

Someone must speak for them. What do they want mankind to hear? Many, many things, of course, but I feel, they want the fears and hopes of their eternal years to be expressed in an admonition, a hope, and a prayer.

They admonish: "You must strive for peace—but not peace at any price. You must view peace in its proper perspective. Do not give up one bit of the priceless heritage of liberty which we have helped to preserve. Accept and discharge your responsibilities to civilization as the unreluctant world leaders of those who are willing to fight to protect this liberty. And, if by these actions you enjoy peace in your time, let it be the welcome product of fair dealing, hard work, sound planning and a readiness to fight against aggression."

Their hope: Someday, may there be a meeting at the summit, which shall become as everlastingly important to humanity as the sermon on the mount."

Finally, the spirits of these undying dead pray: "Please God, may our ship of state sail on and on in a world, forever at peace."

Thank you.

SUCCESS OF AMERICAN POLICY DURING COLD WAR

Mr. McGEE. Mr. President, the movement of human events over the past 20 years mounts up, largely, to a slow and often difficult trend for the better. American policy has contributed to this. As Howard K. Smith has written recently, a Europe more closely tied together and an Asia which need not tremble at the power of China are both the product of changes which mark a considerable degree of success for American foreign policy during the period which has been labeled the "Cold War."

Mr. President, I commend Mr. Smith's column, which I have taken from the San Francisco Examiner of February 18, to the attention of the Senate 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:

SUCCESS OF AMERICAN FOREIGN POLICY

(By Howard K. Smith)

This winter is a remarkable little period of history. More features of life, long fixed, have come un-glued this season than in any since the pattern of Cold War first settled on us.

NATO is becoming radically loose as Germany has reversed policy and is seeking ties, hitherto avoided, with Communist countries. And Britain tries—ardently for the first time—to gain entry into a European community that would distance her from her closest ally, the U.S.

The Soviet satellite bloc is on the way to becoming a memory. And the term "Sino-Soviet" has evolved from being a description of a bloc to being the name for the most menacing international friction on the surface of the globe.

At the same time, the 15-year-old assumption—tacit by most but explicit by some of our outstanding professional observers—that China is bound to dominate Asia has disappeared. Prospects of armed conflict have reminded the world that not China but Russia is the mightiest military power in Asia by a huge magnitude.

Neither China nor Russia, but Japan has the greatest economic potential. And until communism ends its present messianic phase, a greater power than all three—the United States—will maintain a presence in the East. China drops pretty far down the scale with all these present in Asia.

Somehow in all these rapid changes, critics see the U.S. as moving from setback to setback. We have, it is said, either neglected Europe or we lack the imagination to think up initiatives to meet the changing situation. We are, it is said, mired in a dirty little war in Asia with no idea how to get out of it.

The opposite is true. The changes now in process are a chain of American successes. But, alas, in statecraft, success is not always a thrilling climax that is celebrated with brass bands. Genuine success is often a negative, a falling away of menaces—a return from exciting tensions to prosaic progress and quiet.

In the case of Europe, the drift of that vital area back to its own interests was an American initiative from the start. When Jean Monnet first drew up a plan of unity, about all he had going for him was American support. Our support was deliberate though we knew that the result would be a Europe not wanting us and even competing with us.

The more recent drift of Western Europe to better relations with Eastern Europe was begun by John Kennedy in his American University speech, before de Gaulle ever thought of it.

The still more recent move by Germany to establish relations with the Communists is not a defiance of America. President Johnson recommended that course to Germany in a speech last Oct. 7, and Germany is taking the advice.

Far from meaning an abdication of American initiative, the drift in Europe has been urged by America. The result of our whole complex European policy is that old Europe is further from war than she has been at any time in this century.

In Asia a lot of dust has to settle. But when it does the American achievement may prove epic in proportions. Whatever leaders of hard-pressed Asian countries may say to appease the prejudices of their publics, all Southeast Asia has become stabler for the American effort. Indonesians would not have dared face down and liquidate the third biggest Communist party in the world without the assurance that came from American resistance in Vietnam. Sato's electoral victory in Japan betokens the same mood.

But we have to be clear what we are succeeding in doing: We are establishing conditions in which Asians may enjoy that right which is simplest to say but most complicated of achievement—the precious right to be left alone. When they possess it, it will mean that they will want to be rid of us and all memories of us.

History never moves in smooth or logical patterns. This trend towards salubrious change and peaceful settlements could be interrupted by a mad thrashing outward by China. But, as the Oswald affair showed, madness is not reckonable.

In all that is calculable, the U.S. has for 20 years sustained a constructive consistency in foreign affairs with great success. With a little more luck, the last quarter of the 20th Century could sound a note out of all consonance with the century's previous turbulent bloody and warlike course.

YEAR 1966: SPECIAL EDUCATION'S GREATEST LEGISLATIVE YEAR

Mr. MORSE. Mr. President, an article, entitled "1966: Special Education's Greatest Legislative Year," appeared in the December 1966 issue of Exceptional Children. It is a succinct and concise summary of a most significant legislative advance. I ask unanimous consent that it be printed at this point in my remarks, for I feel it can be helpful to many Senators.

In doing this, I should also like to commend the Council of Exceptional Children and its capable executive secretary, Dr. William C. Geer, whose contribution of factual information, in my judgment, was most persuasive with my colleagues on the committee in gathering support for the program.

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

YEAR 1966—SPECIAL EDUCATION'S GREATEST LEGISLATIVE YEAR

For special educators, 1966 is a bright year in legislative history. The second session of the 89th Congress has written into law significant directions for change which will affect programs for exceptional children in constructive and far reaching ways.

Major gains include establishment of administrative supervision at the federal level through a National Advisory Committee on Handicapped Children and a bureau for the education and training of the handicapped in the US Office of Education. Through the bureau, many agencies previously involved in disbursements for special education will be consolidated into one unit.

In the same action (the amendment adding the new Title VI to the Elementary and Secondary Education Act of 1965), funds are specifically earmarked for handicapped children and youth, i.e., "the mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who require special education and related services."

The National Advisory Committee on Handicapped Children will serve to guide the US Office of Education in administrative policies relating to the disbursements of federal funds for special education.

Further developments made possible this year include:

1. Appropriations to state departments of education for direct aid to programs of education for the handicapped. This specially earmarked aid also derives from the new Title VI—the Morse-Carey amendment to the Elementary and Secondary Education Act of 1965 (PL 89–10). States will submit plan showing how they intend to initiate, expand, or improve programs and projects for school age and preschool age children and will receive matching funds on a fifty-fifty basis.

2. Assistance to state departments in managing these new funds by providing additional help. Each state may receive up to 5 percent of their allotted monies (based on population) or $75,000, whichever is greater, in expenditures for administration and planning at state or local levels.

3. Expanded educational services to Indian children.

4. Expanded services to state institutions and day schools. Populations of these institutions, heretofore somewhat limited in definition under PL 89–313, have been expanded to include orphans and delinquents, thus covering the whole range of handicapped children.

5. A model secondary school for the deaf. Reacting to a lack of good secondary school facilities for the deaf in the United States, Congress passed a bill, sponsored by Hugh Carey in the House of Representatives and Lester Hill in the Senate, to create a secondary school to serve as a prototype for regional secondary schools for the deaf in the United States. This model school will be located on the Gallaudet College campus in Washington, D.C., and will serve students of the Middle Atlantic states. Authority for this school is contained in PL 89–694.

6. Extension of Library of Congress blind services to physically handicapped persons. PL 89–522 amends the original legislation offering services of talking books, music scores, instructional texts, and other specialized materials for the blind to the severely physically handicapped. A liberal interpretation of physically handicapped allows such services to be used for both experimental purposes and for children and adults with severe perceptual impairments.

7. Library services for the handicapped. Title VI, Part A, of PL 89–511 gives grants to states to provide library services to residents of penal institutions, reformatories, residential training schools, orphanages, or other like institutions or hospitals supported by the state including, of course, special education institutions. Part B of this title authorizes expenditures of funds to states to provide library services to the physically handicapped.

8. NDEA loan forgiveness to teachers of handicapped children. Prior to this year, persons using NDEA funds for student loans would have such loans forgiven at the rate of 10 percent per year to a total of 50 percent forgiveness. Under the Higher Education Act amendments (HR 14644), students who teach handicapped children will have loans forgiven at the rate of 15 percent per year until 100 percent forgiveness occurs in seven years.

However significant this legislation may appear, it must be remembered that it can only be classified as enabling.

TRIBUTE TO SENATOR CARLSON

Mr. PEARSON. Mr. President, very recently my colleague, the distinguished senior Senator from Kansas, was honored at a luncheon for his many years of public service.

Many spoke of his value to Kansas and to the Nation. The testimonials came from fellow citizens in various walks of life—for indeed his service has touched all parts and every section of our State.

One tribute was presented by Dr. William F. Keucher, executive secretary of

the Kansas Baptist Convention, which, I think, expresses how so many of the people of Kansas feel, and I ask unanimous consent that this tribute be inserted in the RECORD at this point.

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

A TRIBUTE TO SENATOR FRANK CARLSON

(By Dr. William F. Keucher, executive minister, the Kansas Baptist Convention)

Mr. Emerson made the point in one of his essays, that "there is properly no history, only biography." By this he meant that private opinions and personal convictions stand behind public and social issues. He went on to say, "Every true man is a cause, a country, and an age." Just as history may be seen as the biography of stout and earnest men, so institutions are the lengthened shadow of such men. With this understanding in mind, I come to speak a brief word of deep appreciation to Senator Frank Carlson for his stalwart stature as a Christian man and for the large and wholesome deposits of his spiritual influence in the affairs of church and state, society and nation.

Religion, to Frank Carlson, has never been a political device to be used to further personal advantage. As a young man of sixteen, he established the West Branch Sunday School near Concordia and served as its superintendent for several years. Later, he became superintendent of the Sunday Church School of the Baptist Church in Concordia, and served that office for twenty-five years. It was natural that, shortly after taking his oath of office as Congressman from the 6th District in Kansas, we find him organizing a Men's Class in the East Washington Heights Baptist Church. Today, the class still carries the name of its founder, the Carlson Bible Class, although the Senator is not its present teacher.

Though he has been, and is, a loyal churchman, Senator Carlson sees the influence of the church as nurturing the life of a state and a nation. For many years he has served as president of the International Council for Christian leadership. Fifteen years ago, he organized the first Presidential Prayer Breakfast and has presided at each of these influential sessions for the past fifteen years. They have become a vital, contagious force for good, not only in the USA, where many states now conduct a Governor's Prayer Breakfast, but on every continent with 50 countries having a similar spiritual emphasis.

Senator Carlson's service to the nation and to the state is evident in his interdenominational, moral and spiritual leadership. He is also a presence and a force in many denominational causes. He serves as a trustee of Ottawa University here in Kansas. He is a founding trustee of our Kansas Baptist Foundation. He served with distinction as national chairman for the American Baptist Convention's Churches for New Frontiers Expansion Program. He received the Churchman's Citation offered by Central Baptist Seminary for outstanding Christian leadership. While these memberships are related to one denomination, it should be noted that Frank Carlson is a friend and ally of every church and synagogue. Protestants, Catholics, Jews, any one of these groups, could be standing here today in my place to speak with equal sincerity regarding the meaning and the extent of his moral and spiritual leadership.

Senator Carlson, when there are many partisan voices which are heard in the land, and when many appeals are made in behalf of temporary and transient things, we express to you our earnest appreciation for your voice which is often heard in behalf of enduring principles which are not passing but permanent. We acknowledge with profound gratitude to Almighty God that good leaders in the life of a nation are His gift to men. While we cannot be sure of any man's infallibility, it is good to know men whom we trust because we can be sure of their integrity. We know that the greatness of our nation lies in those moral and spiritual values which are too precious to bear any price tag and in those statesmen, like yourself, who, amid the pressures of the age, refuse to do other than what a sound and saving conscience prompts in their heart of hearts.

Ladies and gentlemen, we salute a true man, Frank Carlson, senior Senator of Kansas.

CAL FARLEY AND HIS BOYS RANCH

Mr. TOWER. Mr. President, it is my sad duty to call to the attention of the Senate the death of one of the most beloved residents of my State, Mr. Cal Farley, who for the last 30 years of his life devoted himself to operation of Boys Ranch near Amarillo.

Cal Farley wanted to get youngsters out of alleys and into the countryside where they could grow and develop and overcome their problems. He did just that. No man could ask for a greater memorial.

Cal Farley's work at Boys Ranch will be carried on. But, nobody will replace him.

I ask that there be printed at this point in the RECORD a news account of his life and death which elaborates the good works he brought to this world.

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

AMARILLO.—Cal Farley, a one-time professional wrestler who devoted the last 30 years of his life to helping wayward youngsters at his beloved Boys Ranch, died Sunday apparently of a heart attack. He was 70.

Farley was stricken at mid-morning at the chapel at the ranch.

He founded Boys Ranch at old Tascosa, 40 miles northwest of Amarillo, shortly before World War II. Thousands of orphaned, needy and wayward boys found refuge there in the ensuing years.

The ranch now has a complement of about 350 boys a year.

Farley, World War I veteran and Amarillo merchant, began devoting more and more of his time to underprivileged boys during the depression. He founded the ranch in 1939.

"What I've got to do is find a place somewhere out in the country where I can get these kids out of the alleys," he told friends upon opening the ranch.

It began with six youngsters in the abandoned courthouse at old Tascosa, a lusty, legendary frontier trading post peopled at times by Kit Carson, Billy the Kid, Bat Masterson and Wild Bill Hickok.

It now has modern dorms, mess halls, schools and recreation areas.

Farley sold his general merchandise store in Amarillo years ago and reportedly put the money from the sale into the ranch.

Friends said he never drew a cent of pay.

Farley was a lifelong practitioner of the adage, "Spare the rod and spoil the child."

ADDITIONAL EVIDENCE OF CORRUPTION AND GROSS WASTE IN OUR ECONOMIC AID PROGRAM IN VIETNAM

Mr. GRUENING. Mr. President, was the Agency for International Development looking through its customary pair of rose-colored glasses when it reported recently an improvement in port operations in Saigon? A report of Helen Delich Bentley, maritime editor for the Baltimore Sun would appear to indicate that the glasses are not only rose-colored but are opaque as well.

Miss Bentley's report, which was published in the Baltimore Sun of February 7, 1967, describes the bribery, collusion, corruption, black-market manipulation, and the mountains of idle cargo on the docks which characterize the port. She writes:

Saigon has become the victim of congestion and chicanery because the United States has endeavored to push enormous volume—wanted and unwanted—through the narrow funnel.

Lack of a functioning distribution and warehousing system should have made the authorities realize that they cannot pour commodities into Saigon in the same way that they handle them in the United States. Yet the overwhelming supply of goods continue to arrive.

There is nothing new in this, of course. I have cited numerous instances of gross mismanagement of our economic aid program in Vietnam over the past year. Miss Bentley's report is but another in the long series of eyewitness accounts of how our AID commodities are being wasted and how the taxpayer is being bilked. But Miss Bentley's report, filed from Saigon on February 6, 1967, is significant in that it comes after we have been reassured by AID that the management improvements instituted have resulted in considerable better operations.

On January 9, 1967, AID sent to the President a report entitled "Management of AID Commodity Programs, Vietnam, 1966," which discussed in great detail the situation at the port of Saigon. One of the conclusions of the report is that—

By mid-1966 the specific measures, discussed in detail later in this section, had begun discernably to relieve port congestion and present conditions, while not yet satisfactory, reflect very substantial improvement.

If Miss Bentley's description of the port in February, 1967, is correct, one shudders to think of what conditions were like before the "substantial improvement" referred to by AID. Miss Bentley writes that—

Initially, AID assigned people incapable of handling or advising on port operations. Then AID topped this error with a continuing refusal to parcel out commodities like fertilizer, so that they could be used by the country. Instead, they rushed 50,000, 60,000 and 100,000-ton purchases into Saigon simultaneously.

Local business interests have complained that they have been forced at times to "buy" commodities in which they had no interest simply because Uncle Sam, through AID, made the money available to the South Vietnamese Government, which wanted the money spent.

The effect of pouring into Vietnam vast quantities of commodities far beyond the absorptive capacity of the economy is vividly described by Miss Bentley:

When these operations started, however, no one thought that perhaps the commodity market would become so glutted with the goods being hustled into the floating craft that the consignees would not want their merchandise or would be unable to purchase them. Their refusal or inability to accept them skyrocketed the volume of floating craft in the area. The entanglement on the piers then spread to the wooden-hulled, unpainted barges. Cargo was dropped aboard; it didn't matter how.

Some of this has been staged with considerable deliberation, in cooperation with organized gangs of thieves—referred to as both the Oriental Mafia and the Viet Cong—so that the goods could be made available to the black market without paying customs fees or full costs of purchase, or to the guerrillas for nothing.

I ask unanimous consent that Miss Bentley's article, headlined "Congestion, Corruption, Strangle Saigon," and published in the Baltimore Sun of February 7, 1967, be printed in the RECORD.

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

THE CLUTTERED HARBOR II: CONGESTION, CORRUPTION STRANGLE SAIGON

(By Helen Delich Bentley)

SAIGON, Feb. 6.—Bribery, collusion, corruption, lack of a national economic policy, black market manipulation, carelessness and ineptness plus mountains of cargo are causes behind the strangulation of Saigon.

Saigon has become the victim of congestion and chicanery because the United States has endeavored to push enormous volume—wanted and unwanted—through the narrow funnel.

Lack of a functioning distribution and warehousing system should have made the authorities realize that they cannot pour commodities into Saigon the same way that they handle them in the United States. Yet the overwhelming supply of goods continues to arrive.

The Agency for International Development of the United States Department of State is much to blame. Initially, AID assigned people incapable of handling or advising on port operations. Then AID topped this error with a continuing refusal to parcel out commodities, like fertilizer, so that they could be used by the country. Instead, they rushed 50,000, 60,000 and 100,000-ton purchases into Saigon simultaneously.

Local business interests have complained that they have been forced at times to "buy" commodities in which they had no interest simply because Uncle Sam, through AID, made the money available to the South Vietnamese Government, which wanted the money spent.

Both Vietnamese and United States governmental officials—the Vietnamese undoubedly more so—have been involved in corruption and collusion over the past sixteen months.

Premier Nguyen Cao Ky, when he looked at the sad plight at Saigon port last October, remarked:

"It appears that a den of thieves is operating here."

In recent weeks, Ky has made some changes in top port personnel. It is hoped that the "den of thieves" has been wiped out.

Hundreds of thousands of tons of cargo have been shoved into this sleepy East Asian port almost overnight and have provided a lucrative setting for congestion, thievery, and general maritime problems.

Saigon initially was located about 44 miles up the river from the South China Sea and designed to handle the annual exportation of 600,000 tons of bagged rice and a little rubber.

It imported a relatively small amount of luxury items for the French who dominated the city.

COMPARED WITH SHANGHAI

Last year alone, however, nearly 4,000,000 tons of general cargo, both military and commercial, was imported through this same port.

Old China experts, looking at the harbor of Saigon today, see a strong similarity to the humming atmosphere of Shanghai, at one time the world's busiest port for ship arrivals and departures.

It soon became evident, as the voluminous mass began flowing into Saigon, that money could be made. No one here will talk freely about the corruption, but by listening long enough and picking up hints and remarks here and there, facts fall in place and suspicions are confirmed.

GENERALS BUSINESS MEN

Eager Vietnamese generals set themselves up in business with stevedore companies, or they become importers.

Port officials accepted bribes for manipulating the arrival dates of ships waiting their turns at Cap St. Jacques.

Local shipping interests—and everything must be handled through them because Americans are here only as high-paying "guests"—seized on the opportunity of the massive cargo overflow to gobble up every barge, junk, and sampan in the area.

The harbor craft are extended the full length of the Saigon River and requests are sent for craft from Cambodia. However, some Vietnamese Government officials have become conscientious enough to prevent Cambodians from profiteering in this manner.

FIFTY PERCENT PROFIT

The business men pay the barge owners from 20 to 30 piasters per ton per day, the "ton" to be stipulated by the owner. In turn, the middle men bill their customers from 30 to 50 piasters per day; making a 50 per cent profit or more without lifting a finger.

When these operations started, however, no one thought that perhaps the commodity market would become so glutted with the goods being hustled into the floating craft that the consignees would not want their merchandise or would be unable to purchase them. Their refusal or inability to accept them skyrocketed the volume of floating craft in the area. The entanglement on the piers then spread to the wooden-hulled, unpainted barges. Cargo was dropped aboard; it didn't matter how.

Some of this has been staged with considerable deliberation, in cooperation with organized gangs of thieves—referred to as both the Oriental Mafia and the Viet Cong—so that the goods could be made available to the black market without paying customs fees or full costs of purchase, or to the guerrillas for nothing.

ANOTHER BLACK MARKET

In addition to profits made in this manner, there is another black market—that of foreign exchange. Many local business men still hope to collect enough American dollars from steamship lines and Government agencies to make an enormous profit from both the commodities and barge rentals. The extra money then would be available to convert into piasters.

The official rate of exchange is 80 to 1, while the "accommodation rate" is 118 to 1.

After the Fourth Military Command of the United States Army succeeded in straightening out the flow of military cargo, weird obstacles were thrown in their way.

MORE ROADBLOCKS

Every time a rumor is circulated that both the military and commercial operations of the port are to be turned over to Uncle Sam's Army, more roadblocks originating from Chinese merchants and financiers headquartered in Cholon loom up.

When an officially-appointed Vietnamese Government commission made up of persons from the Chamber of Commerce and the Government appeared close to establishing a program whereby the commodities clogging Saigon would be confiscated as provided in "official" decrees, Premier Ky dissolved the commission. No explanation has ever been given.

The blacklisting and license seizure of importers who fail to take their goods have not been enforced.

COMBAT READINESS OF 446TH TROOP CARRIER WING, RESERVE, ELLINGTON AIR FORCE BASE, TEX.

Mr. TOWER, Mr. President, I ask unanimous consent that the text of a resolution passed by the Clear Lake Chamber of Commerce of Clear Lake, Tex., be printed at this point in the RECORD.

The resolution pertains to the 446th Troop Carrier Wing, Reserve, of Ellington Air Force Base.

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

RESOLUTION

Whereas, the 446th Troop Carrier Wing (Reserve) of Ellington Air Force Base has distinguished itself by achieving outstanding combat readiness, having been C-1 for a longer period of time than any other comparable Wing in the reserve forces; and

Whereas, this unit has enjoyed an excellent overall maning posture record, and

Whereas, this significant record is indicative of the area support and backing of the local industries; and

Whereas, the deactivation of the 446th Troop Carrier Wing (Reserve) would mean the curtailment of an effective combat ready troop carrier wing which has distinguished itself by its proven record; and

Whereas, the axiom "in any emergency there is never enough military airlift" has been repeated again and again by experienced military leaders; then, therefore,

Be it resolved, that the Clear Lake Chamber of Commerce requests new consideration to keep the 446th Troop Carrier Wing (Reserve) in being in a combat ready posture as support for the military commitment of our Air Forces.

Signed this 10th day of February, 1967.

———,

President, Clear Lake Chamber of Commerce.

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD at the text of a resolution furnished me by Mr. Martin Gracey, president of the Rotary Club of the Space Center at Houston.

The resolution was passed on the seventh of February and pertains to the distinguished 446th Troop Carrier Wing, Reserve, at Ellington Air Force Base.

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

RESOLUTION

Whereas, the 446th Troop Carrier Wing (Reserve) of Ellington Air Force Base has distinguished itself by achieving outstanding combat readiness, having been C-1 for a longer period of time than any other comparable Wing in the reserve forces; and

Whereas, this unit has enjoyed an excellent overall manning posture record; and

Whereas, this deactivation of the 446th Troop Carrier Wing (Reserve) would mean the curtailment of an effective combat ready troop carrier wing which has distinguished itself by its proven record; and

Whereas, the axiom "in any emergency there is never enough military airlift" has been repeated again and again by experienced military leaders; then, therefore,

Be it resolved, that the Rotary Club of Space Center requests new consideration to keep the 446th Troop Carrier Wing (Reserve) in being in a combat ready posture as support for the military commitment of our Air Forces.

Signed this 7th day of February, 1967.

MARTIN GRACEY,

President, Rotary Club of Space Center.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Under the order previously entered, the Chair now recognizes the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. I thank the Chair.

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield to me for 2 minutes?

Mr. STENNIS. I am happy to yield to the Senator from Montana, provided, of course, that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered; and the Senator from Montana is recognized.

PRESIDENT JOHNSON'S EFFORTS TO HALT THE ARMS RACE

Mr. MANSFIELD. Mr. President, last Friday, President Johnson submitted to us the Sixth Annual Report of the Arms Control and Disarmament Agency. I would like to commend his letter of transmittal not only to my colleagues, but to every American citizen. It was the document of a great statesman in his tireless search for a world of peace.

The President noted that the United States and Russia have "reached a watershed in the dispiriting history of our arms competition."

On one side, he said, it appears that the two powers are close to agreement on a nonproliferation treaty. But on the other side, he said, there is a danger that the two nations may be swept into another upward spiral of competition by deployment of missile defense systems. I salute the President for his refusal to be panicked into such a position—despite the pressures that have been on him to do so.

That, of course, would have been the easy way out. With our vast resources, with our might, with our great wealth, there is no doubt that we could continue the arms race and continue to maintain our superiority. And in the long run, we may be forced to do just that.

But the opportunity has presented itself for a significant breakthrough in that endless and costly spiral and the President has grasped that opportunity with sincerity and determination.

From all available information, the Russians are just beginning to place their missile defense system around a few key areas. At this stage, they do not endanger our security. If we can convince them to stop—if our two nations can agree not to proceed with this insanity that puts neither of us ahead and costs all of us more than we can reasonably afford—then all mankind will be in our debt.

The President has noted that the United States has been trying since 1946 to prevent the proliferation of nuclear weapons.

He said:

> Our hopes are high that this long effort will soon be crowned with success.

The hopes of the entire Nation, Mr. President, are following his great leadership.

DEATH OF DR. J. ROBERT OPPENHEIMER

Mr. JAVITS. Mr. President, over the weekend, Dr. J. Robert Oppenheimer died. He was one of the really great and outstanding American scientists of our time, whose life, unhappily, was clouded by a situation which is still gravely controversial. This has cast a cloud over his extraordinary personality and his extraordinary service to our Nation.

I think it would be wrong not to have the RECORD include obituaries and other references to the life of this great American.

I hope very much that all of our views, whatever they may have been about Dr. Oppenheimer, may now be merged in the appraisal of his life and work which history and science will give in the decades ahead, and to his eminence in our country.

Whatever controversy, unhappily, may have clouded certain aspects of his Government service, the RECORD at least should contain the story of his life.

I ask unanimous consent to have printed in the RECORD obituaries, editorials, and so forth, on the death of Dr. Oppenheimer.

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

[From the New York Times, Feb. 20, 1967]

OPPENHEIMER, THE "FATHER OF THE ATOMIC BOMB," WAS A BAFFLINGLY COMPLEX MAN—SCIENTIFIC GENIUS CONDEMNED IN 1954—CALLED SECURITY RISK FOR TIES TO RED CAUSES IN 1930'S—LATER HONORED BY UNITED STATES

Starting precisely at 5:30 A.M., Mountain War Time July 16, 1945, J. (for nothing) Robert Oppenheimer lived the remainder of his life in the blinding light and the crepusculine shadow of the world's first event for which he was largely responsible.

Dr. Oppenheimer, 62 years old, died at 8 o'clock Saturday night at his home on the grounds of the Institute for Advanced Study in Princeton, N.J. An autopsy performed yesterday at Princeton Hospital confirmed earlier reports that he had died of throat cancer.

That sunlike flash illuminated him as a scientific genius, the technocrat of a new age for mankind. At the same time it led to his condemnation by the Government when, in 1964, he was described as a security risk to his country and a man with "fundamental defects in his character." Publicly rehabilitated in 1963 by a singular Government honor, this baffling complex man nonetheless never fully succeeded in dispelling doubts about his conduct during a crucial period of his life.

The perplexities centered on a story of attempted atomic espionage that he told Army Counter-Intelligence officers in 1943 and that he later repudiated as a fabrication. His sole explanation for what he called "a cock-and-bull story" was that he had been "an idiot." Misgivings also sprang from the manner in which he implicated a close friend in his asserted concoction.

A brilliant nuclear physicist, with a comprehensive grasp of his field, Dr. Oppenheimer was also a cultivated scholar, a humanist, a linguist of eight tongues and a brooding searcher for ultimate spiritual values. And, from the moment that the test bomb exploded at Alamogordo, N.M., he was haunted by the implications for man in the unleashing of the basic forces of the universe.

As he clung to one of the uprights in the desert control room that July morning and saw the mushroom clouds rising in the explosion, a passage from the Bhagavad-Gita, the Hindu sacred epic, flashed through his mind. He related it later as:

"If the radiance of a thousand suns were to burst into the sky, that would be like the splendor of the Mighty One."

And as the black, then gray, atomic cloud pushed higher above Point Zero, another line—"I am become Death, the shatterer of worlds"—came to him from the same scripture.

Two years later, he was still beset by the moral consequences of the bomb, which, he told fellow physicists, had "dramatized so mercilessly the inhumanity and evil of modern war."

"In some sort of crude sense which no vulgarity, no humor, no overstatements can quite extinguish," he went on, "the physicists have known sin; and this is a knowledge which they cannot lose."

In later years, he seemed to indicate that "sin" was not to be taken personally. "I carry no weight on my conscience," he said in 1961 in reference to the atomic bombing of Hiroshima and Nagasaki.

"Scientists are not delinquents," he added. "Our work has changed the conditions in which men live, but the use made of those changes is the problem of governments, not of scientists."

With the detonation of the first three atomic bombs and the immediate Allied victory in World War II, Dr. Oppenheimer, at the age of 41, reached the apogee of his career. Acclaimed as "the father of the atomic bomb," he was officially credited by the War Department "with achieving the im-

MARSHAL OF SCIENCE

Dr. J. Robert Oppenheimer was an extraordinarily gifted man who led an extraordinary dramatic life. Fiction pales beside the sequence of events that saw Oppenheimer plunge from the exalted status of "father of the atomic bomb" to the public disgrace implicit in the Atomic Energy Commission's denial of security clearance to him. It was indeed, as Oppenheimer himself said on the occasion, an act of "some charity and some courage" when President Johnson presented him in 1963 with the A.E.C.'s Fermi Award, a deserving yet gallant move that symbolically repudiated the harsh judgment of 1954.

For Oppenheimer himself, the great disappointment of his life was probably the realization that he just missed ranking among the great immortals of nuclear physics. He made some significant contributions but his personal achievements in his chosen field were far less important than those of a Fermi or a Bohr, let alone Einstein.

Nevertheless Dr. Oppenheimer earned a secure if controversial place in history through his talents as a superb teacher and as an unsurpassed administrator of science. As a teacher he did perhaps more than any other man in the 1930's to train an entire generation of American physicists, including many of those who still occupy today's commanding heights. Even more important, he will be remembered as the organizer of genius who ended the age of innocence for science, transferring the laboratory from the campus and the garret to the barracks and producing the first of the family of weapons that compel all mankind to live under the shadow of radioactive extinction.

A scholar and a humanist, Oppenheimer was not ideally suited for his role as the first American marshal of scientists in uniform. Yet he did not shirk battle. His rewards for almost a decade were prestige, power and influence such as no scientist has ever enjoyed before or since. His penalty, the accusation of distrust, was no less great. Oppenheimer resembled a classic figure of tragedy, plagued by his own sensitivity, arrogance and naïveté. He inspired terror for what he had to do and pity for the price he had to pay.

plementation of atomic energy for military purposes." Secretary of War Henry L. Stimson led a chorus of national praise when he said of the scientist:

"The development of the bomb itself has been largely due to his genius and the inspiration and leadership he has given to his colleagues."

Shortly thereafter, in 1946, Dr. Oppenheimer received a Presidential Citation and a Medal of Merit for his direction of the Los Alamos Laboratory, where the bomb had been developed.

In the years from 1945 to 1952, Dr. Oppenheimer was one of the foremost Government advisers on key phases of United States atomic policy. He was the dominant author of the Acheson-Lilienthal Report [named for Secretary of State Dean Acheson and David Lilienthal, first chairman of the Atomic Energy Commission], which offered a plan for international control of atomic energy.

He was also the virtual author of the Baruch Plan, which was base on the Acheson-Lilienthal Report, calling for United Nations supervision of nuclear power. He was consultant to Bernard M. Baruch at the United Nations and to Frederick H. Osborn, his successor, in futile United Nations negotiations over the plan, which was balked by the Soviet Union.

Furthermore, from 1947 to 1952, Dr. Oppenheimer headed the Atomic Energy Commission's General Advisory Committee of top nuclear scientists, and for the following two years he was its consultant. He also served on the atomic committee of the Research and Development Board to advise the military, the science advisory committee of the Office of Defense Mobilization and study groups by the dozen. He had a desk in the President's Executive Offices, across the street from the White House.

This eminence ended abruptly in December, 1953, when President Dwight D. Eisenhower ordered that a "blank wall be placed between Dr. Oppenheimer and any secret data" pending a security hearing. The following June he was stripped of his security clearance by the Atomic Energy Commission. It was never restored to him.

Up to 1954 Dr. Oppenheimer's big-brimmed brown pork-pie hat, size 6⅞, was a frequent (and telltale) sight in Washington and the capitals of Western Europe, where he traveled to lecture or consult. (The trademark hat was also in evidence at Princeton, N.J., where he headed the Institute for Advanced Study from 1947 to 1966.) He was Oppy, Oppie or Opje to hundreds of persons who were captivated by his charm, eloquence and sharp, subtle humor and who were awed by the scope of his erudition, the incisiveness of his mind, the chill of his sarcasm and his arrogance toward those he thought were slow or shoddy thinkers.

Six feet tall and a bit stooped, he was as thin as the wisps from his chain-smoked cigarettes or pipes. Blue-eyed, with close-cropped hair (it was dark in 1943, gray by 1954 and white a few years later), he had a mobile, expressive face that became lined and haggard after his security hearings.

He was extremely fidgety when he sat, and he constantly shifted himself in his chair, bit his knuckles, scratched his head and crossed and uncrossed his legs. When he spoke on his feet, he paced and stalked, smoking incessantly and jerking a cigarette or pipe out of his mouth almost violently when he wanted to emphasize a word or phrase with a gesture.

A GRACIOUS HOST

He was an energetic man at parties, where he was usually the center of attention. He was gracious as a host and the maker of fine and potent martinis. He was full of droll stories.

What impressed people first about Dr. Oppenheimer was his intellect. "Robert is the only authentic genius I know," Mr. Lilienthal said of him. Echoing this appraisal, Charles Lauritsen, a former colleague at the California Institute of Technology, once remarked:

"The man was unbelievable! He always gave you the right answer before you formulated the question."

Knowledge came easily to Dr. Oppenheimer. As a young man he learned enough Dutch in six weeks to deliver a technical lecture while on a visit to the Netherlands. At the age of 30 he learned Sanskrit, and he used to enjoy passing notes to other savants in that language. On a train trip from San Francisco to the East Coast he read Edward Gibbon's seven-volume "The History of the Decline and Fall of the Roman Empire." On another such trip he read the four volumes of Karl Marx's "Das Kapital" in German. On a short summer holiday in Corsica he read in French Marcel Proust's massive "A La Recherche du Temps Perdu," which he later said was one of the great experiences of his life.

This almost compulsive avidity for learning was not sterile, for he invariably made some use of what he read. He was, moreover, an authority, if not an expert, in baroque and classical music, to which he liked to listen. In the words of a friend, Dr. Oppenheimer was "a culture hound."

Even as a child, J. Robert Oppenheimer was made much of for his ability to absorb knowledge. He was born in New York on April 22, 1904, the son of Julius and Ella Freedman (or Friedman) Oppenheimer. Julius Oppenheimer was a prosperous textile importer who had emigrated from Germany and his wife was a Baltimore artist, who died when her elder son was 10. (The younger son, Frank Friedman Oppenheimer, also became a physicist.)

The family lived in comfort, with a private art collection that included three Van Gohs. Robert was encouraged to delve into rocks after starting a collection at the age of 5, and he was admitted to the Mineralogical Club of New York when he was 11.

He was a shy, delicate boy (he was once thought to have tuberculosis) who was more concerned with his homework and with poetry and architecture than with mixing with other youngsters. After attending the Ethical Culture School ("It is characteristic that I don't remember any of my classmates," he said) he entered Harvard College in 1922, intending to become a chemist.

He was a solitary student with an astonishing appetite for work. "I had a real chance to learn," he said. "I loved it. I almost came alive. I took more courses than I was supposed to, lived in the [library] stacks, just raided the place intellectually."

In addition to studying physics and other sciences, he learned Latin and Greek and was graduated summa cum laude in 1925, having completed four years' work in three.

From Harvard, Robert Oppenheimer went to the University of Cambridge, in England, where he worked in atomics under Lord Rutherford, the eminent physicist. Thence he went to the Georg-August-Universität in Göttingen, Germany, at the invitation of Dr. Max Born, also a celebrated scientist interested in the quantum theory of atomic systems. He received his doctorate there in 1927, along with a reputation for being pushy.

In 1927–28 he was a National Research Fellow at Harvard and Caltech, and the following year he was an International Education Board Fellow at the University of Leyden, in the Netherlands, and the Technische Hochschule in Zurich, Switzerland.

Returning to the United States in 1929, Dr. Oppenheimer joined the faculties of Caltech at Pasadena, Calif., and the University of California at Berkeley. He was attached to both schools until 1947 and rose to the rank of professor. He proved an outstanding teacher. Magnetic, lucid, always accessible, he developed hundreds of young physicists, some of whom were so devoted to him that they migrated with him back and forth from Berkeley to Pasadena and even copied his mannerisms.

Describing to his security hearings his ivory-tower life up to late 1936, he said:

"I was not interested in and did not read about economics or politics. I was almost wholly divorced from the contemporary scene in this country, I never read a newspaper or a current magazine like Time or Harper's; I had no radio, no telephone; I learned of the stockmarket crash in the fall of 1929 only long after the event; the first time I ever voted was in the Presidential election of 1936."

NOTED FOR TEACHING

In this period and subsequently, Dr. Oppenheimer was noted more for his inspirational teaching and his over-all grasp of nuclear physics than for any major discoveries or theories.

However, in the nineteen-thirties Dr. Oppenheimer greatly influenced American physics as leader of a dynamic school of theoreticians in California. His influence continued in his recent years at the Institute for Advanced Study. In the words of one Nobel laureate in physics:

"No one in his age group has been as familiar with all aspects of current developments in theoretical physics."

One of his earliest contributions was in 1926–27 while he was working with Dr. Born, then a professor at Göttingen. Together they helped lay the foundations of modern theory for the quantum behavior of molecules.

In 1935 he and Melba Phillips made another basic contribution to quantum theory, discovering what is known as the Oppenheimer-Phillips process. It involves the break-up of deuterons in collisions that had been thought far too weak for such an effect.

The deuteron consists of a proton and neutron bound into a single particle. The two physicists found that, when a deuteron is fired into an atom even weakly, the neutron can be stripped off the proton and penetrate the nucleus of the atom. It had been assumed that, since the deuteron and nucleus are both positively charged, each would repel the other except in high-energy collisions.

Another theoretical study by Dr. Oppenheimer has figured prominently in recent efforts to explain the astronomical objects, known as quasars, that radiate light and radio waves of extraordinary intensity. One possibility is that the quasar is a cloud of material being drawn together by its own gravity.

"COLLAPSE" ANALYZED

In 1938–39 Dr. Oppenheimer, with Dr. George M. Volkoff and others, had analyzed such a "gravitational collapse" in terms of the general theory of relativity. Their calculations are now cited in efforts to explain the quasars.

Beginning in late 1936, Dr. Oppenheimer's life underwent a change of direction that involved him in numerous Communist, trade union and liberal causes to which he devoted time and money and that added to his circle of acquaintances many Communists and liberals, some of whom became intimate friends. These commitments and associations, which were to be recalled with sinister overtones at his security hearings, ended about 1940, according to the scientist or, in the version of some others, they persisted until the end of 1942, when he was about to go to Los Alamos.

One precipitating factor in Dr. Oppenheimer's awakening to the world about him was a love affair, starting in 1936, with a woman Communist, now dead. (In 1940 he married the former Miss Katherine Puening, who had been a Communist during her marriage to Joseph Dallet, a Communist who died fighting for the Spanish Republican Government.)

Apart from the influence exerted by his fiance in 1936 there were other compelling

elements in Dr. Oppenheimer's transformation from cloistered academician to social activist. He described them this way:

"I had had a continuing smoldering fury about the treatment of Jews in Germany. I had relatives there, and was later to help in extricating them and bringing them to this country. I saw what the Depression was doing to my students. Often they could get no jobs, or jobs which were wholly inadequate. And through them, I began to understand how deeply political and economic events could affect men's lives. I began to feel the need to participate more fully in the life of the community."

Dr. Oppenheimer's activism was far-ranging, but he consistently denied that he was ever a member of the Communist party ("I never accepted Communist dogma or theory") and no substantial evidence was ever adduced to refute him.

Dr. Arthur H. Compton, the Nobel Prize-winning scientist, brought Dr. Oppenheimer informally into the atomic project in 1941. Within a year he had convinced Dr. Compton and military authorities that, to build a bomb, it was essential to concentrate qualified scientists and their equipment in a single community under a unified command.

He also impressed Maj. Gen. Leslie R. Groves, in charge of the $2-billion Manhattan Engineer District, as the bomb project was code-named, who selected him for the post of director and who ordered him cleared for the job despite Army Counter-Intelligence qualms over his past associations. With General Groves, Dr. Oppenheimer selected the Los Alamos site for the laboratory.

"To recruit staff," he said later, "I traveled all over the country talking with people who had been working on one or another aspect of the atomic-energy enterprise, and people in radar work, for example, and underwater sound, telling them about the job, the place that we are going to, and enlisting their enthusiasm."

Dr. Oppenheimer's persuasiveness and his new-found qualities of leadership were such that he gathered a top-notch scientific staff that numbered nearly 4,000 by 1945 and that lived, often amid frustrations and under quasi-military rule, in the hastily built houses of Los Alamos. Among the staff were Dr. Enrico Fermi and Dr. Niels Bohr, two physicists of immense world standing.

In the two tension-filled years it took to construct the bombs, Dr. Oppenheimer displayed a special genius for administration, for handling the sensitive prima-donna scientific staff (often he spent as much time on personal as on professional problems) and for coordinating its work. He drove himself at breakneck speed, and at one time his weight dropped under the whiplash of the war to 115 pounds. But he always managed to surmount whatever problem arose, and it was for this enormous all-around task that he was acclaimed as "the father of the atomic bomb."

WATCHED BY ARMY AGENTS

Dr. Oppenheimer's security troubles had their genesis while he was director at Los Alamos. Because a security-risk potential was imputed to him on account of past associations, Dr. Oppenheimer was dogged by Army agents, his phone calls were monitored, his mail was opened and his every footstep was watched. In these circumstances his overnight visit with his former fiancée—by then no longer a Communist—on a trip to San Francisco in June, 1943, aroused the Counter-Intelligence Corps.

The following August, for reasons that still remain obscure, Dr. Oppenheimer volunteered to a C.I.C. agent that the Russians had tried to get information about the Los Alamos project. George Eltenton, a Briton, and a slight acquaintance of Dr. Oppenheimer, had asked a third party to get in touch with some project scientists. In three subsequent interrogations Dr. Oppenheimer embroidered this story, but he declined to name the third party who had approached him or to identify the scientists. (In one interrogation, however, he gave the C.I.C. a long list of persons he said were Communists or Communist sympathizers in the San Francisco area, and he offered to dig up information as to former Communists at Los Alamos.)

Finally, in December, 1943, Dr. Oppenheimer, at General Grove's direct order, vouchsafed the third party's name as Prof. Haakon Chevalier, a French teacher at Berkeley and a longtime close and devoted friend of the Oppenheimer family. At the security hearings in 1954, the scientist recanted his espionage account as a "cock-and-bull story," saying only that he was "an idiot" to have told it. Dr. Oppenheimer never gave a further explanation.

There was some basis for Dr. Oppenheimer's original story, according to him and Professor Chevalier. The professor said that Mr. Eltenton had indeed approached him in late 1942 or early 1943 with a nebulous notion about getting scientific information and had been quickly rebuffed. Professor Chevalier said that he had recounted the episode to Dr. Oppenheimer and that both had dismissed the matter. This part of the incident was corroborated by Dr. Oppenheimer in his testimony at his security hearings.

(Just how much of Dr. Oppenheimer's spy-attempt story the C.I.C. believed is difficult to judge in the light of the fact that neither Professor Chevalier nor Mr. Eltenton was interrogated until May, 1946. Neither was prosecuted. Indeed, Professor Chevalier was an interpreter on the United States staff at the Nuremberg war crimes trial in 1945. Twenty years later he wrote "Oppenheimer: The Story of a Friendship," in which he charged that Dr. Oppenheimer had betrayed him out of ambition for fame and to stay in the C.I.C.'s good graces.

(A C.I.C. operative who had questioned Dr. Oppenheimer in 1943 suggested to his Army superiors that an unimpeachable assistant be assigned to the scientist. The operative's memo included this sentence:

("It is the opinion of this office that subject's [Dr. Oppenheimer's] personal inclinations would be to protect his own future and reputation and the high degree of honor which would be his if his present work is successful, and, consequently, it is felt that he would lend every effort to cooperate with the Government in any plan which would leave him in charge.")

With the end of World War II and Dr. Oppenheimer's return to full civilian life, he caused some disquiet in the scientific community by supporting the May-Johnson bill for military control of further atomic experiments. This was countered, however, when he later supported the McMahon bill, which created the Atomic Energy Commission, a civilian agency.

Another of the charges pressed against Dr. Oppenheimer in 1954 also had its origin at Los Alamos, and it involved the hydrogen, or fusion, bomb and his relations with Dr. Edward Teller over that superweapon, of which the Hungarian scientist was a vociferous proponent. At Los Alamos Dr. Teller was passed over for Dr. Hans Bethe as head of the important Theoretical Physics Division, Dr. Teller, meantime, worked on problems of fusion.

At the war's end, when most of the Los Alamos scientists returned to their campuses, hydrogen bomb work was generally suspended. In 1949, however, when the Soviet Union exploded its first fission bomb, the United States considered pressing forward immediately with building and testing a fusion device. The matter came to the Atomic Energy Commission's General Advisory Committee, headed by Dr. Oppenheimer.

On the ground that manufacturing a hydrogen bomb was not technically feasible at the moment, the committee unanimously recommended that thermonuclear research be maintained at a theoretical level only, Dr. Oppenheimer, who also thought a hydrogen bomb morally dubious, played a leading role in this proposal, and it did not endear him to Dr. Teller.

COMMITTEE OVERRULED

In 1950 President Harry S. Truman overruled Dr. Oppenheimer's committee and ordered work pushed on the fusion bomb. Dr. Teller was given his own laboratory and within a few months the hydrogen bomb was perfected with the aid of a technical (and still secret) device suggested by Dr. Teller.

It was charged at the security hearings that Dr. Oppenheimer was not sufficiently diligent himself in furthering the hydrogen bomb and that he influenced other scientists against participating in work on it. Dr. Teller testified that, apart from giving him a list of names, Dr. Oppenheimer had not assisted him "in the slightest" in recruiting scientists for the project.

Dr. Teller, moreover, went on record as being opposed to restoring Dr. Oppenheimer's security clearance, saying:

"In a great number of cases I have seen Dr. Oppenheimer act—I understood that Dr. Oppenheimer acted—in a way which for me was exceedingly hard to understand. I thoroughly disagreed with him in numerous issues and his actions frankly appeared to me confused and complicated. To this extent I feel that I would like to see the vital interests of this country in hands which I understand better, and therefore trust more.

"In this very limited sense I would like to express a feeling that I would personally feel more secure if public matters would rest in other hands."

Dr. Oppenheimer, for his part, vigorously denied that he had been dilatory or neglectful in supporting the hydrogen bomb, once President Truman had acted. "I never urged anyone not to work on the hydrogen bomb project," he declared. He insisted, too, that his board had materially assisted Dr. Teller's work.

If Dr. Oppenheimer had stirred Dr. Teller's displeasure in 1949, he also aroused strong feelings in Dr. Edward U. Condon of the National Bureau of Standards for different reasons. In an appearance before an executive session of the House Un-American Activities Committee, Dr. Oppenheimer described a fellow atomic scientist as a former German Communist.

When quotations from the testimony were printed in the newspapers, Dr. Condon and a number of other scientists were shocked on the ground that Dr. Oppenheimer had acted as an informer. "It appears that he [Dr. Oppenheimer] is trying to buy personal immunity from attack by turning informer," Dr. Condon wrote.

Subsequently, Dr. Oppenheimer wrote a public letter in which he attested the atomic scientist's patriotism, but the incident perplexed a number of Dr. Oppenheimer's friends.

The security hearings for Dr. Oppenheimer were triggered late in 1953, when William L. Borden, former executive director of the Joint Congressional Committee on Atomic Energy, wrote an unsolicited letter to J. Edgar Hoover, director of the Federal Bureau of Investigation. Mr. Borden gave it as his opinion that the scientist had been "a hardened Communist" and that "more probably than not he has since been functioning as an espionage agent."

Mr. Hoover wasted little time in sending the letter and an F.B.I. report to the White House and other agencies. It was then that President Eisenhower cut Dr. Oppenheimer

off from access to secret material. Lewis L. Strauss (pronounced straws), then chairman of the Atomic Energy Commission, gave Dr. Oppenheimer the option of resigning his consultantship with the commission or asking for a hearing. He chose a hearing.

ACTION DISMAYED MANY

The action against Dr. Oppenheimer dismayed the scientific community and many other Americans. He was widely pictured as a victim of McCarthyism who was being penalized for holding honest if unpopular, opinions. The A.E.C., Mr. Strauss and the Eisenhower Administration were accused of carrying out a witch hunt in an attempt to account for Soviet atomic successes and to feed a public hysteria about Communists.

The Personnel Security Board of the AEC, consisting of Gordon Gray, an educator, chairman; Thomas A. Morgan, a businessman, and Dr. Ward V. Evans, a chemist, held hearings in Washington from April 12 to May 6, 1954. They considered a long list of specific charges one batch dealing with Dr. Oppenheimer's past associations, another with the Haakon Chevalier incident and another with the hydrogen bomb.

Dr. Oppenheimer testified in his own behalf, and 40 great names in American science and education offered evidence of his loyalty. However, by a vote of 2 to 1 (Dr. Evans dissented), the board declined to reinstate its consultant's security clearance.

After asserting as "a clear conclusion" that Dr. Oppenheimer was "a loyal citizen," the majority report said it has "been unable to arrive at the conclusion that it would be clearly consistent with the security interests of the United States to reinstate Dr. Oppenheimer's clearance. . . ."

The report listed the following as controlling its decision:

"1. We find that Dr. Oppenheimer's continuing conduct and associations have reflected a serious disregard for the requirements of the security system.

"2. We have found a susceptibility to influence which could have serious implications for the security interests of the country.

"3. We find his conduct in the hydrogen bomb program sufficiently disturbing as to raise a doubt as to whether his future participation, if characterized by the same attitudes in a Government program relating to the national defense, would be clearly consistent with the best interests of security.

"4. We have regretfully concluded that Dr. Oppenheimer has been less than candid in several instances in his testimony before this board."

On appeal to the commission, Dr. Oppenheimer lost by a vote of 4 to 1. After declaring that Dr. Oppenheimer had "fundamental defects in his character," the majority said that "his associations with persons known to him to be Communists have extended far beyond the limits of prudence and self-restraint."

With the commission ruling, Dr. Oppenheimer returned to Princeton and the institute he headed. There he lived in quiet obscurity until April 1962, when President John F. Kennedy invited him to a White House dinner of Nobel Prize winners.

HIGHEST AWARD OF AEC

In December 1963, as a further evidence of a rapprochement, President Johnson handed Dr. Oppenheimer the highest award of the Atomic Energy Commission, the $50,000 tax-free Fermi Award, which is named for Dr. Enrico Fermi, the late distinguished nuclear pioneer.

In his acceptance remarks Dr. Oppenheimer adverted to his security hearings, saying:

"I think it is just possible Mr. President, that it has taken some charity and some courage for you to make this award today."

Dr. Oppenheimer was the author of several books: "Science and the Common Understanding" (1954), "The Open Mind" (1955), "Some Reflections on Science and Culture" (1960).

Ailing, he retired as director of the institute, a research facility for some 200 postdoctoral fellows in many fields, in early 1966. He was succeeded by Dr. Carl Kaysen of Harvard.

In addition to the Medal of Merit for his work in Los Alamos and an assortment of honorary doctorates, Dr. Oppenheimer was a fellow of the National Academy of Arts and Sciences, the American Physical Society and Britain's Royal Society. He was also a member of the National Academy of Sciences, the American Philosophical Society and several foreign academies.

Dr. and Mrs. Oppenheimer had two children, Peter and Katherine.

OPPENHEIMER PRAISED AS THEORETICIAN AND TEACHER

Dr. J. Robert Oppenheimer, "the father of the atomic bomb," was praised yesterday as a man who not only brought American physics to the front rank but also impressed on people the dangers and benefits the new science could bring.

Dr. Oppenheimer, 62 years old, died at 8 o'clock Saturday night at his home on the grounds of the Institute for Advanced Study in Princeton, N.J. An autopsy performed yesterday at Princeton Hospital confirmed earlier reports that he had died of throat cancer.

"It was as if an elder brother had died," said Dr. Hans J. Bethe, the noted physicist, who was closely associated with Dr. Oppenheimer at Los Alamos where the first atomic bomb was produced.

"As director of the Los Alamos Scientific Laboratory he impressed his superb style on it, and more than anybody else was responsible for its success," Dr. Bethe said at Ithaca, where he is now a professor of physics at Cornell University. "After 1945 he contributed his full share to a climate in which atomic weapons have not again been used in war."

JAPAN MOURNS DEATH

In Japan, where the brunt of the atomic bomb was felt, Japanese scientists mourned Dr. Oppenheimer's death.

But at least one of them, Dr. Hideki Yukawa, Japan's first Nobel prize-winning scientist, said Dr. Oppenheimer was also "a symbol of the tragedy of the modern nuclear scientists."

In 1954 Dr. Oppenheimer was stripped of security clearance by the Atomic Energy Commission because of alleged associations with Communists.

Nine years later the same agency awarded him the $50,000 Enrico Fermi award for "his outstanding contributions to theoretical physics and his scientific and administrative leadership."

Dr. Yukawa suggested the 1954 charges had a profound effect.

"He was so sensitive," Dr. Yukawa said, "that his difficulties and differences of opinion with the Government probably put him under severe psychological pressure. I may say that this might have shortened his life."

Dr. Carl Kaysen, who succeeded Dr. Oppenheimer last year as the director of the Institute of Advanced Study in Princeton, N.J., called the withholding of security clearance "a great injustice." He added: "I have no doubt it had a very serious effect."

Despite the effect, Dr. Kaysen said Dr. Oppenheimer went on to make a great contribution in his last years by building up physics studies at the institute.

Dr. Kaysen remembered him as a "very great physics teacher . . . one of the teachers who stirred up a great many people. Not only did he help create nuclear weapons but he was one of the important people who tried to get others to understand what the weapons meant."

In Washington, Dr. Glen Seaborg, chairman of the Atomic Energy Commission, said: "All people, as well as the whole world of science, have suffered a tremendous loss. . . . He was one of the greatest theoretical physicists of this century."

In Saigon where he is traveling as a special Presidential adviser, David E. Lilienthal, former chairman of the A.E.C., was visibly shaken on hearing news of the death.

Later he said: "The world has lost a noble spirit—a genius who brought together poetry and science. Those of us who were his friends and neighbors know that life for us will never be the same."

A scientist who disagreed sharply with Dr. Oppenheimer's wartime decision not to press ahead then with the hydrogen bomb said yesterday: "I like to remember that he did a magnificent job and a very necessary job . . . in organizing [the Los Alamos laboratory], and the way he organized it, he exercised a lasting effort on the scientific life of this country." The scientist was Dr. Edward Teller, who is known as "the father of the hydrogen bomb."

Dr. I. I. Rabi, a Nobel laureate and now professor of physics at Columbia University, called Dr. Oppenheimer "one of the greatest sources of scientific strength."

"American physics was pretty unsophisticated," Dr. Rabi said, "before he started having an effect on it. Some of the great strength the United States had in the war stemmed from Oppenheimer."

As a person, Dr. Rabi said, Dr. Oppenheimer was one of those "fantastically magnetic, charismatic people. Students flocked to him."

ECHOED AT PRINCETON

The feeling was echoed by Dr. John A. Wheeler, a professor of physics at Princeton University.

"The country is doubly in his debt," Dr. Wheeler said. "First for the outstanding leaders of theoretical physics whom he trained in his California days, and second and still more, for the inspiration and guidance he provided for the Los Alamos team. He had that magic which is known as charisma. I can't think of anyone else who could have brought that Los Alamos team together."

In Paris, Dr. Alfred Kastler, the Nobel price-winning physicist, said Dr. Oppenheimer could not be reproached for his part in developing the atom bomb, because he had known that Nazi scientists were working on a similar project.

In London, Sir John Cockroft, the leading British nuclear scientist, said he did "a tremendous job for the United States and was a very distinguished and complex person."

Meyer W. Weisgal, president of Israel's Weizmann Institute of Science, said Dr. Oppenheimer was "a man of wide-ranging interests, enobled by adversity" who "left an indelible imprint on the quality of [the institute's] research."

In Moscow the Soviet news agency Tass reported the death in a one-sentence dispatch. It described Dr. Oppenheimer as an "outstanding American physicist."

Funeral services for Dr. Oppenheimer will be private. A memorial service will be held next Saturday at 3 P.M. in Alexander Hall on the Princeton University campus.

[From the Washington Post, Feb. 20, 1967]

WORLD SCIENTISTS MOURN DEATH OF J. ROBERT OPPENHEIMER, 62

Around the world, friends and associates of Dr. J. Robert Oppenheimer received the news of his death Saturday night with shock and grief, remembering him as "a noble spirit, a genius, and a humanitarian."

Praise of the controversial physicist, director of the scientific effort which developed the atomic bomb was led by Dr. Glenn T.

Seaborg, chairman of the Atomic Energy Commission.

"He was one of the great theoretical physicists of his century," Seaborg said in Washington. "His role far transcended physics and science, for he was a great humanitarian with a sensitive concern for the sociological implications of science and the total welfare of mankind."

David E. Lilienthal, former chairman of the AEC, now in Saigon as a presidential adviser, called Dr. Oppenheimer "a noble spirit—a genius who brought together poetry and science. Those of us who were his friends and neighbors know that life for us will never be the same."

In Japan, the country devastated by the atomic bomb that Dr. Oppenheimer helped develop, the scientist was called "a symbol of the tragedy of the modern nuclear scientists."

Hideki Yukawa, a Nobel-winning scientist and long-time friend of Dr. Oppenheimer's, suggested that Dr. Oppenheimer's life may have been shortened by his troubles with the U.S. Government over his alleged Communist sympathies.

"He was so sensitive that his difficulties and differences of opinion with the Government probably put him under severe psychological pressure," Yukawa said. "I may say that this might have shortened his life."

As tributes to the quiet physicist poured in from the world of science, plans were announced in Princeton for him to be buried as he had spent the last years of his life—in private.

His widow, Katherine, announced yesterday that the funeral would be private. A memorial service was planned, but details were incomplete.

Dr. Oppenheimer died at his Olden Farms home in Princeton where he had spent the last 18 years of his life as director of the Institute for Advance Study. The cause of his death was not announced, but he had been suffering for some time from cancer of the throat.

Among the scientists praising Dr. Oppenheimer was Dr. Edward Teller, his associate on the atomic bomb project and later his antagonist in the public dispute over the development of the hydrogen bomb. Dr. Teller was a proponent of developing the H-bomb, while Dr. Oppenheimer opposed it.

"I like to remember that he did a magnificent job and a very necessary job" in organizing the atomic bomb project, Dr. Teller recalled. "He exercised a lasting effect on the scientific life of the country."

The Russian News Agency Tass reported Dr. Oppenheimer's death in a one-sentence dispatch, describing him as an "outstanding American physicist."

SCHOOL DESEGREGATION GUIDELINES

Mr. STENNIS. Mr. President, the majority leader has urged us to give renewed attention to our oversight responsibilities; to conduct a thoroughgoing review of recent legislation and programs to determine whether they are being carried out and administered in the way intended by Congress. In accordance with this wise and timely suggestion, I strongly recommend that the appropriate committee undertake a complete and comprehensive investigation into the administration of title VI of the Civil Rights Act of 1964 by the Office of Education. Never to my knowledge has the intent of Congress been more flagrantly ignored than in the administration of title VI. Seldom has plain statutory language been so brazenly disregarded.

The danger of allowing this administrative lawlessness to go unchecked is demonstrated by a recent decision by a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit.

I wish to add that the entire panel has decided now to take up that decision for review and later decision by the entire court.

In an effort to legitimize the activities of the Office of Education and stifle all objections to the legality of the school desegregation guidelines, the court itself was led to renounce settled law and adopt a totally new concept of the 14th amendment.

I refer to an opinion of a three-judge court of the U.S. Court of Appeals rendered on December 29, 1966, in the case of United States of America and Linda Stout, by her father and next friend, Blevin Stout, appellant, against Jefferson County Board of Education and others.

In order to sustain the extreme and unprecedented requirements of the guidelines, the court was compelled to reinterpret and drastically revise its own prior rulings. As the dissenting opinion points out—and that three-judge decision was 2 to 1—and as the prevailing opinion acknowledges, the court has repeatedly approved and applied the case of *Briggs* v. *Elliott*, 132 F. Supp. 776 (E.D.S.C. 1955). In the Briggs case the court said:

> It is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the federal courts are to take over or regulate the public schools of the states. It has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the state may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The Fourteenth Amendment is a limitation upon the exercise of power by the state or state agencies, not a limitation upon the freedom of individuals.

This clear and simple exposition of the law, which reflects the general understanding of the Constitution and the holding of the Brown cases, and which has been the basis for a decade of decisions in the fifth circuit and elsewhere, is now repudiated as mistaken quibbling. The very opposite view is now taken by the court which sums up its present interpretation in the statement that—

> As we see, the law imposes an absolute duty to desegregate, that is, disestablish segregation. And an absolute duty to integrate, in the sense that a disproportionate concentration of Negroes in certain schools cannot be ignored; racial mixing of students is a high priority educational goal.

After discovering for the first time in December 1966 that the Constitution imposes an "absolute duty to integrate," the court attributes a like intent to Congress in passing the Civil Rights Act 2½ years earlier. On the basis of this presumed intent the court affirms the guidelines as a "legitimate, authoritative" expression of congressional policy. The court's approval of the guidelines, therefore, is based on a complete misunderstanding of the intent of Congress.

There is simply no justification whatever for imputing any such intent to Congress. Certainly the statute itself does not say anything about an "absolute duty to integrate" or establish "racial mixing of students—as—a high priority educational goal." Title VI is concerned solely with discrimination and the distribution of Federal funds. It does not even mention education much less attempt to define educational goals and fix their priorities. It says that no one shall be "excluded from participation," no one shall be "denied the benefits," no one shall be "subjected to discrimination" because of race. These are all restraints on action, not directions to take action. Surely, if Congress had intended to impose a duty to integrate, it would have said so in positive terms instead of leaving it to be inferred from negative language.

Not once in an opinion which runs over a hundred typewritten pages does the court cite a single sentence of legislative history to support the conclusion that Congress intended to create an "absolute duty to integrate." The very absence of legislative history on this point is conclusive proof that Congress had no such intent. If it had been the intention of Congress in passing the Civil Rights Act to adopt this far-reaching new doctrine, some mention of it would undoubtedly have been made in the 3 months of Senate debate on the bill.

The debates on the bill actually manifest the very opposite intent. Then Senator HUBERT HUMPHREY, who acted as floor manager of the bill, advised the Senate that "the thrust of the court's opinion" in the Gary case had been written into the bill and that—

> This case makes it quite clear that while the Constitution prohibits segregation, it does not require integration.

Senator HUMPHREY explained further that—

> The bill does not attempt to integrate the schools, but it does attempt to eliminate segregation in the school systems.

It is obvious, therefore, that Congress distinguished between forced segregation and forced integration, and that while it intended to prohibit the former it did not undertake to compel the latter.

Fortunately, all 12 members of the court of appeals have agreed to rehear this sweeping 2-to-1 decision. This, however, does not relieve Congress its own independent responsibility to review the activities of the Office of Education. Regardless of what the court may decide it can do under the Constitution, the

Commissioner of Education can do no more than Congress authorized him to do under the Civil Rights Act. The Constitution may expand but the statute remains the same as when Congress passed it, and Congress, not the court, is the final authority on its intent as expressed at the time.

I want to make it clear that it is not the Civil Rights Act which is being questioned. The Civil Rights Act was passed by the elected representatives of the people in the Congress, signed by the President, and upheld by the court. It is not the regulations for the enforcement of the Civil Rights Act which are being challenged. These regulations were approved by the President and no objections have been made to them. What has aroused widespread and sincere opposition are the guidelines issued by an appointed official in the lower echelons of the Federal bureaucracy without the formal approval of one single elected representative of the people.

Congress recognized the grave dangers inherent in delegating broad rulemaking authority to Federal administrators in so sensitive an area as public education. Accordingly, Congress wrote into the Civil Rights Act a provision that no "rule, regulation, or order shall become effective unless and until approved by the President." The Commissioner of Education attempts to avoid this plain requirement of the statute by calling his rules, regulations, and orders guidelines. If Federal administrators are to be allowed to evade an act of Congress simply by thinking up a new word to describe their activities, then democratic government is at an end.

The Commissioner maintains that the guidelines are not really rules at all but are merely helpful suggestions to schools attempting to comply with the Civil Rights Act. If the school refuses to agree to the Commissioner's suggestions or fails to follow them, however, it is prohibited from receiving the Federal assistance which Congress authorized and appropriated for its benefit. When a right conferred by a solemn act of Congress can be taken away on the basis of an informal suggestion of a Federal administrator, he is exercising legislative authority no matter how much he denies it.

The Commissioner contends that the guidelines are not hard and fast rules to be followed by the schools, but are an administrative guide to assist him in reviewing the schools' compliance with the Civil Rights Act. In practice, however, the criteria for review and the standards of compliance are one and the same. A school which does not measure up to the guidelines is reviewed and found in noncompliance regardless of whether there is any evidence of discrimination in the operation of the school system. Mere refusal to agree to abide by the guidelines is considered noncompliance with the Civil Rights Act.

The Commissioner is constantly reassuring the public that the guidelines do not outlaw what has come to be known as freedom-of-choice plans for assigning students to public schools. Under the freedom-of-choice plan which has been widely adopted in the South as a means of desegregating the schools, every child is given the right to choose to attend any school in the system. This fact is publicized in the local papers, a 30-day period is allowed for exercising the choice, parents are sent individual notices and explanations of the freedom-of-choice system of student assignments, they are furnished a form on which to make their choice, school officials are not permitted to influence the choice in any way, and if no choice is made, the student is assigned to the school nearest his home.

Although the Commissioner pays lipservice to this means of complying with the Civil Rights Act, the guidelines in fact reject it. The guidelines provide that—

> Where a free choice plan results in little or no actual desegregation, or where, having already produced some degree of desegregation, it does not result in substantial progress, there is reason to believe that the plan is not operating effectively and may not be an appropriate or acceptable method of meeting constitutional and statutory requirements.

Thus the free choice plan is acceptable only so long as the people make the choice the Commissioner thinks they should make. No matter how fairly the plan is administered, no matter how freely it operates, if it does not produce the kind of results the Commissioner wants, then the freedom-of-choice plan must be scrapped and some way found to coerce the people into making the proper choice.

To insure that enough people make the right choice, the guidelines establish an elaborate system of quotas of integration which the schools must meet in order to be considered in compliance with the Civil Rights Act. If 8 or 9 percent of the students transferred from a formerly segregated school last year, then double that number must transfer this year. If only 4 or 5 percent transferred, then this year's quota must be tripled, and so on. The Commissioner defends these quotas as "objective" administrative guides in reviewing the progress of desegregation. They are objective only in the sense that they are fixed numbers, but they are numbers arbitrarily chosen. They are not a measure of the progress of desegregation, which was accomplished when the schools were opened to all regardless of race, but a test of racial balance in the schools. They are effectively enforced upon the schools who must meet them to satisfy the Commissioner of their eligibility for Federal assistance.

These quotas, no matter how ingeniously they are explained, no matter how deviously they are enforced, are nothing more or less than a bold attempt to impose an arbitrary racial balance on the public schools. When the Commissioner tells a public school that it must discard its freedom-of-choice system and devise a means of increasing integration by 16 or 18 percent in order to receive Federal assistance, he is requiring "the assignment of students to public schools in order to overcome racial imbalance." Congress foresaw this danger and attempted to avoid it by adopting section 401(b) of title IV which provides that:

> "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.

In section 602 of title VI, Congress sought to guard against the capricious and unwarranted disruption of Federal assistance by providing that funds could not be terminated until there had been "an express finding on the record, after opportunity for hearing," that the recipient was not in compliance with the Civil Rights Act. The Commissioner has repeatedly violated this basic right guaranteed by Congress in the act by "deferring," rather than terminating, the assistance to which the schools are entitled. The Commissioner claimed that since he was merely deferring funds, he was not required to hold hearings before cutting off further aid to the schools. This transparent semantic distinction makes no difference in substance and demonstrates again the dangerous legal reasoning that is being employed in the Office of Education. Anything not expressly prohibited is authorized, and anything prohibited is permissible if it can be redefined. If this view takes hold throughout the Government, every statute will become a blank check which any agency can fill in to suit its own purposes.

In section 604 of title VI, Congress specifically prohibited any action under the Civil Rights Act with respect to any employment practice "except where a primary objective of the Federal financial assistance is to provide employment." No one claims that the purpose of Federal aid to education is to provide employment for teachers, but the Commissioner of Education claims the authority to regulate the employment and assignment of staff and faculty to accomplish integration. The Commissioner justifies his disregard for section 604 on the grounds that since Congress did not expressly mention teachers it must not have intended for the provision to apply to them. By this upside down legal reasoning, the Commissioner has effectively eliminated section 604 from the statute.

Section 604 was one of the few changes that were made in the bill passed by the House and was necessary in order to secure passage in the Senate. It recognizes that employment practices are a matter entirely different from discrimination against beneficiaries of a program receiving Federal assistance and reflects the intent of Congress to prevent Federal interference in this area under the broad provisions of title VI. Indeed, Congress included a separate title in the act dealing specifically with the problem of discrimination in employment. Title VII, the longest title in the act, takes 14 pages to define the exact conditions under which employment relationships may be regulated under the Civil Rights Act. The Commissioner of Education, however, circumvents all the limitations contained in this title by the amazing legal feat of finding a positive grant of power in the negative prohibition of section 604.

Section 602 requires that all rules, regulations, or orders for implementing title VI must be of "general applicability." Neither by their language nor in their administration is there any semblance of

general applicability to the guidelines. They are drawn to apply only to the South, and they are enforced only in the South. An excellent example of this gross discrimination that is being practiced by the Office of Education is in the matter of faculty integration.

The Commissioner has ordered schools in the South to put at least two white teachers in every formerly colored school and two colored teachers in every formerly white school or lose their eligibility to receive Federal assistance. Apparently, the Civil Rights Act does not apply to Chicago, however, because on January 10, 1967, the Commissioner released a report showing that of 259 white elementary schools in that city, 222 had no Negro teachers. Nearly 90 percent of all Negro teachers were assigned to Negro schools. At the same time he released the report, the Commissioner announced that he was taking no action to cut off aid to these schools as he is doing in the South. The Commissioner, therefore, is either exceeding his authority in the South or neglecting his responsibilities elsewhere, and Congress should determine which it is and correct the situation.

I do not think that, in adopting the Civil Rights Act, Congress intended to endorse the principle of forced integration. I do not think Congress intended to authorize the Commissioner of Education to balance the races in the schools according to his personal notions of what constitutes the proper proportions. I do not think that, in giving students the right to choose where they will go to school, Congress intended to deny teachers the right to choose where they will teach. I do not think that on this subject the Congress intended to pass one law for Chicago and another for the South.

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

Mr. STENNIS. I yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Mississippi agree with the Senator from North Carolina that Congress had no purpose in enacting title VI to put the control of the faculties and the students of all of the schools in the Southern States under the absolute control of one bureaucrat in the Department of Health, Education, and Welfare—a bureaucrat who is not elected by anybody or responsible to anybody?

Mr. STENNIS. I say quickly that the Senator is entirely correct. The matter was not in the bill; it was not debated, unless most casually in passing.

The Senator has mentioned the vast power that is vested, here, in a man who is not responsible to the people, has not been chosen by the people and who acts directly in the face of the fact that the bill we passed here says the President of the United States shall sign an order or a regulation before it becomes effective.

There is not a semblance of any act whereby the President has ever signed these guidelines—the guidelines they are using now to put these schools into line.

Mr. President, I do not think that Congress intended to give the Commissioner of Education unlimited authority to supervise and control publication through the issuance of "guidelines" without the approval of a single elected official. Nevertheless, that is exactly what has been done.

Mr. President, unless I very strongly misjudge the American people—and I am not talking particularly about the people in the South or about the matter of schools—I do not believe that the American people will be willing to live up to rules and regulations, whether they be on the subject of housing, schools or any other matter, gotten up and put into being by those who are not elected representatives.

If we do not work out a way in Congress to stop that practice, the people will work out a way at the ballot box to stop it.

I do not believe that the American people will submit to the system of brazenly running over the people, Congress and everyone else merely because a Government department has a great deal of big money to dribble out to these districts.

I feel strongly, however, that the Office of Education has reached the very opposite conclusion. I earnestly urge, therefore, that the approprite committee undertake a complete review of the administration of title VI to determine whether the intent of Congress is being honored.

By way of suggestion as to some of the questions that should be explored at the hearings, I am including a copy of a letter which I wrote to the Commissioner on October 21, 1966, explaining in detail my reasons for believing that he has seriously misunderstood the intent of Congress.

The Commissioner has delayed giving me a full reply to my letter until the case pending before the Fifth Circuit is finally decided.

I can understand the Commissioner's desire to have the benefit of the latest judicial authority before replying to my letter. However, I do not believe that Congress must wait for this decision.

This is basically a matter of congressional intent, and the court's approval or disapproval of the "guidelines" cannot alter the intent of Congress in passing the civil rights bill.

Since the three-judge panel from the U.S. Court of Appeals sitting at New Orleans decided the case that I referred to heretofore, it has been used as a whip over the heads of the trustees of these small school districts to call these trustees to Washington—1,000 miles from home—for so-called hearings.

Since the 12-judge panel has taken over this matter, I do not know what the Commissioner is doing about it.

Mr. ERVIN. Mr. President, when title VI was before the Senate I predicted that it would provide a method by whch the officials would use billions of dollars of Federal appropriations to either bribe or browbeat local officials into the acceptance of the dictatorship of members of the executive branch of the Government in Washington.

I ask the Senator from Mississippi if he does not think, in the light of subsequent developments, that I can lay claim to being a true prophet in that respect.

Mr. STENNIS. I think the Senator called the turn exactly right, as he has done on many occasions before on the Senate floor.

This is a subject that is peculiarly adaptable to the assumption of power. The reaction occasioned by the resentment of the American people could blow the dome off the Capitol.

Mr. ERVIN. Mr. President, does not the Senator from Mississippi recall that many of us opposed the adoption of title VI on the ground that we were delegating to the executive branch of the Government legislative powers that belonged to Congress alone?

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. I said at the time that while we ridiculed Old Caligula, the Roman Emperor, who wrote his laws in small letters and hung them on the wall as being a sorry type of legislator, the Senate in approving title VI would be a worse legislator than Caligula because in Rome they had a big enough ladder and a large enough magnifiying glass to read those laws. However, I said that by the time we got through with this bill, nobody could read the rules and regulations that we were authorizing to be born in the empty craniums of some Federal bureaucrats.

Mr. STENNIS. The Senator is correct. I thank the Senator for his contribution to this very important subject in which he is so well versed. I have great hope that the Senator can find time to give this matter even more attention in the coming weeks and months of this session.

Mr. President, I believe further that the Commissioner of Education is setting a dangerous example here. He is being permitted here to set a trend that can spread to other agencies and, in fact, to every program administered by the Federal Government.

The Commissioner is carefully and systematically building up a body of precedents which can be used by any administration to subvert the law to its own ends.

If the Commissioner is not promptly called to account, any Federal administrator will feel free in time to ignore or override the intent of Congress. Every other zealous bureaucrat, convinced of his superior wisdom and confident of his power, will seize the opportunity to rewrite the law the way he thinks it should have been written.

The ukase of any Federal official will carry greater authority than an act of Congress.

Instead of a government of laws enacted by elected representatives of the people, we will have a Government of guidelines handed down by appointed bureaucrats.

Mr. President, I point out that I am making no personal attack upon the Commissioner or anyone else administering this law. I am satisfied that they are operating under direct orders from higher authority.

Some several months ago I appeared on a national television program. I was more or less invited to make derogatory remarks about the Commissioner and others. I declined to do so because that is no way to get matters considered on their merits. However, I attack the official acts of the Commissioner with all of my spirit and will look for a way

and a forum somewhere to make these valid objections to what is happening stand up.

I know we expressly wrote into the civil rights bill that any rules or regulations before being effective had to be approved and signed by the President of the United States.

This mass of guidelines with which they are badgering these school districts have never received the approval of the President of the United States.

The President did sign an order or a regulation in broad language, but the guidelines are the thing that is being used to whip the people into line. It has been contrived either by someone in the Department of Justice or someone with authority in the administration to go far beyond the authority contained in the Civil Rights Act in question.

I have no power to make inquiry of or to threaten anyone, and I do not. However, I believe that this thing will finally sift on down to the people of the United States and that the people—enough of the people—will not be willing to put up with control of their affairs by officials in this way if that control is not within the real terms of a law passed by their elected representatives.

The people will work out something at the ballot box to get some kind of a change.

I warn now that that is the kind of process we are going through. I have thought about this for a long time. I want to illustrate here that they are having hearings in Washington now before the Commissioner and his representatives.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I ask unanimous consent that I may proceed for 4 additional minutes.

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

Mr. STENNIS. At these hearings recently, in a case with which I am familiar, the charges brought against this small school district, in an attempt to prove noncompliance, were that the school had not made "adequate progress" in eliminating the dual schools and that the school district had not "properly prepared" the community for accepting the elimination of dual schools.

On cross-examination, this representative of the Department could not or would not give a concrete answer as to what he meant by "adequate," other than that his office and his superiors had ruled that this school district had not done enough, and he would not give a definition of being "properly prepared"—that is, of having "properly prepared" the community. It is on just such hazy and indefinite allegations as these, that the school districts are being put on the rack.

I am a former prosecuting attorney, and I know what every lawyer knows: That if you have a criminal statute for the lowest possible form of a crime and it carries any kind of penalty, the language must be definite and certain and positive. Otherwise, that law is invalid. And no one can be held up and pilloried because his conduct is not proper or adequate. This is ridiculous.

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

Mr. STENNIS. I yield.

Mr. ERVIN. I should like to ask the Senator from Mississippi this question: Under the system now being employed for the supposed enforcement of title VI, is not the Commissioner of Education the man who makes the laws, the man who investigates the violations of the laws, the man who prefers the charges, the man who tries the charges in the capacity of a juror and a judge, and who also is the executioner?

Mr. STENNIS. That is the way it is working out.

Mr. ERVIN. I should like to ask the Senator from Mississippi if that system is not totally repugnant to any system worthy of the name of justice.

Mr. STENNIS. Of course, it contradicts basic principles.

Mr. ERVIN. I ask the Senator this question: If the issue on which the Commissioner of Education passes, under this system, were submitted to a jury, would the Commissioner be ineligible to sit on the jury?

Mr. STENNIS. He certainly would be ineligible.

Mr. ERVIN. And if the matter were to be tried before a judge, he would be ineligible to be the judge.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. Yet, under this system, he makes the laws, he enforces the laws, he acts as the prosecutor, and then he acts as the judge and the jury and the executioner. Is that not repugnant to every system of justice worthy of the name?

Mr. STENNIS. It certainly is, and it is directly contrary to the express provisions of this statute.

Mr. President, I repeat that a plan such as this did not simply happen. It has more behind it than Mr. Howe, the Commissioner of Education. It is a plan so far reaching that it has for its obvious purpose the enforcement of an extreme civil rights program from a political viewpoint or political position, rather than for the education of the children, as Congress intended. This plan is bound to have been cooked up by either the Department of Justice or by someone at a top level in Government, in authority. Wherever it arose, I do not believe that it came from the real educators of the Department of Health, Education, and Welfare. I say that because I have had contacts with some very fine educators in the Department.

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

Mr. STENNIS. I shall yield in a moment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. STENNIS. I also believe that there has been perversion of money appropriated for educational purposes to a purely political program, in order to make a showing percentagewise, because that is what they insist on, to the trustees of these small districts.

I cannot find any evidence that these guidelines are really being enforced anywhere except in the South, and my information is that there is a pattern of nonintegration on a large scale in the larger States of the North. My information is that these States have merely signed up, but they have not been substantially challenged in their present patterns.

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

Mr. STENNIS. I am sorry, but I do not have time.

Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. STENNIS. I believe that the Senator from South Carolina has asked me to yield.

Mr. THURMOND. I commend the Senator from Mississippi upon the statement he has made.

The Senator from Mississippi is an able lawyer and was an able judge. Is there any question in the Senator's mind that the 1954 segregation decisions held that no child can be excluded from any school on account of race, and that is all that was held?

Mr. STENNIS. That is the law. That is the law that has been passed—that they could not be discriminated against.

Mr. THURMOND. So that if the proposed recommendation of the Civil Rights Commission should be adopted, would not that have the opposite effect, because it would force children to go to certain schools, against their wishes, whether they wished to go or not?

Mr. STENNIS. It is true; but, in effect, they are already doing it in part.

Mr. THURMOND. I shall come to that question in a few minutes.

Also, under the guidelines now being used by HEW, is it not true that school districts have been coerced and intimidated into doing the very thing that the Civil Rights Commission has recommended?

Mr. STENNIS. The Senator is eminently correct. That is exactly what they are doing now.

Mr. THURMOND. The Civil Rights Commission is attempting to make legal what the HEW has been doing through coercion and intimidation.

Mr. STENNIS. I believe that the Senator has described the situation correctly. I have not analyzed those recommendations this morning. This speech is not based on those recommendations. But it substantially supports my position.

Mr. THURMOND. And if the recommendations of the so-called Civil Rights Commission are adopted, it would not be as a matter of desegregation, it would not be as a matter of eliminating discrimination, but it would be a matter of force or compulsory integration. That is something that Congress has never acted upon, and it is something that the Supreme Court has never acted upon. Does not the Senator believe that that would be a violation of the rights of a person under the 14th amendment and a violation of the Constitution of the United States?

Mr. STENNIS. It certainly would be. And it would be a violation of the full

assurance that was given on the floor of the Senate.

I yield briefly to the Senator from Florida.

Mr. HOLLAND. I thank the Senator. I congratulate the Senator on his able address.

I wish to go a little further along the line just mentioned by the Senator from South Carolina. It seems to me very clear that the recent recommendations of the Civil Rights Commission do exactly what the Senator from South Carolina has suggested that they do—that is, they try to make legal what HEW has been forcing not only on the Senator from Mississippi, in his State, but also on many counties in the State of Florida, which is certainly regarded as, and is, a moderate State in this field.

If the Senator will allow me to do so, I wish to call attention to the fact that perhaps the most liberal paper in the United States, the Washington Post, in its lead editorial this morning, says that the recommendations of the Civil Rights Commission are wrong, and points that out very clearly in the editorial.

I wonder if the Senator would yield to me so that I might ask unanimous consent that the lead editorial in the Washington Post of this morning, "A Dubious Remedy," be printed in the RECORD at this point.

Mr. STENNIS. At the conclusion of my remarks.

Mr. HOLLAND. I shall be happy to do that.

The PRESIDING OFFICER. Without objection, the editorial will be printed at the conclusion of the remarks of the Senator from Mississippi.

(See exhibit 1.)

Mr. HOLLAND. Mr. President, the Senator from Florida does not very frequently use editorials from the Washington Post, but he feels that this one is so completely correct in its appraisal of the recommendations of the Civil Rights Commission that he feels the RECORD should show how this ultraliberal paper construes these recent recommendations, which I think are not only offensive to right and justice, but detrimental to the best interests of the hundreds of thousands of children of all minority groups, Negroes, Puerto Ricans, whites of various foreign ancestry, and the like, throughout the Nation, in the large cities.

I thank the Senator for yielding.

EXHIBIT 1

A DUBIOUS REMEDY

Public schools in the country are, unfortunately, more heavily segregated now than in 1954. Segregation by residential pattern is proceeding faster than desegregation by law. The U.S. Civil Rights Commission's latest report, "Racial Isolation in the Public Schools," explains the difficulty clearly enough. But it offers only a very dubious remedy.

Lower class life has traditionally been largely organized by ethnic groups in American cities. Some of the earlier ethnic groups in the slums have positively insisted upon their own schools and segregated institutions even though, in the opinion of some scholars, they have retarded their own economic and social progress by it. The past decade is the first time in the cities' experience that that idea of ethnic concentrations has been subjected to a sustained political challenge. There is not much in the cities' laws or past experience to guide them toward a solution.

The Civil Rights Commission begins with the familiar point that most children in segregated Negro schools do not do as well as most children, white or Negro, in preponderantly white schools. The Commission then reviews several attempts to compensate for segregation by giving Negro schools somewhat more money and attention. The Commission concludes that all of these experiments have failed. The only answer, it argues, is Federal legislation to reduce the proportion of Negroes in any school to a fixed standard, perhaps 50 percent.

To achieve this ideal, the Commission suggests school pairing, educational parks, and a variety of other familiar expedients. But these devices seem to work best in small cities. They offer little hope to New York, where the slums are great cities in themselves, or to Washington, where more than 90 per cent of the schoolchildren are Negroes and state lines surround them on all sides. The basic concept of a racial balance is not useful in a city like Detroit where many of the white children are from Appalachia and are, as a group, more deprived than the Negroes; or in cities where many of the children, both white and Negro, speak Spanish. To pin all of our national policy to a rule of racial balance alone would be a dangerous oversimplification of the actual needs of minorities.

When exchanges can reasonably be accomplished, they ought to be encouraged. But in many schools, for the present, there is no alternative to large Negro majorities. The Commission has been far too quick to conclude that compensatory programs do not work. On present experience, it can only be said that small, inexpensive programs have little visible effect. The best hope for inner city education now is a sweeping reorganization of the schools to bring in the parents, both as advisers and as students, and to bring in the children at much earlier ages. We must begin with three-year-olds. We must run schools through the summers. We must keep them open until 11 p.m. every night for recreation, adult education and community activities. Until we do these things we cannot say that the inner city school is doomed to failure. The Commission makes the mistake of assuming that there is magic in white faces that makes them indispensable to other children's education. This whole concept is profoundly wrong. It merely offers an easy evasion to the hard truth that the big-city school systems are highly ineffective and require reform on a scale not yet attempted.

Mr. STENNIS. I thank the Senator.

Mr. President, I ask unanimous consent that a letter to which I referred in my discussion dated October 21, 1966, to the Honorable Harold Howe, on this subject, be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
October 21, 1966.

Hon. HAROLD HOWE,
Commissioner, Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER HOWE: I have been furnished a copy of your letter of September 16, 1966, to Mr. Clarence B. Walker, Superintendent of Education of Tate County, Mississippi. In your letter you advised Mr. Walker that your staff had reviewed the data on expected student and teacher assignments for the 1966–1967 school year submitted by him in connection with his desegregation plan for the Tate County schools.

You noted that the data supplied by Mr. Walker indicated that in the 1965–1966 school year 3 out of 2,710, or .11%, of the Negro pupils attended school on a desegregated basis and that 19 out of 2,489, or .8% would attend school on a desegregated basis during the 1966–1967 school year. You noted also that all the white students will continue to attend schools originally established for white students only.

With respect to faculty, you observed that Mr. Walker's report indicated that out of a total professional staff of 144, two white teachers would be assigned to Negro schools but no Negro staff members would be assigned to predominantly white schools during the 1966–1967 school year. You observed also that some white staff members would be assigned on a part-time basis to the Negro schools but their part-time assignment would be equivalent to assigning only one or two staff members to the Negro school full-time.

You advised Mr. Walker that on the basis of these anticipated faculty and student assignments you "do not believe that your desegregation plan, as it has operated thus far, can reasonably be considered adequate to accomplish the purposes of the Civil Rights Act." You concluded by advising Mr. Walker that:

"Whatever steps you take to make your free choice plan effective, it should be understood that their adequacy will be measured both by the results they produce, and by the efforts made by school authorities to achieve improved performance. If reasonable progress in student desegregation is not achieved under the free choice plan, an alternative plan would have to be adopted."

Your letter raises several questions which have disturbed me for some time and I would like to take this opportunity to explore them fully with you. I will try to be as specific in my questions as I know you will be in your reply.

First, what do you understand to be the purpose of Title VI of the Civil Rights Act of 1964? I would particularly like to know whether you agree with the explanation of the purpose of Title VI given by former Senator Humphrey who served as floor manager of the bill. Mr. Humphrey pointed out that:

"As to racial balancing, Judge Beamer's opinion in the Gary case is significant in this connection. In discussing this case, as we did many times, it was decided to write the thrust of the court's opinion into the proposed substitute.

* * * * *

"This case makes it quite clear that while the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race. The bill does not attempt to integrate the schools, but it does attempt to eliminate segregation in the school systems. The natural factors such as density of population, and the distance that students would have to travel are considered legitimate means to determine the validity of a school district, if the school districts are not gerrymandered, and in effect deliberately segregated. The fact that there is a racial imbalance per se is not something which is unconstitutional." CONGRESSIONAL RECORD, volume 110, part 10, pages 12715–12717.

Second, what meaning do you attach to the term "desegregation" in administering the Civil Rights Act of 1964? Specifically, I would like to know whether you apply the definition given in Section 401(b) of Title IV, which provides that:

" '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 stu-

dents to public schools in order to overcome racial imbalance."

As was recently re-emphasized in Senate Report number 1631, pages 71 to 73 of September 22, 1966, this definition applies throughout the Civil Rights Act and particularly to Title VI.

In view of the floor manager's explanation of the purpose of the Civil Rights Act and the definition of "desegregation" contained in Section 401(b), together with the fact that nineteen Negroes will be attending formerly all white schools pursuant to a free choice plan, what are the legal and factual bases for the finding that the Tate County desegregation plan is not "adequate" to accomplish the purposes of the Civil Rights Act? The fact that nineteen Negroes chose and were admitted to previously all white schools is evidence the freedom of choice plan is operating effectively. The unknown motives of others, white and Negro, in choosing to remain at their accustomed schools is purely a matter of speculation and hardly sufficient to support the conclusion that the freedom of choice plan is inadequate to accomplish the purposes of the Civil Rights Act. If you have any evidence of discrimination in the administration of the Tate County free choice plan, I would be most interested to know what it is.

Third, what relevance does the assignment of staff and faculty have to the question of compliance with the Civil Rights Act? As you know, Section 604 of Title VI provides that:

"Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where the primary objective of the Federal financial assistance is to provide employment."

Even Title VII, which deals specifically with discrimination in employment provides in Section 703(j) that:

"Nothing contained in this title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by any employer . . . in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area."

It seems clear from these provisions that "nothing" in the Civil Rights Act can be "construed" or "interpreted" as requiring any action to correct racial imbalance in the assignment of school personnel. It appears, therefore, that the racial composition of the staff and faculty of the Tate County schools has no bearing whatever on the schools' compliance with Title VI and their eligibility for federal financial assistance. If there is some other legal authority for questioning the assignment of teachers and staff, I would appreciate being advised of it.

I realize of course that the current "guidelines" require desegregation of staff and establish various quotas for the integration of pupils, which brings me to my fourth question. What is the legal authority for the enforcement of the "guidelines"? Although Section 602 of Title VI authorizes each agency to effectuate Section 601 by issuing "rules, regulations, or orders of general applicability" it specifically provides that:

"No such rule, regulation or order shall become effective unless and until approved by the President."

This raises two serious questions as to the validity and legal efficacy of the "guidelines." First, I have been unable to find anywhere that the "guidelines" have been approved by the President as required by the statute. Presumably the "guidelines" are issued under Section 80.12(b) of Title 45 of the Code of Federal Regulations which provides that:

"Each responsible Department and official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible."

Nevertheless, the "guidelines" issued under this provision have not received the approval of the President which is essential to their validity under Section 602 of Title VI.

In any case, however, the only substantive requirements of "this part" to be effectuated by "detailed instructions" are those contained in Section 80.3 which imposes, in the language of Section 601 of Title VI, a general prohibition against discrimination and six specific prohibitions against:

(1) Denying any person the benefit of a program on the basis of race;

(2) Providing, on the basis of race, benefits which are different or are provided in a different manner from that provided to other persons;

(3) Subjecting any individual to segregation or separate treatment on the basis of race in any manner related to his receipt of benefits;

(4) Restricting any person, on the basis of race, in his enjoyment of benefits received by others;

(5) Treating any person differently, on the basis of race, in determining whether he is entitled to benefits under the program;

(6) Denying any person an opportunity to participate, or affording him an opportunity to participate differently from that afforded others, on the basis of race.

While these requirements may be consistent with the Civil Rights Act and have the approval of the President, they do not support the extreme directives contained in the "guidelines." In many respects, the "guidelines" are directly contrary to the regulations. For example, the "guidelines" require the assignment of pupils on the basis of race in order to achieve a certain percentage of integration, whereas the regulations and the statute require that no distinctions based on race be made in administering a program receiving federal assistance.

The second question concerning the validity of the "guidelines" arises from the fact that Section 602 requires that whatever rules are issued to effectuate Section 601 be of "general applicability" and it has never been pretended that the "guidelines" are of general applicability.

As you said when announcing the present "guidelines": ". . . both the original and the revised Guidelines deal with those school districts submitting desegregation plans designed to eliminate a dual school system. They do not deal with the sometimes even more difficult racial problems in our large cities or other districts which have not maintained formally established separate schools for white and Negro students. Title VI clearly applies to discrimination in these cases but its precise application in any particular case cannot easily be predicted."

I might pause here to comment that if the "guidelines" merely effectuate Title VI, which admittedly applies to all schools, I do not see why there should be any particular difficulty involved in enforcing them uniformly throughout the country. What unique problems would be encountered in requiring school districts beyond the South to submit the same reports and meet the same percentages of integration as are required of schools in the South? What unusual problems would be created by extending to the entire country the "guideline" which requires that:

"Where transportation is generally provided, buses must be routed to the maximum extent feasible so as to serve each student choosing any school in the system."

My principal objection, however, is not that the "guidelines" are being enforced in only one area of the country but that they are drawn to apply to only one area when the Civil Rights Act requires that they be of "general applicability."

The first set of "guidelines" established a general procedure for complying with Title VI, by "executing an Assurance of Compliance (HEW Form 441), if the requirements specified in III below are satisfied." Requirement "III" was drawn to describe conditions existing only in the South and denied any school fitting that description the right to comply by executing an Assurance of Compliance under which all other schools in the Nation were permitted to qualify. The only way schools falling into this category would be allowed to qualify was by submitting a desegregation plan which complies with the remaining eight pages of "guidelines." The second set of "guidelines", currently in effect, exempts altogether from their application schools which were permitted under the original "guidelines" to comply by submitting an Assurance of Compliance, while requiring Southern schools to comply with eight more pages of new "guidelines."

It is apparent, on their face and in their enforcement, that the "guidelines" constitute a discriminatory application of the law. On general principle alone, such action is unjustified, and in the face of the "general applicability" requirement of the statute, it is utterly indefensible. No construction of Title VI can sustain this discriminatory application of the "guidelines" in view of the meaning given it by the floor manager of this title, Senator Pastore, when he said of such rules that:

"They must be broad in scope. They must be national. They must apply to all 50 states. We could not draw one rule to apply to the State of Mississippi, another rule to apply to the State of Alabama, and another rule to apply to the State of Rhode Island. There must be only one rule to apply to each State." CONGRESSIONAL RECORD, volume 110, part 6, page 7059.

My fifth question is, what "faculty and student assignments" would "reasonably be considered adequate to accomplish the purposes of the Civil Rights Act" and on what principles is the determination of "adequacy" based? I realize that the "guidelines" establish certain graduated quotas of integration, expressed in terms of percentage of transfers, which must be met, but what is the source of these quotas and what percentage of integration effectively desegregates a school? What ratio of white students to colored students must be achieved in order that the school may be considered desegregated and what is the authority for this ratio? Are the white students in a formerly all white school, to which Negroes have transferred, considered as integrated in calculating the percentage of desegregation which has taken place in the school district? If a school to which all applicants are freely admitted without regard to race is not considered desegregated, then how exactly is a desegregated school defined and identified? It would be helpful if you could answer these questions both in general terms and also with specific reference to the Tate County schools.

I have read the legal memorandum published by your office on May 20, 1966, entitled, "Authority for the 1966 School Desegregation Guidelines" and have studied the reported court decisions therein cited, as well as other cases. Still, however, I have been unable to satisfy myself with respect to the questions I have raised.

For example, all the cases cited in the memorandum as support for the 1966 "guidelines" were decided under the 1965 "guidelines", which were generally accepted. As

you pointed out in announcing the new "guidelines" all but 70 of the 2000 school districts subject to the old "guidelines" had complied with them. The current "guidelines" are altogether different from those in effect in 1965 and can hardly be supported by cases decided before they were published.

Furthermore, I find nothing in the cases cited which would "support" even the 1965 "guidelines." In the first place, neither the legal validity nor the substantive requirements of the "guidelines" was in issue in any of these cases and thus was not considered by the courts. The most that can be said for these cases is that they mentioned the "guidelines" as one factor which a court or a school district might consider in drafting a desegregation plan. The fact that a court might consider or even follow the "guidelines" in framing an injunction does not raise the "guidelines" themselves to the legal stature of a judicial decision or infuse them with validity where they exceed the authority of the statute under which they were issued.

Another obstacle to drawing any support for the "guidelines" from these cases is that all of these cases were suits for injunctive relief to require the schools involved to desegregate. Thus in each case there was one or more individuals actively asserting that he had applied for admission to a school and had been denied because of race. The "guidelines" on the other hand are based on the unverified assumption that if no one applies for admission to a school, the school is guilty of discrimination. This is an altogether different logical and legal proposition to which the cited cases are totally inapplicable. It is also a proposition at odds with our whole legal tradition because it assumes to punish on a mere suspicion of guilt without proof of culpability.

Finally, a close reading of these cases reveals that they actually deny the fundamental premise on which the current "guidelines" are based. In *Singleton v. Jackson Municipal Separate School District*, 355 F. 2d 865, 871 (5th Cir. 1966) the court squarely held that:

"At this stage in the history of desegregation in the deep South, a freedom of choice plan is an acceptable method for a school board to use in fulfilling its duty to integrate the school system."

The court said the same thing in *Kemp* v. *Beasley*, 352 F. 2d 14, 21 (8th Cir. 1965):

"We, therefore, find that the 'freedom of choice' plan is a permissible method at this stage."

The court expounded and explained the same principle in *Bradley* v. *School Board of City of Richmond*, 345 F. 2d 310, 316 (4th Cir.), *rev'd on other grounds*, 382 U.S. 103 (1965). In upholding a freedom of choice plan, the court reviewed all of the principal decisions up to that time and said:

"It has been held again and again, however, that the Fourteenth Amendment prohibition is not against segregation as such. The prescription is against discrimination.

". . . the appellants are not entitled to an order requiring the defendants to effect *a general intermixture of the races in these schools* but they are entitled to an order enjoining the defendants from refusing admission to any school of any pupil *because of the pupil's race.*" (Emphasis in original)

Although it was not cited in your legal memorandum, I think *Goss* v. *Board of Education*, 373 U.S. 683, 687 (1963), the only Supreme Court opinion on this point, is relevant to the issue under discussion. In the *Goss* case, the Court invalidated a desegregation plan which established non-racial attendance zones but permitted transfers outside the zone to a school in which the transferee's race was in a majority. The Court said:

"In doing so, we note that if the transfer provisions were made available to all students regardless of their race and regardless as well of the racial composition of the school to which he requested transfer we would have an entirely different case. Pupils could then at their option (or that of their parents) choose entirely free of any imposd racial considerations, to remain in the school of their zone or to transfer to another.

"III

"Classification based on race for purposes of transfers between public schools, as here, violate the Equal Protection Clause of the Fourteenth Amendment. As the Court said in *Steele* v. *Louisville & Nashville R. Co.*, 323 U.S. 192, 203 (1944), racial classifications are 'obviously irrelevant and invidious' ".

These cases not only fail to support the "guidelines," they positively contradict them. All of these cases sanction "freedom of choice" plans. None authorizes, countenances, or even considers requiring quotas or percentages of transfers to accomplish desegregation or to measure the "adequacy" of freedom of choice plans. The Supreme Court prohibits "classifications based on race for purposes of transfers between public schools."

In contrast to these cases, the "guidelines" maintain that:

"The single most substantial indication as to whether a free choice plan is actually working to eliminate the dual school structure is the extent to which Negro or other minority groups students have in fact transferred from segregated schools."

Contrary to all the cases cited, the "guidelines" declare that: ". . . where a free choice plan results in little or no actual desegregation, or where, having already produced some degree of desegregation, it does not result in substantial progress, there is reason to believe that the plan is not operating effectively and may not be an appropriate or acceptable method of meeting constitutional and statutory requirements."

In opposition to what the Supreme Court said in the Goss case, the "guidelines" provide that:

"A school system may (1) permit any student to transfer from a school where students of his race are a majority to any school, within the system, where students of his race are a minority, or (2) assign students on such basis.

* * * * *

"A school system may, at its option, give preference to any student whose choice is for a school at which students of his race are a minority."

Several cases are cited in your memorandum to support those provisions of the "guidelines" requiring reassignment of staff and faculty. Upon inspection, these cases appear to fall into two categories. In the first category are *Rogers* v. *Paul*, 382 U.S. 198 (1965), and *Bradley* v. *Board of Education of City of Richmond*, 382 U.S. 103 (1965). These two cases held only that the plaintiffs were entitled to a hearing on the question of the relation between faculty assignments and the adequacy of the desegregation plans. If segregated staff assignments automatically rendered a plan inadequate, then, of course, no hearing would be necessary to determine the relation between the two. Thus, these cases expressly leave open the very question which the "guidelines" assume, without evidence, has been settled.

The second category of cases comprises *Singleton* v. *Jackson Municipal Separate School District*, 355 F. 2d 865 (5th Cir. 1966); *Kemp* v. *Beasley*, 352 F. 2d 14 (8th Cir. 1965); *Wright* v. *County School Board of Greenville County*, 252 F. Supp. 378 (E.D. Va. 1966); *Kier* v. *County School Board of Augusta County*, 249 F. Supp. 239 (W. D. Va. 1966); and the unreported case of *Carr* v. *Montgomery County Board of Education*, Civ. Action No. 2072-N (M.D. Ala., March 22, 1966). In all of these cases, it is true, the courts enjoined the schools to take action to eliminate faculty assignments based on race. In doing so, however, these courts were exercising their inherent powers of equity and enforcing the Fourteenth Amendment to the Constitution. A federal administrator, on the other hand, has no inherent powers of equity and merely administers statutes enacted by Congress—in this case, Title VI of the Civil Rights Act. Consequently, the administrator must find the authority for all his acts and orders in the statute which he administers. This brings me back to a question I raised earlier regarding the conflict between Section 604 of Title VI, which prohibits any interference with employment practices and the "guidelines" which require reassignment of faculty and staff. I would not belabor the point, but a few remarks on the defense offered for these "guidelines" in your memorandum appear appropriate.

The only legal authority advanced for flying in the face of the plain language of Section 604, is a letter from the Attorney General which Senator Cooper inserted in the CONGRESSIONAL RECORD during debates on the bill. The Attorney General was asked:

"Would section 602 cover an employee who receives funds under a Federal program, and who discriminates in his employment practice?"

The Attorney General's reply was:

"Generally, no. Title VI is limited in application to instances of discrimination against the beneficiaries of the Federal assistance."

The Attorney General illustrated this general statement by pointing out that "for example", Section 602 would not apply to a farmer receiving acreage allotment payments who discriminated in his employment practice.

How it is possible to conclude from this that Section 604, which your memorandum points out was intended to enforce this assurance, does not apply to all programs or applies only to such programs as agricultural payments, as your memorandum maintains, is difficult to comprehend. The question put to the Attorney General was unqualified and his answer was equally broad. The fact that he used a particular class to illustrate his answer, does not restrict the general principle to the particular class mentioned.

The other argument made by your memorandum in support of this conclusion is that to give Section 604 its plain meaning would defeat the purpose of the Act, and, therefore, canons of statutory construction require that it be read as inapplicable to educational programs. There are several difficulties with this. First, this position assumes the very point in issue that desegregation of faculty is necessary to fulfill the requirements of Title VI. Second, rules of statutory construction are applicable only where the meaning of the statute is unclear and there is no ambiguity in Section 604. Indeed, its plain language is more consistent than your interpretation of it with that part of the Act specifically addressed to employment practices, Title VII. Third, Section 604 itself says that *"Nothing* in this *Title* shall be *construed* to authorize action" such as that required by the "guidelines."

I regret the great length to which this letter has grown, but the importance of the questions involved requires a rather detailed exposition. I will appreciate your careful consideration of these matters, and look forward to receiving your reply.

Sincerely yours,

JOHN STENNIS,
U.S. Senator.

THROUGH THE LOOKING GLASS—WORLD COMMUNISM

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the able and distinguished Senator from

South Carolina [Mr. THURMOND] to the students of the UCLA on February 15, 1967.

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

THROUGH THE LOOKING GLASS—WORLD COMMUNISM

(Address by Senator STROM THURMOND, Republican, of South Carolina, to student body of U.C.L.A., February 15, 1967)

Mr. Chairman, distinguished guests, ladies and gentlemen, I am very pleased to have the opportunity to speak to the students at the University of California at Los Angeles and share with you a few thoughts about what I consider to be the most critical concern of our time. It always gives me the greatest pleasure to present my ideas to students, for I have found that they make the most attentive audiences. As the search for truth goes on, young minds should and must remain receptive to all theories; but, above all, they should be able to discern between fact and fancy.

Far too many of the theories which form the basis for the foreign policy of the United States are themselves grounded in pure fancy rather than cold, hard fact. In several major respects, the emerging policy of the United States toward the communist world provides a shining example. For instance, everyone agrees that Communist China poses a threat to the peace and security of the free world, and it is common knowledge that the gulf between the Soviet Union and Red China is daily becoming more pronounced. What these two sets of circumstances mean in the total context of free world relations with the communist world, however, is the breaking point of agreement.

Some fancy that the split between the Soviet Union and Red China portends a general shift in the attitude of the Soviet Union toward the United States and the Free World. The equation is not complete, however, because many other factors which bear heavily upon the answer have been conveniently overlooked.

In order to place in proper perspective the foreign policies' fancies and facts of the day, let us turn first toward Red China. The events in China today make it incumbent upon the United States to re-examine our policy toward that country. The truth is, the future of China is tied very intimately with the mistakes in our policy toward the Soviet Union, and in Southeast Asia, particularly in Vietnam.

The United States has consistently ignored the communist regime in Peking, and hoped that it would go away. At the same time, we built up the myth that Peking was the greatest threat to world peace. We have argued that Peking threatened peace not because it was a communist regime, but because it advocated violence. We accepted uncritically the doctrines of Peking's superhuman control over its people and of its vast military potential. These theories have now been exploded by the inner convulsions racking that unhappy nation.

The shattering of those uncritical beliefs now have important consequences for the future. In the first place, whatever military potential Red China might have had is now incapacitated. Newspaper reports from China tell not only of political chaos, but of a disruption of China's industrial complex. Even if another communist regime should emerge out of the present chaos, China's ability to mount even limited warfare has been drastically set back.

We cannot be sure that luck will strike twice, and that an anti-communist government will gain control, as did happen in Indonesia. The present turmoil began primarily as a clash between communist factions, with consequences which no one can now predict. This civil war on the mainland of China seems to be the one thing which our own policy-makers did not anticipate. They did not think it possible that the Chinese people would ever rise up against the Mao regime. They have prepared no plan of action for this eventuality; they seemed to think that it was inevitable that China would remain communist. And even now, they have done nothing to encourage the Chinese people in their suffering, or to hold out the hope of support should the contending communist factions destroy each other, and freedom return to the Chinese mainland. Our policy has been revealed as being without goals, without strategy, without tactics.

Much more revealing, however, has been the nakedness of our official assumptions about Red China's role in Vietnam. Time after time our Secretaries of State and Defense have implied that Peking was the principal power supporting North Vietnam in its war of aggression against South Vietnam. It is now clear that Peking's support of Hanoi has been largely the support offered by a big mouth and small means. Peking's contributions to the war effort in Vietnam have, since the beginning, been limited in both quantity and quality. China does not have the technical or industrial capacity to supply her own needs, much less those of Hanoi and the Viet Cong. In all probability, the volume of even the more primitive weapons being supplied has been drastically reduced, or even halted, in recent weeks.

The real enemy in Vietnam, the real antagonist, has been the Soviet Union. The overwhelming bulk of the sophisticated weaponry used against American soldiers and American airmen in Vietnam has been supplied by the Soviet Union. Soviet MIG aircraft, Soviet built and frequently manned, Surface-to-Air missiles, Soviet radar, and many Soviet-supplied conventional antiaircraft installations, constitute the only air defense of North Vietnam. While American airmen have performed admirably in the air war over North Vietnam, the fact that these installations enjoy a virtual sanctuary against destruction has enabled them to exact a terrible toll in American lives and aircraft.

In addition to the Soviet-provided protection in the North, they also provide an early warning system to the Viet Cong in the South against raids by our B-52's based on Guam. Virtually since the beginning of B-52 sorties over South Vietnam, the Soviets have had a "fishing trawler" stationed in the water off the coast of Guam where they are able to spot our aircraft as they take off. They are then able to radio ahead and warn of another attack and thereby provide the Viet Cong with some time to deploy into caves and protect their weapons caches to the best of their ability.

Soviet trucks and cars transport war materiel and personnel, and Soviet oil, brought in through Haiphong, keep the vehicles going. Red China has been unable to solve its own transportation problems, much less contribute substantially to the mobility of the North Vietnamese war machine.

Of necessity, any public discussion of Soviet support for the prosecution of the war in Vietnam must be based upon that information which can be gleaned from unclassified sources. Public statements by Soviet leaders themselves is one such source. A year ago, Leonid Brezhnev bragged that the Soviet Union was spending $600 million a year to supply North Vietnam. The level of their support to the war effort in Vietnam has consistently risen to the point that today it is being supplied at a rate of at least $800 million per year. The dollar value of Red Chinese support for the war effort in Vietnam has never equaled that of the Soviet Union. Even though, as a United States Senator, I have access to some information not readily available to the general public, security restrictions are as binding upon me as upon anyone else. However, a recent article which appeared in the *U.S. News & World Report* summarized very cogently the relative support of the Soviet Union and Red China to the war effort in Vietnam. Let me quote some of their findings:

"The Russian rockets and guns are directly responsible for mounting U.S. losses over the North. Almost 1,000 SAM's have been fired at U.S. planes. The Soviet missiles, launched by Russian-trained crews, have themselves destroyed 30 U.S. planes and contributed in a large measure to an overall loss in the North of more than 460 U.S. planes.

"Cost to the Russians in spent missiles: about $25 million. Cost to the U.S. in planes alone: more than $1 billion.

"The North Vietnamese landscape is also studded with conventional antiaircraft positions, about 6,000 in all. The original antiaircraft system was installed by the Chinese. Now bigger guns are coming in. They are Russian.

"The North Vietnamese Air Force now consists of 75 to 100 fighter planes and a handful of light bombers supplied by the Soviet Union. About one-fifth of the force are the most up-to-date MIG-21s; the remainder, MIG-15s and MIG-17s. The MIGs are replaced by the Russians as they are lost in the fighting.

"Intelligence sources estimate there are upward of 2,000 Russian technicians working at air bases and at SAM sites. North Vietnamese pilots are trained in Russia and supervised by Soviet fliers when they return to Hanoi.

"Within the past few months, the Russians have taught North Vietnamese to man approximately 350 SAM missiles and an estimated 3,000 antiaircraft guns. Other Soviet advisers help operate North Vietnam's industry, its coal mines, and the port of Haiphong, and are helping in the building or rebuilding of hydro-electric plants and other major works.

"For the first time, Soviet helicopters are being spotted in North Vietnam. Russian cargo aircraft are also making an appearance.

"The North Vietnamese war machine runs almost entirely on Russian oil. In the past 18 months, the Russians shipped in 300,000 metric tons. The Chinese provided almost none. Last month alone, the Soviets shipped nearly 25,000 metric tons of gasoline and oil into Haiphong.

"The Russians use ships to transport 80% of their aid to North Vietnam, the balance going by rail or by plane across Red China despite severe restrictions set up by Peking. All told, the Russians are said to be delivering 80,000 tons of goods a month to Hanoi.

"Intelligence sources in Saigon report that the Soviet ships going to Haiphong carry not only civilian goods, as the Reds insist, but jet aircraft, SAMS, radar gear, and antiaircraft guns.

"During 1966, an average of one ship a day reached Haiphong. Six Soviet ships docked there during the past two weeks.

"Tonnage by sea from all sources—Russia, China, East Europe and non-communist countries—was estimated at 2 million tons in 1966. Of that, the Russian share was estimated at half the total, Red China's about one-fourth."

Before we can formulate a realistic China policy, therefore, we must recognize that China is not, at the present time, the major factor in continuing the war in Vietnam. As Chinese support dwindles, the Soviets are prepared to enter the gap, and Hanoi is eager to accept. We must remember that Hanoi has always taken its inspiration from Moscow. Ho Chi Minh is an old-line Stalinist, who received his revolutionary training in Moscow. Moreover, the North Vietnamese have been traditionally wary of Chinese expansion. It is not startling, then, to find that the Soviets are so deeply involved in North Vietnam, that—for all their talk of peace—they could end the insurgency in

South Vietnam by simply turning off the spigot.

Our policy towards China, therefore, must be guided by the unavoidable factor that the Soviets are still relentless in their pursuit of the goal of world conquest. Before we can begin to take a realistic appraisal of our attitude toward Red China, and the uncertainties there, we must face up to the fact that there will never be any peace, either in Vietnam, Asia, or in the whole world, until the Soviet communists renounce their goal of world domination and take some overt action indicating their good faith in doing so. The most important aim of our foreign policy today, therefore, should be to convince the Soviets that they are losing in Vietnam, and to demonstrate to them that our will not to be dominated by communism is undaunted and unclouded. Therefore, our clear purpose requires a swift and successful conclusion to the war in Vietnam, and a closer look at the probabilities for improved relations from the U.S.-Soviet Consular Treaty.

It is not my purpose here either to question or defend the decisions which led to the United States commitment in Vietnam. Since the U.S. is there, however, it is my view as a Senator concerned with armed forces preparedness to see that we should take every step possible to bring the war in Vietnam to a successful conclusion as quickly as is possible. A successful conclusion may mean either an all-out victory on the battlefield which calls for an unconditional surrender of the insurgent forces in the South or an honorable, negotiated peace settlement based upon the cessation of guerilla warfare by the Viet Cong and their supporters from the North, which guarantees the security and the sovereignty of the people of South Vietnam from foreign domination or from domination by a foreign ideology forced upon them.

It is true that we are fighting a limited war in Vietnam. It is limited in the sense that we are not seeking any territorial aggrandizement for the United States and in the sense that we are not attempting to impose our way of life or our system of government upon anyone in that area of the world. There should be no limitations placed, however, on our total commitment to the cause of freedom in Southeast Asia to the extent that our basic reason for being there or our will to persevere on freedom's behalf is open to question or limitations. It would be a mistake to allow self-imposed limitations to so hedge our commitment to the cause of freedom for the people of South Vietnam that we accept the terms of warfare laid down by our enemy and allow ourselves to become bogged down in a land war of attrition.

Many years ago, General Douglas MacArthur, whose knowledge of this area of the world and of the rules of warfare are not open to question, warned against U.S. involvement in a major land war in Asia. His advice is as well taken today as it was then. That is why the United States must take full advantage of its sea and air superiority and wage this war on terms most favorable to us and not allow the communist aggressors to coax us into playing by the ground rules established by them. Nothing would be more acceptable to the communist forces in Southeast Asia than for the United States and its Allies to rely solely upon its ground forces in the conduct of the war in Vietnam. The communists are prepared to carry on a virtually endless guerilla type action, which has its slack seasons and its hot season, but which they feel would spell eventual success for their cause. The Viet Cong and their mentors in Hanoi are convinced that they won the war against the French in Paris rather than in Vietnam, and they are further convinced that reliance upon the same tactics now would mean eventual victory in Washington.

The United States must not play the part of the fly to their spider and be coaxed into the entangling web of a protracted conflict in Vietnam.

There are certain steps which the United States can, and I feel must, take in the prosecution of the war.

First, we must bomb all the strategic military targets which exist throughout North Vietnam. It is true that, prior to the truce, we were bombing in North Vietnam virtually every day, but an indiscriminate use of air power is of little consequence if it is not calculated to eliminate the war-making potential in the North. The question is not one of merely increasing either the scale of the frequency with which the bombing attacks are now being carried out. Rather, it is one of making a more selective choice of targets and concentrating the attacks where it is calculated to do the most damage to our foes. I honestly do not know whether this could be called escalation or not since it could be done with little or no increase in the intensity of the air raids.

It is, nevertheless, unjustifiable to me, and to the men directly involved, that we can ask them to risk their lives to damage one span of a relatively innocuous bridge while other more important targets are left untouched, and many times untouchable. Our bombings should be aimed at all obvious military targets such as air fields, troop concentrations, and military conveys, as well as certain basic industries which are essential to a war effort. These would include petroleum storage dumps, steel mills, cement factories, and power generating facilities, among others.

The second essential step which I feel should be taken is to close all the ports in North Vietnam. The most notorious of these is, of course, Haiphong, and we should by all means close it. However, there are others through which supplied and military material is received which should be closed as well.

There are three ways in which the ports can be closed; by bombing, by embargoing, or by mining. The weight of military opinion leans toward mining the ports as the most efficient and quickest method available.

These two steps—more selective bombing and closing the ports of North Vietnam—would, in my judgment, hasten the conclusion of the war in Vietnam. It is said that at its present rate of prosecution, the war could last as long as ten years. Such a protracted conflict is not necessary if the full impact of the war is brought home to Hanoi. The enemy must be taught that, when waging a war like this—a so-called war of national liberation—they are going to be punished. Then, and only then, will there be any incentive for them to sue for peace or abandon their attempts at conquest.

The United States has unquestionably shown the enemy, if it ever needed to, that we have the power to win the war in Vietnam; and yet, the enemy persists. Obviously the enemy is not convinced that the United States has the will to use that power in the manner necessary to bring the war to a successful conclusion. We must convince them that not only do we possess the requisite power, but that we also possess the necessary will. A display of the will is as necessary as a display of the power.

The same display of will is necessary in all our relations with the Soviet Union itself. Let us now turn to the Soviet Consular Treaty and the probable effect it may have upon Soviet-U.S. relations. In the widespread public debate about this treaty, a basic misconception has arisen. That misconception is that there is a need for this treaty at all. If we look back into history on the matter of consular relations, it will be seen that the very benefits promised by this treaty have already been promised by the Soviets in writing; the Soviets have made no move to fulfill these written promises of protection to American citizens. I do not think, then, that there can be much expectation that the Soviets will abide by this document. Instead of strengthening our posture towards the Soviet Union at a time when the Soviets are providing the backbone of supplies in a shooting war against us in Vietnam, we are merely winking at reality and grasping at a mirage.

The Secretary of States has said that the basic purpose of this treaty is to afford protection to increasing numbers of American citizens traveling in the Soviet Union. He has pointed out that no treaty is necessary for the President to establish foreign consulates on American soil; that power is already encompassed in the President's constitutional responsibilities for foreign relations. Soviet consulates were established in New York, San Francisco, and Los Angeles in 1938, and an American consulate was established in Vladivostok in 1941. Apparently then, no new treaty is needed for the resumption of consular relations between the U.S. and the U.S.S.R.

On the other hand, no new agreement should be needed for the protection of American citizens traveling in the Soviet Union. We already give Soviet nationals in the United States the advantage of broad, democratic rights, including prompt notification to Soviet officials when a Soviet national is arrested. The Soviets ought to do the same thing without a treaty, simply on the basis of reciprocity.

The Soviets agreed to recognize such rights in 1933, an agreement they have repeatedly violated, down to the most recent weeks. On November 16, 1933, Maxim Litvinoff and President Roosevelt exchanged memoranda setting forth conditions for the diplomatic recognition of the U.S.S.R. by the United States. Litvinoff at that time was the Soviet Minister of Foreign Affairs. The documents discussed the possible negotiation of a consular convention, in which "nationals of the United States shall be granted rights with reference to legal protection which shall not be less than those enjoyed in the Union of Soviet Socialistic Republics by nationals of the nation most favored in that respect." Even though that treaty was never specifically negotiated, Litvinoff promised nevertheless that "such rights will be granted to American nationals immediately upon the establishment of relations between our two countries." In other words, the protection would be granted merely upon the condition of diplomatic recognition.

What kind of protection did Litvinoff promise? Litvinoff called Roosevelt's attention to an agreement between the Soviet Union and Germany, signed on October 12, 1925. American rights would become equal to those of Germany, the "most-favored nation." The language of this agreement is almost identical to the protective clauses of the 1964 Consular Treaty:

"Each of the Contracting Parties undertakes to adopt the necessary measures to inform the consul of the other Party as soon as possible whenever a national of the country which he represents is arrested in his district . . .

"The consul shall be notified either by a communication from the person arrested or by the authorities themselves direct. Such communications shall be made within a period not exceeding seven times twenty-four hours, and large towns, including capitals of districts, within a period not exceeding three times twenty-four hours . . .

"In places of detention of all kinds, requests made by consular representatives to visit nationals of their country under arrest, or to have them visited by their representatives, shall be granted without delay."

President Roosevelt assumed that the protection promised by Litvinoff was already in effect, when he wrote in formal reply, "Let me add that American diplomatic and consular officers in the Soviet Union will be zealous in guarding the rights of American

nationals, particularly the right to a fair, public, and speedy trial and the right to be represented by counsel of their choice. We shall expect that the nearest American diplomatic or consular officer shall be notified immediately of any arrest or detention of an American national, and that he shall promptly be afforded the opportunity to communicate and converse with such national."

Moreover, the U.S. State Department itself subsequently treated the agreement of November 16, 1933, as a binding document. In the official publication "Foreign Relations of the United States, Diplomatic Papers, the Soviet Union, 1933–39," there is recorded extensive diplomatic correspondence over Soviet violations of the November 16, 1933 undertaking. There are 15 items of correspondence in 1937, 18 items in 1938, 16 items in 1939. These documents are available to the public.

No one can doubt that the State Department then regarded the right of access to arrested citizens as indisputable. Secretary of State Cordell Hull even held that these rights were inviolable even if Litvinoff had never even written his memorandum of November 16, 1933. Writing to the American Ambassador in Moscow in 1937, he instructed him: "You should not, however, say anything that would imply that this letter (of Litvinoff's) is the only basis for this Government's request and you should make it plain, if necessary, that this Government would expect the granting of such permission even in the absence of all written guarantees." But as a matter of fact, the guarantees did exist in writing.

Some people might say that all this was a long time ago, and that the Soviets might have changed their attitude in recent years. Yet the 1964 Treaty has been signed for 30 months, and there have been 20 cases of Americans detained by Soviet police. The best comment upon this situation was provided by Secretary Rusk when he appeared before the Senate Foreign Relations Committee on January 23. "In none of these cases did the Soviet authorities adhere to the standard of notification and access provided for by this Convention," said Mr. Rusk.

I ask, then, does this show good faith on the part of the Soviets? I grant that the treaty is not yet in force, but it would not hurt the Soviets to demonstrate their eagerness to abide by its provisions. By adhering to the agreed-upon standards even now, the Soviets would not have lost anything; on the contrary, they would have gained a propaganda success. One thinks immediately of the notoriety gained by the Barghoon incident, and the Newcomb Mott tragedy. The Secretary of State testified further: "Surely such incidents have serious public impact in this country. Without rules of the kind this Convention would provide, the arrest of an individual quickly becomes an international incident." And well it might.

The Soviet Union is obviously not prepared to afford U.S. citizens even the most elementary rights. The main interest of the Soviet Union in negotiating the Consular Treaty is in securing diplomatic immunity for its consular personnel, an immunity never before granted on such a broad basis. Since 1957 alone, according to FBI statements, 28 Soviet diplomats have been arrested or expelled for crimes, including espionage. This treaty would grant to Soviet charwomen in Soviet consulates the same immunity from prosecution now enjoyed only by recognized diplomatic personnel. No other consular convention has even suggested such a sweeping grant of immunity. Normally, all consulate personnel on U.S. soil have submitted to U.S. criminal law. If Soviet criminal law is so patently unjust that even a foreign consul needs special immunity, then the climate is not yet favorable for the normalization of travel and trade relations which the establishment of consulates implies. The "immunity" which the Soviets seek in this treaty is not a benefit which it is safe for us to grant.

The immunity from prosecution for espionage is the sole aim of the Soviets in negotiating this treaty. Ambassador Foy Kohler has testified that this extraordinary proposal for immunity originated from the Soviet side. It was, in fact, the thing they bargained for. This outrageous concession can be foregone by the United States without harm. It is the one thing which the treaty proposes which does not now exist in our consular relationship with the Soviet Union. The immunity provision must be dropped; and without it, the treaty adds no substantive rights which we do not already have a basis for demanding.

The Consular Treaty with the Soviet Union is merely one phase of the "bridge-building" efforts to the East now being actively pursued by the Administration. Another link in the chain is that of the expansion of East-West trade activity. The fanciful notions which have resulted in the negotiation of the Consular Treaty are even more evident in the proposals to expand trade with the Soviet Union and the East European Satellites. Once again, a resort to the basic facts would dictate a different response.

The total war being waged against Democracy and Capitalism by the communist world includes as one of its chief elements, a war of economics. In 1920, Lenin told the Soviet Congress that "It is necessary to bribe Capitalism with extra profit . . . and we will get the basics (equipment) with the aid of which we will strengthen ourselves, will finally get on our feet and then defeat it (Capitalism) economically." Lenin's statement of 47 years ago is as much the watchword today as it was at that time.

The diversified industrial capacity of the U.S. is unmatched in the world today. It provides the U.S. with the wherewithal to wage a successful economic war against the forces of world communism. Yet, the U.S. has consistently declined to use this superiority in the continuing struggle against tyranny and proposes now to succumb to the expediency of granting major concessions to the communist world by making available vast amounts of technology and finished products through expanded trade. At the present time, materials considered to be of a strategic nature are not permitted to be shipped to Iron Curtain countries. However, year after year the items classified as strategic are declining in number. More than 400 so-called "non-strategic items" have thus far been removed from export control by the present Administration.

One reason for this changing state of affairs is the acceptance of the fiction that the industrial capacity of the Soviet Union is equal to that of the United States in many areas and is not far behind on an over-all basis. The Soviet Union and certain U.S. economic interests have over-emphasized the industrial prowess of the communists. Thus, the argument is advanced that many strategic materials are converted into non-strategic items simply because the Soviet Union can produce them themselves and it would be in the interest of the U.S. to trade in these items for the economic benefit derived therefrom. The eagerness with which the Soviet Union seeks expanded East-West trade possibilities is an indication of their need for certain basic items. The primary Soviet interest rests in modern machine tools, equipment for their chemical industry, electronic equipment, metallurgical processes, and engineering know-how of the United States.

The Soviet Union still relies heavily on industrial equipment received from the United States during World War II. The technological explosion of the past decade has made modern industry more dependent than ever on ultra-precision, and on instruments capable of assuring such precision, on rigid standards of quality control, on sophistication of design and painstaking workmanship. These are precisely the areas in which the Soviet Union is weakest, and where the Soviet system itself raises the greatest obstacles to progress.

If the Soviet Union is allowed to import our technological progress, the United States will have saved them billions of dollars they would otherwise have to spend in basic research. This is assuming that they are capable of conducting this research.

Not only is the Soviet Union seriously lacking in industrial know-how, but her agricultural technology suffers even more in comparison with that of the United States. In the past, the United States has bailed out the Soviet Union in food crises. A major concern of the communist bloc is to supply its people with an adequate diet with a minimum number of farm laborers. The lack of mechanization on the farms in the Soviet Union which requires them to devote more of their people to the production of food also has the effect of depriving them of this labor in industrial capacities.

It is pure fancy to assume that expanded trade with the Soviet Union will result in a moderation on their part in their quest for world domination. On the contrary, such trade will assist them to realize that objective.

The controversy over the expansion of East-West trade has created a sharp division in the ranks of organized labor in the United States. I am pleased to note that some of the most outstanding labor leaders of the country have the vision to see the danger inherent in such trade. There is no question but that trading with the communists is to their benefit far more than it could ever be to the benefit of the Free World.

The fundamental mistake we have made in China, in Vietnam, and with the Soviet Union, is that we have acted upon the vain hope that the only evil in communism is its proclivity towards violence. Under this doctrine, we have hoped that communist violence would soften and fade away as communist nations became more sophisticated, wealthier, and more deeply concerned with the pleasures of a higher standard of living.

Unfortunately, violence is only the by-product, not the cause of evil in communism. Indeed, violence and aggression have in the past come from some of the most advanced and cultured states. The evil in communism comes from the suppression of human liberty, and its denial of the existence of God, who is the Author of Freedom for mankind. In its zeal for world conquest, communism is equally insistent upon the suppression of human liberty. Communism will never abandon its perverse goal of world domination as long as those who live in freedom make no move of opposition.

CIVIL RIGHTS COMMISSION PROPOSALS

Mr. THURMOND. Mr. President, the recommendations of the U.S. Civil Rights Commission revealed in today's papers are highly irresponsible. Its proposals to alter what it likes to call "racial imbalance" in the public schools are not only unconstitutional, but also based upon an erroneous interpretation of the facts. This action of the U.S. Civil Rights Commission is just the latest in a long line of wrong-headed and wasteful contributions by this agency to racial tensions.

The effect of the 1954 Brown against Board of Education decision was to make U.S. law color blind. It called for de-

segregation, but not for integration. If the proposals of the Commission are acted upon, the law will have to take note of each pupil's color and act accordingly. This is not only a contravention of the Supreme Court's decision in the Brown case, but a clear violation of the equal protection guarantees of the 14th amendment.

The recommendation of the U.S. Civil Rights Commission would attempt to legalize the guidelines which the Department of Health, Education, and Welfare has tried to accomplish through coercion and intimidation.

Moreover, the Commission accepts without question the U.S. Department of Education's biased interpretation of the so-called Coleman study on "Equality of Educational Opportunity." The Commission declares that Negro children "suffer serious harm when they are educated in racially segregated public schools," regardless of the cause of segregation. The Commission also asserts that segregated schools have poor facilities and teachers, although it offers no case-by-case study.

These erroneous conclusions have been ably refuted by competent authority. I refer to the review of the Coleman study in the prestigious magazine, Science, the Journal of the American Academy for the Advancement of Science. The reviewer is Robert C. Nichols, director of research, National Merit Scholarship Corp., Evanston, Ill. Mr. Nichols assails the "official" interpretation of the statistical evidence, and shows that there is in the United States no consistent superiority of schools for the majority children over minority children. He shows that the role of schools in increasing or decreasing differences between racial and ethnic groups is quite small and nonsignificant. He concludes:

> Until these findings are clarified by further research, they stand like a spear pointed at the heart of the cherished American belief that equality of educational opportunity will increase the equality of intellectual achievement.

The appropriation request for the U.S. Civil Rights Commission in the fiscal year 1968 budget is $2,790,000. For a Commission that continues to make such irresponsible proposals that fly in the face of law and evidence, such an appropriation is an unconscionable waste of money. Perhaps in view of this strange performance, President Johnson will reconsider his request to renew the life of this Commission for another 5 years.

Mr. President, I ask unanimous consent that the article "Schools and the Disadvantaged," by Robert C. Nichols, from the December 1966 issue of Science magazine be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

SCHOOLS AND THE DISADVANTAGED

(By Robert C. Nichols, director of research, National Merit Scholarship Corp., Evanston, Ill.)

The recent spate of federally financed education programs intended to improve the performance of racial minorities and other disadvantaged groups rests on a foundation of plausible assumptions and commendable intentions but with essentially no data to indicate their probable effectiveness. Will Head Start improve the school performance of deprived children? Will excellent teachers for the poor help break the "cycle of poverty"? Will Negro students learn more in integrated schools? Will the performance of middle-class children suffer if they attend school with predominantly lower-class children? Will increased expenditures for education result in greater student achievement? There are currently no firm answers to these questions.

Apparently as a reaction to the dearth of information, Section 402 of the Civil Rights Act of 1964 directed the Commissioner of Education to conduct a survey of inequalities in educational opportunities for all groups in the United States. What seemed to be called for was a tabulation of the physical facilities, teachers, and expenditures in schools attended by various minority groups; but at a more fundamental level answers to such questions as those posed above are necessary, since equality of educational opportunity is ultimately defined not by dollars, teachers, and buildings, but by the effects of these facilities on student achievement. Fortunately, the congressional directive was interpreted as including the more basic questions.

Several studies were initiated by the U.S. Office of Education's National Center for Educational Statistics, directed by Assistant Commissioner Alexander M. Mood, a statistician of some note and author of *Introduction to the Theory of Statistics*. The studies were directed by two consultants: James S. Coleman, professor of social relations at Johns Hopkins and author of *The Adolescent Society* and *Introduction to Mathematical Sociology*, among other books; and Ernest Q. Campbell, chairman of the Department of Sociology and Anthropology at Vanderbilt and author of *Christians in Racial Crisis*.

The results of these studies are reported by Coleman, Campbell, Mood, and four USOE staff members—Carol J. Hobson, James McPartland, Frederic D. Weinfeld, and Robert L. York—in Equality of Educational Opportunity (Government Printing Office, Washington, D.C. 1966. 743 pp. $4.25), a thick, paperbound volume filled with tables and charts and accompanied by a separately bound Supplemental Appendix ($3) containing 548 pages of computer-printed correlations. The report shows signs of being hastily put together to meet the two-year congressional deadline. The major findings are imbedded in a mass of trivial detail, and the summary (available as a separate 33-page booklet, $0.30), which appears to have been guided by a desire to avoid disturbing public opinion, is actually misleading. The survey itself, however, was carefully planned and skillfully analyzed. Conducted at a cost of $1.25 million—about half the cost of an F-4 Phantom Jet—it is one of the largest studies yet completed in the field of education, and its startling findings assure it the status of a landmark in educational research.

The principal study was a survey of over 600,000 children enrolled in grades 1, 3, 6, 9, and 12 of about 4000 schools generally representative of all U.S. public schools, but with some intentional overrepresentation of schools enrolling minority children. The children answered questionnaires about their attitudes and home backgrounds and took tests of educational achievement and verbal and nonverbal ability. Teachers, principals, and superintendents also answered questionnaires, and the teachers took a brief verbal-ability test. A survey of such scope would have been nearly impossible just 15 years ago; but, through the magic of optical scanners, computers, and probably Benzedrine, the current report was released an unbelievable ten months after data collection was started. The survey was met with suspicion and slander in many communities, and school systems in several major cities refused to participate. Complete data were available for only 59 percent of the sampled schools, which shortcoming detracts from the survey's value as a census.

Analyses of the data were concerned with four major questions:

1) *Are minority groups segregated in public schools?* To no one's surprise, it was found that segregation prevails. Nationwide, 65 percent of Negroes attended schools in which over 90 percent of the students were Negro, and 80 percent of whites attended schools in which over 90 percent of the students were white. There was greater segregation in the South than in the North. Mexican Americans, American Indians, Puerto Ricans, and Oriental Americans were also segregated, but to a lesser extent than Negroes and whites.

2) *Are the school facilities for minority children inferior to those for the majority?* On the basis of such indicators of school quality as class size, educational programs, physical facilities, and teacher qualifications, no consistent advantage was found for any one group, and the differences in the quality of education available to the various racial and ethnic groups were small when compared with differences between regions of the country and between metropolitan and nonmetropolitan areas. In terms of these indicators, the educationally deprived groups in the U.S. are not racial or ethnic minorities, but children—regardless of race—living in the South and in the nonmetropolitan North.

3) *Do the various racial and ethnic groups perform differently from each other on tests of school achievement and of verbal and nonverbal ability?* The substantial differences between the average test scores of the different racial and ethnic groups were quite similar on the various tests and at the various grade levels. Whites obtained the highest average scores, followed, in order, by Oriental Americans, American Indians, Mexican Americans, Puerto Ricans and Negroes. "The Negroes' averages tend to be about one standard deviation below those of the whites, which means that about 85 percent of the Negro scores are below the white average" (p. 219). The differences between regions for Negroes followed the pattern for whites, but the regional variation tended to be greater for Negroes. The highest scores were obtained in the metropolitan North and the lowest in the nonmetropolitan South. The highest regional average score for Negroes was below the lowest for whites.

4) *To what extent are differences in average performance of racial and ethnic groups the result of different educational opportunities?* This, the most important question of all, could not be answered unequivocally, but several results of the survey are relevant to it. These results also have implications for the broader issue of the extent to which differences in ability of students in general are dependent on differences in educational experiences.

The first line of evidence concerning the effects of schools comes from a comparison of the scores of the various groups at different grade levels. If the schools attended by minority children contribute to their poor performance, the decrement in performance of these groups should increase with increasing grade level. Such an increasing decrement was found for Negroes in the South and Southwest, but it was absent or minimal for other regions and other minority groups. The authors seem to prefer interpretations of their data that attribute the poor performance of minority children to the effects of the schools, and their interpretation of the present result is a good example of this tendency. They say, "For example, *Negroes in the metropolitan Northeast are about 1.1 standard deviations below whites in the same region at grades 6, 9, and 12. But at grade 6 this represents 1.6 years behind; at grade*

9, 2.4 years; and at grade 12, 3.3 years. Thus, by this measure, the deficiency in achievement is progressively greater for the minority pupils at progressively higher grade levels" (p. 21). Actually this apparently increasing deficiency is entirely an artifact of the unequal intervals of an age scale. *Mental growth follows a negatively accelerated curve, as do growth in height and many other characteristics, so that the variance of scores increases with age when the scores are expressed as normative age equivalents.* Thus, this result suggests that the role of the schools in increasing or decreasing differences between racial and ethnic groups is quite small.

A second line of evidence comes from an elegant regression analysis in which the variation among students in test score was divided into variance between school means and variance between students within schools. The between-school variance, which represents an upper limit to the proportion of the total variation in test scores that might be attributable to differences in school quality, was between 10 and 20 percent of the total variance for Negroes and whites and slightly more for the other minority groups. If differences between schools in mean test score were due to differential effectiveness of the schools, the between-school variance should become an increasing proportion of the total variance at increasing grade levels as the result of increasing exposure of the students to the influence of the school. No such increase in the between-school variance with increasing grade level was observed for any of the groups studied. Again, by this second line of evidence, school effects appear minimal.

SOCIOECONOMIC BACKGROUND

After statistical control for a number of student socioeconomic indicators, the between-school variation showed little association with indicators of school or teacher quality, but instead was associated with the average socioeconomic level of the students at the school. The authors conclude: "The data suggest that variations in school quality are not highly related to variations in achievement of pupils. . . . The school appears unable to exert independent influences to make achievement levels less dependent on the child's background—and this is true within each ethnic group, just as it is between groups" (p. 297).

Two additional results of the regression analysis are relevant to the question of the effects of school segregation on student performance. First, the performance of minority children, after statistical control for socioeconomic background, was better where the proportion of white children in their schools was higher, but this result was attributable to the higher socioeconomic level of the student body in integrated schools rather than to racial balance per se. Second the performance of minority children (again controlled for socioeconomic background) was more highly related to the socioeconomic level of the other children in their school than was the performance of white children. These two findings lead the authors to say that "if a white pupil from a home that is strongly and effectively supportive of education is put in a school where most pupils do not come from such homes, his achievement will be little different than if he were in a school composed of others like himself. But if a minority pupil from a home without much educational strength is put with schoolmates with strong educational backgrounds, his achievement is likely to increase."

This conclusion, which Commissioner of Education Howe appears to have accepted at face value (*Science*, 14 October 1966, p. 242), is a beautiful example of interpreting correlation as indicating causation. Moreover, the findings on which it is based might also be attributed to inadequate control for the preschool characteristics of the students. Differences in average performance of students attending different schools can be due either to differential effects of the schools and associated environmental influences or to differences in initial ability of the students attending the different schools. To study the effects of schools, differences in initial ability must be controlled. Ideally, students should either be assigned to schools randomly or they should be tested before school entry so that the effects of initial ability can be separated statistically. Regrettably, the time required for these longitudinal approaches ruled them out for the present survey. Lacking measures of the initial ability of the students, the authors controlled instead for several family-background factors, primarily socioeconomic indicators. Family socioeconomic status obviously does not account for all differences in initial ability of students. It might nevertheless be argued that control for socioeconomic status does account for most of the differences between schools in the initial ability of their students, since most nonrandom assignment of students to schools is along socioeconomic lines. But does it, really? Parents of a given socioeconomic level probably exert a different degree of effort to get their bright children into "good" schools than they do for their dull children. Parents living in high-socioeconomic school districts are probably more intelligent than parents with the same standing on the relatively superficial socioeconomic indicators who are living in low-socioeconomic school districts. Errors in the child's report of his family background would tend to be in a direction causing one to underestimate the socioeconomic level of families living in high-socioeconomic school districts and to overestimate the socioeconomic level of families living in low-socioeconomic school districts. The same bias would result from the practice of substituting the mean for missing data that was followed in constructing the background indices. Socioeconomic status is probably a better substitute for initial ability of majority students than it is for that of minority students, whose family social mobility is limited by various forms of discrimination.

The "school effects" that were found are precisely the effects that would be expected to result from such incomplete control of student input. "School effects" were greater for general ability measures than for measures of school-related achievement; they were associated with the average socioeconomic level of the student body rather than with measures of school quality; and their correlation with student-body characteristics was greater for minority than for majority children.

The result of all this is to reinforce the two preceding lines of evidence in *indicating that the effects of variations in school quality on student achievement are minimal, even less than the authors admit.*

This survey suffers from problems common to all nonexperimental studies in attempting to assess the effects of natural experiments, which are so messy that one can never be certain that all relevant variables have been taken into account or that the correlations observed in the natural setting would continue to hold if the variables were artificially manipulated. Two uncontrolled variables that come to mind as possible distorting influences in this study are student dropout and migration. If there are differential dropout rates for the various groups, loss of the less able minority students at higher grades may obscure an increasing decrement in group performance. Because of student migration, the student's present school may not be a good indicator of the quality of education to which he has been exposed, and this clouding of the independent variable may make the regression analysis less sensitive to whatever school effects may exist.

It is unfortunate that the sensitivity of the racial issue made it necessary to collect the data from the students anonymously. If each student's name could have been associated with his test scores, a retesting of the same grades in the same schools three years later would have yielded data for a longitudinal study in four segments stretching from the first through the 12th grade.

The study would also have been improved if Jews and possibly Catholics had been identified as additional minority groups, since both are probably subject to some *de facto* segregation in public schools. The higher average performance usually found among Jews would have provided a useful contrast in the attempt to understand the lower average performance of the other minorities.

In view of these shortcomings it is obvious that this is not a good study of the effects of education on minority-group performance; it is just the best that has ever been done. Moreover, it provides the best evidence available concerning the differential effects—or rather the lack of such effects—of schools. AAAS members may find it hard to believe that the $28-billion-a-year public education industry has not produced abundant evidence to show the differential effects of different kinds of schools, but it has not. That students learn more in "good" schools than in "poor" schools has long been accepted as a self-evident fact not requiring verification. Thus, the finding that schools with widely varying characteristics differ very little in their effects is literally of revolutionary significance.

It is not customary for educational practice in the U.S. to be based on research, and these results will likely have little influence on educational policy. The conservatism may be adaptive in this instance, because the findings are too astonishing to be accepted on the basis of one imperfect study. What seems to be required is additional study of differential school effects with better controls for input. *However, until these findings are clarified by further research they stand like a spear pointed at the heart of the cherished American belief that equality of educational opportunity will increase the equality of intellectual achievement.*

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The continuing call of the calendar is the business of the Senate.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

CONTINUATION OF CALL OF THE CALENDAR—SEPARATION OF POWERS UNDER THE CONSTITUTION

The Senate proceeded to consider the resolution (S. Res. 40) to make a full and complete study of the separation of powers under the Constitution, which had been reported from the Committee on Rules and Administration, with an amendment, on page 2, line 22, after the word "exceed", to strike out "$100,000" and insert "$90,000"; so as to make the resolution read:

S. RES. 40

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study of the separation of powers between the executive, judicial, and legislative branches of Government provided by the Constitution, the manner in which power has been exercised by each branch and the extent if any to which any branch or branches of the Government may have encroached upon the powers, functions, and duties vested on any other branch by the Constitution of the United States.

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

SEC. 3. The committee shall report its findings to the Senate at the earliest practicable date, but not later than January 31, 1968.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $90,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(The committee amendment to this resolution was agreed to on Friday last. See page 3798 of CONGRESSIONAL RECORD.)

Mr. ERVIN. Mr. President, I believe that the work that lies ahead in this subcommittee is probably the most important work that has been assigned to any subcommittee. For many years we have had one branch of the Government encroaching upon another. This subcommittee is charged with the duty of studying these encroachments to see what can be done legislatively to put an end to these encroachments by one branch of the Federal Government upon another.

Mr. President, when I last practiced law I had an unannotated edition of the United States Code which contains all of the laws of a permanent nature passed by Congress since 1789. They occupied about 15 inches of space upon my shelf. I also had the Federal Register, which is a set of regulations written by the executive branch of the Federal Government, bound for a period of 18 months, and they occupied 36 inches of shelf space on my office shelves. In other words, the executive branch of the Federal Government is writing more laws and more regulations that have force of law than the Congress.

Mr. President, we should recapture our power to be the lawmaker of the Nation, and that is the purpose of this subcommittee on the separation of powers under the Constitution. I think it can do the finest work—at least its work is as important—as that of any committee of Congress.

I trust that this resolution will be approved with the amendment made by the Committee on Rules and Administration.

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

Mr. ERVIN. I yield.

Mr. ELLENDER. I notice on a statement I prepared last week that there are three separate committees on constitutional amendments, constitutional rights, and constitutional separation of powers. I made the suggestion that I thought it might be possible that those three committees be combined instead of having three separate committees, as is now the case, one with a requested budget of $205,000, another with a budget of $117,700, and another with $100,000, with 31 employees.

I thought that the committee, during the next session of Congress, should make an effort to try to combine those functions and do away with the three committees.

Mr. ERVIN. I think it is worthy of study; however, I do not believe it would be possible.

I am chairman of the Subcommittee on Constitutional Rights. All civil rights bills are referred to that subcommittee. Last year we worked on civil rights bills from the 10th of May until almost the 10th of September. We had 42 days of hearings and interrogated some 205 witnesses.

In addition, we studied the constitutional rights of Federal employees. We studied the constitutional rights of American Indians. We studied the constitutional rights of military personnel. As a result, we secured improvements in the regulations governing the rights of military personnel without the need for legislation.

The work of this particular subcommittee, as I have said before, is as important work as we can do, because the functions of the three branches of Government have developed to the point where it is almost impossible to distinguish one branch from another.

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

Mr. ERVIN. I yield.

Mr. DIRKSEN. The Civil Rights Act of 1966 contained three highly controversial titles. One dealt with juries at the State level, one with Federal juries, and another with housing. The amount of research that we conducted on the first two was absolutely enormous. I do not know how it could have been done without the highly competent, adequate staff we had to do the job. We inquired of judges throughout the country whether the proposal on juries was feasible or not. Generally speaking, the judges concluded that is was not feasible and that such a provision would not work. But we could not have reached that conclusion until we had consulted with every judge.

Mr. ERVIN. We consulted by corresponding with the chief judge of every Federal court in the United States. There are 94 chief judges. We received replies from about 60, who opposed the title in its proposed form.

Also, we received thousands of letters from real estate pepole who were interested in title IV.

In addition, this particular subcommittee receives about 15,000 letters a year from "crackpots" in the United States who lose cases in Federal or State courts and who want us to protect their constitutional rights.

I do not know how the committee staff finds time to do all this work, although they work overtime and on Saturdays and Sundays.

I certainly think that the recommendation and suggestion of the Senator from Louisiana is worth considering and merits discussion; but as long as the Subcommittee on Constitutional Rights has the civil rights bill, it will have its hands full with that by itself.

The Senator from Illinois [Mr. DIRKSEN] is a member of the Subcommittee on Separation of Powers and knows of our purpose to try to get some top flight people to make what I think will be the first study ever made by Congress on the question of separation of powers.

Mr. DIRKSEN. Let me point out in connection with the Subcommittee on Constitutional Amendments that in the 89th Congress it had the question of 4-year terms for Members of the House of Representatives. It had the question of abolition of the electoral college. It had the prayer amendment. It had the constitutional proposal on voting for 18-year olds, and——

Mr. ERVIN. And reapportionment.

Mr. DIRKSEN. Yes. All those items are still in the subcommittee. In addition, there now comes the proposal, sponsored in large part by the American Bar Association, for direct election of the President. In addition, still others have been added. Thus, it has its hands full. That is a year's work in itself.

Mr. ELLENDER. I merely made the suggestion so that Senators on the Judiciary Committee would not have so many subcommittees on which to serve. The Senator from Illinois [Mr. DIRKSEN] himself has been complaining—not seriously, of course—that he is on as many as 20 committees, is it?

Mr. DIRKSEN. I belong to 20 committees at present.

Mr. ELLENDER. What I am trying to do is make it possible to have fewer Senators on these committees. In order to accomplish that, we should have fewer subcommittees.

The Judiciary Committee has 16 subcommittees. The number of persons employed by the Judiciary Committee amounts to 198, of which 106 are professionals and 92 are clericals.

In addition the committee has two other professionals and three other clericals. That is aside from the regular four professionals and 10 clericals provided for under the original Reorganization Act of 1946.

Mr. ERVIN. I would say, by way of justification of that, that the Judiciary Committee is said to receive 54 percent of all bills which reach the Senate or are introduced in the Senate.

Mr. ELLENDER. Let me say this, that in the amount are included claims bills. I remember, before reorganization, I was chairman of the Claims Committee, and I handled 52 percent of all bills enacted by Congress. That is, by subcommittee. Those bills have now been transferred to the Judiciary Committee, and most of the work on those bills is done by lawyers who serve the committee. In addition, I think there is a special section in the Department of Justice which attends to all of this. So that we have simply been adding and adding to our woes, in my opinion.

Mr. ERVIN. I would say that the Supreme Court of the United States in the Glidden case has added to the woes of the Judiciary Committee when it held that the committee could not refer claims any longer to the Court of Claims. We used to get rid of our biggest claims by asking for a decision from the Court of Claims. The Supreme Court came along in the Glidden case and held that the Court of Claims could not perform that function for us because it was not a judicial function; so we have that on us now. Thus, we do have problems.

Mr. ELLENDER. The Supreme Court of the United States has been the direct cause of a good deal of this.

Mr. ERVIN. Yes.

Mr. ELLENDER. It it my judgment that there is no department of government that has done more harm to our way of life than the Supreme Court of the United States.

Mr. ERVIN. That is one of the reasons we need the study on the separation of powers, because we think the Supreme Court has been encroaching on the legislative powers. I think they passed a law when they handed down their decision in the Glidden case. I believe that in handing down this decision, they were encroaching on the legislative powers of Congress. That is one reason we need the funds for this subcommittee.

Mr. ELLENDER. I am very hopeful that the committee will study ways to combine the three committees and present to the Senate some laws that will in some measure curb the Supreme Court.

Mr. DIRKSEN. Do not go too far, the Senator may get me to concur with him on that.

Mr. ELLENDER. I was hoping that the Senator would.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

STUDY BY COMMITTEE ON LABOR AND PUBLIC WELFARE OF MATTERS PERTAINING TO POVERTY

The resolution (S. Res. 17) authorizing the Committee on Labor and Public Welfare to make a complete study of all matters pertaining to poverty, reported with amendments from the Committee on Labor and Public Welfare and the Committee on Rules and Administration, was announced as next in order.

Mr. ELLENDER. Mr. President, is this a new committee?

Mr. CLARK. No; it is not.

Mr. ELLENDER. Has it ever asked for funds before?

Mr. CLARK. No.

Mr. ELLENDER. The amendments have not been adopted yet.

The PRESIDING OFFICER. They have not been agreed to.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Is there not an amendment in the series of amendments cutting down the amount requested?

The PRESIDING OFFICER. The last amendment is an amendment cutting down the amount requested.

Mr. CLARK. Mr. President, I ask unanimous consent that the amendment of the Committee on Labor and Public Welfare, to strike out "October 31, 1967" and to insert in lieu thereof "January 31, 1968" be rejected.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is rejected.

The clerk will state the next amendment.

The LEGISLATIVE CLERK. On page 2, line 10, after the word "from", it is proposed to strike out "the effective date hereof to January 31, 1968", and to insert in lieu thereof "February 1, 1967, to January 31, 1968".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARK. Has the next amendment been read?

The PRESIDING OFFICER. The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 3, line 5, strike out the numeral and insert "$190,000".

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. It is my understanding that the amendment out of the committee was to cut the amount to $165,000.

The PRESIDING OFFICER. The Senator from Pennsylvania is correct.

Mr. CLARK. Whereas the amendment just read was for $190,000. I suggest that perhaps the clerk inadvertently read the wrong amount.

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. If I may have the attention of the Senator from Louisiana, does the Senator wish an explanation?

Mr. ELLENDER. I was under the impression that it was a new subcommittee, because apparently work had been done first by the regular committee without funds.

Mr. CLARK. I shall be glad to explain.

When the poverty program first came up before the Senate in 1964, the chairman appointed an ad hoc committee, chaired by the then Senator from Michigan, Senator McNamara, to consider that legislation. It did so. Practically all the members of the full committee were on that subcommittee except the chairman.

That subcommittee considered the legislation in 1964 and the amendments in 1965. Thereafter, Senator McNamara, unfortunately, died.

The PRESIDING OFFICER. The clerk will report the next amendment again.

The LEGISLATIVE CLERK. On page 3, line 5, after the word "exceed" it is proposed to strike out "$190,000" and insert in lieu thereof "$165,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Committee on Rules and Administration, as a substitute for the amendment of the Committee on Labor and Public Welfare.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Committee on Labor and Public Welfare as amended by the amendment of the Committee on Rules and Administration.

The amendment was agreed to.

Mr. CLARK. The Senator from Alabama [Mr. HILL] and I and others on the committee, considering how we could handle this constantly increasing load of oversight of legislation, decided to increase the jurisdiction of the committee which I chaired, which was called the Manpower and Employment Subcommitee, to include the whole area of poverty.

That change was made in April 1966, and the poverty amendments of 1966 were brought in by the subcommittee which I have the honor to chair with only one staff member, which was so highly unsatisfactory, as a result of which I assigned one of my own staff and one of my top legislative assistants with a congressional fellow who was serving without pay.

We got through last year on that basis.

At the time when I brought the bill to the floor—and Senators will remember that this was an extremely controversial bill—it was brought to the floor with a cut of $750,000. There were 73 differences of viewpoint as between the Senate and the House. We finally got the bill passed.

In the course of considering the legislation, we stated on the floor of the Senate, to the press, and everywhere else, that we just did not have the staff or the equipment to go into the poverty program last year, that there were not the personnel around to do it, but that we were making a commitment to the Senate and the country that this year we would engage in an in-depth study of the poverty program; that in order to do that, we would have to have an additional staff, but only on a temporary basis.

The end result was that we came from the subcommittee to the full committee with a request of $252,000 for a study in some depth of the poverty program, which, as Senators know, was one of the most controversial pieces of legislation ever passed by the Congress. We were prepared to make a real in-depth

study of different aspects of the poverty program. We had blocked out 12 special studies in this area.

The full committee saw fit to cut our request from $252,000 to $190,000. I may say that the subcommittee, consisting of nine members, six Democrats, and three Republicans, had unanimously reported to the full committee the sum of $252,000. However, the full committee thought it wise to cut that amount to $190,000. Then the Rules Committee cut that $190,000 figure to $165,000. That is the amount presently being requested.

Mr. President, if we are going to carry out the oversight function of this committee with respect to the poverty program, if we are going to process with some expedition the amendments to the Economic Opportunity Act which will be coming to Congress from the White House, we must have the staff to do the job. If we are to conduct this in-depth study, we need the $165,000 to go into the various aspects of the poverty program.

We intend to go in the field and make a study in 10 or 11 States in various aspects of the urban poverty program, the rural program, at the local and State level.

We also have need—and our Republican Members are insistent on this—for a number of impartial consultants on this program, so that we can feel that a report will be objective and nonpartisan, and one that will not be in any nature anything of a whitewash. Therefore, if the Senate should decide to cut it down further than it has already been cut, from $252,000 to $165,000, may I say, in all candor, we cannot do the job for less.

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

Mr. CLARK. I yield.

Mr. ELLENDER. Is this merely for the poverty program or new legislation?

Mr. CLARK. No; the new legislation will come down in due course from the White House. We will be processing a study of the poverty program, which includes a dozen different aspects, ranging from Headstart to Neighborhood Youth Corps programs.

Nearly $4 billion will have been appropriated and spent in the war on poverty, and $2.1 billion more has been asked by the President in the budget for fiscal 1968. During the first 27 months of operation, the Office of Economic Opportunity has launched a variety of programs under the eight titles of the Economic Opportunity Act. They are:

One hundred and sixteen Job Corps centers, which were opened for the training of 35,000 disadvantaged youths each year.

There are over 1 million enrollment opportunities in the Neighborhood Youth Corps projects which were funded.

There are 133 programs for migrants and seasonal agricultural workers, and 125 projects for Indians.

There are rural loans which were made to more than 17,000 individuals.

Two thousand four hundred and sixty-five small business loans were made.

Three hundred and twenty-eight work experience projects were launched to train 194,350 people.

More than 3,000 VISTA volunteers were trained and in the field.

One thousand and ninety-six community action agencies were operating new programs such as Headstart, legal services, Upward Bound, foster grandparents, and coordinating and planning a host of other manpower, health, education, and welfare programs.

That is what we have to take a look at.

Mr. ELLENDER. I heard the Senator mention the migratory program. We have another special committee on that. I saw my good friend from New Jersey there shaking his head——

Mr. CLARK. That is correct. I can assure the Senator from Louisiana that the Senator from New Jersey and I have been working in close cooperation, and there will be no overlap in this regard. I ask my friend, the Senator from New Jersey, to express himself on that point.

Mr. WILLIAMS of New Jersey. We certainly have a clear understanding in that regard. We have ongoing programs that obviously will be preserved, but it is the work of the Subcommittee on Migratory Labor that brings to this body the legislation to continue these programs—indeed, to improve them where improvement can be made.

Mr. ELLENDER. My attention was called to the committee of the Senator from New Jersey because the Senator from Pennsylvania mentioned that that was within the jurisdiction of this new poverty program.

Mr. CLARK. No; only with respect to the part which is administered by the Office of Economic Opportunity.

Mr. ELLENDER. Well, some of it, I say.

Mr. CLARK. Which is a very small part of the migratory worker program.

Mr. WILLIAMS of New Jersey. That is correct. We are involved in sanitation, in housing, and in basic education. Our budget is covered by the next resolution to be considered; perhaps we can consider it together with this one, because they are complementary, not overlapping.

Mr. ELLENDER. Why not combine them? We might save something.

Mr. CLARK. We already have.

Mr. ELLENDER. But they are separate resolutions.

Mr. CLARK. We have to take a look at what Sargent Shriver is doing in the Office of Economic Opportunity with respect to migratory workers. Senator WILLIAMS' committee has a much wider field. I would guess that not more than 10 percent of the oversight of migratory workers is within the poverty programs.

Mr. WILLIAMS of New Jersey. I would speculate that that is about right.

For instance, in the Senator's State of Louisiana, there are programs now authorized running close to $400,000. As I read the list, from St. John the Baptist Parish, in Reserve, La.—the Senator will have to correct my French on some of these others——

Mr. ELLENDER. The Senator is doing very well.

Mr. WILLIAMS of New Jersey. The La Fourche Community Action Program, the South Delta Community Action Agency, and I think there is one other.

Mr. ELLENDER. But they all deal with the same subject.

Mr. WILLIAMS of New Jersey. No, no.

Mr. ELLENDER. Poor people.

Mr. WILLIAMS of New Jersey. It is true that migratory workers are poor people by definition.

Mr. ELLENDER. That is correct. The poverty program.

Mr. WILLIAMS of New Jersey. But a lot of the programs do not come within the jurisdictional ambit of the OEO program. Is that not correct?

Mr. CLARK. Yes. In other words, the only part of the migratory workers which my subcommittee is concerned with is that which Sargent Shriver is concerned with. The concern of the Senator from New Jersey is about 10 times as great.

Mr. WILLIAMS of New Jersey. For example, we brought health programs to literally tens of thousands—I think that is accurate, when the workers and the children are considered together. This has nothing to do with the OEO program; yet it is our responsibility. As the senior Senator from Florida, who is on the floor, knows, this has meant a great deal in education. I was in Florida last week, and I saw hundreds of children who were receiving an education, who otherwise would not. This has very little to do with what the Senator from Pennsylvania proposes.

Mr. CLARK. May I say to my friend from Louisiana——

Mr. ELLENDER. Do not forget about the Cuban refugees in Florida. I suppose a good deal of that is due to Cuban refugee problems. I think we have a committee to look into that also.

So there is a lot of overlapping, and sometimes I almost lose patience when I hear Senators complain of overwork. They give it to themselves.

Mr. CLARK. May I say to my friend from Louisiana that the total appropriation requested for the coming year for the poverty program is approximately $2 billion, whereas the amount requested for migratory workers is $30 million.

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

Mr. CLARK. I yield.

Mr. HOLLAND. I merely wish to express here publicly my appreciation to the Senator from New Jersey for going down to my State and looking into the problems of education, health, and housing in the area known as South Dade County, where there are tens of thousands of migratory workers, some of whom are Mexicans from Texas—though we do not have any who are Mexican citizens—but most of whom are either Negroes or white workers from our own country.

From the reports I have received, the Senator was sympathetic, and realized that a good job was being done there. So, as long as that is the attitude of the committee, I wish to express my appreciation.

Mr. WILLIAMS of New Jersey. I am grateful indeed, and I assure the Senator that that accurately desribes my reaction to what I saw in South Dade—educational systems that are really great to behold.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to poverty including, but not limited to, such matters as (a) the provisions of the Economic Opportunity Act of 1964 and other Acts pertaining to poverty with a view to ascertaining the extent to which changes in such Acts are desirable; (b) the nature and effectiveness of and the relationships between the programs of the Federal Government and the programs of State and local government and the activities of private organizations dealing with the problems of poverty; and (c) the degree of additional Federal action desirable in this area.

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

SEC. 3. The committee shall present a report on its findings, together with recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than July 31, 1967.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $165,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS

The Senate proceeded to consider the resolution (S. Res. 28) authorizing a study of matters pertaining to constitutional amendments, which had been reported from the Committee on Rules and Administration with an amendment.

Mr. DIRKSEN. Mr. President, we have already discussed this matter with the distinguished Senator from Louisiana, and I think the matter is ready for a vote.

Mr. ELLENDER. I have nothing further.

The PRESIDING OFFICER. The committee amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 16, after the word "exceed", to strike out "$117,700" and insert "$110,000".

The committee amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the resolution, as amended.

The resolution (S. Res. 28), as amended, was agreed to, as follows:

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

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

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

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $110,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

MIGRATORY LABOR

The resolution (S. Res. 44) to provide for a study of migratory labor, was announced as next in order.

Mr. ELLENDER. May I ask, which one is that?

The PRESIDING OFFICER. Migratory labor.

Mr. ELLENDER. That is the one we just discussed?

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. ELLENDER. That is a very important committee. We have no objection.

The resolution was agreed to, as follows:

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

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

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

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

ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

The resolution (S. Res. 74) to provide additional professional and clerical staff for the Committee on Labor and Public Welfare, reported with amendments from the Committee on Labor and Public Welfare and the Committee on Rules and Administration, was announced as next in order.

The PRESIDING OFFICER. The clerk will state the first amendment by the Committee on Rules and Administration.

The ASSISTANT LEGISLATIVE CLERK. On page 1, line 2, after "1967", to insert "until otherwise provided by law".

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the second amendment of the Committee on Rules and Administration, reported as a substitute for an amendment by the Committee on Labor and Public Welfare.

The ASSISTANT LEGISLATIVE CLERK. On page 1, in line 4, after the word "clerk", to strike out "ten" and insert "seven".

The PRESIDING OFFICER. The question is on agreeing to the amendment by the Committee on Rules and Administration, as a substitute for the amendment of the Committee on Labor and Public Welfare.

Mr. ELLENDER. Mr. President, what is the calendar order number of the resolution now being considered?

The PRESIDING OFFICER. Calendar No. 55, Senate Resolution 74; and the second amendment is being considered.

Mr. ELLENDER. And that pertains to the amount?

The PRESIDING OFFICER. It pertains to the number of professional staff.

Mr. ELLENDER. Would that increase the number of the professional staff from 17 to 23?

The PRESIDING OFFICER. The Chair will not undertake to interpret the amendment.

Mr. ELLENDER. Excuse me. I wonder if the amendment could be read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. In line 4, after the word "clerk", to strike out "ten" and insert "seven".

Mr. ELLENDER. That is seven professionals. Who is in charge of the resolution?

Mr. HILL. I am. I will undertake to answer the Senator's questions.

Mr. ELLENDER. The Committee on Labor and Public Welfare, as I understand it, now has one professional in addition to the four professionals provided under the Reorganization Act of 1946.

Mr. HILL. That man handles the printing.

Mr. ELLENDER. I understand, but he is classified as a professional.

Mr. HILL. The Senator is correct.

Mr. ELLENDER. Is the Senator providing in the resolution for seven permanent professionals?

Mr. HILL. The Senator is correct.

Mr. ELLENDER. That would be in addition to the ones that he now has.

Mr. HILL. The Senator is correct. By the way, this will be the fifth year that we have had the seven employees. We have so much work to do that we must have them.

We have had these employees year after year and this will be the fifth year in which we have need of them.

Mr. ELLENDER. The Committee on Labor and Public Welfare today has 50 employees and—if all of these resolutions are agreed to, as they apparently will be—there will be an additional seven professionals and nine clericals.

Mr. HILL. The Senator must remember that Senate Resolution 17 is in a category by itself. That resolution authorizes nine temporary positions. It is necessary to study the poverty program.

Mr. ELLENDER. Are these employees in addition to the 50 employees that I have just mentioned?

Mr. HILL. No, not at all. This will be the fifth year that we will have had the positions authorized by Senate Resolution 74 to be made permanent.

Mr. ELLENDER. If the resolution is agreed to as it presently provides, the committee will have the five professionals which it already has and an additional seven professionals. Further, in addition to the three temporary clerical employees that the committee now seeks, it will have an additional nine clerical employees.

Mr. HILL. The Senator is correct.

Mr. ELLENDER. And one assistant chief clerk on a permanent basis?

Mr. HILL. The Senator is correct.

Mr. ELLENDER. To what extent will that increase the number of employees now employed on the committee?

Mr. HILL. It will add six temporarily.

Mr. ELLENDER. But the committee already has five professionals.

Mr. HILL. It will have three more professionals temporarily. One of the professionals will be with the Subcommittee on Education, of which the Senator from Oregon [Mr. MORSE] is chairman. One will be with the Subcommittee on Employment and Manpower, of which the Senator from Pennsylvania [Mr. CLARK] is chairman. The third will be employed by the minority.

Mr. ELLENDER. If the resolution is agreed to, the committee will have enough professional employees so that it will not have to come back any more for professionals except for the subcommittees such as the subcommittee headed by the Senator from Pennsylvania [Mr. CLARK] and others.

Mr. HILL. No. This would provide for the Subcommittee on Education a temporary professional employee. The employee for the Subcommittee on Employment and Manpower would be a temporary professional employee. The additional professional employee for the minority would be a temporary position. We would have to come back for authority on those.

Mr. ELLENDER. The Committee on Labor and Public Welfare now has the same amount of money that all other standing committees have, $179,506, out of which to pay for the employees provided under the 1946 Reorganization Act.

Mr. HILL. If all of the statutory positions were filled, and filled for the maximum time at the maximum salaries allowed, that would be the figure. However, as I have said, we have had these employees for 4 years, and we have not expended every dollar available to us. In addition there will be six employees who will not be permanent. Also, that does not mean that employees will be in these positions all the time.

As the Senator knows, staff members change. We have had quite a few changes in the Subcommittee on Labor in the last several years for different and sound reasons.

We do not always pay the employees the full amount allowed.

There was $50,000 this year that we did not spend. That was money that was authorized to be spent, but we saved that $50,000.

Mr. ELLENDER. That was the overall amount?

Mr. HILL. The Senator is correct.

Mr. ELLENDER. The committee, of course, spends as a whole quite a nice sum of money.

Mr. HILL. We have quite a lot of work to do, may I say.

Mr. ELLENDER. It is over $632,000. I should like to clarify the record because it may not be clear after some of my questions. Under the law as it now stands, the committee has five professionals with the one extra professional.

Mr. HILL. With the printing man, yes.

Mr. ELLENDER. The committee will have, if the pending resolution is agreed to, seven additional professionals that will become permanent.

Mr. HILL. The Senator is correct.

Mr. ELLENDER. In addition, the committee will have nine additional clerical assistants who will become permanent.

Mr. HILL. The Senator is correct.

Mr. ELLENDER. And an assistant clerk.

Mr. HILL. The Senator is correct.

Mr. ELLENDER. What will be the duties of the assistant chief clerk?

Mr. HILL. The duties will be to handle the calendar, the vouchers, the bookkeeping, and all the administrative duties of the committee.

Mr. ELLENDER. With so many employees, I imagine the committee might need two such employees.

Mr. HILL. We are asking only for one.

Mr. PELL. Mr. President, I rise to support the statements of the Senator from Alabama.

I believe that if the committee expenses were to be based on how much legislation were passed, then I would be correct in saying that no committee has given more value per dollar spent, for no committee has acted on more substantive legislation than has the Committee on Labor and Public Welfare.

Speaking from personal experience, I can vouch for the fact that the committee expenditures are managed most carefully parsimoniously. For example when I conducted hearings in my State on the sea-grant college bill, I know that I personally paid for the court reporter and for the travel.

I do not believe that the chairman or the members of the committee could ever be said to be extravagant.

Mr. HILL. Mr. President, I appreciate what the Senator from Rhode Island has said.

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

Mr. HILL. I yield.

Mr. MORSE. Mr. President, I know the Senator from Louisiana to be an exceedingly fair man. He knows that I have a very high regard for the policy he has followed over the years in requiring that there be a case made in support of the request for funds whenever the item of business comes to the floor of the Senate. The country would be much better off if we obtained a similar explanation and justification for all executive expenditures.

As a member of the Committee on Labor and Public Welfare, I invite the attention of the Senator from Louisiana to certain facts that I think unquestionably justify the request being made by the chairman of the committee, the Senator from Alabama [Mr. HILL], this afternoon. As the Senator from Alabama has stated, we are asking for permanent status for certain employees who have had temporary status. They have had temporary status, I may add, for some 5 years. We are simply confronted with the fact that if they are not granted permanent status, the committee will lose some of the best qualified legislative assistants now serving in the Senate. Those for whom we are asking for permanent status are recognized throughout the administration as outstanding experts in the field.

One of them—Mr. Lee—is legislative assistant to the subcommittee. I can say without fear of successful contradiction that the Department of Health, Education, and Welfare itself recognizes that no one is a greater walking encyclopedia with respect to the problems of education legislation than Charlie Lee. The Department itself calls upon him constantly for information concerning problems of education.

Without burdening the RECORD or burdening the Senator from Louisiana, or other Senators, I merely wish to say that one of the major tasks that will confront the Subcommittee on Education in the next 2 years will be a thorough, intensive surveillance and survey of the administration of the education legislation that is already on the books and which totals more than $5 billion, so far as appropriations for its administration are concerned.

The distinguished Senator from Mon-

tana [Mr. MANSFIELD], our majority leader, wrote to each of us prior, even, to the convening of this Congress and asked us to take steps to survey the administration of the legislation we have already passed. It was a wise request; but it will take a great deal of time and a large amount of administrative help.

My subcommittee will be under the direction of Mr. Lee and the temporary assistant whom we are asking to have added to the staff, and the minority temporary assistant, who will be of assistance to the minority members of the subcommittee.

We have gone over this request with a fine-tooth comb. We really believe that we are asking for much less than would be asked for by some other committees whose work is not nearly so difficult and intricate as the work of this subcommittee.

If we are to retain this kind of professional help, we cannot keep them on a temporary assignment year after year. It becomes necessary to give them permanent assignments. That is why we have made this request.

The outline of the study that we contemplate has been sent to the officers of the Senate and also to all members of the Committee on Labor and Public Welfare. It has also been served upon the Department of Health, Education, and Welfare. I want the Senator from Louisiana [Mr. ELLENDER] to know that the committee has received nothing but the highest commendation for the program that is outlined, and it is recognized by all that we will probably, at very small cost, end by saving millions of dollars for the taxpayers.

I testify now only as a witness in behalf of the chairman of the committee. All one need do is to look at the volume of legislative work that we do. It is a marvel that we do the amount of work we do with a staff as small as we are asking for, and I hope it will be approved.

Mr. HILL. Mr. President, I thank the distinguished Senator from Oregon for his remarks.

I agree with all that the Senator has said about Mr. Charlie Lee. I have never known a more efficient, more capable, or harder working staff member than Charlie Lee. He works all the time, night and day, and he is always there with the information that you need. We are fortunate to have him with us.

The distinguished Senator from Oregon has done a wonderful job as chairman of the Subcommittee on Education.

Mr. LAUSCHE. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I do not have the floor.

Mr. LAUSCHE. I wish to ask some questions.

How many new employees will this committee be granted? I ask that of the Senator from Louisiana.

Mr. ELLENDER. As I pointed out last week, the Committee on Labor and Public Welfare will have a total of 24 professionals and 26 clericals.

In the resolution that we are now considering, seven professionals will be added on a permanent basis and nine clericals will also be on a permanent basis, and one assistant chief clerk will be on a permanent basis.

As I understand, this resolution does not add to the number that I have just suggested. Of the 24 professionals indicated, all but five are temporary. This resolution will add seven permanent professionals and nine permanent clericals out of the 26 that are now on the payroll, and it will also add an assistant chief clerk.

Mr. LAUSCHE. What will be the total number of professionals that the committee will then have?

Mr. ELLENDER. All together, it will have 24.

Mr. LAUSCHE. And how many new clericals all together?

Mr. ELLENDER. Twenty-six. Twenty-four professionals and twenty-six clericals.

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

Mr. ELLENDER. That is a total of 50 all together.

Mr. HILL. I think the Senator should know that of the 24 professional staff members, only three will be new. This will be the fifth year that we have had these other staff members.

Mr. LAUSCHE. They are being converted from temporaries to permanents.

Mr. HILL. Some of them are, but the three extra professional employees are not. They are only temporary. Three clerical staff members will also be temporary.

Mr. LAUSCHE. What reply would the Senator from Alabama give to the argument of the Senator from Louisiana that nothing is so permanently entrenched as the creation of a temporary office in a Senate committee?

Mr. HILL. Well, I would say this: We have had these temporary people for over 4 years, and they have remained temporary for 4 years.

Mr. LAUSCHE. That is, where they are once temporary, they finally become permanently fixed.

Mr. HILL. The Senator knows how the statute of limitations works.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The question recurs on the amendment by the Committee on Labor and Public Welfare as amended by the amendment offered by the Committee on Rules and Administration.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the third committee amendment.

The LEGISLATIVE CLERK. On page 1, line 5, strike out the word "twelve" and insert in lieu thereof the word "nine."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Committee on Rules and Administration as a substitute for the amendment offered by the Committee on Labor and Public Welfare.

Mr. LAUSCHE. I vote "no."

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment by the Committee on Labor and Public Welfare as amended by the amendment of the Committee on Rules and Administration.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will report the fourth committee amendment.

The LEGISLATIVE CLERK. On line 6, after the word "assistants," insert the language down to and including the word "assistants" on line 9.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

Mr. LAUSCHE. I vote "no."

The resolution (S. Res. 74), as amended, was agreed to, as follows:

S. RES. 74

Resolved, That the Committee on Labor and Public Welfare is authorized from February 1, 1967, until otherwise provided by law, to employ one additional assistant chief clerk, seven additional professional staff members, and nine additional clerical assistants and is further authorized, from February 1, 1967, through January 31, 1968, to employ three additional professional staff members and three additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with section 202(e), as amended, of the Legislative Reorganization Act of 1946, and the provisions of Public Law 4, Eightieth Congress, approved February 19, 1947, as amended.

INVESTIGATION OF JUVENILE DELINQUENCY

The PRESIDING OFFICER. The clerk will state the next resolution.

The LEGISLATIVE CLERK. Calendar No. 37, Senate Resolution 35, a resolution to investigate juvenile delinquency, reported from the Committee on Rules and Administration with an amendment on page 3, line 2, after the word "exceed," to strike out "$260,000" and insert "$225,000".

Mr. DODD. Mr. President, I must comment on the resolution before us dealing with the annual budget of the Subcommittee To Investigate Juvenile Delinquency.

I shall be brief, but I want to make certain that our deliberation on this matter is not arbitrary.

I want to make certain that my distinguished colleagues understand the need for this appropriation. And, I want to make certain that they consider it favorably.

I am concerned over some of the objections offered against this appropriation every year. I am concerned with the annual effort, to economize apparently on the general principle that we are spending too much money.

And, I am particularly concerned this year because the Rules Committee has already proposed to cut $35,000 from the amount we requested.

In my letter to the chairman of the Judiciary Committee asking approval for our budget covering this session, I set forth a subcommittee finding echoed by every major report on crime and delinquency in the Nation, that our crime control measures are only a token gesture of what they should be to put even a sizable dent in the conditions responsible for these problems.

Since we made this determination, the subcommittee has proposed and handled multimillion-dollar legislation to help correct these defects.

And, more recently the President has asked for even more money to do the job that must be done in this field.

In the last Congress, the Juvenile Delinquency Subcommittee studied and developed some of the most important and far-reaching anticrime legislation ever to be considered by Congress.

Based on our research and hearings, we developed the drug abuse control amendments which set up a whole new law enforcement system in the Food and Drug Administration to eliminate the illegal manufacture, sale, and distribution among our youth of more than 5 billion dangerous pills every year. This law was enacted in 1965.

As late as this morning's New York Times, the man in charge of the Food and Drug Administration, Dr. James Goddard, pointed out that as a result of passing that legislation his agency is able to move into this area. I ask unanimous consent that the article be printed at this point in the RECORD.

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

U.S. AGENCY REPORTS CURB ON DRUG ABUSE

WASHINGTON.—The Food and Drug Administration listed as highlights of 1966 a crackdown on drug abuse, vigorous efforts to combat contaminated foods, and the initiation of broader consumer protection programs.

James L. Goddard, the Food and Drug Commissioner, reported that the agency's capability to provide better protection for the public was improved during the year and that he was determined there should be more progress in 1967.

The F.D.A. Bureau of Drug Abuse Control was established in February, 1966, to enforce legislation enacted by Congress to combat abusive use of stimulant, depressant, and hallucinogenic drugs.

The bureau recruited and trained more than 200 agents and opened field offices in nine major cities. More than 100 people were arrested on charges of illegal manufacture or trade in abusive drugs.

Mr. DODD. Mr. President, based on our investigations and hearings, we developed the Narcotic Addict Rehabilitation Act which established a never before attempted Federal treatment program for addicts and at the same time led to more equitable and effective handling of thousands of narcotic addicts in our Federal courts. This law was passed in 1966.

And, after several years of intensive study, we developed the State Firearms Control Assistance Amendments designed to protect the 17,000 Americans who are killed each year because guns are too easily available from every source to the immature, the irresponsible, or the mentally deranged. This measure was the first piece of legislation introduced in 1967 in the 90th Congress.

We have been fighting for the firearms bill for 3 or 4 years. It has received much opposition.

Mr. President, this is one subcommittee that has really had enemies from the gun lobby, to the drug lobby, to the television industry. I do not think that there has been a committee with more powerful opposition. The fact that we have been able to get good laws from this committee is a tribute—and I do not mean to myself—but to the fact that we have good members on the committee and that we have made substantial contributions toward all of these crime measures.

Mr. President, all of these measures were supported by the administration and some were introduced on behalf of the administration.

But, I should like to remind my colleagues that long before these legislative proposals acquired nationwide attention as early landmarks of a new era in crime control they had received painstaking study through the hearings and investigations of the Juvenile Delinquency Subcommittee.

As early as 1961, I introduced the first bill that later became a $50 million nationwide program designed to prevent juvenile delinquency.

This was a new concept designed to get at the worst crime-breeding conditions in our large metropolitan areas. This was the same concept that formed the basis of President Johnson's multibillion-dollar war on poverty.

The initial authorizations for implementing the Dangerous Drug Act and the Narcotic Act come to about $20 million and the firearms bill, when enacted, will cost several additional millions.

These are sums which dwarf the annual budget of the Juvenile Delinquency Subcommittee.

But, these are sums that we have been willing to authorize to prevent more crime and delinquency, to protect the 100,000 drug abusers in the Nation, to help cure the 60,000 narcotic addicts in the Nation. And, hopefully these are sums that we will appropriate to prevent killing and maiming of over 100,000 people by irresponsible gunfire.

I find it hard to accept the fact that the Juvenile Deliquency Subcommittee, which has played a major role in drafting legislation that resulted in the development of multimillion-dollar programs to protect the health and the lives of our young people must now have its own relatively small budget cut by $35,000.

I find it difficult to accept this action because every major bill before Congress to help control juvenile delinquency has had its origins in this subcommittee.

I find it difficult to accept this action because it is a fact that the record of the subcommittee with respect to these legislative accomplishments, and with respect to other investigations documented in our reports, justifies every cent of our past expenditures. And, I respectfully ask that this be considered by my distinguished colleagues as we deliberate the subcommittee's appropriation for the current session.

It must be recognized, as we move forward in our fight against crime and delinquency in this Nation, that there is and should be continuity in this work, that some defeated bills of yesterday will be the new laws of tomorrow and that some of the broad, basic research of the past is vital for hammering out effective legislation in the future.

Today the Juvenile Delinquency Subcommittee is confronted with the problem of maintaining continuity, with developing new legislation based on past investigations and research, and with new studies that must uncover the causes of the staggering increase of crime and delinquency over the past decade.

The subcommittee must bring to a completion its work on the firearms control bill.

It must consider new controls over LSD and other mind-altering drugs.

It must carry on the investigation of auto theft, the one youthful criminal act that is playing havoc with our courts and correctional institutions.

It must study the deficiencies in our courts and treatment institutions for young offenders.

It must study the new forms of violent crimes among teenagers and young adults and the causes of these crimes.

And, it must seek legislation to get at the roots of the traffic in pornographic literature into American homes and at the smuggling of drugs into the hands of young people from across our borders.

Particularly in the wake of President Johnson's messages on crime and on the youth of this Nation which he sent to the Congress last week, this body is called upon to assume new responsibilities in the war against crime and delinquency.

The President's messages parallel closely the subcommittee's program of activities which I submitted to the Judiciary Committee in January. But the administration's proposals will require that we extend our inquiries in some of these fields and that we hold additional hearings on some of the measures advanced by the President.

At the end of the last session, the subcommittee returned $15,000 to the contingent fund of the Senate. This money was earmarked for our investigation of juvenile and young adult correctional institutions. This is an inquiry that confronts us in the present session but we needed the funds eliminated by the Rules Committee to accomplish this.

This is an area of congressional action that was called for in the President's message on crime.

And, this is an inquiry that we must have to begin the long overdue job of improving our correctional systems throughout the Nation.

Even though our program in 1967 will be broader than in 1966, I asked for the same appropriation I requested last year.

Now, we find that we will get $35,000 less.

I protest this cut, because I find no reason for it. It will curtail some of our work and it will be the children of this Nation who will be the poorer for it. I certainly protest any further reduction in our appropriation.

I have tried to explain our needs and to outline our accomplishments. I ask my distinguished colleagues to consider these remarks and to approve the committee's appropriation.

Mr. ELLENDER. Mr. President, last week we heard practically the same statement made by the chairman of the Subcommittee on Criminal Laws and Procedures. He referred to the many bills that will come before the Committee on the Judiciary for hearings. This

Subcommittee on Juvenile Delinquency was created in 1953. I can well remember the distinguished Senator from New Jersey, the late Mr. Hendrickson. He asked that this committee be formed. When he presented the resolution in 1953, I quote from the CONGRESSIONAL RECORD:

Mr. ELLENDER. Mr. President, may we have an explanation of the resolution?

Mr. HENDRICKSON. Mr. President, I shall gladly explain this resolution. It authorized a study of juvenile delinquency, its causes and contributing factors throughout the country by a subcommittee of the Committee on the Judiciary. The purpose of the study is to suggest in a report to be submitted by the Senate no later than January 31, 1954, such legislation as may be found to be appropriate.

Then, Mr. President, the following colloquy:

Mr. ELLENDER. Since the Senator from New Jersey is the author of this resolution I have no doubt that he will be appointed a member of the subcommittee. I hope so and I hope he will come to the Senate next year without a request for more funds.

Mr. HENDERICKSON. I sincerely hope I shall be able to come before the Senate and report exactly the result the Senator from Louisiana wishes.

In the colloquy the following statement of the Senator from New Jersey also appears in the CONGRESSIONAL RECORD of the second session of the 83d Congress:

Mr. President, it is my hope that if I may have the privilege of serving on the subcommittee, we shall not use all of the $44,000 because I think we shall receive aid from agencies of the States and from agencies of the Federal Government, which will make unnecessary the employment of all the contemplated personnel.

He further quotes:

I can give assurance with, the understanding, of course, that I shall be a member of the subcommittee . . . if I have the good fortune to be a member of it—that I shall insist that we complete our work by the time mentioned.

Mr. President, that was back in 1953.

Mr. LAUSCHE. What was the time mentioned?

Mr. ELLENDER. During that session of 1953—$44,000 would do all the work. It just happened that the next year, he came back for more. I wish to say that this is a classic example of a temporary committee becoming a permanent fixture.

According to a tabulation made by the Committee on Rules and Administration, the entire amount spent on this committee was not $44,000, as was first asked, but through the 89th Congress the amount of money spent was $2,198,159.82.

Mr. BYRD of West Virgina. Mr. President, will the Senator from Louisiana accept a correction?

Mr. ELLENDER. Yes. But I am reading——

Mr. BYRD of West Virginia. So am I. Was that not the figure authorized and not the amount spent?

Mr. ELLENDER. I read from the top. It says, "Funds authorized and expended"——

Mr. BYRD of West Virginia. Yes, but——

Mr. ELLENDER:

Funds authorized and expended by the Senate Committee on the Judiciary for inquiries into matters relating to the judiciary.

That is what I am reading from.

Mr. BYRD of West Virginia. Here is the $2,198,159.82.

Mr. ELLENDER. That is right.

Mr. BYRD of West Virginia. As the Senator has stated, but then it goes on to a check issued basis as of February 20, 1967, and it shows expenditures of a total of $2,074,828.

Mr. ELLENDER. Actual expenditures, yes.

Mr. LAUSCHE. The Senator from West Virginia is not attempting to criticize the figures given, he merely wants to make them accurate; is that not correct?

Mr. BYRD of West Virginia. Exactly.

Mr. LAUSCHE. But it does not make much difference whether it is $2,100,000 or $2 million even. The fact is it began as a $44,000 program, to be in existence only temporarily, and has grown into a $2 million program.

Mr. ELLENDER. It began in 1953 with $44,000. In 1954 it was $175,000 plus. In 1955, it was $155,000 plus. And so on down the line until 1967—this year—the amount asked for is $225,000. That is a projected amount. The number of employees has increased from 1953 from 4 to 20 at the present time.

Mr. President, these committees simply expand as they go on and get into more and more work. I know that there must be duplication among the various subcommittees of the Judiciary Committee. I am sure that my good friend from Ohio remembers when one of the subcommittees headed by one of the Senators on criminal laws and procedures pointed out that the President would send up to the Judiciary Committee legislation on criminal law. Now it happens that the distinguished Senator from Connecticut is now going to take jurisdiction of that and I was wondering what——

Mr. DODD. Just a minute——

Mr. ELLENDER. I am wondering whether the Criminal Laws and Procedures Committee, as well as other committees, which have been granted funds, will barge in and do much of the work that is now being done by the Subcommittee on Juvenile Delinquency.

Mr. DODD. May I answer now?

Mr. ELLENDER. Of course. I do not have much more to say on the subject.

Mr. DODD. The resolutions establishing these various subcommittees contain no conflict. They are considered at length. You will find no history of one committee barging in on the work of the others.

And, I should like to point out also, one factor which I believe the Senator from Louisiana has overlooked. Since I became chairman of this subcommittee, which is of course the only time I can speak for it—I was not even in the Senate in 1953, not by a good margin—but in 1961 we asked for $198,000 and we spent $191,000. In 1962 we asked for the same amount and we spent $182,000.

In 1963, we requested $188,000 and we spent $186,000. In 1964, we again asked for $188,000 but in the middle of that year, the Senator will remember that employees of the Federal Government received the most substantial pay increase in many years and this resulted in our asking for an addition of $17,000 to cover salaries of the staff who had been voted the pay raise by Congress. This happened to every other subcommittee, certainly of course to the Judiciary Committee.

Thus it has gone. If the Senator will look at these figures, this is the fact of the matter. In 1966 we asked for $260,000 for our activities, and $20,000 was to pay for salaries for two minority appointees. I do not object to their appointment. I think our members are hard working and are entitled to it, but they have asked for assistance and it makes sense to me because the burden of the work on the committee is very heavy.

Since I became chairman of this subcommittee, I have granted four authorized Federal pay raises, which has amounted to a total of 30.5-percent increase in the cost of maintaining the professional staff during the past 6 years.

An additional $20,000 has been added to satisfy the request of the minority for representation on the subcommittee.

This means that last year, compared to 1961, when I became chairman, we operated with essentially the same number of employees in the face of a 30-percent increase in salaries, a $20,000 increase in allowances for the minority and only a 20-percent—$40,000—increase in the overall subcommittee budget.

In view of the substantial contributions of the subcommittee to the country's crime and delinquency problem, I think we should be getting more money today instead of less.

Mr. ELLENDER. Well, how many minority members are on this committee now?

Mr. DODD. Three.

Mr. ELLENDER. Three. Is the Senator providing for more?

Mr. DODD. We have not asked to make provision for any more; so, therefore, my answer is "No."

Mr. ELLENDER. The Senator is asking for $225,000 in order to pay the 20 employees?

Mr. DODD. Yes, that is right. And also for the costs of investigations, studies, hearings, stenographic reporting, and all the things which have to be done.

Mr. President, let me say that this amount of money, as the Senator has pointed out, is not a substantial amount of money at all. Consider for a moment the report just made public by the Crime Commission. On many, many pages will be found references to the work of this subcommittee. That is where a lot of their information came from. I think the subcommittee has done more fundamental, hard, rockbottom work on this subject of delinquency than any other body that I know of in the entire country.

We have had some of the best advice and some of the best people working for us; and we have obtained results.

Here is this massive problem of juvenile delinquency. The Senator talks about former Senator Hendrickson of

New Jersey asking for this small amount of money. Let me tell the Senator that the problem in 1952 and 1953 was nothing like it is in 1967. It simply cannot be compared, because the problem of juvenile delinquency has mushroomed around us since that time.

We have tried to fight for statutes to help us resolve this problem. For instance, the Drug Abuse Control Act was one of the best pieces of legislation to come out of this subcommittee. My, how the drug industry fought that act under the table.

I have never talked about this publicly before, but it is a fact. I have not talked about all of this before, of how much our subcommittee has been wracked at every turn by opposition. I tell the Senate that the subcommittee has members on it who are the most efficient, hard-working members I have ever known.

I see the Senator from North Dakota, the Senator from Massachusetts, and the Senator from Michigan, and our friends on the other side of the aisle, in the Chamber. They will all tell us that the subcommittee should go on and should not be slashed at in this form.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. KENNEDY of Massachusetts. I should like to identify myself with the comments just made by the Senator from Connecticut. I have served on the subcommittee for only about a year and a half now, but during that period of time I have been deeply impressed with the caliber of the subcommittee's work, the dedication of the chairman, and the competency of the staff itself.

I would certainly think that, if there ever was a time when we would be reminded of our responsibility in the Senate for problems of juvenile delinquency and youth crime, it has been dramatically made clear during this past weekend, when we had the release by the President's Commission on Law Enforcement and Administration of Justice of its study, "The Challenge of Crime in a Free Society." Chapter III of the report, relating to juvenile delinquency and crime among youth, reads, in part:

> America's best hope for reducing crime is to reduce juvenile delinquency and youth crime. In 1965 a majority of all arrests for major crimes against property were of people under 21, as were a substantial minority of arrests for major crimes against the person. The recidivism rates for young offenders are higher than those for any other age group. A substantial change in any one of these figures would make a substantial change in the total crime figures for the nation.

Throughout the report there is repeated reference to the problems of juvenile unrest, delinquency, and youth crime, and many of the Commission's recommendations relate directly to means for alleviating these problems. I think those of us who are concerned with crime should take the opportunity to study the report. I think we will realize that there are many suggestions made in that comprehensive report which will be food for future legislation.

I would certainly hope that over the next few weeks, when we have had a chance to delve into the matter, the subcommittee, which has spent a considerable amount of time on juvenile delinquency and unrest among the young, will be able to propose legislation which attacks the problem of crime among young people—for example, firearms legislation, which I have been interested in, and for which the Senator from Connecticut has been the principal spokesman.

Again I wish to identify myself with the comments of the Senator from Connecticut. The subcommittee has embarked into an extremely important and fruitful undertaking. I think the requests of the committee are completely reasonable and justifiable. I thank the Senator for yielding to me.

Mr. DODD. I appreciate what the Senator has said. He has made a great contribution to our work. Without him we could not have accomplished anything near what we have been able to do. He has been a stalwart on the committee in all its work.

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

Mr. DODD. I am glad to yield to the Senator from North Dakota, a member of the subcommittee.

Mr. BURDICK. I wish to join my chairman in this request. I wish to ask a question of him. Back in 1952 or 1953, was there any problem on the campuses or in the cities of the country with regard to the use of drugs, or LSD?

Mr. DODD. That is a pertinent question. The problem was nowhere near what it is today. It is only in the last few years that we have run into this problem on our college campuses.

Mr. BURDICK. Would the Senator consider it as one of the serious social problems of the day?

Mr. DODD. I well know it. The Senator has chaired some of these hearings that we have been having, going into that question. He is acquainted with the problems of LSD.

Mr. BURDICK. Is it not also a fact that drug addiction has not disappeared?

Mr. DODD. It certainly has not.

Mr. BURDICK. And is not that one of the most serious social problems of this Nation?

Mr. DODD. It is one of the gravest problems, and a growing problem.

I have never suggested that what our committee does will eliminate the problem; but if the committee had not worked as hard as it has, only heaven knows what would have happened.

Mr. BURDICK. I thank the Senator.

Mr. DODD. I thank the Senator from North Dakota. I mean it when I say that he has been an outstanding member of the subcommittee. We have had a wonderful subcommittee, with members dedicated to their work and diligent in holding hearings. It is an excellent subcommittee.

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

Mr. DODD. I yield to the Senator from Michigan.

Mr. HART. The request for which the Senator from Connecticut raises his voice was unanimously adopted by the Judiciary Committee. Although this may sound self-serving, coming from a member of the committee, I think, if someone were interested in history, that 20 or 40 years from now—unless there is a cure for juvenile delinquency on the horizon—anyone reading what has been going on would wonder what the fuss was all about. History, and the verdict of the people, likely will be that we are not doing enough in support of legislation which has been guided by the Senator from Connecticut.

This is a subcommittee which I serve on with some reluctance. I happen to have eight children. One does not have to be a member of the Juvenile Delinquency Subcommittee to know that there is not any magic formula to know that child will become an adult without offending grievously the notion of what our society will require of a good citizen. So if one of ours slips, I will be more uncomfortable, having been a member of the Juvenile Delinquency Subcommittee.

I do not pretend that what we do on our subcommittee will guarantee parents that their children will come through as expected, but, in support of the request of the Senator from Connecticut, I would say that we would be subject to some criticism, I think, by parents of this country for what may tragically occur in the next 9 or 10 years if we do not do what we can. I support the Senator from Connecticut wholeheartedly.

Mr. DODD. I thank the Senator. I appreciate what he says. He has been of great assistance on the committee.

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

Mr. DODD. I yield.

Mr. ELLENDER. I have a memorandum from Mr. Carl Perian——

Mr. DODD. Yes. Mr. Perian is staff director of the subcommittee. And I would like to say at this point that Mr. Perian is highly qualified to work in this field as are all of the professional staff members of the subcommittee. They have all had training and experience in criminology, law, probation, criminal investigation, and even child psychology. It is a well-rounded staff and I think they do a good job.

Mr. ELLENDER. The Senator mentioned hearings. How many hearings have been held?

Mr. DODD. All together, over how long a period?

Mr. ELLENDER. Let us take last year.

Mr. DODD. Fifteen days. There were a total of 49 witnesses heard. That is a good number of hearings, with 49 witnesses. I do not know how we could have done more. There is much preliminary staff work to be done before we get into that type of hearings. Witnesses cannot be called without first doing preliminary work. It takes time.

Mr. ELLENDER. How long were the hearings on the firearms bill?

Mr. DODD. I think the gun bill was fully heard in 1965.

Everyone knows all the facts that need to be known pro and con with respect to that bill. The Senator from Louisiana well knows what my attitude is.

The Senator may be interested to know that I received a letter from the chief of police of New Orleans, who seems to be interested in our work. He said he is

undertaking a survey of the mail order gun business and wants our help and cooperation. We shall give that to him; the Senator can be sure of that. The New Orleans police department is a good police department. I mention this only because this is the kind of thing we want to do. We must ascertain the facts in as many places throughout the country as we can. We do not have a large enough staff to devote as much time to it as we should like, so we must rely on reports like that of the good chief of police of New Orleans. I picked him out because I thought the Senator from Louisiana would be interested to hear that that police department is interested.

Mr. ELLENDER. As I have said on many occasions, the problem of child delinquency will not be solved by legislation; it is at home where it will have to be done.

Mr. DODD. The Senator is correct in the last analysis; but there is much to be done to help to prevent it on the streets.

Mr. ELLENDER. How? It cannot be done by legislation. There are enough laws on the statute books now to deal with such problems, if those laws were enforced.

Mr. DODD. That has not been entirely true. We did not have a drug abuse act until recently. It is something new, designed to cope with the problem of the misuse of amphetamines and barbiturates.

Mr. ELLENDER. That is new.

Mr. DODD. It is new in the last few years. That problem could not be resolved in the home.

A drug manufacturer shipped one class of these drugs to a village in Mexico having 200 inhabitants. Hundreds of thousands of these pills were shipped there. When our staff investigated, they found that the manufacturer has shipped to that village in Mexico enough pills to put all of Mexico, indeed all of South America, to sleep.

They found that these pills were being sent to Mexico by the carload and then smuggled back across the Mexico-United States boundary and peddled to American boys and girls in our high schools.

The Senator can talk all he want to about training in the home; but if the Government does not step in to help, nothing will be done to reduce juvenile delinquency. We have had a hard time. The drug manufacturers fought hard to prevent the passage of the bill. They backed away because they did not want to have a full floor debate. That is why the bill is on the statute books. It will help the parents of the country, in their homes, to see to it that their children grow up right and do not become addicted to dreadful drugs. These problems cannot be cured in the kitchen.

Mr. ELLENDER. Mr. President, I notice that the committee has reduced the amount from $260,000 to $225,000. I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, lines 19 through 22, strike out the entire section 3 and insert the following language instead: "The committee shall make its final report together with its recommedations for legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1968, at which time the Subcommittee To Investigate Juvenile Delinquency shall be terminated insofar as additional funds shall be requested."

The PRESIDING OFFICER. The committee amendment has not been acted upon by the Senate, and that would be the next order of business.

The question is on agreeing to the committee amendment.

Mr. ELLENDER. That is reducing the amount?

The PRESIDING OFFICER. That is correct. Without objection, the committee amendment is agreed to.

The next question is on agreeing to the amendment offered by the Senator from Louisiana.

Mr. ELLENDER. Mr. President, the purpose of my amendment is simply to terminate this subcommittee at the end of this year. That is, the amendment provides that a report must be made on or before January 31, 1968, at which time the committee will be terminated.

Mr. President, many of the subcommittees of the Committee on the Judiciary can barge here and barge there, and take over work for each other. We have on the statute books, I think, very good drug addiction laws. What we lack is good enforcement of those laws. As I have stated, I believe that the Subcommittee on Criminal Laws and Procedures—which has been created and which has received money to carry on its work—is capable of looking into laws such as those mentioned by my good friend from Connecticut. It would seem to me that in this case as well as others, the chairmen of various subcommittees have gone all over the lot and gotten into many fields which, in my judgment, should be served by other subcommittees of the Committee on the Judiciary.

As I have often said, child delinquency will never be cured, and nothing can be done about it, unless action begins in the home. In my humble judgment, it would be well that any proposals submitted toward making more laws, or making existing laws more effective, be considered by other subcommittees of the Committee on the Judiciary.

I repeat, the purpose of this amendment is simply to put an end to the Subcommittee on Juvenile Delinquency. I believe it has served its purpose, and I hope the amendment will be agreed to.

Mr. DODD. Mr. President, may I be heard?

Mr. LAUSCHE. May I proceed first?

Mr. DODD. Go ahead.

Mr. LAUSCHE. Mr. President, I believe that this subcommittee has done excellent work under the leadership of the Senator from Connecticut. The subject which he has been studying undoubtedly is a very important one to our country. Unless you have obedience to law and order, you have anarchy; and with anarchy comes the loss of liberty. When the lawless are permitted to rule, democracy fails. You cannot have within a democracy any segment that is more powerful than the government itself; for when that occurs, government becomes subordinate, and the lawless become supreme. There must always be supremacy of the law, for when supremacy of the law fails, democracy goes out the window.

I again commend the Senator from Connecticut for his work. But one cannot lightly cast aside the argument made by the Senator from Louisiana that this committee has been in existence for 13 years. It started out with the commitment that it would file its final report in the session of Congress beginning in 1953. I know that the Senator from Connecticut was not here at that time. But that session passed, other sessions have come and gone, and the committee is still in existence.

Some constructive work, of course, has been done. More work may need to be done. But I now wish to state my thinking on what has been said by the Senator from Louisiana.

Are we able to make our people ethical and moral by the passing of laws? My own answer is that that will not achieve the end. The breakdown in law and morality has come about because there is a breakdown of the home. One out of four of our families in this country is breaking up through divorce; and when divorce invades the home, the children become deprived of a guidance which is indispensable in the building of character and morality.

I cannot illustrate what I wish to say better than by relating to the Senators on the floor a case which came before me while I presided, for 2 years, in the divorce court of Cleveland.

A contest developed between a mother and a father for the custody of a 12-year-old boy. The father asked for custody. The mother made a similar request.

I set the case down for hearing. The mother came in with her lawyer and the father came in with his lawyer. Young Mikie, the 12-year-old boy who was involved, sat in a chair at the side of the room. The principal contestants sat at the trial table.

Under the Ohio law, when the evidence proves that both parents are qualified for the custody—that is, that they are not drunkards and that they have a semblance of morale decency—the judge must ask the child: "With whom do you want to live?"

The mother proved that she was qualified. The father offered testimony that he was qualified. Finally it fell upon me to call Mikie to the witness stand. He took the stand and I asked him: "What is your name? How old are you? What school do you go to? What is your teacher's name?"

I tried to put the boy in a comfortable mental state. I said to him: "Mikie, do you know why I have called you to the stand?"

The boy said: "Yes."

I asked him: "Why?"

He replied: "You want me to tell with whom I want to live, whether it is my father or mother."

I said, "That is what I want to ask you. With whom do you want to live?" He replied: "With both."

He needed both. He needed the firm

hand of the father and the guiding and loving hand of the mother, but he is not to have them.

I do not know what has happened to Mikie.

I concur with what the Senator from Louisiana has said, and I am sure that the Senator from Connecticut concurs with what the Senator said, that an effort must be made to rebuild the family life of our people.

If one out of four marriages breaks up in divorce, immorality and indifference to law and order will spread everywhere.

There are a few questions that ought to be asked, and I am not going to ask the Senator to answer them.

Some of the questions are:

"When did this problem on the campuses begin?

"Why are students defiant of the authority of the managers and administrators of the campuses?

"Has this disorder, violence, and challenge to authority had its inception within the last several years?"

Mr. ELLENDER. Mr. President, will the Senator yield so that I may request the yeas and nays?

Mr. LAUSCHE. I yield for that purpose.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, we ought to search our minds and ask ourselves:

"When did the situation become acute, and what is the cause of it?

"Have public officials encouraged demonstrations?

"Have they urged civil disobedience to achieve their ends?

"Have we had marches generally that have caused individuals to believe that they can proceed with demonstrations and achieve their objectives contrary to the will of those in authority?

"What about public officials enjoying immunity from criminal prosecution when other citizens are brought to account for their offenses?"

That is happening day after day.

We should ask our ourselves:

"What about blaming the police for brutality in every civil disobedience that arises and exculpating the participants in the demonstrations?

"What about the decisions of the Supreme Court that have thrown a barrier of protection around the criminal and thereby lessened the defense and protection of the innocent victim?"

These are the things that are significant. Laws can be passed, and I believe we will pass them, but over and above everything else there must be a reawakening of the moral fabric of our country if law and order is to be preserved.

I would say that law and order must be enforced everywhere by the courts.

We had a strike against the metropolitan transportation system in New York last year. Ten million people were affected. An order was served upon the union leaders telling them to quit their strike. The leader of the union tore up the order.

The strike was finished. What happened? Did anybody bring them into court and say: "You challenged law and order"? Not a single one did so.

If it had been some little Negro boy that had stolen an automobile, he would have been before that court without any hesitation whatsoever.

I suggest to the Senator from Louisiana with respect to this amendment that he make the termination date 1 year beyond that which he has suggested. That will give full time to act in the matter.

Mr. ELLENDER. Mr. President, I do not want to bind the 91st Congress. I am trying to terminate the matter within the first session of this Congress.

Mr. LAUSCHE. I feel that this should be terminated. That is with full respect for the Senator from Connecticut. I know that the Senator from Connecticut has been doing a great job, and I have been a sponsor on some of the proposals that he has advanced. The Senator need not express himself on this.

Mr. DODD. I should like to. I appreciate the gracious thoughts of the Senator, but I wish he would vote for a continuance of the committee.

I am sick of being loved to death.

Mr. ELLENDER. Mr. President, the committee will continue for this year. It would end, if the amendment is agreed to, on January 31, 1968.

Mr. DODD. That would mean the destruction of this committee and its whole program and the opportunity for the Senate to do anything about the problem of juvenile delinquency.

It would delight a lot of the enemies of the committee, and perhaps that is what is desired. However, the American people will not feel very good about it.

If any committee in the Senate ever did its work well, it has been this committee, and the results show it.

It should certainly never be wiped out in this fashion. I certainly hope that will not occur. It would be a disaster in my opinion, a disaster on the whole front of delinquency control and law enforcement and crime fighting.

Mr. HART. Mr. President, the figure as I understand it, is $225,000.

Mr. ELLENDER. The Senator is correct.

Mr. HART. Let me ask the chairman if he thinks that between now and the expiration date suggested by the amendment, January 1968, we will have exhausted our efforts and achieved success in one very little narrow effort that we are undertaking—the matter of developing—through whatever fashion we can—a really effective automotive ignition protection device.

Before some Senator jumps up and asks what that has got to do with juvenile delinquency, I would point out that one-fifth of all the kids in our State training schools are there because they stole a car.

Before somebody jumps up and suggests that the Criminal Law Subcommittee of the Committee on the Judiciary or the Subcommittee on Research of the Government Operations Committee or the Armed Services Committee can handle the matter, we must think of the number of servicemen who are in trouble and disgraced because a car was sitting out in the parking lot.

I do not quarrel with that. The hard truth is that the Juvenile Delinquency Subcommittee is in the process of trying to come up with an answer. I do not know whether there is an answer in sight. But I would ask my chairman if he sees any indication that it can be completed before the termination suggested here.

Remember, too, that 75 percent of the young men and women who are Federal juvenile delinquents are Federal juvenile delinquents because they stole a car and drove it across a State line. The parent could have lectured just as strongly and given just as strong an example over 15 years as a parent humanly could; but if the car sits there and if it is easy to jump the ignition, and if four kids are there and they are going to bring it back in an hour, there are going to be a lot of heartbreaks in some very good homes.

If we can come up with an answer to this one problem, at $225,000 or 10 times that, the value in terms of family life, as well as Federal correctional institutions, will be more than compensated.

Mr. DODD. The Senator is correct. It will take a long time to bring about the needed changes that will reduce our auto theft problem. And on yet another front, we have not even been able to get at the question of the use of the U.S. mails for the distribution of pornographic matter, which is one of the great problems confronting the Nation. We receive letters of complaint every day from parents all over the country. We have just started on this problem by trying to get better control over the use of the mails for this purpose.

Many of these matters will go by the board if this amendment is adopted.

Mr. President, the National Crime Commission released its report on February 18, dealing with every aspect of the crime and delinquency problem throughout the Nation.

I wish to point out to my colleagues that I can go down page by page in this document and identify sections that have their bases on the investigations and the reports of the Juvenile Delinquency Subcommittee.

I speak particularly of the section in the Commission's report dealing with firearms control, dealing with drug control, dealing with the setting up of the White House Conference on Narcotics, and dealing with estimates of the amount of delinquency throughout the Nation.

In all these areas, the Juvenile Delinquency Subcommittee has set forth new findings, unavailable from any other source, that have set the pace and lead the way to new thinking, new policies, and new developments in the crime control field.

I ask that my colleagues consider these contributions of the Juvenile Delinquency Subcommittee as they vote on our appropriation for the current year.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of legislation which was either enacted into law or passed by the

Senate which was acted on, by this subcommittee.

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

SUBCOMMITTEE LEGISLATION PASSED INTO LAW

YEAR 1955

S. 600—A bill to amend title 18 of the United States Code, relating to the mailing and transportation of obscene matter. Hearings held by the Juvenile Delinquency Subcommittee in 1955, and reported favorably. This bill was passed and became Public Law 95, 84th Congress, 1st Session, and was signed by the President on June 28, 1955.

YEAR 1957

S. 1659—A bill to enact the Uniform Reciprocal Enforcement of Support Act in the District of Columbia. Introduced as a result of hearings by the Juvenile Delinquency Subcommittee; referred to the Committee on the District of Columbia. Passed the Senate; signed into law by the President on July 10, 1957. (Public Law 85-94)

YEAR 1958

S. 2558—A bill to amend title 18, United States Code, to prohibit interstate traffic in switchblade knives and to prevent these instruments from falling into the hands of juveniles. Introduced as a result of hearings by the Juvenile Delinquency Subcommittee; referred to the Committee on Interstate and Foreign Commerce. Hearings were held and the bill was reported favorably and passed the Senate; signed into law by the President on August 12, 1958. (Public Law 85-623)

S. 3667—A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing or causing the delivery by mail of obscene matter to minors. (Senators Kefauver and Langer; referred to the Committee on the Judiciary; H.R. 6239, a similar bill which had passed the House of Representatives, was also referred to the Senate Committee on the Judiciary; this bill (H.R. 6239) was amended, incorporating the provisions of S. 3667, and reported favorably; the amended bill passed the Senate; the House disagreed with the Senate amendments and the measure went to conference; the conference report was submitted and agreed to by both Houses; signed into law by the President on August 28, 1958. (Public Law 85-796)

YEAR 1961

S. 802—A bill to provide Federal assistance for the prevention, control, and treatment of juvenile delinquency. (Senators Dodd, Kefauver, Carroll, and Hart—referred to the Committee on Labor and Public Welfare.) Reported to Senate as S. 279 on April 6, 1961, Senate Report 144. Passed Senate April 12, 1961, and referred to House Committee on Education and Labor. Committee discharged. Passed House, amended, August 30, 1961. Senate agreed to House amendments September 11, 1961. Approved September 22, 1961. (Public Law 87-274)

S. 1953—A bill to amend section 5021 of title 18, United States Code, setting aside conviction of youth offenders released from probation. Passed into law, October 3, 1961. (Public Law 87-336)

YEAR 1962

S. 1691—A bill to provide that any juvenile who has been determined delinquent by a district court of the United States may be committed by the court to the custody of the Attorney General for observation and study. Passed into law, March 31, 1962. (Public Law 87-428)

YEAR 1963

S. 1319—A bill to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents. Passed into law, December 30, 1963. (Public Law 88-251)

SUBCOMMITTEE LEGISLATION WHICH PASSED THE SENATE OR BECAME PUBLIC LAW—1964, 1965, 1966

YEAR 1964

S. 2628—"Psychotoxic Drug Control Act of 1964". Passed the Senate August 15, 1964, and referred to House Committee on Interstate and Foreign Commerce.

S. 1541—A bill to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption. Passed the Senate, September 28, 1964.

SUMMARY REPORT OF LEGISLATION ACTED ON BY THE SENATE JUVENILE DELINQUENCY SUBCOMMITTEE DURING 1965

1. *"1965 Drug Control Amendments" (Public Law 89-74)*: The Subcommittee devoted much effort to the final passage on July 8, 1965 of the "1965 Drug Control Amendments"—a law that was developed by the Subcommittee after several years of investigation into the uncontrolled and indiscriminate manufacture, sale and distribution of dangerous drugs.

2. *Exclusion of peyote from the 1965 drug amendments*: Further investigations were conducted with respect to the widespread smuggling of narcotics and dangerous drugs into this country from abroad with a new emphasis on the developing traffic in hallucinogenic drugs. As a result of this investigation the 1965 Drug Control Act was *amended to include peyote under its provisions.* Further legislation is being drafted to cover new drugs of addiction which are not included in the present Federal Law.

3. *Interstate adoption legislation*: The Senate passed Subcommittee Bill S. 624, the "Black Market Baby Bill" on March 22, 1965.

4. *"State Firearms Control Assistance Amendments of 1965"*: The Subcommittee held extensive hearings regarding the Administration's Bill S. 1592 which proposes sweeping revisions of the Federal Firearms Act. Hearings lasted 11 days during which 48 witnesses presented testimony before the Subcommittee. Because of the pointed opposition to this measure its consideration involved a large amount of research, travel, preparation and handling of correspondence by the staff of the Subcommittee.

5. *"The Narcotics Rehabilitation Act of 1965"*: During the latter part of the year the Subcommittee undertook preparation for the hearings with respect to S. 2152, "The Narcotic Addict Rehabilitation Act of 1965", introduced by the Chairman on behalf of the Administration. These hearings were commenced on January 25, 1966 and continued for several months into 1966.

SUMMARY REPORT OF LEGISLATION ACTED ON BY THE SENATE JUVENILE DELINQUENCY SUBCOMMITTEE DURING 1966

1. *"State Firearms Control Assistance Amendments of 1966"*: The Subcommittee continued to consider the Administration's bill S. 1592 which proposed sweeping revisions of the Federal Firearms Act. Because of the pointed opposition to this measure its consideration involved a large amount of research, travel, preparation and handling of correspondence by the staff of the Subcommittee. This effort led to the passage of the bill by the Subcommittee.

2. *"The Narcotics Rehabilitation Act of 1966"* (P.L. 89-793): During 1966 the Subcommittee held 12 days of hearings with respect to S. 2152, "The Narcotic Addict Rehabilitation Act of 1966," introduced by the Chairman on behalf of the Administration. This measure was signed into law on November 8, 1966.

3. *S. 3183—A Bill Prescribing Criminal Penalties for Illegal Importation of Dangerous Drugs*: Based on its investigations the Subcommittee prepared this legislation which was introduced by the Chairman to reduce the traffic of stimulant and depressant drugs into the United States from Mexico.

LEGISLATION IN PREPARATION

1. *Stricter controls over the handling of LSD and other hallucinogenic drugs:* Based on extensive hearings in 1966, on the increasing abuse of LSD and similar substances, particularly among college students, the Subcommittee is considering strengthening the provisions of the Drug Abuse Control Amendments pertaining to hallucinogenic drugs. Such new amendments to this law would pertain specifically to the use and possession of this type drug.

2. *Legislation to help prevent auto theft:* In 1966, the Subcommittee began an investigation of the predominantly youthful crime of auto theft. This investigation has thus far resulted in legislative proposals to:

(1) Control the interstate sale and distribution of master auto keys

(2) Require built in anti-theft devices in newly produced automobiles

(3) Establish more effective federal-state cooperation and treatment programs for handling young auto theft offenders

3. *Legislation to help control the traffic in pornographic literature:* The presently uncontrolled compilation and distribution of mailing lists exposes the public, including one million young children in 1966 alone, to a large amount of obscene materials distributed through the mails and through mail-order channels.

The subcommittee presently is drafting two bills in this area. The first would regulate the commerce in mailing lists.

The second would provide parents and other persons who received pornographic solicitations in the mail to stop this practice through a series of judicial procedures which would be effected by the Post Office Department.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. ELLENDER. Mr. President, during the course of the debate on these resolutions last week, I pointed out that there were 39 resolutions requesting funds to pay employees during the current year. I should like to place in the RECORD at this point a document indicating the number of employees hired by the various subcommittees. For 1965, the document shows 349, for 1966 it shows 413, and for 1967 it shows 444, plus 21 permanent employees authorized by prior resolutions—a total of 465 employees, in addition to the 150 that are authorized by the Reorganization Act of 1946.

On another page, Mr. President, the number of employees on each standing committee is indicated, and I gave those figures during the debate last week.

I ask unanimous consent that both documents be printed in the RECORD at this point, in support of the statements that I made last week.

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

Resolution employees

	1965	1966	1967
1. Aeronautics and Space	5	4	4
2. Armed Services	12	10	10
3. Banking and Currency	6	6	10
4. Housing and Urban Affairs	8	8	9
5. Commerce	30	30	34
6. Foreign Policy	9	16	18
7. Permanent Subcommittee on Investigations	25	24	26
8. Executive Reorganization	6	11	9
9. Foreign Aid Expenditures	4	12	10
10. Research and Development Programs	------	4	4
11. Intergovernmental Relations	9	9	10

Resolution employees—Continued

	1965	1966	1967
12. National Security	9	9	3
13. Interior	6	6	8
14. Administrative Practice and Procedure	11	12	12
15. Antitrust and Monopoly	35	35	34
16. Constitutional Rights	16	16	16
17. Constitutional Amendments	5	9	9
18. Constitutional Separation of Powers (new subcommittee of Judiciary)			6
19. Criminal Laws and Procedure		7	7
20. Federal Charters	1	1	1
21. Judicial System	7	15	15
22. Immigration and Naturalization	10	10	10
23. Internal Security	28	32	32
24. Juvenile Delinquency	18	21	20
25. Penitentiaries	0	0	0
26. Patents	8	7	6
27. Refugees and Escapees	6	7	8
28. Statute Revision and Codification	3	3	3
29. Trading With Enemy			4
30. Labor and Public Welfare	17	17	23
31. Poverty (new subcommittee of Labor Committee)			9
32. Post Office and Civil Service	6	9	14
33. Public Works	4	5	8
34. Privileges and Elections	8	8	7
35. Standing Rules of the Senate	5	5	5
36. Small Business	10	12	11
37. Aging	14	14	14
38. Migratory Labor	8	7	7
39. Finance		12	6
Total	349	413	[1] 444

[1] There are additionally 21 permanent employees authorized by prior resolutions.

Committee employees, permanently authorized and requested by resolution for period Feb. 1, 1967 to Jan. 31, 1968, and additional committee budget

Committee	Number authorized and requested	Additional budget
Aeronautical and Space	14 (6 p., 8 c.)	$50,000.00
Agriculture and Forestry	10 (4 p., 6 c.)	
Armed Services	20 (10 p., 10 c.)	175,000.00
Banking and Currency	29 (18 p., 11 c.)	248,000.00
Commerce	44 (22 p., 22 c.)	475,000.00
District of Columbia	10 (4 p., 6 c.)	
Finance	22 (10 p., 12 c.)	196,255.80
Foreign Relations	34 (12 p., 22 c.)	323,127.90
Government Operations	75 (40 p., 35 c.)	967,230.09
Interior and Insular Affairs	18 (8 p., 10 c.)	105,000.00
Judiciary	198 (106 p., 92 c.)	2,566,897.81
Labor and Public Welfare	50 (24 p., 26 c.)	632,511.60
Post Office and Civil Service	25 (12 p., 13 c.)	210,479.21
Public Works	18 (8 p., 10 c.)	165,000.00
Rules and Administration	23 (11 p., 12 c.)	194,230.09
Small Business (Select)	11 (6 p., 5 c.)	145,000.00
Aging (Special)	14 (7 p., 7 c.)	200,000.00
Total authorized	615	
Employees authorized by 1946 Reorganization Act	150	
Employees authorized by special resolution	465	6,653,732.50
15 standing committee employees (4 p., 6 c.; $179,506)		2,692,590.00
Appropriation Committee		592,000.00
15 standing committee expenses ($10,000)		150,000.00
Total cost		10,088,322.50

Mr. ELLENDER. In addition to the number of employees, the latter document shows that the cost of the employees authorized by the special resolutions, aggregating 465 for the current year—that is, 1967—amounted to $6,653,732.50, and that the amount of money that can be spent by the 15 standing committees for the regular employees of those committees aggregates $2,692,590; for the Committee on Appropriations, $592,000; for the 15 standing committees with expenses for printing—that is, for hearings—$150,000. The grand total for the current year, 1967, is $10,088,322.50.

Mr. ALLOTT. Mr. President, a parliamentary inquiry. Are we operating under a time limitation?

The PRESIDING OFFICER. We are not.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. 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. ELLENDER. Mr. President, I ask unanimous consent that the request made for a yea-and-nay vote be set aside.

The PRESIDING OFFICER. Without objection, the order for the yeas and nays will be rescinded.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. Is the Senator from Colorado objecting?

Mr. ALLOTT. I wish to be recognized.

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

Mr. DODD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The amendment of the Senator from Louisiana is the pending business.

Mr. DODD. And that will be by voice vote?

The PRESIDING OFFICER. It will be by voice vote. The order for the yeas and nays has been rescinded.

Mr. DODD. Could we have that vote now, Mr. President?

The PRESIDING OFFICER. The Senator from Colorado has asked for the floor.

PREDATORY PRICING

Mr. ALLOTT. Mr. President, as one who remains a firm believer in a fair and broadly competitive capitalistic system, and the preservation of that system, I am happy to add my name as a cosponsor to S. 877, introduced by the distinguished junior Senator from Alabama [Mr. SPARKMAN].

I have done so because I believe that this bill will do much to help preserve our capitalistic system by providing a much needed and effective private means of dealing with predatory pricing—a practice already outlawed by the laws of the United States.

"Predatory pricing" is defined and condemned as the practice of instituting sales "at unreasonably low prices for the purpose of destroying competition."

It is this potential destruction of competition that disturbs me, and it is my belief that additional legislative steps must be taken to assist in containing it.

I am concerned with the future and the very existence of small business in this country. The records of previous hearings on similar bills have reflected many examples of predatory pricing and their destructive results, and clearly indicate the need for adequate private judicial relief. The businessman of tomorrow would hardly dare to venture new capital in the competitive market without better protection from predatory pricing raids than presently exists.

And, finally, I am concerned about the future of the consumer if competition continues to be blighted by predatory pricing. It is axiomatic that fair and honest price competition remains the touchstone upon which consumers may reasonably depend for fair prices under our system. This bill is designed to help eliminate one of the contributing factors to that blight. Thus, the bill is both in the interest of the consumer as well as the small businessman. The elimination of predatory pricing is essential to the preservation of our system of free enterprise, and we must continually guard against monopolistic control of our economy. In my opinion, the enactment of S. 877 will serve these important purposes.

LITHUANIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, two anniversaries this week are worthy of note. The first commands glory, for it is the 49th anniversary of the Declaration of Independence of the people of Lithuania.

The second is hardly cause for celebration, however, for it is 22 years this week since the fate of Lithuania was sealed and the freedom and independence of millions of other Eastern European people destroyed.

For just 23 years, the brave people of Lithuania enjoyed freedom until it was snatched from them by the Soviet Union.

We in the United States, who so often take freedom for granted, should heed the example of the Lithuanian people. They still cling to the hope that their land will once again be free, even though their every action toward freedom invites persecution.

It is well for the United States, herself locked in a deadly struggle with Communist aggression far from her shores, to heed and take heart from the spirit of freedom and determination still burning in the hearts of the Lithuanian people.

Would that we could offer some immediate hope or some immediate solution to their enslavement. However, immediate or not, it should be the official policy of this Government, just as it has been the sense of Congress, to free Lithuania from the rule of tyranny.

Toward that end we join with Lithuanians everywhere in the celebration of the anniversary of their independence.

JUVENILE DELINQUENCY

The Senate resumed the consideration of Senate Resolution 35.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. ELLENDER]. [Putting the question.]

The amendment was rejected.

Mr. ELLENDER. Mr. President, I ask unanimous consent that following the vote on my amendment to Senate Resolution 35, the RECORD show that I voted in the affirmative.

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

The question is an agreeing to the resolution, as amended.

The resolution (S. Res. 35) as amended, was agreed to, as follows:

S. RES. 35

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to juvenile delinquency in the United States, including (a) the extent and character of juvenile delinquency in the United States and its causes and contributing factors; (b) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws; (c) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (d) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics.

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

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

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $225,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

RESOLUTIONS PLACED ON THE TABLE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar Orders Nos. 1 and 3, Senate Resolutions 6 and 7, respectively, be ordered to lie on the table. This proposed action has been cleared with and approved by the principal sponsors of each of these resolutions.

The PRESIDING OFFICER. Without objection, the two resolutions will lie on the table.

LEGISLATIVE REORGANIZATION ACT OF 1967

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 355) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

AMENDMENT OF NATIONAL HOUSING ACT, AND OTHER LAWS RELATING TO HOUSING AND URBAN DEVELOPMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 59, Senate Joint Resolution 42.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S.J. Res. 42) to amend the National Housing Act, and other laws relating to housing and urban affairs, to correct certain obsolete references.

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

There being no objection, the joint resolution (S.J. Res. 42) was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES 42

Joint resolution to amend the National Housing Act, and other laws relating to housing and urban development, to correct certain obsolete references

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the National Housing Act is amended—

(1) by striking out "Federal Housing Administration" each place it appears and inserting in lieu thereof "Department of Housing and Urban Development";

(2) by striking out "Federal Housing Commissioner" each place it appears and inserting in lieu thereof "Secretary of Housing and Urban Development";

(3) by striikng out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(4) by striking out "Commissioner's" each place it appears and inserting in lieu thereof "Secretary's".

(b) The heading of section 1 of such Act is amended by striikng out "CREATION OF FEDERAL HOUSING ADMINISTRATION" and inserting in lieu thereof "ADMINISTRATIVE PROVISIONS".

(c)(1) The first sentence of section 1 of such Act is amended to read as follows: "The powers conferred by this Act shall be exercised by the Secretary of Housing and Urban Development (hereinafter referred to as the 'Secretary')."

(2) The next to the last sentence of such section is amended by striking out "Administration" and inserting in lieu thereof "Department".

(d) Sections 2(c)(2), 204(g), 604(g), and 904(f) of such Act are amended by striking out "the Commissioner or by any Assistant Commissioner" and inserting in lieu thereof "an officer".

(e) The first sentence of section 206 of such Act is amended by striking out "shall be deposited" and inserting in lieu thereof "related to insurance under section 203 shall be deposited".

(f) The first sentence of section 209 of such Act is amended by adding "in connection with the insurance programs" after "made".

(g) Section 220(d)(1)(A) of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator" each place it appears and inserting in lieu thereof "Secretary of Housing and Urban Development";

(2) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary";

(3) by striking out "certification to the Commissioner" and inserting in lieu thereof "determination"; and

(4) by striking out "certified to the Commissioner" each place it appears and inserting in lieu thereof "determined".

(h) Section 223(a)(2) of such Act is amended—

(1) by striking out "Public Housing Administration" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "and Administration" and inserting in lieu thereof "Secretary".

(i) The heading of section 226 of such Act is amended by striking out "FHA".

(h) Section 223(a)(2) of such Act is amended by striking out "a constituent agency of the Housing and Home Finance Agency" and inserting in lieu thereof "in the Department of Housing and Urban Development".

(2) The last sentence of section 303(a) of such Act is amended by striking out "Secretary's" and inserting in lieu thereof "Secretary of the Treasury's".

(k) Section 306(e) of such Act is amended by striking out "Housing and Home Finance Agency or its Administrator, or by such Agency's constituent units or agencies or the heads thereof" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(l) Sections 303(g) and 308 of such Act are amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(m) Section 308 of such Act is further amended by striking out "said Administrator" each place it appears and inserting in lieu of thereof "the Secretary".

(n) The third paragraph of section 603(a) of such Act is amended by striking out "in any field office of" and inserting in lieu thereof "by".

(o) The second paragraph of section 610 of such Act is amended—

(1) by striking out "Public Housing Administration" and inserting in lieu thereof "Secretary"; and

(2) by striking out "said Administration" and inserting in lieu thereof "Secretary".

(p) Section 803(b)(2) of such Act is amended—

(1) by striking out "Secretary or his designee" in the first sentence and inserting in lieu thereof "Secretary of Defense or his designee";

(2) by striking out "certified by the Secretary" in the third sentence and inserting in lieu thereof "certified by the Secretary of Defense";

(3) by striking out "require the Secretary" in the third sentence and inserting in lieu thereof "require the Secretary of Defense"; and

(4) by striking out "Secretary to guarantee" in the fourth sentence and inserting in lieu thereof "Secretary of Defense to guarantee".

(q) Section 807 of such Act is amended by striking out the second sentence.

(r) Section 809 of such Act is amended—

(1) by striking out "Secretary or his designee" in subsections (a) and (b) and inserting in lieu thereof "Secretary of Defense or his designee";

(2) by striking out "Secretary to guarantee" in subsection (b) and inserting in lieu thereof "Secretary of Defense to guarantee";

(3) by striking out "'Secretary or his designee', and 'Secretary'" in subsection (g)(2)(i) and inserting in lieu thereof "'Secretary of Defense or his designee', and 'Secretary of Defense'"; and

(4) by striking out "such Administration" in both places it appears in subsection (g)(2)(iii) and inserting in lieu thereof "the National Aeronautics and Space Administration".

(s) Section 903(a) of such Act is amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(t) Section 903(d) of such Act is amended by striking out ", with the approval of the Housing and Home Finance Administrator,".

(u) Section 1003(b)(3) of such Act is amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary".

SEC. 2. (a) The United States Housing Act of 1937 is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(b) Section 3 of such Act is amended to read as follows:

"UNITED STATES HOUSING AUTHORITY

"SEC. 3. There is hereby created in the Department of Housing and Urban Development a body corporate of perpetual duration to be known as the United States Housing Authority, which shall be an agency and instrumentality of the United States. The functions, powers, and duties of the Authority are vested in and shall be exercised by the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary'). No officer or employee of the Department of Housing and Urban Development, in the performance of any such functions, powers, or duties, shall participate in any matter affecting his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested."

(c) Section 4 of such Act is amended by striking out subsections (a) and (b) and redesignating subsections (c) and (d) as subsections (a) and (b).

(d) Section 5(b) of such Act is amended by striking out "shall sue" and inserting in lieu thereof "may sue".

(e) Section 5 of such Act is further amended by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) Section 7(b) of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary"; and

(2) by striking out "Housing and Home Finance Agency" and inserting in lieu thereof "Department of Housing and Urban Development".

(g) Section 13(b) of such Act is amended by striking out "4(d)" and inserting in lieu thereof "4(b)".

(h) Section 16(1) of such Act is amended by striking out "suits shall" in the proviso and inserting in lieu thereof "suits may".

(i) Section 16 of such Act is further amended by striking out paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(j) Section 22(b) of such Act is amended by striking out "first" in the proviso.

SEC. 3. Section 20 of the District of Columbia Redevelopment Act of 1945 is amended—

(1) by striking out "Housing and Home Finance Administrator (hereafter in this section referred to as the Administrator)" in subsection (a) and inserting in lieu thereof "Secretary of Housing and Urban Development (hereinafter in this section referred to as the Secretary)"; and

(2) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

SEC. 4. Section 101 of the Government Corporation Control Act is amended by striking out "Federal Public Housing Authority (or Public Housing Administration)" and inserting in lieu thereof "United States Housing Authority".

SEC. 5. (a) Section 301 of the Housing Act of 1948 is amended—

(1) by striking out "Housing and Home Financing Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development";

(2) by striking out "Administrator" each place it appears in subsections (a) and (b) and inserting in lieu thereof "Secretary"; and

(3) by striking out the last two sentences of subsection (a).

(b) Section 302 of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(c) Section 304 of such Act is repealed.

(d) Section 502 of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Housing and Urban Development";

(2) by striking out "Administrator" each place it appears in subsection (a) and inserting in lieu thereof "Secretary";

(3) by striking out the next to the last sentence in subsection (a);

(4) by striking out "Public Housing Administration" each place it appears in the first and fourth sentences of subsection (b) and inserting in lieu thereof "United States Housing Authority";

(5) by striking out "Administration" each place it appears in the third sentence of subsection (b) and inserting in lieu thereof "Authority";

(6) by striking out "shall sue" in the first sentence of subsection (b) and inserting in lieu thereof "may sue";

(7) by striking out the second sentence of subsection (b);

(8) by striking out "Housing and Home Finance Administrator, the Home Loan Bank Board" where it first appears in subsection (c) and inserting in lieu thereof "Secretary of Housing and Urban Development and the Federal Home Loan Bank Board";

(9) by striking out "Home Loan Bank Board), the Federal Housing Commissioner, and the Public Housing Commissioner" in subsection (c) and inserting in lieu thereof "Federal Home Loan Bank Board)";

(10) by striking out "Housing and Home Finance Administrator, the Home Loan Bank Board, the Federal Housing Commissioner, and the Public Housing Commissioner" in subsection (c)(3) and inserting in lieu thereof "Secretary of Housing and Urban Development and the Federal Home Loan Bank Board";

(11) by striking out "said officers or agencies" in subsection (c)(3) and inserting in lieu thereof "such officer or agency";

(12) by striking out "Housing and Home Finance Administrator, the Federal Housing Commissioner, and the Public Housing Commissioner, respectively, may utilize funds made available to them" in subsection (d) and inserting in lieu thereof "Secretary of Housing and Urban Development may utilize funds made available to him"; and

(13) by striking out "of the respective agencies" in subsection (d).

SEC. 6. (a) Section 2 of the Housing Act of 1949 is amended by striking out "The Housing and Home Finance Agency and its constituent agencies" and inserting in lieu thereof "The Department of Housing and Urban Development".

(b) Title I of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(c) Section 101 (c) of such Act is amended by striking out "to the constituent agencies affected".

(d) The last sentence of section 103(b) of such Act is amended by striking out "paid or accrued to the Secretary" and inserting in lieu thereof "paid or accrued to the Secretary of the Treasury".

(e) Section 106(a) of such Act is amended by striking out paragraph (1) and redesignating paragraphs (2) and (3) as (1) and (2), respectively.

(f) Section 107(b) of such Act is amended by striking out "Public Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(g) Section 110(j) of such Act is amended to read as follows:

"(j) 'Secretary' means the Secretary of Housing and Urban Development".

(h) Section 601 of such Act is amended (A) by striking out "The Housing and Home Finance Administrator and the head of each constituent agency of the Housing and Home Finance Agency" and inserting in lieu thereof "The Secretary of Housing and Urban Development", and (B) by striking out "each" and inserting in lieu thereof "he".

(i) Section 605 of such Act is repealed.

(j) Section 612 of such Act is amended by striking out "Housing and Home Finance Agency" each place it appears and inserting in lieu thereof "Department of Housing and Urban Development".

SEC. 7. Section 602(d)(11) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "the Housing and Home Finance Agency, or any officer or constituent agency therein," and inserting in lieu thereof "the Department of Housing and Urban Development or any officer thereof".

SEC. 8. (a) Title IV of the Housing Act of 1950 is amended by striking out "Administrator each place it appears and inserting in lieu thereof "Secretary".

(b) Section 402(c)(2) of such Act is amended by striking out "Federal Security Agency" and inserting in lieu thereof "Department of Health, Education, and Welfare".

(c) Section 404(f) of such Act is amended to read as follows:

"(f) 'Secretary' means the Secretary of Housing and Urban Development."

(d) Section 507 of such Act is amended—

(1) by striking out "Public Housing Administration" and inserting in lieu thereof "Secretary of Housing and Urban Development", and

(2) by striking out "said Administration" and inserting in lieu thereof "the Secretary".

(e) Section 508 of such Act is amended by striking out "Federal Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development".

SEC. 9. Section 304 of the Territorial Enabling Act of 1950 is amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

SEC. 10. (a) Sections 312, 314, 701, and 702 of the Housing Act of 1954 are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(b) Section 125 of such Act is amended by striking out "Commissioner" in both places where it appears and inserting in lieu thereof "Secretary of Housing and Urban Development".

(c) Section 314(a) of such Act is amended by striking out "Housing and Home Finance

Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(d) Section 703 of such Act is amended by striking out clause (2) and inserting in lieu thereof "(2) the term 'Secretary' shall mean the Secretary of Housing and Urban Development;".

(e) Section 801 of such Act is amended—

(1) by striking out "Federal Housing Commissioner" each place it appears and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

(f) Section 802(a) of such Act is amended—

(1) by striking out "FHA";

(2) by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(3) by striking out "Housing and Home Finance Agency" and inserting in lieu thereof "Department of Housing and Urban Development".

(g) Section 811 of such Act is amended by striking out "Housing and Home Finance Agency, including its constituent agencies" and inserting in lieu thereof "Department of Housing and Urban Development".

(h) Section 814 of such Act is amended—

(1) by striking out "Federal Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development";

(2) by striking out "Housing and Home Finance Agency (or any official or constituent thereof)" and inserting in lieu thereof "Department of Housing and Urban Development";

(3) by striking out "Housing and Home Finance Agency (or such official or constituent thereof)" and inserting in lieu thereof "Department of Housing and Urban Development"; and

(4) by striking out "Housing and Home Finance Agency or any official or constituent agency thereof" and inserting in lieu thereof "Department of Housing and Urban Development".

(i) Section 816 of such Act is amended by striking out "Public Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(j) Section 817 of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "Housing and Home Finance Agency" and inserting in lieu thereof "Department of Housing and Urban Development".

SEC. 11. Sections 32 and 62 a. of the Atomic Energy Community Act of 1955 are amended by striking out "Federal Housing Commissioner" each place it appears and inserting in lieu thereof "Secretary of Housing and Urban Development".

SEC. 12. (a) Section 113 of the Housing Amendments of 1955 is repealed.

(b) Title II of such amendments is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(c) Section 202(a) of such amendments is amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(d) Section 403 of such amendments is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary of Housing and Urban Development".

(e) Section 404 of such amendments is amended—

(1) by striking out "Federal Housing Commissioner" each place it appears and inserting in lieu thereof "Secretary of Housing and Urban Development";

(2) by striking out "Federal Housing Commissioner's" in subsection (a) and inserting in lieu thereof "Secretary of Housing and Urban Development's"; and

(3) by striking out "Commissioner" each place it appears in subsection (a) and inserting in lieu thereof "Secretary of Housing and Urban Development".

(f) Section 406 of such amendments is amended—

(1) by striking out "Public Housing Administration" and inserting in lieu thereof "Secretary of Housing and Urban Development";

(2) by striking out "Federal Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(3) by striking out "Federal Housing Administration" and inserting in lieu thereof "Department of Housing and Urban Development".

(g) Section 409(a) of such amendments is amended by striking out "or 'Secretary'."

(h) Title IV of such amendments is further amended by inserting "of Defense" after "Secretary"—

(1) in the fourth and sixth sentences of section 403(a);

(2) in section 403(b);

(3) in the last three sentences of section 403(d);

(4) in the proviso in section 404(a);

(5) in the next to last sentence of section 404(c)(2);

(6) where it first appears in section 404(e);

(7) in the third proviso in section 406; and

(8) in the last two sentences of section 406.

SEC. 13. (a) Section 104(d) of the Housing Act of 1956 is amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(b) Section 602 of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Housing and Urban Development";

(2) by striking out "administrator" each place it appears and inserting in lieu thereof "Secretary"; and

(3) by striking out "Housing and Home Finance Agency" in subsection (c) and inserting in lieu thereof "Department of Housing and Urban Development".

SEC. 14. (a) Section 104 of the Housing Act of 1957 is amended by striking out "Federal Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(b) Section 604 of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "Housing and Home Finance Agency" and inserting in lieu thereof "Department of Housing and Urban Development".

(c) Section 605 of such Act is amended—

(1) by striking out "Federal Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "Commissioner" and inserting in lieu thereof "Secretary".

SEC. 15. (a) Sections 52, 53, and 56 of the Alaska Omnibus Act are amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(b) Section 53 of such Act is further amended by striking out "Administrator" in the second paragraph and inserting in lieu thereof "Secretary".

SEC. 16. (a) Section 202 of the Housing Act of 1959 is amended—

(1) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary";

(2) by striking out in subsection (c)(2) ", except" and all that follows down through and including "section 513"; and

(3) by changing subsection (d)(6) to read as follows:

"(6) The term 'Secretary' means the Secretary of Housing and Urban Development."

(b) Section 306(b) of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "Administrator" and inserting in lieu thereof "Secretary".

(c) Section 802(a) and 808 of such Act are amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing, and Urban Development".

SEC. 17. Section 5 of the Act of September 8, 1960 (74 Stat. 872), is amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

SEC. 18. (a) Sections 207 and 312 of the Housing Act of 1961 are amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(b) Section 312 of such Act is further amended by striking out "Administrator" and inserting in lieu thereof "Secretary".

(c) Title VII of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(d) Section 702(a) of such Act is amended by striking out "Housing and Home Finance Administrator (hereinafter referred to as the 'Administrator')" and inserting in lieu thereof "Secretary of Housing and Urban Development (hereinafter referred to as the 'Secretary')".

(e) Section 905 of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator and the Public Housing Administration are" and inserting in lieu thereof "Secretary of Housing and Urban Development is"; and

(2) by striking out "Administration" both places it appears and inserting in lieu thereof "Secretary".

SEC. 19. Section 2 of the Senior Citizens Housing Act of 1962 is amended by striking out "Housing and Home Finance Agency" in the second sentence and inserting in lieu thereof "Department of Housing and Urban Development".

SEC. 20. (a) The Urban Mass Transportation Act of 1964 is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(b) Section 12(c)(3) of such Act is amended to read as follows:

"(3) the term 'Secretary' means the Secretary of Housing and Urban Development;".

SEC. 21. (a) Section 107(g) of the Housing Act of 1964 is amended by striking out "Federal Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(b) Section 312 of such Act is amended—

(1) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary";

(2) by striking out "Housing and Home Finance Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Housing and Urban Development";

(3) by changing subsection (b)(4) to read as follows:

"(4) the term 'Secretary' means the Secretary of Housing and Urban Development."; and

(4) by striking out "Federal Housing Commissioner" in subsection (c)(4)(A) and inserting in lieu thereof "Secretary of Housing and Urban Development".

(c) Section 318 of such Act is amended by striking out "Housing and Home Finance

Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(d) Title VIII of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(e) Section 805(a) of such Act is amended by striking out "'Administrator' means the Housing and Home Finance Administrator" and inserting in lieu thereof "'Secretary' means the Secretary of Housing and Urban Development".

(f) Section 810 of such Act is amended by striking out "Housing and Home Finance Administrator" in subsections (a) and (b) and inserting in lieu thereof "Secretary of Housing and Urban Development".

(g) Section 1005 of such Act is amended—

(1) by striking out "Federal Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "Federal Housing Administration" and inserting in lieu thereof "Department of Housing and Urban Development".

(h) Section 1006 of such Act is amended by striking out "Public Housing Commissioner" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(i) Section 1007 of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator and the Public Housing Commissioner are" each place it appears and inserting in lieu thereof "Secretary of Housing and Urban Development is"; and

(2) by striking out "Public Housing Administration" and inserting in lieu thereof "Secretary".

SEC. 22. (a) The Housing and Urban Development Act of 1965 is amended by striking out "Administrator" each place it appears in sections 101 (c), (d), (e), and (g); 301(b); 313(b); 315(a)(8); 402; and 404(a), and inserting in lieu thereof in each instance "Secretary".

(b) Title VII of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(c) Section 101 of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator (hereinafter referred to as the 'Administrator')" in subsection (a) and inserting in lieu thereof "Secretary of Housing and Urban Development (hereinafter referred to as the 'Secretary')"; and

(2) by striking out all of the second sentence of subsection (g) and inserting in lieu thereof "Nothing contained in this section shall affect the authority of the Secretary of Housing and Urban Development with respect to any housing assisted under this section, section 221(d)(3), or section 231 (c)(3) of the National Housing Act, or section 202 of the Housing Act of 1959, including the authority to prescribe occupancy requirements under other provisions of law or to determine the portion of such housing which may be occupied by qualified tenants."

(d) Section 301 of such Act is amended by striking out "Housing and Home Finance Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Secretary of Housing and Urban Development".

(e) Section 315 of such Act is amended—

(1) by striking out "Housing and Home Finance Administrator" in subsection (a)(8) and inserting in lieu thereof "Secretary of Housing and Urban Development";

(2) by striking out "Housing and Home Finance Administrator and Public Housing Commissioner are" in subsections (b)(1) and (b)(2) and inserting in lieu thereof "Secretary of Housing and Urban Development is"; and

(3) by striking out "Public Housing Administration" in subsection (b)(1) and inserting in lieu thereof "Secretary".

(f) Section 401(5) of such Act is amended to read as follows:

"(5) the term 'Secretary' means the Secretary of Housing and Urban Development."

(g) Section 702(a) of such Act is amended by striking out "Housing and Home Finance Administrator (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Secretary of Housing and Urban Development (hereinafter in this title referred to as the 'Secretary')".

(h) Section 1113 of such Act is amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development".

SEC. 23. Section 501 of the Military Construction Authorization Act, 1966, is amended—

(1) by striking out "Administrator, Housing and Home Finance Agency" in the first sentence and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "Administrator" in the second sentence and inserting in lieu thereof "Secretary of Housing and Urban Development".

SEC. 24. (a) Sections 493, 657, and 1006 of title 18, United States Code, are amended by striking out "Federal Housing Administration" and inserting in lieu thereof "Department of Housing and Urban Development".

(b) The eighth paragraph of section 709 of such title is amended to read as follows:

"Whoever uses as a firm or business name the words 'Department of Housing and Urban Development', 'Housing and Home Finance Agency', 'Federal Housing Administration', 'Federal National Mortgage Association', 'United States Housing Authority', or 'Public Housing Administration' or the letters 'HUD', 'FHA', 'PHA', or 'USHA', or any combination or variation of those words or the letters 'HUD', 'FHA', 'PHA', or 'USHA' alone or with other words or letters reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from, the Department of Housing and Urban Development, the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof, which does not in fact exist, or falsely claims that any repair, improvement, or alteration of any existing structure is required or recommended by the Department of Housing and Urban Development, the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof, for the purpose of inducing any person to enter into a contract for the making of such repairs, alterations, or improvements, or falsely advertises or falsely represents by any device whatsoever that any housing unit, project, business, or product has been in any way endorsed, authorized, inspected, appraised, or approved by the Department of Housing and Urban Development, the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof; or".

(c) Section 1010 of such title is amended—

(1) by changing the section heading to read as follows:

"§ 1010. Department of Housing and Urban Development and Federal Housing Administration transactions.";

(2) by striking out "Federal Housing Administration" and inserting in lieu thereof "Department of Housing and Urban Development"; and

(3) by striking out "such Administration" both places it appears and inserting in lieu thereof "such Department".

(d) Section 1012 of such title is amended—

(1) by changing the section heading to read as follows:

"§ 1012. Department of Housing and Urban Development transactions.";

(2) by striking out "Public Housing Administration" and inserting in lieu thereof "Department of Housing and Urban Development"; and

(3) by striking out "such Administration" each place it appears and inserting in lieu thereof "such Department".

(e) The analysis of chapter 47, title 18, United States Code, immediately preceding section 1001, is amended—

(1) by striking out the item relating to section 1010 and inserting in lieu thereof

"1010. Department of Housing and Urban Development and Federal Housing Administration transactions.";

and

(2) by striking out the item relating to section 1012 and inserting in lieu thereof

"1012. Department of Housing and Urban Development transactions."

SEC. 25. Title 38, United States Code, is amended—

(1) by striking out "Federal Housing Administration approved mortgagee designated by the Federal Housing Commissioner" in section 1802(d) and inserting in lieu thereof "mortgagee approved by the Secretary of Housing and Urban Development and designated by him"; and

(2) by striking out "Federal Housing Commissioner" in subsections (b), (d), and (e) of section 1804 and inserting in lieu thereof "Secretary of Housing and Urban Development".

SEC. 26. The fourth paragraph of section 24 of the Federal Reserve Act is amended by striking out "Housing and Home Finance Administrator" in the first sentence and inserting in lieu thereof "Secretary of Housing and Urban Development".

SEC. 27. (a) The penultimate sentence of paragraph seventh of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended—

(1) by striking out "Federal Housing Administrator" and inserting in lieu thereof "Secretary of Housing and Urban Development (hereafter in this sentence referred to as the 'Secretary')";

(2) by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "Secretary";

(3) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary"; and

(4) by striking out "Public Housing Administration" each place it appears and inserting in lieu thereof "Secretary".

(b) Paragraph (11) of section 5200 of the Revised Statues (12 U.S.C. 84) is amended—

(1) by striking out "Housing and Home Finance Administrator or the Public Housing Administration" and inserting in lieu thereof "Secretary of Housing and Urban Development"; and

(2) by striking out "Administrator or Administration" each place it appears and inserting in lieu thereof "Secretary".

SEC. 28. Any function or authority vested in or exercisable by the Federal Home Loan Bank Board, the Chairman thereof, or the Federal Savings and Loan Insurance Corporation immediately before the enactment of this Act shall not by this section or anything therein be affected or impaired, or subjected to any restriction or limitation to which it was not then subject.

DEBT LIMIT INCREASE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily set aside, and that the Senate proceed to the con-

sideration of Calendar No. 60, H.R. 4573. I do this so that the bill will become the pending business at the conclusion of the morning business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4573) to provide for the period ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

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 Finance, with amendments, to strike out all after the enacting clause and insert:

That, effective on the date of the enactment of this Act, the first sentence of section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), is amended by striking out "$285,000,000,000" and inserting in lieu thereof "$336,000,000,000".

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Amendments of the Committee on the Judiciary be permitted to sit during the session of the Senate tomorrow, February 21, 1967, in Omaha, Nebr.

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

ADDITIONAL COSPONSORS OF RESOLUTION

Mr. HOLLAND. Mr. President, I ask unanimous consent that at the next printing of Senate Joint Resolution 30, relating to a commission to formulate plans for a memorial to astronauts who lost their lives in line of duty in the U.S. space program, the names of the junior Senator from Vermont [Mr. PROUTY] and the junior Senator from Hawaii [Mr. INOUYE] be added as cosponsors.

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

UNITED STATES ASSUMING QUESTIONABLE ROLE AS WORLD'S MAJOR MUNITIONS SUPPLIER

Mr. MORSE. Mr. President, there is growing evidence that the United States is assuming a new and highly questionable international role: The role of the world's major munitions supplier. As evidence of this dangerous trend, I commend to the attention of Senators and the general public, a recent study done on this subject by the staff of the Senate Foreign Relations Committee.

This study, entitled "Arms Sales and Foreign Policy," is of unusual quality and perception. The staff of the committee is to be congratulated for this thoughtful and balanced appraisal of one of our most important national issues.

This study suggests that the Pentagon's vigorous and highly successful arms salesmen may be jeopardizing many of this country's international policy goals. The recommendations the study offers, particularly the necessity for a reappraisal of the present machinery of policy control over U.S. arms sales, should be seriously considered, not only by the Congress but by the administration.

The soundness of the justification for many of these sales is called into doubt time and again by events. A few months ago, the sale of weapons to Iran was justified on the ground that if we did not supply them, Iran would purchase them from the Soviet Union and that would give Russia some kind of ingress into the Iranian Military Establishment. So we made the sale.

This morning's paper tells us that Iran is buying $110 million worth of Soviet arms, anyway. I hope that when it comes time for the administration to justify the economic aid program for next year, they will be prepared to show the extent to which this purchase is being subsidized by American economic and technical aid, for the Russian loan is to be repaid with manufactured goods and in natural gas that would otherwise have been available to provide foreign currency for development purposes.

I have no objection to any country seeking and obtaining military equipment from the Soviet Union, or seeking and obtaining development assistance from the Soviet Union. But I am tired of being kidded along by the administration with arguments that we must provide military and economic help or the recipient country will go to others. Let them go to others. Let us also be sure we do not underwrite the misapplication of their scarce resources—resources so scarce that the American taxpayers are called upon to contribute tens and even hundreds of millions of our dollars a year to countries like Iran.

In my opinion, if Iran can afford to enter into this 8-year-arms-purchase deal with the Soviet Union, she cannot be nearly so hard pressed for funds as our AID spokesmen try to imply in their appeals for foreign aid appropriations from Congress.

This whole rationale for our arms sales needs to be reviewed by Congress at an early date. The Foreign Relations Committee study to which I have referred pinpoints some of the problems we should look into, and I ask unanimous consent that portions of it be printed at this point in the RECORD.

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

ARMS SALES AND FOREIGN POLICY

I. THE CHANGING PATTERN OF AMERICAN MILITARY ASSISTANCE

Since the Second World War the United States has recognized that it is in the national interest to give military support to friendly countries to enable them to defend themselves against the threat of aggression. The military assistance programs beginning in 1949 with congressional approval of the Mutual Defense Assistance Act have provided various kinds of grant military aid to countries unable to pay for their own defense needs. Over the year the Congress has paid particularly close attention to the military assistance programs with an eye to withdrawing such aid from countries having sufficient resources to maintain their own forces and preventing U.S. military aid from either being misused or overburdening struggling economies.

In recent years both the President and the Congress have become increasingly aware of another responsibility directly related to the use of military assistance. This is the question of conventional arms control in the developing regions of the world. In his message of last January to the Eighteen Nation Disarmament Conference, President Johnson reminded the delegates:

"As we focus on nuclear arms, let us not forget that resources are being devoted to nonnuclear arms races all around the world. These resources might be better spent on feeding the hungry, healing the sick and teaching the uneducated. The cost of acquiring and maintaining one squadron of supersonic aircraft diverts resources that would build and maintain a university. We suggest therefore that countries, on a regional basis, explore ways to limit competition among themselves for costly weapons often sought for reasons of illusory prestige."

Despite President Johnson's concern, the pursuit of "illusory prestige" has recently quickened throughout the developing regions of the world. For example, the United States has agreed to sell to Iran a squadron of F-4 Phantoms, its most sophisticated operational supersonic aircraft. Morocco has purchased 12 F-5's, among the United States most modern fighter-interceptors. The international record of such sales is long: American F-104's interceptors to Jordan, British Hawker-Hunter jet fighters to Chile, American A-4B tactical attack aircraft to Argentina, Soviet Mig 21's to Iraq, Czechoslovakian armored cars and bazookas to Cyprus—to cite some recent examples.

What is clearly in process is a competition among the industrial nations to sell arms to the developing nations of the world.

This growing problem of arms competition in the underdeveloped world and the diversion of scarce resources is directly related to a dramatic shift in the composition of U.S. military assistance and sales programs. It seems that at a moment of increasing congressional oversight of the military grant assistance, emphasis has shifted from these programs to a concentration on military sales. In the fiscal years 1952 to 1961 the U.S. military grant aid programs and military sales amounted to a total value of $22 billion—$17 billion in grant aid and $5 billion in sales. According to the Defense Department, the comparative amounts will be radically altered in the 1962–71 period—that is $15 billion in military sales, and $7 billion in grant aid. (In fiscal year 1961, for example, sales were 43.4 percent of grant aid; in fiscal year 1966, sales stood at 235.1 percent of aid.) Since 1962 the Defense Department has already obtained $11.1 billion in foreign military orders and commitments. The average of all military export sales in the 1952–61 period was around $300 million annually. In fiscal year 1961 military export sales rose to $600 million; they were $1.3 billion in fiscal year 1963; $1.26 billion in fiscal year 1964; $1.97 billion in fiscal year 1965; and were around $1.93 billion in fiscal year 1966. That is a total of some $6 to $7 billion in the past 4 years.

Of the $9 billion in orders and commitments the United States received between 1962 and 1965 almost $5 billion has been received in cash receipts, an amount offsetting almost 40 percent of the dollar costs of maintaining U.S. forces abroad during that period. Furthermore, these sales offsets have risen from 10 percent of oversea expenditures in 1961 to 44 percent in 1965.

Secretary of Defense McNamara made it very clear in 1965 that he considered military grants and the increasing military sales as an important instrument of American foreign policy:

"I think it is extremely important to understand that in our military assistance pro-

gram and in our military sales program we face two extremes.

"In the one case we face nations, our allies, who for a variety of reasons may not have developed their defense program to a level commensurate with their economic strength, their obligations to their own people, and their obligations to the alliance of which we are a part. Nations that fall in that category are the developed countries, the countries which have had a remarkable economic growth, in the last decade or two, economic growth in many cases stimulated by Marshall plan aid.

"In these instances it is very much in our interest to work with those nations to expand their defense program, to increase their military personnel strength, to add to their equipment, and where it can be done to our mutual advantage to insure that they buy their equipment from U.S. producers. This we do.

"The result has been very substantial increases in the defense budgets of many of the Western nations, Australia, the Federal Republic, to name two. This is ultimately in their interest. It is very much in our interest. In no way does it conflict with economic development and economic strength which I want to emphasize as Secretary of Defense I consider to be the foundation ultimately of national security. In any case, that is one extreme.

"The other extreme is represented by those underdeveloped nations which have not yet met the minimum needs of their people for social and economic progress but who nonetheless are inclined to divert an unreasonable share of their scarce human and material resources to defense.

"In those cases our first objective is to use the influence that we gain through the military assistance programs and occasionally through the military export sales programs to work with them to reduce the share of their resources devoted to defense and to increase the portion of their human and material capital that is allocated to economic and social programs." [1]

It is difficult to fault the objectives and the logic of such an approach to the military assistance and sales programs. But the developing nature of the arms competition seems to defy the best intentions of Mr. McNamara's reasonable explanation of how the United States conducts its arms sales. The question that must be addressed is whether the governmental machinery designed for the management of our military sales program is adequate to the task of bringing the U.S. actions in line with Secretary McNamara's intentions.

There is evidence to suggest that it is not.

II. THE DIMENSIONS OF THE ARMS SALES PROGRAM

Since its establishment in October of 1961 a Defense Department office called International Logistic Negotiations (ILN) has been the center of U.S. military sales. In 1964 the Director of ILN, Henry J. Kuss, was promoted to the rank of Deputy Assistant Secretary of Defense as the result of his success in boosting military sales. ILN's sales force of some 21 professional officers is organized into four teams—red, grey, blue, and white—each charged with particular functional and regional responsibilities. The white team, for example, devotes almost its entire efforts to selling military equipment to West Germany in an effort to offset by military sales the approximately $775 million it costs the United States in dollars to keep our troops in the Federal Republic (West Germany has bought some $3 billion worth of military equipment in the last 4 years). The measure of ILN's success is the 600-percent increase in annual military sales over the levels of the 1950's.

The Defense Department's approach to the arms sales field has been dynamic and aggressive. The Department through the Military Export Committee of the Defense Industry Advisory Council has sought the cooperation of industry and the financial community in an effort to further overseas military sales. Defense is also supporting plans to organize symposia throughout the United States aimed at convincing the smaller arms manufacturers, the "non-bigs" as they are called, of the advantages of entering the military export market.

In fostering these commercial ties, the Department of Defense is appreciative of the fact that there are a number of ways by which arms can be sold abroad: private firms selling to a foreign government, private firms selling through an agency of the U.S. Government, and government to government sales. There are other possibilities as well, such as a U.S. manufacturer licensing a foreign firm to produce his products. Because of the variety of ways that arms are sold and distributed it is difficult to know the extent of just how much equipment is being purchased. For example, the F-86's Venezuela recently bought from West Germany were manufactured in Italy under a U.S. licensing arrangement. The F-86's West Germany "sold" to Iran but which mysteriously seem to actually belong to Pakistan (despite U.S. efforts to halt the flow of arms into Pakistan) were manufactured in Canada.

In other words, neither the sales figures given by International Logistics Negotiations —which do not include commercial military sales with the exception of those to West Germany—nor even customs statistics would be able to give the full story of the extent of arms traffic for which the United States is responsible.

The Defense Department's interest in the potential of the export market has prompted a number of appeals to the American armament industry to go "international." In a speech before the American Ordinance Association in October of 1966, Mr. Kuss had this comment about the companies who were reluctant to go "international."

"This tendency of American companies to refrain from entering into the international arms market is a serious one and affects our entire international posture in a military, economic, and political way.

"From the military point of view we stand to lose all of the major international relationships paid for with grant aid money unless we can establish professional military relationships through the sales media. * * *

"From the economic point of view the stability of the dollar in the world market is dependent on our ability to resolve balance of payments problems. Failure to resolve these balance of payments problems creates economic pressures in the international and in the domestic spheres. The solution to balance of payments is principally in more trade. All other solutions merely temporize the problem.

"From the political point of view international trade is the 'staff of life' of a peaceful world. With it comes understanding; the lack of it eliminates communications and creates misunderstandings." [2]

Of particular interest to the Defense Department as a means of furthering its international sales is the eventual creation of a NATO Defense Common Market. Secretary McNamara first proposed the Defense Common Market in May of 1965. Such a common market for defense materials in NATO is also appealing because of the stimulus it would give to the standardization of military weapons and the development of common production facilities. The Department seems most impressed, however with arms sales potential in such a common market area. Mr. Kuss has said that "the highly competitive approach that has been taken here in the United States, particularly as a result of Secretary McNamara's cost reduction programs, places U.S. industries in fit condition for competition throughout the world." ILN estimates that over the next 10 years U.S. allies "may purchase a minimum of $10 to $15 billion of their requirements from the United States by sheer virtue of the fact that most of these items will be a minimum of 30% to 40% cheaper and will be highly competitive from a technical point of view * * *".[3] An important objective of American military export policies is to break down what ILN has termed "protectionists interests in Europe." For as Mr. Kuss has put it:

"We must establish by our actions in Government and industry that there is merit in an orientation toward the United States. We must sell the benefits of collaboration in defense matters with competition. We must demonstrate that the free world has more to gain from the U.S. model of defense competition than it has from the temptation to allocate the market and build little, safe, high-cost arrangements across national borders.

"As an example of this temptation, Mr. Kuss cites the recommendations of the Plowden report on the British aircraft industry as '* * * indicative of the frustrations and consequent protectionism that is arising in Europe'." [4]

III. THE MILITARY EXPORT MARKETS

For all the excitement generated in the American press over arms sales to Latin America and other developing regions of the world, the fact is that only a small percentage of total U.S. arms sales is involved. During the period fiscal years 1962–66, $9.85 billion of $11.1 billion in orders and commitments, went to developed countries in Europe and Asia. This is 88 percent of the total, with $8.7 of the $9.85 billion going to Europe alone. (How much of this equipment is eventually transshipped as surplus to the underdeveloped world is another matter.) By way of contrast, during the same period the United States sold some $45 million to Africa and $162.7 million to Latin America (mainly to Argentina, Brazil, and Venezuela). In the Middle East and south Asia the 1962–66 total was some $972 million or 8 percent of the grand total (half of this amount went to Iran alone.)

Again, these figures do not include grant aid shipments or sales to which the U.S. Government was not a party.

In the case of Latin America, for example, total sales of U.S. military equipment, including commercial sales, may be 10 or 15 percent higher than the $162 million. The problem of compilation of total sales is complicated, if not made impossible, by the absence of any public or even Government sources that give totals of all U.S. military exports to countries or regions.

The fact that sales to underdeveloped countries amount to only 12 percent of the total military sales handled by the Department of Defense is important for a number of reasons. These figures on sales to underdeveloped countries lead to the conclusion that the U.S. motives in arranging such sales simply cannot be rooted in balance of payments considerations. If the United States were to lose its entire arms market to the underdeveloped world the impact on our overall balance-of-payments accounts would be small. Therefore, our justification for such sales must be based on the other considerations, such as influencing the development of the local military elites or helping a country resist the threat of external aggressions. Preventing the influx of military

[1] News conference, Sept. 16, 1965.

[2] Speech before the American Ordinance Association on Oct. 20, 1966.

[3] Remarks of Henry J. Kuss before the National Security Industrial Association on Oct. 8, 1965.

[4] Speech before the Los Angeles World Affairs Council on Mar. 24, 1966.

equipment of other nations, a sort of preemptive selling, has also been a strong U.S. motive in the underdeveloped areas of the world.

IV. FINANCING MILITARY EXPORTS

Almost two-thirds of all military sales abroad over the past few years have been for cash. The largest cash customer is West Germany, although other industrial nations such as Australia, Canada, and United Kingdom (with the major exception of the billion dollar F-111 deal) have also normally paid cash. Conversely, sales to the underdeveloped regions of the world have been mainly credit financed. For example, of the roughly $56 million in arms sold to Latin America through the Department of Defense in fiscal year 1966 only $8 million was for cash. This 7-to-1 ratio of credit to cash probably is common throughout the underdeveloped world.

The International Logistics Negotiations Office, not AID or the Export-Import Bank, has acquired the responsibility of negotiating the terms of the credit extended for military purchases. The sources of this credit are the Eximbank, private banking facilities, and a military assistance account available for the use of the Defense Department under the authority of section 508 of the Foreign Assistance Act.

Export-Import Bank

The Eximbank has taken an active interest in the financing of military export sales only since 1963 when the Defense Department was given authority to insure credits.

The Eximbank role is one of providing a service function for the Department of Defense and bringing to military sales on credit the advantages of the Bank's experience in the international credit field. These loans are usually on a medium-term basis, or 5 to 7 years, at an interest rate that now stands around 5½ percent. Eximbank makes direct loans for military equipment only to industrial nations such as Great Britain, Australia, etc.

In addition, Eximbank makes so-called "country-x loans." Such loans are the result of Eximbank establishing what amounts to an accounts receivable fund for the use of the Department of Defense in arranging loans to underdeveloped countries. The Eximbank does not know or want to know where this money goes. The Department of Defense guarantees these funds through the military assistance account described below. The bank therefore avoids the problem of directly financing military sales to underdeveloped countries.

Private banking facilities

It is not clear how large a role private banking facilities play in the financing of U.S. military exports. According to the Military Export Reporter, a trade journal for U.S. contractors in the arms business, during the period of fiscal year 1962–65 approximately $2 billion or 40 percent of total arms sales, were financed by private banks or the Export-Import Bank. Since the Eximbank only entered the field in 1963 and carried only a very small amount of direct credit until fiscal year 1966, it can be roughly estimated that private banks extended some 90 percent or $1.8 billion of the funds during that period. But these figures are most tentative. It is safe to say, however, that private banks do not participate in such loans, particularly to underdeveloped countries, without a full guarantee of repayment. In the case of underdeveloped countries, the military assistance credit account serves as the primary source of credit guarantees.

The military assistance credit account

The military assistance credit account is the most useful instrument at the disposal of the International Logistics Negotiations (ILN) office for use in providing credit for arms sales to areas where commercial and direct Eximport credits are unavailable.

The idea that the Department of Defense should have funds available to arrange credit terms for arms sales was initiated with the Mutual Security Act of 1957 when a fund of $15 million was authorized for this purpose. This account officially became a "revolving account" to finance additional sales when the Foreign Assistance Act of 1961 (sec. 508) authorized that repayments from such sales to "be available until expended solely for the purpose of furnishing military assistance on cash or credit terms." Consequently, this fund, through yearly appropriations ranging from $21 to $83 million, has grown to over $300 million. An important amendment to the Foreign Assistance Act came in 1964 when the Defense Department asked for, and received from the Congress, the authority to allow the Department of Defense to guarantee 100 percent of the credit extended by U.S. banks for arms sales while only obligating 25 percent of the amount from the military assistance credit account as a reserve to back up the guarantees in the event of a default. In other words, the $300 million in the ever-increasing "revolving account" now allows the Department of Defense to put the full guarantee of the U.S. Government behind over a billion dollars in military credits.

This provision permits ILN to guarantee loans the Export-Import Bank might make available through the "country-x" accounts or to back a loan made by a private bank.

Another option provided for ILN by the Foreign Assistance Act is the use of the military assistance credit account to extend direct credit for foreign purchases. The terms of such credit are at the discretion of the Defense Department and range from commercial rates to as low as a zero interest charge. A low interest charge from the military assistance credit account would normally be used in a package loan, which might include credit funds from a commerical bank and the Export-Import Bank, in order to bring down the overall interest charge to the customer. If the extension of credit were to under-developed countries, ILN would probably guarantee the other pieces of the loan package as well.

V. POLICY CONTROL OF ARMS SALES

The magnitude and complexity of the arms sales program would seem to demand a well-developed system of interagency supervision and complete statistics on what is being sold to whom under what terms. In large measure because of the phenomenal growth of the arms sale programs, neither the administrative resources of the executive nor the legislative attention of the Congress have kept pace with the problems these military exports have brought in their wake.

Under the provisions of the post-World War II legislation concerned with the regulation of arms sales (the Export Control Act of 1949, as amended, and the Mutual Security Act of 1954, as amended) the Department of State and the Treasury Department share the responsibility for establishing policy and for enforcing regulations with regard to the sale of arms. As for the obvious connection between arms sales and arms control, the Director of the Arms Control and Disarmament Agency was given the responsibility of Public Law 87–297 in 1961 to "* * * serve as the principal adviser to the Secretary of State and the President on arms control and disarmament matters. In carrying out his duties under this act the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters. * * *"

In order to insure that arms exports procedures are consistent with the security of the United States and U.S. foreign policy, the Secretary of State, under the statutory authority of the 1954 Mutual Security Act, established an Office of Munitions Control to control the export licenses of items on the U.S. munitions list. That is, items the United States considers "arms, ammunition, and implements of war." As a further safeguard the Secretary of State in 1966 established a special interdepartmental committee to make certain that any disclosure of classified military information brought about by military exports would be consistent with national security requirements. This Committee, the successor to the Military Information Committee, is called the National Military Information Disclosure Policy Committee.

In theory, then, the interdepartmental machinery seems adequate to the task of coordinating a national policy of arms sales which would take into full account the military, political, economic, and arms control implications of our expanding sales programs. In practice, the mechanism appears unequal to the task. First of all, the Office of Munitions Control, which should serve as a general clearinghouse for all arms sales, does not have responsibility for handling, or even cataloging, government-to-government military sales—thus it is has no influence over the greatest exporter of all, the Department of Defense. Moreover, since 1962 the Office of Munitions Control has not issued a report on just what commercial military items were exported. The problem seems to be a budgetary one of inadequate funding for the necessary staff to compile such a report. As a result, however, there is no way, short of a special request, for Congress or the Secretary of State to know just what is being exported to where by commercial firms. Since the Defense Department submits no composite reports to the Congress on what it sells abroad or even how the military assistance credit account is used, legislative oversight in the arms sales field is haphazard and generally ineffectual.

How and by whom the major decisions on arms sales are made is something of a mystery. There is reported to be a State-Defense Coordinating Committee for arms sales policy consisting of members of Treasury, the State Department, the Defense Department, and presumably the Arms Control Agency and AID. Whether the full Committee actually meets is uncertain. One thing is clear, however, from testimony the Foreign Relations Committee has already heard: the Arms Control and Disarmament Agency, despite its charter, does not sit at the high table when decisions on the sale of arms are made. Another open question is whether the Agency for International Development or the Bureau of the Budget actually participate in the process of making a decision to sell, for example, A–4B's to Argentina or have only the option of attempting to overturn a promise of arms sales already made to another country.

VI. POLICY IMPLICATIONS OF ARMS SALES

The burgeoning arms sales program raises a number of major and intertwined policy concerns: First, what is the effect of U.S. current military export policy on our European alliance relationships; second, what is the effect of these arms exports on the external indebtedness and general financial circumstances of the underdeveloped countries; and third, what are the prospects for arms control in the developing regions of the world given the present pace and pattern of the international traffic in arms?

On the question of the arms sales and U.S. relations with its European allies, the central fact is that while the financial success of the U.S. military sales is beyond dispute, there is ample reason for concern as to the side effects of the vigorous sales campaigns. American sales efforts have become a source of great irritation in Europe, particularly in West Germany and Great Britain, and may also be a major cause of the increasing interest of Europeans in competing for arms markets in developing regions of the world.

Some of the European resentment over U.S. arms sales efforts has found its way into the European press. In 1965 Britain's

Daily Telegraph began a bitter article on American sales by charging:

"Growing resentment is being expressed by British defense experts at the effects of ruthless American high pressure salesmanship of arms and aircraft. This has already cost Britain a 40-million-pounds tank order from Italy.

"American efforts to become the monopoly producer of major arms are seen to be producing not only a form of "cold war" within NATO, but an actual weakening of its frontline strength by foisting inferior weapons on it."[5]

Such charges, which have been mirrored less bluntly in the French and Swedish press, are almost certainly overblown; and this particular charge came chiefly as the result of British unhappiness over Italy's decision to buy American M60 tanks instead of the British Chieftain battle tank. Nevertheless, Prime Minister Wilson himself complained to a NATO meeting of the high-pressure salesmanship of the United States in the arms field. In July of 1965 Prime Minister Wilson announced to Parliament that his Government had decided to follow the American lead in arm sales, and would therefore establish its own office of International Logistics Negotiations. Mr. Kuss' counterpart, Mr. Raymond Brown, is called the Head of Defense Sales. In reporting this action, Mr. Wilson explained:

"There is a strong desire that we should make more effective arrangements in placing British arms, particularly with our allies, because, as I said in my speech to the NATO conference, one of the things that have unbalanced the situation in the alliance was the high-pressure salesmanship of the Americans—as we found when trying to sell arms to France and Italy."[6]

As for the implications of Britain's new emphasis on arms sales for the worldwide arms control problem, Mr. Denis Healey, the Secretary of State for Defense, told Parliament in January of 1966:

"While the Government attach the highest importance to making progress in the field of arms control and disarmaments, we must also take what practical steps we can to ensure that this country does not fail to secure its rightful share of this valuable commercial market."[7]

If Mr. Wilson's program of increasing British sales actually resulted in an upturn in sales to the industrial nations, the effect on the arms control problem would be marginal. But the fact is that under present conditions neither Britain, France, nor any other of the industrial nations can compete with the United States in the "Common Defense Market."

Without preferential treatment, Britain cannot even sell enough military equipment to West Germany to offset the small cost of maintaining some 55,000 British troops in the Federal Republic. A combination of technological skills, a high rate of government investment in defense industries, flexible credit arrangements, and the vigorous salesmanship of ILN have virtually put the rest of the Western World out of the sophisticated arms export market. The defense common market is little more than an arena for arms competition between resentful pygmies and an affable giant.

If the increasing arms competition between the United States and the Europeans in the "third" world is an indication of a trend, however, Europeans must feel that in Latin America, the Middle East, and in time, Africa, they can compete on equal terms. At a moment when the United States is attempting to slow the pace of military aircraft sales to Latin America, France has been actively pushing in the area its Dassault Mirage 3, Sweden the Saab J35 Draken, and Britain the Hawker Hunter and the Lightning Mark 3.

Deprived of markets in the industrial countries, the Europeans are anxious to win the next round of jet aircraft competition in Latin America. Most Latin American countries have until recently been content with American surplus F-51 Mustangs and F-80's, the earliest operational U.S. jet, or the equivalent British Meteor or Vampire. Now they want the subsonic jets such as the A-4. Britain has threatened to increase the pace by offering the supersonic Lightning.

In West Germany the situation is somewhat different. The United States has insisted that the West Germans buy approximately $775 million in arms per year in order to offset the cost of maintaining U.S. troops there in the Federal Republic. The problem is that the West Germans, primarily for financial reasons, have become increasingly unhappy and difficult about these purchases; U.S. pressure on the West German Government to meet this commitment has been intense and reportedly injurious to German-American relations.

Chancellor Erhard's failure to gain some relief from the commitment during his last trip to the United States may have contributed to his political downfall.

Over the long run, it is almost certain that this use of arms sales will have to be modified. The cost of maintaining U.S. troops in Germany is rising—it may be as high as $900 million per year by 1970—while West Germany's willingness to purchase the equipment and, equally important, her ability to absorb such equipment is rapidly declining. There are already signs that West Germany is sending surplus military equipment of American origin to areas where the United States would like to prevent the spread of such arms. There are "end use" agreements between the United States and West Germany governing the disposition of surplus equipment. But how long these agreements can be enforced given the present levels of sales is a difficult question.

This problem of the spread of surplus weapons throughout the world is not limited to West Germany and will require increasingly careful consideration by the U.S. Government. Total U.S. arms sales have now reached something over the $2 billion per year level—not including grant aid. The problem of the disposal of surplus military equipment is certain to grow with this increase in sales. The surplus arms of the industrial nations may provide the ingredients of an arms race in the underdeveloped regions of the world. It should also be noted that some of the arms used by Latin American guerrillas today were exported by the U.S.—for quite different reasons—yesterday.

The question of what effect American arms sales have on the debt servicing difficulties of underdeveloped nations cannot be answered here. According to the Development Assistance Committee (the DAC) of the OECD, external debts of the most underdeveloped nations "has increased at a considerably higher percentage rate than exports of goods and services, gross national product, or savings."

In Latin America, for example, the Inter-American Committee on the Alliance for Progress (CIAP) estimates suggest that two-thirds of Latin America's foreign exchange deficit is caused by external debt service payments.

Credits for military purchases are usually hard loans with high interest rates and a short repayment period. Development loans are normally just the opposite. Unless all credits to a particular country—both development and military sales—are subject to a comprehensive review how can we know enough about the total economic circumstances of a country to make the right decisions? At the moment there seems to be very little coordination between the right hand of military export credit policy and the left hand of development loans.

Finally, there is the question of the compatibility of our present arms sales policies with the United States' expressed desire to control arms races in the developing regions of the world. The Congress has fully supported the efforts of the executive agencies to administer military assistance and sales with the goal of arms control in mind at all times. The Foreign Assistance Act of 1966, for example, states:

"Programs for the sale or exchange of defense articles shall be administered so as to encourage regional arms control and disarmament agreements and so as to discourage arms races."

What seems to be lacking in the U.S. approach to the arms sales issue is a boldness of policy often demanded of a great power. It is a commonplace to hear discussions on whether the United States should or should not sell military equipment to this or that country end with "* * * but if we don't sell it to them the Russians (or the British, or the French, etc.) will." Fully aware of this flaw in the U.S. armor, many countries have exploited it in order to acquire equipment we don't really want to sell them. Consequently, the United States often ends up selling, say, the Iranians supersonic F-4 aircraft for defense primarily because the Shah says he will go to the Russians if we don't give him the equipment he wants. When this sort of compelling argument is added to the glint of a balance-of-payments success, a momentum is created which tends to divorce the process from its appropriate overall foreign policy context.

It seems imperative that at some point the United States take the risk that great powers must take and simply say "No—go to the Russians or the British if you must." Furthermore, the risks of such a policy of denial may not be high as advertised. In considering whether to sell or not we should not ignore the problems of our "competitors." As Prof. John Kenneth Galbraith told the Foreign Relations Committee last year:[8]

"Let me take note in passing of the recurring arguments that if we do not provide arms to a country it will get them from the Soviets or possibly China. This is another example of that curious obtuseness which excessive preoccupation with cold war strategy produces in otherwise excellent minds. It was Soviet tanks that surrounded Ben Bella's palace in Algiers when that Soviet-supported leader was thrown out. It was a Soviet and Chinese equipped army which deposed the Indonesian Communists, destroyed the Communist Party in that ruthlessness on which one hesitates to dwell and which left Sukarno's vision of an Asian socialism in shambles. It was Soviet-trained praetorian guard which was expected to supply the ultimate protection to the government of President Nkrumah and which did not. One can only conclude that those who worry about Soviet arms wish to keep the Russians out of trouble. This could be carrying friendship too far."

Surely such a policy of denial will have its dangers; but an effort must be made to slow the seemingly relentless pace of arms competition throughout the underdeveloped world. If Professor Galbraith is correct in suggesting that our competitors may have their own problems with arms assistance and sales, then it may be possible for all the major arms suppliers—including the Soviet Union—to begin to work together to restrict the flow of arms into the underdeveloped regions of the world.

VII. CONCLUDING COMMENT AND RECOMMENDATIONS

Over the past 4 years there has been a basic change in the composition of American military assistance. The sale of arms has now

[5] Daily Telegraph, Apr. 5, 1965.

[6] The Times, July 14, 1965, p. 8.

[7] Parliamentary Debates (Hansard), Jan. 25, 1966.

[8] Testimony before the Senate Foreign Relations Committee on the 1966 Foreign Assistance Act, Apr. 25, 1966.

replaced the giving of arms as the predominant form of U.S. military assistance. While dramatic in character and of major importance in its implications for alliance relationships and for the problem of arms control in the developing regions of the world, the significance of this change has not been fully appreciated by the hierarchy of the American executive branch or the Congress. In Europe, American arms salesmanship has often been zealous to the point of irritation, and overpowering to the point of encouraging Europeans to compete more aggressively for the arms markets in the underdeveloped regions of the world. In some underdeveloped regions of the world—notably Latin America and the Middle East—where there are no significant balance of payment incentives, the United States, when faced with tough decisions as in Iran and Argentina, seems to be drifting into a policy of preemptive selling rather than the more difficult alternative of arms denial.

It is the general conclusion of this study that it is incumbent on the United States to reappraise the adequacy of the present machinery of policy control and legislative oversight governing the sale of arms. On the basis of the available evidence, there is sufficient justification for tentatively concluding that the adjustments in policy and administrative procedure necessitated by the change in the composition of military aid have been marred by a lack of information, by weaknesses in interdepartmental coordination at the highest levels, and finally, by a lack of serious attention to the problem of reconciling an active arms control policy with an arms sales program.

The specific recommendations of this study are as follows:

(1) In order to provide an adequate informational base upon which to judge the scope of U.S. arms exports, the Munitions Control Office should be directed to compile on a quarterly basis a complete list of all arms exports both commercial and governmental. This report—with a classified annex if required—should be submitted at least to the Secretary of State and the Congress.

(2) The Department of Defense should be required to give a full account of the annual use of public funds in the military assistance credit account.

(3) The role of the Export-Import Bank in the financing of military exports should be carefully examined by the Congress.

(4) Congress should consider making all military export credits and guarantees the subject of a simultaneous review with development loans. Both involve a charge on the resources of the recipient country and both involve the use of U.S. public funds.

(5) Congress should examine the decision-making process of the military sales program to determine whether the Arms Control Agency and Agency for International Development are meeting their responsibilities as defined by law.

(6) The United States should take the initiative in organizing regional conventional weapons "free zones"; zones that would be free of sophisticated offensive and defensive weapons—missiles, jet aircraft other than subsonic fighters, tanks, etc. Latin America, and perhaps north and sub-Saharan Africa, offer possibilities for such zones. For example, the heads of governments of the Americas meeting now schedules for the early spring of 1967 could provide the occasion for the United States to take the lead in calling for agreements among the Latin American countries for a Latin American conventional weapons "free zone." Conceivably, the OAS could contribute to the maintenance of such a zone by the creation of an arms inspectorate comparable to the Western European Union's Agency for the Control of Armaments.

VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent to have the following articles, editorials, and communications inserted in the RECORD:

"Suffer the Little Children," an article appearing in the Ladies' Home Journal, January 1967;

"We've Backed the Wrong Horse," a column from "One Man's Opinion," by James P. Brown, in the Providence Journal of January 23, 1967;

A petition signed by clergymen and laymen of the United Campus Christian Fellowship at Wisconsin State University, Oshkosh, supporting Senator FULBRIGHT's eight-point proposal to end the war in Vietnam, dated January 3, 1967;

A resolution on the Vietnamese war, from the News and Views publication of the World Union for Progressive Judaism, Ltd., dated January 5, 1967;

A letter dated January 30, 1967, signed by 100 members of the faculty and administration of Dartmouth College, New Hampshire, addressed to President Johnson, asking him to halt the bombing of North Vietnam;

An advertisement, "A Letter to the President," dated January 1967, from members of the Yale faculty, urging unconditional halt to the bombing of North Vietnam. This appeared in the New York Times on Sunday, January 29, 1967;

An editorial from KGW-TV of Portland, Oreg., dated January 6, 1967, expressing the belief that the bombing of North Vietnam be ended;

"Reunification: Key to Peace in Vietnam," an article by Tran Van Dinh, appearing in War/Peace Report of December 1966;

An editorial from the January 3–8, 1967, St. Louis Post-Dispatch, entitled "Advice We Asked For";

An editorial from The New Republic of January 7, 1967, entitled "Sorry 'Bout That";

A column by Archibald MacLeish entitled "Topics: The Seat Behind the Pillar," appearing in the New York Times, January 21, 1967;

A sermon delivered by the Reverend W. W. Finlator, minister of the Pullen Memorial Baptist Church, Raleigh, N.C., on January 22, 1967, entitled "An American Tragedy";

Speech delivered by Edward Lamb, Ohio industrialist, before the American Legion, Toledo Club, December 9, 1966, entitled "Toward Tomorrow";

From the New York Review, an article entitled "The View From Vietnam," by Bernard B. Fall.

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

[From the Ladies Home Journal, January 1967]

"SUFFER THE LITTLE CHILDREN"—IT'S TIME TO TALK OF THE VIETNAM CASUALTIES NOBODY DARES TALK ABOUT: THE WOUNDED BOYS AND GIRLS

(By Martha Gellhorn)

We love our children. We are famous for loving our children, and many foreigners believe that we love them unwisely and too well. We plan, work and dream for our children; we are tirelessly determined to give them the best of life. "Security" is one of our favorite words; children, we agree, must have security—by which we mean devoted parents, a pleasant, settled home, health, gaiety, education; a climate of hope and peace. Perhaps we are too busy, loving our own children, to think of children 10,000 miles away, or to understand that distant, small, brown-skinned people, who do not look or live like us, love their children just as deeply, but with anguish now and heartbreak and fear.

American families know the awful emptiness left by the young man who goes off to war and does not come home; but American families have been spared knowledge of the destroyed home, with the children dead in it. War happens someplace else, far away. Farther away than ever before, in South Vietnam, a war is being waged in our name, the collective, anonymous name of the American people. And American weapons are killing and wounding uncounted Vietnamese children. Not 10 or 20 children, which would be tragedy enough, but hundreds killed and many more hundreds wounded every month. This terrible fact is officially ignored; no Government agency keeps statistics on the civilians of all ages, from babies to the very old, killed and wounded in South Vietnam. I have witnessed modern war in nine countries, but I have never seen a war like the one in South Vietnam.

My Tho is a charming small town in the Mekong Delta, the green rice bowl of South Vietnam. A wide, brown river flows past it and cools the air. Unlike Saigon, the town is quiet because it is off-limits to troops and not yet flooded with a pitiful horde of refugees. Despite three wars, one after the other, the Delta peasants have stayed in their hamlets and produced food for the nation. Governments and armies come and go, but for 2,000 years peasants of this race have been working this land. The land and their families are what they love. Bombs and machine-gun bullets are changing the ancient pattern. The Delta is considered a Viet Cong stronghold, so death rains from the sky, fast and indiscriminate. Fifteen million South Vietnamese live on the ground; no one ever suggested that there were more than 279,000 Viet Cong and North Vietnamese in all of South Vietnam.

The My Tho children's hospital is a gray cement box surrounded by high grass and weeds overgrowing the peacetime garden. Its 35 cots are generally filled by 55 little patients. One tall, sorrowing nun is the trained nurse; one Vietnamese woman doctor is the medical staff. Relatives bring their wounded children to this hospital however they can, walking for miles with the children in their arms, bumping in carts or the local buses. Organized transport for wounded civilians does not exist anywhere in South Vietnam. Once the relatives have managed to get their small war victims to the hospital, they stay to look after them. Someone must. The corridors and wards are crowded; the children are silent, as are the grown-ups. Yet shock and pain, in this still place, make a sound like screaming.

A man leaned against the wall in the corridor; his face was frozen and his eyes looked half-mad. He held, carefully, a six-month-old baby girl, his first child. At night, four bombs had been dropped without warning on his hamlet. Bomb fragments killed his young wife, sleeping next to her daughter; they tore the arm of the baby. As wounds go, in this war, it was mild—just deep cuts from shoulder to wrist, caked in blood. Yesterday he had a home, a wife, and a healthy, laughing daughter, today he had nothing left except a child dazed with pain and a tiny mutilated arm.

In the grimy wards, only plaster on child legs and arms, bandages on heads and thin bodies were fresh and clean. The children

have learned not to move, because moving hurts them more, but their eyes, large and dark, follow you. We have not had to see, in our own children's eyes, this tragic resignation.

Apparently children are classified as adults nowadays if they are over 12 years old. During a short, appalled visit to the big My Tho provincial hospital, among hundreds of wounded peasants, men and women, I noticed a 13-year-old girl who had lost her left foot (bomb), sharing a bed with an old woman whose knee was shattered; a 14-year-old girl with a head wound (mortar shell); a 15-year-old girl with bandages over a chest wound (machine-gun bullet). If you stop to ask questions, you discover frequently that someone nearby and loved was killed at the same time, and here is the survivor, mourning a mother or a little brother; loneliness added to pain. All these people suffer in silence. When the hurt is unbearable, they groan very softly, as if ashamed to disturb others. But their eyes talk for them. I take the anguish, grief, bewilderment in their eyes, rightly, as accusation.

The Red Cross Amputee Center in Saigon is a corrugated tin shed, crowded to capacity and as comfortable in that heavy, airless heat as an oven. Two hundred amputees, in relays, have lived here. Now 40 Vietnamese peasants, male and female, ranging in age from six to 60, sit on chromium wheelchairs or their board beds or hobble about on crutches and, though you might not guess it, they are lucky. They did not die from their wounds, they are past the phase of physical agony, and in due course they will get artificial arms or legs.

The demand for artificial arms and legs in South Vietnam may be the greatest in the world, but the supply is limited; for civilians it had run out completely when I was there. These maimed people are content to wait; Saigon is safe from bombs, and they are fed by the Red Cross. To be certain of food is wonderful good luck in a country where hunger haunts most of the people.

A girl of six had received a new arm, ending in a small steel hook to replace her hand. Bomb fragments took off the lower half of her arm and also wounded her face. She has a lovely smile, and a sweet little body, and she is pitifully ugly, with that dented, twisted skin and lopsided eye. She was too young to be distressed about her face, though she cannot have felt easy with her strange arm; she only wore it to have her picture taken.

An older girl, also a bomb victim, perhaps aged 12, had lost an eye, a leg and still had a raw wound on her shoulder. She understood what had happened to her. Since the Vietnamese are a beautiful people, it is natural that they should understand beauty. She hid her damaged face with her hand.

A cocky, merry small boy hopped around on miniature crutches, but could not move so easily when he strapped on his false, pink-tinted leg. Hopefully he will learn to walk with it, and meanwhile he is the luckiest person in that stifling shed, because the American soldiers who found him have not forgotten him. With their gifts of money he buys food from street vendors and is becoming a butterball. I remember no other plump child in South Vietnam.

A young Red Cross orderly spoke some French and served as interpreter while I asked these people how they were hurt. Six had been wounded by Viet Cong mines. One had been caught in machine-gun cross fire between Viet Cong and American soldiers, while working the fields. One, a sad reminder of the endless misery and futility of war, had lost a leg from Japanese bombing in World War II. One, the most completely ruined of them all, with both legs cut off just below the hip, an arm gone, and two fingers lopped from the remaining hand, had been struck down by a hit-and-run U.S. military car. Thirty-one were crippled for life by bombs or artillery shells or bullets. I discussed these figures with doctors who operate on wounded civilians all day, and day after day. The percentage seems above average. "Most of the bits and pieces I take out of people," a doctor said, "are identified as American."

In part, it is almost impossible to keep up with the facts in this escalating war. In part, the facts about this war are buried under propaganda. I report statistics I have heard or read, but I regard them as indications of truth rather than absolute accuracy. So: there are 77 orphanages in South Vietnam and 80,000 registered orphans. (Another figure is 110,000.) No one can guess how many orphaned children have been adopted by relatives. They will need to build new orphanages or enlarge the old ones, because the estimated increase in orphans is 2,000 a month. This consequence of war is seldom mentioned. A child, orphaned by war, is a war victim, wounded forever.

The Govap orphanage, in the miserable rickety outskirts of Saigon, is splendid by local standards. Foreign charities have helped the gentle Vietnamese nuns to construct an extra wing and to provide medical care such as intravenous feeding for shriveled babies, nearly dead from starvation. They also are war victims. "All the little ones come to us sick from hunger," a nun said, in another orphanage. "What can you expect? The people are too poor." The children sit on the floor of two big, open rooms. Here they are again, the tiny war wounded, hobbling on crutches, hiding the stump of an arm (because already they know they are odd): doubly wounded, crippled and alone. Some babble with awful merriment. Their bodies seem sound, but the shock of war was too much for their minds; they are the infant insane.

Each of the 43 provinces in South Vietnam has a free hospital for civilians, built long ago by the French when they ruled the country. The hospitals might have been adequate in peacetime; now they are all desperately overcrowded. The wounded lie on bare board beds, frequently two to a bed, on stretchers, in the corridors, anywhere. Three hundred major operations a month were the regular quota in the hospitals I saw; they were typical hospitals. Sometimes food is supplied for the patients; sometimes one meal; sometimes none. Their relatives, often by now homeless, must provide everything from the little cushion that eases pain to a change of tattered clothing. They nurse and cook and do the laundry and at night sleep on the floor beside their own wounded. The hospitals are littered with rubbish; there is no money to spend on keeping civilian hospitals clean. Yet the people who reach these dreadful places are fortunate; they did not die on the way.

In the children's ward of the Qui Nhon provincial hospital I saw for the first time what napalm does. A child of seven, the size of our four-year-olds, lay in the cot by the door. Napalm had burned his face and back and one hand. The burned skin looked like swollen, raw meat; the fingers of his hand were stretched out, burned rigid. A scrap of cheesecloth covered him, for weight is intolerable, but so is air. His grandfather, an emaciated old man half blind with cataract, was tending the child. A week ago, napalm bombs were dropped on their hamlet. The old man carried his grandson to the nearest town; from there they were flown by helicopter to the hospital. All week, the little boy cried with pain, but now he was better. He had stopped crying. He was only twisting his body, as if trying to dodge his incomprehensible torture.

Farther down the ward, another child, also seven years old, moaned like a mourning dove; he was still crying. He had been burned by napalm, too, in the same village. His mother stood over his cot, fanning the little body, in a helpless effort to cool that wet, red skin. Whatever she said, in Vietnamese, I did not understand, but her eyes and her voice revealed how gladly she would have taken for herself the child's suffering.

My interpreter questioned the old man, who said that many had been killed by the fire and many more burned, as well at their houses and orchards and livestock and the few possessions they had worked all their lives to collect. Destitute, homeless, sick with weariness and despair, he watched every move of the small, racked body of his grandson. Viet Cong guerrillas had passed through their hamlet in April the old man said, but were long since gone. Late in August, napalm bombs fell from the sky.

Napalm is jellied gasoline, contained in bombs about six feet long. The bomb, exploding on contact, hurls out gobs of this flaming stuff, and fierce fire consumes everything in its path. We alone possess and freely use this weapon in South Vietnam. Burns are deadly in relation to their depth and extent. If upwards of 30 percent of the entire thickness of the skin is burned, the victim will die within 24 to 48 hours, unless he receives skilled constant care. Tetanus and other infections are a longtime danger, until the big, open-wound surface has healed. Since transport for civilian wounded is pure chance and since the hospitals have neither staff nor facilities for special burn treatment, we can assume that the children who survive napalm and live to show the scars are those who were least burned and lucky enough to reach a hospital in time.

Children are killed or wounded by napalm because of the nature of the bombings. Close air support for infantry in combat zones is one thing. The day and night bombing of hamlets, filled with women, children and the old, is another. Bombs are mass destroyers. The military targets among the peasants—the Viet Cong—are small, fast-moving individuals. Bombs cannot identify them. Impartially, they mangle children, who are numerous, and guerrilla fighters, who are few. The use of fire and steel on South Vietnamese hamlets, because Viet Cong are reported to be in them (and often are not), can sometimes be like destroying your friend's home and family because you have heard there is a snake in the cellar.

South Vietnam is somewhat smaller than the state of Missouri. The disaster now sweeping over its people is so enormous that no single person has seen it all. But everyone in South Vietnam, native and foreign, including American soldiers, knows something of the harm done to Vietnamese peasants who never harmed us. We cannot all cross the Pacific to judge for ourselves what most affects our present and future, and America's honor in the world; but we can listen to eyewitnesses. Here is testimony from a few private citizens like you and me.

An American surgeon, who worked in the provincial hospital at Danang, a northern town now swollen with refugees and the personnel of an American portbase: "The children over there are undernourished, poorly clothed, poorly housed and being hit every day by weapons that should have been aimed at somebody else. . . . Many children died from war injuries because there was nobody around to take care of them. Many died of terrible burns. Many of shell fragments." Since the young men are all drafted in the Vietnam Army or are part of the Viet Cong, "when a village is bombed, you get an abnormal picture of civilian casualties. If you were to bomb New York, you'd hit a lot of men, women and children, but in Vietnam you hit women and children almost exclusively, and a few old men. . . . The United States is grossly careless. It

bombs villages, shoots up civilians for no recognizable military objective, and it's terrible."

An American photographer flew on a night mission in a "dragon ship"—an armed DC-3 plane—when Viet Cong were attacking a fortified government post in the southern Delta. The post was right next to a hamlet; 1,400 is the usual number of peasants in a hamlet. The dragon ship's three guns poured out 18,000 bullets a minute. This photographer said: "When you shoot so many thousand rounds of ammo, you know you're gonna hit somebody with that stuff . . . you're hitting anybody when you shoot that way . . . a one-second burst puts down enough lead to cover a football field. . . . I was there in the hospital for many days and nights. . . . One night there were so many wounded I couldn't even walk across the room because they were so thick on the floor. . . . The main wounds came from bombs and bullets and indiscriminate machine-gunning."

A housewife from New Jersey, the mother of six, had adopted three Vietnamese children under the Foster Parents Plan, and visited South Vietnam to learn how Vietnamese children were living. Why? "I am a Christian. . . . These kids don't ask to come into the world—and what a world we give them. . . . Before I went to Saigon, I had heard and read that napalm melts the flesh, and I thought that's nonsense, because I can put a roast in the oven and the fat will melt but the meat stays there. Well, I went and saw these children burned by napalm, and it is absolutely true. The chemical reaction of this napalm does melt the flesh, and the flesh runs right down their faces onto their chests and it sits there and it grows there. . . . These children can't turn their heads, they were so thick with flesh. . . . And when gangrene sets in, they cut off their hands or fingers or their feet; the only thing they cannot cut off is their head. . . ."

An American physician, now serving as a health adviser to the Vietnamese Government: "The great problem in Vietnam is the shortage of doctors and the lack of minimum medical facilities. . . . We figure that there is about one Vietnamese doctor per 100,000 population, and in the Delta this figure goes up to one per 140,000. In the U.S., we think we have a doctor shortage with a ratio of one doctor to 685 persons."

The Vietnamese director of a southern provincial hospital: "We have had staffing problems because of the draft. We have a military hospital next door with 500 beds and 12 doctors. Some of them have nothing to do right now, while we in the civilian hospital need all the doctors we can get." (Compared to civilian hospitals, the military hospitals in Vietnam are havens of order and comfort. Those I saw in central Vietnam were nearly empty, wasting the invaluable time of frustrated doctors.) "We need better facilities to get people to the hospital. American wounded are treated within a matter of minutes or hours. With civilian casualties it is sometimes a matter of days—if at all. Patients come here by cart, bus, taxi, cycle, sampan, or perhaps on their relatives' backs. The longer it takes to get here, the more danger the patient will die."

There is no shortage of bureaucrats in South Vietnam, both Vietnamese and American. The U.S. Agency for International Development (A.I.D.) alone accounts for 922 of them. In the last 10 years, around a billion dollars have been allotted as direct aid to the people of South Vietnam. The results of all this bureaucracy and all this money are not impressive, though one is grateful that part of the money has bought modern surgical equipment for the civilian hospitals. But South Vietnam is gripped in a lunatic nightmare: the same official hand (white) that seeks to heal wounds inflicts more wounds. Civilian casualties far outweigh military casualties.

Foreign doctors and nurses who work as surgical teams in some provincial hospitals merit warm praise and admiration. So does anyone who serves these tormented people with compassion. Many foreign charitable organizations try to lighten misery. I mention only two because they concentrate on children. Both are volunteer organizations.

Terre des Hommes, a respected Swiss group, uses three different approaches to rescue Vietnamese children from the cruelties of this war: by sending sick and wounded children to Holland, Britain, France and Italy for long-term surgical and medical treatment; by arranging for the adoption of orphans; and by helping to support a children's hospital in Vietnam—220 beds for 660 children. This hospital might better be called an emergency medical center, since its sole purpose is to save children immediately from shock, infection and other traumas.

In England, the Oxford Committee for Famine Relief (OXFAM) has merged all its previous first-aid efforts into one: an OXFAM representative, a trained English nurse, is in Vietnam with the sole mission of channeling money, medicine, food, clothing and eventually toys (an unknown luxury) to the thousands of children in 10 Saigon orphanages.

Everything is needed for the wounded children of Vietnam, but everything cannot possibly be provided there. I believe that the least we can do—as citizens of Western Europe have done before us—is to bring badly burned children here. These children require months, perhaps years, of superior medical and surgical care in clean hospitals.

Here in America there are hopeful signs of alliance between various groups who feel a grave responsibility for wounded Vietnamese children. The U.S. branch of Terre des Hommes and a physicians' group called The Committee of Responsibility for Treatment in the U.S. of War-Burned Vietnamese Children are planning ways and means of caring for some of these hurt children in the United States. Three hundred doctors have offered their skills to repair what napalm and high explosives have ruined. American hospitals have promised free beds, American families are eager to share their homes during the children's convalescence, money has been pledged. U.S. military planes, which daily transport our young men to South Vietnam, could carry wounded Vietnamese children back to America—and a chance of recovery.

The American Government is curiously unresponsive to such proposals. A State Department spokesman explains the official U.S. position this way: "Let's say we evacuate 50 children to Europe or the United States. We do not question that they would receive a higher degree of medical care, but it would really not make that much difference. On the other hand, the money spent getting those 50 children out could be better used to help 1,500 similarly wounded children in Vietnam. It seems more practical to put our energies and wherewithal into treating them on the scene in Vietnam." The spokesman did not explain why we have not made more "energies and wherewithal" available to treat the wounded children, whether here or in Vietnam. Officially, it is said that children can best be cured in their familiar home environment. True; except when the home environment has been destroyed and there is no place or personnel to do the curing.

We cannot give back life to the dead Vietnamese children. But we cannot fail to help the wounded children as we would help our own. More and more dead and wounded children will cry out to the conscience of the world unless we heal the children who survive the wounds. Someday our children, whom we love, may blame us for dishonoring America because we did not care enough about children 10,000 miles away.

[From the Providence (R.I.) Journal, Jan. 23, 1967]

WE'VE BACKED THE WRONG HORSE—HOW MUCH IS THAT ARMOR IN THE WINDOW?

(By James P. Brown)

I am no horse player but there is one rule for playing the horses of which I am reasonably certain: no prudent man continues to place his money on a persistent loser, no matter who is the jockey.

This, I am convinced, is what the United States is doing in Vietnam. The American government has wagered its power, its prestige, its wealth and the lives of its young men on a losing horse, the government and armed forces of the Republic of Vietnam. Each time this uninspired nag stumbles, as it has been doing now with monotonous consistency for more than 12 years, Uncle Sam just raises the ante, as though having Americans in the saddle will somehow, some day bring in a winner. The odds are heavily against this ever happening.

AMERICAN SACRIFICE

What American leaders can't seem to get through their heads is that it is the horse, not the jockey, that has to run the race, and we've backed the wrong horse in Vietnam. No amount of American power, persistence or sacrifice can alter that dismal fact.

Although both President Johnson and Ambassador Lodge in recent statements have insisted the United States will spare no effort and shirk no sacrifice to push on to victory in Vietnam, both men conceded the ultimate victory, the pacification of the country, can be achieved only by the Vietnamese themselves.

"Only they can win this part of the war," the President said in his State of the Union message.

The question is, can they? Let's look at the record.

First, it should be recognized that no matter how much you shake up the government in Saigon or the Vietnamese forces in the field, you are still dealing with essentially the same inept minority. Beverly Deepe, the astute correspondent of the old *New York Herald Tribune* in Vietnam, writing from Saigon in June of 1965, described them thus:

"The government class is generally urban-based, French-educated with an aristocratic position based either on family background or money or land ownership. This elite minority attempts to govern masses although it knows little about them and is concerned less."

The carefully screened legislative assembly that was "elected" last fall to put a democratic veneer on the military regime of Premier Ky comes from this same privileged class. Many of its leaders have been in positions of power before, and failed.

For more than a decade now, a series of well-intentioned and able Americans in Saigon have pleaded with and prodded this small group of favored Vietnamese to get on with the programs of economic and social reforms that at least some Americans knew were necessary to win this fundamentally political struggle. The United States poured more than two billion dollars' worth of economic aid into the country and sent its ablest experts to help. Although they have made mistakes, these Americans have done more than their share. The vietnamese have not. In his perceptive book *Vietnam Witness*, published last spring. Bernard Fall wrote:

"It is probably futile to point out that the socio-economic reform programs announced for South Vietnam at the Honolulu conference in February, 1966, are much the same as those developed in 1955, 1959, and 1962, and that the earlier ones failed not for lack of funds or the serious problems of insecurity, but simply because the Saigon authorities thus far have not provided the programs with the proper impetus."

PLEDGES A NEW EFFORT

The Honolulu conference was supposed to change all that. There, President Johnson and Premier Ky pledged a new, all-out effort to win the war "for the hearts and the minds of the people." Vice President Humphrey subsequently toured Vietnam and came home bubbling with optimism.

But a more realistic assessment came from Ambassador Lodge, who said with unaccustomed candor: "For years now in Southeast Asia the only people who have been doing anything for the little man at the grass roots—to lift him up—have been the Communists."

Political turmoil in South Vietnam, which began shortly after Premier Ky's return from Honolulu, stalled the new rural reconstruction effort, but by September, President Johnson was hailing the returns of a rigged election as a vote of confidence in "the real progress and growing momentum" in the nation's social and economic rehabilitation. He released a report from Robert W. Komer, his special assistant for civil action in Vietnam, which claimed that "South Vietnam is increasingly coming to grips with the need to modernize its society, bolster its civil economy, develop its representational institutions and provide a better life for its people."

Three days later, President Marcos of the Philippines declared that the non-military aspects of the Vietnamese effort were "an apparent failure."

Five days later, Vietnamese officials themselves conceded "serious deficiencies" in the program.

In October, a House subcommittee reported that U.S. aid had become a "device for corruption" and that the American government had failed to use the leverage of its aid to influence the Saigon government toward social and economic reform.

LBJ RAISES THE ANTE

On October 20, General Nguyen Duc Thang, Premier Ky's chief of pacification, said, "Although rural institutions go by the name of 'new life' hamlets, the truth of the matter is that they have not provided a new life for the peoples of the hamlets."

The President returned to Asia last December, to Manila, to bet more American money and men on another try in Vietnam. The South Vietnamese army, which has a long record of abusing peasants, will be retrained for the rural pacification job. The Saigon government will be reshuffled, if promised elections are ever held. But Americans will still be riding essentially the same sick horse.

Mr. Johnson said in his State of the Union address: "Ambassador Lodge reports that South Vietnam is turning to this task with a new sense of urgency." He expressed confidence, in ultimate victory.

The odds are heavily against it.

It seems highly irresponsible for American leaders to hazard so much of this nation's wealth, manpower and prestige on the performance of an alien government and people who have so persistently failed.

UNITED CAMPUS CHRISTIAN FELLOWSHIP, WISCONSIN STATE UNIVERSITY, OSHKOSH,
Oshkosh, Wis., January 30, 1967.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: We join in the personal witness to the fact that an alternative is needed to our present policies in Vietnam. There is an urgent need for a change of operating presuppositions of foreign policy in Southeast Asia.

Alternatives to present policies have been submitted by statesmen, clergy, and laymen of the world. The response to these critics of American foreign policy has been a further escalation of the war. Pope Paul has spoken. The World and National Council of Churches have added their word to that of the National Jewish Council. The administration has escalated and the members of the opposition party have but said—escalate more. This is, we hold, not the answer.

We add our support to the eight-point proposal of Senator Fulbright as a viable option to present strategy in Vietnam. We urge this in the name and spirit of Jesus Christ.

Respectfully,

Rev. PAUL TREAT II,
UCCF University Minister.
Rev. DONALD COLLINS,
Methodist Campus Minister.
Father BENEDICT KLEIBER,
Chaplain Newman Center.
Rev. HOMER RETZLAFF,
First EUB Church.
Mr. DAVID FEIRER,
High School Student.
Mr. THOMAS FUHRMANN,
WSU-O Student.

THE PRESBYTERY OF WINNEBAGO,
Green Bay, Wis., January 27, 1967.

Be It Hereby Known:

That the Presbytery of Winnebago, United Presbyterian Church, U.S.A., in official session at Stevens Point, Wisconsin, January 26, 1967, passed the following resolutions in regards to the situation in Vietnam:

1. "Urges the United States Government to make unremitting efforts to bring about negotiations with all parties involved in the conflict;

2. Regrets that it has so far been impossible for the United Nations to play any effective part in ending the conflict in South Vietnam, and urges the Administration to continue to seek international means for settlement."

Attest:

Rev. HAROLD A. WISNER,
Stated Clerk, Presbytery of Winnebago.

AN ALTERNATIVE FOR VIETNAM TAKEN FROM "THE ARROGANCE OF POWER"

(By Senator J. William Fulbright)

1. The South Vietnamese government should seek peace negotiations with the National Liberation Front.

2. At the same time as the Saigon government makes direct overtures to the National Liberation Front the United States and South Vietnam together should propose negotiations for a cease-fire among military representatives of four separate negotiating parties: the United States and South Vietnam, North Vietnam and the National Liberation Front.

3. The United States should terminate its bombing of North Vietnam, add no additional forces in South Vietnam, and reduce the scale of military operations to the maximum extent consistent with the security of American forces while peace initiatives are under way.

4. The United States should pledge the eventual removal of American military forces from Vietnam.

5. Negotiations among the four principal belligerents—the United States and South Vietnam, North Vietnam and the National Liberation Front—should be directed toward a cease-fire and plans for self-determination in South Vietnam.

6. After the principal belligerents have agreed on a cease-fire and plans for self-determination in South Vietnam, an international conference of all interested states should be convened to guarantee the arrangements made by the belligerents and to plan a future referendum on the reunification of North Vietnam and South Vietnam.

7. In addition to guaranteeing arrangements for self-determination in South Vietnam and planning for a referendum on the reunification of North and South Vietnam, the international conference should neutralize South Vietnam and undertake to negotiate a multilateral agreement for the general neutralization of Southeast Asia.

8. If for any reason an agreement ending the Vietnamese war cannot be reached, the United States should consolidate its forces in highly fortified defensible areas in South Vietnam and keep them there indefinitely.

[From the World Union for Progressive Judaism Ltd., News and Views]

RESOLUTION ON THE VIETNAMESE WAR

As an international religious association committed to the Prophetic ideal of universal peace, and also to the inspiring promise of the United Nations, the Governing Body of the World Union for Progressive Judaism, meeting January 5, 1967 in the City of New York, records its heartful gratification to Secretary-General U Thant for his consecrated efforts toward establishing a just and lasting peace in Vietnam.

In particular, we fervently urge the immediate implementation by all parties concerned of the Secretary-General's stated program for peace in Southeast Asia, namely, "the cessation of the bombing of North Vietnam; the scaling down of all military activities by all sides in South Vietnam; and the willingness to enter into discussion with those who are actually fighting."

Furthermore, as a Non-Governmental Organization in consultative status with the United Nations, we wish to express our sense of privilege in voicing support of the distinguished Secretary-General's pleas, which are now before the leaders of the peoples of the earth.

DARTMOUTH COLLEGE,
Hanover, N.H., January 30, 1967.

Senator WAYNE MORSE,
Senate Office Building,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Attached is a copy of a letter recently sent to the President of the United States by *one hundred* members of the faculty and administration of Dartmouth College. I hope you will give serious consideration to its contents.

Sincerely,

DAVID KUBRIN,
History.
PAUL LEARY,
Government.
LAWRENCE STERN,
Philosophy.

DARTMOUTH COLLEGE,
Hanover, N.H., January 30, 1967.

President LYNDON JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: In his recent interviews with Harrison Salisbury of the New York *Times*, the Premier of North Vietnam, Pham Van Dong, declared that after a cessation of hostilities all questions between the United States and North Vietnam would be settled and that at that time there would be "no lack of generosity" on the part of his government. He said also that the terms for peace previously advanced by his government were not "conditions" for peace talks and were a subject for discussion (New York *Times*, January 4, 1967).

Subsequently, Mr. Salisbury indicated that his initial dispatch reporting the Premier's remarks was checked for accuracy by the North Vietnamese Foreign Ministry (New York *Times*, January 8, 1967). The North Vietnamese regime has now released the text of Pham Van Dong's formal statement but not the text of the informal discussion with Mr. Salisbury that followed (New York *Times*, January 8, 1967). The text of the formal statement reiterates that previous Hanoi peace terms are not "conditions" for negotiation, but otherwise omits the promising formulations cited above, which were presumably part of the informal discussion. In view of the sensitive position which the North Vietnamese leaders occupy with regard to problems of internal morale and their

relations with China, it is not surprising that their statements in this delicate matter are somewhat ambiguous. However, the Salisbury interview may represent a softening of the North Vietnamese position on negotiations, and demands a more positive response than the cold comment thus far accorded it by our government (New York *Times*, January 7, 1967).

That response should initially take the form of a cessation of the bombing of North Vietnam. As reported in the press, it has been repeatedly emphasized by the North Vietnamese regime in private contacts with interested parties, including the British government and U Thant, that ending the bombing is a *sine qua non* of negotiations. This position has now been made public in the text of the Premier's statement and also in remarks by a Paris-based North Vietnamese diplomat (New York *Times*, January 6, 1967). Our government has said that it would consider a bombing halt if given specific assurances of response by the other side. To demand more specific assurances than those contained in the initial Salisbury dispatch is to demand too much. The North Vietnamese will do nothing which can be construed as their yielding to American bombing. Such at least is the impression of U Thant, for whose peace efforts our government has voiced support. If U Thant is right, men are being killed because neither side will make a definite first move.

The way to peace in Vietnam is obviously complicated; the intentions of the parties to the conflict are not clear. Anyone who says that he *knows* that the North Vietnamese will not respond positively to a halt in bombing is not a reasonable man and can hardly be called a genuine seeker after peace. Doubtless the bombing of North Vietnam impedes the North Vietnamese war effort and slows infiltration of the South. But the bombing has had no decisive effect on the war. It cannot be claimed that one owes it to American troops to continue the bombing. For what one primarily owes to American troops—and to the Vietnamese people as well—is to explore all ways to peace.

An American concern in the past has been that termination of the bombing would lead to greatly increased infiltration from the North. In view of Pham Van Dong's remarks, one may hope that this will not be the North Vietnamese response at this time. It cannot be expected, however, that the North Vietnamese will respond to a bombing halt by ceasing infiltration, if this means letting the American forces crush the Vietcong. A bombing halt must be accompanied by a general de-escalation, as recommended by U Thant.

We ask you, Mr. President, to take the following steps:

1. Announce that the bombing of North Vietnam is to be halted without conditions and indefinitely.

2. Announce other specific measures of reduction in U.S. military activity.

3. Call upon the other side to respond by measures of de-escalation.

4. Call for negotiations in which the National Liberation Front would be one of the major participants.

Yours truly,

David Kubrin, History.
Paul Leary, Government.
Lawrence Stern, Philosophy.
Martin Arkowitz, Mathematics.
Colette G. Audin, Romance Languages.
David Baldwin, Government.
R. W. Barratt, Biological Sciences.
Russell H. Batt, Chemistry.
Philip S. Benjamin, History.
W. O. Berndt, Pharmacology.
Fred Berthold, Jr., Religion.
Peter Bien, English.
Harold L. Bond, English.
Philip Bosserman, Director of the Office of Peace Corps Programs.
Richard Bowen, Tuck School.
David Bradley, Tuck School.
H. Frank Brooks, Romance Languages.
Edward Brown, Mathematics.
Raymond J. Buck, College Editor.
Joseph Buckley, Mathematics.
Parke G. Burgess, Speech.
Donald Campbell, History.
Ronald L. Chastain, Romance Languages.
Edson M. Chick, German.
Robert W. Christy, Physics.
Robert L. Cleland, Chemistry.
M. O. Clement, Economics.
Richard K. Cross, English.
Richard H. Crowell, Mathematics.
Jere Daniell, History.
Roger Davidson, Government.
Alex De Santis, English.
Paul A. Desaulniers, Romance Languages.
Willis Doney, Philosophy.
Timothy Duggan, Philosophy.
Richard Eberhart, English.
Claire Ehrmann, Romance Languages.
Henry Ehrmann, Government.
Roger Elliott, Psychology.
Walter Englander, Biochemistry.
Robert Feldmesser, Sociology.
James Fernandez, Anthropology.
James R. Geiser, Mathematics.
Bernard Gert, Philosophy.
Daniel N. Gordon, Sociology.
Virgil Graf, Psychology.
Francis W. Gramlich, Philosophy.
David P. Hanlon, Biochemistry.
Laurence Hines, Economics.
Robert E. Huke, Geography.
James N. Hullett, Philosophy.
Arthur E. Jensen, English.
Abraham J. Karp, Religion.
Gardner M. Ketchum, Engineering Sciences.
Francis W. King, Psychology.
David Kovenock, Government.
John Lanzetta, Psychology.
R. N. Leaton, Psychology.
Arthuro Madrid II, Romance Languages.
David K. Martin, Office of Development.
Gary McDowell, Economics.
Jonathan Mirsky, Chinese.
Rhona Mirsky, Biochemistry.
Louis Morton, History.
Ray Nash, Art.
Lafayette Noda, Biochemistry.
Robert Z. Norman, Mathematics.
Alper Orhon, Economics.
D. Scott Palmer, Assistant Dean of Freshmen.
Richard Pearse, English.
H. H. Penner, Religion.
Douglas D. Perkins, Treasurer's Office.
Noel Perrin, English.
R. L. Regosin, Romance Languages.
Michael Rewa, English.
Robert H. Russell, Romance Languages.
David Sanford, Philosophy.
Robin Scroggs, Religion.
Paul R. Shafer, Chemistry.
Frieda Silvert, Sociology.
Frank Smallwood, Government.
William M. Smith, Psychology.
Lucile Smith, Biochemistry.
J. Laurie Snell, Mathematics.
Raymond Sobel, Psychiatry.
Robert Sokol, Sociology.
Hilda W. Sokol, Physiology.
Richard W. Sterling, Government.
Walter H. Stockmayer, Chemistry.
Dona Strauss, Mathematics.
Paul Swarney, Classics.
R. D. Taylor, English.
Charles Terry, English.
Peter H. von Hippel, Biochemistry.
Josephine B. R. von Hippel, Psychiatry.
F. E. Webster, Tuck School.
R. E. Williamson, Mathematics.
Ronald W. Wippers, Tuck School.
Thomas Wilson, Sociology.
J. H. Wolfenden, Chemistry.

[From the New York (N.Y.) Times, Jan. 29, 1967]

A LETTER TO THE PRESIDENT

NEW HAVEN, CONN.,
January 1967.

DEAR MR. PRESIDENT: The signers of this letter, members of the Yale faculty who speak for themselves and not as representatives of the University, write to urge most respectfully that you declare an unconditional halt to the bombing of North Vietnam.

We are aware of the difficulties this decision entails for you. We recognize that you must assess important military and political risks before you can make such a move. But we believe we speak for men of good will everywhere in the world when we urge you to consider that now the potential benefits outweigh the risks, and that the gamble is a necessary one.

We are very much strengthened in this view by the events of the last few days, particularly U Thant's growing conviction that the cessation of bombing is the necessary key to the opening of peace talks, and Pham Von Dong's interview with Harrison Salisbury in which a new flexibility seems to have been indicated.

We know that you are as anxious for peace as the rest of us, and we fervently hope you will agree that the cessation of bombing is now essential for the achievements of that peace.

Very sincerely,

Robert P. Abelson, Harry B. Adams, Robert S. Adams, Edward A. Adelberg, George Aghajanian, Sydney Ahlstrom, Hayward Alker, Jr., Joel Allison, Victor A. Altshul, Jose J. Arrom, N. Philip Ashmole, Elisha Atkins, Robert Bailey, Theodore S. Baker, David E. Baldwin, Dagmar E. Barnouw, Jeffrey Barnouw, Franklin L. Baumer, H. Leroy Baumgartner, Russel J. Becker, Richard H. Bell, Alfred R. Bellinger, Jerome S. Beloff, Harry J. Benda, William R. Bennett, Jr., Thomas G. Bergin.

Graeme P. Berlyn, Sidney Berman, Alexander M. Bickel, Boris I. Bittker, Francis L. Black, Brand Blanshard, Sidney J. Blatt, John M. Blum, Edgar J. Boell, Philip K. Bondy, Arend Bouhuys, Richard P. Boyce, John E. Boyles, Leo B. Braudy, J. Jay Braun, George Brawerman, Victor Brombert, D. Allen Bromley, Nelson H. Brooks, Peter P. Brooks, Lowell S. Brown, Ralph S. Brown, Jr., Richmond H. Browne, David A. Brownlee, Robert S. Brustein, David L. Burrows.

John B. Butt, David M. Byers, Walter B. Cahn, Herbert A. Cahoon, Guido Calabresi, Thomas C. Campbell, Beekman C. Cannon, Michael Caplow, David A. Carlson, David T. Carr, Kermit S. Champa, W. Knox Chandler, A. Elizabeth Chase, Donald S. Cheney, Jr., Serge Chermayeff, William A. Christian, Burton R. Clark, Silas Clark, Martha L. Clifford, Mary E. Clutter, William S. Coffin, Jr., Jon S. Cohen, Kenneth R. Coleman, Harold Conklin, Charles D. Cook, Robert M. Cook, Jack R. Cooper.

Lindarose Cortell, Anne Cronin, Donald M. Crothers, Robert G. Crowder, Donald R. Currier, Robert A. Dahl, John M. A. Danby, Charles B. Daniels, Paul Davidovits, Alan J. Davidson, Clarence Davis, James Davis, Alice T. Day, Lincoln H. Day, Edward S. Deevey, Jr., Barbara W. Deutsch, Edward F. Dobihal, E. Talbot Donaldson, Richard F. Donovan, Leonard W. Doob, John C. Dower, Ronald M. Dworkin, Isidore Dyen, M. David Egger, Jacques Ehrmann, Arthur I. Eidelman.

Jerome M. Eisenstadt, Hester A. Eisenstein, James Eisenstein, Thomas I.

Emerson, Peter T. Emmerson, Franklin H. Epstein, Kai T. Erikson, Victor Erlich, Edmund J. Fantino, Alexander G. Farkas, Charles Feidelson, Jr., Alan R. Feirstein, Howard M. Felperin, Leonard J. Fichtenbaum, Jacob J. Finkelstein, Arthur Finn, Roberta Fitzgerald, Marshall Fixman, Stephen Fleck, Joel L. Fleishman, Hulda R. Flynn, John P. Flynn, Robert J. Fogelin, Wilton B. Fowler, Hans H. Frankel, Lawrence R. Freedman.

Irving Friedman, Josephine M. Fuhrmann, Joseph G. Gall, John A. Galloway, Arthur W. Galston, Bessie Lee Gambrill, Charles W. Gardner, Alan Garen, John W. Gassner, Frederick P. Gault, Irwin N. Gertzog, Atle Gjelsvik, Joseph A. Glick, Raymond W. Goldsmith, Abraham S. Goldstein, Joseph Goldstein, Paul S. Goldstein, Edward J. Gordon, Leroy C. Gould, Lewis L. Gould, Helen Gray, Richard A. Greenberg, Liliane Greene, Thomas M. Greene, Robert J. Griffin, Ingrid Grove, Ellsworth Grumman.

Jerome A. Grunt, Wolfgang H. H. Gunther, Alan R. Gurwitt, James M. Gustafson, J. Richard Hackman, Gordon S. Haight, John G. Halkett, David D. Hall, John W. Hall, William W. Hallo, Carolyn B. Hallowell, Seymour L. Handler, Robert E. Handschumacher, Herbert S. Harned, Karsten Harries, Robert A. Hatfield, John S. Hathaway, Eric A. Havelock, Anne M. Haywood, James C. Healey, Gustav A. Hedlund, Al Held, Richard N. Henderson, Robert L. Herbert, John Hersey, Teodoro Herskovic.

Donald D. Hester, David A. Hilding, Frederick W. Hilles, David I. Hitchcock, Joseph F. Hoffman, Frederic L. Holmes, Graham S. Hood, Dorothy Horstmann, Kathleen H. Howe, George A. Huaco, John V. Huddleston, Carlton C. Hunt, Samuel P. Hunt, J. Dennis Huston, Peter R. Huttenlocher, Lillian L. Imperi, Robert L. Jackson, Stanley W. Jackson, Nathan Jacobson, Russell C. Jensen, Robert C. Johnson, Stuart R. Johnson, Peter A. Jordan, Harvey W. Kaetz, Michael Kahn, Frances Kaplan.

Richard Karpe, Jay Katz, Paul E. Kaunitz, Robert M. Kellogg, David H. Kelsey, Itzhak Kelson, Kenneth Keniston, Albin B. Kernan, William Kessen, Friedrich Kessler, David M. Kessner, John A. Kirchner, Ralph Kirkpatrick, Shirley Kirschner, Ethelyn H. Klatskin, James A. Kleeman, Edward B. Klein, Gerald L. Klerman, Elizabeth P. Kligerman, Tsuneo Kobayashi, William Konigsberg, Tjalling C. Koopmans, Jan Kott, Leonard S. Krassner, Irving Kriesberg, Morris Y. Krosnick, Robert E. Kuehn.

Darrell D. Lacock, Julius Laffal, Cecil T. Lane, Robert E. Lane, Joseph LaPalombara, William E. Lattanzi, Albert J. LaValley, Paul H. Lavietes, Standish D. Lawder, Traugott F. Lawler, Stanley A. Leavy, Mark W. Leiserson, Martha F. Leonard, Howard Leventhal, Lowell S. Levin, Murray Levine, Daniel J. Levinson, Gordon H. Lewis, Herbert D. Lewis, Melvin Lewis, Ruth W. Lidz, Theodore Lidz, Harvey Liebhaber, William Lilley, 3d, Vernon W. Lippard, Ernest H. Lockridge.

Nathaniel J. London, Charles H. Long, Robert S. Lopez, George deF. Lord, A. Sidney Lovett, Staughton Lynd, W. Richard Lytle, A. Lee McAlester, William L. McBridge, Roger K. McDonald, Samuel W. MacDowell, William S. McFeely, Maynard Mack, Braxton McKee, D. Hugh MacNamee, Paul T. Magee, Anthony P. Maingot, Pasqualina Manca, Andres E. Maneschi, Henry Margenau, Clement L. Markert, John D. Marshall, Jr., Samuel E. Martin, William S. Massey, Roger D. Masters, Christopher K. Mathews.

Elwood R. Maunder, Henry G. Mautner, Gilbert W. Merkx, Alan C. Mermann, Gretchen B. Mieszkowski, Peter Millard, David G. Miller, Irving Miller, Joseph A. Miller, Roy A. Miller, James D. Millikan, Theodore M. Mills, Paul S. Minear, David L. Minter, Edmund S. Morgan, N. Ronald Morris, Richard M. Morse, Lawrence K. Moss, Peter S. Mueller, John W. Myers, Louis H. Nahum, J. Zvi Namenwirth, Kumpati S. Narendra, June C. Nash, Audrey K. Naylor, Yale Nemerson, Paul Newman.

Richard E. Nisbett, Nea M. Norton, Gaylord B. Noyce, John F. O'Conor, Richard A. Olshen, Richard E. Olson, Etta S. Onat, E. Turan Onat, Nelson K. Ordway, Darius G. Ornston, Jr., Philip M. Orville, Howard Pack, Herbert Paris, William N. Parker, Gioacchino S. Parrella, Adam M. Parry, Maxwell Pasternak, Hugh T. Patrick, John R. Paul, Max P. Pepper, Ellis A. Perlswig, Gabor F. Peterdi, Robert H. Peters, Jonathan H. Pincus, John P. Plunkett, Louis H. Pollak.

Russell H. Pope, Robert S. Porro, James L. Pratt, Sally Provence, William H. Prusoff, Martin F. Randolph, Frederick C. Redlich, Charles A. Reich, William E. Reifsnyder, Charles L. Remington, Robert A. Rescorla, Clark W. Reynolds, Frederic M. Richards, Charles E. Rickart, Samuel Ritvo, Nicholas X. Rizopoulos, John Rodgers, James L. Rolleston, Paul D. Rosahn, James Rosati, Peter W. Rose, Joel L. Rosenbaum, Leon E. Rosenberg, Murray Z. Rosenberg, Robert F. Rosin, Ralph Z. Roskies.

David O. Ross, Jr., George P. Rossman, Jr., Joseph E. Rothberg, Albert Rothenberg, Irwin Rubenstein, Robert Rubenstein, Bruce M. Russett, Joseph Russo, William Ryan, Joseph D. Saccio, Herbert S. Sacks, Don E. Saliers, Jeffrey L. Sammons, Leon Sarin, Philip M. Sarrel, Herbert E. Scarf, Roy Schafer, Harold W. Scheffler, Raoul A. Schmiedeck, Karl F. Schofer, Jr., George A. Schrader, Jr., Sanford F. Schreiber, P. Eugene Schulze, Ernst I. Schurer, John H. Schultz, Martin S. Schwartz, Egon Schwelb.

Vincent J. Scully, Jr., George B. Seligman, David Seligson, Joyce A. Semradek, Milton J. E. Senn, Edwin C. Severinghaus, Richard B. Sewall, Hallam C. Shorrock, Jr., F. Seth Singleton, Gustave Sirot, Samuel N. Slie, Don A. Smith, John E. Smith, Robert H. Socolow, Albert J. Solnit, Charles M. Sommerfield, Thomas G. Spates, Jonathan D. Spence, Howard M. Spiro, Michael J. Stephen, Robert B. Stevens, Lloyd G. Stevenson, Hugh M. Stimson, Virginia M. Stuermer, Clyde W. Summers, David Symmes.

Robert H. Szczarba, Charles W. Talbot, Jr., James Tanis, Sidney G. Tarrow, Paul M. Tedesco, M. Elizabeth Tennant, Claudewell S. Thomas, Richmond H. Thomason, David F. Thorburn, W. Sibley Towner, Roy C. Treadway, Henry P. Treffers, Robert Triffin, J. P. Trinkaus, Gary J. Tucker, Henry A. Turner, Franz B. Tuteur, Jack Tworkov, William F. Van Eck, Carl F. von Essen, Allan R. Wagner, Eugene M. Waith, Florence S. Wald, Elga R. Wasserman, Harry H. Wasserman, William W. Watson.

Peter P. Wegener, Hermann J. Weigand, E. Richard Weinerman, Paul Weiss, Rulon Wells, Alexander Welsh, Morris A. Wessel, Harry J. Wexler, Henry Wexler, Alexander White, 3d, Cynthia M. Wild, John D. Wild, Robert C. Wilhelm, John A. Wilkinson, Robert J. Williamson, William J. Willis, Charles C. Wilson, Charles H. Wilson, Leonard G. Wilson, Donald G. Wing, David J. Winter, Robert Wyman, Chitoshi Yanaga, Arthur M. Yelon, Leonard S. Zegans, Felix Zweig.

JANUARY 6, 1967.

A KGW-TV EDITORIAL

Mr. PAYNE. In recent years, this Station's national news coverage of the Vietnam question has been heavily weighted in both the direction or argument and the selection of information in support of the Administration's policy in support of the war. The President and others have ably and often advocated the Administration's position. We do not agree with the administration's continuing actions in Vietnam, therefore, we feel compelled to advance our contrary and critical views of the matter.

We believe the next Vietnam truce should be extended as a way to scale down the war in the direction of concluding it. We agree with South Dakota's United States Senator, George McGovern, who, in a critical evaluation of our country's Vietnam policy had this to say:

Senator MCGOVERN. A lengthy cessation of the bombing of North Vietnam will present little military threat to our forces in Vietnam. It was a mistake, in my judgment, to have bombed North Vietnam at all. It has failed in its stated objective to curtail infiltration of troops and materials from the North to the South. It has also failed to bring Hanoi to the negotiating table. Indeed, if anything, it has prompted a greater military effort on the part of North Vietnam and has hardened their attitude toward the possibility of negotiations.

So, I strongly urge that the bombing be ended. I also urge the President to make clear to the Viet Cong guerrilla leaders that we are prepared to talk directly with them the possibility of a settlement, and that we fully understand that they will play a part in any interim government along with other significant groups in the country.

The alternative to a negotiated settlement in Vietnam is a steadily widening war—a war that could eventually engage millions of American troops over a period of from 10 to 20 years or more. I see no prospect of a meaningful victory even then. Indeed, as the war continues and the destruction mounts, the Vietnamese will become less able to maintain a viable, independent society.

Should China or the Soviet Union, or both, come into the war, the prospects will then be for massive American armies fighting perhaps for a generation or more on the mainland of Asia. The possibility of such a struggle, culminating eventually in a nuclear exchange between the super-powers, cannot be ruled out.

In 1914, the great powers of Europe were involved in four years of blood-letting which was triggered by the assassination of an Austrian official in the tiny little state of Serbia. I fear that once again that a contest which began in a remote and minor country in Southeast Asia is threatening the peace of the world. I urge our President to try again and again, and without ceasing, to end this tragic conflict before there is no turning back from an international conflict of enormous proportions.

Mr. PAYNE. We join with Senator McGovern, Secretary General of the United Nations U Thant, and a host of other responsible, informed national and international leaders in requesting the President to de-escalate this war and at this critical moment intensify every possible effort to gain a peaceful solution to the conflict.

WAR/PEACE REPORT—REUNIFICATION: KEY TO PEACE IN VIETNAM

No viable settlement could be based on the permanent partition of Vietnam, this former

South Vietnamese diplomat argues, for all Vietnamese—communist and anti-communist—want their country unified.

(By Tran Van Dinh [1])

Behind the barrage of propaganda and counter-propaganda, proposals and counter-proposals, from all parties engaged in the war in Vietnam, lies an almost forgotten condition for any future peace: the reunification of Vietnam and maintenance of its territorial integrity.

For the majority of the Vietnamese people (and especially, of course, for Hanoi) reunification is the fundamental issue, and unless the principle of territorial integrity is recognized and guaranteed, no solution to the war is possible.

Since the 10th century, when the Vietnamese finally threw off a thousand years of Chinese domination, Vietnam has struggled to extend southwards and to maintain its territorial unity, finally establishing an empire within the present geographical borders in 1802. It has been the denial of that unity which has brought troubles to the land—first with the French colonizers who in 1884 divided the country into three separate *Ky* (districts) and taught the unforgotten lesson that the enemy of Vietnamese independence is also the enemy of Vietnamese unity; then with the French again in 1945, when they tried to establish an independent state of Cochinchina (southernmost Vietnam) and precipitated the First Indochinese War (1946–54); and finally with the United States (1954–?), which has maintained that South Vietnam is an independent nation and thus precipitated the Second Indochinese War now going on.

The principle of Vietnam's unification and territorial integrity has been affirmed by leaders on all sides. It has been formalized by the constitutions of the regimes of both President Ho Chi Minh and President Ngo Dinh Diem. Article 2 of North Vietnam's 1946 constitution states: "The territory of Vietnam composed of Bac Bo (Tonkin), Trung Bo (Annam), Nam Bo (Cochinchina) is one and indivisible." (Article 1 of this constitution, revised in 1960, says: "The territory of Vietnam is a single, indivisible whole from North to South.") Likewise, Article 1 of South Vietnam's 1956 constitution, drawn up by President Diem with U.S. advice, proclaims: "Vietnam is an independent, unified, territorially indivisible Republic."

France, in 1949, also reaffirmed the principle of unification. In the Elyseé Agreements signed with Bao Dai the French government acknowledged that "notwithstanding former treaties of which she might have availed herself, France formally reaffirms her decision not to raise *de jure* or *de facto* obstacles to the admission of Cochinchina within the framework of Vietnam, defined as constituted by the unity of the territories of Tonkin (North Vietnam), Annam (Central Vietnam), and Cochinchina (South Vietnam)."

The principle was also accepted by the 1954 Geneva Agreements. Article 6 reads: "The military demarcation line (at the 17th parallel), is provisional and should not in any way be interpreted as constituting a political or territorial boundary." Article 7 fixed the date of elections for reunification of Vietnam for July 1956.

As early as 1946 Ho Chi Minh enunciated the principle: "Cochinchina is a Vietnamese land. It is the flesh of our flesh, the blood of our blood. Before Sorsica became French, Cochinchina was already Vietnamese." In the same year he told the Vietnamese people: "Our compatriots in Nam Bo (Cochinchina) have accepted so much sacrifice in so many months to keep the mountains and the rivers in tact for our fatherland. All our compatriots in the whole country are grateful for the compatriots in Nam Bo. Our compatriots in Nam Bo are citizens of Vietnam. Rivers may dry up, mountains may erode, but this deep truth will remain forever."

Finally, the National Liberation Front: "The urgent demand of our people throughout the country is to reunify the fatherland by peaceful means. The South Vietnam National Liberation Front advocates the gradual reunification of the country by peaceful means, through negotiations and discussions between the two zones on all forms and measures beneficial to the Vietnamese people and the fatherland."

The United States position is—and has been—fundamentally different. Under President Eisenhower it refused to sanction elections leading to unification out of the fear, as he wrote in *Mandate for Change*, that such elections would be won by the Communist Ho Chi Minh. In other words, the historic national principles of Vietnam were sacrificed to an anti-communist policy. But communism and democracy are new or unknown concepts to the peasantry, who comprise the majority of the Vietnamese, whereas independence and unity have always been the cardinal principles of the national spirit, and are naturally understood by all.

For this reason, the basic weakness of successive anti-communist regimes in Saigon—aside from their corruption, inefficiency, dictatorship and social injustice—has been their rejection of the fundamental principle of Vietnamese nationalism: territorial reunification. Communism triumphs only when it can identify with nationalism. Nationalism in Vietnam is synonymous with unification and independence.

The United States since Eisenhower has not modified its position. While calling for "unconditional negotiations" in his speech at Johns Hopkins University on April 7, 1965, President Johnson declared: "The first reality is that North Vietnam has attacked the independent nation of South Vietnam." And, he asserted, the United States objective is "The independence of South Vietnam and its freedom from attacks." In other words, to the administration "Vietnam" really means "South Vietnam." To Hanoi and the Viet Cong, "Vietnam" means the entire country from north to south.

I recognize that it would be most difficult for the United States, under its present policy, to take a different position. For if it accepts the principle of the territorial unity of Vietnam, then it is intervening in a civil war and its military presence in South Vietnam and its bombing of the North cannot be justified. Nevertheless, until it does accept the principle, and persuades the Saigon government to do so too, there will be no peace.

Since 1955 South Vietnam has commemorated July 20, the date of the signature of the 1954 Geneva Agreements, as Quoc Han, or Day of National Shame. This year the *Vietnam Guardian*, whose editor, Ton That Thien, is a well-known intellectual and strong anti-communist, wrote:

"July 20 is a day of national shame because it reminds us of the division of our country, for which we Vietnamese more than any country in the world are responsible. Vietnam has become divided because there are Vietnamese who place their personal interests or ideas above the interest of Vietnam. Vietnam can be on the way to national unity only on the day when its sons cease to look upon one another as enemies—for whatever reasons—and love one another first."

Earlier, on July 1, when the American Air Force bombed Hanoi suburbs, the same paper carried an editorial stating: "The explosion of the bombs in the Hanoi area—which tears the hearts of all of us—makes us ask ourselves for whom our compatriots in North Vietnam and a section of our compatriots here in the South have been forced to suffer and die." It is significant that censorship of the press in Saigon, which is very tight, allowed such editorials to be printed. While the fanatical anti-communists blamed the communists for the American bombings, no decent Vietnamese would applaud the destruction of the North.

THE ONLY ALTERNATIVE

The leaders in Hanoi would prefer, I think, to endure more severe hardships and more devastating bombings than settle for the permanent division of the country. To defeat them would require the invasion and destruction of the North, and over one million troops to "pacify" the whole country. But in this case China would become involved in the fighting and would react with force, just as the U.S. would if Chinese troops destroyed Mexico and moved to the Texas border. Short of nuclear holocaust, therefore, the war in Vietnam cannot be solved by military means. A political solution through negotiation is therefore the only possible alternative.

In my opinion the best way to settle the war is for the Vietnamese to negotiate first among themselves. South Vietnam, through a civilian government freely elected with the participation of the Buddhists, can negotiate with the Viet Cong and with North Vietnam. The results of these negotiations—especially the principle of reunification—should be guaranteed by interested powers and by the United Nations. It is unfortunate that the Saigon military junta which acceded to the Buddhist demand for elections suppressed the Buddhists by force before the election and put so many restrictions on the recent elections for the Constituent Assembly as to make them a mockery of democracy. But I will not be surprised if the elected members of the Constituent Assembly revolt against the junta, convert their assembly into a legislative one, and then elect a civilian government with Buddhist participation, which will then attempt to negotiate with the Viet Cong and with North Vietnam to end the war.

The United States should not interfere in such a transformation. It should recognize as part of its long-range policy the territorial integrity and unity of Vietnam. It should agree—as the Vietnamese people agree— with Secretary General U Thant's position of September 18, 1966: "The basic problem in Vietnam is not one of ideology but one of national identity and survival."

[From the St. Louis (Mo.) Post-Dispatch]

ADVICE WE ASKED FOR

If it is "face" the Johnson Administration is worrying about in dealing with Vietnam peace talks, we suggest that the United States may well lose more face by following its present course than by simply and unqualifiedly accepting Secretary General U Thant's proposal for an unconditional cessation of the air war against the North.

As things are going, the United States risks making itself faintly ridiculous by plaintively pleading for some prior assurance that Hanoi will reciprocate. At times our Government seems to be demanding that Hanoi promise to reduce its aid to the National Liberation Front. At other times we seem to be asking only that Hanoi promise something, almost anything. Ambassador Goldberg has called for no more than a private assurance of some "response toward peace." It all sounds as if the most powerful nation on earth dare not suspend the bombing unless we can appear to have scored a debating point by extracting a verbal concession from Hanoi.

A verbal concession, however, would be worth very little in substantive terms, as the Administration is fond of saying. While the North Vietnamese would be well advised

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[1] Tran Van Dinh fought against the French during the First Indochinese War and was a diplomat for Vietnam to several Asian countries. His last post was chargé d'affaires for South Vietnam in Washington, D.C. He now works as a journalist in Washington.

to make a gesture that the Administration could interpret as compliance with its conditions, for us to insist upon it so implacably puts our country in the graceless position of demanding that a small Asian country display a magnanimity which the United States, in all its majesty and power, cannot bring itself to exercise.

The bombing was inaugurated unilaterally, and it can be suspended unilaterally. It has demonstrably failed to accomplish its stated purpose, which was to seal off the South from North Vietnamese supply and infiltration. While it has been going on, the United States has been and still is proceeding with a vast military buildup far exceeding anything Hanoi could contribute to the other side.

Continuation of the air war is by no means necessary to "protect our boys;" with or without the bombing, they cannot be pushed out of Vietnam, and everybody knows it, including surely Hanoi. To suspend the bombing would be the first logical step in a military standstill, leading hopefully to a cease-fire and then to negotiations for a political settlement based on the demonstrated inability of either side to impose a military solution.

If the Administration is concerned about how to justify a suspension after refusing it for so long, we are confident its talented briefing officers could solve that problem handily if instructed to do so. The files are full of statements and recorded actions avowing undying American support for the United Nations. In December our Government requested the Secretary General of the UN to "take whatever steps you consider necessary to bring about the necessary discussions which could lead to . . . a cease-fire" in Vietnam.

The first step which U Thant considered necessary was to call upon the United States to suspend the bombing unconditionally and unilaterally. The very fact that this request comes from him, and has behind it the full weight of a preponderance of world opinion, is all the justification the United States needs for complying with it. The great majority of Americans would be so passionately grateful for surcease from a senseless war they never wanted and never authorized that they would heartily welcome simple acceptance of U Thant's judgment as to where lies the road to peace.

Admittedly U Thant might turn out to be wrong in hoping that a suspension of the bombing would lead to other steps and ultimately to peace talks. But nothing decisive would be risked by taking his advice, which after all we asked for; and it is better to accept such risks as might be involved than to perpetuate an inconclusive war for fear of losing face.

[From the New Republic, Jan. 7, 1967]

SORRY 'BOUT THAT

The Secretary of State and the Secretary of Defense and numerous subordinates wish they could supply us with some reasonably accurate estimates of civilian casualties in South Vietnam, but they can't, it is beyond them. They have even less information on casualties in the north caused by our air raids. For evidence on that matter, we must rely on what Hanoi claims, supplemented by reports just beginning to come in from the few credible American correspondents admitted to the north. The first of these Harrison Salisbury of *The New York Times*, reported last week that contrary to initial Pentagon denials, our planes have caused extensive damage in and around Hanoi to civilians, to their homes, and their places of work. We are bombing more than bridges, rail yards and infiltration routes.

The most plausible explanation for the paucity of official news on civilian casualties, especially in the south, is that the Washington and Saigon bureaucracies are not terribly keen to get the news and publicize it. The American image has been marred enough by those sickening wire service photographs of burned children and women weeping over their dead. The officials do, of course, keep us posted to almost everything else in Vietnam. We know, for example, that 4,822,000 metric tons of rice were harvested in South Vietnam for the year '65–66 (most of it in the delta region, large parts of which are under *Viet Cong* control). We learn, every hour on the hour, precisely how many enemy ("communist") bodies have been counted (158,000 enemy casualties reported by the Pentagon from 1961 to December 15, 1966). We are given exact figures on how many Vietnamese cast their votes, and for whom, in an election. We are told how many hamlets have been "pacified," how many not. We have figures on the number of hospitals, on the cost of the war ($332,000 for each enemy soldier killed in this fiscal year). But despite the computers, the intelligence gathering sources of Saigon and the US, the presence of nearly 400,000 GIs, the AID advisers, the CIA and all the rest, it is not possible to find out how many civilians have been killed and wounded in South Vietnam.

The question has been asked. In February of last year, Senator Claiborne Pell wondered why it was so difficult to get any reliable statistics. Secretary Rusk replied: "I just don't know. I have not myself seen any such figures." On April 20, during the Senate Foreign Relations Committee interrogation of Secretary McNamara, the question was again put by Senator Pell. Mr. McNamara replied: "I received a report from General Westmoreland this morning just before coming over here which stated that the total number of civilians killed inadvertently through U.S. military operations in South Vietnam amounted to 137." Queried as to considerably larger estimates of civilian casualties that have been made, Mr. McNamara quoted from Westmoreland's cable: "There is no evidence to support those larger claims."

Several weeks later, on May 11, Mr. McNamara again came before the Foreign Relations Committee and again referred to the original Westmoreland figure of 137. "Now, I am not at all sure of the accuracy of those figures," the Secretary added, and he had therefore "sent General McCown of my own Inspector General's office to South Vietnam to make a commonsense check of them. . . . I would be very happy to see that you receive a copy of that report. It will probably be two to three weeks before it is available." The report was not available within two or three weeks, but in July the committee received a "standby" letter from Adam Yarmolinsky, then Deputy Assistant Secretary of Defense. That was followed on August 19 by a second letter from Mr. Yarmolinsky to Senator Pell, which said in effect that no meaningful statistics were at hand, but that the civilian casualties—however caused—were minimal.

Senator Fulbright was unsatisfied. On August 24 he shot off an angry letter to Mr. Yarmolinsky which said in part: "Your letter to Senator Pell was not very helpful and I must say that it is difficult for me to understand why estimates, at the minimum, are not available. The Department of Defense and the Agency for International Development seem to have statistics available on every conceivable facet of our military and AID operations in Vietnam which tend to back up established Executive Branch policies. . . . There does not seem to be any lack of statistics on Viet Cong or North Vietnamese inflicted casualties, according to paragraphs of your letter." Fulbright then asked:

"1. Has the South Vietnamese government at any time made any announcements concerning the civilian casualties, other than those for which the Viet Cong or the North Vietnamese were held responsible?

"2. Are civilians ever treated at South Vietnamese or U.S. military hospitals? If so, are records kept on the numbers treated and the type and origin of their wounds?

"3. Do civilian hospitals keep records of those they treat who are suffering from war injuries? Have our officials attempted to obtain this information?

"4. Do the medical teams supported through the AID program ever treat war casualties? If so, are records kept and made available to the Department of Defense?

"5. Are records available concerning indemnity claims for war injuries filed against either the South Vietnamese government or the United States?"

Senator Fulbright concluded: "War is a deadly and dirty business which always results in the death of many innocent people. I see no reason for the Defense Department to try to deny this simple fact insofar as our operations have resulted in civilian casualties. I hope the Department will take another look at this problem and furnish the committee with information which is more realistic than that provided to date."

A week later, Mr. Yarmolinsky answered. He was "deeply troubled" by Fulbright's implication that the Department was not "gravely concerned about this problem." He said that "when Secretary McNamara told your committee three months ago that we had been unable to identify more than 380 casualties, he made it clear that this figure bore only a random relationship to the total number of civilian casualties. The fact that we have been able to identify almost half this number in recent weeks suggests to me that we are doing better in focusing attention on a problem that all of us agree deserves the highest attention."

Attached to the August 31 Yarmolinsky letter was a "Memorandum on Civilian Casualties" which addressed itself to Fulbright's five questions. The Memorandum stated that "a thorough search of available records" indicates that the South Vietnamese government has made no announcements concerning civilian casualties, other than those for which the Viet Cong or the North Vietnamese were held responsible. It said that "civilians are treated in military hospitals only in exceptional circumstances," that "unfortunately, available Vietnamese hospital records make no distinction between paramilitary force and civilian patients," and "as concerns the total numbers treated in civilian hospitals, GVN [South Vietnam] paramilitary force casualties undoubtedly make up a substantial portion of those patients hospitalized as war casualties."

The Memorandum said that civilian hospitals do not keep records of those being treated for war injuries. It added that "casualty statistics at provincial hospitals should slowly improve as the U.S. and Free World continue to augment the GVN treatment capability through the AID-supported Military Public Health Augmentation Program [MILPHAP]."

Responding to Fulbrights' question about whether medical teams supported through AID program ever treat war casualties, the Memorandum said that here again "records are not meaningful." Indemnification of South Vietnamese civilians," it concluded, "is made for both combat and non-combat related incidents." During the calendar year 1965, the Republic of Vietnam received approximately 11,000 claims nationwide," and "over the 12-month period ending 30 April 1966, 1,881 claims were filed [against the U.S. under the provisions of the United States Foreign Claims Act] and 1,324 were approved." Awards amounted to $235,913. That, officially, is all we know so far, which isn't much.

There have been, of course, unofficial estimates. The AP reported last December 22 that "figures from Vietnamese and American public and private sources indicate that this year's civilian death toll has averaged about 1,000 a month, with at least three times that

many wounded." The AP cited one instance of a U.S.-conducted, one-day check last fall, which showed that "more than 1,600 of nearly 10,000 patients in 60 hospitals were being treated for wounds connected with war. Not included were the hundreds of civilians cared for at provincial dispensaries, village aid stations, and at home." On December 26, 12 Catholic, Protestant and Jewish clergymen told President Johnson that, "the heartless war in the south continues with United States and South Vietnamese forces matching the terror and assassinations of the Viet Cong by killing somewhere from two to five civilians for every Viet Cong guerrilla or North Vietnamese regular." They accused the President of "lack of candor" in reporting the facts.

When it became known recently that American bombs had been hitting civilian targets in the north and that civilians had lost their lives as a result, General Eisenhower contributed a unique comment. He knew, he said, that our "operations are aimed exclusively at military targets, but unfortunately there are some civilians around these targets." "Is there any place in the world," he wondered, "where there are not civilians?" The Pentagon reacted to the disclosure by suggesting that it was Hanoi's fault, since they "deliberately emplace their air defense sites, their disbursed POL (petroleum, oil, lubrication) sites, their radar and other military facilities in populated areas, and indeed, sometimes on the roofs of government buildings." And Secretary McNamara, at a holiday gathering with a cluster of reporters, recalled that when he served in World War II he learned that bombs never go where they're aimed. Twenty years later, he added affably, the state of the art has improved: now bombs occasionally go where they're aimed.

[From the New York Times, Jan. 2, 1967]

TOPICS: THE SEAT BEHIND THE PILLAR

(By Archibald MacLeish)

History, like a badly constructed concert hall, has occasional dead spots where the music can't be heard. Everything in the United States today—the boredom of the young, the numbness of the arts and the ineptitude of the politicians—indicates that we are caught in one of them. No matter how we crane our necks and cock our ears we seem unable to catch the tune.

The reason, I think, is fairly clear. We can't make out the tune of the time because we are still back behind it in the nineteen-fifties with the dilapidated bulk of "Anti-Communism" against our faces. If we could bring ourselves to look around, it might occur to us that we are not, whatever the ushers may have told us, in the best seat in the house.

EASIER TO LAUGH THEN

Some, of course, have already noticed. Even fifteen years ago when the place was first proposed to us a few protested. "Anti-Communism," which meant McCarthy at home and Containment abroad, looked like a queer location for the United States, a nation not previously given to squatting in the lee of anything.

But fifteen years ago the whole state of the Union was so preposterous it seemed easier to laugh. McCarthy, for all the noise he made and harm he did and pain he inflicted, was a comic figure whose monstrous revelations of treason in the Department of State and disloyalty by the noblest American soldier of the century kept blowing up in his face like a clown's balloons.

And as for the Containment, which meant the redefinition of the American purpose in the world as the negation and denial of the Russian purpose, it was so palpably inappropriate to a country which had just planned and engineered and supplied and fought the greatest victory in military annals, that no one but the professional Holy Warriors could take it seriously.

The Truman Doctrine was justified by the Marshall Plan which had a creative and characteristically American purpose of its own, but nothing could justify the worldwide wall of Foster Dulles—nothing in American history at least. And so we merely smiled at SEATO and the rest and let the protest go.

That, however, was back before the sixties. Now that the better half of a new decade has pushed its predecessor into the past, the perspective alters. McCarthy has disappeared—but only to be replaced by the apparently ineradicable reek of McCarthyism. And Containment has turned into the disaster implicit in it from the start—the disaster of Vietnam.

With the result that what was preposterous in the fifties has become tragic in the sixties. Where the question fifteen years ago was why in the name of sanity and common sense the American revolution of independence and self-government which was redrafting the map of Africa and shaping a new society in India and Japan should be betrayed at home—turned into a mere counter-revolution to the Russian, a static and defensive state of negation and neurosis and downright fear—the question today is a soberer question.

It is the question whether an unachievable victory in Vietnam is preferable to an unthinkable defeat or an unthinkable defeat to an unachievable victory.

Which is not precisely intellectual progress, but does throw light upon the cause of our predicament. It was not when we began to escalate the war in Vietnam or even when we first decided to fight in it ourselves that the sad mistake was made. It was made when we allowed ourselves to be frightened into "Anti-Communism" as a national policy and posture.

VIETNAM IS INHERITANCE

Our involvement in Vietnam is our inheritance from Containment and McCarthy. And it is for that reason more than any other that we get so little sympathy from Europe. For it has long been obvious to European intelligence, even including the intelligence of the Vatican, that "Anti-Communism" is dead as a policy and worse than dead as an intellectual position.

The past cannot, of course, be revised, but there is something to be said for recognizing what it was and where it has left us and what our actual situation is. When, in a hypothetically sane universe, a problem proves insoluble by the exercise of sanity, it is usually because it has been stated in mistaken terms.

NO POLICY AT ALL

Vietnam is insoluble as a military conundrum: an unachievable victory is neither better nor worse than an unthinkable defeat—it is merely equally unthinkable, though for different reasons. Conceivably, therefore, the problem of Vietnam should not be posed in military terms but in different terms: terms which would recognize the error of the fifties and move us out from behind the obstructing column. Once we recognize as a nation that "Anti-Communism," like all the rest of the anti-isms, is not an effective policy or, indeed, a policy at all—once we recognize as a nation that the only defense against the purposes of others, is a better purpose of our own—we may very possibly regain the freedom of action we have been progressively losing ever since Vietnam began if not since Foster Dulles.

After all, we *have* a better purpose of our own. It is now evident to anyone who cares to see that it is the Revolution of 1776, not the Revolution of 1917, which is providing the dynamism of the waking world from the west coast of Africa to the islands of Japan.

(NOTE.—*Archibald MacLeish has won the Pulitzer Prize three times, twice in poetry and once in drama.*)

THE PULLEN MEMORIAL
BAPTIST CHURCH,
Raleigh, N.C., January 25, 1967.

Senator WAYNE MORSE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please let me take the liberty of sharing with you a sermon I preached here at Pullen Memorial Baptist Church last Sunday. I am of course aware that men like yourself and Senators Gruening and Fulbright are sources of inspiration to those of us who feel constrained to be critical of, though loyal to, the government during these dark days. We continue to look to you for leadership.

Always the very best of wishes.

Sincerely,

W. W. FINLATOR.

AN AMERICAN TRAGEDY

(Sermon preached at Pullen Memorial Baptist Church, Jan. 22, 1967, by W. W. Finlator)

Every one knows that Charles Dickens began his tragic *Tale of Two Cities* with these words: "It was the best of times, it was the worst of time." What an apt description of our America today! These are the best of times. Our GNP—that means Gross National Product—is the highest ever, and still climbing. The over-all unemployment rate is low, for us, even if it takes the Cold War economy to keep it low. Incomes, so they say, are soaring. Never were so many thousands and thousands of our young people in college. The Civil Rights Movement has opened the door of opportunity to people hitherto excluded from the Promised Land while Medicare and Social Security, no longer dirty words, have made a place, at least at the second table, to those who have not been feasting on the milk and honey. In a word, as the sociologists put it, this is a Cornucopic Society. It is the best of times.

But it is also the worst of times. In a nation of unparalleled wealth there are still thirty-four million people living in abject poverty and forty-three others whose lives of stark insufficiency keep them perpetually on the border line of poverty. And the gap between these people of poverty and the people of wealth is actually widening! Twelve years after the 1954 Supreme Court decision, and in spite of the marches and the sit-ins and the civil rights legislation and the Good Neighbor Councils, our Negro leaders are finding out that the rate and number of those dispossessed from the good things of the land on account of race is increasing! Under such circumstances Black Power comes persuasive. And to others White Backlash also becomes persuasive. The core of our great cities continues to rot, our rivers and lakes and atmosphere are garbage cans for the refuse of people and industry, crime increases, especially among the younger people. And from all this and much more we turn our attention and our resources and rivet them on a little nation half way around the world where almost four hundred thousand of our young men are in combat, another seventy thousand are offshore in the fleet and another forty thousand in Thailand, and we are engaged in the longest war in our American history which is still undeclared. Yes, it is also the worst of times.

Now between the best and the worst lies tragedy. It was so in the *Tale of Two Cities*. It was so in *King Lear*. The foolish king was never so happy and secure than at the moment of dividing his kingdom between his two faithless daughters. It was so on the Ides of March with Julius Caesar. It was so with King Solomon. It is so in America. "At the very moment that ye think not," said Jesus.

In speaking today of the tragedy of our involvement in Vietnam I shall not talk, as on former occasions, about an unjust and immoral war, or dwell on the bankruptcy of American foreign policy so dramatized in

Vietnam, or deplore the bombing of civilians, or describe the horror of napalm bombs or the shame of the nauseating gas (sometimes referred to as "humane gas," something no other nation has resorted to in modern times), or the defoliation of the forests or the poisoning of the rice fields. Indeed I shall talk about what the war is doing to us as a nation and as a people. As horrible as the war is to the brave Vietnamese who for 20 long years have been fighting for their freedom and integrity, we shall consider it this morning as an *American* tragedy. Such a "filthy and barbarous war" writes J. M. Cameron, an English friend, in Commonweal (Jan. 20, 1967) "can only be sustained by a people so decent and humane as the mass of Americans are by a process of self-deception." This is sheer tragedy. And in the same article Fr. Daniel Berrigen is quoted from his book, *They Call Us Dead Men*: "A climate of war creates its own horizons, its own justification and effort. Subjected to such an atmosphere for a long period of time, men come to accept it as normal and self evident; they create a logic that suits their state of soul. They create tools of violence as entirely normal methods of dealing with "The enemy"; once created, the tools are used with an ever-increasing ease. Peaceableness, communication with others, discussion, public candor—these are less and less trusted methods of dealing with human difference. . . . We become the beleaguered defenders of all that is good and noble in life, the society that can do no wrong, whose interventions are always governed by superior wisdom, whose military might serves only the good of humanity." Frankly, I know of no better justification for any of these "religious" or "holy" wars that devastated Europe for so many generations.

If you are prepared to agree with me that this is indeed an American tragedy I would like to suggest that the tragedy expresses itself in six ways: first, through Loss of Faith; second, through Breach of Contract; third, in the Crisis of Credibility; fourth, through a Paralysis of Inner Enrichment; fifth, in Default of Leadership; and sixth, through Schism of the Soul.

First, let us look at the Loss of Faith. Some call it the betrayal of a dream, the American dream. The faith of our fathers was indeed a dream, a dream that men would and should govern themselves and make their governments subservient to their welfare. That people had not only the right but the duty of self-autonomy even if this meant revolution and even if this revolution meant violence all the way from the Boston Tea Party and Paul Revere's Night Riders to the surrender of General Cornwallis. The dream meant that a nation has the right to pursue its own destiny and establish its own political and economic institutions free from foreign intervention and the imposition of alien ideologies, however objectionable these institutions might appear to other nations. The dream also included the faith, or the faith included the dream, that a nation born out of colonialism would understand similar struggles around the world.

Today we are no longer seen in this light. To other nations we are regarded as the great counter revolutionary force of the world, supporting, and even helping to set up, repressive governments and military dictatorships, repugnant to the people, in other lands. We are regarded as the great propper-upper of governments with whom we can "do business." They note that we took Premier Diem out of retirement in America and imported him back to Vietnam. Since Diem there have been eight other governments, the last headed by ten generals, nine of whom fought with the French against their own people. They see us passing resolutions in Congress authorizing our President to land troops anywhere in the world he is convinced that there is danger of the people establishing a form of government unacceptable to our American way. And they wonder, of course they wonder, what has become of our faith in the right of people to their own destiny, our faith in government of the people, by the people, and for the people.

The American tragedy expresses itself, in the second place, as a Breach of Contract. Our government continues to make much over what it calls its commitments to the government of South Vietnam. Just what these commitments are it is difficult to ascertain. Some say they are non-existent. Others say they were only economic aid. No one seems able to put his hands on it. Senator Gruening said on the floor of the Senate (June 21, 1966): "We were not asked by a friendly government in South Vietnam to help repel aggression. We asked ourselves in. It is not true a solemn commitment was made by three presidents to do what we are doing. President Eisenhower merely proffered economic aid and that condition on reform and performance which were never carried out either by the Diem regime or by the eight subsequent self-imposed regimes. President Kennedy, accepting the bad advice of Secretary McNamara, escalated the number of advisors from the 600 in South Vietnam, as part of the military mission established by President Eisenhower, to a total of twenty thousand. But he sent no troops to combat. No American lives were lost in combat during the administrations of Eisenhower and Kennedy. Regrettably, after a campaign in which President Johnson led the American people to believe he would achieve a peaceable solution in Southeast Asia, he sent our troops into combat. No previous president—neither Eisenhower nor Kennedy—had done that." In this connection it may be well to remember that any kind of commitment with the Saigon government was without validity because such a commitment implied recognition of an established government, while the Geneva Accords, to which we were bound, declared that the Vietnamese people were to be temporarily re-grouped into two zones, the South and the North, that neither were to be considered national entities, and that elections were to be held two years later for the express purpose of re-unifying their nation, which elections the United States prevented.

But there *are* very firm commitments elsewhere which we have consistently violated. Take these very strong words of President Johnson made in 1964: "There are those who say I ought to go north and drop bombs to wipe out the supply lines . . . but we don't want to get tied down in a land war in Asia." And again: "We are not about to send American boys nine or ten thousand miles away from home to do what Asian boys should be doing for themselves." Despite these firm commitments we did drop those bombs in the north and our American boys have traveled by the hundreds of thousands that ten thousand miles away from home and are "tied down in a land war in Asia." Or again take the SEATO Treaty to which we are a signatory and which is often cited by the defenders of our military involvement in Vietnam. The treaty clearly prescribes only peaceful actions and makes it clear that in the event of a disturbance of the peace the signatories to the treaty, who are, besides the United States, Britain, France, Pakistan, Thailand, the Philippines, Australia and New Zealand, shall consult and by unanimous consent decide on the course of action. Of course this consultation has never been requested, for obviously the required unanimity could never have been secured.

Or again take the charter of the United Nations which we have violated not once but several times. Look at Chapter I Article II which provide: "All members shall settle their international disputes by a peaceful means." Or look again at paragraph 4 which provides: "All members shall refrain in their international relations from the threat or use of force." And once more look at Chapter 6 Article 33 which states: "The party to any dispute, the continuation of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, consultation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." And finally in Article 37: "Should the partners to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council." Of course we haven't done this. And, once more, there is our commitment to the Geneva Accords, to the terms of which we pledged support, and which specifically provide that no nation will introduce armed forces in Vietnam.

We have been told many times by our government, and in our "process of self-deception" we have believed it—that should we welsh on these "commitments" to South Vietnam our honor among the nations, (you see in spite of Congressman Rivers, "world opinion can fly a kite," we do have a decent respect to the opinions of mankind), yes our honor and integrity among the nations will be tarnished if we back down on these commitments. Nobody thereafter will trust us. But what about these real and solid commitments, commitments in writing, commitments to the international community, which we have continued to violate so flagrantly?

Read tragedy again in the Credibility Gap. Here is a real crisis. No one expects in time of conflict that a government tell to its people the truth, the whole truth, nothing but the truth. Some management of the news is normal and accepted. But a pattern of untruths and falsifications continually followed leads at last to the pathological. We have been assured that we are winning the war, that all would be over in six months, that a few more thousands of troops, like an increase in the dosage of medicine, would be the cure-all and close things out soon. None of these have come to pass. We have been told that we were not bombing civilians. Now we learn that for one soldier killed we kill seven civilians, including women and children. We have been told that the area of combat would be restricted to the South. Now we drop bombs on the North and not only on military targets. We have been told that we were not using bases in Thailand for bombing operations. Now the government admits that we have been doing just that and intend to continue. We have been told that we were ready, God knows that we were ready, for peace at any time and for unconditional negotiation at any moment. We have even staged something like a charade or an international morality play calling on the nations of the world to support our deep desire for peace, and all the while we were building up and escalating the warfare. We have called for a conference but we have insisted that the very enemy we are fighting, the National Liberation Front, be excluded from the conference. One thinks of the lines by Hugh Mearns and titled, interestingly "The Psychoed":

"As I was going up the stair
I met a man who wasn't there.
He wasn't there again today
I wish, I wish he'd stay away."

We have, in Biblical language, cried "Peace, peace when there is no peace."

Perhaps in the heat of the conflict we would do well to have grace to listen to the voice of the foe. The New York Times in its Sunday, January 8, 1967, issue published excerpts from a long interview with Premier Pham Van Dong. In referring to these peace moves by our government the Premier said: "Now here is something else. Up to now there has not been a bit of goodwill from the United States Government side. In such a complicated war, if there is a lack of good-

will, nothing can be settled. We will never be deceived. We know that while speaking of peace the United States ruling circles and the Pentagon are continuing their war. So we are not to be cheated. As far as world opinion is concerned, maybe at first it was deceived, but slowly it came to understand, as experience showed, that each time the Americans want to escalate, it is always accompanied by a peace move." You say, but this is from our enemy and should therefore be discounted. Perhaps so, but we are now learning that there have been not one or two but several gestures in good faith for negotiation made by the other side to such men as Secretary U Thant or Ambassadors Stevenson and Goldberg which our government rejected uniformly and preemptorily. Still our charades for peace went on. Thus as the war widens the Crisis in Credibility deepens.

Again read tragedy in the Paralysis of the Program for Physical Restoration and Spiritual Enhancement of America itself. It used to be know as the Great Society. It is going by the board. Some are saying, "Good riddance." Almost without exception they are the ones who call for greater and more intensified efforts in Vietnam. Witness our own North Carolina congressmen. Vietnam costs two billion dollars a month. Compare this with the few billions for the entire Poverty Program. It costs one million dollars, according to the *Los Angeles Chronicle*, to train one B-52 pilot. Mayor Lindsay of New York City says it will take millions and millions of federal dollars to even begin to save the inner city of that great metropolis—and those dollars are not forthcoming. The choice has been made: we will take guns and butter can wait. We were led like Moses into the high mountains there to "cast a wistful eye to Canaan's fair and happy land." A land with its natural beauty salvaged and restored, its ghettoes gone, its poverty eradicated, its ignorance eliminated, its ancient social wrongs righted, a land of justice and plenty and creative leisure—and like Moses we have now been led down from these mountains to wander again in the wilderness, a wilderness of our own making. Is not this tragedy?

But if this drying up of the springs of compassion and concern takes place at home, how much more so away from home. The tragedy again is in our Default of Leadership among the nations of the world where we also have promises to keep. What we will not do for our own we shall certainly not do for others. No nation now in Europe, no nation in North America or South America, no nation in Africa and, with the possible exception of Thailand and the Philippines, no nation in Asia supports the mission of our expeditionary force in Vietnam. Once we were isolated because we rejected the other nations of the world. Now we are isolated because the other nations of the world reject us. How can we be concerned about Southern Rhodesia, or the clashes on the border between Israel and Jordan, or poverty in Peru when all our energies and resources are absorbed in warfare in one small nation halfway around the world. No less than one percent of our gross national product, it has been declared, ought to be shared with other nations whose poverty is actually increasing. They are not getting it. They, nor our own people either, so long as we pursue like Ahab the whale something which for us is unmitigated and undiscriminate evil, and we have come to death's grip with it in Vietnam.

The final tragedy is Schism in the Soul. You recognize the phrase as Arnold Toynbee's. You remember what he said about the fate of civilizations afflicted with it. This is a long war, an inconclusive, frustrating, and complex war. It has taken its toll. No one knows exactly what is its purpose or its goal and even the most hawkish among us is hard put to it if you ask him what he means by victory. It is a war we can never hope to win and any victory we claim will prove to be pyrrhic. Americans are used to getting things over with. We can't stand dragging them out. In a similar way we were bogged down in the Korean war and that was when Senator Joseph McCarthy appeared on the scene. Are the times now ripe for the revival of McCarthyism in America? God forbid, but alas.

With every escalation our people become more divided. The split is in our deep heart's core. "A people so decent and humane," as Mr. Cameron put it, just cannot perpetrate these atrocities on a primitive people without something happening on the inside of them. Sometimes we cover up this agony by our stridency and our messianism. Sometimes we burn draft cards, and even a few of us give our bodies to be burned. Father is set at variance with son, group with group, and race with race in ways that are almost apocalyptical, and the enemies of a man, as the Bible puts it, are those of his own household. Criticism of the policies of the government become suspect and dissent is equated with treason. A house divided, as Lincoln once observed so prophetically, a house divided against itself cannot stand. That is the tragedy of America in this dark hour. Even the National Council of Churches in its recent meeting in Florida was unable to speak a spiritual word of repentance to a land so distraught. Deleted from its report was a passage which reads in part:

"It is a war of atrocities on both sides. All this lacerates the Christian conscience, and in face of it the churches cannot remain silent. As members of our nation we are unavoidably responsible for its actions. Some of us are in accord with present policies and others are opposed. But none of us rejoices in what is being done to our fellow human beings. We seek their forgiveness and the forgiveness of Almighty God for our involvement in this tragic conflict." I say, even the National Council of Churches was unable to keep this statement in its report.

What to do about it all? This is not the burden of my sermon today. You already know how I feel. We went in unilaterally and we can come out unilaterally. Our interest there was self created. We can uncreate it. We could cease the bombing this very moment and withdraw our troops to enclaves, calling on the International Control Commission which was specifically set up for this purpose to begin taking over. We could announce a phase withdrawal and the dismantling of all of our bases. We could call for a new convening of the Geneva Powers. We could declare our willingness to stand by and honor any government the people of Vietnam, North and South and Central, established under internationally supervised elections. We could undertake reparations for the incredible damage done this people and this country. We could channel these reparations in huge appropriations through the United Nations. All this we could do and much more, and would to God we would start right now. But brethren, as St. Paul put it, my heart's desire and prayer to God for America is that *they* might be saved! Saved from a tragedy of our own making. Saved from a loss of faith, a breaching of contract, a crisis in credibility, a paralysis in inner renewal, a default of leadership, a schism in the soul.

TOWARD TOMORROW

(Speech of Edward Lamb, Ohio industrialist, before the American Legion, Toledo Club, Friday, December 9, 1966)

INTRODUCTION

Friends: I find pleasure and challenge in again meeting with the American Legion in Toledo. Over the years, I seemed able to discuss controversial issues with you, even as some of the American Legion Posts around the country were actively intervening against me in some of the lively hearings of the day. Legionnaire Posts joined in disbarment proceedings brought against me during a labor dispute in southern Ohio; a few even participated in the loyalty proceedings in Congress; others joined in the McCarthy-inspired hearings before the Federal Communications Commission which were brought to drive me out of the broadcasting industry. Possibly, therefore, my credentials, steeped in controversy, may not appeal to you as we discuss today the vital issues of how we get to Tomorrow.

Yet, I am convinced that you and I and every American have a common area of agreement. We all dream that somehow we may achieve an international structure which will give all men individual and collective security in a world at peace.

THE CURRENT SCENE

The basic fact of life in the United States today is Vietnam. Although during this century America has been almost continuously involved in war, we have become the leader among the nations of the world. In general, the superiority of our weapons has carried us successfully through two World Wars. We found failure as we invaded Cuba, and we face a stiff set-back as we intervene in the Present Civil War in Vietnam. Although we had allies in the Korean stalemate, we now find most of the world insisting that the United States is without a cause and without allies in Vietnam. Indeed, most of our own countrymen are immensely disillusioned and bored with the whole bloody business.

At this season of the year, we are especially disgusted to hear Secretary of Defense Robert McNamara issue his oft-repeated annual assurance that the war in Vietnam will be won with "just a few thousand more troops" and that all American boys will be home by Christmas! Even our President's credibility seemed tarnished when, after being elected on his promise not to escalate the war into North Vietnam, we intensified our bombing raids and our advanced killing techniques. As our guns killed thousands, this same voice screamed, "I want peace; I'll go anywhere to get peace"—and the evidence of many intermediaries, including U Thant, indicates that our nation has refused to negotiate peace.

Vietnam has caused President Lyndon Johnson's popularity to hit the skids. Now, the stage is set for another Eisenhower to repeat a slogan of going to Korea or Vietnam to get the whole mess settled. Our people are simply looking for any political alternative to the present military policy.

Every American hopes now for a solution. While I join what must be a majority in urging that we get our troops out of Vietnam at once and enter into agreements with all parties, including the National Liberation Front, each of us must vigorously speak out and audibly protest and demonstrate our concern. With a few other Americans, I have plans to go to Vietnam, Korea and Thailand this winter to study this very tortured Southeast Asia where *Americans* are in so much trouble. I suppose each of us wants to find out the actual facts.

AFTER VIETNAM—?

While Vietnam is a sad blot on our history, it is, after all, like a drunken night—somehow it passes and we face up to tomorrow. In the meantime, we hope that widespread possession of nuclear arms doesn't destroy the world. We know, too, that the abuse of power always forces counter action.

The feudalism of the Middle Ages passed. The slavery of colonialism is withering away and man's inhumanity to man is lessening as we see that it is possible for us to build a social order where society does have an affirmative obligation to see that each human who is born on our planet is given the helping hand.

Obviously, the wars of the past had economic bases, even though we claimed more

idealistic purposes. We know that nations have gone to war for reasons which are really not so important to most of us. Even in this so-called civilized era, we unloose our guns over an abstract issue, like a religion, Communism or some other ideology. One nation invaded another's land not to war against hunger or sickness, but to knock down the other man's idols. Out loud we wondered why the man across the border didn't accept the benign benefits of our own political system. Throughout history, man has waged a ceaseless fight against the stupid, backward people who were not born to have a direct access to our own gods. We even seized on physical differences, like skin textures, to insist that men of darker hues were born to suffer human indignities. In the United States, especially, we have preserved a tradition of denying educational or cultural facilities, or physical or financial benefits to men of differing races in our affluent society.

Thus, we have repeatedly seen the domestic social programs involved in a Great Society or a New Freedom slogan scuttled to make way for the vast military expenditures of two thousand million dollars a month in Vietnam. Some of our national leaders say that we are required to shelve domestic advancements in order to fight Communism abroad. Although the poverty and misery of Southeast Asia or any other place is always the cause of revolution, our short-sighted national leadership still claims that military action abroad can somehow bring peace. We know that guns and terror are never a solution to starvation and ghettos anywhere.

Often we do exercise collective intelligence in solving our domestic issues, then leave up to our diplomats in the State Department a settlement of issues abroad. Some Americans have blindly parked their interest in international affairs at the water's edge.

Military action is merely an extension of diplomatic action. Our emissaries drove an artificial line down through the center of Germany and said that everyone east of that line was a Communist and that everyone west of the line was a friend of the United States. We even established a NATO to have a military confrontation along that line.

Even sillier is the suggestion that we can draw a line through the jungles of North and South Vietnam and say that the folks on the north are Communists and that the people existing in the south are friends of the Yanks.

Recently, we have seen our domestic campaigns for social improvements slacken. Although urbanization is inevitable and the over-population of our slums is creating explosive pressures, although our air and water are frightfully polluted and although the need for developing skills of all of our people is intense, we neglect our own self-improvement because we have so many military men wandering abroad.

We know that in tomorrow's society science must be used creatively and not destructively. The fabulously growing scientific methods must be applied to problems of human welfare. In this age of science. we know that the means of feeding and clothing and educating all men are available. Everywhere men are hungry, yet if we center our attention on this basic human problem, we can develop the means of feeding, clothing and educating the present and future generations of the world.

To reach such a goal, we must recognize that tomorrow's society should be politically organized with the military power to enforce peace among all peoples. After the devastation of World War I, we saw a weak League of Nations pass across the scene. After World War II, we organized the United Nations, which in many areas. the Far East, Middle East and in Africa, has been able to obtain some peace-keeping results. UNESF also became an effective medium for the distribution of substantial economic educational and social assistance to the peoples of the whole world. I, for one, urge that our foreign economic aid will be turned over to the United Nations. In this way, the abundance of America—our technological advancements and our managerial know-how—may, indeed, be more impartially spread among all mankind.

Out of these frightful consequences of war, we may mature into a realization of the requirements of a peaceful world. To eliminate the unprovoked attacks on other nations, we will have to establish a world of order where the military forces of each nation are turned over to a central authority. Pirates marauding throughout the world cannot be fighting under a crusader's helmet. My country cannot intervene in the other man's internal affairs while we piously preach the blessings of our political system and say that we are solely engaged in the "defense" of our American institutions.

Is there presently any hope for a federalized world? Personally, I am optimistic that man's development is leading us to a world organization. Americans should be pleased to see the demonstrations in the streets and on the campuses. If we are to get to a sensible world structure, we should jump with joy as we see our young people revolt against the stupidity of going abroad in undeclared wars. They object to America setting itself up as the policeman for the rest of the world. The young generations simply want a sensible world at peace—organized under a system of law and order.

Out of the intellectual communities around the world, we are seeing forged new concepts of international organization and cooperation. In the fields of science and economics are emerging the foundations for an effective community of men. Intense research into the realism of international exchange and cooperation is taking place in every land, in every university, in convocations and in study groups.

For instance, at the Center for the Study of Democratic Institutions in Santa Barbara, California and elsewhere, there is a continuing dialog on the nature of the structure of the future World Organization. These studies, under the leadership of Dr. Robert M. Hutchins, Elizabeth M. Bogese and others, will aid modern, enlightened men to forge a livable, humanistic, sensible world of the future.

Man has been rising above the other animals of this planet for many millions of years. While it is pathetic that he has not yet developed the technique of living with himself, in the last few decades he has made startling progress. Under our "democratic" American system, one man does have the ability in the White House to set off a nuclear chain which could overkill all the people in the world. We daily gamble that such insanity cannot be released upon our modern world. Why shouldn't we review our own American constitution to see how long such uncontrolled power can be lodged in one man.

While a free person is responsible to society, it is true that society is responsible to all men! We know that top priority must be given to building a society where men are born with the human rights to security and peace.

The society of the future will definitely guarantee that all men wherever situated, whatever their creed or color, are given at birth access to the world's abundance. We can build a society where an annual wage will be paid to every person throughout his life. I believe you and I and every citizen of the world are making a real contribution when we toil and campaign in every forum available for a totally internationalized World of Tomorrow, the Community of Man.

THE VIEW FROM VIETNAM

(By Bernard B. Fall)

"SOE in France" by M. R. D. Foot. Her Majesty's Stationery Office (London), 550 pp., $9.00

"Vietnam! Vietnam!" by Felix Greene. Fulton (Palo Alto), 175 pp., $5.50, paper, $2.95

"Vietnam in the Mud" by James Pickerell. Bobbs-Merrill, 129 pp., $5.00, paper, $2.25

"Vietcong: The Organization and Techniques of the National Liberation Front of South Vietnam" by Douglas Pike. M.I.T., 490 pp., $8.95

"Vietnam Seen from East and West" edited by Sibnarayan Ray. Praeger, 192 pp., $5.95

"The Politics of Escalation in Vietnam" by Franz Schrumann. Fawcett, 160 pp., $.60 (paper)

DANANG, SOUTH VIETNAM.—One of the added pleasures of covering the Vietnam war from inside Vietnam is that it is possible to lose track completely of what is going on elsewhere in the world—not only in the world, in fact, but in Vietnam as well. When with the Marines in the northern part of South Vietnam, it is perfectly easy to learn that Private Smith—whose first and middle names, home town and state, age, high school, are supplied on the spot by the ever-helpful PIO's—wiped out a Viet Cong position with a burst of his trusty M-14; but it is almost impossible to find out whether the landing in the Mekong Delta was really the hopeless botch it seemed to be from eyewitness reports. The reader of a good newspaper at home is likely to find out about this before I do.

Furthermore, very few books on Vietnam are available here, because, until a few weeks ago, it was nearly impossible to find one in any Western language that was not heavily critical of either the United States or South Vietnam. As was recently reported, this is also true of the United States Information Agency's USIS Library, where almost all books dealing with Vietnam (including my *Street Without Joy*, which does not even deal with post-1954 Vietnam) are locked up on closed shelves. Indeed, the US military forces have a far more liberal policy than the USIS: while uncritical books are more widely displayed, some critical books can be bought without difficulty at the military newsstands. (Whether this means that the US military have an inherently stronger belief in American principles than the USIS is not clear). As for the Vietnamese themsleves, book censorship seems to depend on the caprice and spotty reading of the censors. For instance, there is for open sale at this moment in Saigon a book on the Tri-Continental Conference against Colonialism and Imperialism, held in Havana a year ago. It was issued by an extremely left-wing Paris publisher, and is a running indictment against the United States and its policy here. Apparently the author's name didn't appear on somebody's blacklist, so the book slipped by.

Hence, to receive books about Vietnam here is suddenly to be confronted with enlarged and different perspectives on a war which, in spite of the best electronic communications in the world has been distorted by a foxhole view if one is in the field (there are foxholes, by the way, in this jet-propelled war), or into an equally narrow view based on rumor (did Marshal Ky really say he admired Hitler?) If one is in Saigon. Yet Michael Foot's *SOE in France*, published by Her Majesty's Stationery Office, not only fails even to mention Vietnam, but deals with a war that took place a quarter-century ago and ten thousand miles away. It has been virtually ignored by the American press, but in Western Europe it became a best seller much as the Warren Report was in the United States, and brought about what was probably the most unusual interference of a foreign power in the freedom of expression of another country to occur in a democracy in peacetime. And what it

says *does* have a bearing on Vietnam, after all.

On June 3, 1966, a French court bailiff arrived at the offices of the liberal weekly *Le Nouvel Observateur* in the rue Royale in Paris, escorted by two police commissioners. He presented the astonished editors with a valid injunction by a French court enjoining the magazine from publishing a book review "at the request of Her Britannic Majesty." On June 6, despite urgent queries at the British Embassy in Paris, and the latter's consultation with the Foreign Office, the injunction was maintained, thus turning the book from a dull buckram-bound official history into a *Cause Célèbre*.

SOE was Britain's wartime special Operations Executive, the equivalent of the American OSS, forerunner of the CIA. As all of mainland Europe slipped under Nazi control in late 1940, it became necessary for the hard-pressed British not only to gather far more intelligence than the peacetime Intelligence Service could provide, but also to inflict upon the Germans whatever military harassment was possible under the circumstances. SOE built up networks of local groups and provided them with the basic means of organizing resistance movements which in turn could tie down more German troops and provide the Allies with intelligence. Commissioned by the Foreign Office, Foot, a solid academic specialist on nineteenth-century diplomacy, accepted in 1963 the task of writing this book under restrictions which resemble those of the Kennedy-Manchester arrangements: he was first to work on the documents alone, and only afterward to meet with some of the survivors. Apparently London never gave him permission to request access to French documents or surviving French witnesses. In all likelihood those limitations were the reasons for certain built-in biases which provoked the ire of the *Observateur* and, in turn, the heavy-handed official attempt by the British to interfere with the book's reviews in Paris.

For the book, in a readable and understated style, argues that the French Resistance was essentially a creation of the British. By the time the first copies of the book entered France, dozens of French Resistance leaders, authentic heroes to a whole generation of their countrymen, were ready to file libel suits against the hapless Foot. Even the revised versions of the pieces the *Observateur* finally published were far from tender—for Foot, on the basis of the SOE records, documented what the Nazis and their Vichy collaborators had said all along: the French Resistance was nothing but a tool of the British. It had no life of its own. Its leaders were faceless and of no importance except to their masters in London.

In FOOT'S WORDS: "Till 1944 the British had a virtual monopoly over all of De Gaulle's means of communications with France," and the French "could not introduce a single agent or a single store"—the latter being Anglicism for "supply items"—without Allied permission. While the actual facts were somewhat at variance with this sweeping assertion (De Gaulle's establishment in Algiers gave him access to the gold reserves of the Bank of Algeria and control of some ships and aircraft that owed nothing to SOE) the main point surely holds. Furthermore, the Americans and British—the former operating only a little more blindly than they do now, and the latter as shortsighted at times as they later were in their attitude toward the Rome Treaty in 1957—were grimly determined to keep aid to the French Resistance "nonpolitical," i.e., entirely tuned to *their* objectives rather than to French objectives. "Anything the French planned with marked political implications," says Foot, was liable to "be vetoed by any of the three major Western allies." Aside from the slip of *three* "major Western allies" (which was the third? the Canadians? the Dutch? the London Poles? Or perhaps Stalin?) the general point again is true: Foot describes how the British, contrary to their agreement, broke the Free French code and unleashed extremely costly (to the French) guerrilla uprisings, over the objections of the staff of the French Forces of the Interior (FFI). As a young boy I was in the French Alps among those *maquis* units offered up for sacrifice. With our SOE and OSS mentors, we were to delay a German mountain division and an elite SS Brigade from reaching the Allied beachheads. The order, given too early and disregarding the pleas of the FFI command, resulted in the Vercors massacre, still a sore subject in Resistance circles.

But Foot is too good a historian to have confused the SOE's ability to organize an existing French will to resist the Nazis with SOE's obvious inability to create a widespread popular movement out of whole cloth. As he says (p. 442), "All these victories by and through resistance forces in France had a common basis: overwhelming popular support." In other words, SOE, like its traditional brother agency, the Intelligence Service, could (and did) recruit a small group of devoted (and paid) intelligence agents, some of whom betrayed them, while others died with their lips sealed, in torture chambers. But SOE could not recruit me, a boy of sixteen, and 30,000 other men and women like me, some younger and many older, to go out and live for a few years in the inclement climate of the Alps or the Pyrenees to face the *Wehrmacht* with light weapons. I went only because I felt I had to, and I stayed because I knew the cause was right. To the very end, I was part of an "armed minority" led by "faceless leaders" and imposed my will with the help of some Englishmen and Americans who arrived by parachute. And that is where Foot's book becomes relevant to the Vietnam debate, for it clearly delineates what makes a guerrilla movement genuine—*any* guerrilla movement, be it left-wing (as here in Vietnam), Moslem nationalist (as in Algeria), Christian Orthodox (as in Cyprus), or Jewish (as in Palestine).

All of these movements started abroad—General Grivas, in his memoirs, tells us how he decided to liberate Cyprus one day, sitting at a sidewalk cafe in Athens: Masaryk started the Czech Republic in Pittsburgh—and all others had foreign support. Their underground leaders (unless they were candidates for immediate suicide or prompt arrest) had faces which were not reproduced on their country's postage stamps. An outside specialist can only organize what is *willing* to be organized, for it is as easy to run away from a guerrilla force (people did so all the time in the FFI), as it is to desert from a regular army, if not easier. Yet, in Vietnam during 1966 a total of 20,242 *Chieu-Hoi* ("Open Arms" defectors) came out of the jungle, bringing with them a total of only 1,963 weapons—i.e., most of these defectors were unarmed civilians, a fact which is not denied here. Meanwhile the South Vietnamese Army lost, that same year, at least 110,000 men, who simply walked off and out of the war. Apparently, fourteen years of American organization here have yet to match the effectiveness of the Viet Cong's organizational efforts.

THE THEME of Douglas Pike's book *Viet Cong*, is, like Foot's, Organization. It had also an unexpected notariety. Its author works for the Joint United States Public Affairs Office (JUSPAO) here as the US Mission's No. 1 Viet Cong expert. Like the books critical of US policy which are hidden by the USIS but kept by the US military, Pike's presence is one of those small illustrations of the good side of the American system. No other book is likely to demolish more completely and more seriously all the convenient myths dished out officially about the National Liberation Front (NLF), for this is the work of an "insider." In his job Pike sees more material than anyone except the Front Leaders themselves. He has read reports from captured Viet Congs, translations of the huge quantities of captured documents (the NLF, like all movements influenced by Communism, is afflicted with such bureaucratism that several wits here have suggested that one way of stopping them completely would be to parachute in to them hundreds of mimeograph machines), and publications from Hanoi or from Front sources abroad. At least eight hundred such documents are cited in this book. That does not exactly make it bedside reading (and an enormous amount of typical M.I.T. pseudoscientific verbiage does not help, such as "externalization" and "proselyting" [*sic*], but anyone who wishes to discuss intelligently a solution to the Vietnam problem should read his book.

"What struck one most forcibly about the N.L.F.," Pike writes, "was its totality as a social revolution first and as a war second. . . . Even more important, it openly communicated its intentions to the Vietnamese population. Such an ambition far exceeded that of the Viet Minh" of earlier days, who, under the leadership of Ho Chi Minh, fought the French. Here is an enemy who, according to Pike, lives by a highly moralistic mystique, "far more moral than ideological. Virtue was the golden word." An enemy who, supposedly, obeys the tenets of Communism but who, at the same time, can be taxed with "extreme romanticism . . . Idealistic appeals abounded: the promise of the good life in utopian terms; the opportunity to revolt against all the evil, injustice, and inequity of this evil, injustice, and inequity of this world; the chance to be part of a great crusade." To see how far away we are from that kind of appeal, one has only to look at downtown Saigon, to cast a glance at the kind of ideals Saigon offers the population, or to read some of the leaflets our own psychological warfare uses. The black market here seems to be even more resistant to "sweep-and-destroy" operations than the NLFs stronghold around Bong-Son, which was "cleared" by large elements of two American divisions *four* times in 1966, and is still as unsafe as ever.

It would be totally depressing to compare a batch of official handouts of, say, the years 1960–63 with Pike's statement: "In horror, Americans helplessly watched Diem tear apart the fabric of Vietnamese society more effectively than the Communists had ever been able to do. It was the most efficient act of his entire career." So much for the golden days of the Diem regime, so eloquently described in past State Department White Books. As for the origin of the NLF, Pike, more than any other Westerner thus far, has successfully analyzed the Vietnamese *cultural* proclivity for secret societies, and he also faces up squarely to the fact that an overwhelming number of the original NLF supporters were not necessarily Communist but certainly anti-Diem, simply because they were left with no other choice: "Many of the original participants in the NLF had turned to it because they had been denied participation in South Vietnam's political process, *even in the role of loyal opposition* . . ." (my italics). If there is any illusion in America that the same opposition is being offered any better alternative today, that illusion should be dispelled by what one of the highest civilian officials of the government of Air Vice Marshal Ky told me: "If somebody wants to oppose us," he said, "let him do it in Hanoi. Not here." The chances are that nothing that is going to happen in the future will change the views of such men. With such a system in place, any real opposition is going to stay not only disloyal, but underground; permanent instability is almost built into such a system. In any case, it can be assumed that at some point Hanoi, perhaps even reluctantly, decided to intervene in behalf of the opposition to Diem. After all, a far more alien power had been intervening on Diem's side ever since 1954.

Compared to Pike's book, the small book, *Vietnam Seen from East and West*, edited by Ray and first published in Australia, is, in its antiquated way, almost funny. The Anglo-American hawks have managed to find a few like-minded Vietnamese, Laotians, Koreans, and Filipinos to justify its title, but the authors really look at Vietnam from the Right to the Far Right, and all that they can see is a proxy war with Red China. Nothing else, certainly not the Vietnamese people, seem to count. Once the Vietnam problem is posed in those Ruskian terms, anything goes. To paraphrase Samuel Johnson's observation that patriotism is the last refuge of the scoundrel, grand strategy seems to have become the last refuge of some pretty strange people.

It would be pointless to recite all the factual errors (let alone weird views) of most of the authors. One Vietnamese writer escalates the number of people killed during North Vietnam's botched 1956 land reform from the commonly accepted figure of between fifty and a hundred thousand to a half million; another gives false, far-too-low desertion figures for his country's army; a British hawk still describes Bonze Tri Quang as a "Communist"—in spite of the fact that in May 1966, when faced with the choice of being captured by Ky in rebellious Hué or joining the NLF he opted for capture and house arrest. Ho Chi Minh is said to be "surrounded by Stalinists" (!) and North Vietnam fights this war "under the aegis of China." Even such responsible journalists as Brian Crozier produce undocumented nonfacts, for example, the statement that General Giap led, in 1955, an "extreme" wing in Hanoi which wished to invade South Vietnam even before the election deadline of 1956. Only Maximo V. Soliven, a Filipino drawing on the Huk example, and Arnold Beichman, who quotes General Lansdale as saying that "the Communists have let loose a revolutionary idea in Vietnam and it will not die by being ignored, bombed, or smothered by us," at least make some valid points. The Australians sound like Bulgarians trying to explain Russia's viewpoint on NATO. And when they call themselves "a part of Asia" they sound as convincing as Rhodesia's Ian Smith when he refers to himself as an "African." I'm sure I shall soon find this book on the "open" bookshelves of USIS.

Franz Schurmann's book is probably the best single investment anyone can make in the literature on Vietnam (it cost sixty cents). It is a work which I would like to see seriously and thoughtfully debated by Administration advocates. Like any book written by a committee (the book also has a foreword by Arthur Schlesinger, Jr.), it won't win high marks for style, but it presents clearly much of the story of the failure of the American government to pursue a diplomacy that would lead to a negotiated settlement: the peace-feelers that were missed, the ignored appeals, the "cues" that were not given, the tendency of the US to escalate the war when chances of détente were most hopeful.

Not that it is by any means complete, because it falls into the common ethnocentric error of American scholarship of quoting mainly Anglo-American sources. Yet, this is, unfortunately, understandable: they are the only sources the US believes. Reliable first-hand observers have reported for more than a year that some North Vietnamese cities had been demolished: after all, there are Frenchmen, Canadians, Indians, and Britons stationed there, and the French pilots of the International Control Commission who have flown over North Vietnam every week for the past fourteen years have seen a great deal. Several American travelers had been to Nam-Dinh—but it took *The New York Time's* reporter Harrison Salisbury to make it "official" that the city was in ruins. The same seems true of peace feelers. Schurmann could have interviewed Philippe Devillers to confirm the disappearance of the 325th North Vietnamese Division from combat in the South in 1965 after Secretary Rusk called for a "sign." The American response was, as a senior North Vietnamese official pointed out, more air raids. It is now clearly established that there was a slow-down in infiltration during last year's bombing halt. On this side, about 30,000 reinforcements arrived. I spent Christmas with US Marines on the 17th parallel; according to the available information, American patrols found few, if any, infiltrators, and the same was true at New Year. But according to official announcements, the better part of an American division went ashore during the truce. We all can look forward to new enlarged editions of *The Politics of Escalation* as more peace feelers get muffed all over the map.

Vietnam! Vietnam!, biased thought it is, is still likely to go down as *The Disasters of War* of this conflict. As to the bias of this collection of photographs of the Vietnam War: just as it must be acknowledged that the French Resistance killed more Frenchmen in two years than the French Revolution's terror in six—many of whom were not collaborators—it must be clearly realized that the Liberation Front does not fight its share of the war with snowballs. Whatever the provocation, and however genuine the NLF's hatred of the largely avoidable barbarisms of the other side, it is nonetheless true that the NLF also kills innocent people and that photographs to that effect are also available and should have found their way into the final selection. With that caveat in mind, Greene's book tells a story that is sickening. It has by now been clearly established that American troops at least witness tortures, if nothing more than that. On one page, an Army officer, identified by name (was his head cropped off by UPI, which took the picture, or by Greene?) stands by with a radio-telephone as a man is being slowly garrotted. There is an unforgettable shot of an American M-113 armored personnel carrier (its markings identify it as vehicle 21, "B" Squadron, 12th Cavalry, presumably), with part of its American crew looking on unconcernedly as a dead (one hopes) enemy is being dragged behind the vehicle like Hector behind Achilles' chariot. The picture, again by UPI, won an international photography prize.

With that picture a problem arises: it shows, according to US Army Field Manual 27-10, issued over the signature of General Maxwell D. Taylor, and entitled *The Law of Land Warfare*, prima facie evidence of what the Manual calls a "war crime." Indeed, Paragraph 499 of the Manual reads in full:

"The term 'war crime' is the technical expression for a violation of the law of war by any person or persons, military or civilian. Every violation of the law of war is a war crime.

FM 27-10 also says under Paragraph 504: "Other Types of War Crimes."

"In addition to the 'grave breaches' of the Geneva Conventions of 1949, the following acts are representative of violations of the law of war ('war crimes'):

"a. . . .

"c. Maltreatment of dead bodies."

The American Unified Code of Military Justice (USMJ, Article 18) provides for trial by general courts-martial of war crimes "if committed by persons subject to United States military law," under Paragraph 506 (c) of the Field Manual; and Paragraph 507 makes it mandatory that "Commanding officers of United States troops must insure that war crimes committed by members of their forces against enemy personnel are promptly and adequately published."

That is what the Law says. But perhaps that UPI picture is a fake, and all the other pictures of similar types are anti-American fakes, and what I am being told happens here is all nasty anti-war propaganda. I haven't heard of anybody in this whole conflict who has yet been prosecuted for violation of the Laws of War. But I will keep looking.

JAMES PICKERELL'S BOOK is of the same type as Greene's: lots of photographs, since he is a photographer, and some text. At first glance, this looks like just another one of those Vietnam quickies which are beginning to flood the market. The photographs, though they too depict torture at one point, and violence throughout, are of the kind which we have seen before on TV and in the newspapers. But—there is the text, and Pickerell, who now has his own photo studio in Saigon, suddenly turns out to be more than just an eye behind a lens. He has a conscience, and like Pike he speaks out, but with a quiet emphasis which perhaps carries more weight than the sometimes strident approach of Greene. Like many of the other journalists here, he is, as Neil Sheehan recently said in *The New York Times*, "A Dove Not Yet, A Hawk No More."

Pickerell sees the war far more closely, and in many more places, than the Washington pundits who honor us with their presence here for a few weeks and go from high-level briefing to a carefully stage-managed pacification operation without ever seeing the real, bleeding Vietnam. In Pickerell's view, the war will esclate and it will extend beyond 1968 at the least. In the best of circumstances he believes it would take at least three years to set in motion the programs of reform that might conclusively reshape the war. But, he says:

"We will lose in Vietnam, not because it was inevitable from the start, but because we failed to think and change with the times. . . . We will always place military action above economic and political development. It is for these reasons that we will lose. . . .

"The years will go by and the public will begin to wonder why, if we are always winning, the situation never seems to improve. This more than any thing defeated the French, and it will probably defeat us too."

But Pickerell, like all of us who are here, is too close to his subject, and loses sight of the big picture which is perceived so clearly ten thousand miles away. He can't see the Grand Strategy of it, the Containment of China—soon there will be tens of thousands more troops "containing" the same threat in Thailand, and the deterrent example this quagmire is supposed to offer other peoples elsewhere. At the end of his book Pickerell warns his readers of the fate of Goliath. Yet the duel between David and Goliath was recorded in the Bible precisely because David's victory was so unlikely. Here, a massive military effort is deployed to show that the strong will prevail over the weak. And never mind the Laws of War.

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

Mr. MORSE. I yield.

Mr. LAUSCHE. Does the statement of the Senator from Oregon indicate what the vote was at Yale compared with the total number of professors at the institution?

Mr. MORSE. I do not know anything about the vote. I am interested only in the intellectual content of the statements made.

Mr. LAUSCHE. Well, I saw a statement which said that of the total of 2,506 members, there were 426 who voted for discontinuance of the bombing and there were 2,080 who expressed no view.

Mr. MORSE. That would not surprise me. But I would not think it material.

Mr. LAUSCHE. Does the statement which the Senator read indicate any figures showing the relationship of the Yale professors who were against the bomb-

ing and those who did not express themselves?

Mr. MORSE. No, not to my knowledge but again, that would be quite immaterial to my presentation.

Mr. LAUSCHE. Yes; well——

Mr. MORSE. I do not believe that we determine the morality of an issue by counting the number of people on one side who might think it is moral or immoral. That kind of quantitative test has nothing to do with the qualitative problem involved in the evaluation of what I consider to be the shocking war-making policy of the United States in southeast Asia.

Mr. LAUSCHE. The Senator does not pretend to say that because 426 out of 2,506 voted against bombing, the 2,080 are therefore completely wrong?

Mr. MORSE. I would say that there is no evidence to indicate they supported such a course of action. If they did, I think they would be wrong; but I would leave it for the Senator from Ohio to defend them.

Mr. LAUSCHE. Then is the Senator implying by that statement that the 426 are right and the 2,080 are wrong?

Mr. MORSE. I am not talking about whether 426 are right. I am talking about the idea being right, and these 426 people express the idea that I am seeking to put into the record, and to point out the source from which the idea came.

Mr. LAUSCHE. I am glad the Senator has put that idea into the record.

Mr. MORSE. It is important. It is very important.

Mr. LAUSCHE. The Senator would not arrogate to himself the conviction that while he believes implicitly that he is right, all those who disagree with him are wrong?

Mr. MORSE. It is not a question of agreeing or disagreeing. They are wrong because of the ideas they hold and the lack of facts to support those ideas.

Mr. LAUSCHE. They hold ideas which are contrary to the ones held by the Senator from Oregon and, therefore, they must be wrong and the Senator from Oregon is right?

Mr. MORSE. That is not my position at all. My position is that they are not facing up to the facts, that I am getting the facts into the record in the hope that we may be able to change the error of their ways.

SEVENTH MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE—REPORT OF COMMITTEE NO. 2—ECONOMIC AFFAIRS

TRADE POLICIES OF GOVERNMENT OF MEXICO AFFECTING U.S. FRUIT INDUSTRY

Mr. MORSE. Mr. President, with the Senator from Florida in the Chamber, I think it would be a matter of interest to him to mention trade policies which are being practiced by the Government of Mexico affecting the fruit industry of our country.

I am reading this material into the RECORD today so that it can be referred to by groups who have expressed an interest in the subject and will have it available to them.

This report today is not a report dealing with the overall accomplishments of the conference but only a report in behalf of the American delegates on the second committee that dealt with the problem of economic affairs. The present Presiding Officer of the Senate, the Senator from New Mexico [Mr. MONTOYA], was a member of the delegation, although he did not serve on this particular committee. He did very brilliant and outstanding work in behalf of the delegation on other committees of the conference, as did the Senator from South Carolina [Mr. HOLLINGS] who has just come into the Chamber, who served on one of the other committees, too.

The Senator from Florida knows that this problem of trade with Mexico in connection with many commodities, but in connection in particular with fruit, is of great concern to various fruit associations, councils, and organizations in his State.

This is the report of the Committee No. 2 on which I had the honor to serve as rapporteur. Committee No. 2 had an intensive and frank discussion of the many items on its wide-ranging agenda. The American delegation wishes to express its appreciation to the Mexican delegates for the candor with which they set forth their points of view and for the understanding which they displayed of the American points of view.

In this short report, it will be impossible even to summarize the discussion which took place with respect to all of the points on the agenda. I will attempt only to outline those on which most of the time was spent. Since the Mexican delegation is making its own report of the work of this Committee, I will deal here mainly with the points of view expressed by the American delegation. It should be emphasized, however, that perhaps the most valuable result of the work of Committee No. 2 is the fact that both sides of the table now understand better the reasons which impel each country to adopt economic policies which are distasteful to the other. It should also be emphasized that each member of the American delegation spoke only for himself and the opinions expressed do not necessarily reflect the views of the U.S. Department of State or of the American delegation as a whole—though on most matters there was common agreement within the delegation.

The discussion in Committee No. 2 was dominated by the trade and payments problems of both countries. The U.S. delegation understands the concern which Mexico has over certain measures which the United States has felt compelled to take in order to protect its international financial position and its domestic economy. These measures involve stricter limitations on goods which returning tourists can take into the United States duty free and limitations on foreign investments by U.S. banks and financial institutions. With respect to tourist purchases, most members of the U.S. delegation stated their intention to support legislation easing these limitations so far as Mexico and Canada are concerned. The United States, however, faces a severe problem caused by the outflow of gold and especially by the costs of the war in Vietnam. Although this war is a matter of domestic controversy within the United States, it must be paid for as long as it is in progress and its costs are forcing the United States to cut back not only on its other foreign expenditures but also on its domestic programs of public works, resources development, and social welfare. These domestic cutbacks are creating political pressures which make it increasingly difficult for Members of the U.S. Congress to justify to their constituents large-scale foreign aid.

The U.S. delegation made it clear, however, that the United States is not abandoning the Alliance for Progress, although no substantial expansion in the Alliance could be expected pending a Vietnam settlement. The U.S. delegation recognized that Mexico has been in the forefront in Latin America in carrying out the social reform and self-help measures which are such an important part of the Alliance, and that indeed many of these, notably land reform, tax reform, and social investment, were well advanced in Mexico prior to the signing of the Charter of Punta del Este in August 1961. The Organization of American States, itself, has proposed that government aid programs under the Alliance should give "special attention to the relatively less-developed countries," a policy which would seem to place low on the priority list such countries as Mexico and Venezuela. It was pointed out, however, that the Alliance is not simply a government-to-government program, but also places great importance on private efforts, particularly private business investment.

In this respect, Mexico has been doing quite well. Members of the American delegation pointed out certain ways in which they felt that Mexico could attract even more foreign investment—as, for example, through modifications of the policy of Mexicanization and the regulations concerning investment in coastal areas.

Members of the U.S. delegation urged Mexico to give renewed consideration to the benefits which it might derive from participation in the General Agreement on Tariffs and Trade. In the absence of Mexican membership in GATT, there is no contractual agreement between the United States and Mexico under which trade problems can be discussed. Through the U.S. participation in GATT and U.S. application of most-favored-nation treatment, Mexico already receives some benefits from GATT, but without assuming the responsibilities of membership and without having a vote in GATT negotiations.

It was pointed out that the members of GATT have agreed that trade concessions made by industrialized countries no longer require full reciprocity from countries in the process of development.

Considerable attention was given to restrictions which each country places on exports of the other. The U.S. delegation particularly commented upon Mexican policies regarding the issuance of import licenses for manufactured goods, spare parts, and certain agricultural products, particularly apples, pears, fresh oranges, fresh and canned strawberries, and other canned fruits and juices.

It was felt that in some cases Mexican import licenses have been issued in a dilatory fashion and they have been withheld arbitrarily sometimes during the best marketing seasons in Mexico and at times when imports from the United States would not displace Mexican production and sales. This criticism was cited as coming particularly but not entirely from American growers of apples and pears.

Members of the American delegation also emphasized the growing political pressure in the United States to impose quotas or other restrictions upon the imports of some of these products from Mexico. It was suggested that the members of both delegations urge their respective governments to consider the desirability of a voluntary agreement which for the next few years would limit Mexican exports of strawberries, both fresh and canned, to the United States to the 1966 level or a small percentage above that level with provision for subsequent participation by Mexico in the growth of the U.S. market. It was pointed out that higher wage costs in the United States result in the criticism by American producers and labor that U.S. trade policies with Mexico respecting production and processing of agricultural products in Mexico amount in effect to the export of many needed jobs from the United States to Mexico.

Finally, members of the U.S. delegation asked the Mexican delegation to consider reciprocal recognition of historic fishing practices within the 12-mile limit, development of a joint Matamoros-Brownsville port, and centralization within the Mexican Government of determining policy with respect to the construction of new bridges across the Rio Grande.

In conclusion, on behalf of the U.S. members of Committee No. 2, I want to express again our appreciation to our Mexican colleagues for their frankness, their understanding, and their friendship. I particularly want to mention the superb way in which Deputy Jorge de la Vega presided over our discussions.

In behalf of the U.S. delegates on Committee No. 2, I wish to say that we are going back to our country much better informed on the complex economic problems that confront the United States and Mexico in its trade relations.

We are going back to the United States more competent to advise the Congress and the executive branch of our Government concerning the viewpoint of Mexican parliamentarians in respect to United States-Mexican trade problems. We trust that the frank discussions in Committee No. 2 about the various trade problems, including import and export tariff and custom policies presently prevailing between our two countries, have given our Mexican parliamentary colleagues a better understanding of U.S. congressional responsibilities and viewpoints in this field of foreign trade.

We are going back to the United States knowing that this Seventh Mexico-United States Interparliamentary Conference has strengthened the dedication of each one of us on both sides of the border to our mutual system of parliamentary self-government. We should never lose sight of the fact that it is only through the democratic processes of parliamentary self-government devoted to the constitutional guarantee of promoting the general welfare of all of our people that we can hope to leave a heritage of political freedom to future generations of American and Mexican boys and girls.

That is the report I gave, in behalf of the American delegation, to the plenary session, to the entire conference of delegates, and to a very large number of Mexican leaders, officials, and citizens who are not members of the interparliamentary delegation itself.

Before I yield to the Senator from Alaska [Mr. GRUENING], let me make this additional point by way of information to the Senator from Florida [Mr. HOLLAND]. In the report itself, we simply covered the fact that the problems in regard to fruit are matters that were discussed. The committee discussed it at great length. We discussed this problem more than any other problem. We think we succeeded, because they told us we did, in giving to our Mexican colleagues a much better understanding of the American point of view than they had had before.

We cited specific examples of the dilatory practices on the part of Mexican administrative officials in delaying the granting of permit licenses that are necessary in order for American fruit to be brought in.

We pointed to the evidence that those delays took place at the very time when there was the greatest demand for American fruit, such as in the Christmas season and the holiday season, because it is at that time of the year that, by way of eating and purchasing habits, Mexicans have developed the historic pattern of wanting our fruit.

We said that we are at a loss to understand why there was a delay in granting the permit licenses, unless there was an attitude on the part of some administrators that it was done in the form of an extra-legal quota system.

They gave us certain assurances that they would look into those matters, and that we would hear from them, just as we gave them certain assurances that we would, as representatives of our Government, make a report back to them on certain problems that bother them.

I hope the Senator from Florida will take special note—and I shall be glad to confer with him at greater length later—of the suggestion we made that perhaps they ought to work out a voluntary agreement whereby it will be understood they would not exceed a certain ceiling in regard to exportation into this country.

As the Senator knows, the fruit people, at some of our meetings, were quite willing to try to work out a voluntary reciprocal arrangement.

I wanted the Senator to know that we certainly dwelt on the point of reciprocity. That practice is the very basis of good feeling and understanding between the two countries in respect to complex trade problems that are causing legislators difficulty with our constituents in this country.

We were very frank about that. We pointed out that as legislators we have a responsibility to protect the legitimate rights of our constituents, and that we believe that in this field, as in the field of other agricultural products, Mexico needs to work out with us some acceptable adjustments to avoid the criticism that is springing up in this field. I wanted to make this report while the Senator from Florida was in the Chamber.

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

Mr. MORSE. I yield.

Mr. HOLLAND. I thank the Senator from Oregon for letting me know that this report was about to be made. I thank him for the substance of the report and for his efforts in the recent interparliamentary meeting in Mexico.

The National Fruit Export Council, as the distinguished Senator knows, is deeply concerned about the problems in the trade of fruit, both fresh fruit and processed—canned, concentrated, and dried. Besides the fruit problem, there is the vegetable problem, which is of very great concern, particularly in California, as the Senator knows.

I am glad that a frank discussion was held on these subjects during the interparliamentary meeting. The interparliamentary meetings are fine institutions for the discussion of such problems.

While the State of Florida, which I have the honor, in part, to represent, is not affected by the bracero problem or the entry of Mexican workmen, we know that in the western part of our country that problem, too, is one of grave concern. I know from certain contacts in Mexico that apparently there are many thousands of Mexicans who would like to have the benefit of increased compensation, better working conditions, and the like, which they have received in some of the Western States, particularly California and Arizona. I know that that is true also in Oregon, Washington, Colorado, and other States, although the number of such workmen probably is smaller. This whole field is one of very great concern to the processors of perishable, nonsupported crops in the United States.

I thank the Senator from Oregon for his support and for his interest in the problems of those people. I shall certainly take advantage of his invitation to discuss the subject at greater length with him.

Mr. MORSE. I thank the distinguished Senator from Florida.

Mr. HOLLAND. I apologize to the Senator from Alaska for having interrupted him at this time.

Mr. MORSE. Before I yield to him, I should say that the Senator from Alaska also was a delegate and sat with us throughout the Parliamentary Conference, as also did the Senator from New Mexico [Mr. MONTOYA]. The Senator from Alaska and the Senator from New Mexico were most helpful, time and time again, in assisting us to resolve some of the most difficult problems that were raised.

I would not want to close my formal remarks without saying—and I know I speak for a unanimous delegation—that this was the best of our seven Interparliamentary Conferences with Mexico.

In the early conferences, as I said

when I was down there, we had to get acquainted first; we more or less dealt with each other at arm's length. But that time has passed. We now have a record of association with them, so that we can eliminate the formalities, and get right down to work, lay on the table our sincere, honest, and respectful differences of opinion, and proceed to discuss the points of view of the delegates on each side of the border.

I have nothing but the highest of praise for all the hospitality and courtesies that were extended to us by the Mexican delegates, and for the sincere effort that they made to strengthen the bonds of understanding between the two parliaments. That was accomplished.

I also wish to express my deep appreciation to the President of Mexico, not only for his hospitality but also for the things that he said to us, and the renewed assurances that he gave us that his Government seeks only to strengthen and improve the understanding between the Mexican Government and the Government of the United States.

I am happy to assure the Senate that the Senator from Montana [Mr. MANSFIELD], in one of the most eloquent responses I have ever heard on such an occasion, gave every assurance to the President of Mexico that there was reciprocity on that score as well.

I now yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, first I wish to associate myself completely with the concluding remarks of my friend, the senior Senator from Oregon. I wish to second his statement that this was the best of the seven conferences—of which I have attended six—and to say to him that I consider that there is no more important assignment in the field of our foreign relations than to strengthen our ties with our one immediate land neighbor, to the south—Mexico.

It is extremely gratifying to me to have been a close observer of Mexican affairs for more than 45 years, since I first went there as a journalist to report on the revolution, which in 1922 had reached its evolutionary stage, and concerning which little was known in the United States, and to see the great change which has come about, which is so gratifying to me—a complete change in our policy toward Mexico since those days of our imperialism, interventions, invasions, and penetrations of our neighboring nations in Latin America. As far as Mexico is concerned, I am glad to say that that policy has been completely reversed, which is due not only to changed leadership in the United States, but is also to the firm purpose of the successive Mexican administrations, which have enunciated and reaffirmed the sound principles of the Mexican Revolution with such conviction, such clarity, such candor, and such good sense, that any other relationship than the one now existing, based upon mutual respect, would be impossible.

I wish to say that I was particularly proud of the delegation we sent down there and charmed with the warmth and cordiality with which the Mexicans received us, which indeed has been characteristic. I think, if it is possible to designate a senatorial team as the "first" team, ours was it. We had down there our majority leader [Mr. MANSFIELD], so wise in international affairs; the chairman of our Foreign Relations Committee [Mr. FULBRIGHT], and also the second ranking member on the Foreign Relations Committee [Mr. SPARKMAN] and its senior minority member [Mr. AIKEN]. We had my distinguished friend from Oregon, who is chairman of the Subcommittee on Inter-American Affairs, FRANK CHURCH, another able member of the Foreign Relations Committee. We had the distinguished Senator from New Mexico [Mr. MONTOYA], who was so helpful not merely because of his great interest in Mexico, coming from a neighboring State, but because of his Mexican ancestry and his complete fluency in Spanish. We had, from the likewise border State of Arizona its able junior Senator, PAUL FANNIN; and I was glad to see that numbered among the House delegation we had two Members of Mexican background from the State of Texas, Representatives HENRY GONZALEZ, from San Antonio, and ELIGIO DE LA GARZA from Mission, with their fluency in Spanish which I am sure, was extremely gratifying to the Mexican delegates, as was the presence of JIM WRIGHT, of Fort Worth, likewise skilled in our neighbor's language.

I believe that this time, as never before, we came back with a sense of achievement and a great sense of pride in the friendly relationship of the United States with its immediate neighbor to the south. FRANK CHURCH expressed our feelings when at the conclusion of his summary of the proceedings of the Committee on Political Affairs, of which he was the U.S. chairman, he saluted the gathering in Spanish with "Viva Mexico."

Mr. MORSE. I thank the Senator very much.

ADJOURNMENT

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 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, February 21, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 20, 1967:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Maurine B. Neuberger, of Oregon, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

EXTENSIONS OF REMARKS

A Welcome to Mr. Bill Moyers

EXTENSION OF REMARKS

OF

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 20, 1967

Mr. WOLFF. Mr. Speaker, we of Long Island are proud of our good fortune to have drawn Mr. Bill Moyers to this part of our country. From the onset of this administration he has occupied an unusual position. One gains extraordinary insight by being at the right hand of a President, and I am sure that Bill Moyers has had a perspective of the events of the world that cannot be duplicated. Seldom has the publisher and editor of any newspaper had this type of training. Since we here in Long Island pay a great deal of attention to the press, Mr. Moyers' coming will add a dimension to our lives. Therefore, we have a feeling of great expectation with respect to his coming career. And so I feel that I speak for all of the people of Long Island when I say to you that Washington's loss is Long Island's gain.

A Tribute to National Brotherhood Week

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 1967

Mr. CUNNINGHAM. Mr. Speaker, the cause of brotherhood has always had the blessings of many millions of conscientious, God-fearing people the world over. It also has been compelled eternally to labor against the forces of hatred, on the one hand, and apathy on the other. Standing alone, the forces of hatred are unsubstantial and of no particular account. United, however, hatred and apathy comprise a formidable power, overwhelming to the cause of brotherhood.

It is of the highest importance, therefore, that we celebrate, as an annual event, National Brotherhood Week—a tribute to the spirit of American democracy, in the true meaning of the term.

For in calling attention to the need for, and the benefits to be derived from, brotherhood, we strike a blow at apathy, without which hatred cannot stand.

Ours is a great country, surely capable of achieving even greater heights. We have the wealth, the intelligence, the