Milk Producers Federation, and many other agricultural groups.

Question No. 13: Why does the Farm Bureau support this legislation?

Answer: The Farm Bureau has a long history of being active in the field of agricultural marketing. Its support of this type of legislation is consistent with Farm Bureau's objectives to develop an agriculture that is free of Government controls with farmers developing their own strong marketing associations.

So far in this session of Congress, many members of both parties have introduced and indicated enthusiastic and vigorous support for the Agricultural Producers Marketing Act of 1967. Since the law would create a climate that would facilitate the development and strengthening of agricultural producers marketing associations, opposition has been indicated by certain processor interests.

I believe farmers can improve their market power through the development of stronger marketing and bargaining associations, and thereby improve their net income.

SENATE

THURSDAY, APRIL 13, 1967

The Senate met at 11:30 o'clock a.m., and was called to order by Hon. CARL HAYDEN, the President pro tempore.

Bishop W. Earl Ledden, bishop of the Methodist Church, Wesley Theological Seminary, Washington, D.C., offered the following prayer:

O Thou God of our fathers and our God: We lift our prayer for Thy honored servants in this Chamber who now must bear the heat and burden of yet another demanding day. Be Thou their strength and sure defense. In such an hour, O Lord, grant them a sense of Thy sustaining presence. Give strength of body and clarity of mind. Bless them with a sense of historical perspective, with freshened sensitivity to human values, an appreciation of what is really important, a commitment to what is right in Thy sight. When duties are so many and tasks so heavy, when demands are beyond reason and burden beyond endurance, then, by Thy mercy, grant renewal of strength to run and not be weary, to walk and not faint. Thus refresh and renew Thy servants standing before Thee, and empower them this day, we pray, for the faithful discharge of their high duty before men and history and Thy divine judgment. In the name of Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the journal of the proceedings of Wednesday, April 12, 1967, was dispensed with.

COMMITTEE MEETINGS DURING SENATE DEBATE

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS — RECOGNITION OF SENATOR DOMINICK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to routine morning business be limited to 3 minutes, starting at the conclusion of the speech of the distinguished Senator from Colorado [Mr. DOMINICK].

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Colorado [Mr. DOMINICK].

Mr. DOMINICK. Mr. President, I yield to the distinguished Senator from Vermont [Mr. AIKEN].

AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. AIKEN. Mr. President, in 1965, when Senator MANSFIELD and I first offered a bill to authorize Federal grants for rural water supply systems, I pointed out that the greatest obstacle to the development of our rural communities was their inability to provide modern facilities to attract new residents to the country and keep established residents in rural areas.

One of these handicaps was the lack of modern water systems.

The bill was subsequently enacted virtually without opposition, with the sponsorship of 93 Senators, with an additional House provision authorizing grants for rural sewer systems as well.

It was the rural electrification system, through our REA cooperatives, that brought about the almost total electrification of our rural areas.

With electrification came growth that exceeded the most optimistic dreams of 30 years ago.

Rural water and sewer systems are beginning to open up opportunities for development, and will permit thousands of new residents to come into our rural communities.

Many of them will bring with them industries and payrolls for workers who will be gainfully employed far from the big cities.

Water and sewer systems are only a beginning.

We also need additional facilities to make small towns more attractive to more people.

We are therefore offering additional amendments today to the Consolidated Farmers Home Administration Act of 1961.

These amendments would authorize loans and grants for improving or constructing community centers in rural areas.

A number of my colleagues have talked to me about this need and the importance of providing legislative authority to make loans and grants for such facilities.

The bill we are offering would also permit loans to farmers to establish nonfarm enterprises on their farms; provide for comprehensive planning of water and waste disposal systems; increase the amount of loans that might be made from and held by the agricultural credit insurance fund at any one time; provide a flexible interest rate for loans; increase the water and sewer grant authorization from $50 million to $150 million; and increase water and sewer planning funds from $5 million to $25 million.

Another very important provision is one recommended by the President earlier this year, for which I wish to commend him; namely, eliminate the $450 million ceiling on the annual insured loan authorizations for loans to individual farmers and rural groups.

This is an especially important provision, if we are to make credit available to realize the growth needs of our rural areas.

One final pont, Mr. President. There have been efforts recently to advance new programs for rural areas on the excuse that our rural areas are poverty-ridden and need the so-called poverty money.

Our recommendations are based on no such premise, Mr. President.

Our rural communities suffer primarily from underdevelopment, rather than poverty.

Our farmers and the residents of small farm towns are justly proud of their communities.

They have many modern improvements, but they deserve parity of modern necessities with those who live in the cities.

It is for the purpose of encouraging and assisting rural development rather than dealing with the bugaboo of rural poverty that this bill is offered on behalf of the senior Senator from Montana, the majority leader [Mr. MANSFIELD] and myself.

I offer this bill for appropriate reference and ask unanimous consent that a copy of the bill, as well as an analysis, be printed in the RECORD.

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

The bill (S. 1504) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to supplement farm income, authorize loans and grants for community centers, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, establish a flexible loan interest rate, and for other purposes, introduced by Mr. AIKEN (for himself and Mr. MANSFIELD), was received, read twice by its title, referred to the Committee on Agriculture and Forestry,

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

S. 1504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961, as amended, is further amended as follows:

The first sentence of section 303 is amended to read as follows: "Loans may be made or insured under this subtitle for (1) acquiring, enlarging, or improving farms, including farm buildings, land and water development, use and conservation, (2) recreational uses and facilities, (3) enterprises needed to supplement farm income, (4) refinancing existing indebtedness, and (5) loan closing costs."

SEC. 2. Amend section 306(a)(1) by striking the word "and" after the words "disposal facilities", and adding after the words "recreational development", the words "and to provide in rural areas community centers necessary for community programs of health, recreation and similar services and activities,"; by amending section 306(a)(2) by striking the word "or" after the word "water" and inserting in lieu thereof a comma and inserting after the word "waste" a comma and the following: "or for community centers"; and by amending section 306(a)(7) by inserting after the word "projects" the words "and community centers".

SEC. 3. Section 306(a)(2) is amended by changing "$50,000,000" to "$150,000,000."

SEC. 4. Section 306(a)(6) is amended by changing "$5,000,000" to "$25,000,000."

SEC. 5. Section 307(a) is amended by striking the second sentence and inserting in lieu thereof: "Loans made or insured under this subtitle, except loans to public bodies whose obligations bear interest not subject to Federal income tax, shall bear interest at a rate established by the Secretary equal to the sum of the annually estimated average yield to maturity, on the basis of closing market quotations or prices, as of January 1 preceding establishment of the rate by the Secretary, on all outstanding maketable public obligations of the United States which are neither due nor callable for redemption for 10 years or more, adjusted to the nearest one-eighth or 1 per centum, plus an additional rate not exceeding 1 per centum per annum, provided that such interest rate shall not exceed 5½ per centum per annum. Such loans to such public bodies shall bear interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan is made, which are neither due nor callable for redemption for 15 years from date of issue."

SEC. 6. Section 308 is amended by striking out the commas and the phrase ", aggregating not more than $450,000,000 in any one year,".

SEC. 7. Section 309(f) is amended by changing the figure "$50,000,000" to "$100,000,000."

SEC. 8. Section 312 is amended by (a) revising subsection (4) to read as follows: "(4) financing land and water development, use, and conservation;" (b) inserting new items (5) and (6) to read as follows: "(5) recreational uses and facilities; (6) enterprises needed to supplement farm income;" and (c) by renumbering the present items "(5), (6) and (7)" to "(7), (8) and (9)."

SEC. 9. Section 316 is amended by (a) striking from the first sentence "at an interest rate not to exceed 5 per centum per annum," and (b) adding at the end of the section the following: "Such loans shall bear interest at a rate established by the Secretary equal to the sum of the annually estimated average yield to maturity, on the basis of closing market quotations or prices, as of January 1 preceding establishment of the rate by the Secretary, on all outstanding marketable public obligations of the United States which are neither due nor callable for redemption for ten years or more, adjusted to the nearest one-eighth of 1 per centum, plus an additional rate not exceeding 1 per centum per annum, provided that such interest rate shall not exceed 5½ per centum per annum."

The section-by-section analysis presented by Mr. AIKEN is as follows:

SECTION-BY-SECTION ANALYSIS OF PROPOSED BILL TO AMEND THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Section 1. Section 303 *Farm Ownership Loans—Nonfarm Enterprises.* This amendment will broaden this section by authorizing loans to farm families for establishing nonfarm enterprises, such as providing buildings needed for repair shops or for marketing of locally produced products. The enterprise will be established on the applicant's farm. Such a loan will be made when the applicant cannot reasonably increase his farm income by development or purchase of additional land or through off-farm employment.

Section 2. Section 306(a) (1), (2), and (7). *Loans and Grants for Community Centers.*

This bill will amend Section 306(a) (1) to authorize direct and insured loans to associations, including corporations not operated for profit, and to public and quasi-public agencies to provide community centers in low-income rural areas. The community centers may be acquired or constructed.

The bill will amend Section 306(a) (2) to provide for grants not to exceed 50 percent of the development cost of such projects. Such community centers include structures and related facilities, as well as the land necessary for the site, needed to enable the community to carry out or participate in programs of health, recreational, social, and other necessary community services and activities. Such services and facilities financed under this Section would meet a pressing need in the area that cannot be met from other sources.

The bill will amend Section 306(a)(7) to permit the making of loans and grants for community centers in any town having a population of 5,500 or less.

Sections 3 and 4. Section 306(a)(2) and (6). *Association Grant Authorizations.* The amendment to Section 306(a)(2) would increase the amount of development grants that could be made in a fiscal year for water and waste disposal projects from the present limit of $50 million to $150 million. Until very recently there has been no place for many rural communities to turn for assistance in the development of public facilities for water and waste disposal. The economic base of many rural communities is so limited that provisions for the most basic urban-type facilities are not possible without some grant assistance.

The amendment to Section 306(a)(6) would increase from $5 million to $25 million the maximum amount of grants that could be made annually for the preparation of comprehensive plans for the development of water and sewer systems.

Sections 5 and 9. Section 307(a) and 316. *Flexible Interest Rate to Borrowers.* Direct and insured soil and water loans to individuals and nonprofit corporations, as well as direct operating loans and direct and insured farm ownership loans would, in lieu of the present maximum rate of 5 percent, have a flexible interest rate tied to current yields on long-term Treasury borrowings.

The rate for borrowers whose interest payments are subject to Federal income taxes would be equal to the prevailing average market yield on Government obligations with remaining noncall periods of at least 10 years, estimated annually as of January 1, plus not more than one percent per annum, subject to an overall ceiling of 5.5 percent per annum. Under this formula, interest rates would be determined largely by market conditions prevailing at the beginning of the year in which loans are approved.

The interest rate on loans to public agencies whose interest payments are not subject to Federal income tax would be flexible. It would be based on the average rate payable by the Treasury upon its marketable public obligations which are not due or callable for 15 years from the date of issue. This flexible interest rate is similar to that provided for loans to public bodies in small watershed projects under the Watershed Protection and Flood Prevention Act.

Section 6. Section 308. *Elimination of Annual Limit on Insurance Authority.*

This amendment will remove the $450,000,000 aggregate annual ceiling so as to permit the making of insured loans to eligible applicants commensurate with the demand. Insured loans are made under this authority for farm ownership, individual soil and water, and association purposes. Because of the extremely high demand for loans in rural communities for water and waste disposal projects and for farm ownership loans, the authorization has been exhausted during the first nine months of each of the past three years.

Section 7. Section 309(f). *Increase in Amount of Loans Initially Held in the Agricultural Credit Insurance Fund.*

This amendment will increase from $50 million to $100 million the amount of loans that can be made from and held at any one time in the Agricultural Credit Insurance Fund pending initial sale. This change will permit a smoother flow of loans through the fund and eliminate delays in issuing loan checks. It will permit accumulation of blocks of loans to be sold to lenders interested only in large investments. It will also permit holding loans in the fund during short periods of higher than normal interest rates. The purpose is to enable the Government to meet the credit needs of rural families more effectively and expeditiously.

Section 8. Section 312 (5) *Operating Loans—Nonfarm Enterprises.* The new item 212 (5) will enable qualified applicants to receive operating loans for small nonfarm enterprises, such as providing equipment for repair shops, processing, and transportation facilities where needed to supplement farm income. This will help farm families toward full employment and a chance to achieve economic stability in situations where farming alone will not produce adequate income for a reasonable standard of living.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. AIKEN. I yield.

Mr. MANSFIELD. I wish to second the remarks made by the distinguished senior Senator from Vermont and to say that I thoroughly approve of what he is advocating and am honored to be a cosponsor of the bill.

I think that, while we have been placing so much stress on the urbanized areas of this country, we have not given sufficient attention to and have indeed neglected the needs of the rural segments of our economy.

The type of legislation which was introduced by the distinguished Senator from Vermont over a year ago has proved its applicability and highly efficient effect as far as water systems are concerned. At the same time, its success is only a recognition of the fact that much

more needs to be done—and on a legitimate basis, not on a poverty basis. The needs of our rapidly dwindling rural population simply must be met. The farmers of the Nation must be enabled to continue to farm, and those who have left the farm hopefully may be brought back, all in the interest of our country. I thank the Senator for his interest in this and other matters affecting our rural economy.

Mr. AIKEN. I thank the Senator. The results of the rural sewer and water systems bill, approved about 2 years ago, has far exceeded expectations. I think about one thousand communities have taken advantage of it. It is my recollection that about 4,000 are awaiting to derive benefits from the service which that bill will provide. This bill makes it possible to more fully, and sooner, develop the rural communities, rather than see them go into the role of poverty dependencies.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, the order of yesterday provided that I be recognized for a half hour. If the majority leader does not object, I ask that I take my half hour starting now.

Mr. MANSFIELD. Yes, indeed; that was understood.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered. The Senator from Colorado is recognized for 30 minutes.

Mr. DOMINICK. Mr. President, I wish to express my appreciation to the Senator from Montana, who is, as usual, most cooperative in providing time for those of us who want to discuss subjects which we think are of real importance.

PUNTA DEL ESTE: ANOTHER OPPORTUNITY

Mr. DOMINICK. Mr. President, the war in Vietnam, where our men are fighting and dying for the cause of freedom, constitutes the major concern of our people and our Government. I support a strong American stand there.

But this week the eyes of our Nation focus on Latin America. There, at Punta del Este, Uruguay, the Presidents of the nations of the Western Hemisphere are meeting to consider the state of the nations represented in the Organization of American States.

As the Conference convenes, however, we find that four nations—Venezuela, Colombia, Guatemala, and Bolivia—are being ruled by martial law. This is the first time in the history of the OAS that four nations simultaneously have been forced to suspend constitutional guarantees because of the terrorist and guerrilla attacks mounted by the Communists. Costa Rica, Panama, Honduras, Peru, Ecuador, El Salvador, and other nations in that area are threatened by similar situations at the present time.

When we seek the reason, we find it in the Soviet power in Cuba. From Cuba, the Soviet Union is directing wars of subversion—not only against the Western Hemisphere but, indeed, against the free nations of Africa and Asia as well. Not only are the Russians behind this subversion; they brag openly about it.

The boasting is prevalent in the speeches of some of the highest officials in the Kremlin. In organizing the Tricontinental Conference on Subversion held in Havana last year, no less a functionary than Soviet Foreign Minister Andrei A. Gromyko rose in the chambers of the Supreme Soviet and told its members what Russia had in mind. He said:

> The Soviet Union, in taking part in the Havana Conference will do everything to help consolidate the front of the struggle against imperialist aggression.

In plain Communist language, this means the Soviets are committed to a policy of worldwide subversion. The final target is, of course, the United States.

This is perfectly evident in the hostile anti-American message sent to the Tricontinental Conference in Havana by Soviet leaders Alexei N. Kosygin and Leonid I. Brezhnev. It reads, in part:

> Today, Havana attracts the attention of all fighters against the forces of aggression and colonialism, and for the national and social liberation of all peoples . . . U.S. imperialists are challenging all progressive forces.

The message stresses that the United States is "binding the Latin American nations with imperialistic rope."

Sharaf R. Rashidov headed the 40-man Soviet delegation to Havana. As a candidate member of the Presidium of the Central Committee of the Communist Party of the Soviet Union, and First Secretary of the Party Central Committee of Uzbekistan, Rashidov's position at the Havana conference carried the full weight of Soviet policy. He endorsed "wars of national liberation," saying that the "common enemy is international imperialism, headed by the United States." The Soviet delegate then stated, "imperialism must be wiped off the face of the earth, once and for all."

Mr. President, these few words uttered by the Russian functionary describe better than several pages of text the goal of the Soviet policy. The aggression which we are witnessing in Vietnam is a concrete expression of Soviet policy—a policy of worldwide subversion.

Vietnam is no isolated brush-fire war, nor is it a civil war, as many would have us believe. It is only one confrontation among many. Indeed, the vital relationship of Vietnam to other wars of subversion was brought to light by Nguyen Van Tien, the chief Havana delegate of the so-called Vietnamese National Liberation Front—the Vietcong. He demanded world Communist support—parades, sit-ins and demonstrations—to undermine the moral basis for our defense of South Vietnam. And Tran Danh Tuyen, the official North Vietnamese delegate to the Havana Conference, warned that victory in South Vietnam, or alternatively, the neutralization of U.S. military forces there, was prerequisite to the success of projected so-called wars of national liberation on other continents—the purpose for which the Havana conference actually was called.

I have quoted his words as evidence that what is happening in Latin America, as the Presidents meet in Punta del Este, is part and parcel of overall Communist strategy—specifically, Soviet strategy. The North Vietnamese delegate referred to "the vital bearing of the Vietnam question on our three continents and on the present situation of the entire world." What he means, I think, is if the will of the United States to win in Vietnam is sapped or undermined, there will be little disposition in this country to stand fast in other parts of the world.

Hanoi's delegate to Havana laid down conditions for "peace" in Vietnam that have no meaning other than the capitulation of the United States. One is that the United States recognize the Communist puppet, the National Liberation Front of South Vietnam. With this precedent established—and I see alarming evidence that there are powerful voices for establishing that precedent—the Communist aggressors would achieve a key victory and the free world a stunning loss. We would undercut ourselves in Latin America where the majority of countries have been battling so-called national liberation fronts for years.

There is little or no doubt in my mind that the voices virtually pleading for peace at any price, pleading for recognition of the Vietcong and, in general, giving the impression that the United States is not firm in its commitments to stop aggression, have had the effect of escalating guerrilla wars in Latin America. In fact, just last March 13, Fidel Castro was encouraged to brag that he could explode "a dozen Vietnams in Latin America."

Let us take the case of Colombia, considered by many among the brightest hopes for the Alliance for Progress. It boasts a popularly elected President, the distinguished Professor Carlos Lleras Restrepo, and a program of development which is unequaled in this hemisphere. Colombia, however, recently has been forced into a martial law situation. Why?

I shall quote a few of the alarms set off by President Lleras Restrepo himself. He made it clear that if the Cuban Communists remain unchallenged, as they have for so many years, the future of his country is indeed bleak.

> It is a fact—
>
> Said the Colombian President—
>
> that a foreign country is intervening in Colombia's internal affairs touching off guerrilla wars.

It has been found that subversives actually have been manufacturing arms clandestinely in Colombia's Ministry of Public Works. Cuban-trained guerrillas have penetrated the nortorious bandit gangs of Colombia and have extorted more than a million dollars in ransom from relatives of 148 Colombian kidnapped civilians. Castorite guerrillas have even published maps dividing Colombia into five so-called independent Socialist republics. In one such "republic," Marquetalia, the guerrillas have managed to assert considerable pressure on the population. As in Vietnam, the populace there sometimes lives al-

ternately under government and guerrilla control.

The Colombian Army has fought hard and well to eradicate the guerrilla bands. But those of us who are familiar with the topography of Colombia—its towering Andes and jungle hinterland—know how difficult it is to fight a defensive battle in such terrain. Cuban-trained Communist guerrilla leaders—among them Manuel Marulanda Velez, Ciro Castano and Fabio Vasquez—have full military support of a predatory Cuba. The Communists have created two huge war zones in Colombia—one in the mountains, another in the plains.

There is still another guerrilla force operating in Colombia: urban guerrillas who have infiltrated the universities, cultural institutions, and labor unions. What I regard as unimpeachable sources have informed me that these urban guerrillas number more than 20,000 and are organized into small action cells throughout the country. All receive material and moral support from the Russian base, Cuba. Nearly 20,000 soldiers are operating in the states of Santander, Santander del Norte, Magdalena, Valle and Huila. Four full Colombian battalions, comprising 8,000 men, are operating in only two of these States, trying to beat back constant assaults launched against the small towns and settlements in the interior of the country.

President Lleras Restrepo sketched some dimensions of the undeclared war against Colombia by Cuba. He said:

> Guerrilla activities directed from abroad (meaning Cuba) entail a high cost . . . to preserve public order . . . that could be better spent for the direct benefit of the needy classes of our country.

Last November, Colombia was forced to impose drastic currency controls, but despite those controls over $100 million have fled the country—some sent to the United States and the balance resting in unnumbered accounts in Swiss banks.

Two weeks ago Colombian President Lleras Restrepo admitted that the roots of Communist subversion have yet to be destroyed when he told his nation:

> The marauding bands have never been completely destroyed, though they suffer setbacks at the hands of our Army units . . .

Then, alluding to the constant resupply of men and war materials from Cuba, the President added:

> The machinery which trains and instructs the guerrillas remains intact and unchallenged.

Venezuela, Colombia's neighbor which also has been forced to rule through martial law, has 15,000 Regular Army troops committed to the battle against Cuban-trained rural and urban guerrillas. Bolivia, the third country suffering from Cuban-exported subversion and ruling by martial law, has 4,000 troops fighting guerrillas on the lofty plateaus of that Andean country. Mr. President, a graphic description of what is going on in Bolivia appeared in the Washington Post on April 11.

This article is entitled "Newsman Describes Guerrilla Base Established Deep in Bolivian Jungle." It was written by Murray Sayle, distinguished correspondent for the London Times.

In this article he shows the equipment they have: Field hospitals, caves, ovens, surgical supplies, other supplies, and weapons—all found deep in the jungles of southeast Bolivia.

An article entitled "Brazil Rated Top Power Militarily Among Latins," under the dateline London, appeared in today's Washington Post.

Another article entitled "Martial Law Is Declared in Bolivia Zone," under the dateline La Paz, was published in today's Washington Post.

These two articles deal with the problems in Latin America which concern the military supplies and equipment that must be used by the Latin American countries.

It is reported that Cuba alone has more military people than does any other country of Latin America.

If I may be permitted to inject a personal item, I have a son operating in the Peace Corps in Bolivia who has recently written me saying that reports of the Communist-oriented guerrilla activities in Bolivia are constantly sweeping through the country and creating problems almost daily.

Mr. President, I ask unanimous consent to have the articles to which I have referred printed at this point in the RECORD.

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

[From the Washington Post, Apr. 11, 1967]

NEWSMAN DESCRIBES GUERRILLA BASE ESTABLISHED DEEP IN BOLIVIAN JUNGLE

(By Murray Sayle)

NACHABHUAZU, BOLIVIA, April 10.—I have just returned from a four-day jungle patrol with the Bolivian Army, which discovered a strongly fortified base of Castro-type guerrillas deep in the Bolivian jungle.

The guerrilla activity first came to light when a Bolivian army patrol of six men was ambushed and wiped out on March 23 in the foothills of the Andes.

Two days later another patrol of 14 men and two officers, sent to look for the missing men, was captured, stripped of weapons and clothing, and released.

Our patrol inspected the expertly placed weapons pit in the cliffs from which the bloody ambush was sprung on March 23 and I began to doubt that this was the work of marijuana smugglers, as many Bolivians believe.

Farther along we found a fully equipped field kitchen with a big oven capable of baking bread for at least 100 men. Near it were vegetable gardens and a butcher shop where mules had been cut up. From the condition of the meat I judged that the camp had been evacuated no more than three days ago.

A little farther along the trail, under the dense canopy of trees and creepers, was a well-equipped field hospital with empty packets of antibiotics, surgical dressings and instruments manufactured in Italy, Britain, West Germany and the United States.

The canvas covering of the big hospital tent had been taken away, but I saw an operating table and seats for patients to wait outside, all made of jungle timbers.

In a pile of rubbish near the hospital I found files of patients identified by their first names, and receipts from La Paz medical suppliers for $5000 worth of medical equipment bought between Nov. 3 and Nov. 20 through a fictitious firm.

A hundred yards farther on was the dormitory area with latrines dug in proper military style and crude showers made of mule skins.

In this area were more than 50 homemade hand grenades. Grenades had been used to wipe out the earlier patrol.

Among the rubbish neatly raked from the dormitory area I found a picture of Che Guevara (the former lieutenant of Fidel Castro) taken in the jungle, and a copy of a speech by Gen. Vo Nguyen Giap, of North Vietnam, translated into Spanish, calling for an "armed struggle for national liberation of long duration with prolonged resistance leading to the eventual triumph of the people."

It was impossible that these could have been "planted" as I found them myself in the rubbish and the Bolivian patrol with me had never heard of Giap. The Guevara picture looked like an old one from the Cuban revolution.

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

BRAZIL RATED TOP POWER MILITARILY AMONG LATINS

LONDON, April 12.—Brazil, Cuba and Argentina are the major Latin American military powers, according to an independent survey published here today.

The Institute of Strategic Studies, a London-based organization which analyzes military facilities, said Brazil's 194,000-man armed forces and $485-million defense budget were easily the largest in the area in 1965, the year used for the study.

But, it said Cuba has a "well-trained militia" of 200,000 men in addition to its standing armed forces of 121,000 men. It said Cuba's 1965 defense budget of $214 million, about 7.2 per cent of its gross national product, was the largest percentage spent by any of the three. Argentina spent 2.1 per cent, Brazil 3.2 per cent.

Argentina spent $258 million on 132,000 men at arms.

The report noted that Haiti spent 25 per cent of the total government outlay in 1965, compared to Brazil's 16.2 per cent, Argentina's 15.3 and Cuba's 10.8.

Russian forces in Cuba have been cut to less than 3000 men, mostly advisers, the report said.

U.S. estimates put the total Soviet strength in Cuba at the time of the 1962 missile crisis at as many as 22,000 men. The report said Cuba's air force has 270 planes, including 45 Mig 21s.

MARTIAL LAW IS DECLARED IN BOLIVIA ZONE

LA PAZ, April 12.—Martial law went into effect in the guerrilla zone of southeastern Bolivia today following a clash Monday that left a reported 13 dead.

In authorizing the martial law in the area, the Cabinet of President Rene Barrientos last night also outlawed the Bolivian Communist Party and the pro-Communist Workers' Revolutionary Party. Both had been harassed by the government previously.

The decree said "armed irregular groups constituted by elements of different nationalities, obeying the orders of international Communism, have organized a base of operations which affects four provinces of the southeast of the nation."

A communique said that on Monday, nine soldiers and four guerrillas were killed in the jungle 20 miles north of Nancahuazu, where a guerrilla training camp was located following a clash March 24.

Estimates on the number of guerrillas vary, the army saying 400 and a newsman who visited the zone saying 100.

Mr. DOMINICK. Mr. President, the fourth country, Guatemala, has been in a state of siege for nearly 9 months, with no end of martial law in sight. Nothing could be more expressive of the situation in Guatemala than an article written by Vice President Clemente Marroquin Ro-

jas, and published in the newspaper, La Hora. He wrote:

It looks as though Guatemala will be the next American nation to fall to Marxism.

Adding:

At the rate things are going, everything points to this eventuality.

Mr. President, the situation in Latin America cannot be described merely as serious or alarming. I venture to say that the military and governmental posture of our allies south of us is extremely critical.

Let us take the case of oil-rich Venezuela, a prime target of Russian-Cuban intervention since 1961. Hundreds of Venezuelan soldiers and airmen have died fighting guerrillas, and hundreds of millions of dollars have fled that country as a direct result of urban terrorism and forays by rural bands of Communists.

But the people of Venezuela have continued to support their Government. Although so-called student demonstrators there are vocal, and they receive support from pacifist politicians and intellectuals here, they are in a very small, almost insignificant minority. This was proved when, despite threats from Cuba that those who voted in the elections would be shot, the people turned out and elected Raul Leoni as President. It was also proved last June 30 in the Dominican Republic when the people went to the polls and overwhelmingly elected Balaguer, at the same time rejecting Juan Bosch, who had strong leftist ties.

The people do not want communism and have steadfastly rejected it whenever they have been given the opportunity to express their will. Small, vocal, disciplined, well trained and well supplied, the Communists and their political and intellectual dupes now try to come to power in Latin America, just as they try to come to power in South Vietnam—through violence and terror. Because of this, the Communist Party is no longer recognized in Venezuela. Yet its militants manage to keep the country in a state of political turbulence through the use of student agitators, intellectual collaborators, political opportunists, saboteurs, terrorists, and rural guerrilla bands.

President Raul Leoni in commenting on his problems has called upon the Organization of American States to do something about "the subversive machinery installed in Cuba, well financed by outside powers." The more recent acts of violence in Venezuela prompted Interior Minister Reinaldo Mora to say:

We have specific evidence that the acts of subversion spring directly from the Tricontinental Solidarity Conference held in Havana.

Members will recall my earlier words that it was this Russian-sponsored conference in Havana last year that has resulted in worldwide coordination in carrying out the subversion of the free world.

What has shocked Venezuela more than any single event is the assassination just last month of Julio Iribarren, former Director of Venezuela's social security and brother of the Foreign Minister Ignacio Iribarren. Julio Iribarren was cruelly tortured by the Castro-Communists before being shot, and when the police found his body it was covered with posters and pamphlets from the National Liberation Front of Venezuela, the political arm of its so-called army of national liberation. Does that not sound familiar? The torture and coldblooded murder of this prominent social reformer are reminiscent of the atrocities being committed 10,000 miles away by the Vietcong. There is obviously a link between the National Fronts of Vietnam and Venezuela: they are united in a common purpose—the assumption of power through unbridled acts of terriorism. Indeed, Maj. Elias Manuitt Camero, head of Venezuela's National Liberation Front, bragged in a broadcast over Radio Havana that it was his Liberation Front that had tortured and murdered Julio Iribarren.

An all-out guerrilla and terriorist war has been declared against Venezuela by Manuitt Camero. Within hours of that declaration, guerrillas unleashed terrorist attacks and a group of 30 guerrillas, dressed in the khaki uniforms and green-and-red berets of the Castro-directed armed forces of national liberation, seized the town of Sabana Grande.

Venezuela has been forced to throw helicopters and planes into antiguerrilla campaigns that deplete the national treasury. President Leoni moved troops into the University of Caracas, a hotbed of Communist activities. There they found the Communist fully entrenched and supplied. A Colombian guerrilla leader had been hidden on the campus for nearly a year, where he carried out liaison duties between the National Liberation Fronts of Venezuela and Colombia. Tunnels had been dug into the surrounding hills, and under the university buildings, where arms and ammunition were found. The Communists even had their own graveyard, where they buried their victims.

While these facts may shock those who have not heard them, they are not news to those who have been following events in Cuba and Latin America over the years. For example, Radio Havana has openly bragged that its National Liberation Fronts have eliminated 11 of 13 major political enemies in Venezuela and Colombia alone.

This, then is only a capsule picture of what is going on in Latin America while the Presidents are meeting at Punta del Este. The American people will be watching to see if the United States, its allies or both, own up to the state of the nations of this hemisphere.

More evidence that Cuba now is Russia's principal base for subversion has recently come to light. I have learned that the Cuban merchant ship, *Cerro Pelado*, left the northern Cuban port of Mariel last December and carried Cuban troops, arms, and ammunitions to North Vietnam. Now, four SAM mobile units with Cuban crews are operating in North Vietnam. Also in December a 10,000-ton Russian ship left that same port of Mariel, carrying mortars, light artillery, medium tanks, rifles, and ammunition to Hanoi. The fact is that Russia not only has turned Cuba into a potent base for subversion—with at least 43 guerrilla training camps turning out more than 10,000 guerrillas a year—but also into a vast ammunition depot by which its wars of national liberation are supplied—90 miles from the United States.

The Soviet Union has reinforced its political "investment" in Cuba and Latin America by manipulating the United Nations. It has striven constantly to divert complaints against Cuban subversion lodged by members of the Organization of American States from the OAS to the U.N. Security Council. For example, when in July 1964 the OAS found Cuba guilty of subversive aggression against Venezuela, Soviet U.N. delegate P. Morozov immediately objected to the findings, claiming that only the U.N. Security Council is competent to define aggression. Morozov's hope, to bring the matter of aggression to the U.N. where the Soviet veto could block any punitive measure, failed because the United Nations Charter recognizes the competence of regional organizations to deal with matters affecting their own members.

Nevertheless, I want to stress the fact that the Soviet Union continues to seek world recognition that Communist subversion, in the words of Soviet Delegate Morozov, merely "represents the struggle which the peoples of Latin American countries are waging for national liberation."

I refer once again to the 1966 Tricontinental Conference of Havana. I do so because it is one of the most significant international conferences to be held by the Communists since the close of World War II. One finds in the resolutions which came out of that Conference the declarations of intent and clues to the strategy which will be followed in undermining the governments of the free world, including the United States.

For this reason, Mr. President, I ask unanimous consent that the agenda of the Conference, the general declaration of the Conference, and the resolutions adopted by the Conference—all of which appeared in a study of June 1966 prepared by the staff of the Internal Security Subcommittee of the Senate Judiciary Committee—be inserted in the RECORD at this point in my remarks.

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

4. THE AGENDA OF THE CONFERENCE

On January 8, the four committees of the Conference discussed the provisional agenda drafted in Cairo by the Committee on the Preparations at its meeting during the previous September. The agenda finally adopted was the following:

1. The struggle against imperialism, colonialism, and neocolonialism.

A. Support to the Vietnamese people in its heroic struggle against the imperialist aggression of the United States and for the liberation of South Vietnam and unification of the entire country.

B. Struggle for complete national liberation, for the right of peoples to self-determination, and consolidation of independence and national sovereignty in the three continents; struggle against imperialist aggression, subversive conspiracies, and foreign intervention in independent states; and against the imperialist policy of isolating

peoples struggling for their national independence.

C. Intensification of all forms of struggle, including armed struggle, by the peoples of the three continents against imperialism, colonialism, and neocolonialism, headed by U.S. imperialism.

D. Support to the Cuban people in its just struggle against U.S. imperialism and in defense of national sovereignty. Support to the patriotic struggle of the Latin American peoples against the imperialism of the United States and its instruments, such as the OAS.

E. Elimination of foreign military bases in the three continents and action against the policy of military pacts.

F. Struggle to prohibit the use, production, testing, and storage of nuclear weapons, and for complete destruction of all present nuclear weapons and all instruments for producing them; and struggle for disarmament and world peace.

G. Action against apartheid and racial segregation; support to the peoples of Africa and of the United States in defending their rights to equality and freedom; struggle against discrimination and racism in all their forms.

H. Ways and means of aiding the liberation movements in Africa, Asia, and Latin America, in general, and armed struggle for independence, in particular.

2. Burning issues of the struggle against imperialism in the countries of the three continents, particularly in Vietnam, the Dominican Republic, the Congo, the Portuguese colonies, Rhodesia, southern Arabia and Palestine, Laos, Cambodia, South Africa, Korea, Venezuela, Guatemala, Peru, Colombia, Cyprus, Panama, Southwest Africa, and North Kalimantan.

3. Anti-imperialist solidarity among the African, Asian, and Latin American peoples in economic, social, and cultural fields.

A. For the economic emancipation and social and cultural liberation of the peoples of the three continents.

1. Principles on joint struggle to obtain and consolidate the economic emancipation of the peoples of the three continents and the struggle against the economic exploitation and aggression of imperialism, colonialism, and neocolonialism.

2. Measures to eliminate the consequences of colonial domination in the economic, social, and cultural fields.

3. Action against the policy of blockade and boycott imposed by imperialism in the case of countries that are fighting for freedom and that have already achieved independence.

4. Economic planning and mobilization of natural and manpower resources for economic development and to obtain true economic independence, based chiefly on the country's own natural resources.

5. Agrarian reform in the continents.

6. Problems of national training of personnel.

B. For the development of economic, social, and cultural relations.

1. Aid and cooperation among the peoples of Africa, Asia, and Latin America in the economic, social, and cultural fields.

2. Fundamental principles of economic and technical cooperation among the countries of the three continents, based on the principles of equality and mutual interest.

3. Establishment of a new economic policy between countries of the three continents and the rest of the world. Establishment of trade, economic, and financial relations with the developed countries on a basis that makes possible the development of the others.

4. Formulation of a joint definition for the countries of Africa, Asia, and Latin America of the concept of a peaceful coexistence.

C. For coordinating the action of workers', students', and women's organizations in the three continents.

4. Political and institutional unification of the efforts of the peoples of Asia, Africa, and Latin America in their joint struggle for national liberation, reconstruction, prosperity, and peace.

Summarizing the agenda and purpose of the Tricontinental Conference, the official Cuban newspaper Granma, in its issue of January 6, 1966, said:

"The strategy of the revolutionary movements in their struggle against imperialism, colonialism, and neocolonialism and, especially against Yankee imperialism—principal enemy of peoples—calls for closer military ties and solidarity between the peoples of Asia, Africa, and Latin America, the working class, the progressive forces of the capitalistic countries of Europe and the United States, and the Socialist camp."

APPENDIX V—GENERAL DECLARATION

Text of the general declaration of the first Conference of Solidarity of the Peoples of Asia, Africa, and Latin America:

The first Conference of Solidarity of the Peoples of Asia, Africa, and Latin America has taken place in Havana, the capital of Cuba, from 3 to 14 January 1966. The work that has been done is of great significance. For the first time in history a very broad representation of the revolutionary forces of 83 countries of the 3 continents have exchanged experiences and initiatives, have brought closer the bonds of revolutionary and anti-imperialist solidarity and have adopted basic agreements in the battle against the system of imperialist, colonialist, and neocolonialist exploitation, against which they have declared war until death. The debates at the conference have brought out that imperialists are carrying out a policy of systematic intervention and military aggression against the nations of the three continents.

The Conference takes place at a time when the peoples of Asia, Africa, and Latin America and from other parts of the world are waging a violent struggle against all forms of imperialist, colonialist, and neocolonialist domination, with Yankee imperialism at the lead. The world situation favors the development of the revolutionary and anti-imperialist struggle of the oppressed peoples. The rising march of national liberation movements in Asia, Africa, and Latin America is an event of tremendous importance and significance.

Imperialism will never renounce voluntarily its policy of exploitation, oppression, plunder, aggression and intervention.

The peoples of Asia, Africa, and Latin America know by their own experience that Yankee imperialism, the implacable enemy of all peoples of the world, is the main redoubt of colonial oppression and international reaction. The elimination of Yankee imperialism's domination is a decisive factor for the total, and final victory of the anti-imperialist struggle in the three continents and the efforts of their people must be aimed at that objective.

The reality of imperalism, colonialism and neocolonialism have been unveiled with dramatic force in the conference's debates. While comparing the benefits, profits, and wealth which the imperialist monopolies extract from the miserable living conditions of the peoples of the three continents, the sharpness of one of the greatest contradictions of our times becomes evident: The contradiction between imperialism and the oppressed nations and peoples. Yankee imperialism constitutes the basis for oppression; it directs, provides, and upholds the worldwide system of exploitation.

The monopolies of the imperialist powers extract for their benefit enormous resources of the peoples of Asia, Africa, and Latin America. For centuries, they have been plundering through many means. They take over the natural resources of the soil, subsoil, and sea bottom, control the most important industries and utility services through investments, dominate foreign trade, and impose conditions which damage international exchange relations and subject, under their yoke, the national banking institutions and finances.

This general situation gives the imperialist, colonialist, and neocolonialist powers the economic control of the subjected nations and permits them to systematically rob our peoples who are forced to contribute to the monopolies' treasuries.

The average per capita income of the exploited nations of the three continents is incredibly lower than that of the exploiting powers. The huge figures which reveal the profits of the monopolies contrast with the extremely high rate of infantile mortality, the high percentage of illiteracy, the nearly complete absence of schools, medical and hospital and services and, in sum, the poverty, unemployment, hunger and misery suffered by our peoples.

This injustice is underscored even more if one takes into account the tremendous contrast between the promising future offered to humanity by the present state of science, technology, and culture and the sad reality of the exploited masses of Asia, Africa, and Latin America which are deprived of the enormous material and spiritual wealth which the human mind and work have been accumulating for centuries. Our peoples cannot take advantage of the strides made by science and technology because opportunities are denied them by the system of oppression and exploitation.

Consequently, they find themselves in a disadvantageous position because the gap in the standard of living of the victims and the exploiters becomes wider. The impossibility of reaching this better level of material and spiritual lives by the peoples of Asia, Africa, and Latin America under the present social and economic structures to which they are subjected becomes quite evident, and so does the desperate conditions of poverty, hunger, and ignorance being faced by the exploited masses of the three continents. These reasons suffice to condemn in an irrevocable manner the imperialist, colonialist, and neocolonialist oppression and exploitation.

In its efforts to further the system which it heads against the people's resistance, Yankee imperialism maintains and feeds tensions throughout the world, threatening peace and security. It encircles the world with aggressive military bases, concludes military pacts in open violations of the principles of national sovereignty and proclaims, with strong cynicism, its alleged right to intervene in the internal affairs of other countries and to occupy by force all, or part of their territories, thereby assuming the shameful role of gendarme at large.

Yankee imperialism foots expenditures and supplies arms so that declining colonialist nations might continue to rule over their prey and share with the imperialists their benefits. Imperialism insolently and arrogantly insists upon imposing its ideology. For this purpose it employs a world-round network for defusion and propaganda. It tries to infiltrate into all countries with decadent demonstrations of its culture.

Yankee imperialism corrupts history, warps facts, and uses calumny as a weapon. It sets up economic blockades, in a fruitless effort to subjugate the people by starving them to death. In its impotence, imperialism insists upon extending that turbulent and criminal conduct to trade policies among its allies. It conspires on a worldwide scale to sponsor and maintain unpopular and antinational regimes in power which support systems of oppression and exploitation.

Yankee imperialism covers the map with its capital, extracting millions of dollars yearly for its monopolies. It commits all sorts of abominable crimes against the peoples and actively prepares attacks against

socialist countries and against world peace. By the very nature of their systems of oppression and exploitation, imperialism, colonialism, and neocolonialism strongly oppose independence, sovereignty, and the national and social liberation of the peoples.

To counteract their action, the oppressed peoples of the world fight for the principles of self-determination, sovereignty, and independence of the nations. The liberation movement among the peoples of the three continents has become one of the most important forces in the world struggle against imperialism, colonialism, and neocolonialism. Together with the socialist countries and the international proletarian class, these people play a decisive role in the history of mankind.

The imperialists become isolated and grow weaker. The crisis of its system becomes more acute by the day. The interest of national liberation is closely linked with the social revolution needs. The national liberation movement, the peasants' demand for land, the struggle of the working class for the achievement of their great social and political conquests, the decided action of youths and students, the demands of the workers, intellectuals, and other segments of the population for their rights, trampled and scorned in the past the battle against the oligarchical classes and the military dictatorships at the service of the dominant classes, the fight against racial discrimination, and other social inequalities make up a gushing torrent and constitute a movement that will carry a tremendous role in the progress of mankind.

The people who have been able to eradicate oppression and exploitation, of man by man, and have established socialism constitute by their example and their aid a valuable thrust forward in the struggle of the oppressed peoples against imperialism. To the degree that the people's liberation movement in Asia, Africa, and Latin America advances, the working class and the progressive segments in the capitalistic nations will be able to help effectively and directly in the movement.

This premise is unequivocally attested to by the progress of the civic protest movement in the United States with respect to the war which the U. S. Government is waging against the Vietnamese people. The effective revolutionary action of the South Vietnamese National Liberation Front and the heroic resistance of the DRV are contributing to raise the level of the struggle and to improve the political awareness of the United States people who express each time more vigorously and strongly their opposition to the war.

This demonstrates that the liberation of Asia, Africa, and Latin America will step up the struggle of the working class, and of other oppressed populations segments in the United States and other developed capitalistic countries in Europe, against control of monopolistic capital, against oppression and exploitation, and in favor of social progress.

Meanwhile, the progress of this class struggle of the proletarian class and of all the workers in the capitalistic countries will aid in the advancement of the struggle for national liberation in Asia, Africa, and Latin America. In this manner, our common efforts will defeat the common enemy of all of the people, namely, imperialism, and particularly, Yankee imperialism, which is the most fierce and the most oppressive.

A group of countries from the three continents have achieved political independence. Many more countries are fighting to get it. Those who have obtained their independence and those who are working to obtain it interlock their alliance in the conference of solidarity of the Asia, Africa, and Latin American people, and are studying means to meet their international duties with the common cause of the peoples; namely, the liquidation of colonialism's, neocolonialism's and imperialism's system of oppression and exploitation.

There are still territories which are subjugated by the cruelest forms of colonial systems. Representatives from many of these countries are attending this conference, to study means to solve grave problems involving economic and social development. For the complete liberation of countries in Asia, Africa, and Latin America, it is indispensable to maintain the principles of self-determination of the states, of national sovereignty, and of political independence.

The Conference proclaims the inalienable right of the peoples to complete political independence and to resort to all necessary kinds of struggle, including armed combat, to gain this right. There is no task more important than this for the subjugated peoples of Asia, Africa, and Latin America.

The nations of Asia, Africa, and Latin America which have won their political independence are aware that the legal status of a formal sovereignty does not suffice to assure full liberation. To achieve full liberation, all means of imperialist oppression and exploitation must be eliminated. Profound changes must be made in the socio-economic structure, and the material and technical bases must be set, bases on which to build a society of freemen. Political emancipation must go hand in hand with economic liberation. Only in this manner can social equality of men and the true independence of states be secured.

The peoples of the independent nations of Asia, Africa, and Latin America must oppose all types of infiltration, subversion, oppression, exploitation, and plunder by imperialism. They must develop to the maximum their initiatives and resources, strengthen the mutual aid and cooperation with friendly nations, liquidate the imperialist and colonialist forces, oppose neocolonialist aggression and infiltration, and construct and promote their national economies and culture.

The Conference proclaims as common ideal the struggle of the peoples of Asia, Africa, and Latin America to extirpate every trace of imperialist economic domination and to build their own economies and as program for those still fighting to obtain their liberation the right to the national control of the basic resources, to the nationalization of banks and vital enterprises, to the state control of foreign trade and exchange, to the reconsideration and rejection of spurious and anti-national debts which have been imposed on their economy, to the realization of real agrarian reform to eliminate feudal and semi-feudal ownership to give impetus to agriculture and livestock raising, raise the standard of living of the peasants and other farm workers and contribute to the growth of the national economy and exports.

The application of those principles will permit full development of the natural resources and their industrialization in accordance with the conditions prevailing in each country, thus completing their economic emancipation.

The imperialists are making efforts to suffocate the nations which have gained their independence by obstructing their trade through the monopolistic control of transportation means, by resorting to criminal blockade and ruining their economies by the forced reduction of basic products' prices and the constant fluctuation of these prices.

The Conference proclaims the right of all liberated peoples to trade with the other countries of the world on equal basis, the need for putting an end to the permanent fluctuations of prices of industrial products the urgent need for the common struggle of the peoples of the three continents, in cooperation with the progressive forces of the rest of the world, to break the imperialist blockade against the trade and transportation means of liberated nations.

Imperialist, colonialist, and neocolonialist domination leaves the peoples of Asia, Africa, and Latin America in a dramatic technological backwardness which prevents the workers of the fields and the cities, whose efforts form the basis for national progress, from increasing the productivity of their work through the use of more advanced technical means in agriculture and industry.

The Conference proclaims the right of the peoples to technical means and the need of the liberated nations to conduct mass training of technical cadres, implying an educational revolution which begins with the eradication of illiteracy and leads to technical revolution.

Countries liberating themselves from imperialism find themselves terrifyingly lacking in health systems, with no hospitals, no medical service centers, and no experts to man them. The Conference hereby proclaims the right of all peoples of the three continents to enjoy a healthy life and to have adequate medical and preventive medical services; and the Conference also recognizes a need for liberated countries to receive all possible aid from more developed countries in Asia, Africa, and Latin America to organize a system of medical and hospital services.

The Conference likewise recognizes a need for special attention in the preparation of professional and auxiliary cadres who are to carry out this massive task under the guidance of the state and with the fullest participation of the people.

Racial discrimination is practiced by imperialists, colonialists, and neocolonialists in large regions of the world. This practice acquires its most repugnant, brutal, and diabolical proportions in the policy of apartheid which oppresses and abuses the people of South Africa and threatens the people of Zimbabwe, reducing them to a perpetual condition of servitude. It is an instrument for exploitation and one of the most unjust and barbarous forms of inequality.

The conference hereby proclaims the full equality of all men and the people's duty to fight against demonstrations of racism and discrimination, and hence, absolute support for the people of Zimbabwe against Ian Smith's racist government and also support for the international solidarity movement against the South African regime. The Conference wishes to call upon all countries represented at the conference to impose their political and trade blockade against South Africa, as well as a boycott on the dispatch of petroleum and weapons.

Military pacts, the existence of military bases, and the presence of imperialist or mercenary troops on foreign soil constitute a violation of national sovereignty and is a danger to peaceful coexistence among states. Imperialism maintains an atmosphere to stifle national liberation movements, to intimidate neighboring countries, and to commit aggressions against recently liberated countries.

The Conference hereby proclaims the right of peoples to liberate themselves from foreign military bases, and appeals for an intensification of the struggle to attain that objective and to oppose military pacts and the presence of imperialist or mercenary troops. The peoples of Asia, Africa, and Latin America fight to defeat local reactionary segments which, in serving foreign interests, help to maintain neocolonial system of oppression and exploitation. In this struggle, reactionary classes offer fierce resistance, and they will not easily release the power which they use to exploit and oppress the people.

The revolutionary and patriotic struggle of each nation is a contribution to the liberation of other countries. The Conference hereby proclaims the right of the peoples to obtain their political, economic, and social liberation by means which they deem necessary, including armed struggle, to reach this objective.

Imperialism and the reactionary classes of every nation confront the people's liberation movement by employing all military, political, and pseudolegal resources at their disposal. They operate outside of international commitments. They try to disguise their crimes by inventing all sorts of fallacious arguments to infringe upon the principles of self-determination, national sovereignty, and the rights of people to carry out revolutionary changes in their economic and social structures.

To achieve their ends, they employ all sorts of crimes and abuses—subversion, espionage, and the infiltration of saboteurs—the introduction of criminal elements and direct aggression to drown the just aspirations of the people. They resort to violence and use armed force to obtain the objectives which they pursue.

The Conference hereby proclaims the right of the people to meet imperialist violence with revolutionary violence, to protect, in those circumstances, national sovereignty and independence. The struggle which the peoples of Asia, Africa, and Latin America are waging in this respect is a decisive contribution to the anti-imperialist battle in the three continents and an effective aid to the liberation of their peoples, and to the assurance of world peace. Each popular victory stmulates new victories.

The Conference hereby proclaims the right and the duty of all peoples of Asia, Africa, and Latin America and of the progressive states and governments in the world to supply material and moral aid to the people who fight for their liberation or are assailed directly or indirectly by imperialist powers. U.S. forces currently occupy the Dominican Republic. Imperialism, in violation of the will of the Dominican people, intervened in the Dominican popular revolution to uphold its puppets. It violated Dominican national sovereignty, tread over the principle of nonintervention, and assassinated not only fighters, but women and children.

The Conference consequently hereby proclaims the right of the Dominican people to fight U.S. occupation forces with all means at their reach, particularly through a people's revolutionary war, and to demand support from all peoples and governments throughout the world. The heroic resistance of the Vietnamese people against imperialist aggressors is not only a response to justly defend Vietnamese independence, but it is a safeguard of the right to self-determination and to the sovereignty of all peoples.

The Conference vigorously condemns the Yankee imperialists' aggressive war in South Vietnam and their bombing strikes against the Democratic Republic of Vietnam and sentences them as war criminals because of their barbaric actions against the Vietnamese people. The Conference denounces the deceitful peace declarations of the Johnson administration and supports, without reservation, the points set forth by the DRV government and the NFLSV for the solution of the Vietnamese problem. The Conference proclaims that the NFLSV is the only authentic representative of the South Vietnamese people and expresses its firm belief that under its leadership the South Vietnamese people will undoubtedly achieve final victory.

The Conference proclaims its solidarity with the armed struggle of the peoples of Venezuela, Guatemala, Peru, Colombia, the so-called Portuguese Guinea, Mozambique, Angola, Congo Leopoldville and with the determination of the peoples of the isles of Cape Verde, Santo Tomas and Principe islands to liquidate colonial domination.

It supports the peoples of French Somalia, of the Spanish possessions in Africa, and the people of Zimbabwe, Basutoland, Bechuanaland and Swaziland in their right to self-determination and independence, the colonial peoples of Latin America, Puerto Rico, the Guineas, Martinique, Guadaloupe, and others, in their struggle for national independence without restrictions and complete self-determination. It supports the peoples of Malaysia (including Singapore—Prensa Latina) and North Kalimantan in their struggle for national liberation and the removal of foreign bases and the withdrawal of foreign troops.

It also demands the immediate independence of South Yemen (occupied—Prensa Latina) as well as the removal of the British military base in Aden and of the U.S. bases in Saudi Arabia. It calls for the solidarity of all the peoples with the Arab people in Palestine in their just struggle for the liberation of their country from Zionist imperialism and aggression.

It condemns the aggressive policy of the U.S. Government and its Asian agents against peaceful and neutral Cambodia and calls for the rejection of all political, economic, diplomatic, and cooperation with the Yankee imperialists and with all puppet governments which help the U.S. Government in their aggressive policy against the Indochinese peoples.

It supports the heroic struggle of the Laotian people against the North American imperialists and their puppets. It denounces the aggressive manuever of the Yankee imperialists which, allied with the Japanese militarists and in connivance with their South Korean puppets, are trying to create a northeast Asia military alliance as a shock force against the Korean people and the Asian peoples, in order to bring about a serious situation in that part of the world. It also supports the struggle of the Korean people for the unification of their country and for the expulsion of the Yankee troops from South Korea and it expresses solidarity with the battle of the Korean and Japanese people for the elimination of the Japanese-South Korean Treaty.

The Conference condemns the North American imperialists' blockade on Cuba. The imperialists have even forbidden the sales of medicines and food as an act of aggression against the Cuban people. The Conference urges the peoples of the three continents to increase their trade with the attacked sister nation to break the blockade which the imperialists have intended to impose upon them.

In the face of the attacks of the reactionary forces directed by Yankee imperialism, the conference appeals to militant, active, and dynamic solidarity of the peoples of Asia, Africa, and Latin America, and urges them, under the banner of anti-imperialism, to intensify the national liberation movement and to develop it with even greater force and to rally all progressive mankind to this struggle.

Imperialism tries to stifle the nationalist spirit of all peoples through the introduction of its decadent culture. It uses massive means of communications to this end, thereby destroying the scientific, technical, and cultural heritage of the peoples when imperialism exploits. The Conference hereby proclaims the right of the peoples to maintain and develop their cultural heritage, supplementing it with the contributions which emerge from exchanges with other genuine cultures and from other countries. The Conference also proclaims a need of the peoples of the three continents to wage an active struggle to extirpate from the cultural life of their respective countries and evidences of imperialistic tendencies and to enrich with aid real art and culture in the lives of the people.

The Conference hereby extends a warm salute to the working classes and the progressive movements in capitalistic countries in western Europe in the United States, and invite them to tighten even more the fraternal bonds of solidarity with the peoples of the three continents to jointly combat imperialist monopolies and the policy of intervention and aggression, inasmuch as they are victims also of the system of exploitation and oppression.

The first Conference of solidarity of the peoples of Asia, Africa, and Latin America and the organization emerging therefrom, proclaim themselves genuine representatives of the will of the peoples and the decision for an anti-imperialist, anticolonialist, and antineocolonialist struggle—a patriotic and nationalist struggle of the people from the three continents.

The Conference hereby proclaims that a primary task of the peoples of Asia, Africa, and Latin America is to intensify the struggle against imperialism, colonialism, and neocolonialism and to conquer and consolidate national independence, democracy and social progress and peace. The peoples of the three continents determined to sweep away all obstacles in its path and to continue the unceasing struggle for a new Asia, a new Africa, and a new Latin America—definitely emancipated from imperialism, colonialism, and neocolonialism—will work jointly until total and definite victory is obtained. They are fully confident in their future.

The merging of efforts of the peoples of Asia, Africa, and Latin America attained at this conference and the future tasks and the basic plans which have been laid will turn active solidarity of our continents into a new historical force of colossal dimensions which will demolish the bastions of imperialism, colonialism, and neocolonialism already bruised by the triumphant liberation movements in recent years and fractured at their base by the inexorable course of history. This great human race has shouted "enough" and has risen on the march. Its giant steps toward the attainment of its definitive liberation will never be contained.

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5. Resolutions Adopted by Conference

The general resolution adopted by the Tricontinental Conference represented a major victory for the philosophy of Maoism, in the sense that it rejected all possibility of peaceful reform and declared revolutionary violence to be the only road to the future. These were the words of the resolution:

"One cannot accept the first small step as an alternative to those that follow. * * * We cannot permit ourselves to be deceived or frightened. * * * The struggle is to the death. * * * The peoples of the three continents must reply to imperialist violence with revolutionary violence to safeguard hard-won national independence, as well as to achieve the liberation of the peoples who are fighting to shake off the colonialist noose."

The general declaration of the Tricontinental Conference covered the following significant points:

1. Condemned Yankee imperialism for allegedly "carrying out a policy of systematic intervention and military aggression against the nations of the three continents."

2. Referred to Yankee imperialism as the "implacable enemy of all peoples in the world."

3. Referred again to Yankee imperialism as constituting "the basis for oppression; it directs, provides, and upholds the worldwide system of exploitation."

4. Proclaimed "the right of the peoples to meet imperialist violence with revolutionary violence."

5. Vigorously condemned "the Yankee imperialists' aggressive war in South Vietnam."

6. Proclaimed "its solidarity with the armed struggle of the peoples of Venezuela, Guatemala, Peru, Colombia."

7. Condemned "the aggressive policy of the U.S. Government and its Asian agents against peaceful and neutral Cambodia and calls for the rejection of all political, economic, diplomatic, and cooperation with the Yankee imperialists and with all puppet

governments which help the U.S. Government in their aggressive policy against the Indochinese peoples."

8. Condemned "the North American imperialists' blockade on Cuba." Another resolution read in part:

"North American imperialism is at the fore of the imperialists' aggressive policy. The most desperate actions against peoples, as in Vietnam and the Dominican Republic, lie at the door of the Yankee imperialists. North American states girdle the globe. Aggressive pacts in which the United States is the leading power cover every continent and sea. The United States is found behind every aggressive action committed by the other imperialists."

Another resolution read:

"This conference is convinced that, in view of the imperialists' violence, the peoples of the three continents must reply with revolutionary violence. The latter (people's) must make use of all the most vigorous forms of struggle, among which armed battle is one of the higher forms to obtain final victory."

The resolution dealing with Vietnam said:

"The conference sets forth clearly that to the imperialist tactic of limited wars the effective reply is the development of liberation wars in every region where conditions are ripe. The best example is Vietnam, where the United States by stepping up its intervention is creating the conditions for a more complete defeat later."

Again Vietnam was dealt with in these terms:

"It is necessary to multiply solidarity with the Vietnamese people throughout the world and support their heroic battle in every manner, even by sending armed volunteers if that be necessary. * * * The conference supports the four points laid down by the Government of the Democratic Republic of Vietnam and the five points stated by the South Vietnam National Liberation Front, and calls on all peoples to struggle to see this applied as the sole settlement for the Vietnam case. Defense of the Vietnamese people's just cause has become a central task for the revolutionary strategy of the peoples of Africa, Asia, and Latin America."

A resolution on Puerto Rico said in part:

"Puerto Rico remains occupied by U.S. imperialism, which not only denies her the right to independence, but has converted her into an enormous military base that includes atomic weapons."

Another resolution stressed the importance of Cuba:

"Special mention is due solidarity with Cuba, whose people are defending and carrying forward a revolution only ninety miles from the United States. Her choice as the site of the first solidarity conference of the peoples of Africa, Asia, and Latin America is the highest recognition of the importance of her revolution and the significance it has for the peoples of the three continents. Cuba, because of her relatively small size, her geographical position near the United States and in a zone surrounded by Governments which are puppets of the Yankee imperialists * * * proves with her revolution, triumphing over all aggressions perpetrated or fomented by the United States, that * * * revolution is possible and invincible."

A resolution on the Panama Canal Zone said:

'The Panama Canal Zone is being used as a base for attack on peoples fighting for their liberation, it forms the Caribbean triangle with the military bases at Guantanamo and on Puerto Rico. This is done against the will of the Panamanian people."

The resolution on the United Nations denounced it as being manipulated by the United States.

The Conference's "Declaration on the OAS" said:

"That the Organization of American States has no legal or moral authority to represent the Latin American nations. That the only organization that will be able to represent Latin America will be the one composed of the democratic and anti-imperialist governments that are the genuine product of the sovereign will of the Latin American peoples."

The Conference proposed:

"That the revolutionary movements of Colombia, Venezuela, Peru, Panama, Ecuador, and others in the Caribbean area and southern part of the hemisphere take prompt steps to make a joint study of this military situation, with a view to finding means to counteract the effects of this aggressive attitude of imperialism."

* * * * *

The Conference resolved:

"To give the most determined support to the revolutionary movements of Colombia, Venezuela, Peru, Panama, Ecuador, and other countries of the Caribbean area and the southern part of the hemisphere in order to respond to the overall aggressive policy of U.S. imperialism with the most effective measures to counteract its effects.

"To denounce before all the countries of the three continents the Yankee intervention in the armed struggles of Colombia, Venezuela, and Peru, and to promote the militant solidarity of the combatants of those countries with each other and with the peoples of the continents in the great battle for national liberation.

"To give decisive support, in all forms, to the armed struggle undertaken in Peru, the path valiantly chosen by the Peruvian people to achieve its definitive and total economic and political independence."

Such was the atmosphere and the general political character of the Tricontinental Conference in Havana.

Mr. DOMINICK. I point to the references in these statements to the internal affairs of the United States. Today there is maintained what is called a free Puerto Rico Embassy in Havana. On February 10 of last year, that Embassy signed a pact of solidarity with the National Liberation Front of Vietnam at its Havana headquarters. It plans to collaborate on Communist subversive movements in this country and elsewhere.

The degree of Communist subversive activities in Puerto Rico is greater than is generally recognized. To this end, Russia is broadcasting inflammatory programs to that island. One deserves repeating. It says, in part:

By using force, the Yankees have dominated the island. They have turned it into their colony, and against the will of the Puerto Ricans, are using the territory of the island for their criminal imperialistic goals.

Russian aggression is exceeded only by Russian impudence—if it can be called that. Radio Moscow says that—

Together with the Canal Zone of Panama, Puerto Rico is being used by the Yankees to carry out their subversive activities against the Latin American countries.

That it is Russia which is carrying out subversion in our backyard needs little in the way of elaboration here. I have already talked about it. Soviet designs are perfectly obvious. They want to force the retirement of American military might from the Caribbean, the better to convert it into a Red lake. They have already made long strides with their capture of Cuba.

I regret to say that little is being reported in the United States on the Vietnam-type wars in Latin America. One of the few stories—the story by Murray Sayle I have already mentioned—deals with Bolivia.

But little is being said about the subversion of Puerto Rico and the open and impudent call to violence there by Soviet Russia.

In closing, Mr. President, I should like to leave a few thoughts with my distinguished colleagues. I do not believe that the present state of affairs in Latin America can begin to be solved merely through economic programs. The Alliance for Progress is directing efforts toward increasing the national product over the population growth of countries in Latin America by at least 2.5 percent a year. Because of the flight of capital—in major part caused by Cuban-based subversion by Russia—economic growth last year was little better than 1 percent. Unless something is done to eliminate subversion at its source—Cuba—we can expect another drop in growth rate in Latin American economies again next year, and the year after that. As stated by Dr. Bernardo Benes, Latin American economic expert, following just one terroristic incident—the torture and murder of Julio Iribarren, to which I referred earlier—millions of dollars fled Venezuela.

We read considerably about the present administration's social welfare attitude toward Russia and the Eastern bloc countries as, for example, the cliche, "We are building bridges to the East, over which better understanding can flow."

I should like to say this: We fully understand the kind of bridges the Soviets are building in Latin America—pontoon bridges over which war materials and Cuban-trained guerrillas move. Congress, in September 1962, recognized the Russian inroads in a joint resolution. Our stand against these types of military bridges was clearly expressed. To refresh our memories, Mr. President, I ask unanimous consent that the resolution be inserted in the RECORD at this point in my remarks.

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

S.J. RES. 230

Joint resolution expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present

Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Mr. DOMINICK. Mr. President, I should like to draw attention to a simple explanation of the effect of a joint resolution such as the one above. There is little practical difference between a bill and a joint resolution. Both become the law of the land when signed by the President. And Senate Joint Resolution 230 was signed into law on October 3, 1962. In further support of U.S. intent, the late President Kennedy accepted the flag of the Cuban Invasion Brigade on December 29, 1962 in Miami and said:

I can assure you that this flag will be returned to this brigade in a free Havana . . . I bring you my Nation's respect for your courage and for your cause . . . And by helping to free you, the United States has been given the opportunity to demonstrate once again that all men who fight for freedom are our brothers, and shall be until your country and others are free.

Thus, our support of a free Cuba was firmly and clearly enunciated several times in 1962. But we seem to have given up the ghost since then. Now, in Punta del Este, we have another opportunity to express our policies toward Cuba and Latin America.

I must be unalterably opposed to the "bridges to the East" concept unless and until—I emphasize this—the United States and the free world receive significant concessions in return, at least one of which should be the ending of subversion in this hemisphere from the Soviet-supported Cuba. I hope this is the position President Johnson and Secretary of State Rusk will take at Punta del Este. If they do, I am confident they may count on the most enthusiastic support not only from the American people but also from our allies in Latin America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3349. An act to continue until the close of September 30, 1967, the existing suspension of duties on certain forms of nickel;

H.R. 3652. An act to continue until the close of June 30, 1970, the existing suspension of duties on manganese ore (including ferruginous ore) and related products;

H.R. 5404. An act to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes;

H.R. 5424. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; and

H.R. 5615. An act to continue until the close of June 30, 1969, the existing suspension of duties for metal scrap.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3349. An act to continue until the close of September 30, 1967, the existing suspension of duties on certain forms of nickel; to the Committee on Finance.

H.R. 3652. An act to continue until the close of June 30, 1970, the existing suspension of duties on manganese ore (including ferruginous ore) and related products; and

H.R. 5615. An act to continue until the close of June 30, 1969, the existing suspension of duties for metal scrap; to the Committee on Finance.

H.R. 5404. An act to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 5424. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Commerce.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON CONTRACTS FOR MILITARY CONSTRUCTION AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on contracts for military construction awarded without formal advertisement, for the 6-month period ended December 31, 1966 (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROJECTS PROPOSED FOR ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on the proposed construction for the Army National Guard at the Morrisville, N.C. (Raleigh-Durham Airport); to the Committee on Armed Services.

ADJUSTMENTS OF RETIRED PAY AND RETAINER PAY OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend section 1401a of title 10, United States Code, relating to adjustments of retired pay and retainer pay of members and former members of the Armed Forces to reflect changes in the consumer price index (with accompanying papers); to the Committee on Armed Services.

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the period July 1966–February 1967 (with an accompanying report); to the Committee on Banking and Currency.

AMENDMENT OF DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to amend the District of Columbia Unemployment Compensation Act, as amended (with an accompanying paper); to the Committee on the District of Columbia.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize suits in the courts of the District of Columbia for collection of taxes owed to States, territories, or possessions, or political subdivisions thereof, when the reciprocal right is accorded to the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to establish, or cooperate in the establishment of, a laboratory for the testing of materials, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

DIPLOMATIC RELATIONS ACT OF 1967

A letter from the Secretary of State, transmitting a draft of proposed legislation to complement the Vienna Convention on Diplomatic Relations (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

A letter from the Acting Secretary of State, transmitting, pursuant to law, a report on the activities of the Center for Cultural and Technical Interchange Between East and West, for the period July 1, 1965, through June 30, 1966 (with an accompanying report); to the Committee on Foreign Relations.

CONTRIBUTION BY THE UNITED STATES FOR THE SUPPORT OF THE INTERNATIONAL UNION FOR THE PUBLICATION OF CUSTOMS TARIFFS

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs (with an accompanying paper); to the Committee on Foreign Relations.

AMENDMENT OF INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting a draft of proposed legislation to amend the International Claims Settlement Act of 1949, as

amended, to provide for the timely determination of certain claims of American nationals, and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audits of Government Services, Inc., and of its employee retirement and benefit trust fund and supplemental pension plan, for the year ended December 31, 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of availability of selected stocks of the U.S. Army in Europe for requirements of other commands, Department of the Army, dated March, 1967 (with an accompanying report); to the Committee on Government Operations.

REPORT OF ATTORNEY GENERAL

A letter from the Attorney General, transmitting, pursuant to law, his report for the fiscal year ended June 30, 1966 (with an accompanying report); to the Committee on the Judiciary.

ASSISTANCE IN SAFEGUARDING THE BALANCE-OF-PAYMENTS POSITION OF THE UNITED STATES

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF PUBLIC LAW 89-491

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the act of July 4, 1966 (Public Law 89-491) (with an accompanying paper); to the Committee on the Judiciary.

CLARIFICATION OF CERTAIN CRIMINAL CONTEMPT STATUTES

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to amend, consolidate, and clarify certain criminal contempt statutes (with accompanying papers); to the Committee on the Judiciary.

AMENDMENT OF BANKRUPTCY ACT

A letter from the Deputy Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to amend sections 40c(1) and 52a of the Bankruptcy Act so as to reallocate part of the filing fee from the clerk's earnings to the Referees' Salary and Expense Fund (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution of the Legislature of the State of Nebraska; to the Committee on Commerce:

"LEGISLATIVE RESOLUTION 25

"Whereas, the Legislature of the State of Nebraska recognizes the danger to the motoring public at night of unlighted caboose cars, freight cars, passenger cars or any other type of railway cars at railroad crossings; and

"Whereas, Legislative Bill 786 relating to the illumination of railroad cars was introduced at the Seventy-seventh Session, Nebraska State Legislature, 1967; and

"Whereas, the constitutionality of Legislative Bill 786, Seventy-seventh Session, Nebraska State Legislature, 1967, if passed, would be questionable as to whether or not it creates an undue burden on interstate commerce in violation of the Commerce Clause of the Constitution of the United States; and

"Whereas, H. R. 2885 relating to the illumination of railroad cars has been introduced in the 1st Session of the 90th Congress of the United States of America: Now, therefore, be it

"Resolved by the members of the Nebraska Legislature in seventy-seventh session assembled:

"1. That the Nebraska State Legislature urges that H. R. 2885 relating to the illumination of railroad cars be adopted by the 90th Congress of the United States of America.

"2. That copies of this resolution be promptly transmitted to the President and Vice President of the United States, Speaker of the House of Representatives of the United States, and to the members of Congress from Nebraska.

"JOHN E. EVERROOD,
"President of the Legislature.

"I, Hugo F. Srb, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 25, which was passed by the Legislature of Nebraska in Seventy-seventh regular session on the third day of April, 1967.

"HUGO F. SRB,
"Clerk of the Legislature."

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE MONTHLY PAYMENTS UNDER THE FEDERAL SOCIAL SECURITY ACT TO $200

"Whereas, the cost of the necessities of life in this country has risen to an all time high; and

"Whereas, A substantial portion of the people of this nation depend to a large extent if not entirely upon the monthly payments received by them under the Social Security program; and

"Whereas, The current monthly payments under said program have now become grossly inadequate for their needs; and

"Whereas, An increase of such maximum payments to two hundred dollars per month would tend to relieve such conditions; therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the maximum monthly payments to persons under the federal Social Security Act to two hundred dollars; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the members thereof from this Commonwealth.

"House of Representatives, adopted, March 21, 1967.

"WILLIAM C. MAIERS,
"Clerk.

"Senate, adopted in concurrence, March 23, 1967.

"NORMAN L. PIDGEON,
"Clerk.

"Attest:

"KEVIN H. WHITE,
"Secretary of the Commonwealth."

A joint resolution of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

"H.J.M. 7

"A joint memorial to the Honorable President of the United States, the Secretary of the Interior, the Commissioner of Indian Affairs, and the Senate and House of Representatives of the United States in Congress assembled:

"We, your Memorialists, the Legislature of the State of Idaho, assembled in the Thirty-ninth Session thereof, respectfully request that:

"Whereas, the present headquarters of the Northern Idaho Indian Agency, Bureau of Indian Affairs, Department of Interior, is at Lapwai, Idaho, which agency serves administratively the Nez Perce, Coeur d'Alene, Kootenai and Kalispel tribes; and

"Whereas, the Confederated Tribes of the Colville Reservation, with headquarters at Coulee Dam, in the state of Washington, has requested permission from the Bureau of Indian Affairs at Washington, D.C., to terminate federal supervision of the Tribes, and legislation to that effect is now pending in Congress; and

"Whereas, the Spokane Tribe of Indians, which is also under the jurisdiction of the Colville Indian Agency, located at Coulee Dam, Washington, does not desire to terminate its relationship with the federal government; and

"Whereas, it is being considered that if and when the Confederated Tribes of the Colville Reservation is removed from federal supervision, that the Spokane Tribe, by reason of proximity, will be placed within the jurisdiction of the Northern Idaho Indian Agency, and that in such event the headquarters should then be transferred from Lapwai, Idaho to Spokane, Washington; and

"Whereas, the Northern Idaho Indian Agency has been located in Idaho for many years, is well established, has a payroll that ranges from seventy to sometimes eighty persons, and some of its member-employees, namely, some of the soil conservation and forestry branches are already residing and located at Coeur d'Alene, Idaho; and

"Whereas, Coeur d'Alene, Idaho, would be much more centrally located than would Spokane, Washington, to the five tribes which would include the Spokane Tribe: Now, therefore, be it

"Resolved by the Thirty-ninth Session of the Legislature, now in session, the House of Representatives and Senate concurring, That we most respectfully urge the President, the Secretary of the Interior, the Commissioner of Indian Affairs, and the Congress of the United States of America, to continue the headquarters, of the Northern Idaho Indian Agency in the State of Idaho, and that if it is advisable for such agency to be moved farther north than Lapwai, Idaho, that it be moved to Coeur d'Alene, Idaho; be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward certified copies of this Memorial to the President and the Vice President of the United States, the Secretary of the Interior, the Commissioner of Indian Affairs, the Speaker of the House of Representatives of the United States, and the Senators and Representatives representing this state in the Congress of the United States."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION 19

"Assembly joint resolution—memorializing the Congress of the United States to approve and fund a new multipurpose building at the Stewart Indian School

"Whereas, There are approximately 600 students enrolled at the Stewart Indian School, which is operated by the Federal Government and located near Carson City, Nevada; and

"Whereas, The Stewart Indian School lacks a proper building for holding physical educa-

tion activities, assemblies, concerts, stage productions and public presentations; and

"Whereas, A multipurpose building would enable existing programs of the school to be expanded and new programs to be created; and

"Whereas, A multipurpose building would enable the surrounding community to participate in certain activities and programs; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature of the State of Nevada hereby memorializes the Congress of the United States to authorize and thereafter to appropriate a sum of money for the construction of a multipurpose building for the Stewart Indian School, near Carson City, Nevada; and be it further

"Resolved, That copies of this resolution be prepared by the legislative counsel and transmitted forthwith to the Speaker of the House of Representatives and the President of the Senate of the United States of America, and to each member of the Nevada congressional delegation."

A joint resolution of the Legislature of the State of Washington; to the Committee on Interior and Insular Affairs:

"SENATE JOINT MEMORIAL 21

"To the Honorable Lyndon B. Johnson, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, in Congress assembled:

"We, Your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

"Whereas, The future management of the North Cascades national resource has been amply studied by many groups with diverse interests; and

"Whereas, The Congress now has the findings, conclusions and recommendations of responsible groups, agencies and individuals;

"Now, therefore, Your Memorialists respectfully petition the Congress to enact legislation in accord with the concept of multiple use and in accord with the State of Washington North Cascade Study Committee's recommendations wherein an Advisory Board would be established to serve as policy counsel, and wherein outdoor recreation and natural preservation would be established as prime uses of the area; be it further

"Resolved, That the Congress follow the specific recommendations of the State of Washington North Cascades Study Group in the allocation, promotion and development of multiple purpose recreation areas and wilderness areas under the management of the U.S. Forest Service, subject to the qualification that if, in the judgment of the Congress the national interest will not be preserved by the establishment of a wilderness preserve in the Picket Range Area, then we respectfully petition the Congress to establish a national park of not to exceed three hundred twenty thousand acres in said area; and be it further

"Resolved, That copies of this memorial be transmitted by the Secretary of State to the Honorable Lyndon B. Johnson, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Committee chairmen of the Senate and House Standing Committees on Interior and Insular Affairs, and to each member of Congress from the State of Washington.

"Passed the Senate March 22, 1967.

"JOHN A. CHERBERG,
"President of the Senate.

"Passed the House March 29, 1967.

"DON ELDRIDGE,
"Speaker of the House."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 327. A bill for the relief of Dr. Carlos Victor De La Concepcion Garcia (Rept. No. 172);

S. 499. A bill for the relief of Dr. Manuel A. Zuniga (Rept. No. 173); and

S. 534. A bill for the relief of Setsuko Wilson (nee Hiranaka) (Rept. No. 174).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 191. A bill for the relief of Eileen Iris Punnett (Rept. No. 175).

By Mr. FONG, from the Committee on the Judiciary, without amendment:

S. 608. A bill for the relief of Koon Chew Ho (Rept. No. 171).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 95. A bill for the relief of Capt. Rey D. Baldwin (Rept. No. 176);

S. 233. A bill for the relief of Chester E. Davis (Rept. No. 177);

S. 324. A bill for the relief of Jesse C. Johnson (Rept. No. 178);

S. 819. A bill for the relief of Charles H. Thurston (Rept. No. 180); and

S. 1045. A bill for the relief of Alton R. Conner (Rept. No. 181).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 650. A bill for the relief of T. Sgt. Anthony J. Corso, U.S. Air Force (retired) (Rept. No. 182).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S. 636. A bill for the relief of Mrs. Chin Shee Shiu (Rept. No. 183);

S.J. Res. 49. Joint resolution to designate April 28–29, 1967, as "Rush-Bagot Agreement Days" (Rept. No. 185);

S.J. Res. 56. Joint resolution to authorize the President to designate October 31 of each year as National UNICEF Day (Rept. No. 186);

S.J. Res. 57. Joint resolution authorizing and requesting the President to extend through 1967 his proclamation of a period to "See the United States", and for other purposes (Rept. No. 187); and

S. Con. Res. 20. Concurrent resolution to declare the week of June 18 "National Coal Week" (Rept. No. 179).

By Mr. DIRKSEN, from the Committee on the Judiciary, with an amendment.

S.J. Res. 10. Joint resolution to establish the Golden Spike Centennial Celebration Commission (Rept. No. 184).

REPORT ENTITLED "THE FEDERAL JUDICIAL SYSTEM"—REPORT OF A COMMITTEE (S. REPT. NO. 170)

Mr. TYDINGS. Mr. President, from the Committee on the Judiciary I submit a report entitled "The Federal Judicial System" pursuant to Senate Resolution 198, 89th Congress, and ask that it be printed.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Jack B. Weinstein, of New York, to be U.S. district judge for the eastern district of New York.

BILLS AND JOINT RESOLUTION INTRODUCED

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

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

S. 1504. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to supplement farm income, authorize loans and grants for community centers, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, establish a flexible loan interest rate, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. FONG (for himself, Mr. GRUENING, Mr. INOUYE, Mr. JORDAN of Idaho, Mr. HICKENLOOPER, Mr. COOPER, Mr. LONG of Missouri, Mr. HATFIELD, Mr. MUNDT, Mr. BENNETT, and Mr. MOSS):

S. 1505. A bill to provide loan assistance to students pursuing programs of higher education in the fields of law enforcement and of correctional treatment of law violators; to the Committee on Labor and Public Welfare.

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

By Mr. KUCHEL:

S. 1506. A bill for the relief of Ernesto Alunday; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1507. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

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

By Mr. JAVITS (for himself, Mr. MOSS, Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. HART, Mr. HATFIELD, Mr. INOUYE, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MILLER, Mr. MONDALE, Mr. MORSE, Mr. MURPHY, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCOTT, Mr. THURMOND, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota):

S. 1508. A bill to provide for a comprehensive program for the care and control of alcoholism; to the Committee on Labor and Public Welfare.

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

By Mr. BIBLE (for himself and Mr. DOMINICK) (by request):

S. 1509. A bill relating to the use of citations by the Metropolitan Police Force of the District of Columbia, in lieu of formal arrest, and for other purposes;

S. 1510. A bill relating to the obstruction of the administration of justice in the District of Columbia by threats or force, and for other purposes;

S. 1511. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salary rates and provide certain benefits for purposes of recruitment and retention of privates in the Metropolitan Police force, to establish the rank of master patrolman, to change the titles of certain Metropolitan Police officials, and for other purposes;

S. 1512. A bill relating to material witnesses in the District of Columbia;

S. 1513. A bill to establish the Commission on Revision of the Criminal Laws of the District of Columbia;

S. 1514. A bill relating to the rehabilitation of narcotic addicts in the District of Columbia;

S. 1515. A bill relating to intoxicated persons in the District of Columbia; and

S. 1516. A bill authorizing the Commissioners of the District of Columbia to supervise persons released into their custody in accordance with judicial orders issued pursuant to section 3146 or 3148 of title 18, United States Code; to authorize the District of Columbia Bail Agency to provide reports to the Commissioners of the District of Columbia with respect to any person released into the custody of the Commissioners pursuant to section 3146 or 3148 of title 18, United States Code; and for other purposes; to the Committee on the District of Columbia.

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

By Mr. BIBLE (for himself and Mr. DOMINICK):

S. 1517. A bill relating to material witnesses in the District of Columbia;

S. 1518. A bill relating to the admissibility of evidence, including statements and confessions, in the courts of the District of Columbia;

S. 1519. A bill designating robbery in the District of Columbia as a crime of violence;

S. 1520. A bill to amend section 823 of the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1323; D.C. Code, sec. 22–1801), relating to burglary;

S. 1521. A bill relating to the making of false or fictitious reports of the commission of criminal offenses in the District of Columbia, and for other purposes;

S. 1522. A bill to amend section 872 of the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–2001); and

S. 1523. A bill to amend the act of March 3, 1901, as amended, regarding the defense of insanity in the District of Columbia; to the Committee on the District of Columbia.

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

By Mr. BIBLE (by request):

S. 1524. A bill authorizing arrests without a warrant in the District of Columbia in connection with certain misdemeanors, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. HOLLAND:

S. 1525. A bill for the relief of Dr. Mario R. Garcini; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. FANNIN) (by request):

S. 1526. A bill to authorize the establishment of the Redwood National Park and Seashore and the King Range National Conservation Area in the State of California, to provide for the acquisition of Point Reyes National Seashore, and to provide economic assistance to local governmental bodies affected thereby; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 1527. A bill to designate the College of Guam library a public depository for Government publications; to the Committee on Rules and Administration.

By Mr. JAVITS:

S. 1528. A bill to make certain expenditures made by the village of Fairport, N.Y., eligible as local grants-in-aid for the purpose of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

S. 1529. A bill to provide for the conveyance of certain real property of the United States underlying Lake Erie to the city of Buffalo, N.Y.; to the Committee on Public Works.

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

By Mr. DODD:

S. 1530. A bill for the relief of Rear Adm. William D. Wright, U.S. Navy, retired; to the Committee on the Judiciary.

By Mr. FONG:

S. 1531. A bill for the relief of Jin Sook Simpson and her two minor children, Eleanor Ra and Julie Ra; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 1532. A bill to require that contracts for construction, alteration, or repair of any public building or public work of the District of Columbia be accompanied by a performance bond protecting the District of Columbia and by an additional bond for the protection of persons furnishing material and labor, and for other purposes;

S. 1533. A bill to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes;

S. 1534. A bill to amend the Street Readjustment Act of the District of Columbia so as to authorize the Commissioners of the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan, without regard to the notice provisions of such act, and for other purposes; and

S. 1535. A bill to revise and modernize procedures relating to the licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. MAGNUSON:

S. 1536. A bill to provide additional protection for the owners of private vessels of the United States from costs incurred incident to the seizure of such vessels by foreign countries; and

S. 1537. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise and conveyances moving into, through, and out of the United States, and for other purposes; to the Committee on Commerce.

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

By Mr. HART:

S. 1538. A bill to amend section 5(a) of the Clayton Act with respect to the evidentiary effect of judgments and decrees entered in proceedings instituted by the United States under the antitrust laws; to the Committee on the Judiciary.

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

By Mr. HARTKE:

S. 1539. A bill for the relief of Terez Zackarian; to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. TYDINGS):

S. 1540. A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States; to the Committee on the Judiciary.

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

By Mr. CARLSON:

S.J. Res. 70. Joint resolution designating the 11th day of April of each year as "National Traveler's Day"; to the Committee on the Judiciary.

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

LAW ENFORCEMENT EDUCATION ACT OF 1967

Mr. FONG. Mr. President, the preliminary release of the FBI Uniform Crime Report for 1966 reveals some alarming statistics. During 1966, the commission rate of serious crimes throughout the country rose 11 percent over 1965. There was a substantial increase in the following major crime classifications: murder, 9 percent; forcible rape, 10 percent; robbery, 14 percent; aggravated assault, 10 percent; burglary, 9 percent; larceny—$50 and over in value—12 percent; and auto theft, 11 percent.

Of significance, too, is the fact that during 1966 the police in our country were able to solve only 25 percent of the serious offenses which were reported to them. This percentage is a slight decrease from the national police solution rate in 1965.

Economically, the incidence of crime has a tremendous impact. In 1965, the crimes against property—robbery, burglary, larcency of $50 and over, and auto theft—cost the American citizen $600 million; the crimes against person—homicide, assault and the like—cost $815 million. A total of $1,415,000,000 was lost through the commission of these crimes. Since the crime rate is increasing, the American taxpayer can be assured that an even larger sum will be lost in the coming years.

These statistics on crime underscore the need for action in this area. The Federal Government must take steps to carry out one of its basic duties—to maintain an orderly society through the enforcement of the laws. It must protect the law-abiding citizen physically, mentally, and economically from the ravages of crime.

One modest step toward this goal would be the improvement of our police forces throughout the country as recommended by the President's Commission on Law Enforcement and Administration of Justice. In its recent report, the Crime Commission specified that additional personnel are needed to staff our police forces and that the quality of such personnel must be the highest kind available. Underlying this proposal is the hope that with more and better trained officers on the police force, the national police solution rate would improve significantly.

In response to this declared need, my cosponsors and I are introducing a bill entitled "Law Enforcement Education Act of 1967."

Specifically, the act would establish a special loan fund to assist college stu-

dents who are pursuing courses under a 2- or 4-year program in police or correctional science. It would provide a maximum loan of $1,200 per year and a total of $4,800 to each eligible student.

The student would have 10 years after completion of his education to repay the loan. If he has in fact chosen a career in police or correctional science, the act would give him a 50 percent forgiveness on the amount borrowed.

Under this act, the administrative system would be similar to that established by the National Defense Education Act. The Office of Education would be responsible for the dissemination and administration of the moneys in the special fund.

Currently, 25 States having institutions of higher education offer a 2- or 4-year program in police or correctional science. Eleven other States, including the State of Hawaii, have colleges or universities which are developing such a program. All of these States would be eligible to receive a share of the Federal loan fund based on the ratio of its population to the total population of the United States. The institutions within the States would be limited to such allotment, but they could receive a greater share if there are any unused portions in the fund.

Mr. President, the concept of earmarking funds for loans to students pursuing a particular career field is not novel. Federal funds for loans specifically for education and nursing students alone have been available since 1958 and 1964, respectively, when Congress realized the critical shortage of personnel in these fields and provided for them under the National Defense Education Act and the Nurse Training Act. These acts also give teachers and nurses a 50-percent remission on their loans.

My colleagues and I hope that this special fund for loan assistance and its liberal repayment features will, first, entice high-quality students into law enforcement careers, and, second, enable qualified persons who would otherwise be financially unable to go to college to further their education and select a profession in the law enforcement field.

Mr. President, I strongly urge the passage of this measure.

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

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. 1505) to provide loan assistance to students pursuing programs of higher education in the fields of law enforcement and of correctional treatment of law violators, introduced by Mr. FONG (for himself and other Senators), 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. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Education Act of 1967".

STATEMENT OF PURPOSE

SEC. 2. The Congress hereby finds and declares that maintenance of public law and order within the Nation requires the fullest development of the mental resources and professional skills of its law enforcement officers and the staff personnel of its correctional institutions and agencies. The public order of the Nation depends heavily upon mature and enlightened police services and upon humanely effective correctional treatment of citizens convicted of law violations such that individual patterns of recurrent criminality do not develop. Orderly social progress further requires that the law enforcement and correctional professions have the trust and respect of the citizenry, an attitude more certain to prevail where the membership of these vital professions is of marked technical and educational excellence. The readily apparent needs of the present and immediate future make it imperative that increased and more adequate educational opportunities be made available. It is the purpose of this Act to provide loan assistance to individuals in order to insure trained manpower of sufficient quality and quantity to meet more adequately the police and correctional needs of the United States.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 3. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

FEDERAL CONTROLS ON STATE AND LOCAL POLICE PROHIBITED

SEC. 4. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision or control over the organization, administration, or personnel of any State or local police force or other law enforcement agency.

LIMITATION REGARDING FEDERAL CONTROL OF PENAL AND CORRECTIONAL INSTITUTIONS

SEC. 5. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the organization, administration, or personnel of any State or local penal or correctional institution.

DEFINITIONS

SEC. 6. As used in this Act—

(a) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(b) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. For purposes of this Act, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training afforded.

(c) The term "Commissioner" means the Commissioner of Education.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "nonprofit", as applied to a school or institution, means a school or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

LOANS TO STUDENTS OF POLICE OR CORRECTIONAL SCIENCE IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 7. (a) For the purpose of enabling the Commissioner to stimulate and assist in the establishment at institutions of higher education of funds for the making of low-interest loans to students of police or correctional science in need thereof to pursue their courses of study in such institutions, there are hereby authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1968, $5,000,000 for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, and such sums for the fiscal year ending June 30, 1972, as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1971, to complete their course in police or correctional science. Sums appropriated under this section for any fiscal year shall be available, in accordance with the agreements between the Commissioner and institutions of higher education, for payment of Federal capital contributions which, together with contributions from the institutions, shall be used for establishment and maintenance of a student loan fund.

(b) From the sums appropriated pursuant to subsection (a) for any fiscal year ending prior to July 1, 1971, the Commissioner shall allot to each State an amount which bears the same ratio to the amount so appropriated as the population of such State bears to the population of all the States combined. The Secretary of Commerce shall be the source of all population figures for the purposes of this section.

(c) Sums appropriated pursuant to subsection (a) for the fiscal year ending June 30, 1972, shall be allotted among the States in such manner as the Commissioner determines to be necessary to carry out the purpose for which such amounts are appropriated.

FEDERAL CAPITAL CONTRIBUTIONS

SEC. 8. The Commissioner shall periodically set dates by which institutions of higher education in a State must file applications for Federal capital contributions from the allotment of such State. In the event the total requested in such applications, which are made by institutions with which he has agreements under this Act and which meet the requirements established in regulations of the Commissioner, exceeds the amount of the allotment of such State available for such purpose, the Federal capital contribution for such allotment to each such institution shall bear the same ratio to the amount requested in its application as the amount of allotment available for such purposes bears to the total requested in all such applications. In the event the total requested in such applications which are made by institutions in a State is less than the amount of the allotment of such State available for such purpose, the Commissioner may reallot the remaining amount from time to time, on such date or dates as the Commissioner may fix, to other States in proportion to the original allotments to such States under section 7(b) for such year. The Federal capital contribution to an institution shall be paid to it from time to time in such installments as the Commissioner determines will not result in unnecessary accumulations in the law enforcement and correctional student loan fund established under its agreement under this Act.

LOAN FUND AGREEMENTS

SEC. 9. An agreement with any institution of higher education for Federal capital contributions by the Commissioner under this Act shall—

(1) provide for establishment of a loan fund for students pursuing programs (a) which lead to either a two- or a four-year degree in police or correctional science offered by such institution, and (b) which have been approved for the purposes of this Act by the Attorney General;

(2) provide for deposit in such fund of (a) the Federal capital contributions, (b) an amount, equal to not less than one-ninth of such Federal contributions, contributed by such institution, (c) collections of principal and interest on student loans made from such fund, and (d) any other earnings of the fund;

(3) provide that such student loan fund shall be used only for loans to students in accordance with such agreement, for capital distributions as provided in this Act, and for costs of litigation arising in connection with the collection of any loan from the fund or interest on such loan;

(4) provide that in the selection of students to receive loans from this student loan fund, special consideration shall be given to (a) men and women serving on the staffs of public funded law enforcement or correctional agencies who are on academic leave to earn either the two- or four-year degree in police or correctional science, and (b) students in good health with a superior academic background;

(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this Act and as are agreed to by the Commissioner and the institution.

TERMS OF STUDENT LOANS

SEC. 10. (a) The total of the loans for any fiscal year to any student made by institutions of higher education from loan funds established pursuant to agreements under this Act may not exceed $1,200 and the total for all years to any student from such funds may not exceed $4,800.

(b) Loans from any such loan fund to any student by any institution of higher education shall be made on such terms and conditions as the institutions may determine; subject, however, to such conditions, limitations, and requirements as the Commissioner may prescribe (by regulation or in the agreement with the institution) with a view to preventing impairment of the capital of the student loan fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; except that—

(1) such a loan shall be made only to a student who (A) is in need of the amount of the loan to pursue the course of study at such institution, and (B) is capable, in the opinion of the institution, of maintaining good standing in such course of study, and (C) has been accepted for enrollment as a full-time student at such institution, and (D) signs a declaration of intention to join the staff of a public funded law enforcement agency or correctional institution in the State wherein the institution of higher education is located, after completion of the two- or four-year course of study, and (E) manifests no obvious physical or other handicap which, in the judgment of the institution, would render him clearly incapable of effective service on a police force or correctional staff.

(2) such a loan shall be evidenced by a note or other written agreement which provides for repayment of the principal amount, together with interest thereon, in equal annual installments, or, if the borrower so requests, in graduated periodic installments (determined in accordance with such schedules as may be approved by the Commissioner), over a period beginning one year after the date on which the borrower ceases to pursue a full-time course of study at an institution of higher education and ending eleven years after such date, except that (A) interest shall not accrue on any such loan, and periodic installments need not be paid, during any period (i) during which the borrower is pursuing a full-time course of study at an institution of higher education, or (ii) not in excess of three years, during which the borrower is a member of the Armed Forces of the United States, (B) any such period shall not be included in determining the ten-year period during which the repayment must be completed, (C) such ten-year period may also be extended for good cause determined in accordance with regulations of the Commissioner, and (D) the borrower may at his option accelerate repayment of the whole or any part of such loan.

(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for service as a full-time law enforcement officer on a public funded State, city, or county police force, or as a full-time staff employee in a Federal, State, or county correctional agency, such police force or correctional agency being within the same State as the institution of higher education granting the student loan, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service;

(4) such a loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum except that no interest shall accrue before the date on which repayment of the loan is to begin;

(5) such a loan shall be made without security and without endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required;

(6) the liability to repay any such loan shall be canceled upon the death of the borrower, or if he becomes permanently and totally disabled as determined in accordance with regulations of the Commissioner;

(7) such a loan by an institution for any year shall be made in such installments as may be provided in regulations of the Commissioner or the agreement with the institution under this Act and, upon notice to the Commissioner by the institution that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate; and

(8) no note or other evidence of such a loan may be transferred or assigned by the institution of higher education making the loan except, upon the transfer of the borrower to another institution of higher education participating in the program under this Act (or if not participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution.

(c) An agreement under this Act for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institution in need thereof.

DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

SEC. 11. (a) After June 30, 1974, and not later than September 30, 1974, there shall be a capital distribution of the balance of the student loan fund established under this Act by each institution of higher education as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1974, as the total amount of the Federal capital contributions to such fund by the Commissioner under this Act bears to the sum of such Federal capital contributions and the institution's capital contributions to such fund.

(2) The remainder of such balance shall be paid to the institution.

(b) After September 30, 1974, each institution with which the Commissioner has made an agreement under this Act shall pay to the Commissioner, not less often than quarterly, the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal or interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the student loan fund or such payments of principal or interest) as was determined for the Commissioner under subsection (a).

(c) Upon a finding by the institution or the Commissioner prior to July 1, 1974, that the liquid assets of a student loan fund established pursuant to an agreement under this Act exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

(2) The remainder of the capital distribution shall be paid to the institution.

LOANS TO INSTITUTIONS

SEC. 12. (a) Upon application by any institution of higher education with which he has made an agreement under this Act, the Commissioner may make a loan to such institution for the purpose of helping to finance the institution's capital contributions. Any such loan may be made only if such institution shows it is unable to secure such funds from non-Federal sources upon terms and conditions which the Commissioner determines to be reasonable and consistent with the purposes of this Act. Loans made to institutions under this section shall bear interest at a rate which the Commissioner determines to be adequate to cover (1) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Commissioner under this section, (2) the cost of administering this section, and (3) probable losses.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not to exceed a total of $1,800,000.

(c) Loans made by the Commissioner under this section shall mature within such period as may be determined by the Commissioner to be appropriate in each case, but not exceeding ten years.

PAYMENTS TO COVER REDUCTIONS IN AMOUNTS OF LOANS

SEC. 13. In addition to the payments otherwise authorized to be made pursuant to this Act, the Commissioner shall pay to the appropriate institution, at such time or times as he determines, an amount which bears the same ratio to the interest which has been

prevented from accruing and the portion of the principal which has been canceled on student loans pursuant to clause (3) of section 10(b) (and not previously paid pursuant to this subsection) as the total amount of the institution's capital contributions to such fund under this Act bears to the sum of such institution's capital contributions and the Federal capital contributions to such fund.

ADMINISTRATIVE PROVISIONS

SEC. 14. (a) The Commissioner, in addition to the other powers conferred upon him by this Act, shall have power to agree to modifications of agreements or loans made under this Act and to compromise, waive, or release any right, title, claim, or demand, however arising or acquired under this Act.

(b) Financial transactions of the Commissioner pursuant to this Act, and vouchers approved by him in connection with such financial transactions, shall be final and conclusive upon all officers of the Government; except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

ADMINISTRATION

SEC. 15. (a) The Commissioner is authorized to delegate any of his functions under this Act, except the making of regulations, to any officer of the Office of Education.

(b) The Commissioner shall include in his annual report to the Congress a full report of the activities of the Office of Education under this Act, including recommendations for needed revisions in the provisions thereof.

(c) Any agency of the Federal Government shall exercise its functions under any other law in such manner as will assist in carrying out the objectives of this Act. Nothing in this Act shall be construed as superseding or limiting the authority of any such agency under any other law.

(d) No part of any funds appropriated or otherwise made available for expenditure under authority of this Act shall be used to make payments or loans to any individual unless such individual (1) has executed and filed with the Commissioner an affidavit that he does not believe in, and is not a member of and does not support any organization that believes in or teaches the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and (2) has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to such affidavits.

ADVISORY COMMITTEE

SEC. 16. (a) The Commissioner, with the approval of the Secretary, may appoint an advisory committee to advise and consult with him with respect to the administration of the provisions of this Act. Any such committee shall have 12 members as follows:

(1) Two members who are recognized authorities in the fields of law enforcement and correctional manpower needs;

(2) Four members who are distinguished, practicing professionals in law enforcement and correctional agencies;

(3) Three members who are recognized authorities in education for law enforcement and correctional personnel, and

(4) Three members from such fields of endeavor as the Commissioner deems appropriate.

(b) Members of an advisory committee appointed under this section, while attending conferences or meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per diem, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

ADMINISTRATIVE APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act.

INCLUSION OF FIREMEN WITHIN THE PROVISIONS OF SECTION 8336(c) OF TITLE 5, UNITED STATES CODE

Mr. HOLLINGS. Mr. President, from time to time Congress has seen fit to enact legislation modifying the retirement provisions for certain Federal employees when a need for such change became apparent.

It is my belief that the time for such a change is at hand.

Under section 8336(c) of title 5 of the United States Code, the Congress has rightfully provided for retirement and an annuity, at age 50 and after 20 years' service for America's public servants who daily risk their lives in the performance of their duties.

However, there is one glaring omission from this dedicated group. Although the law covers 795 U.S. marshals, 2,254 policemen, and 13,125 guards, there are over 11,000 Federal firemen who are not accorded these same benefits.

While these firemen are not called upon to deal with desperate criminals or to risk their lives to apprehend those who threaten the security of our citizens, they are called upon daily to face a foe that is just as deadly and just as treacherous—a raging fire.

In the last fiscal year, two of these Federal firemen gave their lives fighting this fiery enemy. An additional 130 were disabled. I think this is proof positive that these men are indeed engaged in a "hazardous occupation."

Mr. President, I am sending to the desk, for appropriate reference, a bill to amend section 8336(c) of title 5 of the United States Code to include these individuals. It is my hope that Congress will express its gratitude to these firemen by speedy consideration and passage of this measure.

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

The bill (S. 1507) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations, introduced by Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

THE ALCOHOLISM CARE AND CONTROL ACT

Mr. MOSS. Mr. President, I have a matter here in common with my good friend, the Senator from New York [Mr. JAVITS], and at this time I should like to yield to him to speak on it.

Mr. JAVITS. Mr. President, I have some other matters with which to deal, including a speech on the action of various State legislatures regarding a constitutional convention, but in deference to my colleague the Senator from Utah, I will deal now with the matter of the Alcoholism Care and Control Act.

Mr. President, I introduce, for appropriate reference, the Alcoholism Care and Control Act of 1967 for myself, the Senator from Utah [Mr. MOSS], and Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. HART, Mr. HATFIELD, Mr. INOUYE, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MILLER, Mr. MONDALE, Mr. MORSE, Mr. MURPHY, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCOTT, Mr. THURMOND, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota.

It is the intent of this measure, sponsored by 36 Senators from both parties, to begin a concerted nationwide drive against the country's fourth most serious health problem, alcoholism.

The measure would implement recommendations of the President's Crime Commission concerning alcoholism as well as the recommendations of the National Conference on Alcoholism sponsored by the Department of Health, Education, and Welfare in 1963. It is also designed to help the States and local communities meet their new responsibilities under recent court decisions which have held that chronic alcoholics must be treated medically and socially and not as criminals.

The legislation would:

First. Establish a Bureau of Alcoholism Care and Control within the Office of the Surgeon General to coordinate and direct Federal alcoholism programs.

Second. Provide grants for demonstration projects for detoxification centers, court-supervised programs for alcoholics, programs in correctional institutions and aftercare for alcoholics, as recommended by the Crime Commission. The bill authorizes $20 million for this purpose in fiscal year 1968.

Third. Provide a special study project on personnel practices and current and projected needs in the field of alcoholism. The bill authorizes $500,000 in fiscal year 1968 for the study.

Fourth. Establish a National Advisory Committee on Alcoholism Care and Control.

Another feature of the bill provides that no individual may be made the subject of research unless he specifically gives his consent.

The bill has the active support of the North American Association of Alcoholism Programs, the organization representing State and local government groups dealing with alcoholism, and independent authorities on alcoholism.

This legislation is designed to launch a concerted attack upon what the U.S. Public Health Service and the Crime Commission have described as the Nation's fourth most serious health prob-

lem, ranking behind only heart disease, mental illness, and cancer. Alcoholism afflicts an estimated 5 to 6 million Americans, and roughly 250,000 persons join the ranks of alcoholics each year.

The 89th Congress enacted comprehensive legislation to deal with narcotic addiction. This 90th Congress should take the next step and deal with alcoholism, indeed a far more extensive problem in terms of the people directly involved.

The costs of alcoholism are high. It has been estimated that the cost to business and industry from absenteeism, inefficiency, and accidents due to alcoholism runs to some $2 billion annually. Taxpayers, too, bear a burden. The Crime Commission reports that in 1965 1 out of every 3 arrests—some 2 million—were for public drunkenness, placing a heavy burden on the courts, the police, and the penal system. And, according to Assistant Secretary of Health, Education, and Welfare, Philip R. Lee, half of all fatal auto accidents have some association with alcohol. But incapable of measurement by cold statistics is the cost of alcoholism to the family of the afflicted individual.

The Alcoholism Care and Control Act of 1967 declares alcoholism to be a major national health problem requiring action by and cooperation among Federal, State, and local governments. Alcoholism is defined as "any condition of abnormal behavior or illness resulting directly or indirectly from the chronic and habitual use of or dependence upon alcoholic beverages to the extent of the loss of power of self-control over their use."

The Bureau of Alcoholism Care and Control, which would be established under the Surgeon General, in addition to administering the act, would serve as a clearinghouse on alcoholism, coordinate Federal alcoholism activities, and render technical assistance to States and communities in their alcoholism programs.

Recognizing that the impact of recent court decisions places new responsibilities and burdens upon State and local authorities, the bill authorizes grants for demonstration projects for detoxification centers, court-supervised programs for alcoholics and alcohol-related offenses, programs in correctional institutions for alcoholics, and aftercare for alcoholics. Such activities have been recommended by both the Crime Commission and the National Conference on Alcoholism. Public and private nonprofit institutions would be eligible to receive grants.

St. Louis, for example, is one of the very few cities in the Nation with a detoxification center and New York City is undertaking a program for alcoholics, helped in great part by funds from the Smithers Foundation. These and other communities would be aided under the bill. This section of the bill authorizes an appropriation of $20 million for fiscal year 1968, $35 million for fiscal year 1970, and $45 million for fiscal year 1971.

A special study project calls for a coordinated program of research and study of personnel practices and current and projected needs in the field of alcoholism, the treatment and rehabilitation of alcoholics and the prevention of alcoholism, and also the availability and adequacy of education and training resources of persons entering such fields and of individuals, such as physicians and law enforcement officials, who deal with alcoholics. It must be completed within 2 years and is funded at $500,000 for fiscal year 1968 and $800,000 for fiscal year 1969. This provision is patterned after the Correctional Rehabilitation Study Act enacted by the 89th Congress.

An 18-member National Advisory Committee on Alcoholism Care and Control is provided to review and approve grant programs, to advise on alcoholism programs and to submit its findings and recommendations to the President and the Congress at least annually.

Finally, I wish to point out that the only way the States can act, in view of the mandate by the Supreme Court with respect to the fact that alcoholics are not criminals, but patients, is by our giving them some help to deal with this activity. The Senator from Utah [Mr. Moss] and 34 others of our colleagues have submitted a balanced program based fully on the recommendations of the Public Health Service and the President's Crime Commission on this critical subject. The Senator from Utah, my other colleagues who have sponsored it, and I have the honor today to stand in a historic moment with respect to this great problem.

Mr. MOSS. Mr. President, alcoholism is the Nation's fourth largest health menace, and one of our great social problems. It is an illness affecting some 5 million Americans. Its impact on the families of those so afflicted, and its drain on the communities in which they live, is incalculable.

It has long been evident that a comprehensive national program to help our States and communities deal with the alcoholic and the problems which he creates is one of our most urgent needs.

I find it satisfying therefore to join today with my colleague, the distinguished senior Senator from New York, in introducing legislation to develop a plan to combat chronic alcoholism. Some 35 of our colleagues, from both sides of the aisle, are joining with us in this bipartisan effort.

Last session both Senator JAVITS and I introduced individual bills. Although they were similar in thrust, they differed in some details. This session we decided to combine our efforts in one bill—which has been improved and refined through several draftings—and to seek the strongest sort of Senate support back of it. I feel that we have such support here today.

Since my colleague explained in some detail the provisions of our joint bill, I will not take the time here to go over them again. I would prefer to discuss briefly the impetus which has been given to solving the alcoholism problem by the report of the President's Commission on Law Enforcement and the Administration of Justice, and by recent court decisions.

The Crime Commission pointed out that two million arrests in 1965—one of every three arrests in America—were for the offense of public drunkenness. Let us look first at the governmental side and pass over the human tragedy aspects. The great volume of these arrests places an extremely heavy load on the operation of our criminal justice system. It burdens the police, ties up lower criminal courts, and crowds penal institutions all over America. The sheer size of the problem makes it imperative that we examine the efficacy of our system of handling and treating drunkenness within the system of criminal justice.

Recent court decisions have recognized what many of us have been saying over the years and have cast doubt on our methods of handling alcoholics. The Driver against Hinnant and Easter against District of Columbia decisions established the principle that an alcoholic is a person suffering from a disease and that he should be treated, not as a criminal, but as a sick man who should properly be the responsibility of the health officials, not law enforcement authorities.

The Crime Commission took cognizance of these decisions and endorsed the principle that intoxication cases should be handled medically and socially.

The bill Senator JAVITS and I are introducing today has been drafted to take into consideration both the findings of the Crime Commission on drunkenness and the recent court decisions holding that the alcoholic is not a criminal, but a sick person who needs help and treatment. Our bill would help our communities face in the new direction and put into operation the new principles which are evolving.

For too long now our States and communities, along with various private organizations, have borne the brunt of carrying on programs for alcoholism care and control.

In a country that has almost eliminated tuberculosis and infantile paralysis from its national scene—a country that spends over $380 annually to treat one tuberculosis patient—we spend only 16 cents on treating and rehabilitating persons suffering from our fourth major health problem, chronic alcoholism.

Without detracting in the slightest degree from the need for continued efforts to combat tuberculosis, I nevertheless am compelled to state that more—much more—need be done in the way of committing our resources to alleviating the human suffering and despair brought on by chronic alcoholism.

From my experience as a city judge in my home State of Utah, I can testify to the human tragedy and drain on community life produced by this disease. From a legal standpoint, alcoholism has in the past been treated as an antisocial behavior problem. Thus, although many of us realized that the chronic alcoholic suffers from an illness, we also were cognizant of the fact that we had no machinery and no facilities for treating these chronic alcoholics who daily came before us for sentencing.

It was, while sitting on that bench, sentencing over and over the same destitute, hopeless chronic inebriates, that I became vitally interested in doing something about this problem. These men who appeared before me were not crimi-

nals—they were ill. They needed treatment, care and guidance, yet no facilities or machinery were available. It was a frustrating experience—an exercise in judicial and sociological futility.

The legislation which we introduce today will, if enacted into law, help provide needed facilities and machinery to conduct research into the causes of chronic alcoholism—to extend State and community efforts to prevent and cure alcoholism and rehabilitate the chronic alcoholic—to transfer this problem from law enforcement to public health administration—and finally, to bring hope into the lives of those afflicted with this disease, and their families, where now only hopelessness and despair exist.

Should any of my colleagues have any reservations about moving on the problem of alcoholism on a national scale, I call to their attention a statement made recently by M. K. Horwitt, director of the L. B. Mendell Research Laboratory at the Elgin State Hospital in Illinois on the TV program, "Alcoholics Are People." Mr. Horwitt said:

> Alcohol is a drug. If it were discovered today, it would probably not be passed by the Food and Drug Administration for over-the-counter purchase: it would be most likely banned without a doctor's prescription.

I sincerely hope, Mr. President, that early hearings can be held on the bill which Senator JAVITS and I are introducing today, and which is supported by one-third of the Members of the U.S. Senate.

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

The bill (S. 1508) to provide for a comprehensive program for the care and control of alcoholism, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

PROPOSED ANTICRIME LEGISLATION

Mr. BIBLE. Mr. President, more Americans are worried today about getting murdered, raped, yoked, or robbed than ever before in our history. The rising tide of crime stands as the country's foremost domestic problem.

This alarming fact, underscored by spiraling crime statistics, strikes fear into the heart of the ordinary citizen across this land as he reads his newspaper, listens to his radio, or watches his television, or learns about an acquaintance who has been victimized.

In an article appearing in the January 23, 1967, issue of U.S. News & World Report, Bishop Fulton J. Sheen put the problem into horrifying perspective:

> There is a robbery in the United States every 30 seconds. There is an auto stolen every minute. A rape is committed every three minutes. A murder is perpetrated in the United States every 60 minutes.

As a people and as a nation, we simply cannot tolerate lawlessness. We cannot be permissive about violence. We cannot accept excuses for looting and killing. Those who destroy and kill must be punished under the laws they violate. The punishment must fit the crime, regardless of the announced or underlying purpose of that lawlessness.

Mr. President, the temper of the vast majority of Americans today demands action here and now by all branches of their government—legislative, executive, and judicial—and on all levels—local, State, and Federal. I firmly believe most Americans are fed up with the pampering and the mollycoddling of lawbreakers.

Our survival as a nation depends upon our ability to maintain effective law and order, and especially so in our rapidly expanding urban communities. Unless protection of the individual and of property rights prevails, we will no longer be a nation of laws. Without law, there is no government, but only chaos and anarchy.

Possibly, in our zealous efforts to guard individual liberties, we have watched the pendulum of equal justice under law swing too far. The fundamental rights to the safety of our homes, our streets, and our places of business cannot continue to be eroded. The sophisticated criminal, the hoodlum, the thrill thug, and the juvenile delinquent must be stopped. Our Nation must remain a nation of laws, and all our countrymen must be respecters of those laws. The time has come to stop bemoaning the rising crime rate and to start doing something about it.

Nationwide crime statistics are frightening indeed. The Federal Bureau of Investigation's Uniform Crime Reports disclose that crime in the United States rose 11 percent in 1966 over 1965. Violent crimes increased 11 percent.

Crime in the Nation's Capital City reached an alltime record high in 1966. Washington, D.C., ranked second in the rate of crime index offenses per 1,000 population of the 16 cities in the one-half to 1 million population. San Francisco was first, Baltimore third, and Houston fourth.

For 1966, the District of Columbia, among the 16 similarly populated cities, stood first in robbery offenses, first in aggravated assault, third in murder, fourth in housebreaking—burglary—fifth in larceny, and sixth in auto theft.

Almost 1,000 more robberies, 500 more aggravated assaults, 600 more larcenies, and almost 1,000 more auto thefts were committed in the District of Columbia in 1966 than in 1965. Crime clearances dropped to 26.3 percent compared to 31.8 percent for 1965.

Serious crimes in the District jumped nearly 15 percent in 1966, while the national crime rate increased 11 percent, according to Federal Bureau of Investigation statistics. Crimes of violence increased by 23 percent in Washington, more than double the national rate.

And to make these statistics more realistic, during 1966 there were 15 robberies of banks and savings and loan institutions in the District, in which losses totaled $33,000. There were 53 liquor store holdups, causing nine assaults on the person and one murder. One of the large drugstore chains in the District reported 33 burglaries and 14 robberies in 1966, with losses approaching $50,000. During the course of these robberies, several employees were injured, whether or not they resisted.

Mr. President, the surging crime wave in the District of Columbia demands more affirmative results than our past efforts have achieved. Therefore, I am today introducing 16 bills which, if enacted into positive law, should help curb the unprecedented crime spree here in Washington, D.C.

I make no claim that these legislative proposals alone are a panacea for crime here in the Nation's Capital. But, immediate help is imperative and these are a good beginning.

In lieu of the omnibus crime bill approach used previously, I am introducing this crime legislation—both the President's District of Columbia Crime Commission recommendations and my own proposals—as individual bills. I believe such will permit easier identification of the many areas covered, and hopefully more adequate consideration of each subject at least for hearing purposes.

Therefore, Mr. President, for myself and the distinguished junior Senator from Colorado [Mr. DOMINICK] I introduce seven bills. These are substantially identical with various titles of the District of Columbia omnibus crime bill reported by my District Committee and passed by the Senate in the last Congress, revised in some areas in conference with the other body, and subsequently vetoed by the President.

The eighth bill I introduce for myself and the junior Senator from Colorado [Mr. DOMINICK], would increase salaries and other benefits for the Metropolitan Police Force, thereby providing incentives to recruit new officers and retain officers already on the force. This bill was advocated by the President in his District budget message last January.

Entrance salaries would be increased from $6,700 to $7,500 annually, placing the District as third in the Nation. Today the Metropolitan Police Department is 300 men below its authorized strength of 3,100 men. Meanwhile the District has more police per 1,000 population than any major city in the country.

Mr. President, the final eight bills I introduce are direct outgrowths of the recommendations of the President's Commission on Crime in the District of Columbia and advocated by the President in his February 27, 1967, message to Congress. The source of each is an individual title of the proposed District of Columbia Crime Reduction Act of 1967, submitted to the Congress by the Attorney General and the District Commissioners. Joining me as cosponsor on seven of these last eight request bills is the distinguished junior Senator from Colorado [Mr. DOMINICK], who was a tower of strength in consideration by my committee, before the Senate and at the long conference sessions on the District of Columbia omnibus crime bill 1 year ago, which the President chose to veto.

Other Senators, over the past several years, have complained increasingly to me about the local crime situation. I would welcome any cosponsors on any of these bills. If an interested Senator would communicate his desires to the

District of Columbia Committee offices on any of these 16 bills, I would be pleased to seek unanimous consent subsequently that their names be added as cosponsors of any of these bills at their next printing.

Mr. President, in the last Congress, the distinguished junior Senator from Maryland [Mr. TYDINGS] sponsored gun control legislation for the District as S. 1632. Again in this Congress, he has expressed a desire to sponsor such legislation, a Crime Commission recommendation also.

I ask unanimous consent that the letter of transmittal requesting introduction of these proposals and explaining their purpose be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. The bills will be received and appropriately referred.

The bills, introduced by Mr. BIBLE, (for himself and Mr. DOMINICK) (by request) were received, read twice by their titles, and referred to the Committee on the District of Columbia, as follows:

S. 1509. A bill relating to the use of citations by the Metropolitan Police Force of the District of Columbia, in lieu of formal arrests, and for other purposes;

S. 1510. A bill relating to the obstruction of the administration of justice in the District of Columbia by threats or force, and for other purposes;

S. 1511. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salary rates and provide certain benefits for purposes of recruitment and retention of privates in the Metropolitan Police Force, to establish the rank of master patrolman, to change the titles of certain Metropolitan Police officials, and for other purposes;

S. 1512. A bill relating to material witnesses in the District of Columbia;

S. 1513. A bill to establish the Commission on Revision of the Criminal Laws of the District of Columbia;

S. 1514. A bill relating to the rehabilitation of narcotic addicts in the District of Columbia;

S. 1515. A bill relating to intoxicated persons in the District of Columbia; and

S. 1516. A bill authorizing the Commissioners of the District of Columbia to supervise persons released into their custody in accordance with judicial orders issued pursuant to section 3146 or 3148 of title 18, United States Code; to authorize the District of Columbia Bail Agency to provide reports to the Commissioners of the District of Columbia with respect to any person released into the custody of the Commissioners pursuant to section 3146 to 3148 of title 18, United States Code.

By Mr. BIBLE (for himself and Mr. DOMINICK):

S. 1517. A bill relating to material witnesses in the District of Columbia;

S. 1518. A bill relating to the admissibility of evidence, including statements and confessions, in the Courts of the District of Columbia;

S. 1519. A bill designating robbery in the District of Columbia as a crime of violence;

S. 1520. A bill to amend section 823 of the act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (31 Stat. 1323; District of Columbia Code, sec. 22–1801), relating to burglary;

S. 1521. A bill relating to the making of false or fictitious reports of the commission of criminal offenses in the District of Columbia, and for other purposes;

S. 1522. A bill to amend section 872 of the act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (District of Columbia Code, sec. 22–2001); and

S. 1523. A bill to amend the act of March 3, 1901, as amended, regarding the defense of insanity in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BIBLE (by request):

S. 1524. A bill authorizing arrests without a warrant in the District of Columbia in connection with certain misdemeanors, and for other purposes; to the Committee on the District of Columbia.

(See exhibit 1.)

Mr. BIBLE. Actually, the portion of the transmittal letter dealing with the gun control legislation has purposely been deleted because the desire of the junior Senator from Maryland is that he cover this area in his intended sponsorship of this subject.

In brief, the seven bills, as outgrowths of the District of Columbia omnibus crime bill of the 89th Congress would—

First. Amend the Mallory rule by requiring an accused's confession not to be ruled inadmissible solely because of delay in taking an arrested person before a committing magistrate in those instances where the accused is accorded the right to counsel, as well as the right against self-incrimination, as defined in the *Miranda* case, decided by the Supreme Court on June 13, 1966; and the delay, prior to the accused's being taken before a magistrate in any case where he has waived the assistance of counsel, does not exceed an aggregate period of 4 hours, exclusive of interruptions.

Second. Correct some of the weaknesses of the present District of Columbia insanity law by requiring an accused to give notice of his intention to plead an insanity defense and to further require a defendant to establish his insanity defense by a showing of substantial evidence in lieu of the present "some evidence" rule.

Third. Strengthen the material witness law by authorizing detention of a material and necessary witness with procedural safeguards insured for the benefit of the witness.

Fourth. Delineate the crime of robbery as a crime of violence, a deficiency of long standing in the District Criminal Code.

Fifth. Establish the crimes of burglary in the first and second degree, in lieu of the crime of housebreaking, and providing stiffer penalties for the breaking and entering of a dwelling or sleeping room, where the intention is to commit a criminal offense.

Sixth. Codify police department regulations relating to false or fictitious reports about criminal offenses, and to provide penalties.

Seventh. Strengthen the District indecent publications law.

Mr. President, the recommendations of the President's District of Columbia Crime Commission, introduced as eight separate legislative proposals, would—

First. Authorize the police to arrest without a warrant when they have probable cause to believe any of certain misdemeanors has been committed and that the accused, if not immediately arrested, will flee or cause injury to others, damage to property, or destruction of evidence.

Second. Make it unlawful to obstruct, delay, or prevent a criminal investigation prior to formal criminal court proceedings.

Third. Permit policemen to devote more time to crime prevention by permitting issuances of citations for later appearance under rules sanctioned by the court of general sessions.

Fourth. Strengthen the material witness law.

Fifth. Establish a Commission to review, modernize, and clarify existing provisions of the District Criminal Code.

Sixth. Eliminate an ambiguity in the Narcotic Addict Rehabilitation Act of 1966 making it specifically applicable to the District of Columbia Court of General Sessions.

Seventh. Provide that intoxicated persons are subject to arrest only if their conduct endangers the safety of other persons or property, permitting an alternative to current law treating all drunks as criminals.

Eighth. Pertain to five miscellaneous areas and facilitate effective supervision of persons conditionally released by the courts, transfer to the District Commissioners authority over treatment, rehabilitation and conditional release of Federal youth offenders, improve the work industries program to teach inmates of District penal institutions about jobs oriented to the outside market, require defendants intending to rely on insanity as a defense to provide notice of such intent, and increase witness fees for criminal trials in the Court of General Sessions.

Mr. President, the 16 bills I offer today then stand as the opening salvo in a renewed campaign against crime in the District of Columbia. More legislation, designed to combat not only crime but also its causes, is on the horizon. As has been said many times, a trip of a thousand miles begins with a single step, and I look upon this legislation as the first step forward of an advance that cannot and must not be stopped.

In conclusion, I ask unanimous consent to have printed as a part of my remarks a summary dealing with anti-crime activities of the Senate Committee on the District of Columbia over the years and more detailed explanations of the bills introduced today.

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

(See exhibit 2.)

EXHIBIT 1

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., March 1, 1967.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Acting Attorney General and the Board of Commissioners of the District of Columbia enclose for appropriate reference and Congressional consideration the proposed "District of Columbia Crime Reduction Act of 1967."

On February 27 the President pledged himself to take every possible step to make the Nation's Capital a "city in which our citizens and our friends from abroad can live and work, visit our great National monuments,

and enjoy our parks and walk our streets without fear."

Earlier, in July of 1965, he established the Commission on Crime in the District of Columbia to inquire into the causes of crime and recommend corrective measures. In December of 1966, after an exhaustive study, the Commission submitted a comprehensive analysis of the problem and recommended courses of action.

The enclosed measure embraces some of the recommendations of the President's Commission and the additional legislation to which the President referred in his message of February 27.

The bill has nine titles: I—Gun Control, II—Arrest Without Warrant, III—Obstruction of Criminal Investigations, IV—Citations, V—Material Witnesses, VI—Commission on Revision of Criminal Laws, VII—Narcotic Addict Rehabilitation, VIII—Intoxicated Persons and IX—Miscellaneous. The last title deals with the supervision of persons released pending trial or appeal, the treatment and parole of youthful offenders, Federal Prison Industries, the insanity defense and witness fees.

TITLE II—ARREST WITHOUT WARRANT

Title II of this proposal would authorize the police to arrest without a warrant when they have probable cause to believe that any of certain misdemeanors has been committed and that the accused, if not immediately arrested will flee or cause injury to others, damage to property, or destruction of evidence.

Under existing law, a police officer may arrest a person without a warrant when he has probable cause to believe such person has committed a felony or when such person has committed a felony or a misdemeanor in the officer's presence. The authority to arrest without a warrant also extends to cases in which there is probable cause to believe that one of a limited number of misdemeanors is being committed (section 23–306, D.C. Code). These misdemeanors include: possession of the implements of crime (section 22–3601), unlawful possession of a pistol (section 22–3203), carrying concealed weapons (section 22–3204), possession of prohibited weapons (section 22–3214), possession of lottery slips (section 22–1502), and certain offenses involving narcotics (sections 33–402(b) and 416a(c)).

This title would authorize a police officer to arrest a person without a warrant if he has probable cause to believe that the person has committed a simple assault, unlawful entry, receiving stolen goods, attempted housebreaking, attempted grand larceny, or attempted unauthorized use of a motor vehicle. In addition, the officer must have probable cause to believe that unless the suspect is arrested immediately he will not be apprehended or he may cause injury to others or damage to property or may destroy evidence.

Although the title speaks of conferring arrest authority only on officers and members of the Metropolitan Police force, it actually confers similar authority on officers and members of the Park Police (see section 4–201, D.C. Code) and the White House Police (see 3 U.S.C. 202).

TITLE III—OBSTRUCTION OF CRIMINAL INVESTIGATIONS

The existing law relating to obstruction of justice in the District of Columbia makes no provision with respect to the obstruction of an investigation prior to the institution of criminal court proceedings. Title III would make it unlawful to obstruct, delay, or prevent the communication by any person to an investigator of the District of Columbia government, including officers and members of the Metropolitan Police force, of information relating to a criminal offense even if proceedings are not pending in court.

TITLE IV—CITATIONS

At present the police are required to bring to the precinct for booking, all persons who are arrested and, except where collateral or bond is allowed to take them to a judicial officer. Title IV would authorize members of the Metropolitan Police Department to release a person, either without formally arresting him or after an arrest without a warrant, by issuing him a citation for later appearance. The citation could be issued either at the precinct after arrest or on the street without taking the accused into custody. The proposed release procedures would be governed by rules to be issued by the District of Columbia Court of General Sessions and would have judicial sanction. These rules would relate to the offenses for which citations may issue, as well as the circumstances and procedures pertaining to their use. Persons who fail to respond to citations would be subject to prescribed penalties.

To assist the police in implementing the proposed citation authority, the District of Columbia Bail Agency Act would be amended to authorize the agency to furnish them information concerning persons being considered for release on citation.

This proposal will permit policemen to devote a greater portion of their time to the most important tasks of crime prevention and detection, and less to feeding, housing, transporting and attending in court with arrested persons. Also, accused persons released on citation will no longer suffer the obvious disadvantages flowing from unnecessary incarceration in the time between their arrest and bail hearing.

TITLE V—MATERIAL WITNESSES

Present law fails to spell out directions for the police in taking material witnesses into custody. The only statutory provision on the subject is found in section 4–144 of the District of Columbia Code, which speaks only of the provision of suitable accommodations for the detention of witnesses who are unable to furnish security for their appearances in criminal proceedings.

Title V would amend this statute to authorize the police to take a person into custody pursuant to a warrant if there is probable cause to believe that the person witnessed the commission of a felony, his testimony will be material at the trial of a person charged with the crime, and he will not be available to testify if not taken into custody. The policeman may act without a warrant on the same grounds, if his action is taken at the scene of the crime. The officer would be required to bring the witness before a judicial officer immediately and the judicial officer is to treat the witness as required by the Bail Reform Act of 1966. That Act established procedures for judicial officers to determine whether persons taken into custody actually witnessed the commission of a felony and whether their testimony will be material. The Bail Reform Act provides for the release of such persons pending trial or detention pending depositions, as well as for penalties for wilful failure to appear after release.

The title also provides compensation for material witnesses equivalent to that for witnesses attending before the United States District Court for the District of Columbia.

TITLE VI—COMMISSION ON REVISION OF THE CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

The President's Comission on Crime in the District of Columbia strongly urged that the Congress establish and actively support a Commission to review, modernize, and clarify existing provisions of the District's criminal code.

To illustrate the substantial deficiencies in existing criminal statutes in the District of Columbia, the Crime Commission pointed out that the code now in effect dates back to 1901, that many provisions are archaic, and that it often lacks clarity. Many provisions were found to be confusing and inconsistent.

The President, recognizing that the District requires "a coherent and consistent framework for the arrest and punishment of offenders and control of crime", has proposed an eleven-man Commission to do what is necessary. Two of the members would be Senators appointed by the President of the Senate and two would be Representatives appointed by the Speaker of the House of Representatives. Four members would be appointed by the Board of Commissioners of the District of Columbia, one of whom the Board would designate as Chairman. The chief judges of the United States Court of Appeals, the United States District Court, and the Court of General Sessions would appoint one judge each from among the judges of their respective courts. An Advisory Committee would assist the new Commission in the performance of its duties.

The Commision's functions, generally stated, will be to review case and statutory law and to recommend to the Congress a revised code of criminal law and procedure for the District, including such changes in the penalty structure as will better serve the ends of justice.

The measure provides for the Commission to submit a final report to the Congress and to the Commissioners in three years, with at least one interim report within two years.

TITLE VII—NARCOTIC ADDICT REHABILITATION

The 89th Congress, in enacting the Narcotic Addict Rehabilitation Act of 1966, declared it to be the policy of the Congress that certain persons charged with or convicted of criminal activity, who are determined to be narcotic drug addicts and likely to be rehabilitated should, in place of prosecution or sentencing, be committed for confinement and treatment designed to effect their return to society as useful members.

Unfortunately, the 1966 enactment is not clear on the question of whether it may be applied in the Court of General Sessions. Title VII of the enclosed proposal will eliminate this ambiguity, making it clear that the 1966 Act applies to all offenders prosecuted by the United States Attorney, whether in the Court of General Sessions or the District Court.

VIII—INTOXICATED PERSONS

Title VIII would amend the District of Columbia Alcoholic Beverage Control Act to provide that intoxicated persons are subject to arrest only if they conduct themselves in a manner which endangers the safety of other persons or property. Intoxicated persons who do not act in such a manner may be taken into custody by law enforcement officers or public health officials and detained until sober in a facility staffed and equipped to provide appropriate medical services. Records will be maintained concerning each person taken into protective custody but such custody will not be recorded or regarded as an arrest.

This title offers a meaningful alternative to the present law which treats all drunks as criminals and burdens our police and our courts without benefit to the public or the drunks.

TITLE IX—MISCELLANEOUS PROVISIONS
SUPERVISED RELEASE

Section 901 is designed to facilitate effective supervision of persons conditionally released by the courts. At present there is a substantial void with respect to the supervision of persons released by the courts either in advance of their trials or pending appeal. This section will allow the Commissioners to designate the Department of Corrections to supervise such persons. It will also authorize the District of Columbia Bail Agency to make available to the Commissioners or their representatives investigative

reports with respect to persons to be released under their supervision.

SUPERVISED RELEASE OF YOUTH OFFENDERS

Section 902 would transfer the authority to provide for the treatment, rehabilitation, and conditional release of Federal youth offenders who are in institutions of the District of Columbia from the United States Bureau of Prisons and the Youth Corrections Division of the United States Board of Parole to the Board of Commissioners of the District of Columbia. The Board of Commissioners under the authority vested in it by Reorganization Plan No. 5 of 1952 (66 Stat. 824) would delegate responsibility for administering the youth correction program to the Director of the Department of Corrections, and responsibility for release or discharge to the District of Columbia Board of Parole, in accordance with the recommendation of the District of Columbia Crime Commission.

Under existing law, an offender who is sentenced under the provisions of the Federal Youth Corrections Act and committed to a District of Columbia institution, is under the supervision of District authorities while in the institution but under the supervision of the Youth Corrections Division of the United States Board of Parole for purposes of conditional release. After release, he is supervised by the United States Probation Service. Section 902 will place such youth offenders under the supervision of the Department of Corrections while committed and after release. Hence, local authorities will have a continuing jurisdiction over such offenders, permitting of the maintenance of a continuity of treatment which should bring about more effective results.

FEDERAL PRISON INDUSTRIES

The Crime Commission reported that the work program in the District is currently directed towards providing inmates with a job inside the institution, rather than preparing him for opportunities which will be available to him on release. To rectify this, the Commission recommended that the District of Columbia contract with Federal Prison Industries for the reorganization and future operation of its industries program.

This government corporation, organized in 1934, provides training and employment oriented to the outside market. Its operations involve, among others, electronic repair; the manufacture of clothing, furniture, textiles, tools and machinery; furniture repair; and printing. Training is also available in business, management, and clerical skills. Various Federal departments and agencies purchase the goods produced. Federal Prison Industries has the technical competence, the financial resources, and the established relationship with industry and government to assist in the development of a model industries system for the District of Columbia. Section 903 would effectuate this recommendation.

PLEADING INSANITY—ESCAPE OF MENTALLY ILL

Section 904 would require defendants in the District of Columbia who intend to rely on insanity as a defense to provide adequate notice of such intent to the court and the prosecution. Usually the prosecution becomes aware that a defendant intends to rely on the insanity defense when he files a pretrial motion for a psychiatric examination. In some instances, however, there is no advance notice—as in the case of the defendant who is on bail and is examined by his own psychiatrist. When this happens, the prosecution may be unprepared to meet its burden and must seek a continuance in mid-trial. Since it is generally impossible to obtain a continuance of sufficient length to permit adequate psychiatric diagnosis, the prosecution can be left without any psychiatric evidence. If a continuance is granted, further court congestion results and witnesses and others involved in the matter are seriously inconvenienced.

Section 904 also contains a provision which would enable courts in the District of Columbia to order the return of persons who escape from District mental institutional after confinement in connection with the prosecution of criminal charges. At present there is some doubt as to the authority of the Court of General Sessions to order such a return, and there is considerable doubt as to the authority of any court to order a return when the escapee has been acquitted by reason of insanity and no charges against him remain outstanding. Both provisions of this section are in accord with recommendations of the District of Columbia Crime Commission.

WITNESS FEES AND TRAVEL ALLOWANCES

Section 905 would amend section 15–714(a) of the District of Columbia Code to increase the present daily witness fee for attendance at criminal cases in the District of Columbia Court of General Sessions and to provide travel allowances for such witnesses. The existing witness fee of 75 cents per day in criminal cases in the District of Columbia Court of General Sessions is too low. The section provides for the payment of fees and travel allowances equivalent to those paid to witnesses who appear before the United States District Court for the District of Columbia, which is presently four dollars a day.

CONCLUSION

There should be no illusions about the significance of enacting these legislative proposals. They are important and necessary. However, as the report of the President's Commission makes clear, and as the President himself detailed in his Message, if the streets and homes in the District of Columbia are to be made more secure there must be a greater commitment of our resources to the improvement of our police, courts, and correctional agencies. The President has restated his view that "public order is the first business of government". He has urged the Congress to provide the funds and necessary legislation. He has urged the courts, the executive agencies and the administrators to improve their procedures. As he stated, "failure on any front in this war weakens the efforts on all the others. Every course must be pursued. We must not fail."

Sincerely yours,

RAMSEY CLARK,
Acting Attorney General.
WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

EXHIBIT 2

SUMMARY OF ANTI-CRIME ACTIVITY AND EXPLANATION OF 16 DISTRICT OF COLUMBIA CRIME BILLS

(Placed in CONGRESSIONAL RECORD by Senator ALAN BIBLE, Democrat of Nevada, chairman of Senate Committee on District of Columbia, upon introduction of 16 District of Columbia anticrime bills)

During the 87th, 88th and 89th Congresses, the upsurge in crime in the District of Columbia was the foremost problem considered by the Senate Committee on the District of Columbia. An in-depth examination of the need for strengthening the District of Columbia Criminal Justice Code was made by the Committee, spanning the three Congresses. In that time, the Committee conducted 29 days of hearings and received testimony from 122 witnesses. This activity culminated in Congressional passage last year of the omnibus crime bill (H.R. 5688) subsequently vetoed by the President.

That crime bill, as it passed the 89th Congress, would have amended the Mallory rule relating to the admissibility of confessions; and the Durham rule concerning insanity defenses. It would have rewritten the material witness statute. Other provisions would have allowed for a period of 4 hours the detention of persons by the police on the grounds of probable cause. At the end of such period, the police would either have to release or charge the person so detained.

In addition, that crime bill would have increased minimum penalties for crimes of violence and also where guns and other dangerous weapons are used in the commission of a crime. Finally, the bill would have made several other desirable modifications in the Indecent Publications Law of the District of Columbia.

Although the omnibus crime bill was important legislation enacted by the 89th Congress to help curb crime, it was by no means the only action taken by the Congress during the last several years toward improving law enforcement in the District of Columbia. Congress enacted legislation increasing the number of judges in the Court of General Sessions from 15 to 20, and the number of Juvenile Court judges from 1 to 3. This additional judicial manpower was critically needed to bring about some semblance of orderliness to their greatly congested criminal and civil calendars. Implicit in this authorization for more judges was the recognition by Congress that a strong deterrent to crime is nurtured by facilities that provide speedy trials and mete out firm and fair punishment to defendants upon conviction.

In searching for ways to improve law enforcement in the District, our District Committee gave careful study to the organization and problems of the Metropolitan Police Department. It was concluded that the police force was undermanned and, for this reason, as far back as the 87th Congress, legislation was authorized increasing the minimum force of the Metropolitan Police Department from 2,500 officers and members to 3,000.

As part of the legislation to upgrade the Police Department and to man the force with well qualified and competent personnel, the Congress has acted to provide the officers and members of the Metropolitan Police Force with liberal pay and retirement benefits. Since 1962, officers and members of the police force have received three salary increases totaling about 30 percent. Incoming policemen now receive a starting salary of $6,700 per year. This is the highest in the Washington metropolitan area and ranks ninth among the largest 21 cities in the country for the highest salary schedules paid today.

Even with these liberal benefits, the District as of this date has been unable to recruit sufficient qualified police officers to maintain the minimum authorized strength of 3,000 members. As of February 1, 1967, the Department was approximately 300 members short of the 3,100 authorized minimum level.

To correct this deficiency, the President has recommended an increase in the salaries of the Police Department, to be applied principally in the lowest ranks as an aid to recruitment of policemen of high quality. In line with this recommendation, Committee consideration is anticipated this session on proposals of the District Commissioners that would raise starting salaries for police privates from $6,700 to $7,500, and provide other recruiting inducements.

Congress has moved additionally to strengthen law enforcement in the District of Columbia. It has authorized a 200-member Tactical Squad that is employed during periods and areas where crimes of violence are at their peak. Premium pay for holidays and overtime has been approved. The number of police cars has been increased from 44 to a total of 108 since 1965, and foot patrolmen have been equipped with two-way radios.

To make the Police Department more efficient, money has been appropriated for a computer system and for a police television network. Money has been appropriated for preliminary studies and plans for police training facilities; and funds are being sought in the 1968 budget for completion of plans and construction money. In addition,

as part of the streamlining of the Metropolitan Police, assignments of police officers to clerical, administrative, and technical duties are being reviewed with a view to their possible reassignment.

To aid District police in combatting crime, legislation was enacted to make it mandatory for physicians and hospitals to report gunshot wounds and instances of child abuse and, as an aid to rehabilitation of persons convicted, legislation was passed to authorize the Board of Parole to discharge parolees from supervision prior to expiration of the maximum terms where there is no further need for supervision.

As another aid in the fight against crime, Congress last year amended the minimum wage laws of the District to include men for the first time, and to increase the general wage level, thereby providing decent wages as an alternative to a life of crime.

Mr. President, the first of the 16 bills offered today endeavors to modify the Mallory rule. Lengthy crime hearings held by the District Committee in connection with law enforcement problems points up that the existing Mallory rule is frustrating and most troublesome for police officers in discharging their day-to-day duties. On the basis of the Mallory holding, voluntary and uncoerced admissions and confessions are ruled inadmissible at trial.

The United States Attorney for the District of Columbia provided cases to the Committee showing that voluntary and uncoerced confessions have been ruled inadmissible where there has been delay of less than 15 minutes in bringing an accused before a committing magistrate. Other examples were presented to the Committee showing that lesser pleas of guilty are condoned continually by the prosecuting arm of the District because of the legal interpretation of the Mallory decision. Furthermore, of even greater concern are those cases where defendants involved in the commission of the most heinous type of crimes escape prosecution altogether, due to voluntary and uncoerced statements being ruled inadmissible.

I know that many of us are confused and troubled by such procedure. As a legislator, I find it difficult to comprehend this system of justice. I can assure you that it is equally disturbing for our many citizens who are very much concerned and troubled by the fact that hardened criminals escape prosecution and punishment on the basis of such frivolous legal principles.

It seems to me that we have become so obsessed with uncovering new rights and safeguards for the criminal that we have unbalanced the scales of justice, and find ourselves in the unenviable position of losing control of the crime and violence that are running rampant in our cities.

It seems reasonable to me, before the situation deteriorates further, that we must seek out new procedures and techniques that will deny immunity to the criminal on frivolous and essentially non-prejudicial grounds, but still provide him with the basic rights guaranteed him under the Constitution. I think it is high time that Congress again accepts its responsibility to deal with this problem in a forthright manner. Experience to date has taught us, if nothing else, that the decisions of the courts are too inexact to deal with this problem. What is needed is statutory language that will set forth in clear and positive terms the guidelines that will control and assist police officers once they have taken a defendant into custody. It is only through such precise legislation that we are going to remove the great aura of uncertainty that now exists in connection with police and the procedures they are expected to follow up to the time the defendant is presented before a committing magistrate.

This legislation that I propose today strives to deal forthrightly with the admissibility of confessions in criminal proceedings.

Under this bill, an accused's confession will not be ruled inadmissible solely because of delay in taking an arrested person before a committing magistrate in those instances where

(1) the accused is accorded the right to counsel, as well as the right against self-incrimination, as defined in the Miranda case decided by the Supreme Court on June 13, 1966, and

(2) the delay, prior to the accused's being taken before a magistrate in any case where he has waived the assistance of counsel, does not exceed an aggregate period of 4 hours, exclusive of interruptions.

In my view, this bill establishes clear and positive guidelines that will clearly identify for police officers the procedures that they can legally utilize once a person is arrested or taken into police custody.

The procedure that I have outlined will accomplish what Attorney General Ramsey Clark, then Deputy Attorney General of the United States, had in mind when he testified before the Senate District Committee with regard to crime legislation during the 89th Congress. At that time, he stated:

"I am convinced that our system of government can devise procedures which will at once permit reasonable police interrogation of suspects while fully protecting their constitutional rights. Moreover, if this committee develops rules which meet the practicalities of modern-day, big city law enforcement, and which are clear and understandable, the police can fairly be expected to assume responsibility for their observance. Where they fail the courts will review."

I am gratified that the report of the President's Commission on Crime in the District of Columbia proposed a change in the Mallory rule. Such change would be bottomed on a reasonable time period concept for specific police activities, including questioning, prior to presenting an accused before a committing magistrate. In addition, the Commission's proposal would require strict conformity with the Miranda decision.

From the extensive study that the Senate District Committee has made of crime in the District over the span of the past three Congresses, I am not at all surprised that the Commission would recommend some change in post-arrest procedures to be followed by police officers. However, I view with some misgivings the Commission's recommendation of a "reasonable time" period for delay in lieu of a fixed time period, i.e., 4 hours, or some other definite period of time.

The test based on reasonableness could lead to problems similar possibly to those that the District has experienced in interpreting unnecessary delay as set forth in existing Rule 5(a) of the Federal Rules of Criminal Procedure. A reasonable time period is incapable of being given an exact definition. A police officer on the scene might construe a reasonable period as one thing, while a court of law, working from a cold record, might find it entirely different. It would appear to me that if police officers are to do their job in an effective manner, it is incumbent upon the Congress to provide procedures which are in large measure exact and leave little, if any, doubt as to the activities which may legally be pursued by law enforcement officers. In my opinion, the legislation to deal with the Mallory problem, as I have proposed it today, would appear to meet this requirement.

The legislation is essentially identical to the final version that passed both Houses in the 89th Congress as part of the omnibus crime bill, except that it would permit 4 hours rather than 6 hours of questioning of those persons who elect to waive their rights to counsel. It should be made clear at this point in my remarks that my legislative proposal of today follows the dictates of the Miranda decision. In fact, this bill accords an accused the right to counsel as well as the right against self-incrimination. For this reason, this particular bill will provide greater safeguards to an accused than the proposed amendment to the Mallory rule that was included in H.R. 5688 as the Senate initially approved it in the 89th Congress.

In this originally-approved version, the Mallory amendment was contained in Title I, under which police officers would have been authorized an interrogation period up to 3 hours. Such period would not have been defined as "unnecessary delay" within the meaning of Rule 5(a) of the Federal Rules of Criminal Procedure, and the interpretation of such rule under the Mallory decision. Further, Title I provided for suspects to be advised regarding their right to remain silent and their right to talk to counsel or relatives or friends; but nothing was said as to the actual assignment of counsel. Questioning was, when possible, to be witnessed by someone other than a law enforcement official or transcribed or recorded.

It should be borne in mind that the omnibus crime bill, as it was finally enacted in the 89th Congress, was criticized by many individuals and organizations in the District because of Title III which was included as a part of the same measure. That particular title would have permitted police officers to detain a person who is taken into custody for a period of 4 hours and at the conclusion thereof either to release or to charge him with a crime. Title III had the effect of broadening the law of arrest in the District of Columbia, particularly as it related to misdemeanor offenses.

It is my view that the inclusion of such language as Title III only complicates the problem associated with the enactment of corrective crime legislation for the District of Columbia. In large measure, such a provision is duplicitous of legislative procedures designated to deal with the Mallory rule.

I believe persons who are conversant with law enforcement, and particularly with the procedures of arrest and detention, would agree generally that there should be only one procedure for detaining a person when an arrest or custody has been maintained by police officers. Any attempt to do otherwise could cause confusion among the officers who utilize the procedure. Such would tend to defeat the basic purpose of delineating specific and well-defined guidelines for police officers. With this in mind, I would hope the Congress could enact remedial Mallory legislation without concurrently approving a confusing provision similar to that set forth in Title III of the omnibus crime bill, 89th Congress.

A second bill I am introducing will correct weaknesses in our present criminal insanity law.

During hearings that the Senate District Committee held on the insanity problem, it was well established that a requirement exists to eliminate insanity pleas that are frivolous and without merit. For this reason, and in order to improve criminal justice in the District, I am proposing to require an accused to give notice of his intention to plead an insanity defense and, in addition, to require a defendant to establish his insanity defense by showing of substantial evidence, in lieu of the "some evidence" rule as it now exists in the District of Columbia.

A third bill I am introducing would strengthen the material witness statute for the District of Columbia. Under this proposal, members of the Metropolitan Police force would be authorized to detain a material and necessary witness to the commission of a crime punishable by imprisonment for one year or more, where there is reasonable ground to believe that such person will not be available to testify at the trial of the person charged with the criminal offense. Included are various procedural safeguards for the witness, and a provision to insure such witness will be available at time of trial.

The fourth bill offered today delineates the crime of robbery as a crime of violence within the meaning of section 22–3201 of the D.C. Code. Once enacted into law, a deficiency of long standing in the District Criminal Code will be corrected.

In the hope of deterring nighttime housebreaking, my fifth bill would establish the crime of burglary in the first and second degrees, in lieu of the crime of housebreaking. Under this amendatory proposal, burglary in the first degree would be defined as the breaking and entering, or entering without breaking, of any dwelling or room used as a sleeping apartment, with the intent to take property or commit a criminal offense. The punishment for burglary in the first degree would be not less than 2 years nor more than 20 years.

Burglary in the second degree would be defined as the breaking and entering, or entering without breaking, into other premises. The penalty for this offense would be imprisonment for not less than 1 nor more than 15 years.

The sixth bill would codify provisions of Metropolitan Police Department regulations relating to the offense of making or causing to be made, false or fictitious reports regarding criminal offenses or other matters within the purview of the Metropolitan Police Department, with knowledge that such report is false or fictitious. Penalties provide a fine not exceeding $300 or imprisonment not exceeding 30 days. The District Code presently makes it a criminal offense to make a false report to the District fire department.

My seventh bill would amend the Indecent Publications law in the District of Columbia. It would enlarge the substantive obscenity law by making it a criminal offense for a person to produce or participate in the production of indecent publications and other materials with knowledge that the same is to be sold, exhibited, or given away.

This bill does not contain civil, injunctive powers similar to those that were contained in the omnibus crime bill of the 89th Congress. These particular injunctive powers were criticized in the presidential veto message for the reason that they would restrain the production and dissemination of publications without the persons involved having a hearing on the merits.

The bill to increase salaries for recruits and veteran privates in the Metropolitan Police Department is designed to help alleviate the serious manpower shortage. Entrance salaries would be increased from $6,700 to $7,500, with proportionate increases for the other service steps for private. A pay increase for police privates, as the President pointed out in his message, should aid in recruiting policemen of high quality. Recruiting inducements are provided for new men such as payment of transportation expenses to the District for interviews, a resettlement cash allowance and a 90-day per diem allowance. A rank of master patrolman is suggested with salary incentives for policemen who complete certain college work. This was a recommendation of the International Association of Chiefs of Police.

The President, in his message of February 27, 1967, to the Congress, pledged himself to take every possible step to make the Nation's Capital a "city in which our citizens and our friends from abroad can live and work, visit our great national monuments, and enjoy our parks and walk our streets without fear." In his message to the Congress, the President presented a comprehensive program for war on crime that included many recommended corrective measures that had been submitted to the President by the D.C. Crime Commission following the Commission's extended study and analysis of the causes of crime in the District of Columbia.

I am pleased that the President has again pledged his best efforts in this fight against crime. If we are to control the evils of crime, the Congress, the Executive and the Judicial branches must work together closely.

There was released in December, 1966 the eagerly awaited Report of the District of Columbia Crime Commission appointed by President Johnson. The Commission's comprehensive, in-depth study of crime in the Nation's Capital contains many proposals for attacking crime and the sociological background that nurtures crime in Washington. The Commission's proposals will require detailed study and analysis, which the Committee will undertake during this Congress with a view toward providing long-range remedies for these ills.

Detailed explanations of the eight separate bills, originating from the recommendations of the President's District of Columbia Crime Commission, follow:

First: The "arrest without warrant" bill would authorize the police to arrest without a warrant when they have probable cause to believe that any of certain misdemeanors has been committed and that the accused, if not immediately arrested will flee or cause injury to others, damage to property, or destruction of evidence.

Under existing law, a police officer may arrest a person without a warrant when he has probable cause to believe such person has committed a felony or when such person has committed a felony or a misdemeanor in the officer's presence. The authority to arrest without a warrant also extends to cases in which there is probable cause to believe that one of a limited number of misdemeanors is being committed (section 23–306, D.C. Code). These misdemeanors include: possession of the implements of crime (section 22–3601), unlawful possession of a pistol (section 22–3203), carrying concealed weapons (section 22–3204), possession of prohibited weapons (section 22–3214), possession of lottery slips (section 22–1502), and certain offenses involving narcotics (sections 33–402(b) and 416a(c)).

This bill would authorize a police officer to arrest a person without a warrant if he has probable cause to believe that the person has committed a simple assault, unlawful entry, receiving stolen goods, attempted housebreaking, attempted grand larceny, or attempted unauthorized use of a motor vehicle. In addition, the officer must have probable cause to believe that unless the suspect is arrested immediately he will not be apprehended or he may cause injury to others or damage to property or may destroy evidence.

Although the bill speaks of conferring arrest authority only on officers and members of the Metropolitan Police force, it actually confers similar authority on officers and members of the Park Police (see section 4–201, D.C. Code) and the White House Police (see 3 U.S.C. 202).

Second: The "obstruction of criminal investigations" bill would amend existing law relating to obstruction of justice in the District of Columbia. Present law makes no provision with respect to the obstruction of an investigation prior to the institution of criminal court proceedings. The bill would make it unlawful to obstruct, delay, or prevent the communication by any person to an investigator of the District of Columbia government, including officers and members of the Metropolitan Police force, of information relating to a criminal offense, even if proceedings are not pending in court.

Third: This bill would authorize members of the Metropolitan Police Department to release a person, either without formally arresting him or after an arrest without a warrant, by issuing him a citation for later appearance. At present the police are required to bring to the precinct for booking all persons who are arrested and, except where collateral or bond is allowed, to take them to a judicial officer. The citation could be issued either at the precinct after arrest or on the street without taking the accused into custody. The proposed release procedures would be governed by rules to be issued by the District of Columbia Court of General Sessions and would have judicial sanction. These rules would relate to the offenses for which citations may issue as well as the circumstances and procedures pertaining to their use. Persons who fail to respond to citations would be subject to prescribed penalties.

To assist the police in implementing the proposed citation authority, the District of Columbia Bail Agency Act would be amended to authorize the agency to furnish them information concerning persons being considered for release on citation.

This proposal will permit policemen to devote a greater portion of their time to the most important tasks of crime prevention and detection, and less to feeding, housing, transporting, and attending in court with arrested persons. Also, accused persons released on citation will no longer suffer the obvious disadvantages flowing from unnecessary incarceration in the time between their arrest and bail hearing.

Fourth: This bill deals with the problem of material witnesses. Present law fails to spell out directions for the police in taking material witnesses into custody. The only statutory provision on the subject is found in section 4–144 of the District of Columbia Code, which speaks only of the provision of suitable accommodations for the detention of witnesses who are unable to furnish security for their appearances in criminal proceedings.

This bill would amend this statute to authorize the police to take a person into custody pursuant to a warrant if there is probable cause to believe that the person witnessed the commission of a felony, his testimony will be material at the trial of a person charged with the crime, and he will not be available to testify if not taken into custody. The policeman may act without a warrant on the same grounds, if his action is taken at the scene of the crime. The officer would be required to bring the witness before a judicial officer immediately and the judicial officer is to treat the witness as required by the Bail Reform Act of 1966. That Act established procedures for judicial officers to determine whether persons taken into custody actually witnessed the commission of a felony and whether their testimony will be material. The Bail Reform Act provides for the release of such persons pending trial or detention pending depositions, as well as for penalties for willful failure to appear after release.

The bill also provides compensation for material witnesses equivalent to that for witnesses attending before the United States District Court for the District of Columbia.

Fifth: A Commission on Revision of the Criminal Laws of the District of Columbia would be established by this bill. The President's Commission on Crime in the District of Columbia strongly urged that the Congress establish and actively support a Commission to review, modernize, and clarify existing provisions of the District's criminal code.

To illustrate the substantial deficiencies in existing criminal statutes in the District of Columbia, the Crime Commission pointed out that the code now in effect dates back to 1901, that many provisions are archaic, and that it often lacks clarity. Many provisions were found to be confusing and inconsistent.

The President, recognizing that the District requires "a coherent and consistent framework for the arrest and punishment of offenders and control of crime", has proposed an eleven-man Commission to do what is necessary. Two of the members would be Senators appointed by the President of the Senate, and two would be Representatives appointed by the Speaker of the House of Representatives. Four members would be appointed by the Board of Commissioners of the District of Columbia, one of whom the

Board would designate as Chairman. The chief judges of the United States District Court, and the Court of General Sessions would appoint one judge each from among the judges of their respective courts. An Advisory Committee would assist the new Commission in the performance of its duties.

The Commission's functions, generally stated, will be to review case and statutory law and to recommend to the Congress a revised code of criminal law and procedure for the District, including such changes in the penalty structure as will better serve the ends of justice.

The measure provides for the Commission to submit a final report to the Congress and to the Commissioners in three years, with at least one interim report within two years.

Sixth: This bill would treat the subject of narcotic addict rehabilitation in the District. The 89th Congress, in enacting the Narcotic Addict Rehabilitation Act of 1966, declared it to be the policy of the Congress that certain persons charged with or convicted of criminal activity, who are determined to be narcotic drug addicts and likely to be rehabilitated should, in place of prosecution or sentencing, be committed for confinement and treatment designed to effect their return to society as useful members.

Unfortunately, the 1966 enactment is not clear on the question of whether it may be applied in the Court of General Sessions. This bill will eliminate this ambiguity, making it clear that the 1966 Act applies to all offenders prosecuted by the United States Attorney, whether in the Court of General Sessions or the U.S. District Court.

Seventh: This bill would amend the District of Columbia Alcoholic Beverage Control Act to provide that intoxicated persons are subject to arrest only if they conduct themselves in a manner which endangers the safety of other persons or property. Intoxicated persons who do not act in such a manner may be taken into custody by law enforcement officers or public health officials and detained until sober in a facility staffed and equipped to provide appropriate medical services. Records will be maintained concerning each person taken into protective custody, but such custody will not be recorded or regarded as an arrest.

Such bill offers a meaningful alternative to the present law which treats all drunks as criminals and burdens our police and our courts without benefit to the public or the drunks.

Eighth: The final bill deals with five miscellaneous anti-crime provisions.

Supervised Release: The Supervised Release provision of this bill is designed to facilitate effective supervision of persons conditionally released by the courts. At present there is a substantial void with respect to the supervision of persons released by the courts either in advance of their trials or pending appeal. This provision will allow the Commissioners to designate the Department of Corrections to supervise such persons. It will also authorize the District of Columbia Bail Agency to make available to the Commissioners or their representatives investigative reports with respect to persons to be released under their supervision.

Supervised Release of Youth Offenders: This Youth Offenders provision of the bill would transfer the authority to provide for the treatment, rehabilitation, and conditional release of Federal youth offenders who are in institutions of the District of Columbia from the United States Bureau of Prisons and the Youth Corrections Division of the United States Board of Parole to the Board of Commissioners of the District of Columbia. The Board of Commissioners under the authority vested in it by Reorganization Plan No. 5 of 1952 (66 Stat. 824) would delegate responsibility for administering the youth correction program to the Director of the Department of Corrections, and responsibility for release or discharge to the District of Columbia Board of Parole, in accordance with the recommendation of the District of Columbia Crime Commission.

Under existing law, an offender who is sentenced under the provisions of the Federal Youth Corrections Act and committed to a District of Columbia institution, is under the supervision of District authorities while in the institution, but under the supervision of the Youth Corrections Division of the United States Board of Parole for purposes of conditional release. After release, he is supervised by the United States Probation Service. This provision will place such youth offenders under the supervision of the Department of Corrections while committed and after release. Hence, local authorities will have a continuing jurisdiction over such offenders, permitting of the maintenance of a continuity of treatment which should bring about more effective results.

Federal Prison Industries: The Crime Commission reported that the work program in the District is currently directed toward providing inmates with a job inside the institution, rather than preparing him for opportunities which will be available to him on release. To rectify this, the Commission recommended that the District of Columbia contract with Federal Prison Industries for the reorganization and future operation of its industries program.

This government corporation, organized in 1934, provides training and employment oriented to the outside market. Its operations involve, among others, electronic repair; the manufacture of clothing, furniture, textiles, tools and machinery; furniture repair, and printing. Training is also available in business, management, and clerical skills. Various Federal departments and agencies purchase the goods produced. Federal Prison Industries has the technical competence, the financial resources, and the established relationship with industry and government to assist in the development of a model industries system for the District of Columbia. The bill would effectuate this recommendation.

Pleading Insanity—Escape of Mentally Ill: This provision would require defendants in the District of Columbia who intend to rely on insanity as a defense to provide adequate notice of such intent to the court and the prosecution. Usually, the prosecution becomes aware that a defendant intends to rely on the insanity defense when he files a pretrial motion for a psychiatric examination. In some instances, however, there is no advance notice—as in the case of the defendant who is on bail and is examined by his own psychiatrist. When this happens, the prosecution may be unprepared to meet its burden and must seek a continuance in midtrial. Since it is generally impossible to obtain a continuance of sufficient length to permit adequate psychiatric diagnosis, the prosecution can be left without any psychiatric evidence. If a continuance is granted, further court congestion results and witnesses and others involved in the matter are seriously inconvenienced.

This proposal would enable courts in the District of Columbia to order the return of persons who escape from District mental institutions after confinement in connection with the prosecution of criminal charges. At present there is some doubt as to the authority of the Court of General Sessions to order such a return. Consequently, there is considerable doubt as to the authority of any court to order a return when the escapee has been acquitted by reason of insanity and no charges against him remain outstanding.

Witness Fees and Travel Allowances: This provision would amend section 15–714(a) of the District of Columbia Code to increase the present daily witness fee for attendance at criminal cases in the District of Columbia Court of General Sessions and to provide travel allowances for such witnesses. The existing witness fee of 75 cents per day in criminal cases in the District of Columbia Court of General Sessions is too low. This provision provides for the payment of fees and travel allowances equivalent to those paid to witnesses who appear before the United States District Court for the District of Columbia, which is presently four dollars a day.

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

Mr. BIBLE. I yield to the majority leader.

SENATOR BIBLE—CONGRESS' MOST EFFECTIVE CRIME FIGHTER

Mr. MANSFIELD. Mr. President, Senator BIBLE has one of the Senate's most illustrious records as a crime fighter, both during his 13 years in the Senate and his earlier public life. He began that career as a young prosecuting attorney in Virginia City, Nev. His capabilities were recognized when he was appointed deputy attorney general and elected attorney general of the State of Nevada, serving in the latter post for 8 years. His stature as a crime fighter was recognized across the Nation in 1949 when he became the youngest attorney general in the United States ever elected as president of the National Association of Attorneys General.

Since coming to the Senate 13 years ago, Senator BIBLE has been in the forefront in his quiet but effective actions to curb the onslaught of crime both nationally and locally. As chairman of the Senate District of Columbia Committee, a position which he has never sought but to which he has unanimously been asked by his colleagues to assume, he has worked against tremendous odds to curb crime. During the 87th, 88th, and 89th Congresses, no single subject received greater attention by his committee than crime and its root causes. He conducted more than 30 full days of hearings, and listened to more than 125 witnesses on various pieces of legislation.

Legislation to curb crime in the Nation's Capital which Senator BIBLE's committee handled in the Senate in the 87th Congress included: First, an increase in the number of juvenile court judges; second, a boost in the authorized strength of the Metropolitan Police Department to 3,000 men, with Washington today having more policemen per 1,000 population than any other city in the country; and third, an increase in salary, retirement, and disability benefits for policemen. In the 88th Congress, his committee hearings resulted in an eight-point anticrime program to improve police facilities; overtime and holiday pay increases for policemen; and work on an overall improvement of the District of Columbia criminal justice code. In the 89th Congress, his committee: First, cleared the District of Columbia omnibus crime bill, the most ambitious effort to update District of Columbia criminal laws in a quarter of a century; second, increased from 15 to 20 the number of judges in the District of Columbia general sessions court; third, again increased pay benefits, bringing about a 30½-percent salary increase for policemen in 6 years; fourth, cleared an improved minimum wage law to strike at one of the

roots of crime; and fifth, passed improved laws concerning child abuse, parolee discharges and gunshot wound reporting.

Mr. President, the Senate and the Nation owe to the distinguished senior Senator from Nevada a debt of gratitude.

Mr. BIBLE. I thank the distinguished majority leader. I now yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I join with the distinguished Senator from Montana in complimenting the chairman of our committee on his efforts to do something about the crime problem in the District of Columbia. I know of the tremendous effort Senator BIBLE put in on the omnibus crime bill which passed the Senate last year, and the long hours he and many of the rest of us spent in conference, trying to work out an acceptable bill with the House conferees.

We finally, after a long effort, obtained the first bill in history, or in a very long time, dealing with crime in the District of Columbia. Then the President vetoed it apparently on the suspicion that the bill might have some unconstitutional features, instead of letting it be tested in the courts. Not only was the veto a great disappointment, but I do not believe that veto on such a basis is a proper function of the President.

Today, I join as cosponsor of 15 of the 16 measures introduced by the distinguished Senator from Nevada. All of us in this Chamber are increasingly aware of the public concern with rising crime rates throughout the United States. The increasing rates complicated by enforcement problems flowing from recent Supreme Court decisions are causing more and more citizens to inquire, and justly so, "What is Congress doing to stem rising crime and protect the rights of individuals and society in a balanced and orderly manner?"

The distinguished Senator from Nevada has ably presented current statistics on the subject; more detailed historical figures are available in the appropriate Senate, House and conference reports to the omnibus crime bill of the 89th Congress. I wish only to state at this point my alarm that the District of Columbia's crime rate increase in 1966 again surpassed that of the Nation, the District's rate increase being 15 percent as compared to 11 percent for the Nation. Of even more significance is the fact that crimes of violence in the District soared upward 23 percent over 1965. In fact, the crime rate in the District has been steadily climbing since 1957.

As the Nation's Capital, this should be a showplace of law and order, a city to which others may proudly point as an example not of the highest crime rates in the country, not of the unsafe streets at night, but of the objectives they seek to attain. Let those who speak of model cities in our great States first be able to present a model city as the Nation's Capital. As you know, Mr. President, I favor home rule for the District. However, until such time as we have home rule, Congress has the responsibility to do everything in its power to stem crime in this area. To be sure the answer does not lie solely in legislation, but I urge this Congress to strive to fulfill the mandate of article I, section 8 of the U.S. Constitution providing us with the power to "exercise exclusive legislation in all cases whatsoever" for the District of Columbia.

The basic substance of each of the bills introduced today has already been stated. However, I would call to your attention, Mr. President, the bill providing for higher salaries and certain additional measures directed primarily to the recruitment of qualified officers for the Metropolitan Police force. Although there has been a raise in pay of approximately 30 percent since 1962 for such officers, placing the District among the higher ranking cities, our latest information is that difficulty is still encountered in recruiting, and sufficient manpower still has not been acquired to meet the minimum authorized level of 3,000.

It is apparent to me that additional incentives are necessary. For this reason I introduced S. 749 on January 31, 1967, a bill providing for draft deferments for police officers and firemen while employed on a regular full-time basis or while pursuing a course of education or training in law enforcement or firefighting which is Government conducted. It is my firm belief that S. 749 will encourage many of the young men of our land to enter upon law enforcement careers; embarking on a war against crime, a war no less important than the many other wars in which we are now engaged.

I have today joined as cosponsor on all of the bills introduced by the distinguished Senator from Nevada except for the bill providing for arrest without a warrant. The conspicuous absence of my name from this bill demands an explanation. The proposed bill would seem to offer a substantial change in existing law both with respect to the time relationship between the commission of an offense and the arrest, and the substance of the misdemeanor for which the arrest is made.

As I read the present District of Columbia Code, section 4–140, which this bill would amend, arrests may now be made without a warrant for "any" offense prohibited by Congress provided commission takes place "in the presence" or within the "view" of the arresting authority. True, District of Columbia Code, section 23–306 allows arrest without a warrant for certain named misdemeanors, but it must be noted that arrests based on probable cause for the listed misdemeanors are limited to those where the person arrested "is violating the section involved at the time of the arrest." This, I submit, is already in accord with the general rule across the country.

Actually District of Columbia Code section 23–306 is one example of the ambiguities found in the outdated criminal laws of the District, for this section apparently lumps together as one, arrest on probable cause and arrest for perpetration in the presence of the arresting authority. My understanding is that traditionally these have formed the basis for two differing types of arrest and are based upon factors peculiar to each.

The proposed bill would alter this situation by permitting arrests for named misdemeanors where there is probable cause to believe the defendant "has committed" the offense. Thus the arrest might be made some time after the violation.

Moreover, the misdemeanors now listed in District of Columbia Code section 23–306 seem to have the common characteristic of possession of an item at the time of arrest. This differs markedly from the misdemeanors in the proposed bill. Though my initial impressions preclude me from cosponsoring the measure, I wish to make it clear that I do not object to its introduction.

With respect to the bill dealing with the provision commonly referred to as the Mallory rule, I would like to state for the record that I cosponsor this bill with some reservation. Legislation of a similar nature was the subject of considerable debate in the last Congress. I have not yet put at rest in my own mind possible constitutional objections which may arise as a consequence of any such legislation. However, the Mallory issue of such a complex and controversial nature that efforts should be made to bring it to the forefront in this Congress at an early date. Therefore, I join in cosponsoring it in the belief that, even though it may not contain the answer, it will serve to focus attention on the problem and hopefully aid us in arriving at a just solution.

Mr. President, legislation on crime has been under study in the 78th, 88th, 89th, and now the 90th Congresses. The report of the District of Columbia Crime Commission was issued in December 1966, containing a detailed survey of the critical problems with which we are confronted in our Capital city. The report by the President's Commission on Law Enforcement and Administration of Justice entitled "The Challenge of Crime in a Free Society" was made public in February of this year.

A third commission would be created under the provisions of one of the bills introduced today with the object in mind of revision of the District of Columbia criminal laws, many of which date back 66 years to 1901.

I enthusiastically endorse the creation of such a commission.

At the same time I stress that adequate information is at hand for this Congress to complete some legislation prior to receipt of anticipated revision reports. We must not flounder in discouragement over the administration's veto of the omnibus crime bill of the 89th Congress; rather it must serve to bind even tighter our steady resolve to meet the crime wave with renewed and persisting efforts. We must strive to protect the rights of the individual in our society, but these rights must be developed and protected in their proper prospective.

We must not lose sight of the fact that the rights of one individual end where they infringe upon the rights of another.

Mr. President, at this point I again congratulate the distinguished Senator from Nevada for the fine work he has

done, and assure him of my support in working in whatever way we can—and I say this as a defense attorney, not a prosecuting attorney—to strengthen our laws in order that crime can be controlled in this area.

Mr. BIBLE. Mr. President, I certainly appreciate the sentiments expressed by the Senator from Colorado.

As I said in my speech while introducing these various bills, no one has been of more help to me and to the committee in attempting to come forth with a workable and constitutional crime bill than the Senator from Colorado.

I salute him. I am happy that he is joining me in fighting side by side in this matter.

I share his view of consternation over the veto of this legislation. I think it was wrong. Even though lawyers can honestly differ in the constitutional area involved, I believe that was a matter, in view of the crisis facing us, that should have been determined by a court and not summarily dismissed.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BIBLE. I will yield to the Senator from West Virginia, if I have any time remaining.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Nevada have an additional 3 minutes.

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

Mr. BIBLE. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I congratulate the Senator from Nevada on his continuing, close surveillance and vigilance with regard to the need for legislation to deal with the growing crime rate in the District of Columbia.

I associate myself with his remarks concerning the veto last year of the bill that had been passed by Congress after long years of study.

I think the veto was a serious mistake. I join with the Senator in his expression of concern with regard to that veto, and I trust that if legislation is passed by this Congress to deal with the crime situation it will not be summarily vetoed at the other end of the city.

I think that such legislation should be afforded an opportunity to be ruled on in the courts, because something needs to be done in this matter.

I congratulate the senior Senator from Nevada on the action that he is taking in introducing these bills today. I intend to support them.

Mr. BIBLE. I thank the Senator from West Virginia. He has been a strong ally. I share the views he has expressed.

FAIRPORT, N.Y., URBAN RENEWAL

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to allow the village of Fairport, N.Y., to apply certain moneys which it expended for construction of a municipal facility complex as the village's local contribution for a new urban renewal project—Perrin Plaza. This community has seen fit to spend a great deal of its resources upon the construction of a new municipal complex which will certainly enhance the urban renewal project it seeks to begin.

It is my hope that this body will see fit to extend to this village the availability of a credit for funds expended. The technicalities of the existing law would preclude Fairport's receiving a credit since some aspects of the municipal facility do not directly benefit the urban renewal area.

Mr. President, I ask unanimous consent that the bill may be printed 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. 1528) to make certain expenditures made by the village of Fairport, N.Y., eligible as local grant-in-aid for the purpose of title I of the Housing Act of 1949 introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the extent to which the village and town hall complex proposed to be located within the Perrin Plaza urban renewal project, New York R–216, in Fairport, New York, may benefit areas other than the urban renewal area, expenses incurred by the village of Fairport for the rehabilitation or construction of buildings comprising such municipal facility shall, to the extent otherwise eligible, be counted as grant-in-aid toward such project.

CONVEYANCE OF CERTAIN UNDERWATER LAND TO CITY OF BUFFALO, N.Y.

Mr. JAVITS. Mr. President, it has come to my attention that 51 acres of underwater lands in the Times Beach section of Buffalo, N.Y., have inadvertently become vested in the United States due to a title irregularity which occurred in 1904. The city of Buffalo and the U.S. Corps of Engineers both now agree that the passing of time—some 63 years—has satisfied the local rule of law that title to property cannot be disputed if it remains on record undisturbed for 60 years. If the land now is to come into the hands of the city of Buffalo, as was intended, so that the entire area may be developed for recreation, then the Congress must pass legislation to effectuate this purpose.

My bill would convey this underwater land which the Secretary of the Army has approved as excess to the needs of the Army on January 31, 1967. I hope it receives prompt attention so that the city of Buffalo may get on with its recreational development project.

I ask unanimous consent that the bill may be printed 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. 1529) to provide for the conveyance of certain real property of the United States underlying Lake Erie to the city of Buffalo, N.Y., introduced by Mr. JAVITS, 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. 1529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army shall convey, without monetary consideration, to the city of Buffalo, New York, all right, title, and interest of the United States in and to certain real property underlying Lake Erie containing approximately 51 acres and more particularly described in section 2 of this Act, on condition that such real property be used for recreational development purposes and if such property shall ever cease to be used for such purposes, title thereto shall revert to the United States.

SEC. 2. The real property referred to in the first section of this Act is more particularly described as follows:

(1) PARCEL E.—Beginning at the point of intersection of the south line of outer lot 39 prolonged and the shoreline of Lake Erie at mean lake level;

thence westerly in a prolongation of said south line of lot 39 140 feet, more or less, to the shoreline of Lake Erie in 1846;

thence southwesterly at right angles with the established harbor line 1,140 feet, more or less, to the said harbor line;

thence northwesterly along said harbor line 1,310 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and a line 330 feet northerly at right angles from and parallel with the south line of outer lot 36;

thence northeasterly at right angles with said harbor line 1,115 feet, more or less, to the shoreline of Lake Erie in 1846;

thence easterly parallel with and 330 feet northerly at right angles from the south line of lot 36 and along the north line of lands deeded to the United States Government September 25, 1847, 147 feet, more or less, to the shoreline of Lake Erie;

thence southeasterly along said shoreline of Lake Erie at mean lake level 1,320 feet, more or less, to the point of beginning containing 37.50 acres, more or less.

(2) PARCEL C–B–.—Beginning at the point of intersection of the shoreline of Lake Erie at mean lake level with the northerly line of lands deeded to the United States Government, October 21, 1846, said line also extending in a due east and west direction and passing through the northwest corner of outer lot 36, said point of beginning being also 260 feet, more or less, west of the said northwest corner of outer lot 36;

thence southeasterly along said shoreline of Lake Erie at mean lake level 370 feet, more or less, to a line 330 feet northerly at right angles from and parallel with the south line of lot 36, said line being also the north line of lands deeded to the United States Government, September 25, 1847;

thence westerly along said last described line 140 feet, more or less, to the shoreline of Lake Erie in 1846;

thence southwesterly at right angles to established harbor line 1,115 feet, more or less, to the established harbor line;

thence northwesterly along said harbor line 465 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and the line extending in a due east and west direction and passing through the northwest corner of outer lot 36;

thence easterly at right angles to established harbor line 1,115 feet, more or less, to the shoreline of Lake Erie in 1846;

thence east on the line extending in a due east and west direction and passing through the northwest corner of outer lot

36 220 feet, more or less, to the point of beginning, containing 13.50 acres, more or less.

PROVISION OF ADDITIONAL PROTECTION FOR THE OWNERS OF PRIVATE VESSELS

Mr. MAGNUSON. Mr. President, the legislation which I am about to introduce is designed to alleviate the economic losses which have been, and continue to be, sustained by American citizens on the high seas off South America and in other areas.

Mr. President, the world presently recognizes 12 miles as the maximum jurisdiction which any nation may claim exclusively for either territorial or fishery rights. Despite this, the American tuna and shrimp fleets continue to be harassed by foreign nations in waters which this Nation, and the rest of the world, for that matter, recognizes as the high seas.

I am particularly concerned today with the plight of the American tuna fleet which ranges off South and Central America, primarily from ports in southern California. This is not, however, a problem of concern only to Californians, for a number of people from the Pacific Northwest are builders, owners, and/or operators of tuna vessels.

Since the early part of this century, the American fishing fleets have been carefully developing the tuna fisheries in this area. In 1966 alone, 14 U.S. tuna vessel seizure incidents occurred in the Eastern Pacific, owners of nine such vessels have paid nearly $85,000 in fines to foreign governments for the purpose of securing the release of their vessels and crews. Although the Department of State has been unable to prevent these seizures, which, I might note, are continuing in 1967, Public Law 680 of the 83d Congress, commonly referred to as the U.S. Vessel Protective Act, provides for reimbursement to the amount of the fine actually paid to the foreign country in order to secure the prompt release of the vessel and crew. This is, of course, necessary, but it does not provide for any reimbursement for damage or destruction of the vessel, loss or damage of fishing gear or other equipment, dockage fees, utilities or seized fish. Nor is there any provision for lost fishing time.

Mr. President, earlier I mentioned some of the seizures which have occurred. I have here a memorandum, prepared by Mr. August Felando, general manager of the American Tunaboat Association of San Diego, Calif., which not only sets forth in detail some of the more recent incidents, but provides a summary of the seizures, detentions, and harassments which occurred in 1966, noting the countries involved. I ask unanimous consent that this memorandum be inserted in the RECORD at this point.

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

AMERICAN TUNABOAT ASSOCIATION,
San Diego, Calif.

MEMORANDUM

On January 7, 1967, the Ecuadorean Naval Vessel, *Gayambe*, Number R–51, intercepted and seized three (3) United States Flag tuna fishing vessels on the high seas.

The seizure of the U.S. vessel, *New Era*, Official Number 250 382 occurred at about 1900 hours, EST, at a location 40 miles off the coast of Ecuador. The Captain of the Ecuadorean vessel gave the position 02 degrees, 40 minutes South, 81 degrees, 20 minutes West. Two armed guards were placed aboard the *New Era* and the vessel was directed to the port of Salinas, Ecuador.

The seizure of the U.S. vessel *Victoria*, official Number 249 539, occurred at about 2000 hours, EST, at a location 50 miles off the coast of Ecuador. The Captain of the naval ship gave the position 02 degrees, 38 minutes South, 81 degrees, 26 minutes West. After interception, two armed guards were placed aboard the *Victoria* and the vessel was directed to Salinas, Ecuador.

The seizure of the U.S. vessel *Endeavor*, Official Number 248 022, occurred at about 2300 hours, EST, at a location 60 miles off the coast of Ecuador. The Captain of the naval ship gave the position 02 degrees, 40 minutes South, 81 degrees, 42 minutes West. Because of rough weather, guards were not placed aboard the *Endeavor;* the ship was escorted into Salinas, Ecuador.

The Ecudorean naval vessel is a former U.S. Navy sea-going tug. The *New Era* is a 113.9 foot registered length, of 283 gross tons, 150 net tons. The *Victoria* is of 128.3 feet registered length, of 384 gross tons, 176 net tons. The *Endeavor* is of 132.0 feet registered length, 427 gross tons, 168 net tons. There are 12 men aboard the *New Era*, which operates from Coischo, Peru. There are 13 men aboard the *Victoria* and the same number aboard the *Endeavor*.

At the time of the interceptions, no U.S. vessel was fishing for tuna. All of the vessels were traveling towards Peru at the time of the seizure incidents.

At the time of each of the seizures, the arresting officer charged the American vessels with violating the Ecuadorean law, namely of fishing within 200 miles of the coastline without an Ecuadorean fishing license.

Hearings were conducted and completed by the Captain in the Port of Salinas on Monday, January 9, 1966. Fines were imposed as follows: *New Era* fined $7200 plus the requirement to purchase a license and matricula: *Victoria* fined $8,448 plus requirement to purchase a license and matricula; *Endeavor* fined $8,064.

On January 20, 1967, the *Sea Preme* was seized 60 miles off Ecuador and fined $12,528 plus purchase of a license and matricula.

On January 26, 1967, there were two seizures off Peru: the *Caribbean*, fined $10,888, seized 14 to 15 miles off Peru; and the *Hornet*, fined $10,072 and seized 19 to 20 miles off Peru.

A Canadian vessel, the *Pom Pom*, on January 14 was seized 35 miles off Ecuador. It was released January 26 and it is reported that the fine was $5,550.

Five of the six U.S. seizures occurred after 6:00 p.m., after dark.

With respect to Ecuador, we estimate that in addition to payment of the fines, the vessels were obligated to pay $8,878 for license and matriculas in order to permit them to be released and to avoid further seizures. In addition, other vessels operating on the high seas have felt compelled to purchase licenses to avoid seizure. Some vessels, even though they had purchased licenses, were boarded (the *Pilgram* was boarded 4 times). Others have been stopped and intercepted. It is hard to record the number, but it has been extensive, especially off Ecuador.

There would have been many more seizures if all vessel owners off Ecuador and Peru had followed the advice of the State Department and not bought licenses.

Fines are determined as follows: In Ecuador they fine the vessel 4 times the cost of a license, i.e. $48 times the net tonnage of the vessel as indicated in the vessel's marine document issued by the Bureau of Customs, Treasury Department. In addition, the Ecuadoreans also require the purchase of a license and matricula, which is an additional $12 times net tonnage of the vessel, plus $200. Based on our experience in Ecuador, port fees amount to approximately 2% of the total amount of money paid out for fines and licenses.

In Peru the fine is determined on the basis of $23 times the net tonnage of the vessel. In the Port of Talura the Captain of the Port, who is also in charge of the Naval Zone of North Peru, has not required purchase of licenses and matricula as a further condition for release of the vessel. The Port Captain of Chimbote has imposed a fine and also required the purchase of a license and matricula. In other words, he has duplicated the action taken by Ecuadorean authorities.

The License is a fishing permit for a period of time—for 85 or 100 days, depending on location where the license is purchased.

The Matricula is registration for a calendar year. Every boat must pay this requirement to obtain a license in Ecuador. In Peru, however, they require the purchase of a license to obtain a matricula; the purchase of a license is conditional to the possession of a matricula. In other words, the procedure is exactly the opposite in Peru from that in Ecuador. In Ecuador a matricula is $200 a year; in Peru, $500 a year.

Under the U.S. Vessel Protective Act, the owners may file a claim for reimbursement for the amount of the fine paid. No reimbursement is made for the other costs involved in actually releasing the vessel, e.g. the license fee that must be paid for the release of the vessel, the other port charges incurred to enter and clear port, and loss resulting from the forced idleness of the vessel.

Following is a list of seizures, detentions and harassments which occurred in 1966:

Vessel name, date, country

Day Island, February 1966, Colombia.
Sun Europa, March 1966, Panama.
Mauritania, April 1966, Peru.
Day Island, May 1966, Panama.
Chicken of the Sea, May 1966, Peru.
Day Island, May 1966, Peru.
San Juan, May 1966, Peru.
Pilgrim, May 1966, Peru.
Concho, May 1966, Peru.
Sea Preme, May 1966, Peru.
Elsinore, May 1966, Ecuador.
City of Tacoma, June 1966, Ecuador.
Clipperton, June 1966, Ecuador.
Sun Europa, October 1966, Peru.
Ronnie S., October 1966, Peru.
Eastern Pacific, October 1966, Peru.
Shamrock, October 1966, Mexico.

Mr. MAGNUSON. Mr. President, from the foregoing, I think it is fairly obvious that there is urgent need for further legislation in this area to assure protection of our American fishermen on the high seas in their lawful harvest.

I ask unanimous consent that the text of the bill be printed 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. 1536) to provide additional protection for the owners of private vessels of the United States from costs incurred incident to the seizure of such vessels by foreign countries, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971–1976), is amended by adding at the end thereof a new section to read as follows:

"SEC. 7. (a) In any case where a vessel of the United States, which is documented or certified as a fishing vessel, is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary of the Treasury shall pay such sums as the Secretary of the Interior determines to be equitable—

"(1) to reimburse the owners of such vessel for all costs directly resulting from such seizure and detention, including, but not limited to, the damage or destruction of the vessel, the loss or damage of fishing gear or other equipment, dockage fees, utilities, and seized fish;

"(2) to compensate the owners of such vessel and its crew for the fish that were not caught as a direct result of such seizure and detention based on the value of the average catch per day at sea during the three most recent calendar years immediately preceding such seizure and detention either (A) of all fishing vessels of the United States engaged in the same fishery as that of the type and size of the seized vessel, or (B) of the vessel seized, whichever, as determined by the Secretary of the Interior, is the most reasonable and equitable: *Provided,* That such compensation shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United States commercial fishing industry to which the seized vessel belongs relative to the sale of fish caught and the distribution of the proceeds of such sale;

"(b) All determinations made under this section shall be final. Persons receiving payments made under this section for such seizure and detention shall not be eligible to receive any compensation, reimbursement, or other payments for such seizure and detention under any other provision of Federal law. The United States shall be subrogated to all rights or benefits accruing under any other provision of Federal or State law or policy of insurance to any person eligible for payments under this section. The Secretary of the Interior, in consultation with the Secretary of State and the Secretary of the Treasury, shall issue such rules and regulations as he deems advisable to carry out the provisions of this section."

SEC. 2. Section 3 of the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1973) is amended by inserting "or license fees, or both," after the word "fine" wherever it appears.

PROMOTION OF DOMESTIC AND FOREIGN COMMERCE BY MODERNIZING CERTAIN PRACTICES

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes.

This measure is identical, except for the date when it becomes effective, to a bill—an amendment in the nature of a substitute to S. 1596, 89th Congress—which was reported unanimously by the Senate Commerce Committee on August 17, 1966, and which passed the Senate on August 22, 1966. Because of the lateness of the session, the House was unable to act on the bill. The bill would accomplish two principal objectives. First, under existing law, it is mandatory, except in certain limited instances, that operators of aircraft, railroads, pipelines, and vessels reimburse the Government for any inspection services—such as provided by the Bureau of Customs, the Public Health Service, and the Department of Agriculture and so forth—performed during Sundays and holidays. The bill would permit the inspection agencies to perform free service on Sundays and holidays if justified by demand in the same manner as they now provide free service during the weekdays. Second, the bill would permit the Secretary of the Treasury to prescribe a uniform flat fee, applicable to operators of private aircraft and private vessels, sufficient to cover any cost which the inspection agencies might incur in providing special inspection services to such operators during other than regularly established hours. The act becomes effective on July 1, 1968, or such earlier date as the Secretary of the Treasury may prescribe.

Overtime and reimbursement practices of the various inspection agencies differ substantially, and the lack of uniformity of the laws governing such practices contributes to further aggravate the problem. Some of these laws are particularly antiquated, having been designed to meet the needs of international commerce over 50 years ago. For example, at present, a customs inspector is entitled to overtime compensation at rates set by statute and varying in degree dependent upon the day and hour the work is performed.

A customs inspector is entitled to 2 full days' salary for duty performed on Sundays and holidays, irrespective of the amount of time that he is required to remain at his post. However, the law requires that the Government be reimbursed for any costs which it incurs in connection with Sunday or holiday overtime compensation.

The present practice of Customs is to collect the maximum amount from aircraft or pleasure boat operators which would be due absent the arrival of subsequent aircraft or boats. Consequently, the first private aircraft or pleasure boat operator to arrive at a port or airport on a Sunday or holiday would be charged the full 2 days' salary of the inspecting officer. If the officer was a GS–9 step 5 inspector, he would collect $63.36. The second arrival would be prorated with the first and charged one-half the full overtime rate or $31.68. The third arrival would be similarly prorated and would pay one-third of the total or $21.12. The fourth arrival would pay one-fourth; the fifth, one-fifth and so on. When the day is concluded and the final arrival has been cleared, the customs officer then prorates the total overtime among all of the day's arrivals.

The appropriate customs office in the area then issues refund checks to all but the last arrival. Refunds often take several weeks to a month or longer. Clearly, such a system is archaic, cumbersome, and entails needless and time-consuming paperwork. The uncertainties and the inability to anticipate inspection charges discourage travel into this country.

These uncertainties and the attendant confusion of the aircraft and pleasure boat operator are compounded even further as a consequence of the varying rates of overtime which inspectors of the different services receive and the varying requirements for reimbursement. This is true not only of Sundays and holidays but on weekdays during other than normal hours. For example, an immigration inspector is entitled to the same rate of holiday overtime as a customs inspector, but reimbursement is frequently not required. An agriculture inspector would not charge for services, for example on a holiday, if it was a part of his regular administrative workweek. The Public Health Service charges for services in certain instances and waives reimbursement in others. As a result an aircraft or vessel operator, entering the country at a given port would be required to pay overtime if a customs inspector was on duty but frequently would be charged nothing if an immigration inspector was on duty.

Mr. President, I believe enactment of this bill will help materially in resolving many of the objectionable reimbursement problems to which the public is subjected and will represent a substantial step forward in improving and updating the practices and services of the inspection agencies.

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

The bill (S. 1537) to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Commerce.

AMENDMENT OF SECTION 5(a) OF CLAYTON ACT WITH RESPECT TO EVIDENTIARY EFFECT OF CERTAIN JUDGMENTS AND DECREES

Mr. HART. Mr. President, a basic premise of the antitrust laws is that when toes are stepped on the first one to yell will be the man who owns the toes.

Granted, the antitrust laws provide Government agencies with authority to move against business practices which tilt the free enterprise system out of kilter. But Congress made it clear it counted on—and with the "carrot" of treble damages, encouraged—private enforcement.

To smooth out some of the bumps in the always-rocky road of private enforcement, Congress, in 1914 in the Clayton Act, assured private litigants they would not have to re-prove violations—but only that they had been damaged—if the Government already had won a criminal case on the same facts.

Section 5 spelled out that final judgments or decrees in Federal criminal prosecutions were prima facie evidence in private civil antitrust cases.

But no mention was made in the Clayton Act about whether nolo contendere—no contest—pleas could be used in the same way. Frankly, I suspect this may have been because in 1914 Congress

tended to think of antitrust cases as we today think of murder cases: two pleas can be expected—"guilty" or "not guilty."

Defendants in Government antitrust cases were quick to take advantage of what may have been congressional oversight and the nolo contendere plea became exceedingly popular.

In fact, of the 235 cases the Department of Justice brought from 1957 to March 1966, 66.8 percent—or 157—ended in nolo pleas. This despite the fact that Justice opposed 108 of the 157 allowed by the court.

Of course, there are many reasons why a defendant may choose to plead no contest and take the full criminal penalty rather than fight the case in court. The distinguished antitrust defendant's lawyer, Judge G. Bruce Bromley, spelled several out for the Senate Antitrust and Monopoly Subcommittee last year. But still the fact stands: once that plea has been accepted by the court and despite the fact that the defendant is handed a piece of paper called a judgment of conviction, fined, and may even go to jail, no mention of the Government's case may be made in any private case.

This, I submit, was not the intent of Congress when it enacted the Clayton Act. However, a line of court decisions since 1939 have established it the law. Today, I reintroduce a bill which would alter the law—putting it back in touch with the general spirit of the antitrust laws.

As President Wilson told Congress when he sent up the Clayton Act in 1914:

> It is not fair that the private litigant should be obliged to set out and establish again the facts which the government has proved. He cannot afford, he has not the power, to make use of such processes of inquiry as the government has command of.

Many today complain that we are in the era of big brotherism—when Government does all for its citizens and lets them do nothing for themselves. This bill seeks just the opposite: an opportunity for each man to help himself.

Mr. President, critics of the bill last year protested that its passage may lead to thousands of "harassment" suits for American corporations. Statistics developed during hearings on the bill, I think, put that fear to rest.

To put it in perspective, let me remind you that the Department of Justice brought only 40 antitrust actions in 1965. If the pattern should be followed that some 66 percent of those end in nolo pleas, we could expect 27 of those cases to be affected by this bill.

Such a number might seem minute in these halls where we talk normally of millions and billions. But to a businessman faced with bankruptcy because of the unfair competition spelled out in those cases, it is a case of economic life and death.

Then, as is spelled out in last year's testimony, being able to use that nolo plea as prima facie evidence in a case could cut the cost of the suit to one-tenth. To many businessmen injured by uncompetitive practices, that 1-to-10 ratio is the difference between fighting back or going under.

Or, it is the difference between just yelling when your toes are stepped on or responding with an effective law suit to the one who did the stomping.

The antitrust laws count on individual businessmen fighting back.

Mr. President, I introduce today and ask appropriate reference for a bill designed to let them do just that.

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

The bill (S. 1538) to amend section 5(a) of the Clayton Act with respect to the evidentiary effect of judgments and decrees entered in proceedings instituted by the United States under the antitrust laws, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on the Judiciary.

APPELLATE REVIEW OF SENTENCES

Mr. HRUSKA. Mr. President, I send to the desk a bill which has for its objective the amendment of chapter 235 of title 18 of the United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States, and I ask that it be appropriately referred.

Mr. President, the recent report of the National Crime Commission, "The Challenge of Crime in a Free Society," directs attention to the problem of sentencing disparity. It states the problem as follows:

> That different judges sentence differently is, and always has been, a major and justified complaint against the courts.

One of the devices the report recommends for dealing with sentence disparity is appellate review of sentences. The report comments:

> Appellate review of sentences affords the occasion for a systematic and continuous examination of sentencing policy by an appellate court. Authority for appellate review of legally imposed sentences has been expressly granted by the legislatures of 12 States and by Congress for the military courts. In addition, the appellate courts of a few States have construed their laws to grant such authority. However, in at least 31 States and the Federal system sentencing power is vested solely with the trial judge.
>
> Appellate review would encourage the development of uniform and considered sentencing policies within a jurisdiction. It leads both the trial court and the appellate court to give sustained and explicit consideration to the justification for particular sentences. It provides a workable means of correcting unjust and ill-considered sentences, particularly those in which the punishment imposed is grossly inappropriate.

As these words so clearly state, we need to improve our judicial system by providing for this review. Accordingly, I introduce for appropriate reference a bill to provide for appellate review of sentences imposed in criminal cases arising in the district courts of the United States.

Under existing Federal law, the determination of sentences in criminal cases is left to the unsupervised discretion of the district judge before whom the case is brought. It is not reviewable by appeal if the sentence imposed is within statutory limits. Regardless of the excessiveness or unjustness of the term imposed, an appellate court is powerless to modify it in any way.

This basic shortcoming in criminal procedure has produced serious and needless inequities and disparities. While steps taken by the judiciary, such as sentencing institutes, have provided substantial progress toward better sentencing practices, such procedures are not enough.

This is not to suggest that the right of appellate review will solve all of the difficult problems in the determination of proper sentences. It will provide an additional significant tool for improving the sentencing process. The judicial process would have the means of reaching and reviewing undeniable mistakes. It would facilitate the development of proper sentencing practices and standards. In other words, an important gap in the present system would be closed.

Valid reasons exist for variations in sentences for the same crime. Certainly, a sentence which may be quite proper in a case involving one defendant and a set of circumstances may be grossly inadequate in dealing with the same offense committed by a different type of individual or under aggravated circumstances. But where the same crime has been committed by similar offenders under similar circumstances, the punishment should be reasonably uniform. Disparities based solely upon the personality of the judge passing sentence are unjust.

Other phases of the work of trial judges are subject to appellate review and supervision. Only sentencing errors are immune to correction on appeal. The reasons for such a gap are for the most part historical. Such reasons are becoming irreconcilable with the standards of due process and are not in step with the need for a fair and just sentencing system.

The determination of a proper sentence involves many considerations. Sentencing is not nor can it be reduced to an exact science. The exercise of sound judgment is an indispensable part of the process but that does not justify arbitrary determinations. When judgments cannot be reconciled with reason, it is incredible that the appellate courts should be denied the opportunity to prevent a miscarriage of justice.

This legislation is patterned after bills I have introduced in previous sessions of Congress. It has benefited from discussions in the Judicial Conference, the academic community and in the hearings, which were held last year. Those hearings provided an excellent base for the enactment of this legislation. For example, Judge Stanley Weigel, judge of the U.S. District Court for the Northern District of California, in referring to S. 2722, the bill last year, said:

> The enactment of S. 2722 is bound to be of salutary service in the elimination of severe and unjustified disparity in sentencing. In this, it will serve the cause of justice in many ways. It will right serious wrongs to individuals. It will promote public respect for and confidence in the law and the judiciary. It will free the great majority of trial judges from that species of guilt by association engendered by the very few judges who are far too heavyhanded in laying long terms of imprisonment upon most defendants they sentence. It will ease the problems of discipline in prison (penal authorities will tell

you that the prisoner who has been "oversentenced" is nearly always a problem prisoner). It will help to make possible the rehabilitation of those prisoners who otherwise might be permanently alienated from society by the knowledge that a cruel wrong imposed on them has not been righted. Overall, enactment of S. 2722 will bring needed improvement in an important aspect of the administration of criminal justice.

During the consideration of the subject, two questions were of primary concern. They stem from the fear that adoption of the concept would provide a burden which the appellate courts could not bear. The first is the length of sentence which could be reviewed. The second is whether a right of appeal should be granted or discretionary power to appeal should be given to the courts of appeal.

These questions have been resolved by providing that leave to appeal may be granted in felony cases only. Therefore, we avoid the question whether sentences of 1 year, 3 years, or 5 years are serious enough to merit review. Certainly, a conviction of a felony warrants the most careful study of how punishment shall be meted out. In this manner the most difficult criminal cases will be dealt with fairly. By this means, the courts of appeals can prevent frivolous appeals which might create a burden by refusing to grant leave.

Subsection (a) sets out the leave to appeal in felony cases. It enumerates the situations in which the request can be made.

Subsection (b) spells out the scope of review. If the application is denied, the decision is not further reviewable by the Supreme Court. This will head off successive appeals on a limited issue. On the other hand, if leave is granted, the Supreme Court could exercise its discretionary power to review the decision of the appeals court.

Subsection (c) is the sine qua non of the bill. It differs from S. 2722 by not allowing the court on appeal to increase the sentence imposed. Putting aside constitutional questions on the point, a sense of fairplay dictated this decision. In the final analysis, the power to increase would work to penalize the taking of an appeal—especially when the action is discretionary in the first instance—and probably would become a self-defeating practice. England has come to recognize that it is unfair, it does not exist in our military courts, and no State court with appellate review procedures provides for it.

Subsection (d) provides that the appeal procedure is to be synchronized with the appeal rules generally and if an appeal is taken from an order of conviction as well, it allows the matter to be heard at the same time.

In subsection (e) the bill provides that the defendant shall have the same access to presentence reports on appeal as he had at the lower court. The sentencing judge is required to state for the record his reasons for selecting the particular sentence imposed in every felony case. Every defendant ought to have a right to know why the sentence imposed was selected. By doing so, it might head off a lot of applications as well as contribute to a more rational sentence decision. It would also help the court of appeals to decide whether to grant leave.

The remaining subsections insure that appellate review does not complicate other phases of the sentencing laws or procedures. Subsection (f), requested by the Justice Department, modifies subsection (a) whenever a diagnostic study was ordered prior to imposing sentence. Subsection (g) makes certain that credit for time served is given when the sentence may be changed. Subsection (h) avoids a misinterpretation of the new bail procedures. Subsection (i) avoids any question about retroactivity and affords the courts time to prepare for the new procedure.

I ask unanimous consent that the bill be printed in the RECORD.

The Subcommittee on Improvements in Judicial Machinery, chaired by our distinguished colleague, the Senator from Maryland [Mr. TYDINGS], has considered this proposal over the past year. In addition the American Bar Association has been studying this concept of appellate review. The Judicial Conference of the United States indorsed such a measure in principle in its midwinter meeting this past month.

It is my hope that early action will be taken on this long-needed action which affords a second look at sentences.

The Senator from Maryland is a cosponsor with me on the bill.

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. 1540) to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States, introduced by Mr. HRUSKA (for himself and Mr. TYDINGS), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 235 of title 18, United States Code, is amended by inserting immediately after section 3741 thereof the following new section:

§ 3742. Appeal from Sentence

"(a) An application for leave to appeal from the district court to the court of appeals the sentence of imprisonment imposed may be filed by a defendant with the clerk of the district court in any felony case in the following instances:

"(i) after a finding of guilt by a judge or jury, whether following a trial or the acceptance of a plea:

"(ii) after the revocation or modification of an order suspending the imposition or execution of a sentence or placing the defendant on probation:

"(iii) after a resentence under any other applicable provision of law.

"(b) Upon granting leave to appeal, the court of appeals may review the merits of the sentence to determine whether it is excessive and may review the procedure whereby the sentence was imposed. If the application for leave to appeal is denied by the court of appeals and the sentence is lawful, the decision shall be final and not subject to further judicial review.

"(c) Upon consideration of the appeal, the court of appeals may dismiss the appeal, affirm, reduce, modify, vacate or set aside the sentence imposed, remand the cause and direct the entry of an appropriate sentence or order or direct such further proceedings to be had as may be required under the circumstances. If, after considering the sentence the court of appeals does not affirm the district court's exercise of discretion in imposing the sentence, the court of appeals shall state the reasons for its action. The defendant shall not receive an increased sentence as a result of an appeal granted under this section.

"(d) Except as otherwise provided in this section, the procedure for taking an appeal under this section shall follow the rules of procedure for an appeal from a judgment or order of conviction and, where an appeal from a judgment or order of conviction is taken in the same case in which the court of appeals has granted leave to appeal the sentence, the appeal from judgment and sentence shall be heard together.

"(e) When an application for leave to appeal is filed, the clerk of the district court shall certify to the court of appeals such transcripts of the proceedings, records, documents and other information relating to the offense or offenses of the defendant and to the sentence imposed upon him as the court of appeals by rule or order may require. Any report or document contained in the record on appeal shall be available to the defendant only to the extent that it was in the district court. In each felony case in which sentence is imposed the judge shall state for the record his reasons for selecting that particular sentence.

"(f) When a judge has adopted the sentencing procedure set forth in Section 4208(b) of title 18, United States Code, an application for leave to appeal may only be filed after a judgment or order is entered by the judge following the completion of the study provided by such section.

"(g) The provisions of Section 3568 of title 18, United States Code, shall be applicable to any defendant filing an application for leave to appeal or appealing under this section.

"(h) This section shall not be construed to confer or enlarge any right of a defendant to be released following his conviction pending a determination of his application for leave to appeal or pending an appeal under this section.

"(i) This Act shall become effective six months after its approval and shall apply only to sentences imposed thereafter."

(b) The analysis of chapter 235 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"3742. Appeal from sentence."

ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTION

Mr. KUCHEL. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 1370) to authorize the establishment of the Redwood National Park in the State of California, to provide economic assistance to local governmental bodies affected thereby, and for other purposes, the name of the distinguished Senator from Missouri [Mr. LONG] be added as a cosponsor.

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

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas [Mr. YARBOROUGH] be added as a cosponsor of the bill (S. 1429) to provide for an investigation and study to recommend a general plan to meet the future water needs of the western United States.

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

Mr. CASE. Mr. President, I ask unanimous consent that, at its next printing, the names of Senator JAVITS, of New York, and Senator PROXMIRE, of Wisconsin, be added as cosponsors of S. 1104, a bill to promote public confidence in the integrity of Congress and the executive branch by requiring regular disclosure of financial interests and activities.

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

Mr. McCLELLAN. Mr. President, I ask unanimous consent that at the next printing of S. 917, the Safe Streets and Crime Control Act, the name of the Senator from Indiana [Mr. HARTKE] be added as cosponsor.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 1209) to exempt certain schoolbus drivers from the application of the Fair Labor Standards Act of 1938, the name of the distinguished junior Senator from Wyoming [Mr. HANSEN] be added as a cosponsor.

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Wyoming [Mr. McGEE], the Senator from Nevada [Mr. BIBLE], and the Senator from Iowa [Mr. HICKENLOOPER] be added as additional 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. PROXMIRE. Mr. President, at its next printing, I ask unanimous consent that the name of the senior Senator from Michigan [Mr. HART] be added as a cosponsor of the bill (S. 858) to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property.

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

Mr. GRIFFIN. Mr. President, I ask unanimous consent that at the next printing of S. 1353, a bill to establish a U.S. Labor Court, the name of the distinguished Senator from Delaware [Mr. WILLIAMS] be added as a cosponsor.

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

Mr. GRIFFIN. Mr. President, I also ask unanimous consent that at the next printing of Senate Joint Resolution 66, a joint resolution to establish a bipartisan joint congressional committee to study and report on problems relating to industrywide bargaining, strikes, and lockouts, the name of the distinguished Senator from Illinois [Mr. PERCY] be added as a cosponsor.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New York [Mr. KENNEDY], the Senator from Maryland [Mr. BREWSTER], the Senator from Pennsylvania [Mr. CLARK], the Senator from Wisconsin [Mr. NELSON], and the Senator from New Mexico [Mr. ANDERSON] be added as cosponsors of the concurrent resolution (S. Con. Res. 12) to declare the sense of the Congress relative to certain aspects of the administration of the Universal Military Training and Service Act, as amended.

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

NOTICE OF HEARINGS

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization of the Committee on Government Operations will continue its inquiry into the organization of Federal agencies in community and urban development in room 1114 New Senate Office Building on April 18, 19, 20, and 21. The hearings will be held in room 3302 New Senate Office Building on April 26. The hearings will begin at 10 a.m. except on Wednesday, April 19, when they will begin at 9:30.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, despite this being the morning hour and we are proceeding under a time limitation, I may be permitted to speak for not to exceed 10 minutes.

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

REDUCTION OF TROOPS IN EUROPE—HEARINGS BEFORE SPECIAL COMMITTEE OF FOREIGN RELATIONS AND ARMED SERVICES

Mr. MANSFIELD. Mr. President, in the hearings which began today for organizational purposes the special Committee of Foreign Relations and Armed Services will be considering certain resolutions which have been referred by unanimous consent of the Senate. The resolutions deal with the question of the level of deployment of U.S. troops in Europe, and related questions of foreign policy.

There are before the committee the following specific matters:

First. Amendment No. 89 offered by the senior Senator from Connecticut [Mr. DODD] to Senate Resolution 49.

Second. Amendment No. 5 to Senate Resolution 49, offered by the senior Senator from Pennsylvania [Mr. CLARK].

Third. Senate Resolution 83, which was introduced by the senior Senator from New York [Mr. JAVITS] for himself and 11 other Senators.

Fourth. Senate Resolution 49, which is cosponsored by 44 Members of the Senate.

The resolution of the 44 Senators is in the nature of a modification of Senate Resolution 99, 82d Congress, which the Senate adopted in 1951. In the latter case, it will be recalled, the Senate advised the President of its opinion that the number of U.S. divisions in Europe should be raised from two to six.

Many years ago, the executive branch incorporated the advice of this Senate Resolution of 1951 into a specific military commitment to the North Atlantic Treaty Organization. Other Western European nations also made commitments of forces and military resources to the then forming organization. The United States moved promptly to fulfill its pledge by raising the deployment of its forces in Europe from the two that were there in 1951 to six divisions. In so doing, this Nation, alone, of all the members of NATO, met its commitment and we still continue to do so. Other NATO members provide only a fractional part of their various commitments and France, of course, has canceled its commitment entirely.

Whatever adjustments of commitment there have been on the part of NATO members, it is of some significance to note that while there has been consultation or advance notice to other members, these adjustments have been, for all practical purposes, unilateral adjustments; and there have been no apologies for the unilateralism.

I am a cosponsor with 43 other Senators of Senate Resolution 49. I wish to make clear at the outset, therefore, that I am predisposed toward the position, which the resolution represents, even as the sponsors of alternate proposals or advocates of the status quo are predisposed toward their positions. I have reached this position neither suddenly nor lightly. I have believed that the need of a substantial reduction in the United States deployment in Europe has existed for many years. Indeed, I have urged consideration of a reduction for many years. Most recently, I have taken the personal position that a reduction from six to about two divisions would be an appropriate one on the basis of foreign and military considerations as well as changes in the overall situation on the European Continent.

My advocacy of this course predates the development of an acute problem in the realm of foreign exchange and gold reserves. It predates the problem of the military drain of the Vietnamese conflict.

Insofar as I am concerned, my support of a reduction in U.S. forces in Europe is based not on the competing military demands of Vietnam. It is not based on the cost or exchange problem, nor even on the indisposition of the Western Europeans to meet their mutual commitments to NATO, except as it is evidence of a change for the better in the situation in all Europe. Rather, I have urged a reduction in the deployment of U.S. forces on the basis of the realities of the current European situation and my belief that there is a need for this adjustment if our European policy is to continue to be effective.

In my judgment neither the proposed resolution of the 44 or the Javits resolution, or the Dodd, or Clark amendments—all of which will be considered by the committee—signifies in any way, shape, or form a return to prewar isolationism on the part of the United States or the Senate. I would suggest rather that these resolutions are all expressive of an effort on the part of the Senate to halt a long inertia in policy during which

this Nation has been drifting into a position of isolated internationalism in Europe.

It is obvious that the economic progress of Western Europe has been very great over the past decade and that the European members of NATO are better able today to meet their military commitments to that organization than when these commitments were made, if they were to choose to meet them. The fact is that they have chosen not to meet them. It is obvious, too, that trade and other cordial relations have grown between the two parts of Europe in recent years and that these ties have replaced to a very considerable degree the earlier fears and hostilities in attitudes as between the Western European nations and Eastern Europe. Indeed, this thaw in the East-West political climate has extended from Western Europe as far as China. It is highly indicative of the extent of the change, that diplomatic relations are being reestablished by the Federal Republic of West Germany with Eastern European countries and that West German trade with Eastern Europe leads all other non-Communist trade with that region.

Having made my personal position clear, let me add that as chairman of this special committee of the Senate, it is my intention to hear, with the concurrence of the committee, relevant testimony on any and all sides of the matter. Speaking for myself and, I know, for all my colleagues, I wish to state that our personal views will be subordinated or held in abeyance in order that we may carry out our responsibilities to the Senate. We will explore fully the resolutions and amendments which are before us. We will try to arrive at a reasonable position on U.S. troop deployment in Europe which can be recommended with confidence to the Senate. It is the obligation of this special committee to assist the Senate in discharging its share of the responsibility for finding an answer to this most serious question of policy. We will fulfill that obligation.

THE NEED FOR INVESTOR PROTECTION

Mr. KUCHEL. Mr. President, a recent news article appearing in the Wall Street Journal, of April 5, 1967, began with these words:

> A mystery group has made a public offer to buy up to 250,000 Metro-Goldwyn-Mayer Inc. shares at $43 apiece, a total of $10,750,000.

A few pages later, the same Wall Street Journal carried a large public advertisement of the cash tender offer referred to in the article. The offer began with these words:

> To the Holders of Common Stock of Metro-Goldwyn-Mayer Inc. Manufacturers Hanover Trust Company (herein called the "Depository"), acting as authorized agent for undisclosed principals (herein called the "Purchasers"), and not on its own behalf, hereby offers to purchase up to 250,000 shares of Common Stock of Metro-Goldwyn-Mayer, Inc.

This article and cash tender offer are glaring examples of how unidentified persons may secretly attempt to gain control of a major American corporation. Individuals making a cash tender offer are free to operate in almost complete mystery concerning their intentions, their commitments and even their identities. Such secrecy in this essential area is totally inconsistent with the disclosure pattern generally prevailing in the American securities market.

The "undisclosed principals" seeking to purchase the 250,000 Metro-Goldwyn-Mayer shares may indeed have the best interests of the corporation at heart. Their identities and their intentions may further be acceptable to the MGM stockholders who desire to accept the offer and sell their shares. But such vital information regarding the competence and integrity of the purchasers is not available. The investment decision must be based solely on rumor, conjecture, and a market price; a decision which may preserve or doom the corporation itself.

It can be argued that a cash tender offer is a straightforward business proposition which may be rejected by a stockholder or accepted by him, usually at a price in excess of the market price. But where no information is known about the prospective purchasers or their plans, the shareholder may be ignorantly participating in the rape of the corporation. Control and liquidation are often attempted under the secretive guise of the cash tender offer. If this be the case, the shareholders can be deprived of their rightful participation in the liquidation. Indeed, the stock of a major American corporation can be purchased, and the corporation controlled and liquidated without any knowledge on the part of the shareholders to whom the cash tender offer was addressed.

These facts point to the seriousness of the lag in laws protecting the American investor. In Canada, the Ontario Securities Act was revised last year to provide for greater disclosure in this area. Similar legislation has also been enacted in England, South Africa, Australia, and other nations.

S. 510, a bill which is authored by the junior Senator from New Jersey [Mr. WILLIAMS] and by me, is an effort to provide the American shareholder with the information he needs to make a sound investment decision. Secretive and mysterious transactions, such as those emphasized by the MGM situation, must not be allowed to guide the future of any corporation. The Securities Act of 1933 and the Securities Exchange Act of 1934 are impressive testimonials that full disclosure is not an impediment, but an aid to legitimate business transactions.

This proposal, which is now being considered by the Securities Subcommittee of the Senate, will allow all to stand on an equal footing with respect to the availability of significant facts about a tender offer or a corporate stock purchase program. It is legislation which I believe will protect the investor and the public interest, and will encourage honest and fair transactions in this Nation's securities markets.

I ask unanimous consent that the Wall Street Journal article and advertisement regarding the MGM situation be printed in the RECORD at this point.

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

MGM, INC., STOCK IS BEING SOUGHT BY SECRET GROUP—OFFICIAL OF DISTILLERS CORP. SAID TO BE BEHIND $43 BID FOR EACH OF 250,000 SHARES—LEVIN DENIES HE'S INVOLVED

(By Stanley Penn)

NEW YORK.—A mystery group has made a public offer to buy up to 250,000 Metro-Goldwyn-Mayer Inc. shares at $43 apiece, a total of $10,750,000.

MGM stock closed yesterday on the New York Stock Exchange at $43.625, up $2 on volume of 45,900 shares.

Edgar Bronfman, whose family controls Canada's Distillers Corp.-Seagrams Ltd., was rumored to be heading the private group that is seeking the MGM stock. Efforts made yesterday to reach Mr. Bronfman at his offices here in the Seagram Building were unsuccessful. Mr. Bronfman, a vice president of Distillers Corp., is the head of its U.S. affiliate, Joseph E. Seagram & Sons Inc.

Philip J. Levin, MGM's largest individual shareholder, who recently lost a proxy fight for control of the big motion picture producing company, said he didn't belong to the group offering to buy the stock. Asked if he knew the identity of those making the offer, the Plainfield, N.J., real estate operator declined comment.

Robert H. O'Brien, MGM president, treated the tender offer as an hostile act. "Anyone offering to purchase this amount of MGM stock at current market prices must be satisfied that the stock is worth considerably more," he said.

Mr. O'Brien recalled that MGM's earnings in the first quarter of the current fiscal year rose 50% from the year-earlier period.

LINK TO 2D QUARTER SEEN

"It's interesting to note" that the tender offer is being made less than a week before the release of the second quarter results, which will be "substantially above those" for the similar period last year, he said. The second fiscal quarter ended March 16.

Manufacturers Hanover Trust Co., acting as agent for the group making the tender offer, said the shares will be accepted on a "first-come, first-serve" basis. The offer expires April 14 at 5 p.m. EST. If more than 250,000 shares are tendered, the group may buy the surplus.

Mr. Bronfman's name kept popping up during the recent MGM proxy fight. It was learned last December that Mr. Bronfman had purchased some MGM stock strictly, it was said, for investment purposes.

Apparently, the Bronfmans have long been interested in taking over a movie company. In 1966, the Bronfman family bought into Paramount Pictures Corp. Eventually, they sold their Paramount stock to Gulf & Western Industries Inc., which acquired Paramount last year.

SPECULATION INVOLVES LEVIN

Last December, Leo Kolber, who heads Cemp Investments Ltd. a private, Montreal-based company owned by the Bronfmans, said in a telephone interview that the family was still looking for control of a good-sized company, but hadn't found one yet.

Mr. Kolber couldn't be reached for comment yesterday.

Mr. Levin, who owns 552,000 MGM shares, equal to 11% of the outstanding stock, began his proxy fight for control last Dec. 7. At that time, there were unconfirmed reports that Mr. Levin launched the battle after efforts to reach a compromise with the MGM management failed. It was said at the time—though never confirmed—that the Bronfman and Levin groups had asked for some of the seats on the MGM board, but had been turned down.

The speculation yesterday was that Mr. Levin and Mr. Bronfman would again seek

seats. If rebuffed, they could start a proxy fight to try to win control of the board at the annual meeting next February.

An MGM spokesman said yesterday, when asked, that the only way a special shareholders meeting could be called is if the MGM president or the board decides to call one. The board is solidly behind Mr. O'Brien. Mr. Levin, who had been a director, lost his seat in the last election.

In the past there had been rumors that U.S. Smelting & Refining Co. might make a tender offer for MGM stock. Martin Horwitz, chairman of U.S. Smelting, and Jack Wilder, president, were losing candidates on Mr. Levin's slate in the MGM proxy contest. Mr. Horwitz said yesterday that U.S. Smelting hasn't made any tender offer, nor intends one.

In the MGM proxy fighting, management won with 57.8% of the votes to 42.2% for Mr. Levin. Management got roughly 2,500,000 votes to 1,800,000 for the dissidents. MGM has 5,043,000 shares outstanding.

OFFER TO PURCHASE 250,000 SHARES OF COMMON STOCK OF METRO-GOLDWYN-MAYER, INC., AT $43 PER SHARE

To the Holders of Common Stock of Metro-Goldwyn-Mayer, Inc.

Manufacturers Hanover Trust Company (herein called the "Depositary"), acting as authorized agent for undisclosed principals (herein called the "Purchasers"), and not on its own behalf, hereby offers to purchase up to 250,000 shares of Common Stock of Metro-Goldwyn-Mayer, Inc., a Delaware corporation (the "Corporation"), at $43 per share net to tendering stockholders, payable in cash, all upon and subject to the terms and conditions set forth in this Offer Letter and in the Letter of Transmittal which may be obtained from the Depositary or from your broker. The Depositary will pay transfer taxes with respect to such purchases and will also pay a commission to soliciting dealers.

This offer terminates at 5:00 P.M., New York City time, on April 14, 1967.

Holders of record of the Corporation's Common Stock on any record date fixed by the Corporation before or during the period of the offer for the determination of stockholders to whom any cash dividend on such stock is to be made shall be entitled to receive such cash dividend. If any stock dividend shall be paid or payable to the holders of Common Stock of record on any date or dates between the date of this Offer Letter and the date on which accepted shares are registered as directed by the Purchasers, all such stock dividends with respect to such shares shall belong to and be assigned to the Purchasers.

The Depositary will purchase all shares up to 250,000 shares tendered pursuant to this offer before this offer expires. No minimum number of shares need be tendered in order to obligate the Depositary to make such purchase. If more than 250,000 shares are tendered, the Depository shall not be obligated to purchase the excess shares but may elect to purchase all or a portion of the excess shares tendered. The Purchasers reserve the right to assign to others tenders of all or a portion of such excess shares not purchased. If less than all shares tendered during the period of the offer are purchased, such shares will be purchased in the order in which they are received by the Depositary, i.e., on a "first come—first served basis". The stock certificates representing shares tendered which are not accepted will be returned without expense to the tendering stockholders. Payment for all shares purchased pursuant to the offer will be made as soon as practicable after the expiration of the tender offer. The funds required to purchase the shares required to be purchased hereunder are on deposit with the Depositary.

All tenders are irrevocable until the shares are purchased or returned. *To be eligible for consideration, all tenders must be received by the Depositary before the expiration of this offer.* If you wish to accept the offer, you should either:

(1) send your stock certificate(s) in proper form for transfer and the Letter of Transmittal properly filled out to Manufacturers Hanover Trust Company, Corporate Trust Department, 40 Wall Street, New York, New York 10015, Depositary; or

(2) request your broker or bank to effect the transaction for you.

In the event that you elect to send in your Letter of Transmittal and certificate(s) directly, the use of insured registered mail, return receipt requested, is recommended as a precaution against the loss of stock certificates, the risk of which remains on you until the certificates are received by the Depositary. If you live at any distance from New York City the use of air mail is also recommended. All questions as to the validity, form, eligibility (including time and order of receipt) and acceptability of any tender of shares will be determined by the Depositary whose decision shall be final and binding. The Depositary reserves the right to waive defects in any tender.

If it should be impossible to deposit stock certificates immediately, tenders may be accepted if the Letters of Transmittal received by the Depositary prior to the expiration of this offer are executed with proper signatures and contain a guarantee by a member firm of the New York or American Stock Exchange or a commercial bank or trust company having an office or correspondent in The City of New York that certificates for the shares being tendered will be deposited within 8 business days after dispatch of notice by the Depositary to such member, bank or trust company that your tender has been accepted.

A fee of 50¢ per share purchased in accordance with the terms of this offer will be paid to any member of a national securities exchange or of the National Association of Securities Dealers, Inc. (or any foreign dealer not eligible for membership in such Association who has agreed to conform to the Rules of Fair Practice of such Association) who solicits tenders and whose name appears in the appropriate space provided in the Letter of Transmittal accompanying a tender. No dealer is required to charge his principal an additional commission.

If prior to the purchase of any of the tendered shares by the Depositary in accordance with this offer there is, in the opinion of the Purchasers, any significant increase in the aggregate number of outstanding shares of Common Stock of the Corporation or options or warrants relating thereto or securities convertible into such Common Stock, or any material change in the capitalization of the Corporation, or any material adverse change in the properties or condition (financial or otherwise) of the Corporation, or any other material adverse occurrence affecting the Corporation, the Purchasers or this offer, or the Corporation shall enter into any transaction, agreement or commitment not in the ordinary course of business or dispose of any substantial part of its assets, or any action or proceedings shall be brought or threatened against the Purchasers or the Depositary arising out of this offer, the Purchasers may, at their election by notice in writing to the Depositary, withdraw this offer and terminate all obligations of the Depositary and the Purchasers to purchase shares hereunder. The Purchasers, entirely at their election, may waive any of the specified terms and conditions of this offer, in the case of any share or shares tendered or purported to be tendered. The Depositary and the Purchasers may purchase Common Stock of the Corporation in the open market during the entire tender period at a cost not in excess of the cost under this offer.

Additional copies of this Offer Letter and the Letter of Transmittal can be obtained by stockholders of the Corporation and by brokers for distribution to their customers from the Depositary at the address given above.

MANUFACTURERS HANOVER TRUST CO.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. KUCHEL. Mr. President, I yield to the distinguished Senator from New Jersey, the author of the bill which I coauthored.

Mr. WILLIAMS of New Jersey. Mr. President, I had been informed in advance that my distinguished colleague from California was going to speak on S. 510 today. I had therefore prepared a statement in tandem. We are cosponsors of the bill.

I realize that much of the logic, the reasoning, and the theory of my statement has been covered in the statement made by the Senator from California. Therefore, I ask unanimous consent that my statement be printed in the RECORD at this point.

There being no objection, the statement of Mr. WILLIAMS of New Jersey was ordered to be printed in the RECORD, as follows:

FULL DISCLOSURE IN CORPORATE TAKEOVER BIDS

The corporate takeover bid or cash tender offer has, over the last six years, become an increasingly favored method of acquiring corporate control. It is generally cheaper and faster than the proxy solicitation. Also, filings which disclose all pertinent facts to the investing public are not required under the Securities Acts in cash tender offers, as they are in proxy contests or where one company offers to exchange its shares for those of another. Evidence of the increased use of cash tender offers is shown by the fact that in 1960 there were only 8 such offers involving listed companies as compared to 107 in 1966.

Under current law, an individual or group can seek control of a publicly held corporation by simply taking an ad in the newspaper stating a willingness to buy a certain number of shares of stock. The purchase price is usually set at a premium of about 20 per cent above that at which the stock is being sold. This fact alone may well be attractive to the investor seeking a quick profit.

By use of a cash tender offer the person seeking control can operate in almost complete secrecy. He need not state the source of his funds; who his associates are; why he wants to acquire control of the corporation; and what he intends to do with it if he gains control.

In order to fill this gap in our securities laws—an area where, in my opinion, full disclosure is necessary for investor protection but not required—I introduce, together with the senior Senator from California (Mr. Kuchel) S. 510, a bill amending the Securities and Exchange to require full disclosure in cash tender offers where the objective is to secure 10% of the equity shares.

Under this bill all pertinent facts concerning the identity and background of the person or group making the tender offer must be disclosed. Stockholders must also be informed as to—

The size of the holdings of the person or group involved.

The source of the funds to be used to acquire the shares except where the funds are acquired from a bank in the ordinary course of business.

Any financing arrangements made for these funds and how these arrangements will be liquidated.

The purpose of the tender offer.

The plans of the offeror—if he wins control of the company—whether to liquidate it,

sell its assets, merge it with another company, or to make major changes in its business or corporate structure.

All persons soliciting tenders will be required to answer these questions. Indeed, anyone acquiring more than 10 percent of a class of an equity security registered under the Securities and Exchange Act will be required to disclose similar information. This is the only way that corporations, their shareholders and potential investors can adequately evaluate a tender offer or the possible effects of a change in substantial shareholdings.

The Subcommittee on Securities, of which I am Chairman, recently concluded three days of extensive hearings on this proposed legislation. The testimony received at these hearings was indeed gratifying. Statements made by witnesses were most constructive and showed a widespread appreciation of the need for such legislation.

Representatives of the New York Stock Exchange, the American Stock Exchange, the National Association of Securities Dealers, the Investment Bankers Association, and Chairman Cohen of the Securities and Exchange Commission, all of whom work daily with the problems which we are attempting to solve with this bill, endorsed the legislation in principle.

All have recognized the need to fill this existing gap in the disclosure pattern of our securities laws.

With such unanimity of opinion, I am confident that a bill protecting the investing public can shortly be passed by the Senate. Such legislation will benefit the interests of America's more than 20 million shareholders. It will provide them with all of the facts on which to base a decision as to whether or not to accept a tender offer without placing undue burdens on attempts to oust inefficient management via a legitimate takeover bid.

The full disclosure principle was thought to be revolutionary when it was first introduced into the securities marketplace more than 30 years ago. Many predicted that it would hamper or even strangle the operations of our free enterprise system. The facts have proven otherwise. Full disclosure has given the investing public confidence in our free enterprise system. Following this premise, our nation's securities markets have thrived and prospered over the years. Now is the time to eliminate the last remaining areas where full disclosure is necessary but not yet available.

Mr. WILLIAMS of New Jersey. Mr. President, what we are trying to accomplish with this legislation is to bring to an area which is not presently covered the proved disclosure principles which are applied to proxy fights and other corporate matters.

Mr. KUCHEL. The Senator is correct.

Mr. WILLIAMS of New Jersey. This is an area which has been overlooked. All we are asking here is that where there is a cash tender offer, those who are making the offer disclose who they are, where their money is coming from—unless it happens to come from a commercial bank—and what their intentions are if they gain management control of the company. We wish to do this in order to protect shareholders and give them the information necessary to make an intelligent decision. That is the thrust and the purpose of our proposed legislation.

Mr. KUCHEL. I want to say to my good friend from New Jersey that I am honored to join him in this proposed legislation because I believe that what we are sponsoring is completely in the public interest.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. WILLIAMS of New Jersey. Mr. President, hearings have been held before the Subcommittee on Securities of the Committee on Banking and Currency, I happen to be chairman of that subcommittee. We have had almost unanimity of witness opinion that this is the fair thing to do—to make full disclosure to shareholders when a cash tender offer is being made. There were very few who spoke in opposition to this principle. All of the national securities exchanges spoke in favor of it. Commissioner Cohen of the SEC, who came before us twice, supported S. 510. In my opinion this is the sort of legislation in view of the history of 30-plus years of disclosure in our equity markets, that should be passed by the Senate.

Mr. KUCHEL. I agree with the distinguished Senator and thank him for his comments.

UNITED STATES THREATENS TO FORECLOSE AN HONEST FARMER WHILE CRIMINALS GO FREE

Mr. LAUSCHE. Mr. President, the New London Record, a smalltown newspaper in Ohio, has published an article entitled "United States Threatens To Take Donaldson Farm for 1958 Wheat Quota Penalty Fine."

Among other things, the article states that in 1958 the Government filed an action against Mr. Donaldson, claiming that he planted 23 acres of wheat when he was allotted the right to plant only 14.

Mr. Donaldson states that Government agents came out to his land, looked at it, and said that 23 acres had been planted. Mr. Donaldson contended that there were only 14. The Government then certified a fine against him and finally obtained a judgment in the amount of $322 as a penalty for overplanting the allotted quota.

On March 29, 1967, the Government filed suit to sell Donaldson's farm. It wants the $322 penalty plus 6 percent interest since 1958, and court costs.

In the editorial of the New London Record on March 30, entitled "The Final Curtain," the editorial states:

In a day when the rights of criminals are held above the rights of society, the rights of a small farmer to at least defend himself should be self evident.

Have we, the people of this nation, by not caring and not acting, let our servants in government stoop so low as to persecute honest men who ask no favor?

Are we willing to deny them justice under law while we grant it to habitual criminals?

Mr. President, stories of this kind do not help to build confidence in the minds of the people of this country in the justice of its Government.

Rather, stories of this kind tend to destroy trust in Government. It is quite apparent that day after day in this country criminals abound everywhere and go unpunished.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. LAUSCHE. Mr. Donaldson, however, has this judgment pending against him and now the Government wants to sell his farm to satisfy the judgment of the U.S. Government.

Mr. President, I contemplate contacting the Department of Justice to let them know the views I have just expressed on the floor of the Senate.

Comparative justice cries out and demands that in the administration of justice an impact be left upon the people that there be a semblance of equality of treatment.

I cry out in indignation over what has happened to this innocent, honest man who is trying to make a living.

This kind of action by our Government should be condemned. I condemn it on the floor of the Senate today.

Mr. President, I ask unanimous consent to have the article and editorial to which I have referred printed in the RECORD.

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

[From the New London (Ohio) Record, Mar. 30, 1967]

U.S. THREATENS TO TAKE DONALDSON FARM FOR 1958 WHEAT QUOTA PENALTY FINE

John Donaldson, a local farmer who has resisted government agricultural controls for the past fifteen years and who has fought against Federal wheat control through United States Courts since 1958, was served with a civil action for foreclosure of his farm by the United States Government to satisfy a $322 penalty plus six percent interest, amounting to $533.53, Tuesday afternoon.

The action was filed by the U.S. District Attorney for the Western Division, U.S. District Court in Toledo, presided over by Federal Judge Don Young, formerly Huron County Juvenile Judge.

Judgment was entered in 1958 as a penalty for allegedly overplanting eight acres of wheat on the Donaldson farm which measures 389 acres and is valued by Donaldson at about $30,000.

Donaldson contends he planted 14 acres of wheat, or one acre less than his allotment.

He contends that the government didn't bother to measure his wheat and that they guessed he had 23 acres.

Donaldson says he called in the Huron County Engineer to measure the wheat three times and he sent him a certified letter stating the wheat measured 14 acres, possibly plus or minus a half acre.

He contends he was not allowed to present this evidence in court and that in 1958 the Federal District Court took the word of the local ASC on the size of his acreage.

Donaldson states that the U.S. Government can sell his farm and take $533.53 out of the proceeds and give him the balance.

He does not know if he can even avoid this by paying the fine at this point.

Donaldson says that to his knowledge this has never been done to any farmer around here. He remembers reading about this being done to a farmer in Arkansas but he never found out the end result.

He plans to confer with the U.S. District Attorney in Toledo before deciding on his next move but said for publication, "This is the third act of the play—it's over—I guess justice and freedom can't win."

"THE FINAL CURTAIN"

It dropped Tuesday afternoon.

After fighting hopelessly for fifteen years against artificial and economically impossible bureaucratic regulations based on completely socialistically inspired law (The Agricultural Readjustment Act of 1938), John Donaldson has lost.

Under provisions of this collectivist piece of legislation the United States proposes to take John's farm away from him.

He has never, in U.S. District Courts or U.S. Courts of Appeal, been given the right to present evidence or witnesses in his own defense.

Under this vicious Act of Congress he has been tried, prosecuted and judged by the United States Department of Agriculture.

Federal Courts and Attorneys have been permitted to participate only to see that the will of the Department of Agriculture has been carried out.

In a day of food shortages, of wheat and everything else in this country and throughout the world, this is an action that should ring loud and clear to every thinking man.

In a day when the rights of criminals are held above the rights of society, the rights of a small farmer to at least defend himself should be self evident.

Have we, the people of this nation, by not caring and not acting, let our servants in government stoop so low as to persecute honest men who ask no favor?

Are we willing to deny them justice under law while we grant it to habitual criminals?

Are we willing to convict them by administrative procedures which deny them the rights to trial by the recognized laws of this land?

Can we let the Department of Agriculture say you are guilty and you have no right to prove yourself innocent?

If we continue to swallow this brand of tyranny, God help the millions of John Donaldsons in this country who are farmers.

And, my friend, God help you and me.

The final curtain lowers slowly on freedom but when the lights on the stage go out there is only one place for us to go, and that is back where we came from . . .

. . . To a society where all men enjoy the same protection from the same laws and are not considered unequal by administrative decision and judged and punished separately for the convenience of the United States Department of Agriculture.

LETTERS TO THE EDITOR

DEAR SIR:

To collect a judgment of $322 and 10 years interest, a total of $533.53, Uncle Sam plans to sell John Donaldson's 389 acre farm in Hartland Township, Huron county, Ohio. While most of us farmers were signing on the dotted line for our government dole, John Donaldson refused. Instead of collecting a government check for $2,000 or $3,000 for his yearly share for "cooperating" in Uncle Sam's "poverty program" for farmers, John said "No Thanks." This was in 1957 and wheat quotas were in effect. John's quota, cooperate or not, was 15 acres. John stayed within his allotment. I know he did, because he told me he did, and John is not a liar.

Uncle Sam's local agents weren't so sure. They wanted to go on to John's farm to measure his wheat field. John said, "No." This made the agents very angry. One of them later bragged to John's neighbors that he had entered on the sly, thus abrogating the 4th Amendment to the Constitution which protects us from unreasonable search and seizure.

A penalty of $322 was forthwith assessed against John and this was upheld by a judgment given Oct. 1, 1958 in Federal District Court in Toledo, which was in turn upheld in 6th Circuit Court of Appeals in Cincinnati. In neither of these so-called trials was John allowed to present evidence nor witnesses in his own defense. This judgment has never been paid. Now Uncle Sam is after his pound of flesh, by threatening foreclosure on these ancestral acres.

How will a proud father convey this news to his son Jack? Outside Vietnam on the aircraft carrier Enterprise, Jack will have to hear of it. By helicopter he was plucked last fall to attend his mother's funeral. Now this!

John and the girls at home, God give them faith; a faith like that which sustained John through those five years when he served the cause of freedom in World War II under that Grand Old Flag, the Red, White and Blue. God give them faith that this black night will break on a new dawn when Americans will again be freed; when we may live by our own initiative; when we are paid in a free market for what we grow, not for what we don't grow; when we are paid for working and not for loafing. God give us faith. Amen!

WINTHROP FRENCH.

OHIO FARMER IS FACED WITH DIFFICULT DECISION CONCERNING HIS LAND—GOVERNMENT ACTS TO FORECLOSE ON $30,000 FARM TO SATISFY $533 CLAIM DATING FROM 1957

NEW LONDON, OHIO.—John R. Donaldson, who operates a 389-acre farm near here, faces a decision—whether to pay a penalty he has resisted for 10 years for allegedly overplanting his wheat acreage allotment or permit the Government to sell his farm to collect $533 the Government claims he owes.

Mr. Donaldson in 1957 was accused by the local agricultural committee with planting 23 acres of wheat when his allotment was only 15 acres. Mr. Donaldson said he had planted only 14 acres, but refused to let the committeemen charged with enforcing the Government program to measure the field.

Mr. Donaldson says he has spent "close to $1,000" defending his action, which he began to test farmers' rights under the Acreage Control Law. "We knew things were wrong under the law, and we found that a farmer couldn't get a jury trial and that even if he was innocent he couldn't exonerate himself," he says. The acreage control program was voted out back in 1963.

However, a U.S. District Court ruling that Mr. Donaldson must pay penalty and interest totaling $533 still stands, and the Government is asking the court to foreclose on his $30,000 farm if he doesn't pay up. Mr. Donaldson says he has a bank account large enough to satisfy the claim had the Government wished to seize it, and that the foreclosure action is being taken "just to make it tough on me."

Mr. Donaldson, who lost an appeal in U.S. Circuit Court and decided not to carry it to the Supreme Court when the High Court decided a similar case against a farmer, says he has no choice now but to pay or face foreclosure.

"This is my home, and for sentimental reasons for myself and my children I don't want to see it sold," says Mr. Donaldson. But on principle and "because it would create a furor" he's likely to resist payment and force the Government to sell his farm, taking the chance that he could bid on it himself.

The embattled farmer has until April 16 to make his decision.

[From the Chicago Tribune, Apr. 8, 1967]

FACES LOSS OF FARM OVER U.S. QUOTA ROW

New London, O., April 7—[Special]—John R. Donaldson, 57, a prominent Ohio farmer, has 13 days left, after a 10-year battle, to decide whether to submit to the government's move to sell his 389-acre farm thru foreclosure to satisfy a fine of $322 for growing wheat he says never existed.

For a decade Donaldson has refused to pay the penalty because, he said, he never planted, grew, harvested or marketed the grain he was fined for producing under the old New Deal's wheat quota control, and was never given a chance to defend himself in court.

"I just don't know what I will do," Donaldson said wearily. "It isn't fair, it isn't the American way. I don't plant that wheat and they never let me present my evidence to prove it."

SERVED WITH NOTICE

Late last month Donaldson was served with a foreclosure notice from the United States attorney's office in Toledo, where the federal court judgment against him was returned. The farmer said he was given 20 days to pay the assessment, now increased to $533 by 10 years' interest, before a deadline of April 19.

"This is the first time such a method has been used in this area to collect excess crop penalties," Donaldson said. "They have seized tractors, autos, and bank accounts. They could have taken the money from my bank account, but they chose to do it this way."

Donaldson estimated the value of his farm, which he said includes a number of acres of "rough land," at about $30,000. He said he understood that if the farm is sold at auction by the government, he would be given the residue after deduction of the fine and court costs.

HAS SPENT THOUSANDS

The farmer has spent thousands of dollars in legal fees in fighting the fine he considers unjust. A conservative, he has spoken before and conferred with farm groups in many states, including appearances in Chicago, in the years since his trouble over the wheat quota began.

It dates back to 1957 when he was charged with planting more wheat than the quota set for his farm under the agricultural adjustment act, which applied to all farmers who planted more than 15 acres of wheat. Altho Donaldson didn't join the restriction program and accept a compensating government check, he was subject to the law.

JUDGMENT FOR UNITED STATES

Donaldson said that after he had grown less than 15 acres of wheat and had harvested it in 1957, he was charged with planting 23 acres and harvesting 552 bushels.

He said the federal District court at Toledo granted the government a summary judgment gainst him without trial and without consideration of evidence, on Oct. 1, 1959. This was upheld by the United States 6th District Court of Appeals at Cincinnati. The procedure folllowed provisions of the agricultural act.

"The act denied the federal court the right to rule on questions of fact," Donaldson said. "I was denied due process of law. . . ."

The farmer said that not only did he not overplant, but his crop was not subject to the quota act, which was applicable to acreage in excess of 15. He said all of his 1957 wheat was planted in a field of less than 15 acres and that this was verified by the county engineer, who measured it at 14.5 acres.

"But no one would listen to my proof," Donaldson said.

The veteran farmer said that "they stirred this all up again after my wife died last October." Ownership of the farm, in her name and his, was raised in settling her estate.

While the farmer is beset at home by what he considers encroachment on his rights by the government, his son is serving in the Viet Nam war. The son, Jack, who once helped on the farm, is a navy crew member of the aircraft carrier U.S.S. Enterprise, the nuclear powered pride of the United States, now on combat patrol off Viet Nam.

VOCATIONAL AND TECHNICAL TRAINING FOR OUR YOUTH NECESSARY

Mr. LAUSCHE. Mr. President, I ask unanimous consent to proceed for 3 additional minutes on another subject.

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

Mr. LAUSCHE. Mr. President, in the Tuesday, April 4, issue of the Columbus Dispatch, an article was published entitled "All Not College Bound—Vocational And Technical Training For Youth Lacking" written by Alice Widener.

Among other things, she states:

The main trouble lies, in my opinion, in a public school education system set up on the basis that most children are college bound, whereas only 20 per cent are. Instead of being geared to the educational needs of the 80 per cent who are not college bound, the public school system aims at enabling children to pass college board exams.

Thus eight out of ten pupils attend classes not furnishing them with what they urgently need in early teenage life, and not preparing them for a real life situation after the age of 18.

She further states:

If New York City were equipped with an outstanding vocational and technical education system, it is most likely that during 1966 there would have been a decreased not increased juvenile crime rate . . .

Mr. President, I thoroughly agree with her views that our elementary schools should be teaching trades and other usable occupations so that boys and girls who do not go to college will be equipped for a livelihood.

Mr. President, I ask unanimous consent to have this excellent article printed in the RECORD.

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

ALL NOT COLLEGE BOUND—VOCATIONAL AND TECHNICAL TRAINING FOR YOUTH LACKING

(By Alice Widener)

In releasing official 1966 figures on the ethnic composition of pupils in public schools, the New York City Board of Education inadvertently divulged the main reason why our big city school systems have so many drop-outs and problems of discipline. I say "inadvertently" because there is not the slightest indication in New York City that the top educational hierarchy recognizes where the trouble lies. It seems many top educators today have a vested academic interest in not recognizing the facts about youth and our society.

The main trouble lies, in my opinion, in a public school education system set up on the basis that most children are college bound, whereas only 20 per cent are. Instead of being geared to the educational needs of the 80 per cent who are not college bound, the public school system aims at enabling children to pass college board exams.

Thus eight out of ten pupils attend classes not furnishing them with what they urgently need in early teenage life, and not preparing them for a real life situation after the age of 18.

In 1966, there were 226,614 Puerto Ricans in the systemwide New York City public schools; 317,613 Negroes; and 540,591 others. In the academic high schools there were 28,167 Puerto Ricans; 48,776 Negroes, and 147,096 others. In the vocational high schools in 1966, there were only 11,804 Puerto Ricans, 12,394 Negroes, and 17,265 others.

The very low vocational high school figures tell the story of the main trouble. In the total Puerto Rican academic school pupils in 1966, only 20 per cent (at most) or approximately 5600 will go to college and the remaining 22,500 will go out to try to earn a living in this cold, cold world without having learned a trade or any particular skill.

Among the Negroes in academic high school last year, only 9600 will go to college, and 39,000 will be left without any job training or special skill. Among the others, approximately 28,000 (at most) will go to college, and 119,000 will be left to set out as best they can to earn a living at 18 years of age, minus job training or particular skills.

If New York City were equipped with an outstanding vocational and technical education system, it is most likely that during 1966 there would have been a decreased not increased juvenile crime rate because approximately 33,000 Puerto Rican pupils, 51,000 Negroes, and 136,000 others would have been receiving basic academic instruction along with vocational or technical instruction adapted to their needs, likes, and abilities.

The slogan "Every boy and girl should have a college education" is a main cause of youthful unemployment, juvenile crime and teenage narcotics addiction. What is the Job Corps? A multi-billion dollar vocational and technical education program offered to young people years too late in their young lives. Had they received such education earlier, they wouldn't be in the Job Corps.

Our wrong-way public school system is ruining big city life and greatly injuring family life in America. Sixty per cent of all available jobs in our technological society are now in the service areas.

Machines don't repair themselves; they must be repaired; hotels and motels don't service guests, they must be serviced. Are we going to continue to mis-educate 80 per cent of our young people so they are unequipped to fill 60 per cent of jobs avaiable?

Isn't there anyone in our big cities willing to see the youth picture as it really is and to lead a movement to revamp our big city public school education system so that it suits modern conditions as they really are?

CONSTITUTIONAL CONVENTION: DANGER TO BASIC RIGHTS

Mr. JAVITS. Mr. President, for 2 years a movement has been quietly gathering force, which is apparently about to burst full blown on the American scene with the impact and suddenness of a long festering volcano. I refer to an effort to convene a Federal constitutional convention—the first since the adoption of our national charter—and I speak today to alert this body to the urgency of this potentially dangerous situation.

The movement is based on Article V of the Constitution which requires Congress—and I use the word "requires" advisedly—to call such a convention "on the application of the legislatures of two-thirds of the several States." The requisite number of resolutions is therefore 34, and it may surprise many to learn that 32 such resolutions have already been passed. Many have apparently gone through State legislatures with very little discussion or consideration of the cumulative impact of such measures. It is clear that some State legislators thought they were merely voting to express their disagreement with the Supreme Court's reapportionment decision and were not fully aware of the legal implications of their vote. A well-financed lobbying organization is behind this effort and has been successful to this extent partly because they have been operating quietly. It is absolutely critical now that the movement receive full exposure and that opponents of a wide-open convention organize, too.

There is nothing illegal about that. It is time that this question have full exposure and the opponents should speak up.

Briefly, this is the situation today. The following States have already passed resolutions: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wyoming.

In addition, resolutions have been passed by at least one house in four other States: Alaska, Iowa, Pennsylvania, and Wisconsin. Alaska's upper house defeated the proposal last week, but it appears that the Wisconsin senate may pass it today. All of these State legislatures have unlimited adjournment dates and this issue will be considered in some of these States in the next few weeks. Passage by one house in any two of these States will place the issue squarely before the Congress.

Efforts to rescind resolutions are underway in three States: Illinois, Missouri, and Washington. The recent effort in Maryland failed for lack of time—the legislature was constitutionally required to adjourn before action could be completed—but there seemed to be a clear majority in favor of recision.

Why should this effort be stopped? Ostensibly started to reverse the reapportionment decision, I believe such a convention would have a much broader scope and indeed that is the apparent motive of its sponsors. It is not unjustified to say that a much more sinister threat may loom—a broad-scale attack on the Bill of Rights—in view of some of the things we know already about the situation.

This threat may loom not by design or unwittingly, but it is likely to loom, and it would constitute a broad scale attack on the Bill of Rights.

Let us face it, reapportionment is a dead horse. It is already just about an accomplished fact in every State, and it is not even a political issue, as Republican candidates learned last November. The figures indeed refute the myth that Republicans lose when legislatures are fairly apportioned.

The fact is that in the 1966 election, the first since reapportionment has been completed, Republicans made a net gain of 153 seats in State senates and 387 seats in State lower houses. The party now holds 40.9 percent of all seats in State legislatures, in contrast to only 33 percent in 1964. Last year Republicans made a net gain of eight governorships, and significantly won or retained control of the government in five of the Nation's seven most populous States: California, New York, Pennsylvania, Ohio, and

Michigan, Democrats retaining control in Illinois and Texas.

Perhaps the most interesting figures are the raw data on the populations of States having Republican Governors, as a result of last year's elections, the combined population of Republican-governed States was 108,489,000, while Democrats governed only 80,170,000. This means that 17 Republican Governors represented almost 60 percent of the population while 33 Democratic Governors represent only 40 percent of the population. Perhaps the Governor's conference should adopt a one-man, one-vote rule, it would certainly be to the advantage of the Republicans.

Surely reapportionment is not a sufficiently critical issue as to require the convening of a national convention to rewrite our basic charter of Government. But there are organized and vocal groups in this country which seek to overturn other recent decisions of the Supreme Court—like the prayer decision designed to preserve the separation between church and state and more recent decisions on the admissability of confessions in criminal trials. If a convention is called, I predict that basic Bill of Rights guarantees, those cornerstones of our freedom and liberty will be under attack, and I appeal especially to those State legislatures which have not already acted to weigh this possibility most carefully before making their decision.

Mr. President, nobody knows and no legislature knows whether we can confine this convention to one question, though 26 of these resolutions seek to confine it to one question.

I believe, as a lawyer, that it is likely to be a wide open convention. It could be a runaway convention. This would be a tremendous danger to the American people.

What will happen if 34 State legislatures pass these resolutions? Undoubtedly, the validity of some will be questioned by the Congress. The Constitution, for example, makes no provision for requesting a convention for the specific purpose of adopting a single amendment, and yet 29 of these resolutions are so limited.

Further, as Senators PROXMIRE and TYDINGS pointed out in recent Senate speeches, only six of the legislatures which passed resolutions—Indiana, Illinois, Colorado, North Dakota, Oklahoma, and Kentucky—were validly apportioned when the action was taken. There is therefore, some question as to the validity of 26 resolutions. Other questions can be raised as well. For example, is the 90th Congress required to recognize resolutions sent to the 89th Congress? Are State resolutions passed more than 2 years ago, for example, still valid? What is the effect of resolutions which were apparently passed, but never received by the Congress? Do memorials have the same legal effect as resolutions? What about simple petitions? Can voters in States which have been reapportioned sue for recision? Can the courts compel Congress to call a convention, if Congress refuses to recognize the validity of some of the resolutions?

A group of Senators and representatives of interested civic organizations has been meeting in recent weeks to discuss these questions, and we have asked a few prominent constitutional lawyers to prepare briefs for us on the subject. In my view, a very dangerous situation would be created if two more legislatures act, but even if that unfortunate event occurs, I for one do not intend to acquiesce in an assault on the Constitution without fully informing the public of the inherent dangers, without seriously questioning the validity of every single resolution, and without extensive, full, and fair discussion of the real issues.

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

Mr. JAVITS. I yield.

Mr. CASE. Mr. President, I associate myself with the statement just made by the Senator. It is a most useful and provocative statement and one that I am sure will sink into the public consciousness. I hope that it does.

Mr. JAVITS. Mr. President, I thank the Senator. I consider the Senator from New Jersey [Mr. CASE] to be one of the best constitutional lawyers in Congress. I value enormously his support.

This is but the opening gun.

In many cases there has been an unwitting overshooting of the target and this is a very critical matter and involves the Constitution and the Bill of Rights itself. It is far more critical than many of the legislatures realize.

I repeat: This may be a wide-open convention, as a matter of law, if it is called. Therefore, it could be a runaway convention. So the country had better ponder it very carefully, as it is a first, and it can be an extremely dangerous and damaging one.

TFX—F–111 AIRCRAFT—PROCUREMENT PROGRAM

Mr. McCLELLAN. Mr. President, it has been more than 4 years since the Secretary of Defense made his decision to award the TFX contract to the General Dynamics Corp.—overruling the unanimous recommendations of his highest ranking military officers and technical experts. This aircraft program is now so far along that all of the 18 test aircraft of the F–111A, the TFX Air Force version, have been delivered to the Government. In spite of the fact that it has not yet been fully tested for operational capability, the F–111A is now being manufactured by General Dynamics on a production basis.

All of the five test aircraft of the Navy TFX, the F–111B, also have been delivered by the contractors, and additional appropriations are being sought this year to produce operational Navy aircraft, although not even the preliminary low-speed testing of the Navy plane has yet been completed. The more advanced high-speed testing and evaluation cannot start until the preliminary testing is finished. None of these planes has yet landed on an aircraft carrier, and, under the present schedule, will not be able to do so until mid-1968, or later.

In the past I have expressed concern about the excessive costs of the program, the performance deficiencies of the aircraft, which have not been corrected, and its ultimate value to the armed services. Notwithstanding, the Defense Department has made many optimistic predictions about the aircraft. It is now clearly evident, however, that the F–111 which is being produced in quantity in 1967 will fall short of the performance characteristics which the Defense Department sought and which the General Dynamics Corp. undertook to provide in the research and development program.

In August of 1966, the Senate Permanent Subcommittee on Investigations resumed its TFX inquiry, which had been suspended after lengthy hearings during 1963. At the same time, the subcommittee requested the Comptroller General of the United States to undertake a cost analysis of the program and to report the results thereof.

Mr. President, members of the subcommittee are not alone in their apprehensions about the costs and capabilities of this airplane. The F–111 aircraft was a subject of testimony during hearings of the Committee on Appropriations earlier this year relating to the budget request of the Defense Department for fiscal year 1968.

The F–111 program also has been examined extensively in the Nation's press and commented upon in radio and television broadcasts. Many of the recent articles and broadcasts have posed serious questions about the admitted deficiencies, delays, and inadequacies of the F–111 and about its exorbitant increases in costs insofar as they have been made known to the public. I believe that Congress should be informed about certain of the disturbing reports about this program which have appeared in recent publications and on the air.

It would not be appropriate, nor is it necessary, for me to attest the accuracy of specific statements which have been made in the Nation's press about the TFX. The printed and broadcast information to which I refer was not obtained from the subcommittee, but was ascertained by enterprising reporters in spite of the cloak of secrecy which the Department of Defense has undertaken to impose relative to the F–111 research and development program.

The 1963 hearings of the subcommittee were conducted in closed session because at the time it was suggested that this should be done for security reasons. Subsequently, however, for some reason, much of the classified information has been released to the public press by the Pentagon.

These articles and broadcasts present the story of ever-increasing costs and continuing unresolved problems and deficiencies in the plane's performance, and they contain information in which Congress has every reason to be interested and about which it should be kept fully advised. We are asked to appropriate hundreds of millions of dollars this year for the continuing development and procurement of the plane, and we will be asked to appropriate billions of dollars as the program continues. It is time for Congress to be told the cold facts about both the costs and the performance deficiencies of this plane.

The Department of Defense has repeatedly demonstrated its reluctance to explain fully the gravity and extent of

the problems in the development program. The Department also has refused to disclose to the Committee on Appropriations its cost estimates for the total program. It is the duty of Congress to obtain this information before appropriating enormous sums for a weapon system which has been put into production before it has been adequately tested and before its known deficiencies have been corrected.

Mr. President, at this point I ask unanimous consent that three of these reports which have come to my attention in recent days be printed in the RECORD at the conclusion of my remarks. The first is an article from the New York Times magazine for April 2, 1967, titled "Why the Flak Around the F–111." The article was written by Richard Witkin, a staff member of the newspaper, who was for many years its aerospace news editor.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD.

(See exhibit 1.)

Mr. McCLELLAN. The second report that I ask be printed in the RECORD is a transcript of a television broadcast by Jules Bergman, science editor of the American Broadcasting Co., which was presented on the network's evening news broadcast of March 30, 1967.

The PRESIDING OFFICER. Without objection, the transcript will be printed in the RECORD.

(See exhibit 2.)

Mr. McCLELLAN. The third is an article on the TFX by the well-known columnist, Richard Wilson, which appeared in the Washington Star on April 7, 1967.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD.

(See exhibit 3.)

Mr. McCLELLAN. Mr. Witkin's article is a thought-provoking, careful, and comprehensive analysis, covering the TFX from its inception to the present.

Every indication—

He writes—

is that the nation will wind up with a product that is significantly short on projected performance and less than a bargain on cost.

Mr. Witkin has indicated his belief, and I fully agree with him, that many of the TFX troubles were caused by the insistence upon commonality of parts between the two versions of the F–111, a factor which was dictated by the Secretary of Defense upon the assumption that one plane to perform the different missions of both Air Force and Navy would somehow save a billion dollars. Instead of saving a billion dollars, it now appears that the vaunted commonality concept has proven to be grossly extravagant and will cost the Government additional billions of dollars, and that it also has comprised the weaponry and performance capabilities of the plane.

Some of the nation's most experienced engineers—

Mr. Witkin states—

warned from the start that McNamara was deluding himself. Subsequent events—a swarm of technical troubles and soaring costs—indicate that the doubts were well-founded, though it is hard to guage precisely what portion of the F–111's shortcomings is due to commonality. Many other mistakes along the way impeded its development. Nevertheless, a majority of experts I have talked to are convinced that commonality accounts for much of the technical trouble, particularly on the Navy plane, and the increased costs.

Mr. Witkin concludes:

The F–111 is not turning out to be nearly as agile as McNamara boasted it would be. Nor will it be bought at anything like the billion-dollar savings he counted on when he ordered development of a single two-service plane.

Although Mr. Bergman's broadcast is much shorter, it also is critical of current developments in the F–111 program. I will quote Mr. Bergman's conclusion, which also speaks of commonality and costs.

The great dream of commonality and cost saving didn't quite work out—

Mr. Bergman said.

Instead of one plane for both services . . . two separate planes are being built. They do use the same nuts and bolts.

What kind of a plane will the nation get? We will, the Pentagon declares, get an "acceptable" plane. But even the Pentagon admits that it is not the plane it wanted or set out to build.

Each of these capable reporters has indicated that the serious technical problems which were encountered during the development phase of the F–111 program have not been solved, in spite of Pentagon pronouncements that difficulties were minor or that solutions were at hand. Each reporter reaches the conclusion that the performance of the F–111 leaves much to be desired and that the plane is notably inferior to the weapons system which the armed services asked for and which the General Dynamics Corp. contracted to supply.

The subcommittee still has the responsibility to ascertain the extent and seriousness of the technical problems which have hampered the aircraft's development and delayed its delivery schedule. The Navy version will be at least 2 years late in reaching the fleet, even if all of its deficiencies are corrected and no further problems arise. The Air Force version, which is now in production, is, by admission of the Department of Defense, not militarily acceptable at this time. It is difficult to understand how the Defense Department could justify the production for combat use of a plane which is still unacceptable.

Mr. President, why is the aircraft not yet acceptable as a military weapon? The answer is simple, although it may seem incredible. After more than 4 years of research and development and after all original 18 Air Force and five Navy test planes have been delivered by the contractor, neither the F–111A nor the F–111B have been sufficiently or thoroughly tested. Apparently one main reason why the contractor has limited the flight testing is because of difficulties encountered in matching the aircraft's inlets with the propulsion system. Major elements of the testing program have been delayed for about 2 years, and the problem is still not solved. The failure of both versions to attain the performance capabilities which General Dynamics proposed for them and which the Armed Forces required also calls for examination by the subcommittee in its future hearings.

Four years after the decision was made to award the contract to General Dynamics, I interrogated Dr. John S. Foster, Jr., who is Director of Defense Research and Engineering under Secretary McNamara, during hearings of the Committee on Appropriations on January 30, 1967. I asked him about estimates on the cost of production of this weapons system—page 478 of the printed record:

Senator McCLELLAN. If we can tell the estimates of the R&D, what it's going to be, is there any reason why we couldn't have some firm estimate, reasonably reliable estimate on the cost of production? . . . I will take out reasonably firm and reliable and just say comparable estimates for production. Take out the reasonably firm and reliable.

Dr. FOSTER. No, Senator, because we haven't completed the R&D. *We don't know in fact what the airplane will look like, and as a consequence we then have to negotiate with the contractor about an airplane configuration which is not yet decided.* I don't know what our agreement will be with that contractor.

Mr. President, that statement was made by Dr. Foster more than 4 years after the letter contract was signed. And further, when Dr. Foster gave that answer, all Air Force and Navy test planes had been delivered by the contractor, and the Air Force version of the plane was already in production by the General Dynamics Corp. for combat use by the Air Force. It seems reasonable to ask what kind of aircraft they are building—what is the configuration of the operational planes which are now rolling off the assembly line? Dr. Foster says they do not know what the airplane will look like and what its configuration will be, and thus he cannot estimate the costs at this time.

I quote the following sentence from the production letter contract of April 12, 1965, between the Air Force and the General Dynamics Corp., paragraph 4(c):

The target date for definitization of this contract is 15 October 1965.

Mr. President, I point out that 1½ years have gone by since the date when we should have known the total program cost of this aircraft in all its versions, and since the date when the specifications for its operational use—its range, ceiling, weight, maneuverability, and combat performance, among other characteristics—should have been contractually guaranteed.

The original research and development letter contract was signed on December 21, 1962. Now, in April of 1967, 4⅓ years later, there is not yet a definitized contract, and the aircraft's configuration, according to Dr. Foster, is not yet known. Dr. Foster, it will be remembered, is the Director of Research and Engineering in the Defense Department. The time and date this contract will be signed are still indefinite and uncertain.

I think it is significant also that the

F–111B, the Navy plane, proved to be so deficient in performance that it will require a new engine different from the engine which was originally specified for the aircraft. The contract to develop the new engine was not entered into until November of 1965, even though the research and development program which started in December of 1962 had shown much earlier that the engine originally contemplated for use in the Navy plane would not be satisfactory. Because of the delay, the Navy must wait at least until May of 1968, more than 1 year from now, for the delivery of the first production models of the new engine. Is it wise, Mr. President, for the Congress to make huge appropriations for the production of this Navy plane before it has a demonstrated and tested engine that is required to make the aircraft meet performance specifications?

During the appropriations hearings, I also asked Secretary of Defense McNamara a number of questions about the cost estimates which have been made by the Department of Defense for the F–111 program as it is now planned. He declined to furnish the Senate Appropriations Committee any of his Department's cost estimates for the total program. His testimony was as follows—page 381:

Secretary McNAMARA. I don't think we can do so beforehand. We are in the midst of contract negotiations with the contractors. The costs are quite fluid, and it would only confuse rather than clarify the issue at the present time, and it conceivably could prejudice our negotiations.

Mr. President, I call attention to the fact that this testimony was given in executive session. The colloquy between us was continued and I again asked the Secretary for the cost estimates—page 385:

Senator McCLELLAN. Didn't you say you kept them current? "There are continuing estimates and periodic reappraisals of the figures, but there is no completed study." So I ask for the current figures.

Secretary McNAMARA. And I said that the current figures are not complete. They are tentative.

Mr. President, 4½ years later they are tentative.

They haven't been discussed with the contractor. We are involved in current negotiations, and I don't believe under these circumstances, until we complete our analysis, that it should be released. When the analysis is completed, we will be very happy to release it to the Committee.

Mr. President, is the real reason for the refusal to furnish current cost estimates for the total program due to the fact that the research and development effort has been so unsatisfactory, requiring so many changes to the aircraft, that the Defense Department honestly cannot, after more than 4 years of research and development and after the plane is in production, furnish to the Congress reasonably reliable and firm estimates of the total cost? We do know that the definitized production contract specifying these costs should have been signed on October 15, 1965. So, I questioned Secretary McNamara further—page 386:

Senator McCLELLAN. Let me ask you this. You have testified here before this committee in executive session and in confidence in the last 3 or 4 days to many things that you do not want the Russians, the Chinese, or the Communists to know, have you not?

Secretary McNAMARA. Yes indeed.

Senator McCLELLAN. You did so because you had confidence in this committee, and because you felt that the committee had a right to ask you information of that character and nature that is pertinent to the huge appropriations being asked here, did you not?

Secretary McNAMARA. Yes indeed.

Senator McCLELLAN. Now you are saying that you trust the committee for that, but you cannot trust the committee to give it estimates, your estimates of the cost of one of the largest weapons systems we have ever acquired?

The Secretary's reply to that question was essentially the same as that which he gave previously:

Secretary McNAMARA. . . . They are not my estimates. They are not completed. They haven't been analyzed. We are in the midst of a delicate negotiation.

Over 4 years, Mr. President. How could he negotiate unless he had some estimates? They had not been completed; they had not been analyzed—but he is in the process of delicate negotiations.

I think it would be quite contrary to the Government interest to pass around incomplete figures of this kind . . .

Pass around to whom? He was in executive session dealing with an appropriation for hundreds of millions of dollars. He can testify with confidence before the committee to things he does not want the Russians or the Chinese Communists to know, but he cannot give the committee these estimates. Why?

Mr. President, I did not succeed in my effort to have the Secretary furnish the current cost estimates for the total F–111 program. However, I did receive a promise from the Secretary that the current cost estimates will be furnished—ultimately.

Secretary McNAMARA. I will be quite happy to give the committee the estimates before the definitive contract is signed (p. 386).

I point out that is quite an indefinite answer.

When will that contract be signed, Mr. President? The Secretary of Defense did not estimate a date, but the Secretary of the Air Force, Dr. Harold Brown, gave the committee a very equivocal and uncertain target date, in a colloquy with me—page 921:

Senator McCLELLAN. Now we are buying these planes without a definitized contract. Now can you tell me how soon you expect to get a definitized contract?

Secretary BROWN. We expect to get one before using any of the fiscal 1968 appropriations, which couldn't be before July of this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. McCLELLAN. Mr. President, how long must the Congress wait before it obtains reasonably firm estimates on the costs of this airplane and accurate information about its operational characteristics?

We have been asked to appropriate large sums of money this year for the production of a weapons system that is now admittedly unsuitable for combat use by the Armed Forces. Why is this plane, although still unsatisfactory, now rolling off the assembly line? Why has the Secretary of Defense refused to furnish appropriate cost estimates of this program? These are serious questions which should be examined closely before we appropriate billions of dollars to produce the F–111 in quantity.

Mr. President, the Congress should not be expected to speculate upon the validity of requests for appropriations. They should be substantiated and justified. Reliable estimates of the costs of this weapons system should be supplied by the Secretary of Defense.

This aircraft has not been thoroughly or adequately tested, yet we are asked to appropriate the money to purchase it in large numbers for operational use.

Development of the engine for the Navy plane is underway, but it will not soon be ready for testing. There will be no prototype of it, according to testimony, until May of next year. The Navy version has not even finished its preliminary testing, yet the Defense Department plans, if we give it the money, to place it in production even before the new engine, which the Navy hopes will improve its performance, has been developed, produced, and satisfactorily tested.

I believe that the Congress should require complete and accurate information about all the costs and the operational characteristics of the F–111 weapons system in all its versions. I do not accept—nor do I believe that the Congress should countenance—any suggestion that the Defense Department has the right to request appropriations for an admittedly unsatisfactory aircraft while withholding information about its costs and about its performance capabilities.

We have a responsibility to know what we are doing—to know what we are getting—and what it is costing, when we appropriate money to purchase these planes. Some day, Mr. President, notwithstanding the withholding of this vital information by the Defense Department, we will get and disseminate much more of the truth about this weapons procurement program. The day of reckoning surely cannot be postponed indefinitely.

EXHIBIT 1

WHY THE FLAK AROUND THE F–111

(By Richard Witkin)

(NOTE.—Richard Witkin, of The New York Times staff, was for many years aerospace news editor.)

The revolutionary fighter-bomber rolls down the runway for take-off, a rather graceless shape spewing power from twin turbofan engines. The canopy over the two-man cockpit gives it a hump-backed look. The heavy tail droops. The wings defy the sweep-back trend of contemporary supersonic design, stretching sideways almost at right angles to the fuselage, but there is good reason for the unfashionability. It enables the plane to lift off the ground after a remarkably short run of 3,000 feet or less.

Minutes later, pointed on course, one of

the pilots moves a "trombone-slide" device, and the wings—as on no other plane—begin to pivot backward. They go so far back that they move almost flush against the horizontal triangular tail and, as the craft races across the sky, all grace and streamlining, it looks from the ground like a kid's paper plane turned into the real thing. Now, with the wings tucked back beyond even fashionable angles, the drag, or air resistance, has been slashed and the speed can be pushed to 1,650 miles an hour.

Yet, despite the success of the unique "swing wing," this is a plane with troubles, technical and political. This is the TFX (since renamed the F–111), the Air Force-Navy fighter-bomber that provoked 3,000 pages of strident Congressional hearings long before it was built and has been buffeted by controversy ever since.

The man at the center of the debate is Defense Secretary Robert S. McNamara. It was he who gave the go-ahead to develop the plane, which was—and still is—intended to be the most important addition to the U.S. tactical air arm for the next 10 to 15 years. It was he who precipitated the bitter quarreling over the plane by the ground rules he set for the design and by the way he chose the company to build it.

During the six years since he left the presidency of Ford to become Defense Secretary, McNamara has built a reputation as a manager with few peers. Whatever else the public might think of him—his policies on Vietnam, the Reserves, NATO—it applauds the way he has adapted the efficiency standards of private industry to the conduct of the Pentagon's $75-billion-a-year business. By closing obsolete bases, merging overlapping bureaus and decreeing the strictest cost-accounting systems, he has projected the image of a man relentlessly bent on cutting waste.

Nevertheless, it seems plain that the F–111 is not going to add to McNamara's luster. More than 20 test versions have logged more than 2,700 hours in the air but not all the tests have been completed and not all the possible fixes have been made. Every indication is that the nation will wind up with a product that is significantly short on projected performance and less than a bargain on cost. Unless these shortcomings can be largely mitigated, which seems unlikely, the blow to McNamara will be considerable, whatever the overall reading on his talents as a manager.

The F–111, after all, is being produced under what he has reckoned to be "the largest single airplane contract in the history of this or any other country." Production is expected to run well above 1,000 planes at a cost that could reach $10-billion or more. Figures of such magnitude help explain the long and intense controversy over the F–111. And to make sure that the public does not miss the full import of what has happened, Senator John L. McClellan's Permanent Investigations Subcommittee plans to resume in June or July hearings on the F–111 which were suspended in the fall of 1963.

McNamara's intial misstep, most experts agree, was to try to stretch a concept that must have looked like a first-rate idea to a transplanted automotive executive. The concept, "commonality," called for producing a single weapon system that could be used by different services for different missions. The purpose was to save money hitherto misspent by turning out too many weapons tailored for one service's missions alone.

When McNamara came to the Pentagon the concept of commonality was already employed, but only fitfully. For example, several helicopters were being produced that were multiservice machines. McNamara decided that to ease his budget burdens commonality should be pursued much more energetically and it was this idea that impelled him, in the fall of 1961, to apply the concept to the first major new weapon system to be developed under his auspices—the F–111.

The idea for the plane originated with some imaginative research undertaken after World War II by researchers in this country and in Britain to develop a plane with wings that could pivot back and forth. With the wings extended sideways the plane would be able to take off and land at slow speed in a very small space. In midflight, the wings would be pivoted far back to minimize air resistance and make possible high speeds. Thus, supersonic planes could operate from modest runways previously reserved for craft not much hotter than the old DC–3 airliner.

Experimental swing-wing planes incorporating the idea were test flown in this country in the nineteen-fifties. The technology finally was perfected through use of wind-tunnel models by a design team under John Stack, a dynamic engineer who formerly directed the national space agency's Langley Research Center laboratory and now is a vice president of the Fairchild-Hiller Corporation.

The Air Force greeted the new Defense Secretary in 1961 with proposals to produce a swing-wing fighter-bomber that would be ready by the late sixties to take over attack missions from its F–105 Thunderchiefs. The Navy also wanted a variable wing fighter to carry a projected new missile, the Phoenix, and take over fleet-defense missions being performed by F–4B Phantoms.

McNamara agreed that the plane should be built and envisaged a huge force of 1,400 to 1,700 (the exact figure has never been pinned down) of which all but about 300 were destined for the Air Force.

But he insisted that a common basic design be developed to meet the requirements of both the Air Force and the Navy, which caused both services to set up a howl. Automatically, the stricture meant compromising the performance each plane might otherwise have attained. The Air Force version would have to be shorter than desired because commonality dictated that the plane had to fit the elevators of Navy aircraft carriers and meet other criteria for being moved around in confined shipboard areas. The foreshortening would also increase the plane's drag. The drag, in turn, would cut the plane's range or require more fuel to fly the originally contemplated distances.

As for the Navy plane, commonality burdened it with a good deal of superfluous ruggedness to withstand the terrific buffeting that would be encountered in what was strictly an Air Force mission: flying supersonically in the thicker air of very low altitudes in order to slip under enemy radar. The Air Force also required extra ruggedness to withstand sharp maneuvers with higher fuel loads than the Navy demanded.

McNamara did not dispute that commonality would impose performance sacrifices. He did contend that the sacrifices would be "marginal" and justified by the dollars saved—savings, the Secretary was later to testify, that would amount to $1-billion in his "rough judgment."

Some of the nation's most experienced engineers warned from the start that McNamara was deluding himself. Subsequent events—a swarm of technical troubles and soaring costs—indicate that the doubts were well-founded, though it is hard to gauge precisely what portion of the F–111's shortcomings is due to commonality. Many other mistakes along the way impeded its smooth development. Nevertheless, a majority of experts I have talked to are convinced that commonality accounts for much of the technical trouble, particularly on the Navy plane, and the increased costs.

The penalty is most clearly evident in the excess weight of the Navy version. The Navy initially wanted a fighter weighing, fully loaded, no more than 55,000 pounds. It later agreed to compromise on 63,500 pounds. The plane today weighs over 70,000 pounds. As weight increases, so do take-off and landing speeds. And as these speeds increase, a carrier deck—small at best—becomes a more and more restricted area from which to operate.

A vigorous program known as SWIP (Super Weight Improvement Program) was undertaken to trim every ounce of fat from the Navy plane, at the risk that some muscle would be trimmed too. Several thousand pounds of fat were taken off, often ounce by ounce, but the plane still is four tons overweight. Of course, while SWIP slenderized the F–111, it inflated development costs.

Development costs were further boosted by a companion effort to design "high-lift" devices for the wings—devices that would compensate for the excess weight and prevent higher take-off and landing speeds. This caused another problem. The "high-lift" devices increased the nose-up angle at which the plane would glide toward the carrier deck, making it more difficult for the pilot to see where he was going. Result: more design changes to restore good visibility. And more development costs.

More painful than all the increases in development costs will be the higher costs of aircraft eventually produced for combat. The appalling overweight will account for much of the increase since, as one highly placed official put it, "Airplanes are like bananas. You buy them by the pound."

Estimates on the eventual cost of each Air Force attack plane have soared from an original figure of about $3-million to more than $5-million. The Navy plane will cost more than $8-million unless—and this is unlikely—a decision is made not to produce the Navy version in volume. The difference in price lies primarily in the cost of the six Phoenix missiles each Navy plane is to carry.

McNamara answers critics who keep reminding him how costs have been skyrocketing by recalling testimony he gave in 1963 which characterized initial price estimates as unreliable. It is unlikely, however, that he ever imagined the estimates could be as remote from reality as they have proved to be.

Apart from the question of costs, the Defense Secretary might still have avoided serious embarrassment had he not followed the commonality doctrine with a succession of egregious blunders in political judgment, public relations and program management. The public's first real news about the plane came in November, 1962, when the Pentagon announced that the prize multi-billion-dollar construction contract would go to the General Dynamics Corporation, thus ending a hotly contested, year-long competition. Production was assigned to the company's Fort Worth, Tex., plant.

Not long after the announcement political rumblings began. It turned out that, in awarding the contract to General Dynamics, McNamara had overturned a unanimous recommendation in favor of the Boeing Company made by the Joint Chiefs of Staff on the basis of previous recommendations by a team of military and civilian experts which had spent hundreds of hours examining each company's proposals. It was the first time anyone could recall that the advice of the Joint Chiefs or the expert Source Selection Board had been overturned on a major program.

Demands were made that Congress look into the matter to learn why the Pentagon had overturned the Joint Chiefs. The only explanation that made much sense to experts who had followed the design competition was political, that the decision was dictated by the White House. John F. Kennedy's possible role in the selection was brought out in subsequent testimony before the McClellan committee by Eugene M. Zuckert, Secretary of the Air Force at the time. He read a memorandum McNamara had sent both to him and to Fred Korth, who was Navy Secretary, early in the contest over the

plane. It contained a single sentence: "I have told the President that we propose to discuss with him our recommendations regarding the final award of the TFX contract before the contract is let."

Zuckert also revealed that, even before evaluating the final proposals, McNamara had told the President "that it looks as if General Dynamics would be chosen." Zuckert insisted that the President "did not suggest" which company should get the contract.

Speculation—and that is all it is—on why President Kennedy might have favored General Dynamics runs along at least two lines. One, he preferred to give the business to Democratic Texas rather than to Republican Kansas. (Boeing has headquarters in Seattle but intended to build the plane at its Wichita plant). Two, the President might have been concerned less with politics than with economics.

The Fort Worth plant of General Dynamics was ending production of the B–58 bomber; unemployment threatened and there was danger that the company would be forced to get rid of the plant. Furthermore, the company had taken a jolting $425-million loss in producing an abortive series of commercial jet airliners. The President may have been moved by a desire to prevent a local economic setback in Fort Worth and by the broader aim of shoring up a corporation valuable for defense production.

Whether the choice was political or not, the Pentagon almost certainly could have minimized the controversy if it had behaved differently. There is every reason to believe that the McClellan inquiry would have been brief and unspectacular had officials dispassionately explained that both proposals had met the criteria and that General Dynamics had a higher over-all point score in the competition though Boeing led in "combat performance." The Administration might even have done well to suggest that, since the competing designs left little to choose between, economic consideration had tipped the balance.

Instead, soon after the McClellan hearings opened in late February, 1963, the McNamara team began to assail the committee with charges of bias and improper motives. The opening volley came from Arthur Sylvester, McNamara's public-relations chief from the start of the Kennedy Administration until he resigned early this year. The hearings were just 10 days old when Sylvester suggested at an off-the-record briefing that no one on the Senate committee except Edmund S. Muskie of Maine could fairly conduct an inquiry because manufacturers in the other Senators' home states would be competing for valuable F–111 subcontracts. The source of an off-the-record briefing makes the rounds of Washington quickly and Sylvester promptly got a blistering dressing-down from Senator McClellan, He apologized.

A few days later, Secretary McNamara proceeded to express *his* displeasure, on the record, at the way the hearings were going. He asked that his representative be called to the stand promptly to give the Administration's side of the case and McClellan agreed to have a long affidavit from McNamara read into the record. Apparently dissatisfied, McNamara promptly charged, in a letter released by his public relations office, that the committee inquiry was reflecting adversely on his integrity.

The third volley come from Roswell Gilpatric, a handsome, urbane Ivy Leaguer who was Deputy Secretary of Defense. Gilpatric held an off-the-record briefing in which he complained that the Pentagon had been misled into thinking that the inquiry would be perfunctory. That Gilpatric should be maneuvering to whip up public sentiment against anything but a brief inquiry struck an especially sour note because his own role in the selection of General Dynamics had begun to look less than objective. Gilpatric had been a partner in the New York law firm of Cravath, Swaine and Moore before coming to the Pentagon and had worked on several important legal matters for General Dynamics. Since his switch to the Pentagon, the law firm had become general counsel to the aerospace company.

Later in the inquiry, McClellan offered his opinion that Gilpatric should have disqualified himself as a judge in the F–111 competition. Three committee members agreed while three others supported the view of the Justice Department, then under Robert F. Kennedy, that Gilpatric had no obligation to disqualify himself. About a year after the commotion, Gilpatric returned to Cravath, Swaine and Moore.

It would be hard to conceive more self-defeating tactics in dealing with a Congressional committee than the three Pentagon broadsides. They counteracted any inclination McClellan, for one, might have had to limit the scope of the hearings. On the contrary, they made it certain that the committee would now pursue every lead to the end. And it insured that the plane's technical development would proceed in a goldfish bowl of publicity.

The guarantee of unceasing publicity was one of the worst things that every happened to the F–111. It led McNamara to try to manage day-to-day work on the plane directly from the Pentagon and in doing so he flouted some fundmental managerial rules for so vast and important a program.

The initial McClellan hearings went on for nine months and piled up almost 3,000 pages of testimony. McNamara defended his choice of General Dynamics on three main grounds: The company's designs incorporated fewer technical risks; estimates on development costs were more realistic than Boeing's; and, perhaps most important, its proposals for the Air Force and Navy versions incorporated a greater degree of commonality.

The Secretary's critics low-rated the degree of added technical risk in the Boeing design. The critics also emphasized the superior promise of the Boeing plane in combat performance and the likelihood that it would weigh less. Finally, they argued that the greater commonality of the General Dynamics design was a minimal factor and likely to save very little money.

It was impossible for the committee to reach any solid verdict because the airplane still was only a paper project. Then, when President Kennedy was assassinated and all attention was taken up with the consequences of the tragedy, McClellan seized the opportunity to suspend the hearings indefinitely.

Almost a year later, on Oct. 14, 1964, the first F–111 test plane was rolled out of the factory door at the edge of Carswell Air Force Base in Texas. Defense Secretaries do not often turn up for such events, but in view of public interest in the controversy and since the entire aviation press was on hand, McNamara flew from Washington to put the occasion into what he considered proper perspective.

Addressing an audience that also included squads of generals and admirals, company presidents, Government officials and most of the General Dynamics work force, the Secretary noted candidly that the plane had had "a stormy birth which has been very much on my mind for many months." He went on to declare that the F–111 was "now recognized for what it is: a truly enormous advance in the art of military aircraft." Adding a crowning superlative, he said: "The plane is the greatest single step forward in combat aircraft in several decades."

In light of the fact that the combat jet was only introduced in 1944, the claim was extravagant, or at least premature. The Secretary could not have been unaware that engineers were struggling with the weight problem. He must have known, too, of warnings that the plane's drag would be worse than the original calculations. He simply chose to put the best face on the project—perhaps because he realized how much he personally had riding on it, or because he was susceptible to overconfidence.

Test flights of the F–111 began in early 1965. The most revolutionary feature of the plane—the pivoting wing system—worked perfectly. (It worked so well that adaptation of the concept recently helped Boeing win the competition to build the supersonic airliner). But that technical triumph was offset by a host of setbacks that have proved to be much more stubborn than the usual troubles which beset new planes. The most persistent problem—after more than 2,700 hours of flight tests in the 22 test planes—remains in the propulsion system, which includes both the turbofan engines and the air-inlet ducts under the wings. It is through the ducts that the engines breathe the air necessary to support combustion.

Starting early in the flight program, the engine afterburners, which are fired up to push a plane to top speeds or high altitudes, suffered frequent premature shutdowns. At the same time, the air flow through the ducts was prone to disturbances under a variety of conditions. The result was frequent stalling, or surging, of engine power. Coupled with all these troubles was the discovery that the engines had a higher rate of fuel consumption than had been counted on.

Congressional pessimism during this period focused almost exclusively on prospects for the Navy plane, which always had been a more doubtful project than its Air Force counterpart. While the Pentagon placed an initial order for 431 Air Force F–111's little more than a year after flight tests began, it has carefully refrained from committing itself to volume production of the Navy plane. The decision has been postponed time and again.

One reason was the weight. Another equally important issue was whether the Hughes Aircraft Company could perfect in time the radically advanced Phoenix missile system, which is intended to aim, fire and guide the plane's six missiles simultaneously at six different targets flying at different altitudes. Without the Phoenix the F–111 would be of no real use to the Navy, and though the system had some serious early problems, at last word they were diminishing.

A third set of difficulties was outlined about a year ago when Secretary of the Navy Paul H. Nitze noted that flights with the first Navy test planes "have indicated a desirability of improvement in the areas of acceleration, loiter ceiling, time on station, maneuverability and balance." (Loiter ceiling means the maximum altitude at which the plane can patrol at subsonic speed. Time on station means the hours the plane can circle at its assigned loiter station.)

Last July, Nitze spoke up again, saying the Navy F–111 was a plane "we must make work."

"Why? Why?" asked Senator McClellan during a Senate speech in which he resumed his long-suspended attack on the F–111 program. "If a weapon will not work, why must we try to make it work if there is another alternative?" If it were up to the Navy, he added, "they would not accept the airplane."

There are signs that Navy opposition, at least among the top brass, may have slackened recently. The outlook for the propulsion system is a little brighter. And the admirals are reported to be increasingly worried that, if they do not get the F–111, they may get nothing. They are the men who will be responsible for protecting the nation long after McNamara has left the Pentagon.

Whatever the defects of the commonality decision and the technical troubles that followed, most observers agree that the Secretary of Defense aggravated the difficulties by

the way he directed that the program be managed.

Accepted management doctrine for a major military development today calls for delegating authority over operations. In other words, a single strong manager should be assigned at the level where the day-to-day work is done to catch deviations from best design early in the game and to order timely improvements. Company executives, accustomed to walking through the most forbidding Washington doors, should be prevented from undercutting the program manager's authority. The manager should be judged by progress measured at decent intervals against scheduled target goals. If he does not meet the tests he should be replaced. The wisdom of this approach has been amply proved in the atomic submarine and ballistic missile programs.

The lesson has not been applied to the F–111. McNamara has been so conscious of public attention that Pentagon involvement reached the point last fall where the presidents of the major contracting firms were summoned to Washington for a series of Saturday morning trouble-shooting sessions chaired by McNamara himself or his Deputy Secretary, Cyrus Vance.

"With a program under that kind of spotlight," one high-ranking Washington insider said privately, "management at the appropriate level was impossible. Working-level officers spent much of their time gathering data for Congressional hearings and having investigations and getting second-guessed at the top. All this produced delays and confusion and an upward spiral in costs."

In one case, a program manager is reported to have decided on an important technical change (details are classified) that could be incorporated in the 57th airplane off the production line. But the way the Pentagon was running the show, the proposal had to be bucked up to the top level in the Defense Department, and the improvement will not be incorporated before the 130th plane. If the Air Force wants to go back and "retrofit" the earlier planes, it will cost a great deal of money.

Similar price increases are blamed on a contract innovation which McNamara introduced several years ago and which has been used in the F–111 program. Before the McNamara era, the stock contract was a so-called "cost plus fixed fee" agreement; the contractor was assured that the Government would cover his costs and pay him a fee—his profit—on top of that.

An important weakness in "cost plus" contracts was the absence of a strong incentive for the contractor to limit costs. McNamara gradually altered the system, and current standard practice is to operate under what is known as a "fixed price incentive" contract; the basic price the company is to be paid is negotiated ahead of time, with loopholes allowing the Government to make later design changes and pay extra for them. The contractor's profit is affected by an incentive clause under which he will earn a higher or lower fee depending on whether the product meets performance criteria and does so within a prescribed time.

Almost everyone favors such contracts for the production phase of weapons programs. However, many procurement experts question whether they are suitable in the research and development phase. How, they ask, is it possible to negotiate a realistic fixed price for research and development on a project that combines so many technical advances as, say, the F–111?

One danger in the "fixed price" approach is that it may prompt a contractor to hold back an extra final effort to improve a product design because the attempt would cut too heavily into profit. Another danger is illustrated by what happened with some electronic "black boxes" for the F–111.

General Dynamics decided to use already developed equipment with standard prices rather than gamble on advanced equipment still under development—equipment whose ultimate cost it had no way of knowing. Eventually, when the advanced items had been put into production and the price nailed down, the Pentagon decided they should be installed in the F-111 and the Government had to pay for a costly change-over.

The final verdict in the emotional F-111 dispute cannot be given until the test program is complete; until a decision is made on full or token Navy production; or perhaps until the plane is put to the ultimate test of combat—never, one hopes.

It is certainly a great credit to the program that the most radical innovation, the pivoting wing, works magnificently. As the first mass-produced plane to incorporate the concept, the F-111 unquestionably is a big technological advance over anything now on the flight line. That is, after all, why a nation designs new planes. On the other hand, the F-111's over-all performance is not what it might have been.

The main penalty paid by the Air Force fighter-bomber is a reduced combat range for its primary mission—low-level penetration to the target and high-altitude return. It also may fall short in the distance it can be ferried from a U.S. base to an overseas trouble zone without refueling.

The Navy fighter cannot patrol at altitudes as high as desired. It requires a higher-than-desirable "wind over deck" speed for take-off and landing (the carrier must make up the difference by moving faster through the water). It also is deficient in ability to climb with one of its two engines not working, a critical factor when a plane gliding to a carrier deck with one engine shut off gets a "wave off" or has to slow its rate of descent.

In short, the F-111 is not turning out to be nearly as agile as McNamara boasted it would be. Nor will it be bought at anything like the billion-dollar saving he counted on when he ordered development of a single two-service plane. The McClellan committee, when it resumes probable hearings in June or July, will want to know in detail what went wrong.

As for McNamara, despite all his brilliance he is emerging in the F-111 dispute as a merely human, fallible policy-maker who compounded what appears to have been an initial mistake—commonality—by tactlessness and a presumptuous flouting of sound managerial doctrine.

EXHIBIT 2

TRANSCRIPT OF A FILMED TELEVISION NEWS REPORT BY JULES BERGMAN, SCIENCE EDITOR OF THE AMERICAN BROADCASTING CO., ON THE ABC NETWORK NEWS BROADCAST, "PETER JENNINGS AND THE NEWS," MARCH 30, 1967

Defense Secretary Robert McNamara, called the F–111 the "Greatest single advance in combat planes in several decades." That was before it had ever flown. It is an old adage that you don't boast about a new plane until it has been tested and you have seen what it can do. It is now clear that the nation will not get the plane that McNamara promised or the Air Force and Navy wanted.

After more than 1,500 flights, engineers are still trying to cure the 111's problems. The plane costs too much, weighs too much, and lacks the range promised.

Worst of all, its radical fanjet engine—the first with after-burners built in for extra power—still stalls or quits in mid-air. The critical problem has been the inlets—where the air is sucked into the engines. Unless the air is aimed in just right, the engines misfire. Major changes are being tested. No one knows if they will work. And a new engine, with more power—because the plane is five tons overweight—is on the way.

But the engine isn't the only problem: the 111's fuselage is too thick, its tail section too wide, it has too much drag and the engines have to burn more fuel to push it through the air. Result: fuel consumption that is too high, and range that is too short.

It was supposed to fly non-stop more than 4,000 miles—a record in itself, but now, even with a thousand gallons of extra fuel squeezed aboard it has to be refueled in mid-air for long transoceanic missions. The 111 has flown faster than sound at low level for sustained time—a major goal to attack under enemy radar. It has done nearly 1,700 miles an hour up high—but burning too much fuel. Originally, there were to have been 1,700 of these swing-wing planes, costing three million dollars each—it was the biggest single military contract in history. It totaled nearly Ten Billion Dollars.

A new word—commonality—came into being at the Pentagon—meaning both Air Force and Navy would use the same plane, and a Billion Dollars would be saved. The name of the game—the slogan went—is the plane is the same.

What seemed toughest—the 111's folding wings—has proven the easiest. The wings sweep exactly the way they are supposed to, enabling the 111 to take off and land more slowly. But, it can't maneuver in dog fights, pilots report. It can't shoot down Migs unless it gets them with its missiles first. It won't be the greatest advance in combat planes in decades. Far from it. And it will be years late for Vietnamese type wars.

The cost has skyrocketed: the Air Force model costs twice as much as the Pentagon declared it would; the Navy version nearly three times as much.

But, major cockpit changes will be needed to make it safe for carrier landings. The visibility is so bad that Navy pilots cannot see the deck when touching down. And, the Navy version won't be ready until 1970—two years late.

The great dream of commonality and cost saving didn't quite work out. Instead of one plane for both services . . . two separate planes are being built. They do use the same nuts and bolts.

What kind of a plane will the nation get? We will, the Pentagon declares, get an "acceptable" plane. But even the Pentagon admits that it is not the plane it wanted or set out to build.

It is as if you started out to buy a Volkswagen and ended up with a Cadillac.

EXHIBIT 3

[From the Washington (D.C.) Evening Star, Apr. 7, 1967]

THE TFX—A SORRY MONUMENT TO MCNAMARA

(By Richard Wilson)

Our $10 billion airplane, the TFX, does not operate as planned. It does not meet the requirements of either the Air Force or the Navy. It costs two to three times the original estimate.

The TFX program is a sorry monument to the strong mindedness of a secretary of defense who was trying to prove his intuitive brain power was superior to the collective judgment of the Joint Chiefs of Staff and a board of civilian experts.

Richard Witkin, for many years an aerospace news editor, concludes in an exhaustive article in the New York Times magazine:

"As for (secretary of defense) McNamara, despite all his brilliance, he is emerging in the F111 (TFX) dispute as a merely human, fallible policy-maker who compounded what appears to have been an initial mistake—commonality—by tactlessness and a presumptuous flouting of sound managerial doctrine."

Commonality is a term used to describe the purpose of the TFX fighter-bomber as a plane that would be jointly used by the Air Force and the Navy, a short-cut in plane procurement that would save taxpayers $1 billion, according to McNamara.

The program is not saving $1 billion. Each F111 is being produced at a cost of about $8 million, two to three times original esti-

mates. Instead of being a $5 billion procurement program, the total cost would be at least $10 billion if fulfilled as originally planned.

The plane is not suitable for use by the Navy from carriers. It weighs far too much and has numerous other technical shortcomings that may prevent it ever being used by the Navy.

Penalties are also being paid in the Air Force version of the plane, although taken separately the aircraft is considered to be a radical advance in design.

But very little in the program is working the way NcNamara planned it. His judgment, or whatever it was, giving the contract to the financially floundering General Dynamics Co. instead of the Boeing Co., as the Joint Chiefs of Staff and the civilian experts recommended, has not been confirmed.

These developments are a sharp disappointment to the McNamara-admirers, who have built him into a superman incapable of error and with a towering command of technical details beyond the scope of the mind.

When this mess at the Pentagon is looked at from a little distance, one point compels attention. In the early days of the Kennedy administration it became a fetish that the civilian will had to be imposed on the military.

Otherwise the generals and admirals, acting in concert with the managers of the munitions industry and like-minded people in Congress, would so influence events by the allocation and spending of huge sums of money as to virtually run the country. Gen. Dwight D. Eisenhower, leaving the presidency, warned against the potential for evil of the military-industrial complex.

McNamara was picked by President Kennedy as a man capable of imposing his will on the military. But he could not have chosen a worse way to do so than in overriding the Joint Chiefs of Staff in a highly complicated and technical matter, particularly now that his action has boomeranged so badly.

This is not the only way in which the Joint Chiefs of Staff have been overridden. They have been overridden on the scope and nature of bombing in North Vietnam.

Many times the joint chiefs have recommended hitting North Vietnam airbases from which Russian MIGS rise to thwart American bombing attacks. To the response that this will only drive the MIGs to Chinese bases, the joint chiefs can reply that those Chinese bases already are being used.

But there are apparently no more general officers in the high command who have the audacity to take their careers in their hands and argue for their point of view—no more Admiral Andersons, or Gen. LeMay, who opposed McNamara and were punished for it. The Joint Chiefs of Staff has been downgraded, not to say intimidated, by overpowering civilian control represented by McNamara, backed up by the commander-in-chief.

While it may be readily conceded that there are real dangers in the unrestrained exercise of military discretion, it can also be said that there are risks in the imposition of the civilian will on the military judgment of trained commanders. This may be the case with the present restraints on bombing, as it was in the critical decisions on the TFX airplane contract.

As the successful allied commander in Europe of World War II, Eisenhower did not hesitate to argue with and prevail over Winston Churchill. But that spirit seems to be lacking in the present military command set-up.

Mr. JACKSON. Mr. President, I would like to commend the able chairman of the Government Operations Committee for his informative statement. He has raised fundamental questions regarding the costs and performance characteristics of the F–111—both the Air Force and Navy versions.

The Senate needs to be fully informed on these and other points in this long and continuing controversy. The Senator from Arkansas has rendered an outstanding service in having followed this matter in great detail. I hope that every Member of the Senate will read his remarks with great care.

VICE PRESIDENT HUMPHREY

Mr. BYRD of West Virginia. Mr. President, our energetic and able Vice President, HUBERT H. HUMPHREY, is safely back in the United States after an eventful trip to Europe.

His efforts have been lauded in press reports. One of the reports which I read summed up the problems which he encountered, and generally outlined the hopeful results of his contacts with the European community in an especially effective manner.

I wish to echo the statement within this editorial, published in the April 11 issue of the Washington Post, which said that the Vice President's personal charm obviously had its impact on European leaders, and his success at this level suggests that he should be utilized as an ambassador more frequently.

The Vice President is certainly an ideal representative of our Nation abroad, both in his more pleasant contacts with representatives of foreign nations under friendly auspices and in his excellent demeanor when faced with hostility.

I ask unanimous consent to have the editorial printed in the RECORD.

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

HUMPHREY'S TRIP

Vice President Humphrey very clearly accomplished the two foremost purposes of his European visit: the governments he visited know more about American policy and the Government of the United States is better informed on European attitudes. It is doubtful if the President could have sent a better ambassador on such a dual mission. Vice President Humphrey is a persuasive and amiable advocate and he is, as well, a quick and perceptive observer.

Time will tell how many results he achieved both as advocate and as reporter. Subsequent events will show if things go more smoothly in the Kennedy round and in the maneuvers for a nonproliferation treaty. Later developments will indicate if he made any progress in reconciling European leaders to the American role in Southeast Asia. Our own policies no doubt will reflect the information which he acquired.

The limitations of such a mission, of course, arise from the narrow scope of the enterprise. If differences exist because of genuine misunderstanding and misconstruction as to European and American policies, a gifted emissary can accomplish a great deal. If they spring inherently, not from misunderstanding, but from real differences over policies that are well understood on both sides, there are strict limits to what an interpreting visit can achieve.

The Vice President's personal charm obviously had its impact on European leaders and his success at this level suggests that he should be utilized as an ambassador more frequently. These affirmative reactions cannot eclipse entirely the dismay created in the United States by some of the hostile demonstrations he encountered. News photographs of Paris demonstrators burning an American flag made a painful impression on American newspaper readers. Fortunately they are sophisticated enough to know such disorders do not reflect governmental opinion, or even general French opinion.

The general reaction to the Vice President's trip suggests that it would be useful and helpful in maintaining historic friendships in Europe if the excursion were to be repeated at frequent intervals.

THE DAIRY IMPORT ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I am proud to be a cosponsor of Senate bill 612, 90th Congress, first session, a bill to regulate imports of milk and dairy products, and for other purposes.

The dairy farmers of America are urgently in need of effective protection against the increasing flood of imports of dairy products into the United States.

Imports of dairy products average slightly more than 0.8 billion pounds, whole milk equivalent basis, during the 5-year period 1961–65, ranging from 0.7 billion pounds to 0.9 billion pounds. During 1966 imports of dairy products increased to 2.7 billion pounds, whole milk equivalent, an increase of 200 percent over 1965. This is a phenomenal rate of increase in imports. The addition of such a volume of dairy products to our domestically produced supply has had the effect of depressing prices received by our farmers for their dairy products.

Mr. President, current estimates indicate that imports of dairy products into the United States during 1967 may total about 3.5 billion pounds, whole milk equivalent, an increase of about 30 percent over 1966 and an increase of 289 percent over 1965. Current world dairy conditions will encourage increased U.S. imports of these products during 1967. World milk production, which rose about 2 percent in 1966 above 1965, likely will increase again because of generally favorable factors in Western Europe and Oceania.

Relatively favorable prices to producers in the European Common Market countries, together with plentiful pastures and increasing cow population, brought about an increase in production of about 3 percent last year. Milk production also increased in the East European countries and the Soviet Union, with some of the increase moving into export markets as butter at relatively low prices.

New Zealand produced a record 13.7 billion pounds of milk in 1966, up 4 percent from 1965, and Australian production turned upward after a sharp decline in 1965 resulting from severe drought.

As a result of increased output in these major exporting areas, their output of butter, cheese, and nonfat dry milk rose substantially. European butter stocks at the beginning of 1967 were near a record level—over 500 million pounds. This accumulation of butter prompted common market countries to adopt various schemes in an effort to reduce stocks. Among such schemes were reductions of domestic prices for

cold storage butter to enourage increased consumption and the payment of export subsidies. Currently under regulations in the common market countries, export subsidies differ among countries. As an example, Holland may subsidize butter exports to the extent of 43 cents per pound. The subsidies actually paid depend on export prices of other countries and world market conditions.

Also, because of these surplus stocks and export subsidies, shipments of butterfat-sugar mixtures and Colby cheese from European countries to the United States rose sharply in 1966.

The unprecedented rate of increase in dairy products this past year clearly indicates the urgent need for effective control of such imports. This rising rate of imports also offers proof that the provisions of section 22 of the Agricultural Adjustment Act are ineffective in limiting these imports. As mentioned earlier in my remarks, imports in 1966 totaled an estimated 2.7 billion pounds, milk equivalent, up from 0.9 billion pounds in 1965. The major factor in the increase was the rise in imports of nonquota products—butter/sugar mixtures, Colby cheese, and frozen cream.

Imports of butterfat-sugar mixtures totaled 105.6 million pounds, up from 3.4 million pounds in 1965; Colby cheese imports totaled 46 million pounds compared with 15 million the previous year. Imports of frozen cream also increased about 50 percent to 1.6 million gallons. Imports of quota products—milk equivalent—primarily cheese, rose 27 percent from 1965 levels.

Under the Sugar Act, the Department of Agriculture limited imports of sugar mixtures beginning in August 1966, and according to provisions of the Sugar Act established quotas for calendar year 1967. Under these quotas, approximately 46 million pounds of butterfat-sugar mixture will be allowed to enter during the year, compared with 105.6 million this past year. The quota is based on the average of the previous 3 years. It should be noted, however, that the limitation applies only to butterfat-sugar mixtures containing 25 percent or more sucrose.

This quota limitation can easily be circumvented by simply changing the product mixture. This has been taking place with a number of products placed under quotas under section 22 ever since quotas were invoked under that authority in 1953.

On March 30, the Secretary of Agriculture, in discussing this increasingly critical situation, said that the present rate of imports of dairy products represents a 300-percent increase, an increase largely accomplished through evasion of the current law, and deplored the adverse effect upon our price support program and the manner in which the income of American dairy farmers was being held down.

It hardly seems necessary for anyone to emphasize the importance of the dairy industry to our national economy, the farm sector of our economy, and to the health of our people. This past year farm cash receipts from the sale of dairy products totaled $5.6 billion, approximately 13 percent of total cash receipts from all farm marketings. In the North Atlantic States, cash receipts from the sale of dairy products accounted for more than 39 percent of total cash receipts from the sale of all farm products.

Per capita consumption of dairy products, milk equivalent, this past year totaled 605 pounds.

These data clearly indicate the importance of dairy production to our economy and to the health of the people of the United States.

A few statistics will serve to illustrate why we should be concerned with what is happening in the dairy industry. Milk cows on farms have decreased from 23.9 million head on January 1, 1950, to 15.2 million head as of January 1, 1967. Farms reporting milk cows decreased from 3.7 million in 1950 to 1.1 million in 1964, the latest year for which complete data are available. The number of commercial dairy farms decreased from 602,000 in 1950 to 367,000 in 1964.

Milk production has decreased from a high of 127 billion pounds in 1964 to 121.5 billion pounds in 1966.

Returns to dairy farmers have been shockingly low for a number of years while production costs have continued to rise sharply. Prices received by farmers for milk and butterfat last reached the parity level in 1952. Since that time these prices have been well below parity. In 4 of the past 5 years, the average prices received by farmers for all milk wholesale have been only slightly above 75 percent of parity, the minimum support level under existing law. As of March 15, 1967, farmers were receiving prices for all milk wholesale which reflected only 85 percent of parity. In other words, average prices received by farmers currently for all milk wholesale are 15 percent below parity, the price which is considered a fair price.

These developments tend to threaten our future dairy production. The rate at which farmers leave dairying depends largely on the attractiveness of dairying relative to other economic opportunities, both on and off the farm. It is also influenced by the mobility of milk producers—their ability or willingness to take advantage of more remunerative alternatives. Some farmers who formerly produced milk have been attracted to beef production because these livestock enterprises use about the same farm resources, and because consumption of beef has risen sharply in recent years. In addition, beef production is less confining than milk production. Other dairymen have found better economic opportunities in other endeavors, including nonfarm employment.

In the last 3 weeks, the Secretary of Agriculture has announced that he is recommending to the President that action be taken to reduce the volume of dairy products being imported into the United States. He is furthermore urging the Tariff Commission to begin hearings as quickly as possible, in an effort to bring about prompt action to relieve pressure on the income of our dairy farmers.

However, I do not believe that this task—the determination of means and methods of rectifying the situation which is working this acute economic hardship on American dairymen and farmers—should have to wait for others to come to Congress to urge initiation of effective action. This is a task which we should undertake under our own impetus.

Mr. President, in view of the development in the dairy industry in recent years and the phenomenal increase in dairy imports, I urge the appropriate committee to hold hearings on the bill as promptly as possible. I am confident that the facts developed in testimony before that body will be overwhelmingly in favor of prompt passage of legislation limiting imports of dairy products.

THE MISSION OF THE NATIONAL PARKS

Mr. MAGNUSON. Mr. President, Americans, understandably, are very proud of their national park system.

However, few can describe the mission of the national parks today and for the future better than did George B. Hartzog, Jr., Director of the National Park Service, at the Conservation Congress for the Pacific Northwest in Wenatchee, Wash., March 7, 1967.

One can better understand why Director Hartzog is doing such an outstanding job in this key assignment in the Department of the Interior when he reviews the text of Director Hartzog's address.

While reading the words will be a poor substitute for hearing Director Hartzog deliver the speech in person, I nevertheless ask unanimous consent that the address be printed in the RECORD.

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

REMARKS BY GEORGE B. HARTZOG, JR., DIRECTOR OF THE NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, AT THE CONSERVATION CONGRESS FOR THE PACIFIC NORTHWEST, WENATCHEE, WASH., MARCH 7, 1967

I am reminded, in coming to Wenatchee, of a poem by Stephen Vincent Benet called "American Names," in which he begins:

"I have fallen in love with American names,
The sharp-thought names that never get fat,
The snakeskin title of mining claims,
The plumed war bonnets of Medicine Hat,
Tucson and Deadwood, and Lost Mule Flat."

Then he goes on to talk about some famous American names—not Wenatchee, I guess—but I think it could well be added to the roster, for it is one of those evocative Indian names which reminds us of our inheritance from the original Americans.

I am privileged to be with you again here in Wenatchee, to participate in this annual Conservation Congress for the Pacific Northwest. It is most appropriate for us to meet here at the gateway to the recreation lands of the great Cascade Range.

It is also a great personal satisfaction to be here because I believe that—perhaps better than in any other region of the United States—you people in the Pacific Northwest have cause to know the true meaning of "recreation." And I don't mean simply in terms of its strong impact on the regional economy—but in a deeper sense the expresses a genuine and lasting concern for the integrity of a magnificent natural resource.

I commend the "Wenatchee Daily World" for its creative leadership in sponsoring this

Conservation Congress for the Pacific Northwest. Conferences such as this are important elements of the national effort to define—and support—a conservation ethic for our day. It was to this cause Secretary Udall spoke in his book "The Quiet Crisis," when he declared: "Each generation has its own rendezvous with the land."

No citizen today can escape the wide reaching influences of environmental problems. Each has a personal stake in finding solutions to the nation's problems of air pollution, water pollution, urban blight, highway litter, and the ruthless competition for open space. In short, we are all involved in this total environment in which we live and of which we are a part.

Insofar as our environment is concerned we are not Washingtonians—even Americans—we are citizens of the world environment. The pintail duck we shall soon see heading north wintered in Mexico and now heads for his summering grounds in Canada.

Joe Foss, who survived his fighter pilot days at Guadalcanal—as well as his battles while serving as Governor and Commissioner of the American Football League—almost became an environmental casualty recently.

His habit—which many of us share—of chewing a blade of grass or straw while hunting seemed harmless—until he was laid low by a dose of arsenic picked up in a country where growing things are protected by pesticides.

The experience of Joe Foss would, I think, suggest that we would be ill-advised to think that our home, our city, even our state, is secure from environmental problems. Pollution of the air we breathe and the water we drink is an evil which often the local community—or region—is powerless to control.

America's original strength, its emergence as the most powerful Nation in this century, had its source in the people who were attracted to its promise of freedom and opportunity. They were the people who dared to challenge the wilderness or to have an unknown future in a new society. Their hard labor, their idealism, their ingenuity created the wealth and the institutions which made us a great nation. Whether they arrived at Plymouth Rock or Ellis Island, the real creators of national being were pioneers intent upon carving their own foothold in a land of promise.

And they found a land rich beyond belief. Its natural resources seemed planned by a Beneficent Being intent upon creating the richest and most beautiful country on earth.

Now, we are well aware, only a small portion of our land is still rich and fair. And the lives of the American people have changed. We live in a highly technical age which threatens to submerge the individual, and to destroy the beauty of the land.

What does this mean for the face of America? This is an issue which may well prove the fateful one for our generation. The question is not merely one of safeguarding our landscape—although that is part of it. The real problem is—how much of our resource wealth are we willing to reinvest in saving our places of history and beauty, and in healing the scars that development imprints upon our landscape?

It was to this problem that President Johnson spoke in his recent message to the Congress on "Protecting our Natural Heritage."

"We must not only resist the spread of pollution in our enviroment—but we must also preserve what remains of the natural beauty and tranquility that was here long before man came. We must create new occasions for people to encounter that beauty, and to experience the re-creation of the heart that occurs in the natural universe."

In this same message, the President recommended that the 90th Congress establish a Redwood National Park in northern California; a Potomac Valley Park in Maryland, Virginia, West Virginia, and the District of Columbia; an Apostle Islands National Lakeshore in Wisconsin; and a North Cascades National Park here in the State of Washington. Each of these areas would contribute unique recreational opportunities for the entire nation and, at the same time, each would preserve irreplaceable examples of our natural heritage.

It is a matter of historical record that, from the establishment of Yellowstone, the first National Park, in 1872, it has been the unchanging purpose of Congress that the very best examples of America's natural heritage should be preserved in the National Parks.

On the superlative scenic qualities of the North Cascades, there is no argument. Here is a unique, unsurpassed example of primitive America.

There exists, I believe, an instructive similarity between the establishment of many National Parks—Grand Canyon, for example, and the history of the North Cascades National Park proposal.

The first bill to designate the Grand Canyon as a National Park was introduced in Congress in 1887. The bill met stern opposition from both public and private interests, and failed to pass. In 1893, the Grand Canyon was established as a Forest Preserve, with mining and lumbering of its resources permitted.

But the fight to establish a National Park continued. On the occasion of his visit in 1903, President Theodore Roosevelt made one of the most eloquent of all pleas for its preservation as a National Park when he declared:

"Do nothing to mar its grandeur—keep it for your children, and all who come after you, as the one great sight which every American should see."

Roosevelt established the adjoining area as Grand Canyon National Monument in 1908. Finally, in 1919, Congress passed the bill which set aside Grand Canyon National Park—32 years after the first bill was introduced.

The effort to set aside the North Cascades has an even longer history. The first National Park proposal was made in 1906, before most of us were born. The first bill to establish a North Cascade National Park was introduced in Congress in 1916, fifty-one years ago. A bill to establish a North Cascades National Park will be introduced again this year. I share your hope that it will also be enacted this year.

Our National Parks are national treasures set aside for a single purpose—the benefit and enjoyment of the American people, and, indeed, of the world.

Many of the special attributes of a National Park were summarized clearly and concisely by the young officer, Lt. Gustavus C. Doane, who commanded the U.S. Army escort for the Washburn-Langford-Doane Yellowstone expedition in 1870. "As a country for sightseers," Lt. Doane wrote of the Yellowstone, "it is without parallel; as a field for scientific research, it promises great results; in the branches of geology, mineralogy, botany, zoology, and ornithology it is probably the greatest laboratory that nature furnishes on the surface of the globe."

The Congress established the Yellowstone as a National Park in 1872 as "* * * a public park or pleasuring-ground for the benefit and enjoyment of the people; * * *." By enunciating this new public land policy, Congress deliberately drew a sharp contrast with the baronial, feudal, aristocratic preserves of Europe which the common man could enjoy only if he were willing to risk the punishment of the convicted poacher.

The National Park idea is a unique contribution of this nation to world culture. It is a source of pride to growing millions of Americans that this idea has inspired more than 80 nations throughout the world to establish National Parks or similar preserves.

National Parks have only one purpose, as do many noble institutions. They nevertheless provide a full spectrum of values—scientific, cultural, esthetic, educational, inspirational, recreational, and—yes, even economic.

All of us will remember the provocative title of a recent book—and film—"Love is a Many Splendored Thing." Since I am not sufficiently imaginative with language to match this phrase, I will borrow it and say that National Parks are "many splendored things."

For all the diversity of their resources, they have a single and abiding purpose—to bring man and his environment into closer harmony. But from this one purpose, many splendid values accrue to the society of mankind.

Where in our country today is it possible to study the causes and effects of weather formation in a region untouched by the influence of civilization? Such a place is Yellowstone National Park, which scientists have found has the purest air in the United States. A skilled team of scientists from the State University of New York has been at work for the past several years in the Old Faithful thermal area of Yellowstone National Park, carrying out research which is expected to contribute new information on the science of weather.

A major new industry was created in 1950 with the discovery of the pink shrimp beds in the Gulf of Mexico. This $16,000,000 a year industry, with its fleets of shrimp boats and processing plants, is dependent for its survival upon the mangrove estuaries of Everglades National Park, which serve as the nurseries for the young shrimp.

National Parks also serve as magnificent outdoor classrooms for our young people. The numbers of educational programs presented by our rangers reach tens of thousands of young Americans. Whether the subject is history, ecology, wildlife, or anthropology, the motivation for learning in these great outdoor laboratories is unsurpassed.

And I look forward to the parks providing year-round classroom experience affording the young people of our country up to several weeks of field work, with low-cost transportation provided by air, rail, and bus systems, and low-cost food and lodging provided on a self-help, share-the-work plan.

The history of National Parks across the Nation has made it abundantly evident that the preservation of these outstanding resources also has the subsidiary effect of contributing handsomely to the nation's economy. As non-diminishing resources, their production of revenue actually increases with age. It is worthy of note that Mount Rainier National Park receives seven times greater visitor use than any other comparable area in the North Cascades. Yet, its many faceted splendor remains unimpaired, continuing to inspire hundreds of thousands of our citizens who are drawn each year by its majesty and its mystery.

It is no longer academic that expenditures by tourists and vacationers represent a sizable chunk of new and primary money that is pumped into the economic blood stream of the nation at an increasing rate each year.

I would like to share with you the results of two economic surveys, now being completed, of the economic impact of tourism upon Dare County, North Carolina, in which Cape Hatteras National Seashore is located, and Teton County, Wyoming, home of Grand Teton National Park. Both studies reveal the enormous economic gains from recreation and tourism upon the region surrounding a National Park.

Since the establishment of Cape Hatteras National Seashore in 1953, nearly 56 percent

of the total employment of Dare County is directly or indirectly associated with recreation and tourism. The study notes that because establishment of the National Seashore is relatively recent, "this percentage could be considered phenomenal." The study concludes that "a once almost impoverished area is regaining its economic health."

In 1966, there were 2.7 million visits to Grand Teton National Park. Tourist and recreation spending in Teton County rose from $6,000,000 in 1958 to $13,000,000 in 1964, generated by Grand Teton National Park within the County. There is a bonus of an additional dollar turnover from induced business of $1,500,000 in 1964. Pointing out that the largest dollar turnover in the years ahead will be realized from services catering directly to tourist needs, the study concludes. "the future of the County is tied closely to the increased demand for outdoor recreation." Both of these studies will be released soon.

The Greeks once defined happiness as the full use of one's powers along lines of excellence. I think this philosophy is admirably suited to the theme of your Conference. Those who are concerned with recreation as an industry and source of livelihood, and those who are concerned with the providing of recreation through intelligent land management, are partners. Both serve an even greater cause in protecting the American environment for the benefit of our children.

THE PROBLEMS OF THE MIDDLE EAST

Mr. PERCY. Mr. President, with so much of our national attention concentrated on the problems of southeast Asia, it is unfortunate that trouble spots in other parts of the world fail to receive adequate consideration. The purpose of my remarks today is to mention in this context some aspects of the situation in the Middle East.

Looming on the horizon is the British withdrawal from Aden and the South Arabian Federation. It would be inappropriate at this time to go into all aspects of this complex problem. The basic question there is whether the people of the area concerned are to get real independence or whether they will see one form of foreign rule replaced by another. It is sufficient to mention the struggle which has been going on in Yemen during the past 4 years to make the point that it is not only European powers that are involved in foreign domination. On the contrary, the European powers have been only too eager to bring colonial rule to an end. The source of danger threatening the independence of states in the Middle East as elsewhere is not the old colonial powers, but new ones.

The Yemeni struggle of the past 4 years has been one of the most curiously unpublicized wars in modern history. According to some reports it has already involved over 100,000 casualties on the part of the Yemenis themselves, and some 30,000 Egyptian casualties. At this moment more than 35,000 Egyptian troops are said to be in Yemen.

In another area of the Middle East, there is serious trouble on the Israel-Syria border. Only this week the Syrians opened fire on a kibbutz near Tiberias even as 200 American tourists were visiting the kibbutz. Fortunately, none of the Americans were hurt, but this unprovoked violence is unpardonable.

We recall that on January 15 of this year, Secretary General U Thant addressed an urgent appeal to the Governments of Israel and Syria to accept without delay or preconditions the proposal for an immediate emergency or extraordinary meeting of the Israel-Syria Mixed Armistice Commission on the basis of an agreed agenda, with a view to reaching an understanding on the problem of cultivation on the armistice demarcation line to secure a peaceful atmosphere in the area.

The Governments of Israel and Syria responded affirmatively to that appeal and on January 25 the first session took place, under the chairmanship of Gen. Odd Bull, the Chief of Staff of the United Nations Truce Supervision Organization. At that session both parties reaffirmed their commitment to refrain from all kinds of hostile or aggressive actions as provided for in the Charter of the United Nations and in the General Armistice Agreement.

Since then the Syrian Government has refused to discuss without any preconditions the single point on the agenda to which it had agreed. At every stage Israel has reiterated its readiness to discuss the point immediately.

The Government of Syria has fomented many acts of violence from its territory against Israel. The Syrian Government is making no effort to conceal its responsibility for such activities, as appears from the letter dated January 24, 1967, as well as from other communications, including that of February 23, 1967, to the United Nations. In the letter of January 24 to the Secretary General of the United Nations, it is stated:

> We do not accept to be guardians of Israel for the protection of its security.

And in the letter of February 23 there is an ominous reference to the possibility of aggressive and hostile acts over all the demarcation lines. In adopting this attitude the Syrian Government is reneging on the clear obligations undertaken by it in the Charter of the United Nations and in the General Armistice Agreement, as well as on the commitment "to refrain from all kinds of hostile or aggressive actions," made on January 25, 1967, at the first session of the extraordinary meeting of the Mixed Armistice Commission.

On February 22, 1967, President Attasi said:

> Duty calls all of us to change from defensive to offensive positions and wage the liberation battle of the usurped territory and obliterate this disgrace from Arab history.

Due note should be taken of the fact that statements such as this, and others like them, have been accorded full publicity by the Government-controlled radio station of Damascus.

I ask unanimous consent to have printed in the RECORD an article published in U.S. News & World Report of March 27, which deals with Soviet penetration in the Middle East in general and in Syria in particular, which Senators may conclude, as I did, is not unrelated to the Syrian truculence of which I have just spoken.

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

WHERE RUSSIA IS GETTING A TOEHOLD IN THE MIDEAST

(Raids along the Israeli border—sabotage and subversion in Jordan and Saudi Arabia—Little Syria, helped along by big Russia, is keeping tensions near the breaking point in a vital area of the world. Moscow is pleased with the trouble its Arabian ally has been giving the West. But Soviet opposition to a big war may keep flare-ups from spreading.)

DAMASCUS, SYRIA.—This little country, aided and encouraged by the big and powerful Soviet Union, is keeping the Middle East on the brink of turmoil.

Border tension between Israel and its Arab neighbors continues high, despite temporary respites, and it is Syria which does most to keep it that way.

The Middle East oil industry, in which Western companies have a big interest, has been hit by troublemaking in Syria, which produces no oil. The Syrians have just demanded—and won—higher fees to permit oil to flow across that country in pipelines.

Arab rulers, including the kings of Jordan and Saudi Arabia, are victims of sabotage and subversion that is planned, plotted and financed in Syria.

In the past year, Russia has sharply stepped up its military and economic aid to Syria, and has made plain that it looks upon this country as a key bridgehead for spreading Soviet influence throughout the entire Middle East.

No other country in the region, including Egypt, gives any stronger public backing to Soviet policies, and no other country is so friendly to Communists or so hostile to the U.S.

The President of Syria, Nureddine al-Atassi, condemned movements of the U.S. Sixth Fleet in the Mediterranean Sea recently by saying: "Let the Americans send their sailors to Arab seas, and we will watch the fish feed on their rotten imperialist bodies."

The economy of Syria has been turned almost entirely Communist. Just about all Syrian industry, all of the utilities, banks, insurance companies and import and export operations have been nationalized by the Government. A land-reform law has been tightened in a way that very nearly deprives former large landholders of compensation. Only small landholding, building construction and retail trade remain in private hands.

Hundreds of former business owners and managers have been jailed. Thousands of others have left the country, taking with them their skills and capital. The peasants and workers have gotten the upper hand and are making the most of it.

"NOT COMMUNISTS," BUT—

Leaders of this new regime are 16 Army officers and civilians, mainly of peasant background, who call themselves the "National Command of the Baath Party." They are actually an extreme "leftist" faction of the party, which came into power in Syria in March, 1963.

Syria's present leaders like to emphasize that they are not Communists, but a Westerner finds it hard to discover the difference. A full-fledged Communist is Minister of Communications. Although all political parties other than the Baathist are technically banned, the Communist Party is allowed unofficially to operate quite freely.

One thing that most of Syria's new leaders have in common is a village background. These leaders, including Maj. Gen. Salah el-Jadid, who is believed to have more power than any other individual, also belong to a

minority Moslem religious sect, the Alawites, who in earlier days were victims of discrimination by those then in power.

One of the few ways in which peasants and Alawites might find opportunities was by entering the Army, which many of them did. The people who ran Syria in former times, mostly city Arabs of the Sunni religious sect—scorned the Army as a career and were content to let the peasants and Alawites take over what they considered a lowly kind of work.

The result is that most of the Syrian Army is now made up of peasants, and more than 40 per cent are Alawites, even though Alawites number only 10 per cent of the general population. With their own men now at the top, the Alawite officers are wreaking vengeance on the city Arabs, the rich merchants and others whom they consider to have been their "oppressors."

Despite the dictatorial nature of the regime, discipline in the labor force is almost nonexistent. If a worker loafs, there is little his employer can do about it. He cannot fire the worker. If he protests too strongly, the employer stands a good chance of being haled into the local Baath Party political office and denounced as an "enemy of the people."

SYRIAN "RED GUARDS"

There was a while last autumn when workers went on a rampage similar to those carried out by Chinese "Red Guards." Armed gangs of laborers and teen-agers, under orders from the president of the Syrian Confederation of Labor, burst into company offices, dragged out executives they considered to be "reactionary," beat them up and barred them from returning to their jobs.

This went on for several days, while the Government security forces stood by doing nothing. Eventually, it stopped. But none of the purged managers and executives were allowed to return to work.

The Syria of today is a police state, closer to the old, Stalin-type regime than the modern Soviet state. More than 1,000 political prisoners are being held in jails around the country.

Syria is a country where a police knock on the door can come at any time of day or night. Once a person is taken away, or simply disappears, his family has a difficult time finding out where he has been taken. There are so many different—and rival—intelligence and security agencies that the family doesn't even know where to ask questions.

Government officials live in constant fear that they may do the wrong thing and find themselves behind bars. As a result, they tend to do as little as possible, rather than run the risk of making a mistake.

NO CONTACTS

Anyone who has anything to do with Westerners, particularly Americans, becomes an object of suspicion. Syrians who visit American homes are sure to be questioned afterward by the police.

On the official level, the Syrian Government puts difficult obstacles in the way of any Western official who seeks to get to know anyone in the Government. Since practically everyone from a university professor to a gas-station attendant now works for the Government, this blocks almost all contacts.

If the American Ambassador gives an official reception, he is lucky if one of 10 invited Syrians attends. The Soviet Ambassador finds that his big problem is to keep out uninvited guests.

FROM RUSSIA, AID

Russians are popular in Syria these days, not just because of their ideology, but because they are pouring in a great deal of aid. Moscow has equipped the Syrian armed forces with everything from rifles to MIG–21 jets. Several hundred technicians are here to train the Syrians in use of this equipment.

The Russians also are in deep on the economic side. A contract has been signed pledging Moscow to finance the foreign-exchange costs and provide engineers and technicians to build a huge dam on the Euphrates River. Although construction has not yet begun, Russia has committed 120 million dollars for the project.

Russians also are engaged in drilling wells in a newly discovered oil field, and helping to build roads and railways.

There is a strong East European presence, as well: Poles are building a steelrod plant; Bulgarians are constructing tunnels and bridges; Czechs are expanding an oil refinery, and Hungarians have built a plant to make concrete ties.

Red Chinese influence was strong in Syria at one time, but has been on the wane recently. This is because the Chinese have been unable to provide the hard goods that the Syrians needed.

TROUBLES PILING UP

Despite all this aid, the Syrian economy appears to be in deeper trouble than ever before. With nationalization has come inefficient operations, caused partly by the departure of so many industrial managers and technicians. Production is down. There is a continuing shortage of capital.

Even the traditional agricultural economy is in bad shape. The two major crops, wheat and cotton, were so short last year that exports plummeted and wheat had to be imported.

The poor condition of the economy is thought by observers to be one of the reasons why the Government has been so extremist in its foreign policies. It is traditional in this part of the world to try to distract attention from internal troubles by launching foreign adventures.

So, the terror attacks along the Israeli border continue. Several thousand Palestinians are being trained here into a "Palestine Liberation Army." Only Soviet influence and opposition to being drawn into a war in this area are believed to be keeping the Syrians from getting more belligerent.

As long as the Syrians, don't go too far, however, there is litle doubt that Russia is pleased with the trouble that its little Arab ally is giving the West in this strategically important part of the world.

VIETNAM REST AND RECREATION PROGRAM IN HAWAII

Mr. INOUYE. Mr. President, as one who had a role in the final approval of a Vietnam R. & R.—rest and recreation—program in Hawaii, I am pleased to present this latest report on the progress of this success story.

Faced with the opportunity of showing their appreciation to members of our Armed Forces who are serving in Vietnam, I am pleased to report that the people of Hawaii have responded in full measure.

Despite a tremendous increase in our normal tourist business, the hotel people of Hawaii have gone to extra lengths to make room for our service personnel on R. & R. leave.

Special discounts are offered servicemen by our hotels, restaurants, cabarets, taxicab operators, and other business operations.

Some 400 servicemen are landing daily in Honolulu to take advantage of this hospitality.

A typical report on the Hawaii R. & R. program is contained in an article written by Barbara J. Fox and published in the April 11 issue of the Christian Science Monitor. If there are no objections, I respectfully request that the article be printed in the RECORD.

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

FIVE DAYS "AT HOME" IN HAWAII

(By Barbara J. Fox)

HONOLULU.—"This has been the most wonderful time I ever had," said a young Army wife, smiling through her tears, as she boarded a San Francisco-bound jet. At the other end of the Honolulu airport, her husband and 159 other servicemen were taking off for Saigon by charter flight, after five days' leave in Hawaii.

During each serviceman's year of noise, dirt, fighting, and loneliness in Vietnam, he is eligible for a rest-and-recreation leave, familiarly known as "R & R." Along with mail call and the guaranteed yearly rotation, it is one of the contributing factors to the high morale of servicemen in Vietnam, says Col. J. M. Farnell, R & R coordinator here. "It gives the serviceman something to look forward to halfway through his tour of duty."

SO FAR A SUCCESS

Until recently, only such Far Eastern cities as Hong Kong, Bangkok, Manila and Tokyo had been considered official R & R destinations. Hawaii has been added and is now on a trial basis. It was felt that the increased transportation costs would be outweighed by the superb vacation facilities here, and the fact that Hawaii was already "home" to many service families. Also, the balance of payments would be improved with vacation dollars spent in the United States.

Spearheading the drive to designate Hawaii an R & R area were Mrs. Nanette Fields at the Kaneohe Marine Air Corps Station and Mrs. Carl Miller at Schofield Barracks. The women circulated petitions and bombarded Rep. L. Mendel Rivers (D) chairman of the House Armed Services Committee, and Sen. Richard B. Russell (D) chairman of the Senate Armed Services Committee, with mail.

The initial success of R & R in Hawaii has now prompted the Pentagon to increase the number of flights from one a week to two a day, beginning this month.

Each morning almost 400 servicemen land at the Honolulu Airport, to be whisked by bus to the R & R reception center at Fort DeRussy, a 72-acre military recreation area in the heart of Waikiki. A brief processing—and the men are off.

"BACK IN THE STATES"

These days most commercial flights from the mainland bring half a dozen starry-eyed service wives, some with children, including tiny babies born since the husband went overseas. Many wives are young enough to travel via the youth standby plan.

For young couples, expenses are a serious consideration. The government provides a serviceman with transportation to his R & R destination, but he must pay all the other costs. (Many Hawaiian merchants offer helpful discounts to such men.)

Many wives could not afford the high fares to the Far East. Besides, the servicemen like the feeling of "being back in the States." And Hawaii meets other requirements for a successful leave, as drawn up by the GI's in this order:

Reunion with family if possible.

50 gallons of fresh milk.

10 green salads with lots of dressing.

Relaxed fun around Waikiki and Hawaii.

An early attempt by the services to provide organized entertainment was abandoned when servicemen convinced the sponsors that "nobody on R & R wants anyone to make any plans for him after months of regimentation." (One R & R wife said, "The very best thing we did was to drive around the island to a lovely quiet deserted beach where we could be alone together."

An Army wife summed up her reaction to R & R with her husband here, "Somehow, after this, the final four months my husband has in Vietnam won't be so hard to take."

An enthusiastic soldier added, "I suppose everybody who comes here says this, but for me it has been five days in Paradise."

THE PRESIDENT'S MESSAGE ON URBAN AND RURAL POVERTY

Mr. BREWSTER. Mr. President, the reaction to President Johnson's message on urban and rural poverty has been most heartening to those of us who have supported the economic opportunity program since its inception. An excellent editorial published in the Baltimore Sun, of March 20, 1967, exemplifies the reaction of most Americans to the President's message. As the editorial points out, the President's modest and realistic "strategy against poverty" in fiscal 1968 would cost about $67 per poor American, while the war in Vietnam is costing us about $1,000 per South Vietnamese a year.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

FIGHTING POVERTY

President Johnson's requests for the War on Poverty are modest, $2 billion. Considering the magnitude of this problem in the United States—there are some 30 million people living below the "poverty line"—it is inappropriate to call this effort a "war." The President recognizes this. In his latest message to Congress, he refers only to a "strategy against poverty." Two billion dollars spent in behalf of 30 million people figures out to $67 apiece. The other war, in Vietnam, is costing well over $1,000 per South Vietnamese per year.

The President says this country is fighting in Vietnam because it is right and because it is in the national interest. The same is true of the fight against poverty. It is right to help people trapped in a desperate poverty that destroys their health, their pride and often even their lives, as Americans' national and religious traditions teach. It is in the national interest, because a community of poverty within a larger community of the nonpoor is destrucitve of the social arrangements and amenities that make modern life livable for both groups.

The President's request for $2 billion, modest as it is, is realistic. As long as the war in Vietnam continues, funds for domestic programs are going to be hard to come by. There is already talk in Washington that Congress won't provide even the $2 billion. That would be the worst sort of false economy. The "savings" would delay effectiveness. The longer the "strategy" against poverty takes to pay off, the greater the cost will be for all governments—Federal, state, local—because of crime, unemployment, decaying real property, disease, social stress, and on through the whole list of what is making metropolitan areas such expensive and unsatisfying places to live.

DEATH OF JOHN CHAPMAN BELL, OF AUGUSTA, GA.

Mr. TALMADGE. Mr. President, citizens of Augusta and throughout the State of Georgia were grieved by the passing last Saturday of one of my State's most outstanding men, John Chapman Bell.

John C. Bell had a distinguished career as lawyer, soldier, legislator, and Christian layman. His contributions to his city, State, and country were many and varied. He was my warm personal friend, and I mourn his death.

The Augusta, Ga., Chronicle of Monday, April 10, published an editorial commenting on the loss of John C. Bell. 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:

JOHN CHAPMAN BELL

If any Augusta layman in recent years was completely dedicated to the principles of Christianity in their purest form it was John Chapman Bell. To him, the Golden Rule was a way of life, and the admonition that "Tis more blessed to give than to receive" a command to serve his fellow man.

Even a cursory review of his life reveals the deep sense of service that was such a notable facet of John Bell's character. It was manifest in his every endeavor, as a leader in World War II, as an exceptional citizen in his community, as a distinguished legislator and attorney, and as a devoted servant in his church.

To him, every person was a friend, someone to be treated thoughtfully and courteously; every request of him became an obligation to be fulfilled.

Those who knew him were quick to recognize—and to admire—the many sterling attributes which he possessed not the least of which were the warmth and tenderness with which he regarded every creature of God.

While his contributions to his community, his state and his nation were legion, one of his last and most notable was that he provided just a year ago when, under his chairmanship, Augusta was adjudged the outstanding city of its size in the Stay & See Georgia Program.

Mr. Bell, moreover, will be remembered for many things, for his ability as an attorney, for his service as an unflagging civic worker, for his humaneness and deep sincerity, and for his unfailing courtesy.

His untimely death is, to Augusta, a grievous loss. The entire community however, is a better place in that, for 51 years, John Chapman Bell, walked this way, demonstrating in so many ways his devotion to his city and to his friends, and serving as a witness for his God to both.

CAB'S DECISION IN PACIFIC NORTHWEST-SOUTHWEST SERVICE INVESTIGATION

Mr. MOSS. Mr. President, few, if any, cities in the United States have the inadequate air service of Salt Lake City. It has been overflown and overlooked in the jet age despite reequipment programs which have seen the trunkline carriers, serving Salt Lake City, providing good jet service to virtually all other cities on their respective systems.

Just yesterday the CAB awarded new route authority to five airlines in total disregard of Salt Lake's requirements. The Board excuses this omission by citing a legal doctrine which had been urged before the Board and the examiner more than 2 years ago when this proceeding began. Now, after that protracted period and the expenditure of substantial time and money, the CAB belatedly recognizes the doctrine and proposes to reopen the proceeding to determine the air service requirements of Salt Lake City for competitive service to the Pacific Northwest and through-plane service to Missouri, Oklahoma, Texas, Louisiana, and Florida.

Even more surprising is the Board's failure to insist that the reopened proceeding be speedily determined.

I cannot appropriately take issue with the legal prohibitions referred to by the CAB as they involve the cities between Seattle-Portland and Denver, including Salt Lake City and others. But I do question the judgment of the Board in rejecting valid legal opposition raised at the outset of the case only to embrace the same 30 months later.

The Salt Lake City Municipal Airport, which serves 80 percent of Utah's population, is now only provided near-monopoly air service by two trunkline carriers. This Northwest-Southwest proceeding was the first in many years offering an opportunity, not only for competitive service on an east-west route, but through-plane service to important areas with a community of interest in the Southwest and the Southeast. The CAB has unfairly deferred its decision insofar as Salt Lake and Denver are concerned for further hearings and subsequent determination.

The record in this case demonstrates without question the need for service through Salt Lake to all of the points certified as a result of the proceeding. It is shameful that the Board did not include Salt Lake City and Denver on these new routes. If the legal considerations do, in fact, prohibit such certification, then the CAB should reopen the proceeding with unprecedented expedition, take further evidence if necessary, and include Salt Lake City as an intermediate point, not only on all routes recommended for certification, but provide for turnaround service to cities in Missouri, Oklahoma, Texas, and Louisiana.

Salt Lake City, generating more traffic per capita than virtually any other area in the proceeding, has been too long a stepchild. Legal considerations must include equitable determination of need; and of public convenience and necessity.

THE FAILURE TO TRAIN EFFECTIVE TRIAL ATTORNEYS

Mr. BREWSTER. Mr. President, I have repeatedly stressed in the Senate what I feel is a major shortcoming of our law schools: the failure to train effective trial attorneys.

This failure is painfully apparent in criminal proceedings, and it will become more acute as the Miranda and Gideon decisions are fully implemented. I intend to introduce legislation to help remedy this problem.

But there is also an important need for trial attorneys in other branches of the law. A recent article by Prof. Sherman L. Cohn, of the Georgetown Law Center, published in Trial magazine, explores this situation.

Professor Cohn speaks from experience. He served with distinction in the Department of Justice for a number of years, and he has effectively argued cases at all levels. His careful study of a pressing problem—the need for trial

lawyers in disability cases—deserves the attention of the Senate.

Mr. President, I ask unanimous consent that Professor Cohn's article be printed in the RECORD.

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

IN SOCIAL SERVICE: THOUSANDS OF DISABILITY CASES NEED COMPETENT TRIAL LAWYERS

(By Sherman L. Cohn, associate professor of law, Georgetown University Law School)

Despite rapid expansion of the workmen's compensation bar and increased legal services to recipients of welfare payments, only slightly more than five per cent of claimants for Social Security disability benefits are represented by counsel during the administrative stages.

Yet the administrative decision will be conclusive for most of the applicants. Even where there is court review, the record reviewed is that made during the administrative process. It is this author's position that attorneys who reject Social Security practice harm themselves, their clients, and the profession.

A misunderstanding of the Administration's policy and practice regarding legal fees may partially account for the apparent disinterest in representing disability claimants. Many members of the profession have the impression that fees are limited to ridiculously low figures such as $20, $30, or $50.

The regulations do impose such ceilings, but only on attorneys who do not submit their fees for approval by the Administration. Fees running into hundreds of dollars and some substantially above $1000 have been approved.

Once a disability claim gets into court, the rules change. The District Court approves the fee, which may be as high as 25% of the initial checks. Since claims which get into court have been pending from between two to four years, it is not unusual for the first check to amount to several thousands of dollars.

The Department of Health, Education, and Welfare has taken the position that the 25% extends only to benefits which would be payable to a single wage earner, thus excluding additional amounts awarded because of his dependents.

While this has not been litigated, it seems unjustified by the statute and its legislation history. The Department's argument is weakened by another provision of the Act which allows it to suspend family benefits, as well as those of the worker, in cases where the disabled individual refuses vocational rehabilitation services.

RANGE OF RECOVERY

Recovery levels for the disabled worker range from $44 to $168 per month for a single worker, and from $66 to $368 for a family, following the same scale as Social Security old-age benefits.

To collect, the disabled worker must prove disability, defined by the Act as "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months."

The claimant must have "insured status"—*i.e.*, be covered by Social Security for five out of the ten years preceding his disability.

Before delving into the questions of substantive law surrounding "disability" and "substantial gainful activity," the administrative procedure will be surveyed to demonstrate the critical importance of legal representation during this phase of the claim.

CLAIMS DECENTRALIZED

The Social Security Administration has decentralized the claims procedure for disability benefits, utilizing the 616 local district offices. A claimant obtains and files his application in the district office where he receives information on his eligibility, his insured status, and the evidence necessary to establish his claim.

In carrying out the disability program, the Secretary of Health, Education, and Welfare has statutory power to make agreements with states, whereby their agencies, preferably those administering the Vocational Rehabilitation Act, make initial decision on each claim.

Without review the local office forwards the application to the state agency which assigns a two-man unit—composed of a physician and a non-medical expert (usually in rehabilitation)—to investigate the claim.

Evidence must be submitted to support the medical finding of disability and the correlative finding that the worker cannot engage in "substantial gainful activity."

In addition, the unit may require other physical examinations (at government expense). During this stage the applicant is referred to a rehabilitation agency. His refusal to cooperate without good cause can result in forfeiting his benefits.

The state decision, together with the evidence, is forwarded to the Administration's Division of Disability Operations, which notifies the applicant of the initial determination. If the claim has been disallowed, the reasons must be specified, and the applicant has six months from mailing of notice to request reconsideration from the Administration. If granted, the Administration can reconsider the state decision and rule out the claim.

After the revised determination, the claimant has six months to request a hearing. Hearings are conducted by 225 hearing examiners located in 60 cities. There are full scale proceedings at which new evidence may be presented, testimony offered, witnesses cross-examined, and oral argument presented.

The hearing examiner has the discretion to approve the applicant's requests for subpoenas. If issued, the government pays the cost of process and witness fees. A full record of the hearing is taken. Evidence need not meet judicial admissibility standards and, until the hearing examiner renders his decision, new evidence may be submitted and the hearing reopened.

The final administrative review is discretionary. When notice of the examiner's decision is mailed, the claimant has 60 days to request consideration by the Appeals Council in Washington. Within 90 days, on its own motion, the Council may schedule a review. Good cause must be demonstrated to produce additional evidence at this stage.

COURT REVIEW

Action by the Appeals Council, standing as the final decision of the Secretary, exhausts the applicant's administrative remedy. It is reviewable upon appeal within 60 days by the district court. This action goes off on cross motions for summary judgment. While the court takes no evidence, it reviews the entire record and applies the "substantial evidence" test of *Universal Camera Corp. v. NLRB.*

Thus, in theory, by the *Universal Camera* rule, the Secretary's finding will be overturned only when the record clearly precludes it "from being justified by a fair worth of the testimony of witnesses or its informed judgment on matters within its special competence or both."

Surprisingly, a recent survey showed that 63% of the court cases overturned the Secretary and awarded benefits. However, less than 2% of the applicants whose claims are denied by the Administration get into court.

Among the pitfalls in the administrative process is the requirement that the applicant submit competent medical evidence to establish disability, together with evidence showing that in light of his age, training, education, and experience, he is prevented by the impairment from engaging in "substantial gainful activity."

While I believe that substantially all Social Security personnel honestly try to assist a claimant to obtain benefits where deserved, claimants without counsel are lacking in the ability to present effectively a complete and persuasive record on which the application may be judged, and overly-busy administrative personnel do not have the opportunity to build such a record for the claimant.

SUBSTANTIVE LEGAL QUESTIONS

The scope of this article prevents a detailed exposition of the substantive legal questions involved in disability claims. It seems useful, however, to sketch some of the salient problems that emerge from the body of case law which has put a tremendous gloss on the statutory definition of disability.

The burden is fully on the applicant to show an impairment which satisfies the statutory test. But what is an impairment? The condition may be either physical or mental, so long as it can be established by medical evidence. A range of problems is presented: What if it is remediable? What standard is applied in judging if it disables? Is pain an impairment?

The case law is well settled that the standard to be applied is subjective, thus the mental capacity, training, age, and experience of the claimant become critical in determining if this smashed hand or heart condition prevents this man from engaging in gainful activity.

The question of remediability proves more complex. Theoretical remedial treatment will not suffice. The courts have ruled, for example, that a dangerous operation must have an optimistic chance of success. A few cases have said you cannot force a person to go through even an ordinary operation if he has in inordinate fear of surgery.

Some courts have required that the remedy not only exist but that it be within the claimant's reach. Thus his ability to pay for the treatment becomes relevant. What of religious objections to the treatment? No case in point has been decided but in light of the Act's provision that religious beliefs constitute good cause to refuse vocational rehabilitation, a refusal to submit to an operation upon such grounds would most probably succeed.

In the early days, Health, Education, and Welfare took the position that pain alone did not constitute impairment. In the circuits that have considered the issue, with the notable exception of the 5th, this position has been emphatically rejected. The prevailing trend gives great consideration to pain as a factor in applying the subjective test of whether the claimant is disabled.

The second point of debate revolves around statutory language—"inability to engage in any substantial gainful activity."

The subjective test is again applied. Certain threshold problems have been eliminated. For example, a man is engaged in "substantial gainful activity," even though he receives no pay, if the job is one which ordinarily would draw a salary. "Substantial" does not equal full-time, so part-time work can be sufficient. How much part-time work is a question to be decided on the facts of each case. The cases are clear, however, that intermittent or occasional work is not "substantial."

Originally, the claimant had the full burden of showing himself unable to engage in substantial work but the courts have shifted this, recognizing the unfairness and absurdity of requiring him to negate his ability to perform each job in the national economy.

Some courts hold that by proving disability, plus the impossibility of continuing in his former work the wage earner has made out a *prima facie* case. While they carefully avoid saying that the Secretary has the burden of going forward with evidence to show

the claimant is capable of some gainful activity, they are quick to reverse their position in the absence of such evidence.

Must the job he could do merely exist or must it be available in his area? The Department and the early cases held that disability had not been shown if somewhere in the country work existed which the individual could do, regardless of whether employers would hire him. The 3rd, 4th and 6th Circuits have rejected this argument, ruling that the job must be within practical commuting distance. Some courts have gone further and require that the practicability of a job opening in the area be demonstrated.

Even such a brief survey of the substantive legal problems involved in Social Security disability cases underscores the importance of competent legal representation to the claimant. The area of practice has been broadened in the past year by amending the Act to provide that disability only need last for a continuous 12-month period.

An average of 150,000 applications were filed annually when the Act required that the disability either result in death or in the suspension of employability for an "indefinite" term.

Before adopting the 1965 amendment, Congress heard testimony that 60,000 additional claimants would be immediately eligible. How their claims will fare will increasingly depend on whether they are represented by counsel in the administrative stages.

WHAT IS SEAPOWER TODAY?

Mr. MAGNUSON. Mr. President, Secretary of the Navy Paul H. Nitze posed this question to our Seattle Navy League Council April 8:

What is Seapower today?

Then he answered:

It is aircraft carriers of the Seventh Fleet . . .

It is River Patrol Boats . . .

It is the deterrent forces of the Polaris fleet . . .

It is the ability to keep conflict away from our shores . . .

It is a growing anti-submarine capability . . .

It is the ability to supply and prosecute a war 10,000 miles from this coast and move 98 percent of the supplies by sea in merchant ships.

It is the formidable amphibious warfare capability of the Navy and the Marine Corps.

It is research and scientific knowledge in the ocean environment.

It is not just the Navy, but also the Merchant Marine.

Seapower is not simply ships and weapons, but also a state of mind and a spirit quite incompatible with a spirit of isolationism.

I ask unanimous consent that Secretary Nitze's Seattle remarks be printed in the RECORD.

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

REMARKS BY THE HONORABLE PAUL H. NITZE, SECRETARY OF THE NAVY, AT THE SEATTLE NAVY LEAGUE COUNCIL ANNUAL BANQUET, SEATTLE, WASH., APRIL 8, 1967

Admiral Russell, President Banks, Mayor Braman, members and distinguished guests.

This has been quite a day. I had a fast ride aboard *High Point* from Bremerton to Seattle this afternoon, and then spoke at the commissioning of the Navy's newest guided missile frigate, *Sterett* (DLG–31), whose sponsor, incidentally, is Mrs. Nitze. That, of course, brought back memories of the time three years ago when Phyllis christened the ship with a spray of champagne that not only drenched *Sterett*, but also christened Rear Admiral Schultz pretty well, too. There is also the pleasure of seeing again a former associate on the Strategic Bombing Survey—Admiral Russell.

I like this part of the country. Seattle is one of the beautiful city sites of the world. I wish I could come more often. Times have changed, though, since the days of one of my predecessors, Charles Joseph Bonaparte, who used to spend only one hour a day in his office, arriving from Baltimore at noon, and leaving again at one o'clock.

Secretary Bonaparte, who served under Teddy Roosevelt, had a gift for making short speeches. His acceptance speech upon taking office consisted of these remarks to his staff:

"I hope we will all get along well together, but if we don't, since you can't discharge me, I suppose I will have to discharge you."

I will not try to be as terse as he was, but still will be brief.

One of the tasks before both the Navy and the Navy League is making the concept of sea power better understood. We hear and use the phrase all the time; but, having given some thought to it since I became Secretary of the Navy, I thought it might be interesting to explore with you the words and see what they have meant to the United States over the years.

It is significant that it was the gradual westward extension of the Pacific sea frontier toward the end of the 19th century and the establishment of American influence in places far removed from the North American continent, that brought to Americans a sharpened awareness of what "sea power" was and could mean to them. Earlier, sea power was the almost exclusive domain of the Royal Navy. Particularly, in the Pacific, American naval power and diplomacy interacted expanding naval forces making possible a more ambitious foreign policy, and that, in turn, requiring a still more powerful Navy.

In the early days of American history, there was no such awareness. The United States used naval vessels mainly to raid commerce and to engage in isolated, mostly inconclusive, battles with enemy warships. The first "fleet" of the Continental Navy at first consisted of eight ships and two battalions of Marines. The squadron made only one cruise in the whole war. The rest of the naval engagements of the war were fought by individual vessels. They gave rise to some colorful traditions. John Paul Jones' victory in 1779 over *Serapis* in *Bon Homme Richard*, and his famous reply to the British captain who asked him if he had struck his colors, "I have not yet begun to fight," is noble but in spite of individual victories the Continental Navy had little influence on the war.

French sea power, not American, led to the surrender of General Cornwallis and 7600 men at Yorktown in 1781. He had to surrender because, isolated on the York peninsula at the mouth of Chesapeake Bay, the only way he could escape or successfully resist the American forces was with assistance or reinforcements from a British fleet. Admiral Hood tried to come to Cornwallis's aid, but was prevented by French naval forces under Admirals de Grasse and de Barras. The British capitulation practically ended the war in the colonies and strengthened elements in England opposed to further prosecution of the war.

The War of 1812 was, again, one in which Americans were severely hampered by their lack of sea power, and tried to improvise a Navy when the need for it arose. The British had plenty of warships and were able to control the Atlantic sea lanes, blockade the American coast, and conduct amphibious raids. The British Admiral Cockburn even penetrated Chesapeake Bay and shot up traffic on the main highway between Philadelphia and Baltimore in the spring of 1813. In 1814, a combined force of troops and warships swept up the Potomac and burned the Capitol and the White House in Washington. The British blockade of the American coast was so effective that in 1814 American merchant traffic was only 11 per cent of what it had been in 1811.

The United States, for its part, conceived of sea power in limited terms as the capability to raid enemy merchant shipping and harass enemy warships. There were 25 engagements between British and American men-of-war. The Americans won 13 of those and the British, 12. Those victories—notably *Constitution's* victory over *Guerriere* in 1812—were good for morale, but they didn't loosen Britain's stranglehold on the Atlantic shipping lanes.

Yet, by establishing control over Lake Erie, as a result of Oliver Hazard Perry's victory over British forces in September 1813 (where the phrase "We have met the enemy and they are ours" originated), the Americans secured control of the Northwest, and the British had to abandon their plans to establish an Indian buffer state between the United States and Canada.

Little changed in the American concept of sea power before Alfred Thayer Mahan's book *The Influence of Sea Power Upon History* appeared in 1890. Though methods of propulsion began to change in the 1840s from wind-driven sail to steam-driven side-wheelers and finally to the Ericsson propeller, and during the Civil War, both sides experimented with Armored ships, sea power meant little to the North or South beyond a capacity to raid commerce at sea, or blockade and control shipping movements along the Atlantic coast and navigate rivers. The Union developed a variety of vessels which slowly but effectively blockaded the Southern ports and, joined with Grant's army, gained control of the Mississippi and split the Confederacy. This form of sea power, while effective in the Civil War, was not suited to protection of far-flung sea lanes.

In the twenty years following the Civil War, both the Merchant Marine and the Navy went to the dogs. The emphasis in those years was on domestic industrial and rail development. At the end of the war, the Merchant Marine was virtually in pieces. The Navy list included nearly 700 vessels mounting 5,000 guns, at the very end of the war, but by 1880 there were not more than 48 vessels capable of firing a gun, and those were mostly obsolete. The story is told of a French naval officer who visited an American wooden cruiser in 1883 and saw its guns. "Ah yes, on the old system," he said. "Why, I can remember when we had those in our Navy!!" The leadership of the Navy resisted technological change, and, as the saying goes, "while those behind cried, 'Forward!', those before cried, 'Back!' "

In the 1880's the situation changed, as Americans' ideas about themselves and about their place in the world changed. As the country's industrial and commercial power grew in the years following the Civil War and its influence extended to many areas beyond its shores, so too the importance of control and protection of the sea lanes that were vital to that trade, and vital to the country's defense, became more evident.

The change from a passive to an active idea of the role of sea power came gradually. Congress began in 1883 by authorizing construction of 4 new steel vessels. Thirty more were built between 1885 and 1889.

Captain Mahan's writings in the 1890's gave currency to the idea that a strong Navy and strategic bases in the Caribbean and on Hawaii, linked together by a canal through Panama, were necessary for the protection of commerce. More important, Mahan's doctrine, mixing strategic considerations with expansionist doctrines, influenced key people like Teddy Roosevelt, later Assistant Secretary of the Navy, and Henry Cabot Lodge.

Finally, the case for sea power was proved in the Pacific in the Spanish-American War, when Commodore George Dewey, Commander in Chief of the U.S. Asiatic Squadron

(backed up and urged on by Teddy Roosevelt in Washington), destroyed the Spanish fleet at anchor in Manila Bay with four cruisers, two gunboats and a cutter. With the subsequent cession of the Philippines by the Spanish, the United States became permanently involved in the affairs of the Far East.

The defeat of the Spanish fleet in Cuba assured the capture of Cuba by invasion. Theodore Roosevelt got tired of sitting at his desk at the Navy Department and joined General Wood's Rough Riders expedition in mid-June of 1898.

In the years afterward, the United States continued to develop its Navy and its influence. For nearly 40 years, the heavy gunnery vessel—the battleship—was the backbone of the fleet. The great British battleship, *Dreadnought*, commissioned in 1906, touched off an arms race among the powers. *Dreadnought* carried ten 12-inch guns in five turrets, and an anti-torpedo boat battery of 24 guns, and displaced 17,900 tons. At once, other naval powers began building similar vessels, and the golden age of the battleship began. One of the American *Dreadnought* types, *Pennsylvania*, a 31,000-ton ship launched in 1915, remained an effective fighting ship in World War II. Destroyers and battle cruisers and a new weapon—the U-Boat—became important weapons in the naval arsenal.

The end of the war, in spite of the resurgence of the country's traditional isolationism, saw the United States emerge as one of the principal powers of the world. The postwar treaties, designed to reduce the threat of war by limiting naval tonnage, proved ineffective; and by 1936 this country began to embark on a limited program of ship construction to make up for its lack of preparedness in the years before. Fortunately, aircraft carrier development had not been neglected—*Saratoga* and *Lexington*, built on battle cruiser hulls, joined the fleet in 1928—and as a result of the Roosevelt Administration's emphasis on new carrier construction, five others were commissioned before Pearl Harbor.

In World War II the age of the battleship ended and that of the aircraft carrier and the submarine came of age. The Battle of the Coral Sea in May 1942 was the first in naval history in which the opposing ships never came in sight of each other: it was an air battle, fought with planes launched from carriers. Air power, rather than the gun, had become the long-range cutting edge of sea power.

Submarines were critical in both the Atlantic and the Pacific. While the German surface fleet never sailed during the war, German submarines wreaked havoc in the North Atlantic until methods were devised to fight them; American and allied submarines became increasingly effective and sank 1,113 Japanese merchant vessels of over 500 tons and at least 201 naval ships, at a loss of 52 boats.

These capabilities, together with the shore bombardment and amphibious techniques used against the Germans first in the Mediterranean and then in Normandy, and by the Marines throughout the Pacific, constituted sea power on a grand scale. The U.S. Navy became the unchallenged mistress of the seas, a far cry from its commerce-raiding capability in the 19th century.

With the end of the Second World War, the United States was thrust into its present role of leadership, with all the responsibilities and commitments that are attendant upon that role. To fulfill them or even to assure others that they could be fulfilled would be impossible without a strong Navy, a large merchant marine fleet, and strong support and understanding of the responsibilities of leadership by the American people. In the 1950's when the doctrine of "massive retaliation" was foremost, the Navy had a hard time getting its case across to the public and the policymakers.

As the need for balanced forces and measured responses became recognized, the Navy's role again assumed its proper place. The Cuban missile crisis, more than anything else, brought this home to the American people (and, I might add, to the Soviets, who have been expanding their Navy and improving their techniques since Khrushchev was forced to back down in 1962).

Without understanding of the Navy's role by the American people, a strong Navy and Merchant Marine may flounder. To that end, the work of groups like the Navy League is important, and I want to emphasize that truth to you in this Council this evening.

What constitutes "sea power" today? All that it has been in the past, and much that was not dreamed of in the past. It is aircraft carriers of the Seventh Fleet sending destructive power from their flight decks in the South China Sea to North Vietnam. It is River Patrol Boats making secure from Viet Cong influence the rivers of South Vietnam. It is the deterrent forces of the Polaris submarine fleet, soon, with the installation of Poseidon, to include more than half of the ballistic missile re-entry vehicles in the country's arsenal. It is the ability to keep conflict away from our shores and on grounds of our own choosing by using sea-based forces where we have an advantage in using them. It is a growing anti-submarine capability to detect and destroy an undersea threat to shipping in time of war. It is the ability to supply and prosecute a war 10,000 miles from this coast and to move 98% of the supplies by sea in merchant ships. It is the formidable amphibious warfare capability of the Navy and the Marine Corps. It is research and scientific knowledge in the ocean environment.

It is not simply any one of these things, but all taken together. It is not just the Navy, but also the Merchant Marine. Mahan's observation that a purely military sea power is "like a growth which, having no root, soon withers away," is true today, and one of the great lessons of the past is that the United States did not have sea power until it had both a strong Navy and a strong merchant fleet. Finally, seapower is not simply ships and weapons, but also a state of mind and a spirit quite incompatible with a spirit of isolationism.

As the United States grew from a small Eastern seaboard country to a continental nation facing on both the Atlantic and the Pacific, its concept of sea power grew with it. Last year at the National Convention in Los Angeles, I charged the Navy League with the task of keeping informed about sea power and informing the general public about it.

I would direct your attention to the need to support the Merchant Marine and to support measures the Navy is trying to take—in new procurement policies involving the "total package" approach, as in the FDL, to help the shipbuilding industry modernize itself—to strengthen all elements of the Merchant Marine. Knowing what sea power has been in the past and drawing conclusions from that knowledge is important. The Navy League has established a Seapower Committee to make a clearer formulation of the concept and to make its importance better known by the general public. And I hope you will all try to learn all you can about it.

MILWAUKEE JOURNAL COUNSELS SLOWER PACE FOR NASA

Mr. PROXMIRE. Mr. President, the Milwaukee Journal recently evaluated the significance of the NASA fire that caused the death of three astronauts, and the report of the causes of that tragedy.

The Journal concluded:

In view of the Apollo accident and the findings of the investigators, it is clear that safety, not arbitrary deadlines, should determine the pace of our progress toward the moon.

The implications for this Congress when we consider the appropriations of the space agency should be obvious.

I ask unanimous consent that the editorial, entitled "Slower to the Moon," be printed in the RECORD at this point.

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

SLOWER TO THE MOON

When an inquiry board dominated by national aeronautics and space administration (NASA) personnel was chosen to investigate the Apollo fire that killed three astronauts, one critic complained that it was like turning the investigation of the Kennedy assassination over to the Dallas Chamber of Commerce. Any fears that the NASA inquiry would turn into a whitewash was proved unfounded by the board's final report.

The sharply critical report charged that there were "many deficiencies in design and engineering, manufacture and quality control." Wiring was careless and piping joints were insecure. A wrench part had been carelessly left near wiring. The fatal test had not been designated as hazardous, so there had been no preparations for emergency fire or rescue operations. The spacecraft had no fire fighting or quick escape systems.

The report stopped short of blaming the defects on haste. Yet, even before the tragedy, some NASA personnel had complained that the pressure of meeting project deadlines was a temptation to shortcuts. To what extent shortcuts were a factor in the accident is a troubling question that may never be answered.

The goal of the space program was set six years ago by President Kennedy. He declared it to be this nation's objective to land a man on the moon and return him safely by the end of the decade. No technological endeavor of such magnitude has ever been undertaken with a publicly declared goal and deadline as specific as the moon landing program. In view of the Apollo accident and the findings of the investigators, it is clear that safety, not arbitrary deadlines, should determine the pace of our progress toward the moon.

CULTIVATING VIET GOOD WILL

Mr. BREWSTER. Mr. President, two members of the Hearst newspapers' task force which recently toured a number of Asian countries have returned with a penetrating report on our total effort in South Vietnam.

Not only are we battling the military aggressor; we are also fighting poverty, disease, terror, and a traditional suspicion of foreigners.

Bob Considine and Milton L. Kaplan, the Hearst correspondents, tell of the progress our civilian and military men are making in the second battle. From the United States, they conclude, the people of South Vietnam are receiving a lesson in democracy from the first Western nation in history that has sought nothing in Asia except peace and friendship.

This is an extremely interesting and informative report, which I found in the Baltimore News-American. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article

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

[From the Baltimore (Md.) News-American, Jan. 19, 1967]

ASIA: THE TURNING POINT—U.S. CULTIVATES VIET GOOD WILL WITH SUCCESS

(By Bob Considine and Milton L. Kaplan)

The United States is waging two wars in South Vietnam. We are fighting a tough and determined Communist foe who has permeated the entire country like a case of terminal cancer. In addition, we are fighting poverty, disease, terror, and ages-old suspicion of foreigners.

We could win the shooting war, yet lose the people of South Vietnam.

We propose to win both wars, tangible and intangible. Both may take a long time.

The war to win the trust of the Vietnamese people is in some ways more complex than the task of killing Vietcong, North Vietnamese infiltrators and indigenous guerrillas. The kill ratio has been running as high as 5-to-1 in our favor, a fearsome range which would cause almost any Occidental foe to sue for peace quickly. But there are no signs visible that the VC and-or Hanoi are running short of what once was bleakly called cannon fodder. Sir Robert Thompson, who was in over-all command of Britain's campaign that pacified Malaya and consolidated the commonwealth of Malaysia, said recently:

"It took us 12 years to settle matters in Malaya and our enemy had no help from anybody. Most of the years were devoted to cleaning up, tidying, after the shooting ended. In your case, I believe that your shooting war will end in another two years. But you'll be in Vietnam for another 15 to 20 years before she'll be able to function on her own."

The U.S. still maintains 50,000 troops in South Korea. Shooting ended in 1953.

The job of enabling South Vietnam to function on its own has been escalated at a rate at least equal to or even surpassing that of our military step-up. Never in any war in which the U.S. has engaged has it devoted more time, talent and money to the job of winning friends and influencing the people around whom the war is swirling.

To combat both urgent need and the threat of ceiling-cracking inflation, the U.S. has increased its non-military aid to South Vietnam from $283,000,000 for fiscal 1965 to $728,000,000 for fiscal '66 and it will as much or more during fiscal '67.

Some 3,750 U.S. and Viet experts and semi-skilled "third country" laborers and technicians oversee the distribution and use of the mountains of goods pouring into Saigon and other ports.

Ships unload huge supplies of food, medicine, building materials, petroleum products, automobile parts, machinery, farming equipment, fertilizer and other needs.

Harder to tabulate is the knowhow provided by American engineers, doctors, administrators, teachers, transportation wizards and hosts of others who have joined the ranks of a courageous and generally unsung band. They reach right down into the "rice roots" of South Vietnam, to the village level. They go in, and stay in, unarmed.

Provincial representatives of the Agency for International Development never tell a village chieftain or his people what they are going to get in the way of largesse from the U.S. They ask what is most needed. It encourages dialogue, engenders trust, allays misgiving about pale faces in general.

The French treated these people badly for a century. The scars are still there. To many of them in the back country, we must be motivated by the same desire to exploit the land and its people as the French were, because—to them—we look like the French.

The Vietnamese supply most of the labor that follows the delivery of U.S. goods. They dig the needed hamlet well, plant the needed second crop to forestall disaster if the first crop, rice, fails. They string electric wires into places that never saw the miracle of such illumination, build hospitals, nurseries, schools.

In some places, this work goes on in the face of dire threats of reprisal from the Vietcong. A number of mayors and chieftains have been murdered by the VC for cooperating with AID.

On more than one occasion the VC have permitted a badly needed school to be built, and then killed or frightened away the assigned Vietnamese teacher. There is not much doubt, also, that some of the U.S. shipments—principally food and medicine—have fallen into VC hands.

But the men and women of this headlineless war are every bit as hard to discourage as the warriors who bear arms and shoot to kill. And slowly, surely, they are winning the respect, sometimes even reverence, of the people.

Nobody is likely to steal the two big tugboats which are now in tow from New York Harbor, where they once worked, to Saigon. But smaller goods will continue to be stolen upon arrival in Vietnam. This has been true of every war in history. It will be true of every war that follows the one in Vietnam.

But AID officials in Washington are outraged by reports of vast pillaging by the very people we're trying to help. The officials have assured President Johnson that losses through theft are less than in the Port of New York, specifically between two and five percent. Insurance claims presented to demand payment for lost or stolen goods amount to only one percent of the total imports.

None of the luxury items found on the Saigon black market—cigarets, candy, whisky, cosmetics, etc.—entered Vietnam under an AID stamp. All these items came from U.S. PX's, either stolen by or sold to the black marketeers by troops and U.S. civilians.

It's a comparatively honest war, as wars go. And nobody in it is more honest than the average U.S. serviceman. He has made a tremendous contribution to the cause of understanding between the Vietnamese and visiting forces.

The Green Berets of the Army's Special Services have become part of the folklore of the simple mountain folk, the Montagnards, who don't particularly respect any Vietnamese, North or South. As for the U.S. Marines . . . Well, they make a special point of friendship with the locals.

The Marines' Combined Action Companies work with, fight with, eat with, sleep with Vietnamese militiamen, and together these ethnically integrated forces protect remote villages and hamlets that have been cleansed of the leech-like VC. The VC don't come back to such places after dark, as they once could and did.

Marines who volunteer for such tough work must have had six months' fighting with an infantry unit. Thereafter, they stay with their new buddies, share the dangers and discomforts, get to know the language and the people, and the people get to know them.

"This program has worked out just great," Gen. Lewis W. Walt, the top Marine in Vietnam, told us. "This area here around Danang, for example, was hard-core VC country for years. But it had an 87 percent turnout in the voting for the constituent assembly. The people of the hamlets knew we'd be there to protect them if the VC tried to punish them for voting."

The Marines have three other programs aimed at winning the people as well as the war: Golden Fleece, Kit Carson and County Fair.

Golden Fleece sees the Marines protect a rice-producing area at Harvest time—when the VC is prone to strike in search of its staple food. The farmers can reap in peace and transport their crops to market down Marine-guarded paths and roads.

Kit Carson concerns defectors. The Marines have had interesting success in coaxing enemy guerrillas, usually superably knowledgeable as to the location of VC, into serving as Marine guides and listening posts.

County Fair rims a suspected village at night with a ring of Marine firepower. Whoever tries to enter that place in the dead of night is stopped, arrested and questioned. More often than not, he is a VC or a guerrilla. Anyone who tries to break out through the cordon is also suspect.

At dawn, Vietnamese troops go into the village (never the Marines) and take a census of heads and goods. In the meantime, the Marines set up a tent (a la county fair) and open it to all those who are waiting to be questioned or counted by the Vietnamese. In the tent there will be something to eat, sometimes a movie, a doctor, nurse, dentist, and printed material pertaining to Vietnam, the nature of the enemy, the aid being supplied by the U.S. and related material.

It's propaganda, certainly. But it is working. It is helping not only to rid the smaller population centers of the VC but telling the peoples something about their country, and about ours.

The eventual democratic government of South Vietnam may not be the reader's notion of Jeffersonian Democracy. There will be overtones of Mandarin rule.

"There are different types of democracy," Premier Nguyen Cao Ky said with a shrug during his interview with the Hearst Task Force. "There is, for example, the democracy of France, and of Australia. Neither quite resembles the democracy of the United States. But they are democracies. It will take us time . . ."

He and his people have a diligent and patient instructor, the first Western nation in history that wanted nothing in Asia except peace and friendship.

DEVELOPMENT OF A SUPERSONIC TRANSPORT

Mr. MAGNUSON. Mr. President, during the last several months the administration has been grappling with the problem of whether this Nation should go ahead with the development of a supersonic transport.

While much has been said by myself and by some of my colleagues about why this Nation cannot delay this vital program, I am pleased to note that the Air Force Association, in its 1967 national convention, has unanimously adopted a resolution supporting the supersonic transport program.

In its resolution, the association has reiterated many of the vital points that we have been stressing, but more importantly I think the adoption of the resolution implicitly but unmistakably points to the association's belief that the SST program will eventually reach far beyond the realm of civil aviation to provide a new instrument of national security.

Therefore, I ask unanimous consent that the Air Force Association's policy resolution No. 5 be printed in the RECORD.

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

[Air Force Association Statement of Policy, 1967]

RESOLUTION 5

Whereas, A Soviet prototype supersonic transport has been flying secretly for more than a year; and

Whereas, the British-French supersonic

transport is scheduled to undergo flight testing a year from now; and

Whereas, the U.S. supersonic transport program represents the most advanced effort in aeronautical technology launched in this decade; and

Whereas, its success or failure will have profound effect on future U.S. preeminence in aviation, on the balance of payments, on the U.S. defense posture, on U.S. standing in world affairs, and on the national interest over a broad range; and

Whereas, the United States airlines by a substantial underwriting of the program have affirmed their belief in the American SST and its economic viability; and

Whereas, foreign supersonic development programs now lead the United States by at least three years: Now, therefore, be it

Resolved, That the Air Force Association urge the Administration and the Congress to institute, without delay, a full-scale American SST program in such a manner to assure that the foreign time lead be held to a minimum.

EDUCATIONAL GRANT TO WISCONSIN IMPROVES ENGLISH CURRICULUM

Mr. PROXMIRE. Mr. President, in 1963 the Office of Education granted the Wisconsin Department of Public Instruction $200,000 for a curriculum development project. This project, for the improvement of teaching English, was scheduled to terminate after 4 years. However, to permit further use of experimental materials, the program has been extended to June 30, 1968.

Although the English curriculum has been reported very good in Wisconsin, there has been a definite need for improvement. This program seeks to eliminate two defects in the current system. First, there is unnecessary repetition of material throughout various grade levels. Second, there is a lack of apparent application of grammar to speaking and writing. Responses from teachers give evidence that this project will overcome these defects. Because growth in language arts is sequential, the aim of the curriculum is to develop a new pattern of teaching which will enable the student to form increasingly mature sentences.

Knowledge is worthless if it cannot be communicated. The ability to express oneself is as essential to the educated man as it is to his society. If this generation is to meet the challenge of the information explosion we need to enhance our communication techniques greatly.

Mr. Robert C. Pooley, director of the English-Language-Arts Curriculum Center of the Wisconsin Department of Public Instruction, and more than 6,000 Wisconsin teachers contributed to the success of this project. The Congress and the Office of Education deserves credit for making the project possible. This grant of $200,000 has been wisely used. I am proud of the leadership of my State in this important field.

INSURANCE INDUSTRY SPOKESMEN SEE NO PROBLEMS IN PROPOSED PENSION PLAN REFORMS

Mr. JAVITS. Mr. President, on February 28, I introduced S. 1103, a bill which is designed to deal as comprehensively as possible with the various problems which have so far manifested themselves in connection with our system of private pension plans. It is my expectation that the Subcommittee on Labor of the Committee on Labor and Public Welfare will begin hearings soon on my bill, as well as the bill introduced by Senators McCLELLAN and YARBOROUGH concerning this subject.

Mr. President, since I introduced S. 1103, my office has received a flood of letters from employees or ex-employees all over the country detailing the problems which they have encountered in connection with the pension plans of their employers. Virtually all of the letters my office has so far received have been in favor of my bill.

I have previously had printed in the RECORD an editorial from the New York Times supporting the objectives of my bill. I am pleased to report that the bill also has met with the approval of important segments of the insurance industry. Thus, the MDRT newscast, a publication prepared by the Research and Review Service of America, Inc., devoted the lead article of its March 1967 issue to my bill. The article concluded by stating that it is "apparent that a positive position toward such legislation is the only sound course from the insurance industry to follow" and that "from the standpoint of the insurance industry, most of the bill's provisions are palatable solutions to the existing problems in the pension field."

Mr. President, 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:

SENATOR JAVITS INTRODUCES COMPREHENSIVE PENSION PLANS BILL

Senator Jacob Javits of New York recently introduced a comprehensive bill—S. 1103—calling for the regulation of private pension plans. This bill may well set the stage for future legislation in the private pension field. Senator Javits stated that "The bill is not perfect, but it represents several years' work in consultation with representatives of the business community, organized labor, and the banking and insurance industries. * * * The bill now needs the wider scrutiny that comes with introduction, publication, hearing, and the rest of the legislative process."

Senator Javits noted that this is the first comprehensive bill introduced since the President's Committee Report on Corporate Pension Funds was published two years ago. (This report was reviewed in Vol. I, No. 1 of the MDRT Newscast.) The President's Committee Report called for an extensive study of the private pension field. The report expressed the opinion that retired employees were under unwarranted risk against loss of pension benefits after long years of employment with a company. It called for revised vesting requirements, minimum funding requirements, portable pension credits, and a method of reinsuring pension funds as a possible remedy for the situation. No single bill thus far introduced covers each of these points; the Javits bill covers each, plus a few other areas in which he feels there are major defects in the private pension plan system.

PROVISIONS OF THE BILL

The proposed bill includes the following changes:

1. It would establish minimum vesting requirement for pension plans, in order to prevent the loss of pension benefits by employees who have served a substantial number of years with a company.

2. It would establish minimum funding standards for pension plans, thereby assuring sufficient funds to enable a plan to pay the benefits which have been promised.

3. It would establish a reinsurance program which would enable pension plans to insure themselves against the loss of funds when an employer goes out of business before the plan is fully funded.

4. It would establish a special central portability fund in which a plan could voluntarily participate, thus providing a central clearing house of pension credits for employees changing from one employer to another.

5. It would establish minimum standards of conduct, restrictions on conflict of interest, and other ethical criteria for administrators of pension plans.

6. It would establish a "U.S. Pension and Employee Benefit Plan Commission" to administer the requirement of this bill. The Commission would have enforcement powers, but would be subject to judicial review.

7. It would consolidate most existing Federal regulatory standards relating to pension and welfare plans under the proposed Commissioner. The Commissioner would issue certificates of qualification, which would be sufficient to satisfy most Federal regulatory requirements.

THE ACTUARY'S ROLE

In his explanatory remarks, Javits noted that other bills on the regulation of pension plans call for more disclosure requirements for plan administrators. He presumes these requirements are based on the theory that greater disclosure by the plan administrator means easier detection by the beneficiaries of the plan when something is wrong. Javits feels this is unrealistic on the basis that the average pensioner has neither the interest nor ability to understand a complex pension plan.

He cites the actuary as the key figure in pension analysis—"* * * [He] can tell you, not just how much cash you have, but how much you will need 10 years from now to meet the benefits which will accrue in the meantime," Javits also sees the need for audits by accountants, but feels such reports are not enough by themselves.

A COMMISSIONER OF PENSIONS

The bill, as noted, proposes a single authority to regulate the creation and operation of pension plans. Present regulations which fall under the authority of state agencies, the Treasury Department, Labor Department, Securities and Exchange Commission and others, would be centralized under a single Pension Commissioner. Javits referred to a recent bill introduced in Congress that would give the primary power for the regulation of pension plans to the Secretary of Labor. Javits reacted to this proposal by stating that . . . "pension plans, in my judgment, are highly technical financial arrangements, every bit as complex as stocks and bonds, and what we need here is an independent commission—like the SEC—to administer this highly complex field. My bill would establish a U.S. Pension Commissioner—patterned after the SEC—to do just that."

OTHER PROVISIONS

The bill calls for full vesting of benefits at age 45 if an employee has 15 years of service, or an alternative vesting schedule of 50% vesting after 10 years of service, with 100% vested rights in 20 years. In the area of funding requirements, an existing plan could amortize its unfunded liability over 40 years, and a new plan could spread such payments over 30 years.

The bill also would make provision for the portability of pension credits from one employer to another on a voluntary basis. A central clearing house would be established for plans of similar benefit and funding

structure which would permit voluntary transferability of pension credits.

The bill also calls for reinsurance of benefits against one contingency only: termination of the employer's business before the unfunded liability of the pension plan is funded. The premium for the coverage would not exceed 1% of the unfunded liability.

The reinsurance feature would be geared to protect against situations such as the Studebaker shutdown, in which—to cite one example—one employee with 43 years of service lost 85% of his benefits. The principal shortcoming of the Studebaker plan, in Javits' opinion, was its vulnerability to the hazards of employer shutdown. Losses arising from this hazard, he pointed out, should be insured against.

A BASIS FOR DISCUSSION AND REACTION

Senator Javits submitted his bill with the purpose that it would serve as a basis for further discussion and action. He cited the complex and awesome problems of protecting the rights of each employee, while still providing the necessary incentives for an employer to install a pension plan. He feels that his bill does not provide all the answers, but does provide a comprehensive starting point.

There can be little doubt that pension legislation will be enacted. Only the what, when and how remain as questions. It seems to be equally apparent that a positive position toward such legislation is the only sound course for the insurance industry to follow. This position was voiced by Victor A. Lutnicki, Executive Vice President of John Hancock Life Insurance Company, when he said, "It is clear to me that new federal regulation in the pension area is inevitable. The only questions are those of detail and timing. Under such conditions, a negative 'resisting everything' attitude will be disastrous."

The Javits bill represents a comprehensive blueprint of the type of legislation that may be anticipated. However, from the standpoint of the insurance industry, most of the bill's provisions are palatable solutions to the existing problems in the pension field. In fact, many of the bill's provisions—particularly those relating to funding requirements—are common practice under insured pension plans today. Thus, we may expect that any sweeping pension legislation probably will have less impact on insured plans than on other plans.

TRUTH IN LENDING

Mr. BREWSTER. Mr. President, the Credit Union magazine for April 1967 contains an interview with the Senator from Wisconsin [Mr. PROXMIRE] on S. 5, the truth-in-lending bill. The same issue also contains a report on the Massachusetts truth-in-lending bill, which recently went into effect. The report makes clear that many of the arguments concerning the workability of truth in lending have not materialized. I compliment the State of Massachusetts for enacting this landmark protection for the consumer. I know that the able and distinguished Senator from Massachusetts [Mr. BROOKE] played a substantial role in securing this much needed reform. I supported similar legislation in the State of Maryland. Unfortunately, the pressures of the credit industry were able to defeat truth in lending for Maryland.

I am hopeful that under the magnificent leadership shown by Senator PROXMIRE we can enact a Federal truth-in-lending law, which will provide consumers in every State with the full cost of credit.

Mr. President, I ask unanimous consent that the two articles from the Credit Union magazine be printed in the RECORD.

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

TRUTH IN LENDING

Credit unions are the best example in existence of the soundness and workability of the truth-in-lending concept, Sen. William Proxmire of Wisconsin said in a recent CREDIT UNION MAGAZINE interview.

Sen. Proxmire is sponsor of the Proxmire Truth-In-Lending Bill (S.5), a modified version of the Douglas Bill, introduced in the last four Congresses, and which the organized credit union movement supported.

"Credit unions are an excellent example of the fact that full disclosure of the cost of credit is workable," Sen. Proxmire said. He referred to the fact that credit unions never have been reluctant to tell their borrowers that interest of 1 per cent per month on the unpaid balance is 12 per cent true annual interest.

Credit unions have always told their members they were paying 12 per cent a year for borrowing money, he said. If the fears of opponents of truth-in-lending legislation had any basis, "if people would really react against paying 12 per cent interest, then credit unions would have gone out of business long ago.

"Instead, credit unions have grown and are growing every day." And this despite the fact, Sen. Proxmire added, that banks, for example, have persisted in quoting an interest rate of 6 per cent when their true annual interest rate is about the same as the credit union's, or 12 per cent.

Sen. Proxmire said he has had a deep interest in full disclosure of the cost of credit for a long time. His personal interest in truth-in-lending has come partially from his experience as a member of the Senate Banking and Currency committee and his close association and friendship with former Sen. Paul Douglas of Illinois. As a member of the Douglas subcommittee of the Banking and Currency committee, Proxmire took part in a number of truth-in-lending hearings around the country over the past six years and heard first-hand reports, often from the victims themselves, of credit abuses and exploitation by creditors of people who were uneducated, uninformed, or unwary.

When Sen. Douglas lost in his bid for reelection last November, Proxmire became the second ranking member of the Banking and Currency committee, and announced shortly afterward that he intended to carry on the truth-in-lending battle that Douglas had fought so long. He remains a personal friend of former Sen. Douglas.

Sen. Proxmire is a firm believer in the good sense and judgment of the American people, if they have all the information they need to make a decision. The Proxmire Bill, he believes, will give full information in a vital area of current life—consumer credit, which has increased in volume from about $45 billion in 1957 to more than $90 billion today.

"I am convinced that people don't know the interest rates they are paying," Proxmire said, "and they need this information before they can make important decisions. Provided with full disclosure of interest rates, they can shop around for credit as they do for merchandise. They can decide whether they would be better off paying cash than buying on credit.

"It seems to me that this is the best kind of free enterprise—decisions based on full information. There is a lot of deception in the credit industry today. Not all of it is intentional deception—much of it is simply traditional."

Sen. Proxmire was asked what he thought the reaction of bankers and other lenders would be when they're suddenly ordered to tell people the annual interest rate charged is not 6 per cent (in the case of banks) but 12 per cent. "I think the banks and the public will adjust rapidly," he said. "I don't believe they'll seriously resist the change.

"I can't for the life of me see why any financial institution with any regard for itself would object to stating clearly its way of doing business."

The Proxmire Bill, while generally similar to the Douglas Bill, differs in at least two areas. The Proxmire bill calls for "approximate" quoting of interest rates charged rather than precise rates, but Proxmire does not think this results in "watered down" legislation. By approximate rates, he means "we are not concerned about whether the rate is, for example, 12.2 per cent or 12.3 per cent." What is being sought here is the 12, or 18, or 24 per cent figure, or whatever it proves to be, with less importance placed on exact fractions or decimal places.

This change was included in the bill to make it simpler for all credit extenders to compute the rate, and to eliminate objections that it is too difficult to figure exact rates.

Secondly, the Proxmire Bill does not require the quotation of true annual interest rates, as the Douglas Bill did. Instead, it requires disclosure of an "annual percentage rate," which is arrived at by multiplying the percentage rate per period (per month, for example) by the number of periods in a year. Sen. Proxmire said the change was made to avoid confusion over definitions and interpretations of such terms as "simple annual interest," "true annual interest," etc.

In addition, the "annual percentage rate" is to include *all* credit costs—examination fees, insurance charges, and any and all other fees and charges. Credit unions, of course, will not be affected by this, since their 1 per cent per month, or 12 per cent per year, includes all credit costs. Other lenders, if they have such added fees and costs, will be required to add them to the interest rate they charge in figuring the "annual percentage rate."

Proxmire does not believe opponents of truth-in-lending who claim it's unworkable in cases of department store revolving accounts have much of an argument. One of their chief complaints has been that many stores charge no interest at all for a certain period—30 days being common—and that interest is charged only after that "free ride" period has passed.

Under the new bill, the customer would be told when he signs a contract that the interest charged for the first 30 days, or whatever is applicable, would be zero, but that it would be (for example) 1½ per cent per month after that, or 18 per cent per year.

The "free ride" given customers who pay for merchandise within 30 days, or other stated period, is built into the cost of doing business, the Senator believes, and is paid for by all the store's customers, whether they pay cash for an item or charge it.

He does not believe that if stores are ordered to reveal to customers that credit is costing them 18 per cent a year, any great resistance will result, or that sales volume will be greatly affected. The attractiveness of revolving and other credit plans is in their convenience, he said, and the cost of credit, when known, is not likely to change that.

However, he added, it would not be surprising if a lot of people, provided with full credit cost information, would pay their bills faster.

Besides the requirement for providing borrowers or other credit users with an annual percentage rate, the Proxmire Bill requires lenders to provide an itemized statement of

all finance charges and the total finance charge in dollars and cents. The bill in no way attempts to regulate credit or set interest ceilings. Its sole aim is full disclosure of the cost of credit as an aid to intelligent consumer choice, Proxmire said. "It is not a restrictive bill in any way."

The legislation will cover virtually all types of consumer credit, including home mortgages, consumer loans, installment purchases, and "revolving" credit. It covers all extensions of credit to individuals by firms, associations, governments, or other organizations regularly engaged in the extension of credit. It does not cover extensions of credit to business firms or governments.

Proxmire believes the bill has a "very good chance" for favorable committee action soon. "The makeup of the Banking and Currency committee is very favorable," he said, "although we miss Sen. Douglas very much."

The Proxmire Bill has been cosponsored by 22 other senators, and has been endorsed by the Johnson administration. Mr. Johnson himself recommended passage of the Proxmire Bill in his Consumer Message. Since the bill has White House endorsement, highest support ever given a specific truth-in-lending proposal, Washington observers feel such legislation has the best chance it has ever had for being enacted by Congress.

Co-sponsors of the bill include Sens. Bartlett, Alaska; Brewster, Maryland; Case, New Jersey; Clark, Pennsylvania; Dodd, Connecticut; Gruening, Alaska; Hart, Michigan; Inouye, Hawaii; Kennedy, Massachusetts; Kennedy, New York; Lausche, Ohio; Magnuson, Washington; McGee, Wyoming; Mondale, Minnesota; Morse, Oregon; Moss, Utah; Nelson, Wisconsin; Pell, Rhode Island; Randolph, West Virginia; Tydings, Maryland; Yarborough, Texas; and Young, Ohio.

Truth in Lending at Work in Massachusetts

Truth-in-lending, requiring disclosure of the true annual interest rate and the dollar cost of credit, *is* workable.

Recently enacted truth-in-lending laws in Massachusetts are being complied with by banks, small loan companies, credit unions, retail outlets, and others. The dire predictions that such laws would destroy credit have not yet come to pass. Of course the laws are only a few months old, but there is little likelihood that anything so drastic will occur.

As with any new laws there are some problems and bugs to be worked out. But all indications are that full disclosure of interest rates and cost of credit is having little effect on the business of the organizations concerned.

However, the typical consumer in Massachusetts is not really knowledgeable about the new legislation or its intent, and little is being done to educate him. The purpose of truth-in-lending is to let the consumer know the cost of credit and to give him a constant for comparison shopping. But people are still interested in two things. Will you give me the loan, and how much are the payments?

The state legislature actually passed two truth-in-lending laws. The one which effects retail installment sales and services went into effect November 1, 1966. The other effects the lending of money and went into effect on January 1 of this year.

Rep. Paul C. Menton, who did most of the work on these laws, feels it will take time for them to be felt in the marketplace but that the consumer will eventually learn to use this new tool and benefit from it. Rep. Menton has already contacted the department of education about teaching interest rates and their use in the state's schools.

A few borrowers have questioned the higher interest rates when applying for loans, but both the banks and credit unions are using the same approach in answering these questions. The actual cost is the same as it was last year, only the way of quoting interest has changed.

"We sell dollar cost," said a branch manager with one of the Commonwealth's largest banks. "We point out that a thousand dollars last year cost you $60, and it costs you $60 this year. We've had no trouble at all."

The huge billboards advertising new car loans at "$4.50 per $100" or "4½ per cent" have disappeared because the law requires the true annual interest rate to be given in any ad stating rates or monthly payments. Instead, most bank advertising, such as in newspapers and billboards, has been stressing service, convenience, and the rate on saving.

Newspapers have been quiet on the new laws and how they can benefit the people in Massachusetts. But at least one credit union made an attempt to educate the general public through newspaper advertising. St. Anne's Credit Union took almost a full page in the Fall River paper to explain the new law and urged people "to shop around." It said in part, "Now, no matter where you buy in this Commonwealth, you have a legal right to know the FULL COST of borrowing money, or buying merchandise on time payments."

The National Shawmut Bank of Boston and Noddle Island Credit Union of East Boston both put out 8-page pamphlets explaining interest, why rates vary, the formula for simple annual interest, and a warning to "use your credit wisely."

Some extenders of credit have encountered genuine problems in trying to work with the new laws; others are looking for ways to circumvent the laws.

"Everybody for the most part is complying with the law," said Robert S. Leadbetter, assistant supervisor and rate analyst with the state's bureau of loan agencies. "Basically the law is working. There are problems with it and it will take a long time to iron them out. As with any new law you have problems."

For example, to aid home mortgage lenders, loans in which the finance charge is computed on the outstanding balance are exempted from stating the dollar amount of the loan. Some small loan companies now figure their loans this way. Even though they charge the same dollar amount as their competitors who use precomputed loans, they can quote a lower true annual interest rate. And they do not have to divulge the dollar amount of the loan. "This is something that has to be corrected," said Leadbetter.

If an additional charge in the form of "points" discounted is made on mortgage loans, they are then subject to the main part of the truth-in-lending law which requires computation according to the formula and total cost in dollars. Financial Publishing Company points out, however, that "2 points on a 6% 30-year mortgage increase the rate from 6% to 6.19%; under the formula it is necessary to disclose the rate is 7.8% and on a $10,000 mortgage to disclose $11,783.82 as the total interest." The reason for the higher percentage is that the formula was not intended to cover long-term loans and actually breaks down after about five and a half years.

The law also permits a 1 per cent error in computation of the true annual interest rate. Some lenders, however, tried to circumvent the intent of the law by figuring the rate and then reducing it by 1 per cent. For example, if the rate were 13.46 per cent, they would quote 12.46 per cent.

Credit unions serving teachers have come up against the problem of computing a true annual interest rate when borrowers are excused from making both interest and principal payments during the summer months.

And then there is the retail store which complied with the letter of the law, but certainly confused its charge customers. The revolving credit agreement stated in part:

"The simple interest per annum rate that approximates most closely the rate of the finance charge, if more than seventy cents, is eighteen as to so much of the outstanding unpaid balance as does not exceed five hundred dollars and twelve as to any excess over five hundred dollars."

Translated, it means that the true annual interest rate is 18 percent on the first $500 of credit and 12 per cent on that portion over $500, with a minimum charge of 70¢ per month permitted. These are also the maximum rates allowed under the law.

The laws require the creditor to give the debtor a written statement which sets forth in 12 point, bold face type such things as the basic amount being borrowed or purchased, all extra charges, the downpayment (if any), the total amount to be financed, the number and amount of instalment payments, the total finance charge in dollars and cents, and the true annual interest rate as computed by the formula in the laws.

$$R = \frac{2PC}{A(N+1)}$$

R is the percentage rate
P is the number of payments in a year
C is the finance charge in dollars
A is the original principal
N is the number of instalment payments

To assist credit unions in complying with the new law, Massachusetts CUNA Credit Union Association held a special educational session in December which was attended by more than half of the affiliated credit unions. Participants totaled 384 and represented 231 credit unions. The association also filled 400 orders from credit unions for the new note forms, rate charts and lightning loan computers.

Tom Lowe, managing director of the association, explained how Mass. CUNA's legal counsel, Elliott Stone, and other attorneys worked on the new forms. "We had a great head start by having CUNA Supply's form 1344.7, developed from the Department of Defense directive, to work with in coming up with our form." (The DoD directive made truth-in-lending mandatory for anyone extending credit to U.S. military personnel.) This plus the information required by the Massachusetts law were incorporated into a new form for credit unions.

The first form was too large (11¾ x 8½) and cumbersome, so Mass. CUNA then came up with a compact, easy to use 5 x 8 form.

For the most part federal credit unions had little trouble complying with the new law.

Thurston Robinson, treasurer-manager of the M&C Federal Credit Union in Attleboro, summed it up this way: "It's one more thing for the girls to type up, it's one more thing for the borrower to sign, it's one more thing to file and use up space. But I think it's worth it if the borrower will start using truth-in-lending for what it's meant."

Robinson said his "members are shocked when our girls tell them that this is a true annual interest rate of 12 percent. They thought it had been 6½ per cent." But when the 1 per cent a month and 12 per cent a year rates are explained to them, the members are satisfied, said the manager of the nearly $3 million credit union serving 4,000 employees of the Attleboro plant of Texas Instruments.

State chartered credit unions, however, have experienced a few more problems than the federals. Most had been expressing their rates in add-on or discount terms because their competitors were doing it and it looked good.

The true annual rate of a discounted loan varies with the length of the loan and the repayment schedule. For example, if a loan discounted at 5 per cent is paid off in 12 monthly instalments, the true annual interest rate is 9.72 per cent. If the same loan

is paid off weekly, the rate is 10.33; and if it is paid off in 60 monthly installments, the rate is 13.11.

Although the laws set forth the formula for computing the true annual interest rate, Financial Publishing Company of Boston has compiled a 101-page booklet, *Annual Percentage Disclosure Table*, containing tables which give the true annual interest rates. Anyone using the add-on method, for example, can turn to pages 5 through 14 for the tables converting this to a true annual interest rate depending upon the rate charged and the repayment schedule. This is also true for discount rates (monthly, semi-monthly, weekly, and bi-weekly), FHA Title 1 Improvement Loans, precomputed Massachusetts small loans at maximum rates, charge per $100, single payment discount loans, extension of first payment, and mortgages with "points." It also gives the formulae for computing each of these as well as for computing balloon notes and irregular payment loans.

"Lenders are surprised how cheaply they can get charts or a booklet to convert to a true annual interest rate," Elliott Stone said of the booklet. "Financial Publishing Company did most of the work on their actuarial problem."

Fall River Municipal Employees Credit Union is typical of the state chartered organizations in this respect. It had been charging 5 per cent discount with a level payment plan for all personal loans. But treasurer-manager Ed Sullivan, like his counterpart at M&C Federal Credit Union, reported no disgruntled members as a result of the switch to a true annual interest rate.

Any members who ask about the seemingly high rates are "perfectly satisfied after we explain it to them," Sullivan said. "The only thing that has changed is our method of expressing our rates to our members."

The new law has actually had a very good effect on the credit union and its members.

"People are now more aware of what we're doing," Sullivan explained. "We've had a couple of people come in from retail outlets who were bowled over by their carrying charge. When we showed them our figures, they were pleased. I look for an upswing in business because of this."

Sullivan ably summed up the effect of the Commonwealth's new truth-in-lending laws by commenting, "This has brought to the attention of people what we've been trying to tell them for years. The credit union is the cheapest place to borrow."

The two laws trace their history back to 1964 when Governor Peabody created a special Blue Ribbon Consumers Recess Commission.

"The leading expert on the Commission was Professor Bob Willier of Boston College Law School," recalled Rep. Menton, who was then vice-chairman of the Joint Legislative Committee on Banks and Banking. "This commission reported out the original Retail Sales Finance Act and Truth-In-Lending Act."

Opponents of the bills, said the Representative, put forth the usual arguments of "impossibility, curtailment of consumer credit, red tape, customer irritation, additional expense, higher prices and additional cost, and that simple annual interest disclosure was of no value to the consumer. Their final main argument was that there was pending legislation on the national level and that truth-in-lending should be solved on the national level."

Aware that these bills were imperfect, Rep. Menton explained that the committee sought technical assistance from the affected industries. When these requests were rebuffed, the committee favorably reported out the two bills.

"In effect, we were calling the bluff of the industry," Rep. Menton said. "We were right. The industry panicked and pleaded with us to have the bills recommitted to our committee so that they could be made workable."

The committee concentrated on the retail installment sales bill and had representatives from that industry make recommendations in rewriting the bill. Their suggestions were confined to the mechanics of the bill and the effects on their business, not the philosophy of the bill, Rep. Menton explained. "We realized our own responsibility to protect our consumer-oriented economy and not report out a bill which would interfere or harm this operation."

By the time the bill reached the floor of the House, 85 per cent of it had been written or rewritten by the affected industries, Menton said. "No one could argue that it was poorly drafted or that it was unworkable. . . . Industry had to agree that it was a workable bill."

Unfortunately, the bill died in the Senate in 1965. But it was reintroduced in 1966, passed the House early in the session, "and Senate President Donahue ably carried the fight on the floor of the Senate," Menton related.

The bill passed and was signed by the governor.

"With the concept of truth-in-lending applicable on the retail level, it became an obvious extension to have it apply on consumer small loans," Menton explained. "Who could deny the logic that where a retail establishment must disclose the interest in a transaction and next door a small loans outfit could lend the same amount of money and disclose an interest rate not consistent with truth-in-lending and, in fact, completely uncompetitive."

This concept was accepted by both the House and Senate and the truth-in-lending bill passed without any real difficulty. "The fact is," Rep. Menton concluded, "the unworkable has been proven to be workable."

DEVELOPMENT OF COASTAL AND INLAND MARINE RESOURCES

Mr. MAGNUSON. Mr. President, the Seattle-based publication the Marine Digest, published by John M. Haydon, recently contained some editorial comment in Mr. Haydon's column "The View From Duwamish Head" which seems to me to sum up some thinking I and others have had in relation to the development of our coastal and inland water marine resources.

Mr. Haydon, a member of the Seattle Port Commission, has served long and well on numerous oceanographic committees and speaks from authority in outlining the potentials of the Puget Sound region in my home State for such things as "Aquiculture," as outlined in the President's Science Advisory Committee report, "Effective Use of the Sea."

A portion of Mr. Haydon's column is devoted to a tribute to the excellent and world-renowned work of Dr. Lauren Donaldson at the University of Washington's College of Fisheries. Dr. Donaldson has accomplished some major objectives in the field of hybrid development of the salmonoids over his nearly 30 years of service, and I suspect has not yet achieved his just due of consideration for some of his unique efforts.

As Mr. Haydon notes, the business of aquiculture, or "fish farming," has been going on for nearly 4,000 years in China, and its true potential is just now being recognized.

I ask unanimous consent that an excerpt from the editorial be printed in the RECORD.

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

THE VIEW FROM DUWAMISH HEAD

The achievements of Dr. Lauren Donaldson, the Pacific Northwest's leading aquiculturist, are featured in the current issue of Panel, a handsome quarterly published by the American Plywood Assn. Professor Donaldson of the University of Washington School of Fisheries, is known throughout the world for the amazing work he has done over the past 29 years with trout, salmon and, more currently, hybrid steelhead.

In condensed terms, through research and the use of genetic selection methods, Donaldson has learned to produce artificial runs of salmon on the campus where his laboratory is connected to salt water by a fresh water lake and canal. Like a horse breeder, he wanted to improve the breed of salmon. "He wanted to develop a new strain of Chinooks that would be healthy and free of disease and that would return to an artificial birthplace earlier than the customary four years."

It took years, but Donaldson's salmon now return earlier and they are far larger and heavier than normal salmon. His trout are immense brutes compared to other fish. Three-year-olds weigh up to 18 pounds. His hybrid steelhead, a product of cross breeding with the giant trout strains, make their ordinary brothers look like tired midgets.

Donaldson does not feel that "farming of the sea" will answer all the problems of feeding the world's hungry. But he does feel that it could make immeasurable contributions in conjunction with increased agricultural production of fish other than salmon through artificial breeding and controlled feeding which could help supply food for the hungry."

What Donaldson has been doing, in simplest terms, is to increase the crop from the sea, much as farmers have learned through technology to increase production from an acre of land. He has been developing ocean farming methods on a pilot scale, methods that will produce larger, earlier, healthier crops.

"Effective Use of the Sea," published last year by the President's Science Advisory Committee, uses the term "aquiculture" to describe the artificial production of fish and states flatly, "In view of the obvious need for more protein to feed the world population, it is recommended that attempts be made to augment the food supply through marine aquiculture. This recommendation is made with full realization that little of the necessary technological knowledge is currently available, but the dire need for increased protein production in the world, nevertheless, argues strongly that we should encourage the development of the strong research program that will be needed for effective aquiculture. At this time the U.S. effort in marine aquicultural research is essentially nonexistent except for limited studies on oysters, clams and shrimp."

The PSAC study also points out that Japan is the current world leader in marine aquiculture. This Spring, we intend to inspect their activities and report on them in this column.

"Some of the most appealing opportunities for aquiculture exist in our estuaries and coastal waters, regions which are most accessible and amenable to control and management," the report continues.

In Battelle Northwest's report for the Puget Sound Oceanography Committee, these comments will be found: "The waters of the western Continental Shelf are highly productive of many forms of marine life. Largely unpolluted, these waters are ideal for marine biological studies, experiments in fish farming and pollution control studies.

"The adjacent waters are abundant with fish, and fishing fleets based in Puget Sound range from Oregon to Alaska. Therefore, it appears logical that new federal programs for locating and harvesting fish should be centered in and around Puget Sound.

"Puget Sound itself, being the largest salt water harbor in the world and still largely in its natural and unpolluted state, is a candidate for several new programs. Its estuaries and bays could be used to develop the potential of fish farms and aquatic agriculture." * * *

There is nothing new about the theory of aquiculture. It has been going on for almost 4,000 years in China. The Japanese farm oysters, shrimp and squid, and several types of fish. The Portuguese farm mussels. The British are learning to farm plaice. The Norwegians farm salmon. Prawns are grown artificially throughout Asia. The experiments with the artificial production of lobsters is going on in British Columbia. Fertilized, brackish ponds in Israel are producing up to 4,000 pounds an acre annually of carp. Throughout the southwest, tons of edible catfish are produced through farming, and in the Pacific Northwest are numerous successful commercial trout farms. * * *

OBSERVATIONS ON VIETNAM

Mr. McGOVERN. Mr. President, three separate interpretations of the Vietnam situation have come to my attention recently that I believe offer helpful insights on that confusing and complex problem.

The first is on illustrated piece in the April 7 issue of Life magazine by photographer Lee Lockwood. It is regrettable that only his text and not his moving color photos can be reproduced in the RECORD.

The second is a report by Sanford Gottlieb following a recent trip to Paris and Algiers during which this experienced observer and writer conducted discussions with officials of North Vietnam and the National Liberation Front of South Vietnam.

The third item is an excellent memorandum summarizing an oral presentation by Prof. George Kahin of Cornell University and author of "The U.S. in Vietnam."

I ask unanimous consent that these three items be printed in the CONGRESSIONAL RECORD.

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

NORTH VIETNAM UNDER SIEGE

(By Lee Lockwood)

The delicate soundings for peace in Vietnam conducted over the past three years seem to have become—for the moment at least—what the French call a dialogue of the deaf. Meanwhile, the war gets bloodier. In the south, the casualty figures released March 23 showed the highest single weekly toll of the war for both sides: 2,675 Communists killed; 211 Americans killed, 1,874 more Americans wounded and seven missing. In the north, U.S. planes have stepped up their raids and hit new targets. Within a few weeks B–52s, hitherto based at Guam, will begin flying from a new air base in Thailand, which will cut the flying time to targets in North Vietnam from six to two hours and permit more missions.

On the following pages is an exclusive report on North Vietnam by Lee Lockwood, a free-lance photographer. He is the first and so far the only American photographer to be permitted inside the country since 1954. Lockwood was given this privilege by Hanoi because his visa application was supported by the Cuban government, an ally of North Vietnam. Lockwood has written a book on Fidel Castro and Cuba which will be published shortly.

Lockwood spent 28 days and traveled about 1,000 miles. He is candid about the limitations he worked under. What he was allowed to see and photograph was circumscribed by the foreign ministry. At no time could he take pictures without an official at his side. He was not permitted to photograph military installations—except for isolated antiaircraft guns. He was not allowed to go into the Demilitarized Zone at the 17th Parallel where elements of an estimated three North Vietnamese divisions have infiltrated into South Vietnam. He could not photograph the antiaircraft guns and Russian-built SAM missiles that have downed 479 planes by U.S. count or more than 1,700 by Hanoi's count; or the harbor at Haiphong where Russian, Chinese, Polish and other ships bring in supplies. He was not permitted—except for one shocking public encounter—to see any U.S. prisoners.

In short, Lockwood was given an extraordinary but carefully limited tour. He came back convinced that Ho Chi Minh believes he can hold out; that the North Vietnamese people, though obviously hurting from the bombing, are disciplined and resilient. Lockwood's photographic report is not presented as the whole truth about North Vietnam at war, but it is a unique and valuable glimpse of a world rarely seen.

The first sound is the thunderous "BLAH-RUMP" of a SAM missile firing, followed immediately by the strident whine of a siren. The street, filled with pedestrians and cyclists, is suddenly empty as people hurry to their shelters, while on the rooftops militia man antiaircraft guns. Minutes pass, the all-clear sounds and 60 seconds later all is as it was before. Photographer Lockwood, who witnessed such a scene in Hanoi, was struck by its jagged rhythm—"as though I had been watching a movie," he said, "which stopped momentarily, then started up again."

In one way or another the coming of the *máy-bay-my* (Vietnamese for U.S. aircraft), which began in February 1965, has affected the life of nearly every North Vietnamese. South of Hanoi, Lockwood saw bomb devastation everywhere he was permitted to go—deserted and ruined towns, evacuated factories, crushed bridges, roads and railroad tracks deeply pitted. Once, on a major road, he saw 200 people working on a 40-foot-deep crater in the road. It had been bombed at 8 p.m. By 2 a.m. it was filled. Temporary bridges rise at dusk, to be dismantled again in the morning. Foxhole shelters line the roadsides and dot the dikes amid paddies. At one school the students had trenches dug into the earth floor beneath their desks, "Women were chattering gaily in the rice fields," say Lockwood. "Some were planting shoots in even rows while others rhythmically ladled water out of a canal. When the bombs started to fall two miles away, making the ground shudder, they worked on, seemingly unconcerned."

Hanoi at war is a city of contrasts. During the daily three-hour lunch and siesta break—decreed by President Ho Chi Minh as necessary for the welfare of body and mind—people nap, read, stroll along the lakes. North Vietnam's busy premier found time at the end of a three-hour interview to pluck spring flowers and give them to Lockwood. But beneath this surface serenity daily life is geared to Hanoi's conviction that U.S. bombers could come in at any hour. Along almost every downtown street, at six-foot intervals, are one-man concrete bomb shelters. Every effort is made to avoid large concentrations of people in a city whose 1965 population was 500,000. Tens of thousands of children have reportedly been sent away to rural areas to live. The main department store is open only two hours a day, from 5:30 to 7:30 a.m. The central market has been vacated, replaced by small markets that move around the city from day to day. Even such things as weddings have been affected. "On one Sunday," Lockwood reports, "two friends of a Vietnamese acquaintance of mine got married. Only close family attended the ceremony, and afterward they held a celebration in their home. But because no more than 12 people are permitted in a home at any one time, each guest was allotted two hours at the festivities. The party lasted all day long."

U.S. PRISONERS AND AN EERIE PUPPET SHOW

(The U.S. Defense Department listed 143 Americans as captives of either the North Vietnamese army or the Vietcong as of March 11. The pictures were taken by a North Vietnamese photographer, using Lockwood's camera and film. Lockwood himself was repeatedly denied permission to see the prisoners, except at one chilling press conference which he describes below.)

I was seated, along with several other newsmen, in a long room with a curtained doorway at one end. A short, bald North Vietnamese officer announced that we were going to hear the "confession" of an American pilot shot down over North Vietnam. A loudspeaker shrieked briefly and was followed immediately by a voice unmistakably American. In calm, flat tones the speaker identified himself as Lt. Cmdr. Richard A. Stratton. As he spoke, a five-page mimeographed statement detailing his "confession" was passed out to newsmen, who followed it silently. When it was over photographers formed an expectant semicircle around the doorway.

A noncom appeared, marched to the officer and saluted. The officer pointed sternly at the doorway. The noncom saluted again and went through the curtain. A moment later the curtain was yanked back and the tall, husky Stratton appeared, flanked by two soldiers. He wore striped pajamas, socks and sandals. Except for a red, swollen-looking nose, he appeared healthy. His eyes were empty. He stood stiffly at attention while movie lights were turned on and photographers took pictures. His expression never changed.

This continued for about a minute. Then an officer snapped out a command in Vietnamese. Like a puppet, the prisoner bowed deeply from the waist toward the audience without changing expression. He straightened up, made a quarter-turn left and then bowed again, slowly and deeply. He turned to the right and bowed once more. After four or five bows he stopped. The officer shouted another command and the whole process began again—the prisoner bowing in all directions, his expression blank. After the cycle was completed one more time, the officer gave another command. The whole tableau took only about four minutes. Then the pilot did an about-face and padded silently through the curtain.

Ambassador-at-Large Averell Harriman, one of whose responsibilities is to follow all prisoner-of-war matters, made this statement to Life:

"From the photographs, video tapes and descriptions by eyewitnesses that I have seen of the so-called 'news' conference at which Commander Stratton was exhibited, it would appear that the North Vietnamese authorities are using mental or physical pressure on American prisoners of war. We all remember the ugly record of 'brainwashing' during the Korean war. It would be a matter of the gravest concern if North Vietnam were using similar means against the prisoners.

"Hanoi has said its policy is to treat the prisoners humanely. However, it has re-

fused to allow the International Committee of the Red Cross or any other neutral intermediary to visit the prisoners, a right required by the Geneva Convention to which Hanoi has adhered. Without such independent verification, North Vietnam's professions of 'humane treatment' cannot be accepted."

RECOLLECTIONS OF 4 WEEKS WITH THE ENEMY

Since Havana is the only capital in the Western hemisphere with a North Vietnam embassy, I went there for my visa. If the Tropic of Cancer were a railroad track, you could board a train just north of Havana and ride it halfway around the world to a point not far north of Hanoi. My route was more circuitous: Mexico City, San Francisco, Tokyo, Hong Kong, Phnom Penh, Hanoi. At Phnom Penh, the capital of Cambodia, I picked up the International Control Commission plane, which flies every Friday and every other Tuesday to Hanoi. This was the only way into North Vietnam for me. There is a Chinese plane twice a week from Peking, Canton and Nanning, but scarcely available to U.S. travelers. The ICC plane, piloted by three Frenchmen, was an ancient four-engine Boeing 307. We put down en route at Vientiane, Laos. From here the plane had to leave—and arrive in Hanoi—exactly on schedule, flying within a 20-mile corridor. Clearance for any deviation in flight plan must be obtained several days in advance—from the North Vietnamese, the U.S. Air Force, the U.S. Navy, the Royal Laotian military and the commands of the Pathet Lao guerrilla forces, any of which is quite likely to open fire on any stray airplane.

At exactly 7:05 p.m., as scheduled, we cut down through a heavy cloud cover and sighted Hanoi, surprisingly brightly lighted. A moment after we hit the runway at Gia Lam airport, a giant arc light flashed at our plane and was snuffed out immediately. We rolled to the apron in nearly total darkness. At the terminal a two-engine Chinese plane from Nanning was disgorging passengers. Unlike our plane, it had been fully loaded.

I was met by a short Vietnamese in a blue suit and steel-rimmed glasses. "Mr. Lee Lockwood? Welcome to our country," he said and astonishingly thrust a huge bouquet into my loaded arms. He introduced himself as Mr. Lang from the foreign ministry press department and helped me through the health immigration and customs procedures. I was informed that color film was forbidden but that, as a "gesture of friendship," I would be allowed to take it to my hotel so long as I promised not to use it. I could apply for special permission to photograph in color, but it was unlikely it would be granted. All exposed film must be processed and inspected by the Vietnamese; there are no facilities in North Vietnam for processing color. This was dismaying news: I had been assured by the embassy in Havana that I could shoot color.

I was the last one to leave the terminal. We rode into the city in a black Moskvich sedan across the antiquated Doumer Bridge (now called Long Bein), which spans the Red River and links Hanoi with its principal port, Haiphong. A single narrow-gauge railroad track ran down the middle, with one narrow lane on either side, both jammed with a bewildering clutter of traffic.

Hanoi residents still call the French-built Thong Nhat ("Reunification") Hotel by its original name, the Metropole. It could be the setting for any international spy movie. The dining room offers Vietnamese and European menus, and the small bar—run by a pretty Viet barmaid who speaks three languages—has French Cointreau, Beefeater gin, Johnnie Walker Scotch and Havana cigars. On any given evening the lobby hums with Poles, Cubans, French, East Germans, Russians, English, Canadians, Romanians, Mongolians, Koreans, Africans, Vietnamese military officers, Indians, even occasionally, a few Chinese. That evening I arrived, it seemed preposterous that a war was going on. Instead of the heavy thudding of bombs, there was the popping of firecrackers—for Tet (Buddhist New Year) was under way.

At 6:30 a.m. city life was in full swing, complete with rush-hour bike traffic. The Bach Hoa Tong Hop general department store had been open for an hour, its interior clogged with people waiting to purchase sandals, clothes, toys and candy, which the regime had made available especially for the Tet celebration. Among the people thronging the streets, perhaps one person in six was in uniform.

Of the four weeks I stayed in North Vietnam, as it turned out, about two were wasted to bureaucracy and ceremony—delays in planning my itinerary and in providing interpreters, interminable formal briefings and greetings, and always that three-hour recess for lunch. I was not unique in this torment; the same thing happens to all foreign journalists, Communists included. Considering I was an American behind enemy lines, the strictures on my operations were not surprising. Besides being kept away from military installations, I was not allowed to photograph any bridges (with only one exception), railroads, evacuated factories or scenes reflecting extreme poverty I might see. There was an interpreter with me when I took pictures in Hanoi, and in the countryside I usually had two or more local officials along. In the first 10 days, all my film was developed and examined by the authorities. This ended when I finally received permission to shoot color. In Hanoi, I was free to wander, without camera, at any hour.

Although I had read the reports of other journalists—including those of Harrison Salisbury of the New York *Times* and William Baggs of the Miami *News*—I was not prepared for the amount of U.S. bomb damage that I saw.

In Hanoi itself, the wreckage from the raids of last Dec. 13 and 14 was relatively sparse, but it is there. Aside from the oil storage depots (which I didn't see) and a truck park, the other sectors hit, whatever the intention, were primarily civilian. I saw five such areas in different parts of the city, the worst along Nguyen Thiap Street, only three minutes' drive from my hotel, in the heart of Hanoi. The street parallels a railroad overpass, part of the line linking Hanoi with Haiphong. Assuming this was the target, the bombs were off by only about 30 feet. But they had destroyed more than 50 houses.

Route 1, at best barely is wide as the aversouth all the way to Saigon, is an endless series of filled-up bomb craters and makeshift bridges. The heaviest damage begins at the outskirts of Hanoi; then, for perhaps 15 miles, nearly every house along the road lies in ruins. Heaps of smashed rock for repairs are piled every few hundred feet, for the road is bombed repeatedly. Every bridge, even the tiniest, has been taken out at least once; the larger ones have been replaced by pontoon bridges or by ferries. Along the main railroad south, piles of new track, ties and other materials are seen at frequent intervals, as are gangs of young men and women at work putting the track back in order. Every so often I passed bombed-out trains, lying like dead animals in the fields where they had been pushed out of the way.

At night, when most traveling is done, the road is clogged in both directions with heavy Russian and Chinese trucks, Russian Jeep-type vehicles and an unending stream of heavily laden bicycles (some carry up to 150 pounds of cargo) being pedaled or pushed.

Route 1, at best barely as wide as the average U.S. country road, frequently narrows to one chocked lane or a bumpy detour in places where holes are still being filled. But the worst bottlenecks are the ferries and bridges. One night as I was driving from Nam Dinh south to Thanh Hoa, we passed a line of 47 heavy trucks, all loaded, waiting to cross a pontoon bridge. The driver of the lead truck had been waiting two hours. Because we had priority, our little Russian car—akin to a Jeep—crossed the bridge right away. On the other bank, waiting to go north, were 52 heavy trucks, all empty.

As other U.S. journalists have reported, the small city of Phu Ly has been almost wiped from the map by heavy bombing. It is the first important rail and road junction south of Hanoi. Most of its 7,700 inhabitants are long since evacuated. It had been attacked, according to local officials, more than 40 times, the latest four days before my arrival. Its streets had the desolation of a cemetery. Hundreds of homes were demolished, as well as schools, churches and dispensaries. Except for several stragglers, there was no life left.

Nam Dinh, North Vietnam's erstwhile third largest city, stands half in ruins from repeated air strikes by planes of the Seventh Fleet based in the Gulf of Tonkin. Across the Black River to the south, the mud huts of Phong Lac, a Catholic village, were also heavily damaged from an attack which officials said had occurred on last Dec. 31, killing 11 and wounding 16. Its textile mill, North Vietnam's largest, has been bombed several times. Part is still operating. Trains were shunting back and forth in the railroad yards, presumably an important target.

The night I arrived in the Nam Dinh sector, I stayed in an evacuated hotel in a hamlet in the middle of rice fields. Just before 10 p.m., I was almost sucked out of bed by the implosion of bombs falling nearby. There were five more attacks before noon the next day, each near enough to shake the walls or the ground. I asked to visit one of these sites but was told there was too little time to get the necessary authorization.

That evening as we were traveling south under a bright moon, a two-engine jet swept down out of the light cloud cover, screamed across at treetop level about 50 feet in front of our vehicle and let loose with cannons, one rocket and a string of six bombs which burst thunderously in the fields to our right. Thoroughly terrified, I leaped and ran for a roadside foxhole. My interpreter was already in it. The intended target was not apparent. All I could make out in the area was a small group of mud huts, and these were not hit.

In Thanh Hoa, another large city, several neighborhoods near the center of town had been completely razed. The most recent bombing of the city, I was told, had been Jan. 29. Most of the homes still standing were locked, the occupants gone. "We consider that our city has ceased to exist," Thanh Hoa's mayor said to me sadly, kicking rubble with his toe. During the first full day I was in this area, the weather was good and there were 19 separate attacks on nearby targets, several of which I was able to observe. I saw one American plane go down, an orange ball of flames descending at a 45° angle across a vista of incredibly green rice fields. The pilot bailed out and was captured, but I was not allowed to see him.

Phat Diem is an agricultural community of 5,500, five miles inland from the Gulf of Tonkin. I was told the town had been attacked more than 60 times. Of its six Catholic churches, five had been heavily damaged by bombs. The rest of the city, mostly mud and thatch huts or one-story concrete dwellings, was ruins.

I visited the hamlet of Antiem in the heart of the Red River delta, North Vietnam's richest rice-producing area. There is no road; I had to walk nearly two miles across narrow dikes to reach the village. Antiem is something of a symbol to the North Vietnamese. Here, the villagers say, at 10:30 a.m. one day last October, two U.S. planes,

for reasons still unexplained, had dropped two bombs each. Two fell harmlessly in the fields at the edge of the hamlet. Another fell on the local secondary school, killing, I was told, 30 children and a teacher. The fourth had caved in a shelter trench, killing nine. I asked if there had been any anti-aircraft emplacements thereabouts. "Anti-aircraft!" one grizzled peasant cried indignantly. "We don't have rifles!"

Much of the outrage against U.S. bombing is directed at the use of anti-personnel bombs—particularly the CBU's (cluster bomb units), cannisters which burst in the air, each scattering 300 baseball-sized explosives which detonate on impact, each spraying hundreds of pea-sized steel pellets at high velocity over a wide area. The pellets are coated with napalm and stick when they hit.

The most convincing evidence of CBUs I saw was near Viet Tri, northwest of Hanoi. Here factory walls were scarred with characteristic symmetrical patterns of pock-marks. Later, I visited the Viet Tri hospital, which recently had been moved from the city to a rural village several miles away. On Jan. 18, according to Dr. Le Hau Suu, even this village had been bombed with CBUs. Pellet marks scarred the doctor's desk, chair, cabinet, sterilizer and other instruments. Outside, the crumpled half-shell of a cannister lay across a narrow dike in a field stippled with cup-sized craters. The doctor rounded up several patients he said had been wounded by the pellets. One 18-year-old girl had taken a pellet through her left arm, one in her intestine, one through her finger and lower lip and one, which I could feel with my fingers, embedded in the heel of her hand.

To the people of North Vietnam with whom I came in contact, the war is bombing, the bombing is the war. They believe the U.S. has attacked their nation unilaterally for imperialistic ends. Any attempt to explain that we are bombing them in order to slow the infiltration of men and supplies into South Vietnam is met with either bewilderment or scorn.

The bombing assuredly has necessitated significant adjustments in the North Vietnamese economy. Factories are dispersed to the countryside in small units. The residents of the cities have had the most serious dislocations. Children and elders, and others not working at essential jobs, have for the most part been evacuated to rural areas. Thousands of teachers have been sent with the children.

I saw no sign of severe shortages anywhere. Such things as meat, fish and rice are heavily rationed in the cities, according to the seasonal supply. There is no rationing in the countryside.

The astonishing thing is the way the North Vietnamese seem to take all this in stride. The people seem patient as ants. If something isn't done today or tomorrow, then the next day. If there is an endless line of trucks on the way south, it follows that there is an unending line of trucks arriving at the destination, and it doesn't really matter how slowly they travel en route. The people seem neither angry nor pugnacious—just calm, as though they could go on like this forever. Strangely, every person with whom I talked, whether in country or city, seemed to separate me as an individual American from what was being done to them by our planes. They spoke with ingenuous optimism of the "great peace movement" rising in the U.S., and how it was only a question of time until the Johnson administration yielded to this surging public opinion. Obviously their intelligence of the U.S. is highly selective. A Hanoi street, for example, has been renamed for Norman Morrison. How many Americans can identify Morrison as the man who immolated himself in front of the Pentagon in protest against the war? In Haiphong, a local official offered a toast. "Please thank the American people," he said without a trace of irony, "for their heroic struggle against the imperialistic policies of the Johnson administration." It was a sentiment I was to hear constantly, wherever I traveled.

As I was leaving Hanoi to go to the airport for my return trip home, my car passed by one of the city's several factories which manufacture the cement liners for "manhole" bomb shelters. They had run out of space on the factory grounds, and in the thickening dusk I could see hundreds upon hundreds of them lined up on the sidewalk along an entire city block, waiting to be carted away and put into place along other streets. As we drove away, I thought about how long it would take to dig all the holes for that many shelters, and all the others being turned out every day. From what I had seen in four weeks, the North Vietnamese seem more than willing to dig the holes, whatever time and effort it takes, and to stand in them whenever necessary.

REVEALING HIGHLIGHTS FROM TWO INTERVIEWS WITH ENEMY LEADERS

Phan Van Dong

(*Lockwood's interviews with Premier Dong and Mr. Tien, Hanoi representative for the National Liberation Front (Vietcong), are excerpted below. Lockwood was not aware of the exchange of letters several days earlier between President Johnson and Ho Chi Minh. Significantly, Dong and Tien expressed different ideas about Vietnam's political future and about the presence of North Vietnamese troops in the south.*)

There has been no war so heinous in history, as this one. . . . We have a 4,000-year history. We are a very civilized people, you know, with a very high cultural standard. The U.S., by waging this total colonial war, has mobilized all the Vietnamese people, without exception, against it.

The U.S. air war has met with defeat. . . . They can't intimidate us; they can't rescue the situation in the south. They get bogged deeper in the mud!

The U.S. should definitely and unconditionally stop all bombings and all other warlike acts against the D.R.V. It must withdraw all U.S. and satellite troops from South Vietnam. It must recognize the National Liberation Front. . . . And also recognize that all problems concerning Vietnam must be dealt with through them. . . . With who else? With us? It cannot be. With Nguyen Cao Ky? Ky doesn't even represent himself!

At bottom, the Democrats and the Republicans in the U.S. and *bonnet blanc, blanc bonnet* [no difference]. I don't think that there is much hope for a change of policy because of any change in government in 1968.

Communism has nothing to do with this war. We are entirely masters of our destiny, masters of our policy. You see things through a prism when you speak of the "Communist conspiracy." It will take much time to change that misconception.

We want a reunified Vietnam. This is the principal point. Throughout history, we have always been close to one another.

Are there presently North Vietnamese troops in South Vietnam, you ask? Vietnam is *one*. All Vietnamese people, like one man, must fight against U.S. aggression for our liberation, with all possible means, *Voila!*

The question of "volunteers" is becoming more and more practical and real. Not only volunteers from socialist countries; other countries, too. When will such help be needed? It depends completely on the extent of the American intervention.

President Johnson says he is prepared to go more than halfway in the interest of peace. What is "halfway"? He comes from the other side of the Pacific to wage war against us. We are already here!

Nguyen Van Tien

You say that the belief persists in the West that the National Liberation Front is an instrument created and controlled by Hanoi. The Johnson administration is the only Western government which persists in this belief. If we were "dominated," we couldn't continue, because we would not have the support of the people.

We want and will accept economic aid from both socialist and capitalist countries in the reconstruction of South Vietnam as an independent country. From the United States? Yes. But all aid must be given without any political conditions.

There are over 10 million South Vietnamese under our direct political control at this moment. These are mainly in the cities and towns. We also have thousands in the countryside who are our sympathizers.

Ky—he is a puppet. He's really not even worth talking about.

Be assured that South Vietnam will not, in the foreseeable future, be Communist. You must believe that.

After independence, South Vietnam will be *neutral*. It will be nonaligned.

There are many problems [concerning reunification]. Eventually we will have a kind of light federation. But each part [of Vietnam] will administer its own internal and foreign affairs.

Our position is really completely different from that of North Vietnam, as regards reunification. . . . The north must be willing to accept an over-all government that is non-Communist. Communism is impossible for South Vietnam, which has a much different tradition and situation than the north. . . . Even the Communists in our Front believe that Communism in the south is impossible.

If President Johnson wants to discuss negotiations, he has to treat with the N.L.F. If not, negotiations are impossible. The Hanoi government has no right to negotiate in our name.

If Johnson recognizes the Vietcong as the true leaders of the war, he will lose face. We know it will be difficult. But he must do it.

[After Tien's assertion that the south was controlled completely by Vietcong, Lockwood asked about the capture and identification of North Vietnamese soldiers and documents in the south. Tien replied emphatically.] I do not want to hide anything. There has been much talk on this subject. I tell you frankly that as of now there are no North Vietnamese troops in the south. We have sufficient forces to resist the U.S. aggression. At one time we sent many units to the north for training, and we have the right to recall these units as they are needed. We are beginning to recall these units now.

THE DEATHS IN VIETNAM SINCE FEBRUARY HAVE BEEN UNNECESSARY

(Statement by Sanford Gottlieb, political action director, National Committee for a Sane Nuclear Policy)

("A conscientious man would be cautious how he dealt in blood"—Edmund Burke, Letter to the Sheriffs of Bristol.)

I have just returned from a trip to Algiers and Paris where I spent a total of six hours speaking with officials of North Vietnam and the National Liberation Front of South Vietnam. In addition, I had an opportunity to spend many additional hours in Paris in conversation with those, in and out of government, who are extremely well informed about Vietnamese affairs. This was my third visit to Algiers and Paris to meet with North Vietnamese and NLF officials. The others took place in July, 1965, and January, 1966. All of these visits were fact-finding missions made on behalf of the National Committee for a Sane Nuclear Policy. After each visit I shared my impressions with the State Department.

I wish today to share with the press my

impressions of the current situation in Vietnam in the light of my most recent conversations. If we really hope to negotiate a peaceful settlement to this war, with its special psychological factors, we must try to understand what the other side thinks and feels. It is my hope to make a small contribution to that understanding. I shall deal first with the diplomatic situation, second with the views of the National Liberation Front.

THE DIPLOMATIC SITUATION

Both North Vietnam and the NLF were apparently ready to negotiate during the Tet (lunar new year) truce in February if the U.S. had been willing unconditionally to halt the bombing of North Vietnam. They consider that they clearly signaled their intentions. They refer repeatedly to the interview given by North Vietnamese Foreign Minister Nguyen Duy Trinh to Wilfred Burchett. They consider this interview as concrete evidence of good will on their part. The NLF considers its support of an extended truce during the lunar new year period as an additional sign of good will. Without evidence of good will, they say, talks cannot take place.

On January 28, North Vietnam gave unusual prominence to its Foreign Minister's interview with Wilfred Burchett. The key section of that interview quoted the Foreign Minister as saying: "It is only after the unconditional ending of the bombing and the other acts of war being carried out by the U.S. against North Vietnam that there can be talks between the countries." The Foreign Minister also clearly failed to insist on Hanoi's Four Points as a condition for negotiations.

Yet, at his news conference of February 2, President Johnson had this exchange with the press:

Q. Are you prepared . . . to tell us what kind of other steps the other side should take for this suspension of bombing?

A. Just almost any step. As far as we can see, they have not taken any yet . . .

Q Would you consider a mere willingness to talk peace to be enough of a step on their part to halt bombing or would some military move be necessary?

A. I have seen nothing that any of them have said which indicates any seriousness on their part. I am awaiting any offer they might care to make.

Thus, President Johnson refused to accept an official statement by the North Vietnamese Foreign Minister as a sign of "seriousness". Had there been on the part of the Johnson Administration any serious doubt about the meaning of Foreign Minister Trinh's words, the President could have chosen the more favorable interpretation and responded to that with an extension of the bombing pause. A similar approach by the Kennedy Administration helped bring the Cuban missile crisis to a peaceful conclusion.

Asked by the Associated Press for a clarification of Hanoi's intentions, Wilfred Burchett responded with an article from Phnom Penh which was published in The Washington Star of February 8. The AP said the article "gives a Communist view and should be read in that light." In other words, it was a faithful report of Hanoi's attitude. Burchett wrote:

"In talks to the Vietnamese following the Trinh interview and seeking clarification I was told:

"'. . . If bombings cease completely, good and favorable conditions will be created for the talks. Halt the bombings, come and talk. Let's see what can be done next. President Johnson said he was only awaiting a sign. Well, he's had the sign. We've shown our good will, the U.S. must do the same.'"

On the basis of my recent talks, I believe the North Vietnamese attitude toward starting negotiations may be summed up in this way: "We will not negotiate under bombing or the threat of bombing. We will negotiate when the U.S. stops using the bombings as a form of pressure." *As far as one can tell, the offer is still on the table.* Hanoi is *not* asking for the withdrawal of U.S. troops from South Vietnam or even a complete halt to hostilities in the South before talks begin. It *is* asking that the U.S. renounce the bombing of the North.

Even if the U.S. had continued the bombing pause after the deadline of the Tet truce *without* indicating whether the pause was permanent or temporary, it is probable that a dialogue could have begun which would have led to negotiations. This is the view shared by all of the knowledgeable third-party observers with whom I spoke during my recent trip.

For its part, during the recent Tet truce the Johnson Administration insisted upon a reciprocal *military* response by Hanoi before talks could begin. This represented an "upping of the ante" by comparison with 1966, when Administration spokesmen asked merely that Hanoi come to the conference table if the U.S. stopped the bombing.

On February 16, 1966, Secretary of State Dean Rusk declared: "Some governments said Hanoi would talk if we would stop bombing North Vietnam. We tried that twice, briefly last spring, and, recently, for 37 days but it made no difference. Hanoi would not come to the conference table."

Yet, at his press conference of March 9, 1967, President Johnson made unmistakably clear that his Administration is now demanding something more than a promise to negotiate. He said:

". . . I thought I said it in my last press conference. Just almost any reciprocal action on their part. We have said that we would be glad to stop our invasion of North Vietnam if they would stop their invasion of South Vietnam. That we would be glad to halt our bombing if they would halt their aggression and their infiltration. We are prepared to discuss anything that they're willing to discuss. But they're not willing to discuss anything as of now."

When Hanoi failed to accept the notion of a reciprocal military response, the U.S. again escalated the war by mining the rivers of southern North Vietnam, bombarding the North Vietnamese coast, and firing artillery across the Demilitarized Zone. In Hanoi's eyes, this escalation is proof that the U.S. interpreted the North Vietnamese gestures of good will as signs of weakness. Hanoi also seems to suspect that the U.S. is using this moment of disarray in China to strike hard at North Vietnam without fear of Chinese intervention. In the face of increased escalation by the U.S., North Vietnam believes that it has no alternative but to resist. One can assume that it will do so with additional help from its allies.

Under the present circumstances, Hanoi and the NLF believe there can be no peace talks until the U.S. approach changes. Escalation can never bring negotiations in their view. If their gestures of good will are to be interpreted as signs of weakness, they will make no further gestures. The next move, they told me, is up to the U.S.

In view of what I have been able to learn, it seems to me that the fighting and the deaths in Vietnam since February have been unnecessary. Had the U.S. been willing to extend the bombing pause indefinitely after the lunar new year truce, I believe there would have been peace talks. Even if the extension of the bombing pause had not been characterized as permanent by the Administration, there might have been preliminary conversations leading to full-scale negotiations. This was a risk worth taking because it might have ended the war.

Administration spokesmen are likely to reply that the North Vietnamese used the Tet truce vastly to increase their movement of supplies. There are several answers to this. First, the U.S. also used the Tet truce to increase its movement of men and supplies, using this period to prepare for the massive "Operation Junction City" according to Agence France Presse (*La Monde*, February 25). Second, not one official U.S. statement nor any press report indicated that the North Vietnamese moved these supplies *beyond* the 17th Parallel during this period. If so, Hanoi used the truce for military movements within its own borders. If the proximity of this build-up to the 17th Parallel then appeared ominous to the U.S., how did the "long files" of U.S. trucks reported at that time on the road from Saigon to Tay Ninh appear to the other side? Finally, if both sides are to interpret the other's intentions only by its military movements and actions, there will be enough mutual suspicion to keep the war going for a very long time indeed.

Administration spokesmen have also pointed to Hanoi's refusal to accept the principle of a reciprocal military response as proof that the North Vietnamese are not interested in negotiations. I think it would be more accurate to say that the North Vietnamese are not interested in Washington's idea of symmetry. They consider that U.S. bombings of their territory constitutes a flagrant violation of the sovereignty of an independent state. No peace talks can take place, they say, until these attacks stop. As for their help to the Viet Cong, they see this as aid to fellow Vietnamese who, like themselves, are fighting for their independence but who are bearing the brunt of the battle. The North Vietnamese simply fail to see the validity of comparing U.S. air attacks on their territory with their aid to the Viet Cong. This does not mean that, if the bombings were stopped, the North would automatically go on supplying the Viet Cong. That would no doubt depend on other factors. It does mean that they see their "quo" for the American "quid" as a commitment to talk. Isn't that what the Administration says it has been seeking?

It should be remembered that, not so long ago, the Johnson Administration was not asking for reciprocal military response as a condition for halting the bombing and starting negotiations. Why this hardening of position? It represents, I believe, a calculated effort by the Administration to avoid negotiations in the first half of 1967—except on terms which would humiliate Hanoi—so that a position of military strength can be pursued until later this year. At that time, following the presidential elections in South Vietnam, the Administration will probably make renewed efforts to negotiate. The 1968 election campaign in the U.S. does impose a deadline on this pursuit which passes for a policy. Meanwhile, however, the Administration will do its best to avoid negotiations, unless Hanoi and the NLF come crawling to the conference table. Everyone with whom I spoke during my recent trip—Vietnamese and third-party observers of many different backgrounds—agreed with this analysis. (See excerpts from *Le Neuvel Observateur*, attached).

The Vietnamese have known war for a whole generation. In their long history, they have fought as nationalists against the Chinese, the Japanese, and the French. Many of them today are engaged in what they consider a nationalist struggle against the Americans. We can flatten North Vietnam and they won't come crawling. We can launch ever more massive search-and-destroy missions in the South and they won't come crawling. We can use all the awesome arsenal of the most powerful nation on earth and they won't come crawling. The men I met in Paris and Algiers are calm. They know what the next steps of American escalation mean for their country. But they seem resigned to take it. They will talk as equals, but they will not come crawling to the conference table.

THE VIEWS OF THE NATIONAL LIBERATION FRONT

The following summary is based on statements by the chief of the NLF Mission in Algiers, a member of the NLF Central Committee.

1. Negotiations

American "aggression" is the sole obstacle to peace in Vietnam. When it stops, there can be negotiations. Hanoi cannot speak for the South in such negotiations, so the NLF will have to meet separately with the U.S. to discuss problems relating to the South. Among the problems which can be discussed are means of withdrawing U.S. troops from South Vietnam, but internal political questions can only be discussed among Vietnamese.

2. Elections conducted by the Saigon regime

As long as U.S. troops are in South Vietnam, no government in Saigon can escape American influence and no elections can be free. If a government came to power in Saigon which asked for the withdrawal of U.S. troops we would support it.

3. Future status of South Vietnam

There are many different groups in South Vietnam, especially religious groups. There are many more religions in the South than in the North, and they all participate in the struggle for independence. In the South, there have also been landlords and members of the bourgeoisie in the Resistance, which makes for another difference from the North. What unites all these groups in the NLF is the struggle for independence from foreign influence. It is not socialism or communism which unites them. Therefore, the NLF seeks a coalition government in Saigon which represents all groups except the "fascists" and which is neutral, neither pro-American nor pro-Communist.

4. Foreign aid

South Vietnam is a poor country. We shall need and shall accept aid from all countries, including the U.S., if it is given without strings attached. The development of the Mekong could help South Vietnam generate power, create industries and mechanize its agriculture. American know-how could be very important.

5. Reunification

Must be accomplished over a period of time (The previous NLF mission chief in Algiers told me that it could require up to 20 years—S.G.) on a step-by-step basis, taking account of the differences between North and South. In the first stage there should be a restoration of postal, economic and cultural exchanges, and freedom of travel. During the process of reunification, there would be two separate governments in Hanoi and Saigon and some form of joint assembly to work out common problems.

MAIL FOR U.S. PRISONERS OF THE VIETCONG

The NLF had previously agreed to use its mission in Algiers as a mail drop for American troops captured in South Vietnam. When this information was released by us in the U.S. in January, 1966, the mission in Algiers received more mail than it could handle, including large packages. At our request, the NLF has renewed its agreement to forward letters to prisoners captured in the South with the understanding that, due to extremely difficult circumstances, there can be no certainty of delivery or of reply. Their new address is: National Liberation Front, 4 Rue Viviani-El Biar, Algiers, Algeria.

EXCERPTS FROM "HOW JOHNSON LET HIMSELF BE CONVINCED"

(By Olivier Todd, Le Nouvel Observateur, Paris, Mar. 8–15, 1967)

General Wheeler is competent. He let the Tet truce and the Wilson-Kosygin effort pass without intervening. When the latter failed, he told himself that his moment had come and he spent hours alone with President Johnson . . . To convince the President, General Wheeler proposed a plan whose appearances are military but whose goal is political: a five-month plan which should bring results before next fall.

According to Wheeler, without completely winning the war on the ground, this plan can force Hanoi and the National Liberation Front to make peace—separately. General Wheeler has no desire to get bogged down in Vietnam for 10 or 20 years. . . .

With a great deal of ability, knowing that Johnson has for a long time been skeptical of purely military thinking, General Wheeler systematically defended the bombing of North Vietnam, beginning with the political advantages: These bombings, he said, have greatly strengthened the morale of the South Vietnamese and the authority of Marshall Ky . . . General Wheeler said was "very impressed by Ky's political progress." Starting from there, he sketched the two sides of his military strategy. With the President—much more than before the Congressional committees—General Wheeler admitted that the bombings of the North have only been 20% effective in stopping the flow of men and materiel toward the South. But, he explained, the bombings are necessary to fix in North Vietnam the largest possible number of soldiers.

With 450,000 men already under arms, North Vietnam cannot mobilize more than a total of 700,000. The best way of preventing more reinforcements to the South is to keep all of Hanoi's soldiers in a "state of permanent alert." This is the basic goal of the latest escalation against North Vietnam . . .

Wheeler believes that the North Vietnamese should be given the impression that an American landing in the North is possible in order to make them keep a heavy cover of troops along their coasts. This was one of the main objectives of the overly spectacular amphibious operations of the Marines between Quangtri and Quang Nhai. Johnson and Wheeler agree that, in any case, no landing should be made in the North . . .

The second side of the Wheeler plan: the South. The General maintained that the Viet Cong troops and the North Vietnamese regulars infiltrated into the South are beginning to lack automatic and semi-automatic weapons, most of which come from China. "The 'cultural revolution' has provoked an industrial revolution—a slowdown in deliveries," the Americans say. Now is the time to profit by launching massive "search-and-destroy" missions.

MEMORANDUM

(By George McTurnan Kahin, professor of government at Cornell University and co-author of "The United States in Vietnam," incorporating notes on his oral presentation and the subsequent discussion of Mar. 20, 1967. The reflections here described are based upon a month's stay in Vietnam, December, 1966–January, 1967, involving visits to Danang, Hue, Hoi An, Quang Ngai, and Long An province as well as Saigon.)

My chief objects of interest were:

I. The Pacification Program.

II. Views of the Saigon Military Leadership.

III. The Constituent Assembly.

IV. The Buddhist Opposition and its Current Political View.

I. THE PACIFICATION PROGRAM

Among the most important reasons for this program's failure are:

(a) The destructive and disruptive impact of American and Korean search and destroy operations upon the civilian population;

(b) the ineffectiveness of the South Vietnamese army in meeting its responsibility for clear and hold operations;

(c) lack of attention to land reform and the frequent (though inadvertent) restoration of landlords to their old positions;

(d) Premier Ky's destruction of much of the non-communist (Buddhist) administrative infrastructure in the First Corps area.

(a) American and Korean *search and destroy operations tear down the structure of rural Vietnamese society much more rapidly than the pacification effort is building it up.* The rapid massing and projection of superior American and Korean firepower which has been so important a factor in successes against large Vietcong and North Vietnamese units has been heavily destructive of villages and peasant society in general. Not only are many civilians maimed and killed, their villages destroyed and crops ruined, but also *these search and destroy operations generate a tremendous and steadily accelerating number of refugees.*

1. Refugees

By the most conservative estimate[1] the total number of refugees had reached 1,616,663 by the end of November 1966, not including an additional 150–200,000 refugees in the Saigon area and a major influx of more than 100,000 refugees into Danang. By the end of 1966, then, the total number of refugees was in the neighborhood of 2 million, with the Director General of the Government Refugee Office expecting an accelerating increase as a consequence of new American operations in the Delta (a minimum of 400,000 more from this area alone.)

Given the fact that almost one-quarter of South Vietnam's 16 million people live in cities and towns, approximately one out of six peasants has now become a refugee, with the proportion clearly destined to increase as search and destroy operations continue. Moreover, because these military operations are generally concentrated in particular areas of the country, the proportion of refugees is even higher in certain provinces. Thus, the Director General of the Refugee Office describes Binh Dinh province as "one great refugee camp"—its total number of refugees at the end of November 1966 having reached more than 275,000 out of a population of 784,000 (36% of the total). Although some of the refugees find temporary work in the cities and around major American bases, the vast majority remain unintegrated into Vietnamese society and life in semisqualor in overcrowded refugee camps.

2. Civilian casualties

Inasmuch as in the discussion several Senators indicated their interest in the nature of civilian injuries, it would be pertinent for me to indicate that the source of my impressions were not confined to hospital records and interviews with hospital personnel. In several of the hospitals I visited (in Saigon, Hue and Quangngai) I was able to see any ward I wished, inspect the records attached to the beds of patients and talk to medical internees and nurses as well as doctors. A report compiled by medical staff in November 1966 at Hue hospital indicated that almost 90% of the war casualties were occasioned by American and South Vietnamese army air bombardment and artillery; at Quangngai, where I visited every ward of the hospital, an American who worked these estimated that about 70% of all civilian war casualties had been inflicted by American, South Korean and South Vietnamese aerial bombardment and artillery, with the remaining 30% stemming from Vietcong and North Vietnamese action (mostly from land mines).

The only information which I was able to secure at the central hospital in Saigon were that "most of the civilian casualties" were caused by aerial and artillery bombardment.

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[1] Provided me by the Vietnamese government's central Refugee Office in Saigon (Previously known as Commissariat for Refugees).

As of December 25, 1966, when I visited this hospital, I found that in its back wards were many victims of napalm (at least thirty-five in the six wards I visited). It was not merely their appearance (features literally melted together) that indicated this, or that the internees and nurses stated that this was the case; in addition, each patient had fastened to his bed a record indicating napalm as the cause of the burning and bloating wherever it had been so diagnosed. A large portion of these napalm casualties were children. On the same day I visited the Saigon Children's hospital and found only three such cases there—all very recent. Upon asking the reason for this I was informed by medical students that it is government policy to disperse as widely as possible napalm casualties that are brought to hospitals so that visitors will not conclude that there are so many of them. Since Dr. Howard Rusk in his recent report states that he saw little evidence of napalm injuries in the hospitals he visited, I can only surmise that he must have been given the sort of prepared and guided tour that often makes it so difficult for official visitors to see much that is significant.

(b) Among the American officers with whom I talked (marine and army), there was unanimity as to *the incapacity of the ARVN (Army of South Vietnam) to fulfill the major role assigned to it under the pacification program—that of clear and hold,* and more specifically of providing sufficient security for the pacification cadre teams.

One reason they gave is that a large number of ARVN units are not effective fighting forces and avoid battle with VC forces that return subsequent to the search and destroy operations that have temporarily pushed them out. Combat ineffectiveness is often increased by the continuing high desertion rate. When I visited Long An province immediately to the south of Saigon I found that with the 25th ARVN division there, the desertion rate is more than 1,000 men per month, this number including a significant number of officers as well as enlisted men. (This may help explain why out of some 600 villages in the province only 90 are controlled by the Saigon government.)

Secondly, these U.S. marine and army officers were in solid agreement that the South Vietnamese army as a whole is not psychologically attunded to effective clear and hold operations among the peasantry, and that it acts much more like an alien occupying force than a friendly defender. The incidence of chicken and pig stealing and rape of peasant women are alone so high and so widespread, they said, as to ensure this.

(c) In those rural areas where it exercises control, *Saigon's land policy inevitably alienates a major part of the peasantry.* Premier Ky's administration, despite many well publicized statements, has not been willing to carry through agrarian reform even to the limited and grossly inadequate extent that Diem did.[2] Pacification has usually meant the return of the landlord and his repossession of lands which the Vietcong previously distributed to landless peasants. When the Vietcong reasserts control over villages recently pacified by the U.S. and Saigon,[3] it usually quickly returns ownership of landlord holdings to the peasant tenants. If one seeks to understand why most of the cultivated land in South Vietnam is NLF controlled[4] one has to reckon with the persisting attraction of the NLF's land policy for rural Vietnamese and the fact that the peasants who revolted against Diem still see Saigon as a symbol of the landlord.

Moreover, in the pacification program it is usually impossible to select villages as candidates for the effort on the basis of a healthy land ownership pattern. (In one recently pacified village which I visited only three out of 61 families owned the land they tilled; most of the land being owned by absentee landlords living in the district capital or Saigon.[5]

(d) *In the First Corps area efforts at pacification have been severely disadvantaged because of Premier Ky's suppression of the Buddhists there in the spring of 1966.* In putting down the "Buddhist Struggle Movement" the Ky government destroyed much of the noncommunist administrative infrastructure in the northern provinces of South Vietnam. This being an area of particularly strong support for Tri Quang and his group, it was necessary in crushing their popularly backed movement to root out much of the noncommunist civilian administration as well as purge the two army divisions that supported them.

Thus in their pacification efforts U.S. Marines have suffered a major handicap and have won back only a small part of the area that was lost to the Vietcong because of Ky's suppression of the Buddhists.[6] In Quang Nam province, the principal area of marine activity pacification efforts have in fact restored Saigon's authority to only a few villages. Marine officers informed me that as of December 31, 1966, only 18 hamlets (with a total population of 19,967) had been secured out of a total of 549 hamlets with a total population estimated at 568,288. Out of this rural population they estimated that approximately 150,000 had become refugees.[7]

II. VIEWPOINT OF THE SAIGON MILITARY LEADERSHIP

Pacification is a process which the military junta in Saigon views as taking place behind an American military shield that will remain in Vietnam for a full generation. This was made clear to me in a long discussion which I had with one of the top generals in the junta, a man regarded by U.S. officials as politically the most sophisticated of the group. What struck me in talking with him and other Vietnamese military leaders was their confident taking-for-granted that American troops would remain on in Vietnam to provide them such a shield, bearing the brunt of the fighting against the Vietcong for as long as a generation. This was matched by their candor in disclosing an appalling lack of confidence in their own ability to compete politically with NLF even behind such an American shield. The point of view can, I think, best be conveyed to you by quoting to you from the statements made to me by the above mentioned general:

"To defeat the communists we must win against them both politically and militarily. But we are very weak politically and without the strong political support of the population which the NLF have. Thus now even if we defeat them militarily, they can come to power because of their greater political strength. We now have (thanks to the support of our Allies) a strong military instrument. But we are without a political instrument that can compete with the communists in the south. Such a political instrument we must now begin to create, a process that will take a generation. It is unrealistic to speak of a cease fire until after we have built up our political strength to a point where we can compete with communists successfully—a decade from now at least. Thus your President's statement at Manila that U.S. troops would begin withdrawal within 6 months of a settlement makes no sense. We must have military victory *plus* political superiority first. To secure military victory it will be necessary to carry the war into North Vietnam and defeat the Communists there as well.

"It is a matter of endurance and patience—this struggle. Napoleon said, he who can maintain his forces that extra quarter of an hour on the battlefield will win. In this case, it is the side that can maintain itself that extra decade on the battlefield that will win."

When I speculated that any effective invasion of the North would probably necessitate something like a million American troops in Vietnam, he readily concurred. When I inquired whether such action might not ultimately induce North Vietnamese forces to seek base areas in southern China as well as in Laos, his answer was that in any case it would be necessary ultimately to carry the war into China and that to this end it would be advisable to encourage Chiang Kai Shek to attack the mainland and to utilize some of his troops in South Vietnam. He

[2] Although each pacification cadre team has on it members who are charged with seeing that agrarian laws are respected, the laws in question are those of Ngo Dinh Diem, and where actually enforced apply to maximum rent and not redistribution. (Diem never countenanced a program of land redistribution except where French estates and Vietnamese holdings of more than 284 acres of rice lands were concerned, and even this program was only partially carried out.)

[3] "Depacification" is the term used by local officials for this process.

[4] The actual extent of government control over rural areas is even less than appears on the surface. For instance, it is usual for the CVT (Farmers Union)—run by the government-sponsored Vietnamese confederation of labor—to pay taxes to the NLF even in the limited rural areas where the Farmer's Union operates.

[5] Although some American officials with whom I talked were quick to agree as to the desirability of selecting villages for pacification which have a healthy land tenure pattern, they said that this was usually made quite impossible by the reluctance of local Vietnamese officials to give them the necessary cooperation. As they pointed out, the majority of district and provincial officials either are landowners themselves or have close family or other ties with large landowners. Thus, most Vietnamese officials in the provinces (as well as many in Saigon) have a vested interest in the agrarian status quo and are usually not inclined to be cooperative in providing even reliable cadastral date necessary for an effective approach to pacification.

[6] In January 1967 the road from Danang south to Hoi An (the capital of Quang Nam province) was reasonably safe for travel until only late afternoon, while a little over a year ago one could drive the road at night. In driving down the road to Hoi An, I came across a Marine unit conducting a security operation only seven miles south of Danang.

Directly across the river to the south of Hoi An is a "Harassment and Interdiction Zone" into which U.S. artillery pumps intermittent salvos of shells to keep the VC from using the territory as a staging area for an assault on Hoi An. The consequent devastation of villages in the area helps account for the fact that approximately half of Hoi An's population is made up of refugees.

When I visited Hue I discovered that one of the city's major suburbs was unsafe to visit at night because of VC penetration; that even during the day time it was unsafe to visit the royal tombs, less than two miles to the south of the city; that the VC had attacked a major military barracks on the edge of the city only two weeks before; and that the city central police station had been mortared at least seven times during the previous six months. Hue and its immediate surroundings had been reasonably secure prior to the suppression of the Buddhists last spring.

[7] The government's central Refuge Office gave a figure of 88,511 refugees for November 30, 1966, apart from those who had moved into the city of Danang (that city's population has approximately tripled in the last year, reading almost 300,000).

went on to argue that the United States was wrong in assuming that China and Russia were not still close military allies and that it might be necessary to move on to World War III so as to insure that communist power was fully removed from Vietnam.

III. THE CONSTITUENT ASSEMBLY

The political future for South Vietnam which the military junta has agreed to is rather different from what we are now being assured the Constituent Assembly will secure. Despite the courage and forthrightness of a minority of its members, *the Assembly as a whole has backed down in the face of the pressure which the military leadership has been applying ever since last fall* when the Assembly began its deliberations.

The strategy of the military junta has been to avoid any final confrontation with the Constituent Assembly at the conclusion of its sessions. Instead, there have been a series of informal, largely unpublicized confrontations during the past six months between representatives of the junta and Assembly leaders, wherein the military have exacted the concessions most important to them. Thus, although a few generals remain dissatisfied with some provisions in the draft submitted by the Constituent Assembly, they had already secured the essential concessions and have little reason to be dissatisfied with the final result.

Leading civilian members of the Constituent Assembly now argue that "political realism" dictates that they be prepared to accept the junta's choice as President under the constitution. They have yielded to the military's insistence that during the election period it will control the government and, as is generally expected in Saigon, the electoral process as well. The junta is insisting that it have at least as much say about framing the new election law as the Constituent Assembly (with negotiations between military and civilian leaders apparently proceeding informally, in much the same way as during the drafting of the constitution.)

Another signally important retreat by members of the Constituent Assembly concerns the election of province chiefs, currently all appointed by the junta, with more than 90% of them military officers. The Assembly agreed that their election could be deferred up to four years (article 114). Thus, whoever becomes the first President will be able to continue the current practice of appointing military officers acceptable to the junta to these important posts.

Probably of greater importance is article 64 endowing the President with the power to decree "in special situations" a state of emergency subject to subsequent agreement by the National Assembly. The vagueness of phraseology in this article could (especially in the over-all Vietnamese political context) easily lead to a much more authoritarian political system than other features of the constitution might suggest.

Why has the Constituent Assembly backed down so drastically in the face of military pressure?

Clearly, despite courageous statements of some deputies, *intimidation has been one factor.* The assassination attempts against two of the most forceful and outspoken of the Assembly's leaders are regarded by all elements in the Saigon political spectrum as emanating from Premier Ky's chief of police rather than from the Vietcong. Tran Van Van, whose widow herself asserted this publicly after he was killed, was probably the most forceful and articulate leader of the southern bloc, and was the man who introduced the avowedly anti-Ky measure that any future President be at least 40 years of age (Ky is 37). Dr. Phan Quang Dan, who escaped with only minor injuries, remains one of the most outspoken members of the Assembly; but the fact that he himself does not appear to have been intimidated did not keep other members from being cowed.

But possibly much more important in explaining the actions of the Assembly is *its lack of representative character,* an outcome which the election law assured. Thus, not merely the fact that in terms of per capita representation, Catholics are represented in a ratio of at least 6:1 against Buddhists, and Northerners in a ratio of 5:1 against Southerners.[8]

More important were the severely discriminatory features of the election law which served to screen out those elements in the population most likely to champion any significant departure from the economic and political status quo. The election law excluded any candidate regarded as either pro-communist or pro-neutralist. Moreover, it discriminated severely against those arrested in the past for political crimes, this applying to anyone so charged prior to November 1963 whether by the French or Diem; such persons were unable to run unless able to obtain clearance from special courts appointed by Marshal Ky.[9] Moreover, the extremely brief time for submission and clearance of papers required for candidature insured that only those acceptable to the government stood a reasonable chance of the bureaucratic cooperation necessary to meet the complicated requirements before the deadline.[10]

The anti-negotiation bias in the election law insured that the Constituent Assembly would not be well suited to serve as a bridge to negotiations with the NLF even if the junta had been willing to permit this. It is also likely that the provisions in the election law which so vigorously screened out anyone who advocated a peaceful settlement and negotiations with the NLF, at the same time diminish prospects that those elected be advocates of serious social and economic reform. For it was especially among the politically active Buddhists that neutralism and advocacy of negotiations were combined with dedication to such measures. Almost all of those elected were either government employees or non-government individuals of privileged economic status. Thus, Dr. Dan stated to me: "The group elected to the Constituent Assembly are predominantly too afraid of social change. Unless we can give the people land and justice we will not win them. We cannot afford parasitical landowners." His concern had been heightened a short time before when he attempted to introduce into the Assembly a measure whereby those who farmed the land would be given title to it, a provision which he felt might serve to relate the Assembly in a positive sense to the peasantry and pave the way for agrarian legislation calculated to undercut the appeal of the NLF. His measure secured exactly 3 votes from the Assembly's membership of 117.

Thus whether or not the actual balloting for the Constituent Assembly was reasonably fair (in some districts it may have been) the people whom the government permitted to run in these elections were for the most part representatives of a distinct minority of the population.

The forthcoming elections

It is abundantly clear that unless a disinterested outside international referee effectively supervises the electioneering process as well as the balloting in the forthcoming election, it will be no more representative of actual South Vietnamese opinion than were the controlled elections for the Constituent Assembly of last September. As with the latter, the most important matter will not be the balloting, but rather the pre-election period of electioneering and an election law that is reasonably fair and non-discriminatory.

If effective arrangements are to be set in train it is incumbent that this matter be addressed promptly, because already Premier Ky's government is setting the stage in an artificial way. Thus, up until the time that I left on January 19 all efforts of the Buddhists to establish a legal political organization had been frustrated, and a report which I recently received from Hue indicates that in a final effort to establish such a party its leaders were promptly arrested. (Mention of this can also be found in the Saigon press.) *Unless such action is taken the elections will provide for little more than a specious legitimation of the present Vietnamese military leadership.*

IV. THE BUDDHIST OPPOSITION AND ITS CURRENT POLITICAL VIEW

1. Background (1963–1965)

Buddhism as a political force in South Vietnam is a recent phenomenon. It made its first significant appearance only in mid-1963 where the Buddhist activists constituted the major political force in the overthrow of Diem. Although relatively quiescent for some months thereafter, they became very active within a year, developing an increasingly widespread popular following as a consequence of their stand against what was termed "Americanization of the war" and the American Embassy's involvement in Saigon politics. Their major political appeal, however, stemmed from their growing advocacy of a call for peace and a negotiated settlement of the war, including direct talks with the NLF. It was this position which led to a direct clash with American officials in Saigon and brought the U.S. to support Vietnamese military leaders against them.

This dispute came to a climax in mid-February 1965 in the period between the retaliatory phase of American bombing (3 raids on February 7, 8 and 11) and the opening of sustained bombing on March 2, 1965, the period during which, as the *New York Times* put it "A guarantee by the Quat Government that the war would continue was considered here to be a necessity for a United States decision to proceed with further air strikes against the north."

On February 16, 1965 the day on which Quat's government was installed and before it had indicated its position concerning prosecution of the war, influential leaders of *the Buddhists launched a major peace offensive which registered strong support from a wide spectrum of influential South Vietnamese* but which, given its importance,

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[8] Of the 85 of the 117 members of the Assembly whose religious affiliation has been disclosed (a number indicating that they had no religious affiliation), 30 are Catholics and 30 are Buddhists, even though in South Vietnam there are generally estimated to be at least 6 million practicing Buddhists as against a million Catholics. The total number of Northern refugees was about 900,000, while the present population is more than 16 million; yet these Northerners hold 29 seats in the Assembly. It is also pertinent to note that 19 members of the Assembly are military officers.

[9] Article 10 of the Election Law. For a fuller discussion of the law see *The United States in Vietnam* (by G. McT. Kahin & John W. Lewis, pp. 257–260) Marshal Ky's government has, of course, been notoriously loose in its labeling of individuals as procommunist. (Ky went so far as to label Thich Tri Quang a communist). Even more sweeping in its effect was the term "neutralist", in the Vietnamese political setting this encompassing anyone willing merely to explore the possibility for negotiations with the NLF.

[10] See especially Articles 12, 13 and 14. The law incorporated other features (most important of which was a complicated system of proportional representation specifically designed to disadvantage the Buddhists). See the reports of J. W. Apple in the *New York Times,* June 12 and 25, 1966.

received surprisingly little prominence in the American news media.[11] In this appeal 358 of the most prominent Vietnamese writers, professors, doctors, lawyers, engineers, and former high ranking civil servants, (including people as far right in the political spectrum as Bao Dai's former Minister of Justice), signed an appeal to "the two belligerants, the Government of the Republic of Vietnam and the NLF . . . to stop the war and make peace for the country." More than three thousand additional signatures were then secured before the Quat government, or more accurately the Armed Forces Council, arrested 60 of the most prominent of the signatories with jail terms of from 2 to 10 years, and hustled three members of the group across the 17th parallel into North Vietnam.[12]

By the end of February 1965 it was clear that the civilian government of Premier Quat which Buddhist leaders had worked so hard to establish had become completely overshadowed by the Armed Forces Council headed by General Thieu, (who served concurrently as Quat's Vice-Premier). Air Vice Marshal Ky, as spokesman of the Armed Forces Council, declared that it controlled the direction of South Vietnamese politics and would replace any government "that threatened to betray the country." Thus it was made clear to the Buddhists that the military leadership would neither countenance talk of negotiations and a peaceful settlement, nor permit the Buddhists a significant voice in government.

2. Resurgence of Buddhists as a Political Force and their suppression—February–June, 1965

The next major confrontation between the Buddhists and Premier Ky came in the spring of 1966 when the Buddhist activists entered into a marriage of convenience with General Thi, the popular and effective commander of the 1st Corps area, whom Marshal Ky and General Thieu were endeavoring to oust. Let by Tri Quang and many other prominent monks, the Buddhists attracted an impressive amount of popular support, not only in the five northern provinces of South Vietnam (the 1st Corps area) but in Saigon and other parts of the south as well.[13] They were sufficiently strong to exact two important promises from Premier Ky: first, that free elections would be held for a Constituent Assembly which would in effect be a bridge to representative civilian government, and second, that no political reprisals would be visited upon the Buddhists or on the non-Buddhists who supported them. *It was only, the Buddhist leaders insist, because they had firm assurances from Ambassador Lodge that the United States would see to it that Ky would carry out these promises, that Tri Quang and his lieutenants called off the Buddhist Struggle Movement* and agreed to give up the de facto political autonomy they had secured in the 1st Corps area and to cooperate with Ky's government.

To the surprise of the Buddhists, the United States instead gave its full backing to Premier Ky, providing him with support which was essential to his suppression of both the Buddhists and General Thi. Few Americans are, I am sure, aware of the extent of this U.S. intervention against the Buddhists—an intervention that was military as well as political and which decisively tipped the scales in favor of Ky, leaving the Buddhist leaders and their adherents feeling betrayed and bitter. Their bitterness is the greater because at first American marine commanders in the North (before being overruled by Saigon) indicated considerable sympathy for the Buddhists. But after having been assured that American military forces would not intervene, the Buddhists found that the 1st Corps troops who supported them were kept out of Danang and out of the air bases at Danang and Hue by a ring of American armed forces. This permitted Premier Ky to airlift in his elite troops from Saigon to air bases outside Danang and Hue. As a consequence, he was able eventually to build up overwhelming forces which the U.S. then permitted him to move against the Vietnamese troops supporting the Buddhists and against the Buddhists themselves. Premier Ky moved swiftly and decisively against the Buddhists, smashing their political organization and arresting many of their key leaders. The Rector of Hue University and some of his principal faculty members were merely confined to Saigon, where they are still obliged to report to the police once a week, but some faculty and many of the student leaders from both Hue and Saigon universities remain under arrest, either in jail, concentration camp or forced labor camps. It is impossible to know how many students have joined the NLF as a consequence of this repression. It is reported to be a small minority, but its numbers are apparently not inconsequential.[14]

Since then, efforts of the Buddhist leaders to organize a legal political party have been continuously suppressed. As recently as last month, arrests of such political Buddhist leaders were carried out.

3. The current viewpoint of the activist Buddhist leaders

For many Americans the position of the activist Buddhists has seemed confusing, and the U.S. officials in Saigon have done much to reinforce this view, representing them as politically naive and impractical. Recognizing that in face of determined American opposition they can never have a major voice in government, Buddhist leaders have been reluctant to be explicit concerning their actual dedication to a negotiated settlement involving political compromise—a course which Ambassador Lodge has convinced them the U.S. would never countenance.

At present, even more than in the spring of 1966, the political thinking of the Buddhist leaders is dominated by their recognition of the unchallengeable power of the United States in influencing and controlling the course of Saigon politics. Particularly after their bruising experience of April–June 1966 they feel the necessity of adapting their political approach to the overshadowing reality of American power. At the same time they are poignantly aware that any Saigon government which expects to win significant popular support to compete at all effectively with the NLF and to stand up to it in negotiations must both give evidence that is *free from American control,* and clear indication that it is *dedicated to a negotiated settlement resulting in a lasting peace.*

To establish for you that the ideas of the Buddhist leadership are indeed reasonably clear, let me quote to you what one of the principal Buddhist leaders stated to me in mid-January—a view consistent with what was told me by other leading Buddhist monks opposed to Premier Ky's government:

"Present government is completely dependent on support of the U.S. On basis of Vietnamese support it could not function. It acts without legality and completely arbitrarily against anyone it wishes. Only the Americans can oust it. We are deeply discouraged, and a great many Vietnamese say why try to improve the situation since the Americans control everything absolutely.

"Continuation of the warfare is politically counter-productive for the US—turning the Vietnamese more and more against the US and against Saigon, and making the NLF more acceptable to them. The present government is able neither to secure sufficient popular backing to wage war or peace. We can't negotiate peace through the present government—for it is weak and without popular support and not recognized by Hanoi as representing the people here—which is in fact true. (Two other senior Buddhist leaders made this point even more strongly; stating: 'The VC and Hanoi would not negotiate with the Ky government for they know it does not represent the people and that it depends on US and is a government doing what the US wants'.) We do not want to negotiate from weakness. The Saigon government must be changed so as to be representative.

"If the US is sincere about a negotiated settlement it must first stop its bombing of the north, and then: reshuffle the Saigon leadership sufficiently so that there is a government which the people will trust to carry out reasonably honest elections. Elections carried out under auspices of Ky-Thieu leadership would not be so regarded. The new elected leaders would form a government sufficiently representative to undertake negotiations with the NLF. Coincident with negotiations, or as soon as possible after they are underway, there should be a cease-fire. (This will enhance the popular backing and appeal of the newly elected government.) An object of the negotiations would be to prepare for subsequent country-wide elections in the South wherein the elected Saigon government and the NLF would yield place to a government more representative than either. But there must be sufficient time following cease-fire and before these elections for Buddhists and other noncommunists to build up cadres and prepare for elections."

These Buddhist leaders also agree that it would be advantageous to try to secure a cease-fire during the period of the initial first-stage elections in the Saigon controlled areas; they would welcome a non-partisan international authority to supervise the cease-fire.

Whether one finds these ideas reasonable or not, it would be unrealistic to dismiss them as inconsequential, for they do represent the view of what is by far the most effective non-communist political force yet to have developed in South Vietnam.

In closing, permit me to emphasize that if we are serious about having a Saigon government that can effectively negotiate with either the NLF or Hanoi—particularly from a position of some political strength—it is incumbent that the nature of the present Saigon government be drastically altered and made much more representative—not the mere legitimation of military rule in which the Constituent Assembly is currently being obliged to acquiesce.

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[11] Insofar as I have been able to determine, this was unreported in the English language Saigon press but was given substantial coverage in the Vietnamese language paper *Chinh Luan.*

[12] These three, Professor Don That Duong Ky, Dr. Pham Van Huyen, and Dr. Cao Minh Chiem, asked the Hanoi government for permission to go to Switzerland rather than remain in North Vietnam and were allowed to do so.

[13] Although some delta-area Buddhist leaders who are opposed to Buddhist involvement in political matters and some Buddhist leaders who had come south as refugees in 1954 refused to support the movement, much of the membership of their groups did.

[14] This judgment is based upon interviews with government officials, faculty members and students in Hue and Saigon.

IMPLEMENTATION OF THE NARCOTIC ADDICT REHABILITATION ACT OF 1966

Mr. DODD. Mr. President, there is a case currently before the U.S. District Court for the District of Columbia which

involves a new law the Congress passed last year, the Narcotic Addict Rehabilitation Act of 1966.

In this case, aside from a jurisdictional question relating to the effective date of the act, there has been a certification from the Surgeon General that adequate facilities or personnel are not available to handle the case under its provisions.

I am concerned with this certification because the Narcotic Addict Rehabilitation Act became effective on February 8 of this year and today, 2 months later, we still cannot handle one single case, the first one in the District of Columbia, that is being considered for treatment under the act.

I do not know how the act is being implemented in other parts of the country. But, I intend to find out.

Is there a shortage of funds for the application of the law?

Is there a shortage of personnel?

Are the facilities inadequate or unavailable?

To obtain answers for these questions, I sent letters yesterday to the Surgeon General and to the incumbent Attorney General of the United States requesting a progress report on the implementation of the Narcotic Addict Rehabilitation Act.

Last year both the Surgeon General and Attorney General Clark's predecessor testified before my subcommittee when we held lengthy hearings on this forward looking, administration-backed proposal.

In spite of a wealth of testimony to the contrary, they both insisted that existing programs and facilities could provide treatment and services for narcotic addicts under this new law. They insisted, no new additional programs or facilities were needed anywhere in the country.

We now find that the first addict to apply for consideration under the act in the city where the law was passed and where the Surgeon General lives is denied treatment because there are no facilities available.

Particularly in view of the fact that neither the Justice Department nor the Surgeon General's Office objected to the effective date of the new law, I find it difficult to accept that no treatment can be supplied for this one addict in the Nation's Capital 2 months after the law should have been in operation.

NEW YORK TIMES CALLS UPON THE PRESIDENT TO SUBMIT RECOMMENDATIONS FOR EMERGENCY STRIKE LEGISLATION

Mr. JAVITS. Mr. President, on Tuesday, in connection with the Senate Joint Resolution 65, extending the freeze under the Railway Labor Act in the current labor dispute until May 3, 1967, I called attention to the fact that the administration had not redeemed its promises to propose legislation dealing with strikes threatening the national health and safety. My Republican colleagues on the Committee on Labor and Public Welfare as well as a number of the Democratic Senators who were in the Chamber at the time joined me in calling upon the administration to recommend appropriate legislation promptly. Yesterday, the New York Times added its editorial voice to the demand that the administration act promptly. 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:

FUMBLING ON STRIKES

Time and again President Johnson has been driven to improvisation—as in the current railroad and trucking disputes—to spur bargaining and to overcome crisis. Because present legislation is inadequate, however, the crisis stage is often reached before real bargaining begins. Settlements arrived at under the gun are invariably more costly to the public than they should be.

There is some hope that the President's stratagem of getting Congress to extend the cooling-off period will bring both sides together in the railroad dispute. But a mere study of the trucking situation, which he suggests, is unlikely to induce realistic discussions between the teamsters and Trucking Employers, Inc. A Taft-Hartley injunction can be imposed for a lockout as well as a strike, and the Administration is not gaining anything by failing to ask for it.

The trucking picture has been scrambled by the absence of James R. Hoffa, who managed to pressure the industry without resort to strikes. Now, the employes sense weakness and division in teamster leadership, which was unable to control some of the wildcat work stoppages that provoked the lockout. An injunction may not inspire true collective bargaining but without it the public will be subject to needless and expensive inconvenience.

President Johnson has promised to recommend legislation to deal with "strikes which threaten irreparable damage to the national interest." It is high time to come up with a plan that can make collective bargaining work or provide the public with insurance against breakdown when it does not.

JUDGE HART CONSTRAINED TO DO THE WORK OF THE CONGRESS

Mr. HARTKE. Mr. President, John P. MacKenzie, staff writer for the Washington Post, wrote an article last week in which he analyzed the then pending suit of Mr. Adam Clayton Powell against the Speaker of the House and other officers of that body. I do not feel that it is proper for me to go into the merits of that case, even though it has been decided at one judicial level. Rather, I address myself to a specific word in Mr. MacKenzie's title for the article. He calls it: "Powell's Suit Stirs Ironic Legal Issue." Indeed, I agree that this situation is ironic not only in the specific legal point that the article refers to, but in several even more basic areas.

The first point of irony is that the Congress, the maker of the law, had to go out into the legal market and solicit an attorney's representational services. In order not only to defend a very basic and constitutionally granted right of judgment of a Member's qualifications, but to interpret whether the House resolution in question was an act of Congress requiring the three-member "court of honor," the House of Representatives had to rely on a private citizen.

The second point of irony, Mr. President, I alluded to above; namely, the interpretation of what legislative weight the House of Representatives granted to its expulsion resolution was left up to a private lawyer to then be decided in court.

I maintain, Mr. President, that the Congress should have been able to declare before litigation what it meant by its resolution and whether it was an act of Congress requiring the three member court. This point need not even have been raised in the courts. Why was it raised, Mr. President? Because the Congress does not have a single voice to declare the intent of Congress in legislating, much less to express what legislative weight a House resolution of expulsion enjoyed.

This single voice also would have been the logical advocate for the Speaker and the House before the court. He would have been their own lawyer, knowing the intent of the House and representing that intent and the rights of the House. He would have been their man, the one best equipped to represent the Speaker and other Members who are parties to the suit.

Mr. President, I have offered a bill, S. 1384, that would provide the Congress with just such a lawyer, just such a voice to express the intent of Congress. This legislative attorney general could have provided the court with an advisory on the legislative weight of the House resolution. He also could have represented the Speaker and the other parties as their own official attorney. The executive branch has its own lawyer defending it when called into litigation; are we of the legislative branch in less need of our own lawyer? I think not, Mr. President. Rather, it seems to me that the time has come when providing ourselves with this lawyer and this voice of our intent is absolutely imperative. If there is to be no further erosion of the lawmaking and oversight functions of the Congress, we must provide ourselves with our own lawyer, who will speak for us clearly and unequivocally with the full power of the Congress behind him.

This article, Mr. President, underlines this need by reporting on a current situation. I hope that there will never again be an opportunity for a journalist to refer to the appearance of the Congress of the United States in court as "ironic."

I ask unanimous consent that the article, be inserted in the CONGRESSIONAL RECORD.

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

POWELL'S SUIT STIRS IRONIC LEGAL ISSUE

(By John P. MacKenzie)

The House of Representatives finds itself in the odd position of arguing that its resolution ousting Adam Clayton Powell does not have the dignity of an "Act of Congress."

For reasons of their own, lawyers for Powell must argue that the resolution was such an important legislative act that a special panel of three judges, rather than a single judge, is needed to pass on its constitutionality.

This irony is expected to surface today as lawyers for House leaders make their expected move to dismiss the suit for Powell's reinstatement and to oppose empaneling of a 3-judge court.

Attorneys for both sides declined to discuss the papers they will file, but Federal Judge George L. Hart Jr., the first judge to get a crack at the case, told counsel two weeks ago that he questioned whether House Resolution 1 was an "Act of Congress" for the purposes of setting up a special court.

Judge Hart must decide whether he alone can decide the case and, if he can, whether it should be dismissed for any of the reasons the House lawyers offer. His initial decision will determine key questions of the suit's timing, because review of a 3-judge Federal panel is handled by the Supreme Court on direct appeal—the route Powell's lawyers seek.

The judges has called for filings today from the defendants, leaders and top staff members of the House, a response by Monday from Powell's side and oral arguments on Tuesday. He has promised a ruling by April 10—the day before Powell seeks another mandate from his Harlem constituents in a special election.

The applicable law governing 3-judge courts, one of the few surviving features of the 1937 Roosevelt "court-packing" plan, says that injunctions "restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution" must be issued by the court of special dignity.

Powell wants the resolution struck down and enjoined on grounds that the House, in excluding him from the 90th Congress, exceeded the qualification standards of age, citizenship and residence set by the Constitution itself.

Neither side is expected to contend that Congress addressed itself specifically to one-chamber resolutions in the 1937 law. It was concerned rather with the rash of single-judge injunctions that had been blocking key New Deal programs, including securities regulation and the Tennessee Valley Authority.

There are few solid precedents to guide Judge Hart. Special courts have been convened in separate suits here and in Chicago challenging the powers of the House Un-American Activities Committee, but the final judicial word has not been said in those cases.

NATIONAL TRAVELER'S DAY

Mr. CARLSON. Mr. President, last November the General Assembly of the United Nations—with the full support and complete accord of the United States—acted to designate 1967 as the first International Tourist Year in history. In so doing, the United Nations called upon its members to help facilitate the worldwide movement of pleasure travelers.

Appropriately, a private organization, Discover America, Inc., with the blessing and full cooperation of the U.S. Travel Service, is actively encouraging all Americans—as well as visitors from other countries—to plan their vacation travel in the United States. This is a most laudable effort. It merits the support of the Congress, and the encouragement of all Government agencies, particularly the Departments of Commerce and Transportation.

Through travel in the United States—whether as individuals or in family groups—our own citizens will gain knowledge and a greater appreciation of our great Nation's heritage; citizens of other countries will acquire a better understanding of the United States and its people; and the domestic economy will be stimulated by increased sales for the many business enterprises which provide products and services for the traveler.

The significant contribution to the economy made by the pleasure traveler deserves wider recognition. By recognizing this class of traveler, we might stimulate everyone who benefits from the travel dollar to improve the quality of their services and the standards of their hospitality.

Mr. President, I introduce, for appropriate referral, a joint resolution to declare the 11th day of April as National Traveler's Day, or the first day of Discover America Week, whichever comes first. The 1967 dates for Discover America Week have been set for April 16 to 22. I ask unanimous consent that the joint resolution be printed at the close of my remarks.

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

The joint resolution (S.J. Res. 70) designating the 11th day of April of each year as "National Traveler's Day," introduced by Mr. CARLSON, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 70

Resolved by the Senate and House of Representatives in Congress assembled, That the President is authorized and requested to issue a proclamation designating the 11th day of April of each year as "National Traveler's Day," immediately preceding Discover America Week, and inviting the Governors of the several States and the chief officials of local governments and the people of the United States to observe such day with appropriate activities.

CHAIRMAN BAILEY ANSWERS GOP ATTACK ON JOHNSON FISCAL POLICIES

Mr. BREWSTER. Mr. President, the distinguished chairman of the Democratic National Committee has responded to the Republican coordinating committee's attack on the administration's economic and fiscal policies with a potent political weapon—the truth.

Chairman John M. Bailey has rightly called this attack, "another empty, cynical attempt to mislead the American people on the economic and fiscal health of this country."

He specifically attacks the Republicans' call for cuts in the President's 1968 budget, challenging the Republicans to produce their long-promised list of nonessential items which they said could be cut. He asks:

> Do they want cuts in national defense and Vietnam funds?
>
> Or Medicare . . . or programs for water and air pollution . . . or anti-crime measures?

And as Chairman Bailey notes, the Republicans talk grandiosely about budget cuts, but conveniently forget to tell the public that President Johnson cut $27 billion from his own budget before he submitted it to Congress.

I ask unanimous consent that Chairman Bailey's statement be printed in the RECORD.

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

REPUBLICAN PESSIMISTS OBSCURE DEMOCRATIC PROSPERITY

(Text of statement by John M. Bailey, chairman, Democratic National Committee, Apr. 5, 1967)

The report issued Monday by the Republican Coordinating Committee is another empty cynical attempt to mislead the American people on the economic and fiscal health of this country.

This kind of report is to be expected. This is the very party which left office with the economy in a recession following years of sluggish growth and high unemployment. Republicans have been issuing misleading statements about the American economy for the last fifty years. Their basic problem is that never once have they ever succeeded in building a truly prosperous America. This is a job for Democrats, as the sad history of ruinous Republican depression and recession amply illustrates.

In late March the Republicans issued a call for reduction in President Johnson's 1968 budget. They never indicated, officially, where specific cuts could be made. Earlier this year there was much Republican oratory about an item-by-item list of millions of dollars in non-essential items which could be cut. But no list was ever produced.

Do they want cuts in national defense and Vietnam funds?

Do they want to reduce Medicare and aid to the older citizen?

Will they cut programs for water and air pollution?

Will they hold back on money to help States fight crime?

In calling for budget cuts the Republicans conveniently forgot to tell the American people that President Johnson reduced government agency requests by $27 billion before he submitted his 1968 budget to the Congress. He said at that time:

"The Congress through the appropriations process will . . . subject these programs to a searching examination. I welcome that examination. But it is my judgment that major cuts cannot be made without serious impairment to *vital national objectives* (emphasis supplied)—in defense, in education, in health, in the rebuilding of our cities, and in the attack on poverty."

As for the most recent Republican smokescreen that this year could produce a budget deficit of $25–30 billion, rather than the 8.1 billion estimated in the President's budget, this is another instance of gloomy Republican political wishfulfillment. They must have been relying on past Republican history. In fiscal 1959, during the Republican Administration, the budget deficit did indeed turn out to be some $13 billion worse than predicted. But we see no reason to believe that this kind of Republican history will be repeated.

In 1958 again under a Republican President, when a budget was submitted after cuts had allegedly been made, expenditures turned out to be $200 million *higher* than originally proposed. President Eisenhower's own Secretary of the Treasury attacked the President's budget as too high, and said that unless government finances were brought under control the nation would experience a "hair-curling depression." Republicans are good at predicting economic disaster. The very next year there was a Republican recession—a recession which took two Democratic Presidents years of constructive effort to reverse.

In March the Republicans issued a policy statement which talked about a "new direction" in economic policy for the nation. In April they are warning against making "excessive promises" to the public. We were never told what the Republican "new direction" is. We are not enlightened on what "excessive promises" mean.

The Republican Report complains about the increase in social security, Medicare benefits, and other nondefense spending from

1960 to 1968. These benefit payments increased by $20 billion between 1960 and 1968. The Democrats are proud of this record of concern for our aged.

What about the Republicans? Are they still against Medicare? Do they still want—despite the rising cost of living—to hold payments to our older or infirm citizens to the meager levels of 1960? Do they want to remove aged citizens from the Social Security rolls? The Republicans complain bitterly, but it is interesting to note that nondefense spending—on the same basis of calculating—increased about 85% during the last Republican Administration.

If past history is any guide, the American people could do well to think twice before buying any Republican new directions or promises. The only new economic direction the Republicans have been able to promote has been downward—in a ruinous depression and a series of Republican recessions. As for making promises, the Republicans ought to know about that one. They never make any promises except "cut-back and hold."

We ought to look at the Democratic record of prosperity from 1960 through 1966—72 months of continuous high prosperity—as compared with the earlier Republican record.

There were three recessions under the Republicans from 1954 through 1960.

Under the Democratic Administrations of Kennedy and Johnson there were no serious recessions. Unemployment fell steadily from 6.6 per cent—where Republicans left it—to 3.7 per cent in February 1967.

Under the Republicans from 1954–1960, the average yearly gain in payroll jobs was 860,000.

Under Kennedy and Johnson the nation gained 1.6 million new jobs every year—almost double that under the Republicans.

The nation's annual rate of growth of the Gross National Product was 2.4 per cent under the Republicans from 1953–1960.

Under succeeding Democratic Administrations, Gross National Product growth rate was 5.4 per cent a year.

The amount of money available for private spending per person (after adjusting for taxes and price increases) rose by 1.3 per cent a year from 1953–1960; between 1961 and 1966, the increase was 3.7 per cent annually.

The record shows clearly that more Americans are gainfully employed today than ever before in our history. Corporate profits in 1966 hit a record high. Total personal income was up significantly. Farmers enjoyed one of their best years in cash incomes in recent times.

Facts will not deter the Republican Party from making wild charges. They will talk about deficits. They will talk about a gold drain. They will talk about cutting back. They will talk about economizing when President Johnson is perhaps the most economy-minded President ever to sit in the White House. They will talk about prices, when the nation enjoyed a remarkable period of price stability from 1961 through 1965 while the economy was booming. Nevertheless, in 1966 prices did increase more rapidly than was desirable, and that is one reason the Administration took action last fall to dampen inflationary pressures. Even so, the record shows that a 4.2 per cent increase in consumer prices during the 18 months after the buildup of American troops in Vietnam began, compares with a 4.6 percent price rise in 1956–1957 under a Republican Administration.

The things the Republicans will not talk about, the people are talking about. There are more than eight million school children who are now getting a better education than ever before through Federal aid. There are more veterans getting increased benefits under Democratic sponsored programs. Twenty million older citizens are eligible to enjoy the benefits of Medicare and will receive added Social Security benefits under President Johnson's new proposals when approved. There are more cities going to have cleaner water and purer air because of President Johnson's air and water pollution control programs. Millions of Americans will, for the first time, enjoy their rights as Americans, because Democrats made it a matter of conscience to adopt the most far-reaching civil rights acts since the Emancipation Proclamation. There are eight million more workers and farm laborers now protected by the Minimum Wage and Hour Act. There is tremendous growth and government-aided research in the private economy.

These are the facts Republicans won't discuss because their politics are based on narrow interests rather than on people and hopes.

The Democratic Party under President Johnson has achieved more in a few short years than the Republican Party in centuries. Every new Democratic program is stamped: For The People. The record speaks for itself. I am content to leave the decision to the people.

UNITED STATES IN SAME BOAT WITH U.S.S.R. AND IRON CURTAIN COUNTRIES ON FAILURE TO RATIFY CONVENTION ON FORCED LABOR—LI

Mr. PROXMIRE. Mr. President, of all the human rights conventions which I have daily urged the Senate to ratify, the Convention on Forced Labor has the largest number of nations which have already ratified it.

Seventy-five nations have ratified the Convention on Forced Labor since its adoption by the International Labor Organization at Geneva in 1957.

As I have pointed out on numerous occasions, this convention which had its initial push from the free American labor movement, has not been ratified by the United States.

But perhaps even more interesting, Mr. President, than our own failure to ratify the Convention on Forced Labor is a look at some of the other nations which have failed to ratify this same treaty: Albania, Byelorussian S.S.R., Bulgaria, Czechoslovakia, Hungary, Rumania, Ukrainian S.S.R., U.S.S.R., and Yugoslavia.

Why have not any of these countries ratified the Convention on Forced Labor?

The answer is completely obvious to every American old enough to read a newspaper or understand a newcast: These nations do not want to give anybody the chance to blow the whistle on their forced labor practices.

But why has the United States refused to ratify this same Convention on Forced Labor?

Certainly we have nothing to be ashamed of, nothing to hide from probing eyes.

Our failure to ratify this convention has put us in some very peculiar company relative to the practice of forced labor.

What are the other nations—not firmly committed to either camp—to surmise from our membership in this group of nonratifying nations?

Let the Senate dispel any lingering doubts on the question of forced labor. Let the Senate allow no demagog to point an accusing finger at the United States. The Senate can do both of these very, very simply by ratifying the Convention on Forced Labor.

TRADE NEGOTIATIONS

Mr. TALMADGE. Mr. President, as a member of the Senate Finance Committee and as a Senate delegate to the Kennedy round, I am vitally interested in the Kennedy round negotiations and our trade policy in general. I am particularly concerned with the role of Congress in setting trade policy. The power to lay duties, to weigh the merits of tariff reductions and concessions, is constitutionally vested solely with the Congress.

Today, at a luncheon meeting of the Synthetic Organic Chemical Manufacturers Association in New York City, Senator ABRAHAM RIBICOFF spoke on the Kennedy round and where we stand today. He points out that the negotiations have reached a critical stage and must not be allowed to fail, either because of no agreement or a bad agreement. But more important to the members of this body, he discusses the role of Congress in setting trade policy. He points out that our negotiators at Geneva, under the Trade Expansion Act of 1962, have been delegated by the Congress the broadest authority to grant tariff concessions ever given in our history. The concept of the Kennedy round was to use the entire leverage of the whole American market to get concessions from our trading partners abroad. Thus, it is extremely important that our negotiators stay within the authority they were granted under the Trade Expansion Act. There should be no side agreements or separate packages to be sent to the Congress after the round is over.

I was a sponsor with the junior Senator from Connecticut last year of a resolution expressing the sense of Congress that our negotiators at the Kennedy round stay within the authority granted to them by Congress. That resolution was approved by the Senate Finance Committee and passed by the Senate. If the Congress is to retain its role in the setting of trade policy, it must stand by its resolution.

The junior Senator from Connecticut has expressed himself very well on this point. His excellent remarks further discuss why the Special Representative for Tariff and Trade, established by Congress as our chief negotiator, should play the chief role in U.S. trade negotiations.

I ask unanimous consent that this address be printed in the RECORD.

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

THE KENNEDY ROUND: WHERE DO WE STAND?

(By Senator ABRAHAM RIBICOFF)

The United States was born in the eighteenth century, grew up in the 1800's and came to maturity less than half a century ago. We have changed from a Nation concerned with the protection of its infant industries and a nation importing its capital requirements—to a country with a trade volume of more than $50 billion a year, and a nation determined to expand world markets for all—developed and developing countries as well.

The great English jurist, Maitland, once termed the law "a seamless web." So too is trade a web—formed of interlocking strands of commerce between Nations. Men have found that the network of trade—far from constricting nations—tends to promote the

common good of all. And so in this country for the past thirty-three years, we have consciously devoted ourselves to an expansionist policy of foreign trade.

Nearly five years ago, we carried that policy forward again through the enactment of the Trade Expansion Act of 1962. In signing the law, President Kennedy called it "the most important piece of legislation . . . affecting economics since the Marshall Plan. It marks a decisive point for the future of our economy, for our relations with our friends and allies, and for the prospects of free institutions and free societies everywhere."

Today we stand very nearly at the end of the road that began with the enactment of the law. The bargaining sessions in Geneva—the Kennedy Round—are almost over. Since the President's authority to sign an agreement expires on June 30th, the participants must complete their substantive bargaining by the end of April—less than three weeks from today.

Where, then, do we stand?

To determine where we are, let us first examine what the Trade Expansion Act is all about. Under the Constitution, the Congress is empowered to set duties and tariffs. Since 1934, however, the Congress has—in a series of laws—delegated authority to the President to negotiate with other nations and establish new rates of duty on imports within the authority given. The Trade Expansion Act of 1962 continued this pattern. The Act differs from previous laws only in degree. It empowered the President with the broadest authority ever extended. In simplest terms, the Trade Expansion Act gave the President the authority to negotiate across the board with nations of the Free world and cut U.S. tariffs by at least 50 percent in return for concessions by our trading partners.

Our negotiators will return from Geneva with a Trade Agreement already authorized by the Congress. No ratification will be necessary—no implementing legislation needed. A stroke of the President's pen, and the tariff walls will be lowered.

So the negotiations in Geneva are crucial. The authority Congress gave to the President under the Act will expire on June 30, 1967. And let there be no mistake—the authority will not be renewed without long and careful consideration by the Congress.

The next few weeks are the critical time—and a brief, quick survey of the status of negotiations indicates that much—perhaps too much—remains to be done.

In both steel and aluminum, major adjustments remain to be made. The offers of some countries fall short of the offers of others, and a great deal more must be accomplished before agreement is reached.

In agriculture, the offers of the Common Market are simply not good enough. We must reach a worldwide grain agreement that includes not only definite commitments to allow our exports into other markets at satisfactory prices, but—and perhaps most important—commitments by the wealthy nations to a program of food aid for the less developed nations.

For many years, the United States has served as the granary of the world. Our P.L. 480 food sales have fed significant portions of the population of famine-ridden nations. But now the tide has changed. Now our surpluses are disappearing—while the cries of starving infants are growing louder around the world. We must stabilize commercial trade in the cereals, and, in cooperation with the rest of the well-fed world, make sure that surplus production is channeled into help for the hungry.

And then we come to chemicals. In view of the special concern of many of you in the audience—and because I believe there is a broader significance to the chemical situation at Geneva—I want to discuss the matter in some detail.

Simply put, there is still no agreement in the chemical section of the Kennedy Round negotiations. Frankly, the prospect is now that there may not even be any agreement on chemicals brought back from Geneva.

The particular stumbling block to agreement is a term with which most of you are intimately familiar: ASP—American Selling Price. Under existing law, certain imported chemicals are valued for duty purposes on the basis of the selling price in America of similar competitive products. This situation has prevailed in our law for years—long before the Kennedy Round was even contemplated. And Congress did not grant any authority to our negotiators in Geneva to bargain away the American Selling Price system in the Kennedy Round. In fact, my resolution that passed the Senate last year specifically put the negotiators on notice that no agreements should be negotiated at Geneva outside the bounds of the Trade Expansion Act Authority.

Unfortunately, our negotiators have indicated their willingness to bargain separately on ASP. But any agreement reached on ASP, they say, will be concluded with the clear understanding that Congress must approve the agreement after the fact.

Proposals have been made by Sir Wyndham White and others that the chemical negotiations in Geneva end up with two agreements—one within the purview of the Kennedy Round, the other representing a package containing a conversion of ASP to a lower method of valuation in return for some quid pro quo by our bargaining partners.

Such proposals fly in the face of the facts. It should be crystal clear by now to all: American Selling Price cannot be—should not be—and has no business—in the Kennedy Round negotiations.

Setting apart the problems Congress would face in assessing a side agreement on American Selling Price reached within the context of the Kennedy Round, any extraneous agreements brought back from Geneva threaten a far graver danger.

Since 1934, our trade agreements have been reached in the context of Congressional grants of authority made in advance of negotiation to the Executive Branch. Congress has had the opportunity to carefully consider the ends to be achieved and to lay out the guidelines for bargaining. We have seldom been presented with an international trade agreement and asked to act after the fact.

The Kennedy Round negotiations continue that philosophy. The concept of the Kennedy Round was to use the great leverage of the American market to achieve broad reductions in trade barriers in industrial and agricultural products.

If we are presented with a side agreement—a separate "package"—the pattern will have been broken, and the great concept of the Kennedy Round significantly reduced. The prospects of future Congressional-Executive cooperation in the field of trade would be gravely threatened.

Our negotiators at Geneva have extensive authority—wider authority than has been delegated before in history. To assure that all elements of American society—labor, industry, agriculture, and the consumer—were represented in our positions, our negotiations were placed under the specific direction of the President. A special Representative for Trade Negotiations was designated to bear the principal responsibility for bargaining on behalf of the United States.

It is worth noting that the responsibility for arriving at United States bargaining positions was not delegated to the State Department. That Department has the primary responsibility of carrying out the foreign policy of the Nation. While trade policy and trade relations are important parts of foreign policy, the negotiation of trade agreements is a different matter.

The Department of State is, in many ways, a two-way street. It not only executes American foreign policy—it receives, considers, and recommends action on matters brought to its attention by foreign governments. It is the State Department's proper function to convey foreign governments' concerns within the Executive Branch. When the Department recommends an action, it does so on the basis of an assessment of foreign reactions as well as domestic concerns.

The Special Representative for Trade Negotiations, on the other hand, has a clear and primary responsibility. It is to bargain—and bargain hard—for the best possible deal for American interests.

I think there is legitimate reason for concern, therefore, when evidence begins to accumulate that our trade posture is being determined by the State Department. And there is evidence that the role of the Special Representative is being downgraded.

The U.S. Canadian Automotive Agreement is a good example. The Canadian government acted to subsidize her automotive parts exports—in clear violation of trade agreements with our Nation. In this situation, our law was also clear—it required the Treasury Department to impose countervailing duties.

But the State Department stepped in, ignored the Special Representative for Trade Negotiations, and negotiated an agreement with Canada—without notice, without advance authority and without coming to the Congress until after the fact.

The agreement was in violation of our GATT commitments and bypassed the Trade Expansion Act of 1962. It was a bad agreement—it still is a bad agreement.

Sold as free trade, it is the very antithesis of free trade, a restrictive bi-lateral arrangement for the benefit of Canadian industrial expansion and several U.S. auto companies. Any Canadian who tries to buy a car in the U.S. and take it back to Canada will find out it is not free trade. Just recently, several auto companies were told by the Canadian government that they owed $7 million in import duties for failing to meet their commitments in the first year of the agreement.

As was stated by the Financial Times of Canada for October 17, 1966, the agreement is "an ingenious device for increasing Canadian manufacturing and rationalizing the Canadian industry to serve a continental market."

In summary, American industry and thousands of American jobs were sacrified for State Department policy.

Or take the iron and steel talks now underway in Paris, outside the Kennedy Round. Although the Trade Expansion Act established the Special Representative as our chief negotiator, that Office doesn't even have a representative at the talks.

Nor was the Special Representative involved in the Coffee Agreement discussions or the Sugar Agreement. It is not expected that they will participate in the contemplated Cocoa or Tin Agreements.

Again, at the height of the Kennedy Round the State Department succeeded in getting, through a change in rules without benefit of legislation, a unilateral cut of 35 percent in the duty on rubber-soled footwear, a domestic industry already in deep trouble.

I believe the intent of Congress should prevail. The Special Representative for Trade Negotiations must have the authority and the resources commensurate with his responsibility within the Federal government.

The agreements I have referred to were and are important. It is the Kennedy Round that occupies center stage today. The Kennedy Round was conceived in the spirit of world trade cooperation. It must not fail—either because of no agreement—or a bad agreement.

Let there be no mistake in the capitals of

Western Europe. We demand reciprocity—no more, no less. And we expect reciprocity for we recognize that the nations of Western Europe are no longer weak economically. They are strong nations economically. They are full-fledged partners in the world community.

The United States entered the Kennedy Round with negotiating authority of unprecedented scope and magnitude. If for no other reason, the Geneva negotiations have offered the greatest opportunity for the liberalization of international trade in the 20th century. If this opportunity is lost, it is unlikely that such authority will be granted by any Congress for many years to come.

The Kennedy Round could be the culmination of President Kennedy's hopes expressed five years ago, for the prospects of free institutions and free trade. Its failure would mark the triumph of isolationism and the resurgence of protectionist forces throughout the world. For twenty years, we have moved to liberalize and expand world trade. If the momentum is checked, we face a darker era of retaliation and aggressive economic nationalism.

Europe holds the key to success or failure in the Kennedy Round. The failure of Europe and North America to reduce their mutual trade barriers will inevitably encourage further regional arrangements within Europe—arrangements introverted in philosophy and protectionist in action.

The United States does not want a trade world divided into exclusive marketing areas. We do not wish to be excluded from any sphere of international commerce—nor do we want to exclude others through special arrangements of our own. We seek rather a partnership with Western Europe—founded on the principles of free competition and equal access to markets.

We share with Europe a common history and a common purpose. Our futures are inextricably intertwined. It would be tragic if we fail to strengthen our ties of commerce and trade—tragic not only for us, but for the world.

THE GROWING SPECTER OF THE SOVIET UNION ON THE HIGH SEAS

Mr. DODD. Mr. President, I wish to call to my colleagues' attention a recently published statement by Mr. Edwin M. Hood, president of the Shipbuilders Council of America. I consider this statement to be of the utmost importance because it documents the tragic and dangerous decline of the American merchant marine, while a massive and uninterrupted Soviet shipbuilding program is rapidly moving that country toward the position of the world's number one maritime power.

Mr. Hood points out:

In the period 1950–1966 the Soviet fleet grew from 432 ships, of 1.8 million deadweight tons, to 1422 ships of 10.4 million tons —a net gain of nearly 1000 ships and 8.6 million tons. During the same period the U.S. active fleet contracted from 1900 ships, totaling 22 million tons, to less than 1100 ships of 14.8 million tons—a net loss of more than 800 ships and 7 million tons."

Mr. Hood further points out that this year the United States will spend only $106 million for merchant ship construction while the Soviet Union will spend almost $1 billion for such construction; that as of November 1966 the United States had only 641,000 tons of merchant shipping under construction while the Soviet Union had 4,520,000 tons under construction; that 80 percent of the Soviet shipping fleet is less than 10 years of age, while more than 80 percent of the American merchant marine is 20 years of age or older.

Mr. President, a proper concern for our commerce, and for our continued prosperity as a nation, would alone suggest the need for an emergency program to reverse the trend of postwar years and to give our country a maritime primacy commensurate with its wealth, its power, and its commitments.

But perhaps more important is the threat posed to our national security by the dwindling status of our merchant marine. Our international commitments are greater than they have ever been before. Even in dealing with the limited emergency in Vietnam we have had to rely heavily on foreign shipping to carry our supplies. On many occasions there have been difficulties with foreign crewmen under Communist influence.

If there were a major emergency in Europe, or if a rash action by Red China led to a major expansion of the conflict in the Far East, the lack of a national merchant marine adequate to meet our military requirements might well result in national disaster.

Mr. President, I recommend Mr. Hood's thoughtful study for the consideration of all my colleagues, and I ask unanimous consent that it be printed in the RECORD at this point.

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

THE GROWING SPECTER OF THE SOVIET UNION ON THE HIGH SEAS

(By Edwin M. Hood, president, Shipbuilders Council of America)

If one were to assess world-wide maritime developments of recent years, the phenomenal growth of Russia's merchant fleet would take top honors as the most notable achievement. And, if one were to designate the greatest maritime calamity of the same period, the dubious award would have to go to the United States—in accurate recognition of the steady decline of the American merchant marine to a third-rate status.

The Soviet Union with a dedication of purpose so typical of avowed communists, with huge outlays of funds, and with priorities equivalent to, or surpassing, its outer space programs, has transformed itself from a maritime nonentity to a major power on the high seas in the span of a few short years.

In sharp contrast, the United States, which emerged from World War II as the supreme maritime power, in terms of merchant ships, shipyards, skilled manpower—seagoing and shoreside—has sunk to an ignominious position. From a fleet of some 5,000 ships, totaling more than 50 million deadweight tons, nearly all of which were less than 3 years old, the American merchant marine has, over the last two decades, contracted to 1,095 active vessels aggregating 14.8 million tons—four-fifths of which are 20 or more years of age!

The quantitative and qualitative decline of the American merchant marine is all the more implausible and alarming when one considers that the United States—being the leader in world trade and the key barrier to further military, political or economic conquests by the forces of communism—has a greater and more urgent need for self-sufficiency in maritime requirements than any Free World nation.

Russia's ambitious fleet expansion program from its inception has been, and is, unwavering and sustained. The decline of the U.S. flag merchant marine has also been of a continuing nature—but in an opposite direction to that of the Soviet Union.

Back in 1950, the Russian merchant fleet comprised only 432 ships, of 1,000 tons or over, aggregating 1.8 million deadweight tons. The great majority of these vessels were relatively small, slow-speed ships of ancient vintage. In fact, the best vessels in the fleet were the 100 or so Liberty's, tankers and other types of ships the United States turned over to the U.S.S.R. during the days of the World War II Lend-Lease program. By 1953, the year Stalin died, the fleet numbered only 487 vessels totaling about 2 million deadweight tons.

After Stalin's death, the Soviet Union became more engrossed in maritime development, and by 1958 had a fleet aggregating 3.6 million tons. However, in that year, Russia formulated an ambitious, long-range fleet expansion program with shipbuilding tonnage priorities detailed by a Seven-Year Plan (1959–1965). The basic goal of this plan was to double the 1960 fleet tonnage amounting to 4,949,000 deadweight tons. Therefore, Russia's objective was a 9.8 million ton total by the end of 1965.

Early in the Seven-Year Plan, some difficulties in meeting prescribed tonnage goals were encountered. But, by 1963, the "hammer and sickle" fleet was expanding at a rate of 100 or more ships and 1 million deadweight tons annually. This growth rate was maintained in each subsequent year.

The Maritime Administration's most recent tabulation of "Merchant Fleets of the World," revealed that as of June 30, 1966, the Russian merchant marine consisted of 1,360 ships totaling 9,811,000 deadweight tons. It is apparent, then, that Russia's target of 9.8 million tons by the end of 1965 was met only a few months off schedule. We estimate that during the last six months of 1966 Russia took delivery of 62 additional vessels totaling 590,000 deadweight tons. These additions would have increased the fleet to 1,422 vessels, totaling 10.4 million deadweight tons, as of December 31, 1966.

Currently, Russia's fleet expansion program is governed by a Five-Year Plan (1966–1970) which is programmed to provide a fleet of 15 million deadweight tons by the end of 1970. There seems to be little doubt that this goal will be achieved on schedule, since it requires 4.6 million tons total or annual additions of 1.2 million deadweight tons over the next four-year period.

As will be seen from the following tabulation, in November, 1966, Russia had 556 large merchant vessels, totaling 4.5 million deadweight tons under construction or on order. It seems reasonable to conclude that all of these vessels will be in operation well in advance of 1970. There have been subsequent reports of a year-end surge of shipbuilding orders which increase Russia's backlog to more than 600 ships.

Merchant ships under construction or on order for the U.S.S.R. and United States of America (1,000 tons and over)

	Russia		United States of America	
	Ships	Deadweight tons	Ships	Deadweight tons
March 1962	225	2,263,000	61	878,000
May 1963	236	3,032,000	47	698,000
May 1964	441	3,462,000	47	725,000
October 1965	464	4,268,000	39	545,000
January 1966	500	4,553,000	45	580,000
November 1966	556	4,520,000	48	641,000

In 1965, the U.S.S.R. spent more than $600 million for merchant ship construction while the United States spent less than $150 mil-

lion. Even worse, this year the U.S. is expected to spend about $106 million, while Russian expenditures according to one report will be nearly $1 billion—just for merchant ship construction. Another statistic is also alarming. About 80 percent of the Soviet shipping fleet is less than 10 years of age, while more than 80 percent of the American merchant marine is 20 years of age or older.

The following points put in clear perspective the differing priorities which the Soviet Union and the United States have assigned to their maritime programs:

Russia's merchant fleet today outnumbers the active U.S.-flag fleet. There were more than 1,400 large merchant ships, totaling 10.4 million deadweight tons, in the Russian fleet as of the first of 1967, whereas our active fleet—even though bolstered by reactivated reserve fleet ships for Vietnam service—numbered only 1,095 ships aggregating 14.8 million deadweight tons.

For the past several years, new ship deliveries to the Soviet fleet have outpaced U.S. deliveries by a ratio of 8 to 1. (Thus, in 1965, 129 new ships were delivered to the Russian fleet while only 16 were added to the American fleet.)

Russia's November, 1966 backlog of ships under construction or on order exceeded the U.S. total by a ratio of 11.5 to 1 in numbers of ships and 7 to 1 in terms of tonnage.

In the period 1950–1966, the Soviet fleet grew from 432 ships of 1.8 million deadweight tons, to 1,422 ships of 10.4 million tons—a net gain of nearly 1,000 ships and 8.6 million tons. During the same period the U.S. active fleet contracted from 1,900 ships, totaling 22 million tons, to less than 1,100 ships of 14.8 million tons—a net loss of more than 800 ships and 7 million tons.

The "hammer and sickle" fleet today transports 75% of the Soviet Union's foreign commerce. Although the United States is the leader in world trade, only 7.7% of the nation's foreign commerce moves in American flag ships.

Russian shipyards—and those of most of her satellite nations—are operating at close to 100% capacity. (This is one of the chief reasons why Soviet shipbuilding orders have been placed with satellite and free world shipyards.)

The Soviet Union's merchant shipbuilding program has required annual expenditures of between $600 million to $750 million. The U.S. merchant shipbuilding program, on the other hand, in recent years has been geared to Federal expenditures of about $100 million annually.

These foregoing figures demonstrate that the Soviet Union is well on the way to becoming a dominant—if not the world's leading—maritime power. All of this aggressive, precisely planned activity is 100% subsidized by the Kremlin. It requires heavy commitments of hard pressed foreign exchange and domestic resources.

As the Russian fleet expands and is able to dominate the sealanes of the oceans, there are those who believe that shipping fleets of other nations will be squeezed out. As other fleets vanish or are unable to compete with freight rates, which the Soviets can easily manipulate, the Russians would be in a position to force many countries to seek the services of communist-bloc shipping. The potential danger of such dependency would be that the communists could withhold ocean freight services from any nation out of favor with Soviet policies or could increase the rates to make them prohibitive.

Here, it needs to be emphasized that the industrial and military might of the United States is dependent on 77 strategic materials, 66 of which must be imported. Of those 66, at this moment, more than 96 percent of the tonnage involved is brought to our shores by foreign-flag carriers—the ships of other nations.

It takes little imagination to conclude that if the Russians should eventually control the trade routes by which these critical materials come to us, we would be dependent on those who have sworn to "bury" us—and then, do you think they will bring those materials to us? The answer should be obvious—we would be under their thumb without a missile having been fired—and ocean shipping would be the medium by which that domination was achieved.

Like the free air that surrounds all mankind, every action of the international communist conspiracy touches our daily lives. This insatiable octopus thrives on the indifference and apathy of peoples. It thrives on the confusion and pusillanimity of governments. It proceeds with unyielding purpose. It can be deceivingly still or move with strategic swiftness—as in the case of the maritime situation. I have already described the merchant marine situation. But that is only a part of the story. In truth, Soviet Russia's naval strength today is second only to that of the United States.

Russian naval vessels are steadily expanding their scope for operations. The Soviet submarine fleet outnumbers the U.S. fleet, and it possesses a formidable and expanding ballistic missile capability, though not yet as well perfected as ours. Russian fishing vessels serve as electronic listening posts throughout the world, and the probabilities for greater strength on the seas through oceanographic research are being furiously pursued.

These are all visible evidences of how the Soviet Union has been able to advance on a frontier vital to our capacity for national survival through the "indifference and apathy of people" and the "confusion and pusillanimity of governments." All of this happens as the Red Navy and the Soviet merchant marine, tentacles of the communist octopus, envelop more and more of the watery real estate which occupies 70% of the earth's surface.

Free people unfortunately are sometimes unwisely extravagant in thought and deed, and many times indifferent and apathetic to things essential. It should be the task of Americans everywhere—collectively and individually—to convince those who are indifferent—and this should be the paramount task before us.

SST: AN ESSENTIAL INVESTMENT IN THE U.S. ECONOMY

Mr. MAGNUSON. Mr. President, I invite the attention of Senators to a a speech delivered on March 28, 1967, before the Aero Club of Washington by Stuart G. Tipton, president of the Air Transport Association of America. His topic was: "The SST: An Essential Investment in the U.S. Economy."

It was helpful to have Mr. Tipton call our attention to many of the economic benefits to be derived from the development of a supersonic transport. We are at the point in the consideration of the development of this aircraft when it is necessary to consider all factors involved in the development. Before carrying the program through the next step, it is important that all of us analyze fully the long-range implications of the entire SST project.

Mr. Tipton calls attention to a number of benefits in the program. Among them is the creation of 250,000 new jobs and a stimulation of $20 to $50 billion to the gross national product.

I ask unanimous consent that Mr. Tipton's speech be printed in the RECORD.

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

THE SST: AN ESSENTIAL INVESTMENT IN THE U.S. ECONOMY

(Remarks by Stuart G. Tipton, President, Air Transport Association of America, Before the Aero Club of Washington, D.C., March 28, 1967)

I was pleased to be invited to speak today on the supersonic transport. A public discussion of this subject, with statements pro or con or in the middle, is a very valuable thing, and I am glad we are having one on the supersonic transport. Since a dialogue is going on, I want to participate in it on behalf of the scheduled airlines of the United States. That is the purpose of this statement.

As is the case with many public dialogues, since the debaters are not governed by a set of formal procedural rules, the discussion gets a little bit confused. That being the case, it is necessary that we try to seek out the basic considerations on which this important decision should turn. I propose to struggle with that problem for a few moments right now.

A good job has been done by government and industry in bringing the plans for a U.S. supersonic transport to their present advanced stage. A number of technical problems that seemed terribly difficult when this program was started back in 1958 no longer seem so difficult. When Pete Quesada began the original studies of the supersonic, and Jeeb Halaby so effectively carried forward the early work on the supersonic, it did seem like a rather far-out project. There is nothing far out about it now. Under Bozo McKee and Bill Maxwell, it has become a clearly realizable step in the technological progress of aviation.

No one really doubts any more that the age of supersonic operations will begin in the early seventies. The fundamental issues once discussed, which arose out of doubts as to whether supersonic travel was wise or necessary, have all been settled, and they need not be debated any more. The Concorde will fly next year, and the world's airlines will buy and operate it in the early 70's. A Russian supersonic transport will also fly during this time period, but of course, we know considerably less about it. Thus, if the United States and its industry ever had an opportunity to postpone or slow down the arrival of the supersonic age, that opportunity has long since been lost.

Recognition of these facts tends to clarify, and to provide a firm base for, current public discussion of the U.S. supersonic transport.

Starting from this base, we need to be careful to recognize the supersonic project for what it is, and also for what it is not. It was not undertaken to provide a glittering triumph for U.S. industry and Government. It was not undertaken merely for the purpose of maintaining the prestige of the U.S. It was not undertaken to provide the airlines of the U.S. with a fascinating new vehicle. It was undertaken to achieve a very cold and very hard economic objective on behalf of the people of the U.S. The judgment as to whether the project should continue has to be based upon these same cold hard realities. The question that constantly must be before us is whether this investment in the economic future of the U.S. is a good one or is not.

We must keep in mind that the supersonic project, as a Government-supported effort to provide for economic growth through technology, is not new or unusual. The history of the U.S. economy over the last 30 years emphasizes dramatically the importance of R and D to the achievement of high levels of output and employment.

The gross national product of the U.S. today is at the annual rate of 740 billion dollars. Our industrial power is at the core

of our national security and economic well being. And the importance of research innovation and continually advancing technology to this power is crucial.

From the beginning of World War II to 1953 the annual R and D expenditures in the United States—both industry and government—rose from several hundred million to approximately five billion dollars. This was significant enough for the Federal government to begin accounting for R and D expenditures in a formalized manner and the task was assigned to the National Science Foundation. The NSF figures now show that from 1953 to 1966 the level of R and D expenditures in the United States rose from five billion to about twenty-three billion. Business and government have learned that to stay competitive they must invest in R and D.

I am certain each of you is aware of many of the research developments which have played an important part in the economic growth of the United States. In the field of agricultural research the Morrill Act, which created the land grant colleges, established a pattern of research which was largely responsible for the extraordinary advances in agricultural productivity. These advances were for the most part a result of successful research efforts in soil chemistry and farm mechanization. If you move off of the farm and into industry, you can observe developments such as the mining machine in the coal industry, or the continuous annealing process in the steel industry, or even the electrostatic imaging process which provides the average office with rapid and clear reproductions.

As this trend continues, it is inevitable that some undertakings must surpass the capability of the private sector because of risk, complexity, or the sheer magnitude of the funding requirement. This has happened in the past and it will happen more frequently in the future.

Consider the important oceanographic program upon which the Federal government next year will spend 462 million dollars. Ultimately, of course, this will inspire among other commercial ventures, the production of new foods and minerals from the sea.

Consider the efforts to foster commercial development of nuclear power. Here, millions of dollars of government R and D have been invested for the specific purpose of developing a new and important phase of industrial activity to the point where it will be commercially feasible.

Consider the communications satellite program. Much of the technological know-how utilized by Comsat has come from the billions invested in government R and D programs concerned with space. Millions more were invested directly into the satellite program by the government.

Federal government R and D and then commercial operation—that is the pattern for these programs. That is also the pattern to be expected from SST.

The payoff to the U.S. economy consists of a sizable boost right now, and an even more significant boost five and ten years from now. Depending on the number of SST's built, 20 to 50 billion dollars of economic growth will result. And, to build these new aircraft, 250,000 new jobs will be created—the equivalent of all the jobs in the airline industry today.

One of the most important economic facts about the SST investment is that the jobs are being created not only this year and next year but five, seven, ten years from today.

Here's how the job numbers break down. Development and long-term production of the SST will create an average level of 50,000 jobs for the prime contractors. Another 100,000 jobs will be created for subcontractors.

It is estimated that these 150,000 jobs will create another 100,000 nonmanufacturing jobs in such industries as wholesale and retail trade, professional services; business services; finance, insurance and real estate; transportation; communication and other public utilities; and agriculture. That's 250,000 new jobs and an estimated annual payroll of two and one-half billion dollars.

The total employed civilian labor force has been forecast to reach 87 million by 1975 compared to 74 million in 1966. Two hundred and fifty thousand jobs created by the SST would amount to about 2 per cent of 13 million additional civilian jobs created by 1975, or one of every 50 new jobs. Few programs can claim that large a share of future new employment.

The other research and development projects to which I have referred are well justified by their future favorable effect upon the economy of the United States. The SST program will have an effect at least as favorable. But in the case of the SST the government proposes one further major step to support its economic soundness. Unlike the other programs, it proposes in this case to assure the return of the research and development expenditure, with interest.

The total government investment to bring the SST through test flight will be approximately 1.3 billion dollars. If it is necessary for the government to share in the certification phase—for which there is no present government commitment—then the added investment would be about 625 million dollars for a total government investment of about 2 billion dollars. Since even this investment will be spread over a ten-year period, the government assistance program will have averaged possibly 130 million dollars and no more than 200 million dollars a year.

The government investment is to be paid back with the 300th delivery. The manufacturer will thus pay royalties of 4.3 to 6.7 million dollars for each aircraft delivered. There is some flexibility in these arrangements for the manufacturers to meet cash flow problems. In any event the government investment is to be repaid from the first 300 sales.

Since these royalty payments are to continue for a 15-year period, they will go on well beyond the 300th delivery, and this phase of royalty payment will produce a return on the government investment comparable to levels normally received by industry.

It should be noted here that even a 500 aircraft market estimate is a very conservative one, assuming minimal traffic growth of 8.6 per cent a year, minimal market penetration, and no SST operation over inhabited land areas because of sonic boom limitations. The sonic boom may well result in operational restrictions. However, between now and 1975, when the U.S. SST is introduced into scheduled airline service, the great technical competence of our aerospace industry and NASA research facilities can do much to mitigate the problem.

If these efforts are attended with reasonable success, the market for the SST's will be much larger than 500—perhaps 1200 by 1990. These additional 700 aircraft would result in additional royalty payments to the government.

Taking into account all of the considerations, the supersonic development project has been and is a good investment for the government. But even government resources are not endless and this investment must be measured against others.

There is a priority problem which continually faces this government and any government which is committed to investing its resources as wisely as possible. On the one hand, there is the need to finance current, important governmental objectives. On the other hand, there is the need to further the long-range programs which will accelerate the economy, stabilize the trade balance and thus help establish that strong central economic core which is needed to sustain governmental objectives of the future. Although today's needs are certainly pressing, preparations must be made to meet tomorrow's even more extensive requirements.

The U.S. SST is a good example of the type of R and D which has dramatically stimulated the economy of the last 20 years. It is a program which will help insure our well-being domestically and internationally today and in the decades ahead. It will offer a clear return in terms of employment and in recovery of the investment with interest to the U.S. government. It meets every test of an essential national undertaking.

GOVERNOR ROMNEY'S SPEECH ON VIETNAM

Mr. SCOTT. Mr. President, the widespread approval accorded by the press to Gov. George Romney's Hartford speech of April 7 on Vietnam is noteworthy. An editorial published in the Pittsburgh Press of April 10 and today's comments by the distinguished syndicated columnist William S. White are further evidence of this favorable reaction to Governor Romney's forthright statement. I ask unanimous consent that the editorial and column be printed in the RECORD.

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

[From the Pittsburgh Press, Apr. 10, 1967]

GOVERNOR ROMNEY ON VIETNAM

Earlier this year, on a political sounding-out tour in some western states, Gov. George Romney of Michigan answered questions about his Vietnam views with a repeated "Wait a while. I'll speak when I'm ready." The other day in Hartford, Conn., he did.

Compared to what some Democratic senators have been saying, Governor Romney kept his criticism of the President's Vietnam policies to a courteous minimum.

The main points he made contain no let's-win-quick gimmicks. His points are:

No withdrawal. No massive escalation. Let's keep trying for negotiations, but let's not accept peace at any price. Let's give our troops all they need. Let's use our arms—and bombing raids—to establish military dominance.

Let's encourage the South Vietnamese on two points: to go faster on pacification, and consider amnesty for ex-Viet Cong who abandon Viet Cong aims, methods and organizations.

It's a sound, well-balanced, fair-minded position. And it is exactly the course the Government now is following.

[From the Philadelphia Inquirer, Apr. 13, 1967]

ROMNEY'S "AYE" REMOVES WAR FROM CAMPAIGN ISSUES IN 1968

(By William S. White)

WASHINGTON.—The best news about Vietnam is coming not from the battlefronts, though the situation there is progressively improving, but rather from within the American political community.

The bipartisan policy of determined United States military resistance to the Communist invasion of South Vietnam has now reached a point of bipartisan support so massive as all but to guarantee that the 1968 Presidential campaign will be free of divisive infighting here at home on that policy.

The public conversion of Gov. George Romney of Michigan to the hard necessity of going on to the end in Vietnam has brought a national unity in wartime unparalleled since the Republican Presidential candidate of 1944, Thomas E. Dewey of New York, re-

fused to seek partisan advantage as the Second World War approached its crisis after the Allied landings in Normandy.

Gov. Romney's belated but strong defense of the American position in Vietnam has thus had consequences almost transcendental in meaning. The fact, of course, is that he came out loud and plain only after prolonged and urgent pressure from other Republicans, who told him that he could not remain unclear and possibly be nominated next year without a repudiation of the party's foreign policy record of the last 20 years.

Over and over, visitors to Communist North Vietnam—including men who disagree with the war as well as those who do not—have been unanimous upon one point. This is that the Communists in Hanoi are gambling upon a belief that the clamor of a tiny minority in this country can at last force this Government out of Vietnam and thus that honest negotiations will never be necessary.

To this Communist notion Romney has hit a powerful if not in fact a destructive blow; and it is at least possible that this long miscalculation will now be abandoned by the Communists themselves.

Though he began as a front-runner, he had been steadily losing ground among GOP voters while he remained fuzzy on Vietnam, and specifically to former Vice President Richard Nixon. He was slowly but surely reading himself out of the contest. Now, he is very much back in it and the new Romney will be very hard to stop in the Republican National Convention of next summer.

FROM VIETNAM: "I WANT TO SEE STAMFORD AGAIN"

Mr. DODD. Mr. President, those who participate in demonstrations and protests against our commitment in Vietnam often do not consider the effect of such public displays of lack of faith in our Government upon the servicemen in the field.

Those who are fighting for us in Vietnam are subjected to every kind of risk. Many have been killed or wounded. Many more have had their lives forever marred as a result of their experience against a brutal enemy.

A young serviceman from Stamford, Conn., expressed his views of the antiwar protest movement in a letter to the editor of the New Haven Register.

He asked a number of questions of the spokesman for 462 Yale faculty members who signed a petition calling for an unconditional halt to the bombing of North Vietnam.

Among the questions were these:

I'd like to know if he's ever seen innocent Vietnamese civilians beaten to death by Communist terrorists.

I'd like to know if he's ever been shot at and couldn't shoot back because civilians were in the area.

I'd like to know if he's ever seen his buddy's guts spread out in front of him because a grenade from the North blew him apart.

I'd like to know if he's ever seen a man blown completely in half by a North Vietnamese booby trap and live just long enough to yell, "Oh God, help me."

Lance Cpl. William Romannello stated that—

I want to see Stamford again, but if the bombings of North Vietnam are stopped, chances are I never will.

It is important for us to think of these young men and the sacrifice they are making for us. How would we feel if we were fighting for our country, but thought that our country had let us down, and did not care about doing anything to assist us, and see to it that we would once again come home?

These are hard questions. And though critics of the war have every right to express their criticism as vocally as they wish, some of us must also be concerned with our fighting men who do so much and ask nothing more than the moral support of those for whom they fight.

I wish to share this moving letter with my colleagues, and request consent for its insertion into the RECORD.

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

[From the New Haven Register, Feb. 19, 1967]

QUERIES FROM VIET FRONT

To the EDITOR:

Recently I read an article in the Stamford Advocate concerning a petition from 462 faculty members from Yale University to President Johnson urging an unconditional halt to the bombing of North Vietnam.

The spokesman for the group of petitioners was Professor of Psychology William Kessen.

I'd like to know more about Mr. Kessen.

I'd like to know if he has ever been in a rice paddy fighting for his life while Viet Cong, supplied from the north, laid down a base of fire on him and his friends.

I'd like to know if he's ever met a very elusive enemy on his own terms, in his own territory, in 130 degree heat.

I'd like to know if he's ever uttered the words, "Please, God, bring me back from this patrol."

I'd like to know if he's ever seen innocent Vietnamese civilians beaten to death by Communist terrorists.

I'd like to know if he's ever been shot at and couldn't shoot back because civilians were in the area.

I'd like to know if he's ever been mortared by Communist troops supplied from the north.

I'd like to know if he's ever seen his buddy's guts spread out in front of him because a grenade from the north blew him apart.

I'd like to know if he's ever heard his buddy yell, "Oh my God, I've been hit."

I'd like to know if he's ever seen a man blown completely in half by a North Vietnamese booby trap and live just long enough to yell, "Oh God, help me."

If Mr. Kessen can answer yes to these questions and still ask for a halt to the bombing, then I, too, will sign his petition.

I live in Stamford, which is just a few miles from Yale, Mr. Kessen, and it makes me sick to think that a citizen of Connecticut could sign such a petition.

I want to see Stamford again, but if the bombings of North Vietnam are stopped, chances are I never will.

I am 21 years old and have lived in Stamford all my life. At present I'm serving with the First Marine Division, Headquarters Battalion in Da Nang.

Lance Cpl. WILLIAM T. ROMANNELLO.
SOUTH VIETNAM.

COMMUNIST INSURGENCY IN THAILAND

Mr. PERCY. Mr. President, until recently our Government's massive commitment in Vietnam grew gradually and almost imperceptibly. If there is one point of agreement on our southeast Asian policy, it is that the United States should do all in its power to create conditions which would make a similar U.S. commitment elsewhere unnecessary.

Yet our current preoccupation with the Vietnam war means that potentially troublesome developments in other countries and areas may escape adequate attention. What is happening in Thailand today may be a case in point.

If we want to avoid another Vietnam, policy must control events, not be overtaken by them. This requires that the American public and responsible officials in the Congress and the executive branch be fully and candidly informed in order that U.S. policy be timely, appropriate and backed by widespread public support.

An article in the April 1 edition of the London Economist makes an important contribution to better understanding of events in Thailand. The Economist's special correspondent reports that the Communist insurgency in Thailand has set people talking about that country as the next Vietnam.

The present upsurge in guerrilla activity began in mid-1965, and it is now believed 600 to 1,000 hard-core terrorists are operating in the northeast part of the country. Many of these have been trained in Hanoi. Peking and Hanoi also are thought to be supplying aid and leadership cadres.

Recent activity has included the first armed propaganda meeting held by Communist guerrillas in the border province of Nongkhai. In another province, the Economist reports that large bands of terrorists have been carrying out daily raids on numerous villages. Local observers apparently feel that before long the insurgency will have advanced from the stage of recruitment and harassment to more direct attacks on military units.

With substantial American financial and advisory support, the Thai Government is mounting a major counterinsurgency effort which involves strengthening local police forces, administrative reorganization, and an agricultural development program. The Economist says that as often as not, the impetus for local action comes from the American adviser on the scene. The counterinsurgency effort sometimes takes on an alien image which, the Economist says, "has been reinforced by the carousing and price-inflating American troops who have settled in and near insurgent centers throughout the northeast."

Some progress has been made by the Government's program. New acres of farmland have gone under cultivation; new roads have been constructed; and thousands of peasants are having their first positive contact with a representative of the Government in Bangkok. The question now is, Will the Government's efforts be enough to contain the Communist rebels?

I ask unanimous consent that the article from the Economist of April 1, 1967, be included in the RECORD at the conclusion of these remarks.

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

THE HEARTS-AND-MINDS CONTEST COMES TO FIELD OF LIONS

On December 16th a large band of armed strangers appeared at Field of Lions, a small

village in a remote mountainous corner of north-east Thailand. They herded the 800 adult inhabitants into the temple courtyard, where they lectured them about the evils of the Thai government which was selling out the country to the American imperialists. Four hours later the marauders left without inflicting any violence but taking with them the village supply of rice and vegetables. This was the first armed propaganda meeting held by communist guerrillas in the border province of Nongkhai.

One month later, a counter-insurgency headquarters was opened up a few kilometres away from Field of Lions. 340 men moved in: 40 in a road-building and construction unit and 300 in a joint military and police security force. Two months after the December incident, a 97-kilometre dirt road had been bulldozed out of the jungle around the Phu Singh mountain where some 200 guerrillas are presumed to have a base and training camp. 22 isolated villages were linked together for the first time by the new road, and in each of them a village council had been elected and a new 12-man armed village defence corps was standing guard.

This is how the Thai government is combating the communist insurgency which has set people talking about Thailand as the next Vietnam. It has worked so far in Nongkhai, where the guerrillas have been out-fought by the village defence teams and out-propagandised by a barnstorming provincial governor. But although Nongkhai is the province with the longest frontier—246 miles along the Mekong, where it is exposed to easy infiltration from Laos and Vietnam—insurgency there is still at a much lower level than in neighbouring areas.

Just south of Phu Singh mountain in Sakon Nakhon province, bands of between 70 and 100 terrorists have, in the last few weeks, been carrying out daily raids, ambushing village defence forces, killing village heads and school teachers, and stealing weapons and two-way radios. As one of the two most active insurgency zones, Sakon Nakhon has a more extensive counter-insurgency programme than Nongkhai. But despite the beefed-up police force, new helicopters, roads, irrigation ditches and farmer credit associations, local observers are predicting that within six months the insurgency in Sakon Nakhon will have advanced from the first to the second stage—that is, from the stage of recruitment and harassment to direct attacks on military units.

While a certain amount of rebel activity has been going on in north-east Thailand for years, the present upsurge in guerrilla militancy began in mid-1965. Peking and Hanoi heralded the change and are thought to be supplying aid and leadership cadres. But the vast majority of the 600 to 1,000 hard-core terrorists operating in north-east Thailand today are ethnic Thai, some 300 of whom have been trained in Hanoi and others in Laos. They are supplied with food and supported, with varying degrees of commitment, by villagers scattered in some 200 to 300 hamlets. Casualty figures are not published, but current estimates point to a total of between 20 and 30 a month on both sides.

The insurgents are playing on the long years of government neglect and on local disaffection in Thailand's poorest and most isolated region. Nearer to Hanoi than to Bangkok, the north-east alternates between drought and flood and the farmers there average a quarter of the net farm income in the south. The Thai government is now mounting a great campaign to reduce the poverty and to overcome the isolation of the north-east by extending a government presence into remote areas and down to the village level.

If the Thais are losing ground in their struggle to contain the insurgency, it is not for want of funds. In the year ended June 1966, the Americans gave Thailand $45 million in economic aid, 85 per cent for the counter-insurgency effort and over half of the whole for the north-east. The largest portion, $14 million, was for the training of the Thai police force which, following the Malayan pattern, is meant to be the backbone of the anti-communist drive. Another $60 million was given in military aid. The Thais themselves budgeted $183 million for security in 1966, of which $56 million went to the police. They spent $92 million on agricultural development.

Together the Thais and the Americans have worked out an elaborate administrative structure for a combined military and economic assault on the problem areas in the north-east. The civil side is under the umbrella of an Accelerated Rural Development programme which is supposed to map out a master plan for public works and agricultural aid, based on the expressed needs of the villagers. The military side is controlled by a counter-subversion operations centre in Bangkok with a field headquarters at Sakon Nakhon and bases in seven provinces. Both civilian and military elements of the counter-insurgency drive are meant to be a means of decentralising power into the hands of the provincial governors. And both programmes are united at the top under the command of General Praphas, the strongman of Thailand, who is minister of the interior and commander of the armed forces.

Theoretically the table of organisation is clear. But in fact, the new agencies which were intended to simplify administrative procedures and eliminate departmental jealousies have tended to complicate and compound them. Thais who speak no English have become adept at handling the profusion of initialled agencies which the Americans have contributed to the mix; but both Americans and Thais are often hard put to it to explain the actual divisions of function.

Decentralisation has not really worked. The provincial governors have limited funds to dispense, and little real power. And just as Bangkok is reluctant to delegate to the provinces, so the governors have failed to turn over responsibility to their local officials. So the impetus for local action comes, as often as not, from the American adviser on the scene. Every American official in Thailand is ready with a catechism about the Thainess of the counter-insurgency programme. Clearly they protest too much. But clearly, too, the success of the programme will depend in the last resort on the Thai official and his relationship with the villager.

Traditionally Thai officials looked upon the rural people as an inferior breed, there to be taxed and told what to do. For the villagers, officialdom was synonymous with trouble and so was to be avoided whenever possible. In public pronouncements, at least, these attitudes have now changed; talk is all of the "people's needs." Village chiefs are sent to seminars in Bangkok to stimulate the expression of village opinion. Village councils draw up petitions to present to touring governors. But officials continue to think that they know best. Governors, for instance, tend to like eight-lane highways. And, all too often, projects that are designed to fight the insurgency turn out to lack the vital ingredient of popular involvement.

Scores of newly trained community developers and agricultural advisers are going out from Bangkok to the countryside every day. But experts are still reluctant to get out and stay out in the villages. The villagers' immediate contact with government is still largely restricted to the incursions of police. The police have a new mission but many of them are carrying it out with the old methods of intimidation by beatings and mass arrests. This image of alien authority has been reinforced by the carousing and price-inflating American troops who have settled in and near insurgent centres throughout the north-east.

So Thailand's counter-insurgency programme is hamstringing itself with outworn attitudes and an overgrown bureaucracy. Certainly all Uncle Sam's money and King Bhumibol's men have not been wasted: thousands of new acres of farmland have gone under cultivation along the thousands of kilometres of new roads; more products are going to market faster. Thousands of peasants have had their first positive contact with a representative of Bangkok. But is this enough to contain the communists in the hills? General Saiyud, Bangkok's chief of counter-subversion operations, predicts that the insurgency should be under control by the end of this year. But at the same time he advocates a frugal allotment of resources so that the government can keep up the fight for another ten years if necessary.

RIGHT TO PRIVACY MUST BE PROTECTED

Mr. PROXMIRE. Mr. President, the debate continues over whether electronic surveillance should be used by authorities in fighting crime, but we have been given a refreshing insight into the subject by Attorney General Ramsey Clark.

He said the hope for eradicating crime lies in excellence of law enforcement—not in wiretapping and other comparable practices. It is a timely reminder.

No amount of gadgetry can solve the complex and growing crime problem. We need concerted action by all citizens. We need intelligent plans and full partnership among local, State, and Federal governments. We need the programs proposed by President Johnson that will both combat the criminal now and begin to erase some of crime's major causes.

As the Milwaukee Journal pointed out recently in an editorial, there also is the great need to protect our precious right of privacy. The editorial is an excellent assessment. I ask unanimous consent that it be printed in the RECORD as part of my remarks.

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

[From the Milwaukee (Wis.) Journal, Apr. 3, 1967]

NOT THE ANSWER TO CRIME

Ramsey Clark, the new United States attorney general, has some thoughts on wiretapping, bugging and law enforcement which bear repeating. Public safety, he told a senate subcommittee, will not be found in wiretapping. "Security is to be found in excellence in law enforcement, in courts and in corrections. That excellence has not been demonstrated to include wiretapping."

His views are timely in view of the recent statement of the House Republican task force on crime, which urges legalized wiretapping and electronic eavesdropping to combat organized crime.

"Might not more crime be prevented and detected by other uses of the same manpower without the large scale, unfocused intrusions on personal privacy that electronic surveillance involves?" Clark asked.

Electronic snooping might indeed make police work easier and communication among criminals more difficult, at least until the underworld developed channels less subject to interception, as it would. But this approach inevitably risks police intrusion, intentional or otherwise, into the private lives and personal problems of law abiding citizens. If society sanctions electronic snooping, the privacy it forfeits may be our own.

THE DODD CASE

Mr. DODD. Mr. President, a few weeks ago, I appeared before the Senate Ethics Committee to answer certain allegations that had been made against me.

On Friday, March 10, shortly before the Ethics Committee hearing, I took the floor of the Senate for the purpose of presenting the essential facts about my case. Among other things, I pointed out in my speech that a number of newspapers and editorials had seen fit to find me guilty even in advance of the hearing, and I said that a U.S. Senator defending his reputation before a committee of his peers should be entitled to at least the same protection against trial by press as an accused criminal now enjoys.

My remarks were directed primarily against a small, if influential, minority in the American press. On the whole, I believe the members of the press have tried to be fair to me.

Like every person who believes himself to be unjustly accused, I have looked eagerly for articles in the press which seek to understand my defense, which rise above sensationalism, which refuse to be misled by surface details, and succeed in looking at the whole structure.

I am happy to say that I have been able to find many such articles and columns and editorials. For the information of my colleagues, I ask unanimous consent to insert in the RECORD the following items that have appeared in recent weeks:

First. A nationally syndicated column by Mr. David Lawrence which appeared on April 6.

Second. A column by Mr. William Buckley, Jr., captioned "Hang DODD?" which appeared in newspapers around the country on April 1, 1967.

Third. A nationally syndicated column by Mr. John Chamberlain which appeared on March 22, 1967.

Fourth. A nationally syndicated column by Mr. James J. Kilpatrick captioned "DODD and Powell: A Study in Contrasts," which appeared in many newspapers on March 19.

Fifth. An article entitled "Senator DODD's Tribulations," written by syndicated columnist Russell Kirk, which appeared in various newspapers on March 20.

Sixth. An editorial captioned "DODD versus Powell," which appeared in Roll Call on March 16, 1967.

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

DODD CASE IS ONLY A SYMPTOM; ENTIRE SYSTEM NEEDS REVAMPING

(By David Lawrence)

WASHINGTON.—Congress is at last face to face with the fact that rich men can win public office by utilizing their own funds, and that persons who have no fortunes are tempted to depend upon big contributions from wealthy individuals, many of whom have an axe to grind in public affairs.

There are some strange inconsistencies in the situation. Sen. Thomas J. Dodd, Democrat of Connecticut, for instance, is being criticized because he used money raised at testimonial dinners to help him pay personal expenses incurred because of the cost of maintaining political strength between campaigns. If he had been a wealthy man, he would have had no problem.

Now the whole emphasis is on how to shift the burden of campaign expenses from the backs of individuals to the government itself. When Sen. Russell B. Long, Democrat of Louisiana, proposed last year a bill that would permit citizens to indicate a willingness to have some of their income tax payments used by the federal government for campaign expenses of either of the two national parties, Congress promptly approved. But already there are many signs of a change of heart.

OPENING LOOPHOLES

The new law was obviously the result of haste, and it opened up more loopholes than it closed. Curiously enough, President Johnson is supporting a retention of the existing measure. Sen. Robert F. Kennedy, Democrat of New York, on the other hand, who is a rich man himself, wants to see the law repealed and a new law passed which would provide a public subsidy for candidates during political campaigns. Congress is this week considering a revision of the measure.

The truth is that both sides are up against a simple fact—elections are, in effect, being bought not only on the national but on the state and local levels. Political committees are formed which circumvent existing limitations on campaign expenditures. The whole thing has been in a mess for several years, and if the Senate of the United States takes a "holier than thou" attitude in the case of Senator Dodd, it will open itself to criticism unless it also cleans up the entire system of financing political campaigns.

Money is much more important in politics nowadays than it has been. For publicity cannot be obtained without heavy expenses for paid advertising or paid radio and television programs. Members of rich families have available huge financial resources which are used to help elect their relatives.

The answer is not to be found in preventing rich men from holding office. On the contrary, many of them are far more independent-minded, because they are free from financial pressures, than are others who feel they must curry favor with heavy contributors to their campaigns. Many capable men without financial means cannot always get the support they need to run for office, though they would really be successful in the service of their government.

WIDE SUPPORT

Out of the many suggestions being made, one idea widely supported is that the government should grant a tax deduction or credit to individuals who contribute to political campaigns of candidates for office in federal, state or local governments. This is regarded as a far better system than to allow individuals to indicate to the U.S. Treasury that a portion of their income tax money be given to the national political party of their choice, while ignoring the state and local campaigns.

Certainly, since campaign expenses have risen to such great heights, the limits in existing laws are too low, and it would be more effective if the loopholes were closed and a higher ceiling placed on the amounts that could be contributed by individuals. Similarly, present laws ignore the ways by which labor unions as well as corporations indirectly supply campaign funds in large quantities, though direct contributions are forbidden by statute.

American politics needs to be cleaned up and better ways devised for financing campaigns. But very little will be accomplished unless public opinion is insistent upon an obvious reform—that no individual or organization should be permitted to use any funds whatsoever to buy votes.

HANG DODD?

(By William F. Buckley, Jr.)

"The judges have retired to their chambers. The suspense is very great, and nobody can be sure what their findings will be. On an ascending scale of severity, they might free Ebenezer Jones, flog him, imprison him for life, or send him to the gallows. Few if any observers anticipate the most severe punishment." Anyone reading that sentence who has been coaxed in the ways of moderation and the virtues of the middle of the road will tend to think that the likeliest fate for Ebenezer is a goodish stretch in prison. Exoneration and the gallows are dismissed as extremist. Few if any readers of that passage would give Ebenezer much of a character reference.

Consider the same technique as used in a national newsmagazine concerning Senator Thomas J. Dodd after the Senate Committee retired to formulate its recommendations. "On an ascending scale of severity, the recommendation could be for exoneration, rebuke, censure, or expulsion. Few if any observers anticipate the most severe punishment." If not any observers anticipate "expulsion," why even mention it as a possibility, considering that its rhetorical presence in that sentence has the psychological effect of escalating the gravity of the Senator's alleged misdeeds?

And to the same effect the constant juxtaposition of Senator Dodd and Adam Clayton Powell Jr. It is a rhetorical device as old as contumely, to stress the similarities, which are superficial, in order to obscure the dissimilarities, which are profound. What purpose is to be served in such a sentence as "Adolf Hitler and Harry Truman both had military backgrounds"?

And yet the comparison between Dodd and Powell is constantly put forward. It would be bad enough if that comparison had the effect of causing Congress to be over-lenient with Adam Clayton Powell Jr. It would be tragic if it had the effect of causing the Senate to commit an act of injustice to Thomas Dodd.

At this point of suspense it is worth meditating the history of the Dodd situation. A vindictive columnist persuaded members of Dodd's staff to steal the Senator's personal records, and there followed an interminable series of accusations focusing, at the beginning, on alleged misdeeds by the Senator in behalf of a West German lobbyist. These charges were investigated, and collapsed.

On to other charges, involving petty extractions from Connecticut merchants in return for petty favors. On even a superficial explanation, they too collapsed. On to another charge, which the Committee is now considering: that Senator Dodd unethically commingled funds given to him for political purposes, and spent in part on personal expenses.

The relevant questions: 1) Was the commingling illegal? We can only assume that the answer is No, since Internal Revenue, with all the facts before it for all these months, has not asked for an indictment of Senator Dodd. 2) Very well then, was it unethical? The answer to that, surely, is given by asking two subsidiary questions: a) Has anyone who subscribed to those funds risen to protest their use by Senator Dodd? The answer is No. And b) Did the commingling shatter the prescriptive canons observed by all other legislators? The answer to that cannot be statistically given, inasmuch as other legislators do not give out their personal records, and do not have thieves for secretaries and bookkeepers who make them available to public scavengers. But an intelligent guess is that such commingling is by no means unusual, that the economic facts of public life make it a practical necessity.

Maybe there ought to be a law. My own guess is that there should be, requiring periodic full disclosure, by public servants, of the traffic in money and favors.

Meanwhile the New York Times, which in its news columns has done a great deal to sensationalize the charges, makes the relevant point: "No sophisticated observer of politics believes that Senator Dodd is the

only member of Congress who has ever commingled political and personal funds. The public does not want him made a scapegoat for the sins of all; it wants Congress to make thorough and long-overdue reforms."

DODD FUNDRAISING DINNER A "TESTIMONIAL"

(By John Chamberlain)

NEW HAVEN, CONN.—The most mystified man in the whole brouhaha over Senator Tom Dodd's expenses is Arthur T. Barbieri, the Democratic town chairman of New Haven who got up the big dinner in 1965 which raised some $80,000 for the senator. Barbieri, a large, affable and capable political pro, has had a lot to do with dinners, and it has always been his understanding (which goes for the political trade as a whole) that any time an affair is billed as a "testimonial" to a man, it means that he is being honored with a gift. And, since a gift is, by definition, something one receives without performing a service for it, it does not figure as taxable income.

So, if the affair that Barbieri staged for Tom Dodd at the Hotel Statler in Hartford, Conn., was indeed a "testimonial," and not something arranged to build up a war chest for specific political purposes, the way that Dodd spent the money is immaterial. He could have bet it all on a single horse, or kicked it into the Potomac river, or used it as a fund for providing cream for stray cats, without any legal questions being raised about it.

"TESTIMONIAL" INVITATION

The case, then, hinges on the motivation behind the dinner. And, since Barbieri was himself a chief instigator of the affair, he claims that the motivation is his to know.

The proof that it was a "testimonial" is contained in the original invitation letter set out by Barbieri, where the word is adjectively used to describe the forthcoming affair. True enough, the letter referred to the 1964 campaign deficit incurred by Dodd out of his own pocket. Barbieri wrote: "He spared himself no personal efforts . . . and undertook every financial expense necessary . . ." This tied the occasion for the dinner to a specific campaign. But as a "testimonial" that was sure to raise a sum far in excess of what Dodd might need to erase the 1964 personal deficit, the balance could have been to bail the Senator out of troubles caused by his other office-connected expenses. How does a man bail himself out? Common sense says it is by paying for ordinary bills that have been skipped because politics has left the cupboard bare. The estimate is that most senators need $15,000 a year more than salary and allowances to reimburse themselves for the skipping.

GIFTS FOR THE SENATOR

Congressman John V. Tunney of California, who spoke to the diners in the absence of his father Gene, clearly understood the testimonial nature of the gathering. He said it "is a distinct pleasure for me to have the opportunity to be here tonight at the testimonial dinner honoring Senator Dodd." If Tunney knew what the dinner was for, others must have known, too. So Barbieri isn't stretching things when he contends that he has not asked anybody to perjure himself in the affidavits he has collected from the 400 and more people who have said they intended their Dodd donations "as a personal gift" for use "in any way" the senator "saw fit." As this column is being written, Barbieri has affidavits to prove that "far more than $40,000" of the testimonial money was clearly understood by the donors to be in the gift category.

Arithmetically, $40,000 is twice what witnesses at the senatorial investigation hearings contend that Dodd spent on personal expenses, including country club charges, liquor bills, presents, and travel. So, even if Barbieri can't collect affidavits covering one hundred per cent of the money he raised for Dodd, it makes no difference at this point. Dodd still spent less on his personal accounts than the sum that was clearly ticketed for "use in any way he saw fit."

NEED FOR NEW RULES

It would have been better public relations procedure if Tom Dodd had kept his testimonial funds and his personal funds compartmentalized, saving the unspent testimony money for future political expenses and reimbursing himself out of his future salary for past expenses connected with such things as maintaining a second Washington home. This would have prevented misunderstandings. But the Senate Committee on Standards isn't passing judgment on public relations. It is hard to see how the committee can condemn Dodd if the money he spent on personal items was clearly gift money. What is undoubtedly needed is a whole new set of rules governing campaign expenditures, but they can't be framed to catch Tom Dodd—and a hundred other congressmen—on an ex post facto basis.

DODD AND POWELL: A STUDY IN CONTRASTS

(By James J. Kilpatrick)

Connecticut's Senator Thomas J. Dodd edged his way into the arena of the Ethics Committee on Monday morning like an old lion emerging from the tunnels of the Colosseum, and blinked at the TV lights and held up his head for the pending slaughter. For a variety of reasons—the nature of the man, the nature of news, the nature of the Roman mob—his ordeal has proved a private agony and a public spectacle.

It is inevitable, and it is cruelly unfair, that the tribulations of Senator Dodd should be coupled with the tribulations of Adam Clayton Powell. The two men could not be farther apart, nor the facts more disparate. They are strong personalities, both of them; they may be equally vain, though in wholly different ways; but there the parallels stop. To imagine a Tom Dodd lushing it up in Bimini is to imagine an Anglican archbishop shooting craps.

The Senator is a proud man, aloof, austere, tightly contained. The images of Rome will not go away. More than any Senator since Tom Connally of Texas, he presents the senatorial look—the fine nose, the orator's mouth, the deep chest, the mane of silver hair. The air of the toga is always about him. He views Communists as Cato viewed the Carthaginians; the walks of Capitol Hill are his Forum. When the House stripped Powell of the Labor-Education chairmanship Powell came from the caucus a shattered man—but not for long. "Keep the faith, baby!" he cried to his fans. And off to the Bimini sands with Corrine. Nothing of the sort is possible for Dodd. He was dying by inches all week.

It is part of the nature of news that news feeds on gladiatorial combat. This is in essence an adversary proceeding: Dodd stands accused; and the curious mob, which always will prefer a good flaying to a fair trial, will not pause to analyze the charges nor to remember the tainted origin of the evidence against him.

The charges stem largely from certain testimonial dinners and campaign contributions between 1961 and 1965. Except for a handful of trivial allegations, having to do with duplicated reimbursements on seven travel expense accounts, the charges have nothing to do with public funds. These were private contributions that Dodd was expending; and if he spent some of the proceeds on personal bills, and some on campaign expenses, the tax-paying public was never defrauded. Were the individual donors deceived, aggrieved, bamboozled? Did they think they were swindled? Not one has come forward to say so. In Dodd's view (and who among us who has sent a check to a candidate for public office will deny the interpretation?), the contributions were outright gifts, not taxable income, to be spent at his discretion.

The casual reader, sunning himself in the Colosseum bleachers, is not likely to make distinctions. This week he has read that Dodd spent some kind of money on parties, club dues, traffic tags, personal bills, and even $21 to fly his dog from Washington to Hartford, and the assumption will take root—the fairest and clearest reporting will not put it down—that this was like old Adam's bilking the taxpayers with an air travel card. What is sauce for the Harlem goose is sauce for a Hartford gander. String him up! But no such judgment is valid.

The unhappy conjunction of Dodd and Powell is only one of the ironies in this whole affair. Dodd finds himself in this mess because three of his former office employees, James Boyd, Marjorie Carpenter, and Michael O'Hare, raided his office files. They were a bunch of beauties, this gang. They came on tiptoe on Sunday afternoon, using a duplicate key, and hauled away thousands of letters and documents to a photo-copying machine. In a speech to the Senate a week ago, Dodd called it "burglary." As a matter of law, it may not be so; there was no breaking, no entering, no theft for personal gain. What did they take of value? Only a man's reputation. Only his personal life. But because of what they did, Dodd is on trial before an ethics committee; and Boyd, O'Hare and Carpenter are free. Lovely, is it not?

This correspondent holds no particular brief for Senator Dodd. I know him only slightly. His position on a number of domestic issues seems to me wrong. By his own admission, he is a poor judge of character. He manifestly can be pompous, stuffy, full of conceit. And it has to be said that any Senator who pays $8,000 to a hired writer to ghost up a book for his byline is something less than a pillar of absolute virtue.

All the same, I know—and every Senator knows—of some of the remarkable bills that everywhere are paid with "campaign contributions." I know of Dodd's tough, knowledgeable, and dogged fight against communism. He may be a cold fish, but he is a dedicated man who has served his country well. To watch him tried on purloined letters is to gaze in shame on a shabby affair.

TO THE POINT: SENATOR DODD'S TRIBULATIONS

(By Russell Kirk)

Senator Thomas J. Dodd, one of the ablest men in the Senate, apparently owes the federal government something better than $300—because of wretched bookkeeping by a member of his staff who later joined in a vendetta against Dodd.

That is the gist of a speech that Mr. Dodd made in the Senate the other day. The only other great charges against his honesty are that he once accepted a small rug—worth less than $50—from a lobbyist-friend of his, and that his campaign expenses and a portion of his personal expenses were repaid through testimonial banquets.

So it seems to this columnist that the whole Dodd "scandal" has been a tempest in a teapot, stirred up by a pair of columnists on the basis of documents stolen by burglars from Dodd's office (the burglars being former staff members dismissed by Dodd).

The assault on Senator Dodd reminds me of Arthur Machen's remark that journalism is "a damnable vile business." (It doesn't have to be, but some sensational columnists make it such.)

As Senator Dodd remarked, it is curious that the Department of Justice has not prosecuted the burglars. The private papers of a member of Congress are not fair game for every disgruntled employe with an opportunity to sell them to scandal-mongers.

As for raising funds by testimonial dinners, this is a frequent practice for covering the expenses of those numerous public men who lack private income sufficient to finance statewide campaigns and pay the large costs of prolonged residence in Washington. If nothing of the sort were permitted, all our senators would have to be millionaires.

Senator Dodd might have enriched himself, as some others have done over the years, by taking advantage of his political influence. (Mr. Lyndon Johnson—to mention no more unsavory example—entered the Senate a poor man, and left it a rich one.) But Dodd has done nothing of the sort: he is worth little more than $50,000, and (like this commentator) owns no stocks or bonds at all.

Although a Senate committee has yet to report on the charges against Dodd, the evidence available just now suggests that the Senator from Connecticut has been the victim of a smear. Bobby Baker's gang tried to smear Senator John J. Williams, with the tacit assent of some of William's senatorial colleagues, because Senator Williams had been bold enough to expose Baker's frauds.

Senator Dodd's real offense, in the eyes of some journalistic detractors, is that he was bold enough to take a stand against the feebleness of American policy where the communist powers are concerned—including American policy in the Congo.

Doubtless Congress requires a clearer code of ethics; but Washington journalism may be more greatly in need.

DODD VERSUS POWELL

Newsmen continue to draw a parallel between the Powell Case and the Dodd Hearings despite the fact that little similarity actually exists. Although the veteran Harlem legislator's flamboyant flouting of House decorum for years was embarrassing that body both here and abroad, the House did not move against Powell until pressure from constituents became so insistent that a special committee was set up. Powell then arrogantly thumbed his nose at the committee, which was determined at first to bend over backwards to most painlessly dispose of the unpleasant predicament.

(Within Congress it is said that Sen. Dodd's most unforgivable mistake was to assemble a staff of top aides whose behaviour would not have been tolerated by a less trusting executive. Whatever the merits of the case, few within the Capitol community champion the disloyalty of staff members who removed Congressional and personal files of the Senator and turned them over to a syndicated newspaper columnist for publication.)

Where Powell refused to cooperate with the House committee, Sen. Dodd, himself, instigated the Senate committee inquiry of his affairs. Ironically, it now appears as though the Senate committee, rather than engaging in fact-finding, at times appears to be prosecuting. Still, the white-maned Senator neither repudiates nor rebuffs the committee of his peers. He chose, instead, to engage in a dignified yet wholehearted defense of his career and his honor. In doing this he displays his respect for the august body of which he has long been an important member.

Senator Dodd has not indicted his fellow Senators, he has made no cries of persecution, has instigated no demonstrations, nor hinted at recriminations. Regardless of the final committee finding Senator Dodd's performance in these difficult days of investigation dramatizes a Congressman's respect for the honor and prestige of the legislative body.

LIMITATION ON ARMS SUPPLIED TO INDIA AND PAKISTAN

Mr. HARTKE. Mr. President, a little more than a year ago—in December of 1965—I had occasion to visit the Governments of India and Pakistan on an interparliamentary mission of the Senate. While on the borders of those countries, it was my opportunity to appraise at firsthand the destruction wrought by U.S. armaments supplied by the United States for their defense—and used by both sides against each other.

As an official of our Government—and as an American taxpayer—I was appalled to see rows of U.S. Patton tanks destroyed or damaged by U.S.-supplied antitank weapons in the abortive Indo-Pakistan war. In concert with other Members of this body, I resolved to oppose this misuse and misapplication of our military foreign aid program.

I am moved today to commend the President of the United States for his decision to enforce a limitation on supplying American weaponry to Pakistan and to India, and to withdraw our military assistance advisory groups. It is a concession to realism that we recognize that when we indiscriminately bestow arms, we may expect them to be employed by the recipients.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INVESTMENT TAX CREDIT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which is H.R. 6950.

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that there be a quorum call, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Mr. President, I am ready to proceed.

Mr. WILLIAMS of Delaware. Mr. President, what was the request?

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent that a quorum call be had without the time being charged to either side.

Mr. WILLIAMS of Delaware. Mr. President, I think we might just as well proceed with the bill.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum and ask that the time be charged to both sides.

Mr. WILLIAMS of Delaware. Mr. President, I object to my time being used.

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

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

The pending question is on the adoption of the amendment of the Senator from Tennessee [Mr. GORE] as a substitute for the amendment of the Senator from Delaware [Mr. WILLIAMS]. Under the unanimous-consent agreement, the time is limited to 2 hours.

Mr. LONG of Louisiana. Mr. President, I call up my amendment No. 160, to the Williams amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment (No. 160), as follows:

At the end of the amendment (numbered 152) proposed by Mr. WILLIAMS of Delaware, insert the following:

"SEC. 15. (a) The Presidential Election Campaign Fund Act of 1966 is amended by adding at the end thereof the following new section:

" "SEC. 307. MISUSE OF FUNDS, EXPENDITURES BY POLITICAL PARTIES

" "(a)(1) It shall be unlawful for any person who has custody, or control of the use, of any funds paid into the Treasury of a political party under section 303(c) of this Act knowingly and willfully to use, or authorize the use of, such funds for any personal purpose or for any purpose other than to defray expenses incurrred in carrying on the presidential campaign with respect to which such funds are paid and in conformity with paragraph (6) of such section, to repay loans the proceeds of which were used to defray such expenses, or to restore its funds used to defray such expenses.

" "(2) Any person who violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than five years, or both. No person shall be subject to any penalty under paragraph (1) for the commission of any act prohibited thereby if such person, for the commission of that act, has been convicted under section 1001 of title 18 of the United States Code, or any other provision of such title.

" "(b) For purposes of applying section 609 of title 18 of the United States Code, payments received by a political party under section 303(c) of this Act shall not be considered to be contributions, and expenditures made by a political party with respect to which a payment is received under such section shall not be taken into account." "

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Louisiana is limited to a half hour; the Senator from Delaware is limited to a half hour.

The Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, the amendment which I am offering to the Williams amendment provides a fine of $10,000 or imprisonment for up to 5 years or both for willful misuse of funds received under the Presidential Election Campaign Fund Act.

There, of course, are penalties in existing law for willfully falsifying material facts or for making fraudulent statements or representations in areas involving Federal funds. I refer specifically to section 1001 of title 18 of the United States Code.

However, I think it is important that there be a specific criminal penalty in the Presidential Election Campaign

Fund Act so there could be no question as to the penalties applied to anyone who willfully misuses funds distributed under this act.

My amendment provides that it is to be unlawful for any person who has custody or control of the use of any disbursements made by the Comptroller General to a political party under the Presidential Election Campaign Fund Act to knowingly or willfully use or authorize the use of these funds for any personal purpose or any purpose other than to defray expenses incurred in carrying on a presidential campaign. In addition specific reference is made making it unlawful to pay any funds for any purpose except those specifically provided in the Ribicoff amendment this body approved yesterday.

Let me summarize by saying that this means that it will be unlawful to pay any of the disbursements under this act for any personal, as distinguished from a political purpose; it will be unlawful to pay funds for expenses incurred for any purpose except a presidential campaign—thus, for example, it would be unlawful to pay funds for use in a campaign for or against a congressional or senatorial candidate—and it will be unlawful to pay funds for any purpose except those specifically authorized by the Ribicoff amendment yesterday.

In this latter category I am, of course, referring to the fact that 75 percent of the funds may only be spent for the specific listed purposes and the remaining 25 percent may not be used on election day for any purpose such as poll watchers and so forth. The limitation to the use of these funds for presidential campaign purposes will, of course, deny the use of these funds for kickbacks or bribes or any other illegal purpose.

The penalty provided under my amendment for anyone who violates this provision is a fine of up to $10,000, imprisonment for up to 5 years, or both. I have added a proviso making it clear that no one shall be subject to a penalty both under the amendment I have offered and also under section 1001 of title 18 of the United States Code—the provision I referred to in the forepart of my amendment.

Mr. President, a criticism which has been made of the Presidential Election Campaign Fund Act by some is the contention that this act is contrary to the limitation in present law limiting contributions to political parties to $3,000,000 in any one year. As I have indicated previously—in fact, last year during the debate on the act, present law refers to contributions to political committees. The Campaign Fund Act has nothing to do with contributions. The term "contribution" means to give or supply in common with others; to share in a joint venture.

The financing by the Government, since the passage of this act, is not a voluntary effort to give funds. Rather, it is an appropriation of funds to which the parties have a right. It is not a contribution and therefore, in my estimation, does not come under the limitation of present law. However, because some still believe that this $3,000,000 limitation in existing law is contrary to the appropriation of perhaps $30,000,000 to each of the political parties, I have included in this amendment a proviso specifying that for purposes of the $3,000,000 limit the distributions made under this act are not to be considered as contributions, and that expenditures made by a political party with respect to which a payment is received under the Presidential Elections Campaign Fund Act is not to be taken into account for purposes of the $3,000,000 limit.

This amendment is an important one, and if we are to act now or subsequently on the Presidential Election Campaign Fund Act I believe that this is a needed improvement that will deserve support. I urge the adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LONG of Louisiana. Mr. President, I would hope those in opposition might state their views.

Mr. WILLIAMS of Delaware. Mr. President, I shall be happy to yield to any Senator who cares to speak on the amendment. I have examined this amendment personally, and while I do not see that it accomplishes anything, I do not see that it does any harm. It does remove the limit.

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

Mr. WILLIAMS of Delaware. I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, the amendment provides penalties for use of funds for purposes other than those permitted by the Ribicoff amendment. I point out to the Senator that, according to the author of the Ribicoff amendment, any type of political activity that he or anyone else had been able to think of was specifically listed. The Ribicoff amendment further provides that if there were others which had not been envisioned, 25 percent of the funds could be expended for such activities.

This amendment would provide penalties for activities not encompassed within the Ribicoff amendment. I can think of none that would not be encompassed; therefore, the proposed amendment would have little effect.

The amendment, however, does have some substance in one respect. It provides that expenditures of funds received in consequence of the Presidential Campaign Fund Act shall not be treated or regarded as expenditures or contributions under the Corrupt Practices Act, which means that the legal $3 million limit on expenditures of political committees would not apply to funds collected and expended under the Presidential Election Campaign Fund Act. So, lest someone be misled to believe that this amendment provides protection, some safeguard, or some limit, there are no safeguards, there is no protection, and there are no limits.

Mr. WILLIAMS of Delaware. The Senator is correct. It is wide open as far as this $30 million to be provided each party from the so-called slush fund is concerned. The protection of which the Senator speaks can only be accomplished by repeal of the act itself.

Mr. President, I am ready to vote on the amendment if the Senator from Louisiana is ready.

Mr. LONG of Louisiana. Mr. President, I would like to have the yeas and nays ordered on my amendment. I do not see enough Senators present for a sufficient second. Will the Senator join me in asking for a brief quorum call?

Mr. WILLIAMS of Delaware. Yes; that is all right.

Mr. GORE. It can be done by unanimous consent.

Mr. LONG of Louisiana. Then I ask unanimous consent, Mr. President, that the yeas and nays be ordered on my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. This amendment would provide criminal sanctions if a person who receives money out of the campaign fund provided under the act uses any of that money for his own personal purposes.

The amendment would also provide criminal sanctions in the event that a person were to use this money for any of the prohibited purposes, such as poll watchers or hauling voters to the polls, or other election day expenses.

The amendment would also provide criminal sanctions if the money, instead of being used for a presidential campaign, were to be used for a senatorial or congressional campaign.

So, all of those various fears that people have dreamed up would not come to pass because such actions would be made illegal in the event the amendment were agreed to.

I believe the amendment would guarantee beyond any peradventure of doubt that the mischief which some people have feared would be subjected to criminal penalty in the event any such action were engaged in.

It is to be recognized that the expenditures of these funds would be audited by the Comptroller General and would be checked into before the expenditures were made.

The expenditures are subject to review by a bipartisan board. This Senator does not know of any additional safeguard that we might put in the measure.

I do not agree with the Senator from Tennessee. I have answered him several times already regarding the 75-percent category. I have spelled it out in the RECORD three or four times. It would be useless to do it again. The other activities fall in the so-called 25-percent category.

In any event the amendment would assure criminal sanctions as well as an accounting for all the money and funds involved here.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 additional minute.

Mr. LONG of Louisiana. Mr. Presi-

dent, if other Senators desire to discuss the matter, I will be glad to yield to them. Otherwise, I would be happy to yield back the remainder of my time.

Mr. WILLIAMS of Delaware. Mr. President, I yield 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 1 minute.

Mr. GORE. Mr. President, so long as the distinguished Senator from Louisiana wishes to move in the direction—even by verbal discussion—of limitation and safeguards, I shall not oppose him.

This provision, in my opinion, would have little effect, but I do not see that it does any harm. Therefore, I shall be pleased to vote for the amendment.

Mr. LONG of Louisiana. Mr. President, if the Senator from Tennessee, with his great legal talent, can conceive of some measures that would more completely achieve what the amendment seeks to accomplish, I invite him to devote his talents to it.

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

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

Mr. LONG of Louisiana. Mr. President, is the Senator from Delaware ready to yield back the remainder of his time?

Mr. WILLIAMS of Delaware. Mr. President, I yield back the remainder of my time.

Mr. LONG of Louisiana. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG] to the amendment of the Senator from Delaware [Mr. WILLIAMS]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. CLARK] and the Senator from Arizona [Mr. HAYDEN] are absent on official business.

I also announce that the Senator from Montana [Mr. METCALF], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. METCALF], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Texas [Mr. TOWER] is necessarily absent.

The Senator from Illinois [Mr. PERCY] is detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Illinois [Mr. PERCY], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 89, nays 3, as follows:

[No. 72 Leg.]

YEAS—89

Allott	Gruening	Monroney
Anderson	Hansen	Montoya
Baker	Harris	Morse
Bartlett	Hart	Morton
Bayh	Hartke	Moss
Bennett	Hickenlooper	Mundt
Bible	Hill	Murphy
Boggs	Holland	Muskie
Brewster	Hollings	Nelson
Burdick	Hruska	Pastore
Byrd, Va.	Inouye	Pearson
Byrd, W. Va.	Jackson	Pell
Cannon	Javits	Prouty
Carlson	Jordan, N.C.	Proxmire
Case	Jordan, Idaho	Randolph
Church	Kennedy, Mass.	Russell
Cooper	Kennedy, N.Y.	Smathers
Cotton	Kuchel	Smith
Curtis	Lausche	Sparkman
Dirksen	Long, Mo.	Spong
Dodd	Long, La.	Stennis
Dominick	Magnuson	Symington
Eastland	Mansfield	Talmadge
Ellender	McCarthy	Thurmond
Ervin	McClellan	Tydings
Fannin	McGee	Williams, N.J.
Fong	McGovern	Williams, Del.
Fulbright	McIntyre	Young, N. Dak.
Gore	Miller	Young, Ohio
Griffin	Mondale	

NAYS—3

Brooke	Hatfield	Scott

NOT VOTING—8

Aiken	Metcalf	Tower
Clark	Percy	Yarborough
Hayden	Ribicoff	

So the amendment of Mr. LONG of Louisiana was agreed to.

Mr. TYDINGS, Mr. GORE, and Mr. WILLIAMS of Delaware addressed the Chair.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, I send to the desk an amendment to the Presidential Election Campaign Fund Act and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. Mr. TYDINGS proposes an amendment to the amendment proposed by Mr. WILLIAMS of Delaware to H.R. 6950, as follows:

At the end of the amendment insert the following:

"SEC. —. (a) *Tax check-off.* Section 6096 of the Internal Revenue Code of 1954 is amended by striking '$1' wherever it appears and inserting in lieu thereof 'one-half dollar for taxable year 1967 and thereafter $1.'

"(b) *Payment formula.* Section 303 of the Presidential Election Campaign Fund Act of 1966 is amended by striking '$1' wherever it appears and inserting in lieu thereof 'one-half dollar for expenses incurred in the 1968 presidential campaign and thereafter $1.'

"(c) *Restrictions on use and source of payments.*

"SECTION 303(c) of the Presidential Election Campaign Fund Act of 1966 is amended by inserting at the end thereof the following new paragraph:

"'(7) *Restrictions on use and source of payments for 1968 presidential campaign.* (A) Notwithstanding the provisions of paragraph (6), payments with respect to the presidential campaign of 1968 made under paragraph (1) into the treasury of a political party shall be used only to defray the following expenses incurred in carrying on such campaign:

"'(i) Radio, television, and motion picture production time and expenses;

"'(ii) Newspaper and periodical advertising expenses;

"'(iii) Expenses for the preparation, printing, and distribution of campaign literature, including posters and billboards.

"'(B) No payment may be made under this Act into the treasury of any political party with respect to any presidential campaign unless the treasurer of such party has certified to the Comptroller General that no contributions, direct or indirect, to defray expenses described in this paragraph incurred or to be incurred in carrying on such presidential campaign have been accepted or expended prior to the date of the certification by such party or the candidates of such party for the offices of President and Vice President, or by any organization controlled directly or indirectly by such party or either of such candidates, and that no such contributions will be accepted or expended to defray such expenses on or after the date of the certification'."

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator from Maryland is recognized for 10 minutes.

Mr. TYDINGS. Mr. President, I propose an amendment to the Presidential Campaign Fund Act which will limit the application of that act in the case of the presidential election of 1968. I do so because I believe that, despite any perfecting amendments already made to the act, we should gain meaningful but carefully limited experience with it in the 1968 presidential campaign, before the act's provisions are allowed to become fully effective.

Everyone knows that the cost of modern campaigning has skyrocketed, especially in the case of presidential elections, where the candidates must campaign coast to coast and border to border. Particularly, the enormous cost of television, radio, newspaper, and other forms of political advertising are well known to every participant in and student of the political process. The critical importance of extremely expensive television in campaigning, for example, was vividly demonstrated in the Nixon-Kennedy prime-time debates of 1960. Many students of that election maintain that those television debates provided the critical margin of victory to Kennedy.

The question is: How shall these advertising and other campaign expenses be met? Traditionally, before enactment of the Presidential Election Campaign Fund Act last fall, the many millions of dollars necessary to pay for a presidential campaign had to be begged and borrowed from private sources, many of which understandably felt that a major contribution to a presidential campaign bought a bit of "influence" with a successful candidate. Thus, political parties not only had to depend upon many "big money interests" but also became beholden to them.

Prior to enactment of the Presidential Election Campaign Fund Act, Congress

had long considered proposals for freeing political parties from financial dependence on special interest. Countless proposals to broaden public participation in the financing of political campaigns, principally by providing tax deductions or credits, had died on the vine of congressional inaction.

Not until the distinguished junior Senator from Louisiana, Senator LONG, originated, developed, argued for, and practically singlehanded secured enactment of the Presidential Election Campaign Fund Act did Congress act to cut the financial tie between presidential candidates and special interest by providing a basis for massive but reasonable public participation in the funding of presidential campaigns.

The time was long overdue for congressional action to cut the tie that bound presidential candidates to the big money interests in national politics. The Presidential Election Campaign Fund Act has at long last given us the means to make candidates for the Presidency of our Nation dependent for financial support on the people, not on special interest.

Yet many, while acknowledging the need for public subsidy of presidential campaigning, fear that some of the provisions of the Presidential Election Campaign Fund Act could lead to impairment of the American political system. This concern has been voiced by a number of Senators on the floor of the Senate, and I believe with some justification.

Specifically, the critics contend that the act, by providing the national committees with all the money necessary for presidential campaigning, not only frees national committees from a salutary financial dependence on the State political organizations whose views they should represent and coalesce, but also provides so much money that the national committees can dictate to the State committees, name candidates for State and local office, and even set up rival political organizations in the States.

I think time could show there is merit to this objection, but I also believe that this objection can be met by a simple amendment to the act which, until we gain experience under the act, reduces and stringently limits the use of the public funds provided by the act to the advertising expenses of presidential campaigns. If experience shows further amendments are necessary, then we can make them.

The limiting amendment I propose would apply only to the 1968 presidential campaign, and is intended to provide one campaign's experience under the act. Based on that experience, we can then judge what functions amendments to the act, if any, are necessary.

My amendment, applicable only to the 1968 campaign, would retain the checkoff feature of the present act, but would reduce by one-half the amount available to political parties under the act for the 1968 campaign. This amendment is accomplished simply by reducing the figure "$1" wherever it appears in the act, to "one-half dollar," until after the 1968 campaign. Under my amendment, each major party would receive $12.5 million for the 1968 campaign, rather than the $30 million the act now would provide.

Secondly, my amendment would limit, for the 1968 campaign, the use of the funds the act makes available. The use of those funds would be limited to presidential campaign advertising expenses—specifically radio and television production time and related expenses, such as preparation for such programs; newspaper and periodical advertising expenses; and expenses for the preparation, printing, and distribution of campaign literature, including posters and billboards. These expenses, to which use of the Campaign Fund Act subsidies would be limited, are among those enumerated in the Ribicoff amendment the Senate approved yesterday by a vote of 76 to 12. My amendment, however, goes much further in limiting the use of Campaign Act funds for the 1968 election than did yesterday's amendment. It not only specifically restricts the use of all the funds provided by the act, rather than only 75 percent as yesterday's amendment does, but also restricts the use of those funds to advertising media expenses, whereas yesterday's amendment would allow a number of other categories of expense. My amendment, in short, would limit the Campaign Fund Act assistance to the 1968 campaign to a public subsidy for the public presentation of candidates for the Presidency of the United States.

To further this principle of public subsidy for public presentation of candidates, my amendment will equalize the amounts the major parties can spend for television by providing that, if the public funds authorized by this act are used in 1968, no private contributions may be solicited or spent directly or indirectly for the same purposes.

Thus, the amendment I propose provides ample funds for advertising expenses for the 1968 campaign, but limits the amount each major party may spend for advertising to the amounts made available by the bill. Each party will have the funds for "equal time" in advertising and will neither have to or be able to solicit outside funds for advertising, if it elects to take advantage of the public subsidy.

Mr. President, the amendment I propose will eliminate the principal objection to the Campaign Fund Act by providing a full campaign's experience under limited operation of the act before the provisions of the act become fully effective. Then we will have 4 years before the 1972 campaign in which to make such amendments as the 1968 experience indicates are necessary. My amendment will provide public funds for the major cost of political campaigning-advertising in 1968, but will not give the national committees any additional public funds to use as leverage against State and local committees. It will allow a public subsidy for presentation of presidential candidates in 1968, but prevent misuse of the funds provided by specifically limiting their use to the advertising expenses spelled out in the Ribicoff amendment the Senate adopted overwhelmingly yesterday.

My amendment is a rational refinement of the experiment in providing for better government Senator LONG of Louisiana launched last fall, and will provide a firm basis of experience for future amendments of the program to meet our Nation's political needs.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. TYDINGS. Mr. President, I yield 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG of Louisiana. I thank the Senator. Has the Senator asked for the yeas and nays on his amendment?

Mr. TYDINGS. I have not.

Mr. LONG of Louisiana. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, the Senator has given much thought to his amendment. I feel that he has really worked diligently and hard to study the objections which were made by the Senator from New York [Mr. KENNEDY] the other day.

While I personally do not agree with the Senator from New York on this subject, I can understand how the Senator from Maryland could well feel that those objections may be very well taken.

If the amendment is agreed to, it would be in conference between the Senate and the House. I personally think that the effort of the Senator to make it possible that none of the so-called mistakes or errors which the Senator from New York fears could take place, as well as those which I understand the Senator from Maryland thought might conceivably happen, is a laudable one.

Accordingly, Mr. President, I am constrained to vote for the Senator's amendment and I applaud his devoted study of the various problems involved.

Mr. TYDINGS. I thank the distinguished Senator. As I told the Senator, when he holds hearings in his committee, I reserve the right to come in and argue these amendments, as well as other amendments to any problem. My purpose in offering the amendment is to try to tighten up the laws which exist today and to answer the argument and the points raised by the Senator from Missouri, the Senator from New York, and the Senator from Tennessee.

Mr. WILLIAMS of Delaware. Mr. President, I yield such time as the Senator from Tennessee may desire.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I am sure that the able Senator from Maryland has offered the pending amendment in good faith and after much study.

However, I invite attention to the fact that his amendment would reduce the amount of each taxpayer's tax dollar to go to the fund to "two bits" to each party.

I do not wish to characterize this as the "two bit amendment," but that is the amount by which each party could benefit per taxpayer.

Mr. President, how much would it cost the U.S. Government to audit the tax return of each taxpayer in this

country, in order to provide a 25-cent contribution to the Republican candidate and the Democratic candidate?

In order for that "two-bit" piece to flow to each party, according to officials of the U.S. Treasury in private statements to Members of this body, it would require the auditing of the returns of the U.S. taxpayers.

There are other reasons why the Senate should not adopt this amendment. If Senators will examine the amendment—and I have a copy in my hand, which was mimeographed—it says that these contributions of 25 cents to each party can be used only for three purposes. I see nothing wrong with that. But if anyone thinks that this provides some protection, then look at the other part of the amendment. It provides that—

No payment may be made under this Act into the treasury of any political party with respect to any presidential campaign unless the treasurer of such party has certified to the Comptroller General that no contributions, direct or indirect, to defray expenses described in this paragraph incurred or to be incurred in carrying on such presidential campaign have been accepted or expended prior to the date of the certification by such party or the candidates of such party for the offices of President and Vice President, or by any organization—

Listen to this—

controlled directly or indirectly by such party.

This would leave from even this limited application, any committee or any organization which the candidate or the party did not control. We could have "Barbers for GORE." It would not be controlled by the political party. We could have "Teachers for GORE." We could have "Bartenders for——"

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

Mr. GORE. I yield.

Mr. TYDINGS. Does the Senator take the position that, in his campaign for the U.S. Senate, the Senator could not persuade these citizens committees which organize to support him not to violate the law?

Mr. GORE. The question is not——

Mr. TYDINGS. That is the question. The Senator makes the point that this opens a loophole. This is intended to close a loophole.

Mr. GORE. It is not a question of whether one could persuade them. This provides the amendment does not cover such committees unless the candidate or party controls them.

Mr. TYDINGS. I do not think——

Mr. GORE. Let me reply. The Senator's amendment does not use the word "persuade." It uses the word "controlled." I say, quite frankly, a candidate may not control these independent committees, and there are frequently many of them. There is no limit in the present law on the amount of money they can collect or spend. There is no limit provided by the pending amendment. The amendment submitted by my distinguished colleague is unworkable. It does not include individuals at all. It could not, because of the constitutional provision against limitation on freedom of speech.

Mr. TYDINGS. If the Senator will just read the language—and I think any reasonable man would read it this way:

No payment may be made under this Act into the treasury of any political party with respect to any presidential campaign unless the treasurer of such party has certified to the Comptroller General that no contributions, direct or indirect, to defray expenses described in this paragraph—

Namely, the needed advertising expenses of the candidate—

incurred or to be incurred in carrying on such presidential campaign have been accepted or expended.

The responsibility would be on the treasurer of the candidate's campaign. If he could not certify that these sources had not been supplying money for television, for example, he could not accept the money. The purpose is to increase the ability of the candidate to appear on television, in newspapers, and over the radio. This is the area in which people have the greatest interest in seeing the candidate—on television, in newspapers, on billboards, where they can see the candidate and the candidate's position. This amendment tightens up the law considerably. The Senator's criticisms are not fair.

Mr. GORE. I would like to proceed for a moment.

The Senator argues that this amendment seeks to close a loophole. I suggest it does not effectively do so. The Corrupt Practices Act now contains many loopholes. This amendment would write into the Long Act a loophole similar to one of those in the Corrupt Practices Act.

First, it provides no test of control. Neither the candidate nor the party is charged with the responsibility of knowing the amount of money collected or the amount of money expended by any other committee, organization, or person.

I am sure the Senator has the best of intentions, but I feel that this amendment would but confuse the issue. It might lead some people to think that the Senate was acting here to close loopholes in the Corrupt Practices Act, which would not be the case, with the adoption into law of this amendment.

It would not only leave in existence the present loophole in the Corrupt Practices Act, but it would write a similar loophole into the Presidential Election Campaign Fund Act.

So I suggest that, in the haste in which we are attempting to rewrite the law, it would be inadvisable to adopt an amendment purporting to be far reaching, which might lead some people into believing some loopholes were closed and some safeguards were being provided, when, as a matter of fact, this amendment would not be effective for those purposes.

Mr. LONG of Louisiana. Mr. President, will the Senator yield me 5 or 6 minutes?

Mr. TYDINGS. Let me answer the Senator first. I do not believe the Senator from Tennessee is being fair in his reading of the amendment. First of all, the amendment provides that before the Comptroller General can distribute any money to the presidential campaign party, that party must certify to the Comptroller General that no contributions, direct or indirect, had been received or expended for these purposes in its candidate's behalf.

The Senator from Delaware yesterday offered a perfecting amendment to his original amendment. It reads:

SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing the election of candidates, shall file with the Clerk and itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

Certainly that is an excellent amendment. The Senator from Delaware spoke with me about it.

I do not see how the Senator from Tennessee can fairly say that either he as a candidate or his campaign treasurer cannot know whether any funds have been use for television and newspaper media expenses for his election.

I now yield 6 minutes to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I regret that the Senator from Tennessee cannot be more helpful to us who have worked in this field in which the Senator from Tennessee himself labored so long and so hard.

Ten years ago, the senior Senator from Tennessee investigated this problem in depth. He concluded that corruption existed and that there was a need for an amendment of the laws dealing with corrupt practices. His conclusion was correct. He also concluded that Congress should consider doing something to control private financing that resulted in corruption and improper commitments in government.

Ten years ago the senior Senator from Tennessee served as chairman of the Subcommittee on Privileges and Elections. He undertook the most massive investigation of the source of campaign contributions and the manner in which they were expended that has ever been attempted. After his investigation was completed, he published his findings, and in them he stated:

10. The need for remedial legislation in the field of federal elections is imperative and immediate.

That was 10 years ago. The Senator from Tennessee continued:

It is the hope of the subcommittee that this study will serve to expedite the preparation of such legislation and to arouse an enlightened public opinion behind it. Few, if any, reforms are more direly needed in our democratic society.

Despite his plea for reforms he felt were direly needed, 10 years have passed and he can look back on the record of accomplishment. It amounts to nothing.

The Presidential Election Campaign Fund Act last year is the first step Congress has taken since the Corrupt Practices Act of 1937 to try and get clean honest election into our political system. If we follow the lead of the Senator from Tennessee, we will find ourselves returning to the political middle ages. We will be back in the morass of corruption, commitments, and charges and countercharges that the candidates have sold

their souls to the moneylenders or other vested interests.

The Senator from Tennessee also published another finding in his 1956 report. It reads:

7. For years thoughtful statesmen on the American scene have pleaded for greater participation on the part of the electorate in the making of campaign contributions so that the base may be broadened and opportunities of candidates and parties to present themselves to the electorate equalized. The findings of the subcommittee as set out in this report poignantly demonstrate the need for effective limitations upon the amount of individual contributions and the desirability of providing incentives for mass contributions—

That is not my language, Mr. President; that is the recommendation of the Senator from Tennessee. I regret that he does not have time to listen, but he knows this. He wrote it, and he has heard it before—

or perhaps governmental assumption of the cost and responsibility for the conduct of Federal election campaigns and the curtailment of private subsidization of election campaigns.

That is what the Senator recommended to fund the campaigns. In 10 years, nothing came of it.

Mr. President, that is exactly what the Presidential Election Campaign Fund Act of 1966 provides—Government assumption of the cost and responsibility for the conduct of the highest Federal election campaign in our land, the campaign for the Presidency. And, Mr. President, that is not the Senator from Louisiana speaking. That is the Senator from Tennessee. The bill that we passed last year accomplished much of what the Senator from Tennessee failed to accomplish in the 10 years preceding it. This year I would hope we could accomplish another objective he was unable to achieve. I would hope that we could bar private subsidization of the election campaigns for our Presidential and Vice-Presidential candidates. I have an amendment that would seek to accomplish that objective, and I would hope the Committee on Finance would be given a chance to consider it free of the pressure of legislating on the floor.

I would like to recite another of the famous quotations from the Senator from Tennessee's 1956 report:

4. Examination of the facts developed by the subcommittee discloses, as is revealed by the exhibits included herewith, heavy campaign expenditures by persons affiliated with big business, and large vested interests, and by wealthy individuals, on the one hand, and organized labor, on the other, the contributions of the former being largly to Republican committees and candidates, and of the latter almost entirely to Democratic committees and candidates.

The subcommittee views this with deep concern, feeling that it is an unhealthy state of political affairs that may grow worse instead of better unless remedial action is taken by the Congress.

It is true that this state of political affairs would grow worse instead of better in the absence of remedial action by Congress. Remedial action was taken in the Presidential Election Campaign Fund Act when for the first time Congress approved the principle of one man-one vote in the financing of campaigns for the Presidency. The prohibition of private contributions for this purpose would bring Senator GORE's unfulfilled observation to fruition.

Mr. President, the Senator is an able lawyer. I would hope that instead of opposing everything done in the direction he has been recommending for 10 years, he would just once lend his sage advice as to how we could accomplish that which he worked so hard over and recommended so diligently 10 years ago, instead of making himself the principal roadblock, quarreling, arguing, standing in the way, and throwing sand in the eyes of every honest man who would help clean up corruption in government.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. LONG of Louisiana. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HATFIELD in the chair). The Senator has 22 minutes.

Mr. WILLIAMS of Delaware. I yield the Senator from Illinois [Mr. DIRKSEN] such time as he may require.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I do not know whether we will have a campaign or not. We started out with a dollar, and now it is to be reduced to 50 cents. The Treasury cannot even do the paperwork for 50 cents, because there will be 100 million tax returns to be checked. They cannot sample them as they do now, 1 out of every 100.

The Internal Revenue Service wishes to have a check on a larger sample, and they are over here before the Appropriations Committee right now, asking for $11 million, so that the sample can be increased from one return per 100 to 1.4 per 100. I wonder, when we get this thing, how much their request will be.

There are some fancy ideas here as to what this will yield, as if everybody is going to make a little mark in that square and say, "Here is a dollar for the campaign." But they may be lucky to get $5 million, instead of $60 million. And there is a curious little something in this amendment which puts quite a damper on how you are going to run a campaign.

You can spend what you take in from that half dollar for radio, television, newspapers, periodicals, printing and distribution, and posters and billboards.

Suppose you run a sound truck. You cannot spend anything for a sound truck under this provision. Suppose you organize a chowder and marching club, and they go around the State?

Mr. COOPER. What about a bull horn?

Mr. DIRKSEN. A bull horn? You could not use a bull horn if it cost any money, because under the proposed amendment, you could not spend any money for it.

Mr. COTTON. Or a quartet?

Mr. DIRKSEN. Or a quartet, certainly, like Pappy O'Daniel had, long ago, down in Texas, when they used to say, "Pass the biscuits, Pappy." Remember? He took them all over the State.

But under this amendment, you cannot have a quartet. This is very restrictive.

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

Mr. DIRKSEN. I yield.

Mr. MURPHY. What about a fountain pen?

Mr. DIRKSEN. A fountain pen?

Mr. MURPHY. I have found them very effective.

Mr. DIRKSEN. I do not see anything in here on fountain pens, unless that comes under the heading of "campaign literature."

Now take a look at subparagraph (B):

No payment may be made under this Act into the treasury of any political party with respect to any presidential campaign unless the treasurer of such party has certified to the Comptroller General that no contributions, direct or indirect—

I do not know what an indirect contribution is, unless somebody wants to give you 50 billboards instead of giving you money. That would be an indirect contribution, perhaps—

to defray expenses described in this paragraph incurred or to be incurred—

You guess when something might be incurred. That makes it quite speculative—

in carrying on such presidential campaign.

The treasurer has got to certify that he has not "accepted or expended prior to the date of the certification by such party or the candidates of such party for the offices of President and Vice President, or by any organization controlled directly or indirectly by such party or either of such candidates."

Now, who is controlled "directly or indirectly," either by the national committee or the national treasury? Is it a county committee? Is it a precinct committee? Is it one of these collateral committees they set up that, instead of operating in two or more States, operates in just one State for its particular benefit?

Do they come to the candidate? The last time I ran they had "The Bankers for DIRKSEN." They had "The Lawyers for DIRKSEN." They had "The Farmers for DIRKSEN." They had "The Dairymen for DIRKSEN." They had "Labor for DIRKSEN."

I do not know what those committees were doing. It was 2 years after the campaign that I found out what one of those committees did. The chairman walked in my office and said, "Whether you like it or not, I am going to tell you how much money we raised and spent in your campaign." I said, "I do not want to know." I never did know.

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

Mr. DIRKSEN. I yield.

Mr. GORE. Mr. President, I suggest to the Senator that the pending amendment, although offered in utter good faith, would in fact open loopholes wider than those in the present Corrupt Prac-

tices Act. The Senator has cited the fact that he did not have knowledge and did not want to have kowledge of what the dairymen for DIRKSEN did. Let me read the present Corrupt Practices Act. It reads in part as follows:

> Every candidate for Senator shall file with the Secretary of the Senate a correct and itemized account of "each expenditure made by him or by any person for him with his knowledge or consent."

That is far more specific than the terms of the present amendment, but it is completely ineffective.

This merely refers to an organization controlled directly or indirectly. "Controlled" is certainly harder to prove than the fact that the candidate had some knowledge that the barbers had an organization supporting him. Does the Senator not agree that the pending amendment is an even wider loophole?

Mr. DIRKSEN. Certainly. What this governs is if any organization is controlled, directly or indirectly, by such party or either of such candidates. It does not say committee. It says organization.

What kind of an organization? Who is going to determine this matter? Who is going to determine whether there is direct or indirect control?

Do we have to go to the courts before we can resolve some of these matters?

Just looking at this thing and taking it at face value, it would appear that maybe we are not supposed to have a campaign. Just have their pictures taken and shoot them on television and let them talk a little on radio. Put their faces upon billboards and a nice fancy ad in the newspaper, maybe in the rotogravure section, done in lovely color.

That will be about the end of the campaign.

Doing the paperwork for 50 cents a throw, of course, just seems to me to be absolutely outlandish because we have some reason to believe, from people in authority at the other end of the avenue, that they are absolutely bewildered by this whole business, and they are just about frightened that the Empire State Building is going to fall on them.

I have talked to some of them. The Senator from Delaware [Mr. WILLIAMS] has talked to others, and we know pretty well, I think, what we are talking about.

This is a great big chunk of confusion, and it shows what happens when we try to rewrite a bill like this on the floor of the Senate.

The pending amendment and the other amendments ought to be voted down by a resounding vote before we get into deeper trouble than we are in at the present time.

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

Mr. DIRKSEN. I yield.

Mr. TYDINGS. Mr. President, insofar as the description of subparagraph (b) is concerned, the distinguished Senator from Illinois and I have both described it and the type of organization it would attempt to limit.

The purpose of that subparagraph is to limit the uses for which campaign contributions could be made. In other words, if the chairman or the treasurer of either party were to elect to receive 50-cent citizen contributions, those contributions would all have to be spent for one purpose only, for advertising media.

We know that the greatest single cost of campaigning today is advertising media, particularly television. The use of these media enables a candidate to present his story and argument before the people.

I think the 50-cent contributions, or the two-bit contributions as the Senator from Tennessee derides them, are important. I would much rather have 10,000 50-cent contributions than one $5,000 cash contribution, because it would mean that the individual citizen is interested in the campaign.

The reason why we limit the use of other funds raised by the various campaign committees is that if each of two committees elected to receive these funds—and I assume they would—that would put the same expenditure ceiling, on both major parties for putting their candidates before the public and letting the public see them on television.

We would not have the case of a candidate whose party was able to raise the most money and so was able to put him on television two or three times more than the other candidate.

Mr. MURPHY. Mr. President, what about the candidate who is born rich and who does not have to raise money? Does it not give him the advantage?

Mr. TYDINGS. Quite the contrary. This would give the same right and the same opportunity to the poor man who happens to be nominee for President as it would the rich man.

Mr. MURPHY. I am speaking about the candidate who is a rich man and could use his own funds.

Mr. TYDINGS. If the rich nominee elected not to use the funds from the 50-cent contributions, at least the other candidate, the poor candidate, would have the opportunity to use the funds and make an adequate showing on television which he would not be able to do otherwise. He would otherwise be left completely out in the wilderness.

Mr. MURPHY. What happened to the suggestion made some time ago by the junior Senator from California to the effect that television is not part of advertising, but is part of the use of the air that belongs to the people and is leased to advertising media by the FCC? What about making time available to each party?

Mr. TYDINGS. I think the point of the Senator from California is well taken. I reserve the right not to limit myself to this amendment. I think the Senator makes a good point.

If the suggestion of the Senator from California were possible and feasible, I think it would be worth following up at once. However, we are working on this measure together with legislation already enacted. We are trying, or at least I am trying, by the best amendment I can draft, to limit the use of funds to those areas which I think are most important and most subject to control, so that the funds this act provides cannot be used to influence or control the local parties or control the local State organizations I am trying to tighten up the procedures and do the best job we can do with the measure we have before us.

Mr. DIRKSEN. Mr. President, another little interesting gimmick is contained in here.

It says at the end that:

> No such contributions will be accepted or expended to defray such expenses on or after the date of the certification.

I remember a campaign some years back when I was chairman of the Senatoral Campaign Committee. The National Committee had its tongue out a mile looking for some money to go on the network.

I said: "How much money do you need?"

They said: "Well, we need $97,000."

I said: "I have it in the Senatorial Campaign, and I will stake you to $97,000." And I did.

Show me anything in here which would provide that we could pay money out of the senatorial fund into the national fund.

There would be an interdiction under this provision, as I read it. They could not accept it.

The treasurer of the national committee, looking after the affairs of a presidential candidate, may need funds so badly that he can taste it, but he has to certify that contributions will not be accepted.

Now, how impractical can you get in a campaign, when the heat is on and the stakes are high?

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

Mr. DIRKSEN. I yield.

Mr. SCOTT. It occurs to me to ask what happens if a candidate has a deficit. Does that mean the people to whom he owes the money go without payment?

Mr. DIRKSEN. I do not know what you would do. Maybe you would be in the fix of the U.S. Government, with its great, big public debt. I do not know what you would want to do after the campaign is over. And can you get restitution to make up the deficit? If there is not enough money in the fund, then what?

Mr. SCOTT. I wonder about the constitutionality of a provision that would excuse the payment of a just debt.

Mr. DIRKSEN. Mr. President, this confusion can be multiplied until it becomes confounded. It seems to me that this is just going to confuse this picture no end—not only for ourselves, but for the Treasury and the Comptroller General as well. This amendment and others like it ought to be voted down most resoundingly.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. Mr. President, the Senator has said that we should not legislate in this fashion on the floor. That is what I said. But the Senator from Delaware brought his amendment out, and the Senator from Tennessee offered his amendment to the amendment. I would be happy to move to table the Williams amendment right now, if it

will make the Senator happy, and we would brush them both aside.

Mr. DIRKSEN. But the Senator from Tennessee did not bring us any confusion. He just said the Long act ought to be repealed. Everybody can understand that. You do not have to be a Philadelphia lawyer to understand what you are about when you say, "Sponge it off the statute books."

Mr. LONG of Louisiana. Some people say, "There are some good things in the Long act. We would like to keep that and improve on it."

We say, "That being the case, if you want to legislate in that area, we'll legislate. You find what's wrong with it, and we'll find you an amendment to take care of it and invite you to correct your own criticism."

Mr. DIRKSEN. I am the best little helper the Senator has. But that has no bearing on the issue about repealing the Long act. Yes or no. One need not have a book of logarithms and know the fourth dimension and advanced algebra in order to know what he is voting on.

Mr. LONG of Louisiana. All that need be done in connection with perfecting amendments is to vote yes or no.

Mr. DIRKSEN. No; we are going to confuse the issue more and more.

Why not go back and just vote on the repealer? It would be very simple. We can get it all done this afternoon. If the Senator from Louisiana wins, he wins. If the Senator from Tennessee wins, he wins. But the issue would be resolved.

Mr. LONG of Louisiana. The Senator knows the rules. It is necessary to vote on perfecting amendments before voting on the bill itself.

Mr. DIRKSEN. I know something about the rules.

Mr. LONG of Louisiana. If the Senator wishes to legislate in this area, we will see what we can do. We will legislate on the floor, and when Senators present amendments to see what they can do to perfect their handiwork, we will see what we can do.

The Senator from Delaware was a part of the original combine to arrange a parliamentary situation where the Gore amendment would not be subject to amendment, and he exercised his right under the rules and added amendments to his own amendment, to perfect his amendment. The Senator from Delaware has that right, and so does every other Senator, and we are exercising the same rights that the ranking Republican member on the committee claims for himself.

I hope the Senator will not be too upset——

Mr. DIRKSEN. I am never upset.

Mr. LONG of Louisiana. Or that the Senator will not be resentful of Senators using the same rights he has under the rules to amend a bill, an amendment which they believe would improve a bill.

Mr. DIRKSEN. I am exercising a perfectly justifiable legislative prerogative. I am pointing out that this is bad stuff, this is bad medicine.

I am like the person who went down to the Mellon Galleries and criticized a painting down there. The artist happened to be there at the time and listened to this carping, sharp criticism, and said:

How dare you criticize my painting: What do you know about art?

Well, the citizen said:

I'm no chicken, but I know when an egg is rotten.

And I know when something is bad, and this is bad. You do not have to be an expert to see it. It still ought to be voted down.

All I do, Mr. President, is to exercise a perfectly proper prerogative, to point out that what we are going to do will compound the error that we are already in.

Mr. TYDINGS. Mr. President, I shall go over once again what the amendment would do, and I shall then be prepared to yield back the remainder of my time.

My amendment would restrict the Long bill as amended. For the 1968 campaign, it would reduce the campaign check-off figure from $1 to 50 cents, the theory being that we should start a little smaller, see how it works in the first election, and then go up. For the 1968 campaign my amendment would limit the use of funds to campaign advertising media—specifically, radio, television, and motion picture production time and expenses; newspaper and periodical expenses; expenses for the preparation of printing and distribution of campaign literature, including posters and billboards. The purpose of that would be to take care of the criticism made by the Senator from Missouri and the Senator from New York that if you had other allowable expenditures, the money could be used by the national chairman to influence a State organization.

Finally, for the 1968 campaign, the amendment would provide that where a national committee accepted check-off funds, for these advertising purposes, they could not then use their other campaign contributions for those purposes. They would have to use them for other purposes, such as campaign headquarters expenses or State campaign expenses, and so forth. It is a tightening amendment. I hope that the Senate adopts it.

I am prepared to yield back the remainder of my time.

Mr. WILLIAMS of Delaware. I yield to the Senator from Kentucky [Mr. MORTON], and then I shall be prepared to yield back the remainder of my time.

Mr. MORTON. Mr. President, I should like to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MORTON. Are we not considering a bill which has to do with the restoration of investment credit and accelerated depreciation?

The VICE PRESIDENT. That is the bill, H.R. 6950.

Mr. MORTON. I find myself confused about the debate of the last 2 hours.

The VICE PRESIDENT. The Chair is happy to clarify the situation.

Mr. WILLIAMS of Delaware. I am prepared to yield back the remainder of my time.

Mr. TYDINGS. I yield 1 minute to the Senator from Kentucky [Mr. COOPER].

Mr. COOPER. Mr. President, I intend to vote for the Gore amendment. I do not believe that the Long amendment enacted last year if kept in the law will ever reach the real problem—the necessary correction of the Corrupt Practices Act. But if the Long amendment remains in the law, I should like to see time given for some experience in its operation, as is proposed by the amendment of the distinguished Senator from Maryland.

I have heard my distinguished colleague, the Senator from Illinois [Mr. DIRKSEN]; but I call to attention that if the Long amendment is kept in the law, there still will be other campaign committees that will collect money for other uses.

For the reason that I should like to see some protection provided, and—I believe that is the purpose of the Senator from Maryland—I intend to vote for his amendment.

Mr. TYDINGS. I thank the distinguished Senator from Kentucky.

I yield back the remainder of my time.

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

The VICE PRESIDENT. All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Maryland. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Vermont [Mr. AIKEN]. If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea." I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. CLARK], and the Senator from Oklahoma [Mr. HARRIS], are absent on official business.

I also announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. METCALF], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. HARRIS], the Senator from Montana [Mr. METCALF], and the Senator from Texas [Mr. YARBOROUGH], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business, and his pair has been previously announced.

The Senator from Texas [Mr. TOWER] is necessarily absent, and, if present and voting, would vote "nay."

The result was announced—yeas 47, nays 45, as follows:

[No. 73 Leg.]

YEAS—47

Bartlett	Cannon	Gruening
Bayh	Cooper	Hart
Bible	Dodd	Hartke
Brewster	Eastland	Hayden
Burdick	Ervin	Holland
Byrd, Va.	Fong	Hollings
Byrd, W. Va.	Fulbright	Inouye

Jackson	Mondale	Russell
Jordan, N.C.	Montoya	Smathers
Long, Mo.	Moss	Stennis
Long, La.	Muskie	Symington
Magnuson	Pastore	Talmadge
McGee	Pell	Tydings
McGovern	Proxmire	Williams, N.J.
McIntyre	Randolph	Young, Ohio
Miller	Ribicoff	

NAYS—45

Allott	Gore	Morse
Anderson	Griffin	Morton
Baker	Hansen	Mundt
Bennett	Hatfield	Murphy
Boggs	Hickenlooper	Nelson
Brooke	Hill	Pearson
Carlson	Hruska	Percy
Case	Javits	Prouty
Church	Jordan, Idaho	Scott
Cotton	Kennedy, Mass.	Smith
Curtis	Kennedy, N.Y.	Sparkman
Dirksen	Kuchel	Spong
Dominick	Lausche	Thurmond
Ellender	McClellan	Williams, Del.
Fannin	Monroney	Young, N. Dak.

NOT VOTING—8

Aiken	Mansfield	Tower
Clark	McCarthy	Yarborough
Harris	Metcalf	

So Mr. TYDINGS' amendment, to the amendment of Mr. WILLIAMS of Delaware, was agreed to.

Mr. INOUYE. Mr. President——

The VICE PRESIDENT. The Senator from Hawaii is recognized.

Mr. WILLIAMS of Delaware. Mr. President——

Mr. INOUYE. Mr. President, I call up my amendment——

Mr. WILLIAMS of Delaware. Mr. President, would the Senator yield? Are we to switch seats whenever we have an amendment to offer? The Senator from Maryland was also recognized when he came down to a certain seat. We, too, have an amendment to offer.

The VICE PRESIDENT. The Chair recognized the Senator who asked for recognition first. He was in the majority leader's chair, which happened to be occupied by the Senator from Hawaii.

Mr. WILLIAMS of Delaware. Mr. President, I hope that each time those who wish to offer amendments do not have to go to the majority leader's seat.

The Senator from Tennessee [Mr. GORE] and myself had been planning to offer an amendment earlier, and I did think that we could move around in the Chamber. I realize we can offer an amendment on any side, but it seems to me that we could make better progress if those on the minority side could be recognized also. I thought we had that understanding from the Chair.

The VICE PRESIDENT. Let me say to the Senator that it was the intention of the Chair to recognize either the Senator from Tennessee or the Senator from Delaware——

Mr. WILLIAMS of Delaware. That was my understanding——

The VICE PRESIDENT (continuing). After the Chair had recognized the Senator who had asked for recognition first.

Mr. INOUYE. Mr. President——

THE VICE PRESIDENT. I do not know for what purpose the Senator from Hawaii is asking recognition.

Mr. INOUYE. Mr. President, in order to preserve tranquility in the Senate, may I suggest that the Chair recognize the Senator from Delaware.

Mr. WILLIAMS of Delaware. I yield to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee will be recognized if the Senator from Delaware will permit me first to make the following two announcements:

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to Public Law 84–1028, appoints Senator JACOB JAVITS as a member of the Board of Visitors to the U.S. Military Academy to replace Senator ALLOTT, resigned.

The Chair, pursuant to Public Law 80–843, appoints Senator JACOB JAVITS as a member of the delegation to the International Labor Conference to be held June 7–29, 1967, in Geneva, Switzerland, to replace Senator DOMINICK, resigned.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Now the Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, I offer an amendment to the Williams amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 1, beginning on line 1, strike out all down through line 4, and insert the following:

SEC. 5. (a) The Presidential Election Campaign Fund Act of 1966 is repealed effective July 1, 1967.

(b) (1) Subchapter A of chapter 61 of the Internal Revenue Code of 1954 is amended by striking out part VIII (relating to designation of income tax payments to presidential election campaign fund).

(2) The table of parts for such subchapter is amended by striking out the item relating to part VIII.

The VICE PRESIDENT. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President——

The VICE PRESIDENT. How much time does the Senator yield himself?

Mr. GORE. Ten minutes.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 10 minutes.

Mr. GORE. Mr. President, the pending issue has been debated now for 2 weeks. A number of Senators have engagements tonight and tomorrow and have requested, if at all possible, that this issue be brought to a vote, that we not have to be faced with the continuing process which we have witnessed in the Chamber.

Therefore, I have offered on behalf of myself and the Senator from Delaware [Mr. WILLIAMS], and also at the request of a number of Senators who have engagements later today, an amendment to repeal the Presidential Campaign Fund Act of 1966 as of July 1, 1967.

In my view, the offering of this amendment has the virtue of bringing the issue to a head before a number of Senators must depart this Chamber.

I believe that it has an additional virtue, in that it would repeal the act as of July 1, 1967, which would accord to those who wish to write amendments and give committee study immediately an opportunity so to do, but without the burden of the Presidential Campaign Fund Act being in the law and unacted upon.

I do not desire to detain the Senate. This amendment will provide an immediate test. The issue has been hard fought. It is so close that the issue—as many of them are—will likely be determined, unless we bring it to a test now while Senators are here, by absentees and pairs. Therefore, when there is the fullest possible membership of the Senate in the Chamber right now, I offer the amendment and reserve the remainder of my time.

Mr. LONG of Louisiana. Mr. President, who has time?

Mr. President, may I inquire what the present parliamentary situation is?

The VICE PRESIDENT. The parliamentary situation is the amendment of the Senator from Tennessee as a perfecting amendment to the amendment of the Senator from Delaware, which is in the second degree.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. On whose time?

Mr. LONG of Louisiana. On my time.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Hearing no objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, as I have said, I am firmly convinced that the Presidential Election Campaign Fund Act, or the Long Act as it is known, is a major step in solving the all-important problem of financing presidential campaigns.

The cost of financing campaigns at all levels, including presidential campaigns, has risen astronomically in recent years with the advent of television and generally increased costs. To illustrate the present grandiose scale of campaign expenditures, I wish to refer to the expenditures of two recent candidates in New York State. I am, of course, referring to the 1966 campaign of Governor Rockefeller for reelection and the 1965 campaign of Mayor Lindsay, the total of both campaigns costing approximately $7.6 million. This total is based on reported campaign expenditures in compliance with New York political expenditure laws, and we all know that actual campaign expenditures by necessity far exceed those expenditures which are reported by law.

On close analysis, it becomes apparent that the total expenditures by Governor Rockefeller and Mayor Lindsay—$7.6 million—is nearly one-half of what the Republican presidential candidate in 1968 will probably receive under the Long

act, with the amendment of the Senator from Maryland [Mr. TYDINGS].

It is estimated that, under the Long act, as amended by the Tydings amendment, both parties would receive twelve and a half million dollars each.

It is recognized that the campaigns of Governor Rockefeller and Mayor Lindsay represent the campaigns of a Governor and a mayor on the largest possible scale for their respective offices in the United States.

However, New York State is only one of 50 States and New York City is only one of hundreds of cities where expensive political campaigns are waged. And, it need not be pointed out that the total $7.6 million was only the reported expenditure of the Republican candidates in New York State and New York City, respectively. It would be difficult to estimate what the total amount spent by the candidates of one particular party would be in all of the States in the Union and in all of the major cities, not to mention all of the county, township, and school board races in the Nation in which campaign expenditures are made. Certainly, the sum total of campaign expenditures by the thousands of candidates sponsored by the Republican Party would be many times greater than the projected $12.5 million which the Republican presidential candidate and the $12.5 million which the Democratic candidate will have at his disposal in 1968 by virtue of the Long act. When placed in the context of the entire body politic of the United States, and when contrasted to the total $7.6 million reportedly spent by only two candidates in one State, $12.5 million is not an excessive sum of money for waging a nationwide campaign, from Maine to Hawaii and from Florida to Alaska.

The substantial distances which a Presidential candidate must travel, usually in great haste in a chartered jet aircraft, indicate that the sum of $12.5 million can be put to good use with little chance of waste.

The total expenditures made in behalf of Governor Rockefeller for his campaign for reelection in 1966 were reported to have been $5,230,982. Some of these itemized expenditures included millions of dollars for television and other items.

The 1966 Rockefeller campaign raises another important issue which the political campaign fund created by the Long act will help solve. It is a well known fact that candidates of great wealth are better able to finance campaigns than candidates, who might be extremely qualified but are not blessed with large private fortunes. As I pointed out before, Governor Rockefeller reported expenditures of $5.2 million. On the other hand, his unsuccessful opponent, Frank D. O'Connor, the Democratic nominee, reported expenditures of only $576,000. Governor Rockefeller's campaign organization spent nearly 10 times as much as Mr. O'Connor.

In these days when effective use of news media is all-important in waging an effective campaign, Mr. O'Connor was obviously faced with an insurmountable obstacle. One-half million dollars simply will not buy as much prime TV time as $5 million. The end result is that the O'Connors and other candidates are discouraged from running for public office either because they cannot personally raise sufficient funds or because they do not have sufficient contacts to adequately finance a campaign.

The Long act will solve this very problem and help to put the two major parties on an equal footing.

Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has used about 8 minutes.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Not at this time.

The practical financial realities of Presidential campaign financing in the context of contemporary American political and economic life are changing to a startling degree. In the future, a child must be born of a very wealthy sire to have a serious chance of being nominated and elected President unless he should so shape his existence that he becomes the darling of the money barons to the extent that they favor him over one of their like financial condition.

No longer can a Jackson or a Lincoln from a frontier cabin grow straight like an oak and march in undeviating course of great national service to become the nominee of his party and the President of his country.

Nowadays, one born of a billionaire great grandfather is tabbed as being well on his way to the Presidency from the day he is elected to the State legislature. The power of great wealth can clear his way until he is confronted by another of his kind in the race for the Presidency itself. I commend young men of wealthy background for their public mindedness in aspiring to public office—even the highest in the land. But that opportunity must not be confined to them or their limited class or privileged background.

The ancient American dream that every humble mother's son could be President has been clouded by the power of big money. That cloud must be removed. It results in a great waste of potential leadership from the millions of able young men who do not spring from a multimillionaire father or grandfather.

As it stands today, the chance of a child to become President belongs to those of great wealth, not to those born in the cottage.

If I had my way, the chance to lead our people would exist even for a foundling abandoned in the bulrushes, or for a baby born in a manger. The progress that we have made toward clean, honest Federal elections demands that we move forward, not backward, Mr. President.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. KENNEDY of New York. Could I ask the Senator a question about the point where he talked about Mr. Frank O'Connor, up in the city of New York, running for Governor of New York? How would the Long amendment help Frank O'Connor?

Mr. LONG of Louisiana. It just moves in the direction of providing a candidate for President need not be in the position of Frank O'Connor, where the other candidate had great resources at his disposal.

Mr. KENNEDY of New York. The fact remains that the Long amendment is not going to help anybody running for Governor or any other State office.

Mr. LONG of Louisiana. It might help somebody like the present occupant of the chair [the Vice President]. He had a try, one time, at running for the nomination for the Presidency in West Virginia, and he signed checks for his household money, according to a book written about the election that year, and still could not afford the money it took to run in a State like West Virginia.

Mr. KENNEDY of New York. Will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. KENNEDY of New York. Could the Senator tell how the Long amendment would help anybody running in a primary in the State of West Virginia, or anywhere else?

Mr. LONG of Louisiana. It is a move in the right direction.

Mr. KENNEDY of New York. But it does not help anybody running in a primary in West Virginia, and it does not help Frank O'Connor, running for Governor of New York.

Mr. LONG of Louisiana. If the Senator will let me speak on my time, he can speak on his.

Mr. KENNEDY of New York. I thought the Senator said he yielded.

Mr. LONG of Louisiana. I yielded for a question.

If that man got the nomination, it would help him. It would help somebody like Harry Truman, who could not find the money to leave Boston after he made a speech up there. If some fellow who had no help from special interests managed to obtain the nomination, it would help him finance his campaign.

Besides that, it is a step in the right direction because it could help the poor boy compete with the millionaire, if it were extended to apply to primaries. Perhaps that is what some people fear.

Mr. KENNEDY of New York. I point out to the Senator that I am in favor of all that. As I stated last week, I am in favor of assistance to those running Statewide, those who run in primaries, and those who are involved in elections. I think the way to do it is to let every individual check off on his tax return to whom he wishes to make his contribution, and not have some authority here in the city of Washington, the head of the Republican Party or the head of the Democratic Party, make that decision for everybody across the United States.

Mr. LONG of Louisiana. I decline to yield further, except on the Senator's time.

Mr. KENNEDY of New York. I am going to ask a question at the end of my speech.

Mr. LONG of Louisiana. How much time do I have remaining, Mr. President?

The VICE PRESIDENT. The Senator has about 16 minutes left of his time.

Mr. LONG of Louisiana. I yield for a question.

Mr. KENNEDY of New York. Let me say before asking my question, if I may——

Mr. LONG of Louisiana. Am I yielding on the Senator's time, or my own?

The VICE PRESIDENT. Who is going to speak?

Mr. LONG of Louisiana. Is the Senator speaking on the time for the amendment?

Mr. KENNEDY of New York. I thought the Senator yielded to me for a question.

Mr. LONG of Louisiana. But the Senator is making a speech.

Mr. KENNEDY of New York. I was just laying the foundation to ask the Senator a question.

Mr. LONG of Louisiana. I have only 16 minutes remaining before I will be compelled to vote. I shall be happy to listen to the Senator, but he ought to speak on Senator GORE's time.

Mr. KENNEDY of New York. I thought the Senator yielded to hear some more about it. If he does not wish to hear my question——

Mr. LONG of Louisiana. If the Senator has a question, I will listen to it.

Mr. KENNEDY of New York. All right. The question I have, after I state what I am interested in, is that everybody have enough money to run at the local level, without tight restrictions, and that this legislation should not be restricted to just those who receive the presidential nomination, that it should be for everybody, and therefore I wanted to ask the Senator from Louisiana how this legislation would help anybody who was going to run in a primary, nationwide, a presidential primary; how he could run in a statewide primary; or, as to anybody running for Governor, or for the U.S. Senate, or for Congress, how the Long amendment would help any of those.

Mr. LONG of Louisiana. It would help them if they got the nomination.

Mr. KENNEDY of New York. If they got the nomination for what?

Mr. LONG of Louisiana. For the Presidency of the United States.

Mr. KENNEDY of New York. Does the Senator mean it would help Frank O'Connor, if he ultimately got the nomination for President of the United States?

Mr. LONG of Louisiana. That is right. And it would also help in this respect: If a poor boy is trying to obtain that nomination for the Presidency, it would help him, in seeking the nomination to be assured that he will be able to finance a campaign if he received the nomination, and it would also help in that it charts a course in the direction of saying that even in a presidential primary, money for television and radio expenditures might be made available. Finally it will help by freeing up to $60 million in contributions for primaries and other elections which today must be raised for presidential elections.

I do not know how the Senator voted on the Tydings amendment, but the Tydings amendment was drawn to meet the speech the Senator made the other day, and to remove objections made by the Senator from New York to the so-called Long Act. I do not know whether the Senator voted for or against it.

Mr. KENNEDY of New York. The Senator from New York voted against it, because I do not think the reporting features of the Tydings bill were practical. Second, although there are some features of the Tydings bill which represent an improvement, yet the fact remains that somebody here in Washington is going to make decisions affecting such matters as how much television time may be purchased in California, or Wisconsin, or New York, or how many placards are to be purchased, and all of those major decisions which so vitally affect a candidate for local office or State office. Those decisions would be made by somebody in Washington, and not by the local Democratic or Republican Party, or by the candidate himself. I think that is a very dangerous precedent, and that is why I am against it.

Mr. LONG of Louisiana. May I say that when the Senator finds fault with an amendment that would make it possible for any mother's son to run, he never shows us just how the amendment, be it one-man, one-ballot, or one-man 50 cents, could be corrected to meet his objections.

Mr. KENNEDY of New York. May I tell the Senator from Louisiana? I will tell him right now how it could be corrected. We should not just have a checkoff system. We should have a system where everybody could give up to $50 to any candidate of his choice, or any political party of his choice. He could make a contribution to Frank O'Connor, running for Governor of New York, or he could give to the local Democratic Party or the local Republican Party.

Mr. LONG of Louisiana. Then why not offer us the opportunity to put this matter back in committee, and bring out, perhaps, what the Senator would recommend?

Mr. KENNEDY of New York. That is exactly what the amendment of the Senator from Tennessee would do.

Mr. LONG of Louisiana. But the Senator from Tennessee wishes to remove the law from the statute books.

Let me say this: There are some who are interested in preserving the power of great wealth in this country, and not yielding one iota. Those people would be in a position to kill any proposed new law which might help make democracy more realistic merely by a filibuster, if they wished to, or by delaying tactics, which would be available to them if this Gore amendment carries.

Mr. SMATHERS. Mr. President, will the Senator yield for 4 minutes?

Mr. LONG of Louisiana. I yield to the Senator from Florida.

The VICE PRESIDENT. The Senator from Florida is recognized for 4 minutes.

Mr. SMATHERS. Mr. President, it seems evident to me, and I am sure to every other Senator, that we need to amend the act. I think the questions asked by the distinguished Senator from New York, and others, are evidence of the fact that everybody wants to finally work out a better way of providing money for campaigns, not only for the Presidency but for men who run for the Senate or for the House.

This subject has been talked about for years. I know from my personal knowledge that it has been talked about for 22 years; and I know that for 20 years previous it had been discussed pro and con, and nothing happened.

The first realistic action that was taken was when the Senator from Louisiana secured the adoption of his amendment to a tax bill last year. He said at that time that his proposal was not perfect. He said then that it probably needed to be amended. Everyone agrees that it will have to be amended, broadened, expanded, and refined.

The Senator from Louisiana, who is chairman of the Committee on Finance, has said that he will hold hearings on such a proposal this year. The Senator from New York [Mr. KENNEDY], the Senator from Tennessee [Mr. GORE], who is a member of the committee, and the Senator from Delaware [Mr. WILLIAMS], who also is a member of the committee, will then have an opportunity in committee to make their wishes known, to make their recommendations felt, and possibly to win. As a matter of fact, they probably could have won some of the changes that they wanted, had we had a vote in committee before this time, and the members of the committee know that. But the fact is that they will have such an opportunity. The Senator from Louisiana has promised to give us that opportunity, and to give it to us this year.

The other fact is that the amendment offered by the distinguished Senator from Tennessee is not relevant to the bill before the Senate today. We are trying to pass a 7-percent investment credit bill, so as to spur the economy of the country. Every Member of this body favors that.

We also know that the House will not take the tax incentive credit bill with the Gore amendment attached. So the bill will be back in the Senate in a couple of weeks without the Gore amendment, if it should be adopted today. We shall be right back where we are at this moment; so why not be sensible and reject the Gore amendment? Then the committee can hold the hearings which have been promised by the Senator from Louisiana. I can assure Senators that we will then have an opportunity to change, revise, and expand the proposal, so that it will not be limited to presidential campaigns, but will include campaigns for the Senate and House, primaries, and other kinds of campaigns.

If the Long amendment is rejected, we shall be placed in the position we were in a year ago; and again, for the next 20 years, probably nothing will be done.

At least, the Long amendment is a spur; it is an incentive for us to do something. Therefore, I hope that the Senate will not vote for the Gore amendment, but will give the Committee on Finance an opportunity to do its work as it should do it—in a sensible and an affirmative way.

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

Mr. SMATHERS. I yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator from Florida how he happens to know that a majority of the 435 Members of the House will not accept the bill if the Gore amendment is attached. Does the Senator from Florida have such portentous powers as to foresee that that will happen?

Mr. SMATHERS. There is one thing that the Senator from Florida does, and the Senator from North Carolina can do it too. The Senator from Florida reads the newspapers. If the Senator from North Carolina will read the newspapers, he will see that the distinguished chairman of the House Committee on Ways and Means has said that he wants a 7-percent investment credit bill.

The VICE PRESIDENT. The 4 minutes yielded to the Senator from Florida have expired.

Mr. SMATHERS. I ask for an additional minute.

Mr. LONG of Louisiana. I yield an additional minute to the Senator from Florida.

Mr. SMATHERS. The chairman of the House Committee on Ways and Means does not want any amendments attached to the 7-percent investment credit bill. He intends to stand fast. He has made such a statement.

The Senator from North Carolina asks me how I know. I read it in the newspapers.

Mr. ERVIN. Mr. President, the Senator from North Carolina finds the House vote in the CONGRESSIONAL RECORD and not in the newspapers.

Mr. SMATHERS. Mr. President, the Senator is entitled to arrive at his information in any way he can get it. I read the figures and I am sure that is right.

I urge that we not tilt at windmills here. The Senator will have his day in court. So will the Senator from Tennessee. So will the Senator from Delaware.

We can do this in an orderly fashion. We can bring in the academicians and experts, and we can come out with something that is really meaningful and prudent.

Mr. NELSON. Mr. President, I would like to ask the Senator from Louisiana a question.

The VICE PRESIDENT. Does the Senator from Louisiana yield for a question on his time?

Mr. LONG of Louisiana. I yield.

Mr. NELSON. Mr. President, do I correctly understand that, if the Gore amendment does not prevail, the Finance Committee will conduct hearings and give consideration to all aspects of this problem?

Mr. LONG of Louisiana. I promise that I will do that.

Mr. NELSON. Mr. President, I am drafting a bill that aims at approaching another aspect of the problem. It does respond to the issue raised by the Senator from New York concerning the financing of campaigns for members of Congress and Governors.

My proposal will aim at allowing a tax deduction. Will the Finance Committee consider that kind of legislation at the same time it consider the other proposal?

Mr. LONG of Louisiana. If it is within my power, I certainly will.

Mr. NELSON. The Senator says he will do so if it is within his power.

Mr. LONG of Louisiana. The answer is "Yes."

Mr. NELSON. It is within the chairman's power.

Mr. LONG of Louisiana. The Senator is correct.

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

Mr. LONG of Louisiana. I yield.

Mr. MAGNUSON. Mr. President, I am pleased to hear the report of the Senator from Louisiana that he will hold hearings on other facets of this subject.

The Senator from Kentucky and I have long been advocates of a tax deduction. We have introduced bills and have talked with other Senators.

We have had some experience with campaign committees on this matter, and although many others have talked about tax exemptions and tax credits in some cases, I think the tax deduction is one of the most potent alternatives, if there is an alternative to the plan of the Senator.

I am glad for these assurances. The Senator from Kentucky and I will be glad to support such public contributions—whether they be in the amount of $50 or any other amount—made to the party of an individual's choice just as any individual would contribute to a community enterprise.

Mr. President, I must agree with the unassailable logic of the Senator from Florida [Mr. SMATHERS].

Mr. LONG of Louisiana. Mr. President, make no mistake about it. Taking the Long Act off the statute book will not be to improve it. Instead, it will be an effort to maintain the power and control exercised by great wealth in the country.

That is what we are talking about, and that is why the courtesy afforded to a chairman to conduct a hearing seems no longer to apply here.

We are talking about something that is a very important issue.

I promise the Senate that, if I am accorded the courtesy of handling this matter that other committee chairmen would be accorded, I will conduct hearings.

I do not make the promise otherwise. However, if I am shown the courtesy that committee chairmen have been shown as far back as I can remember, I will help to bring forth a bill. I will consider everybody's view and try to make democracy meaningful.

If I am voted down and shown the discourtesy that has been shown me to this moment, I do not see why I should bother, because the reason for doing this would be to help those who do not want any reform, those who do not want a Corrupt Practices Act and do not want to have such a provision as this, but would rather want to find an excuse for having nothing happen.

The way to have something happen is to leave the Long Act on the statute book until we find something better.

Mr. President, I reserve the remainder of my time.

Mr. GORE. Mr. President, I yield 5 minutes to the senior Senator from Illinois.

The VICE PRESIDENT. The senior Senator from Illinois is recognized for 5 minutes.

Mr. DIRKSEN. Mr. President, let me say to the Senator that he has no monopoly on the desire for clean, fair, and impartial elections.

The idea of saying that certain people do not want this. There may be certain people that do not want it, but I cannot imagine a U.S. Senator who does not want to have fair and impartial elections, properly conducted, where there is not the shadow of a doubt cast upon the election result.

After all is said about the wealth in politics and how wealthy people can succeed and others cannot, I want to say that I had to borrow $800 when I first went to Congress.

If the Senator wants to use such a statement as an example, let me illustrate how his argument falls of its own weight.

I will summon Harry Truman as the first witness. Nobody ever saw Truman wallowing in $10 bills or $100 bills. He has retained his humility and station in life to this very hour. He deserves credit for it.

If it comes to a Governor, nobody would say that the hotdog man who was running a restaurant in Georgia and subsequently became Governor of the State was rolling in a great big bank account.

I can name some Senators who are present in the Chamber this afternoon who had a hard time making ends meet in their campaigns.

The talk about great wealth is a lot of nonsense. There was talk about spending $7,700,000 in the New York campaign for Mayor Lindsay and Governor Rockefeller. How many people are in New York? There are 16 million, maybe more. There were two elections.

Divide the amount up and see how much is left and how much was spent. We started with a $1 contribution in the original Long bill. It would probably average out about the same before we got through.

The amount is now down to 50 cent contributions. Someone wanted to reduce it to a quarter. Since we injected a little copper into the quarter instead of silver, we will have a bargain rate here and a bargain campaign.

Make no mistake about it. Leave this on the book and watch the Treasury come up here and ask for a hat full of money in order to get out of the trouble they are in. They must check 100 million tax returns.

They could not guess or spot check them. I do not know whether they have computers that could do this work or not. However, the fact of the matter is that we cannot take a a dollar out of a man's income tax payment until we look and see whether there is a check marked in that box.

The representatives of the Department are up here now asking for 1,000 extra people. How much money do

they want? Eleven million dollars. They want this money so that they can make a little better check than they do now. They are checking 1 return in 100. They want now to make it 1.4 returns in 100.

That is not gaining very much on checking tax returns. But for that four-tenths of 1 percent, it is going to cost $11 million. You figure out what it is going to cost before we get through. And all the money that you get from those tax returns will probably be licked in expenditures by the Treasury and the General Accounting Office in trying to administer this matter. And then you will not have much, either.

The best thing to do is to wipe this legislation off now, and then let us start fresh, and then let us take the whole ball of wax.

The Committee on Finance does not have any jurisdiction over the Hatch Act. It does not have any jurisdiction over the Federal Corrupt Practices Act. It does not have any jurisdiction over corporate contributions or labor union contributions. Such matters do not go to that committee. They go elsewhere. So all these assurances should be taken with a grain of salt before we get through.

Mind you, before long it will be the first of May. Already there is talk about when Congress will adjourn. What are you going to do from that time until adjournment? Do you think you are going to get that kind of job done? Not by a jugfull. Look at the time we frittered away on this thing, when we should have had a straight-cut vote on the Gore amendment and voted it up or down.

If we want to avoid further trouble, confusion, and expense, the thing to do is to vote for the Gore amendment. Let us have it over with, and let us start fresh, and then perhaps we will get somewhere.

Mr. GORE. Mr. President, so long as the Presidential Campaign Fund Act of 1966 remains a law, it stands as an obstacle to true election law reform. It stands as an obstacle to an honest election law. It stands as an invitation, as a legalized formula, for the commingling of great wealth, from whatever sources, however questionable, with public funds.

This law is wrong in principle. It is administratively unworkable. Just talk to responsible officials of the U.S. Treasury confidentially, and they will so state.

I do not wish to recapitulate the arguments which we have made here for 2 weeks. I appreciate the attention that the Senate has given. I realize that unless we vote right away, many Members will have to depart this Chamber.

Mr. President, I am ready to yield back the remainder of my time—the issue is squarely put—if the distinguished junior Senator from Louisiana is ready so to do.

Mr. LONG of Louisiana. Mr. President, I have additional requests for time. I have used almost all of my time. I believe I have yielded rather liberally. I should like to ask that both sides be permitted 6 additional minutes.

Mr. WILLIAMS of Delaware. I object.

The VICE PRESIDENT. Objection is heard.

Mr. LONG of Louisiana. I yield my remaining time to the Senator from Connecticut.

Mr. DODD. I thank the Senator from Louisiana.

Mr. WILLIAMS of Delaware. Mr. President, what time are we yielding on?

The VICE PRESIDENT. The Senator from Louisiana has 4 minutes remaining.

Mr. DODD. Mr. President, I rise to speak in support of the Long Act—as I call it—as an instrument for removing the inequities and reducing the abuses in our electoral system.

Our Nation prides itself on being a land of equal opportunity where the lowliest of her sons can rise to the highest of positions.

Mr. President, may we have order? If the Senator from Delaware wishes to laugh while I am speaking, that is his privilege.

Mr. WILLIAMS of Delaware. I was not laughing at the Senator. I shall be happy to listen to him.

Mr. PASTORE. May we have order, Mr. President?

The VICE PRESIDENT. The Senate can have order if it wishes.

Mr. DODD. Mr. President, more and more in recent years, the United States has been moving away from this cherished ideal because of the high cost of public office. We are, in fact, gradually arriving at the point where only the rich can aspire to high elective posts in our Government.

The costs of campaigning are mounting higher and higher every year. Ronald Reagan's campaign for Governor of California cost close to $5 million. Several recent campaigns for seats in the Senate cost well over a million dollars. Pierre Salinger's losing campaign for the Senate cost $1,600,000. Campaigns for the Presidency of the United States exceed all others by a wide margin and their cost is estimated to vary between $14 and $50 million.

This is not the kind of a base on which a true democracy can be constructed. Nor is it the kind of government Thomas Jefferson was speaking of when he proclaimed that any man, no matter how humble his origin, could rise to the heights of political honor in this country.

On Thursday, April 6, David Lawrence, in his always interesting column, wrote of "The Battle On Campaign Financing," which is currently taking place in the Senate. I would like to read the first three paragraphs of that column as it appeared in the Washington Evening Star that day:

> Congress is at last face to face with the fact that rich men can win public office by utilizing their own funds, and that persons who have no fortunes are tempted to depend upon big contributions from wealthy individuals, many of whom have an ax to grind in public affairs.
>
> There are some strange inconsistencies in the situation. Senator Thomas J. Dodd, D-Conn., for instance, is being criticized because he used money raised at testimonial dinners to help him pay personal expenses incurred because of the cost of maintaining political strength between campaigns. If he had been a wealthy man, he would have had no problem.
>
> Now the whole emphasis is on how to shift the burden of campaign expense from the backs of individuals to the government itself. When Senator Russell B. Long, D-La., proposed last year a bill that would permit citizens to indicate a willingness to have some of their income-tax payments used by the federal government for campaign expenses of either of the two national parties, Congress promptly approved. But already there are many signs of a change of heart.

Mr. Lawrence is right in stating that I would not have been subjected to the criticism I have received, had I been a wealthy man.

But much more important than his comment about my own case, is his observation that there are signs of "a change of heart" on the legislation enacted last year. To me this is distressing. Such a change would be a retreat from a real attempt to cure the ills affecting the electoral process.

The lack of personal wealth and the unwillingness to sacrifice principles for campaign contributions frequently combine to discourage some of our finest citizens from running for public office. If they do run, the odds are heavily against their election. And if they do succeed in getting elected, they are sometimes so encumbered by debt—as I have been—that they suffer years of anguish before they extricate themselves.

But it is not the potential or actual officeholder alone who is injured. It is the people as a whole who suffer when lack of personal resources prevents the best qualified individuals from being elected or, if they are elected, brings them to office debt ridden.

If the American democracy is not to degenerate into a plutocracy, we must make it possible for every man to achieve elective office—as President of the United States, as a U.S. Senator or Representative, or as a State or municipal official. And that opportunity must be based on the candidate's merit and what he has to offer to the people, rather than on his financial resources or on what he has to offer to a special few.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senator be permitted to proceed for 2 additional minutes.

Mr. WILLIAMS of Delaware. I object. Senators are planning to catch planes, and I must object at this time.

The VICE PRESIDENT. Objection is heard.

Mr. LONG of Louisiana. The Senator well knows that we have a considerable number of absent Senators at this moment. I suppose that is why the objection is heard.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee.

Mr. DODD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DODD. May I make a parliamentary inquiry?

The VICE PRESIDENT. The Senator may make a parliamentary inquiry.

Mr. DODD. I have prepared a speech on this subject, Mr. President, and I had not known about the time limitation.

Mr. GORE. Mr. President, I should like to yield 5 minutes to the Senator.

The VICE PRESIDENT The Senator from Tennessee yields 5 minutes to the Senator from Connecticut.

Mr. WILLIAMS of Delaware. Reserving the right to object, I call the attention of the Senator from Tennessee——

Mr. GORE. Mr. President——

Mr. WILLIAMS of Delaware. I would be glad to yield time to the Senator from Connecticut after this vote.

Mr. GORE. Mr. President, this procedure was in response to the request of several Senators who have urgency to depart.

I ask unanimous consent that the Senator's speech may be inserted at this point in the RECORD as though read, and I yield back the remainder of my time.

Mr. DODD. I am grateful to the Senator from Tennessee.

The VICE PRESIDENT. Without objection, the speech of the Senator from Connecticut will be printed at this point in the RECORD as though delivered by him.

Mr. DODD. Mr. President, the means of achieving this new day in America are at hand. They are at hand in the form of the bill passed just last October by Congress and signed into law by the President last November. It is the Presidential Election Campaign Fund Act of 1966 which, thanks to the herculean efforts of the majority whip, has come to be known as the Long Act.

The Long Act, for the first time in the history of this country, provides Government funds obtained from the Nation's taxpayers to pay for the many and ever-mounting expenses of presidential campaigns.

It provides funds on an equitable basis without regard for the personal wealth or personal property of the candidates.

Under this act, moreover, a candidate for President will have available to him a campaign fund without a single special interest string attached to it.

The money is the candidate's to use as efficiently and effectively as he can, as long as he spends the money for the proper expenses of a presidential campaign as determined by the Comptroller General.

I am confident that this legislation, if given a chance, will demonstrate its effectiveness and its advantages. And after its virtues have been proven to everyone's satisfaction, I am hopeful that it will be extended to cover congressional campaigns as well.

For the sake of all future congressional candidates, I hope this will come to pass in the not too distant future. I suppose I can speak as an "expert" on this particular topic, because of the very trying ordeal I am currently undergoing. I would like to say a few words about this ordeal, because I think it has a direct bearing on the matter.

I am one of the many Congressmen who have come from the Main Street of America, climbing up the hard way to become the people's representative in this most illustrious body.

Some of my critics will now say my remarks are "self-serving."

I cannot control what they say.

But, I know that most of my colleagues and most of those who aspire to the office of U.S. Senator, and come from "Main Street, America," will have to pass through much the same experience as I did. Like me, they will have to depend on the little people to make it possible to finance both a successful campaign for the nomination and a successful campaign for office.

The dream of every American boy is that he can become a U.S. Senator or Congressman—yes, even President.

As a young boy, I remember that candidates for a public office only had to appear at political meetings in front of the city hall, or Federal building, or court building.

But times have changed. Television, radio, newspaper advertising, brochures, research aids, have changed the entire system of American electioneering.

This is a serious problem that must be faced by all those who do not have the personal means of financing their campaigns.

I am proud to be a U.S. Senator. In order to repay the costs of achieving office and the costs of maintaining office, I have been obliged to accept the assistance of my friends and supporters, through a series of testimonials they organized in my behalf. I have done nothing of which I am ashamed. My conscience is clear, but the record has unfortunately been distorted by two unscrupulous journalists, aided by a few ex-employees who burglarized my office in conspiracy with the journalists.

As a result of these distortions I have been vilified both here and abroad. The Communist propaganda apparatus has, in fact, had a field day with the so-called Dodd case, on the one hand using it to argue that anticommunism is evil, on the other hand using it to smear the image of the U.S. Senate.

These attacks and disortions have also penalized many of the respected citizens who had given me their support by contributing either to my campaign fund or to my testimonial fund. I say that it does not help the democratic process but discourages it when good friends and patriotic citizens who help us to be nominated and then help us to be elected, have their names and reputations smeared, as has happened in the case of my friends.

After one unsuccessful campaign and a second campaign which ended successfully, I entered the Senate heavily laden with political debts. My friends were good enough to organize several testimonial dinners in order to free me from this constant harassment of debt and in order to help me meet my recurring costs of political office.

I am sure that other Senators have also taken office with a heavy burden of political debts. Elected officials must have some way of discharging such obligations. As matters now stand, the problem that confronts them is how to raise the necessary money. They have the option of turning to their wealthy friends or to big businessmen in their constituency—or else of raising the necessary funds through testimonials. It is probably easier to raise funds by accepting a small number of large contributions. But testimonials, by their very nature, have the advantage of limiting the size of the maximum contribution and broadening the base of political support.

If the Long Act is ever extended to congressional campaigns and if some means can be found to help Members of Congress to meet the annual costs of office, the testimonial function could become a thing of the past—and that would be all for the better.

I would be pleased to see the testimonials fall into disuse, though they are not the evil some sections of the press make them out to be. But before the testimonials can be abandoned, we must devise other ways to broaden the base of political contributions and encourage more Americans to share the cost of electing our Government officials.

I can think of no better way to achieve this than to continue the Long Act as law and to work to improve it, as the majority whip has promised he will do.

Last week the Long Act was criticized on the grounds that a presidential candidate with large sums at his disposal would be able to bypass State organizations if he so chose and set up his own local organization.

This may or may not become a problem; only time and experience can tell us for sure. But every plan or system devised by human beings, no matter how meritorious, has its flaws and shortcomings. The Long Act is no exception. The real point is that the good which will flow from this measure will far outweigh the total of all its weaknesses. The good is something which we simply cannot afford to be without any longer; we have been without it much too long already.

The Long Act will broaden the base of campaign funding so that it embraces the great majority of our citizens.

By its simplicity, it will eliminate some of the worst abuses of campaign fundraising.

It will free both the officeholder and the contender from the burden of soliciting funds, so that they can focus more attention on the major issues of domestic and foreign policy.

It will eliminate the inequity that at present exists between the wealthy candidate and the candidate of limited means, so that the public will be able to make its choice on the basis of merit alone.

It will reverse the growing trend toward a government of the wealthy and bring us back to the Jeffersonian ideal of a government of the people.

For all of these reasons, I urge my colleagues to oppose the repeal of the Long Act. If they find it imperfect in certain respects, my reply is that it is only a beginning—but a beginning which must not be abandoned. Our problem is to amend the act in a manner designed to make it an even more effective protector of the principle of political equality.

If my own case has helped to bring this important issue into the proper perspective, then I at least will have the one consolation, that all the abuse and sensational exploitation was worthwhile—and I am glad to have paid the price—and, for the time being, to be the "scapegoat."

But, I believe that the final jury in my matter will be the people of my State, which I have tried to serve to the best of my ability with honor and self-respect.

Finally, I must say I think it is a sad day for the Senate when a Member cannot be given a few additional minutes to complete his speech.

In the entire history of the Senate there are not many examples of this kind of discourtesy and unkindness.

I want particularly to thank the Senator from Tennessee for his courteous and generous offer to allow me a few minutes of his time to conclude my remarks.

Mr. SPONG. Mr. President, the Senate has been debating for a number of days an amendment to repeal the Presidential Election Campaign Fund Act of 1966. It has been an illuminating debate. Senators of long political experience, and those with great knowledge of national campaigns have discussed with concern the problem of the mounting costs of running for public office. While there have been conflicts about how this serious problem should be solved and about the particular solution set forth by the Presidential Election Campaign Fund Act of 1966, there has been universal agreement that the current practices surrounding the financing of campaigns, presidential and otherwise, are a serious defect in our political system. Everyone seems to agree that something must be done to insure that capable men can be elected to office without the prerequisite of independent wealth or without being forced to seek large sums from those who will have a special interest in decisions to be made by a candidate when he becomes an officeholder.

Being newly elected, mine is a fresh recollection of the difficulties, embarrassments and potential temptations involved in raising funds to finance political campaigns. In campaign speeches I have stated my belief that the laws covering campaign financing should be reformed and that additional private as well as public sources of campaign financing should be developed.

I stated then, as I believe now, that one of the best guarantees against special interest domination of a candidate is disclosure. The voters should know before they vote on election day as much as is practicable about the amounts and sources of contributions to a candidate's campaign. The voters should also know whether any candidate is beholden exclusively or largely to an individual or group.

Congress should encourage the development of a broad base of financial support for political campaigns through an indirect Federal subsidy in the form of a deduction up to a certain amount for income tax purposes for political contributions. The legislation before Congress last year which allowed a deduction up to $100 was worthy of passage. I believe this is a logical way to provide funds for political campaigns, with the donor having a choice of making his contribution, or contributions, to a local, State or national committee, to a candidate, or to any political party.

Another alternative to political financing by a few large contributors is that of direct Federal grants for political campaigns. This is the approach taken by the Presidential Election Campaign Fund Act of 1966. Last year, during the fall campaign when this plan was before the 89th Congress, I expressed reservations about the act, as adopted. The debate on the floor of the Senate in recent days has confirmed my doubts about the Presidential Election Campaign Fund Act of 1966 and I intend to vote to repeal this legislation.

My objections to the Presidential Election Campaign Fund Act of 1966 as enacted do not relate to its purposes, for I agree that we must find a means to take the financing of our presidential campaigns, and others as well, out of the hands of the relatively small groups of wealthy and interested individuals and organizations that are now meeting this responsibility. I agree also that we should develop a system of campaign financing that will allow a man of ordinary means to run for high office, without facing the problem of making commitments that run counter to his conscience in order to obtain financial backing.

My concern with this legislation lies with its specific provisions, or lack of them, its narrow approach to election law reform, and its potential impact on our political system.

First, the legislation as it stands on the books is vague and loosely drawn. It proposes to give $30 million to the chairman of each major political party while setting forth almost no regulation and limitation on the manner in which the money can be spent. Amendments have been offered in the Senate which will, to a degree, cure some of these faults and I have supported some of these. Nevertheless, legislation of this importance should not be enacted piecemeal on the floor of the Senate. Thorough study by the proper committee is the proven method.

Second, I am opposed to the Presidential Election Campaign Fund Act of 1966 because it takes a narrow approach to election law reform. It provides tremendous amounts of money for presidential campaigns without touching the many problems existing under our current election laws. For example, it does not deal with the inadequate provisions providing for limitations on campaign spending or for reporting of campaign fundraising and expenditure which exist in our current election laws. Also it does not deal in any way with the more pressing problem of financing elections at levels other than national.

Some have called the act a first step in the reform of our election laws. However, I fear that this may be the last rather than the first step in the effort to enact a comprehensive reform of our election laws. I am afraid, as other Senators have suggested, that if public funds are made available for campaign expenses before basic reforms are enacted there will simply be no basic reforms.

Third, I am opposed to the Presidential Election Campaign Fund Act of 1966 because of its potential impact on our political system. Our national political parties are, and always have been, confederations of our State and local parties. The national parties have always had to be responsive to the interests, concerns and leadership of our local and State parties, and because of this, our whole political system has been more alive to the needs and wishes of our people.

By giving massive and unregulated amounts of Federal funds to the chairmen of our national parties, the Presidential Election Campaign Fund Act of 1966 would insulate our national parties from local control and influence. It would allow the national political leadership to intervene in a massive and effective way in local campaigns. It would eventually bring us to a system of strong national parties having the power to influence elections across the country and the ability to exercise discipline against those in their ranks who are in opposition. I do not believe that these are developments to be desired.

The Senate should repeal the Presidential Election Campaign Fund Act of 1966 and then proceed to develop comprehensive election law reform legislation as quickly as possible. Thorough and extensive committee hearings should be held to consider all of the possibilities for providing public campaign financing and for broadening the base of private contributions. Ways also should be explored to tighten our current laws to provide for more effective reporting and preelection disclosure of campaign financing.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia (when his name was called). On this vote the junior Senator from Montana [Mr. METCALF] is in the hospital but was prepared to come here against doctors' orders. Under the circumstances I pair with the junior Senator from Montana. If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea." I withhold my vote.

Mr. MORTON (when his name was called). On this vote I have a live pair with the Senator from Texas [Mr. TOWER]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Vermont [Mr. AIKEN]. If

he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Arizona [Mr. HAYDEN], and the Senator from Georgia [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. METCALF], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Texas [Mr. YARBOROUGH] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business, and his pair has been previously announced.

The Senator from Texas [Mr. TOWER] is necessarily absent, and his pair has been previously announced.

The result was announced—yeas 48, nays 42, as follows:

[No. 74 Leg.]

YEAS—48

Allott	Fong	Miller
Baker	Fulbright	Monroney
Bennett	Gore	Morse
Boggs	Griffin	Mundt
Brooke	Hansen	Murphy
Carlson	Hatfield	Pearson
Case	Hickenlooper	Percy
Church	Hill	Prouty
Clark	Hruska	Scott
Cooper	Javits	Smith
Cotton	Jordan, Idaho	Sparkman
Curtis	Kennedy, Mass.	Spong
Dirksen	Kennedy, N.Y.	Symington
Dominick	Kuchel	Thurmond
Ervin	Lausche	Williams, Del.
Fannin	McClellan	Young, N. Dak.

NAYS—42

Anderson	Hartke	Moss
Bartlett	Holland	Muskie
Bayh	Hollings	Nelson
Bible	Inouye	Pastore
Brewster	Jackson	Pell
Burdick	Jordan, N.C.	Proxmire
Byrd, W. Va.	Long, Mo.	Randolph
Cannon	Long, La.	Ribicoff
Dodd	Magnuson	Smathers
Eastland	McGee	Stennis
Ellender	McGovern	Talmadge
Gruening	McIntyre	Tydings
Harris	Mondale	Williams, N.J.
Hart	Montoya	Young, Ohio

NOT VOTING—10

Aiken	McCarthy	Tower
Byrd, Va.	Metcalf	Yarborough
Hayden	Morton	
Mansfield	Russell	

So the Gore-Williams amendment, to the amendment of Mr. WILLIAMS of Delaware, was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

Mr. GORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President——

The VICE PRESIDENT. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent to withdraw——

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Senate will please be in order. Attachés will please find seats or leave the Chamber. Attachés not having business on the floor will please depart from the Chamber. The Senate will not proceed until attachés have found seats or have left the Chamber.

The Senator from Tennessee may proceed.

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

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

Mr. GORE. Mr. President, the issue of repeal now having been finally decided decisively by the Senate, the issue reverts upon the substitute amendment which I had earlier offered. After conferring with the distinguished chairman of the committee, and with his assent, I ask unanimous consent that the substitute amendment offered by myself and the Senator from Delaware be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Would the Senator from Tennessee kindly indicate where that leaves us, parliamentarywise?

Mr. GORE. It leaves the Williams amendment, as amended, the business now before the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the substitute amendment is withdrawn.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. SMATHERS. What is the Williams amendment now, as amended?

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, I shall be glad to explain what the amendment provides.

Mr. SMATHERS. I yield.

Mr. WILLIAMS of Delaware. The Senate has now voted to repeal the Presidential Campaign Fund Act of 1966 as of July 1, 1967. In addition to that, there are certain other amendments such as amendments to the Corrupt Practices Act, which is and which will remain permanent law. Of course, the Ribicoff amendment and the Tydings amendment have been accepted, to amend the Presidential Campaign Fund Act. These amendments would be effective in the act until July 1, of this year, at which time it would all be repealed.

Thus, I feel that the issue has been settled, as the Senator from Tennessee just pointed out. Therefore, we could go ahead and adopt the proposal, inasmuch as the Senate has indicated its will. So far as I am concerned we could approve the Williams amendment as modified now by the Gore amendment, recently adopted, and do it by a voice vote, and then proceed to other amendments today and tomorrow and get the bill on the road.

Mr. LONG of Louisiana. Mr. President, let me make it clear that I have no objection to the Senator's withdrawing his amendment. The Senator can, of course, reoffer it if he withdraws it, as I understand, in any event. I have no objection to that, if that should be the case.

However, I wish it to be understood that I do not feel that I prejudice my rights or that the Senator prejudices his. I am frank to say that there were a number of absentees who did not vote on the last vote, and also a number of Senators who did not quite understand what they were voting on.

Of course, I accept the verdict of that vote as being the will of the Senate at this time. But this is a big issue, Mr. President, and I would like to have it understood that I do not intend for the Senator to prejudice himself and, likewise, I do not intend to prejudice myself. If the Senator withdraws his amendment, he can always reoffer it, if he wants to.

In other words, Mr. President, there is no deal. I want that understood.

The PRESIDING OFFICER. The question is on agreeing to the Williams amendment as modified and amended.

Mr. WILLIAMS of Delaware. Mr. President, I yield back——

The PRESIDING OFFICER. Who yields back time?

Mr. WILLIAMS of Delaware. Mr. President, I have no objection. We can vote by a voice vote now or have a roll-call vote, either way.

Mr. LONG of Louisiana. Mr. President, I am willing to agree to have a voice vote on this matter. I know what my parliamentary rights are.

Mr. WILLIAMS of Delaware. I know. They will not be jeopardized. I ask this merely to save time and vote on agreeing to the Williams amendment as modified and amended and then proceed, if that is all right with the Senator from Louisiana. I would be willing to yield back the remainder of my time.

Mr. LONG of Louisiana. Mr. President, I am willing to vote now by a voice vote——

Mr. WILLIAMS of Delaware. All right.

Mr. LONG of Louisiana. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS of Delaware. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on the Williams amendment as modified and amended.

The amendment, as modified and amended, was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN and Mr. GORE made a motion to lay on the table the motion to reconsider the vote.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, let me make it clear that, so far as I am concerned, I reserve my rights under

the parliamentary situation, and I know what they are. After I reach absent Senators and talk to them, I reserve the right to fight this battle over again. It is a right that any Senator has.

All Senators have their rights under the rules, and I do not foreclose them from exercising them. They have the right to change their minds, if they want to, or they have the right not to change their minds, if they do not want to. At any rate, I reserve my rights. This is a big issue. It is something we will all hear more about before the bill is passed. As far as I am concerned, we will go on to the next matter now.

I would like to ask if there are other amendments that Senators have to offer to the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, the Senator who wanted to offer an amendment is not present. 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; and before the Chair recognizes the distinguished Senator from Wisconsin [Mr. PROXMIRE] to offer an amendment, I would like to have the attention of the Senate.

The PRESIDING OFFICER. Is there objection to rescinding the order for the quorum call? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that there will be one or two amendments offered this afternoon. Whether or not there will be rollcalls on them, I am not prepared to say; but, to the best of my knowledge, it would appear that there could be further votes today. In any event, votes are anticipated tomorrow. We do not intend to stay in session much longer tonight and only will consider these one or two amendments. I would just like to put the Senate on notice of the vote possibility for the remainder of today, and of that very strong possibility for tomorrow.

The Senate will convene at 10 o'clock tomorrow morning, at which time the distinguished senior Senator from Louisiana [Mr. ELLENDER] is to be recognized for not to exceed 2 hours. Then there will be a period for routine morning business, followed by consideration of the unfinished business.

Mr. PROXMIRE. Mr. President, I call up my amendment. I ask unanimous consent that the reading of the amendment be dispensed with. This is an amendment which I think can properly be classified as a technical amendment.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

Mr. PROXMIRE's amendment (No. 147) is as follows:

Renumber section 4 of the bill as section 5 and insert after section 3 thereof the following new section:

"SEC. 4. (a) section 46(b)(3) of the Internal Revenue Code of 1954 (relating to the effect of net operating loss carryback) is repealed.

"(b) The second sentence of section 6411 (a) of such Code (relating to tentative carryback adjustments) is amended by striking out "12 months from the end of such taxable year," and inserting in lieu thereof "12 months from the end of such taxable year (or in the case of a portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year),".

"(c) Section 6501(j) of such Code (relating to limitations on assessment in the case of investment credit carrybacks) is amended by striking out "assessed." and inserting in lieu thereof "assessed, or, with respect to the portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent year, at any time before the expiration of the period within which a deficiency for such subsequent year may be assessed."

"(d) The first sentence of section 6511(d)(4)(A) of such Code (relating to special period of limitations on refunds with respect to investment credit carrybacks) is amended by striking out "such carryback," and inserting in lieu thereof "such carryback (or, in the case of a portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, the period shall be that period which ends with the expiration of the 15th day of the 40th month, or 39th month in the case of a corporation, following the end of the such subsequent taxable year),".

"(e) Section 6611(f)(2) of such Code (relating to interest on refund overpayments) is amended by striking out "arises." and inserting in lieu thereof "arises, or in the case of a portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, such overpayment shall be deemed not to have been made prior to the close of such subsequent taxable year."

"(f) The amendments made by this section shall be effective with respect to net operating losses occurring in taxable years ending after the date of enactment."

Mr. PROXMIRE. Mr. President, this is an amendment which corrects what I think is an inequity in the law, due to the interaction of the carryback of the net operating loss and the carryback of the investment credit.

This amendment provides, in effect, that the investment for a firm—which subsequently lost a substantial amount of money and, therefore, had a net operating loss carryback—will not have its investment credit, in the year to which the loss is carried, be wiped out. Under the present law it would be wiped out because an investment credit carryback is not available now for an investment which cannot be used in a year because of a net operating loss to that year.

To give an example, if a firm had taken its investment credit in 1965, and in 1967 it suffers a substantial loss, it then carries the loss back to 1965, and that loss wipes out the investment credit for 1965 and under present law in such a case the investment cannot be carried back and used in an earlier year. Had there been no income in 1965 in the first place the investment credit could have been carried back to 1962. This amendment permits the investment credit to be carried back to 1962 where its disallowance in 1965 results from a net operating loss carryback. Frankly, for firms which are in difficulty and need help to invest and expand in order to stay alive, this particular provision will be enormously helpful.

It is my understanding that there is no opposition by the Treasury to this amendment in principle although I do not know the Treasury position as to its addition on this bill. The amendment has been carefully studied by the staff available to the Committee on Finance, and I hope that the distinguished Senator from Louisiana can accept the amendment.

Mr. LONG of Louisiana. Mr. President, I have no objection to the amendment. The Senator discussed it with me. I have not had an opportunity to discuss it with the other members of the committee, however, and cannot speak for them.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. I cannot speak for the other members on our side, but I have examined the amendment and have no objection to it myself. I understand likewise that the Treasury Department does not object to the principle involved in the amendment. It does correct a technical inequity in the law, and I have no objection to its being accepted.

Mr. PROXMIRE. I thank the distinguished Senator from Delaware and the distinguished chairman of the Committee on Finance.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

THE RAILROAD INDUSTRY NEGOTIATIONS

Mr. MORSE. Mr. President, the threat of one national catastrophe has been averted by the action of Truck Employers, Inc., in calling off its lockout and bargaining out a contract with the Teamsters. Much of the credit in this story of successful collective bargaining lies with Teamster Vice President Fitzsimmons. He refused to be panicked into calling a nationwide strike or taking retaliatory action when provoked. Truck Employers, Inc., also deserve credit for their willingness to bargain even when they hoped—and had reason to expect—that governmental action would take them off the hook. Most of all, the President, the Secretary of Labor, the Attorney General, and their staffs deserve great credit for restraint, and for allowing the parties to solve their own problems. This is collective bargaining at its best.

The railroad industry and its six shopcraft unions are faced with a similar opportunity. It would be well for them to look to the trucking industry and follow its lead. Bargaining is possible if men of good will sit down together. The 20-day period which we have given to the railroad industry should be utilized by the parties to solve their problems.

As I indicated on the floor on Tuesday when we took up Senate Joint Resolution 65, the parties have assured us that they

will bargain together. They have the benefit of the report of the Emergency Board No. 169 as a starting point and the President has appointed as special mediators Judge Fahy and Professors Taylor and Dunlop. These three men with their vast knowledge and experience in collective bargaining and the problems of both labor and the industry should be able to help the parties to solve their differences.

A week from Monday, the Committee on Labor and Public Welfare expects to hear from the parties. If necessary, we shall ask them what progress they have made toward resolving their differences. But better yet would be the news from them that they have reached an agreement and will sign a contract.

It should be obvious to the parties to the dispute that the fact that the carriers have negotiated a settlement with unions representing a large percentage of railroad labor does not in and of itself justify applying the same settlement on a percentage basis to the six craft unions that did not participate in negotiating settlements already agreed to by other unions in the railroad industry. Any such contention denies in fact true collective bargaining to the six craft unions involved in this dispute. The merits of the issues in dispute related to the evidence involved in connection with each issue should be the basis of any collective bargaining agreement settling this dispute rather than the contention that because other unions have agreed to a given percentage increase of their previous rates of pay and other benefits, therefore these six craft unions should accept the same percentage increase.

Mr. President, I am surprised at the degree to which this case has been tried in the newspapers. The newspaper editors have handed down their decision, obviously, without any knowledge of the facts that are involved in this complicated case. Editorial after editorial and commentator after commentator have taken the position that because there has been a 5-percent settlement by unions representing some 70 percent of the workers in the railroad industry, therefore it just stands to reason that the 5 percent ought to be applied to the six craft unions.

Maybe so. But only if the evidence supports it, Mr. President. In the Committee on Labor and Public Welfare the other day, when we had the representatives of the carriers and the representatives of the union there, this very point was made.

The question was raised as to whether there has been a lag or gap between these six craft unions and the other unions. If, as is alleged to be true, there has been a long prevailing gap which has been narrowing from collective bargaining period to collective bargaining period, then the issue has to be faced up to as to whether or not the evidence will support a further narrowing of that gap.

Mr. President, if that be true, then this assumption the editors and the commentators are making, that because there has been a 5-percent settlement for some 70 percent of the workers in the railway industry, 5 percent should be laid down for the six crafts, is unwarranted.

Furthermore, I repeat that if we ever start on that major premise for the settlement of labor disputes within a nationwide industry, such as the railway industry is, then those unions which are not involved in the original collective bargaining negotiation settlements have their bargaining done for them by parties that do not represent them. They will be bound by a settlement in regard to which they had no voice whatsoever. That is not within the meaning of normal collective bargaining.

So I raise this word of caution this afternoon to those who have been taking the position that these six craft unions, in fact, have nothing to bargain about, because there has been a 5-percent settlement for 70 percent of the workers and therefore they ought to go along with the 5 percent. I have arbitrated and mediated too many cases, running into the scores, in my 32 years of experience in settling labor disputes, not to raise this warning on the floor of the Senate today.

I do not know what the facts will show, but I know that they will be considered by a mediation board which, in my judgment, could not have a peer by way of appointment in this country, and I commend the President of the United States for appointing Judge Fahy, George Taylor, and John Dunlap to be the Special Mediation Board to bring these parties around a collective bargaining table for good faith collective bargaining.

RAIL SETTLEMENT SHOULD BE BARGAINED, NOT IMPOSED

Mr. President, I am aware that the railroad industry feels that compulsory arbitration is the answer to their problems. Their chief spokesman has been saying so for quite some time. There is no question about the fact that that is what they would like to have if they could not get a settlement in this case. But I do not believe that they are correct in their assumptions. Collective bargaining is the basis upon which this great country has avoided the class struggles which have plagued most of the rest of the world. If we are to embrace the system of bargaining by governmental fiat, and I for one believe that that would be a disaster, let us not do it in haste and crisis, but after long and careful deliberation.

The railroad industry is already regulated in its rates and service. If it becomes regulated in its wages and other working conditions, little will remain that can be called private industry at work in rail transportation.

The Teamsters and the trucking industry have proven the value and worth of true collective bargaining. It is now up to the railroad industry and its unions to demonstrate that they, too, are capable of solving their problems together. If they fail, and we pray they will not, we must all be aware that their failure is their own and not that of the system of collective bargaining as it is practiced in the United States. Collective bargaining in the railroad industry lies in their hands—and it should remain there.

I make a plea this afternoon to the carriers and to the major unions to sit down at a collective bargaining and mediation table and work out, in the period of time that the resolution has allowed them to work out, a collective bargaining agreement that will help preserve true collective bargaining in this country that is vital to the preservation of economic freedom for both management and labor.

Mr. President, I ask unanimous consent to have printed in the RECORD articles from the New York Times and the Washington Post of today which discuss the success in the trucking industry and the dangers ahead for the railroad industry, its employees, and the country.

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

[From the New York Times, Apr. 13, 1967]

CONGRESS AND STRIKES: RAIL DISPUTE HEIGHTENS THE PRESSURE FOR LEGISLATION TO CHECK WALKOUTS

(By David R. Jones)

WASHINGTON, April 12.—No one familiar with the facts believes that President Johnson's decision today to delay a nationwide rail strike for 20 days has done anything more than postpone a tough decision until he returns from Uruguay.

Observers of the contract deadlock between six shopcraft unions and the nation's railroads are convinced that the President and Congress will have another strike crisis in their laps by May 3 despite the efforts of a three-member special mediation panel named today.

Mr. Johnson, hailing Congressional passage of his bill to delay the strike, warned yesterday that Congress would have to act again if no settlement was negotiated. This indicated that the President has no intention of tolerating a railroad walkout and removed any pressure the companies might have felt to raise their offer to avoid one.

The implications of the railroad controversy go far beyond the issues of this case. Congress has been called upon twice in the last year to bail the nation out of a major transportation snarl.

This has generated calls for a new antistrike law, and the pressure may become overwhelming if Congress faces the issue once more in less than a month.

Congress is getting tired of assuming the responsibility for resolving labor disputes and all the political liabilities that go with it. What many Congressmen want is a general antistrike law that will resolve these disputes before they reach Capitol Hill.

President Johnson promised 15 months ago to propose a bill to block emergency strikes, but he has not done so. Late last year he quietly set up a study group to make suggestions, but he has never made them public.

With the rail strike threat hovering, Mr. Johnson is being harassed more than ever before to act. Congress nearly passed a bill last year to end the airline strike, and there is reason to believe that the more conservative 90th Congress would need little provocation to pass a broad antistrike law this year even if the President did not suggest one.

Some Johnson detractors say he has refused to propose a bill because he wants to avoid antagonizing organized labor. Others believe he cannot face the issue unless there is a crisis, and then the pressure for a law is so great that a broader measure cannot be considered calmly.

The President's closest advisers say he would like to propose legislation and bury the controversy if he could find something palatable.

"As soon as we have the right answer, we will send it up," one key aide said. "But it's very difficult to find the right answer."

"If you talk to eight different guys on this, you get eight different answers," says one ranking official. "Nobody has a solution."

For all the furor over emergency strikes, Congress has been asked to step into disputes relatively few times. Most industrial disputes are settled successfully under the 80-day "cooling off" period under the Taft-Hartley Act. The severest problems arise in transportation, particularly the maritime industry, the airlines and the railroads.

The airlines and railroads are regulated by the Railway Labor Act, which can delay a strike for 60 days but cannot prevent one indefinitely. Transportation is so important to the nation's lifestream, however, that Congress has increasingly found itself burdened with blocking a work stoppage when the Railway Act expires, as it did this week in the rail case.

There already are bills on Capitol Hill that would arm the Government with compulsory arbitration to end critical disputes. But the Administration and most labor experts believe that such a law would freeze the disputants in their positions, kill collective bargaining and sow so much frustration that it eventually would cause more strife than it prevented.

Most labor authorities express hopes that new machinery—with mediation, fact finding and a flexible variety of Government weapons—might help prevent these strikes. But the central fact remains that unions and companies sometimes are hell-bent for trouble no matter how much talking and cajoling are done.

Dr. John T. Dunlop, the Harvard University labor expert named to the three-man panel in the rail dispute, believes the time is coming when Congress must face the responsibility for settling each labor dispute that threatens the public interest.

Dr. Dunlop is likely to press that view in his study of the current controversy, and there is evidence that some Administration officials would favor the idea.

The nation seems to be moving into a critical period for the future of free collective bargaining. It must decide between the preservation of the right to strike in these key industries and a broad-gauge law so that Congress will be saddled with solving future labor crises. The choice will not be easy.

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

TRUCKING ACCORD GIVES BARGAINING A BOOST

(By Frank C. Porter)

Tenative settlement of the Nation-wide trucking dispute yesterday gave free collective bargaining a boost just at the time it needed it the most.

It also cleared a major obstacle to industrial peace in a year widely anticipated as the most combative and tempestuous in the recent history of labor-management relations.

It helped improve the tarnished image of the International Brotherhood of Teamsters, the country's largest union.

It dispelled the popular conception of Teamsters Acting President Frank E. Fitzsimmons as a stooge for the imprisoned Jimmy Hoffa and gave him status as a labor leader to be reckoned with in his own right.

It won points for President Johnson and Labor Secretary W. Willard Wirtz, who helped speed the settlement by coolly refusing to hit the panic button and to intervene in the dispute. (This was in marked contrast to last year's 42-day airline strike when machinist union members rebuffed their own leaders and Mr. Johnson by voting down a White House-mediated settlement, prolonging the walkout another three weeks.)

And it added to the stature of the Federal Mediation and Conciliation Service, the hard-working and little-recognized agency that often stands as the last bulwark against the legislated compulsion that would put free bargaining in a straitjacket.

BLEARY-EYED BUT BEAMING

William E. Simkin, director of the independent FMCS, and Walter A. Maggiolo, the Service's disputes director, who had been mediating the discussions for days, were bleary-eyed but beaming when agreement came at 1 a.m. yesterday.

Simkin said he had nothing but "the highest praise and admiration for the kind of negotiations by the Teamsters and Trucking Employers, Inc. (TEI). . . . There was no Government domination. The parties reached their own agreement."

The settlement is not final. It must be ratified by policy committees of both sides meeting Thursday and Friday and then approved by the 450,000 Teamster members affected weekend after next. But Fitzsimmons said yesterday that he foresees little difficulty on ratification.

Meanwhile, trucks idled by TEI's Sunday morning lockout of its employees in response to earlier and scattered Teamster strikes, began rolling shortly after TEI's board of directors gave a preliminary okay to the agreement in a three-hour meeting at 4:15 a.m.

The impact of the three-day shutdown—which TEI claimed halted 65 per cent of the country's licensed over-the-road traffic but which the Teamsters insist probably affected less than 15 per cent of the Nation's total freight—was spotty.

Among the worst hit was the automobile industry, where lack of truck-transported parts idled an estimated 24,000 workers. Other industries shifted to railroad service and there were a few reports of food stores running out of some items.

Such dislocations, however, were expected yesterday to disappear within a few days as the trucks get back into service except in Chicago where an unrelated trucking dispute still tied up much of the area's commerce.

LOCKOUT QUESTION

One unanswered—and perhaps unanswerable—question is what the employers hoped to gain from their lockout, which many neutrals considered unjustified by the minor, localized strikes that preceded it.

The companies openly invited the Administration to seek a Taft-Hartley injunction to forestall the national emergency they said their lockout would create. This would have given them another 80 days in which to wear down the Teamster negotiators, who desperately wanted a contract without a strike, and to get a favorable settlement.

Lacking this at the end of the cooling-off period, when the temper of rank-and-file Teamsters might have forced their leadership into a strike, TEI could then have branded the dispute as insoluble and asked the Administration and Congress for a compulsory arbitration law, which many segments of the transport industry favor.

But what would have been the disposition of Congress since management, not the union, had shut down the industry? And if a congressional settlement was TEI's objective, why did it continue bargaining so conscientiously with the Teamsters?

Whatever the answers to these questions, the private settlement reached yesterday takes some of the pressure off Capitol Hill to pass one or more of the many pending bills that would severely circumscribe labor and management's rights to settle their own disputes.

The best guess is that the 20-day moratorium in the threatened railroad strike will expire on May 3 with the dispute tossed right back in Congress's lap. Had the trucking fight wound up there too, it would have made it that much more difficult for the House and Senate to resist the emotionally charged cry for compulsory arbitration, which is anathema to all of labor and most of business.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. MORSE. Mr. President, if I may have the attention of the chairman of the committee who is in charge of the pending bill, I wish to ask him a question about a problem that has been raised with me by two constituent firms.

It may be, because I have been engaged in committee hearings, that the issue I raise has already been discussed by the chairman of the committee. If it has, he can tell me so.

The Senate committee report states that one reason it did not allow the same retroactivity as in the House bill on the investment credit was that it would be unfair to those who postponed construction during the suspension period.

I have had representations made to me by the Northwest Natural Gas Co. set forth in a wire which I shall use in a moment, which points out that not allowing it would be unfair to those whose construction could not be postponed.

They had no choice in the matter. They had to go ahead with the construction.

In answering this constituent I said that I would take up the problem with the chairman of the committee during the course of the debate and get an answer from the Senator from Louisiana. However, before I do that, I want to read the wire I received.

This is the telegram I received under date of March 31, 1967, from Francis F. Hill, president of the Northwest Natural Gas Co. of Portland, Oreg.

It reads as follows:

HON. WAYNE MORSE:

Re: H.R. 6950—restoration of investment tax credit and allowance of accelerated depreciation. We are advised that H.R. 6950, previously passed by House of Representatives, was reported out by the Senate Committee on Finance on March 21, 1967, with an amendment. We believe the bill as amended by the Senate Committee would discriminate against taxpayers who were not in a position to postpone projects started prior to or scheduled to commence after suspension of the investment tax credit. Such taxpayers would be deprived of the benefits of the credit on investments made in such projects during the period of suspension, and also on the investments required to complete such projects following restoration of the credit.

On the other hand, taxpayers who were able to postpone projects may proceed therewith following restoration of the credit and obtain the full benefit thereof.

Northwest Natural Gas Company presently is constructing a $3.5 million liquefied natural gas plant in Portland, Oregon. Planning for this project began more than a year prior to suspension of the credit when the company determined that in order to fulfill its responsibilities to its firm gas customers in Oregon and Washington, additional facilities were necessary to meet the increasing peak requirement of such customers during the winter heating season. Engineering consultants were employed and feasibility

studies made. Such studies contemplated the availability of the credit. Plans and specifications for the plant were prepared, clearing of the site commenced and proposals for construction put out for bids, all prior to suspension of the credit in October, 1966. To be of value for the purpose intended, it was essential that the plant be completed by May, 1968, for use during the 1968–69 heating season. The project therefore could not be postponed and construction of the plant was started on November 1, 1966. During the period October 10, 1966, to March 9, 1967, the company expended approximately $300,000 on this project. It will be required to expend approximately $3.2 million in completing the project subsequent to March 9, 1967.

You can readily see the inequitable results that would impose on our company and other taxpayers similarly situated. We respectfully urge your support of the bill as passed by the House of Representatives.

FRANCIS F. HILL,
President,
Northwest Natural Gas Co.

PORTLAND, OREG.

I have one other request. This comes from the Northwest Airlines, a major firm doing business in a regulated industry.

Northwest Airlines is committed to supply certain planes. In order to meet the requirements of adequate service to the public it entered into contracts for planes to be constructed and delivered in the future. However, the denial of the tax benefit, in its judgment, works a great hardship upon the company. And it certainly does as far as Northwest's financial outlay is concerned.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement of Northwest Airlines outlining its situation on the suspension of the investment tax credit.

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

NORTHWEST AIRLINES SITUATION RE SUSPENSION OF INVESTMENT TAX CREDIT

In December 1966, it became clear Northwest was confronted with the necessity of obtaining additional jet equipment for use in the last half of 1968 and 1969, without which it could not hope to continue to provide adequate service to the public. Because of the long lead time required for aircraft, Northwest could not wait until after January 1, 1968, to order aircraft and hope for delivery in 1968 or early 1969.

At the time Northwest clearly could not anticipate the termination of the suspension period as early as March 1967 only *five* months after it began. Northwest, therefore, had no practical alternative but to order the minimum number of planes clearly necessary to meet its requirements. Therefore, it ordered from Boeing five 707–320C jets at a total cost of approximately $36,240,000. It paid down advance payments of $1,268,428.

The first of these planes was scheduled to be delivered by June 1968 (a year and a half later), and construction of even the first such plane thereof could not be expected to commence until the middle of 1967. No part of the construction of these planes by Boeing was in fact commenced during the abbreviated suspension period and will not start for many months.

The Senate Committee's proposal would result in Northwest losing its entire credit on these planes when delivered from months to over a year beyond even the original date for termination of the suspension. Competing carriers will be in a position from March 10 (months before they could reasonably have expected to) to order like planes for delivery in 1968 and 1969, and to obtain the benefit of the full credit thereon. This discrimination is not needed to accomplish the declared purpose of the suspension of dampening the inflationary pressures.

Northwest, therefore, urges that the House bill be accepted. Northwest would, however, be perfectly prepared to accept a modified provision, which denied the credit to any investment in equipment made pursuant to orders placed in the abbreviated suspension period. This would mean loss of the credit on the $1,268,000 in advance payments to Boeing. But to deny it the entire credit of $507,000 on each plane as the Senate bill would do, imposes an unfair discrimination compared with competing airlines which from March 10, 1967 on can order for delivery in 1968.

Mr. MORSE. In addition, Northwest Airlines supplied an excellent statement in support of its position favoring the retroactivity feature of the House bill on investment credit. I ask unanimous consent that this statement be printed in the RECORD at this point.

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

STATEMENT RE POSITION THAT SUSPENSION PERIOD ORDERS SHOULD NOT RECEIVE INVESTMENT TAX CREDIT IF ITEMS ACQUIRED AFTER MARCH 9, 1967

The suspension period will have lasted only five months. It is the Administration position that the suspension law has fully served its purpose and that it was not a revenue measure. Accordingly, there is no basis in equity or any other reasons for keeping the suspension period alive for items acquired in later months or years. The Investment Tax Credit should be restored as fully and effectively as possible as the permanent legislation it was intended to be, now that the suspension period has served its purpose. Since the suspension law was not a revenue measure and the Treasury has stated that early repeal was always intended, it is now the Treasury, not the taxpayer, that is seeking a windfall.

Any other approach would put a disproportionate and expensive administrative burden on the Treasury to police starting and termination dates for the suspension period, a burden for which there is no public policy justification. To date the Treasury has not even issued the regulations for the beginning of the suspension period—some indication of the difficulties that one date alone has caused so far. Moreover, prolonging the effect of the suspension period as the Treasury desires is an open invitation to tax avoidance and evasion. Legislation should not be drafted to encourage needlessly such practices, and the Treasury should not be in the position of shouldering the heavy and expensive burden of policing them when there is a simple and reasonable way of eliminating the problem entirely.

The point has been made that to allow the credit for items ordered but not delivered during the suspension period would discriminate against those who did not order during that time. Overlooked is the fact that those who did order during the suspension period had no idea that it would be so short and that they would be competing against others who could order as soon as March 1967 and still obtain the credit. This intent to have a very short suspension period—which the Administration now admits it had all along—was carefully concealed. It is unfair discrimination to deny the credit to those who ordered during the five month suspension period span, believing it would last at least until later this year, while granting credit to others who now may order much sooner than they had any right to expect.

The further argument is made that it would be wrong to discriminate against those who ordered and acquired property during the suspension period ban. If this is believed to be a sufficiently serious discrimination, it should be solved by allowing the credit in these cases, too, rather than by escalating the discrimination.

Finally, it is said that the effectiveness of future temporary tax measures might be impaired. This tax law is in a special category, in that it was not a revenue measure. The creditability of the Government with respect to the law is already greatly impaired, first by the suspension itself of a law stated to be permanent when it was first enacted, and then by the concealment of a real intent to end it after a matter of months. It is not responsible Government action to make a virtue of moves that amount to entrapment.

Mr. MORSE. In view of the foregoing, my question to the Senator from Louisiana [Mr. LONG] is this: Has there been any consideration by the Senate of restoring the retroactivity provision contained in the House bill? Is it contemplated that the consideration of an amendment will be forthcoming? If not, the senior Senator from Oregon wants to draft an amendment for the consideration of the Senate. The credit is available to those who made these investments prior to its suspension. It is about to be restored many months before the law of last year contemplated its restoration. It strikes me as a severe inequity to deny retroactivity to those who found it impossible to delay construction, especially those in regulated industries who have responsibilities to customers that cannot be postponed.

Mr. LONG of Louisiana. There is an amendment pending which would accomplish what the Senator seeks.

I would say further that the matter would be in conference in any event.

It was the judgment of the Senate committee that inasmuch as a company knew that it would not get the investment credit when it signed the contract, it would be a windfall to the company to extend the investment credit, since they made the contract or began the construction—no matter how much preliminary work was done before that time—knowing they would not get the investment credit during that period.

Mr. MORSE. That is not my understanding. The gas company put out bids for a contract relying upon the tax benefit, and subsequent thereto legislation was passed which denies them the benefit of it.

Mr. LONG of Louisiana. If they made a binding contract or began construction before October 10, they would get the investment credit. If it were not a binding contract or construction had not begun until October 10, they would not get the investment credit under existing law or under the Finance Committee amendments.

Mr. MORSE. How does that protect a company that has to enter into a contract after the law is passed in order to carry out regulations in regard to supplying, in a regulated industry, certain equipment that they will have to supply? We are assuming now that we repeal the tax benefits. They nevertheless are

going to have to lose because of the fact that they did not get the tax benefit, as they were not in a position to forego entering into the contract for some period of years.

Mr. LONG of Louisiana. I think the best thing we could do under the circumstances would be to ask the staff of the Joint Committee on Internal Revenue and Taxation—the chief of which is standing beside me at this moment—to make a study of the individual case. Perhaps he could advise us much better about it. There will be time since the bill will not pass tonight.

Mr. MORSE. I will not offer the amendment tonight.

Mr. LONG of Louisiana. He could advise the Senator better and with better judgment and perhaps if a change appears desirable we could help the Senator work out an amendment to meet his problem.

Mr. MORSE. That would be very fair. I appreciate that very much.

I will have a memorandum made available at the earliest possible time to counsel and see if he can give me a memorandum in reply on the basis of my understanding of my constituents' need for equity that ought to be done to them.

I wish to do all that is possible.

Does the Senator from Delaware wish to make a comment on the point I raised?

Mr. WILLIAMS of Delaware. No; I do not.

Mr. MORSE. I thank the Senator from Louisiana.

Mr. LAUSCHE. Mr. President, I wish to pay tribute to Senator LONG for his tenacity and unwillingness to abandon what he believed to be his honest judgment. He lost in this battle, but I marvel and admire him for the manner in which he stuck by his cause and presented it to the Senate.

Mr. LONG of Louisiana. Mr. President, I appreciate the Senator's comment. However, I wish he would not use the past tense. From my point of view, I lost only a battle today. That is neither the beginning nor the end of the matter.

AUTHORIZATION FOR COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

One request of Mr. MANSFIELD, and by unanimous consent, all committees were authorized to meet during the session of the Senate tomorrow, April 14, 1967.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the convention on the Executive Calendar.

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

CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive C, 90th Congress, first session. I do this so that it may become the pending business.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of Executive C, 90th Congress, on the Executive Calendar.

The Senate, as in Committee of the Whole, proceeded to consider Executive C, 90th Congress, first session, which was read the second time, as follows:

CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS

The States signatory to the present Convention,

Desiring to create appropriate means to ensure that judicial and extrajudicial documents to be served abroad shall be brought to the notice of the addressee in sufficient time,

Desiring to improve the organisation of mutual judicial assistance for that purpose by simplifying and expediting the procedure,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.

This Convention shall not apply where the address of the person to be served with the document is not known.

CHAPTER I. JUDICIAL DOCUMENTS

Article 2

Each contracting State shall designate a Central Authority which will undertake to receive requests for service coming from other contracting States and to proceed in conformity with the provisions of articles 3 to 6.

Each State shall organise the Central Authority in conformity with its own law.

Article 3

The authority or judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legislation or other equivalent formality.

The document to be served or a copy thereof shall be annexed to the request. The request and the document shall both be furnished in duplicate.

Article 4

If the Central Authority considers that the request does not comply with the provisions of the present Convention it shall promptly inform the applicant and specify its objections to the request.

Article 5

The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency, either—

(a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or

(b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the State addressed.

Subject to sub-paragraph (b) of the first paragraph of this article, the document may always be served by delivery to an addressee who accepts it voluntarily.

If the document is to be served under the first paragraph above, the Central Authority may require the document to be written in, or translated into, the official language or one of the official languages of the State addressed.

That part of the request, in the form attached to the present Convention, which contains a summary of the document to be served, shall be served with the document.

Article 6

The Central Authority of the State addressed or any authority which it may have designated for that purpose, shall complete a certificate in the form of the model annexed to the present Convention.

The certificate shall state that the document has been served and shall include the method, the place and the date of service and the person to whom the document was delivered. If the document has not been served, the certificate shall set out the reasons which have prevented service.

The applicant may require that a certificate not completed by a Central Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant.

Article 7

The standard terms in the model annexed to the present Convention shall in all cases be written either in French or in English. They may also be written in the official language, or in one of the official languages, of the State in which the documents originate.

The corresponding blanks shall be completed either in the language of the State addressed or in French or in English.

Article 8

Each contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents.

Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate.

Article 9

Each contracting State shall be free, in addition, to use consular channels to forward documents, for the purpose of service, to those authorities of another contracting State which are designated by the latter for this purpose.

Each contracting State may, if exceptional circumstances so require, use diplomatic channels for the same purpose.

Article 10

Provided the State of destination does not object, the present Convention shall not interfere with—

(a) the freedom to send judicial documents, by postal channels, directly to persons abroad,

(b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination,

(c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination.

Article 11

The present Convention shall not prevent two or more contracting States from agreeing to permit, for the purpose of service of judicial documents, channels of transmission other than those provided for in the preceding articles and, in particular, direct communication between their respective authorities.

Article 12

The service of judicial documents coming from a contracting State shall not give rise to any payment or reimbursement of taxes

or costs for the services rendered by the State addressed.

The applicant shall pay or reimburse the costs occasioned by—

(a) the employment of a judicial officer or of a person competent under the law of the State of destination,

(b) the use of a particular method of service.

Article 13

Where a request for service complies with the terms of the present Convention, the State addressed may refuse to comply therewith only if it deems that compliance would infringe its sovereignty or security.

It may not refuse to comply solely on the ground that, under its internal law, it claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not permit the action upon which the application is based.

The Central Authority shall, in case of refusal, promptly inform the applicant and state the reasons for the refusal.

Article 14

Difficulties which may arise in connection with the transmission of judicial documents for service shall be settled through diplomatic channels.

Article 15

Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and the defendant has not appeared, judgment shall not be given until it is established that—

(a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or

(b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention,

and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

Each contracting State shall be free to declare that the judge, notwithstanding the provisions of the first paragraph of this article, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled—

(a) the document was transmitted by one of the methods provided for in this Convention,

(b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document.

(c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.

Article 16

When a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled—

(a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and

(b) the defendant has disclosed a *prima facie* defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each contracting State may declare that the application will not be entertained if it is filed after the expiration of a time to be stated in the declaration, but which shall in no case be less than one year following the date of the judgment.

This article shall not apply to judgments concerning status or capacity of persons.

CHAPTER II. EXTRAJUDICIAL DOCUMENTS

Article 17

Extrajudicial documents emanating from authorities and judicial officers of a contracting State may be transmitted for the purpose of service in another contracting State by the methods and under the provisions of the present Convention.

CHAPTER III. GENERAL CLAUSES

Article 18

Each contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.

The applicant shall, however, in all cases, have the right to address a request directly to the Central Authority.

Federal States shall be free to designate more than one Central Authority.

Article 19

To the extent that the internal law of a contracting State permits methods of transmission, other than those provided for in the preceding articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions.

Article 20

The present Convention shall not prevent an agreement between any two or more contracting States to dispense with—

(a) the neccessity for duplicate copies of transmitted documents as required by the second paragraph of article 3,

(b) the language requirements of the third paragraph of article 5 and article 7,

(c) the provisions of the fourth paragraph of article 5,

(d) the provisions of the second paragraph of article 12.

Article 21

Each contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the following—

(a) the designation of authorities, pursuant to articles 2 and 18,

(b) the designation of the authority competent to complete the certificate pursuant to article 6,

(c) the designation of the authority competent to receive documents transmitted by consular channels, pursuant to article 9.

Each contracting State shall similarly inform the Ministry, where appropriate, of—

(a) opposition to the use of methods of transmission pursuant to articles 8 and 10,

(b) declarations pursuant to the second paragraph of article 15 and the third paragraph of article 16,

(c) all modifications of the above designations, oppositions and declarations.

Article 22

Where Parties to the present Convention are also Parties to one or both of the Conventions on civil procedure signed at The Hague on the 17th July 1905, and on 1st March 1954, this Convention shall replace as between them articles 1 to 7 of the earlier Conventions.

Article 23

The present Convention shall not affect the application of article 23 of the Convention on civil procedure signed at The Hague on 17th July 1905, or of article 24 of the Convention on civil procedure signed at the Hague on 1st March 1954.

These articles shall, however, apply only if methods of communication, identical to those provided for in these Conventions, are used.

Article 24

Supplementary agreements between parties to the Convention 1905 and 1954 shall be considered as equally applicable to the present Convention, unless the Parties have otherwise agreed.

Article 25

Without prejudice to the provisions of articles 22 and 24, the present Convention shall not derogate from Conventions containing provisions on the matters governed by this Convention to which the contracting States are, or shall become, Parties.

Article 26

The present Convention shall be open for signature by the States represented at the Tenth Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 27

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of article 26.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

Article 28

Any State not represented at the Tenth Session of the Hague Conference on Private International Law may accede to the present Convention after it has entered into force in accordance with the first paragraph of article 27. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for such a State in the absence of any objection from a State, which has ratified the Convention before such deposit, notified to the Ministry of Foreign Affairs of the Netherlands within a period of six months after the date on which the said Ministry has notified it of such accession.

In the absence of any such objection, the Convention shall enter into force for the acceding State on the first day of the month following the expiration of the last of the periods referred to in the preceding paragraph.

Article 29

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extension shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification referred to in the preceding paragraph.

Article 30

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of article 27, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other contracting States.

Article 31

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in article 26, and to the States which have acceded in accordance with article 28, of the following—

(a) the signatures and ratifications referred to in article 26;

(b) the date on which the present Convention enters into force in accordance with the first paragraph of article 27;

(c) the accessions referred to in article 28 and the dates on which they take effect;

(d) the extensions referred to in article 29 and the dates on which they take effect;

(e) the designations, oppositions and declarations referred to in article 21;

(f) the denunciations referred to in the third paragraph of article 30.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Convention.

DONE at The Hague, on the 15th day of November, 1965, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Tenth Session of the Hague Conference on Private International Law.

For the Federal Republic of Germany, sous réserve de ratification:
[SEAL] KARL HERMANN KNOKE.

For Austria:
———— ————.

For Belgium:
[SEAL] VAN DER STRATEN.
January 21, 1966.

For Denmark:
———— ————.

For Spain:
———— ————.

For the United States of America:
[SEAL] WILLIAM ROYALL TYLER.

For Finland:
[SEAL] SIGURD VON NUMERS.

For France:
———— ————.

For Greece:
———— ————.

For Ireland:
———— ————.

For Israel:
[SEAL] DAVID SHALTIEL.
November 25, 1965.

For Italy:
———— ————.

For Japan:
———— ————.

For Luxembourg:
———— ————.

For Norway:
———— ————.

For the Netherlands:
[SEAL] J. LUNS.

For Portugal:
———— ————.

For the United Arab Republic:
[SEAL] SAYED FAHMI.
March 1, 1966.

For the United Kingdom of Great Britain and Northern Ireland:
[SEAL] PETER GARRAN.
December 10, 1965.

For Sweden:
———— ————.

For Switzerland:
———— ————.

For Turkey:
———— ————.

For Yugoslavia:
———— ————.

Mr. MANSFIELD. Mr. President, the Committee on Foreign Relations reported this convention unanimously. It applies to the service abroad of judicial and extrajudicial documents in all civil and commercial cases. It was formulated and approved by representatives of 23 member countries at the 10th session of the Hague Conference on Private International Law which was held from October 7 to 28, 1964. It was signed on behalf of the United States on November 16, 1965.

I ask unanimous consent that an excerpt from the report, containing an explanation of this convention, be printed in the RECORD at this point.

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

The convention consists of a preamable, 31 articles, and an annex which contains several forms relating to the service of documents. It is designed to insure that parties involved in a suit be given timely notice with respect to judicial and extrajudicial documents served abroad and to facilitate international judicial assistance by simplifying and expediting the procedures for that purpose. Some of the more important provisions of the convention are discussed below.

PROVISIONS OF CONVENTION

Article 2 requires each State to designate a central authority to receive requests for service of documents coming from other countries. Although this central authority is always to be available, its use is not compulsory. In this connection, articles 8 through 11 provide for channels of service outside the central authority, including service by diplomatic or consular officers.

Article 5 requires the central authority to serve the document or to have it served "by an appropriate agency * * * (a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or (b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the state addressed." The state addressed may require the document to be translated into its "official language or one of [its] official languages," e.g., English in the United States or German, French, or Italian in Switzerland. The Department of State at present requires an English translation with respect to documents sent to it.

Articles 15 and 16 provide substantial "due process" protection for the addressee. Under article 15, judgment by default without notice to the defendant is sharply restricted and cannot be entered until after certain conditions have been fulfilled. Moreover, article 16 gives broad powers to open a judgment entered by default within reasonable time limits, upon proof by the defendant of no actual knowledge of the proceedings and showing of a *prima facie* defense on the merits, even though the time to do this has expired under the normal procedures of the forum.

Article 17 brings extrajudicial documents "emanating from authorities and judicial officers" within the scope of application of the convention. This is intended to include documents emanating from notaries under the continental system, or emanating from administrative agencies and commissions or other quasi-judicial tribunals in our own system.

Article 19 was inserted in the convention at the request of the U.S. delegation. It provides:

"To the extent that the internal law of a contracting State permits methods of transmission, other than those provided for in the preceding articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions."

This article was included to make certain that there will be no change internally in the philosophy, policy, and procedures of the law currently in effect in the United States which deals with the service of documents in this country in connection with proceedings before foreign and international tribunals (Public Law 88–619). In other words, nothing now authorized by our law will be repealed or modified in the event of ratification of this convention by the United States.

Pursuant to the provisions of article 27, the convention will enter into force 60 days after the deposit of the third instrument of ratification. Although the convention has been signed by representatives of nine countries, it is not presently in force. In this connection, however, it should be noted that, in addition to the United States, three other countries (Belgium, the Netherlands, and France) are now going through their ratification process.

COMMITTEE ACTION AND RECOMMENDATION

The Convention on the Service Abroad of Judicial and Extrajudicial Documents was the subject of a public hearing before the Committee on Foreign Relations on April 11, 1967. At that time, testimony in support of the convention was received from Mr. Richard D. Kearney, Deputy Legal Adviser, Department of State, Mr. Joe C. Barrett, attorney at law, Jonesboro, Ark., and Mr. Philip W. Amram, U.S. representative to the 10th session of the Hague Conference on Private International Law. The statements which they submitted to the committee are incorporated in the appendix to this report. It should be added that the committee is not aware of any opposition to this convention. On the contrary, it is supported by major legal organizations, including the American Bar Association, the American Society of International Law, the National Conference of Commissioners on Uniform State Laws, and the Judicial Conference of the United States.

This convention is an important step toward the international codification of a uniform law governing the service of judicial and extrajudicial documents abroad. It is in keeping with the spirit and purpose of the law on this subject which is presently in effect in the United States and it will provide increased protection (due process) for American citizens who are involved in litigation abroad. The Committee on Foreign Relations recommends, therefore, that the Senate give its advice and consent to ratification of the convention.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be a yea and nay vote on this matter at the conclusion of the morning business tomorrow.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read.

The resolution of ratification was read, as follows:

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the convention on the service abroad of judicial and extrajudicial documents in civil or commerical matters, unanimously approved at the 10th session of the Hague Conference on Private International Law, October 7–28, 1964, and signed on behalf of the United

States of America at The Hague on November 15, 1965. (Executive C, Ninetieth Congress, first Session.)

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

TAX DELINQUENCIES

Mr. WILLIAMS of Delaware. Mr. President, today I am filing the 13th annual delinquent tax report. This report covers the calendar year 1966 and shows tax delinquencies as totaling $1,416,193,000, representing an increase of $149,010,000 or 12 percent above 1965.

Nor is this a good report in other respects. It is particularly disturbing when we examine the employment tax delinquencies.

In 1966 these delinquencies jumped from $222,296,000 the year before to $312,636,000. This is an alltime high for delinquent employment taxes since the release of the first annual report in 1954.

Twenty-five offices reported delinquent employment taxes at an alltime high since these statistics were first compiled. These 25 offices are:

Albany, N.Y.; Brooklyn, N.Y.; Portsmouth, Maine; Richmond, Va.; Atlanta, Ga.; Birmingham, Ala.; Columbia, S.C.; Greensboro, N.C.; Jackson, Miss.; Jacksonville, Fla.; Nashville, Tenn.; Cincinnati, Ohio; Indianapolis, Ind.; Louisville, Ky.; Des Moines, Iowa; Omaha, Nebr.; St. Louis, Mo.; Austin, Tex.; Dallas, Tex.; Denver, Colo.; Little Rock, Ark.; New Orleans, La.; Wichita, Kans.; Boise, Idaho; and Puerto Rico.

Three offices—Helena, Mont.; Portland, Oreg.; and San Francisco, Calif.—reported new lows in total tax delinquencies, but not a single office reported a new low in delinquent employment taxes.

Nine offices—Buffalo, N.Y.; Jackson, Miss.; Nashville, Tenn.; Omaha, Nebr.; Albuquerque, N. Mex.; Austin, Tex.; Little Rock, Ark.; Los Angeles, Calif.; and Puerto Rico—reported their total tax delinquencies at an alltime high.

This report is most disturbing when we consider that employment taxes represent income taxes, social security taxes, and so forth, withheld by the employers from the paychecks of their employees. Money withheld from the employees' pay envelopes does not belong to the employer, and under no circumstances does the employer have the right to divert these funds to his own personal use; these are in effect trust funds.

This $1,416,193,000, representing the amount of delinquent taxes as of December 31, 1966, does not tell the full story. During calendar year 1966 taxes totaling $219,656,000 were abated.

In addition, taxes totaling $253,006,000 were classified as uncollectible during 1966.

A detailed report for each of the various collection districts will be incorporated in the RECORD as a part of my remarks. I shall cite the more glaring changes.

Albany, N.Y., reports a startling increase in delinquent accounts. Delinquent employment taxes jumped 178 percent or to $4,265,000 as compared with $1,533,000 in 1965. This is a new high. Total tax delinquencies in Albany jumped 51 percent over the previous year or to $9,801,000 as compared with $6,462,000 the year previous.

Augusta, Maine: Employment tax delinquencies jumped 113 percent over the previous year or to $679,000 as compared to $318,000 in 1965. Total tax delinquencies during the same period jumped 65 percent or from $1,518,000 to $2,507,000 in 1966.

Boston, Mass.: Employment tax delinquencies jumped 83 percent or from $4,966,000 to $9,106,000 in 1966. During the same period total tax delinquencies in this office jumped 11 percent, from $29,414,000 to $32,849,000.

Brooklyn, N.Y.: Employment tax delinquencies show only a slight rise of less than 1 percent or from $26,713,000 to $26,896,000, but this still represents a new high. Its total taxes were reduced 13 percent or from $108,485,000 to $93,868,000.

Buffalo, N.Y., which now includes the former Syracuse district, showed employment tax delinquencies as having risen from $3,387,000 to $4,743,000 or an increase of 40 percent. Total tax delinquencies during the same period established a new high, rising from $16,029,000 in 1965 to $19,344,000 in 1966 or an increase of 20 percent.

Burlington, Vt.: Employment tax delinquencies in this office show a startling increase, rising from $98,000 to $381,000 in 1966, an increase of 288 percent, while during this same period the total tax delinquencies rose 72 percent from $576,000 in 1965 to $995,000 in 1966.

Hartford, Conn.: Employment tax delinquencies jumped 132 percent or from $1,666,000 to $3,870,000. During the same period the tax delinquencies in Hartford dropped 14 percent or from $13,215,000 to $11,295,000.

Manhattan, N.Y.: Employment tax delinquencies in this office rose from $32,527,000 at the end of 1965 to $40,104,000 in December 1966, representing an increase of 23 percent. During the same calendar year the total tax delinquencies in this office jumped 60 percent or from $147,058,000 to $235,442,000.

Portsmouth, N.H.: In this office employment tax delinquencies jumped 126 percent to a new high or from $338,000 in 1965 to $767,000 in 1966. During the same period the total tax delinquencies rose 13 percent, from $1,353,000 in 1965 to $1,530,000 in 1966.

Providence, R.I.: Employment tax delinquencies rose from $748,000 in 1965 to $1,561,000 in 1966, representing an increase of 108 percent. During the same period the total tax delinquencies rose 42 percent or from $2,116,000 in 1965 to $3,010,000 in 1966.

Baltimore, Md.: Employment tax delinquencies rose 18 percent, from $5,271,000 to $6,261,000, while during the same period total tax delinquencies rose from $21,938,000 to $33,370,000 or 52 percent.

Newark, N.J., shows slight increases in both delinquent employment taxes and in delinquent total taxes. The employment taxes in this office rose 4 percent or from $13,268,000 in 1965 to $13,843,000 in 1966. Its total taxes rose 5 percent or from $59,407,000 to $62,662,000.

Philadelphia, Pa.: Employment tax delinquencies rose in this office from $8,133,000 to $10,437,000, or 28 percent. The total tax delinquencies rose 11 percent, or from $38,316,000 to $42,777,000.

Pittsburgh, Pa.: Employment tax delinquencies rose from $3,542,000 to $6,288,000, an increase of 75 percent; however, during the same period the total tax delinquencies dropped 14 percent, or from $23,346,000 in 1965 to $19,966,000 in 1966.

Richmond, Va.: Employment tax delinquencies rose 44 percent from $2,672,000 to $3,856,000 establishing a new high for this office. Total tax delinquencies during this same period jumped from $13,328,000 to $19,076,000, an increase of 43 percent.

Wilmington, Del.: I take pride in making this report on my home State. Employment tax delinquencies in Wilmington dropped 26 percent, or from $594,000 to $436,000. During the same period the total tax delinquencies dropped about 7 percent, or from $4,326,000 to $3,984,000.

Atlanta, Ga.: Employment tax delinquencies reached a new high, jumping 51 percent, from $2,943,000 to $4,446,000 in 1966. There was very little change in the total tax delinquencies, less than 1 percent, which rose from $18,497,000 to $18,610,000.

Birmingham, Ala.: Delinquent employment taxes rose 33 percent, or from $2,579,000 in 1965 to $3,440,000 in 1966, thereby establishing a new high. During the same 12-month period, total tax delinquencies rose from $9,375,000 to $11,758,000, representing a 25-percent increase.

Columbia, S.C.: Employment taxes in this office reached a new high, rising 77 percent, from $1,283,000 to 1965 to $2,277,000 in 1966; however, the overall report of this office is good in that its total tax delinquencies dropped from $25,729,000 to $8,794,000, a 65-percent change.

Greensboro, N.C.: Employment tax delinquencies rose 43 percent to a new high, from $2,206,000 to $3,163,000. Total tax delinquencies rose 2 percent, $15,199,000 in 1965 as compared to $15,632,000 in 1966.

Jackson, Miss.: Delinquent employment taxes rose from $1,218,000 to $1,736,000 in 1966, an increase of 42 percent. Total tax delinquencies rose from $5,045,000 to $5,891,000 in 1966, an increase of 16 percent. Both items are at a new high.

Jacksonville, Fla.: Employment tax delinquencies rose to a new high, from $10,412,000 in 1965 to $14,119,000 in 1966, an increase of 35 percent. Total tax delinquencies in this office dropped 5 percent or $92,420,000 in 1966 as compared to $98,275,000 in 1965.

Nashville, Tenn.: Employment tax delinquencies in this office rose 60 percent, from $2,332,000 in 1965 to $3,750,000 in 1966. During the same period total tax delinquencies rose 43 percent, from $11,923,000 to $17,093,000 in 1966.

This is a new high for this office on both accounts.

Cincinnati, Ohio: Employment tax delinquencies reached a new high through a 77-percent increase, or from $3,002,000 in 1965 to $5,326,000 in 1966. Total tax delinquencies rose 15 percent, from $14,989,000 in 1965 to $17,311,000 in 1966.

Cleveland, Ohio: Employment tax delinquencies rose 76 percent, from $3,288,000 to $5,788,000 in 1966. During the same period total tax delinquencies rose slightly less than 4 percent or $34,790,000 in 1965 as compared to $36,106,000 in 1966.

Detroit, Mich.: Employment tax delinquencies in this office rose 69 percent, from $7,452,000 in 1965 to $12,595,000 in 1966. During the same period total tax delinquencies rose 23 percent or from $32,078,000 to $39,469,000.

Indianapolis, Ind.: Employment taxes in this office jumped 171 percent, to a new high from $2,908,000 to $7,884,000 in 1966. During the same period total tax delinquencies rose 36 percent, from $18,213,000 to $24,838,000 in 1966.

Louisville, Ky.: Employment tax delinquencies rose 54 percent to a new high, from $1,528,000 in 1965 to $2,356,000 in 1966; however, total tax delinquencies in this office dropped 12 percent or from $11,795,000 in 1965 to $10,306,000 in 1966.

Parkersburg, W. Va.: Delinquent employment taxes rose 60 percent, from $854,000 to $1,369,000. Total tax delinquencies rose 57 percent or from $2,974,000 in 1965 to $4,690,000 in 1966.

Aberdeen, S. Dak.: Employment tax delinquencies jumped 62 percent or from $151,000 in 1965 to $245,000 in 1966; however, total tax delinquencies in Aberdeen droped 12 percent in 1966, from $1,214,000 to $1,067,000.

Chicago, Ill.: Delinquent employment taxes rose 20 percent, from $10,073,000 in 1965 to $12,138,000 in 1966; however, total tax delinquencies in Chicago dropped 15 percent in 1966, from $51,012,000 in 1965 to $43,300,000 in 1966.

Des Moines, Iowa: Delinquent employment taxes rose nearly 65 percent, from $861,000 in 1965 to $1,428,000 in 1966. This is a new high. Total tax delinquencies dropped 12 percent, from $5,112,000 in 1965 to $4,500,000.

Fargo, N. Dak.: Employment tax delinquencies jumped 153 percent, from $97,000 in 1965 to $246,000 in 1966, while total tax delinquencies rose 17 percent, from $517,000 to $608,000 in 1966.

Milwaukee, Wis.: Employment tax delinquencies rose 70 percent, from $1,733,000 to $2,952,000. During the same period total tax delinquencies rose 18 percent, from $10,758,000 in 1965 to $12,771,000 in 1966.

Omaha, Nebr.: The report on delinquent employment taxes in this district is shocking. During 1966 delinquent employment taxes in this office rose 620 percent or from $426,000 to $3,067,000. During the same 12-month period total tax delinquencies rose nearly 36 percent, from $5,943,000 in 1965 to $8,079,000 in 1966. Both employment tax and total tax delinquencies in this office are at a new high.

St. Louis, Mo.: Employment tax delinquencies in this office increased 92 percent, from $2,792,000 to $5,363,000 in 1966. During the same year total tax delinquencies rose 18 percent, from $15,114,000 to $17,893,000.

St. Paul, Minn., reports a 10-percent increase in employment tax delinquencies or $2,272,000 in 1966 as compared to $2,049,000 in 1965. During the same period total tax delinquencies dropped 4 percent, from $9,332,000 in 1965 to $8,937,000.

Springfield, Ill.: Delinquent employment taxes jumped 119 percent or from $803,000 in 1965 to $1,764,000 in 1966. During the same year total tax delinquencies, however, declined 30 percent, from $9,112,000 to $6,306,000 in 1966.

Albuquerque, N. Mex.: Employment tax delinquencies rose from $658,000 to $1,347,000 in 1966, an increase of 104 percent. Total tax delinquencies rose from $4,000,000 to $5,606,000, an increase of 40 percent, thereby establishing a new high.

Austin, Tex., reports an increase in employment tax delinquencies of 30 percent rising from $4,368,000 to $5,703,000 in 1966. Total tax delinquencies during the same 12-month period rose 47 percent, from $41,385,000 in 1965 to $61,104,000 in 1966. This represents an all-time high on both accounts.

Cheyenne, Wyo.: Delinquent employment taxes rose 36 percent, from $279,000 in 1965 to $381,000 in 1966; however, there was very little change in the total tax delinquencies, which rose from $1,098,000 in 1965 to $1,102,000 in 1966.

Dallas, Tex.: Employment tax delinquencies in this office reached a new high, rising 63 percent in 1966 or an increase from $4,051,000 in 1965 to $6,602,000 in 1966. During the same period total tax delinquencies rose 13 percent, from $20,446,000 in 1965 to $23,126,000 in 1966.

Denver, Colo., joined the parade in establishing a new high in delinquent employment taxes which rose 65 percent in this office or from $2,004,000 to $3,317,000 in 1966. During the same period total tax delinquencies dropped 24 percent, from $16,025,000 in 1965 to $12,118,000 in 1966.

Little Rock, Ark.: Delinquent employment taxes rose 91 percent, from $594,000 in 1965 to $1,140,000 in 1966. Total tax delinquencies during the same period rose from $9,981,000 to $10,390,000, an increase of 4 percent, the highest in 13 years for both items.

New Orleans, La.: Delinquent employment taxes rose nearly 75 percent or from $2,752,000 in 1965 to $4,813,000 in 1966 thereby establishing a new high. During the same period total tax delinquencies rose 37 percent from $10,425,000 in 1965 to $14,342,000 in 1966.

Oklahoma City, Okla.: Delinquent employment taxes rose nearly 21 percent, from $1,979,000 in 1965 to $2,393,000 in 1966. Total tax delinquencies rose 31 percent, from $6,614,000 to $8,693,000 in 1966.

Wichita, Kans.: Employment tax delinquencies rose 75 percent, from $1,009,000 to $1,771,000 in 1966, a new high. At the same time the total tax delinquencies rose 34 percent, from $5,414,000 in 1965 to $7,283,000 in 1966.

Anchorage, Alaska: Employment tax delinquencies rose 53 percent, from $520,000 in 1965 to $800,000 in 1966. Total tax delinquencies rose 28 percent or from $1,500,000 in 1965 to $1,930,000 in 1966.

Boise, Idaho: Delinquent employment taxes rose nearly 48 percent to a new high or from $637,000 in 1965 to $942,000 in 1966; however, total tax delinquencies in this office dropped 18 percent, from $2,321,000 in 1965 to $1,895,000 in 1966.

Helena, Mont., has a better report. While employment taxes rose from $424,000 in 1965 to $440,000 in 1966, or about 3 percent, total tax delinquencies dropped over 11 percent to a new low or from $1,655,000 to $1,466,000 in 1966.

Honolulu, Hawaii: Delinquent employment taxes rose 62 percent or to $764,000 in 1966 as compared with $471,000 the year before. Total tax delinquencies in this office rose 7 percent during this same period, from $3,915,000 to $4,194,000.

Los Angeles, Calif.: Taxes in this district rose $9 million or from $19,003,000 in 1965 to $28,175,000 in 1966, an increase of 48 percent. Total tax delinquencies rose from $97,186,000 in 1965 to $116,753,000 in 1966 or an increase of 20 percent. This is a new high in total tax delinquencies.

Phoenix, Ariz.: Delinquent employment taxes in this office rose 72 percent while total tax delinquencies rose 18 percent. Delinquent employment taxes in 1966 totaled $1,996,000 as compared to $1,156,000 the year before while total tax delinquencies rose from $6,372,000 in 1965 to $7,555,000 in 1966.

Portland, Oreg.: Employment tax delinquencies rose 13 percent or from $1,420,000 in 1965 to $1,616,000 in 1966; however, during the same 12-month period total tax delinquencies in this office dropped 48 percent, from $13,424,000 in 1965 to $6,972,000. This is the lowest level in 13 years for total tax delinquencies for this office.

Reno, Nev.: The report of this office is better. While employment taxes did rise 2 percent, from $2,480,000 to $2,539,000 in 1966, the total tax delinquencies dropped 21 percent, from $8,348,000 to $6,594,000.

Salt Lake City, Utah: This office shows an increase of 7 percent in employment tax delinquencies or $1,102,000 in 1966 and $1,023,000 in 1965; however, again the total tax delinquencies decreased, this time by 12 percent or from $3,790,000 in 1965 to $3,333,000 in 1966.

San Francisco, Calif.: Delinquent employment taxes in this office rose 47 percent or from $7,349,000 in 1965 to $10,806,000 in 1966 although the total tax delinquencies decreased 9 percent, from $44,915,000 in 1965 to $40,604,000 in 1966, a 13-year low for total delinquencies.

Seattle, Wash.: This office reports a 103-percent increase in delinquent employment taxes, rising from $1,374,000 in 1965 to $2,798,000 in 1966. Total tax delinquencies during the same period rose from $8,803,000 in 1965 to $9,470,000 in 1966, an increase of 7 percent.

Puerto Rico: Delinquent employment

taxes rose 19 percent or from $1,470,000 to $1,752,000. Total tax delinquencies rose 42 percent or from $1,772,000 in 1965 to $2,524,000 in 1966. These represent new highs in both.

Other international operations show a 44-percent reduction in delinquent employment taxes, dropping from $511,000 in 1965 to $282,000 in 1966, while the total tax delinquencies increased 10 percent, rising from $63,911,000 in 1965 to $70,324,000 in 1966.

I ask unanimous consent that there be incorporated in the RECORD at this point the letter from the Treasury Department signed by Mr. William H. Smith, Acting Commissioner, and dated March 15, 1967, along with the charts showing the inventory of taxpayer delinquent accounts for December 1966 and 1965 and the delinquent accounts classified as uncollectible and abated for those years.

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

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., March 15, 1967.

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

DEAR SENATOR WILLIAMS: This is in response to your letter of December 22, 1966, requesting a report on the inventory of deliquent tax accounts as of December 31, 1966.

I am glad to furnish this information and am attaching a tabulation showing our year-end inventory broken down by the various tax groups and showing the inactive accounts in the columns to the right. The figures in the inactive category are included in the figures in the columns under the variout tax groups. All offices were current in their issuances as of December 31, and therefore all accounts in a delinquent status as of that date are included in the tabulation.

The following table summarizes as of December 31, 1965 and 1966, the taxpayer delinquent accounts broken down as to active and inactive status. Accounts in the inactive category are those on which collection has been deferred pending the outcome of audit examinations, court cases, or other contingent actions. Since these accounts are not subject to closure action until after the outcome of audit, court proceedings, etc., is determined, the Service has little opportunity to do anything that would help hold this part of our delinquent account inventory at a low level.

TDA inventory

[Dollar amounts in thousands]

	Active	Inactive	Total
Dec 31, 1965	$693,192	$573,991	$1,267,183
Dec. 31, 1966	792,751	623,442	1,416,193
Change from Dec. 31, 1965, to 1966	+99,559	+49,451	+149,010
Percent change	+14	+9	+12
	Number		
Dec. 31, 1965	877,146	138,928	1,016,074
Dec. 31, 1966	923,905	147,543	1,071,448
Change from Dec. 31, 1965, to 1966	+46,759	+8,615	+55,374
Percent change	+5	+6	+5

Calendar year 1966 was one of continued high activity in the issuance and closure of delinquent accounts. Issuances totaled 2.8 million in number, up 3% over the previous year, and $1.9 billion in amount, up 12% over 1965. For the same period, closures totaled 2.77 million in number and $1.75 billion in amount. While both of these figures reflected increases of 8% over those for 1965, they did not keep pace with the high issuances during 1966, which meant that the upward trends in our year-end figures for the previous year were not reversed.

Variation in our delinquent account issuance pattern and urgent training requirements also contributed to our continued rise in inventory. Delinquent account issuances in December 1966 were much higher than in December 1965. Moreover, the bulk of the additional accounts came out too late in December to permit our working any considerable part of them out of our inventory before the end of the year.

As you know, the Federal Tax Lien Act, approved November 2, 1966, and made effective November 3, 1966, was the first comprehensive revision of the lien and levy statutes in 50 years. The Congress gave us a new set of rules for this phase of our collection work. Changes were so far reaching that our delinquent account closures necessarily slowed down while our people became acquainted with the new requirements, and, in fact, on some phases we had to tell our districts to discontinue action until we could issue procedural guidance for them to follow.

Although of somewhat lesser impact, extensive training of people assigned to delinquent accounts work was occasioned by the transfer of jurisdiction over substantially all offers in compromise from Audit to our Collection function. This training also had to be accomplished during the latter half of the 1966 calendar year as the transfer was made on January 3, 1967.

There has been no letup in our efforts to conduct a vigorous and firm collection program. We continue to stress taxpayer education and other measures designed to obtain and improve the voluntary compliance of the taxpaying public, followed by prompt enforcement action in the case of those who do not respond. Because of the "trust fund" nature of the withheld taxes involved, we are continuing our accelerated collection program in the case of employers who file their employment tax returns without the required payment.

We are attaching a district-by-district tabulation of uncollectible accounts and abatements for 1966. This will give you the information you seek on accounts written off as uncollectible and abated in our various offices. In your letter you also appear to be suggesting that we keep in our inventory accounts written off as uncollectible on which the statute has not tolled. While I believe that my previous letter to you of July 28, 1966, and perhaps our conversations may have led you to believe that this would be a simple matter for us to accomplish, I should like to make clear that we do not keep this information in a readily reportable form. This is not to say—as I have pointed out elsewhere—that we do not keep an eye on accounts declared uncollectible but we do not keep our records in such a way as to keep a running tally of these accounts in our inventory. I must tell you that to attempt to compile this information now would require going through several hundred thousand case files involving a very substantial expenditure of manpower.

As you know, our "uncollectible" classification procedure is a device to enable management to use its manpower resources to the maximum extent. Stated otherwise, we classify as uncollectible those accounts on which the likelihood of collection is so remote that we cannot afford to devote manpower to them that could better be used on more productive work. Typical of these are no asset cases, taxpayers that cannot be located and those where collection would cause undue hardship to the taxpayer or his family.

I should also point out that after classification as uncollectible, periodic reviews are made by management and also by our Internal Auditors. Needless to say, in event of improvement in the taxpayer's financial situation or location of reachable assets, the account is reactivated and collection effort resumed.

We were able to use our Data Processing equipment in a two-region test last year to collect accounts classified as uncollectible. This involved associating delinquent liabilities with the prospective refunding record and enabled us to offset more than $1.7 million against delinquent accounts of which about 81% were in the uncollectible classification. This procedure was expended servicewide and is now in effect.

Abatements are, of course, entirely different from uncollectibles. Except in the case of offers in compromise, an assessment is abated only if it is in excess of the tax amount actually due and owing at the time. The following types of assessment qualify for abatement:

1. Assessments in excess of the amount legally due as determined by audit examination.

2. Assessments in excess of the amount accepted on an offer in compromise.

3. Jeopardy assessments later determined by court ruling to be excessive.

4. Jeopardy assessments where it is administratively determined that jeopardy does not exist.

5. Transferee assessments in excess of the basic transferor assessment.

6. 100 percent penalty assessments in excess of the basic corporate assessment.

Assessments made in transferee cases always duplicate an amount already assessed against the transferor, and in cases involving the 100 percent penalty, assessments made against officers or employes of the taxpayer always constitute a duplication of an amount already assessed against the taxpayer himself. In fact, transferee assessments, all representing the same basic transferor liability, may be made against several transferees, and the 100 percent penalty may be assessed against more than one person in respect of the same offense. However, no more is actually collected than is actually due, of course, and all assessments over and above the basic one must ultimately be abated.

In jeopardy cases, the situation differs in that the assessments made are usually against the taxpayer and the taxpayer only. However, the amounts involved are determined on the basis of such information, sometimes rather limited, as is immediately available to the Service. Jeopardy assessments may, therefore, be in excess of the true liability as subsequently determined when all the facts are disclosed. In such cases, the amount of the jeopardy assessment is adjusted to the true liability.

Your interest in this matter is appreciated.

With kind regards,

Sincerely,

WILLIAM H. SMITH,
Acting Commissioner.

Inventory of taxpayer delinquent accounts, December 1966 and 1965

	Tax groups																Inactive			
	Income				Employment				Other				Total							
	Number		Amount (thousands)		Number		Amount (thousands)		Number		Amount (thousands)		Number		Amount (thousands)		Number		Amount (thousands)	
	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965
Total	744,066	767,611	$919,738	$901,852	289,552	212,006	$312,636	$222,296	37,830	36,457	$183,822	$143,035	1,071,448	1,016,074	$1,416,193	$1,267,183	147,543	138,928	$623,442	$573,991
North Atlantic	157,463	144,301	283,884	216,795	60,051	44,449	92,372	72,294	7,109	6,390	34,386	37,136	224,623	195,140	410,641	326,226	34,637	29,828	210,354	135,188
Mid-Atlantic	133,845	156,847	116,483	107,315	42,639	31,940	41,061	33,480	5,639	5,083	24,252	19,868	182,123	193,870	181,795	160,662	28,733	26,366	65,023	74,317
Southeast	92,227	111,960	120,659	148,270	48,562	36,411	32,931	22,973	8,246	6,790	16,613	12,801	149,035	155,161	170,198	184,043	22,044	22,579	79,923	109,365
Central	102,942	88,022	81,143	75,106	36,143	23,116	35,318	19,032	3,835	4,779	16,258	20,698	142,920	115,917	132,720	114,838	19,911	16,449	58,960	47,673
Midwest	70,940	66,717	59,579	76,850	23,215	17,261	29,475	18,985	2,983	3,458	14,406	12,279	97,138	87,436	103,461	108,113	12,269	12,612	38,423	48,668
Southwest	71,020	66,021	91,066	83,046	34,234	23,701	27,467	17,694	4,212	3,750	25,232	14,648	109,466	93,472	143,764	115,388	10,032	11,099	72,871	62,514
Western	110,258	128,337	100,451	132,962	41,119	31,581	51,978	35,857	5,604	6,038	48,336	23,411	156,981	165,956	200,766	192,229	18,206	18,143	71,600	69,672
International operations	5,371	5,406	66,473	61,508	3,589	3,547	2,034	1,981	202	169	4,339	2,194	9,162	9,122	72,848	65,684	1,711	1,852	26,288	26,594
North Atlantic region:																				
Albany	8,687	8,491	4,517	3,316	2,612	1,519	4,265	1,533	346	300	1,018	1,613	11,645	10,310	9,801	6,462	1,636	1,643	2,321	1,905
Augusta	1,491	1,105	1,787	1,149	730	326	679	318	41	36	41	50	2,262	1,467	2,507	1,518	469	260	1,167	966
Boston	24,054	20,002	22,217	22,988	9,633	5,625	9,106	4,966	760	743	1,527	1,460	34,447	26,370	32,849	29,414	5,294	5,005	11,108	13,136
Brooklyn	51,091	40,840	51,831	64,722	15,704	11,765	26,896	26,713	1,389	2,026	15,142	17,050	68,184	54,631	93,868	108,485	7,299	6,644	34,453	38,833
Buffalo	10,839	9,205	12,646	10,226	4,405	3,061	4,743	3,387	527	463	1,955	2,416	15,771	12,729	19,344	16,029	2,210	1,394	7,311	5,650
Burlington	717	533	573	441	639	217	381	98	32	47	41	38	1,388	797	995	576	204	189	350	389
Hartford	8,905	9,433	6,086	9,774	3,506	1,959	3,870	1,666	365	363	1,339	1,776	12,776	11,755	11,295	13,215	1,717	1,123	3,667	3,039
Manhattan	48,960	52,098	182,268	101,897	20,742	28,889	40,104	32,527	3,512	2,273	13,071	12,633	73,214	73,260	235,442	147,058	14,834	12,828	148,317	69,743
Portsmouth	1,033	1,089	719	1,011	753	296	767	338	36	22	43	4	1,822	1,407	1,530	1,353	378	244	685	822
Providence	1,686	1,505	1,240	1,271	1,327	792	1,561	748	101	117	209	97	3,114	2,414	3,010	2,116	596	498	975	705
Mid-Atlantic region:																				
Baltimore	29,044	35,373	24,559	14,446	6,198	4,263	6,261	5,271	716	500	2,550	2,222	35,958	40,136	33,370	21,938	4,767	4,063	5,275	5,738
Newark	38,019	43,775	39,465	38,751	13,491	11,784	13,843	13,268	1,997	1,951	9,324	7,389	53,507	57,510	62,622	59,407	8,083	7,856	26,734	32,805
Philadelphia	33,409	38,433	25,223	23,956	10,710	7,282	10,437	8,133	1,224	1,104	7,117	6,227	45,343	46,819	42,777	38,316	8,839	7,643	14,498	17,372
Pittsburgh	13,159	14,434	11,891	19,182	5,667	4,098	6,228	3,542	928	891	1,846	623	19,754	19,423	19,966	23,346	3,358	4,062	5,882	10,027
Richmond	17,305	21,744	13,978	9,764	5,759	3,750	3,856	2,672	617	399	1,243	892	23,681	25,893	19,076	13,328	3,061	2,048	10,709	6,336
Wilmington	2,909	3,088	1,376	1,216	814	763	436	594	157	238	2,172	2,516	3,880	4,089	3,984	4,326	625	694	1,925	2,039
Southeast region:																				
Atlanta	13,128	18,570	10,460	12,574	6,679	6,013	4,446	2,943	1,704	1,196	3,705	2,979	21,511	25,781	18,610	18,497	3,164	3,322	5,871	6,203
Birmingham	9,454	12,848	6,633	5,534	5,634	4,554	3,440	2,579	998	1,024	1,686	1,263	16,086	18,426	11,758	9,375	2,870	3,104	3,263	3,708
Columbia	8,021	8,710	5,790	23,303	4,063	2,021	2,277	1,283	679	611	728	1,143	12,763	11,342	8,794	25,729	2,041	2,134	3,275	21,502
Greensboro	13,245	18,692	11,447	11,943	6,185	4,264	3,163	2,206	866	1,024	1,022	1,051	20,296	23,960	15,632	15,199	3,869	3,506	7,383	7,685
Jackson	5,452	7,745	3,497	3,417	3,392	2,402	1,736	1,218	519	361	659	410	9,363	10,508	5,891	5,045	1,405	1,618	1,943	2,153
Jacksonville	30,345	30,557	72,254	83,569	16,833	13,201	14,119	10,412	2,196	1,669	6,047	4,294	49,374	45,427	92,420	98,275	5,839	6,247	54,378	63,405
Nashville	12,582	14,838	10,578	7,930	5,776	3,956	3,750	2,332	1,284	903	2,766	1,661	19,642	19,697	17,093	11,923	2,856	2,648	3,810	4,709
Central region:																				
Cincinnati	17,526	16,655	10,816	9,298	6,693	3,982	5,326	3,002	471	576	1,169	2,689	24,690	21,213	17,311	14,989	3,110	2,578	5,459	6,154
Cleveland	20,655	22,549	25,654	27,548	6,340	5,002	5,788	3,288	907	1,221	4,664	3,953	27,902	28,772	36,106	34,790	4,337	4,535	20,303	11,968
Detroit	35,798	22,373	20,596	18,258	12,535	6,562	12,595	7,452	1,196	1,640	6,277	6,368	49,529	30,575	39,469	32,078	5,884	3,586	15,888	12,688
Indianapolis	16,687	12,991	15,560	12,143	5,340	3,641	7,884	2,908	802	518	1,394	3,161	22,829	17,150	24,838	18,213	3,651	3,521	12,843	9,501
Louisville	8,700	9,485	5,920	5,873	3,477	2,703	2,356	1,528	318	655	2,030	4,393	12,495	12,843	10,306	11,795	2,113	1,645	3,463	6,361
Parkersburg	3,576	3,969	2,597	1,986	1,758	1,226	1,369	854	141	169	724	133	5,475	5,364	4,690	2,974	816	584	1,004	981
Midwest region:																				
Aberdeen	1,175	801	665	699	484	278	245	151	63	58	158	364	1,722	1,137	1,067	1,214	117	139	181	685
Chicago	32,293	30,219	25,138	37,606	8,663	7,324	12,138	10,073	1,013	1,264	6,024	3,333	41,969	38,807	43,300	51,012	4,819	4,905	12,833	22,501
Des Moines	4,510	4,218	2,654	2,086	1,738	1,081	1,428	861	254	448	418	2,165	6,502	5,747	4,500	5,112	1,009	1,333	1,865	1,830
Fargo	811	644	303	331	417	249	246	97	58	65	58	89	1,286	958	608	517	169	148	228	294
Milwaukee	7,246	5,637	6,660	8,114	2,788	1,850	2,952	1,733	282	271	3,159	911	10,316	7,758	12,771	10,758	1,205	1,075	3,892	5,378
Omaha	1,762	1,393	4,497	5,019	850	497	3,067	426	105	83	515	498	2,717	1,973	8,079	5,943	614	589	6,445	4,770
St. Louis	13,843	12,661	10,184	8,498	4,268	3,304	5,363	2,792	589	676	2,345	3,823	18,700	16,641	17,893	15,114	2,292	2,532	6,236	6,528
St. Paul	4,829	5,688	5,478	6,695	2,147	1,597	2,272	2,049	385	361	1,188	588	7,361	7,646	8,937	9,332	1,230	1,086	4,141	5,084
Springfield	4,471	5,456	4,000	7,802	1,860	1,081	1,764	803	234	232	541	507	6,565	6,769	6,306	9,112	814	805	2,602	1,598
Southwest region:																				
Albuquerque	2,494	2,181	3,750	2,893	1,840	1,142	1,347	658	280	212	509	450	4,614	3,535	5,606	4,000	650	500	1,613	1,451
Austin	19,042	18,678	38,623	34,891	7,248	5,460	5,703	4,368	1,196	991	16,778	2,125	27,486	25,129	61,104	41,385	1,748	1,956	39,075	27,630
Cheyenne	1,226	1,101	598	695	674	443	381	279	53	79	124	124	1,953	1,625	1,102	1,098	324	231	395	267
Dallas	15,798	14,921	14,588	15,390	7,191	5,178	6,602	4,051	779	696	1,935	1,006	23,768	20,795	23,126	20,446	2,064	2,225	11,099	10,967
Denver	6,321	6,191	7,749	7,473	3,318	1,980	3,317	2,004	438	371	1,052	6,548	10,077	8,542	12,118	16,025	1,035	1,546	4,186	4,737
Little Rock	3,254	2,680	9,036	9,252	2,111	1,360	1,140	594	257	179	214	134	5,622	4,219	10,390	9,981	867	921	8,267	8,387
New Orleans	9,842	8,542	7,870	6,520	5,524	3,553	4,813	2,752	425	491	1,660	1,153	15,791	12,586	14,342	10,425	1,304	1,717	3,634	5,359
Oklahoma City	7,449	6,597	4,894	3,381	3,744	3,273	2,393	1,979	492	460	1,406	1,254	11,685	10,330	8,693	6,614	992	1,064	2,252	900
Wichita	5,594	5,130	3,958	2,551	2,584	1,312	1,771	1,009	292	271	1,554	1,854	8,470	6,713	7,283	5,414	1,048	939	2,350	2,826

Western region:																				
Anchorage	1,505	1,763	1,110	947	596	870	800	520	24	56	20	33	2,125	2,689	1,930	1,500	200	137	441	267
Boise	1,134	1,759	706	1,463	869	620	942	637	172	253	247	221	2,175	2,632	1,895	2,321	437	384	789	802
Helena	1,377	2,060	675	984	574	787	440	424	146	299	351	247	2,097	3,146	1,466	1,655	415	468	556	612
Honolulu	1,185	1,546	3,374	3,357	698	410	764	471	42	83	56	87	1,925	2,039	4,194	3,915	332	484	2,726	2,798
Los Angeles	47,737	53,600	51,053	63,257	16,827	13,158	28,175	19,003	2,040	2,155	37,525	14,927	66,604	68,913	116,753	97,186	6,840	7,746	42,977	41,920
Phoenix	3,915	4,884	4,732	4,649	1,894	1,266	1,996	1,156	278	195	827	567	6,087	6,345	7,555	6,372	748	778	2,091	1,887
Portland	5,959	9,920	4,956	11,385	1,975	2,119	1,616	1,420	341	472	399	619	8,275	12,511	6,972	13,424	1,172	1,249	2,941	2,436
Reno	2,790	3,400	2,928	4,925	1,455	1,162	2,539	2,480	95	133	1,127	942	4,340	4,695	6,594	8,348	488	469	2,424	2,805
Salt Lake City	2,383	2,906	2,012	2,327	1,302	1,141	1,102	1,023	286	201	219	440	3,971	4,248	3,333	3,790	590	367	1,453	1,434
San Francisco	35,135	37,275	23,144	32,894	11,533	7,913	10,806	7,349	1,823	1,807	6,654	4,672	48,491	46,995	40,604	44,915	5,362	4,594	12,542	12,015
Seattle	7,138	9,224	5,761	6,774	3,396	2,135	2,798	1,374	357	384	911	655	10,891	11,743	9,470	8,803	1,622	1,467	2,060	2,696
International operations:																				
Puerto Rico	1,209	1,178	731	260	3,200	3,183	1,752	1,470	7	7	40	41	4,416	4,368	2,524	1,772	923	772	586	443
All other	4,162	4,228	65,742	61,248	389	364	282	511	195	162	4,299	2,152	4,746	4,754	70,324	63,911	788	1,080	25,702	26,151

NOTE.—Rounded figures may not add to the totals which are based on unrounded figures.

Taxpayer delinquent accounts classified as uncollectible and abated, calendar years 1966 and 1965

Region and district	Uncollectible				Abated			
	Number		Amount (thousands)		Number		Amount (thousands)	
	1966	1965	1966	1965	1966	1965	1966	1965
Total	309,752	274,892	$253,006	$328,275	157,758	146,334	$219,656	$299,629
North Atlantic	61,022	49,321	70,034	130,014	34,083	32,121	49,209	54,201
Mid-Atlantic	38,936	46,221	21,154	50,906	28,973	22,838	28,397	47,407
Southeast	43,230	39,031	34,696	24,774	21,113	19,773	41,763	18,338
Central	26,710	25,142	18,930	15,933	16,453	17,959	23,466	21,672
Midwest	35,622	33,206	23,492	33,525	23,791	19,521	36,042	17,351
Southwest	30,949	31,426	18,594	20,713	14,785	16,284	14,008	13,530
Western	70,838	47,651	63,300	49,058	16,403	15,733	24,063	86,439
International operations	2,445	2,894	2,804	3,350	2,157	2,105	2,707	40,693
North Atlantic region:								
Albany	1,666	1,556	2,145	1,374	1,582	1,499	1,103	766
Augusta	784	813	282	218	392	390	411	124
Boston	5,124	7,993	3,281	6,840	7,026	6,222	5,910	6,695
Brooklyn	20,337	12,810	32,449	18,094	8,295	6,854	9,031	20,585
Buffalo	5,221	5,470	1,475	3,444	3,266	2,973	4,336	2,425
Burlington	216	331	88	74	322	303	116	140
Hartford	3,006	2,556	980	887	1,552	2,258	2,442	1,732
Manhattan	23,042	15,854	28,030	97,916	10,798	10,505	25,240	21,025
Portsmouth	894	927	687	253	420	332	291	323
Providence	732	1,011	615	916	430	785	328	384
Mid-Atlantic region:								
Baltimore	10,887	11,084	5,565	10,804	4,663	3,999	4,158	5,409
Newark	9,887	12,958	6,035	18,273	7,741	8,131	9,777	19,344
Philadelphia	7,422	12,213	4,473	17,126	8,900	5,228	5,767	7,552
Pittsburgh	3,398	3,787	2,989	1,891	3,545	3,104	5,045	8,902
Richmond	6,536	5,349	1,595	1,766	3,538	1,953	2,724	4,765
Wilmington	806	830	499	1,044	586	423	927	1,437
Southeast region:								
Atlanta	8,370	7,152	3,521	4,342	3,421	3,204	4,007	3,520
Birmingham	4,752	4,450	2,433	1,943	2,297	2,572	2,016	1,848
Columbia	2,536	2,593	835	1,142	1,959	1,107	17,472	932
Greensboro	7,949	6,947	3,997	2,415	4,219	3,369	2,145	2,851
Jackson	2,399	1,964	1,208	1,982	1,501	1,745	840	1,144
Jacksonville	11,631	12,315	20,360	11,529	5,353	5,793	12,134	5,766
Nashville	5,593	3,610	2,432	1,422	2,363	1,983	3,148	2,278
Central region:								
Cincinnati	4,930	5,293	2,465	4,017	2,241	1,873	7,184	5,328
Cleveland	6,276	5,389	5,280	3,926	4,418	4,763	6,116	4,703
Detroit	6,758	6,398	4,040	3,637	3,639	4,685	3,999	3,891
Indianapolis	4,231	3,434	4,538	1,983	3,580	3,708	3,133	4,419
Louisville	2,956	3,118	1,720	1,368	1,715	2,147	2,518	2,925
Parkersburg	1,559	1,510	887	1,002	860	783	517	404
Midwest region:								
Aberdeen	469	597	158	539	411	271	446	362
Chicago	15,650	12,508	12,314	20,733	8,726	7,233	17,573	6,583
Des Moines	1,645	1,826	1,210	685	1,964	1,228	1,632	969
Fargo	400	340	121	98	368	312	166	203
Milwaukee	3,483	3,735	1,512	3,588	2,496	2,096	2,132	2,149
Omaha	939	1,139	328	435	953	894	4,966	455
St. Louis	7,103	7,682	3,458	3,020	4,787	4,623	5,516	4,924
St. Paul	3,742	3,595	2,245	2,038	2,144	1,694	1,787	700
Springfield	2,191	1,784	2,147	2,389	1,942	1,170	1,825	1,005
Southwest region:								
Albuquerque	1,135	1,291	437	787	663	814	1,727	1,582
Austin	7,162	6,066	4,967	4,938	3,841	3,972	2,590	2,972
Cheyenne	427	615	130	326	197	232	70	147
Dallas	9,046	10,279	4,361	8,294	2,460	3,425	3,020	2,692
Denver	2,219	2,157	1,586	1,069	1,961	1,377	2,219	1,331
Little Rock	1,645	1,887	958	483	1,543	1,286	1,052	907
New Orleans	3,568	3,849	2,579	2,457	900	1,675	1,141	1,211
Oklahoma City	4,057	3,528	3,032	1,833	1,952	2,426	1,586	2,032
Wichita	1,690	1,754	545	527	1,268	1,077	602	655
Western region:								
Anchorage	1,526	455	720	876	245	254	219	362
Boise	969	550	258	195	764	480	1,034	368
Helena	1,349	974	683	322	638	527	392	204
Honolulu	995	524	893	330	638	500	294	415
Los Angeles	26,036	20,830	37,023	31,415	605	963	687	8,012
Phoenix	3,048	2,606	2,033	1,781	968	1,302	1,853	1,415
Portland	6,358	3,049	2,883	1,444	2,022	2,206	1,993	2,055
Reno	1,937	1,649	1,615	1,916	501	791	1,572	891
Salt Lake City	1,624	1,416	1,018	1,307	716	708	967	243
San Francisco	22,427	12,809	13,889	8,475	7,031	6,368	11,637	70,745
Seattle	4,569	2,789	2,284	999	2,275	1,634	3,415	1,730
International operations:								
Puerto Rico	781	917	106	209	881	783	694	447
All other	1,664	1,977	2,698	3,142	1,276	1,322	2,013	40,246

OUR RELATIONS WITH EUROPE "EAST OF THE ELBE"

Mr. CLARK. Mr. President, on January 23 I submitted to the Committee on Foreign Relations a report of a study mission last fall to Warsaw, Moscow, Belgrade, and Prague. The report, entitled "East of the Elbe," contained a number of recommendations concerning our relations with Eastern Europe.

Mr. President, these recommendations were not made carelessly or hastily or with any partisan interest in mind. They represented several months of hard work both in Eastern Europe and here in Washington. I believe that these recommendations are sound, that they are in the national interest, and that they should be acted on by the executive branch.

Several of the recommendations in "East of the Elbe" were largely hortatory in nature and require no specific action. For example, I recommended that our relations with West Germany not have priority over our relations with the Soviet Union and Eastern Europe, that the two policies be pursued hand in hand, and that we urge the Germans to normalize their relations with Eastern Europe, and be alert to any possibilities to help them to do so. I am happy to say that the leaders of the new German Government seem to be moving in this direction, and I wish them well. Were I visiting Eastern Europe today, instead of 5 months ago before the new German Government took power, this particular recommendation would certainly have read differently.

I also recommended that the United States move with the utmost possible speed to sign a nonproliferation agreement with the Soviet Union, that the

President appoint the Vice President to be American Disarmament Coordinator to resolve the interagency disputes that so constantly inhibit our disarmament policy, that the United States enter into negotiations with the Soviet Government at the highest possible level with the aim of reaching agreement on a moratorium on deployment of ABM systems, and that we lend every support to any Eastern European country expressing an interest in joining the International Bank for Reconstruction and Development and the International Monetary Fund.

The recommendations I have just reviewed need no specific action. They speak for themselves. I will say nothing further about them today except to note that I believe that they are still valid and that we should continue to press for their adoption.

Mr. President, I will turn now to the specific recommendations in my report.

First, I recommended that the United States propose to the 18-Nation Disarmament Conference in Geneva that it organize a special, official, public conference on seismic detection which would publish a document setting forth the arguments for and against the need for onsite inspection of underground explosions. There have been a number of private conferences held on this question which have concluded that onsite inspection is not necessary. The Soviet Union and many other countries claim that seismic detection has advanced to the point where onsite inspection is no longer called for. We dispute this claim and have invited Soviet scientists to discuss it. They have refused and the United States and Soviet seismologists have therefore not met to discuss this question since 1960.

I believe that the time has come for both sides to present their arguments publicly, for a double "credibility gap" is beginning to open—a gap between the United States and our allies and a gap between the American Government and the American public. I think that we must do what we can to see that neither gap is sustained. Accordingly, I have written the Honorable William C. Foster, Director of the Arms Control and Disarmament Agency, suggesting that the United States now propose to the 18-Nation Disarmament Conference that a special conference on seismic detection be held as soon as work on a nonproliferation agreement has been completed.

Such a proposal would surely be regarded by the nonnuclear powers as an earnest of our intentions to do what we, as one of the major nuclear powers, can prudently do to accelerate disarmament and decelerate the arms race. It would thus be doubly useful. In the first place, it should help achieve wider acceptance by nonnuclear powers of a nonproliferation treaty. In the second place, it should speed progress toward a comprehensive test ban treaty which should surely be the next task of the 18-Nation Disarmament Conference. I will include in the RECORD, at the conclusion of my remarks, a copy of my letter to Mr. Foster.

Second. I recommended in my report that the Senate consider appointing a small group to visit the parliaments of Europe "east of the Elbe" on an informal basis. I said in my report:

> Another point of contact is parliamentary exchanges. The time is past for being inhibited by the fact that the parliaments of Eastern Europe are not equivalent in many ways to ours. The fact remains that many important people sit in these parliaments; that these bodies, generally speaking, represent geographical areas and economic interests in the country, and that this is another channel for exchanging views and discussing differences. Many Western countries, including a number of our NATO allies, have found these parliamentary contacts fruitful. The Eastern Europeans and Soviets seem well disposed to have such contacts with us.

I have written the Vice President, in his capacity as President of the Senate, suggesting that informal parliamentary exchanges could be initiated in connection with the Interparliamentary Union Conference which is to be held in Moscow this coming September. I have suggested that he appoint some of the members of the delegation to the Interparliamentary Union Conference to visit the Eastern European countries on their way back from Moscow. I will include a copy of my letter to the Vice President in the RECORD at the conclusion of my remarks.

Third, I recommended that the Senate Foreign Relations Committee and the Senate Finance Committee schedule a full series of open hearings on East-West trade in order to meet what appears to be primarily a problem of public education. Since East-West trade obviously involves commercial, as well as financial and foreign policy questions, the Commerce Committee also has a most important part to play. The task for the Senate is, purely and simply, to determine whether increased East-West trade is or is not in our national interest. I can think of no better way of laying the groundwork for such a judgment than open hearings.

Hence, on April 7 I wrote the distinguished chairman of the Committee on Foreign Relations requesting that he explore with the committee and with the chairmen of the Commerce and Finance Committees the question of holding public hearings of an educational nature. I would hope that my colleagues who are members of the Finance and Commerce Committees will follow suit and support my initiative. I will include a copy of my letter to the distinguished chairman of the Foreign Relations Committee in the RECORD at the conclusion of my remarks.

Fourth, I recommended rescinding the absolute ban on shipping food for peace to countries trading with North Vietnam or Cuba. I noted in my report:

> The intent of the law may be admirable. On close analysis, however, it seems clear that Cuba and North Vietnam would hardly notice the difference in trade even if potential food-for-peace recipients were to cut off all their trade with these two countries. The few countries trading with North Vietnam and Cuba which are affected by the ban will, of course, suffer by not receiving food for peace. But so will our relations with the countries against whom we have imposed this punitive measure. Thus, in terms of our long-range national interests, the ban appears to do us more harm than good.

In any case, Mr. President, I believe that the President should be given sufficient flexibility in such matters to act in this Nation's interest. I do not believe that such blanket prohibitions by the Congress are either wise or necessary. Accordingly, I will submit legislation at an appropriate time giving the President discretion to determine when it is in the national interest that food-for-peace shipments be made to countries trading with North Vietnam and Cuba but requiring that such a determination be communicated to the Congress.

Fifth, I recommended in my report that we lift the travel restrictions we have imposed on the members of Eastern European diplomatic missions in the United States. The Eastern Europeans have reciprocated and, as a result, some diplomats of the countries concerned are not permitted to travel in certain areas of the countries in which they are stationed while other diplomats from the same countries are allowed to enter these so-called closed areas. These provisions strike me as unnecessary because they do not seem to serve any useful security purpose. I noted in my report:

> Travel restrictions generally seem to be of dubious value from a security point of view not only because of the nature of our free society but also because of the gaps that remain open in the system of restrictions. Thus, for example, while officers of the Soviet Embassy in Washington cannot visit closed areas in the United States, Soviet exchange visitors, Soviet tourists visiting relatives or even Soviet United Nations Secretariat employees can enter these closed zones. The same situation is true in reverse. Americans attached to our Embassy in Warsaw, to take a particular case, cannot enter closed zones but American tourists or even officers attached to American Embassies in other countries can.

I have therefore written the distinguished chairman of the Foreign Relations Committee respectfully requesting him to ask the Secretaries of State and Defense and the Attorney General to meet with the committee in executive session, and perhaps in open session as well, to discuss the justification for continuing such restrictions. I do not believe that these restrictions are justified and I understand that many members of the executive branch agree. A copy of my letter to the chairman of the Foreign Relations Committee will also be included in the RECORD at the conclusion of my remarks.

Finally, Mr. President, I recommended in my report that the administration consider proposing an amendment to the Immigration and Nationality Act of 1952 liberalizing the provisions regarding the granting of tourist visas. As the act now reads, an applicant for a tourist visa must swear that he is not a member of a foreign Communist Party or front organization. If he is a member, he may not be granted a tourist visa unless a waiver is obtained from the Attorney General. As a matter of fact, however, such a waiver is almost always granted when requested. This procedure strikes me as undignified and unbefitting. I do not see why a great and powerful nation need tremble at the prospect of admitting tourists who happen to be members of foreign Communist parties. They do

not fear American tourists and the effect we might have on their societies. Why should we fear them, especially when there are so few who visit this country. Accordingly, Mr. President, I intend to submit appropriate legislation to remove what strikes me as an antiquated and unnecessary visa requirement for foreign tourists.

Mr. President, this concludes the catalog of actions I intend to take to pursue the recommendations made in my report on relations with Europe "East of the Elbe." These recommendations are based on my firm conviction that we must learn to live in the world as it is today if there is to be a world of tomorrow. As I said in the concluding paragraph of my report:

We may not approve of what we see in the European communist world. We may wish that this world were different. We may not want to emulate it in any respect. But we must realize that we are going to have to be able to reach understandings with Europe "East of the Elbe" in order to live in peace—or, in this nuclear age, even to live at all.

Mr. President, I have directed letters to the Honorable William C. Foster, Director of the U.S. Arms Control and Disarmament Agency; the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate; and two letters to the Honorable J. W. FULBRIGHT, chairman of the Committee on Foreign Relations. Each of these letters is dated April 7, 1967. I ask unanimous consent to have these letters printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
April 7,1967.

Hon. WILLIAM C. FOSTER,
Director, U.S. Arms Control and Disarmament Agency, Washington, D.C.

DEAR MR. FOSTER: I have been concerned for some time about what seems to me to be a growing "credibility gap" regarding the question of on-site inspection of underground nuclear tests. It seems to me that the continued insistence of the United States that on-site inspections are necessary to detect underground nuclear explosions of any significant importance has had the effect of virtually isolating us not only from the Soviets, and the other countries sympathetic to Soviet views, but also from our allies. Furthermore, I gather that there is much difference of opinion on this question within our own scientific community. As a result, I believe that grave doubts have been put into the minds of millions of people not only abroad but in the United States as well—doubt that it is certainly not in our national interest to see sustained. As I said in a recent report to the Committee on Foreign Relations:

"It seems to be the general consensus among foreign scientists, and even many American scientists, that the only underground explosions not now susceptible to seismic detection, as distinct from on-site inspection, are so insignificant as to be unimportant. This is the Soviet view. But if this position is scientifically demonstrable, why do Soviet scientists refuse to meet with our experts to discuss the issue?"

In the same report I recommended, and I would like to repeat the suggestion to you in this letter, that the United States now propose to the 18-Nation Disarmament Conference that a special official public conference on seimic detection be organized, after the ENDC has finished its work on a non-proliferation agreement, which would bring together the leading experts in the field of seismic detection. The conference could then publish a document setting forth the arguments for and against the need for on-site inspection.

I know that there have been a number of private conferences which have discussed this question and have concluded that on-site inspection is not necessary. I would think that the time has come to confirm or refute this conclusion. I am aware that the Soviets, and many others, claim that seismic detection has advanced to the point where on-site inspection is no longer necessary and that we dispute this claim and have invited Soviet scientists to discuss it. I understand that they have refused and that United States and Soviet seimologists have therefore not met to discuss this question since 1960. Surely, the time has come for both sides to present their arguments publicly.

I would think that a United States proposal that such a conference be held after work on a non-proliferation agreement is concluded would also help bring negotiations on non-proliferation to a successful conclusion. Such a proposal should appeal to non-nuclear powers as an earnest of our good intentions, as one of the two major nuclear powers, to proceed with other disarmament measures.

Sincerely yours,

JOSEPH S. CLARK.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
April 7, 1967.

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

DEAR MR. PRESIDENT: I am writing you in your capacity as President of the Senate to suggest that you consider appointing a small group of Senators to visit Eastern European parliaments on an informal basis. I believe that the establishment of such parliamentary contacts would be beneficial to all parties as a means of increasing understanding between the European communist countries and the United States. As you know, most of our NATO allies have established such parliamentary contacts. We, however, have lagged behind.

It occurred to me that the next conference of the Interparliamentary Union at Moscow in September of this year might provide a convenient opportunity for the United States to take such an action. When the delegation to the Interparliamentary Union conference is appointed, perhaps some members of the delegation could also be asked to undertake this task. It occurred to me that two small working groups, each composed of two or three Senators, could be found to visit Eastern European countries on their way back from Moscow. One group could visit Poland, Hungary and Czechoslovakia and the other could visit Yugoslavia, Rumania and Bulgaria.

Some contacts would, of course, be made at the Interparliamentary Union conference. The visits thereafter could build on these contacts in light of the President's declared policy of improving relations with the European communist world.

I would like to add, in closing, that I think that it would be a dramatic proof of the President's announced desire to move forward "step by step" with the Soviet Union and the nations of Eastern Europe "as far as they are willing to advance" if you were to find yourself able to lead the American delegation to the Moscow Interparliamentary Union conference.

Sincerely yours,

JOSEPH S. CLARK.

U.S. SENATE,
COMMITTEE OF FOREIGN RELATIONS,
April 7, 1967.

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

DEAR MR. CHAIRMAN: In my report to the Committee on Foreign Relations following my study mission to Eastern Europe last fall, I noted:

"There is considerable resistance to the East-West trade bill both in the Congress and among the American public. In order to meet what appears to be primarily a problem of public education, the Senate Foreign Relations Committee and the Senate Finance Committee should schedule a full series of open joint hearings on East-West trade. These hearings could bring up to date the excellent hearings held by the Foreign Relations Committee in 1964–65."

I have since realized that East-West trade obviously involves not only financial and foreign policy questions but commercial questions as well so that the Commerce Committee also has an important part to play.

I believe that it is essential for the Senate to determine whether increased East-West trade is or is not in our national interest. I can think of no better way of laying the groundwork for such a judgment than open hearings of an educational nature.

I am writing you, therefore, respectfully to request that you explore with the Committee, and with the Chairmen of the Finance and Commerce Committees, the question of holding such open hearings. It occurred to me that a special subcommittee could be formed drawn from all three Committees to hold such hearings.

Sincerely yours,

JOSEPH S. CLARK.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
April 7, 1967.

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

DEAR MR. CHAIRMAN: In 1963, the United States imposed travel restrictions on Eastern European diplomats. The Eastern European countries concerned then reciprocated. These travel restrictions, as you know, prohibit diplomats from traveling in certain areas and in some cases also require them to give advance notice before any travel.

In my report to the Committee, following my trip to Eastern Europe last fall, I remarked:

"Travel restrictions generally seem to be of dubious value from a security point of view not only because of the nature of our free society but also because of the gaps that remain open in the system of restrictions. Thus, for example, while officers of the Soviet Embassy in Washington cannot visit closed areas in the United States, Soviet exchange visitors, Soviet tourists visiting relatives or even Soviet United Nations Secretariat employees can enter these closed zones. The same situation is true in reverse. Americans attached to our Embassy in Warsaw, to take a particular case, cannot enter closed zones but American tourists or even officers attached to American Embassies in other countries can."

It seems to me that the time has come to reduce these restrictions drastically, if not abolish them entirely. I understand that there is considerable sentiment within the Executive Branch for doing so but that, inevitably, some in the Executive Branch are opposed to any such action which would reduce the scope of their own authority.

I have concluded that the only possible way of correcting this situation is by bringing it out into the open. Accordingly, I would like respectfully to request that the

Secretaries of State and Defense and the Attorney General be asked to meet with the Committee in executive session, or perhaps in public session, to discuss this question.

Sincerely yours,

JOSEPH S. CLARK.

CHANGE OF REFERENCE—S. 58

Mr. BYRD of West Virginia. Mr. President, on January 11, 1967, S. 58, a bill to remove a cloud on the title to certain real property in the State of Oregon owned by John Johnson, was referred to the Senate Committee on the Judiciary. The committee is of the opinion that the subject matter of the bill is more properly within the jurisdiction of the Committee on Interior and Insular Affairs.

On behalf of the committee, I therefore ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill and that the bill be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER (Mr. SPONG in the chair). Without objection, it is so ordered.

THE AMERICAN INDIAN EXPOSITION

Mr. HARRIS. Mr. President, the April 1967 issue of American Motorist carries a cover story on the American Indian Exposition at Anakarko, Okla., held in August of each year.

This exposition, which this year will be from August 14 to 19, is one of the outstanding festivals held anywhere in the United States. I am very pleased that American Motorist, the publication of the American Automobile Association, has highlighted it, and 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:

ANADARKO POWWOW

(By Jim Mills)

A sea of color moves rhythmically over the packed, sandy earth. A small swirl of dust rises as each moccasined foot hits the ground. Almost drowning out the jangling bells on the costumed dancers is the pulsating beat of a huge drum and the chanting of the singers.

A slight breeze wafts across the arena, stirring the smoke from hundreds of campfires, dying down after cooking the evening meal.

In the grandstand, thousands watch in studied silence, realizing that they are witnessing a spectacle of American Indian traditions and customs hundreds of years old.

This is the American Indian Exposition, held each summer in Anadarko, Okla. Thousands of Indians from across the Southwest gather for a week of dancing, pageantry, tribal ceremonies, contests, games and horse racing. Now in its 36th year, the show is created, managed and produced entirely by the Indians of Oklahoma and the Southwest.

The forerunner of the present day American Indian Exposition was the Fourth of July festival held during the 1890's at the Anadarko Indian Agency grounds, under the auspices of four nearby trading posts. In those days, Indians would come to the grounds in their finest garb, participate in pompous parades, race by pony and afoot, and join in tribal dances.

It was not until much later, however, that the Exposition became the organized event that it is today. In 1937 a bill passed the Oklahoma Legislature giving the state's sanction and financial support to the Exposition. Each year since, the event has grown until some 40,000 persons now come to view the week-long show.

This year's program will be held August 14–19.

Anadarko, located 65 miles southwest of Oklahoma City in the rugged, hilly, Blackjack Country, is known as the Indian Capital of the Nation. It sprang into being on August 6, 1901, when the area was opened to white settlement through drawing of land claims by lottery. Kiowa, Apache or Comanche are still spoken on the streets of the quiet town of 7,000. It is not uncommon to be greeted with "A-Ho!" which is Kiowa for "everything's all right!"

Delawares, Caddoes, Wichitas, and Cheyenne—these are some of the 12 Plains Indian tribes who congregate each year at the Exposition. They pitch their tents, tepees and brush arbors on the outskirts of the city, cooking over open fires as their ancestors did years ago when they trailed the buffalo across the plains.

Transistor radios, portable ice boxes, aluminum cots and chairs are part of the camp, but it is an Indian camp. A grass arbor protects the Indians from the hot Sooner sun. Large brass kettles hang from triangular stands over the cooking fires. Here and there women dry meat on lines while children run about playing "cowboy and Indian."

For the Indians, the Exposition is a time for social gathering, a reunion with seldom-seen relatives, and an opportunity to relive the traditions of the old days. For the white man, it is a chance to witness a colorful and unusual spectacle.

The Exposition "comes alive" each day shortly after noon, when the grandstand opens for an afternoon of Indian games and dances. This year's program will feature archery contests, stickball games, tepee building and kickball.

In the evening, dancers take their place in front of a backdrop of tepees and brush arbors for the war dance, snake dance, buffalo dance and two-step. Soon the drummers begin to beat the dried-skin drums and singers begin to chant. The years roll back and the days of the great chiefs, war parties and buffalo hunts are once more.

Each year a different pageant is written especially for the event, depicting a portion of Indian history.

For most spectators, the highlight of the Exposition is the National War Dance contest. Dozens of pairs of feet pound the ground in a blurred spectacle of motion. The spinning and weaving dancers, to the *ONE-two-three-four* beat of the drum, seem to disappear in a cloud of dust. A panel of tribal elders, including some former dance champions, serve as judges. The field is narrowed until finally, only one—the champion, receives the cheers of the crowd and the silent but proud approval of the elders.

The presentation of the Outstanding Indian of the Year is another feature of the Exposition. Chosen by a committee of tribal leaders, previous winners have included athlete Jim Thorpe, actor Will Rogers, Jr., artist Asa Blue Eagle and ballet star Maria Tallchief.

Two parades are held during the Exposition featuring costumed Indians, the elected princess of each tribe, colorful floats and of course, the muddaubers—Indians coated with wet mud. The significance of the muddaubers is lost in the dust of history but their popularity with the crowd is always evident.

The annual Exposition, however, is not Anadarko's only claim to the title of Indian Capital of the Nation. The city is also the home of Indian City, U.S.A., a vast outdoor museum of seven American Indian villages.

Located in the Tonkawa Hills two miles south of the city on a site which was once a portion of a huge Kiowa, Comanche and Apache reservation, Indian City is a 160-acre privately-owned enterprise situated on a high bluff overlooking the surrounding Washita Valley.

Indian City's full-size tepees, earth lodges, wickiups and grass council houses are the only authentic restorations of American Indian dwellings in America. The villages were reconstructed by Indians from literature on Indian ways with the advice of the University of Oklahoma anthropology department.

Gathering the genuine materials to use in their construction posed some problems when Indian City was built several years ago. For each Wichita grass house, cedar and pine poles, tons of swamp grass and dozens of buffalo and elk hides were needed. Two years were required to harvest the tall swamp grass needed to cover the 40-foot council house. All structures were built by the Indians themselves just as in the old days, with not a nail in sight.

The city is open year-round. Indians guide visitors through the seven villages, perform various styles of dances and exhibit beadwork.

Throughout the summer, Indian ceremonial dances are presented in the valley below where once fled remnants of the Tonkawa tribe in a running massacre by a band of Shawnees.

Anadarko is also the home of the Southern Plains Indian Museum and Crafts Center. Here, the graphic story of the Indians' fight for survival on the plains is vividly presented in diorama and in displays of items left from the days of the running battles with the U.S. Cavalry.

Authentic paintings and pieces of Indian jewelry can be purchased. There are no "Made in Japan" souvenirs sold here. Most of the work for sale has been done by some of the more than 4,000 Indians who live in the area.

Near the Museum is the National Hall of Fame for Famous American Indians, an outdoor shrine containing the busts of 15 famed Indian leaders. Each year during the Exposition, more are added.

Riverside Indian School, established in 1871, is located two miles north of the city. Near the school on the site of the old Kiowa Indian Agency are the remains of the old stone jail where the notorious Apache Chief Geronimo was once held as prisoner.

Historic Fort Sill, home of the U.S. Army Artillery and Missile Center, and the Wichita Mountains Wildlife Refuge, where herds of buffalo amble along the highway, are located 45 miles to the southwest. At Fort Sill, such famous Indian chiefs as Geronimo, Satanta, Sitting Bear, Wild Horse and Quanan Parker are buried.

For the visitor, the area of southwestern Oklahoma offers an exciting lesson in history and unlimited photographic possibilities.

MORE SMOKE FROM "GUNSMOKE"

Mr. BYRD of West Virginia. Mr. President, there has been more smoke from "Gunsmoke." Some days ago I reported to my senatorial colleagues that there had been a decision to discontinue the television program, "Gunsmoke," and reported also my hope that some way would be found to continue the program next fall. Subsequently, I was advised by a CBS official that the program would be shown again next fall, being moved to a Monday night spot.

Unfortunately, some of America's television fans did not see eye to eye with me in my viewing tastes. I am greatly encouraged, however, to believe

that they are in the minority, because evidence has now been brought to my attention to indicate that there is a special segment of Americans who are watching "Gunsmoke" and enjoying it under unusual circumstances.

I have here a copy of a news sheet prepared by GI's in an Army unit in the eastern area of South Vietnam which indicates that members of our Armed Forces are watching "Gunsmoke" programs on AFN–TV on television channel 11, atop Monkey Mountain, in South Vietnam, and enjoying the programs. Furthermore, it appears from the news sheet that the soldiers are now apprised of the continuation of the programs so that they can continue to view Dodge City's weekly activities, as depicted by some of its leading citizens in "Gunsmoke"—Marshal Dillon, Kitty, Doc, and Festus—if they so desire on their return to the United States.

And speaking of the characters so vividly portrayed in "Gunsmoke," recently I heard from Mr. Ken Curtis, who acts the part of "Festus" in the Dodge City lineup, and I found his letter as warm and friendly as the role which he plays on television.

Mr. President, I shall read an extract from the newsletter which comes from Da Nang entitled "Log Outpost."

"GUNSMOKE!"—CBS–TV RELENTS

WASHINGTON.—Marshal Dillon will ride again in Dodge City's famous TV Gunsmoke Soap Opera next season! This all seems to be the result of a recent speech made by Senator Robert C. Byrd of West Virginia in the United States Senate.

Senator Byrd lamented the demise of Gunsmoke as announced by CBS–TV because the so-called rating polls indicated the general public no longer watched the show. The senator thought that was inaccurate and said so.

The Senator further revealed that he thought the loss of Gunsmoke from the TV screens would be a downgrading of television entertainment. He even introduced an editorial from the *Fairmont* (W. Va.) *Times* into the congressional record to back up his statements.

His words evoked wide response and CBS relented and said that Marshal Dillon would ride again . . . but not on Saturdays. Instead, when most of us return to the states, Gunsmoke will be seen on Monday nights at 7:30 P.M., Eastern Standard Time.

I guess it won't affect us too much here in Danang. Gunsmoke is one of the most watched programs on AFN–TV here on Channel 11 from atop Monkey Mountain.

So, Kitty, Chester, Doc and Mat will still be around when we get back home, if you care to tune Gunsmoke in on your "Boob Tube."

Mr. President, responding to my efforts in behalf of "Gunsmoke," "Festus" wrote to me as follows:

APRIL 4, 1967.

DEAR SENATOR BYRD: Miss Mary Ford was kind enough to send me an excerpt from the Congressional Record in which you came to the very staunch defense of our program Gunsmoke.

As one member of the cast, I want to thank you most sincerely for speaking out in our behalf—we all feel greatly honored and delighted to know that we have the support and friendship of a gentleman such as yourself.

Because of your efforts, and the protests of thousands of fans, Gunsmoke will return for the fall season on Monday nights.

We all hope that you will continue to enjoy our weekly offering from Dodge City, and find therein a recollection of the great Old Frontier America that used to be.

Thank you again Sir, for your great support, and I wish you the very best in all of your endeavors.

With appreciation
Sincerely,

KEN "FESTUS" CURTIS.

I must say that "Festus," in this instance, proved to be Dodge City's fastest draw, including the town's chief law enforcement officer, Marshal Matt Dillon, because this was the first I heard from any of the Dodge City people. This is one instance in which Matt was not first on the draw. As a matter of fact, there is no evidence that he has yet drawn.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter in response to the letter from "Festus."

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

APRIL 6, 1967.

Mr. KEN "FESTUS" CURTIS,
c/o Gunsmoke,
C.B.S. Studio Center,
Studio City, Calif.

DEAR "FESTUS": I use this salutation in replying to your letter in recognition of our shared interest in a mutual enterprise, the continued opportunity for television viewers to enjoy the "Gunsmoke" program.

I wish to thank you for the many past months of viewing pleasure to which you contributed a substantial part through your unique portrayal of Dodge City's most colorful character. And I must say, "Festus", that you have proved to be Dodge City's "fastest draw," including the town's chief law enforcement officer, Marshal Matt Dillon, as this is the first I have heard from any of the Dodge City people.

I appreciate your kind remarks and assure you that I am happy that my efforts have contributed a share toward the return of the "Gunsmoke" program to television next year.

With best wishes.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

THE PETERSBERG CONFERENCE

Mr. HARRIS. Mr. President, I was pleased to be a member, together with the distinguished Senator from Colorado [Mr. ALLOTT], and Representative JOHN BUCHANAN, of Alabama, of the American delegation to the Petersberg Conference in Bonn, Germany, April 4–7, 1967.

At this conference, 40 parliamentarians from 14 industrialized nations met to discuss current and basic problems of cooperation with the developing countries of the world.

The conference called attention to the fact that the gap between the developed and developing nations is widening alarmingly and that the world is faced with a serious hunger crisis.

In the communique adopted at the conclusion of the conference, it was stated that:

The economic and social situation in the less-developed countries of Asia, Africa and Latin America demands rapid and vigorous action, if the ever-widening gap between industrialized and developing nations is to be reduced.

After calling for more concerted action among the industrialized nations in meeting this problem, the communique stated in regard to the world food problem:

The world food problem has reached a critical stage. To put an end to famine, greater efforts should be made to help increase agricultural production in the developing countries, in addition to food deliveries in the face of the present hunger crisis. A closer co-ordination of aid measures through the international institutions involved is considered desirable. In view of the world food shortage, each industrialized nation shares in the responsibility to increase its efforts to meet this challenge.

Mr. President, this was a very worthwhile conference, the first ever held for parliamentarians of the OECD donor countries. I feel very strongly that it should be continued. It was the hope of the conferees that a similar conference might be held next year in the United States. I certainly hope this can be done.

I ask unanimous consent that a copy of the communique be printed at this point in the RECORD.

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

COMMUNIQUÉ OF THE PETERSBERG CONFERENCE, APRIL 4–7, 1967

Some 40 parliamentarians from 14 industrialized nations met at the Petersberg Conference to discuss current and basic problems of co-operation with the developing countries.

Although close permanent relations already exist among the governments of the OECD donor countries, as part of international co-operation in the field of development aid, this was the first time that parliamentarians of that group had met at a major conference to discuss development aid.

The economic and social situation in the less-developed countries of Asia, Africa and Latin America demands rapid and vigorous action, if the ever-widening gap between industrialized and developing nations is to be reduced.

The discrepancy between industrialized and developing countries will prove, in the long run, to be one of the most important political problems in the world. Every industrialized nation is in a similar situation in view of this challenge. They are all called upon to contribute to its solution. For this reason, development assistance should not be a point of rivalry, but of cooperation, between East and West.

Foreign aid can only supplement the efforts made by the beneficiary countries themselves. Otherwise, all aid is bound to end in failure. In particular, they should consider action to raise their internal revenue by means, for instance, of tax reforms and to effect structural changes necessary for modern development.

Development aid policy, by its very nature, is a long-term undertaking. It is not an instrument for dealing with day-to-day political problems. The Conference emphasized that the campaign for education throughout the developing countries is as important as the increase in agricultural and industrial production. The funds needed to carry it out must be a regular item in public expenditure. The best use of human resources is another highly important aspect of development aid. A study should be made of providing central, international training facilities for development aid experts and of more coordinated and concerted efforts, notably in the fields of cultural assistance and technical cooperation.

The world food problem has reached a critical stage. To put an end to famine,

greater efforts should be made to help increase agricultural production in the developing countries, in addition to food deliveries in the face of the present hunger crisis. A closer co-ordination of aid measures through the international institutions involved is considered desirable. In view of the world food shortage, each industrialized nation shares in the responsibility to increase its efforts to meet this challenge.

In preparing for the World Conference on Trade and Development in 1968, the industrialized nations should work closely together in examining those questions which affect the developing countries' receipts of foreign currency, such as better credit terms, the liberalization of trade, the stabilization of commodity prices, etc.

The scale of development aid tasks makes a concentration of efforts imperative. The OECD has organised an efficient system of co-operation among the industrialized nations. This should be expanded, and co-ordinated with other multilateral institutions.

The participants at the conference opted for a continuation and further intensification of these contacts, as a sequence to this exchange of ideas. Co-ordinated action in the political sphere should be aimed at in this way. The American delegation intends to put forward the idea of a similar conference in the United States to the leaders of both Houses of Congress.

RESISTING AGGRESSION ALSO PLAGUED F.D.R.

Mr. LAUSCHE. Mr. President, the Washington Post of April 12, 1967, published a column written by Roscoe Drummond under the heading "The New Isolationists."

Among other things, Mr. Drummond states:

There is no reason President Johnson should be surprised that he is losing the support of quite a number of the liberal intellectuals—particularly on the college campuses—over Vietnam.

Franklin Roosevelt had the same experience—and the parallel is revealing.

Mr. Drummond further states:

As today, their warning was that, if Roosevelt allowed himself to get involved in holding back Hitler, he would be deserting the social reforms that we needed at home.

Reform America First was their slogan and their plea to the Roosevelt Administration and to the American people was that what happened to Ethiopia or to the Rhineland or to Czechoslovakia or to Poland was no important concern to the United States.

Mr. President, in substance this same argument is being repeated today in the Senate and on the public platform.

Mr. Drummond continues as follows:

When the liberal critics berate Mr. Johnson for apparently neglecting to take peace initiatives, their assumption automatically is that the President is either too dull-witted to act or really prefers war over peace.

Mr. Drummond's interpretation of the attacks upon the President, in my opinion, is sound. The President does not want war. He would want Ho Chi Minh to come to the negotiating table and he has done everything within his power to bring him there.

Mr. Drummond concludes:

FDR had his critics on resisting aggression but he proved to be right. Mr. Johnson has his critics on resisting aggression but, I believe, he, too, will prove to be right.

ANTIWAR ADVERTISEMENTS

Mr. LAUSCHE. Mr. President, I wish to discuss a brief paragraph appearing in the Catholic Register of Sunday, April 2, 1967. This paragraph, under the heading "200 Listed Erroneously," states as follows:

Names of some 200 persons were mistakenly listed among 1,271 signers of antiwar advertisements that appeared in the New York Times, according to the sponsors of the ad. Included erroneously in this list was the name of Father Gerard J. Campbell, president of Georgetown university, Washington.

Interpreting this paragraph appearing in the Catholic Register, it appears that 1,271 individuals signed an advertisement urging the people of the United States to protest our participation in South Vietnam. Of the 1,271 signatures to the advertisement there were 200 improperly listed signatures.

Included among the 200 who did not subscribe to the advertisement was the name of Father Gerard J. Campbell, president of Georgetown University here in Washington.

This corrected the misinformation which had been given to the public.

How base can people become, to attach the names of 200 persons to an advertisement who never subscribed to it?

Mr. President, I think it is simply deplorable and unpardonable.

MORE HARASSMENT OF THE POLICE IN WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Way, Way Out," which was published in yesterday's Evening Star.

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

[From the Evening Star, Apr. 12, 1967]

WAY, WAY OUT

The most recent project for harassment of the police in Washington is so irrational that the thinking behind it, if any, is beyond comprehension.

This project has grown out of the arrest on March 30 of Marion Barry, civil rights activist, for crossing the street against a red light at 12:15 a.m. Barry was arrested when, according to the police, he refused to identify himself. There was a scuffle while getting him into the patrol wagon, and Barry accused the police of "brutality."

The next step was the prompt formation of the "Citizens' Committee for Equal Justice," a group headed by the Rev. Walter E. Fauntroy and the Rev. David Eaton. This committee called upon the District Commissioners for the immediate suspension of two white officers involved in the arrest, Thomas Tague and Albert Catalano. The Commissioners, after an investigation in which they received testimony from witnesses to the incident, refused to suspend the policemen.

So now the CCEJ proposes to take its own disciplinary, or harassing, action. The details of the plan are a bit fuzzy. But the effort will be aimed at Private Tague, and, tentatively, will include the use next week of loud speakers "to alert the public that Officer Tague is armed and considered dangerous.

Presumably, the courts in due course will decide whether Barry violated the law on the night of March 30. And if there is any valid question of "brutality" involved, the proper way to dispose of that would be for Barry to file a formal complaint against the policemen. It certainly cannot be disposed of by using a loud speaker to warn the community that Officer Tague is on duty. This is an attempt to absolve Barry before trial and to condemn Tague without trial. It also is a challenge to duly constituted authority in the city—a challenge which, if it develops, will have to be squarely met.

According to the Rev. Fauntroy, his committee's ultimate goal is the formation of a new agency directly under the commissioners which would supersede the Police Trial Board and the Complaint Review Board in dealing with allegations of police brutality.

On the basis of the committee's performance in this instance it is difficult to think of anything that would be worse for this city. But perhaps one should not be unduly alarmed. The harass-Tague proposal was the product of a meeting Monday night attended by some 150 people. And 150 people are a small proportion of the residents of Washington. We assume the vast majority of Washingtonians, both Negro and white, will want no part of this harebrained undertaking.

DEATH OF GEN. KENNETH BUCHANAN

Mr. DODD. Mr. President, with great sadness I note the passing of a great American, Gen. Kenneth Buchanan.

I was privileged to know General Buchanan for many years. He was my friend and on many occasions I solicited and obtained his good advice.

I wish to call to the attention of my colleagues a particularly touching tribute to this great American written by another great American, Maj. Gen. Julius Klein. I ask unanimous consent that the tribute be printed in the RECORD.

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

CHICAGO, ILL.,
April 12, 1967.

TAPS FOR GEN. KENNETH BUCHANAN

It is with great sorrow that I report to you that Illinois' great citizen-soldier, General Kenneth Buchanan has answered his last roll call. He passed away April 12 at Walter Reed Hospital, and will be laid to rest Friday, April 14, with military honors at the sacred grounds of the Arlington National Cemetery.

When I visited our buddy and friend shortly before his death he was in full control of all his faculties, but knowing that he was suffering from an incurable disease. He said to me smiling, "Julius, this is the end of the long march."

During World War II, Buck went overseas as General Bradley's assistant commander, returning after combat to his chief, General George C. Marshall.

"Buck," as he was known to all of us, has been associated with me for more than 40 years in military and business life. I have lost in him not only a devoted comrade and associate but my dearest and closest friend. All our sympathies go to his beloved wife, Thistle, whose address is: 955 S. Columbus St., Arlington, Va. 22204.

Now Buck rests in glory not far from his World War I Chief, General Pershing and the late General George C. Marshall, his closest military associate with whom he served in most of his military career. He earned this honor during his lifetime.

We shall always cherish and honor his memory. Illinois military history can never be written without recognizing the great contribution made by General Buchanan.

God rest his soul. Sleep in peace and glory, Buck.

May the Good Lord help Thistle in her bereavement to sustain her great loss.

JULIUS KLEIN,
Major General, Ret.

THE DREW PEARSON STORY

Mr. DODD. Mr. President, I wish to call to the attention of my colleagues a review of the book entitled "The Drew Pearson Story," by Frank Kluckhohn and Jay Franklin. The review, written by Luther A. Huston, appears in the April 1 issue of Editor and Publisher magazine.

Mr. Huston is a prominent journalist, former correspondent for the New York Times, former director of Public Information for the Department of Justice, an officer of the National Press Club, and a dedicated public servant. He is one of the most respected newspapermen in this country, and certainly in Washington.

I not only commend this review to the attention of my colleagues, but I also commend the book itself to their attention. I ask unanimous consent that the review be printed in the RECORD.

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

UNFLATTERING BOOK ABOUT DREW, JACK
(By Luther A. Huston)

WASHINGTON.—In "The Drew Pearson Story" (Charles Halberg & Co. Chicago), Frank Kluckhohn and Jay Franklin, Washington authors and newspapermen, present a decidedly unflattering story of Drew Pearson's rise to journalistic fame and fortune.

In the process they pay no homage to Jack Anderson, Pearson's associate whom they describe as the "heir-apparent."

Of Pearson, they say: "The man himself is a colorful enigma, a showman with a snowwhite mustache, a human cash register entranced with the sound of dropping coins, a man willing to use under-the-table methods to get news but one who cannot forget he is a Quaker who recognizes social conscience. He is in one word—fascinating—whether you hate him, despise him, abominate him, like him or admire him. For he is a unique phenomenon."

The book tells of Pearson's feuds with his mother-in-law, the late "Cissy" Patterson, and charges that he manipulated the affairs of his daughter, Ellen, of whose estate he was trustee, to get title to a million-dollar 285-acre farm in Maryland, which Cissy had bequeathed her granddaughter, for $100,000; describes his "betrayal" of his partner, Robert S. Allen, co-author of the book, "The Washington Merry-Go-Round" and former associate in writing the column of that name; relates the story of his attacks on the late James V. Forrestal, and his present campaign to discredit Senator Thomas J. Dodd, of Connecticut.

Concerning Pearson's relations with President Lyndon Johnson, the authors write:—"Next to sex, the most fascinating indoor sport in Washington is to watch the fast action between that wily Texas politician, Lyndon B. Johnson, and Drew Pearson, the hard-shell Pennsylvanian who invented the 'new journalism'. It may become even more amusing than adultery because a relationship that began with Drew clobbering LBJ unmercifully at a time when it was hard for the Texan to hit back, then changed to a strange and unexpected stage of limitless admiration and is now finally reverting to the old familiar mayhem at a moment when, as President, LBJ seems to be holding all the cards."

Pearson, the authors say, could have used his "undeniable courage, ingenuity and persistence" to become a "real force for the good of our country and the peace of the world."

But, they write, "Pearson has not used his strength like a giant but rather like a gnome, sometimes mischievously, sometimes maliciously, but rarely with magnanimity, humility, and almost never with restraint. Drew has accumulated a fortune but dug the grave of his reputation with his own typewriter."

The "heir-apparent", Jack Anderson, according to the book, "possesses Drew's expertise and nose for scandal but lacks Drew's finesse, social grace and flashes of humane awareness."

"Many in the Washington Press Corps who watched the Pearson column become more unrestrained after Bob Allen went off to war, are now asking: When Jack Anderson takes over, will the lid blow entirely off, scattering fire and brimstone everywhere? Whatever the answer, a little cloud no bigger than a hammer-and-sickle hangs over the future of The Merry-Go-Round".

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, in accordance with the order entered on yesterday, I move that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 14, 1967, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 13, 1967

The House met at 12 o'clock noon.

Rev. Father Joseph F. Thorning, Ph. D., D.D., pastor of St. Joseph's Church, Carrollton Manor, Md., and associate editor of World Affairs, offered the following prayer:

Heavenly Father, Author of life and of love, let the light of Thy countenance shine brightly upon the Speaker of this House and upon all the Members of the U.S. Congress and their colleagues in the lawmaking bodies of the New World.

Impart, we beseech Thee, Thy choicest blessings to the President of the United States of America and to Chief Executives of the other American Republics who are devoting themselves to the security, happiness, and progress of their peoples at Punta del Este, Uruguay.

God grant that these leaders, their counselors and coworkers, in harmony with their National Legislatures, may find ways and means to promote wise, far-reaching programs of socioeconomic development.

Accept our heartfelt thankfulness, Almighty God, for sound achievements in cooperative effort during the past year and the election of new Republics to the Organization of American States.

In Thy presence, dear Saviour, we implore Divine Grace to understand that "a brother helped by a brother is a strong city," on the national and international scene.

We seek these celestial favors in the name of our most Holy Redeemer, the Christ of the Andes. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 303) entitled "An act to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BURDICK, and Mr. KUCHEL to be the conferees on the part of the Senate.

CERTIFICATE OF ELECTION OF REPRESENTATIVE-ELECT ROBERT O. TIERNAN

The SPEAKER laid before the House the following communication which was read by the Clerk:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 12, 1967.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: A Certificate of Election in due form of law showing the election of Robert O. Tiernan as a Representative-elect to the Ninetieth Congress from the Second Congressional District of the State of Rhode Island, to fill the vacancy caused by the death of the Honorable John E. Fogarty, is on file in this office.

Respectfully yours,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

The SPEAKER. The Representative-elect will present himself in the well of the House for the purpose of having the oath administered to him.

Mr. TIERNAN presented himself at the bar of the House and took the oath of office.

ADJOURNMENT OF CONGRESS IN THE SUMMER VACATION PERIOD

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I am today introducing legislation, along with some of my colleagues, which, if enacted, would improve the operation of the legislative branch of the Federal Government. My bill, H.R. 8555, to provide for the adjournment of Congress in the summer vacation period, and for other purposes, incorporates the exact language of part 3, section 433, of S. 355, the Legislative Reorganization Act of 1967, as passed by the other body on