By Mr. MURPHY of Illinois:
H.R. 7134. A bill for the relief of Dimitrios Vorrias; to the Committee on the Judiciary.
By Mr. PUCINSKI:
H.R. 7135. A bill for the relief of George Diamantopoulos; to the Committee on the Judiciary.
By Mr. REID of New York:
H.R. 7136. A bill for the relief of Maria Luigia Di Giorgio; to the Committee on the Judiciary.
H.R. 7137. A bill for the relief of Mrs. Marcelina Garcia Samson; to the Committee on the Judiciary.
By Mr. ROBISON:
H.R. 7138. A bill for the relief of Sebastiano Sarra Pistone; to the Committee on the Judiciary.
By Mr. ROONEY of New York:
H.R. 7139. A bill for the relief of Rocco Esposito; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

47. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to representation of the District of Columbia in the U.S. Senate; to the Committee on the Judiciary.

SENATE

MONDAY, MARCH 13, 1967

The Senate met in executive session at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

O God, our Father, as we rejoice at the gift of another day, may its hours be made luminous by Thy presence—who art the light of all our seeing. Incline our hearts to keep Thy law, and in that law may we meditate day and night.

Wherever we are called to stand in this epic hour, may we strike our blow for the truth of God and the freedom of man.

In everything we are called to do, may we be at our best and so to be worthy of our high calling.

Grant us the spirit of kindliness, of thoughtfulness, and of fair play in all our relationships. Deliver us from all malice and contempt less we hurt others and sour our own souls.

Hear Thou our prayer as out of the depths we cry as we climb the world's great altar stairs which slope through darkness up to Thee—and in dangerous days may we still be able to utter in glad and grateful confidence, though a host should encamp against me, my heart shall not fear.

The Lord is my light and my salvation; the Lord is the strength of my life, of whom should I be afraid. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 10, 1967, was dispensed with.

TRANSACTION OF ROUTINE MORNING BUSINESS AS IN LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, as in legislative session, and that each Senator's statement therein be limited to 3 minutes.

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

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following subcommittees were authorized to meet during the session of the Senate today:

The Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare.

The Subcommittee on Business and Commerce of the Committee on the District of Columbia.

MESSAGES FROM THE PRESIDENT

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

MEETING OF AMERICAN STATES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 84)

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States on the meeting of Latin American States. Without objection, the message from the President will be printed in the RECORD, without being read, and appropriately referred.

The message from the President was referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

In less than a month, the leaders of the American States will meet in Punta del Este in Uruguay.

It will be the first such meeting in a decade, and the second ever held, of the heads of the free nations of our hemispheric system.

This meeting represents another link in the bond of partnership which joins us with more than 230 million neighbors to the south.

The gathering is far more than a symbol of flourishing friendship. Its purpose is a review of the progress we have made together in a great adventure which unites the destinies of all of us. Beyond that it will include a common commitment to the historic and humane next steps we plan to take together.

I look to this meeting with enthusiasm. The peaceful and progressive revolution which is transforming Latin America is one of the great inspirational movements of our time. Our participation in that revolution is a worthy enterprise blending our deepest national traditions with our most responsible concepts of hemispheric solidarity.

THE MEASURE OF PROGRESS

The cooperative spirit between the rest of the Americas and the United States has been building for decades.

The establishment of the Inter-American Development Bank in 1959, and the Act of Bogotá in 1960, under the leadership of President Eisenhower, helped turn that spirit to substance. In those historic compacts the American governments pledged their joint efforts to the development of programs to improve the lives of all the people of Latin America. They provided the impetus for an action taken in 1961 on which the history of the hemisphere has since turned. That action—the Alliance for Progress, which moved dramatically forward under President Kennedy—fused old dreams and fired new hopes. With its commitment of mutual assistance and self-help programs, it attacked evils as old as the condition of man—hunger, ignorance, and disease.

That Alliance is now 6 years old.

What can we say of it?

We can say that there is a clear record of progress. Per capita growth rates for Latin America show that more countries have broken the economic stagnation of earlier years. Reform and modernization are advancing as a new wave of managers and technicians apply their skills. There have been steady gains in private, national, and foreign investments. Inflation is easing. The struggle for social justice is proceeding.

These are all true. But the statements of progress are more meaningful, and they more realistically reflect the spirit of the Alliance, when they relate to the people for whose lives the Alliance itself was created. Since the Alliance began, and with the funds that we have contributed:

Men, women, and children are alive today who would otherwise have died.

One hundred million people are being protected from malaria—in 10 countries, deaths caused by malaria dropped from 10,810 to 2,280 in 3 years' time. Smallpox cases declined almost as sharply; 1,200 health centers, including hospitals and mobile medical units, are in operation or soon will be.

For tens of thousands of families, the most fundamental conditions of life are improving.

Three hundred and fifty thousand housing units have been, or are now being, built, 2,000 rural wells and 1,170 portable water supply systems have been built to benefit some 20 million persons.

Children are going to school now who would not have gone before.

Primary school enrollments have increased by 23 percent; secondary school enrollments by 50 percent; university enrollments by 39 percent; 28,000 classrooms have been built; 160,000 teachers have been trained or given additional training; more than 14 million textbooks have been distributed; 13 million schoolchildren and 3 million preschoolers participate in school-lunch programs.

Men whose fathers for generations have worked land owned by others now work it as their own.

Sixteen countries have legislation deal-

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ing directly with land reform; with U.S. assitance, 1.1 million acres have been irrigated and 106,000 acres reclaimed; more than 700,000 agricultural loans have benefited 3.5 million people; 15,000 miles of road have been built or improved, many of them farm-to-market access roads.

All of these are heartening facts. But they are only the beginning of the story, and only part of it. Statistics can only suggest the deep human meaning of hope alive now where once none lived. Statistics cannot report the wonder of a child born into a world which will give him a chance to break through the tyranny of indifference which doomed generations before him to lives of bleakness and want and misery.

Nor can they reveal the revolution which has come about in the minds of tens of millions of people when they saw that their own efforts, combined with those of their governments and their friends abroad, could change their lives for the better.

Perhaps most important of all, statistics cannot adequately reflect the emergence of a vigorous, competent, and confident new generation of Latin American leaders. These men are determined to see realized in their own time a strong, modern Latin America, loyal to its own traditions and history. They are men who know that rhetoric and resolutions are no substitute for sustained hard work.

And statistics can never tell us what might have been. They cannot record the shots which might have rung out in the avenidas and plazas of a dozen Latin American cities, but did not—or the howls of angry crowds which might have formed, but did not. The full success of the Alliance for Progress must be sought not only in what has been accomplished but in what has been avoided as well.

Ferment gripped the hemisphere when the Alliance was born. In places throughout the world, terror with its bloodshed sought to redress ancient evils. And in some of these places—in Cuba and half a world away in southeast Asia—even greater evil followed the thrust of violence. Through their own efforts under the Alliance for Progress, the Latin Americans have transformed the hemisphere into a region of determination and hope.

The United States participation in the Alliance was a bold affirmation of its belief that the true revolution which betters men's lives can be effected peacefully. The Alliance's 6-year record of accomplishments is history's clear testament to the validity of that belief.

It is also a testament to the validity of the underlying principle of self-help. Our support has been vitally important to the successes so far achieved. But the commitments and dedication of the Latin American nations themselves to these tasks has been the keystone of that success.

THE TASK BEFORE US

The record of progress only illuminates the work which still must be done if life for the people of this hemisphere is truly to improve—not just for today, but for the changing years ahead.

Last August, in a statement on the fifth anniversary of the Alliance for Progress, I described the challenge in these terms:

If present trends continue, the population of this hemisphere will be almost 1 billion by the year 2000. Two-thirds—some 625 million—will live in Latin America. Whatever may be done through programs to reduce the rate of population growth, Latin America faces a vast challenge.

Farm production, for instance, should increase by 6 percent every year, and that will be double the present rate.

At least 140 million new jobs will need to be created.

Over a million new homes should be built each year.

More than 175,000 new doctors need to be trained to meet the very minimum requirements.

Hundreds of thousands of new classrooms should be constructed.

And annual per capita growth rates should increase to the range of 4 to 6 percent.

These requirements, added to the demands of the present, mean that new sights must be set, that new directions and renewed drive must be found if we are to meet the challenge, if we are to move forward.

It is with these sober problems confronting us that the leaders of the American States will meet at Punta del Este.

PILLARS OF PROGRESS

Our governments have been hard at work for months preparing for this meeting.

Our concern has centered on the question of how we can speed the development process in Latin America. We know that growth and trade are interacting forces. We know that they depend on the free movement of products, people, and capital. We know they depend on people who are healthy and educated. We know that these conditions contain the seeds of prosperity for all of us.

Further, based on our joint experience so far under the Alliance, we know that the future progress of the hemisphere must rest on four strong pillars:

First, elimination of barriers to trade.

Civilization in most of Latin America followed along the coastal rim of the continent. Today the centers of population are concentrated here. Vast inner frontiers lie remote and untouched, separated from each other by great rivers, mountains, forests, and deserts. Simon Bolivar saw these natural barriers as major obstacles to trade and communication and to his dream of a single great Latin American Republic.

Because of them, Latin American countries for a century and a half tended to look outward for their markets to Europe and the United States.

Now they are looking inward as well. They see the same barriers, but they see them as less formidable. They are confident that with modern technology they can be overcome. Now with projects set in motion by the Alliance for Progress, men are beginning to carve roads along the slopes of the Andes, push bridges across the rushing rivers, connect power grids, extend pipelines and link the overland national markets.

The barriers of nature symbolize obstructions every bit as restrictive as the artificial trade barriers that men erect. The work to remove them both must proceed together.

Latin American leaders have seen the very real threat of industrial stagnation in the high tariff barriers they have erected against their commerce with each other. They see economic integration as indispensable to their future industrial growth.

The Central American countries, stimulated by Alliance programs, have already achieved spectacular increases in trade and investment. The larger grouping of South American States and Mexico, however, has approached economic unity at a slower pace.

Now both groups together must systematically move toward a Latin American Common Market. When this is carried into effect, it will bring the most profound change in hemispheric relations since independence. The countries of Latin America have given clear and sure indication that they intend to join together to advance toward this goal.

Second, improvement of education.

The burden of illiteracy, which the masses of people in Latin America have borne for centuries, is beginning to lift. In other times, the pace might have been satisfactory. It cannot be considered so today.

The countries of Latin America hope and aim to be economically strong. Such nations will require trained people in an abundance far greater than their classrooms and laboratories provide. The scientists, the teachers, the skilled laborers, the administrators and the planners on whom tomorrow depends must be trained before tomorrow arrives. Children must go to school in ever-increasing numbers. Adults who have never written their names must be raised to the level of literacy. University facilities must be expanded and scientific, technical, and vocational training must be provided of different kinds and in different fields.

All of this means more schools and an expansion of educational opportunities to reach more and more people with every passing month.

Third, agriculture.

Half the people of Latin America live in rural areas.

Most of that rural life is still shackled by poverty and neglect. Agricultural productivity is still restricted by outdated methods and outmoded policies. Comprehensive programs and reforms must be accelerated to bring modern farming techniques to the campo.

We and our neighbors to the south envision a dynamic Latin American agriculture which will help raise the standards of rural life.

We envision a sufficient increase in the production of food to provide for their growing populations—and to help meet world needs as well.

We envision a modernization of farming policies and techniques which will lead to a healthy competitive climate for food production.

Fourth, health.

Finally, we will strive harder than ever before to improve the health of all the people.

The battle against diseases that kill and cripple will be intensified.

Programs to make safe water supply and essential sanitation services available to all will be accelerated.

Nutrition levels for poor children and their parents will be advanced.

These are the problems we face together, and the promises we envision together, as we prepare for Punta del Este.

The problems are real. But the promises are also real. They are not empty visions. They are all within our reach. They will not be accomplished quickly or easily. But they are objectives worthy of the support of all our people.

INCREASED ASSISTANCE

In keeping with the spirit of our commitment under the Alliance for Progress and after a careful review of the objectives which our Latin American neighbors have set for themselves, I believe that we should pledge increased financial assistance in the years ahead.

The fundamental principle which has guided us in the past—demonstrated need and self-help—will continue to shape our actions in the future.

I recommend that Congress approve a commitment to increase our aid by up to $1.5 billion or about $300 million per year over the next 5 years.

It must not be at the expense of our efforts in other parts of this troubled world.

This amount will be in addition to the $1 billion we have been annually investing in the future of Latin American democracy, since the Alliance for Progress began 6 years ago. The total value of our economic assistance, even after the proposed increases, will still be only a fraction of the resources the Latin American nations are themselves investing.

The $1.5 billion increase I propose must be considered an approximate figure. Its precise determination will depend on steps which the Latin American nations themselves must take. But even so, we can project in a general way what will be necessary:

First, agriculture, education, and health.

Approximately $900 million of this increase should be used over the next 5 years to train teachers and build new laboratories and classrooms; to increase food production and combat the malnutrition which stunts the promise of young children; to fight disease and cure the ill.

One hundred million dollars of this amount has been included in the fiscal 1968 budget totals. I will request that it be added to the new obligational authority of $543 million already recommended for the Alliance for Progress.

For the next 4 fiscal years, the additional annual amount of some $200 million is within the $750 million authorization for the Alliance for Progress approved by Congress last year.

Second, a Latin American Common Market.

Approximately one-quarter to one-half billion dollars over a 3-to-5-year period, beginning about 1970, may be required to assist Latin America to move toward a common market.

Progress in this direction will require a period of transition. To help with this adjustment, assistance can be used to retrain workers, ease balance-of-payments problems, and stimulate intra-Latin American trade.

The members of the Alliance for Progress, including the United States, should be prepared to finance this assistance on an equitable matching basis.

I will ask Congress to authorize these funds only when the first essential steps toward a common market are taken.

Third, multinational projects—communications, roads, and river systems.

Approximately $150 million over a 3-year period should provide additional funds to the Inter-American Bank's Fund for Special Operations. These increased contributions can help finance preinvestment studies and a portion of the cost of new multinational projects: Roads to link the nations and people of Latin America; modern communication networks to speed communications; bridges to carry the fruits of commerce over river barriers, dams to stem the ravages of flood; hydroelectric plants to provide a plentiful source of power for growth and prosperity.

We will request congressional authorization to provide this amount together with our regular $250 million annual contribution for each of the next 3 years to the Inter-American Bank's Funds for Special Operations.

We expect our partners in the Bank to increase their contributions on a proportional basis.

CONCLUSION

For the nations participating, Punta del Este will be a returning. It was there 6 years ago in that city by the sea, that the American nations framed the charter of the Alliance which unites the hopes of this hemisphere.

We will be bringing with us the accumulated wisdom shaped by the experience gained in the years that have intervened.

We have learned much. Our sister countries know, and know well, that the burden of the task is theirs, the decisions are theirs, the initiative to build these new societies must be theirs. They know that the only road to progress is the road of self-help.

They know that our role can only be that of support, with our investment only a small portion of what they themselves contribute to their future.

This knowledge strengthens their own resolve, and their own commitment.

The people of the United States have learned, over the 6 years since that first conference at Punta del Este, that the investment to which we pledged our support there is a good and honorable one.

It is an investment made in the spirit of our world view, so well described by a great American jurist, Learned Hand:

Right knows no boundaries, and justice no frontiers; the brotherhood of man is not a domestic institution.

That view of the world provides us with the knowledge that service is mutually rewarding. We have learned in the span of a generation that when we help others in a truly meaningful way, we serve our own vital interests as well.

I could go to the summit meeting with the President's executive authority and reach understandings with our Latin American neighbors on behalf of this country. I believe it is much more in our democratic tradition if the Executive and the Congress work together as partners in this matter.

I am, therefore, going to you in the Congress not after a commitment has been made, but before making any commitment. I seek your guidance and your counsel. I have already met with some 40 of your leaders.

I am asking the entire Congress and the American people to consider thoroughly my recommendations. I will look to their judgment and support as I prepare for our Nation's return to Punta del Este.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 13, 1967.*

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

PETITIONS AND MEMORIALS

Petitions, and so forth, were laid bebore the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of South Dakota; to the Committee on the Judiciary:

"S.J. RES 9

"A joint resolution, Ratifying a proposed amendment to the Constitution of the United States of America relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office

"Whereas, both Houses of the Eighty-Ninth Congress of the United States of America by a constitutional majority of two-thirds of each House thereof, made the following proposal to amend the Constitution of the United States of America in the following words and figures, to wit:

"Proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress.

"'ARTICLE —

"'SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"'SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who

shall take office upon confirmation by a majority vote of both Houses of Congress.

" 'SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

" 'SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

" 'Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.' Therefore, be it

"Resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"SECTION 1. That said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of South Dakota.

"SEC. 2. That certified copies of this preamble and Joint Resolution be forwarded by the Secretary of this State, to the Secretary of State of the United States, to the presiding officers of both Houses of the Congress of the United States, and to the Archivist of the United States."

A concurrent resolution of the Legislature of the State of Indiana; to the Committee on the Judiciary:

"HOUSE ENROLLED CONCURRENT RESOLUTION No. 58

"A concurrent resolution applying to the Congress to call a Convention for the purpose of proposing an amendment to the Constitution of the United States

"Be it enacted by the General Assembly of the State of Indiana:

"SECTION 1. That this legislature respectfully applies to the Congress of the United States to call a Convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

" 'ARTICLE —

" 'SECTION 1. Nothing in this Constitution shall prohibit any state which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that state.

" 'SEC. 2. Nothing in this Constitution shall restrict or limit a state in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

" 'SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.'

"SEC. 2. Be it further resolved, that if Congress shall have proposed an amendment to the Constitution identical with that contained in this Resolution prior to June 1, 1967, this application for a Convention shall no longer be of any force or effect.

"SEC. 3. Be it further resolved, that a duly attested copy of this Resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this state."

MEMORIAL

The ACTING PRESIDENT laid before the Senate a memorial signed by Robert M. Wright, and sundry other citizens of the State of Oklahoma, remonstrating against the ratification of the Soviet Consular Treaty, which was ordered to lie on the table.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1253. A bill to provide loan assistance for the replacement of public elementary and secondary school facilities destroyed as the result of certain disasters; to the Committee on Labor and Public Welfare.

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

By Mr. PROUTY:

S. 1254. A bill for the relief of Raymond C. Melvin; to the Committee on the Judiciary.

By Mr. McCLELLAN:

S. 1255. A bill to amend the Welfare and Pension Plans Disclosure Act for the purpose of providing additional protection for the interests of participants in and beneficiaries of employee welfare and pension benefit plans; to the Committee on Labor and Public Welfare.

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

By Mr. TYDINGS:

S. 1256. A bill for the relief of Safia Talibi Naz;

S. 1257. A bill for the relief of Kuo-Hua Yang;

S. 1258. A bill for the relief of Ramon G. Irigoyen; and

S. 1259. A bill for the relief of Wouter Keesing; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1260. A bill to amend the Northwest Atlantic Fisheries Act of 1950 (Public Law 845–81); to the Committee on Commerce.

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

By Mr. TYDINGS:

S. 1261. A bill for the relief of Shirley Levitz; to the Committee on Post Office and Civil Service.

By Mr. TYDINGS (for himself, Mr. EASTLAND, Mr. MAGNUSON, Mr. JACKSON, Mr. MORSE, Mr. THURMOND, Mr. TALMADGE, Mr. CLARK, Mr. JAVITS, Mr. RANDOLPH, Mr. SCOTT, Mr. McCARTHY, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. MOSS, Mr. HART, Mr. FONG, Mr. PELL, Mr. RIBICOFF, Mr. INOUYE, Mr. BREWSTER, Mr. BAYH, Mr. NELSON, Mr. MONDALE, Mr. MURPHY, Mr. HOLLINGS, and Mr. HATFIELD):

S. 1262. A bill to authorize the Army Corps of Engineers to initiate a 3-year appraisal report of our national tidal and Great Lakes shoreline; to the Committee on Public Works.

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

By Mr. MOSS:

S.J. Res. 52. Joint resolution providing for the preparation and submission to the Congress of a master ground transportation plan for the United States; to the Committee on Commerce.

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

By Mr. MORSE (for himself, Mr. MANSFIELD, Mr. JAVITS, and Mr. HICKENLOOPER):

S.J. Res. 53. Joint resolution to support the other American Republics in a historic new phase of the Alliance for Progress; to the Committee on Foreign Relations.

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

By Mr. McCARTHY (for himself, Mr. BARTLETT, Mr. BAYH, Mr. BOGGS, Mr. BREWSTER, Mr. BURDICK, Mr. CARLSON, Mr. COOPER, Mr. CURTIS, Mr. DIRKSEN, Mr. DODD, Mr. FONG, Mr. GRUENING, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. INOUYE, Mr. JORDAN of Idaho, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. McCLELLAN, Mr. McGOVERN, Mr. McINTYRE, Mr. MONDALE, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. SMATHERS, Mrs. SMITH, Mr. WILLIAMS of Delaware, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio):

S.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

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

AMENDMENT OF PUBLIC LAW 815

Mr. METCALF. Mr. President, I send to the desk on behalf of my distinguished colleague, the majority leader, and myself a bill to amend Public Law 815. At all levels of government—local, State, and Federal—we share a responsibility for the education upon which democracy rests. We meet that responsibility in many ways. We have State equalization programs, which spread the costs of education among local school districts, some of which have larger tax bases than others. And we have Federal programs aimed at guaranteeing to all American youngsters an equal opportunity for educational excellence.

One of these programs helps local school districts replace and rebuild schools in areas proclaimed by the Presi-

dent to be disaster areas at the request of the Governor of the State. In this way, we meet our responsibility for education in broad areas hit by a flood, a hurricane, or other major disaster.

But to the student, the loss of his school is a disaster—whether or not that loss can be so classified under existing legislation. He must go to class in makeshift classrooms, with little or no equipment, sometimes without even textbooks. This situation can go on for months, even years, while insurance is collected, plans and specifications are prepared, bids called for, contracts let, and a new school is built or the old one is repaired. During this period, the students who went to that school are being educationally short-changed. This in itself is a serious situation. Even more serious is the problem facing the district which operates the school. The insurance carried on most of the schools with which I am familiar is a percentage of the average value of the plant. Seldom, if ever, is it enough to replace the structure. And frequently the district is at or near statutory or constitutional bonded debt ceilings which prevent residents of the local district from bonding themselves for enough money to replace their school.

This problem was pinpointed recently in Wolf Point, Mont. There fire destroyed the high school operated by School District 45 of Roosevelt County. Some 470 youngsters were going to the school, built in 1952 at a cost of $1 million. It was built in part with funds available under Public Law 815 of the 81st Congress, now scheduled to expire at the end of June.

A horseback estimate is that it will cost $2 million to replace the structure. At the very most, I am told, the district may collect $750,000 on its insurance. Recently the residents of the district voted a $530,000 bond issue to add 10 classrooms to the existing school. That money has not yet been obligated so it may be available for rebuilding. So the district has $1,280,000 available for $2 million worth of school construction. The district has an additional bonding capacity of $215,000. If this were voted, the district would have $1,495,000, or $505,000 less than it would need to replace the structure which burned—with no provision for the needed enlargement.

The PRESIDING OFFICER (Mr. SPONG in the chair). The time of the Senator from Montana has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that my colleague may have as much time as he desires to finish his remarks.

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

Mr. METCALF. I thank my colleague.

Mr. President, this is not an unusual case. When my office called the Office of Education to discuss the situation, we were told that this was the third such case in a week. Fire, tornadoes and other storms, and malicious mischief regularly damage or destroy school buildings across the Nation.

With the great mobility of population in the United States, we can no longer refer to problems of this sort as being a local problem. Apart from the humanitarian reasons that we simply must do all possible to educate all of our children, it must be noted that the youngster who is deprived of education because of disaster, will undoubtedly become a worker and citizen of another locale. In short, it is to the mutual interest of the entire Nation to support this type of assistance.

For years, I have included myself among those concerned with the education of our youngsters. As a Member of the other body, I helped write extensions of Public Law 815, under which taxes collected at the Federal level go directly to local districts to help build schools in areas affected by Federal activities.

Public Law 815 now includes a section, under which schools can be replaced in major disaster areas. But there is no provision for replacement of individual schools, damaged or destroyed.

Public Law 815 is scheduled to end on July 1. I am sure Congress will extend it. For the consideration of the appropriate committees considering that extension, the senior Senator from Montana [Mr. MANSFIELD] and I propose to amend the law to provide for replacement of schools which are victims of pinpoint disasters.

Under our proposal, the Commissioner of Education could offer the school district an advance to replace the facilities damaged or destroyed. The advance would be in addition to the proceeds of insurance and money available from State, local, and other Federal sources, and would be repaid by the district.

This would help districts move promptly to meet an emergency classroom shortage.

Mr. President, I ask unanimous consent that our bill be printed at this point in the RECORD.

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. 1253) to provide loan assistance for the replacement of public elementary and secondary school facilities destroyed as the result of certain disasters, introduced by Mr. METCALF (for himself and Mr. MANSFIELD), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 (a) of the Act of September 23, 1950 (Public Law 815, 81st Congress), is amended to read as follows:

"SCHOOL CONSTRUCTION ASSISTANCE IN CASES OF CERTAIN DISASTERS

"SEC. 16. (a) In any case in which—

"(1) (A) the Director of the Office of Emergency Planning determines with respect to any local educational agency that such agency is located in whole or in part within an area which after August 30, 1965, and prior to July 1, 1967, has suffered a major disaster as the result of any flood, drought, fire, hurricane, earthquake, storm;

"(2) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe; and if the Commissioner determines with respect to such local educational agency that—

"(3) public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of such major disaster;

"(4) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available for the replacement or restoration of such school facilities;

"(5) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance on such school facilities, to provide the minimum school facilities needed or other catastrophe which, in the determination of the President pursuant to section 2 (a) of the Act of September 30, 1950 (42 U.S.C. 1855a (a)), is or threatens to be of sufficient severity or magnitude to warrant disaster assistance by the Federal Government, or

"(B) the Commissioner determines with respect to any local educational agency that public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of fire, flood, hurricane, earthquake, storm, malicious action of any person known or unknown, or other catastrophe; and

for the restoration or replacement of the school facilities so destroyed or seriously damaged; and

"(6) in the case of any such major disaster, to the extent that the operation of private elementary and secondary schools in the school attendance area of the local educational agency has been disrupted or impaired by such disaster, such local educational agency has complied with the provisions of section 7(a)(3) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), with respect to provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate,

the Commissioner may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which he determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster. In all cases determined pursuant to clause (1)(B) of this subsection, and in any other case deemed appropriate by the Commissioner, such assistance shall be in the form of a repayable advance subject to such terms and conditions as he considers to be in the public interest."

Mr. MANSFIELD. I wish to concur wholeheartedly with what my distinguished colleague has just said.

There is a situation of grave importance at Wolf Point, Mont., in the northeastern part of the State. It calls for prompt and effective action. My distinguished colleague has indicated a way and a means by which this can be achieved at the earliest possible moment,

so far as the Senate is concerned. I join him in expressing the hope that action will be forthcoming shortly, to the end that this very difficult situation can be successfully resolved so that the youngsters who attend the Wolf Point High School in Roosevelt County can be given the utmost consideration as speedily as possible.

Mr. METCALF. I thank my colleague. The people of Wolf Point in this particular situation find it just as serious as if it were a countywide or regionalwide disaster under a Presidential proclamation.

The whole point of the bill is to provide equality and equity so that we can pinpoint the local disaster as well as the larger, regional disaster.

Mr. MANSFIELD. And, as the Senator has said, there is precedent for the action proposed.

WELFARE AND PENSION PLANS

Mr. McCLELLAN. Mr. President, I introduce for appropriate reference a bill to amend the Welfare and Pension Plans Disclosure Act. In most of its provisions, the bill is identical with S. 2627, which I introduced in the 89th Congress.

The purpose of the bill is to provide additional safeguards for the rights and interests of approximately 40 million persons, and their families, who are participants in and beneficiaries of employee welfare and pension benefit plans. The added protection would be furnished by the inclusion of four new and sorely needed areas of firm regulation in the existing statute. They would, first, establish minimum standards and requirements for the administration, supervision, and disbursement of all employee benefit plans; second, establish minimum fiduciary standards of conduct for all persons charged with the operations of the plans and the handling of the funds; third, provide adequate penalties for violations; and fourth, provide for the recovery of losses suffered by such funds through mismanagement, dishonesty, or the receipt by any fiduciary of personal profits derived from the funds.

Investigations and hearings of the Senate Permanent Subcommittee on Investigations, of which I am chairman, have during the past several years given clear indication that the existing laws do not adequately deter and prohibit the actions of corrupt and dishonest persons who devise adroit schemes to deplete the assets of welfare and pension funds. Testimony showed that the present statute is not sufficiently restrictive to prohibit the kinds of scandalous manipulations disclosed in our hearings. I will cite two examples:

In 1965, the subcommittee conducted hearings on the diversion of approximately $4,200,000 from the welfare funds of two unions in the New York area. A man named George Barasch, who dominated the two unions, was the union trustee of the welfare funds, appointed for life. Barasch managed, through a series of complicated maneuvers, to divert the funds to overseas "research" foundations in Liberia and Puerto Rico. The foundations were under his complete control, and he had the power to distribute their assets as he pleased. Testimony by officials of the Departments of Justice and Labor showed that this scheme to deplete the trust funds apparently had been accomplished with impunity. Through efforts initiated by the subcommittee and carried out by the New York State Insurance Department, the entire sum of $4,200,000 which had been diverted was restored to the trust funds of the two unions, and Barasch was removed from his lifetime positions as trustee.

The subcommittee held hearings in 1966 relating to certain improper and corrupt activities of a labor relations firm called National Consultants Associated, Ltd., and one of its principal officers, Jack McCarthy. Although the investigation focused primarily on McCarthy's operations as a management representative who negotiated collective bargaining agreements with several unions which he controlled, certain abuses in the field of employee benefit plans were disclosed by the evidence in the hearings. For example, McCarthy was financially involved with a plan for dental service for members of several unions which he controlled. The plan offered a minimum of dental service to the participants, since it was essentially only a dentists' referral bureau. The union members had to pay for the dental work involved. However, testimony showed that McCarthy made personal profits of at least $20,700 from the scheme, and that the assets of the union welfare funds were unconscionably depleted by at least $209,000. Another scheme by Jack McCarthy, undertaken when he was the trustee of a union welfare fund, involved a real estate transaction in which union welfare funds contributed heavily to windfall profits of $45,780 for Jack McCarthy's mother over a 10-year period. This represented a profit of 832 percent above the original investment of $5,500, which purportedly was provided by McCarthy's mother.

Members of the subcommittee were shocked during these hearings to learn that the assets of employee benefit plans could be diverted so readily from the interests of their participants and beneficiaries. It is evident that the Congress has failed to enact laws in this field that will deter and prohibit abuses and corruption by dishonest men, and, therefore, it is incumbent upon us to revise and strengthen the Welfare and Pension Plans Disclosure Act.

Mr. President, I am pleased that the administration has indicated its understanding that the existing laws do not adequately safeguard the rights and interests of the working men and women for whose benefit the plans were devised. On February 20, 1967, a bill (S. 1024) to amend the Welfare and Pension Plans Disclosure Act was introduced in the Senate, and an identical bill was introduced in the other body on the same day. During his introductory remarks to the bill, the senior Senator from Texas [Mr. YARBOROUGH] indicated that the administration was aware of the contributions made in this field by the Senate Permanent Subcommittee on Investigations when he said:

> 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. (CONGRESSIONAL RECORD, p. 3924, February 20, 1967.)

I am pleased to see that a number of provisions of S. 1024 are so similar to certain sections of the bill which I introduce today that it is apparent that close consideration was given during the drafting of S. 1024 to the recommendations made by the subcommittee in its report to the Senate on the George Barasch case, and to my bill S. 2627 of the 89th Congress. The subcommittee, however, was not provided with copies of S. 1024 to examine and consider prior to its introduction, nor was the chairman asked to cosponsor this measure in which the subcommittee has such a keen and continuing interest. We did receive copies of the bill on February 21, 1967, the day after its introduction, and it has since been studied.

Mr. President, the administration's bill is, in my opinion, a reasonable and workable approach to solving the problem of improving the supervision and administration of welfare and pension funds. I consider its provisions worthy of support. I could scarcely voice a contrary opinion, since the provisions of S. 1024 follow so closely the recommendations of the subcommittee and the provisions of this bill which I reintroduce today.

However, I believe that the existing statute needs certain additional provisions and further strengthening in areas which are not included in S. 1024. Among these matters included in my proposal are: First, a specific prohibition against the removal of funds beyond the jurisdiction of Federal district courts; second, limitations upon the length of terms of trustees of employee benefit plans; third, prohibitions of specific abuses, improprieties, and illicit acts of the kind disclosed by the subcommittee's investigations; and fourth, more stringent sanctions and penalties for violations than are proposed in S. 1024.

I commend the President for his concern in this important field of the national economy and for submitting his recommendations and the proposal embodied in S. 1024 to the Congress for consideration. I believe that the bill I introduced today will serve equally well as a good foundation for new legislation. If its measures are considered by the appropriate legislative committee, and if its principal features are enacted into law, then we shall have made real progress toward deterring and eliminating the raiding and looting of welfare and pension plans by corrupt and dishonest persons.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, together with a summary of the proposed bill.

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

The bill (S. 1255) to amend the Wel-

fare and Pension Plans Disclosure Act for the purpose of providing additional protection for the interests of participants in and beneficiaries of employee welfare and pension benefit plans, introduced by Mr. McCLELLAN, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Welfare and Pension Plans Disclosure Act, as amended, is amended by adding the following new title:

"TITLE II—SAFEGUARDS FOR THE PROTECTION OF EMPLOYEE WELFARE AND PENSION BENEFIT FUNDS

"STATEMENT OF PURPOSE

"SEC. 201. It is the purpose of this title to provide additional safeguards for the protection of the interests of participants in and beneficiaries of employee welfare and pension benefit plans (1) by providing certain minimum standards and requirements for the maintenance and management of employee welfare and pension benefit funds; (2) by providing certain minimum fiduciary standards of conduct, responsibility, and obligation, upon all persons engaged in, or responsible for, receiving, holding, managing, investing, lending, disbursing, or otherwise handling any of such funds; (3) by providing sanctions and penalties for breaches of such fiduciary standards; and (4) by providing for the recovery of losses suffered by such funds by reason of the refusal or failure of such persons to maintain and abide by such fiduciary standards.

"DEFINITIONS

"SEC. 202. As used in this title—

"(1) The term 'employee welfare benefit fund' means any fund established pursuant to or in connection with an employee welfare benefit plan subject to this Act, for the purpose of providing medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death, or unemployment, for the participants in such welfare benefit plan and/or their beneficiaries.

"(2) The term 'employee pension benefit fund' means any fund established pursuant to or in connection with an employee pension benefit plan (including a profit-sharing plan) subject to this Act, for the purpose of providing pensions, annuities, or other retirement benefits for the participants in such pension benefit plan, and/or their beneficiaries.

"(3) The term 'fund', when employed in a context which refers to the holding, distribution, investment, or earnings thereof, or to payments or transfers therefrom, means the moneys, stocks, bonds, debentures, or other assets thereof, or deeds, mortgages, or other evidences of ownership of assets or ownership of interests in assets; but such term, when so employed, does not include any welfare or pension insurance policy, contract or plan issued or entered into by an insurance company organized under the laws of the several States of the United States and does not include any premiums, money, or other thing of value which has been paid thereof, or deposited thereunder.

"REQUIREMENTS RESPECTING FUNDS

"SEC. 203. (a) All employee welfare benefit funds and all employee pension benefit funds, whenever established, shall be deemed to be trust funds and to be subject to the terms and conditions provided in this section, whether or not established pursuant to trust agreements or other written instruments.

"(b) Any employee welfare benefit fund and the income accruing thereto shall be available for expenditure only for the sole and exclusive purpose of (1) paying to the participants in the employee welfare benefit plan pursuant to which such fund was established or their beneficiaries (or both), medical, surgical, hospital, sickness, accident, disability, death, or unemployment benefits provided under such plan and (2) defraying the reasonable costs of administration of such plan.

"(c) Any employee pension benefit fund and the income accruing thereto shall be available only for the sole and exclusive purpose of paying to the participants in the employee pension benefit plan pursuant to which such fund was established or their beneficiaries (or both), the retirement benefits (including disability retirement benefits) and death benefits (if any) provided under such plan and for defraying the reasonable costs of administration of such plan.

"(d) No gift of money or other assets shall be made or accepted from an employee welfare or pension benefit fund for any purpose.

"(e) The term of a trustee elected or appointed after the effective date of this title for any employee welfare or pension benefit fund shall not be for a period longer than three years, and the term of any person serving as a trustee of any employee welfare or pension benefit fund, on the effective date of this title shall expire not later than three years after such date, except that pursuant to a plan submitted to and approved by the Secretary pursuant to regulations promulgated by him the term of a trustee elected or appointed after the effective date of this title for any employee welfare or pension benefit fund may be for a period not longer than six years, and the term of any person serving as a trustee of any employee welfare or pension benefit fund, on the effective date of this title, shall, pursuant to such exception, expire not later than six years after such date. Nothing in this subsection shall be construed to prohibit the reelection or reappointment of any qualified individual upon the expiration of such term.

"(f) Any person who willfully violates any provision of this section shall be fined not more than $2,000, or imprisoned not more than two years, or both.

"SITUS OF EMPLOYEE WELFARE AND PENSION BENEFIT FUNDS

"SEC. 204. The situs of every employee welfare benefit fund and every employee pension benefit fund shall at all times be located within the jurisdiction of one or more of the District Courts of the United States, or one or more of the United States courts of any territory or other place subject to the jurisdiction of the United States, and no part of any such fund shall be transferred, deposited, invested, loaned or held outside the United States except pursuant to a plan submitted to and approved by the Secretary pursuant to regulations promulgated by him. Nothing contained in this section shall be construed to require approval by the Secretary of the purchase by an employee welfare or pension benefit fund of securities listed and traded on an exchange subject to regulation by the Securities and Exchange Commission, or securities in an investment company registered under the Investment Company Act of 1940, or securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935.

"LOANS

"SEC. 205. (a) No loan of moneys or other assets shall be made from any employee welfare or pension benefit fund, unless such loan is secured by assets which are pledged and obligated by the borrower as collateral and which are of a value not less than the amount of such loan. No such loan shall be made except pursuant to a duly executed and signed instrument which specifies the amount and term of the loan, the rate of interest to be paid by the borrower, and the location and complete description of the property which is being pledged by the borrower as collateral for such loan. This provision shall not prevent the use of the fund by the trustees for payment of premiums or benefits for employees of an employer who has defaulted in the payment of one or more of his required contributions to the trust fund and any such use of the fund shall not be considered a loan.

"(b) No loan shall be made from an employees welfare or pension benefit fund to any borrower if the situs of either his legal domicile, or of the assets, if any, which he proposes to pledge as security for such loan, is located outside the jurisdiction of the Courts referred to in section 204.

"(c) Nothing in this section shall be construed to prohibit the making of unsecured loans from any employee welfare or pension benefit fund to any individual who is a participant or beneficiary of such fund, but the aggregate amount of the unpaid balance of such loans to any individual outstanding at any one time shall not exceed $500.

"(d) Any person who willfully violates any provision of this section or section 204, shall be fined not more than $2,000, or imprisoned not more than two years, or both.

"FIDUCIARY STATUS OF CERTAIN PERSONS WITH RESPECT TO FUNDS

"SEC. 206. (a) Each administrator, officer, director, trustee, and member of any executive board or similar governing body of any employee welfare or pension benefit fund, and any employee of such fund who receives, disburses, or otherwise exercises any control or authority with respect to the moneys or other assets of such fund, is a fiduciary and occupies a position of trust in relation to such fund and its participants and beneficiaries individually and as a group. It is, therefore, the responsibility, obligation, and duty of each such fiduciary, taking into account the purposes and functions of such employee welfare or pension benefit fund, to hold its money and other assets solely and exclusively for the participants and beneficiaries of such fund, and to handle, manage, invest and expend the same in a manner consistent with the purposes for which the fund was established and the provisions of this title, and in his conduct of the affairs of such fund, to exercise the same degree of care and skill as would be exercised by a reasonably careful, diligent, and prudent man.

"(b) No person who is a fiduciary of an employee welfare of employee pension benefit fund shall deal with such fund, represent any other party dealing with such fund, or use his influence in behalf of any other party dealing with such fund, in any matter in which such fiduciary or such party has a financial interest the advancement of which would be contrary to the financial or other interests of such fund, nor shall any such person otherwise act as an adverse party or in behalf of an adverse party in dealing with such fund.

"(c) No person who is a fiduciary of an employee welfare or pension benefit fund, a labor organization (including an official thereof) which represents employees who are participants in or beneficiaries of such fund, or an employer (including an official thereof) of any employee who is a participant in or beneficiary of any such fund, shall borrow, directly or indirectly, any money or other assets from such fund, nor shall any investment be made from such fund, except that a loan or investment may be made from such a fund to any such employer in any case in which the Secretary determines, in accordance with regulations promulgated by him, that such loan or investment would be in the interest of such fund or its participants or beneficiaries.

"(d) No person shall directly or indirectly hold or acquire any pecuniary or other interest in an employee welfare or pension benefit fund of which he is a fiduciary, which conflicts with his responsibilities, obligations

and duties toward such fund and its participants and beneficiaries.

"(e) No person shall accept any gratuity, commission, or kickback, or share in any accrued profit, in connection with the management, investment, disbursement, or other handling of any of the moneys or other assets of an employee welfare or pension benefit fund of which he is a fiduciary.

"(f) No person shall, directly or indirectly, receive or accept any payment, pledge, hypothecation, assignment, or other transfer out of the moneys or other assets of an employee welfare or pension benefit fund of which he is a fiduciary.

"(g) Nothing in this section shall be construed to prohibit any person from receiving (1) any benefit to which he may be entitled as a participant in or beneficiary of an employee welfare or pension benefit fund, or (2) any reasonable compensation for, or reimbursement of expenses properly and actually incurred in, the performance of his duties as a fiduciary of such fund.

"(h) Any fiduciary of an employee welfare or pension benefit fund who willfully breaches any of the responsibilities, obligations, or duties imposed on fiduciaries of such funds by this title, shall be held personally liable to such funds for any losses resulting from such breach and his personal assets shall be subject to attachment in behalf of such fund for purposes of reimbursement.

"(i) Any fiduciary of an employee welfare or pension benefit fund who knowingly agrees to or condones the breach by any other fiduciary of such fund, of the responsibilities, obligations, or duties imposed on fiduciaries of such funds by this title, shall be held liable to such fund for any losses resulting from such breach, individually and jointly with the fiduciary whose breach is condoned or agreed to, and the personal assets of each such fiduciary shall be subject to attachment in behalf of such fund for purposes of reimbursement.

"(j) Any fiduciary of an employee welfare or pension benefit fund who willfully breaches any of the responsibilities, obligations, or duties imposed on fiduciaries of such funds by this title shall be fined not more than $10,000, or imprisoned for not more than five years, or both.

"(k) Any exculpatory provision and any exculpatory general or special resolution which purports to relieve any fiduciary of an employee welfare or pension benefit fund from liability for any breach of the responsibilities, obligations, or duties declared by this title, shall be void as against public policy.

"PROHIBITION AGAINST CERTAIN PERSONS HOLDING POSITIONS OF TRUST

"SEC. 207. (a)(1) No person shall serve as an administrator, officer, director, trustee, or member of any executive board of similar governing body or an employee welfare or pension benefit fund, or as an employee who receives, disburses, or otherwise exercises any control or authority with respect to the moneys or other assets of such a fund for any period which is within the five-year period which commences with whichever of the following dates is the later—

"(A) the date he was convicted of (i) robbery, (ii) bribery, (iii) extortion, (iv) embezzlement, (v) grand larceny, (vi) burglary, (vii) arson, (viii) violation of any Federal or State law dealing with narcotics, (ix) rape, (x) murder, (xi) assault with intent to kill, (xii) assault which inflicts or is intended to inflict grievous bodily injury, (xiii) any other crime which involves moral turpitude and for which a prison term of one year or more may be imposed, (xiv) conspiracy to commit any of the aforesaid crimes, (xv) violation of any provision of the Labor-Management Relations Act, violation of any provision of the Labor-Management Reporting and Disclosure Act, or violation of any provision of this Act, if a fine or prison term is imposed as a result of conviction of such violation, or (xvi) conspiracy to commit any such violation, if a fine or prison term is imposed as a result of such conspiracy, or

"(B) the date of the termination of any prison term imposed as a result of the conviction of any crime or violation referred to in paragraph (A),

unless prior to the expiration of such five-year period such person shall have been granted a duly executed pardon for the commission of such crime or violation and fully restored to all rights of citizenship which were revoked as a result of the conviction of such crime or violation.

"(2) For purposes of paragraph (1), a conviction shall be deemed to have occurred on the date of the judgment of conviction is entered by the trial court, or, if later, the date the judgment of the trial court is sustained on appeal.

"(3) The provisions of this subsection shall apply to convictions occurring before as well as on and after the effective date of this title.

"(b) No administrator, officer, director, trustee, or member of any executive board or similar governing body of an employee welfare or pension benefit fund, and no employee who receives, disburses or otherwise exercises any control or authority with respect to the moneys or other assets of such a fund, shall knowingly assent to any person's assumption or holding of any of the positions herein designated, in violation of this section.

"(c) Any person who willfully violates this section shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"DISSOLUTION OR MERGER OF EMPLOYEE WELFARE AND PENSION BENEFIT FUNDS

"SEC. 208. (a) No employee welfare or pension benefit fund having assets in excess of $25,000 shall pay out or transfer any of its assets upon dissolution or merger with any other fund except in accordance with a plan (1) complying with general regulations issued by the Secretary or (2) the provisions of which have been approved by the Secretary as being fair and equitable to the participants and beneficiaries, and to any other person who has a legal or equitable interest in such fund or the assets thereof by reason of having made financial contribution thereto or otherwise.

"(b) The Secretary shall not approve any plan of dissolution or merger of any employee welfare or pension benefit fund which provides for the distribution directly or indirectly to or for the benefit of any person occupying or who previously occupied a position involving fiduciary responsibilities, obligations, and duties in respect to such fund except to the extent that such person may be entitled thereto as one of the participants or beneficiaries for whose benefit such fund was established, or as a person who, because of financial contributions made to such fund or otherwise, has a legal or equitable interest therein the enforcement of which would be fair and equitable, the interests of all parties considered.

"(c) Proceedings on application for approval of plans of dissolution or merger shall be conducted in accord with the provisions and requirements of the Administrative Procedure Act.

"(d) Any person aggrieved by the final determination of the Secretary may within sixty days thereof file with the United States Court of Appeals for the District of Columbia, or with any other United States circuit court of appeals having jurisdiction of the situs of the employee welfare or pension benefit fund, a petition for review of such final determination. A copy of the petition shall forthwith be transmitted by the clerk of such court to the Secretary. The Secretary shall thereupon file in the court the record of the proceedings on which he based such final determination as provided in section 2112 of title 28, United States Code.

"(e) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous determination, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(f) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(g) If no petition for review is filed pursuant to and within the time prescribed in subsection (d), the final determination of the Secretary shall become final and shall not thereupon be subject to review by any court.

"(h) The Secretary shall from time to time issue such regulations as may be necessary to carry out the provisions of this section.

"IMPROPER TRANSACTIONS WITH FIDUCIARIES

"SEC. 209. (a) It shall be unlawful for any person to accept any money or other thing of value from the assets of any employee welfare or pension benefit fund pursuant to any transaction with any person occupying the position of a fiduciary in relation to such fund, if such transaction is contrary to or involves any violation of the responsibilities, obligations, and duties imposed upon such fiduciary under any of the provisions of this title, and any contract or agreement providing for such transaction shall be null and void.

"(b) Any person who knowingly violates the provisions of subsection (a) of this section shall be fined not more than $10,000, or imprisoned for not more than five years, or both.

"CIVIL SUITS—REMOVAL OF TRUSTEES

"SEC. 210. (a) The Secretary or any person who has a legal or equitable interest in any employee welfare or pension benefit fund or the assets thereof may petition the appropriate district or other court of the United States to remove any person occupying a fiduciary position in relation to such fund and, pending the replacement of such person, to appoint an appropriate individual to carry out the duties of the person to be removed.

"(b) If the court finds that (1) such person is failing to carry out his fiduciary responsibilities, obligations, or duties with respect to such fund, or (2) such person is, because of past criminal activity, past record in serving in a fiduciary capacity in relation to a similar fund, or because of other provisions of this title, disqualified or unsuitable to act in a fiduciary capacity for such fund, the court shall issue an order prohibiting such person from continuing to serve as a fiduciary of such fund, and, if the court deems the same to be necessary or desirable to protect such fund and its assets or the persons having legal or equitable interests therein, the court shall appoint a competent and appropriate person to serve as a fiduciary of such fund, in the place of the person being removed therefrom, until such time as another person may be appointed or elected.

"(c) No person who has been removed (other than a person who has been removed because of physical or mental incapacity) pursuant to this section as a fiduciary of an employee welfare or pension benefit fund shall thereafter be eligible to serve in a fiduciary capacity for or in behalf of such fund or any other employee welfare or pension benefit fund for a period of five years.

"RECOVERY OF FUNDS

"SEC. 211. (a) In any case in which (1) any person has engaged in acts or practices in relation to any employee welfare or pension benefit fund in violation of any provision of this title and (2) such employee welfare or pension benefit fund or the participants or beneficiaries of such fund have suffered financial loss (including losses resulting from any failure to credit to such fund, any of the income accruing from any investment or other use or manipulation of the assets of such fund by such person) by reason of such acts or practices, and (3) the amount of such loss has not been recovered by or on behalf of such fund or its participants and beneficiaries, the Secretary or any such participant or beneficiary may bring an action in the proper district court of the United States or in the proper United States court of any territory or other place subject to the jurisdiction of the United States to recover any such unrecovered amount on behalf of such fund.

"INJUNCTIONS AND PROSECUTIONS OF OFFENSES

"SEC. 212. (a) In any case in which any person is engaged or is about to engage in any acts or practices which constitute or will constitute a violation of this title, any person who has a legal or equitable interest in any employee welfare or pension benefit fund (or the Secretary, upon request of the person having such interest) may bring an action in the proper district court of the United States or in the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and for such other relief as may be appropriate. Upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond.

"(b) The district courts of the United States, and the United States court of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction, for cause shown, to grant injunctive and other appropriate relief in any action involving any violation of this title.

"SECRETARY TO BE REPRESENTED BY SOLICITOR

"SEC. 213. Any civil action authorized to be brought under this Act by the Secretary may be brought in his behalf by the Solicitor of the Department of Labor, who shall represent the Secretary in all such actions.

"EFFECT OF OTHER LAWS

"SEC. 214. Except insofar as any present or future law of the United States or of any territory or State may be inconsistent with this Act, nothing in any provision of this title shall be construed as exempting any person from liability, duty, penalty, or punishment provided by any such law in regard to any criminal offense referred to in this title or in regard to the operation or administration of employee welfare or pension benefit funds, or in any manner to authorize the operation or administration of any such fund contrary to any such law."

TECHNICAL AND MISCELLANEOUS AMENDMENTS

SEC. 2. The Welfare and Pension Plans Disclosure Act is further amended as follows:

(1) After the first section insert the following center heading "TITLE I—DISCLOSURE AND REPORTING".

(2) In section 2(b), strike out "Act" and substitute "title".

(3) In section 9(a), strike out "Act" and substitute "title".

(4) Amend section 5(a) to read as follows:

"(a) The administrator of an employee welfare benefit plan or an employee pension benefit plan shall publish in accordance with section 8 to each participant or beneficiary covered thereunder (1) a description of the plan and (2) an annual financial report. Such description and such report shall contain the information required by sections 6 and 7 of this Act and such other information as the Secretary shall determine to be necessary and appropriate to carry out the purposes of this Act. The Secretary may by regulations provide for the exemption from all or any part of the reporting and disclosure requirements of this Act of any class or type of welfare or benefit plans, if the Secretary find that the application of such requirements to such plans is not required in order to effectuate the purposes of this Act."

(5) Section 9(d) is amended to read as follows:

"(d) The Secretary shall have power, when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of this Act, to make an investigation and in connection therewith he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts relative thereto. The Secretary may report to interested persons or officials concerning the facts required to be shown in any report required by this Act and concerning the reasons for failure or refusal to file such a report or any other matter which he deems to be appropriate as a result of such an investigation."

EFFECTIVE DATE

SEC. 3. The amendments made by this Act shall become effective ninety days after the date of its enactment.

The summary presented by Mr. MCCLELLAN is as follows:

SUMMARY

A proposed bill to amend the Welfare and Pension Plans Disclosure Act for the purpose of providing additional protection for the interests of participants in and beneficiaries of employee welfare and pension benefit plans

The bill would amend the act by adding a new title: Title II—Safeguards for the protection of employee welfare and pension benefit plans.

TITLE II

Section 201. Statement of purpose

The bill would protect the interests of participants and beneficiaries of welfare and pension funds by: (1) providing minimum standards and requirements for such funds; (2) providing minimum fiduciary standards of conduct; (3) providing penalties for violations; (4) providing for the recovery of losses from funds.

Section 202. Definitions

This section provides definitive language for "employee welfare benefit fund" and for "employee pension benefit fund" in keeping with the existing act which it amends. It includes, within pension funds, all benefits received from profit-sharing plans operated upon a pension or annuity basis. It defines the term "fund" to cover all assets, interests, earnings and other moneys of the benefit plan, but it excludes welfare and pension insurance policies and contracts and the premiums already paid to insure companies who have contracted to pay benefits.

Section 203. Requirements for funds

(a) Deems all welfare and pension funds to be trust funds and subject to requirements of this title, whether or not they have trust agreements or other written agreements.

(b) Requires that welfare funds and their incomes shall be used only for stated benefits and for reasonable administrative costs.

(c) Requires that pension funds and their incomes shall be used only for stated benefits and for reasonable administrative costs.

(d) Prohibits gifts of money or assets from funds for any purpose.

(e) Sets terms of trustees at three years, and allows reappointment, and allows the Secretary of Labor to grant longer terms, up to six years.

(f) Provides penalties for violations of this section: $2,000, two years, or both.

Section 204. Situs of funds

This section provides that funds must be held within Federal Court jurisdiction in the United States or territories. No funds shall be moved or invested outside the United States unless the Secretary of Labor approves. Provides, however, that funds may invest in securities listed under SEC jurisdiction, or securities registered under the Investment Company Act of 1940 or under the Public Utility Holding Company Act of 1935.

Section 205. Loans

This section (a) prohibits loans of money or assets not fully secured by collateral. Loans must be legally executed with statements of amount, term, and interests. Full description of the collateral is required. The section permits the fund to pay premiums or benefits for participants whose employer has defaulted. The section (b) prohibits loans to persons whose domicile and/or collateral are located outside Federal Court jurisdiction. The section (c) allows unsecured loans to participants or beneficiaries not exceeding $500. Penalties (d) for violations are not more than $2,000, not more than two years, or both.

Section 206. Fiduciary status of certain persons

(a) States that all persons who handle or control funds, including employees, are fiduciaries in positions of trust, and are charged in all respects to handle and control the funds, according to their functions and purposes and the provision of this title, with the same care and skill of reasonably careful, dilligent and prudent men.

(b) No such fiduciary shall act as, or in behalf of, an adverse party toward the fund or its beneficiaries.

(c) No such fiduciary, including labor unions or employers or their officials, shall borrow from the fund directly or indirectly, except that approvals of loans or investments may be given by the Secretary of Labor when they would be in the interest of such fund or its participants and beneficiaries.

(d) No fiduciary can hold in a fund any interest which conflicts with his duties and responsibilities.

(e) No fiduciary shall accept any gratuity, commission, kickback, or accrued profits connected with a fund.

(f) No fiduciary shall, directly or indirectly, accept any payment or other assignment from the fund.

(g) However, fiduciaries may accept benefits as participants or beneficiaries, and may accept reasonable compensation for their services and for their expenses.

(h) A fiduciary will be held personally liable for losses incurred by willful breaching of this title, and his personal assets may be attached for reimbursement.

(i) A fiduciary will be held jointly and severally liable for losses incurred by agreeing to or condoning the willful breaching of this title by another fiduciary, and the assets for both may be attached for reimbursement.

(j) Penalties for violations; not more than $10,000, not more than five years, or both.

(k) No excuses are permitted to relieve fiduciaries of responsibilities, and such excuses offered shall be void as against public policy.

Section 207. Persons barred as trustees

(a) No person shall be a fiduciary during a five year period following:

A. His conviction for robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, Federal or State narcotics violations, rape, murder, assault with intent to kill, assault with grievous bodily injury or intent to injure, any other crime involving moral turpitude for which one year or more in prison may be imposed, con-

spiracy to commit any of the above, violations of Labor-Management Relations Act or Labor-Management Reporting and Disclosure Act or this Act if a fine or prison term is imposed, or conspiracy to commit such violations if a fine or prison term is imposed, or

B. The termination of his prison term for such convictions noted in A. above.

unless he is pardoned within that five-year period and his citizenship rights are returned.

Convictions occur on the date the judgment of conviction is entered, or the date the judgment is sustained on appeal.

Provisions of (a) above apply to convictions occurring before as well as after the effective date of this title.

(b) No fiduciary shall knowingly assent to or condone violations of (a) above.

(c) Penalties for violations: not more than $10,000, not more than five years, or both.

Section 208. Dissolution or merger of funds

(a) No fund exceeding $25,000 shall be dissolved or merged excepting with the approval of the Secretary of Labor, who will issue general regulations on the subject, or who will determine if the action is fair and equitable to all parties having interests.

(b) The Secretary will not approve a dissolution plan that pays or transfers to a current or former fiduciary any moneys or assets except those due him as a participant or those he merits through legal or equitable interest in the fund.

(c) Proceedings for approval of dissolution or merger plans will follow the provisions of the Administrative Procedure Act.

(d) Any person may, within 60 days, petition the U.S. Court of Appeals for review of the Secretary's decision.

(e) The Secretary's findings shall be conclusive, but the Court may remand the case to the Secretary, where upon the Secretary may make new findings, which will also be conclusive.

(f) The Court shall have the right to affirm or set aside the Secretary's finding; review may be made by the Supreme Court.

(g) If no petition is filed, the Secretary's determination is final.

(h) The Secretary will issue regulations to carry out the provisions of this section.

Section 209. Improper transactions with fiduciaries

(a) No person shall take money or assets from funds because of transactions with fiduciaries if such transactions are violations of this title, and any contracts relating to them shall be null and void.

(b) Penalties: not more than $10,000, not more than five years, or both.

Section 210. Removal of trustees

(a) The Secretary of Labor, or any interested person, may sue in Federal Court for the removal of a fiduciary and the appointment of a temporary successor.

(b) The Federal Court may, for violations of this title or other sufficient reason, remove such fiduciary and appoint a successor to serve out the term.

(c) No person so removed can thereafter serve as a fiduciary for any such fund for a five-year period.

Section 211. Recovery of funds

When any fiduciary has violated this title and when funds are depleted by such acts, without recovery of the money, the Secretary or any participant or beneficiary may sue in Federal Courts to recover the money.

Section 212. Injunctions and prosecutions

Provides that any person with a legal or equitable interest in a fund, or the Secretary of Labor upon request of such person, may bring action in Federal Court to enjoin any acts or practices which violate this title or may bring action in Federal Court for such other relief as may be appropriate. Permanent or temporary restraining orders or injunctions shall be granted without bond.

The section grants the appropriate Federal Courts the jurisdiction to grant injunctive or appropriate relief.

Section 213. The Solicitor of the Labor Department

The Solicitor of the Labor Department may bring any civil action under this act on behalf of the Secretary of Labor.

Section 214. Effect of other laws

This title shall not be construed to exempt any person from the provisions of other laws in regard to criminal offenses mentioned in this title or in regard to welfare and pension funds.

TECHNICAL AND MISCELLANEOUS AMENDMENTS

There are several technical amendments to the bill, all of which amend the Welfare and Pension Plans Disclosure Act to bring its provisions into conformity with the new requirements of the new title.

Two amendments are of considerable importance as following:

Section 5(a) of the Act: Furnishing of information

The amendment provides that administrators of benefit plans shall make available to each participant and beneficiary a description of the plan and the annual financial report of the plan, which shall contain such information as the Secretary of Labor may direct. The Secretary may by regulation exempt certain plans from this provision.

Section 9(d) of the Act: Investigatory powers

The amendment provides that the Secretary of Labor shall have powers of investigation similar to those granted to him under the Labor-Management Reporting and Disclosure Act.

EFFECTIVE DATE

The effective date of these amendments to the Act will be ninety (90) days after the date of the bill's enactment.

AMENDMENT OF NORTHWEST ATLANTIC FISHERIES ACT OF 1950

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Northwest Atlantic Fisheries Act of 1950 (Public Law 845–81). I ask unanimous consent that the letter from the Assistant Secretary for Congressional Relations, Department of State, relating to the bill be printed in the RECORD.

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

The bill (S. 1260) to amend the Northwest Atlantic Fisheries Act of 1950 (Public Law 845–81), introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

DEPARTMENT OF STATE,
Washington, D.C., February 15, 1967.

The VICE PRESIDENT,
U.S. Senate.

DEAR MR. VICE PRESIDENT: There is enclosed a draft of a proposed bill "To amend the Northwest Atlantic Fisheries Act of 1950" (Public Law 845–81).

It is requested that this bill be referred to the appropriate committee for consideration; its enactment is recommended.

At present, the Act is concerned only with the conservation of fish and shellfish. However, a Protocol to the International Convention for the Northwest Atlantic Fisheries, 1949, which would permit the conservation of harp and hood seals under the terms of the Convention entered into force on April 29, 1966, and was proclaimed by the President on May 23, 1966. The Northwest Atlantic Fisheries Act of 1950 is the implementing legislation for the Convention. One purpose of the proposed amendment is to bring the Act into conformity with the provisions of the Convention as amended by the said Protocol. Although Americans do not participate in the harp and hood seal fishery at present, the Department believes that this Government should be empowered to enforce any measures for the conservation of harp and hood seals which might come into force under the Protocol and be thus prepared to fulfill obligations the United States assumed in ratifying the Protocol. Such conservation measures for the harp and hood seal may be adopted by the International Commission for the Northwest Atlantic Fisheries at its 1967 annual meeting and would enter into force in relation to all Governments Parties to the Convention upon acceptance by the Governments which are members of the Panel on harp and hood seals created pursuant to the Protocol.

A further amendment is proposed in order to remove an ambiguity in the Act. Section 4(b) provides that not more than five members of the industry advisory committee to the United States Commissioners to the Commission, designated by the committee and upon approval by the Commissioners, may be paid their expenses "incident to attendance at meetings outside of the United States . . ." The Department of State, responsible for the selection of United States delegates such as those from the industry advisory committee, has interpreted this section to mean that up to five committee members may be paid their expenses to Commission or Panel meetings outside the United States but that no Committee members may have their way paid by the Government to meetings inside the United States. This works a hardship on advisory committee members who must pay their own expenses if they are to attend such meetings in this country. However, it is also possible to interpret the section to mean that not more than five committee members may have their way paid to meetings held outside the United States but that there is no limitation on the number of members who may have their way paid to meetings inside the United States. This would also be undesirable. The Act should be amended to bring it into accord with implementing legislation of other fisheries conventions and to clarify its meaning. We believe that the Act should clearly limit the number of committee members whose expenses may be paid, but that it should be possible to pay such expenses to meetings of the Commission or a Panel thereof held within the United States. The next Commission meeting in the United States is scheduled to be convened at Boston in June 1967.

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

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

AUTHORIZATION FOR APPRAISAL REPORT OF THE U.S. TIDAL AND GREAT LAKES SHORELINE

Mr. TYDINGS. Mr. President, I introduce on behalf of myself, Senator EASTLAND, Senator MAGNUSON, Senator JACKSON, Senator MORSE, Senator THURMOND, Senator TALMADGE, Senator CLARK, Senator JAVITS, Senator RANDOLPH, Senator SCOTT, Senator MCCARTHY, Senator WILLIAMS of New Jersey, Senator MUSKIE,

Senator MOSS, Senator HART, Senator FONG, Senator PELL, Senator RIBICOFF, Senator INOUYE, Senator BREWSTER, Senator BAYH, Senator NELSON, Senator MONDALE, Senator MURPHY, Senator HATFIELD, and Senator HOLLINGS, a bill to authorize the Army Corps of Engineers to initiate a 3-year appraisal report of our national tidal and Great Lakes shoreline.

This bill is substantially identical to a bill I introduced last fall. Since that time I have received encouragement for this coastal erosion study bill from State coastal erosion authorities, other Senators who are cosponsoring this bill, and especially from Senator RANDOLPH, chairman of the Public Works Committee and a cosponsor of the bill. Senators RANDOLPH has indicated that the committee will hold field hearings on the bill during this session of Congress.

Mr. President, erosion of our national coastlines costs the United States people tens of millions of dollars every year. Yet so little is known about this treacherous phenomenon that we cannot even estimate with reasonable precision the total cost of that annual damage, quite aside from the steps which must be taken to stem it. The bill I introduce today will provide a modest sum to study coastal erosion and suggest concrete steps for State and Federal programs of action to control it.

Mr. President, the length of our national and Great Lakes shoreline exceeds 93,000 miles. This figure is almost one-half the distance to the moon and is slightly less than four times the circumference of the earth. Virtually every inch of this shoreline is the site of an ancient battle, the struggle between land and sea. Sometimes this conflict receives wide publicity, as in the aftermath of a severe coastal storm. It is then that we sadly read of the great human misery, loss of life, and destruction of property that accompanies these natural onslaughts. Yet, it is unrealistic to believe that storms alone are the major cause of severe coastal erosion. Indeed, in many areas of the United States it is the day-to-day erosion process—the hour-by-hour battle between land and sea—that is frequently the primary source of devastating coastal damages. The New York Times, for example, in its July 16 issue, carried an article entitled "The Atlantic Continues To Eat Away at a New Jersey Community After Claiming a Fourth of It."

This is the story of Cape May, a small community similar to many found along our coast. The relentless forces of the Atlantic have inflicted severe losses on the town. Two Roman Catholic convents, two lighthouses, a Coast Guard radar station and nearly a fourth of the land area of the town has been claimed by the sea. Cape May faces the same fate of the nearby borough of South Cape May which fell into the Atlantic less than 50 years ago, leaving only the road that led to it.

Many other areas of the United States are suffering similar annual losses. Each year, my own State of Maryland loses approximately 300 acres of land. This loss results not only in a decrease in acreage, but also in a reduction of agricultural, industrial, and recreational potential. Such losses, of course, diminish both the State and local tax base. The barrier beaches of North Carolina are under attack from both the daily erosion process and an occasional severe storm. It is estimated that if the forces of erosion remove this natural coastal defense, 1.5 million acres of forest and farmland will be destroyed. A fait accompli is demonstrated by Sharps Island in the Chesapeake Bay. In 1848, this island was 438 acres; today, erosion has reduced this to a mere sand bar.

Mr. President, we cannot afford these losses.

Recent Federal studies indicate that the normal, day-to-day coastal erosion process causes more than $31 million of damages yearly along the coastal region extending only from Texas to New England. This is a conservative estimate for this region, because it does not include any damages occurring on the Florida coast. Major storms and hurricanes along the Atlantic and gulf coasts annually inflict damages totaling approximately $83.3 million. Yet much of this damage would be prevented by the installation of proper protective structures.

Navigation, too, is seriously affected. Coastal erosion processes continually loosen and transport large quantities of beach materials. In many regions, the eroded materials tend to accumulate in harbors and shipping lanes, greatly hindering water transport. Approximately $11 million is spent annually for the removal of shoaling in the Gulf Intercoastal Waterway and in the tidal areas of the Charlestown, Columbia, Mississippi, and Savannah estuaries. A significant amount of this shoaling is attributable to coastal erosion.

Public and private recreational facilities also are severely damaged by shoreline erosion. Population trends indicate that the number of Americans living near the shore is continually increasing. Twenty-five percent of our population lives within 50 miles of the coast. Within 30 years, this population can be expected to double. All of us know that each year a greater number of people visit our beaches. The beaches of New Jersey are accessible to over 25 million people, and California's 5 largest cities are all within 20 miles of the ocean. With the ever-increasing demand for these recreational facilities, our shorefront losses become more expensive with each season.

Coastal erosion damages are not limited to one section of the country. Every region of our Nation is scarred by this process. Tillamook Bay, Oreg., has been the site of considerable coastal erosion damages. Over 1,000 acres of valuable oyster beds have been destroyed. Parts of Tillamook Bay have been overrun by the sea, resulting in destruction of houses, roads, and utility lines. The damages in Mississippi occurring from just one storm have been described by a House document as having "undermined and destroyed a considerable portion of the pavement of U.S. Highway 90. Also destroyed were all the piers along the Harrison County shore, numerous homes, tourist cottages, seafood canneries, bridges, cafes, and other structures. The total damage from this storm along the Mississippi Gulf coast has been estimated at $18 million." Properly designed protective devices could have prevented a significant amount of these damages. In California, sections of the Port Hueneme shoreline receded 700 feet over a 10-year period. The Lake Erie shorefront of Ohio has been the scene of severe damages. Over a 20-year period, coastal erosion inflicted damages in excess of $18.5 million, destroying beaches, summer cottages, parks, and playgrounds. This figure does not even include the losses in Cleveland and Cuyahoga County.

We know much about the mechanics of the coastal erosion process. The forces of waves, winds, and currents are continually eating away at our beaches and coastlines. This deterioration is intensified by chemical weathering of the coastal materials. Littoral and other currents transport a significant amount of sand and eroded materials along a path that tends to parallel the shoreline.

For many areas of our coast, the amount of material that is removed by these forces is counterbalanced by the arrival of materials from another area. Thus, a dynamic stability exists, and there is no significant net change in the coastal contour. In many regions, however, these two flows are unequal and an accretion or depletion of the shore results. Coastal erosion thus represents the net removal of beach materials from a given region. In many areas, coastal erosion constantly occurs, with storms tending to accelerate the rate of depletion. In other regions, normal coastal processes enlarge the beaches. However, even in these sections, one storm may remove an amount of material far in excess of what has been gradually accumulated, and erosion occurs.

Thirty States have tidal or Great Lakes shorelines. A breakdown of our coastline shows that our Atlantic States have a total tidal shoreline of 28,673 miles. Our continental Pacific States tidal shoreline totals 7,863 miles, while the Gulf States have a tidal shoreline of 17,141 miles. Alaska and Hawaii have tidal shorelines of 33,904 miles and 1,052 miles, respectively. The aggregate tidal shoreline of our Great Lakes States is approximately 4,776 miles. The total shoreline is in excess of 93,000 miles.

Mr. President, as I have pointed out, many regions of this coast are endangered by the erosion process. I feel action must be taken now to abate this costly advance of the sea.

The Federal Government has taken some action to help mitigate the ravages of coastal erosion. For example, the Government finances a substantial amount of research in this field. The Corps of Engineers is a pioneer in coastal erosion research. Their Coastal Engineering Research Center, located here in Washington, is increasing continually our knowledge of the mechanics of the erosion process and furthering our ability to protect our coasts. In addition to research, the Federal Government, un-

der certain conditions, offers direct financial assistance for the construction of protective works on non-Federal property. The costs of works on Federal property are, of course, entirely federally funded. Our Government also sponsors coastal erosion studies of particular problem areas. Any of the 30 coastal States may request that the corps undertake an erosion study of a particular region along its shore. Each study concerns itself with a physiographic unit that is generally much smaller than the State's entire shoreline. Since 1930, a number of States have partaken in this program. They include Alabama, California, Georgia, Illinois, New Hampshire, New Jersey, Ohio, Texas, and Wisconsin. Approximately 23,000 miles of shoreline have or are presently being studied. But this leaves over 70,000 miles of coastline that have yet to be appraised. We simply do not know the extent of erosion along these shores.

A number of coastal States have promulgated their own programs to help with the problem. Maryland offers the private property owner direct financial assistance to lessen the burden imposed by the great costs of protective works. The State also provides advisory and technical assistance to the individual property owner. Ohio, Washington, and Connecticut have similar assistance programs. North Carolina, much to her credit, has undertaken a research program concerning the use of dunes for beach stabilization purposes.

Yet, despite such Federal and State activity, coastal erosion continues to inflict great damages upon our Nation. These damages, representing both social and economic losses, are difficult to measure precisely. We do know, however, that the present rate of destruction is so large that it can no longer be tolerated. The need for action is clearly evident. My bill, I believe, would be the essential first phase of this action.

Unfortunately, for a substantial percentage of our shoreline, insufficient information makes it impossible to take constructive action. We need to know more about many regions of the diverse coastline of New England, of the sandy beaches of the gulf and Pacific coasts, of the coral shores of the Hawaiian Islands, and of the tidewater backshore of the Carolinas. Maine, for example, has approximately 3,000 miles of eroding shoreline about which we know little. The corresponding figure for South Carolina is 2,000 miles, for Georgia 1,000 miles, for Louisiana 7,000 miles, for Texas 3,000 miles, for Washington 3,000 miles, for Alaska 5,000 miles, for Michigan 2,800 miles, for Massachusetts 1,000 miles, and for Oregon 1,000 miles. These are but a few of the many States with an actively eroding coast. In total, there are over 33,000 miles of shoreline that are experiencing significant degrees of coastal erosion and have not yet been investigated. Before we can even begin to appreciate the exact nature of the problem, much less take remedial action, we must obtain more information about these regions. This appraisal report would gather this information and would be the essential first step toward the ultimate solution.

One of the primary functions of this report would be to establish a priority system for future remedial action. Some areas of our unstudied shore are so impervious to the forces of erosion that no investigation is necessary. An example of such a region is the Bering Sea coastline of Alaska. However, as I have already stated, at least 33,000 miles of our shoreline are so vulnerable to the erosion process as to merit at least an investigation. A priority system would enable us to determine which of these areas demands the most immediate attention. Many factors will be taken into consideration when establishing the priority system. The physical rate of deterioration will be considered, as well as the economic, industrial, recreational, and agricultural losses attributable to the erosion. Furthermore, estimates of future population concentrations will play a significant role in determining the immediacy of the problem.

In addition to defining the magnitude of the problem, the report will include a general description of the most suitable type of remedial action. This description will not provide specific technical data, but rather a broad solution to the regions' problem. For some areas, the appraisal might indicate that a revetment would be the most effective protective measure. For other sections, a groin system, bulkhead, or jetty may be recommended. For still other regions, periodic beach nourishment or dune creation may be preferable.

No matter what form the recommended remedial measure may take, the estimated cost of the project will be included. For many areas, we can expect that the benefits resulting from the completed remedial structures will far exceed the estimated costs of the project: In these instances, a more detailed, technical study should be undertaken, leading to formulation of specific construction plans. For other regions, the extent of damages caused by the erosion may be less than the costs that must be incurred to prevent the encroachment of the sea. For these situations, no immediate action beyond this appraisal would be justified. It is only by these preliminary conclusions regarding the economic feasibility of the remedial works that a sensible, long-range coastal erosion abatement program can be enacted. Because coastal protection is exceptionally expensive, we should not plan to halt every inch of erosion taking place on our shore. Rather we can afford to stop only that erosion where the benefits gained outweigh the costs of the protective works. This appraisal report will greatly aid us in determining which areas merit protection.

In addition to providing this needed information, the appraisal would be an important step toward the establishment of a comprehensive inventory of existing structures, something very worthwhile in its own right. It is almost beyond belief that such a tabulation does not presently exist.

The appraisal would also provide information that would assist greatly the efforts of local governments to establish suitable zoning laws and building codes. Frequently, individuals, although possessing good intention, unknowingly take action that can only lead to coastal erosion damages. Ignorance is often manifested in the wanton bulldozing of protective dunes or the building of dwellings too near the shore.

Developers of ocean-front properties often remove the protective dunes that are found along many of our beaches. Such action destroys nature's most effective means of defending the coastline. As soon as storm waves begin attacking these undefended shores, rapid erosion and flooding generally occur.

A lot-by-lot approach to the coastal erosion problem is another unfortunate occurrence that can only lead to unnecessary erosion damages. The forces of nature do not recognize private property lines. Any solution to a coastal erosion problem must consider the entire physiographic unit involved and not just a minor section of the shoreline. Many private property owners attempt to stop erosion along their shores without considering the effects of such action on their neighbor's property. Frequently, one individual's attempt to stabilize his shorefront only leads to a new erosion problem along the shoreline adjacent to his. Appropriate codes and laws would prevent this lack of knowledge from leading to these needless tragedies.

This appraisal report will cost $1 million and will be completed within 3 years. I believe we must not only acknowledge the national scope of the coastal erosion problem, but begin to take the national action required for its solution.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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. 1262) to authorize the Army Corps of Engineers to initiate a 3-year appraisal report of our national tidal and Great Lakes shoreline, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers, Department of the Army, under the direction of the Secretary of the Army, shall make an appraisal investigation and study, including a review of any previous relevant studies and reports, of the Atlantic, Gulf and Pacific coasts of the United States, the coasts of Puerto Rico and the Virgin Islands, and the shorelines of the Great Lakes, including estuaries and bays thereof, for the purpose of (1) determining areas along such coasts and shorelines where significant erosion occurs; (2) identifying those areas where erosion presents a serious problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, agricultural, navigational, demographic and other relevant factors, indicates that action to halt such erosion may be justified; (3) describing generally the most suitable type of remedial action for those areas that have a serious erosion problem; (4) providing preliminary cost estimates for such remedial action; (5) recommending priorities among the serious problem areas for action to stop erosion; and (6) providing

State and local authorities with information and recommendations to assist the creation and implementation of State and local coast and shoreline erosion programs. The Chief of Engineers shall submit to the President, the Congress, and the States, as soon as practicable, but not later than three years after the date of enactment of this Act, the results of such appraisal investigation and study, together with his recommendations.

SEC. 2. There are authorized to be appropriated such amounts, not to exceed $1,000,000, as may be necessary to carry out the provisions of this Act.

NATIONAL MASTER TRANSPORTATION PLAN

Mr. MOSS. Mr. President, this Nation seriously needs a rail transportation system which is national in scope to replace our present collection of regional systems which operate without regard to one another. Recent mergers and consolidations of separate systems have improved services in some instances. In others, the changes have resulted in poorer service, or, no trains at all. We must take steps now to assure adequate rail freight and passenger service throughout the entire country.

What we need is a blueprint of necessary facilities; a master plan for a ground transportation system. I am, therefore, introducing today a joint resolution which provides that the Department of Transportation, in cooperation with the Interstate Commerce Commission, formulate just such a master plan. An identical resolution is being introduced in the House of Representatives by Representative JOHN MOSS.

The joint resolution calls for submission of a draft plan on transportation to Congress within 1 year. In the meantime, the ICC could not take action on consolidations, mergers, or discontinuance of service. This temporary freeze is necessary to evaluate our present system before any more irreversible actions are taken.

A weakness of the existing ICC case-by-case method of dealing with mergers and consolidations is the possible creation of gaps in the rail system. An overall plan should insure that a balanced network emerges from changes in existing rail operations.

We should also be concerned that physical barriers still exist where one rail system ends and another begins. A truly integrated system should have no such barriers.

Furthermore, the condition of our rail passenger service has been allowed to deteriorate to a disgraceful degree. Many communities have been completely shut off from passenger service. Passenger train discontinuance is evaluated on a case-by-case accounting basis rather than with any thought of the long-range social cost involved. Our intercity passenger movements are expected to double in the next 15 years. We certainly need rail service to supplement highway and air travel. As William H. Tucker, Chairman of the Interstate Commerce Commission, has stated:

> The scope and quality of future railway passenger service represent at least as important a national domestic issue as any other this country will face in the next decade.

I feel strongly that we must start facing this and related issues in connection with our ground transportation system. The legislation Representative Moss and I are proposing would do just that. I recommend its prompt approval.

Mr. President, I send to the desk for appropriate reference a joint resolution to accomplish this purpose.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 52) providing for the preparation and submission to the Congress of a master ground transportation plan for the United States introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Commerce.

PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO EQUAL RIGHTS FOR MEN AND WOMEN

Mr. MCCARTHY. Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution to provide for for the equal rights of men and women.

I am pleased to have 37 Members of the Senate join me as sponsors of this resolution. They are: Senators BARTLETT, BAYH, BOGGS, BREWSTER, BURDICK, CARLSON, COOPER, CURTIS, DIRKSEN, DODD, FONG, GRUENING, HARRIS, HART, HARTKE, HATFIELD, INOUYE, JORDAN of Idaho, LONG of Missouri, MAGNUSON, MCCLELLAN, MCGOVERN, MCINTYRE, MONDALE, MOSS, MUNDT, NELSON, PEARSON, PROXMIRE, RANDOLPH, RIBICOFF, SCOTT, SMATHERS, SMITH, WILLIAMS of Delaware, YOUNG of North Dakota, and YOUNG of Ohio.

This is the same joint resolution that I introduced in the 89th Congress. Similar resolutions have been proposed in past Congresses and several of them have been reported favorably by the Senate Committee on the Judiciary. Many organizations and many individuals have worked over the years to secure the adoption of this resolution by the Congress for submission of the amendment to the States.

There has been substantial improvement in the status of women in the 20th century, but it is worth remembering that it was more than 130 years after the constitutional convention—and less than 50 years ago—that the 19th amendment, guaranteeing the right of women to vote, was ratified.

The 19th amendment gave hope to some that there would be a general revision of laws and practices to end all discrimination against women, but the hope has not been fully realized. There have been adjustments but much remains to be done. Only 3 years ago the Congress found it necessary to include a provision in title VII of the civil rights bill to prohibit discrimination against women in employment. The cases brought to the attention of the Equal Employment Opportunity Commission have established that the provision was needed.

The fact is that discrimination against women continues to exist and that adult women are denied full equality of rights in many ways. Discrimination still exists in regard property rights, inheritance rights, the right to control one's earnings, employment opportunities, jury service, and other areas.

This amendment would not prevent reasonable categories among adults. It would not, for example, eliminate special legislation for mothers with dependent children. The Senate Committee on the Judiciary dealt with arguments of this type when it favorably reported the resolution in the 88th Congress, and I ask unanimous consent that the committee report—Report No. 1558, 88th Congress, 2d session—be printed at this point in the RECORD.

It is time to clear the thicket and to assure as a constitutional right that men and women have equality of rights under Federal and State statutes.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 54) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, introduced by Mr. MCCARTHY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

The report presented by Mr. MCCARTHY, is as follows:

PURPOSE

The purpose of the proposed joint resolution is to submit to the State legislatures an amendment to the Constitution of the United States which, if adopted, would insure equal rights under the law for men and women.

STATEMENT

The substantive section of the proposed amendment is quite simple and straightforward. It reads as follows:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

Senate Joint Resolution 45 was introduced in the 88th Congress by Senator McGee for himself and 35 other Senators as cosponsors. During the past 10 years, the Legislatures of Connecticut, Delaware, Louisiana, Massachusetts, Pennsylvania, and Maryland have adopted resolutions memorializing the Congress to submit this amendment to the States for ratification.

This proposal has been before the Congress since the 19th amendment to the Constitution extended voting rights to women. In recent years, resolutions proposing this amendment were reported favorably by the Committee on the Judiciary in the 80th, 81st, 82d, 83d, 84th, 86th, and 87th Congresses. In the 81st and 83d Congresses, the amendment passed the Senate with a floor amendment, but it was never acted upon by the House of Representatives. In the 86th Congress, the same floor amendment was adopted by the Senate and then the resolution was recommitted to the Committee on the Judiciary upon motion of its principal sponsors. (The provisions of this floor amendment or "rider" are discussed subsequently in this report.)

Adoption of this amendment will complete women's long movement for legal equality. Like the 14th amendment, the restrictions of this proposed amendment apply only to governmental action. It would not apply to private or to individual action.

The 14th amendment provides a body of case law as to what constitutes "State action" and its precedents will be available for judicial determination of the scope of this amendment.

There remain many well-known vestiges of ancient rules of law which treat women as inferiors. In many States, a woman cannot handle or own separate property in the same manner as her husband. In some States, she cannot engage in business or pursue a profession or occupation as freely as can a member of the male sex. Women are classified separately for purposes of jury service in many States. Community-property States do not vest in the wife the same degree of property rights as her husband enjoys. The inheritance rights of widows differ from those of widowers in some States. Restrictive work laws, which purport to protect women by denying them a man's freedom to pursue employment, actually result in discrimination in the employment of women by making it so burdensome upon employers. Such protective restrictions hinder women in their competition with men for supervisory, technical, and professional job opportunities.

Your committee has considered carefully the amendment which was added to this proposal on the floor of the Senate in the 81st, 83d, and 86th Congresses. Its effect was to preserve "rights, benefits, or exemptions" conferred by law upon persons of the female sex. This qualification is not acceptable to women who want equal rights under the law. It is under the guise of so-called "rights" or "benefits" that women have been treated unequally and denied opportunities which are available to men.

Just as equal protection of the law under the 14th amendment is not a mathematical equality, this amendment does not contemplate that women must be treated in all respects the same as men. Nor does it mean that all legal differentiation of the sexes will be abolished. "Equality" does not mean "sameness." "Equal" rights does not necessarily mean "identical" rights. For instance, a law granting maternity benefits to women would not be an unlawful discrimination against men. As a grant to mothers, it would be based on a reasonable classification despite its limitation to members of one sex.

Nor would the amendment mean that criminal laws governing sexual offenses would become unconstitutional. The public has such an interest in relations between the sexes that the conduct of both sexes is subject to regulation under the police power apart from any considerations of unequal treatment or protective status.

In the past, it has been suggested that this amendment would require equal treatment of men and women for purposes of compulsory military service. This is no more true than that all men are treated equally for purposes of military duty. Differences in physical abilities among all persons would continue to be a material factor. It could be expected that women will be equally subject to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the Government would not require that women serve where they are not fitted just as men with physical defects are utilized in special capacities, if at all.

Your committee wishes to emphasize one additional fact. The proposed amendment would confirm equal rights under law for *both* men and women. In instances where laws are burdensome to meet solely because of their sex, they would benefit from the amendment. For instance, alimony laws probably could not favor women solely because of their sex. However, a divorce decree could award support to a mother if she was granted custody of children. This would be incidental to the children's support. Matters concerning custody and support of children properly should be determined solely with a view to the welfare of the children, without favoritism to either parent solely because of sex.

Both major political parties have repeatedly supported this proposal in their national party platforms. The United States, as a signatory to the United Nations Charter, has confirmed its faith in equal rights of men and women. Nevertheless, we withhold from our women a constitutional guarantee of equal treatment under the law and thus lag behind such countries as Burma, Egypt, Japan, Greece, Pakistan, and West Germany.

An impressive list of women's organizations have recorded their support of this proposal in the past. Among them are the following:

Alpha Iota Sorority.
American Association of Women Ministers.
American Federation of Soroptimist Clubs.
American Medical Women's Association.
American Women's Society of Certified Public Accountants.
American Society of Women Accountants.
Association of American Women Dentists.
General Federation of Women's Clubs.
National Association of Colored Women.
National Association of Women Lawyers.
National Council of Women Chiropractors.
National Federation of Business and Professional Women's Clubs.
National Women's Party.
Osteopathic Women's National Association.
Susan B. Anthony Memorial, Inc.
Women's Auxiliary to American Osteopathic Association.
Women's Auxiliary to the National Chiropractic Association.
Women's Circle, Woodmen of the World.
Women's International Association of Aeronautics.

TO REVISE AND EXTEND THE APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965—AMENDMENTS

AMENDMENT NO. 121

Mr. CLARK. Mr. President, I submit amendments intended to be proposed by me, to the bill—S. 602—to revise and extend the Appalachian Regional Development Act of 1965. I ask unanimous consent that a news release, prepared by me, relating to the amendment, be printed in the RECORD.

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

The amendment (No. 121) was referred to the Committee on Public Works and ordered to be printed.

The news release presented by Mr. CLARK is as follows:

CLARK OFFERS LEGISLATION TO COMBAT ACID MINE DRAINAGE IN APPALACHIA

Senator Joseph S. Clark (D. Pa.) today introduced legislation aimed at solving the problem of acid mine drainage in the Appalachian region.

The Clark proposal would authorize the Appalachian Regional Commission, in cooperation with the U.S. Department of the Interior and other appropriate Federal, State and local agencies, to develop a program for fighting acid pollution in the region resulting from mining activities, and the effects of such pollution. $3,000,000 would be authorized over a two-year period for this purpose.

Clark stated that "as long ago as 1959, Pennsylvania officials were pointing out that one of the most serious problems we face in Pennsylvania is the fact that some two thousand miles of our streams are polluted with acid mine drainage. The tragic results of this pollution continue to be visible through much of the Commonwealth: the destruction of fish and wildlife, the contamination of our precious water resources for drinking, for recreation, for industrial uses.

"Research efforts have been carried on in the new Federal Water Pollution Control Administration, in other agencies of the Federal government, and within the Commonwealth, but something more is needed—specifically, a study aimed at developing an action program for solving the problem of acid mine drainage. Virtually all of the research done thus far has been on the technological aspects of the problem. Some of the results have been quite promising, and further technological advances may be anticipated. But it is the consensus of those concerned with the problem of acid mine pollution that the time has come to turn to the job of putting the available technology to work on an economic basis, and that we should not delay this effort to await the last word from the scientists.

"The study my amendment would authorize would have to be completed by March 31, 1969. Actually I would hope to have it concluded earlier than that, so that we can get to work as promptly as possible on a full-scale action program to rid the streams and rivers of Appalachia of the acid pollutants which have poisoned the hopes of our people as well as the beauties of our countryside for so many long years."

ADDITIONAL COSPONSORS OF BILLS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Utah [Mr. Moss] and the Senator from West Virginia [Mr. RANDOLPH] be added as cosponsors of the bill (S. 612) to regulate imports of milk and dairy products, and for other purposes.

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

Mr. METCALF. Mr. President, I ask unanimous consent that at the next printing of S. 1078, to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl; to extend for an additional 8 years the period during which funds may be appropriated under that act; and for other purposes, the name of the Senator from Maryland [Mr. TYDINGS] be added as a cosponsor.

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

Mr. INOUYE. Mr. President, I ask unanimous consent that the name of the junior Senator from New Mexico [Mr. MONTOYA] be listed as a cosponsor at the next printing of S. 1204, to further amend the Federal Civil Defense Act of 1950, as amended, to provide that Federal buildings shall be designed and constructed to maximize fallout protection and that non-Federal construction financed in whole or in part with Federal funds may be designated to maximize fallout protection.

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

Mr. McCARTHY. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from New York [Mr. JAVITS] be added as a cosponsor of the bill (S. 852) to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for

land conservation and utilization, and for other purposes.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate, as in legislative session, proceed to the consideration of Calendar Nos. 67 and 68, in that order.

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

DEVELOPMENT OF PENNSYLVANIA AVENUE

The Senate proceeded to consider the joint resolution (S.J. Res 18) to provide for the administration and development of Pennsylvania Avenue as a national historic site.

Mr. MANSFIELD. I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 6, line 3, following the comma after the word "Commerce" and before the word "and", insert "Health, Education, and Welfare, Transportation".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution, as amended.

The joint resolution (S.J. Res. 18), as amended, was ordered to be engrossed for a third reading, was read the third time, and agreed to, as follows:

S.J. Res. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress here finds and determines—

(a) that it is in the national interest that Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House be developed, used, and maintained in a manner suitable to its ceremonial historical, and physical relationship to the executive and legislative branches of the Government; and

(b) that the work of reviewing, programing, and coordinating proposals for the proper development, use, and control of Pennsylvania Avenue and the area adjacent to it between the Capitol and the White House should be continued, with the maximum possible use of private enterprise in carrying out the development plan.

SEC. 2. The designation on September 30, 1965, by the Secretary of the Interior of Pennsylvania Avenue between the Capitol and the White House and certain areas adjacent thereto as a national historic site under the name "The Pennsylvania Avenue National Historic Site" is hereby ratified and confirmed. The boundaries of said historic site are as follows:

beginning at a point on the southwest corner of the intersection of Fifteenth Street and Constitution Avenue Northwest, easterly along the south side of Constitution Avenue to the southwest corner of the intersection of Constitution Avenue and Pennsylvania Avenue;

then easterly along the south side of Pennsylvania Avenue to and including the outer circumference of First Street Northwest which forms an arc around Peace Monument;

then westerly along the north side of Pennsylvania Avenue to the northeast corner of the intersection of Third Street and Pennsylvania Avenue Northwest;

then northerly along the east side of Third Street to the northeast corner of the intersection of Third Street and E Street Northwest;

then westerly along the north side of E Street to the northeast corner of the intersection of E Street and Fourth Street Northwest;

then northerly along the east side of Fourth Street to the northeast corner of the intersection of Fourth Street and G Street Northwest;

then westerly along the north side of G Street Northwest to the northwest corner of the intersection of G Street and Fifth Street Northwest;

then southerly along the west side of Fifth Street to the northwest corner of the intersection of Fifth Street and E Street Northwest;

then westerly along the north side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

then northerly along thhe east side of Seventh Street to the point on Seventh Street being the intersection of the north side of G Street with the east side of Seventh Street Northwest;

then westerly from that point along the north side of G Street to the point being the intersection of the north side of G Street with the west side of Ninth Street Northwest;

then southerly from that point along the west side of Ninth Street Northwest to the northwest corner of the intersection of Ninth Street and F Street Northwest;

then westerly along the north side of F Street to the northeast corner of the intersection of F Street and Eleventh Street Northwest;

then southerly along the east side of Eleventh Street to the northeast corner of the intersection of Eleventh Street and E Street Northwest;

then westerly along the north side of E Street to a point approximating what would be the northeast corner of E Street and Thirteen and a Half Street if the latter were extended north across Pennsylvania Avenue;

then northerly from the point along a line forming a perpendicular to F Street to the intersection of said line with the north side of F Street;

then westerly along the north side of F Street to the northeast corner of the intersection of F Street and Fifteenth Street Northwest;

then northerly along the east side of Fifteenth Street to the southeast corner of the intersection of Fifteenth Street, New York Avenue, and Pennsylvania Avenue Northwest;

then westerly along the south side of Pennsylvania Avenue to the southwest corner of Pennsylvania Avenue and East Executive Avenue;

then southerly along the west side of East Executive Avenue to a point which would be the southwest corner of the intersection of East Executive Avenue and E Street;

then easterly along the south side of E Street to the southwest corner of the intersection of E Street and Fifteenth Street Northwest;

then southerly along the west side of Fifteenth Street to the point or place of beginning.

SEC. 3. There is hereby established a Commission on Pennsylvania Avenue (hereinafter referred to as "the Commission"), which shall be composed of (a) not more than seven members appointed by the President who are not officers or employees of the executive branch of the United States Government or of the government of the District of Columbia and who, in the judgment of the President, are especially qualified to serve thereon by virtue of their knowledge and experience in one or more of the fields of history, architecture, city planning, and government, and (b) the following Government officials: the Secretaries of the Interior, Treasury, Commerce, Health, Education, and Welfare, Transportation, and Housing and Urban Development, the Attorney General, the Administrator of the General Services Administration, the President of the Board of Commissioners of the District of Columbia, the Secretary of the Smithsonian Institution, the Architect of the Capitol, the Chairmen of the Commission of Fine Arts and the National Capital Planning Commission, and the Director of the National Gallery of Art. One of the members shall be designated by the President as Chairman of the Commission.

SEC. 4. (a) The Commission shall review and refine the development plans heretofore prepared for Pennsylvania Avenue and the area within the Pennsylvania Avenue National Historic Site; shall from time to time, in consultation with other interested agencies of the Federal Government and the District of Columbia, make such modifications therein as may be necessary; shall coordinate the plans, programs, and activities of agencies of the Federal Government and the District of Columbia which affect the area within the said national historic site; and shall take such action as may be necessary to insure that such plans, programs, and activities are not inconsistent with plans developed for the said national historic site, the comprehensive plan for the National Capital, and any other related plans prepared or developed by the National Capital Planning Commission or other appropriate authority.

(b) In addition to consulting with agencies of the Federal Government and the District of Columbia, the Commission shall consider the views of other public, quasi-public, and private organizations having a proper interest in the Pennsylvania Avenue area. The Commission shall also consider the views of owners and occupants of private property whose interests may be affected by any plans, programs, or actions of the Commission or the agencies whose activities are coordinated by the Commission and, for this purpose, shall, to the extent it deems feasible, conduct public hearings on those plans, programs, and activities. The Commission shall make every effort to minimize any harmful effects of such plans, programs, or activities on owners or occupants of private property in or adjoining the area affected thereby.

(c) The Commission, in carrying out its functions, shall utilize the services and facilities of other agencies of the Federal Government and the District of Columbia to the maximum extent possible. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Department of the Interior, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Secretary of the Interior: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Secretary for the admin-

istrative control of funds (31 U.S.C. 665 (G)) shall apply to appropriations of the Commission: *Provided further,* That the Commission shall not be required to prescribe such regulations.

(d) The Commission shall report to the President and the Congress annually and shall make such other reports as the President shall direct or as the Commission shall deem desirable. Such reports shall include recommendations for such further legislation as the Commission may consider appropriate for the proper performance of its functions or for the development of the national historic site in other respects.

(e) The Commission shall present a final report to the President and the Congress not later than July 1, 1972, and shall thereafter cease to exist. All of its records and papers shall thereupon be turned over to the custody of the Secretary of the Interior for his use and for proper disposition.

SEC. 5. (a) No agency of the Federal Government or of the District of Columbia shall conduct, consent to, or approve any project or program (1) relating to urban renewal, land redevelopment, or public housing within the area of the Pennsylvania Avenue National Historic Site, or (2) involving permanent construction, improvements, or facilities of a type designed to change the character of said area, without the approval of the Commission while it is in existence: *Provided,* That this prohibition shall not be effective if the President, notwithstanding the views of the Commission, shall approve such project or program: *Provided further,* That this section shall not be applicable to land under the jurisdiction of the Architect of the Capitol.

(b) During the three years immediately following the Commission's submission of its final report, no agency of the Federal Government or of the District of Columbia shall conduct, approve, or consent to any project or program of the types described in subsection (a) of this section which, in the judgment of the Secretary of the Interior, is inconsistent with the development of the area within the Pennsylvania Avenue National Historic Site proposed in said final report unless, before the expiration of said three-year period, the plans therein proposed are disapproved by Act of Congress or are modified by such Act, and in the latter case the project or program may be conducted, approved, or consented to only if it is not inconsistent with the plans as so modified.

SEC. 6. (a) Members of the Commission who are officers or employees of the Federal Government or of the District of Columbia government shall receive no additional compensation by virtue of membership on the Commission. Other members of the Commission shall receive compensation at the rate of not to exceed $100 per diem when engaged in the performance of duties for the Commission. Each member of the Commission shall be reimbursed, as authorized by law (5 U.S.C. 73b–2), for travel and subsistence and other necessary expenses incurred by him in the performance of his duties for the Commission.

(b) The Commission is authorized to employ such personnel as may be required for the performance of its functions without regard to the civil service laws and regulations, and may procure the services of experts and consultants by contract or otherwise, but at rates not in excess of $100 per diem for individuals.

SEC. 7. There are hereby authorized to be appropriated such sums, but not more than $800,000 in all, as may be necessary for the Commission to carry out the duties and responsibilities imposed on it by this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 64), explaining the purposes of the joint resolution.

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

PURPOSE OF JOINT RESOLUTION

Senate Joint Resolution 18 would give the recognition of the Congress to the concept of rehabilitation of Pennsylvania Avenue and adjacent areas between the White House and the Capitol for development, use and maintenance as a national thoroughfare appropriate to its ceremonial, historical, and physical relationship to the executive and legislative branches of the Government of our Nation. Along this segment of Pennsylvania Avenue travel our Chiefs of State on the days of their inauguration. Along it in death have traveled six Presidents and a number of our other national leaders in state funerals. Along it have marched processions commemorating the conclusions of four major wars and other major events in the history of our Nation.

Action to make this area symbolic of the majesty and power of the American people and illustrative both of the unity among the three branches of Government and of our historic separation of powers doctrine was initiated by the then President Kennedy in 1961 and has been carried forward by President Johnson. However, the project is a continuation of the work on the Federal Triangle begun in the latter 1920's under the sponsorship of President Hoover and Secretary of the Treasury Andrew Mellon. In turn, the Federal Triangle project was based on the McMillan plan, proposed at the beginning of the century by a Senate committee headed by Senator James McMillan, of Michigan, in the administrations of Presidents McKinley and Theodore Roosevelt. Again, the McMillan plan drew its inspiration from and was in furtherance of the fundamental spirit of the plans for the Capital of the United States conceived by Major L'Enfant in the administration of President Washington.

Thus, the concepts and plans with which Senate Joint Resolution 18 is concerned are deeply rooted in our history and are truly bipartisan in character.

The current phase of action to create a great national symbolic thoroughfare in the area was given formal legal status by the designation on September 30, 1965, of Pennsylvania Avenue between the White House and the Capitol as a national historic site under National Historic Sites Act (49 Stat. 666; found in 16 U.S.C. 461 et seq.) by Secretary of the Interior Stewart Udall, with the concurrence of the President. The text of the order and the provisions of the act are set forth in the appendix to this report.

By Senate Joint Resolution 18, Congress would confirm and ratify the designation of this area as a national historic site, with a specific delineation of its extent by streets and avenues.

The measure also establishes a Commission on Pennsylvania Avenue to assure that the plans, programs, and activities for the creation of such a national ceremonial way are carried forward in an orderly and effective manner as a unified concept, with maximum possible use of private enterprise.

The Commission, to be composed of not more than 21 persons, will not have "operative" functions so to speak, in that it will not itself implement plans for construction or reconstruction. Rather its responsibilities would be, in the words of the proposed legislation, to "review and refine" plans, to consult with other agencies, organizations, and individuals, and to coordinate all activities concerning the program.

The Commission would report to the President and to Congress, submitting a final report not later than July 1, 1972. Congress specifically reserves the right to disapprove or modify any of the plans, and although no specific times for submitting interim reports are fixed in the legislation, the committee expects that the Congress will be advised and kept currently informed of all major decisions and developments.

THE COMMISSION

The resolution specifies the composition of the Commission on Pennsylvania Avenue, and makes more definite and certain its duties, powers, and responsibilities, especially with respect to private property owners or occupants. The membership shall not exceed 21. Of these 21, the President shall appoint not more than 7 persons who are not officers or employees of the executive branch of the Federal Government or of the government of the District of Columbia and who, in the judgment of the President, are especially qualified to serve thereon by virtue of their knowledge and experience in one or more of the fields of history, architecture, city planning, and government. The following Government officials are Commission members by office: The Secretaries of the Interior, Treasury, Commerce, and Housing and Urban Development, the Attorney General, the Administrator of the General Services Administration, the President of the Board of Commissioners of the District of Columbia, the Secretary of the Smithsonian Institution, the Architect of the Capitol, the Chairmen of the Commission of Fine Arts and the National Capital Planning Commission, and the Director of the National Gallery of Art.

The Chairman of the Commission will be designated by the President from among the members.

This Commission would be a successor to the Temporary Commission on Pennsylvania Avenue established by Executive Order 11210 signed by President Johnson on March 25, 1965. The Temporary Commission, in turn, is a successor to the President's Council on Pennsylvania Avenue, appointed by President Kennedy in 1962, which submitted its final report to President Johnson in April 1964, with plans for the avenue to "provide a working basis for further action." This report has been published and is available from the Superintendent of Documents, Government Printing Office.

President Johnson's Temporary Commission undertook a review of the recommendations of the Advisory Council and has initiated plans and programs to implement certain of them. Both the Advisory Council and the Temporary Commission included in its membership leaders and persons of outstanding attainment in the fields of planning, architecture, urban design, and metropolitan architecture, urban design, and metropolitan studies. Without necessarily approving their plans and recommendations, which are not yet formally before the Congress, the committee wishes to express its commendation and appreciation to these public-spirited citizens for their work in initiating the creation of an area and national thoroughfare worthy of its historic role.

NEED FOR LEGISLATION

The committee believes that the need for rehabilitation of Pennsylvania Avenue is so obvious to anyone who has driven or walked along it as to require no elaboration. Much of the north side can be described only as a quasi-slum area.

The Ad Hoc Committee on Federal Office Space reported to President Kennedy that—

"Pennsylvania Avenue should be *the* great thoroughfare of the city of Washington. Instead, it remains a vast, unformed, cluttered expanse at the heart of the Nation's Capital.

The north side presents a scene of desolation: block after block of decayed 19th century buildings, many of which are vacant above the first story, only rarely interspersed by partially unsuccessful efforts at modernization. The roadway, sidewalks, lampposts and other features of the avenue have been sorely neglected. Increasingly the Capitol itself is cut off from the most developed part

of the city by a blighted area that is unsightly by day and empty by night."

Although the need for and desirability of rehabilitating the White House-Capitol segment of Pennsylvania Avenue is self-evident, the question that concerned the committee was whether another commission, appointed by and reporting directly to the President need be established for the purpose.

At the hearings, witnesses pointed out that there were presently a large number of agencies with existing responsibilities, jurisdiction and authority for differing activities, Federal and District, in the area. Also, a number of private and quasi-public bodies and individuals had legitimate interests that should be considered. The very number of existing agencies, each with its own program and responsibilities, as well as the requirement that nongovernmental views be heard, emphasizes the need, in the committee's judgment, for a single, overall coordinating agency to assure that the separate plans, programs, and activities would be in harmony with the whole concept. In regard to this particular issue, the committee cites with approval the conclusion of the President's Advisory Council in its final report:

"We plead that this 'grand axis of the Nation' cannot be remade by breaking it up territorially into small fragments or administratively into scattered assignments. To fulfill these proposals will require an administrator, an authority or agency, with power to enforce local regulations as well as the architectural and planning principles integral to this plan. Therefore, we stress the integrity of the approach even while recognizing that its fulfillment will require phased development and flexible means adapting to continual change. Likewise, these proposals assume special standards of maintenance and landscaping not characteristic of most urban development."

SUMMARY AND RECOMMENDATION

The committee wishes to stress the fact that approval of Senate Joint Resolution 18, as amended, does not constitute approval of any specific plan or part thereof respecting Pennsylvania Avenue. In fact, as has been pointed out, no such plans are before Congress for consideration.

What the committee is doing in reporting favorably on the resolution, as amended, is (1) approving congressional recognition of the designation of Pennsylvania Avenue and related, adjacent areas as a national historic site of interest and moment to all of the people of the United States, and (2) recommending the establishment of an overall commission to coordinate plans and views for creation in the area of a truly symbolic National Ceremonial Way illustrative of the unity and separation of the executive and legislative branches.

For these purposes, the committee recommends prompt approval of Senate Joint Resolution 18.

JUDGMENT AGAINST THE UNITED STATES BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF INDIANS OF THE FLATHEAD RESERVATIONS OF MONTANA

The bill (S. 1177) to provide for the disposition of a judgment against the United States recovered by the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation that were appropriated by the Act of October 27, 1966 (80 Stat. 1065), to pay a judgment by the Indian Claims Commission in docket numbered 61, and the interest thereon, less payment of attorneys fees and expenses, may be invested, expended, or advanced for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed to the members of the tribes shall not be subject to Federal or State income taxes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 66—explaining the purposes of the bill.

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

PURPOSE

The purpose of S. 1177, introduced by Senators Metcalf and Mansfield, is to authorize the distribution of an award by the Indian Claims Commission to the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana.

The bill provides that the judgment funds awarded the Confederated Salish and Kootenai Tribes of the Flathead Reservation by the Indian Claims Commission in docket No. 61 may be used as authorized by the tribal governing body and approved by the Secretary of the Interior. It also exempts from Federal and State income taxes any funds distributed to tribal members.

The judgment funds appropriated by the act of October 27, 1966 (80 Stat. 1065), are on deposit in the U.S. Treasury to the credit of the tribes in an interest-bearing account. This bill authorizes the use of both the principal and the interest. The judgment was for $4,431,622.18, and the payment of attorney fees and expenses will reduce the figure to about $4 million. The interest earned to December 31, 1966, amounts to $24,768.52.

NEED

This legislation is necessary in order for the funds awarded to the tribes to be expended. The annual Appropriations Act for the Department of the Interior provides that judgments awarded to Indian tribes by the Indian Claims Commission or the Court of Claims shall not be available for advances until specific legislation has been enacted that sets forth the purposes for which said funds will be used.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

A TURNING POINT FOR THE ALLIANCE FOR PROGRESS

Mr. MANSFIELD. Mr. President, we are on the threshold of what promises to be a major turning point in the history of this hemisphere. From April 12 to 14, President Johnson will meet with the chief executives of the Alliance for Progress nations at Punta del Este, Uruguay, to provide new impetus to this grand economic and social development program. New life will be breathed into our alliance with Latin American nations through stronger emphasis on multinational endeavors and economic integration.

It is fitting that our President should attend such a meeting, for in so doing he points up U.S. leadership in this bootstrap operation to lift millions of disadvantaged peoples into the modern technological world.

We will have before us a joint resolution to support the other American Republics in their historic new phase and again it is only fitting that when the President leaves for Punta del Este that he carry with him the consensus of the Congress that this country fully supports the goals of economic integration and social progress that our neighbors to the south are seeking to work out for themselves.

When the Presidents meet at the site where the Alliance for Progress was created in August 1961, they will consider an agenda which covers the key areas necessary to development: rural improvement, increased food production, industrial diversification, multinational projects, improved health and education, scientific and cultural advance, and above all, economic integration.

It is only natural that we as a nation would espouse and lend assistance to the attainment of these noble goals. The very objectives our neighbors are striving to accomplish were—in the not too distant past—our own aims. As a growing republic, our country, under the able leadership of wise and provident Presidents, carved out a heritage of progress through hard work and unity. We saw an industrial revolution change the face of our land. This was followed by rural modernization on a scale never before known to man—which enabled us to literally feed millions from our agricultural surpluses.

The United States, following its democratic ideals, developed a technological machine unequaled in the annals of history. Step by step, we have marched forward together toward that society where physical, intellectual, and spiritual fulfillment exist side by side.

We all realize that we have much to do to accomplish our own goals—but our vast experience can be of inestimable value to the developing peoples to the south.

As we approach the presidential summit meeting, let us once again renew our pledge to help where help is needed—and where people are willing to help themselves. In President Johnson's recent special message on aid to foreign lands he reiterated a concept which he has underlined time and again; namely, the theme of self-help. The very first proposal he set forth, based on our country's vast knowledge in the aid field embodies this principle of self-help. It is that nations develop primarily through their own efforts. Our programs can only be supplements, not substitutes.

This support has taken many forms—from providing tax experts to help modernize antiquated tributary systems, to long-term loans for national community development programs.

Today I would like to mention a few examples of what is being done with our assistance in Latin America in the field of community development through self-help. One of the most remarkable programs in this area is Peru's Cooperación

Popular. Schools, roads, reservoirs, and health clinics are being built under this imaginative program. It has completed over 2,000 projects, begun 4,000 others, and has requests to assist 11,000 more.

The Agency for International Development recently approved a loan of $2.1 million to help establish a community revolving loan fund to finance projects under Cooperación Popular. A pilot project for the first operation under this fund will be a loan for the purchase of materials for a water and sewerage system in the adobe-hut town of Rimac, on the slopes of the Andes.

This town's people have shown how community action provides results. Though its workers average just a little over $2 a day they have worked and saved to build a well, a school—built in 22 days—and, an electrification system.

Similar programs are taking place in other Latin American countries. In Bolivia, following an AID study in 1965 the Government established an Office of Community Development with a program centered around the training and use of so-called community development workers—handpicked campesino leaders. Following 6 months of intensive training these workers return to their communities where they apply what they learned in organizing community projects. To date over 200 such workers are active representing 1,600 communities with a total population of over 1 million—roughly 30 percent of Bolivia's rural population. They are assisted by selected Peace Corps volunteers.

Military civic action programs are also playing an important role in developing rural communities. Working shoulder to shoulder with civic leaders they have helped build drinking water systems, improve streets, and provide electrification, bridges, and health clinics.

Our food-for-peace and food-for-work programs, along with the Peace Corps, are also playing valuable roles in supporting such local efforts.

We have always been a nation of practical, hardworking people, and these projects appeal to us, for they are laying the groundwork for new democratic, cooperative programs at the grassroots level. This, as we know, is the very essence of a democracy's strength and vitality.

I should like formally to express my confidence that our country will, under President Johnson's leadership, continue to assist our neighbors in their development efforts under the Alliance for Progress. And I extend my wishes for a most fruitful meeting at Punta del Este.

STATE OF ECONOMY CALLS FOR NO TAX INCREASE

Mr. PROXMIRE. Mr. President, in the last day or so, the administration has been reported to believe that it has done so much to stimulate the economy that the 6-percent surtax recommended by the President is still a better than 50–50 bet to be pressed to enactment, to take effect July 1.

It is true that action by the Federal Reserve authorities in making credit more readily available, and by the President in recommending the restoration of the investment credit, will help the economy.

But it would be most unwise to conclude that these limited steps are all that is likely to be needed to end the general slowing down in business.

Government stimulative actions have been going on now for several months and they have not stopped the trend toward industrial slowdown.

Inventories continue to accumulate alarmingly. Sales are still off. Steel demand is soft. Auto, appliance, textile sales are down. Construction is still in the doldrums. New orders are continuing to tail off. Hours worked through American industry have declined.

I am convinced that, in any event, it would be far wiser for the President and Congress to work to retard spending rather than to increase taxes as the most effective method of fighting inflation.

In any event, the enactment of the proposed surtax should certainly await economic developments in the coming months.

In this connection, this morning's New York Times reports a recent study by the National Bureau of Economic Research showing that the average forecast of the gross national product generally misses the mark by a huge $10 billion. It shows that economists do little better than amateur forecasters, and that the components of gross national product—personal consumption expenditures, Government purchases, and so forth—are usually forecast even wider of the mark. The gross national product forecast is off in terms of increase on the average, according to this analysis, by about 40 percent.

The gross national product forecast would be even worse except that it is offset by compensating errors.

The study also shows that forecasts are much better when they are limited to an ensuing period 2 or 3 months.

This study suggests to me that in connection with the proposed tax increase, Congress should wait as long as possible to impose it, and then determine its action based on the established economic statistics at the time we make our decision—next June or later—rather than on a forecast of what is likely to happen later in the year or next year.

I ask unanimous consent that an article from the Wall Street Journal setting forth the odds on a tax increase, and another article from the same paper analyzing the impact of Government fiscal and monetary policy on the present economy, both be printed in the RECORD at this point, together with an article from this morning's New York Times reporting the findings of the National Bureau of Economic Research on economic forecasting.

I also ask unanimous consent that a column from this morning's Washington Post by Harold Dorsey be printed in the RECORD. Mr. Dorsey does an excellent job of showing why stimulative actions to date by the Government may not be enough to end the business slowdown.

I also ask unanimous consent that a cogently reasoned editorial from the Milwaukee Journal commending President Johnson on his recommendation for restoration of the investment credit be printed in the RECORD at this point.

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

[From the Wall Street Journal]

SURCHARGE PROSPECTS: ODDS FAVOR BID FOR INCOME-TAX RISE TO AVERT FRESH INFLATIONARY UPSURGE

(By Richard F. Janssen)

WASHINGTON.—"We're doing so much for the economy now that we're darn well going to have to raise income taxes."

While circulating as a joke in the Johnson Administration's policy-making circles, the quip has its serious side, too.

For with the vigorous credit-easing efforts of the Federal Reserve Board and the Administration's own proposal to quickly restore business investment incentives, strategists say the odds still favor that by about June they'll be making a sincere request that Congress raise income taxes to head off a fresh inflationary upsurge that otherwise would develop later in the year.

Officials aren't totally convinced they'll be doing this, to be sure, and they are clearly less confident that the statistical evidence that will accumulate in the meantime will be convincing to Congress. They concede, too, that the July 1 target date is almost certainly going to be missed by a fairly wide margin and that the tax surcharge very likely won't be a uniform 6% both on corporations and on individuals. But in a typical comment, one official says flatly: "I predict that before Congress goes home it will have passed some sort of tax surcharge."

CENTERS ON THE CONSUMER

Aside for the welcome complication that peace in Vietnam would present, the big uncertainty about whether the economy will warrant fresh fiscal restraint centers on the consumer. A few more months with retail sales as weak as they were in February (when the seasonally adjusted $25,277,000,000 total was down 2% from January and up only 1% from a year before), one Government economist worries, "and businessmen might panic, start unloading their big inventories, and give us a classic downturn."

The potential for much zippier retail sales certainly lies in the massive pool of savings currently being built up, officials say. After saving an exceptionally skimpy 4.8% of after-tax income in last year's third quarter, consumers boosted the savings ratio sharply to 5.9% in the fourth quarter, the Council of Economic Advisers calculates. In February, the savings inflow to commercial and mutual savings banks ran 100% ahead of a year before after a 43% year-to-year gain in January, the National Association of Home Builders says. Personal income is growing "fantastically faster" than forecast, a government economist says, while employment totals are holding up remarkably well despite many scattered layoffs.

Partly because the savings inflow is also replenishing the coffers of such other mortgage-lending specialists as savings and loan associations, Administration men say that housing starts are already outstripping their forecasts of only a few months back. "The arguments had been about whether starts would reach a 'normal' rate of around 1.5 million annually by the end of 1967," says one official. "But now our people are arguing about whether this will happen in November or as early as June." Even the optimists add, though, that they don't think there will be steady gains in the meantime from the 1,243,000 rate in January, on the ground it may have been something of a statistical fluke.

The more abundant credit already being generated by the Federal Reserve Board is adding to Administration confidence that the economy will grow more rapidly this year, and further direct actions, such as a cut in

the discount rate, could still be taken in the spring; this rate on loans to member commercial banks has been 4.5% since December 1965.

Another possibility considered likely to come sooner by some outside observers is a cut in the reserves banks must keep idle behind larger time deposits. Like the recent cut in reserve requirements on smaller time deposits such as saving accounts, such an action would free a large amount of cash for immediate lending by commercial banks. Rather than see the reduction in interest rates give way once again to a panic-courting tightness, though, Administration men vow they would rather have a tax increase.

The business inventory pileup, which continued growing in January to the surprise of U.S. analysts, certainly ought to have leveled off or turned down before much longer, they say. By June, then, they assume that they'll be in a position to tell Congress that inventory growth in coming months will revive and again be an expansionary factor in the overall economy.

SEEN ADDING STRENGTH TO THE ECONOMY

Since there's every sign that Congress will quickly honor President Johnson's bid for restoration of the 7% tax credit for investment in equipment, strategists see this sector adding strength to the overall economy in the second half, too. They don't expect the tax break to greatly speed the capital spending pace, although this is possible. They admit that they underestimated the degree to which the credit suspension last Oct. 10 would damp spending plans.

Even speedy restoration wouldn't have much impact on actual outlays before mid-year, officials say, because of the time lag between making and carrying out major business-expansion projects. So on this as on most other features of the economy, they relate, they'll probably have to base their case for higher taxes on their outlook for the future rather than on what already shows up in statistics.

Federal as well as state and local government spending is in a strong uptrend, of course. This is one of the factors that initially prompted the tentative decision to seek a tax increase. By the time they testify for one, Johnson aides add, it's quite possible that Congress will have added to the President's appropriations requests for a good many popular programs, thus adding to the inflationary risk from a widening deficit.

A POSSIBLE POSTPONEMENT

Some of the more politically attuned strategists doubt that these reasons will be enough to sell Congress on a tax increase, assuming that they and the President himself don't first change their own minds. "The forecasts will be on our side, but that's all we'll have," sighs a fiscal expert, "while the Congressmen will have all the statistics on their side." A likely compromise, some figure, would be to postpone the recommended tax-rise date from July 1 to August, September or even October, so that there would be more time to withdraw the boost altogether if the expected upsurge failed to materialize.

While they're sure it will be used against them in Congress, officials protest that the surprise move to restore the 7% credit now doesn't mean they think the economy will be too weak to stand a broad tax rise come summer. "It wouldn't be consistent with asking for an income-tax increase right now, but of course we're not asking for one right now," a key planner says. And if officials do follow through with a formal tax-boost request, he adds, they figure they will have to make its effect on corporations relatively tougher to avoid charges that individuals will bear all the real burden because businesses get a roughly offsetting tax break through the 7% investment credit.

One of the reasons for the restoration move at this time, in fact, appears to have been a political one. There was strong fear that the Senate would bow to business pressure and tack a 7%-investment-credit restoration rider onto some other tax bill the Administration wants badly, such as the one to increase the interest-equalization tax that's intended to curb the dollar drain into purchases of foreign securities. "This Administration," one insider says, "doesn't like to look like its being blackjacked into something that it really wants to do anyway."

The economic situation in the capital-goods industries could deteriorate, officials fear, unless the credit is restored soon. The $63 billion plant-and-equipment-outlay total projected for this year in the latest Government survey is only about $500 million below the analysts' prior private estimate, though the outlay pattern worries them. Considering the sharp cut in outlays planned for the second quarter, some analysts doubt that the projected second half spending upturn would actually take place without an early restoration. "Some businessmen may have been anticipating restoration by July 1 when they filled out the questionnaires," an economist suggests, "so that without it, they'd be cutting back too hard despite what their forecasts say."

RETAIL SALES REVISION

The drop in February retail sales would be viewed more pessimistically by top analysts it it hadn't been accompanied by a major upward revision of the January figures. Initially shown as slipping slightly from December to $25,315,000,000, January volume was revised up to $25,703,000,000, matching the record set last September. The unusually large revision has analysts wondering if the February totals, too, may prove inaccurate.

At a seasonally adjusted $25,277,000,000, the February figure was the lowest since the $24,475,000,000 of May 1966. Durable-goods volume, at $7,733,000,000 in February, fell 5% from January and was down 6% from the year-earlier level. Nondurables volume, at $17,544,000,000 was up less than 1% from January and up 4% from February 1966.

The report showed that, without seasonal adjustment, the automotive group's February sales were down to $3,905,000,000 from $4,194,000,000 in January and more steeply below the $4,366,000,000 of February 1966.

[From the Wall Street Journal]

THE OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

One feature of general business today is that it has been showing widespread, and spreading, spots of weakness in spite of the fact that since late fall official Washington has taken numerous measures intended to stimulate activtiy. The proposal made Thursday, to re-enact tax incentives suspended last October for equipment buying and building construction, is only the latest of many.

It is true that President Johnson in his State-of-the-Union message early in January proposed a 6% increase across the board in Federal income taxes to go into effect July 1, which he says he still wants and which would tend to be a depressant if enacted. It is also true that Federal agencies have put pressure on a couple of industries to get them to roll back price increases. But the list of would-be stimulants is much longer.

Starting chronologically, let us cite first a number of decisions taken by the Federal Reserve authorities to make bank credit more abundant and cheaper. After deciding Sept. 13 and Oct. 4 to maintain "firm but orderly" credit conditions, and on Nov. 1 to "maintain generally steady" conditions, the Fed's Open Market Committee changed course Nov. 22. It resolved to conduct its buying and selling of securities "with a view to attaining somewhat easier conditions." This wording was repeated when the committee met Dec. 13.

What policies this committee has adopted since then won't be made public until early 1968, but the effect of its activities has been an almost continuous week-by-week increase in commercial banks' reserves available for lending and investing. This process was speeded this month by the Feb. 28 decision of the Reserve Board to cut the cash reserves that banks are required to keep behind savings deposits, and was reinforced by further open-market moves to ease credit.

This double action was unusual. In the past the Fed often has partially offset its own moves to cut reserve requirements by temporarily restrictive open-market transactions, the purpose being to make bank lending power rise gradually rather than suddenly. This time it has done the opposite—at least so far—by continuing the easing process on top of the cut in reserves.

Other Governmental actions to stimulate business start with the fact that in the fourth quarter of 1966 Federal spending produced a larger rate of deficit, measured in total effect on the economic system, than in any other quarter since just after the big tax cuts of 1964. The rate was $5 billion a year.

In mid-January the prospective rates of deficit on the same basis for all fiscal 1967 (to June 30) and fiscal 1968 were projected at $3.8 billion and $2.1 billion respectively, not as big as the fourth quarter rate but still stimulative. Furthermore, the reduction to $2.1 billion in the coming fiscal year would depend on enactment of the 6% income-tax boost, which Congress is obviously going to be reluctant to impose.

A week earlier President Johnson had sought to offset the effect of this 6% tax-boost proposal by promising to "do everything in a President's power to lower interest rates and ease money." As a first step to carry out this resolve, the day after he said these words the Federal Home Loan Bank Board, on his instructions, cut the rate on loans by its regional banks to savings-and-loan associations to 5¾% from 6%. It also told the associations they could count on borrowing $1 billion more from the system if they needed the funds for mortgage loans.

On Jan. 31 the Board eased the restrictions it maintains on loans to member associations. And early this month it again reduced the rate on loans to members, this time to 5½%.

In turn, the Federal National Mortgage Association joined in this series of actions early in February by raising the prices it pays for mortgages that lenders want to sell in order to make new loans. And a month later Fannie Mae got $380 million from the Treasury, mainly to buy low-price and medium-price private loans made for the specific purpose of starting construction of new housing. One other similar move a few days earlier was the releasing by the Federal Government of $175 million for highway construction, out of $800 million which had been kept back from $4.1 billion earlier appropriated for this fiscal year.

Whether the coming restoration of the tax incentives—which in truth are already available because the effective date of the legislation is to be March 9—will quickly spur new spending on buildings and equipment remains to be seen. In comments from businessmen it was noticeable that those who sell equipment were more enthusiastic about the likely effects of the legislation change than general businessmen—many of the latter suggested their plans wouldn't change very much.

But one thing which is sure is that the previous stimulative moves haven't yet stopped a mild trend towards slowing of general business. For the first time since 1962–63 new spending on plant and equipment threatens to decline for two quarterly periods. Prices for more and more goods are being shaded, even though a few price increases are still being announced. Steel demand is soft and mills have put off hopes for a revival to the third or fourth quarter.

Automobile, appliance and textile sales are down and this has been reflected in layoffs. The weakness in housing, which though up from October's extreme low is still down from early 1966, has spread to other kinds of construction. Factories' total new orders are down and sharp declines are reported by individual industries such as makers of machine tools and rail equipment. Finally, the shorter hours and layoffs mentioned above are reflected by a mild weakness in sales of all retail stores, as shown on the chart at the top of the column just to the left of this one.

Altogether, it may be said that so far the shoring-up measures have been principally reflected in stock-market celebrations.

—GEORGE SHEA.

FORECASTS FOUND WIDE OF THE MARK—STUDY ASSESSES MANY PAST PREDICTIONS ON ECONOMY

Forecasters of the gross national product generally miss the mark by an average of $10-billion, the National Bureau of Economic Research points out in a report issued today.

Economists do not do much better than amateur forecasters who use the simple device of projecting the total value of goods and services by using the percentage gain of the previous year, according to the report.

Victor Zarnowitz, professor of economics and finance at the University of Chicago's Graduate School of Business, wrote the report, "An Appraisal of Short-Term Economic Forecasts." It is the first report in an investigation of a large number of forecasts of general economic activity in the United States during 1953 through 1964.

LONGER FORECASTS TRICKIER

Though a forecasting error of $10-billion is only 2 per cent of the average level of the gross national product, such an amount is about 40 per cent of the average yearly change.

As the span of a forecast increases, accuracy tends to diminish, it was noted. Errors are usually small in forecasts for the next three to six months. But forecasts for a year ahead are often less accurate than a mere projection of the year-earlier percentage gain.

It was also determined that forecasts for the gross national project as a whole are typically much better than those for the components that make up the total. These components include personal consumption expenditures, gross domestic investment, government purchases of goods and services, net exports and changes in business inventories.

[From the Washington Post, Mar. 13, 1967]

INVESTMENT VIEW: DOWNWARD TREND EXPECTED TO PERSIST

(By Harold B. Dorsey)

NEW YORK, March 12.—The figures derived from the latest survey of business capital expenditure intentions were released last week. No doubt they were quite disappointing to those who have been optimistic about the outlook for the economy.

Only three months ago the executives participating in this survey intended to spend more money for new plant and equipment in the first and second quarterly periods this year than they spent in the fourth quarter of last year. Now they expect to spend less—not only less than the fourth quarter but less than they anticipated only three months ago.

For at least six months, this column has been anticipating that the unusually long and sharp upward trend in capital expenditures would be reversed in the first half of 1967 and probably after the first quarter. Evidently, I missed it by one quarterly period. In the fourth quarter of last year these expenditures were running at the annual rate of $62.8 billion, with the first quarter of this year estimated at $62.6 billion and the second quarter at $62.3 billion. Three months ago the respective figures were $62.6 billion, $63.5 billion and $64.1 billion.

The magnitude of the difference is not important. But this new evidence which confirms my anticipation of a reversal in the trend is highly significant. In the light of the new figures, I am impelled to repeat once more that the trends of business capital expenditures have a very strong influence on the economy as a whole.

To a greater degree than any other sector, a large proportion of capital expenditures are paid for out of newly created debt. They convert this new debt into payrolls and into demand for materials. There is a direct connection between the sharp and uninterrupted rising trend in these expenditures since the first quarter of 1963 and the unusually large percentage increases in personal income. A flattening out—or more probably a decline—in capital spending will almost certainly slow the rate of growth in personal income perceptibly.

At this point I might express my complete disagreement with the survey's forecast of rising capital expenditures in the second half of this year. In spite of the proposed reinstatement of the tax credit and accelerated depreciation effective last Thursday, the fundamental determinants of capital spending strongly suggest that a downward trend will persist through the balance of the year at a minimum. The initial stages of that trend will only be less precipitously downward than indicated before last week's action on the tax credit and accelerated depreciation.

As the indicators of impending deterioration in the economy become more evident, it is highly likely that there will be a series of shifts in fiscal and monetary policies designed, hopefully, to counteract the historical sequences of the classic economic forces which now appear to be leading the economy into a period of adjustment. But it remains to be seen whether easier credit, or the reinstatement of the tax credit and accelerated depreciation, or the abandonment of the contemplated 6 per cent surcharge on income taxes can do the job.

These measures will not encourage business to continue the recent terrific pace of inventory accumulation when the inventory position is already very high.

Those same measures are not likely to encourage a business to build a new plant in the next twelve months when it built one last year. Nor will they encourage consumers to increase their purchases of durable goods when they have bought so much so recently.

If credit is eased too much in an effort to stimulate the domestic economy, we are going to have to worry more about the international payments situation. If taxes are not to be increased, then we are going to have to worry more about a very substantial Government deficit. The point is that it is going to be difficult to help the domestic economy—i.e., to counteract the normal consequences of excessive operating inventories and excessive "inventories" of consumers' and producers' durable goods—by easier credit and the avoidance of higher taxes without creating other serious problems.

[From the Milwaukee Journal, Mar. 11, 1967]

WISE ECONOMIC MOVE

President Johnson is wisely urging congress to restore the 7 percent tax credit on business investment and the fast tax write-off schedule on industrial and commercial buildings. The measures were suspended last fall to cool an overheated economy and ease inflationary pressures. At the time, interest rates were at a peak and there was excessive demand for capital investment funds.

The pressures have eased. The president noted that interest rates have fallen as much as 1¼ percent since September and the home building industry is beginning to revive as a consequence. Business capital spending has begun to decline, causing worry about a slowdown in economic growth.

The tax credit and write-off schedule, which represent several billion dollars in tax relief to business, were to have been reinstated next Jan. 1, but Johnson wants them restored immediately.

There is nothing contradictory about the on again, off again use of the investment credit and write-off. They are necessary tools to stabilize the economy.

The president's reiterated request for a 6-percent surtax on individual and corporate incomes may seem inconsistent with his other efforts to encourage spending. But this is not necessarily so. The surtax proposal allows the president to retain an option—which he can give up in a few months if conditions demand—in case the economy heats up too fast again. Asking congress to step a bit on the accelerator while simultaneously toeing the brakes gives him greater control over the economy than going whole hog toward either stimulation or retardation of the availability of money.

L.B.J. SUCCEEDS IN SLOWING ARMS RACE

Mr. PROXMIRE. Mr. President, the Baltimore News American recently commended President Johnson for his initiative in seeking agreement with the U.S.S.R. not to build a vast nationwide anti-ballistic-missile system.

This editorial shows how the Johnson initiative is slowing the arms race, and I ask unanimous consent that it be printed in the RECORD.

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

SLOWING THE ARMS RACE

Acceptance by the Soviet Union of President Johnson's invitation for discussions on possible ways of limiting the arms race is definite good news. For the mere fact that Moscow has agreed to such talks means that the looming next step in nuclear escalation—wholesale deployment of anti-missile systems—no longer need be considered inevitable.

Especially is this good news for the American taxpayer. Because Moscow has recently been installing an anti-missile defense system around that city, it had been feared the U.S. would have no choice but to undertake deployment of our own Nike X missile defense system, now still in the research and development stage. This appallingly expensive system would cost as much as $60 billion.

Russia, of course, has accepted the President's invitation because full extension of her own anti-missile system would be comparatively even more expensive to its economy. Realistic as always, the Kremlin master minds apparently have decided it might be wiser at this time to limit her arms program and pay more attention to the rising clamor of their populace for more consumer goods. Economic pressures, not humanitarian motives, are the reason for the decision.

Actually, there is no cause for being highly optimistic about the impending discussions. The world has been talking disarmament for 20 years with little noticeable effect. And the Soviet Union, in keeping with its Communist double-cross philosophy, will never keep any agreements it makes when it no longer suits its purposes to do so.

In this case an arms slowdown would suit our practical purposes as well as those of the Russians. So if even a temporary respite in the arms race results it will be all to the good.

President Johnson is to be commended for his initiative.

MILWAUKEE JOURNAL COMMENDS MONRONEY-MADDEN REFORM BILL

Mr. PROXMIRE. Mr. President, one of the Nation's great newspapers, the Milwaukee Journal, has expressed its warm approval for the Monroney-Madden congressional reform bill which has just passed this body.

I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

GOOD CONGRESSIONAL REFORM

No one could logically argue that the congressional reform bill passed by the senate is far reaching or drastic. But the wonder is that it goes as far as it does. Congress has shown little interest in reform since the LaFollette-Monroney reorganization act in 1946—and it has disregarded much of that.

The new measure contains some goodies for the congressmen, of course. They will get seven instead of six expense paid trips to and from their home states each year. Each senator will get another legislative assistant. Senate committees will get additional staff members.

There are two notable provisions in the bill. One would scrap the historic senate role in confirming postmaster appointments and that of the house in recommending rural mail carriers. The postmaster general would handle these matters on the basis of merit. While this does away with patronage not all congressmen will be sorry. Many find that they make more enemies in selecting a postmaster or a rural mail carrier than they gain friends and influence.

The bill would also tighten controls over lobbying. The 1946 act required lobbyists whose "principal purpose" is to influence legislation to register with the clerk of the house or the secretary of the senate. The courts interpreted "principal purpose" so rigidly that many lobbyists were able to argue that they need not register. The law required no action by the house clerk or senate secretary to inspect registrations or enforce the law.

Now the law would read "substantial purpose." The registrations would be with the comptroller general, who would be charged with enforcement. Penalties for violators would be set at 12 months' imprisonment and a $10,000 fine.

This legislation still ignores basic ethical regulations for congress. It does not show the concern of the 1946 act for the proliferation of committees and subcommittees. But what it provides is good and the house should go along with it.

ROWAN FINDS TEACHERS CORPS DOING VITAL JOB

Mr. PROXMIRE. Mr. President, Congress will soon be faced with the need of the new Teachers Corps for the funds it must have to continue the fine and vital job it has begun.

My colleague, the Senator from Wisconsin [Mr. NELSON], has been a leader in fighting for the Teacher Corps against serious and discouraging odds. He deserves great credit.

Carl Rowan, the nationally syndicated columnist recently wrote an excellent article showing why this program should be continued and expanded in the national interest, 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:

FUTURE OF TEACHER CORPS IN MAHON'S HANDS

(By Carl T. Rowan)

In Chicago's Shakespeare Elementary School one day last fall, 35 third graders were designated as "slow learners" and placed in a separate class.

These youngsters were already two years behind their classmates in reading and other schoolwork. The "experts" figured that by the eighth grade, they would be four years behind.

Then some teachers who had some extra time, extra skill and extra concern took a look at those 35 youngsters. Their conclusion: Given adequate, sympathetic instruction, all but two of these children can complete high school with adequate grades, make competent career decisions, and become responsible, self-supporting members of society.

The teacher team that cared, and took that extra look at 35 kids who, at the ripe old age of 9 had been consigned to failure, are part of the National Teacher Corps.

There are now 1,213 Teacher Corps members trying to carry that extra care, that special skill, that vitally needed imagination, into the slum schools of 111 school districts in our urban and rural slums.

They are hardly a token of what is needed is the Chicagos, New Yorks, and Hernando, Mississippis of America.

But the school superintendents, mayors and other astute observers already have seen enough to conclude that the Teacher Corps offers something without which the anti-poverty program cannot succeed.

They know that if we cannot alter old processes where insidious hopelessness is drilled into 8- and 9-year-olds, that if we cannot educate these children and lift them above the despair that engulfed their parents and grandparents, then there is no hope for our inner cities. And there is little hope that we can cut our relief rolls; or win any real victories over crime; or improve in any lasting way the relations between the races.

So, educators around the country are asking for three times as many Teacher Corps teams as they have. Whether they get them, or keep the ones they have, will probably be decided by a tall, gentle-natured Texan.

He is George Mahon, chairman of the House Appropriations Committee. Since the death of Rep. John Fogarty, the House subcommittee that must pass on President Johnson's request for additional funds for the Teacher Corps has been full of conflict, and is more anti-Great Society than it was before. Many vital issues in the fields of health, education and welfare may live or die by the margin of one vote in this panel. Thus Mahon's influence is likely to be crucial.

Probably he alone can remove from the "stepchild" category a program that has received effusive praise from a variety of people such as Jack J. Efurd, superintendent of schools in Gentry, Ark.; Mayor John V. Lindsay of New York City, and Alfred Gilpin, president of the Indian Tribal Council and a school board member in Macy, Nebr.

Congressional enthusiasm for the Teacher Corps seemed widespread in Congress in 1965 when President Johnson proposed creation of a large force of idealistic young men and women who would supplement the staffs of slum schools. It was no secret to congressmen that many teachers shunned these schools. (An official in Boston recently proposed "combat pay" for teachers serving in certain slum schools.)

So the Higher Education Act of 1965 spelled out a program under which a team composed of one master teacher and several interns (often former Peace Corps volunteers who are paid $75 to $125 a week while undergoing intensive summer training) is assigned to schools to work with disadvantaged children.

Congress authorized $64,000,000 for the program for the fiscal year ending this June 30. It finally got around to appropriating only $7,500,000. The President has asked for a supplemental allocation of $12,500,000—or enough to train 2,500 more interns this summer.

That is what is before the subcommittee now chaired by Rep. Daniel Flood, D-Pa. And the President has asked $36,000,000 for fiscal 1968.

Richard Graham, director of the Corps, recently asked school districts for a frank appraisal of the program. Of the 79 reports received so far, 77 districts asked for more Teacher Corps teams, one was happy with what it had, and one district was critical of the personnel it received.

Not a bad record for a program that is being run on peanuts.

Mahon is under a lot of pressure to hold down spending. But he just might find the Teacher Corps a place where he can strike a blow for decency and dignity for a lot of long-neglected kids and still not get the feeling that he's bankrupting the treasury.

PRESIDENT JOHNSON: MAN OF PEACE

Mr. PROXMIRE. Mr. President, in his news conference March 9, the President again made crystal clear that he is prepared to pursue any honorable path to a negotiated peace in Vietnam—if he receives some clear signal that the other side is willing to do the same. He has not yet received such a signal, and he must therefore continue the military and economic policies which sustain the Vietnamese in their fight to defend their freedom and territorial integrity.

The burden which the President bears today is especially heavy. He is constantly reminded of the sacrifices of both Americans and Vietnamese in this tragic war. Just before the March 9 press conference he expressed the Nation's feeling toward one brave young American soldier by presenting him with the Medal of Honor for valor above and beyond the call of duty.

I know that President Johnson would much rather be giving out peace medals than medals for bravery under fire. President Johnson is a man of peace. He knows that the best kind of world is one without arms and bombs and armies. Yet his responsibilities call him to make necessary judgments which have military consequences.

He will keep every avenue open to peace. He will explore new avenues to peace. And he needs and deserves the support of every Member of this body in all his efforts.

SENATE RATIFICATION OF HUMAN RIGHTS CONVENTION WOULD BE MAJOR LIFT TO RULE OF LAW—XXXVII

Mr. PROXMIRE. Mr. President, history has offered us both abundant evidence and conclusive proof that there exist only two means of settling disputes between individuals and nations: law or force. We have also learned that in any human situation, where law is not firmly

established, force must be the absolute arbiter of men's differences.

The United Nations and the Human Rights Conventions are an honest and hopeful effort to assert the rule of law throughout the world. Implicit in these conventions is the clear recognition by civilized men that peace can only exist when men are willing to settle their controversies by agreement instead of by violence.

These Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery, are admittedly a small step toward law and away from force as the arbiter of human disputes. The moral persuasion of these conventions is their greatest strength.

Regimes which still resort to forced labor, still condone slavery, and still deprive women of full political equality need to be reminded of the high degree of international agreement on opposing these practices. Those regimes and their leaders deserve the opprobrium of civilized society. While Senate ratification of these Human Rights Conventions requires no domestic nor legislative upheaval in the United States, other nations—in order to comply—will have to change and to sacrifice. We can encourage that change and ease that sacrifice by putting the United States squarely on record in favor of these minimal standards of human rights.

Let everyone and every nation know where the United States stands. Let them know that we support the rule of law and not the recourse to violence in the settling of international, as well as national, disputes.

As President Kennedy so profoundly observed in urging Senate ratification of these conventions:

> There is no society so advanced that it no longer needs periodic recommitments to human rights.

The time is now for the Senate to make that recommitment by ratifying the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

WHY VIETNAM?

Mr. YOUNG of Ohio. Mr. President, along with other Senators, I recently viewed a Defense Department film entitled "Why Vietnam?" The question is never answered. In fact, this film raises far more questions than it answers—not only concerning our reasons for being in Vietnam but also about our own country.

"Why Vietnam?" was intended, we are told, to be shown to our GI's in training camps while in training for service in the Vietnam conflict. Of course, in a war as miserable as this Vietnamese civil war, in which the reasons for our being involved are not quite clear to anyone, except perhaps to Secretary of State Dean Rusk and generals and civilian officials in the Pentagon, it may appear necessary to some of our military leaders to give our boys a bit of brainwashing before they leave, to give them some reasons for fighting a ground war in Vietnam, a small far-off country of no strategic or economic importance to the defense of the United States. However, now we discover that more than 1,600 copies of this film are being distributed free of charge to civic groups, church groups, schools, or persons or groups asking for it. Officials of the Defense Department appear to feel it is necessary to propagandize all Americans as well as the boys fighting in Vietnam.

This "educational" film, so-called, begins not in the jungles of Vietnam, but with a parade of Nazi storm troopers in Hitler's Germany in 1938, on the eve of the signing of the Munich agreement. We then hear Neville Chamberlain, Prime Minister of England, stating that England and Germany could and would never wage war against one another, and that this fact had achieved "peace in our time." Scenes are then shown of Mussolini's invasion of Ethiopia, of the Korean war, and finally we are brought to Vietnam. The implication is clear. The allegation is that the war in Vietnam, like Hitler's "Anschluss" in Austria, is a clear-cut case of aggression and invasion by an outside aggressor. Ho Chi Minh, or Mao Tse-tung—it is never really clear which—is alleged to be a modern Hitler, and that for the United States not to go to fight in Vietnam would be an act of appeasement.

Mr. President, as you know, historically there never was a North or South Vietnam; and the Geneva Accords of 1954 specifically stated that the 17th parallel was a temporary demarcation line dividing Vietnam into North and South Vietnam at that parallel.

And so it goes throughout the film. The picture is not one of Communist aggression with Communist China ultimately the chief aggressor. It is filled with gory pictures of Vietcong terrorism. However, there is not one picture of the destruction and human suffering wrought by our bombing of North and South Vietnam and by the ground fighting between American GI's and the Vietcong. There is not one picture of a Vietnamese child horribly burned by one of our napalm bombs, although thousands of such terrible incidents have been recorded.

The PRESIDING OFFICER (Mr. SPONG in the chair). 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. Meanwhile, back in the United States, Secretary of Defense McNamara and Secretary of State Dean Rusk are giving pious speeches, assuring the world that "we seek no wider war." The narrator tells us that North Vietnam and China seek to dominate southeast Asia—and ultimately the whole world. He implies that they would have the capacity to do so if the United States had not responded to the South Vietnamese plea for help.

Think of it, Mr. President, this paper tiger, Communist China, with 750 million people, 85 percent of the population, without any navy and only an obsolete air force, no nuclear capability whatsoever except the crudest plants that cannot be operable to convey nuclear warheads within 8 to 10 years. The author implies that they would have the capacity to do all of this, conquer the world, if the United States had not answered the South Vietnamese call for help.

Very definitely, this film is propaganda, pure and simple. The question is asked: "What are we fighting for?" The architects of our Vietnam policy answer, of course, that we are fighting for such lofty principles as individual freedom and a government which allows the truth to prosper. These Pentagon leaders and the film narrator roundly condemn the Red Chinese Government for mass indoctrination of its population.

However, when hundreds of thousands of American citizens—including our schoolchildren—are being shown at government expense a film which so distorts facts—a film which was supposedly intended only to boost the morale of our fighting men—one may ask: "What are we fighting for?"

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JUDGMENT AGAINST THE UNITED STATES BY THE SOUTHERN UTE TRIBE OF THE SOUTHERN UTE RESERVATION IN COLORADO

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 69, S. 1191.

The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1191) to provide for the disposition of a judgment against the United States recovered by the Southern Ute Tribe of the Southern Ute Reservation in Colorado.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLOTT. Mr. President, S. 1191 raises essentially the same legal questions that were raised in behalf of S. 1171, which was sponsored by Senators METCALF and MANSFIELD, and upon which favorable action was taken today.

The need for this bill has arisen with respect to the Southern Utes of southern Colorado and part of New Mexico because the law provides that before these funds may be disbursed for the judgments awarded under the Indian Claims Commission, specific legislation must be enacted that sets forth the purposes for which said funds will be used.

The plan of the Southern Utes may be found in the report on file with the Senate, in a letter from the Albuquerque area office, to the Commissioner of Indian Affairs, which begins on page 3 of the report. I simply refer to it. The plan has been gone over by the Interior and Insular Affairs Committee.

I ask unanimous consent that the first five paragraphs of the report, citing the purpose and the need for this bill, be printed in my remarks at this place in the RECORD.

There being no objection, the extracts

from Report No. 65 were ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 1191, introduced by Senator Allott, is to authorize the disposition of a judgment awarded the Southern Ute Tribe of the Southern Ute Reservation, Colo., by the Indian Claims Commission.

The bill provides that the judgment funds awarded to the Southern Ute Tribe of the Southern Ute Reservation in Colorado by the Indian Claims Commission in docket No. 327 may be used as authorized by the tribal governing body and approved by the Secretary of the Interior. It also exempts from Federal and State income taxes any funds distributed to tribal members.

The judgment funds appropriated by the act of April 30, 1965 (79 Stat. 108), are on deposit in the U.S. Treasury to the credit of the tribe in an interest-bearing account. This bill authorized the use of both the principal and the interest. The current balances in the Treasury are $1,456,832.98 in the principal account and $70,855.90 in the interest account.

NEED

This legislation is necessary in order for the funds awarded to the tribes to be expended. The annual appropriations act for the Department of the Interior provides the judgments awarded to Indian tribes by the Indian Claims Commission or the Court of Claims shall not be available for advances until specific legislation has been enacted that sets forth the purposes for which said funds will be used.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Southern Ute Tribe of the Southern Ute Reservation that were appropriated by the Act of April 30, 1965 (79 Stat. 108), to pay a judgment by the Indian Claims Commission in docket Numbered 327, and the interest thereon, less payment of attorneys fees and expenses, may be invested, expended, or advanced for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed to the members of the tribe shall not be subject to Federal or State income taxes.

GOVERNMENT HOUSE AT FORT ADAMS, NEWPORT, R.I.

Mr. PELL. Mr. President, I believe it would be very much in our national interest to have a Government house built on a site at Fort Adams, in my home city of Newport, and administered by the Navy. Such a house would be a restful haven both for leaders of our own Government and for visiting chiefs of state who could stay there, either before or after visiting the President in Washington.

Sometimes the visiting chiefs of state or foreign government leaders are in this country for unofficial reasons, such as medical treatment, and they may need to convalesce or rest for a few days. A Government house could serve a very real need in looking after such individuals.

In addition, it would mean that if a President plans to again visit Newport, as some 17 have, he would have an appropriate place to stay. It might also mean that the Vice President and other senior officials of our Government would have a place where they could either stay themselves or where their official guests could temporarily visit.

In recent years, President Kennedy, who was a frequent visitor to Newport, had contemplated having a temporary summer residence in Newport, and, in fact, had made arrangements to rent such a residence at the time of his death. His predecessor, President Eisenhower, also vacationed frequently at Newport and stayed at Fort Adams.

And when not employed in these ways, such a Government house could well be used by the Naval War College as both a conference center and a place for its visiting lecturers to stay.

With the newly regenerated interest in the America's Cup Races; the rapidly increasing tourist interest in Newport as a cultural center with not only the Jazz and Folk Festival but also the plans to stage summer performances of the Metropolitan Opera, this city is becoming ever more appropriate for VIP's from other countries to visit during the summer months.

As to the practical facilities and services available, let us look first at transportation. Allegheny Airline's new jet flight from Washington can bring visitors to Providence's Theodore Francis Green Airport in an hour. There is connecting commercial air service, which takes only about 10 minutes, to the Newport Air Park. If the flight is by Government jet, of course, the plane can land at Quonset Naval Air Station, with the final airlift by Navy helicopter; or if flying weather is prohibitively bad, by Navy surface craft.

As for other services, if the occasion involves a recuperating foreign chief of state, the Nation has no finer center of medicine than the Boston area. This, of course, is only a few minutes distant from Newport by air and an hour by car.

The Newport Air Park—Newport's air field—is at present being extensively improved. The field is being lengthened and fitted out for day and night use by modern aircraft of most types. These improvements are scheduled to be completed this summer.

Security arrangements are always important considerations when housing chiefs of state. The historic Fort Adams site can be much more easily protected by the U.S. Navy security guards than could private housing facilities.

Also, the maintenance of such a Government house would be quite simply handled by the same naval administrative capability that handles Brenton Village—the complex of low-cost housing for Naval War College officer students currently living on the Fort Adams property.

My final thought on this subject is that international jet service is now so efficient that chiefs of state from all over the world can, and doubtless will, be invited to visit the United States more frequently than in the past. So the demand for such a dwelling is bound to increase. I need not emphasize that water-front property on the northeast coast is rapidly becoming scarcer, and it makes practical sense, therefore, to exploit in this way the Government's possession of this fine piece of land in Newport—now.

THE SITUATION IN EUROPE

Mr. MANSFIELD. Mr. President, in the March 1967 issue of Harper's magazine there is an article under the section known as The Easy Chair, by John Fischer. The subject of the article is, "Field Notes on the Europeans." The subheading is "A Cautiously Optimistic Report on the New Temper of Our Allies, Ex-Allies, and Not-Quite-Enemies."

I ask unanimous consent that I may proceed for several additional minutes, so that I may call the attention of the Senate to various excerpts from this report by Mr. Fischer.

I also ask unanimous consent that, at the conclusion of the reading of these excerpts, the entire article may be incorporated in the RECORD.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. Fischer says that:

Perhaps the most significant thing that has happened in Europe during the past decade is a change in mood.

He states further:

Today both fevers seem much abated. Nobody I spoke to was really fearful, in the old bone-deep way—not of a Soviet attack, a resurgence of Nazism, a proletarian uprising, the suppression of the workers by the wicked bourgeois, or even of an atomic war. Vestiges of fear remain, of course, especially among the older people. Germany is still loathed and mistrusted by most Eastern Europeans, plus many Western ones. Anti-Semitism appears to be endemic, in a low-grade, muffled form, throughout much of Austria and South Germany. Local antagonisms persist—Croat vs. Serb, Fleming vs. Walloon, Italian vs. Austrian in the disputed areas of the Tyrol. But these obsessions now seemed drained of most of their virulence. They don't arouse the murderous enthusiasm of the feuds one still encounters in the Eastern Mediterranean—Greek against Turk, Arab against Jew—nor do they dominate the political scene and the coffeehouse conversations as they did only a few years back.

Further on Mr. Fischer says:

Even the Communists no longer pretend that they hope to take over Europe within the foreseeable future. Nor does anyone believe that, if they did, they could build a New Jerusalem. For a long while Europeans have been watching Communism, in its several varieties, in actual operation; and this security has dispelled, probably for good, their visions of a classless Camelot.

And further on—

As the apocalyptic ambitions of the Left have evaporated, so have those of the Right. Fascism and Nazism are now about as dead as Zoroastrianism; and I could find no sign that they are likely to revive.

Then further on, Mr. Fischer says:

"In their hearts," he said, "the people of Europe already have abandoned the NATO

alliance. They think you Americans will protect them against any possibility of Soviet aggression, for your own reasons. But they don't think it necessary any longer for them to share the cost of that protection. And the United States can do nothing to make them pay.

"Suppose you threaten to pull your troops out of Europe? They would shrug. For they believe—rightly or wrongly—that a NATO ground army is no longer needed. The American nuclear umbrella is defense enough. Besides, they expect you to withdraw most of your forces anyway, to meet the needs of Vietnam. When Mr. McNamara assures us that he has no such intention, he simply is not believed."

Further on, again quoting from Mr. Fischer's article:

"You keep begging us to buy your weapons, to help pay for the upkeep of your army in Germany. Why should we? We can make our own machine guns—and you can support your soldiers wherever you like. You fuss about our trade with the Soviet bloc, and tell us we ought to help feed India, and warn us not to sell arms to the Arabs. Forgive me if I sound rude, but we are tired of these moral lectures. We are no longer an occupied country, and our government now ought to be deciding for itself what is good for Germany, without advice from foreigners."

To cite one more example, an Italian journalist—a perceptive and charming young woman—suggested that Dean Rusk makes himself "look like a clown" when he asks our European allies for support in the Pacific, or for aid to the underdeveloped countries. "He should know," she said, "that we simply laugh at him. Perhaps big rich countries like the United States and Russia can afford to get involved in such far-off places—but we have plenty to do at home." (Even "at home" the Europeans often are glad to let Uncle Sam pick up the tab. When floods ravaged Florence and Venice last winter, very few wealthy Italians gave a single lira to rescue their damaged art treasures. They were confident that contributions would flow in from America—as they did.)

One final comment, if no one seeks the floor. Again quoting from Mr. Fischer:

The disquieting fact, it seems to me, is our slowness in adjusting our own policies and attitudes to the changed atmosphere of Europe. Not only our diplomats, but our Congressmen, editorial writers, and businessmen operating abroad sound—all too often—as if we were still living in the postwar era. Their unconscious assumption is that Europe still needs, and wants, our leadership, as it did during the years of the Marshall Plan; that we have a right to expect European help, or at least understanding, in our own undertakings; and that we will wield considerable leverage on European policies and public opinion.

These things are no longer true. And we do indeed "look like a clown" if we pretend they are.

If we can no longer expect much sympathy or understanding, we can at least command respect. To do so, we need to change our own attitudes and behavior toward Europe. This does not mean, of course, any display of chagrin or bad temper; it simply means a certain coolness and detachment. A reluctance to give advice. A readiness to let the Europeans solve their own problems, conduct their own quarrels, clean up their own messes. A thinning-out of our overstaffed embassies, to reduce the official American presence. Possibly a withdrawal of a substantial part of our armed forces—getting in return the best possible diplomatic bargain from Russia.

Such a course would not imply a retreat into isolationism. De Gaulle is no doubt right in assuming that, if the crunch comes, we would in our own self-interest have to help protect Western Europe. But he is probably also right in calculating that no Soviet attack is likely within the foreseeable future. So long as that is true, why shouldn't we let the Europeans carry the main burden of their standing ground defense?

Perhaps, too, a little less generosity would be a good thing. Seldom guilty of it themselves, most Europeans are suspicious of it in others. It indicates, they believe, that one is either a fool or has some hidden motive. This suspicion, rooted in millennia of peasant folk-wisdom, is one reason why they talk so much about "American imperialism." They simply cannot believe that the United States would have poured billions of dollars of aid into ruined Europe unless it hoped, in some sinister fashion, to gain control of the European economy . . . or bribe the local politicians . . . or get rid of farm surpluses . . . or something equally selfish. Or if not, we must be idiots, deserving contempt.

So we might do well to take a lesson from de Gaulle, the most respected man in Europe. He is reserved, even chilly. He gives no favors, and asks none. He drives hard bargains. First and always he keeps an eye on the interests of his own country. And he embodies, more than any other individual, the new spirit of nationalism which characterizes the post-postwar period.

We might not find it easy to emulate his aloofness, because for a whole generation—from the rise of Hitler to the fall of Khrushchev—we had to watch events in Europe with an anxious, hand-wringing intensity. Then anything that happened there profoundly affected our vital interests. Today that is no longer the case. What is happening may be a disappointment—certainly Europe is taking a shape far different from the confederated continent we once hoped for—but it is hardly a threat. We have no need, then, to be so nervously solicitous.

If we do learn to behave with a bit more detachment—with more regard for our own concerns and less for theirs—we may discover ourselves getting along surprisingly well with our European friends. For such a stance would imply the respect, and the recognition of independence, which the new mood of Europe demands above all else.

Mr. President, I believe there is a good deal of food for thought in what Mr. Fischer has to say.

EXHIBIT 1

THE EASY CHAIR: FIELD NOTES ON THE EUROPEANS

(By John Fischer)

(*A cautiously optimistic report on the new temper of our allies, ex-allies, and not-quite-enemies.*)

Perhaps the most significant thing that has happened in Europe during the past decade is a change in mood. It has come about so gradually that many Europeans may themselves be scarcely aware of it. Such a shift in attitude and emotional tone can only be sensed, not gauged with precision. Yet it is unmistakably there, and it may be a major influence in shaping the style of European life for a long while to come.

So at least it seems to me, after six weeks of intensive conversations with Europeans. This time the outlook and temper of nearly all the people I talked to seemed markedly different from anything I had observed before. The change may, I suspect, indicate the end of the postwar peroid, and the beginning of a new segment of European history which does not yet have a name.

The most noticeable difference is a sharp fall in emotional temperature. In the years just before World War II—and for a long while after—practically every European you met had passionate feelings about politics. He would assure you that if The Enemy won the next election (or *coup d'etat*) that would mean the end of his nation, if not Western civilization. If his side triumphed, however, Utopia would be a-dawning. For until quite recently nearly everybody—certainly all intellectuals—believed fervently in some kind of panacea: Socialism, Fascism, Communism, Trotskyism, the Restoration of the Banat, or whatever. And they were equally obsessed with deep fears.

Today both fevers seem much abated. Nobody I spoke to was really fearful, in the old bone-deep way—not of a Soviet attack, a resurgence of Nazism, a proletarian uprising, the suppression of the workers by the wicked bourgeois, or even of an atomic war. Vestiges of fear remain, of course, especially among the older people. Germany is still loathed and mistrusted by most Eastern Europeans, plus many Western ones. Anti-Semitism appears to be endemic, in a low-grade, muffled form, throughout much of Austria and South Germany. Local antagonisms persist—Croat vs. Serb, Fleming vs. Walloon, Italian vs. Austrian in the disputed areas of the Tyrol. But these obsessions now seemed drained of most of their virulence. They don't arouse the murderous enthusiasm of the feuds one still encounters in the Eastern Mediterranean-Greek against Turk, Arab against Jew—nor do they dominate the political scene and the coffee-house conversations as they did only a few years back.

At the same time, Europeans clearly have lost their faith in The Revolution, of whatever brand. So far as I can discover, men like Gustav Regler no longer exist. He was an idealistic Communist, a man with a vision for which he was willing to give his life, and nearly did. During the winter of 1934, when I was a very junior reporter for the United Press, I spent many evenings with him in a grubby little café in Saarbrücken, listening to him explain how Communism was going to conquer Europe any day now, and soon afterwards the rest of the globe. He was quite certain that this Apocalypse would wipe out everything in life—not only hunger, but greed, envy, and strife. Human nature itself would change, in everything from sexual relationships to personal ambition, so that mankind would live forever after in joyous harmony.

At that time, and well into the fifties, such visionaries were plentiful throughout Europe. In England G. D. H. Cole and Harold Laski led in educating a whole generation of intellectuals to a similar (though somewhat less ecstatic) anticipation of the Socialist paradise. In Germany Kurt Schumacher, the postwar leader of the Social Democrats, was preaching the old-time religion with hot-eyed zeal as late as 1952. In Italy Togliatti apparently clung to some remnants of the dream until his death. But these evangels left no heirs.*

Even the Communists no longer pretend that they hope to take over Europe within the foreseeable future. Nor does anyone believe that, if they did, they could build a New Jerusalem. For a long while Europeans have been watching Communism, in its several varieties, in actual operation; and this scrutiny has dispelled, probably for good, their visions of a classless Camelot.

The present mood of European Marxists probably was best described last fall by Pietro Nenni, the grand old man of Italian Socialism, when he formally renounced the revolutionary goals he had pursued for nearly fifty years. Admitting that his party had finally "put behind us the old maximalist dreams and illusions," he announced that

*Regler died in Mexico, an embittered man. He had worked in the underground against Hitler, had been seriously wounded fighting with the International Brigade in Spain, and had left the Party in disillusionment after the Hitler-Stalin pact.

from now on it would try to work within the existing system "without dogmas" or "ideological fetishes." He thereupon led his party into a Centerist coalition government—an example followed a little later by his fellow Socialists in Germany.

As the apocalyptic ambitions of the Left have evaporated, so have those of the Right. Fascism and Nazism are now about as dead as Zoroastrianism; and I could find no sign that they are likely to revive.

Some of my journalistic colleagues do not agree. Last winter the German National Democratic party—often described as neo-Nazi—won a few seats in the state elections of Hesse and Bavaria. As a consequence a number of respected publications here and in England began to speculate nervously about a resurgence of Hitlerism. Their anxiety redoubled after Kurt Kiesinger, a one-time member of the Nazi party, became head of Germany's new coalition government.

Such worries are understandable, but I don't think they have much basis in fact. The NPD is not really a neo-Nazi movement, in my view, nor is it very important. It seems rather to be a loose collection of Radical Rightists, something like the Birchites here or the Poujadsts in France a decade ago. Without a coherent program or even a common grievance, they aren't likely to achieve a great deal more than their voting strength of last fall: less than 8 per cent. It is true, as James Cameron pointed out in the *New York Times*, that "as recently as the late 'twenties. Hitler's electoral support was almost exactly the same . . ." But it is also true that Hitler's movement then grew with cancerous speed only because the German economy was in collapse, unemployment was intolerably high, and because he could argue, with some plausibility, that the "injustices" which Germany suffered could be remedied by force of arms.

Today nothing like that exists, or is in prospect. Although the long boom has now leveled off, the German economy is still strong and may well resume its climb before the end of the year. Unemployment is trivial, in comparison with the United States or most European countries. And I did not encounter a single person in Germany who thought that a military adventure could result in anything but disaster, incomparably worse than the last one.

Indeed, the state of mind of the ordinary Germans whom I talked to struck me as far more realistic than at any time since the war. They still yearn to see their country reunited; but they are coming to understand that it isn't going to happen soon—probably not until some kind of general political settlement is worked out between East and West. And that, in turn, depends largely on a change in the nature and aims of the European Communist states—an evolution well under way, but which may take decades to complete.

The Germans are also recognizing (sometimes reluctantly and with bitterness) that they are not going to regain their lost provinces in the East. Most now seem ready to accept the Oder-Neisse boundary as permanent. The politicians and diplomats still hope to get something from the Russians in return for a formal acceptance, but they know that the value of this bargaining counter is eroding year by year.

In like fashion, the Germans are changing their minds about atomic weapons. As recently as three years ago many of them were arguing that since their country had renounced atomic weapons of its own, it ought to share in control of the American arsenal, through some such device as a NATO multilateral force. Today even the German military men have abandoned that notion. And many intellectuals, plus some politicians, are wondering out loud whether it might be a good idea to negotiate the removal of all nuclear weapons from German soil, both East and West.

This does not mean that the European intellectual landscape has turned altogether sunny. On the contrary, some cumulus patches are building up which—to the American eye, at least—look fairly ominous. But they are different in kind from the ideological storms which racked the continent for the first two-thirds of this century.

What struck me as most unsettling is a new spirit of nationalism which seems to be growing, swiftly and quietly, not only in Germany but throughout most of Europe. Unlike the old-fashioned nationalism, it is not concerned with territorial expansion. Instead it seems to be a turning inward, a preoccupation with internal affairs. "Isolationist" is perhaps too strong a term to describe it, and "neutralist" isn't quite right either. But it certainly is tinged with an impatience with the problems of the world outside Europe, or even beyond the borders of a single country; for this reason, it sometimes takes the form of anti-Americanism.

At a lunch one day in a villa on the north shore of Lake Como, one of the wise old men of Europe tried to tell a few American guests what he thought was happening. He spoke sadly, because he had devoted the best decades of his life to the effort to build a united Europe, and now felt that he had failed. And he realized that although he was still widely reversed as an elder statesman, his practical influence had almost vanished.

"In their hearts," he said, "the people of Europe already have abandoned the NATO alliance. They think you Americans will protect them against any possibility of Soviet aggression, for your own reasons. But they don't think it necessary any longer for them to share the cost of that protection. And the United States can do nothing to make them pay.

"Suppose you threaten to pull your troops out of Europe? They would shrug. For they believe—rightly or wrongly—that a NATO ground army is no longer needed. The American nuclear umbrella is defense enough. Besides, they expect you to withdraw most of your forces anyway, to meet the needs of Vietnam. When Mr. McNamara assures us that he has no such intention, he simply is not believed.

"At least for the time being," he went on, "they also have forgotten the ideal of a European community. I no longer have much hope that the Common Market will lead to an integrated European economy, much less the growth of federal institutions. For de Gaulle has won. His ideas of petty, selfish nationalism are gaining everywhere. Perhaps it was inevitable, as soon as the threat from the East faded away—or seemed to fade. . ."

Other conversations appeared to confirm this prognosis. When a German student said, "What we need is a strong leader," it turned out that he was thinking of de Gaulle, not Hitler; and what he wanted was a government which would assert more independence of American policy than Erhard's had done. What bothered him about that policy? Not, I was surprised to find, the war in Vietnam. He felt rather reassured that the United States was demonstrating there its determination to defend a smaller ally. (This view was echoed frequently, particularly by nationals of the little countries, such as Austria and Norway, and even by a few Yugoslavs. But they spoke privately; probably not one would have said a good word for America's Vietnam policy in public.) What my young friend objected to was "American nagging."

"You keep begging us to buy your weapons, to help pay for the upkeep of your army in Germany. Why should we? We can make our own machine guns—and you can support your soldiers wherever you like. You fuss about our trade with the Soviet bloc, and tell us we ought to help feed India, and warn us not to sell arms to the Arabs. Forgive me if I sound rude, but we are tired of these moral lectures. We are no longer an occupied country, and our government now ought to be deciding for itself what is good for Germany without advice from foreigners."

To cite one more example, an Italian journalist—a perceptive and charming young woman—suggested that Dean Rusk makes himself "look like a clown" when he asks our European allies for support in the Pacific, or for aid to the underdeveloped countries. "He should know," she said, "that we simply laugh at him. Perhaps big rich countries like the United States and Russia can afford to get involved in such far-off places—but we have plenty to do at home." (Even "at home" the Europeans often are glad to let Uncle Sam pick up the tab. When floods ravaged Florence and Venice last winter, very few wealthy Italians gave a single lira to rescue their damaged art treasures. They were confident that contributions would flow in from America—as they did.)

What concerned me about all this was not the anti-American overtones. We should expect that, since big countries always get scolded by the smaller ones. Remember how England in its heyday was reviled as "perfidious Albion"? And we surely should have learned by this time those ancient maxims of international affairs: (1) There is no such thing as gratitude among nations; (2) Nobody forgives a benefactor.

The disquieting fact, it seems to me, is our slowness in adjusting our own policies and attitudes to the changed atmosphere of Europe. Not only our diplomats, but our Congressmen, editorial writers, and businessmen operating abroad sound—all too often—as if we were still living in the postwar era. Their unconscious assumption is that Europe still needs, and wants, our leadership, as it did during the years of the Marshall Plan; that we have a right to expect European help, or at least understanding, in our own undertakings; and that we still wield considerable leverage on European policies and public opinion.

These things are no longer true. And we do indeed "look like a clown" if we pretend they are.

If we can no longer expect much sympathy or understanding, we can at least command respect. To do so, we need to change our own attitudes and behavior toward Europe. This does not mean, of course, any display of chagrin or bad temper; it simply means a certain coolness and detachment. A reluctance to give advice. A readiness to let the Europeans solve their own problems, conduct their own quarrels, clean up their own messes. A thinning-out of our overstaffed embassies, to reduce the official American presence. Possibly a withdrawal of a substantial part of our armed forces—getting in return the best possible diplomatic bargain from Russia.

Such a course would not imply a retreat into isolationism. De Gaulle is no doubt right in assuming that, if the crunch comes, we would in our own self-interest have to help protect Western Europe. But he is probably also right in calculating that no Soviet attack is likely within the foreseeable future. So long as that is true, why shouldn't we let the Europeans carry the main burden of their standing ground defense?

Perhaps, too, a little less generosity would be a good thing. Seldom guilty of it themselves, most Europeans are suspicious of it in others. It indicates, they believe, that one is either a fool or has some hidden motive. This suspicion, rooted in millennia of peasant folk-wisdom, is one reason why they talk so much about "American imperialism." They simply cannot believe that the United States would have poured billions of dollars of aid into ruined Europe unless it hoped, in some sinister fashion, to gain control of the

European economy . . . or bribe the local politicians . . . or get rid of farm surpluses . . . or something equally selfish. Or if not, we must be idiots, deserving contempt.

So we might do well to take a lesson from de Gaulle, the most respected man in Europe. He is reserved, even chilly. He gives no favors, and asks none. He drives hard bargains. First and always he keeps an eye on the interests of his own country. And he embodies, more than any other individual, the new spirit of nationalism which characterizes the post-postwar period.

We might not find it easy to emulate his aloofness, because for a whole generation—from the rise of Hitler to the fall of Khrushchev—we had to watch events in Europe with an anxious, hand-wringing intensity. Then anything that happened there profoundly affected our vital interests. Today that is no longer the case. What is happening may be a disappointment—certainly Europe is taking a shape far different from the confederated continent we once hoped for—but it is hardly a threat. We have no need, then, to be so nervously solicitous.

If we do learn to behave with a bit more detachment—with more regard for our own concerns—and less for theirs—we may discover ourselves getting along surprisingly well with our European friends. For such a stance would imply the respect, and the recognition of independence, which the new mood of Europe demands above all else.

PRESIDENT JOHNSON'S VIETNAM POLICY

Mr. BYRD of West Virginia. Mr. President, once again President Johnson has defined our position in Vietnam. At his March 9 news conference, the President reiterated that our Government is prepared to find a solution to this conflict that is just and honorable.

In my view, the President's firm but reasonable position should satisfy those critics who have questioned whether or not our Government has sincerely tried to find peace in Vietnam.

For as President Johnson indicated, the Government of the United States has proved its sincerity by extending ceasefires on six separate occasions, and to no avail. It is now time for the critics to begin to question Hanoi.

President Johnson has been courageous and patient, reasonable but firm in handling his enemies abroad and his critics at home. He deserves the support of the country and the people in his efforts to secure peace by following a course of firmness and resoluteness in Vietnam.

CONSULAR CONVENTION WITH THE SOVIET UNION

Mr. MANSFIELD. Mr. President, several days ago, the chairman of the Committee on Foreign Relations asked the Secretary of State for his opinion on the advisability and feasibility of amendments, reservations, or understandings to the consular convention with the Soviet Union. The Secretary has now replied, in a letter dated March 8. I ask unanimous consent that his letter to the chairman be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MANSFIELD. In his letter, Secretary Rusk says that efforts to amend the treaty, or to incorporate reservations or understandings to our ratification, could lead to what the Secretary terms—"either of two undesirable consequences." The first of these consequences is that the Soviets might not ratify the treaty—a treaty the Secretary describes in the last paragraph of his letter as "essential to obtaining those rights we need to protect Americans traveling in the Soviet Union," and as "in our national interest."

The Secretary describes the second undesirable consequence in these words:

Reservations or understandings by the United States would give the U.S.S.R. an opportunity to qualify or interpret its own obligations under the treaty in ways that would deprive this country of the treaty's important benefits.

The Secretary also states in his letter:

It is altogether doubtful that any renegotiation could secure a better treaty, or indeed one that is as good.

In other words, Mr. President, attempting to attach a reservation or understanding to our ratification of this treaty could cause the treaty to operate in a way that would be less beneficial to the United States or could result—and, if the reservations proposed by the Senator from South Dakota are adopted, probably would result—in there being no treaty at all. That is the issue involved in our vote on these reservations. Make no mistake about it, the issue is purely and simply the life or death of this treaty.

Mr. President, I ask unanimous consent to have printed in the RECORD following the letter to the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], two responses from Mr. William B. Macomber, Jr., Assistant Secretary of State for Congressional Relations in response to specific inquiries by me relative to the two reservations which will be considered by the Senate on Tuesday and Wednesday of this week.

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

(See exhibit 2.)

EXHIBIT 1

THE SECRETARY OF STATE,
Washington, March 8, 1967.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I am writing in response to your question concerning the advisability and feasibility of amendments, reservations, or understandings to the US–USSR Consular Convention.

This treaty emerged from a long and thorough process of negotiation with the Soviet Government. It is altogether doubtful that any renegotiation could secure a better treaty, or indeed one that is as good. Efforts to amend the treaty, or the incorporation of one or more reservations or understandings to the U.S. ratification, could lead to either of two undesirable consequences. The Soviet Government might simply not proceed to ratify the treaty. Alternatively, if the treaty were ratified, reservations or understandings by the United States would give the USSR an opportunity to qualify or interpret its own obligations under the treaty in ways that would deprive this country of the treaty's important benefits.

As I have stated earlier to the Senate Foreign Relations Committee, the main purpose of the Consular Convention is to provide a needed legal basis for the protection of Americans who might be arrested in the USSR. The number of Americans traveling to that country has now reached a total of some 18,000 annually. Under present Soviet law, arrested persons can be held incommunicado for nine months or longer during investigation of a criminal charge. The Consular Convention specifies that U.S. officials will be notified immediately (within 1–3 days) when an American citizen is arrested or detained in the Soviet Union, and it stipulates that our officials will be allowed to visit the American without delay (within 2–4 days) and on a continuing basis thereafter.

As soon as this treaty is ratified and enters into force, the benefits conferred by it will come into operation whether or not any consulates are opened in the Soviet Union or the United States. The Convention does not provide for the opening of consulates. Decisions on any such action are separate from the Convention; no treaty is required before the President can exercise his constitutional power to establish U.S. consulates abroad or to permit foreign consulates in this country.

I have earlier informed the Committee that there has been no agreement with the Soviet Government in the negotiations on the Consular Convention or otherwise, for the opening of any consulates in either country. We have no present plans for taking such action. I have already assured the Foreign Relations Committee that, if and when in the future we should consider proceeding toward the opening of a consulate, we would consult fully with the Committee and with the Leadership on both sides of the aisle before reaching a decision. Moreover, as I have also assured the Committee, in the event of our decision to agree to the establishment of a Soviet consulate in this country, we would discuss the question with the municipal authorities of any American city under consideration as the site; we would not wish to proceed with the opening of a consulate against the will of the responsible local authorities. In the event a Soviet consulate were established in this country, we would insist that the number of Soviet consular personnel enjoying immunities under the Convention be limited, and in no case would it exceed the number of Americans to receive identical immunities in the consulate we would open in the Soviet Union.

I have stated earlier my conviction that the US-USSR Consular Convention is a good treaty, essential to obtaining those rights we need to protect Americans traveling in the Soviet Union. I am convinced that the treaty is in our national interest. I hope very much the Senate will decide to give its advice and consent, and will do so unconditionally.

Sincerely,

DEAN RUSK.

EXHIBIT 2

Hon. MICHAEL J. MANSFIELD,
U.S. Senate.

DEAR SENATOR MANSFIELD: In response to your inquiry, I am pleased to give the viewpoint of the Department of State regarding a reservation proposed to the US-USSR Consular Convention now before the Senate.

This reservation would provide that American consular officers in the Soviet Union should have the "same right to free expression" in Russia as a Soviet consular officer would have in the United States. In addition, it would stipulate that there would be "no limit on the number of American newsmen" in Russia.

The Consular Convention is an instrument regulating the status and functions of consular personnel. It would destroy its usefulness for that important purpose if we attempted to use it as a vehicle for re-making Soviet society, however desirable it seems to us that steps should be taken in the USSR to make it a free society. We share the concern to reduce and eliminate barriers to the free expression and circulation

of ideas. However, it is our strongly held judgment that this cannot be done by means of reservations to the Consular Convention. The immediate consequence of an effort to do so in this way would be to kill the Convention.

Please do not hesitate to call on me if I can provide any further information or assistance.

Sincerely,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary for Congressional Relations.

MARCH 13, 1967.

HON. MICHAEL J. MANSFIELD,
U.S. Senate,

DEAR SENATOR MANSFIELD: In response to your inquiry, I am pleased to give you the viewpoint of the Department of State regarding a reservation proposed to the US–USSR Consular Convention now before the Senate.

This reservation would provide that the Consular Convention would not enter in force until the President advises Congress that there is "no longer a need for U.S. Forces in Viet-Nam" or that any war material and arms the Soviet Union is furnishing to North Viet-Nam are "not delaying or preventing a return of U.S. troops" from Viet-Nam.

This reservation will preclude or substantially delay entry into force of the Consular Convention. Soviet nationals already enjoy the protection of the U.S. Constitution and of our legal system in a free society, should they be accused of a crime. We need the Convention now, and without delay, to secure some elementary rights of consular access and notification for American citizens present in the USSR. These features will become operative without the opening of consulates.

We believe our national interest requires the earliest possible entry in force of the Consular Convention. Under present Soviet law, arrested persons can be held incommunicado for nine months or more during investigation of a criminal charge. The Consular Convention contains major "due process" concessions by the USSR. It specifies that U.S. officials will be notified immediately (within 2–4 days), and it provides that access will be allowed on a continuing basis thereafter.

As soon as this treaty is ratified and enters into force, diplomatic officers now attached to our Embassy in Moscow who are notified to the Soviet Government as consular officers will have these important rights of notification and access whether or not consulates are eventually opened as the result of separate negotiations.

Please do not hesitate to call on me if I can provide any further information or assistance.

Sincerely,

WILLIAM B. MACOMBER, JR.

LATIN AMERICAN SUMMIT MEETING

Mr. MORSE. Mr. President, I was not present when the President's message on the Latin American summit meeting was laid before the Senate. I do not want to speak at any length on it, but the majority leader knows whereof I speak because he was present at the White House conference last Friday when President Johnson briefed us on the message which he has sent to the Congress today.

The minority leader was appropriately represented by others on the minority side of the aisle at the White House last Friday morning because he was unable to be present in person. In respect to the message, I highly support the objectives that the President has in mind and which he has set forth in the message.

I think it is important that the President consult with us in advance of going down to Punta del Este and I am very glad that the President is doing just that.

We discussed this matter at the White House, and this seemed to be the overwhelming consensus of the opinion as the majority leader well knows, for he was present for the conference and made his own contribution to the conference.

I think now is the time to avoid any possible misunderstanding as to the plans for the Summit Conference and the proceedings that are to be followed by the Congress in advising the President as to congressional viewpoints.

I am delighted to hear that the message and the resolution attached thereto will be referred to the Committee on Foreign Relations. I am pleased that the Chairman of the Foreign Relations Committee is present in the Chamber because, as he knows, we had an informal discussion of this matter in the Committee on Foreign Relations this morning.

I take it upon myself to say—and I am sure the chairman will not object to my saying it—that I strongly urged at the committee meeting this morning that hearings be held with dispatch by the full Committee on Foreign Relations. There seems to be some question raised as to the nature of any hearings on the President's message and the purpose of the resolution. Let me make very clear that as far as I am concerned—and my view is shared, may I say, by a considerable number of other members of the committee who have talked to me—the holding of hearings involves no commitment on the substance of the resolution sent to us by the President. The holding of hearings does not in any way prevent any amendments to the resolution.

It may very well be that because of other points raised at the hearings—and there may be others—there will be some amendments offered.

I make no commitments to vote for the resolution until I hear the witnesses presented by the administration and other witnesses who may testify. I do support the basic objectives which the President has in mind, but their implementation is to be decided by the Congress after all the evidence and points of view are presented at the hearings. It is of the utmost importance that, when our President goes to that conference, he goes with the advice of Congress in advance of his carrying out the negotiations which he will be expected to engage in at the conference. We owe it to our President to do what we can to strengthen his hand at this summit conference discussion consonant with what the Congress thinks it can support in expanding the Alliance for Progress program if a case is made out for such expansion.

This is a vitally important conference, in my judgment, as far as the future of the Western Hemisphere is concerned and our economic relationship in the future with the rest of the countries in the Western Hemisphere.

I heartily endorse the objectives that the President has in mind. I think his proposed program in general is the next step in the advancement of the Alliance for Progress program. I yield to no one in my ardent support of the Alliance for Progress from the very beginning. It was really born in my subcommittee when the then Senator from Massachusetts, the late President Kennedy, was a member of the subcommittee. We held hearings, and the monographs and recommendations from our committee that President Kennedy later took to the White House with him were used by him for the formulation of the Alliance for Progress program.

We have often heard it said in the Congress that we in the Congress should be in on the take-off as well as on the landing in the formulation of American foreign policy.

For 22 years, I have argued that the advice-and-consent clause of the Constitution does not mean that we should give our advice after the fact, but that we should give our advice while the foreign policy is being developed by the White House and by the State Department.

The President has made it clear to me, in my conversations with him in regard to this particular matter, that he does not disagree with that general proposition as to the part Congress should play in helping the executive branch of Government formulate foreign policy. President Johnson has made a practice of conferring with Members of Congress many, many times requesting their advice on foreign policy. This is another example of it.

There has been some discussion as to whether this might be another Tonkin Bay joint resolution.

In my judgment, it is altogether different from the Tonkin Bay joint resolution.

This is not a program that gives the President of the United States any precommitment in regard to the exercise of military authority.

The resolution is sought by the President out of his seeking to advise with Congress in regard to the economic future of the Alliance for Progress program. It refers to many variables and many specifics, such as, for example, the whole problem of a Common Market for the hemisphere within the next 10 years. We had better come to a Common Market if there is ever to be economic stability and prosperity throughout the Western Hemisphere.

An economic approach to the Alliance for Progress program on a self-help cooperative expanded basis is essential if we are to have the sound prosperous economic relationship that ought to exist among the countries within the hemisphere, including the United States.

I simply want to say that is my interpretation of the proper approach. I commend the President of the United States for seeking our advice prior to the summit conference. However, I am sorry that the message mentions any figure as to what we might subsequently agree to by way of any financial aid to the Latin American countries.

I say now, as the Senator from Montana knows I said at the White House the other day, that the whole Alliance for Progress program is based upon a mutuality of self-help effort among the

countries concerned. It is based upon the commitment of self-help on the part of the Latin American countries. All obligations in it are entirely mutual; not one is a unilateral obligation on the part of the United States.

The Senator from Iowa [Mr. HICKENLOOPER] and I laid that down at the time of the Bogotá Conference. We made it very clear when the act of Bogotá was consummated. It was made very clear in the report that the Senator from Iowa [Mr. HICKENLOOPER] and I made to the Senate when we came back from Bogotá that the whole program of economic cooperation in this hemisphere is based upon self-help and cooperation on the part of the Latin American countries.

Otherwise, they have no right to expect or accept help from the United States. We have made no commitment of help on our part unless they carry out their commitments, which were called for in the act of Bogotá, to institute a self-help program.

We extended and expanded that idea in the act of Punta del Este. Senator HICKENLOOPER and I were two of the Senate representatives at Punta del Este when the act of Punta del Este was presented. Again, it is based upon a self-help program.

I make this brief statement today so that there will be no misunderstanding so far as I am concerned and, in my judgment, so far as the President is concerned. The President made clear at our conference with him last Friday that his suggestions are based upon a self-help program. Above all else I want to emphasize that the Alliance for Progress program, based upon a mutuality of cooperation among all the other countries, which will involve the cooperation of the United States, involves self-help on the part of those countries.

So far as any dollar figure is concerned, we certainly are free, in our hearings, to offer any amendments that may be appropriate on the basis of the evidence presented. At the present time I do not think the United States should make any commitment in respect to any amount of money we may make available in the future. That should all depend upon many variables including to the extent to which the Latin American countries are willing to contribute their fair share of self-help to the Alliance for Progress program.

Regardless of what dollar figures may be bandied about, I do not believe that any Latin American country should assume that Congress, in agreeing to a resolution that contains no dollar figures, is committing itself to any dollar figure. I do not know whether it should be x dollars or y dollars. That aspect depends more upon the Latin American countries than upon us. It depends upon the kind of self-help program they will work out.

With respect to the objectives of the message that the President has in mind, I repeat what I have said to the President: Now is the time to talk about the future of the Alliance for Progress program. As was said at the White House the other day, there is a belief in Latin America on the part of some that we are passing Latin America by. We have no intention of passing Latin America by. We have demonstrated time and time again our desire to help them develop their own economic improvement, by coming to the assistance of the masses of the people of Latin America, if their governments are willing to cooperate with us in that assistance.

The great bulwark against communism in Latin America, in my judgment, is the development, in each country where it is needed—and it is needed throughout Latin America—of a system of economic freedom of choice for the people of Latin America and a recognition on the part of their respective governments that economic freedom is the best security those governments can have against communism.

The other great weapon we can export, and which we can help them develop, is literacy. Give me a literate population throughout Latin America, and in country after country, in which the people enjoy economic freedom of choice—which means that you have economic development projects that raise the standard of living of the masses of the people—and you need not worry about two things: You need not worry about the spread of communism, because economic freedom and liberty will stop communism. Second, you need not worry about the development of political self-determination on the part of the people in developing their own democratic institutions. A literate, enlightened people and an economically free people will never support any form of totalitarianism, be it communism or military dictatorship.

Each Senator should study with great care the President's message, and we should do all we can to cooperate with the President in advising him, before he goes to Punta del Este, what our attitude is in regard to strengthening and expanding the Alliance for Progress program.

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

Mr. MORSE. I yield.

Mr. FULBRIGHT. The Senator from Oregon has mentioned that he brought up this matter in the committee meeting. The committee will conduct hearings at the earliest possible moment. I have not seen the resolution, but it certainly will receive immediate consideration as soon as it arrives.

Mr. MORSE. I know it will. That is why I brought up the matter.

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

Mr. MORSE. I yield.

Mr. MANSFIELD. Mr. President, I wish to corroborate what the distinguished senior Senator from Oregon has said about the meeting at the White House, which I believe the President referred to specifically as bringing us all in on the takeoff rather than telling us about it after a crashlanding.

Between 30 and 40 Members of the House and Senate were present. The distinguished chairman of the Committee on Foreign Relations was invited, but unfortunately he had to address a statewide gathering in Arkansas that day, so he was not present.

The emphasis was placed upon attempting to bring about a common market for all of Latin America, including the United States, if my recollection is correct. The intention was to do what we could, in a peripheral sense, to help bring about rural modernization, better health and educational facilities. The idea was that the initiative was to be undertaken by the Latin American nations themselves.

There is absolutely no connection or relationship between a resolution of this kind and the type of resolution which was agreed to in August 1964, known as the Gulf of Tonkin resolution. The latter resolution dealt with military situations. As a matter of fact, as I recall the proposed resolution—it was only embryonic in form when it was shown to us at the White House—its sense was against continuing militarism in various Latin American countries; and the emphasis was placed on economic integration, rural improvement, better schools, better health facilities, and similar matters.

I am prepared to go all the way on a resolution such as this, because this is the kind of resolution which makes sense to me. This is the kind of resolution which will seek to help people. This is the type of resolution to which I hope the Senate and Congress will give special attention. It is directed to an area of greatest concern to this country—to the Western Hemisphere.

Mr. MORSE. Mr. President, the majority leader has stated the situation more succinctly and in clearer form than I have. He has accurately reported the discussion at the White House the other day. I thank the majority leader.

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

Mr. MORSE. I yield.

Mr. GRUENING. In the White House discussion or conference, did the President advert to the subject he has discussed so emphatically and so repeatedly since he took office; namely, the population problem?

In one of his statements on this subject, the President indicated that aid would go particularly to those nations that attempted to solve their population problems; and we all know, of course, that the great population explosion in Latin America and elsewhere is largely undercutting and nullifying all our efforts to give them economic assistance. Was that problem referred to?

Mr. MORSE. As the Senator from Alaska knows, I never quote the President. But I am within the proprieties in saying that this matter was not raised by the President. Undoubtedly the matter was recognized by all, without its being spelled out. One of our problems in Latin America, as we discussed briefly the food problem, is the problem of the population explosion.

We must even think about this problem in our own country with respect to the next 50 years. The matter was not discussed specifically. It will have to be discussed in connection with any Western Hemisphere economic program to be participated in by all countries, including the United States. It will have to be discussed in connection with its relationship to a common market, which the message and the resolution contemplate

we should attempt to implement within the next 10 years.

Mr. GRUENING. As the Senator from Oregon well knows, the President has shown great leadership in this field. He has spoken not fewer than 28 times about the population problem. In his last state of the Union message, he adverted to it again by saying that the time for rhetoric has passed and that the time for action is here. Unfortunately, his agencies, his Cabinet members, do not seem to have received the message, and very little is being done to implement the President's repeated utterances.

I hope that when we come to the discussion of the foreign aid program, this will be one of the major topics of discussion.

Mr. MORSE. As this matter is discussed at the hearings of the Committee on Foreign Relations, in connection with the message, the problem of the population explosion undoubtedly will be raised. So far as I am concerned, I would be glad to recommend to the committee that the Senator from Alaska be invited to appear and to raise the matter, if he would like to do so. He is the Senate's expert on this subject. I believe he should be given the opportunity to appear.

Mr. GRUENING. I appreciate the invitation. I believe that it would be appropriate if the distinguished chairman of the Subcommittee on American Republics Affairs would agree that it might be well to earmark a certain part of our foreign aid funds for this purpose.

Mr. MORSE. I shall take that under advisement as the record is made.

Mr. GORE. Mr. President, I wish to join with other Senators who have expressed the view that the President's message, and the consequent resolution which is to be introduced by someone, whose identity I do not now know, receive early and careful consideration.

I notice in the President's message, which I now have had an opportunity to read, that he recommends that Congress make a "commitment" of $1.5 billion for various purposes. He then says:

It must not be at the expense of our efforts in other parts of this troubled world.

It is a little hard to understand, with the expense we have in other parts of this troubled world, including our own country, how we could commit ourselves to $1.5 billion additional with an already unbalanced budget without, in fact, doing so "at the expense of our efforts in other parts of this troubled world."

I notice, for instance, he recommends $150 million over a 3-year period for certain public works improvements, including roads to link the nations and people of Latin America.

Will that be done by further impoundment of highway funds to link our own cities and to complete our highway system? What does this message mean? Is Congress, in fact, to make a commitment of $1.5 billion for Latin America additional only after all other problems of this troubled and distraught world are met?

It must not be at the expense of our efforts in other parts of this troubled world.

The troubled world surely includes our own American cities, and includes problems in unemployment, especially in economic and minority groups, and the social and economic problems in our ghettos.

I am willing to consider this proposal and consider it early but I want to be careful about signing blank checks, particularly when there are so many needs at home for which funds are now being withheld and impounded.

We are now losing more lives on our inadequate highways than we are losing in the tragic conflict in Vietnam, as heavy and as tragic as those losses are. Yet Congress made a commitment by legislative enactment that the Interstate Highway System shall be completed in a given period. It was my fortune to be coauthor of the Highway Acts of 1956 and of 1958. In consequence of that commitment, we levied taxes upon highway users. Those taxes are now being collected. The revenue from those taxes is going into the trust fund, the expenditures from which, however, are being impounded, inhibited, and held back by the President, the same President who now asks us to make a commitment of $1.5 billion, but we are advised that

It must not be at the expense of our efforts in other parts of this troubled world.

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

Mr. GORE. I yield.

Mr. GRUENING. I am in complete accord with the thoughts which are fairly expressed in what the distinguished Senator from Tennessee has said. I wish to point out that not only is the Federal highway program being cut all over the country, but specifically, in my State of Alaska, which was totally excluded from all Federal highway aid for the first 40 years of this important legislation, and after 8 years of effort we finally succeeded in getting a start in catching up, and beginning to nullify this 50-year discrimination, but are denied inclusion in the President's proposed budget.

The two Houses voted and Congress approved an additional $14 million a year for 5 years including use of these funds for maintenance in order to rectify gradually the condition which existed and still exists in my State, which is that it entered the Union in the unique situation, unthinkable in our 49 sister States, unthinkable, for example, in the Senator's State of Tennessee, whereby not merely a few, but a majority of our communities were and are unconnected with any other community by highway or railway. That would not be possible in Tennessee, New Jersey, or California, or any other State, but it does exist in Alaska. A map of Alaska with existing highways delineated shows four-fifths of its territory almost without any roads, and its communities unconnected except by air.

At long last, in the last Congress we succeeded in making a beginning, some $14 million a year for the next 5 years in addition were authorized, but now this is omitted from the President's budget. I would therefore, find myself unable to vote for this proposed increase in our aid program to Latin America while this nationwide drastic reducation in our own highway programs and the discrimination against our other domestic needs continues. I think that many other Senators feel the same way.

I believe in a foreign aid program wisely administered, which we have not had. Merely increasing the appropriation will not increase its efficiency as the study of the program in Chile, made by my Subcommittee on Foreign Aid Expenditures and published as a Senate document clearly reveals.

President Johnson is now requesting that about $900 million be authorized for agriculture, education, and health programs in Latin America over and above the $543 million already requested. Yet in 1967, President Johnson has reduced domestic agricultural programs by $423 million and has reduced domestic health, education, and welfare programs by over $590 million.

President Johnson is requesting about $150 million for roads and bridges for Latin America. For 1967, he reduced domestic road programs by over $1 billion. The $150 million requested is in addition to the $750 million which the United States had previously planned to spend for these purposes in Latin America.

President Johnson is requesting aid for "over a million new homes" for Latin America each year. Yet, for 1967 he has ordered reductions in our domestic housing programs by about $1 billion.

I should like to help the countries of Latin America, but so long as these drastic cuts in number and amount are being levied against our own domestic interests, which I consider should have priority over any foreign assistance, I would find it impossible to accede to the President's demands for increased aid to Latin America.

Mr. GORE. I am willing to consider the President's message, which I have read, and the resolution which someone, I am sure, will introduce. I am willing to consider it. I realize that Latin America is very important to us. They are our neighbors. However, I am not convinced that a common market is the wisest course either for them or for the United States.

On the contrary, I rather feel that the concept of international trade is more advantageous not only for the United States but also for Latin America. Trade blocs often hamper world trade rather than facilitate it. They tend to become incestuous and protectionist. I am not sure that the Common Market in Europe has been the most fortuitous development in the world in recent years, particularly for the United States. There are a number of questions here that deserve and require examination before I would wish to make a commitment for a vast increase in funds for the Alliance for Progress. I want to know more about how the Latin American countries have fulfilled their part of the bargain, which was to make certain and specific economic and social reforms within their own countries.

Does the Senator know whether they have lived up to their obligations?

Mr. GRUENING. I can say very definitely that some of them have not.

Let me give a pertinent illustration, although this is not specifically part of the current foreign aid program.

The Senator from Tennessee knows that some 20 years ago, the United States entered into an arrangement with the Central American countries to build the inter-American highway from Mexico's southern border through Guatemala, Honduras, Salvador, Nicaragua, Costa Rica to the Panama Canal. This, as the Senator knows, is the responsibility of the Public Works Committees of the two Houses of Congress. Nearly every year some members of those committees go down to report on progress made, which has, unfortunately, been very slow. The road has not yet been fully completed.

Under the arrangement entered into with these nations, Uncle Sam was to pay two-thirds of the cost and each of the Central American nations one-third of the cost within each country.

During my visit down there with the distinguished present chairman of the Committee on Public Works, the Senator from West Virginia [Mr. RANDOLPH], we made the interesting discovery that, with the exception of one of the five nations, the others are paying their one-third share out of our foreign aid funds; so that the United States is, in reality, paying the total amount, in complete violation of the understanding and the agreement entered into.

If that is typical, and it does exist in this particular case, I think the Senator's request for a searching examination as to what the Latin American countries are doing for themselves is most pertinent.

Mr. GORE. Does not the Senator think that such questions as these will require examination before Congress should commit itself, as it is now being asked to do, for another $1.5 billion?

Mr. GRUENING. Yes, I certainly do. I think there will be very little dissent from that when the facts are fully exposed. It is shocking to think that an arrangement entered into in good faith is continuously being violated, and that the violations are continuing after they have been exposed. It would seem to me that when the report of the Public Works Subcommittee on Roads, of which the distinguished present chairman and I are members, had been made, and it was pointed out that four of the five Central American countries are paying their one-third share out of foreign aid funds, that the situation would have been rectified; but it has not been.

Mr. President, I thank the Senator from Tennessee for his contribution. It is extremely important right at this time, when all our domestic programs are being drastically cut, when the great promises and performances in the first half of the 89th Congress on the domestic front—aid to education, resource development, combating pollution of air and water, and so forth—all these splendid programs enacted into law are now being eroded, that we should think twice and very carefully before we enlarge our foreign aid commitments in the face of domestic cuts.

I think this is an issue which must certainly be raised. I intend to raise it. I think it should be fully debated before we embark upon a further enlargement of our foreign aid commitments. I believe that we should consider seriously whether foreign commitments, instead of being increased, should not be drastically reduced until the promises made in the domestic commitments are fulfilled.

Mr. MORSE subsequently said: Mr. President, I spoke earlier this afternoon on the President's message and resolution dealing with the forthcoming Latin American Conference. I have just been advised by the White House that it anticipated that I would introduce this afternoon the resolution which President Johnson sent to the Congress along with his message. Therefore, Mr. President, I send the resolution to the desk and ask unanimous consent to introduce it out of order in behalf of myself, the Senator from Iowa [Mr. HICKENLOOPER], the majority leader [Mr. MANSFIELD], and the Senator from New York [Mr. JAVITS].

I repeat, I now ask unanimous consent to introduce, out of order, the joint resolution that the President sent on Latin American problems that he wishes to have appropriate committees of Congress consider prior to the summit conference, and I ask that the joint resolution be received and appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 53) to support the other American Republics in an historic new phase of the Alliance for Progress, introduced by Mr. MORSE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Foreign Relations.

Mr. JAVITS. Mr. President, I join as a cosponsor of this resolution because I believe that the formation of a Latin American Common Market is essential to increase the speed of Latin America's development and to resolve many of its basic economic and social ills.

The main burden must remain on the shoulders of the people of Latin America. Nevertheless, the United States should fully support this effort both with money—governmental and private—and with the transfer of technical know-how. Not only is this dictated by our obligations under the Act of Bogotá and the Charter of Punta del Este, but also by our national security interests in the hemisphere.

I believe that the American people will fully support the financial burdens requested by the President for the Inter-American Bank and for the Alliance for Progress in his message to the Congress today.

I welcome the President's desire for the participation of Congress in the decisions to be reached at the forthcoming Latin American Summit Conference. The joint resolution introduced by Senator MORSE will provide this opportunity.

The forthcoming summit conference of Presidents is an historic opportunity to deal with the many-faceted economic and social problems which piled up during the first 5 years of the Alliance for Progress. It has become clear to me that without a Latin American Common Market fully supported by the United States, Latin America's economic and social ills cannot be solved. True, there is no assurance that once such a market is established and other supporting measures are instituted, these problems will disappear overnight. I am convinced, however, that without a drastic new departure embodied in the common market approach, the continent will be faced with increasing instability and violence.

Two additional elements are needed to make a Latin American Common Market a success: the full support of the private enterprise community and the cooperation of the industrialized nations of the West, particularly Canada, Western Europe, and Japan. Their full cooperation is of critical importance.

Mr. GORE. 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 the order for the quorum call be rescinded.

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

POLICY STATEMENT OF THE NATIONAL ASSOCIATION OF LAND-GRANT COLLEGES AND THE ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES

Mr. MORSE. Mr. President, the Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges have recently issued a statement of policy positions concerning the recommendation for national action affecting higher education that was jointly adopted by both organizations in sessions held November 13–16, 1966, here in Washington, D.C.

Because both organizations are major spokesmen for the higher education community and because I feel that Senators would wish to evaluate the recommendations made, and finally, because my very good friend, President James H. Jensen of Oregon State University, has strongly commended this statement to me, I ask unanimous consent that the materials contained on pages 8 through the conclusion of the brochure, together with materials appearing on pages 4 and 5, be printed at this point in my remarks.

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

RECOMMENDATIONS FOR NATIONAL ACTION AFFECTING HIGHER EDUCATION

(A joint statement by the Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges, January 1967)

The National Association of State Universities and Land-Grant Colleges consists of 99 State and Land-Grant universities and colleges located in each of the 50 states and Puerto Rico. Together, these institutions grant more than one-fourth of all baccalaureate degrees and almost three-fifths of all the doctoral degrees awarded by American institutions of higher education.

Founded in 1887, the Association is the oldest organization of institutions of higher

education in this country. It is a completely independent organization that determines its own policies and procedures by action of delegates representing all member institutions in annual convention.

Officers

Chairman of the Executive Committee: President Edgar F. Shannon, Jr., University of Virginia, Charlottesville.

President of the Association: President James H. Jensen, Oregon State University, Corvallis.

President-Elect of the Association: Chancellor W. Clarke Wescoe, University of Kansas, Lawrence.

Executive Director: Russell I. Thackrey, 1785 Massachusetts Avenue, N.W., Washington, D.C. 20036. (462–3888).

The Association of State Colleges and Universities consists of 208 institutions and seven statewide systems of state colleges located in 41 states and the Island of Guam.

Approximately one million students—or one out of five college students in the United States—attend the type of institutions represented by the Association. These institutions are the fastest growing degree-granting institutions in the nation.

The membership includes comprehensive institutions which have developed from single-purpose teachers colleges, newly-established state colleges and universities, technological institutions, and former municipal and junior colleges which have become state institutions.

Officers

President of the Association: President James P. Cornette, West Texas State University, Canyon, Tex.

President-elect of the Association: President Fred F. Harcleroad, California State College at Hayward, Hayward, Calif.

Executive Director: Allan W. Ostar, 1785 Massachusetts Avenue, N.W., Washington, D.C. 20036 (462–6770).

I. SUPPORT FOR COLLEGES AND UNIVERSITIES AS INSTITUTIONS

The universities and colleges of the United States are currently being called upon to expand their traditional educational programs in unprecedented dimensions and to enter new areas of service. Not only is the demand for higher education growing rapidly, but also the need for continuing education in a period of rapid change, technological and otherwise, is greater than ever before. So is the need for research on the frontiers of knowledge.

Not to meet these challenges would be to prejudice the future of the present generation. To attempt to meet them quantitatively at the sacrifice of the quality of educational experience would be equally disastrous, and fraudulent as well. Universities and colleges can and are increasing the efficiency of the educational process through research and experimentation in many ways. But the possibilities here are extremely limited in terms of the magnitude of today's challenges.

Financial needs and pressures are so great and resources so inadequate that universities and colleges have been steadily increasing charges to students at a rate which indicates a tendency on the part of the present adult generation to shirk the social responsibility of educating the coming generations. Huge loan programs have been created to "bridge the gap" between family incomes and college costs—a process which throws these costs on young people at a time when they are establishing families and can least afford them.

The Associations have supported the expansion of these programs and the provision of an interest-rate subsidy for those most in need of it to meet the situation as it exists. They have also supported the "educational opportunity grants" program designed to help those on the lowest rung of the financial ladder. Meanwhile, college charges continue to rise to the extent that even the relatively affluent are lured by proposals for individual relief through tax-credits and similar devices which benefit selected groups at the expense of rising costs and higher financial barriers for others.

The real need is to treat the disease rather than its symptoms by increased support for our *colleges and universities,* through public and private channels, to enable them *to keep down the charges to students and their families.* It is only when these charges mount to the point of denying educational opportunity because of limited family and individual resources that the demand and necessity for individual financial relief rises to extreme proportions.

The Associations are concerned by the inflationary spiral of rising student charges which require constantly expanding Federal and state student loan funds. Neither the student nor the taxpayer benefits in the process. Expanded institutional support would help put a brake on rising tuition charges and reduce the need for additional federally-supported student financial aid programs.

Controversy over *how* college and university operating costs may be supported by the Federal government has divided both educators and the general public. The century-old experience of the land-grant institutions and more recent adoption of the principle of operating support in certain health-related fields show that methods can be found to solve this first priority problem.

The National Association of State Universities and Land-Grant Colleges and the Association of State Colleges and Universities recommend the following actions at the Federal level designed to help keep down the rising cost of college to students:

(1) *General Operating Support.*

Operational support for the educational and general activities of colleges and universities may be approached through various types of formulae and involve various levels of education. The two Associations stand ready to cooperate with other major organizations in the field of higher education to develop a formula which will be equitable to the institutions involved, fulfill the national responsibility, assist the states, assure that this type of support will indeed contribute to assuring quality instruction in our colleges and universities, and check the rising spiral of student charges.

(2) *Aid for Academic Facilities.*

The Associations again commend the 89th Congress for removing categorical limitations on aid for academic facilities and substantially increasing the authorization for funds for this purpose. Specifically, they recommend:

(a) That the Federal proportion of matching grants for both undergraduate and graduate facilities be increased to up to 75 per cent of the cost of such facilities.

(b) That responsibility for the administration of the graduate facilities programs and for loans for academic facilities continue to be vested in the U.S. Office of Education.

(c) That, with respect to the undergraduate facilities grant program:

(1) It should continue to be based on the premise that substantial expansion of enrollment capacity within the context of maintenance of quality of instruction is the fundamental justification for Federal facilities aid.

(2) Special attention should also be paid to encourage removal or modernization of obsolete facilities.

(3) State commissions should be free to allocate funds in accordance with expansion needs in their respective states.

(d) With respect to the facilities loan program, a radically new approach is needed to provide adequate funds for needed expansion under conditions which will not have the effect of increasing student charges. Suggestions made with respect to the college housing loan program (see below) might be adapted for use in this program.

(e) Provisions should be made in all facilities programs for aid for the modernization and extension of utilities and maintenance and service facilities.

(3) *College Housing Loan Program.*

The Associations express appreciation to the legislative and executive branches of the Federal Government for the benefits provided many students through the College Housing Loan Program in its present form and at the levels of financial support made available over the past several years.

However, the Associations have determined that the present form of the program and the present level of funding for it are not adequate to provide assistance to meet the current or predictable need for sufficient college housing at the lowest reasonable cost to the students housed.

The Associations accept and support the estimates of college housing requirements contained in the recent study of this matter by the American Council on Education. Summarized and simplified, the minimum estimates contained in that study support a need for initiating about 150,000 "bed-starts" per year for each of the next ten years. At current prices, the total capital funding requirement will approximate one billion dollars per year.

Therefore, the Associations recommend that the Federal Government undertake, immediately, a review of the present College Housing Loan Program and make changes which will assist higher education to meet better the tremendous demand for housing facilities and to maintain the lowest reasonable charge to students. It is the position of the Associations in making this recommendation that the institutions of higher education must continue to bear the primary responsibility for supplying the needed facilities and that assistance from the Federal Government be provided through the simplest possible administrative and financial mechanism.

Specifically, the Associations recommend that the Federal Government amend present legislation in such a way as to assist higher education in generating a capital funding source of not less than one billion dollars each year for the next ten years for single and married student housing at an interest cost of not more than 3 per cent, and for debt terms of not more than 50 years.

Of the several alternative methods available to assist in the provision of such a capital source, the Associations favor:

(a) A program which would provide for an annual increment of interest cost subsidy resulting in an interest cost to institutions of not more than 3 per cent, for the debt term of a project, or

(b) A program of capital grants which will have the effect of reducing effective interest cost of a project to at least the level of 3 per cent for the debt term, or

(c) A program which would make it possible for institutions to elect one of the two alternatives above.

In the same financial framework suggested above for single, married, and graduate students, the Associations also recommend:

(a) That specific provisions be made for assistance in rehabilitation of existing college housing.

(b) That specific provision be made to provide for housing of those staff members of medical centers whose services are needed on an "on-call" basis.

(c) That assistance in the provision of student center facilities be continued.

The Associations recommend that the policies, practices, and regulations of the Department of Housing and Urban Development applicable to the College Housing Program be reviewed and revised particularly

with respect to debt-service and maintenance reserve requirements, consistent with changes made in the program, and to make them accord with realistic capital-market conditions.

II. DIRECT SUPPORT OF GRADUATE INSTRUCTION AND RESEARCH

(1) *Graduate Fellowships.*

(a) *Doctoral Fellowships.*

The graduate programs of the National Defense Education Act, and those administered by other Federal agencies, have done much to remove economic barriers to graduate programs in new areas. The 1964 amendments to the N.D.E.A. also make it possible to assure that present resources in existing graduate schools of high quality should be used fully. These programs should be continued and expanded.

(b) *Master's Degree Fellowships.*

There is also need for support of fellowships at the master's degree level to meet the heavy and increasing need for college teachers, within the broad spectrum of institutions in higher education. The junior or community colleges have critical staffing needs. A master's degree fellowship program should be established separately from and in addition to the present doctoral program, designed in such a way as to permit graduate schools to develop a wide range of proposals for meeting the varying needs for faculty members in post-high-school programs.

(2) *Federal Support of Research.*

(a) *Needed, a New Program of Institutional Support in the Sciences.*

Preface. The United States has achieved within the last two decades almost revolutionary advances in science as a result of the rapid expansion of Federal support for research activities. This advance has contributed significantly to the security of our nation and its economic, social, and material progress. This support has greatly strengthened both the research and instructional capacities of those institutions participating in the Federal programs, particularly at the graduate level.

The expansion of support in recent years has been largely through the project-grant and contract mechanism. Despite its accomplishments, it has serious deficiencies when used as the *sole means of Federal support* of scientific and related activities of our colleges and universities. The project-grant system is highly effective as a mechanism for enlisting scientific resources of the colleges and universities in the solution of specific, short-term problems of national concern. Experience has also shown that it is a means of making a national *investment* in scientific progress. It is now generally agreed that a substantial program of *institutional* grants is needed to *complement, not supplant or diminish,* present programs. This is necessary to protect the essential integrity of colleges and universities *as such,* and to enable additional institutions to develop the capacity to contribute more effectively to the achievement of national goals and objectives.

The Proposed Program. To satisfy this need, the Associations propose a National Institutional Grants Program for the support of education and research in the sciences, engineering, and mathematics in the colleges and universities on the basis of a three-part formula.

In this proposed program:

(1) One-third of the funds appropriated for the program would be distributed to the institutions as a graduated percentage of the total amount of project awards received by them from the National Science Foundation, the National Institutes of Health, and the U.S. Office of Education. We suggest that the formula be so designed that all institutions receive 100 per cent of the first $30,000 of this base and that no institution receive more than $300,000 in any one year.

(2) One-third of the funds would first be divided among the several states in proportion to the relative number of high-school graduates in the states and then re-allocated by the responsible Federal agency among the colleges and universities within a single state in proportion to the number of undergraduate semester credit-hours taught by each in accredited programs of instruction in the physical, biological, and social sciences, engineering, and mathematics.

(3) Finally, one-third would be allocated to the institutions in proportion to the number of advanced degrees (both masters and doctoral) awarded by each institution during the immediately previous three years in the physical, biological, social sciences, engineering, and mathematics, including degrees in education which qualify recipients to teach in these fields.

We suggest that the program be administered by the National Science Foundation with the counsel and guidance of a National University Science Council composed of representatives from each of the following national associations representing institutions of higher education: American Council on Education, National Association of State Universities and Land-Grant Colleges, Association of American Universities, Association of American Colleges, Association of State Colleges and Universities, and American Association of Junior Colleges. The Directors of the National Science Foundation and the National Institutes of Health and the U.S. Commissioner of Education would serve *ex officio.*

Institutions may be required to report on their use of the funds. They would be encouraged to anticipate future funding in order to design long-range plans for the development of research and educational programs in the sciences emphasizing the achievement of national goals and objectives such as the expansion of educational opportunities and improvement in the quality of the programs offered.

Used in conjunction with present types of support, this program would, we believe, provide a sound mechanism for investing in the development of the nation's potential for scientific progress.

Our Associations commend Representative George P. Miller of California for having introduced H.R. 13786 in the second session of the 89th Congress to implement this proposal and are gratified at the encouraging response this proposal has received. We urge reintroduction and passage in the 90th Congress.

(b) Support for Basic Research.

The Associations strongly urge expansion of support for basic research.

(c) *Indirect Costs of Research.*

The Associations commend the 89th Congress for its recognition of the fact that indirect costs of research are real costs which, unless fully reimbursed by the sponsors of research, constitute a serious drain on the resources of our universities. These resources are very much needed by our universities for performing their traditional functions of instruction and of research in which Federal support is limited or lacking. Additional funding should be provided at the earliest opportunity to enable implementation of the policy of full reimbursement of indirect costs. Further, the Associations, strongly urge that all affected Federal agencies adopt policies and procedures which are consistent with the clear intent of the Congress that indirect costs shall be fully reimbursed.

(d) *Cost Sharing.*

The Associations object strenuously to the mandatory cost-sharing concept introduced in recent legislation relating to research grants made by Federal agencies. In effect, the legislation creates a process through which a portion of the cost of the conduct of work under research grants is "withheld" by the agency, and forces institutions to apply their own funds to the costs of the work or to elect not to become involved.

This process is discriminatory and grossly inequitable. Simple equity dictates that institutions making available their human and physical resources to assist in the attainment of national objectives, on a not-for-profit basis, receive the full costs of doing so.

The Associations urge the Congress to delete the cost-sharing requirement in its next session and thereby to bring into full application the principles of Bureau of the Budget Circular A–21 in the research relationships between the Federal Government and higher education.

III. FEDERAL ACTION FOR OTHER EDUCATIONAL PURPOSES

(1) *Education in Health-Related Fields.*

The Associations commend the 89th Congress for its recognition of the need for substantial programs of support for education, extension activities, and library services in health-related fields. Legislation providing aid for the operation of educational programs, for library services, for scholarship support, for expansion of educational facilities, and for regional cooperative efforts for continuing education and the dissemination of the most advanced medical knowledge will make substantial contributions toward the expansion of professional education in these areas. However, we note with concern the omission of schools of pharmacy from the list of those eligible for aid under these various programs and urge corrective legislation to end this discrimination against a major health-related field.

We especially commend the 89th Congress for recognizing, with enabling legislation, the importance of veterinary medicine and the need for financial assistance in the construction of veterinary educational facilities. We urge that the appropriation for construction assistance be increased in a supplemental measure, to the full authorized amount, in order that this program may be funded.

(2) *Increased Federal Support for the Humanities and Arts.*

Establishment of the National Foundation for the Arts and Humanities is a welcome step. The initial appropriation, however, falls far short of correcting the imbalance which has long existed between Federal support of these important areas and that for science and related fields. We reiterate our belief that the emphasis of the new Foundation should be heavily on support of institutional programs.

(3) *R.O.T.C. Programs and Facilities.*

The Reserve Officers Training Corps Programs conducted by the several Armed Services in cooperation with our colleges and universities have long been the chief source of officer personnel, both regular and reserve. The Associations commend the Office of the Secretary of Defense for taking action during the past year to see that the right of institutional choice between voluntary and required basic Air and Army R.O.T.C. is preserved in practice as well as informal policy. Developments in recent months cause us again strongly to recommend advance consultation with duly established educational advisory panels of the Department and its various Services, in order that mutually satisfactory solutions to problems may be arrived at before new policies or regulations are promulgated. We continued to recommend, also, that the Department of Defense provide adequate assistance to colleges and universities in financing the costs of R.O.T.C. programs.

(4) *Educational Research and Development Program.*

The Associations support the strengthening of the Cooperative Research Program and the establishment of those Regional Development Centers by the United States Office of Education which offer the prospect of undergirding educational practice with the re-

search knowledge and tested leadership essential to progress. In particular, greater attention needs to be focused on the important functions of higher educational institutions in these programs, both in affording the essential scholarly resources for significant educational research and in supplying through the development programs, continuing study of the factors of sound change in educational and improved training of educational leaders for the future. The strengthening of the regular programs of colleges and universities in educational research and training may prove to be as important to future results as presently appealing innovations in the schools.

(5) *Research in Agriculture and related Fields.*

The cooperative program of research in agriculture and related fields between the Federal government and the land-grant institutions has been conspicuously successful both in its results and in the absence from the relationship of many of the problems which characterize government-university relationships in other areas, where the emphasis is on project rather than on university orientation. We commend the 89th Congress for rejecting proposals both to reduce support in these areas and to shift emphasis to Federal rather than university control. Federal support of the program has in recent years lagged substantially behind rising costs, requiring the states to carry an increasing proportion of the cost of maintaining the program and needed expansion. The past year has brought strong evidence of a changing public attitude toward agricultural research, as the public became aware that our situation is no longer one of a surplus problem but one of inadequate supplies of many agricultural products to meet both domestic needs and urgent international commitments. Rising prices have brought greater public understanding of the fact that the chief beneficiaries of efficient agricultural production are the consuming public, now heavily concentrated in large urban areas.

A major cooperative study of agricultural research needs by the Department of Agriculture and the National Association of State Universities and Land-Grant Colleges furnishes, we believe, a sound basis for the needed substantial expansion of support for agricultural research.

(6) *Aid to Developing Colleges.*

The Associations commend the Congress for renewing the program of aid to developing colleges, which was supported by the Associations in testimony both before the House and the Senate committees having jurisdiction, and urge that the authorization contained in the legislation be fully funded.

(7) *Intergovernmental Manpower Training Act.*

The Associations support activities of the Federal government designed to increase the capacity of state and local governments to provide the quality and variety of public services needed in our complex society. The proposed intergovernmental personnel training act, with provision for use of college and university resources and facilities to strengthen training for state and local government service, is an example of the kind of constructive Federal action needed. The Associations, however, strongly urge that, in all legislation involving intergovernmental cooperation, the unique character of public higher education as an instrumentality of government be fully recognized. All the states have, by constitutional or legislative provision, placed responsibility for governance of public universities and colleges under the control and direction of governing boards separated from direct channels of political and state administrative control. The Federal government should recognize this well-established principle in all its programs.

(8) *Computer Facilities and Programs.*

It is clear that the machine computation capacities of our institutions of higher education must be greatly increased and provisions made for easy and rapid access by students in a broad spectrum of disciplines and studies, and it is apparent that institutions from their normal resources will not be able to provide adequate budgets for facilities and programs of instruction and research. The Associations therefore urge that existing programs of support in this area be supported and strengthened, and that new programs be inaugurated, for the development of computer facilities, networks, and instructional and research programs which will provide the necessary basic educational experiences for young men and women to prepare them for productive careers in which computers will be necessary tools for research, design, and administration.

(9) *Improving the Conditions of Urban Life.*

The Federal government is engaged in a major effort, through the Demonstration Cities Program and other legislation, to assist in rebuilding slums and blighted areas, and to provide public facilities and services essential to improving conditions of urban life. However, programs of research, demonstration, and education conducted by universities and colleges—which can contribute substantially to attainment of national objectives in this effort—are presently inadequately supported. The Associations therefore recommend that adequate provision be made through the amendment of present legislation as well as in future legislation, for continuing grants for the support of research, demonstration, and educational programs in colleges and universities, in professional and subject-matter areas related to the objectives of the legislation. This might be accomplished, for example, by setting aside a percentage of appropriations for this purpose, as is done in Federally-aided highway and other legislation.

(10) *Establishment of New Federal Degree-Granting Authority and Institutions.*

In recent years, many efforts have been made, some successfully, to authorize the granting of advanced academic degrees by Federal agencies or establishments. We believe these efforts arise from basic confusion as to the nature of a university, the significance and meaning of the academic degree, and the resources of the non-Federal academic establishment.

The basic characteristic of the university as a center for the advancement of knowledge is one of free inquiry, free exchange of the results of research with other scholars in the field, and free criticism. Another characteristic is the opportunity offered for educating young men and women in the processes and methods of research. The advanced academic degree is a recognition of educational attainment and research accomplishment under conditions of free inquiry, free exchange of results, and freedom of criticism. Its use by agencies or institutions which are not and cannot become universities in this sense of the term is a misuse which is both undesirable and unnecessary. A more comprehensive statement of this position is available on request.

(11) *Proposal for Research Centers Independent of Universities.*

While our Associations recognize that the problems of research in an extremely limited number of areas may require the establishment of research centers away from the site of a university, we believe that such action by Federal or state governments should be taken only when its necessity is unequivocally established. We believe graduate education of high quality is inseparable from basic research, that basic research flourishes best in the atmosphere of an academic institution, and that any national policy of encouraging the establishment of new basic research institutes that are not university-related would be seriously detrimental to both basic research and graduate education.

(12) *Land-Grant Teaching Funds, Morrill-Nelson Act.*

In the 10 years since the last revision and expansion of the authorization for annual grants for further endowment of instruction in the Land-Grant institutions, there has been continued inflation and substantial population growth. The net result is that the purchasing power represented by these funds has decreased while demands have increased. The Associations support the expansion of the authorization under this legislation to take account of inflation and population growth over the past decade.

IV. AID TO INDIVIDUALS IN OBTAINING A COLLEGE EDUCATION

The most effective and most urgently needed form of aid to individuals in obtaining a college education is a program of support for educational institutions to enable them to keep charges to students low. Much of the present demand and need for individual assistance in financing college costs stems from failure to recognize and act on this fact. The Associations, however, recognizing the necessity of dealing with situations as they exist while working toward more fundamental solutions, have supported expanding access to student loans at reasonable carrying charges, expansion of the work-study program, and provision of economic opportunity grants specifically designed to help the most needy gain access to higher education.

The characteristic of programs designed to help individuals meet the rising costs of college, however, is that they result in pyramiding budgetary costs and administrative complexities without getting at the root of the problem. If student charges are permitted to continue to rise more rapidly than the level of income—which they have done steadily in recent years—more and more students will need special aid and more and more programs must be devised to assist them, unless educational opportunity is to be denied. For this reason, our Associations believe that first priority in new programs needs to be given to those which will help keep down the costs of higher education to the students. These are discussed elsewhere. The following comments concern student-aid programs:

(1) *N.D.E.A. Student Loan Program.*

The National Defense Education Act Student Loan program was established to insure access to low-interest loans to able students particularly in need of financial assistance to attend college. It is essential that the integrity and identity of this program be maintained. Within this context, the Associations support experimental approaches to the problem of providing the full amount of funds needed, while reducing the burden on the Federal administrative budget and on the capital resources of colleges and universities involved in the 1/9 matching requirement. We question the further expansion of the forgiveness feature of the loan program.

(2) *Guaranteed Student Loan Program.*

The Guaranteed Student Loan program was adopted in recognition of the fact that the rising level of student charges in our colleges and universities has caused undue financial burdens on many families at the middle-income level. This program and its purposes should not be confused with those of the N.D.E.A. loan program. Under present credit conditions, the Guaranteed Loan Program has been less successful than anticipated, because of lack of availability both of loan guarantee funds and of loans. Private loan-guarantee organizations, which originally assured the Congress of their ability to satisfy institutional loan-guarantee requirements, have been unable to do so. The result is that the states and individual institutions, which were not consulted when the program was framed, are being called on to provide substantial amounts of loan-guarantee funds. The Associations recommend that, with

respect to loan-guarantees, the Commissioner of Education exercise the responsibility and authority which is his under the law of providing direct Federal guarantee of loans where non-Federal guarantee funds are not available in adequate amounts. The Commissioner of Education should also be given legal authority to fix interest rates which would permit lending institutions to participate on a no-loss basis.

(3) *Work-Study.*

The Associations, which for many years urged adoption of an experimental work-study program, have previously expressed their continued support of this legislation, as an important element in a flexible program of helping worthy students meet college costs. We note, however, that, in this as in many other programs designed to help more students attend college, the institutional matching requirement tends to be counter-productive. That is, in order to get matching funds, institutions must charge students more, increasing the need for additional student aid. We therefore recommend that the Federal contribution to this program continue to be at least at the 90 per cent level.

(4) *Opportunity Grants, Federal Scholarships, Veterans Education.*

The Associations continue to support the educational opportunity grants program as one specifically designed to make college attendance possible for needy students who could not otherwise attend. The Associations continue to oppose a *general* Federal scholarship program in the absence of evidence that it would in fact assure college attendance for a substantial number of the highly talented who cannot now attend under existing public and private programs; and in view of higher priority needs for other forms of Federal aid to education. With respect to the Veterans Educational Program, the Associations recommend that Congress make provision for payment of the costs of special record-keeping and reporting on veteran students, not required for non-veteran students. Fees paid by veteran students are the same as for non-veterans, and the Federal government should assume the cost of special reports required for its purposes, particularly since the law places on the institutions the responsibility for overpayments to veterans, incurred as a result of failure to make reports requested by the Veterans Administration.

(5) *Tax-credit and Related Proposals.*

Proposals for a direct deduction from income taxes owed the Federal government because of tuition and required fees paid colleges and universities have attracted substantial support because of several assumptions. The first is that they will provide relief to hard-pressed parents. A second is that they provide a way around the problems related to direct Federal aid to non-public institutions, and would therefore provide for a substantial flow of Federal tax dollars to these and other institutions. A third is that they are so devised as sharply to limit or eliminate aid to the most affluent, and give the greatest aid to those in lower income brackets (though admittedly none at all to those who pay no income tax). The first two assumptions are obviously contradictory. If institutions raise fees to collect tax dollars, parents will get no relief. If parents get substantial relief, institutions will not be aided. The third assumption is untrue. Despite limitations on benefits in terms of gross taxable income, the chief bill advanced to date before Congress allows families with taxable incomes in excess of $50,000 to receive some benefits, those with capital gains incomes well in excess of that amount to receive some benefits, and those with incomes chiefly from tax-exempt sources to benefit without limitation as to total, as compared to taxable income.

Although percentage benefits are higher for lower-income families, dollar benefits are clearly higher as incomes rise up to $25,000 while benefits to those with lower incomes steadily decrease to the vanishing point. The Associations have consistently recognized the desirability of participation in various tvpes of Federally-aided programs by both non-public and public institutions. They view the tax-credit proposal as inequitable from every standpoint, and unsound from the standpoints of fiscal policy, educational policy, and national policy in general. The Treasury Department has ably stated the objections from the standpoint of national fiscal policy. Proponents of this legislation have made it clear that its essential purpose is to give tax support to educational institutions proportional, to some extent at least, to the fees charged students. Since the fees would have to be raised to provide the additional income desired, the benefit would flow to the college, not the taxpayer. To the extent that fees are raised, students from low-income families would find their educational costs increased rather than decreased. Institutions with low tuition charges would be placed under pressure to increase them in order to collect Federal aid by this route. Institutions which wish to engage in discriminatory practices and still enjoy Federal support would be encouraged to do so.

The Associations take the position that, to the extent that Congress finds it in the national interest to provide either general or specific-purpose support from public funds for institutions of higher education, ways can and should be found for doing this which retain the principles of public accountability for the expenditure of public funds, which are fiscally and educationally sound, and which do not in their operation discriminate against large groups of students and institutions. The tax-credit approach does not meet these standards.

V. DISCRIMINATION IN THE USE OF PUBLIC FUNDS FOR EDUCATIONAL PURPOSES

Member institutions of the Associations believe that public policies against discrimination in the use of public funds for educational purposes should apply equally in their use by all types of educational institutions, public and private. They note with regret that the Civil Rights Act of 1964 does not uniformly apply this standard, because of the failure to include provision against discrimination because of religion in Title VI of this Act, which applies to non-public as well as public colleges and universities. They also note that Title IV of the Act, which requires a survey of the extent of discrimination in education to be made by the U.S. Commissioner of Education, applies only to public institutions at all levels, and not to discrimination in the use of public funds by other institutions receving them.

It is therefore our position that the Civil Rights Act should be amended to ban use of public funds by institutions which discriminate in the admission of students or employment of staff because of religion, and that, pending such amendment new educational legislation, bar the use of tax funds by institutions which discriminate because of religion. If there is reasonable ground for exception to this rule, such as might be involved in programs of a public welfare rather than an essentially educational character—such as the school lunch program—they should be made by explicit exemption from the general rule.

VI. "DISCLAIMER" AFFIDAVITS

Member institutions of the Associations have consistently opposed the requirement of negative "disclaimer" affidavits, or certificates of non-subversion as a requirement for individuals taking part in non-sensitive Federal programs. Such requirements should not be confused, as they often are, with affirmative statements of loyalty to the United States and its institutions which may be properly required of those entering posts of public trust. The Associations welcome the relaxation or elimination of such negative requirements. Experience has shown that, while they involve extensive paperwork and record keeping and are a constant source of friction and controversy, they have no affirmative values.

VII. EXTENDING THE RESOURCES OF HIGHER EDUCATION BEYOND THE CAMPUS

The Congress has recognized the great need for Federal aid to make available beyond the confines of the campus the resources of our colleges and universities in the solution of problems of national and international concern through the enactment of such legislation as Title I of the Higher Education Act of 1965, the State Technological Services Act, the Regional Medical Programs Act, Title VIII of the Housing Act of 1964, the Law Enforcement Assistance Act, and the earlier Smith-Lever Act and its amendments. Through the implementation of programs of continuing education and extension, authorized by these and other acts, the Congress enables universities to bring their unique resources to bear on the needs of individuals and communities for assistance in solving the multiple problems associated with rapid urbanization, technological change, social change, and the needs of the professions, agriculture, labor, business, industry, and the Federal Government itself.

We call attention to the need for:

(1) Full funding of Title I of the Higher Education Act of 1965, at the earliest possible time, in order to fulfill the congressional legislative intent to provide comprehensive, coordinated state-wide programs of continuing education and community services.

(2) Activation or continuation of other pertinent Federal programs with maximum effective funding for educational programs and facilities (including television) to the end that the national needs for continuing education, already clearly identified by the Congress, may begin to be met.

(3) Continuity of funding for these programs in order that the nation may have the most effective institutional commitments in the allocation of their resources in the national interest.

(4) Increased Federal support for problem-oriented research as the need for this kind of extension service becomes increasingly acute.

The experience and special competence of the institutions represented in these Associations in the administration of problem-oriented, off-campus programs should be recognized in the allocation of responsibility for administering Federally-aided programs in these areas.

VIII. COLLEGES AND UNIVERSITIES AND VOCATIONAL-TECHNICAL EDUCATION

State colleges and universities make important contributions to vocational-technical education in two ways:

(1) *Through Occupational Education.* Many prepare individuals for a variety of technical occupations requiring less than a baccalaureate degree. State and land-grant institutions, for example, conduct some of the nation's most successful associate-degree programs in such fields as engineering, agriculture, the allied health professions, and industrial technology. Those with strong technical-education departments provide training in a manner difficult to duplicate in other types of institutions.

(2) *Through the Training of Teachers.* Collegiate programs for the preparation of teachers of vocational, technical, and industrial subjects in junior colleges, vocational schools, and technical institutions should be greatly expanded. One of the most pressing needs today is effective teaching of the technical content and skills required for entrance into and advancement in occupations in which manpower is in critically short sup-

ply. Technological advancements make it imperative that greatly expanded in-service training opportunities be provided for those currently teaching vocational, industrial, and technical subjects. Shortage of adequately prepared teachers is hampering development and expansion of vocational-technical education.

These Associations therefore, support:

(1) Necessary amendments to and increase in authorizations for the Vocational Education Act of 1963 to permit colleges and universities, including junior colleges and 4-year colleges, to participate more adequately in vocational and technical education programs.

(2) Proposed amendments to the Vocational Education Act which authorize in-service training programs, make available fellowships for prospective and experienced vocational education instructors and administrators, and provide for adequate financing of teacher education programs in vocational and technical education.

IX. HUMANE TREATMENT OF EXPERIMENTAL ANIMALS

During the past decade, much progress has been made by all scientific personnel in providing adequate care of experimental animals. Federal legislation has now been passed to regulate the sale and transportation of research animals and to insure humane treatment for such animals during transportation, sale, and non-experimental periods at research laboratories. We believe this legislation can be effective in correcting the isolated difficulties that exist at research installations and pledge the support of our Associations toward this end. We believe it would be unwise and unnecessary to consider additional legislation regarding the care and handling of laboratory animals until the effectiveness of the present legislation and of accreditation has had an opportunity to be fully evaluated.

X. WATER RESOURCES

The Associations:

(1) Renew their 1965 endorsement of the programs authorized by the Water Resources Research act, and commend the Congress and the executive branch for enactment of the 1966 amendments to Title II which remove obstacles to its activation.

(2) Reaffirm their recognition of the important contributions that can be made to water-resources research pursuant to the Title II authorization, and urge its activation at the earliest possible time in order to secure full advantage of the current readiness of academic and non-academic research scientists and engineers to apply their competence to finding solutions of pressing water resources problems of this country.

(3) Recommend that appropriations be made for implementation of the Title II program, consistent with the terms of its authorization.

XI. INTERNATIONAL PROGRAMS

Many steps were taken by the Congress and the President during the past year to expand and improve both educational and technical assistance programs in the international field. These include passage of the Foreign Assistance Act through Section 211 (d) to include provision for strengthening the capacity of institutions working in the technical-assistance field to discharge both their international and domestic responsibilities and proposed establishment of the Center for International Educational Cooperation in the Department of Health, Education, and Welfare. The Food for Freedom Act also significantly expands the area of cooperation between government and higher education.

We call attention, however, to the fact that if these new initiatives are to fulfill their promise, the following actions are needed:

(1) Since the total authorization of $10 millions under Section 211 (d) of the Foreign Assistance Act is small in proportion to the need and reductions in technical-assistance appropriations have made even this modest funding impossible, the authorization should be expanded substantially and funded fully.

(2) Funds to support the planning activities required by law under the International Education Act should be provided early in the first session of the 90th Congress, and for its substantive implementation as authorized, in appropriations bills for the 1968 fiscal year.

(3) Extension of the authority to conduct technical assistance programs to at least a 5-year period, to diminish the uncertainty which has from the beginning hampered the effectiveness of this effort.

(4) Provision of funds to colleges and universities to help meet the special costs of giving foreign students an appropriate educational experience in this country, commensurate with the emphasis placed on such efforts as a matter of public policy.

The Associations commend the Agency for International Development, Department of State, and Department of Health, Education, and Welfare for specific evidence of their willingness to consult with educational organizations and institutions in formulating and carrying out international programs under their jurisdiction.

Member Institutions of
The National Association of State Universities and Land-Grant Colleges
and
Association of State Colleges and Universities

ALABAMA

**Alabama A. & M. College.*
Alabama College.
Alabama State College.
Auburn University.
Florence State College.
Jacksonville State College.
Livingston State College.
Troy State College.
University of Alabama.
University of South Alabama.

ALASKA

University of Alaska.

ARIZONA

Arizona State University.
Northern Arizona University.
University of Arizona.

ARKANSAS

Agricultural, Mechanical, and Normal College.
Arkansas A & M College.
Arkansas Polytechnic College.
Arkansas State College.
Arkansas State Teachers College.
Henderson State Teachers College.
Southern State College.
University of Arkansas.

CALIFORNIA

Chico State College.
Fresno State College.
California State College at Fullerton.
California State College at Hayward.
Humboldt State College.
Sacramento State College.
California State College at San Bernardino.
San Diego State College.
San Francisco State College.
San Jose State College.
Sonoma State College.
Stanislaus State College.
University of California.

COLORADO

Adams State College.
Colorado State College.
Colorado State University.
Southern Colorado State College.
University of Colorado.
Western State College of Colorado.

CONNECTICUT

Central Connecticut State College.
Danbury State College.
Southern Connecticut State College.
University of Connecticut.
Willimantic State College.

DELAWARE

Delaware State College.
University of Delaware.

DISTRICT OF COLUMBIA

District of Columbia Teachers College.

FLORIDA

Florida A & M University.
Florida State University.
University of Florida.

GEORGIA

Albany State College.
Augusta College.
Fort Valley State College.
Georgia Institute of Teechnology.
Georgia Southern College.
Savannah State College.
University of Georgia.
The Woman's College of Georgia.

GUAM

College of Guam.

HAWAII

University of Hawaii

IDAHO

University of Idaho.

ILLINOIS

Eastern Illinois University.
Illinois State University.
Illinois Teachers College Chicago–North.
Illinois Teachers College Chicago–South.
Northern Illinois University.
Southern Illinois University.
University of Illinois.

INDIANA

Ball State University.
Indiana State University.
Indiana University.
Purdue University.

IOWA

Iowa State University.
State College of Iowa.
University of Iowa.

KANSAS

Fort Hays Kansas State College.
Kansas State College of Pittsburg.
Kansas State Teachers College.
Kansas State University.
University of Kansas.

KENTUCKY

Eastern Kentucky University.
Kentucky State College.
Morehead State University.
Murray State University.
University of Kentucky.
Western Kentucky University.

LOUISIANA

Grambling College.
Louisiana Polytechnic Institute.
Louisiana State University.
McNeese State College.
Francis T. Nicholls State College.
Northeast Louisiana State College.
Southern University.

MAINE

Aroostook State College.
Farmington State College.
Fort Kent State College.
Gorham State College.
Maine Maritime Academy.
University of Maine.
Washington State College.

MARYLAND

Bowie State College.
Coppin State College.
Frostburg State College.
Maryland State College.
Morgan State College.

* *Member of both Associations.*

Salisbury State College.
Towson State College.
University of Maryland.

MASSACHUSETTS

Massachusetts College of Art.
Massachusetts Institute of Technology.
Massachusetts Maritime Academy.
State College at Boston.
State College at Bridgewater.
State College at Fitchburg.
State College at Framingham.
State College at Lowell.
State College at North Adams.
State College at Salem.
State College at Westfield.
State College at Worcester.
University of Massachusetts.

MICHIGAN

Central Michigan University.
Eastern Michigan University.
Ferris State College.
Grand Valley State College.
Michigan State University.
Northern Michigan University.
University of Michigan.
Wayne State University.

MINNESOTA

Bemidji State College.
Mankato State College.
Moorhead State College.
St. Cloud State College.
University of Minnesota.
Winona State College.

MISSISSIPPI

**Alcorn A. & M. College.*
Delta State College.
Mississippi State College for Women.
Mississippi State University.
Mississippi Valley State College.
University of Mississippi.
University of Southern Mississippi.

MISSOURI

Central Missouri State College.
Harris Teachers College.
Lincoln University.
Northeast Missouri State Teachers College.
Northwest Missouri State College.
Southeast Missouri State College.
Southwest Missouri State College.
University of Missouri.

MONTANA

Eastern Montana College.
Montana State University.
Northern Montana College.
University of Montana.
Western Montana College.

NEBRASKA

Chadron State College.
Kearney State College.
Peru State College.
University of Nebraska.
Wayne State College.

NEVADA

University of Nevada.

NEW HAMPSHIRE

Keene State College.
Plymouth State College.
University of New Hampshire.

NEW JERSEY

Glassboro State College.
Jersey City State College.
Montclair State College.
Newark State College.
Paterson State College.
Rutgers, The State University.
Trenton State College.

NEW MEXICO

Eastern New Mexico University.
New Mexico State University.
University of New Mexico.
Western New Mexico University.

*Member of both Associations.

NEW YORK

Cornell University.
State University College at Buffalo.
State University College at Brockport.
State University College at Cortland.
State University College at Fredonia.
State University College at Geneseo.
State University College at New Paltz.
State University College at Oneonta.
State University College at Oswego.
State University College at Plattsburgh.
State University College at Potsdam.
State University of New York.
State University of New York at Albany.
State University of New York at Buffalo.

NORTH CAROLINA

Agricultural and Technical College of North Carolina.
Appalachian State Teachers College.
Asheville-Biltmore College.
East Carolina College.
Elizabeth City State College.
Fayetteville State Teachers College.
North Carolina State University.
Pembroke State College.
University of North Carolina.
Winston-Salem State College.

NORTH DAKOTA

Dickinson State College.
Ellendale State College.
Mayville State College.
Minot State College.
North Dakota State University.
University of North Dakota.
Valley City State College.

OHIO

Bowling Green State University.
Central State University.
Kent State University.
Miami University.
Ohio State University.
Ohio University.
University of Akron.

OKLAHOMA

Langston University.
Northeastern State College.
Oklahoma State University.
Southeastern State College.
University of Oklahoma.

OREGON

Eastern Oregon College.
Oregon State University.
Southern Oregon College.
University of Oregon.

PENNSYLVANIA

Bloomsburg State College.
Cheyney State College.
Clairon State College.
East Stroudsburg State College.
Edinboro State College.
Indiana University of Pennsylvania.
Kutztown State College.
Lock Haven State College.
Mansfield State College.
Millersville State College.
Pennsylvania State University.
Shippensburg State College.
Slippery Rock State College.
West Chester State College.

PUERTO RICO

University of Puerto Rico.

RHODE ISLAND

Rhode Island College.
University of Rhode Island.

SOUTH CAROLINA

Clemson University.
South Carolina State College.
University of South Carolina.

SOUTH DAKOTA

Black Hills State College.
General Beadle State College.
Northern State College.
Southern State College.
South Dakota State University.
University of South Dakota.

TENNESSEE

Austin Peay State College.
East Tennessee State University.
Memphis State University.
Middle Tennessee State University.
Tennessee Agricultural and Industrial University.
Tennessee Technological University.
University of Tennessee.

TEXAS

East Texas State University.
Midwestern University.
North Texas State University.
Prairie View Agricultural and Mechanical College.
Sam Houston State College.
Southwest Texas State College.
Stephen F. Austin State College.
Sul Ross State College.
Texas A & M University.
Texas College of Arts and Industries.
Texas Southern University.
Texas Technological College.
Texas Woman's University.
University of Houston.
University of Texas.
West Texas State University.

UTAH

College of Southern Utah.
Utah State University.
University of Utah.
Weber State College.

VERMONT

Castleton State College.
Johnson State College.
Lyndon State College.
University of Vermont.

VIRGINIA

Longwood College.
Madison College.
Radford College.
University of Virginia.
Virginia Polytechnic Institute.
Virginia State College.

WASHINGTON

Central Washington State College.
University of Washington.
Washington State University.
Western Washington State College.

WEST VIRGINIA

Shepherd College.
West Virginia University.

WISCONSIN

Stout State University.
University of Wisconsin.
Wisconsin State University—Eau Claire.
Wisconsin State University—La Crosse.
Wisconsin State University—Platteville.
Wisconsin State University—River Falls.
Wisconsin State University—Stevens Point.
Wisconsin State University—Superior.
Wisconsin State University—Whitewater.

WYOMING

University of Wyoming.

A Note On "Federal Aid"

The term "Federal aid" is commonly used, and is used in this document, as a general term covering all the multiplicity of purposes for which Federal funds flow to institutions of higher education or those attending them. The reader should keep in mind, however, that the term "Federal aid" is inaccurate and misleading as applied to many of these programs. Where the Federal Government, in fulfillment of a clearly defined and asserted national responsibility, uses the services, facilities and personnel of colleges and universities to accomplish this purpose, the term "Federal aid" is not applicable. Indeed when the payment for this use is inadequate to cover its cost, as it frequently is, colleges and universities are supplying fiscal aid to the national government rather than the reverse. Colleges and universities have a responsibility for the national welfare which exceeds that of most

other institutions in our society, and on which they are uniquely able to discharge. Willingness to give whole-hearted cooperation in programs of national importance should not, however, obscure the fact that the flow of "aid," both in terms of accomplishment and in fiscal terms, is a two-way flow. Cooperation in the national interest is a better word for it.

Mr. MORSE. Further, Mr. President, Dr. Jensen has brought to my attention an article by Mr. Robert P. Crossley, which was originally published in Pageant magazine in July 1965, in which the author presents an analysis of tax credit proposals as a method of furthering the attainment of higher educational training by students.

In my judgment, this article deserves, again, the careful review of Senators, since I feel sure that during the session such a plan will be urged upon the Senate. I therefore request unanimous consent that the article to which I have alluded be printed at this point in my remarks, together with a November 16 newsletter from the National Association of State Universities and Land-Grant Colleges and the Association of State Universities, relative to tax credit proposals.

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

THE TAX CREDIT PLAN TO CUT COLLEGE COSTS—WILL IT WORK?

(By Robert P. Crossley)

(EDITOR'S NOTE.—The following article by Robert P. Crossley was published by *Pageant* magazine in July, 1965. Proponents of tax credits for college costs are planning to push the legislation again during 90th Congress. With the permission of *Pageant* magazine we are reprinting Mr. Crossley's very thoughtful article on this vital issue affecting the pocketbooks of thousands of parents and students.)

A friend of mine has six kids. The oldest one attends the state university, and he hopes to send the rest of them to college, too. But it has him worried. He makes $9,000 a year.

If all the children go to the state university, it will cost him around $1500 a year or $36,000 before they're all through. He'd like to send them to the well-known private college he attended 20 years ago. In those days it cost $900 a year for everything—tuition, books, board, and room. Now it's $2500, which would make it $60,000 for six children to complete college.

My friend came to me all excited the other day. He had just read about a bill introduced in Congress that would let him subtract a good chunk of college costs from his income tax. He thought it was a great idea.

I told him I wasn't so sure.

Under the plan, introduced by Senator Abraham Ribicoff (D.-Connecticut) and cosponsored by Senators of both parties, anyone who pays money to a college for tuition, fees, and books can subtract up to $325 from his net tax bill. That includes parents and students and anyone who helps pay.

To get the maximum credit, your payments would have to total at least $1500, not counting board and room. If your child goes to a state university or other less expensive school, your tax credit is less. Here's how the Ribicoff plan would work:

First $200 paid, 75 percent credit	$150
Next $300 paid, 25 percent credit	75
Next $1000 paid, 10 percent credit	100
Maximum credit	325

If you paid, say, $390, which is average for resident students at state universities, your credit would be only $198. All this applies to anyone with an adjusted gross income up to $25,000 a year. Over that, the credit is reduced $50 for each $5000 of income. But a taxpayer making as much as $57,000 can still take *some* credit.

The plan almost passed the Senate in 1964 when Senator Ribicoff introduced it as an amendment to the Administration's tax-reduction bill. It was beaten, 48 to 45, only when three of its original sponsors, including Democratic Whip Hubert Humphrey, voted against it.

[In March, 1966, Senator Ribicoff brought the bill up again. His move caught opponents of tax credit by surprise, but his proposal was beaten even more decisively. 47 to 37.]

"Tuition tax credits are like motherhood and home," says one opponent, Allan M. Cartter, former vice president of the American Council on Education. "Few would want to be on the record as opposing it."

Yet such Senators as Aiken, Anderson, Bayh, both Senator Byrds, Douglas, Fulbright, Javits, Edward Kennedy, both Senator Longs, Mansfield, McCarthy, Monroney, Morse, Muskie, Russell, Smith, Stennis, Talmadge and Yarborough have voted against it. Why?

Why should they oppose a bill that Senator Ribicoff says is designed to treat the burden of college education the same way we treat the burdens of medical expenses, interest payments, and casualty losses? And why, if gifts to colleges are tax deductible, shouldn't tuition be, too? Why should anyone be against letting hard-pressed parents take a few hundred dollars off their income tax to ease the pain of tuition? Three hundred twenty-five dollars isn't much, but it would sure help.

The big question—and there are some others, as we shall see presently—is *whom will it help?*

Parents? Students who are paying their own way? Maybe.

Obviously parents and students can benefit only if they keep the money they take off their income tax. There are good reasons to fear that they won't. The colleges may get there first.

The Rev. John E. Walsh, vice president of Notre Dame, who has seen that university's tuition go from $750 to $1400 in ten years, makes no bones about it: "The tuition tax credit plan is basically a form of federal assistance to American higher education . . . It would enable colleges and universities to raise their tuitions without fear of pricing themselves beyond the ability of parents to pay. The full value of each tax credit dollar would flow directly and immediately to higher education."

Arthur G. Coons, president of Occidental College in Los Angeles, explains: "There is little doubt but that the great majority of independent colleges and universities, and to some extent also the publicly oriented colleges and universities would increase tuitions further in the event the tax credit plan should be adopted."

The whole idea started as a way to aid the colleges, admits Waldo C. M. Johnston, associate director of alumni relations at Yale, but he explains, "In order to get the American Council on Education to sponsor the proposal we were forced to reverse our field and place the emphasis on the side of the parents.

"While this reversal may have had momentary advantages by making the proposal more salable to Congress and probably state universities, I think the wheel of fortune has turned to a point where the emphasis once again should be placed where it belongs. The fact that the tax credit plan would enable institutions to raise their tuition without adding one cent to the burden parents are already paying is a thoroughly convincing statement."

It's convincing all right. An official of a private university in the Midwest figured that a school with 5000 students now paying $1500 each could get an increase of $1,625,000 a year by raising tuition the full amount of their tax credit.

Dr. Robert A. Freeman, senior staff member of Stanford University's Hoover Institution on War, Revolution, and Peace, and the man who worked out the graduated tax credit plan incorporated in the Ribicoff bill in place of wider exemption and deduction schemes proposed earlier, conceded in 1963 that the U.S. Treasury would lose $700 million a year under his plan. (The Treasury now says $1 billion.)

"Institutions," Dr. Freeman believes, "may be expected to recoup as much as three-fourths of that through increased tuitions. Tax concessions need not aim as much at providing relief for students and their families as at enabling colleges to augment their tuition income without proportionately increasing the burden on those who pay."

It might not *increase* their burden, but what ever happened to that extra money those families thought they'd find in their pockets? And if the government "gives away" $1 billion of income-tax money to the colleges—with no strings attached—who will make up the deficit in the federal budget? You know who. The same taxpayer who got "relief."

The Ribicoff bill shortchanges you if you live in, say, California or one of the many other states that have developed modern systems of public colleges and universities. With some exceptions it favors the North Atlantic States as a group. Two out of three students in that area attend private institutions, almost the exact reverse of the nation as a whole.

The State of Massachusetts, for example, spends only $6.47 per capita on higher education. It has great—and expensive—private universities, but until recently its state university was a stepchild. California, on the other hand, spends about seven times as much per capita, $45.14. Eighty-five percent of California's students attend public institutions, 50 percent the excellent free or very cheap junior colleges.

States that spend a lot on their state colleges have low tuition rates because they've already taxed themselves to guarantee it. Under the Ribicoff bill taxpayers in such states would receive smaller tuition credits and would pay more of any increase in federal taxes imposed to make up the $1 billion shortage.

What about the student who cannot afford to go to college at all or whose family does not have an income high enough to pay *any* income tax or to make use of a tax credit? Not only would such students not be helped by the Ribicoff plan but those who do go to college would actually be penalized by the increased tuition, even at state institutions. Students who are working their way or borrowing money would find it harder to stay in school.

Seymour Harris, former Harvard economist and an expert on college finances, has called tax credits "costly and wasteful because they would be available to families irrespective of need and unfair because they discriminate against families not paying income tax or paying very little."

Today out of 100 college-age young people in the top one-third income level, 55 enter college. In the bottom one-third only ten out of 100 make it.

"The choice seems clear," says the Washington *Daily News*. "It is of more value to the country to invest tax funds in helping those who would otherwise never get beyond high school than to ease the financial load for those who, through parental help, would go to college anyhow."

And, adds the Washington *Post*, "If we are going to provide an additional $1.3 billion [the estimated cost by 1970] annually in aid to higher education, is this bill the wisest way to do it?"

The *Post* also worries about the fact that Congress would have no control over how the colleges used the money from increased tuition. "Would tax credits," it asks, "be available to parents in southern states who removed their children from integrated public schools and put them into segregated private schools? In this event would the federal government not be, in effect, in the business of subsidizing a circumvention of the U.S. Constitution?"

Senator Peter H. Dominick (R.–Colorado), a co-sponsor of the Ribicoff bill, thinks this freedom from Congressional control is one of its advantages. "The tax-credit approach," he has stated, "will avoid the constitutional problems of federal aid to education, the segregation issue, and controversial aspects of other plans."

He favors it also because "It does not entail institution of new government bureaus or agencies."

Small colleges, by and large, have not shared in the government's vast appropriations for research and student grants. Nor are they getting more than a trickle of the gift money being channeled into education by alumni, business, and the big foundations. It's understandable that they should applaud the idea of tax credits that would direct government money to them without its having to go through the hands of Congress.

Their situation is so bad, says Louis T. Benezet, president of the Claremont Graduate School and University Center in California, that "Unless new sources of income are found for our private liberal arts colleges, only twenty percent may survive the pressure of rising costs."

One of the strongest opponents of tax credits is the United States Treasury, which takes a dim view of diverting tax revenue to accomplish social objectives.

One provision of the Ribicoff bill has received little attention, but it could have far-reaching significance and cost the Treasury still more. This is the provision that the tax credit is not limited to the taxpayer's own children or dependents. Father Walsh sees this as encouraging the setting up of more scholarships, a deserving goal if it isn't carried to the extremes. But under the proposed law there is nothing to prevent a big-hearted person from giving away his entire income tax by paying tuition for other people's children.

What worries many educators—including such organizations as the National Education Association and the American Association of University Professors, presidents of the nation's state and land-grant colleges and universities, and spokesmen for Harvard, Princeton, Stanford, Yale, Chicago, and Columbia—is that once Congress has "given" $1 billion to colleges in the form of tax credits to students and parents, it will balk at voting money for such things as scholarships, student loans, research grants, and new facilities.

Senator Ribicoff, citing his own support of such measures in bills introduced by Senator Wayne Morse (D.-Oregon) and others, says tax credits won't jeopardize other aid to higher education. But the fact remains that some proponents of tax credits *do* want to see other forms of aid eliminated. They argue that it would prevent red tape if the money bypassed Washington and went directly to the colleges to use as they saw fit.

President Fred Harrington of the University of Wisconsin is afraid of a different sort of red tape. He remembers the headaches colleges had keeping records on books and supplies purchased by students under the World War II GI Bill.

"If the Treasury Department is to police this provision [the credit for books] in a manner calculated to protect the interests of all the taxpayers who foot the bill for it," he says, "it will have to impose on the colleges and universities, the parents and individual students the most elaborate system of record keeping and certification ever applied to American higher education."

Added to this problem is the fact that the $325 maximum proposed by the Ribicoff bill is sure to seem inadequate to taxpayers whose tuition payments run to five times that amount. The bill is considerably scaled down from earlier proposals and, if enacted, is almost certain to be the target for those who would want the credit increased. Dr. Freeman has already advocated a 100 percent tax credit up to $100, with a maximum of $420.

Demands for further credits would be sure to follow. Senator Ribicoff has announced that he will campaign next for deductions or credits for tuition in private elementary and secondary schools. Dr. Freeman wants to see gifts to colleges allowed as a tax credit instead of as a deduction. This would encourage more donors but cost the government.

Not long ago the commission on legislation of the Association of American Colleges, an early supporter of the tax-credit idea, advised its parent body to reconsider.

"It is hard to see," the commission reported, "how both the colleges and the parents can benefit at the same time. In order to gain any financial advantage the college would presumably have to increase its charges to students, but if charges were raised, they would tend to nullify any advantage derived by parents' from tax remission. The poorest parents, who would get little or no relief from tax credits, would be even worse off than they are now. The force of this argument is such that we believe that, before giving further support to this proposal, the Association should make a truly serious study of the results that might realistically be expected of it."

That goes for my friend with the six kids, too.

A NEWSLETTER FROM THE NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES, WASHINGTON, D.C.

WASHINGTON, D.C., November 16.—College students and their parents were cautioned this week not to become unwitting supporters of a proposal that would lead to higher tuition fees across the country.

The warning came from the joint meeting of the National Association of State Universities and Land-Grant Colleges and the Association of State Colleges and Universities.

In reaffirming their opposition to proposed Federal income tax credit for educational expenses, the Associations urged the 90th Congress and citizens not to be deceived by the seeming attractiveness of the proposal.

The only way colleges could benefit from tax credits would be by hiking tuition, the associations noted, and this in turn would increase—not reduce—the burden of college costs that many families now bear.

Legislation to authorize the tax credits has been introduced at every session of Congress over the past several years, although it has yet to win majority support. In its most frequently cited form, the proposal would allow taxpayers to deduct up to $325 from their annual tax.

Proponents of the measure have sought to emphasize the financial relief it appears to imply for parents of college students. But the 300 publicly-supported institutions represented at this week's meeting remain convinced that "tax credits would offer most help to those who need it the least—while giving the least help, or none at all, to those who need it the most."

The associations noted, for example, that relatively high-income families paying tuition of $1500 or more a year could deduct as much as $325 from their tax bills, while low-income families paying little or no federal taxes would receive no benefits at all under the plan.

These poorer families would be all-the-more hard-pressed to meet consequently higher college expenses, the associations declared.

At the same time, they continued, the tax-credit idea has been advanced by some of its advocates as a simple method of bringing federal aid to the colleges without government stipulations on how the money should be spent.

The associations view this as a direct contradiction of the claim that tax credits would provide citizens with financial relief. NASULGC and ASCU maintain that the credits could not simultaneously aid both the college and the taxpayer.

Pointing out that the tax-credit approach would cost the U.S. Treasury at least 1 billion dollars in lost revenue during the first year alone, the associations warn that its adoption would likely preclude other forms of sorely-needed government aid to colleges for the foreseeable future. Knowing this, college trustees would be unable to avoid imposing higher tuition fees as a primary source of additional funds.

And higher tuition would, at the least, offset the "advantages" many families might realize from tax credits.

The associations also point to these objections:

Supporters of the tax-credit plan have conceded that it would by-pass Constitutional provisions against using public funds for discriminatory purposes. By raising tuition, all colleges and universities—whether they adhere to non-discriminatory policies or not—could receive the indirect government assistance that tax credits would provide.

The money lost to the federal government through tax credits for college expenses would probably have to be recouped—no doubt through additional federal taxation.

The associations feel there are a number of affirmative ways by which federal funds, state tax dollars and private support can be used to halt the rising cost of higher education to the individual.

Increased support of existing national programs and new programs of institutional support offer sounder ways of providing assistance than tax credit. They feel, through the wise use of the billion dollars that tax credit legislation would cost the Treasury each year "many dramatic and worthwhile accomplishments could be achieved for public and private higher education," a spokesman for the associations noted.

SUMMARY OF ANNUAL EVALUATION REPORT ON TITLE I, PUBLIC LAW 89–10, OREGON DEPARTMENT OF EDUCATION

Mr. MORSE. Mr. President, I was very pleased to receive from the Oregon State Department of Education an evaluation report on the programs undertaken in Oregon during the 1965–66 time span under the authorities contained in Public Law 89–10, the Elementary and Secondary Education Act of 1965, as amended.

In my judgment, Superintendent Minear and Mr. Maynard L. Christensen, coordinator of title I evaluation, as well as Dr. Austin Haddock, director of title I activities, are to be congratulated. This summary, to my view, is a concise and helpful document which will be of major assistance to me, as will the complete report upon which it is based, during the Education Subcommittee review of the program in the coming months.

Because of my belief that a report such as this is of interest to my colleagues and to a widespread segment of

the educational community, I ask unanimous consent that it be printed at this point in my remarks.

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

AN EVALUATION SUMMARY FOR TITLE I OF PUBLIC LAW 89–10, REPORTING ON OREGON'S 1966 FISCAL YEAR, WITH GUIDELINES FOR FUTURE PLANNING, FEBRUARY 10, 1967

A SUGGESTED OUTLINE AND PLANNING FLOW CHART FOR PLANNING PROJECT ACTIVITIES

I. Identification of target areas and most pressing needs for the *children* in the school district (Page 1–2).

II. Development of objectives as expected *pupil* behavioral outcomes (Page 3).

III. Description of *pupil* activities to achieve the objectives of the project (Page 4).

IV. Evaluation of the listed objectives to measure the increase in educational opportunities and educational achievement of the *children* in the school district.

A Planning Flow Chart for Developing Projects

I. Target areas and pressing needs.
II. Objectives: Primary, secondary.
III. Activities.
IV. Evaluation.
[Chart not printed in RECORD.]

I. Identification of needs

Title I of PL 89–10 was enacted to improve the educational opportunities and thereby the educational achievements as measured by objectives achievement tests and other supporting evidence for educationally deprived children in areas with high concentration of children from low income families.

A. The list below gives the most popular methods selected to identify target areas in the order of frequency of use:

1. Census data.
2. Information from Welfare agencies.
3. Judgment of local teachers and administrators.
4. Local survey or school census.
5. Records from the free lunch programs.
6. Aid for Dependent Children data.
7. Employment of parents.
8. Opinion of community leaders and Community Action Programs.

B. The list below gives the most popular methods selected to identify the most pressing needs:

1. School achievement test records.
2. Pupil cumulative records.
3. Teachers' collective opinions.
4. School health records.
5. Reading inventories.
6. Informal surveys.

C. Percentage of local school districts that identified the following needs:

Instruction area:	Percent
Reading	75
Teacher aides	38
English language arts	30
Cultural enrichment	15
General education	15
Mathematics	12
Kindergarten	9
Reduction of class size	9
Physical education/recreation	7
Art	6
Social studies	5
Second language-English	5
Speech therapy	5
Science	5
Music	4
Special education for the handicapped	4
Industrial arts	3
Work-study	3
Vocational	3
Foreign language	1

Other: Business education, home economics, preschool, work experience, etc.

Percentage of local school districts that identified the following target areas:

Service area:	Percent
Library services	25
Guidance and counseling	22
Transportation	17
Inservice training	16
Health services	15
Curriculum materials center	10
Food services	8
School social work	8
Tutoring after school	6
Lunch	6
Psychological services	6
Waiver of fees	5
Preservice training	5
Related service for parents	5
Psychiatric services	2
Attendance services	2

Other: Breakfast, clothing, recreation, etc.

D. Innovative projects that received special attention:

1. Model school projects for educationally deprived children.
2. Mobile reading laboratories.
3. Projects designed to improve the self-concept of under-achievers.
4. Use of teacher aides.
5. Projects that provide field trips for children located in isolated areas.
6. Work experience projects.
7. Cooperative projects (19 approved).

E. A few statistics from Oregon's Title I projects:

1. 383 projects were approved.
2. $8,544,505—the state allocation.
3. $7,926,758.67 approved—92.66% of allocation.
4. $7,211,645.16 spent in 1966.
5. 490,812 children were enrolled in Oregon's public schools.
6. 34,664 children were enrolled in Oregon's non-public schools.
7. 55,824 public school children participated—11.3% of item 5.
8. 1,805 non-public school children participated—5.2% of item 6.
9. A total of 57,629 children participated in Title I—10.9% of state total.
10. $106 was the average cost per pupil in Title I projects.
11. 1,299 public schools in the state (elem. 989; sec. 310).
12. 709 public schools participated (elem. 515; sec. 194)—55% of the total.

II. Development of objectives

A. Percentage of project applications that identified the following objectives as expected pupil behavioral outcomes:

Objective	Percent
To improve classroom performing in reading	67
To improve performance as measured by standardized achievement tests	62
To improve children's verbal functioning	56
To improve children's self-image	46
To change the pupil's attitude toward school	45
To improve classroom performance in other skill areas than reading	36
To improve the children's emotional and social stability	25
To improve and increase children's attention span	24
To improve children's nonverbal functioning	18
To raise the public's educational aspiration levels	18
To increase the pupil's expectations of success in school	17
To improve the children's average daily attendance	15
To improve performance as measured by standardized tests of intellectual ability	14
To improve the physical health of the children	13
To reduce the rate and severity of disciplinary problems	6
To improve the nutritional health of the children	4
To promote adequate clothing for the children	1

Others: To improve other achievement abilities, attitudes, behavioral problems, and related learning conditions.

B. Subjective measurement of local school districts' primary and secondary objectives are listed in the following tables and show the percentage of projects as evaluated from tabulated reports.

[In percent]

School level	Substantial progress achieved	Some progress	Little or no progress achieved
1. PRIMARY OBJECTIVE			
Preschool	52.5	42.5	5.0
Grades 1 to 3	36.9	30.6	32.5
Grades 4 to 6	25.7	53.6	20.7
Grades 7 to 9	35.5	49.3	15.2
Grades 10 to 12	27.6	52.9	19.5
Average	32.1	45.2	22.7
2. SECONDARY OBJECTIVE			
Preschool	50.0	45.2	4.8
Grades 1 to 3	36.4	34.1	29.7
Grades 4 to 6	35.1	41.2	23.7
Grades 7 to 9	40.2	45.4	14.4
Grades 10 to 12	27.6	53.9	18.4
Average	36.6	40.8	22.6

III. Description of activities

A. Prevalent activities were:

1. Remedial and developmental reading.
2. Individualized instruction.
3. Language arts and communication programs.
4. Specialized instruction.
5. Health and physical education.
6. Coordination of community services.
7. Guidance and counseling.
8. Development of corrective procedures.
9. Materials center.
10. Work experience programs.
11. Field trips and play activities.
12. Summer schools and cultural experiences.

B. Methods of increasing staff:

1. Hiring aides and teachers not under contract.
2. Contracting retired professionals.
3. Use of substitute teachers.
4. Sharing personnel from intermediate education districts, local districts, and college staff members.

C. Additional personnel employed in Title I projects:

	More than half time	Half time or less
1. CERTIFICATED PERSONNEL		
Teachers (total)	519	472
General classroom	194	284
Remedial reading	221	123
Special education	56	20
Kindergarten	22	17
Preschool	14	18
Speech correctionist	12	10
Guidance-counseling	88	52
Librarian	29	10
Supervision-administration	61	42
Total	697	576
2. OTHER PERSONNEL		
Teacher aid and library aid	672	323
Secretary and clerk	48	51
Cook, custodian, bus driver	17	70
Social worker	33	1
Nurse	15	19
Dentist	----------	3
Physician	----------	4
Psychologist	9	12
Technical assignments (machine operations)	19	35
Total	813	518
Grand total	1,510	1,094

IV. Evaluation of objectives

A. Review

Evaluation is the process of determining worth in relation to the stated objectives, and it sets out to appraise, not to prove. This process is usually done by comparing an established standard with something of an unknown value. Therefore, *steps to develop baseline data to act as the established standard must be taken before pupil participation in the project begins, and the post-data is collected at the end of the project.*

An example:

(PROGRESS)

BASELINE DATA	POST-DATA
A reading survey shows 3.1 grade level.	A reading survey shows 3.3 grade level.
Achievement test shows a 3.6 grade placement or a 39% Median (midpoint).	Achievement test shows a 3.7 grade placement or a 42% Median (midpoint).
1.5% of the pupils dropped out of school.	1.2% of the pupils dropped out of school.
540 books were checked out of library.	960 books were checked out of library.
Subjective evaluation showed 45 points for enthusiasm.	Subjective evaluation showed 55 points for enthusiasm.
Check list scale showed 40 points for self-concept.	Check list scale showed 46 points for self-concept.

B. Evaluation Measuring Instruments Used in Oregon's Title I Projects

1. Pre-school and Kindergarten: (a) Peabody Picture Vocabulary Test, (b) Detroit Readiness.

2. Grades 1–3: (a) Stanford Achievement, (b) SRA Reading Achievement, (c) Gates Reading Diagnostic, (d) Scott-Foresman Reading Readiness.

3. Grades 4–6: (a) Stanford Achievement, (b) California Achievement, (c) Metropolitan Achievement, (d) Gates Reading Survey.

4. Grades 7–9: (a) Stanford Achievement, (b) California Achievement, (c) Metropolitan Achievement, (d) Gates Reading Survey, (e) SRA Achievement, (f) California Mental Maturity.

5. Grades 10–12: (a) Iowa Test of Educational Development, (b) Metropolitan Achievement, (c) Gates Reading Survey.

6. Percentage of projects using other measuring instruments in addition to those shown in items 1–5:

Measure:	*Percent*
Teacher ratings	62
Anecdotal records	46
Teacher-made tests	27
Observer reports	25
Aptitude tests	7
Local tests	4
Interest inventories	5
Attitude inventories	3

Other: Parent, pupil, and administration opinion questionnaires, material usage check lists, attendance records, student grades, health records, dropout rates, and other surveys.

C. Evaluation Techniques

1. Nine (9) out of every ten (10) projects used a standard achievement test in the evaluation.

2. Over eighty-two percent of the projects used a one-group design in the evaluation.

3. Over two (2) out of every three (3) projects used a pre-test and post-test evaluation design to compare results.

4. Only seven (7) percent of the projects used a two-group experimental design in the evaluation.

5. Sample research designs.

(a) Pretest Treatment Posttest Groups

○ —▶ X —▷ ⊗ Control
⊕ —▶ Y —▶ ● Experimental

(A two-group experimental design with before and after.)

(b) "After only"

X —▷ ⊗ Control
Y —▶ ● Experimental

(A two-group experimental design with after only.)

(c) A single group, experimental only, where children are tested before and after then compared with other groups.

(d) A single group, experimental only, where children are tested at the end of the experiment then compared with the group's own past.

(e) An Ex Post Facto experiment—two groups that are compared but the design is projected with definite predictive differences.

D. Objective Measurements

Listed below are the total number of Title I children in 301 projects according to their scored standardized test battery percentile interval. The Baseline shows the children who were tested when the projects started and the Post-Test shows the children who were tested in projects at the end of the school term.

Baseline	Number of children	3,251	6,635	6,479	1,942	1,051	Total 19,358
	Percentile score	0–19	20–39	40–59	60–79	80–100	
			Mean=40.48	Median=39.36			
Posttest	Number of children	2,865	4,826	6,076	1,971	1,410	Total 17,148
	Percentile score	0–19	20–39	40–59	60–79	80–100	
			Mean=43.16	Median=42.33			

E. Subjective Measurements

Using subjective judgments the Title I evaluation reporters from 301 projects determined the group rating for each project by writing the number of children rated poor, fair, good, excellent, and superior under self-concept and enthusiasm for school.

1. Children's self-concept:

Baseline	Percent of total	29.1	36.8	26.2	6.3	1.7	Total
	Number of children	6,870	8,686	6,177	1,491	393	23,617
	Rating	Poor	Fair	Good	Excellent	Superior	
Posttest	Percent of total	15.1	32.9	35.4	13.6	3	Total
	Number of children	3,338	7,269	7,824	3,001	667	22,099
	Rating	Poor	Fair	Good	Excellent	Superior	

2. Children's enthusiasm for school:

Baseline	Percent of total	28.1	33.4	28.1	8.6	1.7	Total
	Number of children	6,660	7,912	6,641	2,037	413	23,663
	Rating	Poor	Fair	Good	Excellent	Superior	
Posttest	Percent of total	11.3	30.4	38.8	15.8	3.8	Total
	Number of children	2,612	7,021	8,975	3,643	879	23,130
	Rating	Poor	Fair	Good	Excellent	Superior	

F. Summary

Title I, PL 89–10, should be judged as mildly successful based on the responses received from the local school districts' evaluation forms.

The objective measurements of standardized tests showed some gain and the subjective judgments on rating scales for children's self-concept and enthusiasm for school indicated a slight improvement.

Many of Oregon's 1966 Title I projects were excellent and there were other Oregon projects that failed to reach expectations, but considering the limited time for planning projects and the delays in appropriation of federal funds, most local school districts gave a wholehearted effort to help educationally deprived children.

When it comes to evaluating the effectiveness in achievement and bringing about change in children or educational procedures, the true assessment can only be measured at some future time. Therefore, future measurements should be designed to make long range evaluations of these new programs.

This publication was developed from Oregon's Annual Evaluation Report of Title I Activities with the assistance of Maynard Christensen, Coordinator of Title I Evaluation, and Dr. Austin Haddock, Director of Title I Activities.

(*Reporting research*: Information reports are issued by the Division of Administrative Services, Research Section, Milt Baum, Director. The Division of Administrative Services' Research Section functions in a service capacity to: transmit information which may contribute to the improvement of educational administration; provide timely data for use by district school boards; prepare useful educational statistics in a meaningful form; disseminate to school executives the results of pertinent studies and research reports on school administrative topics.)

NEED FOR STUDY OF PROPOSALS FOR ELECTORAL COLLEGE REFORM

Mr. HRUSKA. Mr. President, recently a great deal of attention has been focused on the need for reform of the electoral college. As a member of the Constitutional Amendments Subcommittee and a cosponsor of Senate Joint Resolution 12, which would adopt the district plan, I welcome the discussion of this need. It is an important subject and one which deserves a great deal of study.

An article in the Federalist Today, which is published by the American Good Government Society, discusses the merits of one proposal for reform. The American Good Government Society is no newcomer to this subject. It has shown a healthy and informed interest in the electoral college for many years. The article stresses the historical significance of our system of electing the President and helps put the problem in perspective.

In order to contribute to the wide consideration of this matter, I ask unanimous consent that the article be printed in the RECORD.

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

ABA TEST DUE ON ELECTORAL COLLEGE—POLICYMAKING GROUP WOULD ABOLISH PRESENT SYSTEM AND SUBSTITUTE NATIONWIDE PRESIDENTIAL ELECTIONS

The American Bar Association's House of Delegates will meet in Houston, Texas, on

February 13 and 14 to decide, among other things, whether the Association will promote, under the banner of Electoral College reform, an amendment to the Constitution which would abolish the Electoral College. The ABA, by adopting such a course, would be urging the complete elimination of federal and national elements of representation upon which the Executive power rests. They would substitute an eccentric, fluctuating, mathematical constituency of voters; and cut off the taproot of the two-party system in Presidential elections. The Association would abandon the principle of Separation of Powers and place ultimate control of the President's election in the hands of Congress.

The significance of the Association's proposal is not readily visible, but lies, like the unseen mass of an iceberg, submerged and hidden from view. The ABA's House of Delegates, which is the policy making body of the Association, will be taking up a report from its Commission on Electoral College Reform. The Commission recommends that a Constitutional Amendment be adopted which would provide for the election of the President and Vice President by forty percent of a direct, nationwide popular vote; provide for a nationwide runoff when no candidate receives forty percent of the vote; empower Congress to alter State provisions for Presidential elections, and to establish age and residence requirements for voting eligibility.

Within the Commission's report we read: "The electoral college method of electing a President of the United States is archaic, undemocratic, complex, ambiguous, indirect, and dangerous." These are serious charges but the report fails to support the statement with substantive evidence. The broadside charges leveled against the Electoral College system hit another target, the foundation structure of representation upon which the Executive power of the United States is based. These charges cannot, by mere rhetoric, stand as truth.

The Honorable Frederic R. Coudert, Jr., who served twelve years in the House of Representatives, and is now senior partner in the New York law firm of Coudert Brothers, has addressed himself to the question of how a President of the United States should be selected:

"The American political system is unique among all others in history . . . the Constitution of the United States is the capstone of the American political system. It is the instrument by which the people in the States created a government for the United States, deriving its just powers from the consent of the governed . . . its primary purpose is the protection of personal Liberty . . . no other government was ever formally dedicated to this purpose.

"The political structure of the United States can be described as a limited dual-sovereignty in a federal union of States, with a separation therein of the delegated powers of sovereignty (Executive, Legislative, and Judicial). It should be noted that the whole sovereign power of the People is not delegated, the People have kept for themselves full sovereignty in the moral realm of personal Liberty . . .

"In unitary governments, like those of Continental Europe, which are founded in the Roman law, there is only one sovereign government in a country and its sovereignty is complete, unlimited, and undivided. The objects of government are all-inclusive, extending to every person and every thing. The Legislative power is dominant and derives its authority from the voters.

"The structure of our Federal Government is somewhat complex. James Madison (The Federalist No. 139) best describes the elements of the new government proposed in the Constitution: 'In order to ascertain the real character of the government, it must be considered in relation to the foundations on which it is to be established; to the sources from which its ordinary powers are to be drawn; to the operation of those powers; to the extent of them; and to the authority by which future changes in the government are to be introduced (Constitutional Amendments) . . .'

"Madison goes on to note: '. . . the Constitution is to be founded on the assent and ratification of the people . . . not as individuals composing one entire nation, but as composing the independent States to which they belong . . . the act, therefore, establishing the Constitution will not be *national*, but *federal* . . . it is to result neither from a majority of the people of the Union, nor from that of a *majority* of the States. It must result from the unanimous assent of the several states that are parties to it. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority . . . each State, in ratifying the Constitution, is considered a sovereign body . . . in this relation then, the new Constitution will, if established, be a *Federal*, and not a *national* constitution . . . the executive power will be derived from a very compound source. The immediate election of the President (by Electors) is to be made by the States in their political character. The votes allotted to them are in a compound ratio, which considers them partly as distinct coequal societies, partly as unequal members of the same society. From this aspect of the government, it appears to be of a mixed character, presenting at least as many *Federal* as *national* features.'"

Coudert continues: "If the sole basis of a choice between a complex *federal* government and a simple unitary *national* government were simplicity and ease of understanding the *national* form would be selected. But, the blessings of Liberty, under out seemingly complex governmental system, have so far exceeded the promises—even the hopes—of the Founding Fathers, that there are but few, even today, who would consolidate us into one government, and reduce the State government to the status of provincial satrapies. If this then is to be the choice, the ideal way of selecting a President . . . must fit in with, and be in balance with, the different parts of our complex *federal-national* system."

What Coudert is saying, is what Chief Justice John Marshall said on another subject, and what every lawyer should know, that Constitutional questions "depend on a fair construction of the whole instrument." If we look at Constitutional provisions for the division of delegated sovereign powers, for the powers, and for the structure of government, we find them in separate Articles of the Constitution and granted as *legislative powers, executive power,* and *judicial power.* We are concerned with the two powers that are elective and have representative foundations, the legislative and executive. The Constitution provides:

"Article I, Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States . . . Representatives shall be apportioned among the several States . . . according to their respective numbers (of persons) . . . but each State shall have at least one Representative.

"Section 3. The Senate of the United States shall be composed of two Senators from each State . . . and each Senator shall have one vote.

"Section 6. No person holding any office under the United States shall be a member of either House during his continuance in office."

If we follow Madison then, the legislative power is derived from two different sources and these sources are represented in Congress on two distinctly different principles, the *national* principle of population in the House, and the *federal* principle of the States as coequal political societies in the Senate. This, then, is at once the dual-sovereignty of the States and the government of the United States, and, the dual-citizenship of each American, of a State and of the United States.

Article II of the Constitution states that the executive Power shall be vested in the President of the United States of America. He shall hold his office during a term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative . . . shall be appointed an Elector."

With every State receiving an Electoral College member for each of its two Senators, and for each of its Representatives, the Constitution establishes, for the executive power, a body of Electors of the President which is the exact counterpart of the Houses of Congress. The States, as political societies, are represented in their individuality and also according to their populations.

This is as close to exactness of representation as the President's constituency, of States as well as people, can be brought to that of the Houses of Congress. Clearly, the Constitution provides in the electorate, virtually the same constituency for the executive power that it provides for the legislative power.

The fly in the ointment is the State Legislatures' misuse of their power in determining the *manner* of appointing Electors. New York's election laws show the distortion with crystal clarity:

"Section 131(1) Party nominations of candidates for the office of elector of president and vice president of the United States, one for each congressional district and two at large, shall be made by the state committee.

"Section 290 . . . as many electors of president and vice president as this state shall be entitled to, shall be elected by general ticket, and each voter in this state shall have the right to vote for the whole number. . . .

"Section 297. Representatives in the House of Representatives of the Congress of the United States shall be chosen in the several congressional districts. . . ."

Of equal relevance is the tremendous distortion in the New York election results for 1960 and 1964 as certified by the Secretary of State:

"In 1960, the whole number of votes given for the office of Elector of President and Vice President was 331,590,904. . . .

"In 1964, the whole number of votes given for the office of Elector of President and Vice President was 303,032,517. . . ."

These distortions are inherent in the use of a statewide general ticket for Electors.

In 1960, New York voters had 45 votes apiece in the Presidential election. This was reduced to 43 votes apiece in 1964 as the State lost two Representatives, and therefore two "Representative Electors," with the apportionment of Representatives under the 1960 census. Citizens of the State of New York could vote for 43 and 41 "Representative Electors" on these occasions, but could only vote for one Representative in the Congress of the United States.

Before the Constitution was 50 years old the general ticket for the popular election of Electors was in use in all but one of the 26 States (Maryland was the 25th State to adopt it in 1836). At the same time, there was developing in several States, the practice of

using the general ticket for the election of Representatives. In 1842, to stop the practice, Congress prescribed that Representatives be elected in single-member districts (it was 1846 before all Representatives were so elected).

On the general question of representation, a select committee headed by John Quincy Adams (who had been President and Senator) reported in part:

"The representation of the people by single districts is undoubtedly the *only* mode by which the principle of representation, in proportion to numbers, can be carried into execution. . . .

"A more unequal mode of assembling a representation of the people in a deliberative body could not easily be contrived than that of one portion chosen by general ticket throughout the State, another portion by single districts, and a third portion by single and partly by double, treble and quadruple districts.

"This forms, in the mass, a representation not of *one* representative for the common standard number throughout the whole Union, but of States, and cities, and sectional divisions, in knots and clusters of population, of different dimensions and proportions. . . .

"Should the general ticket system universally prevail, it is obvious that the representation in this House will entirely change its character, from a representation of the people to a representation of States, and transform the constitutional government of the United States into a mere confederation like that which, fifty-four years ago, fell to pieces for the want of ligatures to hold it together."

The Commission's recommendation to provide for the election of the President and Vice President by direct nationwide popular vote would eliminate the *federal-national* element of the President's constituency. In place of the *federal-national* constituency would be substituted an eccentric mathematical constituency of voters representing none but themselves and subjected to the whims of weather and the convenience of the polling place; the political center of gravity would shift about as varying ideological forces, now confined by State boundaries, organized themselves nationwide; and the present *intra*-state election of Electors under State laws would give way to an *inter*-state election of the President under national laws enacted by Congress. The Commission recommends the latter.

The Commission's requirement that a candidate must receive at least 40 percent of the popular vote would cut asunder the taproot of the two-party system which is majority requirement in the Electoral College to elect a President, and would bless, Constitutionally, a President opposed by a large majority of the voters.

The recommendation that the places and manner of holding the Presidential election and the inclusion of names on the ballot should be prescrbied in each State by the Legislature thereof, with the provision that *Congress may at any time by law make or alter such regulations,* would violate the principle of separation of powers. Congress now has no authority whatever over this subject. The proposal would compel Congress to regulate party conventions for Presidential nominations and every detail of the election.

The Commission calls the Electoral College system of electing a President "archaic, undemocratic, complex, ambiguous, indirect, and dangerous." If the system is *archaic* then so is the Constitution. If the system is *undemocratic,* whatever that means here, it is certainly unrepresentative—but only because its representative members are elected on a statewide general ticket. If it is *ambiguous* the Commission should explain. Certainly the system is *indirect*—as it was designed to be—and as it must be if the separated Legislative and Executive powers are to be founded on constituencies most closely resembling each other. If the present system is *dangerous,* as the Commission argues, then the danger lies in the states' general-ticket system and not within the Constitution.

The present evil distortion between the constituencies of the Executive and Legislative Powers is not through Constitutional requirement but was created a long time ago, by the State Legislatures in a misuse of their authority, under the whip of partisan politics. This does not furnish good reason to embed within the Constitution an equally evil distortion between the constituencies of the President and Congress. The result would be a political monstrosity, with Congress based on a federal union of States—and the Executive, an elected "king" of a unitary government.

The Electoral College is the most misunderstood of American political institutions. Almost every man has his own set of mistaken ideas on the subject, and the Commission's report—in what it said and in what it didn't say—is conclusive evidence that this is true.

ACTIVITIES OF THE CIA

Mr. McCARTHY. Mr. President, the Senator from Oregon [Mr. MORSE], in his recent report to citizens of Oregon, states his views about the activities of the CIA as related to the National Student Association and other domestic groups. In his report, Senator MORSE discusses both whether there was a need for secrecy and the effects of it on a democratic society. I ask unanimous consent that the section of his report dealing with the CIA be printed in the RECORD.

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

THE CIA: HAS IT PENETRATED AMERICAN SOCIETY MORE THAN IT HAS PENETRATED COMMUNIST SOCIETIES?

A young man from Seaside, Oregon, named Phil Sherburne, is a University of Oregon graduate who was president of the National Student Association in 1965–66. His effort to sever NSA dependence on the Central Intelligence Agency for much of its budget has produced another round in the old argument of whether ends justify means. In recent weeks, every day has brought new stories of unions, student groups, academic and literary associations, even church organizations, receiving secret CIA money through dummy foundations.

The defense of secrecy in financing these activities is a curious one. It holds that the decision to finance these "fronts" was made in the period of 1952 to 1954, an era dominated by McCarthyism. It contends that in many contests around the world where Communists were in competition with non-Communists, it would have been impossible to persuade Congress to appropriate funds to send our representatives abroad at public expense. So in the interest of assuring that liberals, even leftist Americans, who could better compete with Communists than could conservatives, would be on hand at international meetings, CIA slipped them the money.

The odd thing about this official defense, however, is that long after the demise of McCarthy, the programs not only continued, but were expanded. In these years, 70 and 80% of the NSA budget, which included extensive civil rights activities in this country, came from CIA. A wildly mismanaged bookstore venture by University of Chicago students lost $140,000, a tab picked up by CIA.

We also have learned that the U.S. Information Agency has long had a secret program of causing books to be written and published in the United States. Part of this subsidy also came from CIA, all unknown to the buyer and reader.

I have been appalled and astonished that in the latter days of the Eisenhower Administration, and the Kennedy and Johnson Administrations, conspiratorial thinking at the highest level dominated these decisions. It is difficult to understand why Congress could not have been asked openly to provide money to finance the international convention of the National Education Association; to pay U.S. unions to train journalists, and to teach unionists in Latin America, Africa, and Asia how to organize workers and how to bargain with employers.

But secrecy begat easy money, and more easy money begat more secrecy. The necessity to explain the purpose, to educate public opinion, and to obtain permission was circumvented by funding these things secretly. Conservative members of Congress who say now they knew about these CIA activities and approved of them, did not have to explain to their constituents what they were supporting, and why.

This is all rationalized on the ground of "intelligence-gathering." But little of it had to do with gathering information. These were operational programs, not unlike some we finance openly through foreign aid. Some, like American Friends of the Middle East, took the form of propaganda at home more than propaganda abroad.

Senator Yarborough of Texas has introduced an amendment to the International Education Act, authorizing the Office of Education to finance openly certain student and academic activities abroad. I support it. I am anxious that we put an end to the secrecy and hypocrisy of CIA sponsorship of such programs. Likewise, I believe the International activities of unions should be financed through the Department of Labor, or AID or the State Department, and the public should know about it. CIA funding has made a farce of our claim that unlike Communists, Americans who represent private U.S. organizations abroad act as free agents and not as minions of their government. We should stop making false claims, and compete with Communism on our own ground of being what we claim to be. We should not fall victim to lame excuses about "fighting fire with fire," when water is still the best defense against fire.

* * * * *

If the forms of democracy are too inconvenient, too exacting, for *us* to respect, who else in the world will respect them? We require candidates for office to disclose their campaign funds; we punish elected officeholders for misuse of public money; we enact federal laws requiring citizens to disclose more and more of their business practices in labeling, packaging, and interest rates. But while the federal government requires more forthrightness from the American people, it retreats further into the world of deception and stealth in its own operation. This scandal has shown us what a long way we have travelled down the road to a police state.

AMERICA'S CLEAR AND PRESENT DANGER

Mr. THURMOND. Mr. President, the President has announced that Soviet Premier Kosygin has agreed to discuss the possibility of a mutual disarmament program, one in which the United States would be expected to refrain from establishing an anti-ballistic-missile system. In light of the incontestable fact that the U.S.S.R. has already deployed an extensive ABM system around its principal

cities and industrial centers, this so-called peace feeler on the part of the Soviets can readily be seen for the delaying tactic that it is.

Gen. Nathan F. Twining, former Chairman of the U.S. Joint Chiefs of Staff, has written an article entitled "America's Clear and Present Danger," in which he describes the very real and imminent peril our Nation is in. This authoritative and concise presentation of a military expert's opinion on the dangers of our defense policy should be brought to the immediate attention of my colleagues, and I ask unanimous consent that the article, "America's Clear and Present Danger," from the Reader's Digest of March 1967, 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:

AMERICA'S CLEAR AND PRESENT DANGER

(An interview with Nathan F. Twining, General, U.S. Air Force (Retired))

(In his current book, "Neither Liberty Nor Safety," Gen. Nathan F. Twining, who served as chairman of the U.S. Joint Chiefs of Staff from 1957 to 1960, discusses the alternative courses of cold-war strategy open to the United States: (1) to disarm the nation gradually in the hope that communist countries will follow suit; (2) to maintain overwhelming military superiority as a deterrent to aggression. In an interview with editors of The Reader's Digest, General Twining explains why he considers the former course—the one the United States is now pursuing—a blueprint for national suicide.)

Q. General Twining, in your book you express serious misgivings about the present state of U.S. defenses. What has you so worried?

A. During the past few years our ability to deter an enemy attack has been severely eroded. I am convinced that if the present trend is not reversed, and fast, the United States will soon find itself in very serious danger.

Q. Do you mean actual military danger?

A. I do. We have technologically competent enemies who are determined to destroy us. They have been working hard and steadily to advance their military technologies; we have not. The Soviet Union presents the most immediate danger, and clearly is aiming at across-the-board nuclear supremacy. But Red China, too, is rapidly developing an important nuclear capacity.

Q. Won't our ICBM's, our missile-firing submarines and our strategic bombers continue to be an effective deterrent?

A. The force that we have today has done exactly what it was meant to do: it has provided the United States with overwhelming military supremacy through the mid-1960's. But military supremacy is not a permanent fact of life. To keep it, you must keep working at it. If you don't, sooner or later an ambitious enemy is bound to achieve technological breakthroughs which will shift the balance of power in his favor. This, I'm afraid, is what has been happening.

All the major weapons systems now in our combat inventory were started in the 1950's. Since then, we have added nothing significant. We have thrown away more than half a decade of irretrievable lead time in the development of the advanced weapons systems we will need to present a convincing deterrent through the mid-1970's and beyond.

At the same time, we have been discarding existing strength. For example, soon after the 1962 agreement by the U.S.S.R. to withdraw its medium-range ballistic missiles from Cuba, to the amazement of our military professionals and our allies we suddenly announced that all our ballistic missiles in Europe were outmoded and ineffective, and took them out—from Turkey, Italy and the United Kingdom. The truth is that these weapons were still effective, and by removing them we greatly simplified both the offensive and the defensive problems for the Soviets.

Then we canceled plans to produce a mobile medium-range ballistic missile for NATO Europe, whose vital centers are now within range of hundreds of Soviet medium-range ballistic missiles. We made major reductions in the production of materials for nuclear weapons. We are now engaged in a rapid phase-out of our strategic bombardment force.

Q. What have the Russians been doing in the meantime?

A. Evidence mounts that the Soviets have been pursuing a vigorous weapons program. They have developed a high-yield nuclear-weapons technology, and it seems likely that they can produce warheads of 100 megatons and more. In addition, reliable evidence indicates that they are rapidly deploying an operational anti-ballistic missile system for the defense of vital target areas. There have also been reports that they are increasing substantially the size of their ICBM force.

Q. Do you think that if they achieve breakthroughs in their military technology they will attack?

A. We certainly could look forward to some interesting nuclear blackmail. I think they might attack if they were convinced that they had achieved a clear strategic ascendancy and could strike with acceptable losses to themselves.

Q. Why have we not been developing our own military technology?

A. Two forces have been at work. One is an anti-nuclear clique of moralists, pacifists and academic dreamers associated at influential levels with the State and Defense departments and the White House. These people may be sincere, concerned and patriotic, but they have never been able to acclimate themselves to the nuclear age. They don't believe that the Soviets mean it when they tell us that someday they will destroy us. They insist that our military supremacy has been "provocative" and largely responsible for the tensions of the past two decades. They theorize that if we scale down our strategic capability to the point where it is equal to or even a little inferior to Russia's, the Soviets will stop competing, the arms race will end and peace will reign.

To my mind, such views are indicative of an inability, or a refusal, to cope with reality. But the anti-nuclear clique is vociferous. It has been a major force in the retardation of our weapons technology and in the weakening of our deterrent.

Q. Who are these anti-nuclear people?

A. The leaders are, mainly, scientists who have been active politically for many years. They advised President Truman not to develop the hydrogen bomb. In fact, there might not have been an American H-bomb if Dr. Edward Teller, a scientist who *is* in touch with reality, had not presented convincing evidence that we could develop it, and that for national security we *must* build it. As it turned out, the Soviets tested their first H-bomb within a few months of ours; so it was obvious that they were not guided by any considerations of what the United States might or might not do, but had developed the H-bomb as fast as they could. There is no telling whether this country would still exist if Truman had not decided to proceed with development of this weapon.

Q. Then, in 1958, we joined the Soviets in a moratorium on nuclear testing?

A. That's right. At first we had insisted on a foolproof inspection system—we didn't mind stopping if we knew that no one else was testing and developing. But the Soviets didn't want any sort of inspection. They wanted us to stop our nuclear-weapons program, and to take their word for it that they had stopped theirs. Communist propaganda went to work, and our own anti-nuclear clique picked up the cry, giving assurances that we were so far ahead in nuclear technology that we would lose little even if the Soviets *did* test clandestinely.

Every responsible American military leader and our more responsible nuclear scientists, again led by Dr. Teller, opposed a no-inspection moratorium. They insisted that it was a trap, and would end in a double cross. But they were overruled. Of course, the Soviets continued secretly, and in 1961 they ended the "gentlemen's agreement" with a series of tests of great sophistication, technological depth and military significance. We gave them three free years, and they made the most of them.

Q. Did we then re-establish the development capabilities we had when we stopped testing?

A. No. We should have, but we didn't. Gen. Curtis LeMay, then chief of staff of the Air Force, organized a committee of nuclear and military professionals to study the military implications of the Soviet tests. When we finished our study, we went to the White House to recommend urgently that the United States get cracking in exploring the high-yield nuclear-weapons field. But Dr. Jerome Wiesner, who was chief science adviser to President Kennedy, and others did not agree. We were turned down. The underlying conviction of those who opposed us, it seemed to me, was that the American posture of nuclear supremacy had to be cut back so that "military parity" with the Soviet Union might be achieved.

Even after we learned that the Soviets had made sensational progress with their nuclear-weapons programs, Dr. Hans Bethe, another influential scientist, said he thought that this contributed to stability and reduced Soviet fears of an attack by the United States. I believe most Americans must find such reasoning as upside down as I do.

A year after the Soviets completed their tests, knowing that they had advanced well beyond us with their very-high-yield technology, our government signed a formal nuclear test-ban treaty with them which substantially froze our technology where it stood. Our proposals for on-site inspections were turned down.

Q. Why is it so important to test a high-yield device?

A. Because the Russians have this big weapon, and we do not know what effect it might have on our missile systems. We cannot afford this information gap.

Q. Don't we have an underground testing program?

A. Yes, but you can't measure underground the exact phenomena which might develop from a detonation in the atmosphere or in space.

Q. Has the United States remained ready to resume atmospheric testing immediately, if it should become necessary?

A. It would take a long time—possibly too long—to re-establish a comprehensive testing and development program. It is impossible to keep together, against a day which may or may not come, the kind of scientific talent such a program requires. People disperse. It is unrealistic to think you can stop such a program and then start it up again immediately.

Q. Is the anti-nuclear clique still active in government?

A. Yes. Dr. Wiesner recently headed a committee for President Johnson which suggested a total ban on nuclear testing, plus a new concept of flexibility on the matter of mutual inspection, and a total halt in the production of nuclear materials for weapons purposes. In other words, the committee seems to me to say that the United States

should quit the nuclear-weapons business altogether and take it on faith that the Soviets will do the same. The plan strikes me as a blueprint for suicide.

But I would not dare predict that we won't implement portions of it. In fact, Ambassador Arthur Goldberg has proposed in the United Nations that the United States would retire vast amounts of nuclear-weapons materials if the Soviet Union would retire about two thirds as much—leaving the Soviets to do with the remaining third whatever they wished. This is an incredible proposal.

Q. Does our Arms Control and Disarmament Agency do a sensible job of planning and negotiating?

A. Many in Congress feel that the 1961 Act which established the agency exceeded the original intent of Congress, which was to provide an arms-control research service for the President. As passed, however, the Act charges the agency with preparing for and managing American participation in international *negotiations*—even though it is not answerable to Defense or State, and has no overall responsibility for national security. Of course, those who staff this agency want to succeed at what they conceive to be their primary mission—disarmament. Thus, the agency is bound to use its influence on such matters as nuclear testing and development of new weapons—and to lean toward the concept of "no inspection" or "minimum inspection" for the sake of reaching some form of agreement with the communist powers.

The military assigns knowledgeable officers as advisers to the agency, to try to make sure that the family jewels are not given away. Even so, the Arms Control and Disarmament Agency should be abolished and its functions returned to the departments of Defense and State.

Q. You said that two forces have combined to retard the development of our military capability. One is the anti-nuclear clique. What is the other?

A. The rigid application of Secretary of Defense Robert McNamara's cost-effectiveness theory to defense planning. Cost-effectiveness is simply a way of measuring the most economical way to accomplish a military mission. I don't quarrel with the theory. But it becomes self-defeating when it is made the dominant factor in defense planning, almost to the exclusion of other vital elements of judgment. Most military professionals believe that this poses a grave danger to the future security of the nation because it stifles research and development. It is usually impossible to produce in advance, from the thresholds of new technologies, conclusive proof that a proposed weapons system will accomplish a mission more effectively and more economically than it could otherwise be done. You must move off the thresholds, conduct serious explorations in promising fields, give some leeway to disciplined imagination. If McNamara's policies had been in effect during the 1950's, we would not have the ballistic-missile force we have today.

Q. Don't the senior military officers speak freely to Congress on such matters?

A. No. The Defense Department monitors everything they say, and the officer who talks out of turn may expect some kind of reprisal. I believe strongly in civilian control of the military. But I don't believe that the military posture of the United States is the private business of an autocratic civilian authority, such as the Defense Department has become. When the elected representatives of the people seek professional military judgments, I believe that they are entitled to straightforward answers, and that such answers should be given without fear of reprisal. As the situation now stands, the civilian managers of Defense have effectively silenced the military, and are tightly managing the news that reaches the people.

Q. For a country that isn't doing much to advance its military technology, isn't our defense budget inordinately high?

A. Yes—but primarily because of the war in Vietnam. Any war is extremely expensive—which is another excellent reason for staying militarily strong enough to keep wars from happening.

Q. What must we do? How should we assign priorities?

A. The Defense Department is making our strategic posture a Maginot Line of missiles. If we fail to reverse this trend quickly, the President in some future crisis is going to find himself in a dangerous, inflexible military position. An all-missile strategic force will not give him much choice in the response we can make, since missiles cannot be used for anything short of general nuclear war.

To ensure operational flexibility, we need a mixed force. We need a new manned bomber, one with great range and speed, and the ability to penetrate existing and projected air defenses. Such a bomber, called AMSA (Advanced Manned Strategic Aircraft), has already been through the preliminary design stages. It can be built.

Q. What has been holding it up?

A. The Defense Department argues that the need for AMSA is not clear. The military and Congress disagree. Congress keeps appropriating funds and authorizing the Defense Department to proceed. But Defense keeps saying year after year that it is "studying the matter." Millions for study, nothing for hardware.

Q. What else should we be doing?

A. I am deeply concerned at the lack of attention the United States has paid to the really awesome military potential of space. We have done no significant work in developing offense and defensive space-weapons systems. Yet the Soviets are on record as recognizing and planning for the military utilization of space; in fact, in the past year they have paraded a weapon that they call an orbital bomb. We have been governed in our approach to space by the same absurd and dangerous logic that thwarted development of our nuclear technology. Now, a treaty banning weapons of mass destruction from outer space has been worked up, and high officials of our government are hailing it as a great step toward peace. I'm sure that the Soviets will respect this treaty just as they respect all the agreements they enter into—until it suits their purposes to break it.

Q. In the past, it has taken war or the threat of war to snap America out of peacetime weapons development lethargy. Do you think it will happen this way again?

A. If we keep trying to appease the Soviets with foolish offers and concessions, and keep reducing our military capabilities toward their level, and also keep tying our military technology into unrealistic cost-effectiveness straitjackets, I believe we can look forward to a major crisis. Such a crisis will be far more serious than any we have been through before—certainly more serious than the Cuban missile crisis. Next time, an enemy who no longer can see such a clear strategic superiority on our side may not be inclined to back off so quickly. There would be grave danger of miscalculation. There could be war. I believe that such a crisis is coming. I also believe that such a crisis need not come. But if we are to prevent it, we have no time to lose. The hour is late, and the enemy is watching the clock.

THE CHURCH LEAGUE OF AMERICA'S INTERNATIONAL SYMPOSIUM ON COMMUNISM

Mr. THURMOND. Mr. President, the Church League of America sponsored an international symposium on communism in Chicago, Ill., March 10–12, and well over 500 delegates attended from across the country. Maj. Edgar C. Bundy, former Air Force intelligence officer, and one of the first to offer testimony before congressional committees regarding the dangers of Communist activities in the Far East, is executive secretary of this league and termed the speakers at the symposium "the greatest gathering of experts on communism on one platform in the history of the United States."

The symposium included among its speakers Mme. Suzanne Labin of Paris, internationally recognized expert on Vietnam; Dr. J. D. Vorster, actuary of the largest single church denomination in South Africa and brother of the Prime Minister of South Africa; Paul Bethel, former press attaché and director of public relations at the American Embassy in Cuba from 1958 to 1961, who just last week testified before the Senate Internal Security Subcommittee; Nathaniel Weyl, a former Communist and world authority on Communist strategy and tactics; Fulton Lewis III, national news commentator and a former research analyst for the House Committee on Un-American Activities; and Hon. Donald C. Bruce, former Member of Congress from Indiana and former member of the House Committee on Un-American Activities.

Prime Minister Ian Smith of Rhodesia, who was invited to attend and address the symposium, was prevented from coming to the United States for this purpose by the State Department because he did not have a validated British passport. Mr. Smith is the leader of a country that is one of the few remaining bulwarks against communism in Africa, a continent characterized by ferment, bloodshed, and revolution. He was invited in his capacity as one of the staunchest anti-Communists of his country, and was also expected to present Rhodesia's side in the current controversy, a point of view that has been shamefully neglected by the American and world press.

In effect, Mr. Smith was denied entrance to prevent his expressing the case for Rhodesia, a case of undeniable logic and self-evident truths. The basic American right of free speech, of late the shield for the radical left, is being withheld from the American populace in this instance.

It does not require much examination of our policy against Rhodesia to determine the actual reason for our unprecedented and unwarranted discrimination against her; one has only to observe the internal policies of that country—properly, a matter of concern only to Rhodesians—and compare them with the goals of blanket equality and unselective privileges advocated by the present administration.

I fail to see how this country can admit Nikita Khrushcev, Fidel Castro, and Holden Roberto, the terrorist from Angola—all of them opponents of the American way of life—and at the same time deny entrance to Mr. Smith, whose country is following historic American precedents. This refusal by the State Department under such a patently shallow pretext would be ludicrous, indeed, were it not for the tragedy of underscoring the double standard employed by

this administration in dealing with avowed Communists and leftists.

ANDREW JACKSON BICENTENNIAL

Mr. THURMOND. Mr. President, yesterday, March 12, South Carolina's celebration of the 200th anniversary of the birth of Andrew Jackson began in Lancaster County, which is the birthplace of the seventh President.

It was appropriate that this 4-day observance, to be climaxed on his birth date Wednesday, March 15, was initiated at the Old Waxhaw Presbyterian Church, which was the family church of the Jackson family. It was here that the seventh President of the United States was baptized and received his first religious instruction. It was here at this old church, organized in 1755, that he learned to read and write in the church school. It was here in the church cemetery that the final remains of his father, two brothers, and several uncles and aunts were laid to rest.

Yesterday, in this setting, Dr. Harry Y. Gamble, pastor of the Calvary Baptist Church, Roanoke, Va., conducted commemorative services to begin the South Carolina celebration marking the 200th anniversary of President Jackson's birth in 1767.

Today and tomorrow, Lancaster Girl Scouts will conduct walking tours of old homes and Lancaster points of interest, such as the courthouse and county jail, which were built during President Jackson's lifetime.

Tuesday's program will also include a program of "Music of the Revolutionary Era," presented by the Lily Strickland Music Club in the auditorium of the Lancaster extension of the University of South Carolina. Also, at this time, Dr. Francis A. Lord, director of the extension, will exhibit articles and weapons of the colonial and revolutionary periods.

On Wednesday, March 15, the day's celebration will begin at 10 a.m., with a pageant about Jackson to be offered by the fifth-grade students of the H. R. Rice Elementary School. The Lancaster News reports in its March 9, 1967, issue:

The pageant, written by Miss Virginia Cousar of Rice School, is appropriate because a letter from the students of the sixth grade to Anna Hyatt Huntington resulted in the creation of the statue to be dedicated Wednesday afternoon.

Mr. President, this statue is a beautiful work of art. Situated within a stone's throw of the main building at Andrew Jackson State Historical Park, it depicts Andrew Jackson the boy and reveals him as the sturdy and vibrant young man he was. Larger than lifesize, the statue depicts Jackson as a young boy sitting bareback on his horse. Jackson the boy is dressed as a young man of that period would be—wearing a loose-fitting shirt and work pants rolled up above his knees. Cast in bronze, the 3,500-pound statue rests on a 5-foot-high granite base and overlooks the grounds of the Jackson Park. On looking at it I cannot help but recall to memory the words written in the February 1967 issue of the national DAR magazine, by Viola Caston Floyd, of Lancaster, which read:

To Tennessee belongs Andrew Jackson, the President of the United States, to North Carolina Andrew Jackson, the law student and to South Carolina, Andy Jackson the boy.

As stated, this statue is a gift from Mrs. Huntington, conceived and created by her, in response to a letter from the sixth-grade class of Miss Nancy Crockett, now principal of the Lancaster Rice Elementary School. Mrs. Huntington and her husband, the late Archer Milton Huntington, are renowned for their magnificent statuary in Brookgreen Gardens near Myrtle Beach, S.C. As in the case with the Jackson statue, the art works at Brookgreen represent a gift to the State of South Carolina from the Huntingtons.

The statue dedication ceremonies will be held at 2 p.m., with E. R. Vreeland, South Carolina State Park Director, presiding. Formal dedication will be made by four Rice School students, Allen Adams, Elizabeth Ellison, Susan Helms, and Dottie Moorefield. The dedicatory address will follow and be delivered by the Governor of South Carolina, the Honorable Robert E. McNair.

Besides the statue and the State park building, much interest during the bicentennial celebration will center at the Old Waxhaw Presbyterian Church and its cemetery. The present church was built some 71 years ago and is the fourth to be constructed by the congregation since the church was established in 1755. The first meeting house was a log structure without a floor and was burned by the British during the Revolutionary War.

Lasting evidence of the connection of the church with the Jackson family may be found in the Old Waxhaw Cemetery. The father of the President was buried there in March 1767, a few days before Jackson was born on the plantation of his uncle, James Crawford. Jackson's two brothers, Hugh and Robert, lie in unmarked graves in the older section of the cemetery. Many other marked graves, including Jackson's aunt and uncle, Margaret and George McKemey, and another uncle, James Crow, can be found in the graveyard.

Mr. President, before concluding my remarks I would like to list the members of the Andrew Jackson Bicentennial Committee who have worked so hard to make this celebration a reality. They are Joseph H. Croxton, chairman, and Mrs. Willis Bethea, Mrs. E. C. Bridges, Miss Nancy Crockett, Mrs. John S. Davidson, Mrs. Charles M. Duke, Mrs. B. M. Ellison, Jr., Mrs. H. C. Floyd, Mrs. Ben C. Hough, Ed Khoury, Dr. Francis A. Lord, Dr. G. T. Myers, Joe C. Norman, Roscoe Poovey, Julian Starr, Jr., Clyde H. Wade, and Mrs. D. Reece Williams.

Mr. President, as I am sure you must be aware, there is some controversy regarding the actual birthplace of Andrew Jackson. Both Houses of the Congress have heard this issue debated between distinguished lawmakers from South Carolina and North Carolina. Although Andrew Jackson said on more than one occasion he was born in South Carolina, I know he would be pleased to be claimed by both States. I, for one, remain convinced he was born in South Carolina, and feel this splendid bicentennial celebration in Lancaster County attests to the fact the people closest to his home share this belief.

However, whatever the merits or demerits of both viewpoints, it seems appropriate that the value of this observance in South Carolina, and others which may be held in other States, not be distracted from by another debate on this issue. Rather we should be thankful there was an Andrew Jackson at all, and recognize that while each State—South Carolina, North Carolina, and Tennessee—have legitimate claims to some part of his life he, in fact, belongs to all America.

UMWA PRESIDENT W. A. BOYLE BECOMES CHAIRMAN OF THE NATIONAL COAL POLICY CONFERENCE

Mr. BYRD of West Virginia. Mr. President, at a recent luncheon, Mr. W. A. "Tony" Boyle, president of the United Mine Workers of America, was formally installed as chairman of the National Coal Policy Conference. He succeeded Mr. G. A. Shoemaker, longtime Consolidation Coal Co. president, who had served 3 years as chairman of the conference.

I extend my best wishes to both Mr. Boyle as the new chairman and to Mr. Shoemaker as the past chairman. I know both men well and respect their continuing efforts to improve and expand employment in the coal industry. I am hopeful that they will continue in their efforts for many years to come because I know that their interests will greatly benefit all men employed in coal mines.

I ask unanimous consent, as in legislative session, to have printed in the RECORD the addresses made at the luncheon by both Mr. Boyle and Mr. Shoemaker.

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

ADDRESS BY G. A. SHOEMAKER

It is my pleasure to welcome members and guests of the National Coal Policy Conference to this annual meeting.

We appreciate the interest you evidence in this organization, which is basically coal oriented and has in its membership the United Mine Workers of America, the coal-carrying railroads and barge lines, coal mining equipment manufacturers, utilities and the bituminous coal industry.

The National Coal Policy Conference is frequently described as being unique—and it is. But, much more important is the fact that it is *logical* and *essential* and *successful*. The remarkable team work of this group makes possible the delivery of raw energy in the form of coal at a lower price today than existed sixteen inflationary years ago.

I submit to you that we need more than ever a strong, well-supported N.C.P.C. and (N.C.A.) (which incidentally are coordinating their efforts in a commendable manner).

Why? Because we continue to need the mutuality of understanding, the labor and industry statesmanship, applied to our problems and opportunities.

Essential to the progress of our economy are reliable and economic sources of raw energy.

The non-subsidized U.S. coal industry supplies some 55% of the raw energy requirements of the rapidly growing utilities. Prac-

tically 100% of the steel industry coke requirements, as well as 100 million tons of general industry requirements. So, coal is truly integrated into the economy's growing needs.

This adds significance to the above-mentioned 16 year price stability because it indicates tremendous technological progress as well as social and human relations progress between employer and employee.

Let us meditate for a moment and ask ourselves a few questions—Where would the industry be if we did not have—

(1) Drastically improved and safer tools of production skillfully operated and maintained?

(2) The economies of transportation by unit train and barge movements?

(3) Cooperative and intelligent purchasing and utilization (long-term contracts)?

(4) Reliability of supply?

(5) Willingness to make tremendous capital investments?

Today, coal along with most other major U.S. industries, finds itself confronted with a "technological lag" in spite of all its technological progress. This, in the challenging area of minimizing air pollution created by its very use. Given reasonable time and support the technology for this will be developed. Much is being done but much more remains.

As previously mentioned this is a multi-industry problem and I recommend that all industry accept the challenge of working collectively and constructively to solve the problem. To do so within any reasonable economic framework, requires some time. Surely the most can be accomplished by a joint effort of all industry and the cleaner air agencies working together. Likewise, the public interest will be served.

I commend Joe Moody and his staff, the officers, directors and members of N.C.P.C. for their diligence and success. I am pleased and proud to have been privileged to serve with you.

To assure the Conference of great leadership, the Board of Directors this morning elected a proven leader, a dynamic man who has spent his life in the coal industry and is one of its strongest supporters.

It is a real tribute to his stature as President of a large International Union to be elected to head this Conference.

It has been my privilege to know Tony for many years and now it is my pleasure to turn the gavel over to W. A. Boyle, President of the United Mine Workers of America.

ADDRESS BY W. A. BOYLE

I am deeply honored to have been elected chairman of the National Coal Policy Conference. It is with deep humility that I accept this responsibility. I hope that my tenure in office and the years to come will be filled with success for the Conference and all segments of the coal complex which it serves. Certainly, you may rest assured that I will devote my time and energies toward that end. I will work with its officers and membership to make the policies and programs of NCPC responsive to the needs of the coal industry.

The National Coal Policy Conference is founded upon two assumptions:

First, we assume that the nation needs bituminous coal in large quantities to continue as a strong industrial power. Our platform takes note of this need in the following words:

"The strength of the American economy is importantly based upon coal. Coal is vital to the generation of electricity, the production of steel and chemicals, the fabrication of aluminum, and the development of those products which are the basis of this nation's security, well-being and progress."

Second, since the growth and prosperity of coal is vital to the nation, it is essential that the industry be permitted to grow and to seek its destiny free of unfair competition or unreasonable governmental action. The responsibility to see to this is obviously ours, since we also have a vested interest in the success of coal in the market place.

The platform of NCPC also recognizes this responsibility in the following words:

"It is therefore, the responsibility of those who mine coal, who manufacture coal producing equipment, who transport coal, and who consume coal, to combine their efforts to assure that the coal industry will be able to serve the nation effectively and fully in the years ahead."

We in NCPC represent divergent interests—interests which have often been in conflict. But, in a more basic sense we share a common goal—a goal which binds us together in mutual effort. That goal is the preservation of coal as a strong industry, an industry growing to meet the energy demands of a modern America.

In finding this unity amid the diversity of our interests, we have fashioned a weapon of great strength for the struggles in which we are engaged. As we go forward we move not as coal operators, or coal miners, or manufacturers, or transporters of coal, or utilities, but only as industries and organizations who depend upon coal, and who serve to bring it to the public in one form or another.

Within this functional context all of our differences disappear, and we are enabled to confront our adversaries with the strength that can only come from unity—from the wisdom born of cooperation—and from the singleness of purpose possible only because of mutual understanding and need.

In the final analysis, however, NCPC will live or die by its actions, not by its purposes. Its success or failure will be measured in deeds, and not in words.

To us—the officers of the Conference—and its members—goes the responsibility of using the Conference by employing its strength to achieve the objective for which we all strive, namely, the progress of coal in America.

As your chairman, I would like to outline the goals which we have set for ourselves and for the Conference in the coming year. We do this, aware that not all of them will be met, but hopeful that they will serve to focus our attention on the needs of the industry and the role that NCPC can play in meeting those needs.

First, however, we would like to note one important point. The National Coal Policy Conference does not work alone. All of the divergent interests represented here have their own associations and their own individual problems. It is not the purpose of NCPC to infringe on areas better served by others. At least, to the fullest extent of my powers that will not be done. On the other hand, it has always appeared to me that the magnitude of the task confronting coal is such that there is ample room for all to work.

The objectives of the Conference are clearly spelled out:

One. *To foster among all who are connected with coal a militant pride in their industry.* Coal is a good industry. As such we must sell it to the public. We must also sell it to those who depend upon it so that they may help us in our efforts to meet the challenges before us. Further, we must reach the families of coal miners and coal operators and the railroads so that the children of these families will look to the coal industry as a place for future growth and not a relic of the past.

We have seen the gradual exodus of the young from the coal mines of this nation. We have seen coal areas turn their backs upon coal. It is disheartening and it is unnecessary. We must take steps to mobilize our people so they will become an effective force for the coal industry at the local level.

Several years ago the National Coal Policy Conference, in conjunction with the National Coal Association and the UMWA, made an economic survey of coal mining regions. That survey indicated the value of coal to coal areas. It helped our people to understand their place in the economic structure of their communities. We must do more along this line and we must communicate that pride which we feel for coal to those who, in turn, will spread the gospel to others not connected with the industry. We will try to do this in the coming year.

Two. *To cooperate and participate in government studies of the present and future energy needs of the nation and the relative significance of the various fuels in our energy-based civilization.*

For many years an overall energy policy has been an objective of the NCPC and its constituent membership. The wisdom of this policy is more and more evident as the years go by, and as the need for a coordinated use of our energy reserves becomes more apparent.

In requesting such a policy we seek not advantage, but only fair play. In asking for coordination we ask for no more than the most elementary concepts of conservation consistent with national goals and free enterprise competition.

Recently, the President of the United States called for a study of the energy demands of the nation, and our revenues to meet such demands. We in coal should do what we can to participate in this study, and place before it a most detailed exposition of coal's potential importance.

In the year ahead, the Conference should devote itself to evolving a rational and reasonable program so designed to convey to those in authority the need for and advantages of an energy policy built upon the nation's basic energy resource—coal. This we hope to do.

Three. *To concentrate the industry's broad public relations activities to bring the importance of coal to public attention, and to correct any misconceptions regarding the industry.*

Public relations efforts are already being carried on by the coal industry and other members of the Conference. However, in this field there is never enough work being done. Fortunately, the Conference is in a good position to devote itself to a public relations program, not aimed at coal as such, or at any other single segment of the complex, but at the complex as a whole. Therefore, the public relations activities of the Conference should be aimed at conveying to the interested public the interdependence of coal and our industrial economy, and the way in which coal contributes to the progress of our nation.

Four. *To take all necessary steps consistent with the public interest to maintain and promote a healthy coal industry, and to correct factors which weaken it and thus imperil the national welfare.*

The Conference has engaged in many of these activities in the past years. For example, it has been active in the fight to retard the importation of residual oil, in the field of atomic energy, and more recently in efforts to secure reasonable air pollution standards. In all of these endeavors the Conference has acted in concert with others interested.

It is apparent that the atomic energy and air pollution problems are of most immediate interest. Each in its own way threatens the future health of the coal industry, and thus the welfare of the nation.

The Conference can play a role in both of these fields. In air pollution the Conference can use its resources in an effort to work out acceptable pollution abatement programs with the Department of Health, Education, and Welfare, and press for reasonable laws before the Congress. Since the Conference does not possess the knowledge to speak authoritatively in the technological sense, it

should continue to rely upon those with such competence.

In atomic energy, the Conference should redouble its efforts to remove the atom from its privileged position. All available means should be employed by the Conference to make the atom a part of the normal free enterprise system, and to insure that nuclear growth and development will take place within the context of the national welfare. I am somewhat disappointed at the lack of an effective program to counter atomic energy by the coal industry, by the National Coal Association and the National Coal Policy Conference. I do not think we have done all we could and should do in this area. I shall try to step up our activity in this field. It is my hope that a powerful, vigorous, effective and influential program can be implemented in the near future. We must face these problems with one voice—a strong voice—not a divided voice and I ask for the full cooperation of all members of the National Coal Policy Conference.

One other avenue for Conference activity is in manpower development. I am aware of the manpower shortage and also the unemployment problem in our coal industry. NCPC does not, or should not, possess prime responsibility in this program. However, it will do what it can to expedite its progress and I want the Conference—when it is necessary and timely—to use its great resources to help the coal industry solve this problem.

This brings me to the basic need of the mineworkers which is jobs—jobs for those mineworkers displaced by automation, nuclear power, hydropower, oil, natural gas, diesel fuel and imported fuels.

Five. *To continue to promote a healthy transportation industry and forward-looking transportation policies in coal.*

Transportation is the key to the future success of coal. To the extent that sound transportation policies can be evolved, coal will be successful. Conversely, all of the gains made by coal in efficient mining will be lost unless such transportation policies are implemented.

Within the past year, a new department of transportation has been established. Hopefully, sound programs of benefit to coal and its consumers will emanate from this department.

NCPC has a vital part to play in the establishment of a progressive transportation policy. For NCPC can look at the movement of coal from an overall sense, as a part of a system that begins at the mine face and ends at the stack of the consumer. We hope that the members of the Conference will come forth with proposals to use this unique position to best advantage. We will assist in the development and implementation of such programs.

Six. *To articulate the problems and requirements of coal to the legislative and executive branches as well as other institutions of government, thereby establishing a positive and constructive public policy toward coal.*

This is an integral part of the Conference activity. Because of its unique membership, and its unusual position in our American society the Conference speaks from a position of strength.

We will soon ask the component parts of the Conference to set forth an agenda of legislative goals so that the activities of the Conference in this area may be formulated. In a similar manner we shall also formulate policies concerned with the executive branch of government where the Conference may be helpful. In each of these instances we shall attempt to ascertain whether NCPC should assume a position of leadership, or one of supplementing the efforts of others.

Seven. *To foster and encourage all research into the production, marketing and utilization of coal that will strengthen and extend coal's markets and give it a wider base upon which to build its future.*

The Conference does not now engage in scientific research efforts, nor is it our intention to have it do so. However, the Conference can do much to encourage research and bring the needs of the coal industry to the attention of the public and government. In the coming year, we wish to see the Conference move forward in this field. We hope to see the members of the Conference acting in concert and meeting periodically to assess the best possible avenues of coal research, and positive programs to achieve research goals. We would caution at this point that the research activities of the Conference will supplement those already in existence in other parts of the coal industry. But it would seem to us, that the area is so broad and the need so great, that any effort is worthwhile. Therefore, in the coming year, research will be an important part of the Conference's activities.

Eight. *To assist in the formulation and establishment of policy when the mutual interests of coal and related industries are affected, and to aid in and direct the execution of such policies.*

The word "policy" was used advisedly in the name of the National Coal Policy Conference. The formulation of overall policy of interest to all of our members is an important function of the Conference activities. We hope that in the coming year those connected with the Conference will take time to draft comprehensive policies for use by its members. Such policies should be concerned with the overall health of the coal complex, and with the promotion of those goals which affect coal in the broadest sense—not just as a single industry.

We shall work closely with the operating heads of the Conference to create a framework within which such policy can be formulated, and we shall do everything within our power to encourage maximum participation in such policy conferences. This is a basic part of our program for the coming year.

As we look to the year ahead, we are somewhat awed by the goals which we have set. We know that some of them will not be met, and others will not be fully achieved. This is the nature of any organization composed of human beings, ofttimes buffeted by the winds of necessity. But, of one thing you may be sure. The National Coal Policy Conference is the creation of us who are its members. What it does or does not do is our responsibility. And, I for one, fully intend to *lend my efforts* to make the Conference an effective tool, a weapon which we can use in the years and months which lie ahead.

I would like to pay special tribute to the past chairmen of the NCPC who preceded me in the following order:

Mr. George Love, 1959 to 1962.
Mr. John L. Lewis, 1962 to 1963.
Mr. Joseph P. Routh, 1963 to 1964.
Mr. G. A. Shoemaker, 1964 to 1967.

I further would like to extend my sincerest compliments to Mr. Joseph Moody who has served as president of NCPC since its inception and to his staff and to the members of this Conference. My thanks and appreciation to all of you for your cooperation.

FALLACIES OF VIETNAM POLICIES

Mr. FULBRIGHT. Mr. President, a few days ago I received a letter from a young officer in Saigon which in a very coherent and logical fashion points out many of the fallacies of our Vietnam policy. It is one of the best statements I have ever seen which brings home the real meaning of this conflict. Because I believe that it will be of interest to Senators and to readers of the RECORD in general, I ask unanimous consent that it be printed in the RECORD. I have deleted a few sentences in the letter in order to protect the identity of the writer.

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

FEBRUARY 26, 1967.

Senator J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Enclosed you will find a letter that was originally meant for a student friend of mine; however, as I formed it in my mind I decided that I may as well send it where it may do some good.

I was afraid to state my thoughts to anyone in government channels because of possible reverberations against an officer in the United States Army who would not be in support of his country's foreign policy. That is, until last night when I picked up a copy of *The Arrogance of Power,* and read of "The Higher Patriotism."

I am not much of a typist, so please excuse some of the errors.

You may feel free to use this letter any way you see fit.

FEBRUARY 16, 1967.

Just a little over five months ago I sent a letter to a few of my closer friends and relatives in "the States" who seemed to show a bit more than the average amount of interest in Vietnam and the question of United States involvement. This is a sequel to that letter. No, it is more. Originally I had intended to say something about how I was not changing my mind about my opinions, just adding to them and amending them. After reading over the first ideas that I scribbled out on paper I realized that no matter how much I wished to avoid the embarrassment, no matter how reluctant I was to admit it to myself, I had changed my mind; not in all things, mind you, but in most. If you read the old letter, born of naivete and a green, collegiate mind such as it was, you will see the differences, not unlike a complete reversal of stance. If you did not read it, or do not remember it, I think the ideas I want to get across will be clear anyway.

There are three facets to American involvment in Vietnam. There is the moral question, which all the peaceniks bleat about. There is the physical, with which all the generals concern themselves. Finally, there is a legal, which most of the politicians confuse with moral and which, being international law, is pretty much a moot question. I do not intend to discuss all these questions fully, or even try to, because I cannot. With no self-depreciation intended, I am merely a Second Lieutenant.

What I am attempting to do is tell you how I feel about the situation and shed some light on it.

Into everyone's life comes some disillusionment. The first is probably when a boy realizes that he was not delivered to his home by a stork. One of the more important disillusionments of my boyhood dreams occurred over here. I used to believe that all mankind was on the same sophisticated level of reason and civilization as my acquaintances at home, or were ready to learn . . . or at least basically the same in human emotions. I am afraid I have found that this is not so to the extent I believed.

I see automobile accidents over here where the local police (Cahn Sats) have just stood by and let a man die: A Philippino missionary was hemmoraging—bleeding from the mouth and nose. Take him to the hospital. Apply first aid. Call an ambulance, anyway. At least roll him from his side to his back (I mean his back to his side). Don't just stand there and look at him, smoking cigarettes and laughing. Never mind Cahn Sat. It's too late anyway. He has drowned . . . in his own blood.

I could not stand to look, and it seemed vulgar that everyone should stand around

and oogle and joke, saying, "Hey, numba one!" I told one of the MP's to cover him up, that we had arrived too late. The MP used his own raincoat. I then asked the Cahn Sat if there was anything that he could do to keep people from uncovering the body to look but he did not seem to understand. Funny, I had thought I heard him speaking English a little while before. When it was all over we realized that a Cahn Sat had stolen the MP's raincoat off the body as the body was put in the American ambulance.

This sort of thing is not unusual. Then, it is not common, either. Unfortunately, it is a hell of a lot more common than unusual.

You will not see a Military Policeman pull his weapon unless he has had one pulled on him. No, I correct myself. You probably will not see him pull it then, either. The Mayor of Saigon raised a Thompson submachine gun at an MP. The MP took it away from him. None of the MP's on the scene fired; though, for all they knew the "mayor" was any old VC. No one had told them that he was the mayor. He was in civilian clothes. He was drunk. He had fired the weapon down near the American Embassy. They just wanted to ask him some questions because the brave Cahn Sats would not go near the man.

You would quite possibly see a Cahn Sat pull his pistol on an MP. It has happened before, and it will happen again—without provocation. Ridiculous! There has never been a Cahn Sat harmed by an MP and they know it, but . . .

Drinking water is hard to come by in Vietnam, and must be distributed by truck. Just last week an NCO in the Military Police stopped some Vietnamese from bathing in drinking water that was in a water trailer parked next to a dispensary. It is part of his job to protect U.S. government property, and there are plenty of public watering points (attached to the city water system) in which to bathe. When the MP did this, a nearby Cahn Sat saw it and ran over. He called the MP the most vile names (in English) possible, and tried to pull his revolver on the MP. Fortunately, the MP got his own pistol out first and told the Cahn Sat not to try that sort of thing again.

I was under the impression we were supposed to work together, but am getting tired of trying and making no headway. Politeness is met with a brush off, and cooperation met with dishonesty, greed, and complaints of colonialism.

It is often said that the South Vietnamese appreciate us for what we are doing over here. Nuts! All the Vietnamese want from us, without exception, is money—the good old American Dollar; everything they do is geared to bleed us. Do they care about what we are doing? I firmly believe they do not. They appreciate our wallets. Do they want the Americans to go home? Horrors, no! Well, not unless we leave our wallets here.

The Vietnamese do not really care who wins the "war," so how could they appreciate eight thousand American dead? They can see only one reason why the Americans should win, and that is because if they lose they will take their money home. The easy life will be gone. With that as the only reason for victory, it is easy to see why these people put so little effort into the war. Besides, why should they fight when the American's "war machine" will spend lives and money to do it for them?

A friend of mine, another Lieutenant, knows Vietnamese well, or so he claims. He does know a Vietnamese family, originally from North Vietnam. They often express thanks to him for what the United States is doing. They tell him how terrible it is to live under communism and how they hate the Viet Cong for what the VC are doing to Vietnam. What is the family doing for their country? What are they doing to fight the VC? Well, says my friend, they are sending their children to college in France.

Are you kidding? For a country in the throes of a civil war, they are doing nothing. They are educating their children for their own selfish reasons, not for their country. No one, not one member of that family has ever lifted a weapon to halt the Viet Cong.

Look at the city of Saigon. I bet you that if you took all of the able bodied men in the city between the ages of seventeen and thirty-five, you could field forty divisions of troops. That would be enough to seal off this country's borders, and then some!

Did you know that it is estimated that there are over sixty thousand draft dodgers in Saigon alone? I estimate that the Vietnamese statisticians are off by a least a hundred thousand men—most probably purposely.

What I am trying to say is that if they do not care, why should we?

Yes, I said that this was a civil war. Although I thought differently when I arrived here, I have again been disillusioned. It seems like just about half the people in South Vietnam are from the North, and that all of the important, educated, and powerful are from North Vietnam. More than that, the Viet Cong are from the South. South, North, North, South—it is all the same here.

I think we are meddling in someone elses affair.

I am told that if the Communists win it would be terrible. Why? The Vietnamese people are too dumb to tie their own shoelaces, much less cast an intelligent vote. They do not have the chance of the proverbial snowball of understanding a democratic system, economics, or politics (which I fail to understand, myself). A dictatorship is what they need. It is what they understand. I might go so far as to say that a benevolent dictatorship would increase their GNP more steadily, more solidly than the type of capitalism they would have to practice; the capitalism that is a throwback to the pre-industrial revolution times of our own western society, with its inhumanity, and feudalistic corporations—or maybe its family sized businesses. These people, barring a very small minority, do not have the ability that European men had in the 1700's.

There is a popular story among the GIs over here that Confucious came through here 4,000 years ago and taught the people to carry two buckets on a stick over their shoulder—and they are still waiting for him to come back and give them their second lesson.

I am also told that if we do not make our stand at the Saigon River, we will have to make it at the Mississippi River. I cannot buy that idea either. The domino theory is not a valid one in this case. The pat little phrase, "history repeats itself," combined with the history of Europe during the time of Hitler creates a totally invalid analogy. North Vietnam is not fascist Germany, and South Vietnam is not western Europe. It is not 1939, or even 1949 . . . or even '59. It is 1967. The Vietnamese do not claim to be a master race and do not want to exterminate anyone.

This is the other side of the world, and an entirely different people. This is a people who want no more than to be left alone. They want peace. They want it under any government that can give it to them, but they want it under a Vietnamese government. Who is more imperialistically greedy? Is it Ho or Ky? It is Ky. Who is more Vietnamese, Ho or Ky? I think Ho. Who worries about his country instead of his clothes? I think Ho. Ho Chi Minh has the support of all of North Vietnam and half of South Vietnam; Premier Ky has to send his generals out of the country when he goes anywhere. He has the support of, at most, one sixth of the Vietnamese people—and most of them are in it for dishonest personal gain. Making such "Anti-American" statements, I certainly hope I am right, but, then, I would not say it if I did not think it is—and think it has to be said.

It has been said that if South Vietnam falls, Cambodia will fall. Thailand will fall. The Philippines will fall. Australia will fall. Korea will fall. Formosa will fall. Hawaii will fall. Okinawa will fall. The US may even fall! See countries fall. Fall, countries fall. Fall. Fall. Fall.

Oh, really? First, I do not buy that. Second, if Cambodia falls, what have we lost? If Thailand and all of Southeast Asia falls, so what? In the first place, they would be communist, yes, but communism eats itself—or, rather, it dies of internal starvation. The USSR is finally proving that, as it swings as rapidly towards a socialistic form of government as the US does. In the second place, these people are not, as many would have us believe, the Red Chinese; in fact, they harbor a definite dislike for the Chinese foreigners. Ho uses the Chinese for the sole purpose of winning the war he has so long fought. It it unfortunate that Ho has misread us (if he has), that he equates us with the French. We are not the French, and have only our race in common with them. We are neither colonists nor greedy. We wish only to help Vietnam, and I would hope that if Ho would give LBJ a chance, the President of the United States of America would be more than willing to take on the whole of Vietnam in the War on Poverty, with nothing for us in return but gratitude and, if we attached no strings, probably an ally and friend; but, then, I am overlooking one fact.

Ho Chi Minh is a communist. However, this does not mean he is Chinese. It does not mean that he wants the Mississippi Valley in order to grow more rice. I think that despite his political beliefs, he is above all, a patriot. Definitely more so than the ruling South Vietnamese strong men, who build castles in Saigon and bars at Tan Son Nhut.

Let us suppose that all of Southeast Asia does fall. Southeast Asia would end up split into a dozen small communist factions, each a separate and jealously nationalistic entity. Actually, Thailand is the only country over here that has not yet fallen; the only one that resembles what could be called an ally of the US. Now, does this mean that the Philippines will fall? Most definitely not. The difference is that of night and day.

Australia? The same can be said.

The entire argument is like saying that if Cuba falls, the United States will fall, too.

Let us go back. Let us assume that the parallel drawn between Hitler and Ho is also valid, or at least a possibility. Is it wrong that it took us so long to fight back? Is it wrong for a man, or a country, to be slow to anger? Was it wrong at the time? My conscience says, no, but my hindsight says, yes. Actually, I wonder if Hitler would have been any easier to defeat if we had struck earlier, before he had extended so far—before we had been able to build up our war machine.

Now I would like to discuss my friends and leaders: THE very touchy subject on which I could be held highly punishable for touching in the wrong way. Of those who control my life, and life itself, and of those who I live with, I must never speak.

I feel certain that the troops over here are the best in the world. They have a tremendous sense of humanity, and they have a tremendous ability to wage war. The men here have that inner courage that is needed to go on a night patrol into enemy held countryside. They have the sense of humor necessary to keep their spirits up when they are killing, or being killed. Best of all, they are Americans, and Americans of the most loyal sort. They are able, and have confidence in their ability to get a job done. So do I.

Oh, Lord, tell me if the job is really worth the Price. Better still, tell my boss.

One enlisted man was on duty at Deputy Ambassador Porter's residence one evening,

and when the Deputy Ambassador came out into the yard to put some things into his car they struck up a small conversation. About this time the children of the villa's cook ran up, and in the manner of most Vietnamese children, Began saying, "Nam Dong," and holding out their hands. The conversation went something like this:

Porter: "Aren't they cute? Whose children are they, I wonder?"

MP: "They are the cook's, sir."

PAUSE

Porter: "Isn't that cute; they want to shake hands."

The MP did not have the heart to tell him they were asking for money.

I do not call this knowing the people. This man is the Deputy Ambassador. How out of touch can any person be?

The Honorable Stanley R. Resor, Secretary of the Army, was in Saigon on his visit to this country. I am sure he must realize that he got a "snow job" from those who showed him around. For a full hour before he came in, chopper after chopper landed with their battle casualties. Some were put gently aboard an ambulance; others, wrapped in ponchos, were loaded on the back of a truck. Then the Secretary came in: no ambulances in sight, no medivac choppers in sight—just a flurry of brassy salutes and big smiles for a wonderful trip, a fun ride, and an "interesting briefing."

Funny, he never did ask the men how things were going. No matter though, if he did we would have said, "Fine, thank you, sir, just fine." Would we have had any other choice? I wonder what would have happened if we would ever say, assuming we were given the chance, "rotten," in front of those generals?

The big American buildup of Vietnam occurred over a year ago, and there are, and will be many more veterans of this war returning home. Some will agree with me, some will not. Those that do not will for the most part be expressing an attitude that is very easy to adopt over here. I find myself adopting it. I must feel this way to a certain extent as a matter of survival, and to do my job. It is what I call the "hate my enemy" attitude.

When a man first arrives "in country" and gets off the plane, he begins looking at every Vietnamese he sees, wondering if that is the one with the grenade. If the man is smart, he will never stop looking—I have scrapped up many who did. With that sort of mental strain in the air, and with the mission given, it is not in the least surprising that a GI will go home at the end of a year and say: "Those dirty Commie Rats! We have got to win. We cannot back down." Then add, rather without thinking, "We must help those people be free"—the same people that are trying to kill him. How can you beat them and give them freedom, both?

I am learning what a huge word "Futility" really is.

To men who have seen their friends be killed or injured, it is easy to say that the dirty commies must be beaten at all costs; however, when I was in college, one of my economics professors brought out an idea that never before occured to me. He said that when a corporation makes a mistake, sinking millions into a bad project, they have two choices. They can either put more money into it to try to rectify the mistake, or they can junk the project and write off the entire initial investment as a loss by bad judgment. The deciding factor is how much they expect to get as a Return On their Investment. If the correction will cost more than the project could make back as an ROI, it is best to forget about it and write off that initial expenditure because you will be losing—whether or not you win.

The same can be said of lives. We have invested over 8,000 American lives in this ungrateful, bottomless grave, and we made a mistake. Our leaders seem to be willing to invest at least as many more lives to try and salvage their mistake—without a thought about what kind of return they can expect to get. At best, it can be no better than a Laos. You are darned right I advocate that we make a unilateral withdrawal! That is essentially what we did in Laos.

Will it be honorable?

Is what we are doing honorable? Is waste, waste of *lives*, honorable? Is it honorable to admit a mistake and write it off as a lesson learned? Perhaps it is more honorable to keep bluffing, keep wasting, and compound the mistake.

What will the World think when we go home? Tell me what the World thinks of us now? What truely great men have ever been swayed by what others thought when they had to do what was right? Lincoln? Washington? Schweitzer? Hammarskjold? Christ? Who that lets others run his life can go home and sleep with himself at night?

I am not a "peacenik." I cannot admire "peaceniks," and I have definite doubts as to what motivates them. I do not agree with their methods and I do not think they work. They can do little more than to irk the rational man. Those people do nothing more than avoid their duty as citizens, especially the duty to serve in their country's armed forces if they are asked.

Why is that a duty? There is only one moral purpose in having an army, and that is to defend one's homeland, his family, and his way of life. When an army is used for purposes other than this it ceases to be a moral thing; it becomes the aggressor. It should be used, more specifically, to fight to maintain or gain the freedom of the people who represent it and constitute it. The greatest gift one country can give another is its army, and that gift should never be given lightly, without thought of the consequences, the rewards, and the needs and desires of the other country. It is the gift of human life. It must be both necessary and appreciated—both necessary and appreciated.

I have written this with an appreciation of my shortcomings, and so it should be read. I am not at home reading the papers, I am not a civilian. I am an American soldier, and proud of it. I am also thickly embroiled in the situation I am commenting on, and cannot look at it with a detached viewpoint. It is hard to see the progress that is being claimed, and it is hard to see the overall picture, but I cannot help thinking that it is too bad this money and these troops are not being used to fight crime, poverty, and all the things we worry about back home.

Well . . . when I get out of the service I have a final little speech to say to that last Sergeant that hands me my discharge: "If you ever get another Hitler, call me."

———.

A STUDY OF TAX ASSISTANCE TO THE STATES

Mr. TOWER. Mr. President, it is my intention to introduce for appropriate reference next week a bill to provide for a study to determine in detail means by which the Federal Government can assist each of our States to meet their needs for increased revenues.

Several so-called tax-rebate proposals have been introduced this year. Each has merit. It is increasingly apparent, however, that there is little possibility for enactment of any of these far-reaching revenue proposals in this session. With our necessary additional commitments to southeast Asia, and the administration's 6-percent surtax proposal still to be considered, action on serious tax-rebate measures will in all probability be deferred for now. I propose that this time be used for study and planning.

My bill provides for: First, establishment of a 33-member commission on State Revenue Assistance, 15 members to be appointed by the President, 6 by the Speaker, 6 by the President of the Senate, and 6 selected by the President from a panel of names submitted by the U.S. Conference of Governors; second, consideration by the commission of proposals relating to tax sharing; Federal relinquishment of certain tax sources; distribution, limitations, or restrictions on shared revenue; income tax credits; and necessary Federal and State controls and supervision.

Mr. President, I am particularly interested in determining the feasibility of relinquishment of certain areas of Federal taxation so that States may exert their taxing power in these areas without duplicating or overlapping Federal taxes. My bill takes special note of this possibility.

The bill does not call for any specific tax rebates and has no set formula. It does call for a thorough study and subsequent report to the President and Congress about this entire revenue-sharing approach. Enactment of my bill would allow us to move in an orderly way into immediate consideration of this important future policy field, without committing us now to specifics. It would afford us an opportunity to study all the possible approaches.

I believe we can start now in the direction of revitalized State revenues, bringing revitalized State government and new life throughout our federal system.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. —

A bill to establish a temporary commission to study and report to the President and the Congress with respect to means by which the Federal Government can assist the States to meet their need for increased revenues

ESTABLISHMENT OF COMMISSION

SECTION 1. (a) There is hereby established a temporary commission to be known as the Commission on State Revenue Assistance (hereinafter referred to as the "Commission").

(b) The Commission shall consist of 33 members as follows:

(1) Fifteen members to be appointed by the President;

(2) Six members to be appointed by the Speaker of the House of Representatives from Members of the House, not more than three of whom shall belong to the same political party;

(3) Six members to be appointed by the President of the Senate from Members of the Senate, not more than three of whom shall belong to the same political party; and

(4) Six members to be appointed by the President from a panel of at least eighteen persons submitted by the United States Conference of Governors.

(c) In making appointments under subsection (b) (1), the President shall endeavor to provide representation for industry, labor, the academic world, and the general public.

(d) The President shall designate a chairman and a vice chairman of the Commission

from among the members appointed by him under subsection (b)(1).

(e) Seventeen members of the Commission shall constitute a quorum.

(f) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 2. (a) It shall be the duty and function of the Commission to make a complete study of means by which the Federal Government may provide assistance to the States to meet their needs for increased revenues. Such study shall include a thorough appraisal of proposals that the Federal Government provide such assistance—

(1) by relinquishing certain areas of taxation so that the States may exert their taxing power in these areas without duplicating or overlapping Federal taxes,

(2) by collecting for the States certain taxes imposed by the States, and

(3) by sharing with the States a portion of the revenues received from taxes imposed by the United States.

(b) In making its appraisal of the proposal that the United States share certain of its revenues with the States, the study made by the Commission shall include the questions of—

(1) the amount of Federal revenues which could or should be shared with the States each year;

(2) the distribution of the shared revenues among the States on a fair and equitable basis;

(3) the limitations or restrictions, if any, on the use by the States of the revenues shared with them;

(4) the extent of Federal control or supervision, if any, over the expenditure by the States of the revenues shared with them; and

(5) the amounts, if any, of the shared revenues which the States should distribute for use by their political subdivisions.

REPORTS

SEC. 3. The Commission shall submit a final report of the results of its study, together with its recommendations, to the President and to the Congress not later than January 31, 1969. The Commission may submit such interim reports as it deems advisable.

POWERS; ADMINISTRATIVE PROVISIONS

SEC. 4. (a) The Commission, or, on authorization of the Commission, any committee or members thereof, may hold such hearings and sit and act at such times and places as the Commission deems advisable in carrying out its duties under this Act.

(b) Each department, agency, and instrumentality of the executive branch of the Government shall, upon request of the chairman, furnish to the Commission such information as the Commission deems necessary to assist it in carrying out its duties under this Act.

(c) Subject to such rules and regulations as may be adopted by the Commission, the chairman may—

(1) appoint and fix the compensation of such employees as may be necessary to assist the Commission in carrying out its duties under this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(2) procure temporary or intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

COMPENSATION OF MEMBERS

SEC. 5. Members of the Commission who are appointed from private life shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of duties as members of the Commission, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(b) Members of the Commission who are Members of the Senate or House of Representatives, or who hold any Federal, State, or local public office, shall serve as members of the Commission without compensation, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties as members of the Commission.

EXPENSES

SEC. 6. There are authorized to be appropriated such sums as may be necessary to enable the Commission to carry out its duties under this Act.

EXPIRATION OF COMMISSION

SEC. 7. The Commission shall cease to exist on March 31, 1969.

NORTH AMERICAN WILDLIFE AND NATURAL RESOURCES CONFERENCE

Mr. METCALF. Mr. President, the North American Wildlife and Natural Resources Conference convened in San Francisco today. Attending this 32d conference are more than 1,200 natural resource administrators, biologists, and conservation leaders from throughout the United States, Canada, and Mexico. During the conference, the theme of which is "Human Needs and Environmental Limits," they will discuss the most crucial conservation issues of our time.

A feature of each conference will be the address by Dr. Ira N. Gabrielson, president of the Wildlife Management Institute. In that address, the dean of American conservationists will comment on the state of conservation and the problems and opportunities for restoring and maintaining natural resources for the benefit of all our people.

This year, "Gabe" chose as his title "Where Do We Stand?" I am particularly interested in his comments on the land and water conservation fund.

It is known widely that the national outdoor recreation program financed predominately from that fund is lagging because the program needs greatly exceed the revenues received. A bill introduced by the senior Senator from California [Mr. KUCHEL] a bill which I am cosponsoring, would enlarge the fund by crediting to it certain monies received from the Mineral and Potash Leasing Acts and from the Outer Continental Shelf.

Dr. Gabrielson agrees that additional money is needed if overall outdoor recreation programs are to keep pace with the demand. But he points out that the provision of more money alone will not guarantee that this can be done. In addition, he recommends that Congress review its authorization and appropriations procedures, and he recommends enabling the appropriate agencies to move promptly to acquire lands intended for national seashores, parks, and recreation areas. Only by making these changes, Dr. Gabrielson says, will Congress assure that we are investing efficiently in meeting our outdoor recreation needs.

I ask unanimous consent that Dr. Gabrielson's speech be printed at this point in the RECORD.

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

WHERE DO WE STAND?

(Presented by Ira N. Gabrielson, president of the Wildlife Management Institute, at the 32d North American Wildlife and Natural Resources Conference, San Francisco, Calif., Mar. 13, 1967)

The theme of this year's conference—Human Needs and Environmental Limits—underscores the most challenging conservation issue facing resources administrators in this century. Population expansion and the forces that accompany it already are surpassing environmental limits in some areas. The situation will spread, because man's efforts to regulate himself seldom succeed in more than a limited way.

Bringing variation to the monotonous proliferation of suburbs, sparing needed cropland from development, suppressing pollutants of air, water, and soil, assuring that highways do not mindlessly sever communities and countryside, providing opportunity for outdoor recreation—in short, deliberately shaping our environment instead of being shaped by it—requires as much determination as it does new technical knowledge. Many people decry what they see around them. Yet few do much to correct it, to support essential programs or to seek new authorizations.

Perhaps too much attention in the past has been given to resources specialization instead of to resources leadership. Both are needed, of course, but we may be giving too little attention to the whole while delving into its parts. Whatever the reasons, we largely are unprepared for the problem of environmental ecology that population growth has thrust so suddenly upon us. It is a massive problem for which everyone bears responsibility, but for which no one is fully responsible.

To succeed in guiding our environmental destiny rather than being engulfed by it, we need new technology, new skills, new concepts and understanding. But above all we need a national determination to use what we already know. Delay leads mostly to retreat and defeat. There are few absolute answers. No miracle will sweep away these problems. Tough ones become tougher and small problems become larger. Available know-how must be put to full use in resources programs. New skills can be fed into the process as they are developed.

Nowhere is the need to put present technology to work more evident than in the fields of water and air pollution abatement. The public is insisting that this be done and has proved its intentions by supporting substantial expansion of the federal water pollution control program in 1965 and again in 1966. The public is willing to pay the bill for clean water as the federal Acts and state referendums show.

But there is foot-dragging and delay. International commitments hold down the amount of money that is requested for the vital sewage treatment construction grants. That temporary situation should improve.

The most damaging and divisive information being circulated about the water pollution control program comes mainly from those who should be most closely identified with it, the sanitary engineers and public health authorities. Some continue to spout the dinosaur theory that rivers and lakes have a waste-assimilation role, that a principal function of the nation's waters is to carry the wastes of one community to the next. They let the fact that present treatment technology cannot remove 10 percent or less of some pollutants stand in the way of getting rid of the other 90.

Fortunately, some communities and industries are beginning to look upstream to the

sources of their water. They are the ones who are helping to press for action. But not as many, unfortunately, are as willing to look downstream, where their own sewage effluents go. Fewer yet are those who recognize that their effluents, while possibly of no direct consequence to a watercourse itself, contribute to an aggregate pollution load of a magnitude intolerable to society as a whole. This is the focal point of the public hearings on water quality standards being held in many states today. Our national population has become so large, our industrial output so great, and our ability to alter land and water so formidable that a few resources users no longer can be permitted to despoil a natural resource's values.

In the heat of arguments over water quality standards, sight oftentimes is lost of the fact that the ultimate goal is not the standards that may be propounded for any state. It is whether water, in face of almost limitless demand, will have any reasonable future use for anyone and anything.

Abatement of water pollution is the prime conservation issue facing us today. Citizens everywhere should insist that their states establish the highest possible levels of water quality. They also should insist on flexible standards that can be upgraded as new knowledge becomes available. State standards should be reviewed periodically.

Everyone should guard against being misled by arguments about costs and economics. Certainly, huge sums are involved. But these really are investments. All of us lose as individuals, and society loses as a whole, if water pollution is *not* controlled.

The real question is whether we pay for pollution or for pollution control. Do we pay for control as an investment by way of new taxes and costs passed on to consumers, or do we pay for tolerating pollution in the continued destruction of community values and the natural environment? I think the choice is obvious.

The public is being offered a choice in another area, too, in the authorization of new national parks. We need a few choice national parks, to be sure, but the great challenge today is not in enlarging the system, but rather in protecting what we already have.

The same population pressure that is creating air and water pollution is threatening national parks. Humanity is on the verge of wearing out some of the country's most renown parks. Scenic vistas and natural wonders are seen over the shoulders of encircling mobs. The National Park Service's charter to administer national parks so as to keep their natural values unimpaired for the benefit of future generations has collided head on with public demands.

Many national parks are being overwhelmed by people and automobiles. There is no end to political and economic demands for more park roads, overnight accommodations, restaurants, filling stations, parking spaces and picnic places. And in trying to cope with the problem, park planning becomes more and more oriented toward mass recreation.

Until it is overturned by congressional action, and I do not believe it ever will be, the 1916 charter of the national parks system holds true. There must be a national reawakening to the purpose of national parks. They are not playgrounds, and it never was contemplated that they should be. Mass recreation should be provided elsewhere.

The Federal Government should stop trying to provide in national parks the kinds of facilities and services that private enterprise can supply outside. Regional planning should be expanded vastly to provide campers and other adequate facilities on appropriate federal and state lands adjacent to the parks. Constructing major highways that spew out thousands of curious but completely unappreciative motorists at park entrances should be avoided.

Much the same holds true for units of the national wildlife refuge system which were, and still are, being established to preserve wildlife. Mass recreation is invading a number of refuges, and with it comes the threat to their continued usefulness for the wildlife they were created to assist. Public-use facilities at both national parks and wildlife refuges should be limited to those that complement their intended purposes. If this is done, many of the casual vacationers will not be attracted to the parks and wildlife refuges. Instead, the areas will be used largely by persons who visit them in connection with the reasons for which they were established.

No one, no park or refuge administrator has any legislative directive to accept or encourage mass recreation. Rather, there are clear directives to regulate public and private use so as to protect and perpetuate the natural values involved. Several years ago, in authorizing the Department of the Interior to accommodate recreational use on wildlife refuges, Congress stipulated that recreational use was appropriate only when incidental and secondary to the primary wildlife purposes of any refuge. Additionally, the law stipulated that land may be purchased outside refuges to accommodate mass recreation where necessary. No significant areas have been purchased under this authorization.

Nationally, the Land and Water Conservation Fund is failing to perform to expectations. The primary difficulty is that there is not enough money to acquire lands promptly in all of the seashores, recreation areas, and other projects that have been authorized. Several situations contribute to the Fund's inadequacy. First, the income into the Fund, particularly from the national recreation-user fee, has been less than estimated. Secondly, the insistence of Congress that the costs of all seashores, recreation areas, and parks be borne out of the Fund has created unanticipated financial demands. This is contrary to what conservationists had in mind when they supported the Land and Water Conservation Fund program. They had expected, and so urged, that the Fund complement customary congressional appropriations for these projects. And finally, congressional delay in providing necessary money has resulted in greatly increased project costs because of land speculation and the normal rising value of land.

Corrective proposals in both the Senate and House seek to enlarge the Fund by crediting to it certain monies received from the Mineral and Potash Leasing Acts and from the outer continental shelf. These recommendations are good. They deserve widespread support if the over-all local, state, and national outdoor recreation program is to grow with demand.

But merely providing more money is not enough. That may help buy a few more acres sooner, but unless fundamental program weaknesses are corrected, more money only will enrichen speculators still further. Changes are needed so that available funds can be invested more efficiently toward attaining outdoor recreation goals.

Inefficiencies of the system must be corrected by Congress itself. The principal weaknesses stem from a combination of delay and inadequate appropriations.

It works this way. Congress frequently authorizes a new seashore or national park, accepting an all-too-often minimal cost estimate. The new law authorizes only a certain sum for the project. It does not appropriate the money. This has to be obtained under a separate appropriation act, usually the following year. During this period, speculators have a description of the lands authorized for federal purchase. Bidding intensifies, land prices go up, and the amount authorized for the project will cover only part of the contemplated purchases. The delay is further accentuated, because an Administration seldom requests and the Congress seldom provides all of the money authorized for a project the first year. Land acquisition is drawn out over a decade or more.

This inefficient system costs us dearly in terms of dollars wasted and recreation lost.

Both the Executive and Legislative Departments can help overcome this serious obstacle by seeking funds for outdoor recreation projects on a more realistic schedule. Congress also should re-examine its operating procedures. Why cannot Congress authorize the agency designated to administer a new park, recreation or seashore area to proceed promptly to commit funds for land acquisition up to the amount specified in the authorization bill? Appropriations could be geared to commitments. This would encourage the agencies to submit more realistic cost estimates; it also would enable them to tie down needed land at a faster pace. This, in turn, would help blunt the inflationary aspect of land speculation in the project area, thereby assuring that outdoor recreation dollars would be invested more efficiently.

This suggestion is not revolutionary. Some federal agencies already have congressional authority to commit funds in advance of appropriations, especially in the protection and management of resources. Certainly, we have had enough experience with the Land and Water Conservation Fund program to know that this would be a beneficial tool. Such authority would enable the administrative agencies to move ahead as rapidly as acquisition and field work would permit. The American people would be assured more recreational benefit in return for their money.

Among the legislative proposals already in the 90th Congress are some that deserve immediate attention. One, which would establish a cooperative program for identifying and preserving estuaries and coastal marshes, is of paramount importance to both sport and commercial fish and wildlife resources. The nation's coasts and estuaries are under great pressure for development. They are further plagued by pollution and other forces that each year render thousands of acres less suited for fish and wildlife habitat. Estuaries and coastal marshes are the great nursery grounds for many fish and wildlife.

The importance of acting promptly to preserve the remaining productive areas was given impetus by a 1965 recommendation of a special advisory panel to the President on the prevention of the pollution of the environment. A key section of this proposal would require that the Secretary of the Interior pass on applications for dredging, channeling, or otherwise altering estuaries and similar waters. These projects, many of which destroy natural habitat for fish and wildlife, now receive no biological consideration. Only their potential impact on navigation is considered.

Legislative priority must be given to extension of the accelerated wetlands preservation program, due to expire on June 30, 1968. Appropriations have fallen far short of the authorized $105 million. Continuing the program for eight more years, with adequate appropriations support, would enable the Bureau of Sport Fisheries and Wildlife to go a long way toward achieving wetlands preservation goals.

Legislative priority should be given to authorization of a Redwood National Park, here in California. Surely, enough is known about the various suggested sites that a large area of true national park caliber can be selected.

Another proposal that deserves support is the Wild-Scenic Rivers Bill. Most of the suggestions that have been advanced would affect rivers in the West, but there are streams in other parts of the country that also are worthy of consideration. I believe that there is ample opportunity to make the framework of any legislation flexible enough to include many excellent streams that still remain substantially unaltered by man.

The work of implementing the Wilderness Act of 1964 has barely started. The President already has sent us wilderness recommendations to Congress. Others will follow. The Argiculture and Interior Department agencies will continue to hold hearings on many more national forest, park, and wildlife refuge wilderness proposals. Already there are indications that some persons are thinking of making separate wilderness acts of each of the President's wilderness recommendations that must receive congressional approval. By doing so, they would alter and modify the directives of the Wilderness Act of 1964. That basic Act, of course, contains the ground rules accepted by conservationists. Bending that Act would violate some of the principles of wilderness preservation to which we all agree.

I wish to point out that the Administration's recent recommendation for a Lower Colorado River Project did more than suggest keeping dams out of the Grand Canyon. The new plan is an admission that there are other ways to construct water projects than by building reclamation dams to serve merely as cash registers. This represents a sharp change in philosophy, and one which I hope will stimulate broader consideration of other more compatible sources of power generation in the future.

It is too early to determine where we stand on the studies and ultimate recommendations of the Public Land Law Review Commission. Many user interests believe that this review involving the fate of hundreds of millions of acres of public land offers opportunities to get new advantages. Some have assigned top staff members to follow the Commission's work. The stakes are tremendous, and conservationists should keep fully informed.

Finally, I want to observe that it is too early to predict the impact of America's changing agriculture policy on wildlife and recreation. Agricultural surpluses are mostly a thing of the past. The emphasis now is on crop production. Some are urging that the nation accept a larger responsibility for feeding the world. How all this will work out is difficult to see, but there is little doubt that greater production will mean fewer acres in soil, moisture, and wildlife conservation practices. It could mean, too, that significant wildlife and outdoor recreation advances made under the Food and Agriculture Act of 1965 may not be as enduring as many of us hoped.

If it appears that what I have said adds up to more fighting to protect natural resources, that is the truth.

As long as people act from avarice or political expediency, there will be efforts to devastate and destroy for private gain those resources that have been reserved for public use.

Laws, while necessary, are not enough. Only a well informed and militant public can ensure that necessary resources restoration and management will proceed.

Each of us has a part in maintaining that militancy and public sentiment.

GOVERNMENT SUPPORT OF SCIENTIFIC INQUIRY MUST CONTINUE

Mr. HARTKE. Mr. President, the Honorable True Davis, Assistant Secretary of the Treasury and the U.S. Executive Director of the Inter-American Development Bank, recently addressed the Royal Netherlands Academy of Sciences. His speech, delivered at Amsterdam on February 27, 1967, makes very clear the fine cooperation now existing between the Federal Government and American universities in furtherance of scientific inquiry. Secretary Davis emphasizes the manifest need for the continuance and further expansion of this cooperation and inquiry in meeting the challenges of today and tomorrow and in providing the means to cooperate with other nations in their development efforts.

Secretary Davis points out that the record of this country in the improvement of our educational system in all fields of learning and inquiry has been unparalleled in history. The achievements of our economy in conjunction with the firm intention of our people to improve the quality of their own and mankind's lot in every field, whether physical, intellectual, esthetic, and even moral, has produced results beneficial to the world. The advancements here at home have been paralleled by an increase in an international dialog that is aimed at opening indefinitely the frontiers of the universe and expanding at an equal or greater pace the ability of mankind to comprehend its many now largely hidden riches. To paraphrase Chesterton, man hopes not only to put his head into the clouds but the clouds into his head. Until we find that we perhaps are not alone, is this not our universe, granted us by the Deity as a home, a way of life, and a challenge requiring mankind's growth?

Part of this challenge is ours, and we must continue to meet it not only as individuals, unafraid to live and accept and adapt, but as a nation firmly committed to meeting this challenge, cosmic though its totality may be. We must not allow man's partially obscured suicidal tendency, in Vietnam and wherever violence degrades mankind, to strangle man's right to live and know, to give and love.

To a great extent, this is why we must continue on all levels of both governmental and private effort to encourage and support advancement in all fields of intellectual endeavor: in medicine, space, general industry, agriculture, the arts and humanities, and certainly, not least of all, those areas of inquiry which are bringing us a better understanding of ourselves, our fellow man and our mutual relationships and responsibilities.

Mr. President, Secretary Davis speaks with authority and understanding as a truly involved public servant, banker, diplomat, and scholar. I heartily endorse his words, particularly in light of the present political climate surrounding domestic spending programs, and recommend them to legislator, scientist, administrator, and educator alike.

I ask unanimous consent that they be printed in the RECORD.

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

THE PARTNERSHIP BETWEEN THE FEDERAL GOVERNMENT AND AMERICAN UNIVERSITIES IN FINANCING SCIENTIFIC ENQUIRY

(By the Honorable True Davis, Assistant Secretary of the Treasury and U.S. Executive Director of the Inter-American Development Bank, at the Royal Netherlands Academy of Sciences, Amsterdam, the Netherlands, Feb. 27, 1967)

Everywhere today men of good will are earnestly seeking to understand each other's desires, aspirations, and problems. Despite some lapses and some gaps, I think it can be said as a general proposition nowadays that we have been moving closer together in our endeavors to become a community of countries capable of spreading to all people the fruits of man's accumulated knowledge, of safeguarding and strengthening the health of people everywhere, of improving environmental conditions affecting their lives, and of eradicating wherever it exists the disease of illiteracy.

There now exist among all nations avenues of communication for the discussion of ideas, the resolution of problems and the amicable settling of differences. Between peoples everywhere there are now organizations, institutions, and societies of learning devoted to the exchange of information and the diffusion of knowledge—in particular, scientific knowledge.

Never before, not even in the high floodtide of Renaissance culture, has the world witnessed such a free flow of ideas, nor such a movement of students, teachers and scholars between one university and another, one country and another, one continent and another. The innumerable cultural bridges between peoples and countries that people the world over have helped design and build reflect the desires of men and women of good will in their quest for knowledge and their search for understanding. Although our goals are numerous, one is paramount above all others. That is this: peace on earth, good will toward all men.

My being with you here today is one small aspect of this drawing together. My remarks will be directed primarily to the role of scientific research in our universities, the cost of such research, and the viable partnership that exists between the Federal government and American universities and colleges. In my discussion, however, I propose to deal also with some of the concepts and ideas involved, for an understanding of *why* we do something is equally as important as knowing *how* we do it.

II. "THAT LEARNING MAY NOT BE BURIED IN THE GRAVES OF OUR FATHERS."

Today in the United States there exists an intimate partnership between our Federal government and our entire educational system—from elementary schools, through high schools and colleges, and on into university graduate endeavors, especially in the physical, biological, and social sciences. This partnership which today allocates some $2.3 billion yearly to our institutes of higher learning alone did not suddenly come into existence. It is the culmination of a philosophy that grew and developed from concept of education and the role that government should play in fostering education and knowledge that goes back to the founding of our country.

I would like to look at that past for just a moment before we turn to today's conditions, for, as Proust showed in his writings, in the rememberances of things past, the present often becomes more viable, meaningful, and more clearly comprehended.

It is probably no exaggeration to say that when the Puritans of the Bay and Plymouth Colonies settled in our country during the first half of the 17th Century, no other community in the world had so large a proportion of university graduates or of learned men. At this time there were no less than one hundred and thirty-five graduates of Cambridge, Oxford, and Dublin universities among them. Their immediate goal was to survive against the harsh elements of nature. Their long-range goal was the education of men's minds—"to advance learning and perpetuate it to Posterity."

Even as they cleared the woods and plowed the fields, built their homes and churches, they founded a little college which they named Harvard. But higher education was not their only goal. They were interested in education for all. Thus it was that in 1647,

a few years after the founding of Harvard College, the Massachusetts School Law decreed that every child should be taught, that grammar schools should be established, and knowledge disseminated so "that learning may not be buried in the graves of our fathers."

It was a bold measure at that time to aim at universal education through the establishment of free schools. It was the beginning of a partnership between a people and their government—in this instance a State Government and its citizens. As new States came into being, however, this concept of universal education quickly grew, and these individual partnerships flourished between individual State Governments and their citizens.

Perhaps it was because we lived so closely with the primitive wilderness that it has been correctly said that "From the first, education was the American religion." There quickly evolved in the United States a philosophy of education which we have regarded as especially fitting to a democracy such as ours: It is, that an enlightened citizenry is the *sine qua non* of a democracy's survival. We early acknowledged that to the extent a people's inherent capacity for intellectual growth is nurtured, to that extent are our cultural institutions strengthened and successive legacies from one generation to another enriched.

The United States during the 17th and 18th Centuries had more than its quota of educated men—educated in the fullest and broadest sense of the word, men who were as equally trained and skilled in the sciences as they were in the humanities. When they wrote the Constitution of the United States they wrote as political scientists, protecting by law the inalienable rights of man against all forms of tyranny. When many of them attempted to incorporate into that Constitution provisions to establish within the structure of our Federal government institutions for promulgating scientific thought and enquiry, they were thinking as physical, biological, and mathematical scientists. No matter how they thought, however, they never thought as specialists—a species peculiar to the 20th Century. They were humanists, and as humanists they brought science into the highest councils of our land. In their daily lives they moved about in the vast area of science, the arts, and literature with facility and ease.

Unfortunately, the numerous efforts to grant the Federal government constitutional authority for the pursuit of scientific enquiry—a pursuit, incidentally, which many States individually supported and followed—all met with failure. They died under the prevailing opinion of the farmers of our Constitution who believed in strong State governments and a weak Federal government.

While political leaders continued to debate the feasibility and practicability of creating a partnership between the Federal government and science, the government found itself becoming more and more directly involved with science. A census had to be taken, patent laws had to be written, money had to be minted. The country had to be explored, the land mapped, mountains measured, boundaries established, coast lines delineated and coastal waters chartered. Individual States could not do this. The scientific requirements for these and other activities, arising out of public requirements, fell to the Federal government. To fulfill these requirements, increasing in number and scope as the country grew and the population expanded, the Federal government established scientific bureaus and agencies. This process that began in 1790 has continued until the present day.

Although there was a great deal of scientific activity prior to our Civil War of 1860–64, no cohesive fraternity of scientists existed and there was little scientific activity of distinction when compared to that in Europe. By mid-19th Century, the scientific profession had also undergone a marked transformation. American scientists had become distinct from politicians and administrators—in marked contrast to the political leaders and administrators of our Revolutionary Period who were as well versed in science as in the humanities.

During the Civil War the Navy began to make extensive use of scientific advice to achieve military objectives, establishing a course of action that was to be followed extensively by our military establishment. Our Congress at this time created the National Academy of Sciences as a self-perpetuating body of scientists charged with investigating various fields of science when called upon to do so by the government. It also directly aided higher education in a substantial fashion by passing the Morrill Act which appropriated thirteen million acres of public land for the use of individual States.

The sale of this land enabled individual States to realize sufficient money for these purposes of the Act: "for the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

This is a statement of aims, and an acceptance of the appropriate starting point that every nation that is today at the early stage of economic development, as was the United States then, could take for their encouragement, if they also took it as their model.

The importance of this Congressional Act cannot be over-stated. It had far-reaching and lasting effects upon our economy and culture. Since the founding of these institutions of higher learning the Federal government has been involved directly in a scientific partnership with our colleges and universities—the goal of which has been enquiry into those branches of knowledge that would simultaneously enrich the lives of our citizens and strengthen our national security.

It is unlikely that any American ever looked upon the Federal government from the 18th to the 20th Century as the grand patron of science. Yet this is precisely what it was. It had carried out, without being aware, John Quincy Adams' belief that "government owed humanity the support of science as a necessary element in civilization." It was fortunate for our country that "from the beginning the Federal government had rendered honor to science and profited from it," for the requirements that the 20th Century imposed on American science and scientists were equally as demanding as those the 18th Century imposed on the political scientists who wrote our Constitution.

Much has happened since the end of this preparation for the partnership of the government and the private sectors in research in the United States that we have just been examining. But our examination of the background has been sufficient, I think, to permit us to skip over the rather obvious effects of World Wars I and II, to the 1950s, by which time it had become plain that scientific research must be regarded—and treated—as one of our most important national resources.

III

The challenges that faced us in the 1950s, not alone in space, although these were considerable, but across the entire spectrum of scientific enquiry, required the mobilization and maximum use of our national resources—particularly human resources. The sophisticated requirements of our age demanded highly skilled, well-trained, fully educated men and women in the humanities, social, and natural sciences. The scope and enormity of our problems required a greater number of college educated men and women than our educational system was presently capable of providing with existing facilities and standard normal operating procedures.

Education, you will recall, has always been the primary responsibility of our individual State and local governments in America. These, however, were incapable of solving alone the sudden educational requirements thrust upon them. Tens of thousands of schools had to be built, present facilities expanded and improved, curricula revised, the entire educational process accelerated, and students stimulated to achieve academic excellence. Private, corporate, municipal, state and federal resources were mobilized into cooperative action to achieve these and other desired objectives.

Working within the firmly established educational pattern evolved by our States since the early 17th Century, the Federal government began a massive financial aid program, especially to higher education, but also to education at our elementary and secondary levels.

Today, financial aid from the Federal government to higher education is channeled into almost 2,000 colleges and universities in a wide variety of ways to accomplish a wide variety of objectives. Within the government are various mission-oriented agencies, such as the Department of Defense and our Public Health Service, who turn to our universities for large components of their basic research programs. These and other agencies also support universities and colleges by providing general research grants and sustaining research grants in those particular scientific areas with which they are directly and vitally concerned.

The National Science Foundation, which was created in 1950, will give almost $500 million in the next academic year to universities and colleges to conduct basic research and further education in sciences and engineering. Some of this money will be allocated to basic research projects originated by university professors, approved by NSF, to be carried out by individuals or teams of scientists. Other funds will go to universities to conduct, for instance, special summer science seminars, to which teachers from other colleges will be invited to lecture. The purpose of such seminars is to provide summer employment, to bring together groups of eminent scientists, and to further the scientific education of high school teachers by permitting them to keep abreast of current scientific development.

NSF will also this coming academic year continue its efforts to help stimulate academic excellence by giving some $35 million to institutes of higher learning to improve, or upgrade, the quality of teaching and research, widen the scope of their scientific enquiry, and graduate more and better trained scientists.

Another extremely important source of Federal aid is the financial support given by the government to Federal Contract Research Centers (FCRC) administered by universities and colleges. There are presently 32 of these Research and Development (R & D) centers in all areas of the country financed exclusively or substantially by the Federal government. Examples of these include the two Applied Physics Laboratories administered by Johns Hopkins and the University of Washington; the Cambridge Electron Accelerator, jointly administered by Harvard and Massachusetts Institute of Technology; the Los Alamos Scientific Laboratory, the Navy Biological Laboratory and the Lawrence-Radiation Laboratory, all administered by the University of California; the National Center for Atmospheric Research, the Kitt Peak National Observatory, Brookhaven Na-

tional Laboratory, three of five centers administered by a university consortium. During academic year 1965 almost a billion dollars went to the support of these centers. In addition, NSF provided $1.4 million to support the Cerro Tololo International American Observatory in Chile.

To show how extensive the financial partnership is between the Federal government and our colleges and universities, let us examine the period 1954–1964. During this time Research and Development (R & D) expenditures in our universities and colleges increased at an annual rate of 16 percent, climbing from $290 million in 1954 to $1 billion, 300 million in 1964. Research and Development expenditures in the university-administered FCRC's also increased at this same rate.

In 1954 the Federal government only financed 55 percent of the $290 million spent for R & D in our universities. By 1964, we were financing 72 percent of the $1 billion, 300 million spent for R & D. The Federal government, moreover, financed virtually all R & D in the university-administered FCRC's. That part not financed by the Federal government in our colleges and universities came from several sources, the largest amount from individual universities' own State and local governments.

The annual rate of 16 percent increase in R & D during this 1954–1964 period reflects not alone our country's interest in space, but also our country's employment of science in *all areas* as a national resource to promote the general welfare of our people while strengthening the cultural institutions of our democracy. This becomes apparent when we examine the type of research being done and the science areas consuming these tremendous quantities of money.

Let us look again at the year 1964. Of the $1 billion, 300 million expedited at our institutes of higher education for R & D—79 percent went for basic research, 18 percent for applied research, and 3 percent for development. When we separate into sciences these expenditures, we find that by far the greatest amount goes to our life sciences—medical, biological and agricultural—those sciences directly related to saving life and nurturing health. Next come the physical sciences—physics, chemistry, earth sciences, mathematics, and others. The remainder goes to engineering.

Percentage-wise, the figures look like this for the $1 billion, 300 million spent on R & D in universities and colleges; 53 percent to life sciences; 24 percent to physical sciences; 18 percent to engineering; 6 percent to social sciences; 3 percent to psychology; and 1 percent in other sciences.

When we similarly examine the amount of money spent in the university-administered FCRC's for 1964, we find that the pattern changes radically. For it is here, in these centers, that most of the development is done for our institutes of higher learning. In 1964, 40 percent, or $238 million, was spent for basic development; 35 percent for applied and 25 percent for basic research. The $352 million spent for both applied and basic research was distributed as follows: 92 percent to physical sciences and engineering; 7 percent to life sciences, and 1 percent to psychology and social sciences combined.

Year in and year out, our universities and colleges account for nearly one-half of *all* basic research performed in the United States, most of which is financed by the Federal government, as I have emphasized. This is attributable to the heavy orientation of R & D projects concerned with *advancing* the frontiers of man's knowledge—the primary objective not only of the Federal government, but also of American scientists.

Such an accelerated university orientated program during the 1954–1964 period I have been discussing could not have taken place without a corresponding acceleration of our program to train scientists. Since 1954 employment of full time and part time scientists and engineers and graduate students in our universities and colleges has increased at an annual rate of eight percent. In January 1965, there were 250,000 scientists and engineers and graduate students employed. Of this number, 40 percent were life scientists; 25 percent physical scientists; 16 percent social scientists; 13 percent engineers, and 5 percent psychologists. At our university-administered FCRC's there were an additonal 11,000 scientists and engineers employed, all except 100 of whom were actually employed in R & D. The majority here, however, 93 percent, were physical scientists and engineers.

One extremely important point that I would like to emphasize is that during the period our Federal government—recognizing the importance of science as a national resource—poured billions of dollars into our educational system, it neither controlled intellectual pursuits nor regulated scientific enquiry. Nor did it weaken the public and private school systems, nor degrade the educational processes that have existed in the United States since the early 17th Century.

On the contrary, Federal support and financial assistance revitalized intellectual enquiry, strengthened our educational systems by making more meaningful and fruitful the partnership between government and education, and encouraged in all intellectual activity the pursuit of excellence. One of numerous examples of this scientific excellence is reflected in the number of Nobel prizes in physics, chemistry, and medicine awarded to Americans between 1953–1964. Twenty-eight were so honored, all except five or six of whom were educated solely in our schools. Yet during the period 1920–1940, only 12 of 72 Nobel laureates in these categories were awarded to Americans.

In any relationship of value, such as the relationship between our Federal government and our universities, both partners have an inherent obligation to strengthen and improve their bonds of mutual interest and goals. Our universities and the Federal agencies in science and education, recognizing this obligation, are working continuously to improve this relationship, to strengthen our national goals and our international objectives.

As a nation and as a people we know that as we build and enrich strong centers of learning across our country, we also strengthen the fabric of our freedom and the fiber of our democracy. As these are strengthened we increase our opportunities to bring to poorer countries of the world more and more of the fruits and blessings of scientific discoveries from which hundreds of millions of human beings have too long been deprived.

One of the many existing organizations helping to bring the riches of scientific discoveries to people of the world is the Inter-American Development Bank, of which I am our country's Executive Director. Through this multi-lateral regional bank, which makes loans to speed up a country's social and economic development, we are able to utilize some of science's riches in the fields of agriculture, public health, and education. These key sectors are the critical elements of advancement everywhere in underdeveloped countries. To the extent that we accelerate advancement in these areas—by providing more and better food to a rapidly increasing world population, by eliminating or controlling crippling diseases, by educating and training more people to strengthen the cultural and economic fabrics of their society—to that extent will we control and eliminate the diseases upon which revolutionary movements feed and grow.

Our country's efforts to strengthen the economy of underdeveloped nations through such organizations as the Inter-American Bank, the Asian Development Bank, and the United Nations—to mention only a few—reflect our belief that more of mankind must share more of science's inexhaustible wealth. President Johnson recently reaffirmed this philosophy when he spoke of the goal of American science, which is:

"To follow knowledge, like a sinking star, Beyond the utmost bounds of human thought."

"Today, our enormous investment in science and research is our evidence of our faith that science can not only make man richer—but science can make man better."

This is our country's goal. This is the goal of all Americans. I think, too, that it is the goal of scientists everywhere.

PROTESTS AGAINST CONTINUED U.S. MILITARY INVOLVEMENT IN THE UNDECLARED WAR IN VIETNAM CONTINUE TO GROW

Mr. GRUENING. Mr. President, the latest in a long series of public protests against continued U.S. military involvement in the undeclared Vietnam war, which is now steadily being escalated, was published in the New York Times of March 12, 1967. In a two and one-half page advertisement signed by thousands of educators from all parts of the United States they appeal to the American people. They ask help to stop the war in Vietnam; ask help to stop the killing of American youth; ask help to stop the death and destruction in Vietnam; ask help to stop the squandering of billions upon billions of our dollars in Vietnam; ask help to bring our boys home.

I add my support to this appeal for help. I hope it will be heeded.

I ask unanimous consent that the advertisement be printed in the RECORD.

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

[From the New York Times, Mar. 12, 1967]

EDUCATORS APPEAL TO THE AMERICAN PEOPLE: "HELP STOP THE WAR IN VIETNAM"

Help stop the killing of American youth . . . more than 7,500 already dead protecting a corrupt military dictatorship against the wishes of the Vietnamese people.

Help stop the death and destruction in Vietnam . . . help stop the merciless bombing of men, women, and children; help stop the use of burning napalm, noxious gases, and chemicals that destroy the crops of this already impoverished country.

Help stop the squandering of billions upon billions of our dollars in Vietnam . . . for which we foot the bill through inflation, cuts in essential government services, and inevitable tax increases.

Help bring our boys home. The war continues because vital facts about its origin and development have been deliberately glossed over, distorted, and withheld from the American people. Only an informed public opinion can stop this barbaric conflict before it escalates into nuclear war. Help destroy the myths about the war in Vietnam. Help get the truth into your community.

WHAT YOU CAN DO

People all over the country are heartsick over the war and want to do something about it. Take the lead . . . get in touch with a like-minded colleague, a friend, a clergyman, or a neighbor. Decide together what you can best do to get the facts into your community. Maybe you should distribute fact sheets, have discussion groups in homes, or have a debate. Perhaps your community is ideal for a teach-in or an ad in a neighborhood newspaper. Make certain that your community's growing opposition to the war is made known repeatedly to Con-

gress and the President by letter, telegram, or personal visit.

A wealth of factual material presenting a clear and forthright case for ending the war is now available. Do you want a reading list? film strips? Would you like to know what other communities have done, how *they* got started? Then please get in touch with us. We will help in every way we can. But the important thing is to get started, for every increase in casualties, every bombing of a bridge, every escalation of the war, makes peace that much harder to achieve, nuclear war that much closer.

JOIN US IN URGING THAT OUR GOVERNMENT

1. End all bombings both in North and in South Vietnam.

2. Declare a cease-fire.

3. Adopt the realistic position that the National Liberation Front is the representative of a substantial portion of the South Vietnam people and is thereby destined to play a role in any future Vietnam government.

4. Arrange to implement the 1954 Geneva Accords which call for the removal of all foreign troops from Vietnam.

As American citizens we are responsible for the actions of our government. And as teachers we feel a particular responsibility to the youth and children of our nation—and of all nations—to guarantee their future. No teachers, no American citizen can, in good conscience, sit idly by in the face of this illegal, immoral, and senseless war.

If you share our views—as a *first* step—write, wire or visit your elected representatives. Impress upon them the need for ending the bombing now.

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Publication of this statement has been paid for by the signers. Comments and requests for information should be sent to: Teachers Committee for Peace in Vietnam, 5 Beekman St., Rm. 1027, New York, N.Y. 10038.

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EAST-WEST TRADE

Mr. PERCY. Mr. President, the U.S. Council of the International Chamber of Commerce has recently promulgated a statement on U.S. policy toward East-West trade. The council, dedicated to world peace through world trade, has provided one of the most able and incisive expressions that I have read of the need for new trade initiatives tailored to a modern world.

This will come as no surprise to anyone familiar with the council. It is as distinguished a body of American business leaders as one could imagine, a fact which can be judged by surveying the roster of officers and members of the executive committee. I can personally attest to the great contribution made through the council by its present chairman, Arthur K. Watson, of IBM; Vice Chairmen Rudolph A. Peterson, of the Bank of America; Amory Houghton, of Corning Glass Works; Roger M. Blough, of United States Steel; Patrick E. Haggerty, of Texas Instruments, Inc.; James A. Linen, of Time, Inc.; and Robert D. Murphy, of Corning Glass International—all men that I hold in the highest esteem. From my own acquaintance with this sampling, I equally commend the entire list, which I have appended to the council statement.

At the heart of the statement lies a conclusion which might well be expanded from its context there to apply to all constructive relations between countries of the world. It is particularly apt in our present consideration of the Consular Convention:

Trade by definition does not take place unless benefits accrue to both parties. If one nation refuses to participate, insofar as the second party can find another trading partner, the loss is entirely sustained by the party refusing to do business.

Mr. President, I ask unanimous consent that the statement and the list of officers and executive committee be printed in the RECORD. I commend a study of this statement to Members of both bodies of Congress.

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

STATEMENT ON U.S. POLICY TOWARD EAST-WEST TRADE

The U.S. Council believes, for the reasons set forth in the next six paragraphs, that the United States should pursue a more flexible policy than in the past towards trade with Eastern Europe. To this end, the U.S. Council supports enactment of the proposed East-West Trade Relations Act and offers a further series of recommendations in the balance of this statement for measures it would urge the U.S. Government to take over a period of time should the climate for a regularization of trade between East and West continue to improve.

The recent NATO meetings decisively reflected the changes in East-West relations which have taken place in the last twenty years. After a generation of concentration on the defense of the West against the East, including commercial and economic policies oriented to that objective, the emphasis at this session and in the summary communique issued at its conclusion was almost exclusively on commercial policies in keeping with the developing detente between East and West. The noticeable improvement in relations among Western nations and those of Eastern Europe certainly has at least some of its origins in the growing coincidence of the long-run interests of the United States and Russia in peaceful conditions in the world at large. To the extent that this coincidence is recognized by both parties, there is reason to hope that recent guarded progress toward normalization of commercial contacts will prove durable.

The gradual relaxation of cold-war tensions has already brought about a substantial increase in trade flows between Eastern European countries and those of the rest of the world. Both industrialized and developing countries have participated in this growth. However, in comparison with other industrialized nations, U.S. trade with the Eastern European nations has remained very small. During 1965, for example, Western Europe and Japan exported $3.8 billion in goods to the Eastern European countries, excluding Yugoslavia, and imported almost $4.5 billion from them. U.S. figures for this same period were only $139 million in exports and $138 million in imports.

As *The Economist* put it: "The communist countries remain the one market where America virtually leaves the field clear to Western Europe and Japan." The same article points out that Comecon (a limited Eastern European effort to mirror Common Market economic collaboration) includes within its perimeter over 330 million people—almost 60 million more than the countries of the EEC and the EFTA combined.

The U.S. Council does not believe that controls over strategic materials can at present be relaxed, but it does believe that the argument against trading with the USSR and other Eastern European countries on the grounds that such trade might contribute to their economic power is of limited validity. Trade by definition does not take place unless benefits accrue to both parties. If one nation refuses to participate, insofar as the second party can find another trading partner, the loss is entirely sustained by the country refusing to do business. This is the situation into which the United States has drifted. While other countries of the world are increasingly enjoying the benefits of expanded two-way trade with the communist countries, our policies to a great extent deny these markets to our exporters and deny to our consumers those products in which the Eastern European countries are becoming competitive.

As other industrialized countries expand their markets within the Eastern countries, there is a natural tendency for the exporter's technology and standards to be accepted and adhered to in the importing nation. The longer that U.S. exporters refrain from participating in the markets of Eastern Europe the more firmly established in those markets will be the standards and technology of our competitors in other Western industrialized countries—and the more difficult will it be for American companies to enter these markets in the future.

From the U.S. view, the most fundamental gain of all may well be the imprint inevitably made by successful and growing daily commercial operations, carrying as they do a continuous effective argument for the freer contractual trading policies which they inculcate.

Accordingly, the U.S. Council believes that the time has come for the United States to do what it can to make possible a regularization of trade and payments with the Eastern European countries. New opportunities are, in fact, arising for the U.S. to negotiate with the countries of Eastern Europe for modification on their part of policies which have rigidly reinforced the differences between our economic systems. We should be ready to take advantage of these opportunities.

Specifically, as noted above, the U.S. Council supports enactment of the East-West Trade Relations Act of 1966. Eastern European nations have more and more been pursuing individual national policies over recent years. They no longer constitute a monolithic bloc. The United States should be in a position to forge new relationships with these countries individually. New economic policies are being adopted by Russia and the other Eastern European countries designed to make their production more responsive to market considerations and their prices more reflective of costs. These policies, if successfully implemented, should gradually result in the production of more goods marketable in the United States and Western markets generally. The President should be empowered to grant most-favored-nation status to Eastern nations, enabling their goods to be imported into the U.S. at the same tariff rates as those of other countries of the world. Since tariffs at present have little meaning in the controlled economies of Eastern Europe, other concessions should be sought in exchange, such as market access for U.S. products, the protection of industrial property rights, the right to more direct contact between U.S. businessmen and the ultimate consumer/supplier, and satisfactory arbitral arrangements for the settlement of commercial disputes.

The extension of most-favored-nation treatment to Eastern European countries should enable the U.S. consumer to benefit from competitive imports from the Eastern European countries, and, at the same time, enable those countries to earn the foreign exchange with which to purchase U.S. goods. United States suppliers should be able to participate to the fullest extent consistent with our national security in the markets

of Eastern Europe. To permit this participation there should be further removals of non-strategic items from the Export Control List, as in the case of 400 items recently removed. Items which are freely available elsewhere in the world should not require individual export licenses in the United States.

The U.S. Council would not like to see a so-called credit race develop among Western suppliers to Eastern Europe. It recognizes, however, that recently credits of longer than five years duration have been granted in other industrialized countries. It does not believe that U.S. industry should be precluded from bidding on an equal basis with its competitors in other nations. It is recognized that a shortage of hard currencies in many ways places the countries of Eastern Europe in a position similar to that of many less developed countries, and that if sales of heavy equipment are to take place longer-term credits, more realistically representative of periods of amortization, may be essential. Bearing in mind that such exports are beneficial to the United States, the U.S. Council accordingly urges that U.S. suppliers be enabled to match the terms offered by their competitors. To this end, the credit guarantee policies of the Export-Import Bank should be similarly normalized to permit credits to be extended to buyers in Eastern European countries which are competitive with those of other Western suppliers, and the full use of these facilities should be encouraged. In principle, we believe that Eastern European governments should equally extend adequate credit to Western buyers, and would recommend that the Administration attempt to include provisions for reciprocal credit in trade agreements negotiated with individual countries.

The recent trend toward internationalization of production has not left Eastern Europe untouched. In the past few years a number of agreements have been concluded under which individual Western firms have undertaken to participate in the actual production of the USSR and other communist countries of Eastern Europe. American firms, which are prime initiators and leaders in the field of overseas production, should be able to participate in the opportunities which the large and growing markets of Eastern Europe present. U.S. government policy should support private efforts to respond to these markets. Where the underlying transaction warrants, credit terms should be as favorable as for other areas; similarly, the program of government guarantees against political risks ought in principle to include these markets. More systematic payment arrangements than now exist would be desirable, if not essential, to the growth of producing arrangements. To assist in the determination of credit-worthiness, and thus to expand the use of credits in business transactions, countries of Eastern Europe should be encouraged to publish financial data similar to that published by Western countries—and by Yugoslavia—covering gold and foreign exchange reserves, total foreign indebtedness, and repayment schedules.

Many, if not most, of the problems encountered in attempting to increase peaceful commerce between East and West stem from the lack of participation of the Eastern countries in Western institutions. The present move toward association on the part of Poland with the General Agreement on Tariffs and Trade should be encouraged. It is to be hoped that other Eastern European countries will follow suit. Compliance on their part with the general rules of GATT in their external trade would do much to regularize the conditions for their Western trading partners.

Most important, however, to a return to normal commercial relations, as it was for the industrialized countries of the West after World War II, is eventual currency convertibility. Every opportunity should be pressed to broaden convertibility with the rest of the world. Increased transferability among Eastern European currencies should, where possible, be encouraged as an interim step. The recent addition of $33 million of gold and convertible currencies to the fixed capital of the Comecon's bank, the International Bank for Economic Cooperation, should be welcomed. While there is little that can be done on our part to hasten this process, the U.S. Council recommends that the U.S. Government attempt to emphasize in its negotiations with Eastern European governments the benefits accruing from early convertibility. The question of Eastern countries' membership in the I.M.F. and the I.B.R.D. could usefully be restudied by member countries and by Eastern countries. It is in the interest of the United States to see these countries assume the responsibilities that are inherent in membership in these organizations.

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ADDRESS BY SENATOR MOSS BEFORE REGIONAL WATER SYMPOSIUM, PORTALES, N. MEX.

Mr. MONTOYA. Mr. President, early last month, at a regional water symposium in Portales, N. Mex., where I spoke on our regional water situation, the distinguished Senator from Utah [Mr. Moss] speaking on the same program, delivered an excellent address that proposed a national approach to the use of our water resources. I was profoundly impressed by his points, especially the subject of continental management of all water resources.

As I heard this address, I was caught up by its message and factual content to a point where I feel the entire subject deserves wider exposure. The concept is so vast, yet so graspable and essential, that it has ramifications for all areas of this Nation—for each State.

This concept calls for collection of unused water and its delivery to where it is needed. The continent is embraced as a whole in the planning, while antipollution and desalinization efforts are woven expertly into the total picture.

In my State, water is a magic word, one that in many areas gets more attention than any other. Hence, my heightened interest, for this plan could write a new series of pages into the book of my State's history. I therefore ask unanimous consent that this meaningful address be printed in the RECORD, in the hope that others Senators may be enlightened by it as I was.

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

ADDRESS OF SENATOR FRANK E. MOSS, DEMOCRAT, OF UTAH, AT THE PANEL DISCUSSION "A 'SOUTHWEST LOOK' AT NORTHWEST WATER" CONSERVATION CONGRESS FOR THE PACIFIC NORTHWEST, WENATCHEE, WASH., MARCH 7, 1967

I am very happy to have an opportunity to talk about NAWAPA (North American Water and Power Alliance) in this particular forum, and at this particular time.

In the first place, I like the company, the auspices, and the constructive tone of the discussion.

In the second, I find that the NAWAPA concept—the concept of continental water management—is growing in terms of its validity as an answer to national and international water problems.

A speaker sometimes finds it is helpful to start defining something by saying what it is not. A Canadian detractor during one of my visits to Canada last year described NAWAPA in these words:

"The North American Water and Power Alliance is not an alliance, it has no power, it has no water, and it is not North American. It was thought up in Southern California and it is just a scheme to enrich a Los Angeles engineering firm."

Ralph M. Parsons, the head of the firm which bears his name and which "thought up" the scheme, would probably like to hear what the critic had in mind about enriching the firm. I have been told that the Parsons Company has invested something over a half-million dollars in bringing the NAWAPA concept to its present state of development.

The results of the company's work were published in the spring of 1964, putting the idea in the public domain. *It is public property.* Mr. Parsons makes no proprietary claims on it. He says he will be amply repaid for his efforts if the idea is thoroughly studied. He is confident the long range answer to America's water problem will involve such a sytem—this one, or some variation or refinement of it.

Being in the public domain, the NAWAPA concept is subject to public analysis and criticism. It is subject to distortion and exploitation by its opponents. It is also open to modification and improvement.

One of the points I would like to make here today is that *NAWAPA is more important right now as a symbol than it is as a specific map routing of a water transfer and distribution system.*

It is the symbol of total water manage-

ment. It embraces the things we need to do to preserve and extend our water resources.

The type of distribution system envisioned by *NAWAPA depends first upon the conservation of our waters and the abatement of pollution in them.* At the same time this type of system is *essential if we are to get the most out of both desalting and weather modification.* The latter is an area in which technology is moving very rapidly and we might look forward to the day when great rivers in the sky transport water from the seas to vast inland basins—water from which nature itself has removed the salt.

If we learn how to stimulate this overhead movement of moisture, we must also have very excellent collection and distribution systems so that we can make full use of the water we've tricked nature into hauling for us.

Similarly, desalting holds growing promise for man. But, as in any other business operation, the economic facts of life make the operation worthwhile only if one has raw materials and markets close together. Our great coastal cities meet this criteria. Desalting will certainly pay off first at the place where there is salt water and people to use the desalted product, but *desalting is no answer in the high inland plains.*

I am told that engineers have a rule of thumb to estimate the cost of moving large amounts of water over vast distances. It costs something like 40 cents a thousand gallons to lift water 1000 feet and move it 1000 miles inland.

Since there is a projected starting cost of about 25 cents to produce a thousand gallons at our newest and biggest planned desalting plants, this means fresh water can be delivered to the high inland areas for somewhere between 50 cents to $1.00 per thousand gallons. Retail distribution costs must be added to this figure. So you can be sure we are not talking about irrigation water. These prices approach $300 an acre-foot.

These are rough figures, of course, but they do serve to highlight one fact. They make it clear how *valuable is the gravity stored energy in the water which nature desalts and deposits in the mountainous areas of the continent. It is this gravity stored energy which NAWAPA exploits to start the continental distribution system working.*

A NAWAPA type system will pay off in many ways. *It will serve conservation and pollution control objectives and at the same time improve the economics of desalting and weather modification.*

We cannot afford to slacken our efforts to develop low cost desalting processes, nor our efforts to find ways to stimulate precipitation. But to make full use of both technologies, *we must have a surface distribution system. This NAWAPA provides.*

In essence NAWAPA is a system for collecting in the high lands of the north some of the water discharging unused into the seas and bringing it to the areas of the continent where it is most needed.

Its primary significance is that it represents the first time the water resource planners have treated the continent as a whole. For the first time, we are looking beyond the brow of the hill which is the rim of the basin, or sub-basin, which has been traditionally the horizon of our water planning.

It is interesting to note that the original NAWAPA plan continues to expand. Its designers, of course, have made it very clear that it represents only a concept, and that when field engineering starts, we will find many ways to improve it. Iit is also interesting to note that NAWAPA has stimulated a new approach to resource development in Canada, which now has at least three subcontinent water collection plans that cover a part of the same ground as NAWAPA.

NAWAPA has three main service stems, or operating regions. One is along the west slope of the rockies and extends from Alaska to the Tamaulipas delta lands of the Rio Grande in Mexico. This western stem is the largest segment of NAWAPA and is of primary importance to the northwest.

The second service area is the vast plains of the central continent. This covers the three prairie provinces of Canada—Alberta, Saskatchewan and Manitoba—and the entire high plains area of the United States from Montana and North Dakota to Texas. This area of NAWAPA has been given less attention than the far west and northeastern regions. It's importance is rapidly growing, however, because *there appears to be no other way of restoring the ground waters of the southern high plains than to bring in new water from the far north.*

The third major service area centers around the Great Lakes. It involves collecting water now flowing into Hudson Bay and redistributing it through the Great Lakes for the benefit of eastern Canada and north-central and northeastern United States. This is the area which offers the greatest hope of early cooperation between the United States and Canada on continental water planning since. In the pollution of the Great Lakes, we share a mutual and urgent problem. There are some indications, therefore, that the first move toward an eventual continental system will be made in the Great Lakes region.

However, it would be ironic, in my estimation, if we found ourselves negotiating for *international* water exchanges before we had arranged for large scale *interstate* or *interbasin* exchanges within the United States. I don't think this will happen, for the simple reason that *we must have a national system of water distribution before we can take advantage of a continental system.* I am optimistic that we will reach both objectives simply because I have immense confidence in the good sense of the people on both sides of the border.

I was in Canada twice last year to discuss Nawapa—the first time in June when I appeared, with the late General A. L. G. McNaughton, before the Royal Society of Canada at the University of Sherbrooke near Quebec, to discuss the concept and aspects of Nawapa, and the second time in August when I spoke at one of the sessions of the 1966 water quality symposium in Montreal.

I was received courteously by both the distinguished scholars and scientists of the Royal Society, and by the representatives of the water-conditioning business at the symposium who were seeking new ways of attacking water pollution. In both groups I found a consuming interest in the Nawapa concept, and for the most part, a willingness to consider it with open minds.

Frankly, some of our Canadian neighbors have strong reservations about exporting water to the United States. Others are willing to assess their supplies, see what they will need for themselves, and then find out what consideration the United States wants to offer for their surplus water.

In every speech I have made, and in private conversations with Canadian leaders, I have made it clear that we in the United States are, and must be, interested only in *surplus* water, and then only after Canada has measured its water and projected its own ultimate requirements, and has found that it would be in Canada's own self-interest to sell its surplus water to the profitable market south of the border in both the United States and Mexico.

Preliminary studies indicate that it is technically feasible and economically sound to collect, store and redistribute unused water from the northern reaches of the continent. And, unlike oil and uranium, *water can be marketed on a sustained yield basis.* If the producing areas are properly managed, they will continue without depletion to produce a "profitable crop" for export.

I said at Sherbrooke that both countries have a lot of homework to do before we can make up our minds to enter into a long term agreement for trade in water.

NAWAPA, as a continent wide distribution system, depends upon the water harvest from many producing areas. The first thing we must do to assure a continuing return from the $100 billion investment required for NAWAPA is to make a detailed water inventory and to make sure we are taking care of those water producing areas. We must be sure we do indeed have a continuous supply of surplus water to distribute.

The second thing we have to do is clean up the water courses we want to use in the distribution system. This means full steam ahead on pollution abatement.

Third, we must take a hard look at how we use water, to make sure we get the most mileage per gallon. This means *improving water using industrial practices,* and examining irrigation and other agricultural practices in order to get the most for our money. *We need to exercise discipline in domestic use of water.*

And finally, we have to provide for the collection, storage, transfer and distribution of water.

These things can't all be done in sequence. There is no order in terms of importance or chronology. But these are the half-dozen things we can do about our water resource, and we have to do them all. Furthermore, we have to do them all at the same time, and from now on.

One of the great values of the NAWAPA studies is that they have brought these other objectives into perspective. While NAWAPA appears to deal only with collection, storage, transfer and distribution, it will be no good without conservation, pollution control, efficient utilization and discipline. It will also make desalting and weather modification more worthwhile.

It has one other great value. The concept of a continental system affords a context in which we can discuss interbasin transfers within the United States.

The Canadians chide us on the fact that we want them to join us in a continental water system but that we are not yet in agreement as to how we might connect up the several parts of our own system. They have a point. We do not have a very strong posture from which to bargain for imports.

NAWAPA, or something like it, is coming, simply because it makes so much sense for both Canada and the United States. I offered two stipulations at Sherbrooke. They are the starting point for negotiations on trade in water.

The first stipulation was that the Canadians and Americans want to live together in constructive peace for a long time, a very long time.

The second was that between us we occupy a continent-sized piece of real estate that is more favorable to man than any other comparable area of the world and if we want to stay here, we had better take care of it.

NAWAPA makes it immediately profitable to do so. It will provide the U.S. with water and strengthen our economy, but it will also strengthen our neighbor. It will provide Canada with a continuing inflow of investment capital for further development of her farms and factories. It will make both of us concentrate on conservation and pollution control—concentrate on taking care of nature's endowment.

The Pacific Northwest offers a clear demonstration of what this approach to the care and development of water resources can mean.

The Columbia River treaty was a great step forward, but all of the dams built or currently planned on the Columbia and its principal tributaries will not provide enough storage capacity for proper river regulation.

The NAWAPA plan would provide a degree

of regulation of the Columbia which would wipe out its flood peaks and its low water troughs, stabilizing flow sufficiently to permit greatly increased power generation even from the existing and currently programmed facilities.

The advantages are quite apparent from a glance at flow variations. In the years we've been keeping records, the people along the Columbia have witnessed a high flow nearly thirty times the low flow. The recorded high was 1894, the recorded low 1937. During a single year, however, the high can be five times the low.

If the Columbia system is integrated into a continental system, the northwest empire can be assured of enough water for all its foreseeable needs, and get better use of the water in the Great Columbia artery itself.

The principal feature in this regulatory system would be the Rocky Mountain trench reservoir. Water brought from Alaska, the Yukon, and northern British Columbia would be stored in a great inland sea, stretching 500 miles from the Fraser River gap near Prince George in central British Columbia to the Kootenay outlet in Montana. This reservoir would have a storage capacity for a five year supply of water for the western stem of Nawapa. The indicated effect on the Columbia would be to increase the base flow at McNary Dam by 8700 cfs while lowering flood crests by 60,000 cfs.

NAWAPA would have a similar influence on the clearwater, greatly increasing its hydroelectric potential and decreasing its flood damage potential.

Similar benefits are indicated for all the rivers that are joined in such a continental system. I believe the more we study the idea, the more advantages we will see in it.

The NAWAPA concept was initially evaluated by a subcommittee of which I was chairman back in 1964. On the basis of a comparison of this system with an inventory of all the water resource projects foreseeable for the next twenty years, we found that NAWAPA would provide twice as much water for about 25 percent more investment, and was subject to expansion. The advantages of NAWAPA have become even clearer since.

The very magnitude and daring of the NAWAPA concept have made us raise our sights, all of us, about water resource planning. It undoubtedly shaped President Johnson's recommendation for a National Water Study Commission to develop an overall national water policy.

That bill, introduced by your Senator Jackson, and passed by the Senate twice, is now under consideration in the House. It was lost last year in the debate over two additional federally financed power dams in the Colorado River. I believe its chances are better this year.

Before Canada and the United States sit down to talk about joint water resource development, both must do a lot of homework. The proposed National Water Commission, or some similar overall agency, could be the vehicle to get a lot of our homework done.

The type of discussion we have had here today is an important part of that homework. Public enlightenment is the only foundation upon which two sovereign governments can base an agreement. Similarly, public enlightenment and recognition of the total interdependence of the States of the United States, are the building blocks of a national water policy which will assure preservation of our precious water resources.

If my Sherbrooke stipulations that we have to take care of—and share—our resources in order to live on this continent in abundant and productive peace with the Canadians are valid; then equally valid and even more sharply apparent would be a stipulation that we Americans must do as much with our water resources here between our States and our regions!

THE NEED FOR WORLD COOPERATION IN FOOD PRODUCTION

Mr. HARTKE. Mr. President, Herman S. Kohlmeyer of New Orleans is a distinguished member of the National Advisory Commission on Food and Fibers, as well as being a member of the board of governors of the New York Stock Exchange and senior partner of Kohlmeyer & Co. Mr. Kohlmeyer, upon returning from a recent European trip, was interviewed by the economic columnist, Eliot Janeway, concerning the problems faced in the production of food in the midst of the world population explosion. Mr. Kohlmeyer's observations on the diet of Europeans today and how it is changing, with its accompanying implications for our own agricultural production, are of interest. But perhaps a greater significance is the belief expressed in the last part of his interview that the growing food demands for a growing world population require that there must be increasing specialization by the various countries in those crops and foodstuffs which they can best produce: "Let Cuba grow sugar, and let America grow wheat and beef."

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

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

[From the Chicago Tribune, Feb. 2, 1967]

POPULATION GROWTH CALLS FOR COOPERATION

(By Eliot Janeway, Consulting Economist)

NEW YORK, Feb. 1—Evidence of industrial slump is developing—in Europe as well as in America. But it appears that any recessionary trend will be offset by marked gains in at least certain sectors of the world farm economy.

For analysis of the relative strength developing in fundamental crop supply-demand relationships, this column interviewed Herman S. Kohlmeyer of New Orleans, senior partner of Kohlmeyer & Co., a member of the board of governors of the New York Stock exchange and of the National Advisory Commission on Food and Fibers.

JANEWAY. You have just returned from a trip to Europe. Are diets there up to American standards?

KOHLMEYER. People in Europe, particularly in eastern Europe, are certainly beginning to eat more high-protein foods. In fact, even in the communist countries, Americanization of the diet is beginning to compete for priority with industrialization.

JANEWAY. Is Europe able to produce sufficient high-protein foods to meet its needs?

GOOD BEEF LUXURY

KOHLMEYER. No, not yet. Quality beef is still a luxury there. To provide meat, the Europeans are simply increasing their dairy herds—with the unhappy result that they're not only producing poor quality beef but an oversupply of milk, cheese and butter. As a matter of fact our good European friends are putting considerable pressure on us to let their dairy products into this country—as if we didn't have plenty of our own to worry about. What with the cholesterol scare and the oleo that you can't tell from the high-priced spread, the bottom could well fall out of our own butter business.

JANEWAY. What protein foods are in quantity supply in Europe?

KOHLMEYER. Chicken is one. Europe began importing frozen poultry from America about 10 years ago. Then, Europe decided to start raising its own chickens and began importing our breeders. Europe is, however, more dependent than ever on us for soybean meal: Without it, you can't raise poultry. Soybean meal is the basic feed not only for poultry, but for cattle too.

BULLISH FOR SOYBEANS?

JANEWAY. Then you would be bullish about the future for soybeans?

KOHLMEYER. Not for soybeans, but for soybean meal. I think there will be a surplus of soybean oil. There are many kinds of oil, but good meal comes only from soybean and cottonseed; and cotton meal production has been severely restricted because of the effort to reduce the cotton surplus. If the animal and fowl population of the world is to increase enough to support the growing human population in the style to which it is getting accustomed, there should be a real feed crop boom.

JANEWAY. What's the outlook for sugar?

KOHLMEYER. Not good. Like dairy products, it's being overproduced and synthesized, and I think we will eventually have to stop growing sugar beets and sugar cane here. Our domestic price is five times the world price, and that's ridiculous.

JANEWAY. Are you optimistic about the possibilities of cooperation between Washington and the European governments on agricultural protectionism?

KOHLMEYER. No. I think we're still a long way from that.

JANEWAY. What do you think of the prediction of a world food shortage by the 1980's?

POPULATION BASIC PROBLEM

KOHLMEYER. The basic problem, of course, is the population explosion, which is just beyond the imagination of the average person. In Ceylon 20 years ago, the life expectancy of a girl baby was five years. Today it is 60. And when you consider that every girl child who lives is a potential producer of more babies, the statistics really get astronomic.

A further complication is the fact that people everywhere not just in Europe, are eating better, and that once a man learns to eat steak, he isn't going back to cassava root. But only a small amount of the earth's surface is arable, protein-producing land. We can't plant crops in the desert in the face of an impending water shortage. The seas are being fished out.

So that, basically, if we're ever going to keep up with the world's food needs, we'll have to get the most we can out of every square foot of productive land; that is, each country is going to have to raise only what its land grows best. Let Cuba grow sugar, and let America grow wheat and beef. World food production, like industrial production, needs division of territory.

EAST BENCH UNIT OVERCAME THE ELEMENTS

Mr. METCALF. Mr. President, the January 1967 issue of Reclamation News, published by the National Reclamation Association, includes an article on one of the most successful new reclamation projects, the East Bench unit in western Montana.

The article was written by my former colleague in the House of Representatives, the Honorable Wesley A. D'Ewart, who is now National Reclamation Association director for Montana.

I ask unanimous consent that the article, entitled "Drought, Heat, and Wind Overcome by New Reclamation Project," be printed in the RECORD.

There being no objection, the article

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

DROUGHT, HEAT, AND WIND OVERCOME BY NEW RECLAMATION PROJECT

(Report by Wesley A. D'Ewart, NRA director for Montana and former Member of Congress)

Last summer Madison and Jefferson Counties in Southwest Montana suffered the worst drought in thirty years. In the spring there were very cold nights, and during the summer growing season, hot winds. This is a livestock country and the result was disastrous to the industry. There were short range-feed, short hay crops and failure of grain crops—except for East Bench lands.

Fortunately this was the first year of a ten year development period for the East Bench Irrigation project located in these drought-stricken counties. The new project provided water for 13,000 acres of grain and 2000 acres of hay and pasture. The 65 operators on this project last summer describe the result as excellent, and certainly the benefits of irrigation were never more vividly illustrated.

At the present time, one-fourth of the land in production is served by a sprinkler system and the remainder is irrigated by gravity. Water costs will vary during the development period but Mr. Richard H. Kennedy, the project engineer, estimates them to average about $3.00 per irrigated acre.

Mr. Kennedy states "This is strictly a development phase for this land. The operators went into this venture well aware that expensive preparation would be necessary before their production hopes could be achieved. We term it a ten-year development project—and that's exactly what it is; the fact that many of these first-year units are productive and providing excellent crops is truly phenomenal to us."

The ranchers and town people who live in this drought-stricken area are truly thankful for the East Bench Project. Never was the first unit of a project completed at a more opportune time, and the ranchers—truly appreciative—are willing to continue to raise capital for their costs on the remainder of the development.

When completed, the East Bench Project will provide water for 49,000 acres. There will be supplemental water for 28,000 acres and full irrigation for 21,000 acres. Storage for the project will be provided by the Clark Canyon Dam on the Beaverhead River located just below the junction of the Red Rock River and the Horse Prairie Creek. On the right abutment of the dam are headworks for Canyon Canal, serving the supplemental land in the valley, and headworks for the Bureau of Reclamation's 44-mile-long East Bench Canal, which serves new land on a bench above the valley.

In addition to the obvious benefits of irrigation development and the stabilization of the local and regional economy, the unit will provide such benefits as flood control and recreation. Some four miles of U.S. Interstate Highway 15 will parallel the east shore of Clark Canyon Reservoir and thousands of visitors will be able to see the blue waters of the lake. Picnicking, boating, fishing and camping will be enjoyed. The park Division of the Montana Highway Commission is developing a very pleasant recreation area near the dam. Day use, camping, and cabin sites are being provided in accordance with plans prepared in cooperation with the National Park Service.

For many years the problem faced by the ranchers in the Beaverhead Valley has been the erratic water supply of the unregulated stream. With a stable supply stored in Clark Canyon Reservoir, the ranchers will be able to plan long-range programs, thus providing a continuing contribution to the entire economy of the area.

Mr. O. A. Bergeson, a long time member of the National Reclamation Water Users Committee and for many years Treasurer of the Montana Reclamation Association was a prime supporter of this project and to him goes much credit.

Constructed by the Bureau of Reclamation under the $25 million East Bench Project, the bench land developed is under operation and maintenance of the Bureau of Reclamation for a period of 10-year development, which began January 1, 1966 but could terminate earlier if users desire. Management would then be turned over to the East Bench Irrigation Company, with members repaying construction costs under a 40-year plan. Owners of that valley land which receives supplemental water organized the Clark Canyon Water Supply Company, and have contracted with the United States for additional water from Clark Canyon Dam to supplement an inadequate water supply from existing water rights. Mr. Phil Cotton is president of the Company.

Elsewhere in southwest Montana, plans are under study by the Bureau of Reclamation for the Jefferson-Whitehall Units of the Three Forks Basin. These proposed units are located along the Jefferson and Missouri River. Storage would be provided by Reichle Dam on the Big Hole River, a tributary of the Jefferson. This project would deliver a full water supply for 42,390 acres of new land and a supplemental supply for 15,190 acres of presently irrigated land in an area not far from the East Bench Project. The 90th Congress is being requested to authorize this project. Results of East Bench prove the value as a federal investment to counter nature's war against farmers and stockmen.

ELECTORAL COLLEGE REFORM

Mr. ERVIN. Mr. President, an editorial recently published in the periodical of the American Good Government Society, the Federalist Today, deserves to be brought to the attention of the Senate.

The editorial suggests that the American Bar Association reconsider its recommendations on electoral college reform in view of the implications it has to our federal structure, and I wish to associate myself with this view.

While the editorial is concerned with the recommendation of the ABA on revising the electoral college system, it contains many trenchant remarks on our federal system.

Mr. President, I ask unanimous consent that the editorial entitled, "Lawyers as Constitutionalists," published in the January issue of the Federalist Today, be printed in the RECORD.

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

LAWYERS AS CONSTITUTIONALISTS

"I do not believe there are more than a very limited number of persons, perhaps a hundred, who really know what is in the Constitution of the United States," Dr. John J. Tigert, U.S. Commissioner of Education, October 1924.

"Lawyers are being graduated from our law schools by the thousands who have little knowledge of the Constitution. When organizations seek a lawyer to instruct them on the Constitution they find it nearly impossible to secure one competent," Committee on American Citizenship report to the American Bar Association, Denver, Colorado, July 1926.

"Today ideas of public law imported from Continental Europe are being taught and urged against our American legal-constitutional polity . . . We are told that bills of rights are founded on eighteenth-century philosophical ideas of natural rights which the World has outgrown. We are told that the separation of powers and consequent high position of the judiciary are not more than an eighteenth-century political fashion based on a mistaken notion of Montesquieu as to the British constitution of his time. In the rise of political absolutism throughout the world, we, too, show signs of becoming infected," Roscoe Pound, Harvard Law School, May 1942.

These observations were brought to mind by a careful reading of the report of the American Bar Association's Commission Electoral College Reform published this month. We have discussed these observations with a fair number of lawyers over more than twenty years. None doubted their validity when made, nor the continuing prevalence of the conditions which prompted them; and their profound effect on the general run of lawyers.

These recollections and the reasons they are so vivid in memory do not qualify a layman to measure the competence of lawyers in the practice of their profession. But one need not be a lawyer to understand the Constitution of the United States as a limited constitution of government; or to comprehend the separated Legislative, Executive and Judicial Powers as related parts of the limited sovereignty of the United States; or to envision the balance, proportion and symmetry of its political structure, and how all this imposes the shape of the American Political System.

Conversely, lawyers can be most proficient in the Courts of Law and in every phase of their legal practice, and still know damned little about these questions of Constitutional-polity.

Yet, it is these Constitutional-polity questions that make up the entirety of the work of the Commission on Electoral College Reform. The subject is the form and manner of representation of the People of the United States in choosing the "President of the United States of America." The report does not suggest a profound knowledge of the subject.

Whether he does or not, *every lawyer should know* that the People of the United States wear two hats, that is, they are at once Citizens of States and Citizens of the United States, and that they are represented in the United States Senate as a body of people composing a State and in the House of Representatives as Citizens of the United States.

Whether he does or not, *every lawyer should know* that the People of the United States in both of their characters make up the constituency of the President of the United States, and that he represents them in both their characters at the same time.

Whether he does or not, *every lawyer should know* that in national elections each voter wears his two hats to the polling place: under one he votes for United States Senators; under the other he votes for a Representative in Congress; and under both he votes for President when he votes for "Senatorial" and "Representative" members of the Electoral College.

If the members of the House of Delegates of the American Bar Association know these simple things about our Constitutional structure they will also know that their Commission's recommendations go so far beyond Electoral College Reform as to restructure the whole Constitution and consequently the political system.

If they wish to do this, well and good. But they should do it knowingly.

At stake is the political structure of the United States. Also involved are their own reputations as Constitutionalists.

MILITARY CONSCRIPTION AND THE SELECTIVE SERVICE SYSTEM

Mr. TOWER. Mr. President, a comprehensive and thoughtful analysis

of the selective service decisions facing Congress and the administration was published in Army magazine in February. I commend to the attention of the Senate this article by Col. Samuel H. Hays, and ask unanimous consent that it and its supporting tables be printed in the RECORD.

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

MILITARY CONSCRIPTION IN A DEMOCRATIC SOCIETY

(By Col. Samuel H. Hays)

(EDITOR'S NOTE.—*Colonel Samuel H. Hays, Infantry, is Director of Leadership and Psychology on the faculty of the United States Military Academy, a post he has filled since 1965 and is on his second tour on the Military Academy faculty. A 1942 graduate of the Military Academy, he has had a number of troop and command assignments and is a graduate of the Command and General Staff College and the Army War College. He holds a Master's degree from Columbia University. This article is drawn from a working paper he submitted for the Conference on the Draft at the University of Chicago in December.*)

The problem of providing manpower for our Armed Forces has been with us since the founding of the republic. For the past 188 years the ultimate source of military manpower has been the citizen selected from among his peers. Since the sound of gunfire faded away in Korea, the Armed Forces of the United States have been procuring from all sources between 600,000 to 900,000 men annually. The obligatory provisions of the Universal Military Training and Service Act of 1951 as amended have provided the incentives for both voluntary enlistments and officer procurement programs as well as providing from 13 per cent to 41 per cent of this annual intake. During this same period of time the numbers of young citizens eligible under the provisions of the act for military service grew steadily from 10,590,000 to 13,360,000 with a steadily decreasing percentage being required to perform some type of military service.

The larger draft calls of early 1966, which placed students in a vulnerable position, aroused some of the more vocal and outspoken segments of our society and have stimulated a public debate over the inequities and problems surrounding the workings of the selective service system. As the debate has developed, not only have the inequities, always associated with selective service, been brought to light, but the fundamental philosophy and purposes behind the act have been seriously questioned for the first time in nearly 15 years.

Through all the criticism and complaint runs a strong element of demand for uniformity of risk, equity, justice and consideration for the individual. To citizens steeped in our liberal democratic traditions, this search for individual equity and justice has great emotional and logical appeal, a fact which the Congress fully recognized when it passed the act in 1951. The popular outcry in behalf of the traditional liberal creed should not obscure the fact that American society as a whole has a serious interest in the issues involved nor drown out the viewpoint of the Armed Forces who must use the products of the system.

Although on the surface the discussion over the operation of the Selective Service System appears to be largely over its mechanical operation, in reality there are fundamental social issues at stake. The principal issue is how best to raise and maintain in a democratic society the efficient and effective Armed Forces which our country needs in its present world position. Allied to this issue is the problem of the manner in which the Armed Forces should relate to the society which raised them. Finally, there is the issue of the relative value which should be placed on the overall welfare of society as compared to the demand for equal individual treatment. These are not easy issues to resolve. They have been the subject of discussion and controversy since the founding of the republic. Indeed the founding fathers in their day arrived at a general consensus on the subject which unfortunately we, today, are unable to apply to our greatly changed circumstances.

Today, we find ourselves, willingly or not, in a position of pre-eminent world power during a period of rapid and accelerating technological and social change. These conditions directly influence the type and size of forces we must maintain and the problems involved in their recruitment. Most agree that our international position, with the extensive responsibilities which our power position endows us, requires the maintenance of Armed Forces of a much greater magnitude than in previous eras. Our experience in World War II and Korea taught us that the purpose of world peace and our national security were best served by maintaining professional land, sea and air forces adequate to meet the international commitments we felt necessary in our national interest.

Since the end of the Korean War the Department of Defense has felt that such forces must amount to over two and a half million men organized to cope with a variety of situations. Whenever we have tried to reduce these forces a crisis arose, such as that over Berlin or Cuba, which forced us to rebuild them. Further, the advent of nuclear weapons, the increased speed of communications and transportation have greatly reduced mobilization and readiness times and of necessity placed an increasing priority on immediate ready forces. The sequence of events in Lebanon, Berlin, Cuba, Dominican Republic and now Vietnam have clearly shown that if we are to contain conflict, keeping it within manageable proportions, we must be able to move our forces fast enough and in sufficient strength to influence the action at the earliest possible time. The organization of the Strategic Air Command and subsequently the STRIKE Command constitute an organizational response to the requirement.

The type and size of forces required is also affected by increasing qualitative requirements of military forces. The accelerated rate of contemporary technological advances dramatically portrayed in our space programs and missile weapons development is having a profound effect on the internal structure of our forces. Each year the weapons systems, vehicles, communications systems and associated equipment become more sophisticated, more complex, and more specialized. The demand for skillful and highly articulated teamwork resulting from the development of nuclear powered aircraft carriers, Polaris submarines, and the airmobile division are far beyond similar demands of World War II or Korea. At the end of World War II the technical, mechanical and military administrative assignments in our services were less than half of all enlisted positions. By 1954, they had grown to nearly 60 percent and today they amount to nearly two-thirds of all positions filled. Even these figures fail to tell the full story because each skill position has substantially increased its technical and educational demands on the individual who must fill it. While the basic requirements of the fighting man for endurance, emotional and physical stamina, leadership, courage and practical intelligence are still in demand, they alone are no longer sufficient to cope with today's technical weaponry and complicated operational techniques.

Thus we find that the members of our forces must be more carefully selected from the point of view of mental capacity, technical aptitude and social maturity. More members must be sent to specialist schools for longer periods of time. Units require longer training times to develop the same degree of combat efficiency in the tactical employment of their weapons that they did in the past. In addition these increasing complexities create an increasing requirement for adequate motivation, social solidarity and cohesiveness in our military units. Today's forces require a high degree of teamwork involving a wide variety of man-machine mixes capable of dealing with a wide spectrum of problems.

The increased size of the standing forces required, the necessity for more rapid action, and the increased lead times required for weapons production and personnel training have had an obvious effect on our traditional military posture. The concept of the small regular force as the base around which to mobilize the civilian soldiers of our reserve forces has faded more and more into the past. As the immediate show of force has become more frequent, partial or general mobilization has tended to become an increasingly less desirable alternative. We are thus being required to depend more and more on active duty forces and, short of a general emergency, able to place less reliance on large reserve forces or on long-term mobilization. While we must continue to retain our extensive reserve resources as insurance against the all-out emergency, we must also take into account our increased reliance on efficient combat ready forces organized in proper proportions for such missions as can be anticipated.

In the light of the conditions just described, the first basic issue of how best to maintain the efficient combat ready forces we need involves at least three major problem areas. One that taxpayers tend to think about most frequently is the cost. Our national budget provides mute evidence that our appropriations for defense and military forces absorb almost half of our programmed funds. The economic costs of the more complex weapons systems, the costs of education and training, the costs of maintaining larger numbers of higher paid personnel increase year by year as new developments and new situations create new demands. All would join in agreeing that one of our high priority goals should be to have the most effective Armed Forces possible for the least cost.

A second problem area which has plagued the services for the last decade is how to procure the high caliber officers and men required and how to retain them on active duty at least long enough to amortize the investment in their education and training. By its very nature an armed force with its hierarchic structure and its innate requirements for combat readiness requires a reasonable turnover of officers and enlisted men in its lower grades. Combat conditions place a premium on youthful agility, stamina, audacity and courage in the junior grades, coupled with the stability, judgment and maturity of age, normally associated with the more senior positions. Problems of career progression, promotion, and rotational assignment indicate an annual turnover of about 15 to 20 per cent, largely concentrated in the junior grades. However, such a turnover should not denude the services of their skilled specialists or most promising leaders. Despite the extensive efforts to make the pay and career opportunities attractive, all services have had to rely heavily on other motivational factors in order to gain and retain the necessary level of talent. The rather negative view of liberal democratic society toward military careers tends to make recruiting difficult and has forced reliance on obligatory service to maintain both strength and skill levels.

A third problem area in maintaining efficient forces stems from extensive fluctuation in military strength levels, personnel procurement programs, and force deployment. The same recurring crises which require the existence of our standing forces tend to

create problems in their maintenance. Vietnam, the Berlin crisis and the Cuban crisis were all reflected in increased draft calls, sudden changes of plans, family dislocations and not infrequently individual hardship. These fluctuations create many uncertainties in the plans of young men eligible for induction into the service as well as in the plans of those already serving. On the national level they make installation planning and programming subject to fits, starts and frequent reversals. No person or agency connected with the services is entirely immune from these abrupt changes. Even educational institutions and employers of inductees must shoulder a part of the burden. Such fluctuations underlie many of the basic inequities caused by the highly variable and frequently unpredicted draft calls. They create part of the difficulty in retaining highly trained people in the service. Those who have served during the past 15 years have lived lives of intermittent crisis and tension. Thus raising and maintaining our active forces are not easy under the best of conditions. They require the most efficient and flexible manpower management system we can devise. Every available incentive and management technique must be employed if the resources we devote to national defense are not to be misused or wasted.

Social and technological change, and the complexities and tensions which it engenders, places an additional emphasis on the motivation, morale, teamwork, and loyalty of the Armed Forces. Our society places a heavy responsibility on them and rightfully expects them to produce. Their motivation, morale, and teamwork are affected by a wide variety of factors. The educational and social level of their membership, caliber of leadership, and the severity of deprivation of the normal advantages of civilian life all play a significant part. Underlying them all is the degree of social approval and recognition which each member thinks he receives in return for his deprivation, risk or sacrifice. While this recognition can be expressed to some degree in terms of pay, housing and fringe benefits, it is more importantly a function of prestige, status and public recognition. The motivation and morale of our force is not a constant which can be taken for granted as it stems from individual and group needs over time and under varying conditions. In many ways it is easier to procure and develop the technical equipment used by the forces than it is to procure the men needed to put it into battle.

Thus today more than ever before the Armed Forces must relate positively to their society. Their members must perceive that they are performing a vital social function and one which is recognized and awarded an appropriate status by the society as a whole. It is perhaps equally important to the welfare of the society that this relationship be positively and continuously expressed. The rapid social change we are now facing with the weakening of community and isolation of the individual emphasizes the importance of those institutions which can provide some elements of stability. The Armed Forces have been identified as agencies useful in inculcating social discipline and a sense of national purpose and in teaching individual responsibility and group living.

It does not take extensive research to discover what has happened when the military forces of a society become estranged or isolated from the society which supported them. When citizens no longer feel responsible to perform military service, it is difficult for them to develop much interest in the military forces or their duties and responsibilities. In return when soldiers no longer consider themselves understood by the community and not full citizens in the true sense of the word, the ensuing gap between military and society becomes difficult to bridge. Whatever solution might be chosen to solve the problem of manning military forces, it should include measures which would maintain the close relationship between the civilian society and the military institution which has been achieved during the past 25 years.

The third basic issue, equity and justice for all individuals, must be given its true importance as has been indicated by the Congress. However, when equity for the individual and the welfare of society as a whole are inconsistent, decisions for society may be hard decisions to make and it may have to accept the resulting dissatisfaction and criticism. Unfortunately, true equity is hard to achieve in military operations. Inequity results when some serve while others escape. However, inequities also occur even among those that serve. No one could find much equity between pounding a typewriter in the Pentagon and carrying the M16 rifle in the jungles of Vietnam. Although the Services do what they can to distribute risk, hardship and discomfort through periodic rotation, the burdens and risks of military life are most unequally distributed both in peace and combat. In many ways the differences in sacrifice between those who are called to the service and those excused are less drastic than the differences which result from different assignments in the Services. Saying this, of course, does not remove the problem of the growing gap between those required to serve and those who are not. What it does say is that regardless of the system devised or the course chosen, inequity will exist and there will be those dissatisfied because of it. While we may not be able to do much about equality of sacrifice in the national interest we should do what can be done to see that the system of selection for service is efficient, just, and produces the best possible result for society as a whole.

Considering our general situation and the fundamental issues involved, we may now examine our existing system of selective service to determine how well it has filled our requirements. We are immediately struck by the fact that it is essential in maintaining the strength of our Armed Forces. Despite our very best efforts during the 1948–1949 period, we were unable to maintain the relatively modest levels authorized during that period. Further, the quality and motivation of the personnel recruited during that period were too often marginal. In an infantry battalion during that period one might find only two or three high school graduates in nearly a thousand men. Technical proficiency was not at a high level. Delinquency and court-martial rates were. The costs stemming from misuse of equipment, from vehicle accidents as well as those associated with the administration of disciplinary punitive systems were proportionately high. These hidden costs were multiplied many times over when the forces raised under the volunteer system were committed suddenly to combat in Korea.

As Selective Service brought in an increased volume of manpower needed for the Korean build-up, the personnel make-up of services changed perceptibly. There was a marked increase in educational levels, skill levels, and efficiency among those brought into the service. During the months of continued high draft calls there was an increased number of volunteers who displayed many of the same characteristics as those who were drafted. However, disciplinary studies made during that period tended to show that military delinquents were more likely to be volunteers than draftees, have less education, be younger, come from backgrounds with fewer economic and social advantages, and have displayed more pre-Army delinquent behavior than draftees, factors generally related to unconcern with commonly accepted rules of behavior. A larger proportion of delinquents than draftees stated that they had planned to make the Army a career.

Following the Korean War, as the draft calls declined, so too did both the number and quality of those volunteering. The numbers drafted amounted to the number required to provide sufficient incentive for the volunteers plus the number needed to fill the spaces they didn't fill. During the mid-fifties the percentage of volunteers climbed slowly from about 60 to, in some years, over 80 per cent. However, once again the high school drop-out became the typical volunteer and the frequency of delinquency with its associated human, material and economic costs began to rise. In 1958, the Department of Defense sought and obtained authority to raise the mental and physical standards for draftees. The reasons for this move were the increasing demand for highly qualified men with the advent of new weapons, the growing surplus of eligible men in the draft "pool", and the desire to improve the effectiveness of military manpower through reducing costs incident to the administration of discipline and administrative discharges.

This increase in entrance standards brought in some dramatic changes. The Army was able to close down four out of five of its disciplinary barracks. Noteworthy as the gains were, the most telling gains resulted from the increased proficiency and professionalization of the military units themselves. A significant result of the increase in quality input was the steady improvement in reenlistments during this period, reflecting higher morale, greater satisfaction with the service and improved primary group solidarity.

During most of this period of relatively low monthly calls, the Navy and Marine Corps and Air Force were able to supply all of their personnel needs by volunteers. However, the same draft calls that stimulated individuals to volunteer for the Army stimulated volunteers for other services. Draftees continued to be older and have higher educational levels than volunteers as Table II clearly shows.

This variation of distribution of accessions by educational level tends to remain relatively constant as is confirmed by the distribution as of 31 December 1963. The fact that this higher educational level is essentially the result of the concentration of drafted personnel in the Army is shown by the table of distribution of enlisted accessions to the Army during the first six months of 1962 (Table II.)

Age is another factor which bears directly on the quality of military accessions. The number of variables which influence this factor are difficult to unscramble. Physical

TABLE I.—*Education of men inducted and enlisted from Jan. 1 to June 30, 1962*

[In percent]

Educational level	Department of Defense	Army	Navy	Marines	Air Force
College graduates	1.5	3.3	0.3	0.4	0.6
2 or more years college	6.1	10.4	1.8	2.4	5.3
Some college	13.6	17.3	4.5	6.4	18.0
High school graduate	66.1	63.5	51.4	62.8	81.1
2 or more years high school		85.3	79.7	83.2	
Some high school	92.4	90.5	90.4	92.1	96.3
Graduate of grade school	98.0	98.0	97.3	97.9	98.7

TABLE II.—*Education of men entering Army from Jan. 1, to June 30, 1962*

Educational level	Inductees	Percent	Volunteers	Percent
4 years or more college	2,769	6.4	1,195	2.4
1 year or more college	9,482	21.8	7,773	15.6
12 years of school or more	27,649	63.7	28,926	58.1
Less than high school	15,781	36.3	20,825	41.9

TABLE III.—*Age levels of men entering the services, 1950–65*

	1950	1952	1954	1956	1958	1960	1962	1964	1965
Median age	23.6	22.9	22.7	23.0	23.8	24.5	24.2	24.0	23.9
Largest age group	20	21	21	20	20	20	20	21	21

agility and stamina are generally associated with youth. After screening out the physically disqualified the optimum age for physical performance would appear to be from age 18 to 25. Similarly the optimum age for military performance is difficult to gauge. Studies made following World War II tended to indicate that peak performance appeared to occur just over 25 years of age. As we have seen, the 19-year-olds tend to be less stable and mature and more prone to delinquency than those 20 and above. Men over 30 tend to develop more problems and are less agile physically. Thus optimum military age lies some place between 19 and 30. The age levels produced by our military procurement programs over the past fifteen years have stayed well within the limits defined by the study as shown in Table III.

The advancing ages after the Korean War can be attributed to increasing percentages of personnel of the Regular Forces age 40 and over and the somewhat advancing ages of those inducted due to reduced draft calls.

As the higher draft calls for the Vietnam build-up have called in successively lower age groups, they have provided incentives for increased volunteering among these same lower age groups. This can be expected to lower, in some degree, the educational levels and the civilian skills possessed by those inducted. In addition, both the Navy and the Marine Corps have had to request the allocation of some draftees to fill their requirements.

Officer procurement programs are affected by induction calls in much the same manner as are voluntary enlistments. As calls declined after the Korean War, ROTC enrollments tended to decline and officer candidate programs were drastically reduced. As the calls increase, more college students seek to enroll in ROTC, thus enhancing the program both in numbers and in quality. The Vietnam build-up has seen an extensive expansion of the officer candidate program.

All the services have been under a severe strain to receive, train and deploy increased numbers of recruits while organizing and equipping new units and sending them overseas—all without the benefit of a reserve call-up. That this operation has been as efficient and as effective as it has been is a tribute to the quality of leadership and the high quality and motivation of the men procured both by volunteering and through the operation of the selective service.

Our commanders in Vietnam have been unanimous in their praise of the quality of the soldiers being provided. Even a cursory glance at our training centers today reveals ample evidence that we are producing a high quality of soldier. It is exceedingly doubtful whether we could have manned our modern air, sea and ground units without this high quality. In terms of contributing to the efficiency of the Armed Services it would be safe to say that the Selective Service System as it now stands today has successfully passed the ultimate test of battle.

In terms of relating the Armed Forces to society, the steady mixture of selective service men in the ranks and ROTC graduates among the officers have continued to maintain the integration of the military institution with society at large. As far as the Services are concerned, they visualize themselves as a part of American society performing a vital service for the nation.

Has the system been just and equitable? This depends on the yardstick used to measure the results. If one uses the yardstick of uniformity or equality of risk, it has not been particularly equitable. As previously mentioned, equity in the military service can only be gauged in relative terms, as absolute equity is not available. If one measures justice in terms of adherence to law, regulation, and principle of local selection by one's neighbors, one could say that the system has been just. Perhaps equally vital to the national interest is the question of whether it has been the most efficient and best allocation of our human resources. This suggests still other questions, questions of deferment for vital occupational skills, age at induction and quality of personnel inducted. Only too often these questions become entangled with the questions of equity.

Still another issue habitually inserts itself into any discussion of obligatory military service. Should the military services be used as an educational and socializing agency in our democratic community in order to provide educational opportunities, social discipline, and medical assistance to the lesser privileged elements of our society? Since the turn of the century this idea has repeatedly raised its head during discussions of military preparedness and Universal Military Training. It lay behind the proposed STEP (Special Training and Enlisted Program) and also behind recent programs to lower the induction standards in order to enlist personnel previously considered unqualified. To some extent it is implicit in a statement of the civic duty of military service. Those proposing such measures see the increasing percentages, now approaching 30 per cent of our young men who are considered unfit for military service, and feel that something should be done about it. They assume that providing military training for these men will assist in their rehabilitation through providing them with medical assistance, increased educational opportunities, a vocational skill and perhaps a sense of social responsibility. The fact that the number of unqualified is increasing is a result of both the higher skill demands of the services and the failure of our families, educational systems, urban communities and local governments to provide the facilities, schools and social environment which would permit them to keep up the demands of a rapidly changing world.

The military services can provide some assistance for these youths, although there is some evidence to indicate that special educational programs conducted by the Services do not measurably improve the performance of such marginal personnel. Physical education and health programs coupled with a proper diet should greatly improve the physical condition of those young men with correctible deficiencies. Perhaps some of those who are alienated can be given a sense of purpose and understanding through their barracks experiences. Insofar as the provisions the Uniform Code of Military Justice allow, some might be brought to a greater respect for the provisions of law and the rules of society.

It must be recognized, however, that there is considerable increased cost in such a program. There is an inordinate amount of administrative and training effort involved in handling marginal personnel. As has been mentioned before, they have more disciplinary offenses, more vehicle accidents; go AWOL more often, have more personal problems and have more mental breakdowns. They take longer to train for the same degree of skill. They are less flexible in their utilization. Their effect on the social solidarity and espirit of units to which assigned tends to be negative and destructive. While some may be raised by the level of their associates, only too often they tend to drag the weaker ones down to their level or disrupt the group, creating anti-social attitudes with the organization which persist long after they are gone. In significant numbers, their ways of thought and habits of life make their barracks a less desirable place to live thereby tending to drive out the better qualified. The process is somewhat analogous to the situation resulting from a requirement for State universities to matriculate and graduate not only every high school graduate who applied for entrance, but also those who graduated from reform schools. It would tend not only to drive out the good students but frustrate the faculty as well.

The problem of marginal personnel involves not only their mental aptitude and agility and their physical stamina, nor by itself, their record of delinquency. It is essentially a problem of moral and social standards, attitudes, motivation, habits, and ability to adjust to the social standards and requirements of the group. Skills can be taught if the student has the interest and desire. Unless there is some organic deficiency, physical condition can be improved through diet, exercise and proper medical care. Deficiencies in social and moral attitudes are another problem. The young man who has not made an adjustment to the standards of society in his community or who comes from an environment where such standards are ambiguous or non-existent is not very likely to adjust satisfactorily to the more rigorous demands of military life.

Without trying to evaluate the social advantages of having the military services undertake the task of the social rehabilitation of marginal personnel, it should be sufficient to point out that such an effort involves an associated cost. The bill for such a program must be paid in terms of the diversion of military resources of men, installations and equipment which could more profitably, from the military point of view, be employed in training qualified people. It would entail hidden costs in terms of lowering the status, attractiveness and efficiency of the organizations with which they serve. It would involve some degree of expansion in the administrative effort and installations required in the punitive and correctional area for the increased percentage of delinquency.

The costs and adverse effect on the military establishment of accepting the mission of social rehabilitation of marginal personnel raise the question as to whether the military organization is in fact the most effective instrument. A pretty good case could be made for accomplishing the job under the aegis of the Department of Health, Education, and Welfare. Control of such a program could be placed in the hands of retired military personnel to provide a military type of environment if such were desired.

Most of the proposals for revision or modi-

fication of the Selective Service laws revolve around the questions of social rehabilitation, individual equity and uniformity of criteria. As we have seen, no matter what alternatives one might choose, some element of inequity is going to remain. The Armed Forces for the foreseeable future are going to require an ever declining portion of the increasing numbers of young men reaching military age each year. In examining the alternatives one might examine first the relative merits of each proposal in terms of the national good; secondly, its efficiency of operation and its utilization of available human resources; and finally, its relative merit in terms of its effects on the military services.

The first alternative is Universal Military Training. This proposal has been current off and on almost since before World War I. Many prominent personalities have endorsed it. It has been strongly pushed by the Military Services particularly, on several occasions by the Department of the Army. It has been said that it would perform the citizenship training and socializing mission previously discussed. By giving every physically qualified male three to six months of military training on active duty, we would provide a pool of trained manpower, available for an emergency, would provide trained personnel support for our Reserve forces, and would reduce the requirement for active duty forces. The program would be more just and equitable for all than a system of selective service. This proposal was seriously put forward and publicly discussed following World War II and was set aside as being unnecessary. After the Korean War broke out, it was again considered, basically accepted as a principle in the Universal Military Service and Training Act of 1951 and subsequently explored in great detail by a Presidential Commission which supported it and by the Congress which eventually did not. It has considerable appeal, not the least of which is the fact that it provides the closest approach to individual equity achieved by any of the proposals.

There are, however, a number of disadvantages which tend to make the plan exceedingly difficult to implement. Foremost among these is the problem of handling numbers. As we have seen, about 1,700,000 young men become 18 each year and the number is climbing. In 1952, it was estimated that the personnel required to support such a training effort, acting as the trainers, the administrators, and the housekeepers for the training installations would demand the services of about one man for every two trainees. This would mean that we would have to devote something over 500,000 men of our current military establishment of about three million to the task of Universal Military Training alone. This would either require a substantial addition to the size of our existing military establishment or a substantial reduction in its commitments and capabilities. In addition, the costs in terms of facilities, obligations for pay, medical care, clothing, food, bonuses, or reimbursement in case of service-connected disability would add substantially to our current military budgets without a proportional increase in our effective, immediate ready military forces. On the one hand there is a limit to the amount of training that could be profitably provided in basic training camps, while on the other hand we do not have a military structure of sufficient size to absorb all of the recruits thus provided. The training time even if extended to a year, as General Eisenhower recently suggested, is still too short to incorporate the trainees as fully trained members of combat ready units. The combat units so used would have their readiness status seriously degraded by the necessity of absorbing a high proportion of new recruits once a year.

Experience with education and training generally indicates that while there is some carry over of skills or knowledge acquired, it tends to dissipate with time and disuse. Thus the training given, while not enough for immediate use in a combat unit, would gradually fade once the trainees have left the service. Events, since Universal Military Training was studied in 1952, indicate that whatever else we do, we need a combat ready active force ready for immediate action in support of the national interest. As we have seen, such a force requires long training and a higher percentage of higher skill levels. The hope that Universal Military Training could act to reduce our standing forces is not nearly as bright today as it appeared to be fourteen years ago. Despite its obvious advantages in terms of equity, its citizenship training and socializing mission, the overall cost of the program and its tendency to reduce the efficiency of our active forces by giving them an additional training requirement argue against the adoption of this proposal.

The alternative proposal for National Service is similarly a long standing suggestion, having been proposed in a different form and context by President Roosevelt during World War II. Like Universal Military Training, it has the egalitarian ring of idealism, equity and justice for all, at least to a point. When one reaches the point of deciding whether it should be compulsory or voluntary, the equity of it begins to break down. Similarly the comparison between civilian and military service has little to offer in individual equity. The concept itself has much to recommend if it were put forward as a proposal distinct from the problem of raising, equipping and training our Armed Services. Setting the requirement for selecting young men for military service to one side, the problem of National Service, either voluntary or compulsory, should be examined on its own merits. Problems of educational and training facilities, useful employment opportunities, length of service required, all should be studied in detail as should the necessity or desirability of such a program. It would still leave to be answered the problem of what to do with the marginal personnel—the ones that no one would want. The military professional would probably support the concept providing that in its operation it did not detract from the quality or quantity of manpower allocated the Services or give them an additional training or administrative burden beyond those they already have.

A third proposal which has many strong supporters is the one to provide individual equity through selection of service inductees by lot. As advanced by Senator Edward Kennedy and others, this proposal would appear to have considerable appeal. If coupled with selections from the 18-19-year-old age groups with minimal deferments, it should provide decreased uncertainty as to when the individual might be called and decrease fears of favoritism through substituting random selection of chance for the decentralized judgment of draft boards in the community.

General Hershey himself, after several experiences with lottery selection, is adamantly opposed to it on both practical and theoretical grounds. Disregarding the mechanical administrative problems imposed, it is doubtful whether it would in fact be any more equitable to the individuals concerned than the present system. The reduction of uncertainty could be procured through other means. If it is meant to obtain more equitable distribution among social groups, that, too, could be accomplished by other means. The problem of deferring special categories will arise under any system, as does the problem of standards of qualification for military service. Considering fluctuations in the monthly and yearly draft calls, the lottery system would appear to have many difficulties.

Perhaps the greatest problem with the lottery proposal lies in its rationale and psychological impact on the Services. Efficient and scientific management of our personnel would not support random selection. No employer in industry, government or education would say, "Here are my basic criteria. Now let's select our employees from amongst those available by drawing straws." How would the selectee evaluate his selection? The potential damage to the public image of the Armed Forces and to the morale and motivation of both professional and inducted personnel could be extensive and cannot be airily disregarded.

A counter proposal which has been put forward from time to time and which is still a contender for public attention is the idea that we should abolish the draft entirely and commit our national security into the hands of paid professionals, hired for the job. As with the other proposals this concept has a basic appeal and much can be said in its favor. It should provide the military forces with personnel who want to be there. It would relieve the government from the unpleasant and politically unprofitable requirement for sending its greetings in support of military recruitment, with all the uncertainties, inequities and problems that entails. It is also claimed that this solution would contribute to increased efficiency resulting from longer terms of service, less training load and greater continuity. From the viewpoint of the professional, these arguments are attractive.

The other side of the coin, however, holds some basic drawbacks which would appear to rule out this solution at least for the foreseeable future. First, the Armed Forces as a whole have not been able, since World War II, to maintain an adequate force structure based on voluntary recruiting.

A recent study on this subject was made in the Department of Defense and presented by Assistant Secretary of Defense Thomas D. Morris in the hearings before the House Committee on Armed Services, on June 30, 1966. The study concluded that an all-volunteer force under current policies would fall far short of any force level required since 1950 or projected for the 1970's, and that the quality of personnel procured, including officers, medical personnel and skilled technicians, would fall well below our increasing requirements. In pursuing the idea that higher pay or other incentives might bring forward an increase in volunteering, the study determined that pay alone is a much less potent motivator than might be supposed. Only four per cent of those questioned felt that equal pay with civilian standards would influence them and only 17 per cent felt that considerably higher than civilian pay would provide an inducement. In determining how much pay increase would be required to stimulate voluntary enlistments, estimates indicated an order of magnitude of 20 to 50 per cent for officers and 80 to 280 per cent for enlisted men. There appeared to be no practical financial inducement sufficient to entice physicians or dentists to enter the services. Nor did the area of fringe benefits appear to be any more likely to produce results. Less than three per cent of those questioned indicated them as being important in career selection. Only in the area of education and training did special measures appear to have an effect on between 8 and 29 per cent of the 16–19-year-olds questioned. However, since the "GI Bill of Rights" is already law and in operation, it was concluded that there was little more that could be added to increase inducements for volunteering above present levels. These findings pretty well corroborate the general feelings of those who have associated with our young soldiers over the years. Military motivation is not generally a commodity for sale. Even if it were, we might not elect to live with its results.

If we were to assume that we could raise a force for service in Vietnam on the basis of pay, the amounts paid would have to be competitive with those offered by civilian

contractors or shipping lines in the same area. These rates are high. We could then find ourselves enmeshed in problems of differential pay for different areas of the world with all the difficulties that would surround its administration: equitable assignments, rotation, living standards, gold flow and impact on local economies. Changing from a $110 a month private to a $240 or $300 a month private would amount to a quantum leap forward in problems that a professional company commander would shudder to contemplate in the field or in garrison. The morale, esprit and discipline of a fighting force would tend to be substantially undermined. The personal risks, deprivations and discipline of military service do not appear to be compatible with a financial motivation. How do we get men in large numbers to risk their lives for a monetary reward? History tells us that mercenary soldiers tended to exhibit considerable reluctance to undergo serious risks and hardship and were frequently most difficult to discipline and control.

While Secretary Morris stated he felt the increased cost of a volunteer payroll might amount to about five to nine billion dollars, it could well come to much more if fringe benefits and combat bonuses were added and the services required of military personnel continued to be the high risk and high sacrifice variety now needed in Vietnam. There are other ways in which this kind of money could be spent to better advantage.

There are, of course, other disadvantages. A professional force envisages an organization with long service, high pay, and high investment per man. This implies increasing ages with stagnation in the lower officer and enlisted grades, higher percentages of married men, more dependents, more household goods to move and higher standards of living expected, with greater impact on local economies. Military service, in the combat arms at least, is a young man's game, and, as we have seen, we would like to see a healthy turnover in junior officer and enlisted ranks, probably somewhat larger than a professional force concept might envisage.

We also could expect that there would be an increasing loss of contact and rapport between the American society and its defenders. This would work two ways. The military would lose sympathy or understanding of civilian attitudes and values, while the citizen lost interest in the military problems facing the professional force. The abandonment of the requirement for the citizen to perform military service would have far reaching effects in degrading social solidarity and patriotic commitment. It would also tend to deprive the country of any sizable body of trained reserves. One could well foresee the pressure building up for the next step—that of hiring soldiers wherever we could hire them the most cheaply. Since they could be procured most cheaply abroad, we might soon find ourselves in the foreign legion business with European legions and Asiatic legions and with progressively fewer citizens interested in the risks, pay or working conditions of military service. Such a developing pattern is not new. The dangers and pitfalls in this approach have been pretty thoroughly explored. Few would recommend this path.

As one views the problem of military recruitment and its impact on society from the viewpoint of the using agencies, the following points stand out:

The present draft system does accomplish its objectives although with some inequity and lack of uniformity. There may be ways in which the efficiency of the system could be improved.

Both universal military training and a volunteer professional force would involve an excessive expenditure of funds and incur other disadvantages which generally outweigh the advantages foreseen.

The lottery system would substitute chance for a rational system of selection, would not substantially increase equity for individuals and could well have a most undesirable impact on military motivation and morale.

Universal service may be a most desirable concept when required in the national interest, but it is not, in fact, a reasonable substitute for the draft. It would not substantially improve the degree of equity for the individual but could have desirable effects in citizenship training and in providing services not otherwise obtained for our national community.

The ultimate welfare of a democracy lies in the hands of its informed and educated citizenry. Its freedom depends on the amount of sacrifice they are willing to offer in its defense. To divorce military service from the duties of citizenship would be the height of folly, inviting ultimate disaster. At the same time the hard facts are that for the foreseeable future we will have an increasing number of our younger citizens with a decreasing percentage required for military service. At the same time the requirements of the services for high caliber manpower are increasing with each advance in technology. Keeping in mind the steadily mounting costs of our military establishment, it is obviously in the national interest to obtain the most efficient military forces possible at the least possible cost, while involving at least some portion of our citizens in the process. Efficient and effective teams and organizations depend on high caliber personnel, while citizens' involvement implies a degree of rotation and obligatory service.

We know from experience that not all of our best young men seek to serve their country in the military service. We also tend to feel that those who eventually become our national leaders in government or business are somehow in a better position to evaluate national goals, objectives and problems if they have, in fact, performed duty in the Armed Forces. Social approval, recognition and status enhance the attractiveness and morale of the services. Good men in an organization tend to attract others while low quality personnel tend to drive them out. The social atmosphere and group relationships have very powerful attracting or repelling powers as well as a profound influence on group effectiveness.

There are a number of solutions which might be developed to cope with our problems of military recruitment. Regardless of the type of solution considered we should assure ourselves that it will fulfill the following conditions:

The increasing demands for high quality personnel for the Armed Forces would be met in the numbers considered essential.

Officers and specialists would be provided in the quality and numbers required.

The system would provide an ability to maintain reserve forces at the strengths and degree of readiness necessary to supplement relatively inflexible standing forces.

The total concept of manpower utilization would foster the principles of the duties, obligations and responsibilities which a citizen owes to his society.

The system would ensure some commitment of the public to the purposes to which their armed forces are committed and would prevent an alienation of the armed forces from the basic purposes and values of the society which supports them.

ADDRESS BY VICE PRESIDENT HUMPHREY ON THE 21ST ANNIVERSARY OF WINSTON CHURCHILL'S SPEECH AT FULTON, MO.

Mr. FULBRIGHT. Mr. President, speaking on March 6 at Westminster College in Fulton, Mo., Vice President HUMPHREY delivered a thoughtful and wide-ranging address in which he took note of the great changes which have taken place in Europe and in East-West relations since Winston Churchill's famous speech in 1946.

Calling for both a unified Western Europe and strengthened ties with Eastern Europe, the Vice President said that the Western alliance "must be an alliance for peace and peaceful progress, not simply against the specter of invasion from the East."

Among other constructive proposals—for Western unity, for building bridges to the East, and for East-West cooperation in assistance to the underdeveloped nations — Vice President HUMPHREY issued a timely call for the strengthening of the United Nations.

Mr. President, I ask unanimous consent that the text of Vice President HUMPHREY's speech at Westminster College be printed in the RECORD.

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

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY AT THE 21ST ANNIVERSARY OF CHURCHILL ADDRESS, WESTMINSTER COLLEGE, FULTON, MO., MARCH 6, 1967

Exactly 21 years ago today, Winston Churchill spoke these well-remembered words.

"From Stettin in the Baltic to Trieste in the Adriatic, an Iron Curtain has descended across the continent."

"The continent," of course, was Europe.

When Churchill spoke here, a new phase in history had begun—that post-war conflict, centered in Europe, which was to become known as the Cold War.

It is my belief that we stand today upon the threshold of a new era in our relations with the peoples of Europe—a period of New Engagement.

And I believe that this new period, if we do not lose our wits or our nerve, or our patience, can see the replacement of the Iron Curtain by the Open Door.

When Churchill spoke here on March 5, 1946, there were many in this country—and elsewhere—who would not accept his stark characterization of the state of affairs in Europe.

But Churchill was right. And he was right to speak out.

The beginning of wisdom, the foundation of sound policy and action, is to face the facts.

What were the facts in March of 1946?

Western Europe lay helpless and prostrate after terrible war—literally dependent for her survival on the protection and goodwill of the United States. The political institutions, the economies, the peoples of Western Europe stood helpless—save for the United States—in face of the imperialist impulses emanating from the East.

There, Stalin had literally erected an Iron Curtain between the nations and peoples of Eastern Europe and those of the West. On his side of that Curtain he saw all as occupied territory . . . the spoils of war. And his further intentions were declared and clear.

What are the facts of March of 1967?

Western Europe stands second only to the United States as a free and powerful center of economic and social well-being. Because of their brave initiatives—and with our help— the nations of Western Europe stand able once again to assert their own role in the world.

In Eastern Europe the captive states of 21 years ago are once again reaching toward *their* own identities. The monolithic control which smothered and held them in the grip of terror is today diminishing.

The Iron Curtain itself—although firm and impenetrable in many places, as in Berlin—has become increasingly permeable in others. Goods, ideas and people have begun to criss-cross the European continent.

The essence of the situation today is this: The European family—long-separated . . . long set against each other, yet still a family—is becoming reacquainted and is moving toward more normal relationships.

The Soviet Union, recovering by heroic effort from the frightful loss of human life and resources which it suffered in the war, has grown greatly in its capacity and its inclination to satisfy the material needs of the Russia people. No one who cares about the human condition can fail to rejoice at this fact. And its aggressive behavior has been tempered.

All these things have happened. Yet they did not happen by accident.

They have happened because we followed the course Winston Churchill counseled 21 years ago.

They have happened in large part because, in the face of Stalinist tyranny, we in America brought our power and protection to the rebuilding European continent.

They have happened because we helped and encouraged our European partners in their unceasing efforts toward self-renewal.

They have happened because—in Berlin, in Greece and Turkey, yes, and in Cuba—the Soviet Union came to recognize that brute force—or its threat—could no longer be an acceptable means of attaining political goals.

If today the Soviet Union takes a more prudent and cautious course, it is—for more than any other reason—because together we and our Western partners have in these two decades stood firm and fast.

During this time, too, a constructive force has been at work in Western Europe—releasing the constraining bonds of old hostilities and closed institutions to the fresh stimulation of competition and cooperation across national boundaries. That constructive force has been the will of the peoples of Western Europe that they should unite.

Their desire for unity has been most manifest in the building of the European Communities, and of the initiatives of an increasing number of nations to join those communities.

This, too, has had a powerful influence on the positive changes which have taken place. And we have supported it.

Some today see Western European unity endangered by a rising wave of nationalism there.

And there are those who fear that the renewal of a narrower nationalism in Western Europe must be accepted as an inevitable and immutable fact—that we must resign ourselves to the abandonment of our support for unity, and to the acceptance of a return to power politics among nations.

There are a small few in other countries who conclude that the "realistic" next step toward a settlement of European problems can therefore only be by bilateral agreement between the Soviet Union and the United States—over the heads of our Western partners.

I do not believe this is "realism."

Neither do I believe a realistic settlement of European problems can be achieved by European nations without *our* participation, and that of the Soviet Union.

It is precisely now—at the time when new opportunities lie ahead—that we must retain cohesion with our Western partners—and they with us. If the Cold War is to end . . . if the Iron Curtain is to be lifted, we shall need them and they shall need us.

The task now, in light of a new situation, is not to throw away what has been successful, but to build constructively upon it.

I believe that the people of Western Europe will reject concepts of narrow nationalism and of national adventure, and will continue to move forward toward unity—toward a unified Western Europe open to expansion and conscious of its need to strengthen its ties with the nations of Eastern Europe.

I believe, too, that they will reject any severing of their ties across the Atlantic—ties built firmly on common cultural heritage, on common experience, on common interest.

For our part, we do not mean either to abandon our friends or to dominate them.

We know that American power continues to be necessary to stability in central Europe.

We know that difficult and intractable problems—such as arms control and the reunification of Germany—must continue to involve both American and European effort.

In our Alliance, the task is this: To transform what was built on fear and common threat into a vital, working instrument built on hope and common opportunity and common responsibility.

It must be an Alliance *for* peace and peaceful progress, not simply *against* the specter of invasion from the East. It must be an Alliance *for* promotion of social and economic welfare, not simply *against* a Communist threat.

For, as the President has said, the times require "a shift from the narrow concept of coexistence to the broader vision of peaceful engagement."

To strengthen the Alliance, we in America must be determined to treat our Western European partners as *equal* partners . . . to consult with them, in the true sense of that word, in every area of common interest . . . and to practice forebearance as they find their way to new forms of cooperation and unity among themselves.

I cannot overemphasize the importance of open and honest consultation and discussion among the members of the Atlantic Alliance.

For, it is precisely now—when there is movement and ferment in Europe—that the temptations are greatest for unilateral action by the individual partners.

As I have said, it is imperative that we retain our solidarity. And to do so, we must all take the extra step to insure that no action should be undertaken by any one of the partners which might jeopardize the welfare and security of all.

We cannot afford the luxury of division.

We cannot afford it in matters of military security. Nor can we afford it in matters of high economic and social concern.

That is why:

We must, and we shall, be forthcoming in response to the initiatives taken by our Atlantic partners toward narrowing the "technology gap" between us. For, if we cannot narrow this gap between ourselves, how can we ever hope to narrow the far-greater gap between the Atlantic nations and the poor nations to the South?

We must, and we shall, persevere in our efforts to bring the Kennedy Round trade negotiation to a successful conclusion—one in which there is true reciprocity . . . one in which arbitrary and artificial restraints to trade may be removed and from which a far more efficient allocation of resources may result.

The goals of Western European unity and of Atlantic partnership are *not* in opposition to the goal of the Open Door. They are a first necessity in reaching it. They are the key to that door.

As we strive toward these former goals, how shall we proceed toward the latter?

First, we must work together with our Western European partners in encouraging a further development of trade, technological and cultural contacts with Eastern Europe.

This is why it is imperative that we seize each opportunity—such as the East-West Trade Bill now before the Congress—to increase the flow of people and trade to and from these previously-closed societies.

We look, for example, toward the time when the nations of Eastern Europe may become members of the GATT, and full participants in the work of the U.N. Economic Commission for Europe.

Second, we must encourage the continued evolution of Soviet policy beyond the ambiguities of "peaceful coexistence" toward more substantial forms of cooperation.

We have negotiated a treaty banning nuclear weapons from outer space.

We are working with others to bring about a treaty banning the proliferation of nuclear weapons—a treaty acceptable and beneficial to the nuclear and non-nuclear powers alike.

We have concluded an air agreement with the Soviet Union and have just signed a new U.S.-Soviet cultural agreement.

Through liberalization of credit, and easing of travel restrictions, we hope to accelerate the exchange of goods and people.

We seek early Senate ratification of the United States-Soviet Consular Agreement.

We shall actively work toward closer cooperation between the Soviet Union and the nations of the West in space, in medicine, in peaceful technology.

We have not responded to the Soviet deployment of a limited anti-ballistic missile system by immediately beginning to build one of our own. Instead, we seek to convince the Soviet leaders that this would merely mean yet another costly round in the arms race. After the expenditure of many billions of dollars, neither of us would be more secure than when we started.

Our objective is not to step up the arms race, but to slow it down or halt it, to the mutual interest of *all* nations.

Third, we must work toward a settlement of those European problems which have been left unresolved in the aftermath of the War.

At the heart of this is the reunification of Germany.

As I said earlier, this is a matter which concerns not only Europeans, but America and the Soviet Union as well.

It is a matter, too—and this sometimes seems nearly forgotten—important for the people of Germany.

Thus reunification can only take place after the most thorough and careful consultations among all parties involved. Reunification is a difficult goal. But it is a necessary one, if stability and peace are finally to be achieved in central Europe.

Fourth, no nation can hope to be an island of security in a turbulent world. We must therefore consider how the resources of the industrialized parts of the world can usefully assist the peoples of Asia, Africa and Latin America so that progress and stability and hope may overcome despair and violence.

It does not require much foresight to realize that the widening gap between growing populations and diminishing food supplies is approaching a time of explosion.

Shall we sit in complacency, lulled by creature comforts, until we are engulfed in chaos? Or shall we act, now and together?

It is Europe's problem—*and the Soviet Union's*—as much as it is ours, and we must consult together, plan together, and combine our wisdom and resources to help work toward security and peaceful development in the poverty-stricken parts of the world.

Those who have launched the technological revolution—a revolution without ideology—have the responsibility to see that its benefits are more widely shared by others.

For poverty breeds disorder, and hunger breeds violence. And it has been the lesson of these past few years that it is precisely in the poverty-stricken and hungry parts of the world where a conflict might arise which would draw the super-powers into disastrous confrontation.

Fifth, we must continue to develop and strengthen international institutions which

will provide a framework of law and order in the world, in which nations of all ideologies may find common and peaceful grounds for settlement of disputes.

Churchill said aptly, that "jaw, jaw is better than war, war."

Most important of such institutions is the United Nations.

The United Nations, among other things, is an unmatched buffer zone between conflicting interests and ideologies. It is a place where reason and compromise may interpose themselves before major nations reach the point of no return.

It is the invaluable "middle man" . . . the honest broker necessary when normal contacts fail.

And it is also an invaluable instrument of peace-keeping in places around the world where major powers might otherwise feel it necessary to inject themselves.

There is no denying that the Soviet Union, as our Western partners and ourselves, has a vital interest in the strength and health of an institution which may serve as a force for order and restraint among us.

Let us examine these things:

Greater exchange at all levels with the nations of Eastern Europe;

Active pursuit and encouragement of "peaceful coexistence" with the Soviet Union;

A European settlement including the reunification of Germany;

Joint efforts with our former adversaries in helping the developing countries;

Building a system of international order in which these same former adversaries are our partners.

Would any of these things have been at all imaginable when Winston Churchill stood here 21 years ago?

When the final realization sank in on the last doubter that an Iron Curtain indeed *was* being erected across the heart of Europe, how many of us had reason for hope that in 1967—so short a time later—it might be possible to begin replacing it with an Open Door?

In the center of free Berlin there stands today a stark ruin—the skeleton of a church, preserved to symbolize eternally the depravity of war.

It is our hope that the Iron Curtain may one day, too, lie in ruins—its remnants a symbol of a time that mercifully ended.

A great act in the human drama lies at hand: Through a new Engagement in Europe we have the chance to shape a commonwealth of progress dedicated not to war but to peace . . . not to doctrinal conflict but to constructive reconciliation.

We have the chance, as President Johnson has expressed it "to help the people of Europe to achieve together:

A continent in which the peoples of Eastern and Western Europe work shoulder to shoulder for the common good;

A continent in which alliances do not confront each other in bitter hostility, but instead provide a framework in which West and East can act together in order to assure the security of all."

Therefore, I leave you with this: Who is to say, if we in the West stand together and in unity, where the next two decades may lead?

Who is to say, if our rich and powerful nation exerts the enlightened leadership of which it is capable, what bright new fulfillment may lie ahead for the human family?

Our guide could be no better than that set forth here 21 years ago by Churchill:

"If we adhere faithfully to the charter of the United Nations and walk forward in sedate and sober strength, seeking no one's land or treasure, seeking to lay no arbitrary control upon the thoughts of men . . . the high roads of the future will be clear, not only for us but for all, not only for our time, but for the century to come."

America is ready to play its role.

THE INCREASE OF CRIME

Mr. TALMADGE. Mr. President, the increase of crime in the United States in recent years has become a subject of mounting concern for the present administration, Congress, and the American people.

Various studies have been made and recommendations proposed for combating the crime and lawlessness which now plagues America. Many varied explanations and sometimes excuses have been offered in an attempt to show why the crime rate is so high and why in many parts of the country it is no longer safe to walk the streets.

Unfortunately, in attempting to get at crime in America, there has been too much sociological meandering, and not enough attention to the needs of law enforcement in order that it may do a more effective job, in the best interests of the security and safety of our law-abiding citizens.

Mr. President, it is my belief that if law enforcement is to prevail over lawlessness, our policemen must be given the tools with which to work, and they must have more public support than they have had in the past. Moreover, they also need more support from many of our courts, principally the U.S. Supreme Court, which, according to the Sunday Star of Washington, has lost all sense of keeping the scales of justice in balance. Congress has the power and the duty to take corrective action, and I hope that it will do so.

Said the Star in an editorial yesterday:

The notion that the purpose of our system of criminal justice is to convict the guilty and absolve the innocent is out the window.

The Sunday Star discussed this problem in a very fine editorial last Sunday. I recommend it to the Senate and ask unanimous consent that it be printed in the RECORD.

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

THE PROBLEM—UNEQUAL JUSTICE UNDER LAW

The inscription carved in bold letters over the imposing entrance to the Supreme Court building suggests that the nation's highest tribunal is dedicated to the concept of Equal Justice Under Law. The fact is that the court, in major rulings is criminal cases in recent years, has been dispensing a brand of justice that is deplorably unequal. And this is what the shooting has been about this past week in the hearings before Senator McClellan's subcommittee.

Assuming that law-abiding people have rights, and we think they have or should have, these rights have been recklessly disregarded by a majority of the court. The President has often spoken of the right of the people to be secure in their homes, on the streets and in their places of business. Each day brings new evidence, however, that this is rhetoric and nothing more. For the people are not secure anywhere. And this insecurity is due in considerable part to the extreme lengths to which a five-man majority of the court has gone in enlarging and protecting the rights of criminals. Reading such opinions as those in the Escobedo and Miranda cases, one might think that the court majority has never heard of the rights of the public—and couldn't care less. Certainly it does not subscribe to the view expressed by Justice White in his dissent in the Miranda case that "the most basic function of government is to provide for the security of the individual and his property."

This process of shielding the criminal at the expense of the public safety grew out of a laudable purpose to erect safeguards against criminal convictions based on coerced or involuntary confessions. There was ample reason for this some 25 or 30 years ago. For the third degree, even in those relatively recent days, had not disappeared from the law-enforcement scene. And a coerced confession is both offensive to one's sense of justice and unreliable as an item of evidence.

The trouble is that the court has not known where to stop, has lost all sense of keeping the scales in balance. The notion that the purpose of our system of criminal justice is to convict the guilty and absolve the innocent is out the window. The commendable effort to erect greater safeguards against involuntary confessions has been carried to such lengths that entirely voluntary confessions are now in jeopardy. In fact, Justice White has said that the court majority seems to be moving in the direction of barring all confessions. He could very well be right.

The hearings which Senator McClellan has been holding have moved along two main lines. One effort has been to find a way to reverse or at least to minimize the pernicious effect on law-enforcement of the court's 5 to 4 rulings with respect to confessions. The other has been to work out legislation to strengthen the hand of those whose duty it is to enforce the laws.

This second undertaking, largely concerned with legislation to permit the use of wiretap evidence and electronic bugs, presents few problems. Congress will get no help in this from the President or the Department of Justice. Still, at least as of this time, there seems to be no constitutional barrier to such legislation.

The subcommittee received a very strong statement on these matters from Chief Judge J. Edward Lumbard of the Second Circuit Court of Appeals. Judge Lumbard was especially concerned with the problem of organized crime. It is, he said, almost impossible to curb it under existing restrictions on enforcement agencies.

Opponents of wiretapping sometimes misrepresent the "dirty business" comment by Justice Holmes in support of their stand. In a reference to this, Judge Lumbard said: "There is no dirtier business today than the business of organized crime; it rules by violence and terror; it victimizes the public and corrupts public officials. Every possible resource of government should be used to expose and destroy it."

He meant that he thought Congress should move without delay to sanction the use of wiretaps and electronic devices, under suitable controls, and we heartily agree.

The question of what to do about the unreasonable and unneeded obstacles which the court has erected against the use of voluntary confessions is a tougher question. For the five-man majority wrapped its Escobedo and Miranda rulings in constitutional interpretations. And this, though the interpretations were gross distortions of what the Constitution says, makes it difficult for Congress to remedy the rulings.

Senator Ervin, himself a former judge, would take two approaches. First, he would amend the Constitution to overcome the effect of the court's rulings on confessions. Second, with the support of 19 other senators, he has introduced a bill which would strip the Supreme Court and other Federal appellate courts of jurisdiction to make such rulings as those in Escobedo and Miranda.

What he is trying to do, and it is a worthy objective, is to get back to the decades-old state of the law in which the test of a confession was whether it had been made volun-

tarily or not. If voluntary, it would be admissible. And the Supreme Court would not be permitted to throw out a voluntary confession by reading something into the Constitution that was never before thought to be there.

The constitutional amendment route is long and difficult. And while Congress, under Article III of the Constitution, apparently has authority to regulate the appellate jurisdiction of the Supreme Court, this would be a drastic remedy. One must hope that some other way can be found—even assuming that Congress would accept the Ervin proposal.

A somewhat different approach is being urged by Senator McClellan. He, too, would re-establish the admissibility of voluntary confessions. But he would do this by having Congress spell out the meaning of voluntariness and set up standards by which a trial judge and jury would make the judgment on this question. Should this be tried, the Supreme Court might say that the new law is unconstitutional under its own rulings. But the senator hopes that at least one member of the majority, upon further reflection, might change his mind.

Various other recommendations have been laid before the McClellan subcommittee, including a strong statement from Senator Bible urging rectification of the notorious Mallory rule. And we hope that Congress, which for years has been marching up and down the crime-remedy hill, will at last be moved to take effective action.

Still, even though nothing finally emerges in this session, time will not have been wasted. For these hearings and the strong statements by most of the witnesses are a reflection of the mood, not of a few men on Capitol Hill, but of the overwhelming majority of the American people. A President or a Supreme Court justice may be personally remote from contact with crime. But the people are not; they live in its shadow every day and every night. And they are sick and tired of unequal justice. The volume of crime is going to continue its upward climb, and sooner or later the people will make themselves heard.

A final word: Some people think it is almost subversive to criticize the Supreme Court, and that any criticism must spring from ignorance or malice. Let them read the dissenting opinions of Justices Harlan, Clark, Stewart and White. No more severe condemnations of the majority rulings can be found than those which appear in these dissents. And if the five members in the majority will not heed even the protests of their own brethren, they will have no one but themselves to blame as the Supreme Court and, still worse, the law itself, falls into disrepute.

THE U.S. PAYMENTS GAP—WHITHER NOW?

Mr. SYMINGTON. Mr. President, an interesting article on the U.S. payments gap is contained in the latest "Economic Letter" of the First National City Bank of New York. It states that the balance-of-payments deficit on a liquidity basis rose only $100 million in 1966 from the $1.3 billion deficit in 1965. Although the total picture gives some cause for encouragement, the gains resulting from returns on investment, and inflows of foreign capital incident to the high interest rates, masked a deterioration in other basic sectors of the balance of payments.

As example, our trade surplus narrowed to $3.7 billion, the lowest since 1959. Military expenditures and foreign aid continued to increase. Military costs rose $800 million from the previous year, almost 90 percent of which is attributable to the Vietnam war.

The concluding section of the article poses the question: "Whither Now?"—a question which prompts careful thought with respect to our growing payments deficit.

I ask unanimous consent that this section of the article be printed in the RECORD.

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

WHITHER NOW?

The renewed weakening in the U.S. international payments position is a matter of deep concern. It is all the more unfortunate as it comes after repeated high-level assurances to the world that our payments would be brought into sustainable order. For deficits mean weakness at international bargaining tables; the demonstrable capability of achieving a viable balance means strength in the world's financial as well as political affairs.

For the longer run, of course, there are elements of fundamental strength in the international position of the dollar. Sooner or later, the Vietnam war will be ended. Year in year out, the United States has been building up productive assets abroad that have greatly exceeded its gold losses and increases in its short-term liabilities; the income from these assets is growing. And even though the recent price-cost push has interrupted a period of reasonable price stability, inflationary pressures may well remain less persistent and less pervasive in the United States than in other large industrial countries—so long as Americans work hard and display good sense, courage and skill in managing their economic and financial affairs. Economic efficiency and productivity, and reasonable price stability, will help the U.S. export performance, provided that the main trading nations succeed in safeguarding a reasonably free access to each other's markets.

But, however the longer-run outlook is assessed, the hard fact of life today is that the United States remains overstrained internationally, supplying more dollars abroad than other nations really want and are ready to retain willingly. Much of the payments deficit must thus be met in gold from the Treasury's still sizable but not inexhaustible stock.

Lasting relief cannot come from such measures as increasing stringency of the restraints on private investments abroad, as exemplified most recently by raising the interest equalization tax. It can come only from a major overhaul of government spending overseas and from recreating conditions under which our economy will experience less pressure on its resources than during 1966. As 1967 is shaping up, much will depend on how the U.S. economy moves back to a more nearly balanced growth.

A THOUGHTFUL SENATOR SPEAKS OUT

Mr. GRUENING. Mr. President, in a thoughtful as well as thought-provoking article entitled "Why Don't You Speak Out, Senator?" published in the March 18, 1967, issue of the New Republic, the able and distinguished Senator from South Dakota [Mr. MCGOVERN] reviews the ever-increasing voices being heard in the Senate, and of Senators speaking from other forums, against the escalating military involvement of the United States in the undeclared war in Vietnam.

It is, indeed, unfortunate that those voices have not had more effect in determining the course of that war—indeed, in terminating it.

Senator MCGOVERN rightly expresses his belief:

Our deepening military involvement in Southeast Asia represents the most regrettable diplomatic, political and moral failure in our national history.

This coincides wholly with my own frequently expressed view that our military involvement there is the worst mistake our country has made in the nearly two centuries of our national existence.

I ask unanimous consent that Senator MCGOVERN's article be printed in the RECORD.

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

WHY DON'T YOU SPEAK OUT, SENATOR?

DEAR SENATOR MCGOVERN: I appreciate the things you are doing in the Senate, but why so quiet on Vietnam? Why don't you senators have the guts to speak out against this terrible war instead of leaving it to the college kids?

Letters of this kind have come not only to me but to most of my colleagues in the last two or three years. As one who believes that our deepening military involvement in Southeast Asia represents the most regrettable diplomatic, political and moral failure in our national history, I react to such queries with some feeling—perhaps some measure of guilt, and a deep sense of frustration over the failure of Senate dissent, including my own, to influence our course in Vietnam.

The truth is that there has been an unprecedented volume of thoughtful criticism by senators, in floor speeches and committee hearings, on public platforms, over radio and television, in mass circulation articles, countless news releases, and in confidential discussion with the President and high Administration officials. While the major part of this effort has rested on a dozen senators nearly a third of the Senate has raised searching questions.

Senator Wayne Morse of Oregon, for example, one of the most articulate orators ever to serve in Congress, has for three years literally bombarded our policymakers from the Senate floor and from platforms across the nation. Senator Ernest Gruening, a tough-minded old warrior of wisdom and conviction, has waged a relentless campaign to reverse the Administration's course in Vietnam.

Senator J. William Fulbright, with intelligence and sophistication, has conducted hearings in depth to which he has brought the country's most respected authorities—much of this on nationwide TV and all of it widely reported in the press. Mr. Fulbright has placed the full force of his reputation and a prestigious committee chairmanship behind public hearings, Senate floor statements, and a stream of articles, books, lectures and television interviews. His case against our policy in Vietnam has not been accepted by the Administration, though it seems to me to be so thoroughly convincing as to be irresistible.

In the fall of 1965 Senate Majority Leader Mansfield and Vermont's respected Senator George Aiken, the senior Republican in the Senate, and several other highly regarded Senate moderates conducted a thorough study tour of Southeast Asia. That effort led to the sobering "Mansfield Report" signed by every senator in the group. This report, published in full or in considerable part in the nation's press, clearly spelled out the folly of what was then becoming an "open-ended" war in Vietnam. It was all but ignored.

Nearly a year prior to the Mansfield report, other senators, including Church of Idaho, Clark of Pennsylvania, Bartlett of Alaska, Gore of Tennessee, and Nelson of Wisconsin, had raised pointed questions about our Vietnam policy. I believe it was this Senate floor discussion early in 1965 which finally prompted the President to make his April 7, 1965, offer at Baltimore for unconditional discussions with Hanoi. On the afternoon of the Baltimore address, the President called Senator Church and me to his office at the White House to examine an advance copy of his text and to tell us in effect that we were "getting our way" on the negotiation offer. Actually, the speech struck a shrewd balance between hawks and doves and was accompanied by an escalation of the war. It did, however, represent a partial response to Senate dissent, though I have come to think it was primarily calculated to disarm the dissenters at home and abroad without changing policy.

The 37-day bombing pause of late 1965 and early 1966 was also partially an outgrowth of Senate pressure. Sixteen senators, including Hartke of Indiana and McCarthy of Minnesota, signed a letter urging an extension of the bombing pause. These senators have individually and in groups subsequently taken issue with the official line.

To grasp both the frustration of dissenting senators and their limited impact on Administration policy, it is necessary to consider the experience of Senator Robert Kennedy. Because of the prestige of his name, the size of his state, and his possible presidential interests, any statement by the junior senator from New York is assured of much closer press coverage and attention by the Administration than the average senator could expect.

On Thursday morning, March 2, Senator Kennedy called to advise me that he expected to take the Senate floor that afternoon at 3 p.m. to discuss American policy in Vietnam. He and his advisers had been at work for weeks on a major Vietnam proposal and had been calling other senators and members of the press to alert them.

That afternoon, when Kennedy took the floor, the press gallery was jammed and a considerable number of senators were in their seats with advance copies of the speech which called for a cessation of the bombing of North Vietnam accompanied by an invitation to Hanoi to begin peace negotiations within a week.

As the senator was preparing to speak, the Administration launched a series of strenuous moves to "kill" the speech. The White House quickly called an impromptu news conference to announce that Russia had agreed to a proposal made weeks before to discuss methods of limiting the arms race. The President also reiterated his determination to continue the bombing. In a rather remarkable contrast to the days when we used to regard the war as primarily a Vietnamese conflict with our forces there simply to assist Saigon, he added: "I think the American people should know that this is a question between their President, their country, their troops, and Mr. Ho Chi Minh and the troops that he is sending in from the North. Everyone can take whatever side of the matter he wants." As *The Washington Post* observed the following day, the President was reacting as though the war were "no more than a personal vendetta between Lyndon Johnson and Ho Chi Minh." No matter the views or interests of our ally in Saigon or our principal enemy, the Viet Cong in the South, or the United States—please keep out of this private affair between the White House and Ho Chi Minh!

Kennedy's suggestions for negotiation tied to a bombing pause were further blanketed by a letter which the President had previously arranged for release through Senator Henry Jackson. Simultaneously, Kennedy's proposal was being blasted by Secretary of State Rusk and General Westmoreland—Rusk saying that we had already tried this approach and Westmoreland saying it was too dangerous to try.

The treatment given Kennedy recalled the President's sudden rush to Honolulu a year ago when Senator Fulbright's hearings were capturing mass television audiences and large news headlines.

Those of us who have observed the inability of such prestigious senators as Mansfield, Fulbright and Kennedy to influence significantly our policy can be at least partially forgiven if we conclude that our own less publicized efforts are of limited value.

It should be noted that the Senate critics have experimented with a variety of approaches "to reach the President's ear." Most of the dissenters have accompanied their criticism with positive alternatives to our present course. Their initiatives have been backed by many of the nation's most vocal citizens and private groups. Seldom in our history have so many enlightened and morally sensitive political, religious and educational leaders joined in opposing a wartime policy of our government.

Their principal satisfaction to date, however, has been the nervous, unprovable assumption that we would be involved in an even larger war had it not been for the critics both in and out of the Senate. There may be the further hope that while dissent is not likely to halt a war it serves to point up the painful lessons that we must learn if we are to avoid another such ill-advised venture in the future.

To the man who writes "Why don't you speak out, Senator?" my answer is, "We have, and we can only pray that it has served some useful purpose."

GEORGE MCGOVERN.

DEATH OF JOSEPH GOLDBERG, DEPUTY ASSISTANT SECRETARY OF LABOR

Mr. MORSE. Mr. President, on Sunday, March 12, Joseph Goldberg, the Deputy Assistant Secretary of Labor, died at the age of 53 from a heart attack.

Joseph Goldberg's death is a real loss to the people of the United States and the citizens of the District of Columbia, and it is a loss to me personally.

Joe was born in Poland, and his rise to outstanding accomplishment and service to the United States is heartwarming. I first met Joe in 1960, when he was assigned to the Committee on Labor and Public Welfare as technical adviser to the Subcommittee on Labor during its consideration of amendments to the Fair Labor Standards Act.

As almost any Member of Congress will agree, the Fair Labor Standards Act, governing minimum wages and working conditions for millions of American workers, is one of the most intricate and complex fields of the law. Joe soon demonstrated that he was an expert, but even more he demonstrated an honesty and integrity, a passion for the poor and underprivileged who were unprotected by this law.

It was not until 1961 that the Fair Labor Standards Act amendments, bringing the minimum wage up to $1.25, were adopted. Joe continued to provide valuable help to Members of Congress that year. He was in constant attendance at markup sessions of the committee and helped us with many constituent complaints.

Starting in 1963 and culminating in 1966, Joe provided expert technical advice for the enactment of a minimum wage law covering the District of Columbia. He was indeed the District Committee's principal adviser, trusted by Senators on both sides of the aisle, and a participant in every critical session of the District Committee's discussions of this legislation. It could be rightly said that the minimum wage law today for the District of Columbia is a monument to Joe Goldberg.

I know that Joe Goldberg's death will be a loss to the Department of Labor and a loss to Esther Peterson, for whom he was an immediate assistant, but most of all I know it will be a loss to his wife and children.

I hope especially that his son, Stephen, and daughters, Susan and Lucy, will grow and mature with the image of their father before them, an image of devotion to the American people, and a person of great moral character.

THE QUALITIES OF VICE PRESIDENT HUMPHREY

Mr. MONDALE. Mr. President, recently, the Washington Post commented editorially on a remark made by President Johnson to the effect that Vice President HUBERT H. HUMPHREY is an able and indispensable ally. That editorial does, I believe, a highly commendable job of evaluating the performance of HUBERT HUMPHREY as Vice President. I ask unanimous consent that it be printed in its entirety following the conclusion of my remarks.

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

Mr. MONDALE. Mr. President, as students of constitutional history know, the role and mission of the Vice President has been greatly expanded in recent years. The duties of today's Vice President require a depth and breadth of skill, experience, and judgment which could not have been imagined by the Founding Fathers who, after all, failed to define the duties of that office after considering a committee report which had been drawn up over a single weekend.

It has been said of the Presidency that the office shapes the man. While the same bit of conventional wisdom applies to the Vice Presidency, future commentators will surely note the singular contribution which HUBERT HUMPHREY has made personally in shaping that high office and in giving it new life and a very special place in the American political experience.

I am pleased to commend this editorial to the attention of Senators who, far better than most persons, know firsthand the brilliant competence of Vice President HUMPHREY.

A MODEL VICE PRESIDENT

It is good to know that President Johnson appreciates the qualities of Vice President Hubert Humphrey as a public servant. His kind remarks about the Vice President at the press conference on Thursday certainly are deserved. It would be dismaying indeed if the President did not hold these views.

The Vice President has brilliantly succeeded in an office that presents the greatest difficulty to a man of his temperament and genius. Congress has given him two special

tasks to which he devotes great attention—outer space and undersea exploration. The President has showered him with special duties and missions. He has dealth with all of them competently and quietly. History will have to disclose how valuable he has been in the inside councils of the Administration but there is reason to believe he has been very useful there.

The most important legacy that he will leave the country will be a concept of the Vice Presidency that fits both its subordinate position in the Executive Branch and the necessities of modern administration. Not for an instant has he allowed himself a word or a deed that would indicate any confusion about the place where there resides the constitutional duty and power to speak for the Government of the United States. He has rightly said, and repeatedly said, that there can be only one authoritative voice—and that is the voice of the President. He has been the President's echo on every public policy discussion of the Administration. And whenever the Vice President, under our system, tries to be anything other than that, "the trumpet maketh an uncertain sound."

No wonder the President admires his public service. The thoughtful citizens of this country also admire it and understand it. He is, in truth, the very model of a model Vice President.

SELECTION OF JURORS IN FEDERAL COURTS

Mr. ERVIN. Mr. President, the administration's current civil rights bill, like its predecessor which was defeated in the Senate last year, contains in title I extremely important proposals for a revolutionary reform of the jury selection procedures in the Federal courts. One of my major objections to this proposal has been that its merits have never been adequately analyzed—either in Congress or in the country at large. The administration's jury selection proposals have been shielded from meaningful debate by the decision to make them a civil rights issue.

To some extent this unfortunate situation has improved in recent days. I was pleased that the junior Senator from Maryland [Mr. TYDINGS] chose to introduce a series of six alternative proposals for jury selection reform and that he has scheduled these bills for hearings in his Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary. I hope that in this way jury reform can be evaluated on its own merits.

Apparently, the editors of the American Bar Association Journal have also appreciated the fact that the 1966 debate on civil rights failed to produce much enlightened discussion of these very serious jury proposals. They recently asked the senior Senator from Michigan [Mr. HART] and me to present in essay form a summary of the arguments for and against title I. The provocative article by Senator HART is really the first thoughtful statement by the proponents of title I, and it has helped to raise the level of debate toward its proper plane.

In the interest of widening this discussion still further, I ask unanimous consent that the article entitled "The Case for Federal Jury Reform," written by Senator PHILIP A. HART, and my article entitled "Jury Reform Needs More Thought," published in the February 1967 issue of the American Bar Association Journal, be printed in the RECORD.

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

THE SELECTION OF FEDERAL JURORS

(A discussion of proposed changes by Senators PHILIP A. HART of Michigan and SAM J. ERVIN Jr., of North Carolina)

(NOTE.—On the following pages, two distinguished members of the United States Senate set forth differing views on how the names of prospective jurors should be chosen for the federal courts. The problem was before the 89th Congress as Title I of the much-debated Civil Rights Bill of 1966, and it seems certain that similar legislation will be introduced in the new Congress.

(Surprisingly enough, the question is not one that has received much attention from the organized Bar. A resolution opposing the provisions of Title I was introduced in the House of Delegates in Montreal last August and was voted down after several hours of heated debate. At that time, a former President of the Association remarked that "in some inexplicable fashion" the subject had until then escaped the attention of the legal profession.

(According to its sponsors, Title I was intended to assure that federal grand and petit jurors are selected from a full cross section of the community. The legislation contained four basic features that were meant to accomplish this.

(First, the bill specifically stated that no citizen "shall be denied the right to serve on grand and petit juries . . . on account of race, color, religion, sex, national origin, or economic status". The present law, Section 1863 of Title 28 of the United States Code, merely provides that no citizen "shall be excluded from service . . . on account of race or color".

(Next, the legislation designates voter registration lists as the exclusive source from which names of prospective jurors may be drawn. The only exception is the case where use of the registration rolls would still not produce a true cross section. In that case, the judicial council of the circuit could order the addition of other names in order to achieve a cross section. The present law, Section 1864 of Title 28, specifies that the names of prospective jurors shall be drawn from a box containing the names of not fewer than 300 persons, but it does not spell out how the names are to be obtained.

(Third, the legislation compels use of a master jury wheel from which the names of potential jurors would be selected at random. The only qualifications that could be required of jurors are ability "to read, write, speak, and understand English". No higher qualifications could be imposed, and thus the "blue ribbon jury" or the "key-man system", used in many parts of the country, would be eliminated. This is one of the most controversial features of the proposal.

(Finally, the legislation includes a challenge provision whereby any defendant in a criminal case would be entitled to dismissal or a stay of proceedings on the ground of failure to comply with the bill's provisions.

(Senator Hart urges that these proposals be adopted. He argues that the present statute allows jury commissioners too much leeway in selecting jurors and he points out that Negroes have been substantially underrepresented on juries in the South.

(Senator Ervin argues that the proposal is awkward and perhaps unworkable. He contends that the goal of juries that are a true cross section of the community is an impossible one, and he points out that the standards imposed by the legislation are at odds with the statement of the Judicial Conference of the United States that jury commissioners should select jurors of "as high a degree of integrity, intelligence, morality and common sense as possible".)

THE CASE OF THE FEDERAL JURY REFORM

(By PHILIP A. HART, U.S. Senator from Michigan)

The basic responsibilities of jury officials, federal and state, are imposed by the Constitution. "The American tradition of trial by jury, considered in connection with either criminal or civil proceedings, necessarily contemplates an impartial jury drawn from a cross-section of the community." *Thiel* v. *Southern Pacific Company*, 328 U.S. 217, 220 (1946). The Supreme Court has recognized that it is impossible to select completely representative juries. "Neither the jury roll nor the venire need be a perfect mirror of the community or accurately reflect the proportionate strength of every identifiable group." *Swain* v. *Alabama*, 380 U.S. 202, 208 (1965). But the Court has made it equally clear that the Constitution not only bars conscious discrimination, but that jury officials have a "constitutional duty . . . not to pursue a course of conduct in the administration of their office which would operate to discriminate in the selection of jurors on racial grounds". *Hill* v. *Texas*, 316 U.S. 400, 404 (1942). Other decisions make it clear that discrimination in jury selection on account of religion, sex, national origin or economic status is similarly proscribed.[1] In other words, jury officials have an affirmative duty to insure that their source lists of potential jurors substantially reflect a broad cross-section of the population of the community and that the subsequent steps in the selection process will operate in the long run to produce truly representative juries.

The fundamental defect in the present laws relating to the selection of federal juries—contained in Chaper 121 of the Judicial Code—is that they do not afford sufficient guidance to federal jury commissioners as to how they should discharge the duties imposed upon them by the Constitution. No specific source of names of potential jurors is prescribed, and the subsequent steps in the selection process are left largely to local determination. The practical consequences of this lack of statutory guidance were summed up by one of the district court clerks who submitted statements to the Subcommittee on Constitutional Rights of the Senate Judiciary Committee in the course of the subcommittee's hearings on the Administration's 1966 Civil Rights Bill:

"Faced with the lack of statutory guidelines as to an acceptable system of jury selection, and cognizant of the many directives arising out of decisions of the courts affecting jury selection generally, the Federal jury commissioners are faced with an extremely difficult task in order to perform their duties and fulfill the responsibilties of their office." [2]

The present systems for selecting federal juries do vary significantly from district to district. It may be that in most districts federal juries are more or less representative of the population. But there is considerable evidence that the varied systems now used in many areas do not produce truly representative juries.

An informal survey conducted by the Department of Justice last year with respect to the composition of jury panels and lists of qualified jurors in certain federal judicial districts in the South indicates that Negroes have been substantially underrepresented on juries in several federal courts in that area.[3]

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[1] See *Showgurow* v. *Maryland*, 213 A. 2d 475 (Md. 1965); *White* v. *Crook*, 251 F. Supp. 401 (M.D. Ala. 1966); *Hernandez* v. *Texas*, 347 U.S. 475 (1954); *Labat* v. *Bennett*, 365 F. 2d 698 (5th Cir. 1966).

[2] *Hearings Before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on S. 3296*, 89th Cong., 2d Sess., pt. 2, at 1463–1464 (1966). These hearings are hereafter cited as *Subcommittee Hearings*.

[3] *Subcommittee Hearings*, at 238.

For example, in three divisions of one five-division Southern federal court, the United States Attorney estimated that only 8 to 12 per cent of the persons on recent jury panels were Negroes. In that district over 40 per cent of the population 21 years of age or older is Negro. In one division of another Deep South district where 50 per cent of the population is Negro, it was estimated that only 5 per cent of the members of jury panels were Negro. In none of the federal judicial districts surveyed in Alabama, Florida, Georgia, Louisiana, Mississippi or Texas did the percentage of Negroes on federal jury lists or panels approach the percentage of age-eligible Negroes in the district.

The problem of underrepresentation of Negroes on federal juries in the South is perhaps best illustrated by the decision last July of the United States Court of Appeals for the Fifth Circuit in *Rabinowitz* v. *United States*, 366 F. 2d 34. In that case it was stipulated that the federal jury officials had acted in good faith. Nevertheless, only 5.9 per cent of the persons on the jury list for the division in question were Negroes, while 34.5 per cent of the adult population of the division was Negro. It appeared, moreover, that when the jury list had last been reconstituted in 1959, 557 new names had been added to the list, and only four of those names were of Negroes.

Against the background of these statistics, a majority of the eight-judge panel held that the statutory cross-section requirement had been violated and ordered the convictions reversed and the indictments dismissed. The majority in *Rabinowitz* also held that present 28 U.S.C. § 1861 prescribes the maximum qualifications that may be required of federal jurors and that the jury commissioners' practice of imposing higher qualifications of "intelligence" and "moral character" was illegal. In other words, the *Rabinowitz* ruling abolishes so-called blue ribbon juries in the Fifth Circuit.

Some might read the *Rabinowitz* decision as merely an illustration of a regional problem of underrepresentation of Negroes. In my judgment, the case has profound implications with respect to the fairness of jury selection procedures in all parts of the country. In the *Rabinowitz* case the jury officials had relied on the "key-man" system in securing names of potential jurors, and they had limited their contacts almost exclusively to white "key men". The key-man system—under which the jury officials ask various individuals, usually prominent persons in the district, the submit names of persons who, in the opinion of the key men, would be suitable for jury service—is now being used to some extent or as the exclusive means of securing names of potential jurors in about half of the federal judicial districts, including districts in the North, South, East and West. Although I do not mean to imply that that system inevitably operates to exclude such disproportionate numbers of minority groups as it did in the *Rabinowitz* case, I am convinced that the key-man system, even when followed in complete good faith, may often operate to produce nonrepresentative juries.

A study of the operation of the keyman system in an Eastern seaboard district court strongly supports the view that that system produces disproportionately white-collar, upper class juries.[4] The study analyzed the occupational classes of jurors in that court between 1958 and 1961. Names of jurors had been solicited from a wide variety of individuals and organizations, including elected officials, corporations, civic and social organizations, churches and labor unions. The study revealed that while managers, officials and proprietors constituted 9.5 per cent of the labor force eligible for jury service, they constituted 33.5 per cent of the persons on the jury lists. On the other hand, while "operative" employees—*i.e.*, delivery men and semiskilled factory workers—constituted 20.2 per cent of the jury-eligible labor force, they constituted only 7.1 per cent of the persons on the jury list. Service workers, such as waiters and domestic workers, made up 13.2 per cent of the jury-eligible labor force but were only 4.3 per cent of the persons on the jury list. Finally, while laborers made up 8 per cent of the jury-eligible labor force, only 2 per cent of the persons on the jury list were laborers.

[4] Mills, *A Statistical Study of Occupations of Jurors in a United States District Court*, 22 MD. L. REV. 205 (1962).

Present system favors certain litigants

We cannot be satisfied with a jury selection system in the various federal courts which operates to produce more or less representative juries in some areas and nonrepresentative juries in others. The result of the present diversity in selection systems is that certain types of defendants and litigants have a better (or worse) chance in some federal courts than in others. This is inconsistent not only with the policy of uniformity in federal law but also with the fundamental principle of the equal protection of the laws.

In my view, there is an urgent need for new federal legislation to provide a uniform federal juror selection system that will assure that federal juries in district courts throughout the country represent a broad cross-section of the community. To achieve that goal, the legislation must embody the following basic features:

1. Names of all potential federal jurors must be selected from a uniform and broadly representative source.

2. Random selection must govern the taking of names from the basic sources and, when appropriate, each successive narrowing step in the selection process.

3. The federal jury officials must be required to follow uniform procedures that narrow the areas open to the exercise of individual discretion. This concept is particularly important with respect to determinations of whether a person is qualified to serve. Their determinations must be based exclusively on objective criteria.

4. Authority to excuse and exclude individuals and classes of persons from jury service must be relatively narrow in order to assure implementation not only of the cross-section policy but also of the principle that jury service is a serious obligation of citizenship.

Last year President Johnson sent to the Eighty-Ninth Congress a proposed Civil Rights Act of 1966 (S. 3296; H.R. 14765). Title I of this bill prescribed for the selection of jurors in the federal district courts a uniform system that incorporated each of the basic features listed above.

Extended hearings were held on the Administration bill and similar proposals by subcommittees of the Committees on the Judiciary in both the House and Senate. Following adoption of certain amendments in the House Judiciary Committee and during House floor debate, the Administration bill, including Title I, was passed by the House of Representatives on August 9, 1966, by a roll call vote of 259 to 157 and transmitted to the Senate.

As Senate floor manager of the Administration bill, I made a motion in early September that the full Senate take up the House-passed bill. Opponents of the bill then began a filibuster against the motion to consider the bill, and, unfortunately, this tactic was successful and prevented Senate action in the critical area of federal jury reform by the Eighty-Ninth Congress. However, many of my Senate colleagues and I remain convinced that the federal jury selection systems must be reformed and that the substance of Title I of the 1966 bill is a practical and effective response to this need.

The mechanics of the selection procedure prescribed by Title I were as follows:

1. The jury commission for each district or division would obtain copies of the voter registration lists of persons registered to vote in the district or division from local election officials.

2. The commission would select a specific number of names from the voter lists, in accordance with a random selection procedue prescribed by the chief judge of the district—for example, every hundredth name on the lists.

3. The jury officials would write each name on a card or slip of paper and place it in a "master jury wheel".

4. As a need for jurors arose, they would draw at random from the master wheel the number of names expected to be required.

5. Each person whose name is drawn from the master wheel would be required to fill out a juror qualification form that would provide all of the information necessary to determine whether he satisfied the statutory qualifications. The qualifications for jury service would be essentially the same as under present law, including ability to read, write, speak and understand the English language.

6. The jury commission would determine, solely on the basis of the executed form (with certain minor exceptions), whether a person is qualified to serve.

7. The names of all persons determined to be qualified would be placed in a "qualified juror wheel".

8. As jury panels were needed, the required number of names would be taken from the qualified juror wheel, persons would be assigned to panels and summoned to serve.

Since Title I was introduced in the Congress, the proposal has generated considerable discussion among Congressmen, federal judges and members of the Bar. Space does not permit consideration here of all of the questions raised, but three of the commonest criticisms may be noted and refuted. First, some critics of Title I have argued that the present methods of selecting federal jurors are efficient and fair, that there simply is no need for change. I have already referred to facts which demonstrate that that argument is without merit and that there is an urgent need for reform. Second, it has been contended that the Title I selection procedure is not administratively feasible. Third, it has been argued—notably by spokesmen for the so-called blue ribbon jury—that enactment of Title I would lower the quality of federal juries.

The essential features of the Title I selection system are currently followed in a number of federal judicial districts having jurisdiction over both urban and rural areas. To cite one example, the most basic provision of the title is random selection of names of potential jurors from voter registration lists. Names of some or all potential jurors are now selected at random from the voter registration lists in the Districts of Alaska, Delaware, Kansas, New Jersey and the Virgin Islands, the Northern District of Illinois, the Southern Districts of New York, Ohio and Texas, the Eastern Districts of Texas and Wisconsin, and the Western District of Missouri. One or more of each of the other basic features of the title are in current use in these and other districts in all parts of the country. Thus, in my view, current practices are the short and complete answer to questions of workability.

Title I would not diminish jury quality

A disturbing criticism of Title I is that outlawing the practice of selecting so-called blue ribbon panels composed of persons of "good character" and "intelligence" would allegedly lower the quality of federal juries. Title I would abolish the use of subjective criteria to select blue ribbon juries in the federal courts, but the charge that it would

diminish the quality of federal juries is, I believe, without foundation.

Title I proceeds on the premise that persons who are sufficiently interested in government to vote, who can read, write, speak and understand the English language and who satisfy the other statutory qualifications are fully capable of serving as jurors in the federal courts. There are several cogent considerations to support the validity of this premise. First, reliance on the voter registration lists as the source of names of potential jurors will operate as an automatic screening factor, eliminating at the outset persons who have no interest in public affairs. Second, as we have seen, jurors are now selected at random from voter registration lists in a number of districts in various parts of the country. We can infer from this that voter registration lists have been tested and found to be a reliable source of competent jurors. Finally, a recent comprehensive study of the operation of the jury system in the United States supports the view that juries truly representative of the community—including its less educated members—are generally as able to perform the duties of triers of fact in judicial proceedings as would be nonrepresentative juries selected from a highly educated elite.[5] Thus, the evidence shows that Title I will represent a substantial gain in fairness and no loss in the competence of federal juries to perform their role as triers of fact.

Apart from the question of juror competence, there are other important policy reasons for requiring that only objective standards be considered in determining whether a person is qualified for jury service. The practice of imposing subjective tests such as "intelligence" or "good character" may operate inconsistently with the constitutional requirement of a representative jury by excluding disproportionate numbers of persons of low economic status or members of certain racial and other minority groups. The recent *Rabinowitz* decision illustrates how this is particularly true where the key-man system is used.

Title I would assure that the constitutional requirement of a jury selection system that operates to produce truly representative juries is implemented throughout the United States. It will emphasize that in a democracy all persons have a right to be considered for jury service and a duty to serve when selected. I am hopeful that this important reform will be enacted by the 90th Congress.

JURY REFORM NEEDS MORE THOUGHT

(By SAM J. ERVIN, JR., U.S. Senator from North Carolina)

The civil rights bill of 1966 (S. 3296 and H.R. 14765) is popularly regarded as having been a legislative test of a national "open housing" law. That it was, but behind the furor over Title IV, another debate was also in progress—proposed reform of the federal jury system. While Title IV of the bill was embroiled in instant controversy, this proposal, Title I (and Title II, concerning state jury selection), never really caught the public eye, and even the legal community was slow in expressing its interest.[6]

The debate on the federal jury proposals flickered into national view only fitfully—occasionally because of speeches on the Senate floor and once because of the debate at the American Bar Association Annual Meeting in Montreal. But even if the proposal had been divorced from the preconceived and partisan politics that were the inevitable result of joining it to a civil rights bill, men of both parties, of all political persuasions, would have found themselves faced with profoundly complex and basic decisions with regard to this jury legislation—decisions going to the very heart of the assumptions underlying the Anglo-American system of justice.

The proposals clearly deserve the most careful evaluation, both because of the technical provisions which have proved substantially defective and also because of the philosophic bases of the attempted reform—bases that in my view are quite antithetical to the philosophy of the jury system and the administration of justice. Now that emotional debate on the Civil Rights Bill has subsided somewhat, it may be possible to review the jury reform proposals of the bill in a less partisan context and to make a belated start towards an objective evaluation of such proposals.

Today there is much controversy over the jury system, not only with respect to lack of uniformity and possible discrimination, which were the target of Title I's sweeping reform, but other matters as well—prejudicial publicity, to name one. Congress has considered many aspects of the jury system in its time, and one basic principle has developed as a result: That system is too complex, too important, too fundamental to be tinkered with hastily and in ignorance. Whatever the problems that are said to exist, none is easy to solve. Reform in jury selection procedures should be a painstaking task. It deserves more than a "bum's rush" through Congress on the coattails of other legislation. It should be more than a side show in a circus of controversy.

An adequate analysis of Title I was not possible while the bill was pending in Congress. When the Civil Rights Bill was first referred to the Constitutional Rights Subcommittee of the Senate Judiciary Committee, my attention and that of the other members necessarily was divided among five complex titles. Having long been concerned with the jury system and its many problems, I welcomed an attempt to correct deficiencies in the existing selection procedures. As I stated at the opening of the Senate hearings:

"The purpose of Title I is worthwhile and there is no doubt that Congress has both the authority and the obligation to provide for an effective and uniform Federal jury system. However, the subcommittee will hear from witnesses who are concerned with the administration of justice in the courts as to whether the provisions of this title are best designed to accomplish its purpose. Congress has plenary power over the Federal judicial machinery and our question here is not whether to act, but how."[7]

I then expressed the fear, unfortunately borne out by succeeding events, that Title IV would overshadow the issues raised by the jury provisions and that Title I would not be considered on its merit but would rise or fall with the rest of the bill.

The debate that eventually developed, subdued as it was compared with the debate on Title IV, centered on the technical deficiencies of the jury proposal and on the refusal of the bill's proponents to delay action pending completion of a study of it by the Judicial Conference of the United States. Prior to the introduction of Title I, every important proposal of Title I, every important proposal affecting judicial machinery had been referred for comment and analysis to the conference, as well as to other legal groups, such as the American Bar Association. Many of those who eventually came to oppose Title I were influenced by the Administration's refusal to seek independent, objective review.

In the absence of any official study, as Chairman of the Subcommittee on Constitutional Rights, I wrote to each of the chief judges in the ninety-two district courts for their evaluation of the bill. Two thirds of the judges replied. Only two supported the legislation; the others were either opposed outright to the bill in its present form or expressed a desire that the Judicial Conference study it before passage by the Congress. Many of the corresponding judges were disturbed not only with the details of the selection mechanism, but also with the implications of the legislation for the jury system itself.

The subcommittee also heard testimony from clerks of courts representing ten of the eleven federal circuits. Their testimony further demonstrated the need for extensive changes in the bill. Unanimously, they opposed its passage before consideration by the Judicial Conference.[8]

In midsummer the Chief Justice appointed a new chairman to the Judicial Conference's Committee on the Operation of the Jury System and reactivated the dormant committee. When the bill failed in the Senate, the conference committee was just beginning to direct its attention to Title I, as well as to other problems in the federal jury system.

If the guiding principles of jury selection can be condensed into a handful of words, I believe that the report of the Judicial Conference committee in 1960 has expressed them well. The report commenced:

"The following recommendations concerning the selection of jurors and operation of the jury system constitute the conclusions of the Committee:

"I. In order that grand and petit jurors who serve in United States district courts may be truly representative of the community, the sources from which they are selected should include all economic and social groups of the community. The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible. . . ."[9]

The jury, that committee concluded, has an awesome responsibility in American justice. It determines the fate of men—their property, their freedom and sometimes their lives. To work well, indeed, to work justice, the jury must perform according to the premises that the law lays down. We assume that the jury listens to the evidence and evaluates it sensibly, that it comprehends instructions on the governing law and that it makes its decisions wisely and honestly.

These are not easy tasks for the best of men. Yet over 1,000 years of experience has convinced American jurisprudence that justice can best be performed by a collection of men chosen from the community at large. Ordinary men, yes, but with certain qualifications. The purpose of existing law, according to the committee report, is to obtain jurors with "as high a degree of intelligence, morality, integrity, and common sense as possible". This is fundamental if juries are to be composed of men and women with the

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[5] KALVIN & ZEISEL, THE AMERICAN JURY, ch. 11 (1966).

[6] Title II was rarely mentioned at all. Even when the bill's fate was about to be decided on the Senate floor, neither the public nor the legal profession had really come to grips with what I consider to be the fundamental issues it raised. Since the state jury proposals of the bill involved the added problems of constitutionality and the fundamental question of judicial federalism, the burden of my remarks in this essay will be restricted to the federal jury proposals of Title I.

[7] *Hearings Before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on S. 3296*, 89th Cong., 2d Sess., pt. 1, at 47 (1966). The hearings are cited hereafter as *Subcommittee Hearings*.

[8] The majority of the letters received by the subcommittee are reprinted in the *Subcommittee Hearings*, beginning at page 1242 and again at page 1805. The clerk's testimony appears at page 1436.

[9] "The Jury System in the Federal Courts", *1960 Report of the Judicial Conference Committee on the Operation of the Jury System*, 26 F.R.D. 409.

ability to perform their duties and perform them well. In the words of the late Chief Justice Arthur T. Vanderbilt of New Jersey, "the efficacy of jury trials depends as much on the caliber of the jurors as on the character and training of the trial judges and the powers accorded them in the conduct of jury trials".[10]

This, of course, is not the only criterion governing the selection of jurors. In our system, justice is not dispensed by professionals but is regarded as the judgment of the community. Since it is the conscience and experience of the community which is assumed to be evaluating the evidence and applying the law, the jury must be representative of the society for which it acts. The machinery that selects twelve persons from the whole of the citizenry must, then, find honest jurors with sufficient intelligence to understand the issues presented and yet be as representative of the community as possible.

Title I would create uniformly awkward system

Title I proposed to rework completely the existing statutes governing jury selection in the federal district courts in an effort to enshrine only the principle of "cross-section". It would have created a uniformly awkward system, inconvenient to both the citizen and the court, for selecting the sources from which names would be chosen for juror qualification. The procedures it contained for challenging the jury were completely unrealistic and could have been used, as one judge wrote, to prevent a case from ever going to trial. The title prescribed the selection mechanics to the smallest detail, even to the extent of requiring "jury wheels" instead of boxes or files.[11] It hedged any exception to its rules with the closest controls and required the affirmative consent of the judicial conference of the circuit for any deviation. The uniform rules it laid down were to be applicable to all circuits, districts and divisions, regardless of their size, differing jury requirements or case loads. It rejected all else in the single-minded pursuit of the principle of perfectly representative juries.

This was a false and chimerical goal. Twelve jurors cannot perfectly mirror society. A panel of fifty cannot, nor can a jury wheel of 2,000 or 5,000 names, or ½ per cent, 1 per cent or 5 per cent of the population. This numbers game, which wasted so much of the debate on Title I in both the House and Senate, is basically irrelevant. What is important is that the method by which the twelve ultimately are selected not operate so as to exclude any economic or ethnic group or class. It is improper to test the jury wheel or the jury itself against the class structure of the population. The jury wheel should not be a statistical sample of the general community, with every group and class proportionately represented.

Employment of random sampling devices with this objective in mind destroys the important requirement that the jury be composed of persons capable of performing their assigned tasks well. It also implies something more inimical to our fundamental assumptions as to the nature of justice. It strips the blindfold from Justice. The jury is supposed to decide controverted questions on the basis of facts presented in an environment carefully organized to afford the best opportunity for determining objective "truth", insofar as that is humanly possible. That point of view which places exclusive emphasis on proportional representation—"cross-section of the community" in the words of Title I—necessarily suggests that justice is a function of "class". The search for truth thus is regarded as a partisan operation—there is one truth for the poor and another for the rich; justice is one thing for the hyphenated American, another for the New England Yankee. It is true that all trial lawyers recognize that jurors bring their backgrounds to the courtroom, but this is no reason for elevating bias to a rule of law and regarding justice as a judicial balance of economics, ethnic origin and religious and cultural backgrounds. This was a fundamental defect of Title I.

An integral element in the proposed reform was the use of voter registration lists as the major source of prospective jurors for every district court in the country. These voter lists were considered by the bill's authors as immune from discrimination based upon race, economic or social status, or any other factor generally considered an improper distinction in jury selection. Although voter registration lists may have advantages over other sources of names in some localities, they are by no means as ideal as the proponents of Title I asserted. Voting in this country is not universal. It has been estimated that perhaps 25 per cent of those who are eligible to vote do not even register, and this figure is even higher in off-year and local elections. Use of registration lists immediately excludes the nonvoter from jury service. Further, those who do vote are probably the more politically informed, the more socially conscious, perhaps the better educated of our citizenry. To the extent that voter lists reflect these characteristics, they may well be antithetical to the "cross-section" purpose of the bill's drafters. And to the extent that voter lists reflect political factors, their use injects improper elements into the jury system. Voting lists are clearly poor sources in the District of Columbia, where, for example, few are registered. At present the District uses as a source of names the city directory, in which all residents of Washington are listed.

A rigidly mechanical proposal

The heavy reliance of Title I on voter registration lists stemmed less from a conviction that these lists were broadly representative than from the objective of prescribing a rigidly mechanical method of jury selection that would be uniform throughout the country. Title I is replete with devices designed to exclude judgment and discretion from the selection process—not only judgment by the jury commissioners but even by the judges themselves. For example, the text of the proposed Section 1866(a) would have deprived not only the jury commission but also the judge from disqualifying on any evidence but his own admission a person found to be illiterate. It was not argued by the proponents that literacy is not an important qualification for jurors and, in fact, the bill specifically retained this standard. So important was it to have automatic and uniform selection procedures, however, that the proponents preferred to risk having illiterates serve rather than to permit the judge to exercise his power of discretion and to make this quite simple decision on the basis of whatever facts were available.[12]

Since the jury provisions were contained in a civil rights bill, there was some attempt to justify it in civil rights terms. Despite this, there has been no evidence of overt, or even covert, racial discrimination in federal courts in the Southern districts. Even in the much touted case of *Rabinowitz* v. *United States*, 366 F. 2d. 34 (5th Cir. 1966), which was decided well after the bill was written and introduced, there was no allegation of discrimination on the part of the court official.[13] Rather than proving the case for Title I, this decision stands as evidence that Southern courts will not tolerate even a suggestion of radical discrimination.

The real justification for Title I was not, however, any supposed need to eliminate racial discrimination. Rather, the bill was claimed as essential for combating the inevitable tendency of the courts in all parts of the country to exclude the poor. In support of the proposal, proponents pointed to what they considered was a major weakness in the present philosophy and operation of the federal jury selection system. They equated the Judicial Conference standard of "intelligence, morality, integrity, and commonsense" with the "blue ribbon jury," which they considered a euphemism for discrimination against lower economic classes. This syllogism is not only false, but condescending. "Intelligence" is not equivalent to a college education, nor are "integrity" and "morality" the exclusive possession of the well-to-do, the white-collar worker, the business executive. Most assuredly, "common sense" is not reserved to third-generation Americans as opposed to first or second.

These terms, as I understand them, refer

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[10] VANDERBILT, MINIMUM STANDARDS OF JUDICIAL ADMINISTRATION 147 (1949).

[11] During the subcommittee's deliberations on Title I, numerous amendments, based for the most part on the objections raised by the corresponding judges, were offered to correct technical defects in the bill and to ease the administrative burdens of the selection machinery for the courts. One of the amendments would have applied the definition of "jury wheel" contained in Title II, Section 206(c), to Title I. Judges from large metropolitan areas had written that the number of names they would be required to place in the "master wheel" was so large as to make it unwieldy and that a box or file system would serve equally well. The Justice Department, however, rejected this change. Apparently it was thought that somehow a "wheel" would be better suited for random selection of prospective jurors than a "box".

[12] A close reading of this section had demonstrated that the judge would have no power to determine the literacy qualification and that his power to consider evidence on the other factors would be limited to "objective" evidence. There was some doubt whether he could determine the question of exemptions at all. During Subcommittee consideration of the bill, I offered a series of amendments to Section 1866(a) to permit a determination of juror exemption or qualification, including literacy, by the judge if evidence other than that contained on the juror questionnaire satisfied him that the person was unqualified or exempt for jury service. These amendments were all rejected by a vote of 5-4.

[13] The *Rabinowitz* case was decided on July 20, 1966, by the Fifth Circuit on appeal from the District Court for the Middle District of Georgia. The appellants challenged their convictions on the grounds that the disproportionately low number of Negroes on the jury lists demonstrated improper exclusion. As the court stated, "the charge is focused on the qualifications which [the clerk of court, his deputy, and the jury commissioner appointed by the court] required of prospective jurors and on the method by which the jury list was compiled, rather than on any affirmative evil intent of the jury commissioners". The opinion of Judge Rives, speaking for three of his colleagues, traced the legislative history of the 1957 amendments to Title 28 and concluded that "there were impermissible departures from the statutory scheme both as to the qualifications required of prospective jurors and as to the method and procedure by which the list was compiled. One result was that Negroes were excluded from the jury list which formed the source of the grand and petit juries in the cases". Judge Brown concurred in the opinion "to avoid a 4-4 deadlock", but characterized his vote as "weak" because he was "not at all certain just what is decided" and he thought the court's opinion was too "doctrinaire".

to qualities of character, not of class. They are independent of economic status or educational achievement. They pertain to some individuals in every racial and religious group, and they are absent in some individuals in each. The "blue ribbon jury" is not to me a term of opprobrium signifying a jury of twelve bankers. It denotes a jury composed of persons of common sense and integrity who show interest and alertness, a concern for their own affairs and for society's and who will bring to the jury box the same high qualities they exhibit in their other activities.

Why distrust the Federal judges?

There is no reason to equate high quality jurors with class lines, and no grounds for assuming that the exercise of judgment in selecting a jury inevitably results in unconstitutional exclusions of certain groups. It is beyond comprehension why a federal judge, upon whose integrity, knowledge, honesty and obedience to the law rests the entire fabric of justice, should be so suspect as to be deprived of his judicial powers in this field. The best paper rules that man could devise could not insure a fair and just trial if the judge were so corrupt as to seek an unjust result. It was never satisfactorily explained why there was such a suspicion of the judge and the other court officials in respect to their operation of the jury selection machinery, and yet no evident concern that they would behave similarly in the discharge of their other responsibilities.

Although it is already clear that some changes in the jury system are warranted, no evils have yet been proved that would justify legislation which eliminates the historically proper functions of the judge and the jury commissioner, or which discards the machinery the Congress and the courts have carefully established over the years. Proposals to improve jury selection by strengthening existing machinery have been under study for some time. One such proposal, H.R. 5640, had already passed the House of Representatives with Justice Department sponsorship and was before the Senate Judiciary Committee when Title I was introduced. This bill was a product of the 1960 Judicial Conference report, the Knox Committee recommendations and studies of the American Bar Association and other legal groups gong back to before World War II.

Whatever may have been its defects, this proposal at least recognized that the responsibility for the successful operation of the jury system, no less than the other elements of the judicial system, rests in the last analysis on the quality and integrity of the men charged with its implementation. It recognized, as Title I did not, that there is no mechanical substitute for intelligent, resourceful and conscientious men. It permitted those responsible for operating the system to apply the controlling standards in ways bests suited to achieve good results in the light of the difficult problems of their courts. It set forth the principles to be achieved and left the details of the operation to those who were charged with running the court system.

Reform should not be tied to civil rights

Our jury system is a finely tuned and complex instrument in the administration of justice. Improvements demand the interest of specialists, and comprehension of the problems requires both experience and learning. Public debate on jury legislation is beneficial and necessary, but reform should not be dependent upon politics, civil rights strategy or election tactics. Justice is too important for such cavalier treatment. Therefore, I am pleased that we can again discuss jury reform outside the context of a civil rights bill. Since Chief Justice Warren has reactivated the Judicial Conference's jury committee, I hope that the Department of Justice will defer any decision on a new version of Title I until after its study is completed. But at whatever time and in whatever form new proposals are put forth, I urge that they be presented independent of any other legislation which might detract from careful deliberation.

The American Bar Association should begin now to consider possible jury reform and be prepared to give its recommendations. I have full confidence that the results of dispassionate and objective study will reaffirm our reliance on the jury as a mainstay of justice. I expect that any proposals which come out of such a critique will strengthen existing machinery and not replace it with a system which, like Title I, would inevitably result in poorer juries, and consequently, lesser justice for all.

OBLIGATION OF UNITED STATES TO END EVIL OF SLAVE LABOR

Mr. METCALF. Mr. President, slave labor continues in today's world, and the United States has an obligation to assert moral leadership in moves to end the evil. The U.S. Congress should ratify without delay an international convention to abolish its use.

Andrew J. Biemiller, director of the AFL–CIO Department of Legislation, told the Senate Ad Hoc Subcommittee on Human Rights on March 8 that the convention, adopted by the International Labor Organization "goes to the heart of the struggle between democracy and communism." Mr. Biemiller recalled that the American labor movement initiated the inquiry into slave labor in 1947, and that 2 years later the United Nations Economic and Social Council authorized an ILO study which showed that there was a systematic program of slave labor in Soviet-controlled countries and Red China. The ILO convention resulted from those findings.

So far, said Mr. Biemiller, 75 nations have ratified the convention. Among those who have not acted are the Soviet Union and the United States. U.S. inaction, he declared, has had an adverse effect on uncommitted countries as has our "refusal of recognition to millions of persons still denied human dignity in slave labor camps." U.S. action, on the other hand, would emphasize to the world our commitment to the realization of human rights not only at home, but abroad.

It is my opinion, Mr. President, that not only the members of the Senate subcommittee, but everyone else should have the opportunity to read and consider the testimony of Mr. Biemiller. I therefore ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF ANDREW J. BIEMILLER, DIRECTOR, DEPARTMENT OF LEGISLATION AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, TO THE AD HOC SUBCOMMITTEE ON HUMAN RIGHTS OF THE SENATE COMMITTEE ON FOREIGN RELATIONS, MARCH 8, 1967

Mr. Chairman, my name in Andrew J. Biemiller. I am Director of the Department of Legislation of the AFL–CIO.

The AFL–CIO is extremely pleased to have this opportunity to testify before this subcommittee. It is our firm conviction that hearings—and appropriate Senate action—on these conventions is long overdue.

Because of the time limit, Mr. Chairman, as well as the large list of other witnesses scheduled to appear before this subcommittee, the AFL–CIO's testimony will deal specifically with our support for ratification of the Convention on the Abolition of Forced Labor.

This is the Convention adopted by the International Labor Organization in Geneva, on June 25, 1957.

It requires ratifying states to suppress and not to make use of any form of forced or compulsory labor for certain specific purposes: namely, as a means of political coercion or education or as a punishment for holding or expressing particular social, economic, or political views; as a means of mobilizing labor for purposes of economic development; as a means of labor discipline; as punishment for having participated in strikes; or as a means of racial, social, national, or religious discrimination. Ratifying states are required to take effective measures to secure immediate and complete abolition of these proscribed uses of force or compulsory labor.

Organized labor's strong support for this Convention is based on its desire to protect and advance the freedom of labor both at home and abroad. It was, in fact, the American Federation of Labor—in 1947— that first requested the United Nations in conjunction with the ILO to conduct an investigation of forced labor wherever it may exist in the world.

It took two years of persuasion before the AFL accomplished its goal. In February 1949, despite the opposition of Russia and her satellites, the UN Economic and Social Council voted to request the ILO to make such an investigation.

An Ad Hoc UN-ILO committee was established to study the nature and extent of the forced labor problem, resulting in a report being issued in 1953 that found a systematic program of forced labor in all of the Soviet-controlled countries.

As a part of its report, the committee recommended: ". . . wherever necessary, international action be taken, either by framing new conventions or by amending existing conventions, so that they may be applicable to the position regarding forced labor conditions found to exist among the workers of fully self-governing countries."

On December 15, 1955, a second factual document was issued. The Secretary-General of the United Nations and the Director-General of the ILO reported to the Economic and Social Council of the UN on the use of widespread forced labor in Red China. This same report confirmed the 1953 findings regarding forced labor in the Soviet Union, Bulgaria, Czechoslovakia, Hungary, and Rumania.

Early in 1956, as the result of effective American leadership, the ILO established an Independent Committee to analyze material on forced labor received by the ILO and to submit conclusions to the governing body.

The Independent Committee issued its report shortly thereafter. It was this report that urged the ILO to adopt a new international instrument prohibiting the forced labor found to exist in a number of self-governing countries. It should be pointed out that an ILO Convention of 1930 imposed restrictions on forced labor in non-self-governing countries.

Although the United States, starting with the request of the AFL, had been largely responsible for the studies leading up to the ILO committee's proposal, it became apparent—in late 1955—that our State Department was not anxious to have the ILO adopt a forced labor convention.

When the ILO prepared to implement its findings by sending questionnaires among its member governments prior to proposing a new instrument or convention, the United States government refused to cooperate. Un-

like the Soviet Union, Yugoslavia, Hungary, and 41 other nations, our government failed to complete and return the questionnaire.

On April 25 and 27, 1956, the State Department's reasoning—or lack of reasoning—for this action became a matter of public record during hearings before the Subcommittee on Labor of the Senate Labor and Public Welfare Committee.

These hearings were conducted on S.J. Res. 117, introduced by our present Vice President, calling upon the United States to "exercise leadership in the International Labor Organization to develop and adopt an international convention which will effectively outlaw forced labor for political and economic purposes."

During the hearings a letter from the State Department to Senator Lister Hill was placed in the record. Basically, Secretary Dulles took the position that adoption of an ILO convention would not be an effective way of prohibiting forced labor since there would be no adequate enforcement machinery.

Instead, the State Department called for an ILO declaration to be coupled with continued efforts to expose and publicize forced labor practices wherever they exist.

In the letter written to Senator Hill by Assistant Secretary Robert C. Hill, the State Department attempted to support its position by pointing out: "It is interesting to note . . . that the U.S.S.R. has embraced the idea of a convention and has called upon the International Labor Organization to 'adopt as broad and radical an instrument as is possible.' Endorsement of the convention form by the U.S.S.R. is indicative of what might be expected from the adoption of this (convention) form of action."

Testifying during the same 1956 hearings was AFL–CIO International Representative George P. Delaney. Mr. Delaney, who is now Special Assistant to the Secretary of State and Coordinator of International Affairs, correctly predicted that a majority of the participants at the June 1957 ILO conference would support the adoption of the convention.

He told the subcommittee: "The failure of the United States Government vigorously to support the adoption of a convention on forced labor would place this nation in a position that would be ludicrous if its consequences were not so grave. . . .

"I think that I can reasonably state that the overwhelming majority—in fact, all of the workers of the conference—except those who are controlled by governments—will certainly support the adoption of a convention. And I think I can say, with possibly the exception of the United States employer, that that will be true of the participants from the employer side of the International Labor Organization.

"The employer and worker representatives of the free nations of the world will consider anything less than vigorous leadership by the United States as an incomprehensible abandonment of its principles."

On June 25, 1957, the Convention on the Abolition of Forced Labor was adopted by the ILO. As of January 1, 1967, 75 states have become parties to the convention. It is interesting to note that despite the prediction of the State Department in 1956, the Soviet Union has ratified the two other conventions being considered by this committee, but has refused to ratify the forced labor convention.

Unfortunately, neither has the United States. It was not until 1963 that the three conventions being considered by this subcommittee were submitted to the Senate. In asking for the Senate's constitutional consent to ratify, President Kennedy clearly stated the paramount issue when he declared: "The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny."

It is now two decades since the AFL first called for an investigation of forced labor and one decade since the ILO convention was adopted. Surely, it is time—at long last—for the Senate to give its advice and consent to this convention.

Legal and moral arguments strongly support this conclusion. As Ambassador Goldberg testified before this subcommittee on February 23, there is ample legal precedents for ratification. The moral reasons are just as compelling.

Our nation is now a party to two international human rights agreements. We ratified a convention on slavery during the administration of President Herbert Hoover and we ratified an agreement on the nationality of women during the administration of President Franklin D. Roosevelt.

Further, there is nothing in the forced labor convention that does not coincide with the fundamental rights guaranteed under our Constitution. There is nothing in this convention that will alter the balance between the jurisdiction of the federal government and the jurisdiction of the states. There is nothing in this convention that is not already covered by federal constitutional protections. Finally, from a legal standpoint, approval of this convention would require no implementing legislation.

Ambassador Goldberg clearly spelled out the provisions of the convention dealing with labor strikes and labor discipline. We are in complete agreement with his explanation. As he testified, "The convention would have no application to criminal sanctions for violations of court orders—such as those commonly issued under the National Labor Relations Act. Nor would it cast any doubt on punishments for illegal activities, for example, assaults, in connection with a strike. Nor, finally, would the convention apply to sanctions imposed for having participated in an illegal strike or for other illegal activities."

It is, of course, just as clear that forced labor cannot be imposed in this country as a result of strikes or other labor activities that are legal.

The moral arguments supporting ratification of this convention are well known by members of the subcommittee. As the chairman pointed out in his opening statement on February 23, "We have made giant strides in our own country over the past decades in eliminating the inequities inherited from the past."

Ratification of this convention by our nation would emphasize—to the world—our commitment to the realization of human rights not only at home, but also abroad. For too long, the United States has supported the charter of the United Nations and its human rights principles without agreeing to give these principles real meaning and force.

Until our government ratifies this convention, the United States will continue to abdicate its moral leadership on an issue that goes to the heart of the struggle between democracy and communism. Our inaction refuses to recognize the effect this lack of leadership has on the uncommitted countries of the world just as it refuses to recognize the millions of persons still denied human dignity in the slave-labor camps that continue to exist behind the Iron Curtain and elsewhere.

Mr. Chairman, attached to our testimony is a copy of a statement on forced labor adopted by the AFL–CIO Executive Council on August 13, 1957. We would hope that this statement could be included in the record of this hearing.

Thank you.

FORCED LABOR

(Statement by AFL–CIO Executive Council, Chicago, Ill., Aug. 13, 1957)

The Executive Council of the AFL–CIO notes with satisfaction the recent adoption by the ILO of a Convention to Abolish Forced Labor.

The continued existence of systems of forced labor notably in the Communist world, as amply substantiated by UN–ILO reports, is an outrage against human dignity and a threat to freedom everywhere.

The United States should assert moral leadership in the effort to bring an end to this shocking and inhuman violation of the basic rights of man.

We, therefore, strongly urge the President of the United States to immediately forward this Convention to the U.S. Senate for ratification.

INVESTMENT TAX CREDIT

Mr. HART. Mr. President, with many others, I should like to express my wholehearted support of the President's proposal to reinstate the investment credit. This appears to me to be a prudent and well-timed response to changes in the economic situation. The conditions which existed last fall and which led to the suspension of the credit are no longer present. The tax policy which was appropriate under the pressures of last fall should now be modified to meet the current needs. Fiscal policy should again demonstrate its ability to respond flexibly to changing conditions. Congress should, without delay, seize this opportunity to restore the investment credit to its normal place in our tax system.

Although there have, in recent months, been significant changes in many areas of economic activity, some of the most noteworthy changes have occurred in the financial markets. Interest rates have declined one-half to one-fourth percentage points from their peak levels in September. The flow of funds into savings and loan institutions is returning to normal levels.

The Federal Reserve System has relaxed its tight money policy of last year and is providing the funds that a growing economy needs. In effect, the Federal Reserve has indicated that the removal of what it regarded as inflationary pressures permits it to continue to supply the funds necessary for sustained economic expansion. The commercial banks, like the savings and loan associations, have used their newly acquired funds to repay their indebtedness and build up their liquidity. They are now in a stronger position to provide credit to help finance continued prosperous growth.

The supply of credit has been brought more nearly into balance with demand. The survey conducted by the Department of Commerce and the Securities and Exchange Commission makes it clear that the investment boom has cooled off.

When the investment credit was suspended, the President and the Congress said that it would be returned as soon as possible. There should now be no delay in making good that promise.

ALASKA'S CENTENNIAL CELEBRATION AND ITS MULTIPLE ACTIVITIES—1867–1967

Mr. GRUENING. Mr. President, during this Alaska Centennial Year, I hope many Members of Congress will come

"north to the future" and see firsthand the beautiful, big country which cost the Federal Government $7.2 million, or less than 2 cents an acre, 100 years ago. A few days hence, at 4 a.m. on March 30 it will have been exactly one century since the treaty of cession of Russian America to the United States was signed in Washington, D.C.

Yesterday, the Washington Star published a feature story about centennial activities in Alaska. Because of the interest in the centennial, I ask unanimous consent that the full text of this informative article, authored by my administrative assistant, George Sundborg, be printed in the RECORD. I believe it will answer many questions that potential Alaskan visitors will have during the centennial celebration.

A part of the centennial activity has been possible because Congress approved the spending of $600,000 for Federal exhibits at Fairbanks, Anchorage, Juneau, Ketchikan, and Sitka, and also appropriated $4 million to match local funds for projects and facilities which will be lasting contributions to the economy of our State.

So come north to the future and see why we believe the Aleuts correctly refer to Al-a-aska as the Great Land.

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

(By George Sundborg)

"North to the Future" is the slogan Alaskans have adopted to symbolize their celebration this year of the centennial of the purchase of Alaska from Russia.

All indications are that hundreds of thousands of their fellow Americans will be traveling "north to the future" during 1967 to help the people of the 49th State observe the 100th anniversary of one of the best real estate deals in history.

It was right here in Washington at 4 o'clock in the morning of March 30, 1867, that Secretary of State William Henry Seward and Baron Edouard De Stoeckel, Russian minister to the United States, signed the treaty of cession of Russian America to the United States. They had bargained all day and far into the night. The price tag on the 365 million acres was $7,200,000.

WIDESPREAD OBSERVANCE

Throwing the centennial party in Alaska will cost considerably more than the original purchase price. All the Alaska cities you've ever heard of (and a good many smaller settlements such as Clam Gulch which may not be in your gazeteer) are planning something special for visitors.

The federal government is cooperating by spending $600,000 for federal exhibits at Fairbanks, Anchorage, Juneau, Ketchikan and Sitka and $4,000,000 to match local funds for projects and facilities, which in the language of the act which the Alaska Congressional delegation succeeded in getting through last year, "contribute to the celebration, result in an enduring symbol of the significance to the United States of its purchase of Alaska in 1867 and provide a permanent contribution to the economy of Alaska."

It will be a big party, stretching from the Canadian border to Bering Sea and lasting all year. Already Alaskans have been engaged in a welter of dog team races, ski contests, concerts, art shows, stage productions, winter carnivals, queen contests, traveling historic exhibits, pageants, parades, blanket tossing exhibitions, curling bonspiels, beard growing contests and community festivals, all in the name of the centennial.

FAIRBANKS MAIN SITE

The pace will step up as spring arrives and will reach a fairly furious level by May 27 when the official centennial exposition opens at Fairbanks. There, on a 40-acre site, a local public purpose corporation known as Alaska 67 is laying out Indian and Eskimo exhibits, mining displays, a recreated Gold Rush town, a wildlife zoo, a real Yukon River steamboat floating in a man-made pond, amusements and demonstrations of what life is like in the North.

The main exposition will run until September 30. Fairbanks competed against Anchorage, Sitka, Juneau and a number of other Alaska cities for the designation as official centennial center, winning out with the State Legislature-created Alaska Purchase Centennial Commission on the basis of boldness and creativeness of its exposition plan.

But all of the communities named and dozens of others will be putting on special centennial shows and the traveler to Alaska will want to touch several points to savor the full effect of the 100th birthday celebration.

NATIVE DANCES

Fairbanks will present Eskimo and Indian dances all summer, with groups coming in from Nenana, Minto, Port Chilkoot and other villages ad seriatum so as to have something going in the Native dance line at all times. Native arts will also be on display. On June 17–18 (the days tend to run together in Alaska in the summertime because it is bright daylight all night) there will be an 800-mile marathon river boat race from Fairbanks to Ruby and return. A midnight sun baseball festival with all games to be played at midnight without artificial lights, will be held June 20–24.

Fairbanks will also stage its biggest-ever Golden Days celebration, an annual festival commemorating the discovery of gold on Pedro Creek in 1902, from July 19 to 23. The World's Eskimo Olympics, featuring competition in blanket tossing, kickball, seal skinning and other Arctic sports, will be held August 9–12.

OLD RUSSIAN CAPITAL

Sitka has built a stunning centennial center which will be dedicated on March 30, the anniversary of the purchase, which has also been selected as the date of issue of a commemorative eight-cent postage stamp, with Sitka to be the city of issue. Sitka, the old Russian capital, will have a fisherman's festival lasting the whole month of April, an all Alaska logger's competition July 4–5, historic exhibits all year and a reenactment on October 18 of the actual transfer ceremony from Russian to U.S. dominion which occurred on that date in 1867.

Anchorage, which has just finished holding its annual Fur Rendezvous, will blow the whistle and ring the bell May 6 to signalize beginning of regular operation of a Centennial Steam Railroad running from the Anchorage International Airport to the city center. A Cook Inlet Native cultural exhibit will open the same date. On June 1 an aviation museum and Alaska resource exhibit will open. An Alaska big game trophy exhibit will open June 4. The Alaska Music Festival, for which Anchorage is already famous, will be held June 9–22.

DRAMA FESTIVAL

Juneau, the capital, is building a new State museum costing $1,250,000 as a centennial project. Tours via ore car are offered all year through the Alaska Juneau Gold Mine. An international drama festival, customarily held in the Yukon Territory, has been moved across the line from Canada to be staged at Juneau June 8–10. A centennial homecoming week will be held July 31–August 6 with performances of a home-grown drama called "Hootchinoo'n Hotcakes", a ferry tour of the area and flights over the great Juneau Ice Cap as features.

Drama will bloom additionally at Ketchikan with "The Fish Pirate's Daughter", Anchorage with "Lord of Alaska" and a musical "Seward's Follies", Kodiak with "Cry of the Wild Ram" and Haines-Port Chilkoot with "Smell of the Yukon" and "Ghost of the Dalton Trail" playing on alternate nights.

INDIAN WAR CANOE

Ketchikan will launch a 30-foot Tlingit war canoe to paddle out and greet each arriving tour ship. A replica of old Fort Tongas has been built on a hillside above Ketchikan Creek. Public band concerts will be held on the dock at Wrangell whenever a ship comes in sight.

Dillingham, the principal community on Bristol Bay, will stage its annual Beaver Roundup March 15–20, with trappers arriving by dog team and bush plane to sell their furs and take part in mushing races, Eskimo dancing and games.

Skagway will offer a Days of '98 show every two to four nights, depending on cruise ship and train arrivals (the narrow-gauge White Pass and Yukon Route connects Skagway with Whitehorse, Y. T., 111 miles away) and the Shooting of Dan McGrew will be reenacted as often as anybody is willing to watch. A Trail of '98 Museum will be open daily.

FESTIVALS NUMEROUS

Kodiak will stage a King Crab Festival May 5–7, Petersburg a Little Norway Festival May 20–21, Palmer its annual Colony Days (celebrating the colonization of the Matanuska Valley) May 27–28, Nome a Midnight Sun Festival with a raft race down the Nome River June 17–19, Kenai a Centennial Homecoming June 29–July 4, Haines its annual Strawberry Festival June 30–July 2, Seward the annual Mount Marathon climbing race July 4, Clam Gulch a fish and wildlife barbecue July 3, Cordova a pageant portraying Vitus Bering's 1741 discovery of Alaska July 20 and Soldotna a Progress Days celebration July 30–31.

Salmon derbies, with the prize for the largest fish in most cases being a new automobile, are scheduled for Sitka, Ketchikan, Juneau, Wrangell and Seward. Homer will hold a halibut derby and the Matanuska Valley a rainbow trout derby. Deer derbies will be held at both Wrangell and Petersburg.

A beluga whale hunt is scheduled for Kotzebue early in June, a whaling festival at Point Hope for the same month and a caribou and bear barbecue for Delta Junction July 4.

Centennial events will close with a November potlatch at Sitka with Indian dance groups from Klukwan, Haines, Hoonah, Yakutat, Angoon, Kake and Sitka performing daily for seven days.

HOW TO GET THERE

So, how does a centennial visitor get to Alaska?

The quickest way is to fly. From Washington, it's possible to leave at 8:45 a.m. any day of the week and be in Anchorage at 1:52 p.m. the same day. This one-plane service by Northwest Orient Airlines has just been reduced in price by $48 under a special centennial fare.

A $25 fare reduction for the centennial is in effect via Seattle, from which three other carriers in addition to Northwest provide daily service to Alaska points. They are Alaska Airlines (Anchorage, Fairbanks, Nome), Pacific Northern Airlines (Ketchikan, Juneau, Anchorage, Kodiak) and Pan American World Airways (Fairbanks only).

Cruise ships carry passengers from Vancouver, B.C., to Southeastern Alaska ports starting in May. Alaska Cruise Lines (900 I.B.M. Building, Seattle), Canadian Pacific (1221 Fourth Avenue, Seattle) and Canadian National (1629 K St., N.W., Washington) are the only carriers still in this service.

ALASKA BY HIGHWAY

Greyhound and Trailways both offer bus tours to Alaska.

Most visitors to Alaska this year, at least, are expected to go in their own automobiles. This involves no danger or hardship, though the way is long and—in Canada—dusty. The writer drove from Washington to Fairbanks a couple of summers back. With some meandering out west, the distance was 6,000 miles and the elapsed time 14 days. Yes, there are plenty of gas stations along the way.

Since the State of Alaska instituted fast ferry service along the coast from Prince Rupert, B.C., most visitors going to Alaska by automobile have preferred to go one way by ferry and the other over the Alaska Highway. (It is not, and never was, the "Alcan" Highway, and that appellation is abominated by the hardy men of the North—Canadians as well as Alaskans.)

The Alaska Highway begins at Dawson Creek, B.C., and extends 1523 Miles to Fairbanks. Except for about 100 miles at its southern end, it is unpaved in Canada. All of the Alaska Highway within Alaska and practically all of the connecting roads in the State are paved. These connections tie together Anchorage, Palmer, Valdez, Mount McKinley National Park, Circle, Nenana, Big Delta, Glennallen, Seward, Kenai, Soldotna and Homer. State ferries tie Kodiak, Cordova, Seldovia and all the cities in Southeastern Alaska into the system.

STATE FERRY SYSTEM

The main ferry route from Prince Rupert, B.C., to Ketchikan, Wrangell, Petersburg, Juneau, Haines and Skagway operates on a daily schedule. Sitka is served weekly.

It has been possible since 1966 to travel by ferry from Kelsey Bay on Vancouver Island (reached easily by highway and short ferry from Seattle) to Prince Rupert and thence to Alaska.

The best source of information on all aspects of travel to and within Alaska is the Alaska Travel Division of the State of Alaska, Pouch E, State Capitol, Juneau, Alaska 99801.

Perhaps without even meaning to, Alaska's new Republican Governor, Walter J. Hickel, epitomized the centennial sentiments of his 272,000 fellow Alaskans a few days ago when he said: "Come up and get the feel of this country. We're not only a State of the Union. We're a state of mind."

ICELAND—A NATION ON THE MOVE

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting article about Iceland, reprinted from the June 1966, issue of the Reader's Digest.

I recently visited this unique country to participate in the celebration of the 10th Anniversary of the Educational Exchange Program with Iceland. I believe that in very few communities in the world today have the people done as good a job of managing their affairs as have the people of Iceland. They are blessed with relatively few natural resources, but have created an extremely fine life for their people. There is much we could learn from their experience on how to organize and operate a civilized community in this modern age.

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

ICELAND—A NATION HURRYING TOWARD TOMORROW

(By James H. Winchester)

After breakfast at my hotel in Reykjavik, the thousand-year-old capital of Iceland, I left a tip for my waiter. Later, I found the coins returned, neatly stacked in a table in my room. "We get paid for our work," an Icelandic friend told me when I related the incident. "We don't want favors."

Super-independence is characteristic of the people of Iceland, an island republic which cast loose its ties with Denmark in 1944. Sitting atop the North Atlantic, surrounded by hostile seas, this island, one-fifth larger than Ireland, is Europe's most sparsely settled land, with 190,000 people. For centuries Iceland refused to involve itself with the outside world, trading only with Denmark and discouraging immigration. "As a result," says Gunnar Helgason, a Reykjavik lawyer, "everyone here is related to everyone else."

Irish monks are believed to have settled in Iceland as early as 795 A.D. They were followed by piratical Vikings and restless Celts in the ninth century. Some of these early Icelanders plundered Western Europe's seaports for 100 years and frequently raided Ireland and Scotland, kidnapping handsome girls. This selectivity shows today in Iceland's beautiful women, a surprising number of whom are redheads. Icelanders are similar in appearance to Swedes and Norwegians. "We are Scandinavians, with reservations," Icelanders describe themselves.

In today's air age, with most of Europe's capitals only two or three hours away, Iceland can no longer stand aside from the mainstream. Moreover, because of a high birth rate and low death rate, the island's population has almost tripled in this century; to survive, this country, where almost everything is imported, must look abroad for trade and investors. Thus, Iceland is beset by contrasts and contradictions, caught between its desire to have the best of all that is new, and its love for the treasured heritage of the past.

Oldest Living Speech. A thousand years ago, all the Scandinavian countries spoke a common tongue, which was of Germanic origin. But while Norway, Denmark, and Sweden accepted the infiltration of foreign words, Iceland has stubbornly kept the language untainted. As written and spoken today, the language is very little different from what it was in the ninth century. Icelanders are so jealous of this purity that the state radio broadcasts frequent warnings against foreign words smuggled in by visitors. If the early Vikings could return to Reykjavik, now, they would be able to talk with the man in the street. "It's the world's oldest *living* speech," Dr. Gylfi Gislason, Iceland's Minister of Education, insists. "Latin, Classical Greek and Sanskrit are more ancient, of course, but they are no longer in everyday use."

To keep abreast of changing times, university professors pore through old manuscripts seeking obsolete words that can be adapted for new meanings. Thus the telephone is *simi*, an old word for "long thread," and a jet is *thota*, which formerly referred to a bird's quick flight through the air.

One of the most literate countries in the world, Iceland publishes seven times more books per person than England. "Better shoeless than bookless" is an Icelandic proverb. Every home has its library, and many of the volumes are in Danish, English and German, for the Icelanders are great linguists. There are five daily newspapers in Reykajavik (pronounced rá kya vék), and two bookstores in almost every block. The country's most popular radio program is a weekly reading of Sagas and Eddas, stories written in the 12th and 14th centuries about the virtues and character of early settlers, of heroes and of gods.

Indeed, culture enjoys great popularity in Iceland. Regular salaries are paid by the government to outstanding local artists, writers and composers. The country supports an opera company, two symphony orchestras, a national theater. Ballet troupes from Russia, Denmark and England perform in Reykjavik regularly.

Fire and Frost. As geologists look at things, Iceland isn't very old. Volcanic blasts heaved it out of the ocean only 60 million years ago, making it the world's youngest major landmass. Over the centuries, lava and ash from further eruptions have built it to a size of 39,800 square miles, and the island is still in the making.

New volcanoes are constantly appearing. The latest is Surtsey, off Iceland's southern coast. On the morning of November 14, 1963, smoke appeared at the surface of the water. Nearby fishermen thought that a ship was afire. Arriving at the scene, though, they found the waters boiling. By the next night, a black cone had broken above the waves and risen 30 feet high. Steam, produced by the meeting of sea water and volcano fire, caused frequent explosions. Great lumps of red-hot lava shot into the air and fell back into the sea. Purple flashes of lightning, formed in the rapid uprush of steam, zigzagged through the smoke.

For months molten lava continued to spill over Surtsey's sides. When I flew over the volcano a year and a half after its hair-raising birth, the new offshore island it had created was a square mile in size. The original cone was now quiet, but the smoke from satellite eruptions still seething around it was visible 75 miles away in Reykjavik.

Second only to Iceland's volcanoes in explosive drama are its thermal springs, which spout like teakettles everywhere. Visitors in Reykjavik (which means "Bay of Smoke") are often surprised to see small hot springs spouting steam from vacant lots and unpaved roads. Residents in northern Iceland for years have baked potatoes and bread in the warm, sulphury clay around the geysers near their homes.

Most famous of Iceland's hot springs is the "Great Geyser," which gave its name to similar springs all over the world. Unlike some, this one does not perform exactly on schedule, so tourist guides start the show by tossing soap powder into its basin. The powder dissolves just below the surface and triggers the sulphur in the warm water like a bomb, exploding a column of steam 200 feet into the air. The display lasts about 20 minutes.

With all its fire, Iceland has plenty of frost. One eighth of its surface is covered by glaciers. Where there isn't ice there are dreary wastes of lava, with black volcanic mountains rising on every side. This vast, uninhabited interior is so similar in appearance to the face of the moon that America's astronauts are flown there to sample simulated lunar living and working conditions.

Here and there, however, the country has patches of surprising beauty. Lovely fjords indent the western and northern coasts, with the mountains dropping sheer to the sea. Hundreds of small, unpeopled islands sit like watchdogs all around Iceland. From the broad, rock-covered beaches of the south and east, deep valleys, green with grass and dotted with red-roofed farmhouses, run back to the mountains and the glaciers.

Since there are no railroads and only a few gravel highways in Iceland, the best way to get about is by plane; more than 100 communities have airfields, with scheduled services to a quarter of them. Each year, the number of air passengers within the country is equal to three out of five of the population. Looking down from the sky, you see water everywhere. Rivers, alive with salmon and trout but treacherous with quicksand, pour down from the melting ice to the sea; waterfalls abound. Highland lakes, also teeming with fish, are filled with icebergs broken off the glaciers.

Iceland's climate is relatively temperate though temperamental. Summers are cool, and the average January temperature in

Reykjavik, the world's northernmost capital, is 30 degrees. A branch of the Gulf Stream, washing Iceland's coasts, is largely responsible for this mild climate. Air coming up from the south dumps a lot of snow inland, maintaining the immense glaciers, but generally a raincoat is more suitable than a heavy overcoat.

Polar currents clashing with these southern clouds make Icelandic weather more changeable than cold. In one morning there may be a drizzle, bright sunlight, dead calm and a shattering gale. Iceland has almost 24 hours of daylight during the summer months, almost total blackness in winter.

Sons and Dottirs. Iceland's people are even more complicated than its weather. To start with, there are names. Icelanders use their own Christian name and their father's Christian name, to which is added "son" or "daughter." If I were an Icelander, my name would be James Hughsson, because my father's Christian name was Hugh. My wife would be Josephine Johnsdottir, because her father first name was John, and my children would be Kenneth Jamesson and Nancy Jamesdottir. Thus, in an Icelandic family the surnames of husband, wife and children are all different. A man registering in a hotel abroad with his wife and daughter can cause a lot of confusion.

Juvenile delinquency is hardly known in Iceland. Violence of any kind is rare. In the last 50 years only three murders have been committed. There are but 250 policemen in the whole country. When it was necessary to disperse celebrating Allied soldiers and sailors on VE-Day—one of the few times there has been anything resembling a riot in the last few centuries—the police didn't even know how to release the firing pins on tear-gas grenades.

Smuggling and traffic offenses are the most common crimes; drinking while driving is the most serious. If caught after having just one beer, a man loses his license for six months, is fined $80 and gets six days in jail. He can choose the time of year it is most convenient for him to serve this sentence, though, and there are no cells in the national prison, which is only a country farmhouse.

Promising potentials. The largest single slice of Iceland's national budget is spent for "free" education through the university level, "free" medical care, hospitalization, accident and unemployment insurance and old-age pensions. But to pay for this, Icelanders are taxed heavily. (Progressive income taxes, collected by both the state and municipalties, can take up to 57 percent of a man's earnings.) Nearly everyone holds two or more jobs and works long hours. Because the average salary in the country is only $3800 a year, wives often work too.

Iceland's outstanding example of free enterprise is Loftliedir (Icelandic for "Sky Trails"), the only airline flying the North Atlantic that is privately owned and not subsidized by government funds. Established 22 years ago with one single-engine plane and less than $10,000 in cash, Loftliedir is today Iceland's largest single employer. In 1964 it carried 106,000 passengers to and from the United States, Iceland and Europe, had a net profit of one million dollars, paid a 15-percent shareholder dividend and large bonuses to all employees.

The island's economy is keyed almost exclusively to fishing. The total catch is one million tons a year, about the same as that of Norway, which has 20 times more people. Iceland has made good use of its natural resources. It has, for example, a substantial greenhouse industry based on its abundant natural steam. At Hveragerdi, acres of tomatoes, cucumbers, grapes, bananas, grapefruit, melons, pineapples and even coffee beans are cultivated under steam-heated glass. Eighty to ninety percent of all buildings and homes in Reykjavik have central-heating systems fed with 130-degree water piped from wells ten miles away. In five years the city will be completely heated this way, as will most of the rest of the country.

But Iceland is now taking a hard look to see what more can be done—particularly with its waterfalls and hot springs. Their power potential is estimated at over five million kilowatts. To take advantage of this, new kinds of businesses are being encouraged: chemical factories, aluminum plants, greenhouse flowers for air shipment to big-city markets in Europe and America, heavy water for the atomic age, the extraction of salt from the sea.

As it grasps at these new technologies, Iceland is shifting from a rural to an urban society. Industry now employs 30 percent of the population, as compared with three percent at the turn of the century, when Reykjavik had fewer than 5000 people. Its population today: 77,000.

Food prices are 20-percent higher than on the Continent; inflation has averaged ten percent a year for the last decade; wages have jumped 40 percent since 1963. Although Iceland depends on Iron Curtain countries for 25 percent of its trade, the country is a charter member of the North Atlantic Treaty Organization.

Immediately after World War II, largely because of sympathy for the wartime suffering of the Russian people, the communists enjoyed considerable prestige in Iceland. However, Soviet brutality in the Hungarian revolution dissolved this sympathy, and today communists hold only 9 of the 60 seats in the Althing, the world's oldest parliamentary assembly.

Reconciling the ancient and the modern in so many ways, Iceland's life and conditions are changing daily. One evening I sat talking with Indridi Thorsteinsson, a newspaper editor. "I was born only 39 years ago on a red foal-skin in a mud hut in northern Iceland," he told me. "In just that short time we've stepped up to all we have today. I like it—but it's a big adjustment."

As Iceland faces its promising potentials, President Asgeir Asgeirsson says about his country: "Whether we like it or not, our splendid isolationism is gone forever."

THE SCOURGE OF UNWANTED FIRES

Mr. HART. Mr. President, many hazards to man have either disappeared through changes in the natural world or have been alleviated through determined efforts to deal with the threat. Numerous deadly diseases, for example, have yielded to modern biological science. One hazard, however, has exacted a human and material toll from earliest civilization to modern times, and we have not yet done the job necessary and possible to contain this threat. I am referring to the scourge of unwanted fires.

Here are some recent headlines in newspapers from my own State of Michigan: "Farm Shack Fire Kills Six Children," "Blasts Jar Factory in Blaze," "Smoke Kills Mother, Two Tots in Plymouth." "Three Children Die in Fire; Mom Escapes With Fourth," "Fire Kills Man; Friend Rescued," "Centreville Fire Destroys Motel," "Seventy-five Thousand Dollar East Side Fire Is Marked by Blast."

President Johnson has recognized the problem of fires at both the individual level and the national level. In the first instance, he recently wrote an admiring letter to a 7-year-old boy in the Detroit area who has made a remarkable comeback from a fire 2 years ago that left burns over 70 percent of the youth's body, and took the lives of his sister, his brother, and his uncle.

At the national level, the President summed up the situation succinctly in his message "To Protect the American Consumer." He said:

> In 1965, some 12,000 lives and $1.75 billion worth of property were lost to fire. We can do better, and we must.

In response to the President's plea, legislation has been introduced to authorize a comprehensive fire research and safety program for this country. I strongly endorse the Fire Research and Safety Act of 1967, and urge other Senators to support and enact the bill. It is a reasonable and a responsible bill, because it seeks to achieve its objectives through existing resources and institutions, wherever possible, rather than creating an entirely new structure. Many public and private groups have been working in this field for years, but their efforts need to be supplemented and complemented.

The proposed new program would include factfinding on the frequency, severity and other aspects of fires. It would authorize laboratory research on the causes of fires and on ways to combat fires. There would be an educational effort to inform the public on fire hazards and safety techniques, and to help train those who must cope with the problem of fighting fires. Information and data services would help assure that the latest knowledge on fire safety and prevention is made available to all who need it. Finally, demonstration projects would be encouraged, to aid in the development of new and improved methods for the prevention and control of fires. To carry out the provisions of the bill, grants could be made to State and local governments as well as to other public and nonprofit institutions.

All in all, the bill represents a well-planned effort to bring the resources of the entire Nation to bear upon a problem which faces the entire Nation. There is a clear and obvious need for action, and I believe that the responsibility of all Members of the Senate is equally clear.

SUCCESS IN REPUBLIC OF KOREA

Mr. FANNIN. Mr. President, a success story of interest and importance to the American people is being written in the Republic of Korea.

South Korea was devastated by the war of the early fifties. But now, under the leadership of President Chung Hee Park, that nation is enjoying political and social stability accompanied by a gratifying growth in the economy.

The story of what has happened in Korea is summarized in a recent editorial published in the Arizona Republic, one of the great newspapers of my State. 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:

KOREAN PAYOFF

Americans who get discouraged about the outlook in Vietnam should take a look at Korea.

On June 25, 1950, American troops entered South Korea to repel a Communist invasion from North Korea. War raged on that unhappy peninsula until July 27, 1953, when an armistice was signed.

With the line between North and South Korea virtually where it had been three years earlier, the question arose: Just what was accomplished by this expenditure of blood and treasure?

The answer, or at least one answer, was contained in a speech President Chung Hee Park delivered to the National Assembly of the Republic of Korea last month. Citing scores of facts and figures, President Park declared, "We have today achieved political and social stability, such as we have never before witnessed in the long history of our nation."

During Korea's first five-year plan, from 1962 through 1966, the gross national product grew at an average rate of 7.6 per cent; allowing for population increase, the per capita GNP grew at the average rate of 4.6 per cent. Annual exports jumped from $30 million in 1960 to $250 million in 1966. Food production far outpaced the population growth.

During the first five-year plan, a country that had produced few things more sophisticated than exquisite silks and beautiful lacquer work erected "an oil refinery, automobile plants and factories to turn out chemical fibers and plastic goods." Last year foreign exchange reserves—in a country devastated by war only 15 years earlier—reached $230 million, the highest level in Korea's history.

President Park announced the launching of a second five-year plan, which by 1971 should produce self-sufficiency in food production and an industrial plant capable of turning out 30,000 automobiles a year.

Korea's economy is near what economists call the take-off point. "Until a few years ago," said President Park, "we had to rely upon foreign aid to supply 50 to 60 per cent of our annual financial needs. . . . However, our degree of reliance upon foreign resources has now been reduced to 18 per cent and the day is not far when we shall be fully free of reliance on foreign aid."

While Korea has achieved political stability and is achieving economic stability, it has made a positive contribution to the fight against communism in Asia by sending 45,000 soldiers and 10,000 technicians to South Vietnam.

What did we achieve by our frustrating, bitter war in Korea? A dependable ally that by 1970, in President Park's words, "will emerge as one of the leading industrial nations in Asia," a country determinedly anti-Communist, a country that has demonstrated the merit of democratically elected governments.

And what will be achieved in South Vietnam? Much the same, we believe, plus a demonstration of the failure of the Communist program of conquest by infiltration. In the '60s, as in the '50s, we are engaged in a war that is far from popular. Now, as then, however, the stakes are large and the benefits (for us and for the world) will be substantial.

RESPONSIBILITIES AND DUTIES OF GOVERNMENT IN A FREE SOCIETY

Mr. FANNIN. Mr. President, the February 1967 publication of the Detroit Athletic Club carried a guest editorial which I recommend being read by every American, especially Members of Congress. Written by Ernest R. Breech, the brief editorial presents one of the finest, most literate explanations of the responsibilities and duties of government in a free society that I have ever read.

I ask unanimous consent that the editorial—together with a brief biographical sketch of Mr. Breech—be printed in the RECORD.

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

GUEST EDITORIAL

(NOTE.—Ernest R. Breech, now chairman of the board of Trans-World Airlines, stands as a giant in executive management, a man whose remarkable career with some of the nation's largest and most important industrial corporations is without parallel. Among the achievements of more than four decades, he also has been a group executive and vice-president of General Motors, chairman of the board of North American Aviation (whose merger and spectacular growth he organized), chairman of the board of Ford (and one of its directors today), and president of Bendix Aviation. An articulate and energetic champion of American ideals, Breech received the Freedom Foundation Award in 1951 for outstanding achievement in bringing about better understanding of the American way of life.)

Ever since Mr. Lincoln delivered his memorable address at Gettysburg, Americans have been alert to how closely their cherished freedoms are tied to prepositions. Yet if anything ever causes government *of, by,* and *for* the people to perish from earth, it could well be the failure to pay enough attention to two other prepositions which attach themselves to freedom—the difference between "freedom from" and "freedom to."

Freedom from want, oppression, intolerance, and like evils is what democracy aims to achieve, of course, but in a democracy the "freedoms from" are not enough. They have little real benefit for us unless we also have our "freedoms to"—freedom to act, to risk, to explore, to experiment, to choose, to complete, to achieve. In fact, it is doubtful whether we can ever reach our "freedoms from" without using our "freedoms to" in order to get there.

Nevertheless, it is incontrovertible that government in recent years has taken to throwing most of its weight into the "freedom from" side of the balance. If this meant a pure gain for the total of freedom, no one could lift an eyebrow. Unfortunately, it doesn't.

In the first place, government efforts are not always, to put it mildly, completely successful. They include a great deal of tare which must be subtracted (that it also must be subtracted from taxpayer income is, for the moment, incidental). In the second place, and even more serious, the more "freedom from" government tries to give us, the more "freedom to" government is in the habit of taking away.

If we the people are slow to recognize the danger now that it is upon us, our founding fathers were quick to anticipate it. We have only to read Madison's journal of the proceedings at the Constitutional Convention to find how determined he, Randolph, Gerry, and other delegates were that Federal government should never dominate the individual or his local or state governments.

In fact, their concern led them to frame and adopt Article X of the Bill of Rights, which reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Just that plain and simple—on the surface, at least.

In government, however, nothing is ever plain and simple. By a series of Supreme Court decisions in the past thirty-five years or so, the power of Federal government to encroach upon the powers "reserved" to the States" has largely invalidated Article X of the Bill of Rights. What has not been invalidated has been circumvented by the ability of Federal agencies to force their policies on the States and the citizens of the States through the power of the Federal purse.

In 1913, Constitutional Amendment No. 16 granted to the Federal government the right to tax incomes of corporations and individuals. (There was laughter in the Senate when someone pointed out there was nothing in the amendment to prohibit the government from taking as much as 10% of a man's income. He was assured such avarice would be confiscatory and therefore unconstitutional.)

Since then, a succession of Federal tax laws has created such an affluent national government that state and local officials find themselves dependent upon Washington for the necessary funds to promote the general welfare of their own people—from whom, of course, the funds came in the first place. Federal grants to state and local governments have grown at a fantastic pace. In 1930, they totaled $147 million and by 1940 they reached $945 million. By 1950, the figure was up to $2½ billion and only starting to gain momentum; in 1960, grants in aid came to $7.2 billion. And the 1966 estimated total is nearly $14 billion!

Most of these funds, of course, set out ground rules with which state and local governments must comply in order to receive their part of the largesse. So many of these laws have been passed in recent years that thick, cross-indexed catalogs are issued in order to keep track of all the available Federal assistance programs, but a few that come readily to mind are aid to education (some $10 billion in all, set up by the 89th Congress, most of it to be spent in the next two years), urban renewal, urban transportation, public housing, hospital construction, highway construction, and the welter of programs known collectively as "the war on poverty."

Where is Federal government leading us and where will we stop? Hopefully, somewhere short of the gloomy end Plato long ago predicted for a democracy. Democracy, he said, first degenerates into mob rule where every wind of oratory stirs up the waters and deflects the course of the ship of state. The upshot is tyranny or autocracy because the crowd so loves flattery and is so "hungry for honey" that at last the wiliest and most unscrupulous flatterer, calling himself the "protector of the people," rises to supreme power.

The saving grace may be that Plato attributed this catastrophe to the fact that people as he knew them were not properly equipped by education to select the best rules and the best courses. If education is the answer, the $25 billion a year we are putting into public and private schools at every level should mean that we have never been better equipped to preserve and increase our freedoms—to and from. Time will tell.

TRUTH IN LABELING

Mr. McGOVERN. Mr. President, very considerable gains were made in net farm income in 1966, and they have been pretty well publicized.

But farm prices have been falling in recent weeks and months. The outlook in agriculture is for a poor year in 1967, unless the Government uses every au-

thority at hand to lift farm returns. Farm prices today are below the level of farm prices 20 years ago, but production costs are continuing to go up and up. Tens of thousands of farmers are having to close out every year. Dairy production last year was seriously below the preceding year, and dairymen continue to sell off their herds.

It is inevitable that returns to farmers be increased, either as a consequence of government price supporting actions, or as a consequence of the concentration of agriculture into the hands of so few that they can manage production and prices to survive. If we go the concentration route, millions more farmers and rural residents will be heading into our overcrowded cities in search of employment; the social adjustments which will have to be made will rival estimates of costs of rebuilding our cities.

I believe that if American consumers knew the very small proportion of their income, and of their retail food costs, reaching the farmers of this Nation, a vast majority would support everything we can do to improve farm returns, and if they realized the social and economic consequences of liquidating another vast number of our farm families, they would clamor for a better break for agriculture.

I have been pondering ways that we can make consumers aware of the small percentage of their food dollar that goes to the farmer. Perhaps we need a system of labeling food packages to show the gross farm return from the commodities inside.

This is not going to be nearly as complicated as it may appear.

The Department of Agriculture already calculates the figure on an extensive list of commodities by quarters. Tables appear in the Marketing and Transportation Situation Report. Such a report, including the last quarter of 1966, is just out.

Perhaps a requirement that food commodities in interstate commerce be labeled to show the net farm value of the farm ingredients would do more than anything else we could do to create understanding of the farm problem, and the necessity of letting farm prices rise to decent living levels for our producers.

The current table shows that—if labeled—1-pound loaves of bread selling for an average of 29.7-cent price would carry a label indicating that the net value of farm ingredients was 3.7 cents.

A pound of choice beef marketed at an average price of 83.9 cents per pound in the last quarter of 1966 would be labeled to show that the farm share—the farmers' return—was 47.2 cents.

A No. 303 can of beets, selling at average price of 17.4 cents, would bear a label showing that the net farm return for the contents was 1.2 cents.

The farmers do better on canned corn. A No. 303 can of corn that sells at 22.5 cents brings the farmer 2.7 cents. The producer gets 3.7 cents for the peas in a 24.7-cent can of that item, and he gets 3.3 cents for the tomatoes in an 18.2-cent can of tomatoes.

The table shows that a 12-ounce box of corn flakes selling at 30.6 cents contains nearly 3 cents worth of corn and other farm products—2.9 cents to be exact.

If Senators have any suggestions in regard to a labeling bill, or can suggest any better way in which to call consumer attention to food price realities, I should very much appreciate their comments and ideas.

Mr. President, I ask unanimous consent to have printed in the RECORD the table contained in the current USDA publication, Marketing and Transportation Situation for February 1967, entitled Farm Food Products: Retail Cost and Farm Value, October-December 1966, from which I have been quoting.

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

TABLE 12.—*Farm food products: Retail cost, farm value of equivalent quantities sold by producers, byproduct allowance, farm-retail spread, and farmer's share of retail cost, October–December 1966*

Product [1]	Farm equivalent	Retail unit	Retail cost	Net farm value [2]	Farm-retail spread	Farmer's share (percent)
Market basket	Farm produce equivalent to products bought per urban wage earner and clerical-worker household in 1960–61.	Average quantities purchased per urban wage earner and clerical-worker household in 1960–61.	$1,103.30	$425.01	$678.29	39
Meat products			322.73	163.20	159.53	51
Dairy products			198.78	94.66	104.12	48
Poultry and eggs			92.69	52.66	40.03	57
Bakery and cereal products: [3]						
All ingredients			171.41	36.82	134.59	21
Grain				28.45		17
All fruit and vegetables			229.55	57.26	172.29	25
Fresh fruits and vegetables			110.62	34.20	76.42	31
Fresh fruits			44.51	12.88	31.63	29
Fresh vegetables			66.11	21.32	44.79	32
Processed fruits and vegetables			118.93	23.06	95.87	19
Fats and oils			40.18	11.54	28.64	29
Miscellaneous products			47.96	8.87	39.09	18
			Cents	*Cents*	*Cents*	
Beef, Choice grade	2.25 pounds Choice grade cattle	Pound	83.9	47.2	36.7	56
Lamb, Choice grade	2.37 pounds lamb	do	86.0	45.3	40.7	53
Pork	2 pounds hogs	do	70.2	35.4	34.8	50
Butter	Cream and whole milk	do	87.1	62.0	25.1	71
Cheese, American process	Milk for American cheese	½ pound	44.8	19.5	25.3	44
Ice cream	Cream, milk, and sugar	½ gallon	83.4	26.2	57.2	31
Milk, evaporated	Milk for evaporating	14½-ounce can	16.8	7.9	8.9	47
Milk, fresh:						
Home delivered	4.39 pounds Class I milk	½ gallon	57.5	25.7	31.8	45
Sold in stores	do	do	51.9	25.7	26.2	50
Chickens, frying, ready-to-cook	1.37 pounds broiler	Pound	38.6	17.7	20.9	46
Eggs, Grade A large	1.03 dozens	Dozen	63.4	42.4	21.0	67
Bread, white:						
All ingredients	Wheat and other ingredients	Pound	22.9	3.7	19.2	16
Wheat	0.877 pound wheat	do		3.0		13
Bread, whole or cracked wheat	0.708 pound wheat	do	29.7	3.5	26.2	12
Cookies, sandwich	0.528 pound wheat	do	52.3	4.6	47.7	9
Corn flakes	2.87 pounds yellow corn	12 ounces	30.6	[4] 2.9	27.7	9
Flour, white	6.8 pounds wheat	5 pounds	61.4	23.2	38.2	38
Apples	1.04 pounds apples	Pound	17.2	5.7	11.5	33
Grapefruit	1.03 grapefruit	Each	15.1	2.3	12.8	15
Lemons	1.04 pounds lemons	Pound	24.8	6.6	18.2	27
Oranges	1.03 dozen oranges	Dozen	88.1	20.7	67.4	23
Cabbage	1.08 pound cabbage	Pound	12.2	4.4	7.8	36
Carrots	1.03 pounds carrots	do	15.2	4.9	10.3	32
Celery	1.08 pounds celery	do	15.2	4.5	10.7	30
Cucumbers	1.09 pounds cucumbers	do	20.1	7.5	12.6	37
Lettuce	1.88 pounds lettuce	Head	26.9	8.4	18.5	31
Onions	1.06 pounds onions	Pound	13.1	4.8	8.3	37
Peppers, green	1.09 pounds peppers	do	33.0	11.3	21.7	34
Potatoes	10.42 pounds potatoes	10 pounds	73.0	21.1	51.9	29
Spinach	0.71 pound spinach	10 ounces	29.4	6.3	23.1	21
Tomatoes	1.18 pounds tomatoes	Pound	34.1	13.0	21.1	38
Peaches, canned	1.60 pounds California cling peaches	No. 2½ can	32.3	5.4	26.9	17
Pears, canned	1.85 pounds pears for canning	do	45.2	7.2	38.0	16
Beets, canned	1.24 pounds beets for canning	No. 303 can	17.4	1.2	16.2	7
Corn, canned	2.495 pounds sweet corn	do	22.5	2.7	19.8	12
Peas, canned	0.69 pounds peas for canning	do	24.7	3.7	21.0	15
Tomatoes, canned	1.84 pounds tomatoes for canning	do	18.2	3.3	14.9	18

Footnotes at end of table.

TABLE 12.—*Farm food products: Retail cost, farm value of equivalent quantities sold by producers, byproduct allowance, farm-retail spread and farmer's share of retail cost, October–December 1966*—Continued

Product [1]	Farm equivalent	Retail unit	Retail cost	Net farm value [2]	Farm-retail spread	Farmer's share (percent)
			Cents	*Cents*	*Cents*	
Orange juice, concentrate, frozen	3.42 pounds oranges	6-ounce can	23.2	8.6	14.6	37
French fried potatoes, frozen	1.38 pounds potatoes	9 ounces	15.7	2.4	13.3	15
Peas, frozen	0.70 pound peas for freezing	10 ounces	20.5	3.5	17.0	17
Beans, navy	1 pound Michigan dry beans	Pound	19.2	6.1	13.1	32
Margarine	Soybeans, cottonseed, and milk	do	29.5	8.4	21.1	28
Peanut butter	1.33 pounds peanuts	12-ounce jar	44.9	14.9	30.0	33
Salad and cooking oil	Soybeans, cottonseed, and corn	Pint	40.4	9.4	31.0	23
Vegetable shortening	Soybeans and cottonseed	3 pounds	92.6	30.0	62.6	32
Sugar	Sugar beets and cane	5 pounds	60.9	[4] 21.8	[5] 39.1	36
Spaghetti with sauce, canned	Wheat, tomatoes, cheese, sugar	15½-ounce can	16.1	2.1	14.0	13

[1] Product groups include more items than those listed in this table. For example, in addition to the products listed—Choice beef, lamb, and pork (major products except lard)—the meat products group includes lower grades of beef, the minor edible pork products, and veal.

[2] Gross farm value adjusted to exclude imputed values of byproducts obtained in processing.

[3] For the bakery and cereal products group and the individual wheat products, gross farm value, byproduct allowance, net farm value, and farmer's share are based on the market price of wheat received by farmers plus the cost of the marketing certificate to millers. This cost equals the value of the domestic marketing certificate received by farmers complying fully with the wheat program.

[4] Based on market price of corn received by farmer; no allowance made for price-support payment received by farmers who comply with the Federal feed grain program.

[5] Net farm value adjusted for Government payments to producers was 25.6 cents; farm-retail spread adjusted for Government processor tax was 36.4 cents, farmer's share of retail cost based on adjusted farm value was 42 percent.

INDIANA LAW STUDENTS AID CONSUMER LEGISLATION

Mr. HARTKE. Mr. President, a wonderful experiment in education is taking place which is exciting, imaginative, and significant. The participants are the Indiana University Law School and the President's Committee on Consumer Interests. The beneficiaries may well be all Americans.

Prof. F. Reed Dickerson has arranged with the President's Committee on Consumer Interests to have his seminar in legislation at the law school develop a position paper for the President's Committee on Consumer Interests to submit to any National Commission on Product Safety that may be established by the Congress.

This project cannot help but be of benefit to all concerned. For the students, it will be an opportunity to do legal research on a live and current problem. For the Commission that may be established, it will be a sorely needed piece of research in a field that has been relatively neglected. For the President's Committee on Consumer Interests, it will be at the very least a background paper for use in developing their own recommendations.

The 15 students involved and Professor Dickerson are to be congratulated for this public service they are rendering. If this project is successful, it will encourage students and professors in a wide variety of professional schools to work with Government agencies on current problems.

I ask unanimous consent that the names of the students, a letter from Mrs. Esther Peterson, the President's former Special Assistant for Consumer Affairs, and a statement of mission describing the project be printed in the RECORD.

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

FEBRUARY 21, 1967.

Prof. F. REED DICKERSON,
School of Law, Indiana University, Bloomington, Ind.

DEAR PROFESSOR DICKERSON: I can't begin to tell you how pleased I am that you are willing to allow your seminar in legislation at the Indiana University Law School to assist the President's Committee on Consumer Interests in a very important and timely project.

As you know, President Johnson has called on the Congress to enact legislation establishing a National Commission on Product Safety. We have every expectation that such a Commission will be established, and that we will be called upon to make recommendations. The work of your seminar could be invaluable to us in preparing our recommendations. In any event, I would plan to turn over to the Safety Commission the document being prepared by your students.

I am thoroughly convinced that the relationship between our Committee and the Indiana School of Law cannot but be of mutual benefit, and I eagerly await your final product. My thanks to you and your students for participating in this worthwhile innovation.

Sincerely,

MRS. ESTHER PETERSON,
Special Assistant to the President for Consumer Affairs.

B777 SEMINAR IN LEGISLATION

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STATEMENT OF MISSION

The mission of the Seminar in Legislation is to develop a position paper for the President's Committee on Consumer Interests to submit to any National Commission on Product Safety, which may be established by Senate Joint Resolution 33.

The focus of the paper will be "household products" other than those excepted by section 6 of the Resolution. These are defined very broadly as "products customarily produced or distributed for sale through retail sales agencies or instrumentalities for use by a consumer or any member of his family." This includes all consumer products except those regulated under the National Traffic and Motor Vehicle Safety Act, the Federal Food Drug and Cosmetic Act, the Federal Hazardous Substances Act, or the Federal Cigarette Labeling and Advertising Act. However, products regulated under the Flammable Fabrics Act are included, even though that Act is listed in the current text of section 6.

The first objective is to discover and define the areas within which household products carry unreasonable hazards of physical harm, and to develop criteria for determining whether such a product or group of products is sufficiently hazardous to warrant legislative intervention. This involves considering not only the seriousness of the threatened injury and its incidence, but also the degree of consumer vulnerability. Hazards that affect only property or convenience need not be considered.

The second objective is to develop criteria for selecting the most feasible approaches and sanctions in those instances in which legislative intervention appears to be called for. Feasibility includes such factors as cost and inconvenience to the industry concerned, the need to make the product available, and the source of the hazard, that is, whether it results from faulty design or faulty construction.

The third objective is to study in detail the more important household products or groups of household products. Presumably, these will be products involving serious physical hazards of high incidence and with respect to which the consumer is highly vulnerable. Each study should cover the kinds of hazards involved, their seriousness, and their incidence; application of the criteria for legislative intervention; and application of the criteria for selecting the most appropriate approaches and sanctions in preference to their reasonable alternatives. Where specific legislative action seems called for, the paper should include drafts of recommended legislation.

The position paper should include a background statement. Its conclusions and recommendations should be supported by adequate facts and rational explanation. This will require inventorying and evaluating existing consumer protections.

MARCH 1, 1967.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

CONSULAR CONVENTION WITH THE SOVIET UNION

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state.

The LEGISLATIVE CLERK. A consular convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964 (Ex. D, 88th Cong., 2d sess.).

The Senate proceeded to consider the convention.

Mr. PELL. Mr. President, as a Member of this body and one who, as a vice consul for six years, has probably had the most personal experience as to why the Consular Convention should be ratified, I strongly urge that the Senate take favorable action.

I can well remember being stationed behind the Iron Curtain in Bratislava and establishing the consulate general there. I recall the frustration I felt when an American citizen was arrested, held in jail, and brutally maltreated while I was denied admittance to see him. And here I must add the importance to a prisoner of some friendly outside contact in order to provide at least some source of inner strength to a man who has been beaten and maltreated to make him implicate himself and others to the effect—in this case utterly false—that he was engaging in espionage for his own Government.

I also well remember, too, when we provided sanctuary for a Jewish employee during a minor pogrom. Since a consulate does not enjoy any kind of immunity, we sought to secure this immunity and give sanctuary by putting up the sign "Consular Archives" on our door. We adopted the same device another time when an employee of our consulate general, who had been cruelly beaten in an effort to implicate me and others, was released to us a sour, spiritless, listless physical wreck. When, after a few days, it looked as if he was going to be picked up and abused again, we invited him to stay within our building. And again we had to use the device of putting up the "Consular Archives" sign on our door. This would not have been necessary if we had had a convention of this sort, since article 19 states that—

> Consular officers shall not be subject to the jurisdiction of the receiving state in matters relating to their official activity.

The same applies to employees of the consular establishment, if they are nationals of the sending state.

When it comes to great numbers of traveling Americans, too, who want help and protection, we obviously should not fail them.

There is the argument against ratification that this convention might increase espionage on the part of the Soviet Union in the United States. I do not believe this argument valid. In the first place, the United States is an open society and the Soviet Union is a closed one. Accordingly, a Soviet Union tourist in the United States can photograph, see, and report on a great number of things; for similar activity in the Soviet Union an American citizen would be arrested. I have myself undergone this experience, having been arrested three times by Communist officials behind the curtain for actions that would not have raised an eyebrow in our own country. Actually, what is sauce for the goose is sauce for the gander and the argument that this convention increases the opportunity for Soviet espionage in the United States can also be taken the other way in that it increases such opportunities for the United States in the Soviet Union. And, as I have said, it is much harder to secure information in a closed society like the Soviet Union than it is in an open one like ours. I am sure we would all agree that our consulates provide information to our Government just as do those of the Soviet Union to their Government.

In this regard I would imagine that the emotions of Gen. Vladimir Yefimovich Semichastny, Mr. J. Edgar Hoover's opposite number in the Soviet Union, must be similar to those of Mr. Hoover in connection with the ratification of this convention.

From the viewpoint of espionage then it is a "wash" transaction, but with the edge to the United States, and from the general national interest viewpoint—the protection of our citizens, and from a viewpoint of eroding the Communist monolithic structure, the ratification of this convention can serve our country very well.

THE PRESIDENT'S STATEMENTS ON FOREIGN AND DOMESTIC AFFAIRS

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a transcript of President Johnson's news conference on foreign and domestic matters, excerpts from President Johnson's state of the Union message relative to this matter, and a portion of his speech to editorial writers in New York City relevant to this matter.

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

[From the New York Times, Feb. 3, 1967]

TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

OPENING STATEMENT

Good afternoon ladies and gentlemen.

I have been asked to give a statement about the consular convention that's pending before the United States Senate and I should like to say very briefly that I hope the Senate will give its advice and consent to the proposed convention with the U.S.S.R.

I feel very strongly that the ratification of this treaty is very much in our national interest. I feel this way for two principal reasons:

First we need this treaty to protect the 18,000 American citizens who each year travel from this country to the Soviet Union.

The convention requires immediate notification to us whenever an American citizen is arrested in the Soviet Union and it insures our right to visit that citizen within four days and as soon thereafter as is desirable.

We think that we need these rights to help protect American citizens. These are rights which the Soviet citizens already have who travel in this country because they are guaranteed by our Constitution.

Second, the convention does not require the opening of consulates in this country or in the Soviet Union. It does provide that should any such consulates be opened, the officials would have diplomatic immunity.

The Secretary of State informs me that no negotiations for consulates are under way, and that the most that he can envision in the foreseeable future is the opening of one consulate in each country to be manned by from 10 to 15 people.

There are presently 452 Soviet officials in the United States that have diplomatic immunity. So if an additional consulate were opened, and if another 10 were added to the 452, Mr. Hoover has assured me that this small increment would raise no problems which the F. B. I. cannot effectively and efficiently deal with.

In short, I think we very much need this convention to protect American interests, to protect American citizens abroad. And in my judgment, it raises no problems with respect to our national security.

Therefore, I hope very much that the Senate in its wisdom, after full debate, will see fit to ratify it.

[From the Washington Post, Jan. 11, 1967]

STATE OF THE UNION MESSAGE EXCERPTS, JANUARY 10, 1967

Our relations with the Soviet Union and Eastern Europe are also in transition. We have avoided both the acts and the rhetoric of the cold war. When we have differed with the Soviet Union, we have tried to differ quietly and with courtesy. Our objective is not to continue the cold war, but to end it.

We have:

Signed an agreement at the United Nations on the peaceful uses of outer space;

Agreed to open direct air flights with the Soviet Union;

Removed more than four-hundred nonstrategic items from export control;

Determined that the Export-Import Bank can allow commercial credits to Poland, Hungary, Bulgaria, and Czechoslovakia, as well as Rumania and Yugoslavia;

Entered into a cultural agreement with the Soviet Union for another two years;

Agreed with Bulgaria and Hungary to upgrade our legations to embassies; and

Started discussions with international agencies on ways of increasing contacts with Eastern European countries.

This Administration has taken these steps even as duty compelled us to fulfill and execute our treaty obligations throughout the world.

I ask and urge the Congress to help our foreign and commercial trade policies by passing an East-West Trade Bill and approving our consular convention with the Soviet Union.

EXCERPT FROM SPEECH OF PRESIDENT JOHNSON TO THE NATIONAL CONFERENCE OF EDITORIAL WRITERS IN NEW YORK CITY ON FRIDAY, OCTOBER 7, 1966

HEALING THE WOUND

IIII. One great goal of a united West is to heal the wound in Europe which now cuts East from West and brother from brother.

That division must be healed peacefully. It must be healed with the consent of Eastern European countries and the Soviet Union. This will happen only as East and West succeed in building a surer foundation of mutual trust.

Nothing is more important for peace. We must improve the East-West environment in order to achieve the unification of Germany in the context of a larger, peaceful and prosperous Europe.

Our task is to achieve a reconciliation with the East—a shift from the narrow concept of coexistence to the broader vision of peaceful engagement.

Americans are prepared to do their part. Under the last four Presidents our policy toward the Soviet Union has been the same. Where necessary, we shall defend freedom; where possible we shall work with the East to build a lasting peace.

MUST INTENSIFY EFFORTS

We do not intend to let our differences on Viet Nam or elsewhere prevent us from exploring all opportunities. We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step by step with them as far as they are willing to advance.

Let us—both Americans and Europeans—intensify our efforts.

We seek healthy economic and cultural relations with the Communist states.

I am asking for early congressional action on the U.S.-Soviet Union Consular Agreement.

We intend to press for legislative authority to negotiate trade agreements which could extend most-favored-nation tariff treatment to European Communist states.

NEW STEPS

And I am today announcing these new steps:

—We will reduce export controls on East-West trade with respect to hundreds of nonstrategic items;

—I have today signed a determination that will allow the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries—Poland, Hungary, Bulgaria and Czechoslovakia. This is good business. And it will help us build bridges to Eastern Europe.

—The secretary of state is reviewing the possibility of easing the burden of Polish debts to the United States through expenditures of our Polish currency holdings which would be mutually beneficial to both countries.

—The Export-Import Bank is prepared to finance American exports for the Soviet-Italian Fiat auto plant.

—We are negotiating a civil air agreement with the Soviet Union. This will facilitate tourism in both directions.

—This summer the American government took additional steps to liberalize travel to Communist countries in Europe and Asia. We intend to liberalize these rules still further.

—In these past weeks the Soviet Union and the United States have begun to exchange cloud photographs taken from weather satellites.

REMOVING BORDER DISPUTES

In these and many other ways, ties with the East will be strengthened—by the United States and by other Atlantic nations.

Agreement on a broad policy to this end should be sought in existing Atlantic organs.

The principles which should govern East-West relations are now being discussed in the North Atlantic Council.

The OECD can also play an important part in trade and contacts with the East. The Western nations can there explore ways of inviting the Soviet Union and the Eastern European countries to cooperate in tasks of common interest and common benefit.

Hand-in-hand with these steps to increase East-West ties must go measures to remove territorial and border disputes as a source of friction in Europe. The Atlantic nations oppose the use of force to change existing frontiers.

The maintenance of old enmities is not in anyone's interest. Our aim is a true European reconciliation. We must make this clear to the East.

Further, it is our policy to avoid the spread of national nuclear programs—in Europe and elsewhere.

SOVIET TROOP CUTBACKS

That is why we shall persevere in efforts to reach an agreement banning the proliferation of nuclear weapons.

We seek a stable military situation in Europe—one in which tensions can be lowered.

To this end, the United States will continue to play its part in effective Western deterrence. To weaken that deterrence might create temptations and endanger peace.

The Atlantic allies will continue together to study what strength NATO needs, in light of changing technology and the current threat.

Reduction of Soviet forces in Central Europe would, of course, affect the extent of the threat.

If changing circumstances should lead to a gradual and balanced revision in force levels on both sides, the revision could—together with the other steps that I have mentioned—help gradually to shape a new political environment.

A LONG PROCESS

The building of true peace and reconciliation in Europe will be a long process.

The bonds between the United States and its Atlantic partners provide the strength on which the world's security depends. Our interdependence is complete.

Our goal, in Europe and elsewhere, is a just and secure peace. It can most surely be achieved by common action. To this end, I pledge America's best efforts:

—to achieve new thrust for the Alliance;

—to support movement toward Western European unity;

—and to bring about a far-reaching improvement in relations between East and West.

Our object is to end the bitter legacy of World War II.

Success will bring the day closer when we have fully secured the peace in Europe, and in the world.

RECESS UNTIL 2:30 O'CLOCK P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 2:30 o'clock p.m. today.

The motion was agreed to; and (at 1 o'clock and 28 minutes p.m.) the Senate took a recess until 2:30 o'clock p.m., the same day.

At 2 o'clock and 30 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. BAKER in the chair).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONSULAR CONVENTION WITH THE SOVIET UNION

The Senate resumed the consideration of the Consular Convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964 (Ex. D, 88th Cong., 2d sess.).

Mr. HRUSKA. Mr. President, the Senate is engaged in a discussion over whether to give its "advice and consent" that the President enter into a consular convention or treaty with the Soviet Union. That is the technical subject before us.

In reality, however, we are debating and considering a larger series of related proposals going far beyond a document which seeks to establish ground rules for such consulates as may be established in the respective countries by authority which resides in sources other than this treaty.

This series of proposals includes many aspects of our foreign and commercial trade policies with the Soviet Union. Among them are an East-West trade bill; a civil air agreement for direct air flights between the Soviet Union and the United States; virtual abolition of export controls on East-West trade on several hundreds of so-called nonstrategic items; extending and guaranteeing credits to several East European Communist countries; financing American exports for the Soviet-Italian Fiat auto plant to be constructed in Russia.

Further treaties are also contemplated between the Soviet Union and the United States, such as peaceful uses of space activities and space mechanisms, the nonproliferation of nuclear weapons, and disarmament.

This wider scope of major, radical changes in our foreign policy and international relations has been spelled out in detail by the President a number of times.

First, perhaps, in this package form, where it received its widest publicity, was the New York meeting of the International Conference of Editorial Writers in October 1966.

Then there was reference to it in the state of the Union message of the President.

The third source was a number of occasions in news conferences in less formal ways when the President referred to the process of building bridges between the United States and the U.S.S.R.

Another source for detailing and outlining the package, as it is sometimes called, has been the hearings before the Senate Foreign Relations Committee.

No one has asserted to the contrary, on the floor of this Chamber or elsewhere, that we are engaged in a series of related subjects which deal with fundamental relations between the United States and the Soviet Union.

It is the position of this Senator that the Congress, and especially the Senate, should not act on this program in a fragmentary way. A piecemeal treatment does not befit a subject of this importance.

This debate, in its overall aspects, is not between proponents and opponents of the consular treaty. It is, and should be, rather, a debate between those who favor building bridges between East and West and between the United States and the Soviet Union and those who oppose building bridges at this time.

Advocates of the Consular Treaty are heard to say and to repeat frequently that the reason for their desire to ratify it is that they want to end the cold war, and no progress can be made toward this

goal if we persist in a hostile, suspicious, adverse posture toward the Soviet Union.

Hence, it is argued by the proponents that if this treaty will result in even a small gain in advancing the cause of peace, it should be ratified.

Mr. President, there is no one who more fervently or more earnestly wishes an end of the cold war than this speaker. But to base action on hopes and prayers for peace or for termination of the cold war without further inquiry is a case of hopeless and harmful wishful thinking.

It takes action by two great nations to bring about an end to the cold war. No one knows this better than the President, because of his inability to get the enemy in our Vietnam war even to agree to sit down and talk about peace. Goodness knows he has tried for a long time, and persistently, to bring about that result.

Approval by the Senate of the Consular Treaty would endow the Soviet Union with a new prestige and added respectability in the eyes of the world. It would cause dismay in the hearts and minds of many nations and of many millions of people, including millions of Americans.

Before taking this step, it would be most advisable to determine the likelihood of the Soviet Union's making some small effort which could be considered effective to bring the cold war to an end, or even slow it down a little, or ameliorate it to some degree.

The record, however, plainly shows that the Soviet Union has rejected any promise to seek such a goal.

Mr. President, the President of the United States addressed the National Conference of Editorial Writers in New York City on October 7 of last year. There were three principal sections to his speech. The third part bore upon the subject of strengthening ties with the East, "to quicken progress in East-West relations."

It was there that President Johnson first set out, in comprehensive fashion, his program of bridge-building from the United States to Eastern Europe.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an excerpt from the Weekly Compilation of Presidential Documents for October 10, 1966, as found on page 1426 thereof.

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

Let us—both Americans and Europeans—intensify our efforts.

We seek healthy economic and cultural relations with the Communist states.

I am asking for early Congressional action on the U.S.-Soviet consular agreement.

We intend to press for legislative authority to negotiate trade agreements which could extend most-favored-nation tariff treatment to European Communist states.

And I am today announcing these new steps:

We will reduce export controls on East-West trade with respect to hundreds of non-strategic items;

I have today signed a determination that will allow the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries—Poland, Hungary, Bulgaria, and Czechoslovakia. This is good business. And it will help us build bridges to Eastern Europe.

The Secretary of State is reviewing the possibility of easing the burden of Polish debts to the U.S. through expenditures of our Polish currency holdings which would be mutually beneficial to both countries.

The Export-Import Bank is prepared to finance American exports for the Soviet-Italian FIAT auto plant.

We are negotiating a civil air agreement with the Soviet Union. This will facilitate tourism in both directions.

This summer the American Government took additional steps to liberalize travel to Communist countries in Europe and Asia. We intend to liberalize these rules still further.

In these past weeks the Soviet Union and the United States have begun to exchange cloud photographs taken from weather satellites.

In these and many other ways, ties with the East will be strengthened—by the U.S. and by other Atlantic nations.

Mr. HRUSKA. The passage referred to, Mr. President, includes those related subjects which I believe to be a part of the entire package of proposals which deal with a major and radical change in our foreign policy, particularly toward the Soviet Union. This speech was the President's bid to help end the cold war.

The gesture is a good one. How was it received by the one other nation whose cooperation and acceptance of such a bid, or even consideration of such a bid, is necessary?

There was quick response; not from the Soviet Union government channels, Mr. President, but from a higher authority, the Communist Party which is the real ruler of the Soviet Union. The formal government channels are only a part of the organization through which the party rules the nation.

The New York Times of October 16, 1966, reported the remarks of Leonid I. Brezhnev, the Soviet Communist Party leader, as made in a Moscow speech at a Soviet-Polish friendship meeting. I shall quote pertinent parts of that news story. The article begins:

Moscow, Oct. 15.—Leonid I. Brezhnev, the Soviet Communist party leader, rebuffed today as "a strange and persistent delusion" the hope expressed by President Johnson that closer Soviet-United States cooperation was possible despite tensions over the war in Vietnam.

The United States must stop bombing North Vietnam and end its "aggression" before relations can be improved, the Soviet leader declared.

So, in response to President Johnson's list of proposals to improve relations with the Soviet Union in connection with the cold war, which has existed now for some 20 years, there was an outright rejection of any possibility of progress in that direction without accepting what the Soviet Union lays down as a prior necessity—the stopping of bombing of North Vietnam and the ending of aggression by the U.S. forces in that land.

Another portion of the news story reads as follows:

In his rejection of Mr. Johnson's appeal for steps to improve relations, Mr. Brezhnev said:

"We have declared many times that if the United States wants to develop mutually beneficial relations with the Soviet Union—in principle, we also would like this—then it is necessary to clear major obstacles from the path. The piratical bombing attacks against a socialist country, the Democratic Republic of Vietnam, must be halted and the aggression against the Vietnamese people stopped."

Mr. Brezhnev added as a further condition:

"The sovereignty and territorial inviolability of other countries must be respected, not just in words but in deeds."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the article to which I have referred, entitled "Soviet Calls United States 'Deluded' in Hope for New Ties Now," written by Raymond H. Anderson and published in the New York Times of October 16, 1966.

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

[From the New York Times, Oct. 16, 1966]

SOVIET CALLS U.S. DELUDED IN HOPE FOR NEW TIES NOW—BREZHNEV REBUFFS JOHNSON'S BID FOR COOPERATION WHILE VIETNAM WAR GOES ON—BLOC PARLEY EXPECTED—EAST EUROPE'S LEADERS SAID TO PLAN A COORDINATION OF HARDER LINE ON CHINA

(By Raymond H. Anderson)

Moscow, Oct. 15.—*Leonid I. Brezhnev, the Soviet Communist party leader, rebuffed today as "a strange and persistent delusion" the hope expressed by President Johnson that closer Soviet-United States cooperation was possible despite tensions over the war in Vietnam.*

The United States must stop bombing North Vietnam and end its "aggression" before relations can be improved, the Soviet leader declared.

Mr. Brezhnev's rejection was the first public statement by the Kremlin leadership in response to Mr. Johnson's appeal, made in a speech in New York eight days ago. Pravda, the Communist party newspaper, indicated last Sunday that the ending of the bombing raids was Moscow's major preliminary condition for any favorable responses to the President's overture.

The rebuff to President Johnson, made in a speech at a Soviet-Polish friendship meeting, came amid indication of an impending gathering of Soviet-bloc leaders here. According to East European sources, the meeting would discuss steps to coordinate harder policy against China, which is being denounced for obstructing Soviet-bloc assistance to North Vietnam.

OTHERS DUE IN FEW DAYS

The two visiting Polish leaders, Vladyslaw Gomulka, the party chief, and Premier Josef Cyrankiewicz, are delaying their return to Warsaw. Tass, the Soviet press agency, reported that Janos Kadar, the Hungarian party chief, was enroute to Moscow with Premier Gyula Kallai and other Hungarian officials.

The leaders of East Germany, Rumania, Czechoslovakia and Bulgaria are said to be planning to come to Moscow within a few days.

Besides discussing the problems confronting the Soviet bloc as a result of China's attitudes, the leaders are expected to deal with President Johnson's overtures for an East-West reconciliation.

In his rejection of Mr. Johnson's appeal for steps to improve relations, Mr. Brezhnev said:

"We have declared many times that if the United States wants to develop mutually beneficial relations with the Soviet Union—in principle, we also would like this—then it is necessary to clear major obstacles from the path. The piratical bombing attacks

against a socialist country, the Democratic Republic of Vietnam, must be halted and the aggression against the Vietnamese people stopped."

Mr. Brezhnev added as a further condition:

"The sovereignty and territorial inviolability of other countries must be respected, not just in words, but in deeds."

Mr. Gomulka also spoke at the meeting, which was held in the Kremlin's Palace of Congresses.

He assailed the United States intervention in the Vietnamese war and echoed Mr. Brezhnev's declaration that improved United States relations with Eastern Europe were impossible while the war continued.

"An unconditional end of the bombing of the Democratic Republic of Vietnam by American aircraft must be the primary preliminary condition for embarking on the path of seeking a political solution of the Vietnam problem," the Polish leader continued.

Commenting Thursday on the demand for an end of the bombing raids, President Johnson said: "If the aggressor will pause, we will pause."

CHINESE POLICY ASSAILED

Both Mr. Brezhnev and Mr. Gormulka criticized China's refusal to join in united Communist action to support North Vietnam.

Peking's obstructionism on Vietnam, the Soviet leader declared, evokes "bitter regrets and stern condemnation" from Communist nations, especially because China, "is the only socialist nation having a common border with Vietnam."

China, competing with the Soviet Union for leadership of the Communist movement, is said to hamper rail deliveries of Soviet-bloc aid to North Vietnam. The Chinese have termed Moscow's assistance as insignificant and asserted that it was mainly intended to mask a Moscow-Washington "plot" to settle the Vietnamese war through negotiations.

The denunciation of Peking's policies today followed a warning Thursday by Premier Aleksei N. Kosygin that "a decisive rebuff" must be given to the Chinese leadership by the world's Communists.

The coming meeting of Soviet-bloc leaders is expected to discuss the form that such a rebuff should take.

In his attack on the Chinese leadership, Mr. Brezhnev declared that Communists would be hypocrites if they failed to denounce Peking's "splitting" policies, its obstructive tactics on the Vietnamese war and the so-called "cultural revolution," which is seeking to oust all foreign influence in China and glorify Mao Tse-tung, the party leader.

"These policies, these actions can only discredit, socialism in the eyes of the people and confuse them," Mr. Brezhnev said. "The policies clearly are helpful to the imperialists. It is not without reason that their propaganda seizes upon the events taking place in China."

Mr. HRUSKA. Mr. President, I submit that in view of this emphatic and almost instantaneous response to the "building bridges" speech of the President in October of 1966, the outlook is not very bright for the ratification of this treaty in any way to lessen tensions between these two nations. In fact, it is nonexistent. The idea is rejected.

I wonder sometimes if those who say "We want to end the cold war, and therefore we will do anything the enemy asks, virtually, to gain that end," would include the cessation of bombing in North Vietnam and the ending of aggression, as it is viewed by the Russians and by the Vietnamese forces in Vietnam. I wonder if there is a parallel there to the ideas and wishes of those who say, "We want to end the hostilities in Vietnam," and who would be willing to do so at the price of complying with and abiding by the conditions which either the Soviet Union or the North Vietnamese would dictate.

More recent affirmations in this general area are to be found in declarations of the Soviet leaders in connection with celebrating the 50th anniversary of the great October Revolution of 1917.

What I have said so far has to do with the groundwork for any lessening of tensions and the minimum chance—in fact, the nonexisting probability—of such lessening of tensions on the basis of what the Soviet Union has declared and what it has said.

However, there is another class of arguments and reasons and sources to which we can repair if we want to examine the matter of deeds on their part. They have been mentioned here in the Senate Chamber during the course of the current debate.

Among those is the fact that with increasing degree and quantity the Soviet Union has been furnishing war material and supplies to the North Vietnamese and the Vietcong.

The Senator from South Dakota, who is present in the Chamber, made a splendid statement and a detailed documentation of that a few days ago. This includes virtually all of the sophisticated weapons going there in more recent days, including the military helicopters, which are perhaps as good as our best helicopters. It includes the surface-to-air missiles and a lot of other material, armament as well as ammunition, petroleum, and a host of other things.

Mr. President, recently this Senator urged the Senate to insist that consideration of the Consular Treaty with the Soviet Union be deferred until all of those measures affecting our relations with the Communist bloc nations have received careful consideration in an appropriate manner; that is, consideration of all of the parts of this major policy change as one complete package. This course is urged as a necessary alternative to the administration's present piecemeal, pig-in-a-poke approach.

That the Consular Treaty is one of the major bricks in the design of the East-West bridge builders cannot be denied. If it is ratified by this body, then we will be given another piece, the Open Space Treaty. If we approve this treaty, then in the administration's logic, we surely could not reject the East-West trade legislation.

If we accede to this course, we will have worked a major change in our foreign policy posture without ever having the opportunity to assess the effects of the parts in relation to the whole. Commonsense dictates that this is not a prudent course to follow in a matter of this importance.

What I am urging is not blind obstructionism. All that is asked is that if we are to consider a détente with the Communists. Let us carefully examine all facets of the question in a proper perspective.

The first premise in this dialog, and the one on which all others must stand or fall, is the belief in some quarters that we are dealing with a "new" Communist. The administration has asked us to concede this point as though it were a truism.

Mr. President, the facts argue that this point can be legitimately contested.

It is a midwestern belief that if you are going to buy a horse, you must look at the animal. In seeking information regarding the transaction you "get it from the horse's mouth." In dealing with the Communists, we might profitably look to both their internal writings and their actions based on these words.

This consideration of the changing nature of communism is crucial in determining our relations with the whole Communist-controlled world. Is it correct that we should, as one Kremlinologist, former Ambassador George Kennon, asserted recently:

> Think about Russia as simply another great power, with its own interests and concerns, often necessarily in conflict with our own, but not tragically so—a power different in many respects, but perhaps no longer in essential ones from what Russia would have been, had there been no Communist Revolution in that country 50 years ago.

Or is this opinion a product of wishful thinking, a widespread weakness of the free, open society, often adroitly exploited by the Communists themselves? Is it, in other words, a false assumption, which, ultimately, will lead to a disastrous failure of our foreign policy?

A glance through the leading United States and foreign newspapers over the last 50 years will establish first of all the fact that this "evolution of communism" theory is nothing new. Every important change within the Soviet ruling apparatus was, curiously enough, always accompanied by speculations in the West about significant changes in the Communist ideological outlook.

After the disaster of the civil war and of the so-called War Communism in 1921, Lenin announced the new economic policy—NEP—a temporary concession to private enterprise of small industry and farming, reported in the New York Times under a headline: "Lenin Has Thrown Communism Overboard." After Lenin's death the belief that communism had been abandoned had been further confirmed by events resulting from the struggle for power between Lenin's successors, Stalin and Trotsky. The NEP was continued and even expanded, and Stalin called for moderation and collective leadership. He even rejected proposals for Trotsky's expulsion from the Party.

The free world reaction to these events was again mirrored in the press. The New York Times described the promised reforms as the "greatest step away from Marxism since the creation of the Bolshevik regime." Great importance was attached to promises as coming from Stalin, who is the Communist Party chief and successor to the power formerly held by Lenin. The London Daily Express called these steps the greatest—

> On the road away from militant Communism. By 1927 Stalin adopted Trotsky's agrarian policy of collectivization, which resulted in the loss of 10 million lives by

murder and famine and liquidation of well-to-do peasants (kulaks) as a class.

After this irreversible trend toward liberalization was completed by forcing the peasant to accept the collective-farm system, new concessions were made in the field of civil rights. In 1936 a new Constitution was promulgated, described by Stalin as "the only thoroughly democratic Constitution in the world," which guaranteed all imaginable rights of Soviet citizens. There was so much talk abroad about the new departure from Bolshevism that even Stalin complained:

The fourth group of critics attacking the Draft of the new Constitution describes it as a "swing to the right," as "renunciation of the dictatorship of the proletariat," as "liquidation of the Bolshevik regime."

After scornfully mentioning some Polish and American newspapers which displayed a particular zeal in this respect, Stalin frankly stated:

I must admit that the Constitutional Draft really does leave in force the regime of the dictatorship of the working class and also leaves unchanged the present position of the Communist Party.

As for the international aspects of communism, Stalin, though himself an internationalist, has been credited with restoring national interest as a primary motivation of Soviet policy. The post-World War II spread of communism in Eastern Europe and Asia shows the doubtful value of this illusion of change.

The greatest wave as yet of speculations about change, softening of the Communists hit the free world after Stalin's death in 1953. A succession of Soviet leaders, Malenkov, Khrushchev, and now Brezhnev, representing the new collective leadership, have been blaming Stalin's cult of personality for the brutal excesses of that period and promising internal liberalization and peaceful coexistence with the outside world.

This did not prevent Khrushchev from unconstitutionally violating the collective farm statute in order to consolidate the existing 252,000 collective farms into 97,000 giant ones, thus strengthening the Communist Party control over the peasantry. This "liberal" reform affected millions of peasants by depriving them of or reducing their minute private plots, until that time their main source of subsistence. Neither did his incessant preaching of peaceful coexistence stop him from crushing the Hungarian revolt, provoking the Cuban crisis, and openly supporting aggression—wars of national liberation—from Vietnam to Angola.

The religious persecution during the collective leadership became even more oppressive, according to all available information, than under Stalin, although it may now be carried out by administrative coercion and persuasion rather than by open burning of churches and killing of priests.

This sketchy survey of the changes and evolution of communism clearly demonstrates that during the 50 years of existence of the Communist system every period of tactical relaxation has been followed by a new period of repression.

If this were not sufficiently evident from the statements of the Communists themselves, it has been proven by experience. Ever since their first seizure of power, the use of intermittent soft policies and concessions has been as much a deliberate part of the Communists' internal policy as the use of terror and repression, and together with the inherent weakness of their system, has been evoking perennial prophesies of their gradual evolution or even early demise.

Just as they have always been voicing their intention of abandoning their aims of world revolution and renouncing the use of violence against the free nations, so have they also allegedly been terminating every form of domestic oppression, democratizing their dictatorial regime and even discarding the harsh and impractical economic theories of strict Marxist communism. However, each Soviet retreat was only introduced to insure the ultimate victory of socialism.

Let us go back to the Consular Treaty. Despite the official line of the administration that the main reason for concluding the Convention is our concern for the safety of U.S. citizens travelling in the U.S.S.R., some columnists grasped better the motives behind the maneuvers to induce the Senate to ratify the Convention.

Richard Wilson of the Cowles Publications, obviously impressed by certain witnesses before the Senate Foreign Relations Committee, ardent advocates of the changed communism theory, grasped the real meaning of the convention in his column of February 1967, entitled "Consular Pact Contains Symbolic Importance." Its ratification by the U.S. Senate will amount to sanctioning the administration's assumption of a basic change in the Soviet world outlook, their presumed abandonment of world revolutionary aims and the possibility of Western accommodation with the Communist-controlled States. In Mr. Wilson's words:

The U.S. relationship to this *change* is what is at issue in Senate ratification of the Consular Treaty. The issue divides those who wish to build bridges to the Soviet Union and those who do not. If the Senate gets across this particular bridge, it will undoubtedly build additional ones in the form of expansion of East-West trade relations, and ratification of the outer-space treaty.

A great many Senators are bothered that these bridges should be built while in other matters we continue to collide head-on with the Soviet Union, particularly over Vietnam. This all-or-nothing approach to our relations with the Soviet Union contains more emotion than logic. If both nations are willing to place Vietnam in a separate category and proceed with a step-by-step building of other relations in other respects, something is said about the confidence on both sides in an eventual settlement of their major differences.

I pointed out earlier that the Soviet Union not only has not agreed to place Vietnam in a separate category and proceed with the step-by-step building of other relations in other respects; they have rejected that proposition.

They said with respect to the package of related subjects to which the President referred at the Editorial Writers Conference in October, and in his state of the Union message:

We will have none of it until the United States permanently stops bombing in North Vietnam and until it ceases its acts of aggression in South Vietnam.

Since the Consular Treaty with the U.S.S.R. belongs to the realm of international relations and foreign trade, let us now investigate the Communist policies and their motivations in that crucial field of our mutual contacts.

Have they, as it is being claimed by détente apologists, abandoned their world revolutionary aims and are they ready to live in a pluralistic community of national states in peace as the free world understands it? Or are they still committed to the Marxist-Leninist doctrine, with its totally different world outlook, based not on national but international class interest? Are the Communist-controlled states and especially the Soviet Union institutions primarily serving the limited, national interests of their inhabitants or are they revolutionary instruments, used by the respective Communist Parties in order to, in Lenin's words, "stir up, promote, and support" the Marxist-Leninist revolutionary program all over the world?

I find it difficult to understand where the advocates of rapproachement find the confirmation of their claim that the Communists have abandoned their world revolutionary aspirations. Even the reading of the daily press, despite the often misleading interpretations of Communist operations, should convince us about the present far-flung revolutionary activities carried on by the U.S.S.R. and other Communist-controlled countries all over the globe. Moreover, we can find clear admissions of their commitment to support and accelerate the world revolutionary process, in innumerable official Communist statements, which are usually available in most of the world's languages.

One of the most recent documents worth reading is the Resolution of the Central Committee of the Communist Party of the Soviet Union of January 4, 1967, printed in Pravda on January 8 under the title "On Preparations for the 50th Anniversary of the Great October Socialist Revolution."

This very lengthy statement contains 8,500 words and surveys the 50 years of existence of the first Socialist State which was born on November 7, 1917. It is claimed that not only the Soviet people but the toilers everywhere will celebrate this epoch-making event "the triumph of Marxism-Leninism, the ideals of the working class movement, the ideas of proletarian internationalism and friendship among nations."

Further on in the text, we find an explicit reaffirmation of doctrinal Marxism-Leninism as a world outlook:

The October Revolution showed a way of solving the vital problems brought to the fore by preceding world history: the future of society, the nature of social progress, war and peace, the destinies of world civilization.

The global validity of Marxism-Leninism has been vigorously reasserted: "The victory of the October Revolution confirmed the Leninist theory of socialist revolution. Marxist-Leninist teaching had been proved correct on the inevitability of the collapse of capitalism and its replacement by socialism, on the vanguard role of the working class, led by the Communist Party, in the

Revolution and in building a new society; on the dictatorship of the proletariat and its role in the struggle for the triumph of socialism; on the Soviets as a form of the dictatorship of the proletariat and organs of genuine popular rule in a socialist democracy; on the alliance of the working class with the peasantry and other strata of the working people, under the leadership of the working class as the decisive force in the struggle for social liberation; on the industrialization of the country and the socialist transformation of agriculture; on the ways of solving the national question; on raising the living standard of the working people and carrying out a cultural revolution.

While the following text contains patently exaggerated boasts concerning Soviet achievements within the country during the last 50 years, the passages claiming that "the Great October Socialist Revolution is of enormous international significance," merit a careful reading.

Without accepting the Communist claim of beneficial consequences, it is true that "the revolution hastened the march of historical events," that "the ideas of Marxism-Leninism, the ideas of the October Revolution have spread all over the world" and that "its gains became a mighty base for revolutionary transformation in all parts of the world."

The most important gains of the October Revolution was, of course, the conquest by the Communist Party of the old Russian State and its replacement by a proletarian or socialist state, the Soviet Union. This new type of state became not only a world revolutionary base but also the cradle of the contemporary world Communist movement which has now developed into a most influential political force in the struggle for the revolutionary transformation of the world along socialist principles.

An individual Communist, looking through the Marxist-Leninist class prism, sees the world not as composed of political formations, the states, but rather as composed of classes, whose interest and loyalty transcend and ignore national state boundaries. Again quoting the January 4, 1967 Communist Party Central Committee Resolution:

Socialism and capitalism, i.e., the forces of progress and those of imperialist aggression, are engaged in *irreconcilable struggle*. The imperialists will not stop at any crime in their attempt to hold back History and arrest the mighty revolutionary movement towards liberation. American imperialism, having assumed the function of world policemen, is intensifying provocation in various areas of the world. U.S. imperialists have unleashed a gangster war against the Vietnamese people and are trying to strangle the freedom and independence of the peoples and establish their domination.

The forces of socialism—that is, the world socialist system, the Communist-controlled states, and the remaining Communist Parties—are bound by the principle of socialist or proletarian internationalism to mutual support. We can easily agree with the Central Committee's key assertion that—

The Soviet Union is in the forefront of the struggle against imperialism. Faithfully fulfilling its internationalist duty, the CPSU applies every effort to strengthen the cohesion and might of the socialist system, to rally closer the international Communist and working class movement on principles of Marxism-Leninism and proletarian internationalism; *it supports* the revolutionary struggle of the proletariat against capitalist slavery; the struggle of peoples against colonial oppression and neo-colonialism; and consistently pursues a policy of strengthening the alliance with the forces of national liberation.

This certainly does not sound like a statement by a conventional government announcing a national anniversary celebration. It is also rather absurd to suggest, as we so often hear, that the Communist leadership is paying lipservice to revolutionary terminology, which they continue to use by inertia or as a face-saving device, while they are irrevocably turning into pragmatic politicians devoid of revolutionary fervor, embourgeoise, and ready to strike all kinds of deals with their Western counterparts.

The passages quoted above will be repeated throughout the anniversary year by every important personality of the Soviet Communist hierarchy, in one form or other, mostly quoting whole passages word for word, of the Central Committee statement. It is therefore superfluous further to buttress the argument that the directives quoted above represent the official party line in its strategic and tactical aspects.

One familiar with Communist doctrinal material will immediately realize as he studies the central committee's anniversary statement that he has before him a rehash of several sections of a programmatic statement issued in November 1960 by the 81-Party Conference held in Moscow.

The United States was also singled out in this statement as "chief imperialist country of today, chief bulwark of world reaction" and "its international gendarme, an enemy of the people of the whole world."

There are still those unduly impressed by the so-called Sino-Soviet rift, interpreted in most quarters erroneously as clash of national rivalries and not as an intramovement struggle for leadership aggravated by an apparent mental deterioration—as in Stalin's case—of Mao Tse-tung. They claim that at least the U.S.S.R. and the other Communist-controlled countries in Europe now prefer the nonviolent methods to achieve their aims. The constant Soviet advocacy of peaceful coexistence between states with different social systems, misunderstood as to its class struggle implications, also has helped in creating the general confusion.

A reading of some of the documents mentioned, all available in English, will easily reveal that whether transition to socialism will be violent or nonviolent depends on the conditions in each country.

Experience confirms that the ruling classes never relinquish power voluntarily. In this case the degree of bitterness and the forms of class struggle will depend not so much on the proletariat as on the resistance put up by the reactionary circles to the will of the overwhelming majority of the people.

Since in the eyes of the Communists the will of the people in every capitalist country is represented by its vanguard, the local Communist Party, every resistance of the ruling classes—the capitalist or reactionary circles—to the demands of Communists will lead inevitably to revolutionary violence and ultimately to the most acute form of class struggle, the civil war. It is also well to remember that the old local civil war is largely a thing of the past. In the future every civil war unleashed by Communists and their sympathizers will become inevitably an international civil war, in which the foreign Communists are bound by the principle of proletarian internationalism to support the local ones.

With regard to the split, it has not prevented both the Soviet and Chinese Communists from attending and participating actively in the so-called Tricontinental Conference in Havana in January 1966, despite clashes between the two delegations.

More than 500 representatives of 79 Communist Parties and national liberation movements met to map out a coordinated strategy for the underdeveloped world. The meeting issued a series of declarations and resolutions pledging an intensification of revolutionary warfare, and established a military directorate to coordinate the various offensives.

Mr. President, it is difficult to conceive why this very important and significant tricontinental conference in Havana has received so little attention in the free world. It certainly was a highly significant conference. It made concrete recommendations. These recommendations are being carried out as rapidly and as effectively as possible; yet, we must resort to an analysis of that conference such as that which was given to the subject by J. Edgar Hoover in testifying in the other body not too long ago, and also the work done by the Internal Security Subcommittee of the Judiciary Committee of the Senate, of which I am a member.

The Soviet delegate, Sharaf R. Rashidov, fully supported the declaration of the Conference, which constitute a virtual declaration of war against non-Communist governments throughout the developing areas of the world.

As an official of the Organization of American States put it:

This Conference was a most blatant and open effort by the USSR, Communist China and Cuba and their satellites to extend their power and influence in the free world, to exploit legitimate needs, to create discord and sow discontent and strife—in order to seek the violent overthrow of governments in this hemisphere and to supplant them with Communist dictatorial regimes, subservient to Soviet and Chinese Communist imperialism.

It was reported in the press—New York Times, February 17, 1966—that at least one South American Government launched a formal protest against the dual position of the Soviet Government: calling for armed revolution and yet seeking to gain influence with the governments that are to be overthrown. The Uruguayan Government summoned the Soviet ambassador in Montevideo to the Foreign Ministry to explain the statement made by the Soviet delegate, Rashidov who said in his lengthy speech that—

Throughout the course of its history, the Soviet Union, following the behest of the great Lenin, has been sacredly fulfilling its *international duty*, giving full-scale support

to the peoples struggling against colonialism and imperialism for their national and social liberation. The peoples rising in the heroic struggle against imperialism, no matter what corner of the earth this may take place, may be certain that the Soviet people will always be on their side.

From our point of view it is interesting to note that he also expressed solidarity with the struggle of the people of Puerto Rico.

The Soviet Ambassador's answer is available in summary in the two-volume Report on the Tricontinental Conference prepared by the OAS.

The Soviet disclaimer, couched in very arrogant language, denied the Soviet Government's participation in the Conference and based its denial on the fact that the Soviet delegation was composed of representatives of Soviet "social—or better, public—organizations and not of the Soviet Government." This is an old game played by the Communists, which unfortunately has often not been properly understood and countered by the non-Communists States.

We often speak, as did Secretary Rusk when testifying about the Consular Convention with the U.S.S.R., about "different systems of law, even of dissimilar systems of government." However, it may well be that it is our lack of understanding of the true nature of the Soviet state itself, or of any Communist-controlled state, for that matter, which makes it possible for the Soviet Government to use that kind of primitive, transparent disclaimer, as it did in the case of the Uruguayan protest, and many times before, as for instance, in countering our protests against the Comintern activities in the 1930's.

This lack of understanding of the nature of the Communist-controlled state is caused, first of all, by the fact that most political scientists in studying it are using a purely formalistic, positivistic approach, one based on study of external characteristics of that State, and are ignoring the philosophy which created it and is motivating its operations; namely, Marxism-Leninism.

Even a superficial investigation of the Soviet Constitution of 1936 will discover some formal resemblance between the Soviet state machinery and that of a Western-type democratic state. There is a bicameral parliament, the Supreme Soviet, directly elected by the constituency. There is the Council of Ministers, the highest executive and administrative organ of the U.S.S.R. state power—article 64.

There is a separate Judiciary, with "independent judges, subject only to Law"—article 12. Chapter X contains what could superficially be defined as a bill of rights: "Basic rights and duties of citizens." There, however, the formal resemblance ends.

In order truly to grasp the nature of a Communist-controlled state, we must resort to its analysis from the point of view of a theory of state and law, ours as well as the Marxist-Leninist. We believe that, to use Burke's well-known definition:

A state is a necessary, natural institution, founded in the social nature of man.

Marx, Engels, and especially Lenin, proceeding from the class viewpoint, saw in every state an organization serving the ruling class. Logically, then, the socialist proletarian state is "only a weapon of the proletariat in the class struggle. A special cudgel, rien de plus." As the bourgeois state is believed by the Communists to be a dictatorship of the bourgeoisie, the proletarian—socialist—state must exercise the dictatorship of its ruling class, that is, the proletariat or working class.

The doctrine of the dictatorship of the working class has since been the cornerstone of Marxist-Leninist state theory and practice. Soviet university textbooks on the theory of state and law, elaborating on this doctrine, explain that—

The dictatorship of the proletariat considered as mechanism appears as a complex system consisting of a sum total of "levers" and "transmission belts" and "the directive force," which is the [Communist] Party.

It is further explained that—

The Soviets with their executive machinery represent such levers and transmission belts; also, labor unions, cooperatives of all kinds, including collective farms, the Communist youth organization (*Komsomol*) numerous voluntary associations (for sport, defense, learning, etc.), which as a whole form the mechanism of the dictatorship of the proletariat.

Thus, the state organs, the government in the broad sense of the word, are only transmission belts, or levers, used by the Communist Party to exercise its guidance, to direct, rule the so-called Socialist state. This has been reaffirmed as a constitutional principle in article 126, which states:

The most active and politically conscious in the ranks of the working class and other strata of toilers shall unite in the Communist Party, which is the vanguard of the toilers in their struggle to strengthen and develop the socialist system, and *the directive body of all organizations and societies of toilers, both public and governmental.*

This gives the Communist Party an indisputable monopoly of power and control in every Communist-controlled state, together with the monopoly of nomination of candidates in an election.

In the light of this analysis, one must reach the conclusion that the Soviet Communist leadership has a very low opinion of our intelligence and our understanding of the workings of their so-called state, if they seriously disclaim any Soviet Government participation in the Tricontinental Conference in Havana by asserting that the head of the Soviet delegation, Sharif R. Rashidov, candidate-member of the politburo of the central committee of the Communist Party of the Soviet Union, which places him among the 19 most important apparatchiks in the U.S.S.R., represented only public—social—organizations and not the government.

The Communist Party itself is not an ordinary political party. It is a party of a new type, as the Communists themselves have correctly defined it. Its novelty consists in the unique features of its historical mission as a substitute for the state and state apparatus and in the originality of its internal structure. On one hand, it is a close hierarchial organization with a regular apparatus; on the other, it is an open mass party with a membership of many millions. Therefore, the party elite, the apparatchiks, virtually represent a party within a party.

The Communist Party is not simply the sole ruling state party; it is not even a state within a state. It is the state, but a new type of state, according to the Communist doctrine. Its novelty lies in the fact that the hierarchy of official state legislative organs is only the executive-administrative machinery for carrying out the decisions and instructions of a parallel hierarchy of formal executive party organs. A modern Communist state can exist without its official state apparatus, but it cannot exist without its party apparatus. Relationships between the party apparatus and the state apparatus are not those of coordination but of subordination; this in itself eliminates dualism in rule. Lenin destroyed Russia's old state organization in order to replace it with his new party machine. This machine was the system of partocracy, as it has been very aptly defined in a recent monograph, "The Communist Party Apparatus."

A Communist Party is a party of a new type also because of its international class character. The new program of the Communist Party of the Soviet Union of 1961 describes it as—

An inseparable part of the International Communist and Working-Class Movement. The tried and tested Marxist-Leninist principles of the proletarian internationalism will continue to be inviolable principles that the Party will follow undeviatingly. The Communist Party of the Soviet Union will continue to strengthen the unity of the international Communist movement, to develop fraternal ties with all the Communist and Workers' Parties and to coordinate its actions with all the detachments of the World Communist Movement for the joint struggle against the danger of a new world war, for the interests of the working people for peace, democracy and socialism.

There is a school of thought which denies, at present, any possibility of restoring the former cohesion of the International Communist Movement. As evidence they list the Sino-Soviet rift, the rifts between the U.S.S.R. and the European Communist-controlled states, frictions due to supposedly increasing nationalism in those states, and so forth.

I am afraid we may be ordering the funeral before the patient is dead. It is for this reason that this Senator again urges the Members of the Senate to insist that we be given the opportunity to consider the entire package, both treaties and trade legislation, intact rather than on a piecemeal basis.

Mr. President, by way of summary, I should like to suggest again that as much as anyone would want to see the end of the cold war, as much as anyone would want to lessen the thrust and the brutality of the cold war, and the hot war in which we are engaged in Vietnam, ratification of this treay simply cannot be based upon the hypothesis or the proposition that there is a "new communism," or that there is a new partnership in the process of formation between the United States of America and the U.S.S.R.

There is simply nothing to indicate that the Iron Curtain is being formed into an open door. If anything, there

is reason after reason to conclude, from overt acts as well as from well defined and definite statements, and declarations by Communist leaders, that they do not mean to let up for one moment in that position and posture which has made it necessary for this country to have entered into the cold war in the first place, and to have continued it since that time—about 20 years ago.

Certainly, there is nothing to indicate that they are going to abate one iota in their participation in the hot war in Vietnam. And, we are engaged in a hot war with the Soviet Union there because they are supplying the armaments, the munitions, the supplies, and the war materiel without which the war would come to an early and definite end if delivery of those articles of war were suspended or ceased by the Soviet Union.

Mr. President, it is for these reasons that I urge two things: One, that the Senate not, at this time, advise and consent to the Consular Treaty before it. Two, that the Senate should, as a matter of fact, insist upon a discussion of all the related subjects in this proposed major and radical change in our foreign policy before disposing of any of the component parts thereof.

It is only from that overall perspective that we will be able to render a decision which will be wise, and judicious.

It is my hope that we will be able to sustain the position of a complete, overall discussion when the matter before us comes up for final disposition.

Mr. President, I yield the floor.

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

Mr. HRUSKA. I yield.

Mr. MUNDT. Mr. President, what the Senator says is very significant in the whole discussion that we are having about the desirability and undesirability of ratifying the consular treaty with Russia at this time of war. Admittedly she has become the arsenal of Hanoi and the sole source of military weaponry of modern design which is being used to continue the war there and is making it more difficult to obtain peace. It certainly is escalating our American casualties.

It is certainly true also that deeds speak louder than words.

The Senator alluded to the fact that in the RECORD of Friday, March 10, I placed in the RECORD for public scrutiny for the first time a list of the supplies now available for shipment to Russia in unlimited numbers and without license.

I had this list printed in the RECORD because we have heard them described as nonstrategic and as peaceful goods. The facts are now before the public that the weapons are going from Russia to Hanoi.

I thought it would be illuminating to note just what kind of American shipments have been made eligible to the Russians by President Johnson's ill-advised and unprecedented Executive order of October 12, 1966.

That astonishing but revealing list will be found beginning on page 6262 of the CONGRESSIONAL RECORD for March 10, and extending to page 6266.

I think it is illuminating reading for the country, and I think it should be must reading for every Senator before he votes on the treaty.

The Senator is aware that it was on October 12, 1966, that by Executive order President Johnson opened up these exports in trade to Russia and other Communist countries without license and without limitation.

The Senator pointed out that this act of appeasement and conciliation apparently did not serve very well the purposes of amity between the two countries, that this had no impact whatsoever on lessening the amount of war weapons which are being shipped by Russia to Hanoi, and that it has been only recently that these tremendously significant helicopters have been supplied by Russia to Hanoi.

The Senator would agree, I am sure, with the Senator from South Dakota that the helicopter activities of our American forces and our South Vietnamese allies have been one of the bright spots and one of the productive operations of our war effort.

Mr. HRUSKA. Those activities have been among the most efficient and effective forces in the waging of that war. They put us far ahead of the enemy. Yet, that "advantage" is being rapidly dissipated by the appearance on the scene of the Russian-supplied helicopters.

Mr. MUNDT. Precisely, and it was for that reason that the North Vietnamese Communists sent out that great Macedonian call to their comrades in Moscow, "We must have helicopters."

They got helicopters, and they got helicopters of the best possible design. They got a substantial number of these helicopters and, of course, they got them from Russia.

Mr. HRUSKA. And, very likely, with training by Russian helicopter pilots.

Mr. MUNDT. There is no question about that. That would follow the formula pursuant to which some 200 Migs have been supplied by the Russians to the Communists of North Vietnam in order to attack and destroy our American Air Force. Those planes were also escorted and accompanied by well-trained Russian Mig pilots who trained the North Vietnamese on how to use them with the maximum of effectiveness.

Talking about deeds, I point out further that by his Executive order on October 12, 1966, openly and directly defied the expressed desire of Congress—incorporated in rollcall votes in both the Senate and the House over the past few years—that these wartime exports to Russia he ended or curtailed, President Johnson opened the Pandora's box for war-profiteering Americans to send anything listed on these pages of the RECORD of March 10, 1967, to which I have just referred and which I have identified starting on page 6262.

After President Johnson had done that, just exactly one fortnight later, on October 26, 1966, there was an Associated Press story out of Moscow, corroborated by an Associated Press story out of Warsaw, in which those countries announced that the Communists were sending an additional $1 billion worth of military aid to Hanoi. Scarcely a device, I might add for ushering in a detente between the United States and the U.S.S.R.

It seemed to follow as the night follows the day that, since the Russians had an additional source of material coming from the United States to shore up some of their consumer shortages and some of their consumer needs and some of their industrial deficiencies, they felt free to make available an extra $1 billion of aid to help defeat us in Vietnam and to destroy or decimate our American forces there.

Certainly here is a deed not in the direction of amity, not in the direction of a detente, and not in the direction of trying to work out some conciliatory arrangements with the United States. There instead is a deed designed for the destruction of our war effort in Vietnam.

It seems to me that kind of a deed speaks much more effectively than the words we hear on occasion emanating from Moscow.

Mr. HRUSKA. Mr. President, when the Senator from South Dakota referred to this list of more than 400 nonstrategic items freed from export control between this country and the Soviet Union, I am reminded of the list of other things which have been done in the way of benefits and concessions and movements to try to mollify and appease the Soviet Union with never a return or reciprocal item advanced by the Soviet Union.

In addition to the 400 nonstrategic items, for example, the President lists these other things in the state of the Union message:

> We have agreed to open direct air flights with the Soviet Union.
>
> We are determined that the Export-Import Bank can allow commercial credits to Poland, Hungry, Bulgaria, and Czechslovakia, as well as to Rumania and Yugoslavia.
>
> We have entered into a cultural agreement with the Soviet Union for another two years.
>
> We have started discussions with international agencies on ways of increasing contacts with Eastern European countries.

Then he continues:

> I ask and urge the Congress to help our foreign and trade policies by passing an East-West trade bill.

There are other items, also.

The point I wish to make is that concession after concession and act of appeasement after act of appeasement have been extended in favor of the Soviet Union and the other Communist countries of Eastern Europe, with never a return item, except to bite the hand of those who seek to make a little progress toward ameliorating or concluding the cold war.

Of course, the matter of 400 so-called nonstrategic items is a leader among those lists. In time of a hot war, such as that in which we are engaged, I should like to know what item contained in that list of 400 is nonstrategic.

Mr. MUNDT. Mr. President, will the Senator yield further?

Mr. HRUSKA. I yield.

Mr. MUNDT. In this day of modern warfare, it is almost impossible, it seems to me, to single out any conceivable item we might export to Russia, in order to help her overcome a deficiency, which could not be definitely and accurately

termed a war item. Even if it were something strictly for consumer utilization, when a country needs to import an item of that kind, it does so because a desperate shortage of it exists at home.

Once Russia gets this consumer item from a country such as the United States, you automatically relieve a certain number of the labor force, you relieve the pressures on certain amounts of raw material, you relieve the utilization of certain amounts of the mechanical and industrial complex of Russia. You free all those elements to start producing additional war supplies. And the Russians need the additional war supplies because they are shipping so many of them, first, not only to Hanoi, where we are at war with their armaments and at war with their guns, but also to other trouble spots of the world where they are tending to arm other nations and groups so as to make mischief for the United States.

Mr. HRUSKA. Another item was the extending of credits for American exports to help in the construction of the Soviet-Italian Fiat automobile factory to be constructed in Russia.

This is an extension of credits, Mr. President, at a time when the citizens of the great Midwest, engaged in farming and ranching, find it difficult to obtain credit; and when they do obtain it, they pay a high price for it. In face of our dwindling gold supply and in face of the indirect but very effective assistance to the North Vietnamese which results therefrom, the administration is going forward to help the economic and the industrial productivity and to strengthen the position of the Soviet Union and the other Communist countries. Such action simply does not make sense.

Mr. MUNDT. The Senator is correct. The $50 million credit which we are extending to the Communists for the purpose of helping them build that automotive plant is a credit which is underwritten by every American citizen. We all have the ugly expectancy of having to pay more taxes or, in lieu of that, to go deeper into a national debt which has already lit the fires of inflation so that the budget of every householder has suffered. In any event, if the Communists do not repay the $50 million, the money will have to be paid by the taxpayers or by the credit of the United States. And for what? To build an automobile factory. And why do they want that?

Every schoolchild knows that when this country is at war—and the wars get big and tough and consume a great deal of our armaments and much of our time and labor—the industry we turn to first is the automotive industry of the United States, in order to shift from making automobiles to making tanks, to making guns, to making planes.

In this regard, we are actually lending $50 million to the Russians to enable them to manufacture, by 1969, when the plant is scheduled to be completed, additional armaments to kill additional boys in a war which very likely will still be continuing in 1969, if we continue the insane policy of shipping to the fellow who is providing the weapons to continue the war the things he needs to keep his country viable enough so that he can continue the shipments.

Mr. HRUSKA. I am grateful to the Senator from South Dakota for the contribution he has made to this discussion.

In addition to furnishing warstuffs to Vietnam, however, the Soviet Union has been taking other actions which clearly show that the ratification of this treaty will not have any effect at all on the shortening of the cold war or even a slight letup in the war.

There is the matter of the Soviet Union continuing to subsidize in a substantial way the only Communist nation in the Western Hemisphere—Castro's Cuba. The Soviet Union has been subsidizing Cuba consistently for a number of years, without any signs of a letup. Perhaps it is a fine, friendly action to a fellow Communist nation, but it does not indicate any desire on the part of the Soviet Union to get to a point where it will lessen the cold war in which we are engaged.

Another overt act on the part of the Soviet Union is its recent enlargement of the military budget for the coming year. The military budget of the Soviet Union has been constantly stepped up in the last 2 or 3 years because of the drain on their war reserves to furnish munitions and armament to the North Vietnamese and the Vietcong.

A further factor is the installation of the antiballistic missile system in various parts of the Soviet Union, posing for our country the necessity of meeting that situation by a comparable step if we do not wish the Soviet Union to be in a military posture superior to ours.

Mr. President, this is not the time to enter into a consular treaty of this kind. The Soviet Union should do something to indicate that such a step by the United States will be entertained as good faith for ending the cold war, or even a slight letup in it. We should consider the entirety of the package and not consider in attempted isolation, the ratification of the consular treaty.

Instead of having some concrete, overt action by the Soviet Union along the lines I indicate, we have had an outright rejection of the treaty as a part of the big package, and, in fact, an apparent rejection of the entire package. We also have a stepping up of the hot war which Russia is waging against the United States in Vietnam.

The argument in favor of ratifying the consular treaty is, "We want to end the cold war, and therefore we ought to ratify this treaty." This plea is not applicable. There is no indication that a letup by the Soviets will take place in the cold war because of the ratification of the treaty, if the treaty should, unhappily, be ratified.

The principal basis of the proponents' arguments—those who favor ratification of the treaty—seems to be along this line, and it is to this line that I should like to devote the greater part of my remarks:

First, it is said that we are dealing with a new communism.

Second, it is said, as appears in the state of the Union message by our President:

> We are shaping a new future of enlarged partnership in nuclear affairs and in economic and technical cooperation in trade negotiations, in political consultation and in working together with the governments and the peoples of eastern Europe and the Soivet Union.

There is a little intervening language and, then, continuing—

> Our relations with the Soviet Union and Eastern Europe are also in transition.

We have language such as that referred to and language such as that used a week ago today in the city of Fulton, Mo., at Westminster College by the Vice President, who said:

> It is my belief that we stand today upon the threshold of a new era in our relations with the peoples of Europe—a period of New Engagement.
>
> And I believe that this new period, if we do not lose our wits or our nerve, or our patience, can see the replacement of the Iron Curtain by the Open Door.

Here we have these statements and a new commitment, a new further partnership with the governments and peoples of Eastern Europe and the Soviet Union; and the statement "Replacement of the Iron Curtain by the open door."

They are all statements to the effect that there has occurred a change in the attitude, activities, and relationships between this country and the Soviet Union. Yet, nowhere have we had any assignment of reasons, any proof, nor any indication that any of these things have occurred. Hopefully they will occur. No one will engage in more earnest or fervent hope that they do occur in due time than I and I know that that hope is shared by everybody, but we have to be realists.

There is not only a lack of proof, but also there is much evidence to the contrary.

Whatever changes they might show, their adamant and vigorous attitude points toward increasing an escalation of the cold and hot wars in which the Soviet Union is engaged against us, rather than the reverse.

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

Mr. HRUSKA. I yield.

Mr. COTTON. The Senator from New Hampshire is very deeply impressed with all that the distinguished Senator from Nebraska has been saying. I think it is a masterful, thorough, and analytical presentation of things the Senate should be thinking about before we vote on this momentous question. I wish to ask the Senator from Nebraska in regard to the statement just made, if he agrees, that so far as we have been able to discern, there has not been one single overture or any act of softening, indicating that there is a new attitude toward us on the part of the Soviets. Am I correct in that statement?

Mr. HRUSKA. The Senator is correct, as far as the study, the reading, and the observations of this Senator are concerned. I have searched in vain for some act that could be construed in the light in which the Senator referred, and I have been unable to find it.

Mr. COTTON. Knowing the thoroughness with which the Senator from Nebraska undertakes all of his research before engaging in as important an utterance on the floor of the Senate as he has made, I am satisfied, that there has not been any significant change.

I wish to ask the following question: If there had been any change in the attitude of the Soviet Union, or if there had been made to our Government directly or indirectly secretly or otherwise, any promise or offer, or any suggestion that there might be a change, and that that change of attitude might be effected if we ratified this treaty, does not the Senator from Nebraska think that every Senator, who has the solemn duty to vote on this ratification should be informed of that fact, and not have it merely hinted at?

Mr. HRUSKA. I agree with the Senator. If there are any secret communications or unpublicized communications every member of the Senate should be informed of them.

There have been rumors from time to time that they do exist but for high reasons of state they cannot be disclosed. I have never been able to track them down. I know that one of our colleagues—I shall not undertake to identify him; he can speak for himself if he wishes—came across rumors that two different kinds of some classified reason that has been advanced by those in the executive department; each was different from the other and did not include reference to the other.

If there are such things they should be disclosed, and they could be disclosed in a discreet manner. We could consider them as classified, and for reasons of national security not disclose them. That would be one thing, but to deny that information, if any does exist, I think we should assume that there are no such reasons, and vote accordingly.

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

Mr. HRUSKA. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. I am sure the Senator from Nebraska is just as reluctant as the Senator from New Hampshire, and others in the Senate who have misgivings about this treaty, to stand in the way of any real step that might make our relations with the Communist world better in the future, and avert even in some small degree the possibility of nuclear war. I am sure he is just as reluctant as any of us are in that respect. Is that correct?

Mr. HRUSKA. Yes. I have declared that to be so in my statement and I repeat it now.

Mr. COTTON. If I interpret correctly what the Senator has just said, if he were informed in the strictest confidence by the responsible heads of the Government of the United States of any real facts that would indicate that ratification of this treaty would hasten peace in the future, I know that he, as is true of many of the rest of us, would take that fully into consideration without divulging the facts, if they should not be divulged.

Mr. HRUSKA. There is no question about that, as far as my thinking and belief are concerned.

Mr. COTTON. It is my understanding, as far as the Senator from Nebraska is concerned, and as is the case with the Senator from New Hampshire, that at no time has any responsible person given us any information, any real evidence that this treaty that we are urging upon the Soviet Union, that we are in a sense supplicating them to accept, will have any more significance than our action in paying tribute to the pirates of Tripoli—before we rebelled and decided that we would not continue to pay tribute—while hoping that they would be kinder to us?

Mr. HRUSKA. No such information has come to me from any source in the executive departments. Other Senators will have to make their own disclosures as to what may or may not have happened to them in this regard.

Getting back to the oft-repeated assertions that we are dealing with a new communism or are entering into a new partnership with the government and people of the Soviet Union, and the statement that the replacement of the Iron Curtain by the open door is imminent, and that all we have to have is patience and the other things that go with it, such as forbearance, I do not know how much more by way of appeasement, perhaps, or modification we must display. On that subject, I wish to address myself to the proposition that there has been no change in the stance or in the program of the Communist Party.

Mr. MURPHY. Mr. President, will the Senator from Nebraska yield for a question?

Mr. HRUSKA. I am happy to yield.

Mr. MURPHY. As the Senator said, there has been no change. Am I correct in believing that in spite of the fact that, from time to time, we read in some of the press that there has been a thawing of the cold war, the Senator means that actually, as to basic principles or a change of objectives, there has been no noticeable change in, let us say, the last 15 years?

Mr. HRUSKA. In that respect, I should like to expand my statement and correct any impression I may have created. There have been no changes for the better in the stance or in the program of the Soviet Union, so far as America is concerned. There have been some changes which have been to the harm, the detriment, and the expense of the United States, both in the program of the Soviet Union and in its activities.

Mr. MURPHY. Is it not true that because of the so-called or alleged changes, it now seems, or has seemed in the last year or so, that the activities of the Soviet Union and around the world have been expanded? Is there not evidence that the Soviets were concerned in the Congo, in Cuba, and in many other areas, whereas 5 years ago they were not spread out in those areas?

Mr. HRUSKA. There is no question about that. That subject was thoroughly canvassed in the tri-continental conference of the Communist nations in Havana, Cuba, in January 1966.

Mr. MURPHY. Is it not true, as I have put it in oversimplification, that for the past 30 years we have been the "main door" prize and still remain so, except that the conditions of our health are not so good now as they were 5, 10, 15, or 25 years ago?

Mr. HRUSKA. The Senator puts it well, indeed. I certainly accept that characterization.

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

Mr. HRUSKA. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. The Senator from Wyoming is most impressed with the able and learned presentation being made by the Senator from Nebraska.

All the mail which has come to my office since I became a Member of the Senate, taken together, excluding the consular treaty, has not approximated the interest evoked by the debate on the consular treaty.

As the Senator from Wyoming understands it, the primary concern of the State Department in trying to secure the ratification of the consular treaty seems to be for the 18,000 Americans who visit Soviet Russia annually—at least, that is the number who visited Russia a year ago.

By way of contrast, it might be observed that in 1966, 900 Russians visited this country. The number of Russians who come here seems not to fluctuate, but the number of Americans going to Russia has increased steadily. I think that we would be naive, indeed, to assume that ratification of this treaty would do anything but encourage further visitations to Soviet Russia, by American businessmen and tourists.

To say that we cannot draw the line of demarcation between what are nonstrategic materials and strategic materials belies the fact. I do not know how much of the Russian labor force last year was involved in the production of agricultural commodities, but I do know that not many years ago 47 percent of the Russian labor force was involved in trying to produce enough food for the Russian people. So the remarks of the Senator from Nebraska, in saying that whatever we export to Russia helps to contribute to their warmaking capability, are precisely true.

If we send food or anything else over to Russia, it will make them better able to help destroy this country, as they are presently trying to do in Vietnam.

I wrote to the Secretary of State a few days ago, expressing great misgiving because this country proposes to authorize a $50 million loan to an Italian automobile manufacturer to set up shop in Soviet Russia.

As has been pointed out by the able Senator from New Hampshire [Mr. COTTON], it is true that it is one and the same thing, so far as war-making capability is concerned, when we talk about the manufacture of cars and the manufacture of war armaments. How better could we assure the advancement of Russian capability to make helicopters, airplanes, tanks, and missiles than to contribute sophisticated machine tools and related technology to their automaking capabilities?

Thus, this subject concerned me and was the basis on which I wrote to the Secretary of Defense, denouncing the action and expressing my great concern over what it could do to our posture and our position in Vietnam.

I know that all of us share the common hope that we can soon resolve the conflict in Vietnam. I think the best way to resolve it is to achieve a position

of strength, to demonstrate our superiority on the battlefield, and to weaken the enemy. If he is weakened and sees that he cannot hope to prevail, then I suggest that he will be more inclined to sue for peace and want to sit down at the conference table and, resolve the conflict there.

I repeat: the way to guarantee this result, in my mind, is to negotiate from a position of strength. It is in that context that we must review the consular treaty.

It seems to me that anything we do which enables the Soviets better to supply the forces of the Vietcong, better to assist the North Vietnamese people, will make more difficult the early resolution of the conflict in southeast Asia.

Therefore, I am convinced that the ratification of the Consular Treaty now will encourage more of our businessmen to go to Soviet Russia. They will know that they will have the protection of our consulates. They will know that if they do happen to get into trouble, the strong hand of Uncle Sam will be near by to help bail them out of that trouble.

Mr. President, I appreciate, as we all do, the importance of better understanding among the nations of the world. I think that were it not for the fact that we are today involved in this conflict, there is every argument and every reason, and there should be every desire on our part, to enter into this sort of arrangement; but this is not the time. The priorities are set by the situation in southeast Asia.

Because of that, I compliment the Senator from Nebraska for calling to our attention, as he has, the impact and the importance of this treaty.

I believe that the President has mentioned in his state of the Union message the different bridges we hope to build between our country and those behind the Iron Curtain.

But, this is not the time to take steps to try to bring about a better detente with the Soviet Union, to try to bring about a better understanding with the other Iron Curtain countries, or to introduce an agreement which will weaken, not strengthen, America's position in southeast Asia. Because of that I hope the Senate will consider well the very important observations the Senator is making at this time.

Mr. HRUSKA. The Senator is very generous in his comments, and I appreciate them very much. The contributions he is making in regard to the subject at hand are very constructive.

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

Mr. HRUSKA. I yield to the Senator from California.

Mr. MURPHY. I was called from the Senate Chamber, and have had an opportunity to speak with a group of mayors of towns and cities in California. They asked me what the current business in the Senate was. I recommended that they go to the galleries and hear the discussion which the able Senator from Nebraska is propounding.

I asked them what they thought would be the wishes and reactions of the people in their cities. They unanimously said that there was no question that the people of their cities would be against the ratification of this treaty.

I have noticed something else on which I should like the Senator to comment. Usually, as we get into discussions of this kind, we are overwhelmed with a flood of polls in newspapers and periodicals. I have seen no polls as to the wishes of the people with respect to the subject before the Senate at this time. I wonder if there is any particular significance to that fact. I wonder if the Senator has noted the lack of such polls.

Mr. HRUSKA. We will continue to look for polls, to see what information may result.

Mr. MURPHY. Does the Senator from Nebraska agree with the Senator from California that possibly the polls—and I am just old fashioned enough to believe this is a representative form of government and that I am here to represent the best wishes of the people of my State—might well show that a great proportion of the people in the States would be against this treaty, and that therefore some of its proponents had decided it would be better not to publish those polls? Does the Senator think that is a possibility?

Mr. HRUSKA. There may be the possibility that that is the reason the polls are not being published.

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

Mr. HRUSKA. I yield to the Senator from New Hampshire.

Mr. COTTON. Has the Senator noticed, as this Senator has, sometimes with a little amusement, although we do not like to think lightly of such grave matters—I have noticed this for a number of years—that whenever there is a strong sentiment on the part of people for proposals and programs that are espoused by those in power, the sentiments of the people as expressed in polls are thrown in our faces day after day as the spontaneous outbursts of the individual beliefs of the great American people. But now, when there is a flood—and if the Senator has had the same experience I have had, perfectly overwhelming flood—of personal letters from the folks back home, protesting the ratification of this treaty, and begging us to resist it, we are told that these letters were all inspired. Now we are told that these letters were all the result of propaganda by organizations; that they do not represent the individual thoughts and deep feelings of individuals; and that we should disregard them?

Has the Senator noticed that strange contrast of opinion as between when the people's feelings are really their own feelings—as in this case—and when their feelings are not their own, but what someone else says they are.

Mr. HRUSKA. The Senator puts the matter in good perspective.

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

Mr. HRUSKA. I yield to the Senator from South Dakota.

Mr. MUNDT. I think the comments on polls introduced by the Senator from California and commented upon by several of my colleagues are quite pertinent. I might raise the question, Where is George Gallup? Where is Louis Harris? This subject has been debated and discussed for well over a month, perhaps 2 months. It is one of the most vital issues before the country. It is one of significant departure from all previous American history. The decision, one way or the other, will have an impact on the war in Vietnam. What more vital subject than this for the poll of the people's thinking, Dr. Gallup or Mr. Harris? Is this a time for silence?

I wonder if it is not pertinent to the fact that over the weekend the Senator from South Dakota had conversations with at least two important editors. I think it may have been three, but I will be conservative and say it was two. They very vividly told me they had been importuned by the State Department to write strong editorials in support of the treaty, and the editorials were forthcoming.

I wonder what kind of pressures and propaganda are behind the desire to downgrade and ignore the wishes of the people, and not even to reflect them in polls such as those operated by Dr. Gallup and Mr. Harris on a host of other issues and then to go further and decry those who have opposed the treaty as simple automations, being inspired by someone else. One of our colleagues has even called them crackpots or extremists.

I believe this is still a representative government, with the concept that on matters such as this we must get information and views of the people, who can expect some kind of response when the people make their wishes known by correspondence, telephone calls, and telegrams.

After all, who are the people writing us? How can a Senator assume the arrogant position that the only time the people are right is once every 6 years when they vote him into office; that the rest of the time the people are wrong; that we should ignore their opinions except on that on precious day, election day, when we get elected?

It is these same people who pay taxes. It is the people who elect the Representatives and Senators that they send to Congress. These same people are supplying over 500,000 boys in uniform today, and they may have to do double that composite figure if the war goes on too much longer. I do not think it is right to downgrade them.

I invite any Senator who will sit down and read his mail on this issue—not take the secondhand reports of his secretary or some staff member for it, but sit down and read the letter himself—to then express his conviction on the floor that these letters are from crackpots and extremists. One Senator expressed the opinion that such letters were from "nuts." Mr. President, these letters are not from "nuts." These are not in the main letters from inspired sources. It is easy to spot inspired letters. We can easily recognize the same monotonous phrases. The letters we are getting are written by individuals who express their individual, serious views, as can be noted by the handwriting and viewpoints expressed. Many come from serious students of American history. I think the people have some right to have from

Senators some expression as to their overwhelming judgment and desires, and that they are not to be kicked aside arrogantly by Members who say those letters are coming from crackpots and extremists and should be ignored. We should not hear, "Oh, I get letters 100 to 1 in favor of opposing the treaty, but I am going to vote for the viewpoint of that one because I know his sentiments are sincere and genuine, and the rest are opinions reflecting some inspired viewpoint of other sources or from some extremist group."

I resent that view because to me it brushes aside the views of the people, which, in our representative form of government, we should reflect and carefully consider. I resent the idea that we should swagger around and say that the people do not know what they are talking about on the simple question of do we or do we not want to ratify a consular treaty with Russia in this time of bitter war? There are no top secrets involved. If the question involved were one about the wisdom of building or not building an antiballistic missile system, then we might be able to say that we must rely on the expert opinions of technicians and scientists and specialists in nuclear warfare, and say that, wise or unwise, our decisions were going to have to be determined by the opinions of those experts.

On this issue, however, Mr. President, the people are the experts, because they are the ones who will lose or profit. There is nothing complicated here; nothing confusing; nothing technical. It is merely a question of whether or not, in this time of war, we wish to do something which inevitably must lead in the direction of encouraging those gunmakers in Moscow to ship more supplies to North Vietnam. On this issue, we have no technical or secret information which our constituents do not have.

I was interested in the very eloquent and persuasive remarks by the Senator from Wyoming [Mr. HANSEN], who has made some exellent points in his discourse. The question that the Senator from Nebraska is presently discussing—about what element of change, if any, has crept into this whole matter called communism, and if there has been change, has it been change which we should welcome and embrace and encourage, or is it a change which indicates a greater degree of belligerency and greater degree of antipathy by the Communists against the best interests of the United States—is most pertinent.

In the matter of East-West wartime trade, I think we have a case in point. I recall that Lenin said, back in 1921:

> All it is necessary to do is to bribe capitalism with extra profit, so as to get the machines with which to defeat it economically.

That was Lenin's Communist doctrine then, and of course it was he who wrote the bible of communism. He was the master and the architect of the Communist creed.

It seems to me the students of communism overseas have today become the masters. Now they have taken that Lenin recipe seriously. They have carried it to the logical degree that all it is necessary to do now in time of war is to bribe capitalism with extra profits to get it to supply the tools to kill its own sons fighting for freedom in Hanoi. That is a pretty serious extension of this Lenin doctrine but it fits it like the hand fits the glove.

If it can be argued, as it probably will, that those who come from pastoral rural States do not have any great industrial machines, do not have any international banking houses, and thus perhaps are not qualified to talk about the intricies of international trade and the rich profits it is supposed to provide for certain people in this country, perhaps they will permit me to quote from a magazine which is seldom read out in the grassroots areas of our country. Let me present the testimony of a magazine published in one of the great financial centers of our land—Barron's Business and Financial Weekly.

On January 16, 1967, its front-page story was headed, "Dangerous Bridges," with the subheading "Proposals for Expanded East-West Trade Rest on Shaky Ground." I recommend that article to the reading of all of my fellow Senators. It is true that we do not have much chance to read this magazine out in the country areas of South Dakota; but I am happy to note that here one of the great metropolitan financial journals of this country looks with a skeptical eye on this "national desire" to develop expanded trade, to increase profits for some and to provide earlier death for others—all under the persuasive heading of "Building Bridges."

After arguing eloquently, through several pages, against the unwisdom of running the risk of prolonging a war which we in the Senate ought to be spending our time trying to shorten, instead of expanding; in its concluding paragraph the article says:

> There remains the final supreme consideration for any American businessman who may still hanker after elusive profit from selling to the Communists: He must decide, in his own private conscience, whether the profit is worth the personal risk that some day, sooner or later, on some near or distant battlefield, his neighbor's son or his own may be struck down by a weapon which his zeal for trade put into the enemy's hands.

Only those with very short memories can forget, Mr. President, that we learned this lesson—or should have learned it—back in 1940 and 1941, when proponents of the same line of thinking which urges us now to move in the direction of expanded trade with Russia were practicing the fine art of selling scrap iron to the Japanese, to help them build their war machine, while some of us, the present speaker included, were moving around the country whenever opportunity presented itself, and declaring our opposition in the Senate of the United States and the House of Representatives. I served in the House of Representatives at that time.

What happened? On Pearl Harbor day we found that our Pacific Navy was virtually destroyed, and more than 3,000 American casualties had occurred, in an infamous surprise attack by the people to whom we were selling, for a profit, war supplies less significant by far than the war supplies we are selling to Russia today.

At least it could be said by those advocating such policy then, "We are not at war with Japan yet. They have not killed any American boys yet. You pessimists who believe there might be a war with Japan could be wrong. In the meantime, we are making extra plush, war-fed profits in America."

This administration cannot even use that defense today, Mr. President, because 3 years after the heavy casualties began coming in, 3 years after the big war had begun in Vietnam, the present Commander in Chief, Mr. Johnson, by a scratch of his pen, on October 12, 1966, opened up the shipment of iron ore and scrap metal again, plus 399 other commodities, to the country then and now busy at the job of supplying the guns to kill American boys.

It is no wonder, it seems to me, that Americans write in, in such vast numbers—Americans who, we hope, will continue to support this war effort until we are successfully out of it, but Americans who form part of the great body politic which is becoming growingly discontented with this whole curious war, which goes on and on, is now in its fifth year, and now we hear the same people who say, "We would like to do something to shorten it," support this pagan formula to increase the traffic in blood, which is certain to prolong it.

I thank the Senator for yielding.

Mr. THURMOND. Mr. President, will the Senator from Nebraska yield, so that I may ask the Senator from South Dakota a question?

Mr. HRUSKA. I am happy to yield.

Mr. THURMOND. I should like to associate myself with a remark just made by the Senator from South Dakota on the point that the people who are writing in, opposed to this treaty, are not "extremists" or "crackpots," or whatever term some of those who espouse this treaty so ardently would apply to them. I can say that my mail—and I know my people—reflects a sentiment very strongly against this treaty, and it is coming from some of the ablest, finest people in South Carolina. I believe that is typical of the kind of people who are writing about this treaty throughout the Nation. I believe it is typical of the members of the Republican Party.

Last Saturday evening, I had the pleasure of speaking to the Young Republicans of four States—Virginia, West Virginia, Kentucky, and Maryland—and the District of Columbia. When I spoke to them for a few minutes on this consular treaty, together with other subjects upon which I spoke, I know that the terrific response I received shows that the Young Republicans representing this area of our country are strongly opposed to ratifying this treaty.

Mr. MUNDT. And why not? They have to go to war along with other young Americans, to be shot at by the products which we help to fabricate by sending additional industrial supplies to the arsenal of Hanoi.

Mr. THURMOND. The Senator from South Dakota is exactly right.

I believe that the more people study this treaty, the more they will become convinced that it is not in the best interests of this country.

I have not heard one sound argument yet in favor of the treaty. I have given nine specific arguments against it. I have not heard one sound argument yet to cause me to support the treaty.

Mr. MUNDT. Mr. President, one of the distressing developments to the Senator from South Dakota is that he does not believe in the growing centralization of power in the Nation's Capital. After it has been concentrated in the hands of a few dozen people, those people are presumed to personify the authority of the people, and they are empowered to exercise authority over all of us.

One of my reasons for opposing this so-called new liberalism is because it moves in the direction of placing fewer and fewer and fewer top-level officials in control of the lives of the remainder of us in the country.

My quarrel is with the new liberals who believe in this concentration of power.

The traditional liberals abominated both economic monopoly and political monopoly in the same breath. However, our new liberals embrace political monopoly. They abhor economic monopoly, as we all do, but they embrace political monopoly which is infinitely worse.

The new liberal would tip the pyramid of American government upside down, with the people at the bottom and the power structure of government at the top.

In this connection, some of the comments which I have recently heard made on the floor have disturbed me greatly. The comments have downgraded and attacked and ridiculed the statements contained in the mail received from conscientious people who write in opposition to this treaty.

This reflects the growing sentiment among some public officials in this country. It frightens me more greatly almost than the consequences of the ratification of this treaty. That involves the tendency for some people in high positions—some of them elected, but most of them appointed—to develop an arrogant contempt for the people who base their whole philosophy for the solution of an economic or social problem on the concept: "You can't trust the people. You can rely only upon the politicians, only upon the Government, only upon the bureaucrats, only upon the snoopers, only upon the administrators, and only upon the politicians." I deny that liberal concept emphatically.

I think politicians are wonderful people. I am proud to call myself a politician, but we do not have halos around our heads. We do not know the answers to all of the problems.

We come from among the people who write letters and who vote to keep us here. However, when we develop the attitude, as an elected or appointed public official, that people cannot be trusted, that people are always wrong, that people have not any ethics, good judgment or sound sense, and cannot run a good business or a good school, that kind of "liberalism," concentrated in the hands of a few people with the right to shove everybody else around, is totally and demonstrably wrong.

It is nevertheless contained in the answers some people get back home to the letters they are writing on the Consular Treaty. I know, because, for one reason or another, my name has been listed as one of those leading the opposition to the treaty. I get copies of a lot of letters received by my colleagues in the Senate; and also copies of the Senators' replies when they disappoint or provide disenchantment to the recipients.

I know some of the things that have been written by Senators to their constituents. The names of the Senators who wrote them could not be dragged out of my mouth with a 20-mule team.

But, I can say this: If any Senator from South Dakota ever wrote his constituents in that manner and manifested his contempt for the judgment and knowledge of individual citizens, those citizens would find some way to get rid of him before he served out his term, and I think properly so.

I read the letters and I know what is being written.

I am a little ashamed of the whole approach that would try to condemn as an ignoramus, a crackpot, or a nut the mother of a son in Vietnam who takes her pen in hand and says: "I don't think it is wise at this time of war to support and ratify this Consular Treaty."

I think the Senator from South Carolina is treating with one of the problems of our times, the whole question of whether we the elite, we the officials, or we the officeholders have this right to assume such lack of good faith or good judgment on the part of the people who write us in such great numbers in opposition to this treaty.

I think the concept is wrong, and that the voice of the people in America still has a right to be heard, and should on occasion be reflected in our public policy.

Mr. THURMOND. Is it not a fact that this war would not be going on now if it were not for Russia providing North Vietnam with weapons with which to fight the war?

Mr. MUNDT. I think that can be factually demonstrated. I have heard many military people allude to the fact that the war in Vietnam would have been over at least 12 months ago if the Russians had not supplied the sophisticated weapons with which to fight the war, and over 95 percent of the petroleum required by the Vietnamese Communists to continue it.

I have yet to find a military man who will tell me how a country can fight a modern war without gasoline, oil, and petroleum.

Those products go to Hanoi almost exclusively from Russia.

If we want to find out how to end the war, we must figure out a way to get the Russians to quit supplying the materials. We cannot do that by kissing them on the cheeks and saying: "Go out and kill more men."

Mr. THURMOND. I visited Vietnam in December. I made a report after my visit in Vietnam where I spent a week, another week in that area of the world, Thailand, Burma, Japan, and other countries.

I read one brief paragraph from my report:

RUSSIA'S ROLE IN VIETNAM WAR

The Soviet Union is furnishing North Vietnam anti-aircraft weapons, surface to air missiles, jet fighter planes, heavy artillery, artillery rockets, machine, guns, rifles, ammunition, advanced radar system, ships, helicopters, trucks, heavy construction equipment, bridge building materials, oil mines, and other supplies with which to fight the war. Without the aid the Soviets are providing, North Vietnam and the Viet Cong would be unable to wage the war very long. Soviet Russia has it within her power to stop the war and bring the combatants to the negotiating table without delay.

Mr. MUNDT. We can also add to that list the MM ground-to-ground rocket which has proven so effective in killing not only our American troops, but also our allies there.

That weapon is now being employed by our enemies in the South Vietnamese part of the conflict.

Mr. THURMOND. I am convinced that if we ratify this treaty with Soviet Russia now, it will do at least two things, aside from other harmful effects.

It will raise the prestige of the Soviet Union throughout the world by misleading nations into believing that now the great United States, the most powerful nation in the world, has tremendous respect for the Soviet Union and is willing to enter into agreements with the Soviet Union signifying that the United States is willing and able to trust the Soviets.

Mr. MUNDT. There is no question about that.

Mr. THURMOND. I am convinced that if we ratify the treaty, the treaty will cause other nations to wonder where the United States stands. The countries behind the Iron Curtain, the captive nations, will give up hope. They will feel that the last solid country, a country which could help to save them someday, has gone over to the Soviet side.

They will wonder whether we have gotten together with the Soviets and are just going to forget them and leave them where they are and do nothing to help them in any way, shape, form, or fashion, to emerge from behind the Iron Curtain.

It seems to me that if we ratify the treaty, it will have a severe and serious psychological effect all across the free world.

Mr. MUNDT. The Senator brings up an interesting point.

Let us consider the case of an American businessman who is traveling in Russia in the Baltic area, visiting some of the cities of the Baltic States.

Let us assume that he gets into trouble in Latvia. He decides to make use of this consular arrangement. It seems to me that by that very act we will be giving, ipso facto, recognition to the fact that Latvia and Estonia and Lithuania, those three great little brave Baltic Republics,

have now ceased to exist. And they will officially be recognized by us as forever part of the Soviet Union, because we will have been forced into the position of working through our consular officers with the Russian Government in that connection.

The contrary side of the coin could also be true. Let us say they set up this consular office in Chicago, and a Latvian in this country gets into trouble in the United States and we put him in jail. Under the Consular Treaty, the Russian consular officer would have a right to talk to this Latvian citizen in jail, because we would have the consular treaty with Russia, and Russia claims control over Latvia, Estonia, and Lithuania. By recognition of that fact, also, it seems to me, ipso facto, we have recognized a status of affairs which officially and directly our Government has refused to recognize.

Many of the evolvements in this matter, when we think them through, as to what will happen at the end of the road, give this innocent-sounding treaty much more significance than the fact that perhaps it can be beneficial on the average to nine Americans per year traveling for pleasure or profit in Russia.

Mr. THURMOND. Does it not amount to de facto recognition by forcible inclusion of these nations—Estonia, Latvia, and Lithuania—into the Soviet empire?

Mr. MUNDT. The State Department denies that automatically it is de facto recognition, and I acquiesce in and accept their position. But the operation of the treaty will be such that, sooner or later, over there or in this country, we will have an American in trouble in Latvia or Lithuania, or a Lithuanian or an Estonian in trouble in this country, and the Russians, under the terms of the treaty—and they have a right to do so—will immediately insist upon being notified and insist upon talking to him, as through consular officer. So, whether he wishes to see the Russian consular officer or not, the fact is that we must let the Russian representative talk to him. This is a de facto recognition at that point that those Baltic countries cease to have any independent status, and we might just as well turn out the light of hope that they will ever again attain that status, so far as the United States is concerned.

The Senate, which piously expresses its sympathetic attitude toward the captive nations by agreeing to a Captive Nations Week resolution every year, sympathizing with them, can, by this Consular Treaty action, condemn them to the status quo so far as we are concerned, because it will provide that de facto recognition and it will destroy their rightful and proper and enduring hope that, come some happy day, their homelands can once again be independent.

Once you put them under the domination of the consular operations, as this treaty does—on both sides of the water—as set up in the mechanics of treaty, you have provided a beautiful device for the Russians to express themselves, through actions, that they are in charge of the Baltic and other captive countries, and if we wish to have communication between the nationals of those countries and this country, Mother Russia and its consular officers are the ones to provide it.

If this is not de facto recognition, I should like someone from the State Department to say what it is.

Mr. THURMOND. We may pass resolutions in the Senate each year extending our sympathy to the people of the captive nations behind the Iron Curtain, but are we not, in effect, nullifying and counteracting such action when we take real action, which counts, by ratifying the treaty?

Mr. MUNDT. At least, the representatives and the spokesmen in this country of the captive nations are unanimously in that belief. It seems to me that all the rules of logic, all the rules of precedence, and all the rules of international procedure indicate that these representatives of the captive nations are demonstrably correct; that what we are doing is creating a pathway, and when we walk down this Consular Treaty pathway and it begins to function, this is the end of their hope of this country doing anything but recognizing the status quo and the fact that they are, indeed, permanently the captives and the satellites of the Soviet Union.

Mr. THURMOND. I ask the Senator from South Dakota this question: If the Soviet law is so capricious that the U.S. consular employees need special immunity while in the U.S.S.R., is the time yet ripe to normalize travel and trade relations with the Soviets?

Mr. MUNDT. This kind of treacherous line of argument is encountered in connection with what is known as Executive Reservation No. 2, on which the Senate will vote on Thursday of this week, which is being opposed by some of the spokesmen for the treaty who say:

> No, this won't help cut down the shipments of arms to Hanoi, and this won't make it more likely that we can work out an agreement and negotiation by using this diplomatic tool to induce them to stop. All you have to do is to simply go along with them and say nothing, just go ahead and acquiesce and all will be well.

As the Senator from Nebraska has pointed out, and as the Senator from New Hampshire [Mr. COTTON] reaffirmed this afternoon, in this instance they have us on our knees, crawling to Moscow as supplicants, if we ratify the treaty. The Russians have not ratified it. They have not even presented it to their ratifying body. They want us to come crawling to them and say, "Please, would not you now ratify the treaty which we have ratified?" That is a miserable position in which to put Uncle Sam, if we are attempting to negotiate or to curtail the shipment of supplies from Moscow to Hanoi.

It certainly follows that it is a capricious line of reasoning, which says, on the one hand, "you can depend upon the word of the Russians to move in the direction we want them to move"; but, on the other hand, "they have so many curious laws that they maliciously are arresting our citizens and we have to have a special consular treaty with them to protect our American travelers in Russia."

I believe that the welcome news from Moscow over the weekend that they have agreed to release an American citizen, proves the argument that has been made on the floor of the Senate and before the Committee on Foreign Relations for weeks; that if you have a little more rugged and determined exercise of diplomacy with Russia on this side of the ocean, you can utilize without this treaty, through the diplomatic understandings existing between all civilized nations, every kind of contact you need to induce them to release prisoners or to induce us to release prisoners. You do not need this unprecedented treaty, with all the problems attendant upon it, even in peacetime—but, in time of war, this treaty can become a signal to the world that others had not better tie too closely to Uncle Sam because we are also reaching out with a special arrangement of our own with their Communist enemy in Moscow.

Mr. THURMOND. Some people will take the position that the Soviet Union is evolving into a peaceful country. Yet, the treaty that is before the Senate for ratification has been violated 20 or more times since it was signed. Does that sound like the Soviet Union is evolving? If so, what does evolving mean? When are they going to live peacefully in the world and respect the dignity of a citizen and of all free people?

Mr. MUNDT. When the Senator from South Carolina and I began discussing this matter and utilizing the time generously granted us by the Senator from Nebraska, the Senator from Nebraska was in the process of discussing whether there was an evolution in the Communist approach in Moscow. Perhaps I should bow out now and permit the Senator from Nebraska to answer that question and then to resume with the point he was developing when he was interrupted by the numerous colloquies.

Mr. THURMOND. I thank the distinguished Senator from South Dakota, and I thank the able Senator from Nebraska for his kindness in yielding.

Mr. HRUSKA. I thank the Senator from South Dakota and the Senator from South Carolina. They have engaged in splendid colloquy. It has been constructive, enlightening, and very pertinent to the subject at hand.

Mr. HANSEN. Mr. President, let me say once more how very appreciative I am to the Senator from Nebraska for the able presentation he has made this afternoon. The Senator from Nebraska has placed the consideration of the Consular Treaty in its proper context. Certainly, this Nation has demonstrated for all the world to see that America desires no extension of its control, or authority, or jurisdiction over the people of any area anywhere in the world.

The United States hopes, rather, for an extension of peace, and for an extension of the right of peoples everywhere to self-determination through law and order.

I share the hope of most Americans in

anticipating the time when we can, one nation with another, achieve a better understanding and a greater accord than now exists.

We cannot overlook the fact that this country has made great efforts since the end of World War II to bring about the sort of condition which will, we hope, someday, characterize the world.

We have contributed more than $125 billion toward foreign aid and rebuilding war-torn countries. We have done everything we possibly could do to lessen war tensions, to bring about better understanding, to bring about a better detente with the nations of the world, and particularly with those behind the Iron Curtain. But it seems to me that there is an analogy which ought to be considered as we discuss the Consular Treaty. It is that in the Congress of the United States we are discussing the wisdom of providing in a bill the control of small arms. We recognize, or at least there are those who believe, that we want to bring about a diminution of lawlessness, murder, and all acts attendant to crime in this country, and one of the ways to do that is to limit the supply or transshipment of arms. Yet we turn right around in this Consular Treaty and seem to think that there is no relationship between the Consular Treaty and the encouragement of businessmen to move into Russia, to have new trade with Russia, to supply Russia with goods, and that Russia will not have greater opportunity to devote more effort to the manufacture of warmaking materiel. We seem to find no relationship between that fact and our efforts to supply Russia with 400-some-odd so-called nonstrategic materials in the context of enlarging her general economic and hence, her warmaking capability.

I suggest we ought to take into account such consideration because, in my mind, there is a very real relevance between our supplying Russia with anything today and Russia's being able to supply Vietnam with warmaking materiel.

Once again I want to record my appreciation to the distinguished Senator from Nebraska for having called to the attention of the Senate some very important considerations that we ought to mull over seriously before we give our advice and consent to the implementation of this Consular Treaty.

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated February 28, 1967, from the Members of Congress for Peace Through Law, addressed to the chairman of the Committee on Foreign Relations, the distinguished Senator from Arkansas [Mr. FULBRIGHT].

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

MEMBERS OF CONGRESS FOR PEACE THROUGH LAW,
Washington, D.C., February 28, 1967.

Senator J. WILLIAM FULBRIGHT,
Chairman, Senate Foreign Relations Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: As members of the Steering Committee of Members of Congress For Peace Through Law, we declare our support for the proposed Consular Convention with the Soviet Union.

Having studied the terms of the treaty, it is our conviction that this convention provides practical benefits and protection for the thousands of U. S. citizens who visit the Soviet Union annually, as well as those U. S. officials and employees who serve in that country.

We recognize the Consular Treaty as a priority step toward the expressed purposes of this group: "To coordinate congressional concern into specific action for the development of international cooperation." Accordingly, we are urging our membership to join us in the effort to gain widespread support for its ratification.

(*Signed*) Joseph S. Clark, Chairman; Congressman Jonathan B. Bingham; Senator John Sherman Cooper; Congressman Donald M. Fraser; Senator Jacob K. Javits; Congressman Robert W. Kastenmeier; Senator Robert F. Kennedy; Senator Eugene J. McCarthy; Congressman Patsy T. Mink; Congressman F. Bradford Morse; Congressman Benjamin S. Rosenthal; Congressman Richard S. Schweiker.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order of March 9, 1967, that the Senate, in executive session, stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 47 minutes p.m.) the Senate, in executive session, adjourned until Tuesday, March 14, 1967, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate March 13, 1967:

U.S. MARSHAL

Walter N. Lawson, of South Carolina, to be U.S. marshal for the district of South Carolina for the term of 4 years to fill a new position created by Public Law 89-242, approved October 7, 1965.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Paul Lamar Freeman, Jr., [redacted], Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. James Karrick Woolnough, [redacted], Army of the United States (major general, U.S. Army).

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

William A. Garrett, Fort Payne, Ala., in place of H. J. Horton, retired.

James M. Ford, Gadsden, Ala., in place of W. T. Boyd, retired.

ARKANSAS

Dean P. Duboise, Hackett, Ark., in place of L. H. Johnson, transferred.

James C. Holt, Jr., McRae, Ark., in place of F. M. Henry, deceased.

CALIFORNIA

Ben R. Taylor, Durham, Calif., in place of F. S. McNabb, retired.

Lloyd G. Wood, Idyllwild, Calif., in place of R. P. Patton, retired.

Gerald McGinnis, Lynwood, Calif., in place of C. R. Parker, deceased.

Stella L. Davis, Walnut, Calif., in place of H. A. Davis, deceased.

COLORADO

Carl B. Larned, Golden, Colo., in place of Z. M. Pike, retired.

Paul F. Dearmin, Idaho Springs, Colo., in place of C. A. Brown, deceased.

Burdette S. Stone, Rifle, Colo., in place of Carleton Hoffmeister, retired.

DELAWARE

Bernard P. Lynch, Frankford, Del., in place of C. A. Boothe, retired.

G. Edgar Williams, Middletown, Del., in place of A. I. Stafford, retired.

FLORIDA

Clifford C. Betts, Okeechobee, Fla., in place of R. C. Arnold, removed.

GEORGIA

Dessie P. Jeanes, Union City, Ga., in place of A. F. Gray, retired.

IDAHO

Lenorah G. Shaeffer, Nezperce, Idaho, in place of W. S. Shaeffer, deceased.

Lorin F. Widdison, Rexburg, Idaho, in place of P. W. Petersen, resigned.

Cameron H. Edgar, Troy, Idaho, in place of H. A. Krier, retired.

John A. Albertini, Wallace, Idaho, in place of L. C. Harris, retired.

ILLINOIS

Bobby J. Horner, Armington, Ill., in place of T. B. Zimmer, retired.

Albert L. Dussliere, East Moline, Ill., in place of F. T. Huggins, retired.

Robert D. Yordy, Flanagan, Ill., in place of M. D. O'Brien, retired.

Donald R. Clark, Freeport, Ill., in place of T. C. Tavenner, retired.

Leona M. Vogt, Hillsale, Ill., in place of H. M. Feaster, retired.

Clark D. McKenna, Kankakee, Ill., in place of G. P. Ravens, retired.

Sarah E. Jones, Latham, Ill., in place of R. D. Waddell, retired.

Bernard S. Olinski, Northbrook, Ill., in place of F. H. Miller, retired.

John W. Hoban, Riverton, Ill., in place of W. A. Schulke, retired.

Daniel J. Sullivan, Rochelle, Ill., in place of E. P. Hayes, retired.

Evelyn M. Haigh, Steward, Ill., in place of B. M. Hewitt, retired.

Janet M. Monahan, Strawn, Ill., in place of P. M. Rusterholz, retired.

INDIANA

Hubert N. Ellis, Hazelton, Ind., in place of Gertrude Armstrong, retired.

Karl T. Hammerle, Liberty, Ind., in place of J. E. McMahan, retired.

George W. Moore, Modoc, Ind., in place of B. J. Bales, retired.

Wendell J. Van Riper, Noblesville, Ind., in place of Arthur Heiny, retired.

IOWA

Thomas K. Hardy, Bloomfield, Iowa, in place of B. M. McClanahan, transferred.

Donald E. Roseland, Gilman, Iowa, in place of F. E. Wynn, retired.

Wyatt W. Vance, Milton, Iowa, in place of G. S. Morgan, retired.

Leland J. Hart, Oskaloosa, Iowa, in place of L. L. Snyder, retired.

William C. Miller, Pilot Mound, Iowa, in place of H. L. Pritchard, removed.

Nyle F. Wegener, Walcott, Iowa, in place of L. E. Gasseling, retired.

Rodger L. Johnston, West Liberty, Iowa, in place of H. F. Lewis, retired.

KANSAS

Marion W. Mooberry, Cheney, Kans., in place of F. A. Ryniker, retired.

Frank Lill, Emporia, Kans., in place of G. K. Jackson, retired.

James H. Kusel, Kensington, Kans., in place of H. C. Brunow, transferred.

Ronald Sidebottom, Kinsley, Kans., in place of B. A. Bieber, retired.

Mary B. Porter, Mayetta, Kans., in place of O. G. Thomas, deceased.

KENTUCKY

William S. Jenkins, Central City, Ky., in place of J. R. Lawton, retired.

Edwin T. Elliott, Harrodsburg, Ky., in place of C. H. Grimes, retired.

Thomas R. Abell, Leitchfield, Ky., in place of H. P. Meredith, retired.

Joseph R. Cox, Livermore, Ky., in place of M. C. Shoplick, retired.

LOUISIANA

Quincy J. Lemoine, Moreauville, La., in place of I. J. Dufour, retired.

MAINE

John L. Ross, Gorham, Maine, in place of E. B. Files, retired.

MARYLAND

George E. Rosensteel, Emmitsburg, Md., in place of L. H. Stoner, retired.

Daniel C. Robertson, Gaithersburg, Md., in place of M. A. Spalding, retired.

Hubert L. Harden, Olney, Md., in place of E. G. Armstrong, retired.

Melvin B. Grimes, Owings Mills, Md., in place of M. G. Richardson, transferred.

Edward R. Grimes, Sykesville, Md., in place of W. V. Bennett, retired.

MICHIGAN

Urban R. Whalen, Big Rapids, Mich., in place of G. A. Wright, Jr., retired.

Bertha M. Kurtz, Comins, Mich., in place of H. D. Winton, transferred.

Loy H. Roe, Rudyard, Mich., in place of P. C. Carr, retired.

Elanor L. Tanner, Salem, Mich., in place of J. A. Thomasson, deceased.

Lawrence A. Frith, Vermontville, Mich., in place of R. K. Kilpatrick, transferred.

MINNESOTA

Kermit W. Thorsland, Milan, Minn., in place of H. H. Moe, retired.

Carlton G. Hess, Pipestone, Minn., in place of W. J. Crook, retired.

Morris A. Johnson, Renville, Minn., in place of D. L. Randleman, deceased.

John L. Bystrom, Sauk Rapids, Minn., in place of F. P. Schroeder, retired.

Wayne M. Viesselman, Trimont, Minn., in place of Arthur Conlin, retired.

MISSISSIPPI

Mildred M. Blair, Caledonia, Miss., in place of C. E. West, retired.

Charles E. Monroe, Dennis, Miss., in place of E. K. Campbell, retired.

John B. Waller, Enid, Miss., in place of N. B. Hughes, retired.

Edward S. Thompson, Grenada, Miss., in place of R. D. Sharp, deceased.

Julian P. White, McComb, Miss., in place of J. A. Fellows, resigned.

Jesse H. Carter, Philadelphia, Miss., in place of J. L. Posey, retired.

MISSOURI

John J. Strode, Grandview, Mo., in place of P. L. Myers, deceased.

Ellis M. Huston, Windsor, Mo., in place of B. B. Cooper, retired.

MONTANA

Hugh Helly, Columbus, Mont., in place of J. P. Graham, deceased.

Milton M. Sloan, Whitefish, Mont., in place of G. W. Duffy, retired.

NEBRASKA

Cecil G. Hutt, Lexington, Nebr., in place of G. W. Lincoln, retired.

Carl F. Eman, Oxford, Nebr., in place of V. C. Penny, transferred.

Marvin R. Holz, Paxton, Nebr., in place of I. H. Roberts, retired.

NEVADA

Betty F. Keep, Jackpot, Nev., in place of I. W. Weighall, removed.

NEW HAMPSHIRE

Norman T. Fecteau, Exeter, N.H., in place of A. D. Holmer, Jr., retired.

Tadeusz Lepianka, Franklin, N.H., in place of H. J. Proulx, deceased.

Ralph J. Lavallee, Goffstown, N.H., in place of L. H. Watt, deceased.

NEW JERSEY

Alfred W. Conrads, Andover, N.J., in place of E. D. Hill, retired.

Geraldine B. Nyce, Califon, N.J., in place of M. H. Pill, retired.

Lee M. Evans, Newport, N.J., in place of E. B. Moncrief, retired.

Belford L. Cox, Port Elizabeth, N.J., in place of F. M. Cox, retired.

Frank J. Antine, Secaucus, N.J., office established September 1, 1964.

Hermine B. Kuhl, Three Bridges, N.J., in place of Eva Case, retired.

Walter A. Forrest, Westwood, N.J., in place of K. H. Schlupp, retired.

NEW YORK

Frank J. Viola, Bronx, N.Y., office established October 2, 1962.

Jerome P. Meyer, Corfu, N.Y., in place of Celestine Reynolds, retired.

Kathryn S. Rose, Elka Park, N.Y., in place of M. H. Bunt, retired.

Howard D. Holland, Hadley, N.Y., in place of V. B. Hawk, retired.

Regina V. Myers, Kill Buck, N.Y., in place of E. L. Brownell, retired.

Patrick J. Reilly, Larchmont, N.Y., in place of P. A. Lane, retired.

Joel C. Stein, Locust Valley, N.Y., in place of D. C. Merritt, retired.

John W. Ball, New Berlin, N.Y., in place of L. A. Schermerhorn, retired.

Lloyd R. Milliman, Palmyra, N.Y., in place of E. R. Perrin, resigned.

Anthony F. Biscone, Ravena, N.Y., in place of F. J. Leedings, retired.

Dyas W. Carden, Scarsdale, N.Y., in place of T. D. Sullivan, retired.

Katherine I. Bristol, Schuylerville, N.Y., in place of W. R. Reel, removed.

Ida M. Marlatt, Shokan, N.Y., in place of Betsy Von De Osten, retired.

Sarah J. Keene, South Colton, N.Y., in place of L. H. Selleck, deceased.

Francis J. Foote, Valois, N.Y., in place of J. E. Hawes, declined.

NORTH CAROLINA

Crayteen A. Brown, Cedar Falls, N.C., in place of P. J. Harmon, removed.

Ralph C Jones, Crumpler, N.C., in place of Frank McMillan, retired.

Roscoe D. Franklin, Glade Valley, N.C., in place of J. R. Thompson, retired.

Jeannine W. Winstead, Leasburg, N.C., in place of M. S. Rittenbury, retired.

Norris C. Long, Southport, N.C., in place of Niels Jorgensen, resigned.

NORTH DAKOTA

John P. Wheelihan, Ellendale, N. Dak., in place of F. C. Cowles, retired.

Roger O. Lunde, Mohall, N. Dak., in place of T. J. Dougherty, retired.

OHIO

Joan C. Dickerson, Alpha, Ohio, in place of L. D. Glass, deceased.

Paul L. Rider, Lancaster, Ohio, in place of A. F. Rabb, retired.

Russell J. Krueger, Oberlin, Ohio, in place of G. D. Keller, deceased.

Donna V. Miller, Somerdale, Ohio, in place of M. E. Robb, retired.

OKLAHOMA

Jetta J. Wiseman, Gate, Okla., in place of U. E. Mixon, retired.

Laura E. Vaughan, Kiowa, Okla., in place of F. D. Arnold, retired.

OREGON

Harry M. Stevenson, Canyonville, Oreg., in place of N. J. Hanson, deceased.

Claude B. Allen, Gold Hill, Oreg., in place of H. D. Force, retired.

Mildred V. DeMastus, Unity, Oreg., in place of R. V. Beam, retired.

PENNSYLVANIA

Martha D. Ridgway, Allenport, Pa., in place of C. F. Ferren, retired.

Doris L. Oldham, Fishertown, Pa., in place of Faye Wolfe, resigned.

Lester S. Poorman, Lock Haven, Pa., in place of J. P. Dennehy, retired.

Bernard J. Brashears, New Oxford, Pa., in place of G. M. Bower, retired.

Floyd F. Plasterer, Shippensburg, Pa., in place of J. P. Hockersmith, Craley.

SOUTH CAROLINA

Carlisle E. Hammett, Converse, S.C., in place of E. S. Drake, retired.

Frederick W. Dantzler, Holly Hill, S.C., in place of Wade Waddill, resigned.

Douglas W. McMillan, Mullins, S.C., in place of P. L. Rogers, deceased.

TEXAS

Herbert M. Cole, Beaumont, Tex., in place of F. S. Braden, deceased.

Lee R. Moreland, Canyon, Tex., in place of W. M. Higdon, retired.

William C. Galloway, Corsicana, Tex., in place of C. E. Rittersbacher, retired.

Jack Q. Durham, Cotulla, Tex., in place of A. E. Tarver, retired.

Jack King, Junction, Tex., in place of U. D. Kindrick, retired.

Laura M. Maney, Natalia, Tex., in place of C. M. Maney, retired.

Carroll L. Robertson, Paducah, Tex., in place of B. F. Hobson, retired.

William R. Brooks, Sterling City, Tex., in place of H. M. Knight, retired.

Willa M. Chandler, Tuleta, Tex., in place of Esther Selgelid, retired.

VIRGINIA

Harold H. Copenhaver, Atkins, Va., in place of P. W. Atkins, retired.

Doris H. Noel, Daleville, Va., in place of L. C. Kessler, retired.

WEST VIRGINIA

Glenn W. Thompson, Barboursville, W. Va., in place of T. M. Green, retired.

WISCONSIN

Oswald R. Curtis, Hazel Green, Wis., in place of M. T. Carns, retired.

Walter J. Wessely, Kewaunee, Wis., in place of William Wright, retired.

Howard L. Newman, Markesan, Wis., in place of J. E. Davidson, resigned.

Robert A. Otzelberger, Menomonee Falls, Wis., in place of C. N. De Laura, deceased.

Emil W. Plain, Oconto Falls, Wis., in place of G. C. Flatley, resigned.

WYOMING

Betty J. Leonard, Bairoil, Wyo., in place of E. A. Weisenberger, deceased.

James H. Fuller, Torrington, Wyo., in place of O. J. Colyer, retired.